

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING

**WEDNESDAY, MARCH 17, 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
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.

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
Public Works Director Tom Davis
Fire Chief Gavin Brown

3. Pledge of Allegiance and Moment of Silence

Led by Mayor Hoover

4. Presentations

- A. A Representative from the Rotary Club of Melbourne Beach and a Representative from the MBVFD Inc. will each give a short presentation related to running the beer tent at Founder's Day.

Alan Ross
Rotary Club of Melbourne Beach

Mr. Ross explained that the Rotary Club supports local and international charities. Their main focus is raising money for community-based charities. They are all volunteers and the club has been running the beer tent successfully for years. They are a big supporter of Gemini Elementary School and the money raised from the beer tent is important to this goal.

He handed out a letter from Jennifer Julian, Principal of Gemini Elementary School who wrote in support of the Melbourne Beach Rotary Club continuing their oversight of the beer tent. He said he also received a letter of support from Gemini's PTO President.

As a club, he said the Rotary is committed to supporting the community. Last year they gave \$10,000 to the Melbourne Beach Fire department, the year before they gave \$7,000 for Ryckman Park.

He said, when asked, they have always tried to help. He went on to say that it is his hope the Commission will award them the opportunity to continue their stewardship. He promised to check IDs, abide by the Town's plastic policies, provide liability insurance, and abide by any COVID protocol in place.

Jim Turner
MBVFD Inc.

Mr. Turner said the MBVFD is in a unique position to offer an extra layer of safety protocols during the COVID pandemic because public safety is their top priority. In 2020, the MBVFD assisted with several "safe" community events including the Halloween event and the Christmas Parade.

Given the success of these events, the Town Manager asked if they would be interested in handling the beer tent during Founder's Day. Because of the pandemic many of the department's typical fundraising avenues were closed, so the additional funds would be welcome to their cause.

Back to the Commission for questions:

Commissioner Quarrie's questions:

How much money did the Rotary net at the last Founders Day?

- Mr. Ross said the Rotary typically brings in between \$5,000 and \$6,000.

Do you have anything that shows this accounting?

- Their accountant is not at the meeting. He would have to check.

Commissioner Quarrie queried where the \$10,000 they gave the Fire Department came from.

- The \$10,000 we gave last year was from a different event – a charity concert at Ryckman Park.

Vice Mayor Barton

Did the Town Manager approach the MBVFD to run the beer tent?

- Mr. Tuner said yes. To enforce a strong safety protocol.

Is there any history in the past of the MBVFD running the beer tent?

- Mr. Turner said yes, before the Rotary they did the beer tent.

Mr. Ross of the Rotary said the club has been doing the tent for 30 years.

To Mr. Tuner – would the beer tent be manned by volunteer firefighters?

– We have two groups, the association and the fire department. The event would be run by members of the MBVFD but not in the capacity of fire fighters during the event – instead as members of the association.

What happens if there is a fire during the event?

- Mr. Turner said that as a representative of the corporation, he would not comment on that.

Fire Chief Brown responded that they are two organizations and volunteering at the beer tent would in no way effect the volunteers on standby for any kind of emergency.

Commissioner Runte

Last Founders was 2019. What was the total net profit and where did it go?

– Mr. Ross of the Rotary said they raised \$5,000 and most all of the funds went to the Gemini Schools program.

In addition to running the beer tent – is there another function you have for Founder's Day other than operating the tent?

- Mr. Ross said they would have someone signing up prospective new members. Their hope is to get people interested in Rotary and increase membership.

Who plans it?

- Mr. Ross said that typically the Rotary handles every aspect including providing liability insurance

Commissioner Walters

Commissioner Walters said he has a fundamental problem with public safety personnel serving alcohol to the residents. If there is an issue, there could be a problem, so he will be voting not to change it.

Mayor Hoover

How many volunteers would each of you be prepared to field and from where?

- Mr. Ross of the Rotary said between 20-30 people. The source of the volunteers are the club, family, friends and Gemini. He added that they have never had any issues getting volunteers, noting that they ran Southern Squall and had no issues.

- Mr. Turner of the MBVFD said they typically get between 25-30 people who are active members in the department.

What COVID safety precautions have you considered implementing this year?

- Mr. Ross from the Rotary said they are prepared to wear masks and interested in hearing what the Town's rules are because they will prevail.
- Mr. Turner of the MBVFD said that masks and gloves are required, gloves come in handy when separating money from beer and through the use of tickets they can keep cross-contamination to a minimum.

What precautions are in place to avoid over serving/underage drinking?

- Mr. Ross of the Rotary said they have a system in place to check IDs and they keep an eye on people who have had too much. They would not serve someone who had too much.
- Mr. Turner of the MBVFD said they check IDs, and are nationally accredited in liquor service certification. He added that he would never want anything negative to come back on the Town.

Commissioner Runte

To Rotary Spokesman: *I was under impression there was an issue with volunteers at the Pineapple Man?*

- Mr. Ross of the Rotary said they did have some issues due to the fact that 4-5 volunteers did not come at the last minute but otherwise they ran a good event.

Commissioner Runte said that in his opinion all proceeds should stay in the Town of Melbourne Beach because there are plenty of organizations we have here who need help and he does not like the idea of taking money made in Town outside the community. Therefore he wants to be reassured on paper that would be the case.

- Mr. Ross of the Rotary said they would have no problem with that.

Commissioner Quarrie asked Mr. Ross of the Rotary if they have any kind of agreement with members as far as beer consumption during the event because she has seen a lot of consumption in the past.

- Mr. Ross of the Rotary said that to the best of his knowledge no one ever drinks while serving. They may have had a few people on break have a beer but they can institute a policy of no drinking until they are finished volunteering. Mr. Ross added that it is the Rotary's intention to donate the money they raise to support Gemini's school's programs and they can donate anything left over to the MBVFD.

Commissioner Runte said he thinks it's pertinent that all records are made transparent to the Town and that the Town approves who receives the money raised. He added that the Town staff handle a lot of the event and it's important to have transparency no matter who ends up running the tent. He also took issue

with the fact that the Rotary could not offer specific figures on money raised or provide any kind of financial records, saying they should have been ready to answer the question of exactly how much money has been raised each year and exactly where the money goes.

Commissioner Walters reminded the Commission that the Town had no say in how the money raised in the past by the Fire Department was spent and agreed that the decision on how and where to spend any and all money raised in the Town, should be decided by the Town.

Mayor Hoover thanked both groups and said the Commission is grateful for everything they each do for the community.

Commissioner Walters moved to allow the Rotary Club to have the beer concession for Founders Day on May 1, 2021; Vice Mayor Barton seconded; Motion carried 4-1 with Commissioner Quarrie in dissent.

Mayor Hoover said moving forward there are several stipulations and procedures that must be followed going forward.

They include:

- All proceeds must stay in the Town of Melbourne Beach
- All volunteers must obtain nationally accredited liquor service certification
- No alcohol consumption by volunteers until shift is complete
- All financial records must be made transparent and readily available upon request to the Town
- The Town approves who receives any funds and how much they receive from funds raised at an event within the Town of Melbourne Beach.
- All volunteers must follow COVID protocol established by Town

Commissioner Runte added that the beer tent must be run flawlessly and all procedures followed precisely this year – or the Rotary will not be asked to handle the event ever again.

5. Boards and Committees

6. Public Comments

Frank Thomas
606 Atlantic

Mr. Thomas pointed out that Founders Day should never be referred to as Founder's Day (with an apostrophe). There were several founders, not just one. He also does not like the fact that some people pronounce the name of Ryckman Park incorrectly.

Neil Tompkins
204 Neptune Drive

Mr. Tompkins said that at 432 Riverview Lane there is a storm drain and baffle box that have an issue. He requested an update from the Public Works Director. He also mentioned an article in Florida Today related to the American Rescue Plan Act, noting there is a lot of money going to municipalities and whatever the Town needs to do to pursue this, they should. He would like to see a public discussion on how funds received are used. His choices would be stormwater and lagoon management.

Bob Semones
149 Moonlight Drive

Mr. Semones lives in the unincorporated area of Melbourne Beach and would like to be able to park at Town parks for free because no one is parking there.

Mayor Hoover responded by saying that the Town is implementing paid parking so in the near future, the public (non-residents) can use those parking spots as well, which will be free until 8 a.m.

7. Approval of the Agenda

Commissioner Quarrie moved to approve the Agenda; Vice Mayor Barton seconded; Motion carried 5-0.

8. Consent Agenda

Commissioner Walters said there are 25 pages included in the agenda packet related to the site plan approvals that he doesn't feel are necessary. He feels it just adds work to the Town Clerk and increases our use of paper unnecessarily.

Mayor Hoover said that is an issue they could discuss later and adjust if needed.

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

9. Public Hearings

10. Old Business

A. Request for a reduction of code enforcement lien for 2204 Redwood Avenue, CE Case CEB15-01

Town Attorney Repperger gave a brief history of the issue.

The applicant was present and addressed the Commission.

David Crespie

2204 Redwood

Mr. Crespie stated that when he bought the property it had multiple liens and he has worked with the Town Attorney to get the property into compliance, noting that he had nothing to do with what happened to the property prior.

The Commission asked various questions of the applicant to which he responded that the pool in question had been filled in. He has no connection to the owner and his plan is to sell the property. When asked if he benefited from the lien, he said he didn't. When he purchased it he hoped the lien would be reduced.

Commissioner Walters said he did not see any reason to reduce the lien.

Commissioner Runte said the property is worth at least \$350,000 and he believes the applicant stands to make a large profit, but by reducing the lien, the Town would not recoup its expenses.

The applicant stated that he has a contract for \$310,000, so according to the Commissioner's numbers, he is leaving \$40,000 on the table. He added that he solicited two attorneys to get the property and pool compliant.

Commissioner Quarrie said the applicant could ask a higher price and added that they are trying to make sure the Town's expenses are covered and she didn't see any reason to offer a reduction.

Town Attorney Repperger said he had advised the applicant to attend the Commission meeting to plead his case. The request was very clear. The violation remained for a very long time – even prior to the code case. He added that it's very clear that Mr. Crespie had no involvement in any of the violations on the property and is the one who brought the property into compliance.

Vice Mayor Barton said she believes if there was a time for negotiating the lien it would have been prior to this, although she was not entirely opposed to somewhat of a reduction because he is not the one responsible for the violations.

The applicant, who identified himself as the General Contractor stated they wanted a 10-percent reduction.

Commissioner Runte questioned the reduction amount, and said according to the written request, the applicant was requesting a 90-percent reduction and now that amount is being changed to 10-percent. He pointed out that the applicant knowingly purchased this property and knew there was a lien when he did so.

Addressing the applicant, Commissioner Quarrie said he was an astute business man capable of making the money back. However, the Town doesn't have the same opportunity if they reduce the lien.

Some discussion about the amount of the reduction took place.

Commissioner Walters moved to deny the request for a reduction of the code enforcement lien for 2204 Redwood Avenue, CE Case CEB15-01 and to let the current fine stand; Commissioner Quarrie seconded;

Town Attorney Repperger said it's important for the Commission to understand this was a life safety issue as well and while they can look at it as a financial issue, it was a safety issue because of the pool and a substantial violation for a long time.

Motion carried 5-0.

B. Review and consideration of Orange Street Project Bid Acceptance Recommendation

Town Manager Mascaro presented a breakdown of the bids and said the Town engineers recommend the Commission consider the lower bid from Brewer Paving.

She went over the details of the project and said letters and door hangings will be sent to nearby property owners once the bid is approved and Brewer Paving will reach out to residents as well.

Mayor Hoover said the Andrews Project was not done while the current Town Manager was here but communication with residents wasn't good and he wants to make sure that doesn't happen again with this project.

Commissioner Walters said he wants to see written communication to residents that provides specific details including contact information and exactly when the work is happening and exactly what work is happening. He said there needs to be a written log.

Commissioner Runte said that a lot of that communication is supposed to start with the contractor. They should be knocking on doors and the Town should be managing that and collecting their logs.

Town Attorney Repperger said he believes that the performance bond can't be waived for a project of this cost but if that turns out not to be true, they can revisit the issue.

Commissioner Walters asked where money for the project is coming from and Town Manager Mascaro said it was all part of the budget the Commission previously discussed and approved.

Commissioner Runte moved to approve the Orange Street project bid acceptance recommendation from Brewer Paving in the amount of \$737,952.60 including the removal of the performance bond unless it is proven that we cannot remove the performance bond and in that case we approve the full amount including the

performance bond; Commissioner Walters seconded; Motion carried 5-0.

11. New Business

A. Consideration of Resolution 2021-02

Town Manager Mascaro explained that the Commission has discussed the issue of outdoor seating to aid local businesses with financial recovery from the pandemic several times and agreed to allow the Town to create a resolution allowing Town businesses to take advantage of this temporary use.

Town Attorney Repperger said he doesn't see any problems with it.

Commissioner Runte moved to approve Resolution 2021-02 as presented; Commissioner Quarrie seconded; Motion carried 5-0.

12. Staff Reports

Town Attorney Repperger disclosed that Serene Blue is applying for a variance with the Board of Adjustment the following night and he has had dealings with them in the past, unrelated to the variance. He went on to say that his firm, White Bird, has not provided any service to Serene Blue but he does have some of their files from his time at former law firms. However he said there is no conflict related to this variance. In disclosing this, he asked the Commission to approve a conflict waiver.

Commissioner Walters asked whether the \$5,000 deposit is being collected for variance applications.

Town Attorney Repperger said in the fee resolution the \$5,000 deposit applies only to text changes. It was enacted after Sun on the Beach requested to change the definition of bed and breakfast. A lot of time and effort was put into the work including drafting an ordinance and at that time the Commission agreed that any citizen can file a text change to the code but changed the fee schedule to allow for a \$5,000 deposit to cover the extensive costs involved.

Mayor Hoover added that collecting a \$5,000 deposit isn't reasonable in all cases.

Town Manager Mascaro added that in the current variance request there is no ordinance draft required and very little work that needs to be done, so the \$5,000 deposit would be excessive.

Commissioner Runte moved to approve the conflict of interest waiver as presented; Vice Mayor Barton seconded; Motion carried 5-0.

Town Manager Report

Town Manager Mascaro addressed the funding being made available from the Florida League of Cities and she is researching it and will share that information when it's received.

Commissioner Runte said the funding seems very excessive at \$1.3 million and asked the Town Manager to make sure there are no strings attached before moving ahead with anything.

She also said that she and the Public Works Director have been reaching out to the kiosk people about their arrival and are told it will be “soon.” Signage is ready to go as soon as they arrive.

Commissioner Quarrie asked what’s been happening at the beaches the last few weekend.

Town Manager Mascaro said nothing more than usual. There is increased traffic and tickets have been issued – but nothing out of the ordinary at this time of year.

Town Manager Mascaro handed out a proposed layout for Founders Day and reminded the Commission that the Town has always been the responsible party to make sure that Founders Day goes off without a hitch, we do all the purchasing and planning. The protocols that we are putting into place is that the beer tent will not have space for people to hang out. There will be no tables under it.

She went on to discuss other COVID precautions for Founders Day, vendor information, and what food will be provided.

Vice Mayor Barton asked if the food trucks keep their profit. The Town Manager said they keep their profits from sales, we charge each a registration fee. She also said the Town plans to add misting fans to cool off patrons.

The Town Manager added that the Town has not benefited from beer sales in the past.

Commissioner Runte said that if the Rotary doesn’t execute the beer tent flawlessly then in his opinion this will be their last chance to run it.

Town Manager Mascaro said she did feel strongly about the Fire Department handing the beer tent this year – especially due to safety and COVID concerns.

Mayor Hoover said an overall review of all the boards and how they communicate with Town Staff needs improvement and that hasn’t happened under previous administrations and thanks to the current Town Manager it’s finally happening. He said he wants to have specific stipulations for how the beer tent is run.

Commissioner Quarrie said there should be a contract with the Rotary that states all money raised goes back into the Melbourne Beach community. We need financial records. We need them all to get certified to serve alcohol and those certificates need to be provided to the Town. In addition, she added, safety issues are so important.

Mayor Hoover said they need to have a deadline for completing the certificates and letting us know who is volunteering that day, etc.

Changing the subject, Commissioner Walters told the Town Manager he was under the impression the Commission agreed that former police officer Tilesio was not to be paid

sick time unless there was a formal release signed stating that he would not sue the Town. He asked when that changed.

Town Manager Mascaro said it was not enforceable and he was entitled to his money.

Town Attorney Repperger said there was an initial attempt to get him to sign a waiver. He had an attorney. The decision was made to cut the check because it was treated as a voluntary resignation.

Commissioner Walters had a copy of the letter sent to Mr. Tilesio with the check.

Town Manager Mascaro asked why Commissioner Walters is communicating with Mr. Tilesio.

Commissioner Walters said Mr. Tilesio initiated the conversation because he feels cheated.

Town Attorney Repperger said that it was best to limit discussion of Town employment adding that they can go back and look at the minutes to see the actual wording on the issue.

Commissioner Walters then asked what happened to the costs that were once listed on the building report.

Town Manager Mascaro said the Commission decided in August not to disclose the individual's cost on the Building Report and asked for it to be removed.

Commissioner Walters then said that staff shouldn't be making recommendations to residents or non-residents related to getting a reduction in fines.

Town Attorney Repperger said the only reason a recommendation was given is due to the fact that the Commission might have been inclined to grant a reduction in this particular case.

Commissioner Walters then asked where the protocols for the presentation came from. Town Manager Mascaro said it was provided to offer guidance for new members of the Commission.

Due to a family emergency Commissioner Runte asked to be excused from the remainder of the meeting at 9 p.m.

Commissioner Quarrie noted that one site plan review didn't have the correct number.

To correct this issue in the future, Town Manager Mascaro told the Building Official to use a spreadsheet with formulas calculated and attached to every site review plan.

Public Works Report

- PWD Davis met with Eau Gallie Electric and they will start the process of installing the light bases next week and the lights could be completely installed by the end of April.
- The Ocean Park flagpole was rehabbed below the expected cost and it is currently flying.
- The striping is in progress. Ocean is completed. The two white side lines on Pine are looking good. His striping capabilities now allow him to do 133 stop bars.
- Special Olympics of Florida called this afternoon and in the past they used our Bocce ball courts for practice. They would like to do this again this year at 5:30 p.m. Wednesday nights and Saturdays at noon. This does not conflict with any league play. The Commission did not object to their use of the courts.

Town Attorney Repperger said the contract with the HOA will be on next month's agenda.

Finance Report

Commissioner Quarrie moved to approve the February Finance Report; Vice Mayor Barton seconded; Motion carried 3-1 with Commissioner Walters in dissent.

13. Town Commission Comments

- A. General comments
- B. Action Items List

Closed Action Items

- **Storm water issue on 2nd Avenue** - Closed

Town Manager Mascaro said that engineering plans were reviewed. There is a downhill low point- it was engineered this way - in keeping with engineering practices. There is nothing wrong with the engineering process. Scott has met with this resident and gone over this information with her several times.

Commissioner Walters initially did not want to close the item but after some clarification as to the extent the Town has gone to – including daily observations by multiple people with no issues found - he agreed.

Vice Mayor Barton said she drove by the property on a very rainy day when she noticed some other areas were flooding and didn't observe any flooding on this particular property.

Updated Action Items

- **Everything parking** – Discuss at April Town Commission Workshop

Mayor Hoover said there was an idea of incorporating in additional spots from Ocean Park into what is in front of the business. He would like it to be on the agenda of the next workshop.

Commissioner Quarrie said she feels that the Planning & Zoning Board should look at the issue and offer their insight before the Commission went any further.

Mayor Hoover said he agrees that Planning & Zoning should be involved but the Commission needs to have a little more discussion in order to refine specifically what they are looking for. Instead of giving them an ambiguous task we can narrow down what we are asking of them.

Commissioner Quarrie said there are so many parts of the code and Planning & Zoning can offer insight. Perhaps our first step is to present them with the Resolution we just passed and get them to brainstorm a little

Mayor Hoover asked if everyone was ok with talking about it at the next workshop.

For a due date – this will be moved to the April Workshop.

- **Expand Outdoor seating** - Update at June RTCM

Town Manager Mascaro said she spoke to the owner of shops on Ocean Avenue who was in favor of the beautification suggested and open to help with funding and grants. However, outdoor seating is still a no-go with her tenants. She will wait and see if any business owners elect to participate.

Vice Mayor Barton shared information about a grant she learned about – called the FDOT JPA. She said they must act quickly because the deadline to apply is June 30, and if they can get an application in by June 30, there is a good chance the Town could receive this grant which is for \$700,000. This money is only for landscaping and landscaping materials, not buildings. The grant requires Town to maintain the landscaping once installed.

Vice Mayor Barton said we would have to create the design and they would implement it. Some design costs are reimbursed. The Town would need to submit a design in order to be considered.

Town Manager Mascaro said if the Commission is interested in pursuing this grant they might consider approving the estimated costs for an architectural designer to create a design.

Mayor Hoover suggested they add FDOT JPA Agreement Grant to the current Action Item related to Beautification of Ocean Avenue and update the item again at the April RTCM.

Commissioner Quarrie moved to approve \$5,000 to begin the landscape design process with an architectural designer; Vice Mayor Barton seconded; Motion carried 5-0.

- **Bike Trail Options** – Update at April RTCM

PWD Davis said he needs to do further research on what he can do, He would like to give another update during the April RTCM. The paint is available and he can do it with our own machine.

Mayor Hoover said the important thing is contrast in visibility. It does not have to be done in green paint. PWD Davis said he may have to get a custom stencil.

- **Address Faded Crosswalks** – Update at April RTCM

PWD Davis said the process to refresh the crosswalks has begun. Areas on Riverside and Ocean have been completed as well as several parking spaces. He said he feels confident the process will get better and better and residents will notice a significant change in the next few weeks.

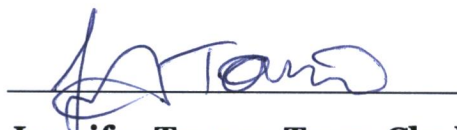
Commissioner Quarrie suggested tagging some of the COVID money for new Commission microphones and audio/visual equipment.

PWD Davis offered a quick update on the stanchions – saying he was able to contact someone who confirmed the Town is on the list but there is currently no projected date.

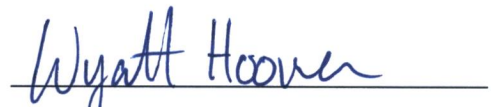
Commissioner Quarrie moved to adjourn; Vice Mayor Barton seconded; Motion carried 4-0.

The meeting adjourned at 9:11 p.m.

ATTEST:

A handwritten signature in blue ink, appearing to read "J. Torres", is written over a horizontal line.

Jennifer Torres, Town Clerk

A handwritten signature in blue ink, appearing to read "Wyatt Hoover", is written over a horizontal line.
Wyatt Hoover, Mayor