**Town of Melbourne Beach**

**REGULAR TOWN COMMISSION MEETING**

**WEDNESDAY, MAY 19, 2021, 6:00 p.m.**

**COMMUNITY CENTER**, **509 OCEAN AVENUE**

**MINUTES**

**Commission Members:**

Mayor Wyatt Hoover

Vice Mayor Joyce D. Barton

Commissioner Steve Walters

Commissioner Sherrie Quarrie

Commissioner Corey Runte

**Staff Members:**

Town Manager Elizabeth Mascaro

Town Attorney Cliff Repperger

Town Clerk Jennifer Torres

Finance Manager Jennifer Kerr

Public Works Director Tom Davis

Fire Chief Gavin Brown

1. **Call to Order**

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

1. **Roll Call**

Commissioners Present:

Mayor Wyatt Hoover

Vice Mayor Joyce D. Barton

Commissioner Steve Walters

Commissioner Sherrie Quarrie

Commissioner Corey Runte

Staff Present:

Town Manager Elizabeth Mascaro

Town Attorney Cliff Repperger

Town Clerk Jennifer Torres

Finance Manager Jennifer Kerr

Public Works Director Tom Davis

Fire Chief Gavin Brown

1. **Pledge of Allegiance and Moment of Silence**

Led by Mayor Hoover

1. **Presentations**

Certified Public Accountant Zach Chalifour of James Moore reviewed the Town Audit and explained there were four reports in which one recommendation and two deficiencies related to audit adjustments were noted. There were no issues of unapproved items and the Independent Accountant’s Examination Report found the Town complied with specified investment statutes.

He noted no individual deficit fund balances. The Commission had no questions and there was no public comment.

1. **Board & Committees**
2. Review of Town Board Volunteer Applications to fill Board vacancies

**Commissioner Walters moved to appoint Gail Gowdy, Teresa Winter, Dayle Hinman, Daniel Hansen, and Timothy Sandberg to the History Preservation & Awareness Board; Commissioner Quarrie seconded; Motion carried 5-0.**

**Commissioner Quarrie moved to appoint Danika Warren and Julianne Samuel to the Parks Board; Commissioner Walters seconded; Motion carried 5-0.**

1. **Public comments**

***Dan Brunger***

***406 4th Avenue***

Mr. Brunger discussed recent State legislation related to Senate Bill 1884 and said Public Works Director Tom Davis is doing a great job on beautification.

He also asked about the budget and was referred to the website where it is posted.

***Jim Simmons***

***409 Avenue B***

Mr. Simmons said the Pineapple Man is the oldest and largest triathlon in Florida and while the organization has committed to bring it back in 2022, Race Organizer Mitch Varnes is interested in organizing a triathlon for 2021. He requested that the Town Commission authorize the Town Manager to work with him to prepare a proposal before June in order to have 2021 triathlon, then the Rotary can pick it up again in 2022.

***Spencer Howard***

***Treasurer Melbourne Beach Rotary***

Mr. Howard advised the Commission that Mitch Varnes quit and the Rotary chose not to ask him back. He feels the triathlon should be postponed until 2022 and that another group should not come in and take the event away.

***Ingrid Perkins***

***510 3rd Ave***

Ms. Perkins shared her thoughts on not wanting to see the Town become like a gated community and felt there should be some compromise related to beach parking at the end of the street because privatization is troubling.

***Alan Ross***

***Rotary Club***

Mr. Ross thanked the Town for allowing them to run the beer tent at Founders Day. He stated they earned $12,400 of which $4,500 would go to the Town for specific equipment for the Fire Department and another $5,800 will go to Gemini Elementary School. The Rotary will keep $2,000 in reserve and every quarter he will give the Town Manager a report and decide how to spend the money. He also noted beer sales were down between 6-9 p.m. and felt that may be due to the tent being too far from the music. He suggested that next year they move it close to the bands.

***Joe Pavlock***

***501 3rd Ave***

Mr. Pavlock said bikes race through stop signs in Town and there have recently been two near misses.

Mayor Hoover responded by saying that traffic calming is on the agenda later and they are working to make drivers aware bicyclists share the road.

***Betsy Baird***

***1111 River Road***

Ms. Baird asked about the care of palm trees in her neighborhood.

1. **Approval of the Agenda**

**Commissioner Runte moved to approve the Agenda; Commissioner Quarrie seconded; Motion carried 5-0.**

1. **Consent Agenda**
	1. Approval of April 21, 2021 RTCM Draft Minutes – Town Clerk Torres
	2. Site Plan Review for 204 Riverside Drive, Melbourne Beach
	3. Site Plan Review for 211 5th Avenue, Melbourne Beach
	4. Reappointment of Diana Beacham to the History Preservation & Awareness Board Center Board for a term of 2 years

 **Commissioner Walters moved to approve the Consent Agenda; Commissioner Quarrie seconded; Motion carried 5-0.**

1. **Public Hearings**
2. **Old Business**
3. Consideration of reopening the Community Center and pavilions for rent – Town Manager Mascaro

Due to several inquiries from the community, the Town Manager feels that citizens would appreciate the Commission reopening the Town facilities for rental.

Vice Mayor Barton asked about waiving fees for Town clubs and non-profits.

Commissioner Runte asked how the single-use plastic ban is enforced during events.

Town Manager Mascaro said it is part of the agreement and based on the honor code.

Mayor Hoover suggested creating a separate sheet for people to sign acknowledging the plastic ban.

**Public Comments**

***Jim Simmons***

***409 Avenue B***

Mr. Simmons said the intent of the facility rental agreement deposit is that we would be looking at the trash when we cleaned up and they would forfeit their deposit if it was found. He felt that should be enforced and he agreed with creating a separate notice for signature advising people of the plastic ban.

Commissioner Runte asked if the new rental rates they had previously discussed had been posted and if they include the new cleaning fee.

Some discussion ensued about the Town’s plastic ban and the members agreed with creating a separate notice for renters to sign acknowledging they will abide by it – and if they don’t, they will forfeit their damage deposit.

Town Manager Mascaro agreed to create this form.

Commissioner Walters said there are community organizations that should not have to pay a fee.

Mayor Hoover asked the Town Manager to waive fees for the organizations from the list of approximately 15 community groups who are engaging in service for the town, adding that if any groups are missing from the list, they can be addressed on a case by case basis.

**Commissioner Runte moved to approve reopening the Community Center and pavilions for rental without restriction; Commissioner Walters seconded; Motion carried 5-0.**

1. Consideration of the recent discontinuation of state and national mask mandates – Town Clerk Torres

Town Clerk Torres advised the Commission that on May 3rd, 2021, Executive Order 21-102 suspended all existing COVID related emergency orders that placed restrictions on individuals and businesses as well as prohibiting municipalities from renewing any local state of emergency.

Then on May 13, the CDC advised that fully vaccinated people no longer need to wear a mask or physically distance in any setting except where required by law or local business or workplace policy.

Vice Mayor Barton said she was in favor of returning to normal setup. Commissioner Runte agreed. Commissioner Quarrie said it should be noted that people who want to wear masks should be welcome to. Commissioner Walters agreed.

The Commission agreed to keep the seating set-up as it is because it allows for more room.

**Commissioner Walters moved to discontinue Emergency Order 2020-14 and 2020-15; Vice Mayor Barton seconded; Motion carried 5-0.**

1. **New Business**

1. Consideration of Health First Health Insurance Dropping Insurance Plans – Town Manager Mascaro

Town Manager Mascaro noted this was for informational purposes but wanted to note that the Commission may see a small increase in the insurance premium in the next budget.

Commissioner Runte noted that a general practice might leave the insurance company knowing they are stopping service with a year.

The Town Manager will bring some other insurance options before the Commission next month.

1. Consideration of endorsing letter encouraging Governor DeSantis to veto HB403 (Home-based businesses) – Town Manager Mascaro

Town Manager Mascaro summarized the issue for the Commission and said she prepared a letter asking the Governor to veto the bill because it is not supportive of small Towns and municipalities and 70-percent of business in Town are home-based.

**Public Comments**

***Ingrid Perkins***

***510 3rd Avenue***

Ms. Perkins commented that any threat to hometown rule should be fought all the way.

**Vice Mayor Barton moved to approve sending the letter drafted to Governor DeSantis related to supporting a veto on HB403 (Home-based businesses); Commissioner Runte seconded; Motion carried 5-0.**

Town Clerk Torres asked the Commission to consider moving Agenda Item (E.) to just after Item (B) – making it Item (C). And moving the previous Item (C) to Item (D) and the previous Item (D) to Item (E.)

**Commissioner Quarrie moved to relocate item E on the Agenda to Item C in order to follow item B; Commissioner Runte seconded; Motion carried 5-0.**

1. (Previously E) Consideration of Proclamation recognizing National Safe Boating Week May 22-28, 2021 – Robert Triebell, PhD, 7th Coast Guard District

Mr. Triebell was on hand to address the Commission. He thanked the Town for all the support. He went on to note that there are record breaking boating accidents and most are attributed to the large number of new, untrained boaters. After COVID there were record sales of boats and the need for safe boating education is important.

Town Manager Mascaro asked Mr. Triebell if he would send the Town information on classes so they could be posted on our social media – he agreed.

Mayor Hoover asked if he would be interested in restarting boat safety classes and boat inspections in Town – he said he was and will coordinate efforts with the Town.

**Vice Mayor Barton moved to approve the Proclamation recognizing National Safe Boating Week May 22-28, 2021; Commissioner Runte seconded; Motion carried 5-0**

1. (Previously C) Consideration of options to produce traffic calming on our most heavily traveled roadways – Town Manager Mascaro

Town Manager Mascaro said their local research has shown cars are not speeding in Town, but there is considerably more traffic than ever before. In order to alleviate traffic issues, Chief Griswold, Mayor Hoover and the Town Manager brainstormed some ideas which included; creating a summer safety program; lowering the speed limit to 15 mph on east-west roads, lowering the speed limit to 20mph on north-south roads, adding speed bumps to locations with high traffic speed (these could be permanent or moveable depending upon the need), and enlarging the “Welcome to Melbourne Beach” sign on A1A and Oak.

After further discussion with Public Works the idea for speed bumps was put aside because they are not well-liked by residents and have created problematic issues in other municipalities.

Mayor Hoover said he is happy they are moving forward with these initiatives. Traffic data shows people are not speeding – but perhaps the speed limit itself is too fast. He would like to discourage cutting through side streets. He also agreed not to move forward with street humps/bumps.

Commissioner Runte acknowledged the Mayor’s passion for this subject. He noted in the last few months, on Riverside Drive, one cat got hit and killed by car. One week later another cat was killed on Palm and two weeks ago, a child was hit by car and he is ok but it was still traumatic. He supports the Town Manager and the ideas presented – with the exception of the speed bumps.

Commissioner Walters said no matter what they do they are not going to solve the problem, because in the past – with a large police presence - everyone knew not to speed in Melbourne Beach. However, reducing the speed limit just punishes residents and stop signs just make them have to stop too often.

Vice Mayor Barton agreed it is important to have more police presence. Another suggestion to keep more people from side streets is to make a right-hand turn on Ocean to Oak.

Mayor Hoover agreed that this was a conversation they should have with FDOT.

Commissioner Quarrie liked the idea of plastic bumps because she feels they are a huge deterrent to speeding. She mentioned that bikes are part of the problem if they are going too fast.

Mayor Hoover agreed with increased police presence and said perhaps we can direct them to be more aggressive in giving out tickets.

Mayor Hoover said he supported lowering the speed limit to 15 mph on east-west roads, and to 20mph on north-south roads

***Jim Simmons***

***409 Avenue B***

Mr. Simmons said 15 mph is too slow and speed bumps are dangerous according to the many police chiefs he has spoken to. He feels a speed limit of 20 mph is good.

***Dan Brunger***

***400 6th Ave***

Mr. Brunger said the Town should leave the speed limit on Oak as is. Instead, have more police presence. He agrees with Commissioner Walters, that more blue lights are the answer.

***Ingrid Perkins***

***510 3rd Ave.***

Ms. Perkins said the biggest traffic issue is on Pine Street. The current speed limit seems fast and she agrees with directing traffic away from the side streets and instead funneling them through the main arteries. She suggested a “local traffic only” sign. She did not like the idea of speed bumps but did like the idea of a 15 mph speed limit on Pine.

**Commissioner Runte moved to approve the recommendation of lowering the speed limit to 15 mph on east-west roads, and lowering the speed limit to 20 mph on north-south roads; Vice Mayor Barton seconded;**

Town Attorney Repperger voiced concern over whether the Town has the authority to lower the speed limit to 15 mph on a municipal road. He believes that the maximum speed limit is 30 mph and the most it can be lowered is 20-25 mph. He suggested that in making the motion, Commissioner Runte should direct staff to communicate with FDOT to make sure it is allowable.

Commissioner Runte amended his motion.

**Commissioner Runte moved to approve the recommendation of lowering the speed limit to 15 mph on east-west roads and to 20mph on north-south roads, if both are allowable by law; Vice Mayor Barton seconded;**

Commissioner Walters said in order to reduce the speed limit by signage you have to do a traffic study on each road and he felt they should do more research before moving ahead.

**Motion carried 3-2 with Commissioner Quarrie and Commissioner Walters in dissent.**

1. (Previously D) Consideration of increasing Town Hall and the Generator Building insurance coverage – Finance Manager Kerr

Finance Manager Kerr went over a recent survey and her suggestions for coverage.

**Commissioner Walters moved to increase insurance as suggested in an amount not to exceed $4,800; Commissioner Runte seconded; Motion carried 5-0.**

1. **Staff Reports**
2. Town Attorney Report

Town Attorney Repperger had two items. 1) With the adoption of the home-based business bill, if the Governor doesn’t veto it, the co-op issue previously discussed will be rendered moot – and – 2) In regard to the agreement on Avenues – they have the final draft – we need a sketch of the trees that they will provide to us and he should have it for the next agenda.

1. Town Manager Report

Town Manager Mascaro read over the items on her report and shared the park lights were up – and the Town has received a lot of positive feedback. In addition, it was suggested they clean the wall that separates the park from the neighborhood and subject to our approval – give segments to groups to create a mural in 8 or 16-foot sections – then create a walkway with some benches throughout.

Commissioner Runte liked the idea and suggested the Town run it by the owner of the fence.

Commissioner Walters asked a few questions about the report and reminded the Town Manager to send a letter out to FDOT about the left n on Ocean and A1A.

He also inquired about the status of the FEMA money, to which the Town Manager responded it has not yet been received but they are in contact with them constantly and did finally receive approval on Dorian.

1. Town Clerk Report
2. Departmental Reports
3. Building Department
4. Public Works Department

Public Works Director Davis noted that the new lights in the park have made a big difference and received a lot of positive feedback.

Commissioner Runte asked for a timeline on the tennis lights and PWD Davis said he would update at the June RTCM.

1. Code Enforcement

Commissioner Walters said he objects to Code Enforcement divulging who called to complain on who.

After some discussion, the Commission directed Code Enforcement not to discuss the origin of complaints, and to treat them as a public record request. Town Attorney Repperger said the Governor did pass a law that you cannot initiate a code violation on an anonymous complaint. It takes effect July 7, 2021.

1. Police Department
2. Fire Department
3. Finance Department

**Commissioner Runte moved to approve the April 2021 Finance Report; Commissioner Quarrie seconded; Motion carried 4-0 with Commissioner Walters in dissent.**

**13. Town Commission Comments**

1. General Comments
2. Review of Commission Action List

**14. Adjournment**

1. Review of Commission Action List

Updates

* **Schedule Workshops with Various Boards**: Mayor Hoover said continuous communication with boards is good. Annual first meeting then go from there. Runte said maybe 2 per workshop. Change to RTCM – under Boards and Committees section. 20 minutes what doing, what plans what do you need, how can we help. We appreciate you kind of thing. Change schedule according to their needs. Bring back final schedule in June 2021.
* **Everything Parking**: Town Manager Mascaro said this would come back as an agenda item at June RTCM.
* **Bike Trail Options**: PWD Davis said Pine Street is complete with green and white bike logo. This week they will go up Shannon.

* **Faded crosswalks**: PWD Davis said when they start fog lines he will do school zone white. On Oak it’s not in bad shape but they will complete the area before fall (before school starts). He will report back in June on School Zones.
* **FDOT Traffic stanchions –** waiting on them. No certain date Update June RTCM
* **Charging Stations –** Eau Gallie Electric provided a proposal from another municipality. Installed the cost was $25,000 to $30,000. If you drop pay capability it is considerably cheaper. The Town pays through the electric bill. Town Manager Mascaro said the Town can ask for sponsorships and Commissioner Runte agreed to do some research. Update again at June RTCM.

**14. Adjournment**

**Commissioner Runte moved to adjourn; Commissioner Quarrie seconded; Motion carried 5-0.**

Meeting adjourned at 921 p.m.