

**Town of Melbourne Beach**  
**REGULAR TOWN COMMISSION MEETING**  
**AUGUST 17, 2022 at 6:00 p.m.**  
**MASNY ROOM – 507 OCEAN AVENUE**

**MINUTES**

**Commission Members:**

Mayor Wyatt Hoover  
Vice Mayor Joyce Barton  
Commissioner Sherri Quarrie  
Commissioner Corey Runte  
Commissioner Marivi Walker

**Staff Members:**

Town Manager Elizabeth Mascaro  
Town Attorney Cliff Repperger  
Finance Manager Jennifer Kerr  
Building Official Robert Bitgood  
Fire Chief Gavin Brown  
Police Chief Melanie Griswold  
Public Works Director Tom Davis  
Town Clerk Amber Brown

**1. Call to Order**

Mayor Wyatt Hoover called the meeting to order at 6 p.m.

**2. Roll Call**

Town Clerk Amber Brown conducted roll call

**Commission Members Present**

Mayor Wyatt Hoover  
Vice Mayor Joyce Barton  
Commissioner Sherri Quarrie  
Commissioner Corey Runte  
Commissioner Marivi Walker

**Staff Members Present**

Town Manager Elizabeth Mascaro  
Town Attorney Clifford Repperger  
Finance Manager Jennifer Kerr  
Building Official Robert Bitgood  
Fire Chief Gavin Brown  
Police Chief Melanie Griswold  
Public Works Director Tom Davis  
Town Clerk Amber Brown

**Commission Members Absent**

None

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

Mayor Wyatt Hoover led the Pledge of Allegiance

**4. Public Comments**

After being acknowledged by the Mayor, members of the public should state their name and address for the record. The Commission encourages citizens to prepare their comments in advance. Each individual will have three (3) minutes to address the Commission on any topic(s) related to Town business, not on the Agenda.

***Steve Walters  
416 Sixth Ave***

*Steve Walters spoke about the excellent job Ms. Brown has done on this election cycle. The one issue is the separation of the election because he should be able to run against all of the candidates.*

***Djon Pepaj  
1505 S Mirimar***

*Djon Pepaj spoke about the improvements that the Town has made such as the new street signs which should be carried on. However, some of the codes need to be updated such as 2022-03 temporary requirement for outdoor seating which should be permanent, and regarding overflow parking because in this Town there is no space for it. Another way to increase parking spaces is the size of each space.*

**Ali Dennington**  
**413 Surf Rd**

*Ali Dennington spoke about the budget having money for fluff items, but not spending money on items that are statutorily required. She plans to sue in federal court and name everyone individually except a couple of people for violations the of first and fifth amendments. There is a pattern practice in this Town of not complying with public records laws. There is a giant backlog of public records requests and you need to hire a Deputy Clerk to get caught up.*

**Michelle Renz**  
**614 Hibiscus Trail**

*Michelle Renz spoke about the confusion about where residents can and cannot park with the Town's parking sticker. Possibly change the display at Ocean Park to remove the Town logo and make it clear that everyone has to pay at Ocean Park.*

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

**Vice Mayor Joyce Barton made a motion to approve the Agenda; Commissioner Sherri Quarrie seconded; Motion carried 5-0.**

**Ali Dennington**  
**413 Surf Rd**

*Ali Dennington spoke about taking all of the contracts other than the pension one off of today's agenda because there are major problems in them.*

## **6. Consent Agenda**

A. Approval of Town Commission Workshop Meeting minutes for July 20, 2022

**Vice Mayor Joyce Barton moved to approve the Consent Agenda; Commissioner Marivi Walker seconded; Motion carried 5-0.**

**Ali Dennington**  
**413 Surf Rd**

*Ali Dennington spoke about Amber doing an amazing job on the minutes. The agendas could be a little better by adding more information. The minutes don't accurately reflect what happened and are one-sided, particularly Town Attorney Clifford Repperger. In the past, the minutes were not posted ahead of time, so there is no opportunity to comment on them. Strategic sections get left out of the minutes.*

Vice Mayor Joyce Barton spoke about minutes only needing to reflect decisions being made and can include some information on how the decision was made. If you need further details then you go to the recording.

## 7. Public Hearing

### A. Second reading of Ordinance 2022-02 Capital Threshold

Town Attorney Clifford Repperger, second reading adoption of Ordinance 2022-02 an ordinance of the Town of Melbourne Beach, Brevard County, Florida, relating to purchasing; making findings; amending section 15-10 capital outlay defined; amending section 15-22, town purchasing agent to increase the spending authority of the Town Manager to \$5,000.00; amending section 15-24, purchase orders; amending section 15-27, formal competitive bidding procedures; providing for severability; providing for repeal of conflicting ordinances and resolutions; providing an effective date; and providing an adoption schedule.

Town Attorney Clifford Repperger spoke about the only change since the first reading is section 15-27 on competitive bidding was added.

Mayor Wyatt Hoover spoke about this being done because of a suggestion from the Town's CPA and the Florida Government Finance Officers Association.

**Vice Mayor Joyce Barton made a motion to approve Ordinance 2022-02 second reading of the capital threshold; Commissioner Marivi Walker seconded; Motion carried 5-0.**

## 8. Old Business

### A. Discussion and approval of the Brewer Paving bid proposal for the Redwood and Cherry project

Town Manager Elizabeth Mascaro spoke about Brewer Paving being the only company that attended the pre-bid meeting and submitted a bid in the amount of \$424,295.00 with full completion in ninety days. This is the same company that did the project on Orange and this project would be very similar.

Mayor Wyatt Hoover spoke about the ribbon curbing being essential when there is any type of soil next to the road.

Further discussion ensued

Commissioner Sherri Quarrie spoke about the possibility of cutting the maintenance of traffic costs to save money like the project on Orange.

Public Works Director Tom Davis stated Orange was relatively simple with respect to intersections, however, this project has higher traffic and speed and is going to require digging the dip out.

Commissioner Corey Runte spoke about maintenance of traffic being required and without it, the Town is at risk for lawsuits.

**Vice Mayor Joyce Barton made a motion to accept the bid package from Brewer Paving for the Redwood and Cherry Project; Commissioner Sherri Quarrie seconded; Motion carried 5-0.**

B. Discussion on town sign replacement

Town Manager Elizabeth Mascaro spoke about getting a new quote from Fast Signs for non-dimensional signs. Next week is the SEA project workshop so we can get feedback then.

Further discussion ensued

Mayor Wyatt Hoover spoke about the background to the SEA project and the first workshop is on August 24, 2022 at 6:30pm in the Community Center.

***Ali Dennington  
413 Surf Rd***

*Ali Dennington spoke about the Commission wanting new microphones even though the current ones still work. The Commission wants new things that are not broken, but have a broken records management system for over twenty years. That is equivalent to everyone printing things and throwing them in a room. read Chapter 257. You are supposed to label everything in a specific way. Your system is broken, and you have a giant liability staring you in the face. Ali's very first records request is to inspect the historical records. Which was repeatedly denied because they needed to know what she wanted to inspect, so she had to do that.*

Further discussion ensued

**9. New Business**

A. Discussion and approval on tennis court resurface estimates

Public Works Director Tom Davis spoke about having concerns over the tennis courts due to two recent incidents where people fell. We were only able to get two proposals and they provide similar products. He proposes doing tennis courts as well as pickleball courts.

Further discussion ensued

Town Manager Elizabeth Mascaro spoke about this same thing being done in 2014 or 2015 and it has lasted this long. Doing this again will give us time to fund the full \$60,000 fix.

Commissioner Corey Runte spoke about good past experience with Sport Surfaces and since they have the lowest comparative bid to go with them and include the pickleball courts and windscreens.

Further discussion ensued

Mayor Wyatt Hoover summarized the discussion of going with Sport Surfaces with the pickleball courts, but not the windscreens for now.

**Commissioner Corey Runte made a motion to approve Sports Surfaces proposal in the amount of \$20,400.00 which includes the base contract amount of \$18,900.00 plus option 2 for the pickleball lines at \$750.00 multiplied by 2 for a total of \$20,400.00; Commissioner Marivi Walker seconded; Motion carried 5-0.**

- B. Discussion on having town emails for Town Attorney, Town Planner, and Town Engineer that would go through the Town server

Vice Mayor Joyce Barton spoke about this being put on the agenda for discussion at the request of a resident. Vice Mayor Joyce Barton reached out to other local municipalities and attorneys. It is not unusual for the Town Attorney to use the law firm's email address. However, bigger Cities might have an email address for the attorney, but they typically have a full-time in-house attorney. If the Town was the sole client it would be different, but since the Town is not it is not a valid request to expect them to do that.

Commissioner Corey Runte spoke about them being contractors not employees.

***Steve Walters  
416 Sixth Ave***

*Steve Walters spoke about the reason you have one person asking for hundreds or thousands of records is because we haven't kept track of them. He saw an email from the Town Attorney requesting hundreds of dollars at his rate for a public record. The Town Commission is not willing to compromise or mediate with anyone. The shed issue should have been settled two years ago.*

***Ali Dennington  
413 Surf Rd***

*Ali Dennington spoke about this not being a requirement, but there is an underlying assumption that there is good continuity and policies and procedures, and there is a system in place including how to label records. Chapter 257 of the State Statute says all records are public and they have a right to inspect them. The Commission says they are consultants, but they are agencies under the Town. If the Town is not going to get them emails at the bare minimum put it in his contract to label things a certain way so they can be searched and every couple of months he has to provide them to the Town.*

### **Item failed for lack of motion**

- C. Welcome Amber Brown as the new Town Clerk

Town Manager Elizabeth Mascaro spoke about the hiring of the new Town Clerk Amber Brown.

D. Appointment of Conflict Legal Counsel for Brevard Circuit Appeal Matter for the Town of Melbourne Beach 05-2022-AP-025737-XXXX-XX

Town Attorney Clifford Repperger spoke about the Town's appointed conflict counsel for a code enforcement case, Morris Richardson, who was recently appointed as the attorney for the Brevard County Board of County Commissioners has advised he can no longer represent the Town. Town Attorney Clifford Repperger contacted Elizabeth Harris who is a board-certified appellate attorney who is willing to serve in the capacity to handle the appeal.

**Steve Walters**  
**416 Sixth Rd**

*Steve Walters spoke about there being no end in sight for attorney fees. Where is the salary limit and what is the conflict.*

**Ali Dennington**  
**413 Surf Rd**

*Ali Dennington spoke about the second paragraph of this agenda item cover letter being false. Brad White of WhiteBird law firm represents Funoe on all property-related matters. She would like to strike the words "on other unrelated matters" as it is false. Compare the Harris contract to the Thomas contract. This contract doesn't even state who she represents. The Thomas contract has a page and a half on public records. She would like to know what the other item is that the Town Attorney would like to bring up on this agenda item.*

Further discussion ensued

**Commissioner Corey Runte made a motion to approve the appointment of Elizabeth Harris for item D under new business; Vice Mayor Joyce Barton seconded; Motion carried 5-0.**

Town Manager Elizabeth Mascaro spoke about an email she received from Funoe's attorney presenting a mediation document where Funoe is looking to mediate and there was a concern about the filing date where the appeal needed to be filed by September 5<sup>th</sup>. Since attorney Morris Richardson has left the Town and Town Attorney Clifford Repperger has a conflict the Town does not have an attorney to represent us, so the Town cannot agree to go to mediation. What can be done is allow Funoe and her attorney to get an extension on the filing and that would give the Town time to get the new attorney up to speed to represent the Town.

Further discussion ensued

**Ali Dennington**  
**413 Surf Rd**

*Ali Dennington spoke about agreeing to mediation has set timeframes. She waived the conflict for Town Attorney Clifford Repperger to allow him to answer the*

*current discussion. The forty-five days is the normal timeframe. It's standard to allow extensions when someone loses their attorney.*

Town Attorney Clifford Repperger spoke about there being two issues. The first being the motion for mediation and the other being the filing of the brief. The motion for mediation can wait for the new attorney, but he would recommend giving them the extension to provide their response. He recommends authorizing the Town Manager Elizabeth Mascaro to contact Funoe's counsel to tell her that the Town will stipulate an extension of time to file the initial brief until such time as the motion to mediation is resolved plus thirty days after.

Further discussion ensued

**Commissioner Corey Runte made a motion to extend the period of time for filing the initial brief until the motion to mediate has been disposed of plus thirty days; Vice Mayor Joyce Barton seconded; Motion carried 5-0.**

***Steve Walters  
416 Sixth Ave***

*Steve Walters spoke about it being his understanding that we are going to mediation on this shed deal. Is that going to be voted on tonight.*

Mayor Wyatt Hoover spoke about going to mediation is undetermined at this time and that there is no vote on it tonight.

- E. Discussion and approval of appointment for Glenn E. Thomas, Esq. of Lewis, Longman, & Walker, P.A for pension plan interpretations

Town Attorney Clifford Repperger spoke about an officer intending to retire and there being various interpretations of the pension plan. Town Attorney Clifford Repperger does not have the experience in that area to make the interpretations, and the labor attorney Lewis Wilson does not feel comfortable making those interpretations. The attorney who submitted this proposal dedicates almost all of his law firm to pension interpretation matters. This would be a short-term assignment to allow Town Manager Elizabeth Mascaro to consult with that attorney to determine pension benefits upon retirement.

Town Manager Elizabeth Mascaro spoke about this taking about three to five hours.

***Steve Walters  
416 Sixth Ave***

*Steve Walters spoke about being part of the pension for thirty-five years and the pension having its own attorney and an actuarial that makes the parameters of the benefits. Why does another attorney need to be hired.*

Town Manager Elizabeth Mascaro spoke about reaching out to the actuarial and they were not willing to answer the questions.



**Ali Dennington**  
**413 Surf Rd**

*Ali Dennington spoke about this being a good detailed contract. She asked who is retiring.*

**Commissioner Corey Runte made a motion to approve the appointment of Glenn Thomas of Lewis, Longman, & Walker for the pension plan interpretations with the hourly limit of four hours not to exceed; Commissioner Marivi Walker seconded; Motion carried 5-0.**

F. Consider Town Manager Employment Agreement Terms

Mayor Wyatt Hoover stated he does not feel they are adequately prepared for this discussion. There is other information he would like to have moving forward. There is the issue of the deadline of the contract expiring prior to the next meeting the Commission could have a special meeting or extend the contract by a week to put it on the next regular meeting.

Further discussion ensued

**Vice Mayor Joyce Barton moved to extend the Town Manager's employment contract for one additional week in order to discuss the agenda item at the next Regular Town Commission Meeting; Commissioner Marivi Walker seconded; Motion carried 5-0.**

**Ali Dennington**  
**413 Surf Rd**

*Ali Dennington spoke about having a workshop is a good idea because the public has some opinions. There's a lot of stuff that has happened and that would allow people to feel like they were heard. She does a good job in a lot of ways, but there is a small percentage of things she has not done well but those things are fixable.*

**Steve Walters**  
**416 Sixth Ave**

*Steve Walters spoke about is the extension going to lead into a special meeting at 5 pm on a Friday when no one else can attend. She has made dozens of mistakes.*

Mayor Wyatt Hoover spoke about the extension is to allow this agenda item to be put on the next Regular Town Commission Meeting, not on a Workshop or Special Meeting.

G. Discussion and approval of new sound system in the Community Center

Town Clerk Amber Brown spoke about the different quotes presented which include a high, medium, and low end for the microphones, and two different soundboards.

Recommends purchasing the low-end microphones and the Behringer soundboard. Which would allow the whole system to be wireless, have an internal recorder, and a microphone per person.

***Ali Dennington***  
***413 Surf Rd***

*Ali Dennington spoke about not being opposed to new microphones but is nervous about the wireless with batteries. Keep the old system as well in case something happens to the new system. Spend money on the television and recording system, not on signs. Check chapter 257 because this equipment will create a public record and that chapter has rules that the equipment needs to comply with.*

***Steve Walters***  
***416 Sixth Ave***

*Steve Walters spoke about this being a long-time request and recommends wireless lapel microphones. That way you don't need to worry about speaking directly into the microphone.*

Mayor Wyatt Hoover spoke about keeping the old system for a few meetings while we get used to the new system, test how long the microphones last, and verify the equipment complies with chapter 257.

**Commissioner Corey Runte made a motion to approve the purchasing of the Voco Pro UHF wireless microphone system in combination with the Behringer X32 compact digital mixer for an upgraded speaker and sound system as presented by Town Clerk subject it complies to public records laws; Vice Mayor Joyce Barton seconded; Motion carried 5-0.**

H. Discussion and approval to add an additional yoga class

Town Manager Elizabeth Mascaro spoke about Parks Board asking if the Commission would agree to an additional yoga class. The current class is very popular so they would like an additional night.

Further discussion ensued

***Lisa Kishegyi***  
***221 Surf Rd***

*Lisa Kishegyi is on the Parks Board and was approached by the yoga instructor about adding an additional class because each class is quite large and about doing a different level of class. Would love to have more advertisement for the classes.*

**Commissioner Corey Runte made a motion to approve the additional yoga class on Thursdays as presented by the Parks Board; Commissioner Marivi Walker seconded; Motion carried 5-0.**

## 10. Staff Reports

### A. Town Attorney Report

Town Attorney Clifford Repperger spoke about a topic that was brought up in tonight's meeting being the election qualifying. The issue of vacancies is under 2.04 of the Charter. Previously he has had vacancies be treated separately from the terms that were naturally expiring, so there would be two groupings. The current situation is not covered in the Town Charter, so it is open to interpretation. He recommends there being two races, one for naturally expiring terms and the other for the term with two years remaining.

Mayor Wyatt Hoover spoke about it making sense to separate the races, but also reach out to the Division of Elections

Town Clerk Amber Brown read part of the Notice that was published in Florida Today and posted on the Town's bulletin boards which states "candidates will select whether they are running for a full term or the balance of the previously vacated term at the time of qualifying."

Further discussion ensued

Town Attorney Clifford Repperger spoke about there being nothing in the Charter that says you cannot group the terms in separate elections. The only place in the Town Charter it deals with the staggering of votes is with regards to vacancies during a special election.

Mayor Wyatt Hoover called a 5 minutes recess

Town Clerk Amber Brown conducted roll call

#### **Commission Members Present**

Mayor Wyatt Hoover  
Vice Mayor Joyce Barton  
Commissioner Sherri Quarrie  
Commissioner Corey Runte  
Commissioner Marivi Walker

#### **Commission Members Absent**

None

#### **Staff Members Present**

Town Manager Elizabeth Mascaro  
Town Attorney Clifford Repperger  
Finance Manager Jennifer Kerr  
Building Official Robert Bitgood  
Fire Chief Gavin Brown  
Police Chief Melanie Griswold  
Public Works Director Tom Davis  
Town Clerk Amber Brown

***Ali Dennington  
413 Surf Rd***

*Ali Dennington spoke about fairness and transparency. There was mention of the possibility of some ambiguity in the Charter. Have the Town Attorney write up a memo to provide the history of similar situations. Then at least this would be fair.*

**Steve Walters**  
**416 Sixth Ave**

*Steve Walters spoke about the past precedence going back thirty years. Whoever gets the most votes gets the longest term. This Town Attorney comes along and makes his opinion and now Steve Walters cannot run against all three of the candidates. He has to choose which term to run for. He objects to it and needs to know if he will not get qualified.*

*Further discussion ensued*

**B. Town Manager Report**

Town Manager Elizabeth Mascaro spoke about not getting the grant, but the artists still being interested in doing something. She spoke with Debbie Mayfield's office regarding the Town's process for vacation rentals.

Further discussion ensued

**C. Town Clerk Report**

No Report

**D. Departmental Reports**

**1. Building Department**

Building Official Robert Bitgood spoke about a significant amount of stop-work orders being issued to places that are being renovated for vacation rentals.

**2. Public Works Department**

Public Works Director Tom Davis spoke about the newly installed lights in Ryckman Park, Bicentennial Park is ongoing, regarding the soil enrichment Nano K products he got really positive feedback from Dr. King at UF and Leesa Souto at MRC who is going to recommend the products. The City of Melbourne asked to install a solar monitor for water in Triangle Park, and he asked for a water outlet.

**3. Code Enforcement**

Town Attorney Clifford Repperger spoke about having two new cases going in front of the Special Magistrate in September.

**4. Police Department**

Police Chief Melanie Griswold spoke about the new School Resource Officer completing his training. Four residents have signed up for the low-speed vehicle ordinance. Hired a new officer named Madison.

5. Fire Department

Fire Chief Gavin Brown spoke about a couple of multi-agency trainings on extrication equipment the department got with a grant, an active shooter training with police and fire, and a house that was donated by a resident for the department to train in. Taught a group of Boy Scouts for a merit badge, the Volunteer Firefighters Association held its 4<sup>th</sup> of July celebration,

6. Finance Department

Finance Manager Jennifer Kerr spoke about the finance memo having a typo in the second sentence it should say July instead of June. The Town held a couple of in-house trainings for the Town employees.

**Vice Mayor Joyce Barton moved to approve the Finance Report as presented; Commissioner Sherri Quarrie seconded; Motion carried 5-0.**

11. Town Commission Comments

A. Review of Commission Action Item List

**Updated**

- **List and Evaluate Sections of the Road:** Public Works Director Tom Davis spoke about conducting the evaluation and the specific location that was brought up is an excellent patch job - September

Further discussion ensued

**NEW ACTION ITEM** – Contact the City of Melbourne and Brevard County regarding the coordination of utility projects within Town limits - September

- **Permanent Tree Lighting:** Sign survey for the north side of the road and intersection at Pine - September
- **Multi-generational:** The proposed language needs to go to Planning and Zoning Board then will come back to the Commission - October
- **Charging Stations:** Town Manager Elizabeth Mascaro is having a very hard time getting companies to come out – October
- **Grant Funding:** Town Manager Elizabeth Mascaro spoke about the Town not being eligible for several grants, or not being able to meet the deadlines in time because there are no projects planned.

**NEW ACTION ITEM** – Sixth Ave boat ramp improvements – what is the parking issue that prevents the Town from getting grant money - September

**Closed**

- **Community Center Audio:** Approved which products to purchase - Closed

B. General Comments

Vice Mayor Joyce Barton spoke about attending the Florida League of Cities annual conference and would encourage other commissioners to attend.

**12. Adjournment**

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

Meeting adjourned at 9:52 p.m.

ATTEST:



Wyatt Hoover, Mayor



Amber Brown, Town Clerk

