**Town of Melbourne Beach**

**REGULAR TOWN COMMISSION MEETING**

**AUGUST 18, 2021 at 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 Clerk Jennifer Torres

Town Attorney Clifford Repperger

1. **Call to Order –** Mayor Hoover called the meeting to order at 6 p.m.
2. **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

Building Department Assistant Beth Crowell

Fire Chief Gavin Brown

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

Led by Mayor Hoover

1. **Presentations**
2. Announcement of Citizen of the Year –

Mayor Hoover read a Proclamation for 2021 Town of Melbourne Beach Citizens of the Year and the award was presented to the Marzano family; Linda, Pete, Luke and Jessica

1. Fire Department Promotional Ceremony

Chief Brown conducted a swearing in of new Fire Fighters in a promotional ceremony. Those receiving promotion included; Katie Cox, Charles Kantlehner, James Heck and Andrea Lopez.

**Mayor Hoover announced a ten minute recess to celebrate at 6:10 p.m.**

**Mayor Hoover called the meeting back to order at 6:26 p.m.**

Tow Clerk Torres took 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

Building Department Assistant Beth Crowell

Public Works Director Tom Davis

Fire Chief Gavin Brown

1. **Boards and Committees**
2. **Public Comments**

*Doug Hilmes*

*443 Riverview Lane*

Mr. Hilmes wanted to acknowledge what a great job Tom Davis and the entire Public Works Department is doing. He asked the Commission to consider an ordinance about e-bikes because they may cause a safety issue.

1. **Approval of the Agenda**

Mayor Hoover said there were two add-ons to the agenda, including;

* Consideration of 7th Amendment to the Indialantic Interlocal Dispatch Agreement – Town Manager Mascaro
* Consideration of Resolution 2021-07 related to the “Vision Zero” program

He suggested moving the Consideration of Resolution 2021-07 to item (A) and the 7th Amendment to the Interlocal agreement to item (B) – followed by the remaining agenda items in the order they are written.

**Commissioner Runte moved to move up the add-on agenda items to A and B under New Business; Commissioner Quarrie seconded; Motion carried 5-0.**

**Commissioner Walters moved to take New Business item C off the current agenda and move it to the September 1, 2021 Town Commission Workshop; Commissioner Quarrie seconded; Motion carried 5-0.**

1. **Consent Agenda** 
   1. Approval of the July 7, 2021 TCW Draft Minutes – Town Clerk Torres
   2. Approval of the July 21, 2021 RTCM Draft Minutes – Town Clerk Torres
   3. Site Plan Approval for 902 Oak Street

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

1. **Public Hearings**
2. Second Reading of Ordinance 2021-03 Related to Removing any Potential Prohibition or Limit of the Sale, Purchase, Transfer, Distribution, Display, Possession, or Exchange of any Weapon During a Civil Emergency – Town Attorney Repperger

Commissioner Walters asked if there was some kind of estimate as to how many of these new ordinances the Town would have to go through due to the new state laws. Town Attorney Repperger said this Ordinance was needed now – the rest will be determined.

**Public comments**

None

**Commissioner Runte moved to approve Ordinance 2021-03; Commissioner Quarrie seconded; Motion carried 5-0.**

1. **Old Business**
2. Review Budget Changes – Town Manager Mascaro

Town Manager Mascaro gave an overview of a few proposed budget changes including adding a landscape/gardening budget and a professional gardener.

She proposed shifting some money from fire stipend into a professional services line item for Fiscal Year 22.

Mayor Hoover agreed with transitioning the funds.

Commissioner Walters advised that he is in support of someone caring for plants once they are planted and cautioned the Town not to follow through with caring for new plants and sustaining their growth.

Commissioner Runte said he felt landscaping and maintenance should go out for an RFP (Request for Proposal) to obtain bids for a landscaping contract.

Vice Mayor Barton said she was 100-percent in favor.

Commissioner Quarrie said she is in favor but added that she would like to see an entire section of the budget to be redone to include landscaping and look at how we can have different bids and companies and expand services. Perhaps even create a landscaping department under Public Works.

On another note, Town Manager Mascaro explained that initially when the budget was presented to the Commission, the mileage rate was based on the 2/3 vote from the State. After voting Mileage at 10 –percent she realized the mileage rate was higher than ten-percent.

The documentation we receive from the State has no cap and is based on the Town roll back rate and what the State allows us to use as a voting mechanism. Therefore she reduced the millage to the maximum cap of ten percent which drops the mileage rate down to 4.6865.

She went on to say that the overage was going to storm water – so she reduced that amount in the storm water fund.

No vote needed. Commission consent was granted.

**B. Consideration of Town Parking Stickers for Non-Residents - Town Manager Mascaro –**

PWD: Turnaround time to get stickers ready – 2-3 weeks.

Comm Runte said he has gotten a lot of calls for residents to have guest passes. We have people who fish or surf regularly – it would be a welcome gesture.

Barton – south melbourne beach parents using Ryckman park to bring kids to playground

Walters – I think if Commission want to have passes - $100 is too much - $50 is more than enough to let people use our accesses.

Maybe do it a year to see how it goes.

Mayor Hoover end of year timeframe gives us a good time to test out, $50 for 50 passes and see how that goes.

Quarrie – when start- this year and rest of next ($50)

Runte said $50 for rest of year and $100 net year

**Public Comment**

***Jim Simmons***

***409 Avenue B***

Indialantic - $40 year and $30 after June 1 – better to have a low number of annual passes – maybe 50. Avenue B. I would not allow businesses to buy them.

Daycare spot. Also, we have business that may bus people over to mainland.

Better to have resident passes renewed every year. Against visitor stickers.

South beaches always want to use our facilities for free.

We have offered t annex but they don’t want to pay tzes

***Pete Peterson***

***6th Avenue***

Ensure that residents get parking when they need to but on my street 6 spaces – if you open this up I wont be able to park at the end of my street again – we should limit the number of passes and limit to ocean park. All about open access but lets me carefu;

***Dave mika***

***4th ave***

$100 is 40 hours of parking – people will snap them up.

TM MAscaro – we do get calls from resident fro their families – maybe we start wit h residents being allowed to get guest passes – they may have to purchase it and return it?

Barton – When I visit my daughters in California I still have to pay. If what petersn says is tru than we should keep that way.

Walters – only reason I was for it – runte asked if we could not no resident ass. I agree with simmons and petersen. So now Im beginning to change my mind and say no.

Commissioner Quarrie – focus on that we are not talking about ocean park – it is only pay – so we are only talking about Ryckman Park and end of street parking. I disagree with guest parking stickers but majority wins.

No one on commission interested in giving residents guest passes.

Mayor Hoover – important to consider P is not included. Its about extending a little more access to our neighbors. 50 passes will be hard t get.

TM – sounds like people brining children to park – we could issue ryckam park passes? Marked with R. Barton not bus but only individual familis.

Commissioner Runte – I say we try 50 passes at $100 each.

Hoover 50 for 50 fofr the rest of the yeat and then decide if it works or not for next year.

**Commissioner Runte moved to allow the sale of 50 visitor passes at a cost of $100 but prorated to $50 each for the remainder of 2021 for all public parking areas within the Town;**

**Public Comments**

Jim Simmons

**Commissioner Walters seconded; Motion carried 5-0.**

1. **New Business**
2. Consideration of Resolution 2021-07 related to the “Vision Zero” program

TPO Vision Zero

Kim Smith

SCTPO

Vision Zero – we need every individual and every municipality to be on board.

Explained a bit about the program.

Barton what do you want from us.

Kim – for local roads – looks at the way you spend money = painting crosswalks. No funding mandate. Consider it in traffic planning.

Mayor Hoover explained a bit about online site – advisory board.

Public comment – no

**Commissioner Runte Moved to approve resolution 2021-07 as presented; Quarrie second; Motion carried 5-0.**

1. Consideration of 7th Amendment to the Indialantic Interlocal Dispatch Agreement – Town Manager Mascaro

**Commissioner Quarrie moved to accept 7th amendment to Interlocal as presented; Commissioner Runte seconded; Motioned carried 5-0.**

1. Confirm Qualified Candidates and Nominate to The Town Commission – Town Clerk Torres
2. Research Painting of Crosswalks – Mayor Hoover
3. Discussion of Town Leadership - Commissioner Walters
4. Contract Renewal for James Moore & Co., P.L. – Town Manager Mascaro
5. Consideration of Parks Board Schedule of Events & Logo - Town Manager Mascaro
6. Consideration of request from Planning & Zoning Board to Research Code Changes – Town Manager Mascaro
7. Appointment of Conflict Legal Counsel for Code Enforcement Case 2020-CE-198 – Town Attorney Repperger
8. Resolution 2021-05 – Budget Amendment – Finance Manager Kerr
9. Resolution 2021-06 – Addition of Application Amendment Fee to the Town of Melbourne Beach Fee Schedule – Town Clerk Torres
10. Proposed Updates to Town of Melbourne Beach Code of Ordinances as it pertains to Fire Protection – Fire Chief Brown
11. Consideration of contracting a landscaping company – Public Works Director Davis
12. Candidate

Code ordinances state that all signatures must be gotten after appointment of campaign treasurer. Chapter 106 - all dates are before 8/13 – signatures are not dated before 8/13.

Respectfully he is right but not for reason he stated – town code – under nominating petitions – time of collection of signatures – signatures shall not be collected prior to appointment of campaign treasurer and loyalty. Code does say that – those signatures are not to be collected.

Suggestion (TA) – Under section 13.6 it talks about candidate qualification – subject to commission – town commission is judge of qualifications. I do think code requires that timing sequence. That being said the same petition does not apply to qualification of write in candidates – under section. Where requirement for petition is not written. If not qualified for this – they may be qualfied as write in candidate.

One vote – qualifying for election.

Commissioner Walters are you implying we violate –

Commission is free to do that if they wish.

Commissioner Runte -wrote Town of melbourne – instead of Town of Melbourne Beach – someone on this commission who would like to serve as a barrier.

Two options – one we proceed

Or we let the write in happen.

Walters – you can appoint her on November 2, 2021

But she came in on last second on last day.

Timing of collection of signatures

Mayor – if we are not able to qualify – what can we do.

Options – determine both are qualified –

Person could qualify as write in candidate.

The other person

For our purposes – it doesn’t matter that write in is no checked.

This person came in on Monday to pick up packet and had every intent

Commissioner Runte – walters is trying to fight it – like we have all agreed to enforce certain laws – because maybe its not the person you want to watch – don’t appreciate the tone. We should be solution oriented not service disruption.

Jim Simmons

Check as to whether you call a special election within 30 days - or appoint. Its important that commissioners obey the codes of town.. Squeaky clean as commissioners.

Inadequate and illegal on FORM 1 – required to say assets. Recommends

Town Attorney – section 2.04 – if commission should fail to fill a seat – mayor shall call a special election – 30 days to make appointment or election must be called.

On November 17 – make that appointment.

Make the appointment effective

Runte – I am not saying we break any laws – we have someone with right intent and /extra attorney fees, I think our residents would choose one solution over the other – having someone for one year is a complete waste of time. In best interest of our residents.

TA – you sit as the qualifying entity.

Runte – if we decide this candidate this candidate qualfies are we violating any laws –

TW – this bdy has the right t make the determination.

Qualification as write-in candidate (TA) went over the rules

**Commissioner walters seocnded; motion carried 5-0**

Moore contract

**Runte mved to approe as presented; Burton second; motion carried 4-1 walter in dissent.**

**Parks**

Quarrie feels it shold be a volunteer yoga position

Some discussion over paying a teacher a fee.

**Runte move to approve the parks board schedule of events including yoga instructor for $50 payment with no donations allows, use of logo (non pine tree logo: and classical music in the park a few times a month if approved by town manager; Barton second;**

Walters – where money from

TM – parks dept

Motion carries 3-2.Quarrie and Walters in dissent

PNZ

Explained last meeting

Site plan two indoor kitchens – did not approve (tabled) wait to see – not ok.

Site plan – not two kitchens.

Both will be at next meeting (comp plan)

Allow them to speak to TP and TA

Walters – what would keep them from putting a door in and drywall after inspection. I say we are not spending thousands on an attorney researching something that we cant control.

Runte – unacceptable behavior from PNZ, delays, part of the problem is this board – delaed someone 30 days – I would have sued.

Quarrie – exception made to approve that site plan.

Runte – agree

Quarrie – PNZ might need slap on wrist.

Consensus is no and convene a special meeting

**Quarrie moved to turn this down; runte second; motion denied 5-0.**

**TM – special meeting for PNZ for approval and then RTV**

**Break at 9 p.m.**

**Legal council for code enforcement**

**Quarrie moved to accept appointment; Runte second; motioned carried -0.**

Quarrie Move to approve Budget amendment Resolution 2021-05; barton 2nd/ motion carried 5-

Fee schedule

**Commissioner Walters moved to amend the zoning amendment application fee as part of the Town fee schedule; Vice Mayor Barton seconded; Motion carried 5-0.**

Fire protection:

Chief Brown reviewed the code of ordinances as it pertains to fire protection and currently the Town is using a 1997 version of FFPC version and decided to update in order to be in line with current state statutes and bring the Town up to the same level as other local municipalities.

He took a lot of verbiage from other municipalities. The new verbiage is for the Commission.

Chief Brown added a section on beach fires as well as a section that allows the municipality to recover costs for hazardous incidents and prevent the Town from being stuck with the bill. Instead it allows the Town to collect fees.

Commissioner Quarrie expressed concern over whether the smoke from beach fires would impact beachside homeowners.

Fire Chief Brown said he recommends the Town allow beach fires in one location for one year, perhaps Ocean Park – so no residential structures are nearby – and then they can see how it goes.

Town Manger Mascaro added that right now the code says only charcoal is allowed on the beach – which can be dangerous. Therefore the language was changed to allow propane. She said in regard to beach fires – they added age restrictions, clean-up requirements, limits on attendance, material requirements, time frames, etc.

Commissioner Runte said he thinks all the changes are great and believes that we are currently the only Town that doesn’t allow beach fires. He suggested extending the time to midnight and also extending resident parking from 9 p.m. to midnight.

Commissioner Walters agreed with the addition of protection against paying for hazardous accidents – but did not think the Town should get involved with fires on the beach due to the risk of liabilities.

Commission Quarrie asked if they are allowed to restrict this kind of activity on the beach.

Town Attorney Repperger said that is a complicated question that goes beyond the discussion tonight. He will look at any potential issues or restrictions. However this language was taken from other local jurisdictions and he does not think they have had any issues at all.

Commissioner Walters asked about the Fire Department lockbox (access box) security protocol. Chief Brown explained it was a very secure system.

Commissioner Runte said he feels that residents would love the opportunity to have beach fires and added that on P. 225 – the end time of 10 p.m. should be extended to 12 midnight.

Mayor Hoover suggested that Chief Brown remove the language that addresses time from the draft ordinance and they can change it by policy (later) if they wish instead.

He also asked that the chief bring the Commission an outline for permits and fees and have the Town Attorney review it and send it back to the Commission.

**Commissioner Runte moved to approve the proposed updates to the Town of Melbourne Beach Code of Ordinances as it pertains to fire protection with the changes recommended regarding hours and to be presented again to the Town Commission for First Reading after review by the Town Attorney; Vice Mayor Barton seconded; Motion carried 5-0.**

PWD – goal is to expand into arks that are grossly negative – landscape to include naïve and florida friendly

Monumental task to do initial cleaning and respect what native plants are there. We don’t have volunteer power we need to expand.

Barton Bicentennial park needs work. If you do take anything out – we want to know what – members paid for those items. Better communication before things are done. It needs to be put on a schedule so it is a beatifically maintained gateway to our town.

Go out and gat prices and don’t remove anything without talking to joyce.

Quarrie – we should have a landscap department under public works get advice from professional

Mayor relying on garden club to do landscape is ridiculous.

Runte we need landscaping now and can we cover the beautification with action items – add all parks to action ae

**Runte Motion to go for RPF for landscape work; to find a landscaping company to fix town/ Walters ecnd; motion carried 5-0.**

**Motion to not qualify MArivi walker; Burton seconded;**

Mayor – we have two people and two spots and paperwork in inpropper.

Motion carried 4-1 Runte dissent

Walters – read form 1 criteria

Affidavit for use of a nickname –

Sharon

Walters object to issues

Appoint on Nov 2nd

Walters moved to not approve sherri quarrie;

No motion

**Commissioner Runte moved to approve; Vice Mayor Barton seconded;**

I tell you know this is wrong this isn’t correct.

Walters said he will take action

TA gave guidance

All requirements have been met by submission – does not require you to look beyond face

**Motion carried 3-1 with Commissioner Walters in dissent.**

Public works – sand bags are self

Steve walters – good job for code enfocement officer –

Hats off to PD on Riverside Drive. Stopping cars and what we need.

Fire Dept – beach wheelchair donated, Thanks to Coomissioner Runte for alowing us to use huse ruing demo for trainin

RUnte – thank Chief griswold and brown . attention is phenom. Had to make a few calls and COVID caused busy but he was right there

**Commissioner Runte moved to approve the July Finance Report as presented; Commissioner Quarrie seconded; Motion carried 4-1 with Commissioner Walters in dissent.**

Police pension thing - money - listen

**Vice Mayor Barton moved to adjourn; Commissioner Runte seconded; Motion carried 5-0.**

Meeting adjourned 10:31 p.m.

**12. Staff Reports**

1. Town Attorney Report
2. Town Manager Report
3. Town Clerk Report
4. Departmental Reports
5. Building Department
6. Public Works Department
7. Code Enforcement
8. Police Department
9. Fire Department
10. Finance Department

**13. Town Commission Comments**

1. General Comments
2. Review of Commission Action List

**14. Adjournment**