

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING WEDNESDAY MAY 15, 2019 @ 6:30 pm COMMUNITY CENTER – 509 OCEAN AVENUE MINUTES

PUBLIC NOTICE

**The Town Commission conducted a Regular Town Commission Meeting
on Wednesday May 15, 2019 in the Community Center
to address the items below.**

Commission Members:

Mayor Jim Simmons
Vice Mayor Wyatt Hoover
Commissioner Steve Walters
Commissioner Sherrie Quarrie
Commissioner Corey Runte

Staff Members:

Interim Town Manager Elizabeth Mascaro
Town Clerk Nancy Wilson
Town Attorney Clifford Repperger

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 conducted the roll call.

Commissioners Present:

Mayor Jim Simmons

Vice Mayor Wyatt Hoover

Commissioner Steve Walters

Commissioner Sherri Quarrie

Commissioner Corey Runte

Staff Present:

Interim Town Manager Elizabeth Mascaro

Town Clerk Nancy Wilson

Police Chief Melanie Griswold

Town Attorney Clifford Repperger

III. Pledge of Allegiance and Moment of Silence

Led by Mayor Simmons

IV. Presentations

A. Proclamation recognizing Safe Boating Week

The Vice Commander of the Coast Guard Auxiliary introduced himself prior to Mayor Simmons reading of the Proclamation. The United States Coast Guard Auxiliary focuses on boating safety with emphasis on safe boating education classes and vessel safety examinations. They work closely with the Coast Guard and are 26,000 members strong. The Auxiliary also has a booth at the Founder's Day event and they are very pleased with the support of the Town of Melbourne Beach.

B. Proclamation commemorating Police Memorial Week

Mayor Simmons read the Proclamation and presented it to Police Chief Griswold. The Mayor also recognized retired Police Chief Steve Walters.

V. Boards and Committees

No Board members present

VI. Public Comments

Tia Heck

503 Andrews Drive

Ms. Heck inquired about the position of the Town in relation to the School Resource Officer and if the Town will be funding the position for the next school year. Mayor

Simmons said budget discussions will begin on June 5th and all the meetings will be publicly advertised. The SRO position will be discussed during those meetings. Ms. Heck said SRO Alex Vila has been a great asset to Gemini Elementary.

VII. Approval of the Agenda

Mayor Simmons asked to move Consent Agenda item C, *Site Plan Review for 205 Ocean*, to New Business item A.

Vice Mayor Hoover made a motion to approve the agenda as modified; Commissioner Runte seconded. Motion carried 5-0.

VIII. Consent Agenda

- A. Site Plan Review for 418 Avenue B
- B. Site Plan Review for 523 Avenue B
- ~~C. Site Plan Review for 205 Ocean~~ moved to New Business A.
- D. Fifth Amendment to Fire-Rescue Dispatch Services Interlocal Agreement with the Town of Indian Land
- E. Reappointment of Pat Zabinski to the Parks Board for a term of 2 years

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

IX. Public Hearings

No public hearings

X. Old Business

No old business

XI. New Business

- A. Site plan review for 205 Ocean – moved from the Consent Agenda

John Brannan
Engineering & Design Concepts, Inc.

Chris Tann
Owner – Black Dog Bait & Tackle

Robert Robb
Robb & Taylor Engineering Solutions, Inc. •

Mayor Simmons said he talked to Chris Tann who answered some of his questions. He was concerned with our Town Planner's report where the landscaping was being moved back off of A1A and into the dirt parking lot but he realized he was misreading the prints; he thought the landscaping was going to block the boat traffic area so that concern has been resolved. Another concern is the drainage plan that shows all of the water coming from close to A1A now heading south toward a small swale that's against the residences and the rear wall. The Mayor recommended that our civil engineer look at the plans to make sure we can verify that the minimum retention requirements are being met; there are two residences behind 205 Ocean and he wants to ensure that no additional water runs onto those properties. His next concern was that the Town requires a wall between businesses and residences. Use of that area is being increased into an area that currently only has a fence so the Mayor suggested that the wall be extended since there will be more noise and activity than there was previously. One last concern of the Mayor's was the location of the dumpster that resides on the west wall of the laundromat. The proposed loop around the back of the new addition presents problems with that location. The Mayor suggested finding a way to keep the dumpster where it is now by having a rollaway dumpster so it could be rolled out on trash pickup day then rolled back into place rather than keeping it permanently on the property line.

The other Commission members agreed with the Mayor about his three concerns. The Mayor then suggested a motion.

Vice Mayor Hoover made a motion to approve the site plan for 205 Ocean subject to BSE Consultants' concurrence with the drainage plan; continuing the wall between the commercial and residential properties along the rear of the property and; resolving the issue with the dumpster location; Commissioner Runte seconded. Motion carried 5-0.

- B. Consideration of April 17, 2019 Regular Town Commission Meeting minutes – Town Clerk Wilson

Commissioner Runte made a motion to approve the minutes from April 17, 2019 as amended; Vice Mayor Hoover seconded.

Commissioner Walters said he wanted to change the minutes on page 117 to read: *Commissioner Walters asked the Interim Town Manager if anybody on staff is doing research for a Commissioner who is going to college to which she responded ~~that she wasn't sure what he was talking about.~~ Mr. Walters said what she actually said was that she had no idea what he was talking about.*

Commissioner Walters revised the motion to approve the minutes from April 17, 2019 as amended; Vice Mayor Hoover seconded. Motion carried 5-0.

- C. Consideration of the Southern Squall Festival Special Event permit application - Interim Town Manager Mascaro

Interim Town Manager Mascaro said she received a special event application from Alan Ross about holding the 3rd Annual Southern Squall Music Festival next year in Ryckman Park. Vice Mayor Hoover said if we do this again he'd like the Town's expenses to come out of the gross proceeds prior to splitting the money among the recipients. He's in favor of the event other than that. Mayor Simmons said he'd like to see more coordination with our Police Department. Vice Mayor Hoover suggested we draft a Memorandum of Understanding so all participants are on the same page.

Commissioner Runte made a motion to approve the Special Event application for the Southern Squall Festival in 2020 subject to an approved MOU being in place within the next 30 days; Vice Mayor Hoover seconded. Motion carried 5-0.

- D. Consideration of planting four trees along Oak Street – Interim Town Manager Mascaro

Interim Town Manager Mascaro said that Linda Marzano contacted her about planting two Oak trees and two Mahogany trees on Oak Street to provide a habitat for birds and other creatures, to combat soil erosion, to help control runoff and to provide shade and beautify the street. The trees would be donated by Sun Harbor Nursery and planted/maintained by the Global Sustainability Group. Public Works Supervisor Davis reviewed the planting locations and said there would not be any issues. The only possible drawback would be roots impacting the sidewalks in the future.

*Luke Marzano
442 Riverview Lane*

Ms. Marzano's son, Luke, said they want to plant four trees on Oak Street and he explained the Global Sustainability Groups campaign. Responding to a question, Luke said the trees will be saplings.

*Peter Marzano
442 Riverview Lane*

Linda Marzano's husband, Peter, said the trees will be about 30" tall. He repeated that Global Sustainability Group will plant and maintain the trees.

Vice Mayor Hoover said that trees act as traffic slowing devices because they frame the road and cause drivers to be more cautious so he is in favor of this project. He also said that the Town's Environmental Advisory Board is currently working on creating a sustainability project and he invited them to attend their meetings.

Neal Tompkins

2004 Neptune

Mr. Tompkins said he thinks planting the trees is a good idea and he'd like to see more trees planted between the entrances to Harbor East. He hopes that Oak Street will soon have more productive swales for stormwater runoff.

Vice Mayor Hoover made a motion to approve the the planting of four trees along Oak Street; Commissioner Runte seconded. Motion carried 5-0.

- E. Consideration of Drown Zero project in conjunction with the Rotary Club – Interim Town Manager Mascaro

Interim Town Manager Mascaro was contacted by Wyatt Werneth, president of Cocoa Beach Rotary, about the Drown Zero project. Rotary has installed 42 stations with floatation devices on Cocoa Beach to help citizens assist in life saving in unguarded beach areas. Rotary International is sponsoring the program and is covering all costs associated with the stations. The Town has eleven unguarded crossovers and so we may want to consider six of the lifesaving rings. It was suggested that local businesses could sponsor the devices. Mayor Simmons commented that the rings, once thrown, would just float back to the beach; they are not meant for dragging to somebody. He suggested asking Brevard County what they use for life-saving actions. Vice Mayor Hoover asked that the Interim Town Manager to check with the Department of Environmental Protection to ensure turtle nests and vegetation is not disturbed by the installation of the life buoy stations

Commissioner Runte made a motion to approve the the Drown Zero project in conjunction with Rotary International; Vice Mayor Hoover seconded. Motion carried 5-0.

XII. Staff Reports (00:51:02)

- A. Town Attorney Report – Town Attorney Repperger said he will address his issues during the Action Item discussion.
- B. Town Manager Report – Commissioner Walters asked about the \$3,000+ bill for signs for 524 Ocean Avenue. Neither Interim Town Manager Mascaro nor Public Works Supervisor Davis recalled the charge but said they'd look into it.
- C. Town Clerk Report – The Clerk reported that she owes the Commission a couple sets of minutes. She reported that the ADA compliance project is moving forward slowly

especially since nobody knows exactly what is required to ensure compliance. Vice Mayor Hoover said he's in class with people from Brevard County, Melbourne and other locations that are having a hard time with compliance and are similarly confused about what exactly is required to become compliant. Commissioner Walters said that a bill passed in the House and is stuck in the Senate. The legislation would require that any person claiming discrimination must first provide written notice, allowing 60 days for an entity to acknowledge receipt of the complaint, followed by an additional 120 days before legal action could be initiated. Commissioner Walters asked if there is a way for the Commission to access the information on our website that has been unpublished. The Clerk responded that there should be a mechanism to allow access through a "back door" and that she'd look into it. She also was unable to give a timeline about when the website would become compliant

D. Departmental Reports:

1. Public Works Department – Commissioner Runte thanked the Public Works Supervisor for fixing the step at the Avenue B crossover and asked for an update on the dinghy removal at the dock. The Public Works Supervisor said he's still working on getting it removed. The Mayor described an issue at the Avenue B crossover explaining that when the stringers were cut for the stair treads, they weren't made deep enough to support the second 1" x 6" leaving about an inch that's unsupported so when something heavy is dragged down the stairs, that inch is broken off. The Mayor suggested putting a 1" x 2" facing board under all the overhanging boards to fix the problem.
2. Building Department – It was another busy month for permits.
3. Code Enforcement – Mayor Simmons said he likes the new report generated by Jennifer Kerr.
4. Police Department – Commissioner Walters said the Justice Department is offering body camera grants; the deadline for filing is June 5th. There is also COPS School Violence Prevention Program grant funding that could be used for reinforcing security in schools; the deadline for filing is May 31st. Interim Town Manager Mascaro said that the Town gets the body camera grant every other year and every year we're awarded the laptop grant.
5. Fire Department – no comments
6. Finance Department – no comments

Vice Mayor Hoover made a motion to approve the finance report as presented; Commissioner Runte seconded. Motion carried 4-1 with Commissioner Walters casting the dissenting vote.

XIII. Town Commission Comments (01:04:27)

A. General Comments

Vice Mayor Hoover said there's a rumor going around that he wants to be the Town Manager. He stated for the record that the rumor is unfounded and he'd appreciate any rumblings to be squashed.

Mayor Simmons reported that there was a good turnout at the SCLOC dinner. At the meeting beforehand, recent legislation was discussed. One of our local representatives put forward a state law that would prohibit municipalities from regulating the use of plastic straws; it passed in the House and Senate but Governor DeSantis vetoed the bill. Also, legislators tried to take away all municipal authority regarding short term rentals but that died in Committee. A lot of water quality bills were passed. Texting and driving is now considered a primary offense. Finally, a resolution was signed and will be sent to Governor DeSantis - Representative Thad Altman put in a request for \$800,000 for F.I.T. to do a study about whether a new inlet or weir system would lead to better water quality in the Indian River Lagoon. The Mayor's objection to the request is that all we'd be doing is flushing our pollution from the IRL into the ocean. Upon looking into the matter further, Mayor Simmons was pleased to learn that the study would be conducted by bioscience and oceanography professionals who would look at the biological implications rather than by a group trying to determine if it's technically feasible.

B. Review of Commission Action List

The Action List was reviewed. There were no items added, 1 item was closed and 21 were updated.


Commissioner Walters asked if the Town Attorney had heard from previous Town Manager Bob Daniels. Town Attorney Repperger said there has been no response from Mr. Daniels. Commissioner Walters said this issue has cost taxpayers \$4,300 in attorney fees.

XIV. Adjournment

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

The meeting adjourned at 8:07 pm

ATTEST:



James D. Simmons, Mayor

Nancy Wilson, Town Clerk