

# **Town of Melbourne Beach**

**REGULAR TOWN COMMISSION MEETING  
OCTOBER 20, 2021 at 6 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  
Finance Manager Jennifer Kerr  
Fire Chief Gavin Brown  
Public Works Director Tom Davis

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 - no

Town Clerk Jennifer Torres

Finance Manager Jennifer Kerr

Fire Chief Gavin Brown

Public Works Director Tom Davis

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

Led by Mayor Hoover

4. **Public Comments**

*Neil Tompkins*

*2004 Neptune Drive*

Mr. Tompkins commented on building heights and what the Town Charter edits may include related to this issue.

Mayor Hoover said there is no agenda item to make any changes to heights.

Mr. Tomkins said he believed the residents would have to vote for a change in building heights.

Commissioner Walters said the state took that away from the municipality.

*Robert Silverman*

*1501 Atlantic Street*

Mr. Silverman and his wife purchased a home next to 5<sup>th</sup> Avenue dune crossing and he wanted to comment on the sea grapes nearby which were very high when they first moved in. They are now 20-feet tall and had to

have a private contractor to trim them. He spoke to public works about trimming them – and was told they are limited to how much they can cut (about two-feet a year). He hoped the Commission could empower Public Works to trim them.

Mayor Hoover said they are limited to how much they can trim according to the DEP. However, the Town has been working to additional maintenance of all Town parks and land. The Town will hold workshops and ask for public input.

Town Manager Mascaro said they have a new point of contact with DEP and we can trim more than we originally thought. We have to be mindful of not going too low and we can only cut until February. We will meet with DEP contact on Tuesday and we can speak to her about this issue.

## **5. Approval of the Agenda**

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

## **6. Consent Agenda**

- A. Approval of August 25, 2021 STCM Draft Minutes
- B. Approval of the September 8, 2021 STCM Draft Minutes
- C. Approval of the September 15, 2021 STCM Draft Minutes
- D. Approval of the September 15, 2021 RTCM Draft Minutes
- E. Site Plan Approval for 405 3<sup>rd</sup> Avenue
- F. Site Plan Approval for 509 3<sup>rd</sup> Avenue

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

## **7. Public Hearings**

- A. First Reading of Ordinance 2021-05: An Ordinance of the Town of Melbourne Beach, Brevard County, Florida amending various sections of the Code of Melbourne Beach Related to the Fire Department, Protection and Prevention – Town Attorney Repperger

Town Attorney Repperger read Ordinance 2021-05:

Commissioner Walters said on P. 96 (8) – should include “in conjunction with the police department” instead of giving complete control to fire department. Police typically respond first and they should be able to handle the situation.

Fire Chief Brown said his understanding was that this clause grants the fire department authority but it does not take away any authority from police. He agreed to add “in conjunction law enforcement officer.”

### **Public comment**

*Dan Brown  
6<sup>th</sup> Avenue*

Mr. Brown asked where the public fire rings would be located and Chief Brown said the Town is looking at Ocean Park and Loggerhead Park

*Jim Simmons  
409 Avenue B*

Mr. Simmons asked about the location of fire rings as well. He added that he is in favor of fires on the beach.

**Vice Mayor Barton moved to accept the First Reading of Ordinance 2021-05 with added verbiage to page 96; Commissioner Runte seconded;**

Commissioner Walters wanted to announce that he planned to vote no on this because there are many rules and it's very complicated and he's concerned with sparks flying in the wind and being carried around which could be dangerous.

**Motion carried 4-1 with Commissioner Walters in dissent.**

## **8. New Business**

### **A. Consideration and Discussion of Possible Uses and Projects for the American Rescue Plan Funds – Town Manager Mascaro**

Town Manager Mascaro said the Town has received the first installment of the American Rescue Plan Funds. She said there are four categories the money can be used. We qualify for one of those. In other municipalities – especially beachside – many are using it for storm water.

Mayor Hoover said he thinks the priorities – swales, exfiltration, baffle boxes and inlets throughout basin 1 is good.

He wants to make sure we have the best partner to work on those designs. Are we confident with BSE? He would like to see a written proposal on what areas we should address first and what are the possible solutions?

Town Manager Mascaro said we have time because we do not have to obligate the money until October 2024 and it must all be spent by 2026.

Town Manager said we just need the go-ahead to move on and come back with some plans, talk to BSE, do a walk-through, etc.

Commissioner Runte asked if Ocean Park was a qualified spending area for this money – because that parking lot has been effected by storm water and is completely impervious so runoff goes right down Ocean Avenue. If we were to redo that parking lot – do you think that would qualify?

Town Manager Mascaro said yes.

Commissioner Runte suggested also looking at pervious concrete for the Town parking spots. He also likes the idea of finding matching funds.

He asked if mango restoration or anything do do with canals would qualify.

Town Manager Mascaro said she did not think it did.

Mayor Hoover said finding smaller things that will get us to the exact dollar figure is good. The Orange Street project in certain places is overwhelmed – like on Ash and where it pools on Pine. Perhaps we could install more swales. Also look at area South of Hibiscus on Banyan and Magnolia, there is curb failure.

### **Public Comments**

*Jim Simmons  
409 Avenue B*

One baffle box flows right into river and he thought money was budgeted to repair that. He would like to see that baffle box replaced. AS far as Ocean and Ryckman Park and parking – he would prefer using ticket money for that use.

If looking for small projects – the Sunset Avenue project several years ago created a curb turtles can get across.

Commissioner Quarrie suggested that Sunset Park is included in the plans.

*Neil Tompkins*

Mr. Tomkins commented on swales. He also asked if there was any chance of making use of the county property to run water by Gemini.

**Commissioner Runte moved to approve proceeding with efforts to plan spending on the American Rescue Project; Commissioner Quarrie seconded; Motion carried 5-0.**

- B. Consideration of Proposed Budget Amendment Resolution 2021-14 to adjust carry forward revenue fund balances for utilization from FY2020 to FY2021 – Finance Manager Kerr

**Vice Mayor Barton moved to approve Resolution 2021-14; Commissioner Runte seconded; Motion carried 5-0.**

- C. Consideration of Proposed Budget Amendment Resolution 2021-15 to carry forward revenue fund balances for utilization from FY2021 to FY2022 - Finance Manager Kerr

Commissioner Walters said the phrase “in compliance with state law” should be added to Section 3.

Some discussion ensued.

**Vice Mayor Barton moved to approve Resolution 2021-15; Commissioner Quarrie seconded; Motion carried 4-1 with Commissioner Walters in dissent.**

- D. Consideration of Proclamation Recognizing National Veterans Small Business Week November 1-5, 2021

Mayor Hoover noted three typos.

**Commissioner Runte moved to approve the Proclamation recognizing National Veterans Small Business Week with corrections noted; Commissioner Quarrie seconded; Motion carried 5-0.**

- E. Review Draft Landscaping RFP – Town Manager Mascaro

Town Manager Mascaro said this is a first draft for the RFP. What she presented is aimed at maintaining what we eventually decide to do.

Commissioner Runte said the sustainability guidelines should be added to the RFP. He would also like Parks and Garden Club to be involved in reviewing submittals. He also wants to see “submit similar experience” on their resume. We should require a unit cost breakdown. In his experience if you include more in submittal – they can’t give you a higher cost later for what was proposed. He also thought and hourly cost should be included if we have to pay extra dn hours of operation.

Commissioner Walters – P. 130 – take out reference to Illinois.

He asked about expected costs.

Town Manager Mascaro said this is just a first step and they can add or subtract services, etc.

Commissioner Runte supported spending money to maintain the work – it is important to keep up with it.

Commissioner Quarrie said she would like to see how much money we have in the various areas we are looking at doing and asked the TM to bring that with her to the next meeting for reference.

Mayor Hoover said all parks need to be added to the RFP.

Vice Mayor Barton said under tree and shrub maintenance – all discretion left to contractor concerns her. Town Manager said that can change to “under direction of Public Works Director.

Mayor Hoover said there are a ton of typos in this. Items where words are pushed together with no space in them, sentences cut off. Too many to mention.

Regarding page 133 – weed control. Do we have a list of what substances are approved or prohibited? Reserve duty to Town only. Town Manager Mascaro said that would be a large task for Public Works.

Mayor Hoover said with our sustainability guidelines – fertilizer should not be a big job.

Commissioner Runte said they should break out costs for fertilizer and then we can take it out if we want.

Mayor Hoover said he thinks we do not need it at all. Commissioner Runte agreed. Take fertilizer budget and put it towards composting program.

Mayor Hoover mentioned that we need to have same wording to St Johns Water District. Research whether Resolution or Ordinance.

Mayor Hoover asked about the section titled tree and shrub maintenance. He said there are many definitions he feels need to be in place. He suggested referring to the guidelines from Keep Brevard Beautiful and UF.

## **Public Comments**

*Jim Simmons*  
*409 Avenue B.*

Would like to see prohibition of any dangerous chemicals. Agrees with good cost breakdown and happy sustainability plan will be included.

We should put the right plant in the right spot. When we do plantings, we need to engage a native plant expert.

*Neil Tompkins*  
*204 Neptune Avenue*

Mr. Tompkins talked about the Lagoon Loyal program.

*Marivi Walker*

Leaves on Oak trees are falling in river.

Town Attorney Repperger said under “owners’ rights and responsibilities” there is an arbitration program in there – second paragraph – on page 138 – at bottom of section – and he would not recommend including arbitration wording and also advised to strike paragraphs 2, 3, and 4.

**Commissioner Runte moved to approve moving forward with drafting of landscape RFP as presented by Town Manager Mascaro with all proposed changes as discussed; Vice Mayor Barton seconded; Motion carried 5-0.**

## **12. Staff Reports**

- A. Town Attorney Report
- B. Town Manager Report

We are working on the process of plants and landscaping – hopefully at next meeting we have more concrete things to look at so we can move forward.

In November I will have info on parking and square footage – will go to PNZ first and then perhaps renderings. Decide on workshop schedule in November for resident input. Commissioner Runte noted we are at 92 percent of expenditure so under proposed budget by 10-percent.

Commissioner Walters asked the Town Manager to congratulate Officer Sadler and his wife on the birth of their new baby.

- C. Town Clerk Report
- D. Departmental Reports
  - 1. Building Department
  - 2. Public Works Department

Public Works has two new employees on board and the director is happy with their performance.



3. Code Enforcement
4. Police Department
5. Fire Department
6. Finance Department

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

**13. Town Commission Comments**

- A. General Comments
- B. Review of Commission Action List

**Updates**

Charging stations: Commissioner Runte reached out to two vendors he works with and should have update with prices next month. Nov. 2021

Research Parks: Discussed during meeting in depth. Update at Nov. RTCM

Crosswalk Art: PWD said street paint is one year out to order. 12 months before any production. Public Works did clean the crosswalk. TM Mascaro suggested trying 1-2 areas first before we put it everywhere. See how well it wears.  
Research pavers as crosswalks. Asked PW to apply sealant. Paint striping and update next month.

Stop Sign Placement: waiting for delivery – Nov. 2021

Monthly Meeting Schedule: Close ITEM

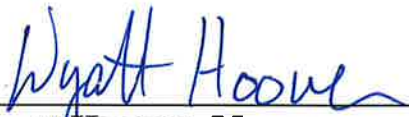
Traffic Stanchions We are on FDOT list no movement yet. Update Dec 2021

VM Barton asked Commission to let her know if they have any issues they want shared at the SCLOC.

**14. Adjournment**

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

Meeting adjourned at 8:10 p.m.

  
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**Wyatt Hoover, Mayor**

**ATTEST:**

  
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**Amber Brown, Interim Town Clerk**

Regular Town Commission Minutes from October 20, 2021.

Minutes were approved but not signed.