Town of Melbourne Beach

SPECIAL TOWN COMMISSION MEETING

WEDNESDAY, JUNE 3, 2020 – 6:00 PM COMMUNITY CENTER, 509 OCEAN AVENUE

MINUTES

The Town Commission conducted a SPECIAL TOWN COMMISSION meeting on Wednesday, June 3, 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 Interim Town Clerk Jennifer Torres Town Attorney Clifford Repperger

I. Call to Order – Led by Mayor Simmons

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

Mayor Simmons explained that the meeting would be handled significantly differently, especially as far as public comment goes. He read the procedures that were included at the beginning of the agenda.

Mayor Simmons indicated that this was a Special Town Commission meeting scheduled to go over items not addressed during the May RTCM.

II. Roll Call

Interim Town Clerk Torres conducted roll call.

Commissioners Present:

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

Staff 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

None

V. Public Comment

None

VI. Old Business

A. Discuss plan of action regarding beach access parking - Commissioner Quarrie

Commissioner Quarrie said that although this issue was previously discussed at the May RTCM, she wanted to clarify what areas the Commission covered and in particular what they voted on. She asked Town Clerk Torres to retrieve the May RTCM minutes to determine this.

While Town Clerk Torres excused herself to collect them, Commissioner Quarrie said another area not really discussed was all the new development going on in Melbourne and Palm Bay and how that will affect parking and traffic conditions in Melbourne Beach. Then she suggested the Commission move to the next item on the agenda until the Town Clerk returned with the requested information.

Mayor Simmons asked if everyone was in favor of moving on to item B – and the Commission unanimously agreed.

B. Discussion regarding Commission Communication Guidelines - Town Manager Mascaro

Town Manager Mascaro said this item was in response to a message she received from Vice Mayor Hoover in which he expressed some concern that emails sent by Town Staff and Commission members could violate Sunshine Laws.

Specifically, he had concerns about hitting the "reply all" button and also in regard to issues discussed via email that may come up before the Commission.

He suggested that members of the Commission direct any communication not had in meeting through the Town Manager or the Town Clerk and that the Town develop a policy that specifically illustrates this.

He went on to say that Melbourne Beach is one of very few municipalities that do not have an existing social media policy and suggested that the Town create Facebook pages for each Commission office – Commissioner 1, Commissioner 2, 3, and 4 – and one for Mayor. Whoever is in office has the use of that account during their time in office and once they leave office the account goes to the next voted in – with all accounts controlled and owned by the Town – so the Town can easily archive and address public record requests.

Town Manager Mascaro explained that the Town contracted with a company called "Archive Social" that archives all Town, Fire Department and Police Department Facebook pages and posts, as well as the agency account the Town recently opened on Nextdoor.

The program can archive information from any account when it's given permission. Vice Mayor Hoover said he was concerned about privacy issues related to connecting a Commission account to his own private account.

Town Manager Mascaro agreed with his prior suggestion that the Town could create fresh accounts for use by active Commission members that are not tied to personal accounts.

Vice Mayor Hoover said he would also like to see a social media policy for Town staff in general that regulates comments and posts because he feels the Town needs one unified voice.

Town Manager Mascaro said that unified posting among Town staff is currently an unwritten policy they carefully adhere to.

Mayor Simmons stated that the two new action items from this issue are;

- Develop a Town social media policy
- Establish a Facebook Page for each Commission office that is managed by the Town and available to the currently elected official if they choose to use it.

The Commission was in unanimous consensus to add these two action items.

Mayor Simmons closed the conversation by encouraging everyone to never "reply all" in an email.

Town Clerk Torres returned with the RTCM minutes from May 20, 2020 and Mayor Simmons returned the conversation to item A.

A. Discuss plan of action regarding beach access parking - Commissioner Quarrie

Town Clerk Torres proceeded to read the sections of the minutes where the Commission voted during the May 20, 2020 RTCM on the parking issues as follows:

- <u>Vice Mayor Hoover moved to ask Town Manager Mascaro to come back</u> with a proposal for stickers in the Town of Melbourne Beach known as the "Golden Triangle" at no cost to residents; Commissioner Quarrie seconded; Motion carried 4-1 with Commissioner Walters in dissent.
- Commissioner Quarrie moved to make crossovers "resident-only" with free decals at the crossovers; Motion died for lack of a second.
- Vice Mayor Hoover moved to ask the Town Manager to present a proposal for decal-only parking at end of street parking beach accesses for residents with a limited number available to guests; Commissioner Runte seconded;

Vice Mayor Hoover withdrew his motion

- Commissioner Quarrie moved to have resident-only parking on crossovers by permit; Commissioner Runte seconded; Motion carried 3-2 with Vice Mayor Hoover and Commissioner Walters dissenting.
- Commissioner Quarrie moved to have the Town Manager get a proposal for paid parking in Ocean Park with budget costs including the potential

effect on the police department; Vice Mayor Hoover seconded; Motion carried 4-1 with Commissioner Walters dissenting.

After Town Clerk Torres was finished reading from the prior minutes, Mayor Simmons summarized that the only thing they firmly agreed on is resident-only parking at the end of the street accesses - and added that after some thought - he may have changed his mind on that issue.

Mayor Simmons said he's concerned that some members of the Commission indicated an interest in issuing visitor parking passes in this area as well - and he is against this. He feels visitor passes will make enforcement much more difficult and put a lot of pressure on the police and emphasized that he would rather leave the few end-of-street parking areas for first-come first-serve, rather than sell visitor passes.

Commissioner Quarrie said requiring residents to pay for parking at Ocean Park was a bitter pill for many residents to swallow and end of street parking for residents eliminates some of that burden. She said most residents are in favor of increased police presence and feel that visitors can go to Ocean Park. She emphasized that the goal is to make it more convenient for residents and offer them areas where they can park for free.

Mayor Simmons said his response was only in regard to selling visitor parking passes.

Commissioner Quarrie said she was not in favor of selling visitor parking passes – to which Mayor Simmons replied - if that's the case –he has no issue. He then proceeded to ask the rest of the Commission how they felt.

Commissioner Walters said street ends should be for residents only and if a non-resident parks there they should be ticketed. He suggested a sign that says **resident parking only at the street ends**.

Mayor Simmons said he only considered changing his vote because he thought there were several members of the Commission that wanted to sell visitor passes/decals at the streets ends.

Vice Mayor Hoover said the genesis of this was concern over people parking on each other's yards at the end of street accesses and visitor parking decals was a discussion that came out of limiting the visitor parking there. He went on to say that Ocean Park is a different conversation and the focus now should be on solving the problem that exists. He suggested creating resident-only parking on the streets now and then be prepared to address any issues that may arise on end of street crossovers down the road in 2-3 months' time.

Commissioner Quarrie said if crossovers are not full of visitors (non-residents) then the residents won't be parking in front of each other's homes

to go to the beach – they will be parking at crossovers and guests can park at Ocean Park.

Commissioner Runte said he's been involved with downtown Melbourne parking issues for years and in Melbourne Beach he feels the solution has to be a comprehensive parking management program. He added that the Town did a parking survey, received resident feedback, and now the Commission needs to implement their wishes.

Commissioner Runte said the expected population growth in Florida is huge and if we don't address parking issues now - it's going to get much worse in 10-15 years.

Mayor Simmons reiterated that his initial response was only based on the fact that he thought some members of the Commission wanted to sell visitor passes and if that isn't the case – his vote stands.

Commissioner Walters said although he is against paid parking, he feels if the Town is going to do it – they need to include Ryckman Park because most people using the pier are not from here.

He went on to say he would rather see no visitor parking passes then to see them open parking at the end of streets. Instead they can pay and park at Ocean Park.

Mayor Simmons stated that if they are not considering non-resident decals – he is onboard.

Town Manager Mascaro asked the Commission to clarify exactly what streets will be impacted.

Mayor Simmons said he would rather workshop it and come up with a total plan.

Commissioner Quarrie said the workshop is about designing the decals – and what kiosk vendor's offer and she feels they need to take a vote now on the specifics of resident and non-resident parking.

Mayor Simons said we also need to decide if we are issuing decals annually or for another term, as well as how many are issued and how they are issued.

Commissioner Runte said all residents should receive a free decal for each car they own.

Public Comment

Donna Romano 710 Atlantic Street

Ms. Romano said she doesn't understand why they have to have parking on the streets at all. She also stated that she would like the no-parking signs currently erected to remain and wants to know why the Town would want to remove them.

Mayor Simmons responded by saying that the streets belong to everyone and people are already allowed to park in front of residential homes — including his own. He went on to say that permitting no-parking signs in one area would be unfair to another - although he would consider a sign that said: **Resident-only**, **No-parking on the grass**.

Vice Mayor Hoover added that if a resident has a birthday party – the resident can park on the street and have any guest's park in driveway.

Ms. Romano said that when the signs were put up – they were not for "no parking but for no "beach" parking.

Mayor Simmons said the streets are public streets, paid for by the residents, and with only 42 spots there are 3,300 residents and we would be keeping them out of their own beach. He said what they are trying to do is to solve the issue of non-residents taking up all the spots.

Kimberlie Eidenire 203 Surf Road

Ms. Eidenire said she called and asked to have some no parking signs placed on Surf Road because currently people park in her yard and she has had sprinkler heads broken. She went on to say that she's had this problem since the signs went up in other areas and that it's not the residents doing it – its people from out of Town.

Greg Romano 710 Atlantic Street

Mr. Romano said they don't want to make the rules difficult to understand and feels that if the Town has resident-only parking – there are enough spots for visitors to park already and non-resident parking decals would be a bad idea.

<u>Commissioner Quarrie motioned to institute paid parking at Ocean Avenue Park; Commissioner Runte seconded;</u>

Commissioner Walters said he would like to amend the motion to include the first parking spot at the west end of Circle to Ryckman Park to the river because there is too much vandalism going on in that area from nonresidents – and believes that maybe if they have to pay to park they won't stay there – adding they have already broken many lights.

Public Works Supervisor Davis said the current cost to replace is a light there is \$43 and they just spent \$539 to repair several.

Mayor Simmons asked if they could separate that motion because Ryckman will be free to residents with a decal and Ocean Park will be paid parking.

Commissioner Walters agreed.

Motion carries 5-0.

Mayor Simmons asked if there was any discussion related to - residentonly parking on one side of the street only - and - a prohibition of parking on the grass.

Commissioner Quarrie asked if they could we go back to what she wrote about the no parking signs east of Oak on Gemini to remain in place – she said residents there were happy with those signs.

Mayor Simmons said of course they are happy – but the residents who do not have those signs will not be – and he would not vote for that.

Commissioner Quarrie said the input she received was also to have the area where there are currently no parking signs – as resident-only parking – and another suggestion was a sign that said no beach parking.

Vice Mayor Hoover said the main problem is the area north of Ocean Avenue and east of A1A and so he would be in favor of resident-only parking in that area only.

Commissioner Runte asked what would happen if a resident has a party and guests park out in front of their home.

Town Manager Mascaro said the Police Chief said unless there is an issue with noise or unruly behavior – they would not respond to incidents like this because they know it's an isolated event. She suggested that residents could even inform the Police Department in advance of these events.

Mayor Simmons said he feels that with resident-only parking, residents will police the area themselves and if someone has a party – the neighbors

will be aware of that – and reiterated that he is opposed to having no parking on the streets.

Mayor Simmons said the idea behind parking on one side of the street only – along with a prohibition against parking on the grass – is important because if there is parking on both sides of the street, people will be forced to park on the grass in order for through traffic – and some emergency vehicles may not be able to pass through at all.

Commissioner Walters asked what they should do about landscapers, delivery people, etc. who may need to temporarily park in a resident-only zone.

Commissioner Quarrie said those are more like "standing" vehicles"

Commissioner Runte said he believes that temporary parking for use as a loading zone etc. are recognizable as such and would be permitted.

<u>Vice Mayor Hoover moved to create resident-only street parking</u> <u>by decal in the area north of Ocean Avenue and east of A1A;</u> <u>Commissioner Quarrie seconded; Motion carried 5-o.</u>

Town Manager Mascaro asked what the new posted signs will say.

Mayor Simmons responded it will say – **Resident Only Parking – No Parking on Grass.**

Commissioner Quarrie moved to create resident-only parking from 1st though Surf, south of Ocean, east of Orange and Cherry, and east of Redwood, on one side of the street only, with no parking on grass;

Vice Mayor Hoover asked how they will decide what side of street residents can park on.

Mayor Simmons said they would need to discuss that in the workshop but there is a proposal to switch sides on different days of the week.

Several Commissioners did not like this idea and further discussion ensued.

Town Manager Mascaro said it's very common to have street parking limited to just one side of the street up north because streets can't accommodate parking on both sides. She said it may sound burdensome but it's not really.

Motion died for lack of a second.

Town Manager Mascaro asked for a Commission consensus about the no parking signs in that area —as to whether to leave them or remove them.

Vice Mayor Hoover said he's sticking to his position that they should not prohibit resident parking anywhere in Town.

Mayor Simmons asked for opinions on the signs and the Commission agreed by a 3-2 consensus to remove the no parking signs with Commissioner Quarrie and Commissioner Walters of the opinion the current signs should remain.

Commissioner Walters moved that parking from the west end of Circle Driveway, across Ryckman Park, all the way to the pier be kiosk paid parking with no charge for residents with a decal;

Commissioner Quarrie said she would like to amend the motion to include free parking on the evenings there are meetings for both residents and non-residents.

Commissioner Walters agreed and also wanted to include a free spot for electric vehicles.

Commissioner Quarrie seconded;

Commissioner Runte asked if there would there be any fee exceptions for special events or holidays.

Town Manager Mascaro said they are able to address that and can set any price parameters on the kiosks that they want – they can change the fee or eliminate it on certain days and times.

Motion carries 5-0.

Public comment

Adam Meyer 214 Surf Road

Mr. Meyer said his issue is that he doesn't want to have to pay for a decal and didn't want to buy a permit or pass anytime a guest comes over.

Vice Mayor Hoover asked if the Town Manager could reach out to the residents on the parking survey who voted against resident-only parking

and ask them if they would change their mind once they hear what the Commission is proposing on other streets.

Town Manager Mascaro asked if the Commission was directing her to do this – and received no response.

Public Works Supervisor asked if they should take the no parking signs down and Mayor Simmons said they should leave the no parking signs in place until we get the new signs in.

B. Discussion and consideration of increasing the current \$35 parking ticket fee - Town Manager Mascaro (1:24:45)

Town Manager Mascaro said that after several discussions with the Police Chief about the ineffective deterrence of the current \$35 parking fine. They agreed that many non-residents consider it a bargain to park at the beach all day for \$35. To create more of a deterrent, she felt the Town should consider raising the amount of the fine. She went on to say that Chief Griswold recommended a \$10 increase but the Town Manager felt the amount should be higher to provide a bigger deterrent.

Commissioner Walters said he would like to keep the fine reasonable because the higher the fine the more likely they may go to court to contest it. He suggested raising it to \$50.

Commissioner Runte agreed raising the fine is in order and suggested between \$50 and \$65.

Vice Mayor Hoover and Commissioner Quarrie both thought \$50 was reasonable.

There was some discussion about the fact that after 30 days - if the ticket is not paid - the DMV escalates the fine and may eventually suspend the driver's license.

Public comment

Frank Thomas 606 Atlantic Street

Mr. Thomas said he appreciates the no parking signs. He thinks they are the best thing that's happened and doesn't want them to go away.

<u>Vice Mayor Hoover moved to increase the parking ticket fine from \$35 to \$50 followed by standard escalation through the DMV after 30 days of nonpayment, with a ten day grace period;</u>

Town Manager Mascaro said she's not sure the Town can dictate a grace period because that is up to the DMV.

Vice Mayor Hoover moved to increase the parking ticket fine from \$35 to \$50 followed by standard escalation after 30 days of non-payment as dictated by the DMV; Commissioner Runte seconded; Motion carried 5-0.

C. Consideration of the First Amendment to the Restated Interlocal Agreement for Creation of the Transportation Planning Organization - Space Coast Transportation Planning Organization (1:38:09)

Discussion ensued to clarify that the Town has the right to have a seat on the SCTPO board and not the other way around. Further review clarified this was indeed the case.

Commissioner Quarrie moved to accept the First Amendment to the Restated Interlocal Agreement for Creation of the Transportation Planning Organization; Vice Mayor Hoover seconded; Motion carried 5-0.

VII. Staff Reports (1:41:30)

A. Town Attorney Report

Mayor Simmons asked the Town Attorney about the Code Enforcement Magistrate item – and Town Attorney Repperger said he was working on it.

B. Town Manager Report

Mayor Simmons commented on the recent car wrap competition the police department participated in for the Puzzle Box Academy – saying the department did a great job.

Mayor Simmons also acknowledged what a great job he thinks Town staff is doing.

Town Manager Mascaro said the pandemic gave the staff an opportunity to come together as group and they deserve tremendous credit.

Vice Mayor Hoover commented that he had the opportunity to meet the Town's new Administrative Assistant, Katie Cox and said he has noticed an increase in social media frequency and the quality of posts.

Mayor Simmons said from top to bottom this is the best staff he's ever worked with - every single one- and added that there is no weak link - he congratulated the staff.

Commissioner Quarrie said it was a job well done.

Commissioner Walters queried about the police patrol vehicles – saying he passed by the parking lot on Sunday and didn't see any vehicles there.

Town Manager Mascaro said there was an extra officer on duty that day but operations were normal and was not aware of any incidents with the vehicles. She said she would follow up with the Police Chief to confirm this and update the Commission if there was more information to share.

Town Manager Mascaro said the Florida League of Cities Interlocal agreement needs to be signed by the Mayor so the Town can receive reimbursement for COVID-19 expenses.

The Town Attorney added that the funding comes from the CARES Act and the Town Manager will be listed as the representative in the agreement.

<u>Vice Mayor Hoover moved to approve signing the Interlocal Agreement for CARES Act funding; Commissioner Quarrie seconded; Motion passed 5-0.</u>

C. Town Clerk Report

Town Clerk Torres said that as part of the agenda package she included a report on monthly public communication with staff and a list of public record requests. She also mentioned that the second online issue of the Town magazine went out in June to continued positive response.

The Commission said the reports were helpful.

Commissioner Walters asked if the Town could buy more microphones so everyone can be heard. He suggested lapel microphones.

Mayor Simmons suggested talking about that during the budget meeting.

D. Departmental Reports

1. Building Department

Commissioner Quarrie asked for an update on the Hibiscus drain/swale that was covered up – and discussed at the May RTCM. Town Manager Mascaro said action has been taken and it will be reviewed by the engineer with an update once his report is received. She added they did find out the next door neighbor also filled in their swale and they would be contacted for further discussion.

Commissioner Runte asked about the Building Official and clarified that Mark left and Rob - who has worked for the Town before – took his place.

Town Manager Mascaro said that when Rob worked for us before he was employed by the Town, but now he is an employee of SAFEbuilt so there are checks and balances in place unlike when he was on staff and had more authority. Now he reports to a SAFEbuilt supervisor. She went on to say that Wednesdays are covered by Ken so the Town still has two people and they are both great.

2. Public Works Department

Public Works Supervisor said the swale his department built is doing well. He reported that he and the Town Manager went out in a storm and detected at least three different intersections where they corrected standing water issues. He said they are really happy with it and in the long run he feels the Town will be a cutting-edge model for others to follow.

Town Manager Mascaro added that she was asked to speak at a symposium in Orlando with several people vying for the same spot – an indication that many people are impressed by the work the Town has done in this area.

Vice Mayor Hoover asked Public Works Supervisor Davis if he is concerned about long-term gradual intrusion on the swales and wondered if he could pour in any concrete.

PWS Davis said they could try that but he was advised to leave the natural growth in there because in less than a minute any water collected is gone and if they hit that percolation rate the sky is the limit.

Commissioner Walters expressed his thanks to Public Works for their hard work.

3. Code Enforcement Report

The format of the report was discussed and the Town Manager indicated the reports are being edited and reformatted to be ADA compliant.

- 4. Police Department Report No comments
- 5. Fire Department Report No comments
- 6. Finance Department Report

<u>Vice Mayor Hoover moved to approve the May Finance Report;</u> <u>Commissioner Quarrie seconded; Motion carried 4-1 with</u> <u>Commissioner Walter in dissent.</u>

VII. Town Commission Comments

A. General comments

Mayor Simmons said he had three things to report. First, that FPL is very worried this year about staging equipment and service people due to the effects of COVID. What would take two days to recover after a storm — may now take two weeks. He said FPL has advised communities and residents to plan ahead because it will be a longer recovery wait time from FPL, so stock up on canned goods, hurricane supplies, etc. The Mayor asked that this information be added to social media and the Town Magazine.

In regard to emergency operations, the Mayor said beachside towns are opposed to the political direction the EOS has taken without Kimberly Prosser in charge. He said there is an effort to combine efforts and opinions with other beach communities so we can present a unified front.

Lastly, the Mayor asked when they were going to start budget meetings. Town Manager Mascaro said she was ready to give the Commission a package within two weeks and Mayor Simmons suggested that the first Town Commission Budget Workshop is held on June 24th, 2020 at 5 p.m.

B. Review of Commission Action List

New Items

- The Commission directed the Town to create a Social media policy Due date: August RTCM
- The Commission directed the Town to establish official Commission Facebook pages
 Due Date: August RTCM

Closed Items

- Vacation Rental Ordinance
- Bicentennial Park swale
- Oak trees dying on Oak Street
- Capital items spreadsheets
- Comp plan upgrade
- HR Policy for social media retention

Updates

- FDOT traffic light stanchions FDOT request submitted. Move to August RTCM.
- ADA compliance Town Clerk Torres explained that this is a long-term project that requires staff and commission training. Progress is being

- made to make the minutes ADA compliant so they can be posted on the website: Clerk will update progress again at July RTCM.
- EAB projects: Town Manager said EAB discussed projects at their last meeting and the list will be presented at June RTCM
- Stormwater Master Plan Town Manager said this project is completed and will present plan at June RTCM
- Employee six month evaluations Moved to July RTCM for First Reading
- Town Manager evaluation Two have been received Mayor asked to have them turned in by June.
- Street paving and repaving plan Town Manager Mascaro said she received both plans and there were a few differences. She said the biggest issue is Orange. If the Town redoes the whole thing, including resurfacing and regrading, with Miami drains and swales - it would be around \$700,000 for .7 mile. Town Mascaro said normally they put aside \$100,000 a year for this work. Mayor Simmons said they need to discuss this issue during the budget workshops. He went on to say that the bigger issue is what are we going to do next year and the next, and so on. He said we should have a 20 year plan and that plan needs to be laid out to indicate which streets are done and which years they are done – and once we are done, it repeats. Vice Mayor Hoover added that he thinks we need to create five zones-decide what those zones are and it will take some time to adjust where we are going - but in 10-15 years we can say in 2040 we are going to do Zone 1, etc. The Town Manager said the initial idea was to do Riverside when Indialantic did it - to piggyback on the repairs - but they are not planning to begin those repairs anytime soon. Mayor Simmons said he hasn't seen any plan and the action item is to see the 20year plan. Commissioner Runte said that practically speaking, this is an investment in an efficient and long term plan -but in reality they are going to be hodgepodge plans for a few years while they put more money away. Vice Mayor Hoover also pointed out that roads are unequally used – for example while Pine and Orange may need to be redone every ten years, Poinsettia can be done every 25. Vice Mayor Hoover said we are basically creating a plan for the long term but we may need to deviate from it. He suggested a set of guidelines for the next ten years. Mayor Simmons stated that he wants to see a plan that indicates next steps. Town Manager Mascaro said she will present the plan she and PWS Davis created at the June RTCM.
- Beach Access parking will be discussed at June RTCM
- Charging stations will be discussed at the June RTCM.

- Code Enforcement Magistrate – Town Attorney will prepare item for first reading at July RTCM.

IX. Adjournment

The meeting adjourned at 8:53 P.M.

ATTEST:

Jennifer Torres, Town Clerk

James D. Simmons, Mayor