



# Town of Melbourne Beach

**REGULAR TOWN COMMISSION MEETING  
WEDNESDAY, MARCH 15, 2017  
6:30 p.m.  
COMMUNITY CENTER – 509 OCEAN AVENUE**

## **MINUTES**

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

Town Manager Tim Day  
Town Clerk Nancy Wilson  
Town Attorney Clifford Repperger

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The Town Commission conducted a  
Regular Town Commission Meeting  
at 5:30 p.m. on March 15, 2017  
in 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 Wilson led the roll call:

Commissioners Present:

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

Staff Present:

Town Manager Timothy Day  
Town Attorney Clifford Repperger, Jr.  
Town Clerk Nancy Wilson

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

Led by Mayor Simmons

**IV. Special Presentations**

There were no Special Presentations.

**V. Boards and Committees (00:03:00)**

**A. Board & Committee Reports**

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

Town Manager Day reported that the Pension Fund performance was fine.

**B. Appointments and Reappointments**

**1. Reappointment of Diana Beacham to the Historical Preservation and Awareness Board for a term of two years, ending March 15, 2019**

**Commissioner Walters moved to reappoint Diana Beacham to the Historical Preservation and Awareness Board, for a term of two years, ending March 15, 2019; seconded by Vice Mayor Davis. Motion carried 5-0**

**2. Reappointment of Ed Struttman to the Parks and Recreation Board for a term of two years, ending March 15, 2019**

**Commissioner Walters moved to reappoint Ed Struttman to the Parks and Recreation Board, for a term of two years, ending March 15, 2019; seconded by Commissioner Hoover. Motion carried 5-0**

**VI. Public Comments (00:05:33)**

Abby Johnson, the new Intergovernmental Coordinator for the St. John's River Water Management District, introduced herself to the Commission.

Commissioner Hoover asked about a SJRWM program that supports stormwater management projects and he wondered what other cities have done regarding stormwater. Ms. Johnson responded that her Board just approved another \$25 million cost-share program and that there is a grant application process available on their website. She mentioned other cities that have significant stormwater projects in process.

**VII. Approval of the Agenda (00:08:10)**

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

**VIII. Consent Agenda (00:08:23)**

- A. February 15, 2017 Town Commission Regular Meeting Draft Minutes
- B. February 21, 2017 Town Commission Special Meeting Draft Minutes
- C. Site Plan Review – 417 Riverview Drive
- D. Site Plan Review – 420 Fourth Avenue
- E. Site Plan Review – 504 Hibiscus Trail

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

**X. New Business (00:09:36)**

- A. March 1, 2017 Town Commission Workshop Draft Minutes – Town Clerk Wilson

The Town Clerk said a minor revision was made to the minutes by the Mayor.

**Commissioner Hoover moved to approve the March 1, 2017 Town Commission Workshop Draft Minutes as amended; seconded by Commissioner Quarrie. Motion carried 5-0.**

**XI. Reports (00:10:20)**

- A. Town Attorney Report



Town Attorney Repperger said that we haven't heard from our Town Planner O'Gorman regarding the Bed & Breakfast Ordinance. Town Manager Day received information from Mr. O'Gorman that there is a period between 1986 and 1992 where he doesn't have information regarding property use. Once that use is determined, the ordinance may or may not be brought back to the Commission.

The Town Attorney gave an update on the Land Development Code saying that the update is more involved than they all thought originally. Mr. Repperger said he thought it would be a repeal and replacement of the whole LDC but he now believes it's an amendment and restatement; he will need to talk to our legal publishing company. He said there hasn't been a substantive review of the changes. Most of what is in draft is well done and doesn't create a problem but there are a couple problematic sections so he may need to talk to the Planning and Zoning Board about some of their proposed changes. The Attorney does not want to open us up to the Bert J. Harris, Jr., Private Property Rights Protection Act (This Act provides a specific process for landowners to seek relief when their property is unfairly affected by government action.) He's asking for Commission patience and said it could be a couple more months. The Town Attorney concluded by saying that Planning and Zoning needs to do a comprehensive analysis of the LDC. Mayor Simmons said this is the most important document we have on the books to preserve Melbourne Beach so we should do what we need to do to get it right.

#### B. Town Manager / Public Works Report

Town Manager Day reported that the boat ramp on 6<sup>th</sup> Avenue is near completion. He had non-slip grooves put in and a hand rail will be installed to hold onto when going in the water. Mr. Day said he has concerns about water craft, other than kayaks and fire rescue boats, using that launch.

Commissioner Walters said he feels that handrails would get in the way of boat launches and added that the ramp has been there for as long as he can remember. Mayor Simmons thought the handrails would make the area safer since ramps get slippery but they may be a maintenance issue and agreed that it is likely to be hit at some point. Town Manager Day said the handrail would be bolted to the concrete and very secure in response to Commissioner Quarrie's inquiry.

Vice Mayor Davis said that there is a steep drop off at the end of the ramp but Town Manager Day said a new section was added that fixed that issue.

Town Manager Day said he wants to put in a handrail but he's not sure about how to handle access. By consensus, the Commission agreed to leave the ramp area open to unlimited public use. The big sign that was next to the ramp was not salvageable and has been disposed of.



The Town Manager reported that when our Public Works guys were cleaning up the median on Sunset, a resident was angered by their work but Mr. Day said they needed to cut some overhanging branches that couldn't be taken care of on Volunteer Day.

The Town Manager also reported that the Ocean Park overlook is finished and is going to be a nice addition to the area. Mayor Simmons added that there may be a problem with people walking over the dunes so signage may be necessary.

Tamara Williamson met with Mr. Day at Ocean Park to discuss planting native plants along the walkway and maybe in the parking area. She has received donations totaling \$500. She would like the Town to donate funds for the project. Mayor Simmons asked about plant selection to ensure that we don't have a maintenance problem in the future.

**Commissioner Walters made a motion to authorize \$500 to match the \$500 Ms. Williamson has received in donations, pending the approval of plant choice; seconded by Commissioner Hoover. Motion carried 5-0.**

Town Manager Day will meet with Ms. Williamson to discuss what plants will be utilized. These choices will be discussed during the April workshop.

Discussion ensued regarding HB17 and SB1158 regarding municipal home rule powers. The League of Cities wrote a resolution in opposition to the Bills. Commissioner Hoover said that while he was in Tallahassee, Senate members and staffers gave him the impression that HB17 is "going down in flames". Mayor Simmons added that he talked to Representative Altman and he is vehemently opposed to the Bill and said the Senate would never pass it. Rep. Altman also said that the Bill is coming from the House Leadership who gave it to Representative Fine to champion.

Commissioner Walters complimented Public Works on the Town sign, bulletin boards, playground slide, ramp, Sunset Avenue, playground swing and the pier that is well underway. He sent his compliments to Town Manager Day and staff. He added that since Mr. Day has been with the Town, things have been getting done at five times the rate of previous managers. Commissioner Hoover said that problems are promptly taken care of and the residents are pleased. The Commission agreed with those observations.

Mayor Simmons queried the code complaint report asking if not having a permit is the biggest problem. Town Manager Day said he had to institute a stop work order that day but he doesn't think that code complaints are ramping up; they go in cycles. Mr. Day said that nobody in the police department wanted to get involved in code



enforcement. Mayor Simmons said we need a solution to say we have a consistent process so nobody feels singled out. Vice Mayor Davis asked if we should consider a part-time code enforcement officer. Town Manager Day said that for the most part, people have been cooperative though there may be one case that has to go before the Code Enforcement Board.

Mayor Simmons said that the "No Parking" signs on Avenues A & B may not be effective because visitors are parking on resident lawns anyway and that a resident had told him that a visitor had urinated in his yard. He thinks enforcement between about 3pm – 5pm may help and that the problem is still occurring every weekend. Commissioner Quarrie asked about police presence over the weekend and wondered if we have a routine with enforcement. The Town Manager said he didn't hear about any complaints but maybe people didn't call.

Commissioner Walters asked if all of our bills are submitted via hard copy and Commissioner Quarrie asked if we are moving forward technologically and feels that we should modernize and store our bills electronically. Conversation ensued regarding recordkeeping. Mayor Simmons suggested that the Town Manager, Finance Manager and the Town Clerk look into storing records electronically in a filing system such that they are easily recoverable and discuss their findings during the April workshop.

#### C. Town Clerk Report

Town Clerk Wilson mentioned two carryover items from the previous Clerk, Gwen Peirce. The two issues are whether we should adopt Rosenberg's Rules of Order in place of Roberts Rules of Order and moving to Action Minutes. Vice Mayor Davis said that we have modified Roberts Rules of Order and we are already practicing a lot of what is in Rosenberg's Rules of Order; this would require a charter change. The Commission weighed in on the topic of Action Minutes and it was decided that this issue would be covered at the April workshop.

Mayor Simmons reiterated the importance of Commission members filling out the agenda template when they want something on the agenda. The commission agreed by unanimous consent that a completed template must be submitted in order for an item to be added to the agenda.

#### C. Departmental Reports (01:33:45)

##### 1. Building Department

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

## **2. Code Enforcement**

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

## **3. Police Department**

The Police Department report was provided in the meeting packet and no questions were asked by the Commission.

## **4. Fire Department**

The Fire Department report was provided and no questions were asked by the Commission.

## **5. Finance Department**

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

# **XII. Town Commission Comments (01:34:08)**

## **A. General Comments**

Commissioner Walters said that Mr. Struttman, from the Rotary Club, said that the money raised by them from alcohol sales goes back to the community but he doesn't see an accounts receivable line item from the Rotary. Mayor Simmons said that the Rotary Club donates a lot of money to the community clarifying that the money doesn't go to the Town directly, but, that significant contributions are made to Gemini Elementary, the ball fields, etc. which benefit our residents.. Commissioner Hoover said the Rotary gives back a lot to the town, much more so than they make on Founder's Day. Town Manager Day said he mentioned to them that the playground equipment needs to be replaced. The Mayor suggested discussing fundraising at a workshop.

There was continued discussion regarding raising funds for playground equipment.

## **B. Review of Commission Action List**

The Commission reviewed and updated the Action List adding items:

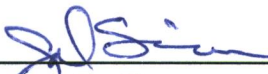
- Rosenberg's Rules
- Records Retention – electronic vs. paper
- Action minutes
- Qualifying engineers

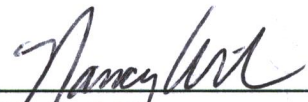
# **XIII. Adjournment**

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

Meeting adjourned at 8:29 p.m.

ATTEST:

  
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James D. Simmons  
Mayor

  
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Nancy Wilson  
Town Clerk