



# Town of Melbourne Beach

## **REGULAR TOWN COMMISSION MEETING WEDNESDAY, JANUARY 18, 2017**

### **MINUTES**

---

Mayor Jim Simmons  
Vice Mayor Tom Davis  
Commissioner Wyatt Hoover  
Commissioner Sherri Quarrie  
Commissioner Steve Walters

Town Manager Tim Day  
Town Clerk Gwen Peirce  
Town Attorney Clifford Repperger, Jr.

---

The Town Commission conducted a  
Regular Town Commission Meeting  
at 6:30 p.m. on January 18, 2017  
at the Community Center – 509 Ocean Avenue

## **I. Call to Order – Led by Mayor Simmons**

Mayor Simmons called the meeting to order at 6:30 p.m.

## **II. Roll Call**

Town Clerk Peirce led the roll call:

### Commissioners Present:

Mayor Jim Simmons  
Vice Mayor Tom Davis  
Commissioner Wyatt Hoover  
Commissioner Sherri Quarrie  
Commissioner Steve Walters

### Staff Present:

Finance Manager Elizabeth Mascaro  
Town Clerk Gwen Peirce  
Town Attorney Clifford Repperger, Jr.

### Staff Absent:

Town Manager Timothy Day

## **III. Pledge of Allegiance and Moment of Silence**

Led by Mayor Simmons

## **IV. Special Presentations**

### **A. Florida Institute of Technology – MPA Program – Town Manager Day**

Finance Manager Mascaro read the report. Commissioner Hoover provided background information on the proposed program.

**Commissioner Hoover moved to approve allowing Florida Institute of Technology to offer the Master of Public Administration Program at the Town of Melbourne Beach, at no cost to the Town; seconded by Commissioner Quarrie. Motion carried 5-0.**

## **I. Boards and Committees**

### **A. Board & Committee Reports**

#### **1. Police Pension Fund Board of Trustees**

Finance Manager Mascaro provided background information on the report.

### **B. Appointments and Reappointments**

#### **1. Reappointment of Curtis Byrd to the Environmental Advisory Board for a term of two years, ending January 18, 2019 – Town Clerk Peirce**

**Commissioner Walters moved to reappoint Curtis Byrd to the Environmental Advisory Board, for a term of two years, ending January 18, 2019; seconded by Vice Mayor Davis. Motion carried 5-0.**

2. Appointment of George Walters to the Police Pension Fund Board of Trustees for term of four years, ending January 18, 2021 – Town Clerk Peirce

**Commissioner Walters moved to appoint George Walters to the Police Pension Fund Board of Trustees, for a term of four years, ending January 18, 2021; seconded by Commissioner Hoover. Motion carried 5-0.**

3. Consideration of appointment of the following applicants for two (2) members and one (1) alternate of the Planning & Zoning Board, for terms of 3 years, ending January 18, 2020 – Town Clerk Peirce
  - Daniel Gonzalez
  - Paul Rumbley
  - Susan R. Giblin

Town Clerk Peirce stated that Mr. Douglas Hilmes submitted an application for the Planning & Zoning Board on Friday afternoon, after the distribution of the meeting agenda packet.

**Commissioner Walters approved Daniel Gonzalez and Paul Rumbley as members to the Planning & Zoning Board and Susan Giblin as an Alternate member to the Planning & Zoning Board, for terms of 3 years, ending January 18, 2020; seconded by Vice Mayor Davis.**

Commissioner Quarrie stated that she supported Mr. Hilmes being appointed because of his experience, although his application came in after the agenda was distributed.

**Amended motion: Commissioner Walters moved to approve Daniel Gonzalez and Paul Rumbley as members to the Planning & Zoning Board and Doug Hilmes as the Alternate, for terms of 3 years; seconded by Vice Mayor Davis.**

*Daniel Gonzalez*, applicant, stated that he would be interested in being considered as the Alternate until he has finished his Masters degree program.

**Second amended motion: Commissioner Walters moved to approve Paul Rumbley and Douglas Hilmes as members to the Planning & Zoning Board and Daniel Gonzalez as the Alternate, for terms of 3 years; seconded by Vice Mayor Davis. Motion carried 5-0.**



## II. Public Comments

No one indicated a desire to speak.

## III. Approval of the Agenda

**Commissioner Walters moved to approve the agenda; seconded by Commissioner Hoover. Motion carried 5-0.**

## IV. Consent Agenda

- A. December 21, 2016 Town Commission Special Meeting Draft Minutes – Town Clerk Peirce
- B. December 21, 2016 Town Commission Regular Meeting Draft Minutes – Town Clerk Peirce

**Commissioner Walters moved to approve Consent Agenda Items A. and B.; seconded by Commissioner Hoover. Motion carried 5-0.**

## V. Old Business

- A. Required Annual Audit – Town Manager Day (00:13:50)

Finance Manager Mascaro read the report.

**Commissioner Walters moved to approve the Letter of Engagement with James Moore & Associates for 2016, 2017 and 2018; seconded by Vice Mayor Davis. Motion carried 5-0.**

- B. Waste Pro Contract Extension – Town Manager Day (00:15:00)

Finance Manager Mascaro read the report.

The Town Commission and WastePro representatives provided consensus to amend the language in 7.Section 2.I. - second sentence: “the fuel adjustment component (FAC) shall be adjusted by the Contractor to the Town on the semi-anniversary...”

Commissioner Walters expressed concern over the increase in holidays. Commissioner Walters also expressed concern over the recycling revenue and processing fee adjustment.

Platt Loftus, WastePro, explained the recycling revenue and processing fee adjustment. Mr. Loftus explained that the recycling market has reduced, but he feels that it will come back as a commodity.

The Town Commission and WastePro representatives provided consensus to add language to the amendment to state that WastePro would not dispose of any recyclable in any landfill.

Commissioner Quarrie spoke regarding the service that WastePro provides over Waste Management and spoke in support of continuing with WastePro.

Commissioner Hoover stated that he's willing to pay more for exceptional customer service, such as WastePro.

Mayor Simmons stated that he was supportive of Waste Management when they had provided service with the Town, but stated that WastePro provides better service and feels that the residents would be supportive of paying more in order to keep WastePro.

Town Attorney Repperger stated that he would prefer that rather than Amendment, that it would be referred to "Renewal and Extension." He stated that the Commission can approve the language, and put the strikethrough language in the original agreement in order to see where the changes are contained. He stated that it should read, "Effective May 1, 2010, expiring April 30, 2017." He explained that the new spillage language should be added to Section 14.X and that the new section regarding the additional payment for recycling should be added as Section 23. He spoke regarding new language from the State of Florida that needs to be inserted regarding Public Records.

*Carol Mazzoni, 400 Andrews Drive*, spoke in support of renewing with WastePro. She stated that she feels that there is a communication problem between the Town and the residents regarding WastePro's holiday schedule. She spoke regarding providing education to individuals regarding recycling.

**Vice Mayor Davis moved to approve the WastePro Renewal and Amendment, subject to the revisions discussed by both parties; seconded by Commissioner Quarrie. Motion carried 4-1 (Commissioner Walters voted no).**

- C. Update of Town of Melbourne Beach Policy and Procedure Manual – Town Manager Day (01:03:40)

Finance Manager Mascaro read the report.

**Commissioner Walters moved to approve the updated Town of Melbourne Beach Policy and Procedure Manual; seconded by Vice Mayor Davis. Motion carried 5-0.**

## **VI. New Business**

- A. January 9, 2017 Town Commission and Planning & Zoning Board Joint Workshop Draft Minutes – Town Clerk Peirce (01:04:55)

Town Clerk Peirce explained that Mayor Simmons had a few revisions to the draft minutes. Mayor Simmons spoke regarding Item #13 listed on the minutes and expressed concern over why the language was changed back to the original language. He stated that he would like to change Item #13 to an Action Item for



the Planning & Zoning Board to work with the Board of Adjustment on sections (f) and (g).

Mayor Simmons stated that he would like all of the Action Items listed in the minutes to be added to the Commission Action Item list as one item in order to keep track of them. He spoke regarding items listed for the Town Attorney.

**Commissioner Walters moved to approve the January 9, 2017 Town Commission and Planning & Zoning Board Joint Workshop Draft Minutes as revised; seconded by Commissioner Hoover. Motion carried 5-0.**

- B. Discussion and Possible Action on Paving Third Avenue and/or other Streets—Commissioner Walters (01:11:29)

Commissioner Walters spoke regarding the desire to have re-paving commence soon on several streets in the Town.

The Town Commission provided consensus that they would like to make re-paving of streets in the Town a priority for the Town Manager.

Commissioner Hoover expressed interest in having a pavement plan in place.

Finance Manager Mascaro stated that the Town Manager has gotten pricing on paving Third Avenue and will obtain more bids.

*Carol Mazzoni, 400 Andrews Drive, stated that she had spoken with Town Manager Day about doing a pavement plan.*

*Commission consensus was to add "Street Repaving Plan" to the Action Items list with a due date of Feb 15*

- C. Consideration of Resolution No. 2017-01, Supporting the Appointment of Florida League of Cities President, Mayor Susan Haynie to the State Constitution Revision Commission – Mayor Simmons (01:18:00)

Mayor Simmons spoke regarding an email that he had received from the Florida League of Cities regarding this item.

**Commissioner Walters moved to approve Resolution No. 2017-01, Supporting the Appointment of Florida League of Cities President, Mayor Susan Haynie to the State Constitution Revision Commission; seconded by Commissioner Quarrie. Motion carried 5-0.**

## **VII. Reports (01:19:29)**

- A. Town Attorney Report

Town Attorney Repperger stated that he had nothing to report.

## B. Town Manager / Public Works Report

Finance Manager Mascaro stated that the Town Manager has been working on obtaining pricing on re-paving roads in Town, as well as interested bidders on the Town Pier replacement and repair. She spoke regarding work being scheduled for cleaning out baffle boxes. She spoke regarding the Town Manager starting a tracking system for complaints.

Mayor Simmons had a question about the bathroom doors being replaced.

Commissioner Walters asked about the Pier being repaired. Finance Manager Mascaro stated that they did move the barriers further out and solar lights have been installed until the lights can be fixed.

Commissioner Walters thanked Town Manager Day for attending the Brevard Public Entity Purchasing Cooperative Meeting because no one has attended in many years but it helps with getting items at a lower cost.

## C. Town Clerk Report

Town Clerk Peirce stated that she had nothing to report.

## D. Departmental Reports

### 1. Building Department

The Building Department report was provided in the meeting packages, and no questions were asked by the Commission.

### 2. Code Enforcement

The Code Enforcement report was provided in the meeting packages, and no questions were asked by the Commission.

### 3. Police Department

The Police Department report was provided in the meeting packages, and no questions were asked by the Commission. Commissioner Walters commented on using the term, "home invasion," when individuals are entering residents' garages and stealing items, which is more of a burglary and theft. He requested that more information be included in the reports if the term, "home invasion," is being used.

### 4. Fire Department

The Fire Department report was provided in the meeting packages. Mayor Simmons asked if the Town sends letters recognizing gifts to the Fire Department.

5. Finance Department

The Finance Department report was provided in the meeting packages. Commissioner Walters asked a question about a bill that was paid for over \$2,000 to Exxon.

**XIII. Town Commission Comments**

A. General Comments

There were no General Comments

B. Review of Commission Action List (01:31:46)

Two new action items were added to the list: Land Development Code Action Items List and Re-paving plan, due in February.

**XIV. Adjournment**

**Commissioner Walters moved to adjourn; seconded by Commissioner Davis. Motion carried 5-0.**

Meeting adjourned at 8:03 p.m.

ATTEST:



James D. Simmons  
Mayor



Gwen Peirce, CMC  
Town Clerk