

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING October 18, 2023 at 6:00 p.m. COMMUNITY CENTER - 509 OCEAN AVENUE

MINUTES

Commission Members:

Mayor Wyatt Hoover

Vice Mayor Joyce Barton

Commissioner Sherri Quarrie

Commissioner Corey Runte

Commissioner Marivi Walker

Staff Members:

Town Manager Elizabeth Mascaro

Town Attorney Cliff Repperger

Town Clerk Amber Brown

1. Call to Order

Mayor Wyatt Hoover called the meeting to order at 6:00 p.m.

2. Roll Call

Town Clerk Amber Brown conducted a roll call

Commission Members Present

Mayor Wyatt Hoover
Vice Mayor Joyce Barton
Commissioner Sherri Quarrie
Commissioner Corey Runte

Commission Members Absent

Commissioner Marivi Walker

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Clifford Repperger
Finance Manager Jennifer Kerr
Building Official Robert Bitgood
Public Works Director Tom Davis
Police Chief Melanie Griswold
Town Clerk Amber Brown

3. Pledge of Allegiance and Moment of Silence

Mayor Wyatt Hoover led the Pledge of Allegiance.

4. Meeting Agenda – Additions/Deletions/Changes

Mayor Wyatt Hoover spoke about adding the Parks Board special event application as Item B under Unfinished Business.

Vice Mayor Joyce Barton made a motion to approve the agenda with the addition of the Parks Board agenda item; Commissioner Corey Runte seconded; Motion carried 4-0.

5. Consent Agenda

- A. Approval of the Regular Town Commission Meeting minutes September 21, 2023
- B. Approval of the Special Town Commission Meeting - Final Budget Hearing minutes September 21, 2023
- C. Reappointment of Board Members
 - 1. Reappointment of Peter Peterson to the Board of Adjustment
- D. Appointment of new Board Member Alternates
 - 1. Appointment of Dawn Barlow to the Parks Board
 - 2. Appointment of Todd Albert to the Planning and Zoning Board

Vice Mayor Joyce Barton moved to approve the Consent Agenda as presented; Commissioner Sherri Quarrie; Motion carried 4-0.

6. Proclamations/Presentations/Awards

7. Finance/Budget Report

Finance Manager Jennifer Kerr spoke about invoices still coming in for the last fiscal year, so things will continue to change, but as of the end of September, the Town is over 100% in revenue.

Vice Mayor Joyce Barton made a motion to approve the finance report as presented; Commissioner Sherri Quarrie seconded; Motion carried 4-0.

8. Department and Board/Committee Reports

A. Public Works Department

Public Works Director Tom Davis spoke about ongoing projects and asked for permission to place a bocce ball court in Ocean Park.

Commissioner Corey Runte spoke about adding the bocce ball court to next month's agenda. He spoke about receiving a call from a family that has a piece of the original railroad tracks that they would like to donate to the Town.

B. Building Department

Building Official Robert Bitgood spoke about the status and goals of the Department.

Finance Manager Jennifer Kerr spoke about the Building Department always being in a deficit until this year.

C. Code Enforcement

Building Official Robert Bitgood spoke about focusing on the dilapidated houses and vacant lots in Town.

Commissioner Sherri Quarrie asked about getting informed on case updates.

D. Fire Department

Commissioner Corey Runte spoke about the Haunted House being amazing.

E. Police Department

Police Chief Melanie Griswold spoke about the movie in the park is this Friday.

F. Town Clerk

No additions

9. Public Comment (Non-Agenda Items)

After being acknowledged by the Mayor, members of the public should state their name and address for the record. The Commission encourages citizens to prepare their comments in

advance. Each individual will have three (3) minutes to address the Commission on any topic(s) related to Town business, not on the Agenda.

Gwen Burley - 155 Diane Cir, Indialantic

Gwen Burley spoke about wanting to get all of the beachside agencies on board with a resolution to prohibit the breeding and the sale of domestic rabbits. Spoke about rabbit issues including dumping, overpopulation, and rescues being full.

Dan Harper - 418 Avenue B

Dan Harper spoke about the second kitchen ordinance does not allow for a second living area. The ordinance needs to be revisited.

Mayor Wyatt Hoover spoke about the intent of the ordinance was not for secondary living areas, but to allow for multi-generational living.

Chuck Cain - 309 Surf Rd

Chuck Cain spoke about a property on Avenue B that was clear-cut. How did that happen and what can be done about it now?

Building Official Robert Bitgood spoke about 306 Avenue B's site plan showed leaving a certain number of trees. The day after they removed all of the trees he saw it, so he worked with them on a solution to rectify the situation. The certificate of occupancy will not be issued until the tree issue is rectified.

Bobby Williamson - 505 Riverside Circle

Bobby Williamson spoke about being concerned about turning the green space of Riverside Circle into a Veterans Park that might not get used or appreciated.

Mayor Wyatt Hoover spoke about the approval process which starts with approving items to be investigated prior to making a final decision.

Commissioner Corey Runte spoke about the first approval is to explore the options.

Betsy Baird - 1111 River Rd

Betsy Baird spoke about the loss of the bocce ball courts and the circle driveway.

Frank La Grassa - 412 First Ave

Frank La Grassa spoke about the Town Commission approving the second kitchen ordinance against planning and zoning referral. Single-family homes will get a homestead then turn it into a multiple-family home and sell it. This ordinance should be repealed.

Tina Coppick - 505 Avenue B

Tina Coppick asked about needing to replace the parking stickers yearly. She does not agree with it. It is an inconvenience. Consider every other year instead.

Town Manager Elizabeth Mascaro spoke about residents being able to email their registration in and being mailed the sticker so they do not have to come into Town Hall.

Mark Mc Bride - 310 Second

Mark Mc Bride spoke about issues with Airbnb's. Beef up the vacation rental ordinance. Suggests stronger rules on noise, cap the number of cars, cap the number of occupants, and institute a penalty for violations. Inform the community where the Airbnb's are in Town and what residents can do about them.

Mayor Wyatt Hoover spoke about the vacation rental application process and the State coming out with a preemption which removed a lot of the Town's ability to regulate them. The application process can be revisited to see if there is anything additional that can be done.

Commissioner Sherri Quarrie spoke about there being a misunderstanding of what the Town can do and what has been done. Suggested having a group put together to let residents know information about vacation rentals.

Commissioner Corey Runte spoke about neighbors being able to file a complaint with the host website.

Ann Marie Mc Bride - 312 Second

Ann Marie Mc Bride spoke about contacting Senator Mayfield's office and they recommended modeling what Indian Harbour Beach has.

Vice Mayor Joyce Barton spoke about appreciating the list of things that can be done. She is also a member of the Space Coast League of Cities and as part of that, they have a priority list that includes vacation rentals where they go to Tallahassee to advocate for those items.

Commissioner Sherri Quarrie spoke about the Town Attorney in 2009 told the Commission this issue was coming and they chose not to do anything about it and now this is where we are at. The State is even trying to take away the ability to assess fees.

Alison Dennington - 413 Surf Rd

Alison Dennington spoke about the Town having a social media policy, and the Mayor said something online about her that is not true. The Town sends Joyce Barton to Tallahassee to lobby against Airbnb's, and she never mentions she has an Airbnb. Have a hotline for Airbnb complaints. Have the municipalities file a class action lawsuit against Airbnb.

Julie Samuels - 2320 S River Rd

Julie Samuels spoke about how streets could create HOAs and have rules that do not allow Airbnb's.

10. Public Hearings/Special Orders

11. Unfinished Business

A. Consideration of the proposals for audio-visual equipment in the community center

Town Clerk Amber Brown spoke about receiving five quotes to upgrade or replace the audio-visual equipment. Based on the Commission's recommendation to review the quotes that replace the entire system that would cancel the quote from IM Solutions and B&H Photo. The remaining three quotes are very similar. The Klass Act Solutions is the most expensive, but they are a local company. The quote from AVI-SPL is to replace everything. The quote from BIS Digital is in the process of being amended, so the quote would replace everything and would be comparable to the other two quotes.

Town Manager Elizabeth Mascaro spoke about having a spreadsheet to compare the two best options side by side.

John Hart - 407 Surf Rd

John Hart spoke about there not being an issue with the speakers, as long as you speak clearly into the microphone you can be heard.

Mayor Wyatt Hoover spoke about how the existing equipment is not flexible enough to allow for wireless microphones or to add microphones so people currently have to share them. This is also to add live streaming to allow people to watch from home.

Alison Dennington - 413 Surf Rd

Alison Dennington spoke about this being a lot of money and the turnover in technology might make it obsolete in a few years. These do work if you move the microphone.

B. Parks Board Children's Business Fair

Julie Samuels - 2320 S River Road

Julie Samuels spoke about the main point of contention is the name of Spring Fest. Founders Day has a name you don't call it an arts and crafts show. Would like to keep the name Spring Fest for consistency. There is secondary language that says kid's business fair.

Vice Mayor Joyce Barton made a motion to accept the proposal for the Parks Board Children's Fair event scheduled for March 2, 2024; Commissioner Sherri Quarrie seconded; Motion carried 4-0.

12. New Business

A. Consideration of Resolution 2023-07 – Budget Amendment

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR (FY) 2022-2023; AMENDING RESOLUTION NO 2023-02 RELATED TO THE USE OF ALL CARRYFORWARDS AND TRANSFERS FOR ALL FUNDS INCLUDING THE GENERAL FUND; ESTABLISHING AUTHORITY FOR THE TOWN MANAGER TO IMPLEMENT THE BUDGET; AND PROVIDING FOR ADOPTION.

Finance Manager Jennifer Kerr spoke about this being a carry forward and transfer from the general fund to a new fund (Fund 175-Ryckman Park Parking Fund) from fiscal year 2022 to fiscal year 2023.

Alison Dennington - 413 Surf Rd

Alison Dennington spoke about there being strange language that says not all funds or accounts are depicted. What does that sentence mean?

Finance Manager Jennifer Kerr spoke about that language being standard because this resolution is only related to one fund not all of the funds.

Vice Mayor Joyce Barton made a motion to approve Resolution 2023-07 Budget Amendment; Commissioner Sherri Quarrie seconded; Motion carried 4-0.

B. Discussion on stormwater updates and consider prioritizing areas of concern to move forward with engineering

Public Works Director Tom Davis spoke about the photos. One of the largest areas of concern is the photo labeled Shannon intersecting Poinsettia/Magnolia which is a huge collection area in the road. South Palm gets overwhelmed due to other streets dumping water into that area. The west end looking at the river on fourth holds a lot of water, but his department can handle that fix. The other issues will require more than just swale work, so he would like to get a professional study to see what the options are.

Town Manager Elizabeth Mascaro spoke about this needing pipe work not just swale work, so the Town needs to get engineering done and then go out for grants.

Commissioner Corey Runte spoke about Poinsettia being number one priority then South Palm then the rest after that.

Mayor Wyatt Hoover spoke about agreeing with the priority. The area of Poinsettia is a lower area of the Town, so water from other streets around the Town go there.

Public Works Director Tom Davis spoke about Magnolia being a big contributor of sending water to the area of Poinsettia, but swale work could be done on Magnolia.

Commissioner Corey Runte spoke about reducing the quantity of water coming down at the same time as doing the work on Poinsettia.

Frank La Grassa - 412 First Ave

Frank La Grassa spoke about previously having a house on Harland and South Palm and it came within a half-inch of being flooded.

Jason Judge - 206 Flamingo

Jason Judge spoke about where he lives was knee-deep from the last storm.

Tina Coppick - 505 Avenue B

Tina Coppick asked how many years the floodplain map covers, and where can she view it.

Mayor Wyatt Hoover spoke about the map is located in the Town Hall lobby and online, and believes it goes out fifty years.

Alison Dennington - 413 Surf Rd

Alison Dennington spoke about putting a reminder in the newsletter about not leaving their sprinklers going when we are having a big rain event.

Commissioner Sherri Quarrie spoke about most sprinkler systems now have a rain gauge.

Commissioner Corey Runte made a motion to approve moving forward with the stormwater management plan and anything related to that with the focus and prioritization in the following areas in the order of importance: Fourth Ave, Poinsettia, South Palm, Banyan, Harland, and Magnolia for due diligence, research, grants, and engineering; Vice Mayor Joyce Barton seconded; Motion carried 4-0.

13. Administrative Reports

A. Town Attorney

No additions

B. Town Manager

Town Manager Elizabeth Mascaro spoke about asking each department for a list of goals and focuses for the year, and working with Indialantic to piggyback repaving Riverside.

14. Commission Reports

Mayor Wyatt Hoover spoke about putting together language to prohibit smoking in parks.

Town Manager Elizabeth Mascaro spoke about it needing to be an ordinance in order to be able to enforce it.

Commissioner Corey Runte spoke about bringing it to next month's meeting for discussion of the language, then first reading the following month.

15. Task List

Updated:

Options and Costs for Live Streaming – Next month
Sixth Ave Boat Ramp Improvements – Push to December

16. Public Comment

Julie Samuels - 2320 South River Rd

Julie Samuels spoke about adding a little survey spot in the beachcomber to allow people to fill it out and then drop it off at Town Hall.

Frank La Grassa - 412 First Ave

Frank La Grassa spoke about not saying against the vote of the Planning and Zoning Board, but against their advice.

Alison Dennington - 413 Surf Rd

Alison Dennington spoke about the Town Manager's report saying she attended court. That hearing had four employees go. People talk about her costing the Town money. That was a waste of money because they didn't need to be there. Two years ago she said the code was bad and offered to help fix it.

Town Attorney Clifford Repperger spoke about there being multiple reasons staff attended. The petitioner requested an evidentiary hearing. The Town Staff in part attended at the request of the petitioner who wanted them to attend. They also attended because they were named defendants in that lawsuit by the petitioner and had a right to attend the hearing. Which is why it was appropriate for them to attend.

John Hart - 407 Surf Rd

John Hart asked what the code violation was that Alison was cited for.

Building Official Robert Bitgood spoke about the shed being pre-manufactured with a Florida product approval number and is regulated by the Florida Building Code. Florida Building Code regulates how and where the shed can be installed which requires a building permit.

Town Manager Elizabeth Mascaro spoke about the Special Magistrate found that Ms. Dennington violated the code, and Ms. Dennington is contesting the findings so it has gone to an appellate court.

Tina Coppick - 505 Avenue B

Tina Coppick spoke about being concerned if Alison Dennington becomes Mayor what happens when she can control the things and money related to her cases.

Steve Walters - 416 Sixth Ave

Steve Walters spoke about being real professional. You lied under oath to sit there. Then the Mayor said on Nextdoor that he was removed from Police Chief for killing people. Sick of you people up there lying to people. You people are a disgrace.

17. Adjournment

Vice Mayor Joyce Barton moved to adjourn; Commissioner Corey Runte seconded, Motion carried 4-0.

Meeting adjourned at 8:56 p.m.



Alison Dennington, Mayor

ATTEST:



Amber Brown, Town Clerk