

Town of Melbourne Beach
REGULAR TOWN COMMISSION MEETING
MAY 18, 2022 at 6:00 p.m.
COMMUNITY CENTER – 509 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
Public Works Director Tom Davis
Interim Town Clerk Amber Brown

1. Call to Order

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

2. Roll Call

Interim 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
Public Works Director Tom Davis
Interim Town Clerk Amber Brown

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.

Jude Wilson
526 Sunset

Jude Wilson stated she was here for two reasons. She wanted to congratulate the Firefighters that are graduating this evening. She stated her husband started the class with them but had to postpone it due to health reasons. The second reason is to provide the Commission with pictures from Sunset Blvd after the last rain. The first picture is the view from her garage looking across the street. She stated it shows the cut is overflowing because the median is filled with plants and other materials. The second picture is of a drain showing it is full. She requested the project that has already started at Riverside be continued to remove the curb and stuff in the median all the way to Pine Street, so this will no longer be a problem

Ali Dennington
413 Surf Rd

Ali Dennington asked where she can find the backup documentation for the audit.

Mayor Wyatt Hoover stated the Town staff can provide that to her.

Ali Dennington stated she has requested whatever information was sent to the auditor.

5. Approval of the Agenda

Commissioner Corey Runte moved to approve the Agenda; Commissioner Marivi Walker seconded; Motion carried 5-0.

6. Presentation

A. Fiscal Year 2021 Financial Audit presented by James Moore

Zach Chalifour partner of James Moore reviewed the Town Audit and explained there are four reports that they issue that summarize the results of the audit. The first report is an unmodified independent auditors' report on the financial statements. The second report is on internal control and compliance. Zach stated there were two comments that were classified as significant deficiencies. He explained the difference between significant deficiencies which are second-tier comments/recommendations, and the most significant deficiencies are material weaknesses which there were none. The first comment was related to any adjustments required to correct account balances due to cutoff issues. The second comment is related to the timeliness of bank reconciliations. It is recommended that bank reconciliations be done within thirty days after the end of the month and some months were a little longer than that. The third report goes over prior audit findings and the follow-up. The last report is looking at the Town's compliance with state statutes regarding investment activity and policies, and they found the Town to be in compliance with that. Zach reviewed some of the financial statements.

Further discussion ensued

B. Presentation from Drown Zero International presented by Melbourne Beach Rotary Club and Cocoa Beach Rotary Club

Alan Ross from the Melbourne Beach Rotary Club and Marcin Kubiack from the Cocoa Beach Rotary Club presented Drown Zero International. The Rotary Clubs would like the Town to consider allowing Rotary to fund, install, and maintain Drown Zero life rescue stations at all eleven public beach accesses within the Town. Drown Zero Stations are a physical structure to assist with life-saving efforts.

Further discussion ensued

Paula Panton
809 Riverside Rd

Paula Panton stated she owns a water safety products company that supplies lifeguard equipment all over the world. She stated no one should ever try to rescue someone without some type of device. She explained the life ring is the

most recognizable piece of rescue equipment that the general public recognizes and each one can assist three maybe four people to hang onto. Paula stated this is a great idea.

Steve Stewart
305 Fourth Ave

Steve Stewart asked if the life rings would be out there twenty-four seven.

Marcin Kubiack stated yes, the entire station would always be there. The life ring would always be there unless it was used or stolen which at that point it would be replaced.

Jason Hanson
241 Woody Circle

Jason Hanson asked if there was a reason there isn't a line on the life ring to encourage people to throw it rather than going into the water.

Wyatt Werneth, who is working with both Rotary Clubs, stated entanglement issues become a big problem.

Dan Brunger
400 Sixth Ave

Dan Brunger stated this is a good idea, and by not putting things on the life ring it will make it less likely to be a collector's item. He stated about fifteen years ago he went into the ocean to assist someone who was drowning and he didn't have any device to assist him, so he is all for this.

Commissioner Corey Runte moved to approve the Rotary Club of Melbourne Beach and Cocoa Beach to fund, install, and maintain the Drown Zero Life Rescue Stations at all public beach accesses in the Town of Melbourne Beach for a total of eleven at no expense to the Town; Commissioner Marivi Walker seconded; Motion carried 5-0.

- C. Presentation of Donation from the Melbourne Beach Volunteer Firefighters Association.

Fire Chief Gavin Brown stated the Volunteer Firefighters Association is a not-for-profit 501 (c) 3 group that is not part of the fire department, but they fundraise to help fund some fire department needs with recruitment and retainment for the volunteers. He stated they held a pancake breakfast on Easter, and they would like to donate the proceeds to the fire department donation fund. Chief Brown explained the Association is made up of a Board who are volunteers with the fire department. Vice President Travis Wood presented Chief Brown with the check.

- D. Promotional ceremony of new State Certified Volunteer Firefighters presented by Fire Chief Gavin Brown – Reception to follow

Fire Chief Gavin Brown recognized and swore in the new State Certified Volunteer Firefighters: Tom Kloiber, Mike Dean, Sam Cox, and Jason Hanson. He stated out of the ten students that started the class only five (four from Melbourne Beach) were able to complete all the necessary requirements including the minimum one hundred ninety-one hours of classroom training.

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
Public Works Director Tom Davis
Interim Town Clerk Amber Brown

7. Consent Agenda

- A. Site Plan Approval for 405 River View Ln
- B. Site Plan Approval for 1508 Pine St

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

8. Old Business

- A. Consider the purchase and installation of 7 new street poles for Ocean Avenue, Ryckman Park Block.

Public Works Director Tom Davis stated several companies, except for the two companies he provided, only provide poles and not the accompaniments to the poles. Both companies have identical products, but the company out of Texas has the lowest price. Additional accompaniments can be added at a later date. These would allow seasonal banners or potted plants to be hung from them.

Item A in Old Business was pushed to the end of Old Business.

Public Works Supervisor Tom Davis provided copies of the two proposals he was able to get. Streetscapes came back with a modified proposal which is approximately two thousand dollars less than the original.

Further discussion ensued

Commissioner Corey Runte made a motion to waive the requirement for three proposals since we have two very qualified proposals; Commissioner Marivi Walker seconded; Motion carried 5-0.

Commissioner Sherri Quarrie stated if the two companies have comparable products and esthetics she would recommend going with the cheaper company from Texas.

Public Works Director Tom Davis clarified that every sign on the West end of Ocean will be switched to this style.

Commissioner Corey Runte moved to approve SA-SO a DBA of ACP International for the streetscape pole signs on Ocean Avenue as presented not to exceed five thousand dollars; Commissioner Marivi Walker seconded; Motion carried 5-0.

B. Discussion on drafting a Low-Speed Vehicle Ordinance for the Town.

Attorney Clifford Repperger said he is in the process of drafting the Low-Speed Vehicle Ordinance, but it was not ready for this meeting. What's in the packet is Indialantic's and we are mirroring theirs. He asked if there was anything specific the Commission would like included.

Further discussion ensued

Commissioner Sherri Quarrie asked about the shared database and having to provide public records for a different municipality.

Attorney Clifford Repperger advised anything that the Town maintains we would have to produce any information requested as part of a public records request.

Town Manager Elizabeth Mascaro advised it would only be with Indialantic, and anything we have access to we would have to provide as part of a public records request.

Commissioner Sherri Quarrie asked if as part of the Interlocal agreement with Indialantic can we get free parking.

Town Manager Elizabeth Mascaro stated she will ask.

C. Proposed RFP for Cherry and Rosewood stormwater/road repair.

Town Manager Elizabeth Mascaro stated this is the first part of the stormwater project using the ARP funds. She stated Cherry and Rosewood need immediate attention due to the continuous sinking of the roadway. B.S.E Consulting prepared this RFP to bid on the project.

Further discussion ensued

Vice Mayor Joyce Barton moved to approve the bid package prepared by B.S.E Consultants for the Cherry and Rosewood stormwater/road repairs; Commissioner Marivi Walker seconded; Motion carried 5-0.

D. Resolution 2022-05 Fee Schedule

Town Manager Elizabeth Mascaro stated this is very similar to what the Commission approved last month, however, there was one fee that was inadvertently left off for the building department. The Town has a few different fee schedules, so this is also consolidating them into one.

Ali Dennington
413 Surf Road

Ali Dennington stated she has pending public records requests that were submitted under the previous fee schedule, so the fees for her pending public records requests should not be changed.

Town Manager Elizabeth Mascaro stated those fees stayed the same.

Commissioner Corey Runte moved to approve Resolution 2022-05 as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

9. New Business

A. Request for an executive session.

Town Attorney Clifford Repperger stated there is a pending appeal in Code Enforcement case number 2020-CE-198. The Special Magistrate rendered a Findings of Fact, Conclusions of Law, and Order on March 30, 2022. The Respondent filed a Notice of Appeal timely. He stated he has a previously declared conflict and cannot represent the Town on appeal. Conflict Counsel Morris Richardson has agreed to continue his representation of the Town on the case on appeal. Conflict Counsel Richardson desires advice concerning the litigation. Florida State Statute Section 286.011(8) permits the Town Commission to meet in private with its legal counsel to discuss settlement negotiations or strategy sessions related to litigation expenditures. Town Attorney Clifford Repperger stated the Executive Session would be part of a Special Town Commission meeting which would be open to the public, but when the meeting gets to the Executive Session then everyone must leave except for the Commission, Town Counsel, Town Manager, and the Court Reporter.

Chuck Cain
309 Surf Rd

Chuck Cain stated he appreciates the Commission and Staff that seeks to enforce the Building Codes equitably. He would urge the Commission to stand firm and not be dragged into a rabbit hole.

Ali Dennington
413 Surf Rd

Ali Dennington stated the Town used to have a Code Enforcement Board which was made up of citizens that would vote. She stated people decided the Code Enforcement Board was too slow or not making the right decisions, and so they got rid of the Code Enforcement Board and hired a Special Magistrate who is an attorney in Indialantic. Anyone with a code violation will go in front of an attorney from Indialantic who has an ethics violation on his record. The whole point of having a Special Magistrate was to be more cost-effective and faster, but it is costing you guys a lot more. In theory, a Special Magistrate is a great idea, however, having personally gone through the experience there were no procedures set and she didn't get to call any witnesses. She thinks it will get overturned on appeal for several reasons. She stated the Commission should reconsider putting the Code Enforcement Board back together.

Mayor Wyatt Hoover asked if Ali Dennington would not be suing the Town if five residents got together and ruled against her.

Ali Dennington stated anyone can still appeal. She stated if she felt they made the wrong decision then yes, she would appeal. She stated the Board might make a better decision. Ali stated the Special Magistrate railroaded her and had his mind made up before he walked in the door.

Commissioner Corey Runte moved to approve the request for an Executive Session as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

- B. Consideration of Proclamation recognizing the Florida League of Cities and the Legislative Affairs Team for a job well done in the 2022 Legislative Session.

Vice Mayor Joyce Barton stated other Municipalities are doing the same type of thing.

Mayor Wyatt Hoover stated the Florida League of Cities including Vice Mayor Joyce Barton have done a ton of lobbying on our behalf.

Mayor Wyatt Hoover read the Proclamation recognizing the Florida League of Cities and the Legislative Affairs Team for a job well done in the 2022 Legislative Session.

Vice Mayor Joyce Barton moved to accept the Proclamation commending the Florida League of Cities and the Legislative Affairs Team for their hard work during the 2022 Florida Legislative Session; Commissioner Marivi Walker seconded; Motion carried 5-0.

- C. Consideration of Proclamation recognizing May 11th through May 17th, 2022 as National Police Week.

Mayor Wyatt Hoover read the Proclamation recognizing May 11th through May 17th, 2022 as National Police Week.

Vice Mayor Joyce Barton moved to accept the Proclamation recognizing National Police Week as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

- D. Consideration of Proclamation recognizing May 21st through May 27th, 2022 as National Safe Boating Week.

Mayor Wyatt Hoover read the Proclamation recognizing May 21st through May 27th, 2022 as National Safe Boating Week.

Robert Triebell
29 Cove Rd

On behalf of the Coast Guard and Coast Guard Auxiliary, Robert Triebell wanted to thank the City and the rest of the Town Council for supporting National Safe Boating Week for the past three years. Robert Triebell provided boating statistics including 75% of deaths were caused by drowning, and 80% of those deaths did not have life jackets. Alcohol use was the leading factor in accidents and deaths. In 70% of the accidents, the driver did not receive any type of instruction. He stated the Coast Guard recognizes the Town of Melbourne Beach as a Safe Harbor, a Town that supports safe boating practices. There was a Town event on Safe Boating, and the Coast Guard has provided training.

Commissioner Corey Runte moved to approve the Proclamation recognizing May 21st through May 27th as National Safe Boating Week; Commissioner Marivi Walker seconded; Motion carried 5-0.

- E. Consideration of Proclamation recognizing May 23rd through May 30th, 2022 as National Beach Safety Week.

Mayor Wyatt Hoover read the Proclamation recognizing May 23rd through May 30th, 2022 as National Beach Safety Week.

Fire Chief Gavin Brown stated in alignment with the beach rescue stations that they just approved it would be good to recognize National Beach Safety Week.

Commissioner Corey Runte moved to approve the Proclamation recognizing May 23rd through May 30th as National Beach Safety Week; Vice Mayor Joyce Barton seconded; Motion carried 5-0.

- F. Consideration of Proclamation recognizing June 3, 2022, as National Gun Violence Awareness Day.

Mayor Wyatt Hoover read the Proclamation recognizing June 3, 2022, as National Gun Violence Awareness Day.

Interim Town Clerk Amber Brown stated this proclamation was requested by the Town of Indialantic who just approved it.

Dan Brunger
400 Sixth Ave

Dan Brunger stated he would like it amended to criminal violence. He stated it is the criminal, not the gun. This is putting emphasis on the wrong thing in this situation.

Mayor Wyatt Hoover stated an important part of this is to pay tribute to the victims as well.

Vice Mayor Joyce Barton moved to accept the Proclamation declaring the first Friday in June as National Gun Violence awareness day in Melbourne Beach; Commissioner Marivi Walker seconded; Motion carried 4-1 with Commissioner Corey Runte casting the dissenting vote.

- G. Consideration of approving a \$500 donation to the City of Melbourne for the 4th of July Fireworks Celebration.

Finance Manager Jennifer Kerr stated prior to 2020, due to Covid, the Town of Melbourne Beach has donated \$500.00 to the City of Melbourne for this. The City of Melbourne is again requesting donations.

Further discussion ensued

Vice Mayor Joyce Barton moved to approve the \$500.00 donation to MelBoom for the 4th of July fireworks celebration put on by the City of Melbourne; Commissioner Marivi Walker seconded; Motion carried 5-0.

10. Staff Reports

A. Town Attorney Report

No Report

B. Town Manager Report

Town Manager Elizabeth Mascaro stated she received great feedback from the employees that attended the Space Coast League of Cities dinner. They really enjoyed it and felt good being included. She stated Vice Mayor Joyce Barton, Police Chief Melanie Griswold, and Lieutenant Matthew Smith attended Space Coast TPO to receive the 2021 Engineering Award on behalf of the Town. She also received a lot of great feedback about Founders Day. There were no police or fire-related incidents.

Commissioner Corey Runte stated Founders Day was awesome and thanked everyone for the hard work. He stated it was the busiest he has seen it.

Mayor Wyatt Hoover stated the day after the last meeting the Gemini second graders came to Town Hall for a tour. He had the honor of speaking with all of them.

C. Town Clerk Report

No Report

D. Departmental Reports

1. Building Department

Building Official Robert Bitgood stated everything is going well. There are several new homes coming into the area. He is working on updating the landscape ordinance. The new software program is very helpful in streamlining the system.

Mayor Wyatt Hoover stated as part of the landscape ordinance which says residences in the single-family zoning cannot have a hedge or shrub that is taller than four feet.

Vice Mayor Joyce Barton stated it would be nice to provide some privacy and a sound barrier.

Mayor Wyatt Hoover stated the traffic is getting worse and worse, especially along A1A, and the ordinances state a fence that goes past the front of the house can only be four feet tall. He explained on the residential streets neighbors across the street and next to you watch out for your house, but for the residents that live on A1A, the neighbors across the street have a huge barrier preventing them from looking out for their neighbors across the street. Would it be reasonable for houses that directly face A1A to increase the fence or wall restriction to six feet to have a better sound barrier, more privacy, and security protection from A1A.

Building Official Robert Bitgood stated other Municipalities do have that same type of exception.

Commissioner Corey Runte and Vice Mayor Joyce Barton stated that is very reasonable and they are open to it.

Commissioner Sherri Quarrie stated she would be open to the discussion, but would also want to make sure the three-foot right-of-way is adhered to.

2. Public Works Department

Public Works Director Tom Davis stated they planted plants in Bicentennial Park and extended the landscaping around Ryckman Park, the broken parking kiosk was fixed and delivered so it will be installed soon, and posted signs that

say bikes must stop at stop signs. Making good progress on Sunset Blvd, and added more golf cart parking spots.

Commissioner Sherri Quarrie asked about the five-foot area between the library and the grocery store. Who is responsible for maintaining that area.

Public Works Director Tom Davis stated an irrigation company and a tree trimming company were there the other week.

Further discussion ensued

3. Code Enforcement

Commissioner Sherri Quarrie asked about 505 First Ave building a pond and M/H in front, and why is this a case.

Town Manager Elizabeth Mascaro stated she has been there and the pond is very shallow and there is nothing that prohibits the pond.

Building Official Robert Bitgood stated it was reviewed to make sure it wasn't against any building codes or considered a nuisance.

Town Attorney Clifford Repperger stated the M/H stands for a motor home.

Commissioner Corey Runte requested we allow Code Enforcement to do their job and the investigation.

4. Police Department

No additions to the report

5. Fire Department

No additions to the report

6. Finance Department

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

11. Town Commission Comments

A. General Comments

None

B. Review of Commission Action List

Updated

- Grant funding opportunities for stormwater – Town Manager Elizabeth Mascaro spoke with Scott from B.S.E. to coordinate our efforts, and she found two grants that just opened up. - August

Mayor Wyatt Hoover recommended reaching out to IRL which has a team of grant writers that are at our disposal to get feedback.

- Permanent tree lighting – Public Works Director Tom Davis would like to purchase two different types of lights one that's installed in the first V of the tree and the other would be in the ground to see how they look. The installation would probably need to be a flex conduit on the back side of the tree because of the squirrels. – next month
- Audio system in the Community Center – Mayor Wyatt Hoover stated they want fewer cords, possibly a television, and microphones for each seat. – next month
- S.E.A project – Town Manager Elizabeth Mascaro stated she wanted to have a table at Founders Day, however, she was unable to attend. The additional parking spots are done, planting in Bicentennial Park was done, and new poles along Ocean Ave are in the works. The next big-ticket item would be underground retention for stormwater. – next month

Further discussion ensued

Mayor Wyatt Hoover stated we somewhat have a deadline now because FDOT said they are going to do their portion of A1A during the fiscal year 2026.

Commissioner Corey Runte would like to see a public workshop scheduled within the next three months.

Commissioners agreed to have a public workshop in July.

- Low-speed vehicle certification process – ordinance and Interlocal agreement next month
- Multi-generational – Town Manager Elizabeth Mascaro stated this came from Planning and Zoning wanting to define the word kitchen. Our code right now prohibits two kitchens but does not define what a kitchen is. – next month

Mayor Wyatt Hoover recommended having an agenda item next month to go over what parts of the code would prohibit multi-generational living.

12.Adjournment

Commissioner Corey Runte moved to adjourn; Commissioner Marivi Walker seconded; Motion carried 5-0.

Meeting adjourned at 9:12 p.m.

ATTEST:



Wyatt Hoover, Mayor



Amber Brown, Interim Town Clerk

