

# **Town of Melbourne Beach**

## **REGULAR TOWN COMMISSION MEETING**

**JUNE 17, 2020 at 6:30 p.m.  
COMMUNITY CENTER – 509 OCEAN AVENUE**

### **MINUTES**

**The Town Commission conducted a Regular Town Commission Meeting  
on Wednesday June 17, 2020 in the Community Center  
to address the items below**

**Commission Members:**

Mayor Jim Simmons  
Vice Mayor Wyatt Hoover  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

**Staff Members:**

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres  
Town Attorney Clifford Repperger

## **I. Call to Order**

Mayor Simmons called the meeting to order at 6:30 p.m.

## **II. Roll Call**

Town Clerk Torres conducted Roll Call

### **Commission Members Present:**

Mayor Jim Simmons  
Vice Mayor Wyatt Hoover  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

### **Staff Members Present:**

Town Manager Elizabeth Mascaro  
Interim Town Clerk Jennifer Torres  
Town Attorney Clifford Repperger

## **III. Pledge of Allegiance and Moment of Silence**

Led by Mayor Simmons

## **IV. Presentations**

### **A. Presentation and Review of Town Audit by James Moore**

Mr. Moore explained that the Town audit for FY 2019 is complete and was conducted 100-percent remotely. He thanked the Town Staff for their help and the extra effort they put in throughout the process. He then went through a PowerPoint presentation to share findings including what he said was the highest mark an Independent Auditor's Report can give – an unmodified opinion – indicating a clean audit.

Mr. Moore said there was one significant deficiency found in the area of Internal Control and Compliance related to some audit adjustments they thought should be recorded at year end.

As part of the Auditor General Management Letter a recommendation was made related to budget compliance and the leasing of police vehicles and an adjustment was needed to address the figures presented.

As part of the Independent Accountant's Examination Report, the Town was found in compliance. He also said that the Town has a very healthy reserve number - which is important for a coastal town vulnerable to hurricanes. In addition, Mr. Moore noted that it's good to see a positive decrease in FRS and

that it's always good when you add new vehicles but can still pay down your debt as the Town has done.

## V. **Boards and Committees**

No reports

## VI. **Public Comments**

*Dan Brunger  
400 6<sup>th</sup> Avenue*

Mr. Brunger said in looking at the Town website he could not find the minutes for April and March and wanted to know when they would be added. Town Clerk Torres explained that the process of making the minutes ADA compliant has been a project. She is making progress on it and hopes to have the minutes posted on a regular basis by July. Mr. Brunger requested a copy of the last few months of minutes be emailed to him – and Town Clerk Torres agreed to do that.

## VII. **Approval of the Agenda**

**Vice Mayor Hoover motioned to approve the agenda as presented; Commissioner Quarrie seconded; Motion carried 4-1 with Commissioner Walters in dissent.**

## VIII. **Consent Agenda**

- A. May 20, 2020 Regular Town Commission Meeting draft minutes
- B. Resolution 2020-04
- C. Site Plan Review for 422 Sunset Boulevard, Melbourne Beach
- D. Site Plan Review for 221 Surf Road, Melbourne Beach
- E. Site Plan Review for 451 Riverview Lane, Melbourne Beach
- F. Site Plan Review for 409 Second Avenue, Melbourne Beach

**Commissioner Quarrie motioned to approve the consent agenda; Vice Mayor Hoover seconded; Motion carried 4-1 with Commissioner Walters in dissent.**

## IX. **Public Hearings**

No Public hearings

## X. **Old Business**

- A. Review and consideration of Environmental Advisory Board Projects for FY2021

Mayor Simmons said that this item was informational-only. The Environmental Advisory Board submitted their priorities for Fiscal Year 2021 and those will be discussed at the upcoming budget workshops.

B. Review and consideration of Town of Melbourne Beach Paving Plan Map and Paving Estimate for Orange Street (16:38)

Town Manager Mascaro shared a timeline of previous road repaving in Town. She said after research and discussion with the Town Engineer, it was determined that Orange Street should be prioritized. Orange Street currently has crushed curbs and degraded foundation. In addition to being milled and paved it needs to be reengineered, have swales added, and gutters removed. And with the information provided by Commissioner Runte and the Town Engineer, she said she was able to come to what she believes is an accurate estimate of costs for this work.

The Town Manager suggested the next road that could be repaved is Riverside, but it may have to wait until 2022 or later because after speaking to Indialantic's Town Manager, he said they are not scheduling repaving there until the current construction project going on across from Fifth Avenue is complete.

As for a plan, she suggested taking care of Orange Street with the money set aside - and then look at setting additional money aside to do Riverside - then proceed to the "Key streets", head up north - then start the process over.

Commissioner Runte said he was disappointed about Indialantic's postponement of Riverside repairs, explaining that he understands but wasn't sure if Riverside could make it another 3-4 years because it's pretty bad now and will get even worse after a hurricane or storm. He understands there is efficiency in cost with doing the repairs simultaneously with Indialantic, but feels that a bad storm could quickly make it much worse than it already is. He then asked the Town Manager what the costs for Orange Street would be.

Town Manager Mascaro said the estimated cost is \$584,000 for Orange with another \$20,000 for incidentals.

Commissioner Runte said if we are spending almost \$600,000 on one road - there should be some ways to implement something that would keep water heading into the river. He wanted to investigate better options, innovative ideas and the grant opportunities to fund them.

Town Manager Mascaro said that if the Commission chooses to approve this plan, the Town can go out and look for grant money to support it.

Mayor Simmons asked the Town Manager if this would be discussed further at upcoming budget meetings or if she wanted a decision tonight.

Town Manager Mascaro said it would be nice to get specific direction now – and continue to talk more about the overarching plan.

Vice Mayor Hoover said that if you look at the budget items for the project, asphalt is \$100 grand, removing curb is \$ 30 grand and replacing the curb is \$250,000. He said he'd rather have an alternate list of innovative materials they could use for the project - rather than Miami curb - and would like to see the Town Engineer work this into the plan in advance.

He went on to say that in terms of seeking grants, we want to be able to say this design is reducing the flow of nutrients into the river and this current plan doesn't show that, so he feels we need to have a different, innovative type of design to present for a grant.

Town Manager Mascaro said that before they can look for options and grants, she needs to know if the Commission agrees to do Orange Street first.

Mayor Simmons asked if she wanted them to indicate whether Orange is the priority.

Town Manager Mascaro said yes she just wanted direction so she is able to begin a study or research grants and various innovative options.

Commissioner Quarrie said she believed that Orange is the priority and asked about the budgeted money.

Roads need to be resurfaced every 20 years and Town Manager Mascaro explained the money for this comes out of the long-term capital. The average budgeted is \$100,000 for a mile each year, but they could save overall costs by doing three miles in three years (ie, an "economy of scale"), etc.

Mayor Simmons said – going back to Riverside – he understands we were talking about doing Riverside with Indialantic to get a reduction in costs – but in looking at the map, Riverside is in bad shape and the sewer manhole cover at Riverside Circle looks like its falling in. So, he wasn't sure they had time to wait for Indialantic.

He continued by saying that we have a lot of roads that haven't been repaved since 2012 – so he suggested getting the same purchasing power by doing some of those streets that are near the north section of Riverside which have not been repaved in several years. He agreed that Orange needed to be the priority. There's flooding – curbs are sinking in, etc.

Some discussion ensued about the Key streets.

Commissioner Runte said he thinks that Riverside is going to get worse faster because of traffic and the huge amounts of water in that area. He feels Riverside is a higher priority than the Key streets.

The Commission unanimously agreed by consensus that the priority would be Orange Street – then Riverside Drive.

## **XI. New Business**

- A. Review and consideration of 6th Amendment to Indialantic Interlocal Dispatch Agreement between Indialantic and MBVFD (34:14)

Town Manager Mascaro explained that Indialantic handles dispatches for our Fire Department and this is the sixth year they have done so. She went on to say there is no change in cost, we pay it quarterly and the Fire Department seems satisfied with the arrangement.

Commissioner Walters referenced page 207 of the agreement and suggested that the annual fee of \$5,000 be added.

Mayor Simmons said the basic agreement spells out that it is \$5,000 annually.

Town Attorney Repperger said it is not our document so Indialantic would have to add that in.

Mayor Simmons suggested they approve the agreement with a request to add in the amount of \$5,000 annually.

**Commissioner Runte motioned to approve the 6th Amendment to Indialantic Interlocal Dispatch Agreement between Indialantic and MBVFD with an optional request to change the verbiage to include the total annual cost of \$5,000 in the 3<sup>rd</sup> paragraph of page 207; Vice Mayor Hoover seconded; Motion carried 5-0.**

- B. Discussion and possible action regarding Binding Development Agreements, Rezoning (38:46)

Mayor Simmons explained that several years ago there was a potential request for a Binding Development Agreement (BDA) that didn't end up before the Commission – because at the time the Commission ascertained that while our Land Development Code (LDC) allows BDRs as part of other development - it did not allow them as part of a rezoning request. Prior to that discovery, during the initial process of reviewing BDRs, two previous Town Planners, two different Planning & Zoning Boards and the current Town Attorney each recommended the Town approved BDAs as a concept agreeing unanimously it was the best way to protect the Town because it's a tool for the Town to be more restrictive than it would normally be and leaves the Town with a sound mechanism to ensure any agreements made as part of a rezoning are in place in perpetuity.

The Mayor clarified that this issue is not being introduced now in anticipation of anyone needing it, instead it was on a list of things he wanted the Commission to consider before he left office. He explained that this would allow the Town to enter into Binding Development Agreements if they choose to.

**Public Comment - None**

Commissioner Runte asked the Town Attorney if he felt that someone trying to purchase property in our Town would like BDAs.

Town Attorney Repperger replied that it gives the property owner more flexibility.

Commissioner Runte said with that response he is more in favor of approving it. He just didn't want to see what happened in Indialantic - where the code is so strict and has no flexibility causing some properties to remain vacant for a long time. He felt that if this allows for more conversation to get creative, he is for it.

Mayor Simmons said yes that's what it's intended to do – it allows the Commission to be accommodating if they want to be - but it doesn't bind them to do anything – it just offers options

**Commissioner Walters moved that the Town Commission authorize the Town Attorney to develop an Ordinance to revise Land Development Code Paragraph 78-102 to allow the Town to enter into Binding Development Agreements for rezoning; Vice Mayor Hoover seconded; Motion carried 5-0.**

- C. Review and discuss memo draft from Courtney Barker Regarding Beachside Cities Concern with the amendment to the CEMP Removing the Policy Group (53:22)

Town Manager Mascaro and Mayor Simmons both attended a meeting with other beachside Mayors and Town Managers to outline their concerns and recommendations for the County Commission in relation to the revamping of the Emergency Management Plan.

Mayor Simmons said all the municipalities are concerned. The fear for beachside cities is that the cumbersome decision making processes used during the pandemic will be used during hurricanes and won't allow us to respond quickly and effectively to fast moving emergencies.

Mayor Simmons said it appears the County Commission is intent on putting Sheriff Wayne Ivey in charge and none of the municipalities are in favor of taking the decisions out of the hands of professionals and giving them to elected officials in emergency situations.

Mayor Simmons said they crafted a response saying they are ok with the Sherriff taking over - but - here are our concerns and the things we want - including; consistent communication, consistency with opening up the bridges, reliable media and distribution of news releases - and a few other things

The Mayor said this draft is being sent to the County Commission, but it is an evolving situation and he wanted to present it to the Commission so they can be aware of where we are right now.

Vice Mayor Hoover said he liked the letter and appreciated their coordination.

## **XII. Staff Reports**

### **A. Town Attorney Report**

Town Attorney Repperger said he is in the process of drafting the RV/Boat Ordinance and wanted to confirm that one of the conditions they approved was separating RVs and boats in the code.

Mayor Simmons said he didn't recall asking them to separate them in the code. Other Commissioners agreed that there is no need for separating them.

Town Attorney Repperger said that answers his question and he won't separate them.

### **B. Town Manager Report**

Town Manager Mascaro said the Fire Department decided not to host a July 4<sup>th</sup> event even though it was tentatively approved.

The Commission expressed unanimous consensus to cancel the July 4<sup>th</sup> event because they agreed it's the responsible thing to do

Town Manager Mascaro said Town Hall planned to offer an open house for the public but that will be postponed for the time being. However, she will plan something for hurricane preparedness and will provide more information on that later.

Lastly, she said she spoke to Indialantic Town Manager Casey about the speed reduction on AIA. She also sent a letter to FDOT and they asked her to attend a virtual workshop on June 29<sup>th</sup>.

Vice Mayor Hoover said part of the issue with the speed limit in that area where they want to change the speed limit – is that when it rains the area floods. He said he sent the Town Manager photos so she could look into it.

### **C. Town Clerk Report**

Town Clerk Torres said the monthly newsletter has been receiving a lot of good feedback.

Commissioner Runte said he also received a lot of positive feedback on the newsletter and said it was in a great format and good work.

Mayor Simmons agreed and said the newsletter has been great.

Commissioner Walters asked if the Town charges for mileage when fulfilling a public records request.

Town Manager Mascaro said it was charged when staff had to travel to a printer for a specific size print job.

Commissioner Walters said the Town does not allow staff to charge for mileage – only for time over 15 minutes. Town Attorney Repperger agreed and asked the Town Manager to inform staff.

D. Departmental Reports:

1. Building Department – No comments
2. Public Works Department

Public Works Supervisor Davis said several people have shown interest in having an outdoor fitness area and he determined the best spot would be where the bushes have grown behind the pavilion in Ryckman Park. He said it will be a small set up and include a push up and a pull up area and Public Works will construct it so the Town can expand its fitness offerings.

PW Davis also said he's excited about something he and the Town Manager started with the Post Office and a few volunteers. Because the Post Office has no budget for lawn maintenance, they negotiated with them to construct a rain garden with a small swale area between sidewalk and roadway. He said it will be a showcase and he hopes to have it done by July.

3. Code Enforcement – No comments
4. Police Department – No comments
5. Fire Department – No comments
6. Finance Department

Town Manager Mascaro noted two corrections were made to the insurance figures.

**Commissioner Quarrie moved to approve the June Finance Report; Vice Mayor Hoover seconded; Motion carried 4-1 with Commissioner Walters in dissent.**

**XIII. Town Commission Comments**

- A. General Comments - None

## B. Review of Commission Action List (1:24:16)

### New Items

- None

### Closed Items

- **Create special event permit for restaurants to have additional outdoor seating/signage:** Mayor Simmons said no one has requested a special permit and suggested closing this item. Vice Mayor Hoover said the feedback he received is that the timeframe of three months does not allow a good return on investment. After some discussion the item was closed.
- **EAB projects for 2020** – Received and closed. This will be taken up in budget meetings.
- **Town Manager evaluation** – Four (of five) Commissioners submitted their 6-month evaluations of the Town Manager. The fifth commissioner did not submit one and the Commission decided to close this item.
- **Grant opportunities for water retention along Oak and County roads** – Commission closed this item is closed and it will be addressed as part of the Orange repaving

### Updates

- **Collaborate with Indialantic to make joint request to FDOT for reduction in speed limit on A1A to 35 mph:** This was updated in prior discussion. It will be updated again at July RTCM.
- **Street paving and repaving plan** – The Commission agreed not to close this item until they receive a forecast and asked the Town Manager to research sustainable design changes that could be incorporated and update at July RTCM.
- **Beach Access parking** – Kiosks will take 6-10 weeks to arrive. The Mayor would like to order parking signs now. Discussion about what would go on the sign ensued. Instead of stating an exact amount of the fine, the Commission settled on wording - *to be subject to a fine* – in case the fine increases at some point. Mayor Simmons asked if the Commission really wanted to do five year stickers – thinking that renters who move away would keep theirs. Commissioner Runte said it is too much of a burden on residents and staff to renew more often. The Commission agreed by majority to keep decal renewal at every five years. Agreed to use what they have for now and look for ways to make them better in the future. Update at July RTCM.

- **Charging stations** – the Commission consented to obtain a free two-car charging station from Tesla. This will be installed along Ocean Ave in front of the Town Hall sign/flowerbed. Because of a recent accident, the Commission also changed the parking configuration. The first space (in front of the sign/flower bed) will be converted to a bike parking area and the 2nd and 3rd spaces will have the charging station. It is expected that this will improve visibility for cars pulling out of Town Hall onto Ocean Ave. Update at July RTCM.
- **Establish salary ranges** - Commission pushed this item to August RTCM.
- **Comprehensive plan for safe pedestrian and bike routes** – Town Manager Mascaro said the grant-funded study was complete and it was unable to identify any significant areas in town that could become bike routes. Vice Mayor Hoover suggested looking along Ocean Avenue and other areas for opportunities to replace worn paint. He also suggested incorporating a bike image on Riverside to encourage the idea that the road is shared with bicyclist. Mayor Simons said this should be included in the Riverside repaving plan. Vice Mayor Hoover said there are some areas where this work could be completed now – like Pine. He would like to decide what areas could benefit from this. The timeframe and various options for painting the roadways were discussed including doing the work in house or contracting it out. Commission asked for an update on this item at the August RTCM.

#### XIV. Adjournment

**Vice Mayor Hoover motioned to adjourn; Commissioner Quarrie seconded; Motion carried 5-0.**

The meeting adjourned at 8:36 p.m.

**ATTEST:**

  
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**Jennifer Torres, Town Clerk**

  
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**James D. Simmons, Mayor**

