



M Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING

WEDNESDAY, APRIL 18, 2018

6:30 p.m.

COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

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

Town Manager Bob Daniels
Town Clerk Nancy Wilson
Town Attorney Clifford Repperger Jr.

The Town Commission conducted a
Regular Town Commission Meeting
on April 18, 2018

To address the items below as listed on the posted agenda.

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 Steve Walters

Commissioner Wyatt Hoover

Commissioner Sherri Quarrie

Staff Present:

Town Manager Bob Daniels

Town Clerk Nancy Wilson

Town Attorney Cliff Repperger

III. Pledge of Allegiance and Moment of Silence

Led by Mayor Simmons

IV. Presentations

Proclamation designating April as *Water Conservation Month*

The Proclamation was read by Mayor Simmons and presented to Abby Johnson, Intergovernmental Coordinator from the St. Johns River Water Management District. Ms. Johnson thanked the Town for supporting *Water Conservation Month* and being part of the statewide effort to encourage our citizens and businesses to conserve water. She added that our proclamation will be sent to Tallahassee and included in the statewide count.

Mayor Simmons received Commission consensus to allow a walk-on proclamation declaring April as *Parental Alienation Awareness Month*.
5-0.

The Proclamation was read by Mayor Simmons and presented to David Henry who is leading this statewide effort. He gave some background on his effort to bring more awareness to the problem of parental alienation.

V. Boards and Committees

No board or committee reports

VI. Public Comments

Frank Thomas

606 Atlantic Street

Mr. Thomas said the Town spends a lot of money on our Police and Fire Departments and he thinks the monthly reports from those departments should be

5. Finance Department – no comments

XII. Town Commission Comments (02:11 25)

A. General Comments

Commissioner Walters complimented Public Works for the trimming job they did on 6th Avenue

Commissioner Hoover asked about a hole between Atlantic and the beach in Ocean Park. He also asked about the road striping on Magnolia and Hibiscus.

The Mayor reported that the residents on Surf and Oak are happy about the new storm drain. Also, Sharon Connelly from the Brevard Zoo, donated 1,500 paper straws for Founder's Day. He also announced that he was asked by FWC to give a talk about shark fishing on April 25th at their quarterly conference.

Finally, one of our residents said to the Mayor that a generator isn't going to do us any good for communication and internet if there isn't a similar recovery plan in place with Spectrum. The Town Manager said that he is working that angle.

B. Review of Commission Action List (02:14:55)

3 items were closed

5 items were added:

1. Possible penalties for early removal of funds from CD's held by BB&T bank
2. Reach out to School Board, Randy Fine and Sheriff Ivey regarding Student Resource Officer
3. Road striping at Hibiscus and Magnolia
4. Pothole in bike path by Ocean Park and Atlantic Avenue
5. Discuss payment for the intern with Dr. Lindeman from F.I.T.

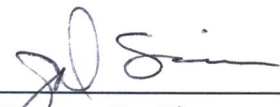
24 items were updated

XIII. Adjournment

Commissioner Walters made a motion to adjourn; Vice Mayor Davis seconded. Motion carried 5-0.

Meeting adjourned at 9:03 p.m.

ATTEST:



James D. Simmons, Mayor

Nancy Wilson, Town Clerk

The Town Manager asked if the Fire Department could have a function in Ryckman Park on July 4th to fundraise for the Community CPR Program. The proceeds would be used to purchase educational aids for CPR classes. It would begin at 5:00 p.m. and hamburgers and hotdogs would be sold. They would also play recorded blue grass music. The event would be over before the fireworks begin.

There was Commission consensus allowing the Fire Department to host a fundraiser in Ryckman Park on July 4th. 5-0.

C. Town Clerk Report – no report

D. Departmental Reports:

1. Building Department – no comments
2. Code Enforcement – 4 applications have been received for the open *Code Compliance Officer* position.
3. Police Department - Commissioner Hoover asked the Town Manager about passing on the right at Atlantic and A1A and at the west entrance to the Market on Ocean Avenue. Town Manager Daniels said he asked Chief Duncan about enforcement activities and he is going to have the officers posted by those 2 areas.

Mayor Simmons said that heading east on Ocean Avenue, there are 2 lights at the intersection of Oak and asked if there are 2 lanes there. It was determined that there aren't 2 lanes so the question is: why 2 lights? The traffic flow on Ocean and Riverside was discussed at some length and the Mayor added that if the flow of traffic is made efficient heading east on Ocean, more drivers will traverse Riverside, which is what the Town is trying to avoid.

Commissioner Walters said that at the 1500 block of Pine Street, the Melbourne Water Department cut out a portion of the pavement, filled it with lime rock but haven't come back to pave it. The Town Manager said he's on top of it. Commissioner Walters also mentioned a big hole that traffic tries to avoid near BB&T bank and added that it's a County road; the Town Manager made a note of the pothole for follow-up.

Commissioner Hoover said he is OK with inconveniencing drivers in order to make it safer for walkers and bikers. The Mayor said you want traffic moving efficiently on A1A because if it doesn't, drivers will take other side streets. The point is to make staying on A1A the most efficient route. There was also discussion regarding traffic calming solutions.

4. Fire Department – no comments

David Henry
Melbourne, FL

Mr. Henry said he is in support of what Sheriff Ivey proposed. He said we are trying to avoid a “kill box”. He would rather have the underlying issue addressed rather than making this a second amendment issue. Vice Mayor Davis says that what Mr. Henry is promoting about families would solve a lot of problems.

Commissioner Walters is in support of barricading the schools and having lockboxes in classrooms that designated teachers can access.

Commissioner Quarrie said there’s no dispute that there is a need for more security, the dispute is who will pay for it.

There was Commission consensus to NOT participate in the SRO program at the present time. 5-0.

There was Commission consensus to direct the Town Manager to build an eligibility list of potential police officers. 5-0.

The Civil Service Board would do the interviewing; the eligibility list is good for a year.

Commissioner Hoover asked the Town Manager to reach out to Sheriff Ivey, Tina Descovich and Randy Fine, in writing, to let them know that we don’t have the money to fund this activity and ask them for suggestions. He also said he’d like to see a written response from the 3 aforementioned individuals to share with the Commission.

XII. Staff Reports (01:45:50)

A. Town Attorney Report – Regarding the Baccus Petition for Relief, Special Magistrate Stuart Katz has been engaged. A date has yet to be determined but there are notice requirements so it probably won’t happen within the next 30 days. Federico Arocena has a legitimate permit but hasn’t moved forward with installing pavers.

B. Town Manager / Public Works Report

Mayor Simmons mentioned a conversation he had with the Town Manager about the special exception language in 7A-86 (uses under special exception provision). He also said the news was good regarding the Water Agreement. We now know when they are going to shut down the water and can relay that information to the residents. They will be performing some electronic shut-offs. Also, the *Eats & Beats* event was very successful; they grossed \$1,600. 25% of that will go to the local chapter of Surfriders and the remaining 75% will be used for seed money. The food vendors were all pleased and would like to come back.

Vice Mayor Davis said this is another mandate by the State that they are dumping on us. He said the problem is that the assigned officer can't leave that school and he/she is required to have 40 hours of training. They also have to teach bullying and drugs (which involves 80 hours of training). The SRO would have to follow School Board policies even though we would be paying him/her. He added that if we said in May that we needed a person in the SRO program in July to be ready the beginning of the school year, we would have to have an experienced officer fill that role. The Vice Mayor does not like the time constraint of this situation and also is concerned about finding a qualified person given the current demand.

Mayor Simmons said they should let the Town Manager start gathering applications, do some more legwork and they should not approve the new position at this time. Commissioner Walters commented that he feels the SRO program is wishful thinking and that there's no way we can stop a mentally ill person who wants to shoot up a school. When will this end, down the road will SRO's be required at all functions where children are present? Vice Mayor Davis added that SRO's have to attend every school function which would necessitate overtime pay. Commissioner Walters concluded by saying that the School Board has the money but wants to offload the expense. He would rather spend money securing the school.

Commissioner Quarrie asked where it says the Town has to pay for an SRO. She said we have always had 2 officers at the school in the morning and afternoon plus all school doors are locked during the day. She thinks it's a School Board issue and they are trying to push it off on municipalities. Town Manager Daniels said the State Legislature patterned the program after school districts that have larger police departments.

Mayor Simmons suggested not acting on this issue now but task the Town Manager to move forward with creating an eligibility list for an SRO. Commissioner Quarrie said that assumes we have the money to do this and that we've acknowledged that we need an SRO, which isn't the case. Commissioner Walters said that all an eligibility list does is give the Town a list of potentially available officers in case we have a need for one. Also, Commissioner Quarrie doesn't see that we are mandated or obligated to do this though a partnership is suggested. She commented that by the time vacation days, sick days, overtime, etc. are paid, we're looking at close to \$100,000 for the position.

Joe Tracy
615 Citrus Court

Mr. Tracy said when you come right down to it, we're discussing students and teachers but he hasn't heard them mentioned. He said students and teachers would feel much more secure with an officer in place during school hours.

F. Consideration of hiring a School Resource Officer – Town Manager Daniels
(01:01:24)

Town Manager Daniels said the State Legislature pushed through legislation dealing with school safety and mental health. The school districts are responsible for implementing most of the measures but the issue of the School Resource Officer (SRO) program has not been resolved because the funding doesn't match the expenses. There's a mandate by the State Legislature for municipalities/counties to be involved in this program by implementing either an SRO or a Marshal program. The principal of Gemini Elementary would rather have an SRO. There are 51 schools that would need to hire SRO's and there are another 80 positions that are vacant in Brevard County police departments. So not only is there not enough money to fully fund SRO's, there's not enough human capital. Our police department is actively involved with safety at Gemini; one of our officers regularly visits the school. The Sheriff isn't ready to dedicate an SRO to elementary schools because the priority is on middle and high schools. The Town Manager suggested that the Town hire an SRO; we would receive \$37,000 from the School Board toward funding the position. We could hire someone to backfill the position of one of our current officers who would then fill the role of SRO.

Mayor Simmons said he received a call from School Board member Tina Descovich who gave him some other details. He asked how much money the County was contributing to Gemini since he believes the majority of the students who attend the school are County residents. Ms. Descovich answered that the County is contributing \$0 adding that where the school is located is all that matters, not where the student population resides and that determines who gets funding. We would receive \$37,041 from the School Board and we would have to fund all costs over that amount. Ms. Descovich made clear that based on State law, we are either going to get an SRO that we pay for or we're going to get armed teachers. He said there is significant backlash from parents regarding the arming of teachers.

Commissioner Walters said he's irate about this situation because the School Board is already talking about increasing school taxes to pay for this and we're still talking about a half cent sales tax that would bring in \$45,000,000 though what they need is \$3,000,000. At the same time, they are reconsidering old projects and recently approved 16 new projects costing \$14,000,000. The Sheriff said it's going to cost \$130,000 per officer. Commissioner Walters read an article by Scott Ellis, County Clerk, who criticized the School Board and what he describes as their mismanagement of funds and fiscal irresponsibility. Commissioner Walters is not in favor of Melbourne Beach hiring another officer when we already have ten. He said at other times, the department has been run with 8 and 9 officers. He added that we could provide the SRO ourselves until we find out what the School Board is going to ultimately decide.

Commissioner Hoover asked the Town Manager if he knows why there is a difference of \$10,000 between the bids. He answered that the higher bid from Zabatt is most likely due to them being in Jacksonville.

Mayor Simmons suggested that the Town Manager get more bid details from Eau Gallie and then get a recommendation from B.S.E. Consultants at which point the item could be voted on at a special meeting held after the May 2nd workshop.

The Commission consented to task the Town Manager with getting more details for the Eau Gallie Electric bid and have B.S.E. evaluate both bids prior to the May 2nd special meeting. 5-0.

- E. Consideration of moving money from the Reserve Account and Operating Account into a 26 week Certificate of Deposit – Finance Manager Mascaro (00:51:03)

Town Manager Daniels said that the Finance Manager researched how the Town can get the most interest from the money in our accounts. She talked to a representative at BB&T who outlined a program where they will disperse money among several institutions so that the money will all be federally insured. The \$1,500,000 currently yields interest of \$8.58 per month. By moving the money into the Certificate of Deposit Accounts (CDARS) our 6 month yield would be \$10,890. If the Town had to cash in the CD, all accrued interest would be lost but there would not be a penalty.

Commissioner Walters said he was upset when he saw this on the agenda because he thought we already had our money in higher yielding CD's. A former Commissioner said they used to keep a large portion of the reserve money in CD's. He suggested that \$1,000,000 should be place in CD's and \$500,000 should be kept out for contingencies. His concern is that if we pull out any portion of the money from a CD, we would lose all the interest.

Joe Tracy
615 Citrus

Mr. Tracy said we should put part of the money in CD's asap.

The Commission agreed that it would be wise to keep \$500,000 in accessible funds.

Commissioner Walters made a motion to deposit \$1,000,000 in the CDARS program through BB&T; Commissioner Hoover seconded. Motion carried 5-0.

The Commission directed the Town Manager to determine what the penalties would be for pre-maturity withdrawals before deciding whether to deposit more money in the program.

Town Manager Daniels said he wanted to give the vendors enough time to prepare comprehensive bids that include the structure. Two bids were ultimately submitted: one from Eau Gallie Electric and one from Zabatt. The Town Manager said he wants to accept Eau Gallie Electric's bid because it is less expensive and they've done work for us before.

Commissioner Quarrie said that Eau Gallie Electric's bid isn't specific enough. She pointed out that Zabatt specified exactly what kind of tank, what kind of generator, etc., that they would be using; Eau Gallie Electric didn't specify those details. She's not comfortable accepting a bid without everything being spelled out and asked if they would be willing to provide more details. Town Manager Daniels said that they will install a *Tradewinds Power Corp.* generator made by *Caterpillar* which is what they use in Brevard County; his plan was to add that information to the contract. He added that their service agreement costs a little more but they are local and he likes that the finish on the building will be the same as Public Works.

Mayor Simmons commented that Eau Gallie gave more detail on the building but the other company went into more detail about other things. The Mayor said we are probably at low risk because of their reputation but he suggested that we get tentative approval then get B.S.E. Consultants to work out the details. Commissioner Hoover asked if we could get them to provide the same level of detail to which Commissioner Quarrie responded that if they provide the same level of detail as the other company and keep their price the same, she's OK with it.

Commissioner Walters asked how much was budgeted for the generator. The Town Manager responded that nothing is in the budget for replacement of the generator but we are looking for reimbursement for our old generator from FEMA though he won't count on those dollars, so, he is looking at the contingency fund. The Mayor said we'll need more than what is in the contingency fund so we'll also have to look at reserves. He wants to make sure that our long term capital improvement list goes out ten years and includes things like the generator. He added that he doesn't want to count on money from FEMA because they'll expect us to replace the generator with exactly what we had before; they won't pay for upgrades. Town Manager Daniels said when FEMA was doing an onsite inspection he told them about needing a new, bigger generator and they said as long as we provide a price for the generator (not the building), they would cover it - but there wasn't a commitment.

Responding to question asked by Commissioner Walters, the Town Manager said the generator will cover the entire building and the air conditioning. Commissioner Walters also wants to get more details from Eau Gallie Electric.

The program goals are:

- To keep waste out of landfills
- To provide up to 15 times more water retention in the soil
- To keep chemicals out of the lagoon
- To promote healthy and safe locally grown food and green space
- To use locally any proceeds from these efforts

Mayor Simmons asked for more details about the process. Mr. Parker said he will give buckets to interested residents and once a week he will dump material from the individual buckets into a main bucket on his truck. After all buckets have been dumped, he will take the raw material back to the main facility for processing. He provides the buckets and lids and rinses them out after each pickup.

Commissioner Walters asked if he would be soliciting funds from residents to which Mr. Parker responded that he would not; it is a free service. He is looking into grants for funding.

The Mayor asked Mr. Parker what he needs from the Commission and he said he just needs their approval. He's going to use different platforms and venues to get the word out. He will be doing all the legwork.

Commissioner Quarrie asked if he would put a priority on commercial areas and he responded that he would but he wants everybody to be involved.

Town Manager Daniels said that the EAB is planning on making this composting program part of the Town's sustainability plan.

Commissioner Hoover said at the EAB meeting, Mr. Parker said the current processing facility is quite full so is he anticipating the need for additional space and, if so, when and how much? Mr. Parker said he will always want to process the compost at his facility but down the road, we may want to have one or more piles at, for instance, a church or Old Town Hall. He doesn't anticipate running out of room at his current facility.

Vice Mayor Davis made a motion to implement the free composting program and to have Mr. Parker come back to the Commission if local space for the program is needed; Commissioner Quarrie seconded. Motion carried 5-0.

D. Consideration of bids for an Emergency Generator – Town Manager Daniels
(00:30:31)

B. Consideration of new appointee to the South Beaches Coalition – Town Clerk Wilson

Town Clerk Wilson said that Vice Mayor Davis, who is currently on the committee, is unable to make the 4:00 pm meetings because of a work conflict. Commissioner Walters said that Commissioner Quarrie would be an asset to the committee because of her background on the Planning & Zoning Board.

Commissioner Walters made a motion to appoint Commissioner Quarrie to the South Beaches Coalition; Commissioner Hoover seconded. Motion carried 5-0.

Commissioner Walters made a motion to appoint Commissioner Hoover as an alternate to the South Beaches Coalition; Vice Mayor Davis seconded. Motion carried 5-0.

C. Consider implementing free Composting Program – Town Manager Daniels (00:20:12)

Town Manager Daniels said that Scott Parker was a resident of Melbourne Beach for many years and now lives in Indialantic. Mr. Parker approached the Environmental Advisory Board about his composting program and they support it. He would like the Commission to consider approving it and to allow him to implement his pilot program.

*Scott Parker
2310 Abalone Avenue*

Mr. Parker, from the non-profit organization Green Earth Composting, is promoting the composting program that consists of:

- Collecting compost material from 100 Melbourne Beach residents
- Mixing that compost with carbon material (leaves, wood chips, etc.) at his facility and possibly at locations around Town
- Educating the public on the benefits of composting
- Collecting data on CO₂ reductions
- Increasing sustainability benchmarks
- Reducing garbage collection and fees
- Creating a blueprint to share with other communities
- Providing the Town with a steady stream of nutrient rich soil for use in community gardens and public parks

made more public. The Mayor said that the information is available to the public and the Town Manager said the information could be posted on the website.

Joe Tracy
615 Citrus

Mr. Tracy thanked the Commission for budgeting money for the Ryckman House. He also said the Commission should begin each meeting with a prayer and asked if he could recite the Lord's prayer, which he did.

VIII. Approval of the Agenda (00:15:31)

Commissioner Walters made a motion to approve the agenda as presented; Vice Mayor Davis seconded. Motion carried 5-0.

IX. Consent Agenda (00:15:55)

- A. Reappointment of Frank Thomas to the Environmental Advisory Board for a term of two years ending April 18, 2020
- B. Appointment of Jo Solley-Hansen to the Historic Preservation and Awareness Board for a term of two years ending April 18, 2020
- C. Site Plan Review for 501 Riverside, Melbourne Beach, FL
- D. Site Plan Review for 422 Sunset, Melbourne Beach, FL
- E. April 4, 2018 Town Commission Workshop draft minutes
- F. FY17 Audit that was presented at the April 4, 2018 Town Commission Workshop

Commissioner Walters made a motion to approve the Consent Agenda as presented; Commissioner Hoover seconded. Motion carried 5-0.

IX. Public Hearings

No public hearing

X. Old Business

No old business

XI. New Business (00:16:48)

- A. Consideration of March 21, 2018 Regular Town Commission draft minutes as amended – Town Clerk Wilson

Commissioner Walters made a motion to approve the March 21, 2018 minutes as amended; Commissioner Quarrie seconded. Motion carried 5-0.