



M Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING
WEDNESDAY, May 16, 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
at 6:30 p.m. on May 16, 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

Staff Present:

Town Manager Bob Daniels

Town Clerk Nancy Wilson

Town Attorney Cliff Repperger

Commissioner Absent:

Commissioner Sherri Quarrie

III. Pledge of Allegiance and Moment of Silence

Led by Mayor Simmons

IV. Presentations (00:05:15)

1. Proclamation declaring May 19th – May 25th as National Safe Boating Week

Mayor Simmons read the proclamation and presented it to the four Coast Guard Auxiliary representatives in attendance. He added that the Town's Fire Department and the Coast Guard Auxiliary held a "Safe Boating Week" event to teach safe boating practices and inspect vessels for safety. The Coast Guard Auxiliary has 26,000 members and last year they performed 3.8 million hours of volunteer service. The Town will host the "Safe Boating Week" annually.

2. Proclamation declaring May 13th – May 19th as Police Memorial Week

Mayor Simmons read the proclamation and presented it to the three Police Officers in attendance: Sergeant Dovale, Corporal Kino and Officer Vila

V. Boards and Committees (00:14:29)

No reports were submitted

*Curtis Byrd, Environmental Advisory Board Chairman
306 Surf Road*

Mr. Byrd said their current big project is developing a sustainability plan for the Town. He thanked Commissioner Hoover for joining them at their meetings. Regarding the plan, he said they hope to implement it as they write it. He also said the Board is fortunate to be getting help from F.I.T. and Dr. Lindeman who worked with Satellite Beach when they were developing their plan. In conclusion, he agreed with the proposal to provide a stipend for an F.I.T. intern who would be helping EAB with the project.

VI. Public Comments (00:16:58)

Steven Strauss
429 Riverview Lane

Mr. Strauss talked about what he thinks are excessive permit fees in the Town. In the last three or four years, he has lost his dock a few times because of storms. Recently, he had to pay \$317 for a permit to rebuild his dock and he thinks there should be a flat fee for permitting of construction projects. Mayor Simmons explained that the Building Department is not a money making activity and he said that fees vary because the amount of work that goes into plans review and inspections varies.

Mr. Strauss also suggested that the Town provide an area where young people can practice hitting and pitching balls. A cement wall with target boxes painted on it would work and it would be economical. The Mayor suggested that the Town Manager add this item to the budget "wish list".

Jane Daly
1903 Atlantic

Ms. Daly thanked the Town Manager for the hurricane preparedness seminar he hosted. She said the three speakers were excellent and she was shocked that it wasn't more heavily attended. This will be an annual event.

Curtis Byrd
306 Surf Road

Mr. Byrd thanked the Police Chief for providing the safety flags and signs at crosswalks in Town.

VII. Approval of the Agenda (00:24:30)

Commissioner Walters made a motion to approve the agenda; Vice Mayor Davis seconded. Motion carried 4-0.

VIII. Consent Agenda (00:24:48)

1. April 18, 2017 Regular Town Commission draft minutes
2. May 2, 2018 Town Commission Workshop draft minutes
3. ~~Appointment of Katherine Avrakotos as an alternate member of the Environmental Advisory Board~~
Mayor Simmons talked to Ms. Avrakotos and because she won't be able to actively participate on the Board, she asked that her application be withdrawn from consideration but she would like to participate in Board activities when she is in Town. He added that she is majoring in Environmental Sciences and Planning at the University of South Florida which will dovetail nicely into the development of our sustainability plan.
4. Fourth Amendment to Fire-Rescue Dispatch Services Interlocal Agreement with the Town of Indialantic
5. Contract with Land and Sea Marine for Phase 2 of the community pier restoration

6. Scope of work and stipend for F.I.T. intern working with EAB on sustainability project

Commissioner Walters made a motion to approve the Consent Agenda as amended; Commissioner Hoover seconded. Motion carried 4-0.

IX. Public Hearings (00:26:06)

1. First Reading of the Second Amendment of the prior Water Franchise Agreement, Ordinance 2018-01 – Town Attorney Repperger

Town Attorney Repperger read Ordinance 2018-01 by title.

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA; EXTENDING THE CURRENT WATER FRANCHISE AGREEMENT BETWEEN THE CITY OF MELBOURNE AND THE TOWN OF MELBOURNE BEACH FOR AN ADDITIONAL SIX MONTHS; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE AND ENTER INTO THE SECOND AMENDMENT TO THE WATER FRANCHISE AGREEMENT ON BEHALF OF THE TOWN; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Walters asked when we are going to be finished with this Agreement because it's been going on for months and has cost the Town almost \$5,000. He's hoping this will be wrapped up and that we won't have to address this for another 30 years. Mayor Simmons asked about the term "nunc pro tunc". The Town Attorney explained that we had a one time amendment extending the Agreement to February 12th, so this Agreement is extending the Agreement to August 12th. Nunc pro tunc applies retroactively to correct an earlier ruling and is a phrase which theoretically applies to acts that are allowed to be done after the time expires.

Commissioner Walters made a motion to approve the first reading of the Second Amendment of the prior Water Franchise Agreement, Ordinance 2018-01; Vice Mayor Davis seconded. Motion carried 4-0.

2. First Reading of new Water Franchise Agreement, Ordinance 2018-02 – Town Attorney Repperger

Town Attorney Repperger read Ordinance 2018-02 by title.

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA; ADOPTING A WATER FRANCHISE AGREEMENT BETWEEN THE CITY OF MELBOURNE AND THE TOWN OF MELBOURNE BEACH; PROVIDING FOR THE OPERATION AND MAINTENANCE OF THE WATER DISTRIBUTION SYSTEM THROUGHOUT THE TOWN; ESTABLISHING CERTAIN CONDITIONS AND AGREEMENTS IN REGARD TO THE OPERATION OF SAID WATER SUPPLY SYSTEM; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Davis asked a question regarding regulations found in Section 17 where it reads:

The rules and regulations of the Florida Department of Environmental Protection require water providers to establish and implement a cross-connection control program utilizing backflow protection at or for service connections in order to protect the water system from contamination caused by cross-connections on customers' premises. Pursuant to such required program, during the term of this Agreement MELBOURNE, as a water provider, will require many of the water customers within MELBOURNE BEACH to upgrade current facilities to install backflow prevention devices or other appropriate cross-connection controls on potable water systems. MELBOURNE BEACH agrees to cooperate in the implementation of the cross-connection controls program within MELBOURNE BEACH, including but not limited to the education of water customers and to the extent permitted by law (including but not limited to the ordinances, rules, regulations and guidelines of MELBOURNE), the withholding of certificates of occupancy from water customers without proper backflow prevention devices.

The Vice Mayor was concerned that the expense of installing backflow devices would fall to Melbourne Beach residents to cover. The Town Attorney replied that the Agreement provides for the establishment of the rule mandates by DEP. He didn't discuss with Melbourne the potential impact of what costs to end users could be but he will find out and discuss this during second read.

Several typographical errors were noted:

- Page 1, Ordinance title, *agreement* is misspelled
- Page 3 of the Agreement, Section 3a, word "if" should be "is"
- Page 3 of the Agreement, Section 3b word "Council" should be "Commission"
- Page 22, the telephone number should read 724-5860
- Page 22, Section 25, the Town Clerks email address should read townclerk@melbournebeachfl.org

Mayor Simmons thanked the Town Manager and Town Attorney for the stronger language added to the Ordinance related to shutting off the water to Melbourne Beach during a storm. Melbourne assured us that the improvements to their water system will not force preventive shut-offs unless we are threatened with a Category 4 or higher storm.

Vice Mayor Davis made a motion to approve the first reading of the new Water Franchise Agreement, Ordinance 2018-02, as amended;
Commissioner Walters seconded. Motion carried 4-0.

X. Old Business (00:36:40)

- A. Consideration of Memorandum of Understanding with the Brevard County School Board for a School Resource Officer – Town Manager Daniels

Town Manager Daniels said this issue has been addressed by the School Board and he has the Memorandum of Understanding (MOU) from them. They have increased the

reimbursement amount from \$37,000 to \$52,000 which puts us about \$12,000 short of what it will cost the Town to fund an officer. Chief Duncan said a veteran officer would fill the SRO position and we would be backfilling the officer position. There has been a lot of publicity on different programs but this one is authorized for continuous funding so it will be automatically renewed each year. The funding dollars are distributed to the local school districts to pay local jurisdictions for School Resource Officers. Jurisdictions wanting to participate in the program must sign an MOU which outlines the terms of the program.

Commissioner Hoover asked what the cost would be if we elected to go with the Security Specialist option and the answer was that the School Board would be responsible for those costs. Mayor Simmons added that there are only 28 Security Specialists so there's no guarantee that those who want one would get one. Commissioner Hoover asked if the \$52,000 would come from the School Board. The Town Manager answered that it comes from the Federal Government to the State to the School Board. Responding to another question posed by Commissioner Hoover, the Town Manager said the Sheriff's office would be picking up the costs in the unincorporated areas of Brevard County; the location of the school determines what jurisdiction pays for the SRO.

Commissioner Walters said the \$12,000+ shortfall sounds good but in reality the cost will be much higher. It doesn't cover vacation, unpaid leave, sick time, legal fees and car expenses plus we will have to train two officers to ensure coverage at Gemini. We are going to put an experienced officer at Gemini so we would be short an officer for three months because he/she would be spending that first three months in training so that would be yet another expense. He also commented that an experienced officer would be bored silly spending all day at the school. Bottom line is, we really don't know how much an SRO will cost the Town. Everybody wants to protect our children, that goes without saying, but what if the legislature doesn't support this program next year and we don't get any funding? Will we fire the new officer, will we foot the whole bill? Commissioner Walters said he's more inclined to go with the Marshal program (a certified officer) rather than Melbourne Beach jumping in and paying for it all. Our sales tax and property taxes will likely increase and we have millions of dollars worth of projects we can't fund now. He wants to know what the schools are ultimately going to do before we agree to spend between \$40,000 - \$50,000 annually, which is what the actual cost would be. Commissioner Walters said the School Board has approved the funding of 16 new projects this year, little of that funding has anything to do with school security.

Town Manager Daniels said he differs with some of Commissioner Walter's observations. He said regarding officer termination by the School Board, that would not be the case. There is language in the MOU that says the Police Chief and Principal would discuss any employee issues and the School Board would not be involved. He added that there are a couple seasoned officers who have expressed an interest in the SRO position so the new officer would backfill the vacated position. The Town Manager broke down the costs for training a new officer adding that the SRO would work an 8 hour shift so he'd be able to fill in at the MBPD. He reiterated that the School Board has decided to support the SRO program which is funded annually vs. Security

Specialists that have funding approved for one year. Finally, our Police Department is going to hold on to a car that was due to be replaced.

Reading from the MOU, Exhibit II, paragraph 14B, Commissioner Walters contradicted the Town Manager's assumption that the School Board can't reassign an SRO:

If, after reasonable review and discussion between the SRO, the SRO law enforcement supervisor and the Principal has occurred, in the opinion of the Principal the SRO's effectiveness remains questionable, the Principal may request the SRO be reassigned from their position at their assigned school.

Commissioner Walters said again that we would need to train two officers for the SRO position.

Vice Mayor Davis said Florida mandates a lot then doesn't fund it. At the last meeting Commissioner Quarrie said the mandate doesn't say the Cities, the Counties the Towns; the mandate is directed to the School Board. However, we do have an escape at the end of 9 months if the state discontinues funding. The Vice Mayor is opposed to hiring Security Specialists, he wants someone with firearms and stress training. He agrees with Commissioner Walters that the cost will exceed \$12,000+.

Commissioner Walters commented that once we agree to the MOU, that's it, we can't back out and the Town will be saddled with the whole expense in perpetuity.

Mayor Simmons asked about holidays, teacher workshops, etc. (amounting to about five weeks) – would we have the expense of an extra officer on the books? Town Manager Daniels answered in the affirmative. The Mayor addressed Commissioner Walters' aforementioned concern by clarifying that the Principal could **request** not **direct** the SRO to be reassigned. He also said we are going to need 2 SRO trained officers. If the primary SRO is incapacitated, we'd have to provide somebody to replace him/her. If flexibility is allowed in the SRO's schedule, it defeats the purpose of having someone on campus if there is an active shooter even though the odds of that are infinitesimal. He doesn't think this program was well thought out and doesn't think any of the three programs suggested would be effective. He would prefer spending money on deadbolts, more secure doors and bulletproof glass. The whole program is smoke and mirrors.

Commissioner Walters said he agrees with the Mayor about target hardening the schools which was also suggested by the Sheriff. He added that the mentally deranged shouldn't get in the schools in the first place. He would rather see money spent on mental health services.

Mayor Simmons said the proposed additional \$25,000 homestead exemption will cut about 8% from our budget which will be another hit.

Commissioner Walters asked what the SRO's will be trained to do while they are in the schools. If they are giving a lecture about bullying in a classroom, who will be outside or in other parts of the school protecting the other students? Town Manager Daniels answered that the officers will be building rapport with the children, conducting a little bit of social work and being a positive role model.

*Jennifer Julian, Principal of Gemini Elementary
Sebastian*

Ms. Julian said the reason she and the parents at her school need a Melbourne Beach Police Officer to serve as an SRO is because the MBPD is already a part of the school community and a wonderful relationship exists among the parents, students, teachers, staff and officers. Chief Duncan comes in often to speak to the teachers and administrators. The SRO would conduct anti-bullying and safety/security presentations, as well as, skills building, social/emotional learning programs, et.al. The officers have lunch with the students from time to time and occasionally attend PTO meetings and have been instrumental in the writing of the school's safety and security plan. The school would not be as safe as it is today without the MBPD's contributions and leadership; they know the footprint of the school better than anybody and they are able to arrest and trespass people. A person intent on harming students or faculty would have a much more difficult time if met by a police officer rather than a security guard. During off times, the assigned officer will be an asset to Melbourne Beach to relieve other officers and limit overtime. In conclusion, Ms. Julian said if the cost is broken down, each person in Melbourne Beach would pay \$16. She knows Melbourne Beach has a lot of projects that need to be funded but our kids are not projects and she would do anything to protect them.

Mayor Simmons said she built a good case on why we shouldn't do anything because we already do so much. What will be gained if an officer is on the other side of the school complex when an active shooter arrives? Ms. Julian responded that if Gemini doesn't get an SRO, they will get a security officer. The Mayor said that if they get a security officer, MBPD is not going to ignore them to which Ms. Julian said that our police department would respond "in time" but wouldn't be readily available.

Commissioner Hoover asked her if in the absence of the mandate, would she still be requesting an SRO from Melbourne Beach. Ms. Julian answered in the affirmative. The Mayor added that until this mandate, nobody has ever requested that an SRO officer be assigned to the school. She replied that we have a larger number of school shootings now.

Commissioner Walters said if the trained officer is in a classroom, who will protect the children from a shooter when they are on the playground. Ms. Julian said the officers can't be all places at all times but an officer on site would respond more quickly.

Vice Mayor Davis said the State should be looking at target hardening instead of putting our officers and children into a situation with no protection. He added that they are just band-aiding the issue and we will be grossly negligent if we don't address the security issues. He doesn't have any confidence in the effectiveness of the program. In conclusion, Ms. Julian stated there is now just one point of access to the school.

Mayor Simmons commented that even with one point of entry, the building isn't target hardened because windows can be broken, etc. He also said there are good reasons to have an SRO but one of them isn't because of active shooters; the implementation of the SRO program won't do anything for the schools. If the SRO in Parkland had entered the school during the shooting there would have just been one more victim because he

wasn't adequately armed. Our officer would be sacrificed but the outcome wouldn't change.

Paul Drusch
Brevard County

Mr. Drusch said the opposite side of the coin is to have another Parkland. We have to do something. He said there is not a one solution fix and a security plan should evolve. For the time being, an SRO is the answer; the response time for an onsite officer would be 30 seconds vs. 3 minutes. Regardless of the cost, is it worth the risk? He said if the Town doesn't approve the hiring of an SRO officer, he will start a GoFundMe page and if the entire \$12,000 isn't collected, he will fund the balance.

Molly Domin
Brevard County

Ms. Domin said she and others have been at all the School Board meetings. She said the difference between a police officer and a security guard is huge and is the price we have to pay to secure our children. The Mayor responded that this is not a small amount of money for the Town. \$60,000 is 3% of our budget. This is a big expense and we would sacrifice other serious needs in the Town for something that isn't going to change a thing.

Tia Heck
503 Andrews

Ms. Heck has been following this issue closely and supports having an SRO at the school but isn't supportive of security officers or arming employees. The requirements for a civilian officer have yet to be determined and she is worried about somebody being in the school with little training versus a well-trained police officer.

Christina Keshishian
313 Hibiscus Trail

Ms. Keshishian agreed with the Commission that the mandate won't change a thing, however, she feels that an SRO is the best option. Recently, 6 School Board employees were arrested so she doesn't feel arming them is appropriate.

Cierra Major
Brevard County

Ms. Major said we allocate a lot of money for sea turtles and the lagoon but our most valuable assets are our children. She doesn't think that anybody would mind spending the money. She wants a well-trained officer protecting her children. At the end of the day, all that matters are our children. She said the choice is between a security officer and a police officer and she thinks there should be a police officer at the school.

Summer Adams
219 Sixth Avenue

Ms. Adams agreed with what the Commission said about hardening the schools and the potential efficacy of the SRO program. The parents of Gemini students have been working with the School Board and this is what they got. She said that what would be worse than the School Board's solution, would be to not do anything. The School's relationship the MBPD is phenomenal and the children trust them.

Stacey Zabinski
1413 Atlantic

It's going to cost money to do this but we have to do something. She's a proponent of small government and feels the School Board is big government so the parents are coming to problem solve with the Commission. If something did happen at Gemini which a reduction in tax dollars would result. She wants a Melbourne Beach Police Officer protecting the children and not a security guard.

Vice Mayor Davis said we have major expenses in the Town so this can't simply be an emotional decision; the financial burden has to be considered.

Mayor Simmons said we can't raise taxes because the state prohibits it. We'd like to do a lot of things but state law says we can't. He added that we are faced with tough budget questions every year and doesn't think hiring an SRO is a good use of taxpayer dollars. We don't have good options.

Commissioner Walters said that parents should be at the School Board demanding that they spend a portion of their \$14,000,000 budget on securing our schools instead of on reading coaches, relaunching a bussing program and reopening a formerly shuttered elementary school. They know there is a problem but they don't want to fund it.

Commissioner Hoover said the Commission is listening to their concerns and he encouraged the parents to approach their State representatives and tell them not to undermine our Towns' ability to fund things; we need continued support.

Vice Mayor Davis said though he doesn't feel that hiring an SRO is a viable solution and because we are only committing ourselves to 9 month, he made a motion to approve the Memorandum of Understanding with Brevard County for supplying a Melbourne Beach Police Officer SRO at Gemini Elementary; Commissioner Hoover seconded.

Commissioner Walters said it's not just for a year; it's just a year on paper. If the Brevard County School Board decides to discontinue funding, what are we going to do with the officer we have hired? Once a program is started, it's impossible to stop it. He's all in favor of our officers spending more time at Gemini but for us to let the School Board and the State dictate to us how much we are going to have to pay is ridiculous; this money is not budgeted. He suggested those in the audience to ask anybody who has served in the military or has been a police officer what the odds are of any SRO stopping a shooter if he is mentally deranged.

Town Attorney Reppeger pointed out 2 typographical errors in the MOU Agreement.

Vice Mayor Davis made a motion to approve the Memorandum of Understanding for a School Resource Officer as amended; Commissioner Hoover seconded. Motion carried 3-1 with Commissioner Walters casting the dissenting vote.

Commissioner Walters made a motion for the Town Manager to inform the Commission if expenses to the Town for the SRO exceed \$13,000 annually; Commissioner Hoover seconded. Motion carried 4-0.

- B. Consideration of transitioning to e-City Services for the Town's website – Town Clerk Wilson

At the last workshop, Randy Perry from e-City Services gave a presentation about what services, support and design he could offer the Town. The cost for the custom website re-design is \$4,495 and the annual support cost is about \$2,500. These costs will be covered by moving money from the Town Clerk's education line items.

Commissioner Walters made a motion to engage e-City Services to design and support the Town's website; Commissioner Hoover seconded. Motion carried 4-0.

XI. New Business (02:16:04)

- A. Consideration of the May 2, 2018 Special Town Commission draft minutes as amended – Town Clerk Wilson

Mayor Simmons expounded on the changes he made to the minutes.

Vice Mayor Davis made a motion to approve the May 2, 2018 Special Town Commission draft minutes; Commissioner Walters seconded. Motion carried 4-0.

- B. Discussion and possible action regarding littering problem at the 1st Avenue crossover – Mayor Simmons

Mayor Simmons said there is a continuing problem at the 1st Avenue crossover. No smoking is allowed on Sand on the Beach premises so employees are going to the crossover to smoke and then they leave cigarette butts strewn around the area. There have been a number of violations at the restaurant and bar. Our parking area is used as their employee parking lot. The Mayor initially thought a wall could be built on the north end of our parking lot to make it a little more difficult for the employees to abuse the crossover. However, a special exception was granted to the restaurant for five parking spots along the south side in order for them to meet the minimum parking requirements. A wall would prevent them from accessing the five approved parking spots and would prevent the dumpster from being emptied so it is not feasible. He doesn't know of anything else we can do but talk to the manager and send certified letters. It's public parking so we probably can't prevent the employees from parking there. Cigarette butt receptacles were placed at the crossover but when full, they were emptied on the ground. They are not good neighbors.

Commissioner Hoover suggested an article be placed in the Beachcomber to inform residents of the problem.

Vice Mayor Davis recounted that they've washed their restaurant mats and filters outside and the old French drain is shot so gray water is flowing into the parking lot. The Town has fought for years with DOT to get them to install the proper storm drain at that location.

Commissioner Walters suggested the Town Manager write a letter to the owner and tell him if there is any more litter, cigarette butts or restaurant equipment being washed such that it drains into the street or parking area, we will revoke the permission granted to him to use the five parking spots. The business doesn't have enough parking spaces anyway. The Town Attorney said we can't prohibit the employees from parking in those spots but we can enforce the terms of the special exception that requires the business across the street to renew the parking lease annually. Commissioner Walters said the employees of the restaurant should be instructed to keep the crossover area clean.

Town Manager Daniels said there is an open code complaint on their dumpster for which numerous warnings have been issued.

*Gary English
210 First Avenue*

Mr. English said his significant other walks around the entire Town but she won't use the 1st avenue crossover because of all the cigarette butts and trash everywhere. He suggested the police start ticketing people for littering and parking where they shouldn't.

*Karen Lucas
208 First Avenue*

Ms. Lucas used to clean up the crossover area but gave up because the employees of Sand on the Beach keep trashing the area they call their designated smoking area per the manager of the restaurant. She added that sending the owner certified letters doesn't work nor does having residents of the area talk to him. She's sent multiple pictures to Town Hall but hasn't received a response. Town employees have tried to keep the area clean but they can't keep up with the mess. She asked what right a commercial business has to trash a public area.

Mayor Simmons added that we can't make the area a non-smoking area because the state prohibits us from regulating smoking outdoors even on our property. He read the pertinent section from the final development order for 1005 Atlantic Street: *The Applicant, for itself and its successors and assigns, and the tenant or other operator of the restaurant use or the bar/lounge use shall be required at all times to affirmatively demonstrate to Town code enforcement authorities that Lot 10, Block 4, Wilcox Plat of Melbourne Beach (jeweler and hairstylist businesses), according to the plat thereof, as recorded in Plat Book 1 Page 58, Public Records of Brevard County, Florida, is available for use in the manner and during the hours set forth in condition 17 (c). Failure to provide such affirmative demonstration of compliance with 17 (c) shall require that the bar/lounge and restaurant shall be closed and not open for use until such condition is corrected. Failure to comply with this condition 17 shall provide a basis for the Board of Adjustment to rescind the conditional use permit approval for an Eating and Drinking Establishment on the Property.*

Sand on the Beach is supposed to have an agreement with the business owner at 1010 Atlantic, as part of the final development order, to use their parking. It was speculated that the owner did not renew the lease with *Sand on the Beach*.

The Mayor suggested that the Town Manager let the owner know that the Town and the residents are serious about his compliance with the conditional use permit that was granted in 2008. The intent is for him to clean up the areas the restaurant uses and to maintain that cleanliness.

Commissioner Walters made a motion instructing the Town Manager to send a letter to the owner of *Sand on the Beach* advising him to keep the parking lot and crossover areas clean; Vice Mayor Davis seconded. Motion carried 4-0.

The Town Manager was told that this motion doesn't preclude him from issuing code violations for 1010 Atlantic nor from collecting more evidence of the mess left behind by the employees of *Sand on the Beach*.

XII. Staff Reports (02:36:15)

A. Town Attorney Report

Town Attorney Repperger announced that the Baccus mediation is scheduled for June 26th. The hearing is scheduled for June 28th assuming that the dispute is not mediated.

B. Town Manager / Public Works Report

- There will be an MOU on the June agenda regarding a state requirement for disaster situations which would allow the Town to receive funding.
- Met with an A/C contractor to discuss controls for the Town Hall facility; he should have a proposal for the Commission in June.
- He suggested a "buy a brick" program to provide some funds for the playground. He's still working on proposals from vendors.
- Suggested having an Iceman's festival for fundraising. The Commission responded that they are willing to hear a plan.
- Our generator supplier is looking to see what they can do about shortening the time frame for receiving the equipment. They committed to supplying the Town with a generator on a trailer if we are faced with a storm. Mayor Simmons asked if Eau Gallie could provide hookups soon and the Town Manager said he'd ask them.

Vice Mayor Davis asked about Code Compliance Officer position to which the Town Manager responded that he's reviewed the applications and will be conducting interviews the following week.

Commissioner Walters commended any officers who would be willing to serve as a School Resource Officer and suggested that the new officer be introduced to the Commission. He also asked where the \$13,000 is coming from for the SRO. The Town Manager answered that the money is coming out of the contingency fund. Mayor Simmons said most of the money will come out of the 2019 budget.

The Mayor asked that the workshop to discuss LED light conversion take place after the budget meetings.

The Mayor said that budget meetings should be scheduled soon. Town Manager Daniels said the budget should be available on June 1st. It was decided that the Commission

would, depending on availability, schedule meetings between the end of June and the end of July. They were asked to send their availability to Town Hall.

Commissioner Walters suggested that the Town Manager look at Resolution No. 622 from 1999 related to the Florida Inland Navigation District Waterways Assistance Program and to possibly resubmit it. The description of the project was summarized in the resolution:

Replacement of an existing boat ramp, adjacent boat launch area and construction of a dock at Sixth Avenue in Melbourne Beach. Existing launch area in disrepair and is not serviceable. (Boat ramp to be rebuilt and launch area upgraded to a pervious surface for vehicles used to launch boats and the dock will provide access for boaters.)

The Mayor added that Jerry Sansom from the Florida Inland Navigation District said he had to return allocated money last year.

C. Town Clerk Report – no report

D. Departmental Reports:

1. Building Department - no questions/comments
2. Code Enforcement
Mayor Simmons said he wants to see one more piece of data on the report that describes the next step in the enforcement process
3. Police Department – no questions/comments
4. Fire Department – no report
5. Finance Department – no questions/comments

XII. Town Commission Comments (02:52:22)

A. General Comments

Commissioner Walters mentioned a traffic management and calming policy to Commissioner Hoover that he might want to read.

Mayor Simmons said that Rockledge submitted a resolution about beach renourishment that the Commission might want to consider supporting. He also talked to the County Manager in Martin County about shark fishing. They have an ordinance that says you can't shark fish within 1000 yards or regular fish within 50 yards of a county park; if somebody who is fishing walks on county park property they can be trespassed. The Martin County Manager also said they passed an ordinance that states there's no smoking allowed in their parks, unless the ordinance violates state law. They erected signs to that effect but the restriction is not enforced. The Mayor announced that he will be on vacation from May 18-31.

Town Manager Daniels showed the Commission one of the orange flags made by Brian Vickers in Public Works and described the plan Chief Duncan implemented for safe crosswalks at several intersections in Town.

B. Review of Commission Action List

4 items were closed
20 items to be addressed at the June 20, 2018 meeting
3 items to be addressed at the July 18, 2018 meeting
1 item to be addressed at the August 15, 2018 meeting

Commissioner Walters said the Melbourne Beach Library Advisory Board has one seat open that is appointed by the Commission - one seat is also filled by a Commission member. This opening will be added to the Board vacancy list and posted at various locations. He is providing the Advisory Board by-laws to the Town Clerk.

XIII. Adjournment

Commissioner Walters made a motion to adjourn; Vice Mayor Davis seconded. Motion carried 4-0.

Meeting adjourned at 9:40 p.m.

ATTEST:



James D. Simmons, Mayor



Nancy Wilson, Town Clerk