

Town of Melbourne Beach
REGULAR TOWN COMMISSION MEETING
March 15, 2022 at 6:00 p.m.
COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Commission Members:

Mayor Wyatt Hoover
Vice Mayor Joyce D. Barton
Commissioner Sherrie Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker

Staff Members:

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

1. Call to Order

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

2. Roll Call

Substituting for the Town Clerk Amber Brown conducted the roll call

Commission Members Present

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

Commissioner Members Absent

None

Staff Members Present

Town Manager Elizabeth Mascaro
Substituting for the Town Clerk Amber Brown
Town Attorney Clifford Repperger
Fire Chief Gavin Brown
Building Official Robert Bitgood
Public Works Director Tom Davis

3. Pledge of Allegiance

Mayor 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.

None

5. Approval of the Agenda

Mayor Hoover suggested two changes to the consent agenda. First change is to item B Appointment of Crystal Cain applying to the Environmental Advisory Board not the Parks Board. The second change is to item B Appointment of Robert Baldwin who has declined to be an alternate on the Board of Adjustment.

Commissioner Quarrie moved to approve the Agenda with the changes noted; Commission Walker seconded; Motion carried 5-0.

6. Consent Agenda

A. Approval of February 16, 2022 RTCM Draft Minutes

Commissioner Quarrie advised she has not been receiving the draft minutes in advance for the last two meetings.

Town Manager Mascaro advised she will make sure everyone is getting them.

B. Reappointment and Appointments

- Reappointment of David Campbell and April Evans as Members of the Planning & Zoning Board for a term of two years, ending March 16, 2024
- Reappointment of Robert Schaefer and Xochitl Ross as Members to the Board of Adjustment for a term of two years, ending March 16, 2024
- Appointment of Lisa Kishegyi as Member of the Parks Board for a term of two years ending March 16, 2024
- Appointment of Dan Harper and Gabor Kishegyi as Alternates to the Planning and Zoning Board
- Appointment of Robert Baldwin as Alternate to the Board of Adjustment – Robert Baldwin declined the position
- Appointment of Crystal Cain as Alternate to the ~~Parks Board~~ – Environmental Advisory Board
- Appointment as Member of Heidi Brewer to MB Library Board

C. Site Plan Approval for 322 4th Avenue

D. Site Plan Approval for 504 Riverside Drive

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

7. Old Business

A. Consideration of Resolution 2022-03 to extend canvas coverings on outside dining through 12/31/2022

Town Manager Mascaro advised after a meeting with the Town Attorney and Town Planner they came up with Resolution 2022-03 which is an amendment to Resolution 2021-02. Resolution 2021-02 authorizes outdoor seating as a temporary use at businesses. The new resolution allows for temporary covering over seating areas and outdoor commerce areas. This would include the temporary installation of canvas and/or sail cloth coverings. They would need to be permitted which would cost \$75.00. This is a temporary solution, and we will need more time to consider any parking issues.

Vice Mayor Barton asked for clarification on how they will be installed

Building Official Bitgood advised typically they are installed on a four by four post with some type of quick release attachment.

Vice Mayor Barton moved to approve Resolution 2022-03 Amending Resolution 2021-02; Commissioner Walker seconded; Motion carried 5-0.

B. Review and consider the proposed construction plan for the American Rescue Plan Funds

Town Manager Mascaro advised she and Tom Davis met with Scott and Ana the engineers from BSE to see what areas would provide the most benefit and biggest impact for the money. After deliberations it was decided taking First through Fir and Oak to the Ocean and install swales like what was done on Orange would be the most effective. There were other areas that were discussed and will also need to be addressed. This is step one with deciding what to do with these funds.

Commissioner Quarrie asked about addressing the issues on Cherry.

Town Manager Mascaro advised Scott is aware of the failure on Cherry and that it is the first priority which will cost about \$350,000.

Commissioner Quarrie asked about the flowing water in the area of Ash.

Public Works Director Tom Davis advised the flowing water was tested and it is not treated water, so it might be from a spring.

Corey Runte asked if we move forward with this would it be possible to combine jobs when using federal funds since they have very strict criteria.

Town Manager Mascaro advised this is under new business with James Moore, but she explained that the accountants came up with a program to manage all of it for the Town. This would allow the accountants to do all of the reports and track all of the funds.

Commissioner Quarrie asked if there will be a schedule laid out based on which projects will need to be done first to maximize the funds.

Town Manager Mascaro advised there will be a plan presented, possibly in a couple of months, that will systematically lay everything out by priority and will reflect the least amount of movement, with the most amount of construction, completed in the least amount of time. The other issue is going out for RFP. We are required to get 3 bids, but we do not want to just go with the lowest bid. We have had tremendous success with Brewer on other jobs. There is a certain element with Brewer already knowing how to do business in our Town.

Commissioner Runte advised we do not need to go with the lowest bid. He also advised to keep in mind that the cost of construction continues to go up.

Commissioner Quarrie asked if we should be concerned with the 1.6 million drying up if this takes too long.

Town Manager Mascaro advised we have over \$800,000 right now, and we will receive our second funding after the first of the year.

Commissioner Runte advised it could take three to five months to draw up the plan, then a month for RFP, and with more funding anticipated coming in 2023 we can definitely start with the funds we currently have.

Town Manager Mascaro advised that we also have funds in reserve if we do not want to hold up the project, knowing that those funds will be coming in. She asked with hurricane season coming up if we should start north to south or south to north.

Commissioner Runte advised with the Cherry issue and Harbour East doing dredging of the canals it would make sense to piggy back on that first.

Mayor Hoover advised that he has driven Orange while it has been heavily raining, and from Sixth south gets really flooded. Would it make more sense to go from Orange to Pine on First, Second, and Third which would be a longer stretch and intercept that rain before it goes further south. He also asked about intercepting water from Shannon, Banyan, Hibiscus, Citrus, Mango, and Jasmine before it can get to Andrews. He asked about the possibility of using additional funds through grants.

Town Manager Mascaro advised that we can use grant funds as well. We would have to bring someone in to look for those funds. Originally we were not eligible for grant money. A concern would be if we do not get the grant funds and diluting the funds. The Orange project took \$700,000, and we are currently talking about doing a whole section which will take every bit of the 1.6 million. If we don't want to do this whole section and split the funds, we will have to make a new plan.

Mayor Hoover advised the Andrews project would be phase B or later and it should not be optional to look for grant money. We have no idea what grant funds are out there because we have not done any research.

Town Manager Mascaro advised the reality is we have 1.6 million and how do we want to spend it.

Public Works Director Tom Davis asked if the grant funds would be a caveat or precursor to moving forward with the project.

Mayor Hoover advised no it would not be, and it should not hold up the project. He advised the whole process to plan and go out for RFP can be done at the same time as we research grants.

Commissioner Runte proposed creating an action item to look into options for grant funding.

Commissioner Quarrie advised we need to focus on Basin 10 as that seems to be the major issue and get that started. Then look into grant funds for the other basins. The project should not be held up.

New Action Item: Research grant funding for storm water projects.

**Neal Tompkins
2004 Neptune Drive**

Neal Tompkins advised Harbour East is planning to aerate after the dredging is done. Since basin 10 empties into one canal in Harbour East he would like a more detailed report and put this issue front and center. One thing you don't see with these reports is what the muck looks like until you pull it out. He would be happy to sit down with the engineers to go over non-conventional ways to address this. Baffle boxes capture the big stuff, but do not capture the muck and top soil run off.

Further discussion ensued

Commissioner Quarrie asked if the map is old or new.

Public Works Director Tom Davis advised they might have used an old overlay and then modified it. He advised the County has small baffle boxes in Harbour East that they maintain.

Commissioner Runte advised we should look into different baffle box designs and swales along Oak while we are already doing projects in the area.

Mayor Hoover recommended to continue working with BSE as planned starting south to north and add diversion tactics along Oak, and possibly altering the plan along First-Fourth.

Vice Mayor Barton moved to continue working with BSE as planned with the intent of starting south and moving north, add to the investigation diversionary tactics along Oak Street, and consider altering the plan along First, Second, Third, and Fourth to move the swales from the eastern most part of those streets to the section between Oak and Pine; Commissioner Runte seconded; Motion carried 5-0.

8. New Business

A. Discuss drafting a Low-Speed Vehicle Ordinance for the Town

Town Manager Mascaro advised Chief Griswold is in favor of this ordinance with some concerns. She stated possibly increase the fees slightly, and to not include the inspection with Indialantic. She advised one requirement would be having fully licensed drivers which would not include learners permits.

Mayor Hoover asked about an interlocal agreement where Indialantic recognizes our pass and we recognize there pass.

Town Manager Mascaro said yes that can be done.

Commissioner Runte asked about if current street legal vehicles will have to participate.

Town Manager Mascaro advised they would not. This would only be for the vehicles that are not currently street legal.

Commissioner Quarrie asked if non street legal vehicles can get insurance since that is a requirement.

Commissioner Runte advised you can insure anything. He advised that before his was street legal, he did have full insurance on it.

Mayor Hoover brought up the issues of electric vehicles on sidewalks, specifically golf carts.

Commissioner Runte advised golf carts definitely should not be on the side walk, but electric bikes, electric scooters, or one wheels should not be on the road, so where would they go.

Commissioner Quarrie brought up children riding in golf carts not in car seats.

Town Manager Mascaro advised they can get a ticket for that.

Commissioner Walker is in favor of increasing the penalty fees starting at \$100.00 then \$150.00 then \$200.00, and also making sure they are educated during the inspection.

Town Manager Mascaro advised one thing the Chief wanted to bring up is that we would have to make it very clear to the parents, if a juvenile that does not have a license is caught driving, it could be a criminal citation for the parents.

Further discussion ensued on keeping the inspection fees the same.

Commissioner Runte moved to proceed with drafting the low speed vehicle ordinance as presented with the changes of increasing each enforcement fine by \$50.00; Commissioner Walker seconded; Motion carried 5-0

- B. Review and consider the approval of James Moore's ARPA Reporting and Compliance Consulting Engagement Letter

Town Manager Mascaro advised this is the agreement to take care of the reporting and other requirements regarding The American Rescue Plan Act. The cost would be \$6,900 broken out into five draws over the course of our expenditures.

Commissioner Runte moved to approve the James Moore's ARPA Reporting and Compliance Consulting Engagement Letter as presented; Commissioner Walker seconded; Motion carried 5-0.

C. Consideration of approving a full-time Finance Clerk position

Town Manager Mascaro advised that there have been several times in the past where the Town has had a Finance Clerk Position. The Town now has a full time Building Official, and the building department is still ramping up with big remodels and tear downs. The current Building Admin, who has always been the back up for the Finance Manager, does a fair amount of work for the finance department. In an audit situation you have to have a separation of duties, so the Building Admin acts in that capacity. She only works part time, and should really be focused on the building department. This new position would take on the finance related duties that the Building Admin is currently doing and more in order to support the Finance Manager. The person we had was very capable, however, she was no longer able to work outside of the home. This position has been vacant since October, so the funds that are in the budget right now would cover the cost for a full time position for the rest of this fiscal year.

Further discussion ensued

Mayor Hoover clarified that a part time position was already approved, but has been vacant, so those funds would cover turning it into a full-time position.

Commissioner Quarrie moved to approve replacing the part-time position with a full-time Finance Clerk; Commissioner Walker seconded; Motion carried 5-0.

D. Consideration of Service Agreement with Point & Pay

Town Manager Mascaro advised there are two companies that are integrated with BS&A that offer online payment processing. The Finance Manager compared the companies regarding the fees and contacted other municipalities. After researching the Finance Manager recommended Point & Pay. The only thing that she brought up was that the agreement is for a three year term. Town Attorney Repperger advised me we could see if they will do a one year term.

Town Attorney Repperger advised this is a standard agreement from the company. He pointed out that section seven provides for exclusivity, and the term under section eight is for three years, so there is very limited ability to get out of this agreement once it has been signed. Since this is their standard agreement he does not know how open the vendor is to modifying it, but you can certainly ask.

Further discussion ensued

Town Manager Mascaro advised any convenience fees will be passed onto the individual.

Commissioner Quarrie asked why wouldn't we want the three year term because then we can lock in the current fees. She stated she is in favor of keeping the contract the way that it reads since we have references and they are better financially speaking.

Commissioner Quarrie moved to accept the service agreement with Point & Pay as presented; Commissioner Walker seconded; Motion carried 5-0.

- E. Discuss proposal to investigate the possibility of an Interlocal Public Safety Training Center in Indian Harbour Beach

Chief Brown presented the Commission with a proposed opportunity to look into an Interlocal Public Safety Training Facility in Indian Harbour Beach. He explained that larger agencies typically have their own public safety training facilities, however, smaller agencies have less opportunities to train at a facility due to the cost and location. The Indian Ocean, Indian Harbour Beach, Satellite Beach, and Melbourne Beach Town Manager's, Police Chief's and Fire Chief's got together to look at the opportunity to have a combined training facility that could go on land that the Town of Indian Harbour Beach owns. Chief Brown advised there is a good possibility of getting grant and or legislative dollars for the estimated construction cost of one to one point five million dollars, which would just leave any reoccurring maintenance costs. Lakeland just built a much larger training facility and it was three million dollars. The concept has already been presented to the Satellite Beach Commission, who is in favor of it, and the City of Indian Harbour Beach is open to the idea. Chief Brown is asking if the Commission would back the idea in concept and allow them to proceed with investigating the funding of this, and allow the Town Manager to write a letter on behalf of the Town to the City of Indian Harbour Beach expressing our interest in the possibility of this so they can consider reserving the land for this project. Chief Brown explained live fire training is a requirement and right now the department has to go mainland which takes our personnel and fire apparatus far away. We have a good relationship with Eastern Florida State College, however, the costs are continuing to go up and right now it costs over two thousand dollars for fifteen firefighters to go to the training facility, whereas, if we had our own facility it would cost around one hundred and we could have as many firefighters participate as we wanted. This would be a big upfront cost, but a potential cost savings down the road.

Further discussion ensued

Vice Mayor Barton moved to move forward with investigating the possibility of an Interlocal Public Safety Training Center in conjunction with Indian Harbour Beach; Commissioner Runte seconded; Motion carried 5-0.

- F. Review and consideration of estimates to replace Community Center roof

Public Works Director Tom Davis advised he received 5 proposals. The 2 lowest bids were even money. He is looking into why there is an eight to ten thousand dollar difference between some of the bids for the same materials and everything. He checked better business bureau and is currently looking at references. He is looking at the two lowest companies. Renew Pro has been the most responsive, so he would recommend them.

Further discussion ensued

Mayor Hoover asked for clarification on the type of seam.

Public Works Director Tom Davis advised it would be Five V crimp and it would look similar to what we currently have in order to stay with what Town Hall has.

Commissioner Runte advised you do not want exposed fasteners. Sun Coast is the only company with the standing seam.

Mayor Hoover advised he would prefer to upgrade to the standing seam.

Building Official Bitgood advised all of the five V crimp style roofs contain exposed fasteners, which will then possibly have different types of metals, so they may rust out and need to be replaced. He advised to definitely go with a standing seam.

Commissioner Runte suggested approving a not to exceed amount to match Sun Coast's estimate of \$46,295, and allow the other three companies to amend their bid to standing seam aluminum, and then award it to whoever has the lowest bid and is most qualified.

Commission Runte moved to approve a not to exceed amount of \$46,295.00 for the replacement of the Community Center roof with standing seam aluminum, and allow the three bidders to revise their proposals accordingly, and the lowest, most responsive, and best qualified bidder is selected by the Public Works Director; Vice Mayor Barton seconded; Motion carried 5-0.

9. Staff Reports

A. Town Attorney Report

No Report

Town Attorney Repperger advised regarding Resolution 2022-03 set backs, more permanent fixtures could cause an issue with parking. More details would need to be addressed when moving forward. This resolution is a good stop gap while the ordinance is still being worked on.

B. Town Manager Report

Town Attorney Repperger advised the Town has a 25 year lease with the County that expires in 2026 for the land and the building of Old Town Hall. The building

at one point was in Ryckman Park, then it was floated down the river to put it where it currently is, and at some point it was given to the County. Right before the lease agreement, the County advised they were going to demolish the building, so the Town went to the County with a proposal and asked them not to demolish it because they would like to restore it as a historic center.

Town Manager Mascaro proposed potential options such as having a longer lease, taking back possession of the building, or moving it. She advised that if it was moved, the best place would probably be against the wall in Ryckman Park. She stated the Town currently does all of the maintenance on the building.

Commissioner Runte asked about getting a ball park figure of the cost to move the building 1 mile.

**Crystal Cain
309 Surf Rd**

Crystal Cain asked what is wrong with the current agreement. She stated she has had to deal with the County regarding that building multiple times and has not had any issues. She stated they bring in quite a bit of money from donations and rentals. Crystal Cain does not think the County would even care about the building.

Mayor Hoover and Town Manager Mascaro advised these are just options since the lease is coming up, in case the County does not want to renew the lease.

Mayor Hoover advised he would be interested in at least acquiring the building.

C. Town Clerk Report

No Report

D. Departmental Reports

1. Building Department

Building Official Robert Bitgood advised he is making good progress on everything and working with tree mediation, and switching to online for some things.

Commissioner Runte advised he has received good feedback about the Building Official and how good it is to have a building official five days a week.

Commissioner Quarrie advised the blue house on the corner of Citrus and Andrews, looks like they are installing a handicap access around the house, has a giant pile of dirt in the road.

Building Official Robert Bitgood advised he has recently noticed that happening more often and he has been speaking with contractors to address it. He advised he will look into it tomorrow.

2. Public Works Department

Public Works Director Tom Davis advised the new building in the back lot has been put in and is finished. The new kiosk for Ryckman Park came in with a broken screen, so we are waiting for them to come out and fix that. Everyone is loving the new swings that are put in the parks. Ryckman Park bathrooms are closed for at least this week for maintenance. Ocean Park has new showers. He stated Crystal Cain got people to adopt the planters in the Ocean Park.

Commissioner Runte really appreciates whoever is doing the mulch to the trees on Oak, but recommended if they are open to using a natural colored mulch.

Mayor Hoover asked about some of the oak trees having flowers and others do not.

Public Works Director Tom Davis advised he has no idea where the flowers came from. He also advised the fire department waters the trees, and Scott has put down compost.

Sherrie Quarrie recommended having our website allow people to post selfies to show off our Town.

3. Code Enforcement

No additions to the report.

4. Police Department

No additions to the report.

5. Fire Department

No additions to the report.

6. Finance Department

Commissioner Quarrie asked if they can get a running total for parking revenue instead of just the month.

Town Manager Mascaro said yes.

Commissioner Runte moved to approve the Finance Report as presented; Commissioner Walker seconded; Motion carried 5-0.

10. Town Commission Comments

A. General Comments

Vice Mayor Barton attended a recent Space Coast League of City's meeting and they discussed attendance; she would like to extend an invite to the other Commissioners to attend in the future. They have good speakers and she would like to see a higher attendance from our Town. Vice Mayor Barton went over the legislative updates. The bill on reporting regulation for council members died. The bill about municipalities making an ordinance change and then businesses having the ability to sue was modified. It was modified so that it would not be egregious and there would not be frivolous suits, so the ordinance would have to have some impact on the business. The smoking bill passed where you cannot smoke in public except for cigars. It is unsure if the bill is a state statute, or if it just allows municipalities to prohibit smoking. The last bill she did not catch the details, but it was something about the protection of trees.

Town Manager Mascaro advised in May the Town will be hosting the Space Coast League of City's meeting along with Indialantic. It will be on May 9th at the Hilton beachside.

Town Attorney Repperger advised he located the new smoking bill which is Committee Substitute for House Bill 105. This amends what was the Florida Clean Indoor Act. It states County's and Municipalities may further restrict smoking within the boundaries of any public beaches, and public parks that they own except that they may not further restrict the smoking of unfiltered cigars.

Commission Runte invites everyone to join him to sky dive with the group that lands at Sands on the Beach on Founder's Day.

B. Review of Commission Action List

Updated Items

- Research permanent tree lighting (up lighting) along Ocean Ave, nicer street signs & new trash cans
 - Trash cans are installed
 - Experimenting with street solar lights at Ocean Park - Public Works Director Tom Davis asked for another month
- Audio equipment - next month
- S.E.A Project – Town Manager Mascaro received an email from a board member wanting to set up a tent for Founder's Day to provide information - next month
- Multi-generational in terms of building code – next month
- Add new action item – research grant opportunities to help alleviate the cost of the proposed construction plan for the American Rescue Plan Funds

Closed Items

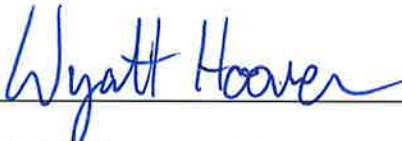
- Research golf car/low-speed vehicle certification process and the idea of a beachside "g-pass" - completed

11. Adjournment

**Commissioner Quarrie moved to adjourn; Commissioner Walker seconded;
Motion carried 5-0.**

Meeting adjourned at 8:48 p.m.

ATTEST:

A handwritten signature in blue ink, reading "Wyatt Hoover", written over a horizontal line.

Wyatt Hoover, Mayor

A handwritten signature in blue ink, reading "Amber Brown", followed by the date "5/18/22", written over a horizontal line.

**Amber Brown, Substituting for
the Town Clerk**