

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING WEDNESDAY MAY 20, 2020 at 6:30 p.m. COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

**The Town Commission conducted a Regular Town Commission Meeting
on Wednesday May 20, 2020 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:

Town Manager Elizabeth Mascaro
Interim Town Clerk Jennifer Torres
Town Attorney Clifford Repperger

I. Call to Order – Led by Mayor Simmons

Mayor Simmons called the meeting to order at 6:35 p.m.

II. Roll Call

Interim Town Clerk Torres conducted the roll call.

Commissioners Present:

Mayor Jim Simmons

Vice Mayor Wyatt Hoover

Commissioner Steve Walters

Commissioner Corey Runte

Staff Present:

Town Manager Elizabeth Mascaro

Interim Town Clerk Jennifer Torres

Town Attorney Clifford Repperger

III. Pledge of Allegiance and Moment of Silence

Led by Mayor Simmons

IV. Presentations

Mayor Simmons explained that the meeting would be handled significantly differently, especially as far as public comment goes. He read the procedures that were included at the beginning of the agenda

A. Proclamation Recognizing National Safe Boating Week, May 16-22, 2020

The Mayor read the Proclamation and proclaimed May 16 – 22, 2020 as National Safe Boating week.

B. Proclamation Recognizing Police Memorial Week, May 10-16, 2020

The Mayor read the Proclamation and proclaimed May 15, 2020 as Police Memorial Day and May 10-16, 2020 as Police Memorial Week. He advised that normally this would have been read last month but the meeting was cancelled due to COVID-19.

C. Citizen of the Year

The Mayor said normally the announcement of Citizen of the Year would take place during Founder's Day with quite a few more people. He said this year's selection was one of the most obvious he's ever seen and announced the

Citizen of the Year 2020 was Crystal Cain – The Mayor then read the Proclamation.

Ms. Cain was then presented with the Proclamation and Public Works Supervisor Tom Davis presented her with a “golden shovel” as a gift. The meeting was adjourned at 6:46 p.m. to celebrate the Citizen of Year with cupcakes and iced tea.

Mayor Simmons reconvened the meeting at 6:53 p.m. with Roll Call. (23:55)

Interim Town Clerk Torres conducted the roll call.

Commissioners Present:

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

Staff Present:

Town Manager Elizabeth Mascaro
Interim Town Clerk Jennifer Torres
Town Attorney Clifford Repperger

V. Public Comments

Betsy Baird
1111 River Road

Ms. Baird said she was there to talk about Pine Street. She said people use it for walking and riding bikes and mothers push their babies while cars go by and she asked the Commission to consider erecting a pedestrian sign indicating it is a pedestrian friendly street.

Curtis Byrd – EAB Commissioner
306 Surf Road

Curtis Byrd, Commissioner of the Environmental Advisory Board, said the EAB had a successful Zoom (virtual) meeting last month and plan to host one again this month. He acknowledged the Town Manager and the Town Clerk, who he said did a great job organizing it – and he hopes to continue to offer the option of virtual Zoom meetings in the future from the Masny room so people from all over can attend. Mr. Byrd then went on to say the EAB just finished with their most recent internship and they think Ms. Taylor Greene did a fantastic job helping the board implement some of the guidelines for sustainable actions. He went on to say that Ms. Greene worked with Public Works Director Davis and one big item the board is looking at is a water fountain in Ryckman Park and making it into a water bottle refill station. Mr. Byrd said that Ms. Greene also gave the Town

Manager information about electric car charging stations and ideas for what we can do in the future. He explained that Ms. Greene also helped create a map that showed Ocean Avenue and what we can do to make it a little greener - such as rain gardens, recycling areas, rechargeable areas, more signs, etc. Mr. Byrd said he was very happy with the work done and hopes to have another intern next year from Florida Tech.

Deborah Marchese
310 1st Avenue

Ms. Marchese said she wanted to add on to the pedestrian walking item. She said she walks every day and while she doesn't think it's the Town's responsibility - there are a lot of people who like to plant things right on - or next to - the sidewalk. Ms. Marchese said she has to duck all the time to walk along the sidewalk and believes there should be some kind of setbacks. She also thinks that residents there should be responsible for cutting their plants so people can walk on the sidewalk.

Betsy Baird
1111 River Road

Ms. Baird said she thinks it would be a nice thing to add a bird bath on Pine Street like the one that was at Gemini.

Mark Shields
703 Pine Street

Mr. Shields said he was here on behalf of a friend who was hoping to play at the Founders Day concert. Since it was cancelled – or will be postponed - his friend wants to do a benefit concert for first responders, police and fire. He said he contacted Town Manager Mascaro and she advised him to come to this meeting and share his friend's available dates. Mr. Shields said the name of the group is Unit 5 and the days they are available are: June 20th, July 18th, or August 1st.

Dan Brunger
400 6th Avenue

Mr. Brunger wanted to know if the no parking signs on 5th Ave and 6th Ave, adjacent to the beach access will remain in place or be taken down. He also wanted to know if there was an update on the number of COVID-19 cases in Melbourne Beach.

Mayor Simmons responded that according to Florida Today newspaper there are three cases in Melbourne Beach but that doesn't mean they are in our Town. They could be anywhere from here to Sebastian Inlet. He went on to say that the County doesn't share the exact location unless there is a 911 call. The Mayor said

in regard to the no parking signs that issue would be addressed in the early part of tonight's agenda.

Honor Murphy
306 Hibiscus Trail

Ms. Murphy said she has a petition representing the homes on Hibiscus Trail that have swales and grates underground. She stated that the petitioners no longer believe that the previously installed grates and swales are required due to the changes made to driveways, etc.

She asked that the Town to consider allowing the owner to move ahead with his project at 304 Hibiscus Drive and presented a petition reflecting that view.

The Mayor asked her to hand the petition to the Town Clerk.

Doug Hilmes
443 Riverview Lane

Mr. Hilmes said he wanted to thank the Commission for hosting the meeting with the option of listening outside. He also listed the following items for Commission consideration

- Live streaming of Commission meetings
- Allowing boards to have their meetings virtually
- Reinstalling the basketball hoops in Ryckman Park

Mayor Simmons said that live streaming presents issues with ADA compliance and that many municipalities have stopped. As for remote meetings, the Mayor said it was a temporary measure allowed due to the COVID-19 pandemic. Normally it is not allowed by Sunshine Law. Public Works Supervisor Davis said the basketball court is now open.

Brian Blackwell
303 Hibiscus Trail

Mr. Blackwell said he was there to support Honor and that there are many children playing in these ditches. He said there is always standing water that never drains. He said the Town got Hurricane or grant money and spent it on these unnecessary measures that don't work.

VI. Approval of Agenda (42:41)

Commissioner Quarrie moved to approve the agenda as modified; Vice Mayor Hoover seconded; Motion carried 5-0.

VII. Consent Agenda

- A. Approve distribution of funds to the Edward Byrne Memorial JAG Program for the Brevard County Prisoner Transportation Program.

Commissioner Quarrie moved to approve the Consent Agenda as presented; Vice Mayor Hoover seconded; Motion carried 5-0.

VIII. Public Hearings

- A. Second reading of Ordinance 2020-02, regulation of vacation rentals - Town Attorney Repperger (43:34)

Town Attorney Repperger read the ordinance by title.

Commissioner Walters stated that the Commission had received proposed changes to the ordinance by email today and that, while they may be valid, he did not have sufficient time to review them.

Mayor Simmons asked if anyone objected to adding in occupant names to the requirement to retain rental agreements (along with license plates). There were no objections.

Mayor Simmons read the resident's email that had been submitted to the Commission today. After much discussion, the Commission agreed to defer the first four items (defining maximum occupancy during the day, prohibiting events such as weddings from being conducted, prohibiting use of the pool, etc after a defined hour, and requiring liability insurance) for a potential future modification to the ordinance.

Public comments

*Deborah Marchese
310 1st Avenue*

Ms. Marchese said she just thinks it is stupid and if the homeowner wants cameras up then let them.

*Kim Atkinson-Cowles
214 Surf Road*

Ms. Atkinson-Cowles said the majority of sexual offenses are not going to happen in in a vacation rental whether we have cameras or not and added that she didn't really want her next door neighbors to have cameras but if a property owner wants to have one then that is up to them. She said she is very disappointed to

hear that her Commissioners don't make it terribly easy to be in the community and keep us as safe as they can.

Dan Brown
400 6th Avenue

Mr. Brown said that he has not seen sexual predators and the folks that do those kinds of things happening in vacation rental homes. He inquired as to the type of camera that would be required and stated that the home owner should be responsible for that vacation rental. It's not the Town's business to come in and be part of a nanny state. He said he prefers as minimal interference as possible

After much discussion [including items 5 and 6 of the resident's email (requiring cameras and objecting to the identification of sexual predators by the owner) and in consideration of Public Comments], the Commission directed the Town Attorney to make two changes to the Ordinance;

- Add occupant names and vehicle descriptions to the owner-maintained record.
- Change the wording in 74-25 (d) from shall inquire "at check in" to "prior to" check in

Commissioner Quarrie moved to approve Ordinance 2020-02 with the two changes and an effective date of August 1, 2020; Commissioner Runte seconded; Motion carried 3-2 with Vice Mayor Hoover and Commissioner Walters casting the dissenting votes.

IX. Old Business

A. Discussion regarding results of the Parking Survey – Town Manager Mascaro (1:32:50)

Town Manager Mascaro asked if Adam Meyer (who compiled the survey results) would like to speak. (He declined.)

The Town Manager summarized the results of the survey and stated that, as a result of the temporary emergency measures recently enacted, she had received a lot of messages of support for the current no-parking signs and for metered parking at Ocean Park.

The Commission agreed to discuss on-street parking in the areas of east of Oak, north of Ocean, east of Orange and south of Ocean first.

Commissioners Runte and Quarrie said that, since COVID, there is even stronger support for paid parking and increased parking management that supports a comprehensive solution that considers the impacts to businesses and residents.

Vice Mayor Wyatt Hoover said he was in favor of restricting parking at the street ends in the zones mentioned but that we should allow the purchase of some annual visitor passes. He also stated that he is usually in favor of incremental approaches but in this case he favors paid parking at Ocean Park.

Mayor Simmons reminded the Commission that Ocean Park is state-owned land and as part of our lease with the state, we can't offer resident-only free parking there. He stated that, by the comments of about 8-10 survey respondents, some people did not understand that.

Commissioner Walters stated several of his concerns included the impact to our businesses (including potential for loss of business and impacts to their parking area); cost of installation, administration and enforcement (and impacts to policing of other areas); that the costs would exceed the revenues; that the survey was "skewed"; that visitors will go to other beaches, that experts in the past had not supported paid parking, and that it would require an increase in staff. For these reasons, he stated that he would oppose these measures. Much discussion ensued regarding where people are parking and the impacts to residents and businesses and maintenance costs (with Mayor Simmons holding up a picture of a vandalized toilet in Ocean Park), revenue projections, system costs (including installation and administration), current and proposed fines, cost of resident stickers, etc.

Commissioner Quarrie referenced the results of the parking survey, saying they were overwhelmingly in favor of the proposals and that we need to respect that.

Public Comments

Lisa Farrell
413 Magnolia Avenue

Ms. Farrell said she doesn't know about paid parking but she doesn't want residents to have to pay for anything and questioned why we are paying \$30,000 repaving the lots etc.

Mayor Simmons responded that our lease is \$1 per year.

Ms. Farrell continued, saying she doesn't want residents to have to buy stickers because they should not have to pay a red cent and in addition to seeming ludicrous, she is concerned with needing extra staff.

Deborah Marchese
310 1st Avenue

Ms. Marchese said that looking at the budget projections – it is not complete – and that she is against paid parking, explaining that this is not New York and, while she does sympathize with the situation in the bathrooms, she's not sure what they are trying to resolve here. She said no one who lives here should pay a dime, adding that her husband may one day be unable to walk to the beach and he should not have to pay to drive there and park.

Mayor Simmons clarified that it was residents only at the crossovers because they can't make Ocean Park resident only per the terms of the lease with the State and that we are trying to recoup some of the costs that visitors impose on the Town. He reiterated that we cannot allow free resident parking at Ocean Park if we have metered parking.

Ms. Marchese said we should give it back to the state and let them maintain it.

Mayor Simmons said to give back a park in the middle of Town to the state – leaving the Town with no control doesn't seem to be a good option.

Honor Murphy
306 Hibiscus Trail

Ms. Murphy suggested making the parking lot bigger and said access at Ocean Avenue is handicapped access, crossovers are not. She asked if there was a way to have handicapped accessible access for free without being penalized. She stated she has no problem having people pay - they pay in Indianantic and people are just streaming down here.

Doug Hilmes
443 Riverview Lane

Mr. Hilmes said he agreed with the speakers before him and that it sounds like we are paying \$40,000 year. He said he realizes there are control issues but we should give it back. He went on to say that sign pollution on A1A is terrible and he agreed with Commissioner Walters regarding parking, adding it's not fair to our businesses to put this on them. One morning, he said, after a launch, he ate at Sunnyside and there were parking spaces open and most times of the day it's not crowded. He also said he agreed with Commissioner Walters about paying more for parking tickets – as he would rather have police enforce the 35 mph speed limit than writing parking tickets.

Kim Atkinson-Cowles
211 Surf Road

Ms. Atkinson-Cowles said we all live here because we love it and we want to keep it that way. After being told that less than 20% of the residents had responded to the survey, she stated that she was concerned. She said the survey went out with three questions that she thinks should be separated because there are three things to deal with – Ocean Park, crossovers, and street parking. She stated that we have no parking signs up now - maybe we should just leave those. She also objected to not allowing visitors to park on the residential streets.

*Adam Meyer
214 Surf Road*

Mr. Meyer said he thinks that the people who want change are more apt to respond to the survey and noted that the people who live 1st through Surf voted no to have on-street parking. He said he thinks if you decide to do this decal thing, he personally believes everyone in Town should have to have one.

Mayor Simmons said he would never vote to return Ocean Park to the state and made reference to the recent County decision to reopen County beaches within municipal boundaries over the objections of the municipalities.

Mayor Simmons said they could break it out to resident only parking in the golden triangle and go by resident desire. He asked if anyone else was interested in approaching it that way

After discussion became heated, Mayor Simmons called a five-minute break at 9:16 p.m. (2:42:03)

Mayor Simmons called the meeting back to order at 9:21 p.m. with Roll Call.

Vice Mayor Hoover made a motion to ask the Town Manager to come back with a proposal for stickers for the area known as “the Golden Triangle” in Melbourne Beach which was amended at Commissioner Runte’s request;

Vice Mayor Hoover moved to ask Town Manager Mascaro to come back with a proposal for stickers in the Town of Melbourne Beach known as the “Golden Triangle” at no cost to residents; Commissioner Quarrie seconded; Motion carried 4-1 with Commissioner Walters in dissent.

Mayor Simmons moved on to the crossovers and asked if we want to make that resident only?

Addressing Commissioner Quarrie’s question, Vice Mayor Hoover said that what we are considering is saying yes or no - do we want the Town Manager to work up a plan for review and discussion at a future meeting?

Commissioner Quarrie said she thinks it should be fast tracked.

Vice Mayor Hoover asked the Town Manager if she can present it at the next workshop and she agreed.

Commissioner Quarrie moved to make crossovers resident-only with free decals at the crossovers;

Commissioner Runte said he thinks we should allow guests to purchase guest decals and wanted to amend her motion to allow nonresidents to purchase decals. Commissioner Quarrie declined.

Various options for guest parking were discussed by the Commission.

Motion died for lack of a second.

Vice Mayor Hoover moved to ask the Town Manager to present a proposal for decal-only parking at end of street parking beach accesses for residents with a limited number available to guests; Commissioner Runte seconded;

Commissioner Walters interjected to say that what this will do is put all people who want to park at beach accesses on the residential streets.

Further discussion about parking ensued.

Commissioner Quarrie said – for crossovers – she did not want nonresident decals - and added that guests can park at Ocean Park.

Commissioner Runte pointed out that the Town didn't have to do the survey – but did it to get public input and people had a chance to voice their opinions. He said he's received a lot of emails from residents who echo the sentiments in the survey and letting a couple voices put us in a tailspin is not how it's supposed to work. He said we have had three meetings to talk about this and only a handful of people are negative.

Vice Mayor Hoover withdrew his motion

Commissioner Quarrie moved to have resident only parking on crossovers by permit; Commissioner Runte seconded; Motion carried 3-2 with Vice Mayor Hoover and Commissioner Walters dissenting.

The Mayor asked if they wanted to have paid parking in Ocean Park.

Commissioner Quarrie moved to have the Town Manager get a proposal for paid parking in Ocean Park with budget costs including

the potential effect on the police department; Vice Mayor Hoover seconded; Motion carried 4-1 with Commissioner Walters dissenting.

Town Manager Mascaro shared that the feedback she's receiving is that residents like the no-parking signs and would like them to remain.

Mayor Simmons said if we go to resident only parking in these areas then it becomes open parking in the other areas.

Commissioner Runte and Commissioner Quarrie requested a map of the no parking sign locations.

B. Discussion and review of 10-year Capital Plan – Action Item – Town Manager Mascaro

Mayor Simmons said this item is in response to an action item. He suggested that the Commission accept this for review at the budget workshops scheduled. All agreed.

X. New Business

A. Consideration of amended March 18, 2020 RTCM draft minutes – Interim Town Clerk Torres (3:21:07)

Mayor Simmons said that there were a few things highlighted in red where edits were made. There were no questions or comments.

Commissioner Quarrie moved to approve the minutes from the March 18, 2020 Regular Town Commission Meeting as amended; Vice Mayor Hoover seconded; Motion carried 5-0.

B. Discussion and possible action regarding Binding Development Agreements, Rezone – Mayor Simmons (3:27:57)

Mayor Simmons said he would explain this item but suggested they push it out because there was no hurry on it and they needed to move this meeting along. Mayor Simmons explained that, several years ago, the Osceola Building owner had suggested a Binding Development Agreement (BDA) as part of a potential zoning change request.

Mayor Simmons explained that a BDA is binding on all current and future property owners, that it's registered with the Clerk of the Court (so property searches would show any binding agreements), and that it is binding on the property in perpetuity (unless revised by the Town and property owner).

The Mayor said their previous Town Planner, the current Town Planner, and P & Z (twice- made up of two different boards) as well as our current Town Attorney had all stated that the best way to ensure agreements are binding on a property for all owners (current and future) was through a BDA. They unanimously recommended that the Town revise the LDC to allow BDAs as part of a rezoning.

Commissioner Quarrie clarified that the property did not currently have a BDA and wanted to know if that meant the owner would be reopening the issue for that property.

Town Attorney Repperger interjected to say that, for the Osceola Bldg. property, the Town had the code to allow for vested rights for prior granted special exemptions so there is no anticipated rezoning request.

Mayor Simmons said that this item is not specific to any current or anticipated change to that or any other property; the question is rather do we want the Town to legally allow them at all.

Item deferred until June RTCM by unanimous Commission consensus

- C. Discussion and consideration to allow Town Staff to contact FDOT to transition the speed limit to remain consistent at 35 mph for drivers from 192 to the southern border of Melbourne Beach Town Limits – Vice Mayor Hoover

Commissioner Hoover said that we have all probably heard from residents that the speed limit is too fast on A1A. He said the issue was not limited to pedestrians crossing to go to and from the beach and spoke of several examples where cars have been hit or nearly hit in pulling out of driveways because cars were traveling too fast around the blind curve on A1A. He also said that the speed reduction from Pineda to the Melbourne Beach Town limit was inconsistent with Melbourne Beach's 40 mph limit which also caused problems.

Mayor Simmons said he is concerned with traffic flow and that, in the past, impediments to through traffic on A1A has made detouring through residential streets (specifically Riverside, Shannon and Pine) much more attractive to through traffic.

After much discussion, Mayor Simmons asked if the Commission would agree to lowering the speed limit north of Ocean Avenue, but, leaving it at 40 mph south of Ocean Ave. The Commission agreed to this suggestion.

Public comments

*Doug Hilmes
443 Riverview Lane*

Mr. Hilmes said he would love to go 35 mph but he can't- he goes 30-35 mph and A1A is a highway and the people who purchased a home knew that when they bought. He said it's akin to buying a house by an airport and then complaining. Mr. Hilmes said the most people are going over average is 43. He then addressed Vice Mayor Hoover's comment regarding 13 seconds, saying, what winds up happening is that you add hours over time to people's commute. He believes that what we have is a speeding problem at night that needs enforcement but the speed limit shouldn't be changed.

*Deborah Marchese
310 1st Avenue*

Ms. Marchese didn't think we had a problem on A1A with the speed limit but that there is a problem at the light at Ocean and A1A. Traffic backs up when people are either taking that corner or going straight. As for the speed limit, Ms. Marchese said that it used to be no one sped in Melbourne Beach – but now no one is writing tickets. She said enforcement is the issue.

Mayor Simmons responded by saying there are only two officers on the road at any given time. He added that the Town keeps a very small portion from each speeding ticket and there is not a lot of room to increase the police budget.

Vice Mayor Hoover moved to ask the Town Manager to collaborate with the Town of Indialantic to make a joint request to FDOT for a reduction in the speed limit on A1A in Melbourne Beach north of Ocean Avenue to be consistent with the rest of A1A at 35 mph; Commissioner Quarrie seconded; Motion carried 5-0.

- D. Discussion and Consideration regarding the creation of a ballot referendum to amend Ordinance 2.03, changing elected terms to four (4) years – Vice Mayor Hoover (3:52:38)

Vice Mayor Hoover said he does not have strong emotions about this issue but thinks it should be aligned with the rest of the country and instead of every three years, an election every four years would save on the cost of elections. He said that if we change the term to four years, this year the Mayor would be in line with the presidential election and next years elected office would be for three years and jump to 4 years in a 2024 – so they would eventually all be on a 4-year cycle.

Public comments

*Doug Hilmes
443 Riverview Lane*

Mr. Hilmes agrees that aligning with the standard election cycle is good and it saves us money – but he would rather see it go to two year terms or you could have someone in office for ten years. He said the code intended to keep officers in less than six years. Mr. Hilmes advocated that the Town should change the terms to two years.

*Dan Brunger
400 6th Avenue*

Mr. Brunger said he supports two-year terms and feels we don't need career politicians because this is considered a citizen operated government and if we have someone in office too long it becomes a career.

Mayor Simmons said he was against the proposal to increase the election term to four years.

Commissioner Quarrie agreed – saying it's not a career – you do it from the heart. But she doesn't think two years is enough time to learn the process and she prefers to leave it to a three year term.

Commissioner Runte also said he thinks it should remain at three years, two years is too short – and four is too long.

Commissioner Walters agreed it is a big learning curve and two years is not enough time to learn all the laws and codes but four years is too long.

- E. Discussion and consideration regarding feasibility of a special event permit allowing restaurants to create a temporary outdoor dining area in their parking lots – Vice Mayor Hoover (4:03:29)

Vice Mayor Hoover said that in Indialantic they are ignoring their codes regarding outdoor dining and signs etc. He's not saying they need to be that lax about it - but he thinks we need to reach out to business owners to have the discussion so people can dine outdoors and socially distance.

Commissioner Runte agreed.

Commissioner Quarrie agreed but felt they needed a sound, level structure and input from the building department. She noted that she was not totally in favor of tables and chairs on the sidewalk and is also concerned about hurricane season.

Vice Mayor Hoover said that's why he wanted it to be a special permit.

Mayor Simmons said his concern is that the Town has only five restaurants this would apply to – and once you take out three of them that would probably not benefit from this - that leaves the two businesses that already cause the Town the most issues as the only beneficiaries of this.

Commissioner Walters said he is ok with it - if it's done safely.

Public comments

*Doug Hilmes
443 Riverview Lane*

Mr. Himes said he's in favor of this because Sunnyside Café needs help and he wants to support them.

*Debra Marchese
310 1st Avenue*

Ms. Marchese said she is against it because it may interfere with other businesses in the area.

Vice Mayor Hoover moved to ask the Town Manager to create a special event permit for restaurants to have additional outdoor seating in their parking lot and to allow for additional signage for three-months; Commissioner Runte seconded; Motion carried 4-1 with Mayor Simmons in dissent.

Town Attorney Repperger said as a clarification, the Town has in its code, sections that address special event permits. Vice Mayor Hoover said the permits would all be subject to approval.

Vice Mayor Hoover asked if they could address New Business, Item F.

- F. Discussion and consideration of placing November Town Commissioner opening on the ballot for November 3, 2020 election – Commissioner Walters (4:16:21)

Vice Mayor Hoover stated that he submitted his resign to run paperwork with an effective date of November 18, 2020 – which allows the Commission to decide if they want his seat to be appointed or put on the ballot.

Commissioner Walters moved that, upon receipt of Vice Mayor's Hoover's resignation, the Town Clerk is directed to place his Commission seat on the November 3, 2020 Town election ballot; Vice Mayor Hoover seconded;

Public Comments

*Doug Hilmes
443 Riverview Lane*

Mr. Hilmes is concerned that this Commission will get to go ahead and vote on a Commissioner with no input from the public and believes we need to be able to put people on the ballot. He said the Vice Mayor has done the right thing by submitting his resignation so his seat should be on the ballot and the public should be allowed to vote.

Mayor Simmons called for a vote on the motion.

Motion carried 5-0.

Town Attorney Repperger advised that there was an issue with the wording in that the Commission is given a 30 day period to fill the open seat – so he stated the correct motion is a motion to waive the 30 day period and direct that the Mayor call a special election to fill the Commission seat for the November 3, 2020 election.

Commissioner Walters moved to waive the 30-day period and direct that the Mayor call a special election to fill the Commission seat for the November 3, 2020 election; Vice Mayor Hoover seconded; Motion carried 5-0.

Mayor Simmons suggested they postpone Items I-J and move the discussion to Item K.

- K. Consideration regarding the transition of Town Attorney law firm – Town Attorney Repperger (4:23:44)

The Mayor explained that the Town Attorney has changed law firms and they want Cliff – not the law firm.

Vice Mayor Hoover moved to continue the services of Cliff Repperger as Town Attorney; Commissioner Quarrie seconded

Commissioner Walters stated the motion should be reworded to reflect that he is at a new firm and he can now take the Town files to his new firm.

Commissioner Quarrie moved to approve the memo of understanding changing the name of the law firm in the contract to White Bird; Vice Mayor Hoover seconded; Motion carried 5-0.

The Mayor asked Town Manager Mascaro if she had anything else on the agenda that she needed to highlight or anything that was time sensitive and needed to be addressed before June.

Town Manager Mascaro noted that a lot of people were asking about Founder's Day and asked the Commission if they wanted to make a decision on it. The Commission agreed to move to item J.

J. Discussion to reschedule Founder's Day and to schedule a Fire Department fundraiser – Town Manager Mascaro (04:25:40)

Town Manager Mascaro said they had refunded the vendors' money for the 2020 Founder's Day. She also talked to the Fire Department and they still want to plan for a Fourth of July family fun day. They want to do a midway theme with children's activities and a carnival atmosphere.

Commissioner Walters asked if that event could serve as Founder's Day.

Town Manager Mascaro said no – but said they could do a Fall Festival – and not call it Founder's Day – instead it would be another family fun day, geared for families, with a band, an adult beverage truck – and she said they could work with the Rotary so they don't lose out on their fundraiser. She said we could schedule Founder's Day next May.

Several issues were raised and discussed concerning social spacing, etc as a result of this pandemic. TM Mascaro agreed that final approval for either event was not required at this time; that contingent approval could be given and final approval be given closer to the event when the pandemic situation was more current.

By unanimous consensus, the Commission gave contingent approval to allow the Fire Department to host a Fourth of July fundraiser. This item will be brought back to the Commission for final approval as the date gets closer.

Vice Mayor Hoover suggested they come up with suggestions on how they can make this Fall Founder's Day a lighter version of Founder's Day but still capture the essence of it. He said once they did that - they could talk about it next month and asked if everyone was ok with that.

The Commission agreed.

Mayor Simmons asked Town Manager Mascaro if she had anything else to discuss.

Vice Mayor Hoover asked the Town Manager if she could go over the situation at 304 Hibiscus.

TM Mascaro stated that the property owner had installed pavers as part of a driveway modification which covered an existing storm water detention grate and modified swales which were installed and paid for with stormwater grants.

She further said that if the owner had come to the Town prior to the modifications and discussed it we could have worked with them – we don't object to a different set up and we heard what they said – that is was ugly, etc.

She said that the owner is unwilling to provide engineered plans to our building department that show equivalent stormwater detention.

Commissioner Runte said the builder knew better.

Vice Mayor Hoover stated that his property backed up to the subject property and that he had had two inches of water and can verify that the amount of drainage infrastructure is way more than necessary.

Vice Mayor Hoover went on to say that his question is - he knows we need stormwater infrastructure but is there a way to contact the grant people and have them yanked out – and find a use for it elsewhere?

Public Works Supervisor Davis responded to VM Hoover's suggestion to move the infrastructure by saying that it was not possible to extract huge pipes like that out of the ground.

Commissioner Runte said he feels for the situation and said it's not on the owner but the builder should have said something and the costs should be on the builder because it wasn't approved and wasn't on the engineered drawing. If they were proactive, the Town would have figured something out.

Mayor Simmons said that several public forums had been conducted during the planning of project, and that no one came to the first meeting. The Commission had then directed that the project be stopped and that the residents be personally invited to one of two more public hearings. Even with that, attendance was very minimal and objections were only raised after the project had been almost completed. The Mayor said they went through all the due diligence – plus.

Town Manager Mascaro said we want it done correctly and that she wants to work with the owner and make it as easy as possible but it has to be professional and it has to be done properly.

Discussion of the subject of 304 Hibiscus ensued among Commission members.

Mayor Simmons said that he thinks where we are at is that the builder and owner have to bring us engineered plans.

Public Comments

*Warren Betts
304 Hibiscus Trail*

Mr. Betts said that he understands there are two sides to this thing and agreed that they probably shouldn't have been covered up. He stated that he did hire a civil engineer and has a sketch from him. Mr. Betts said obviously he didn't want to waste money on a sketch and said he was frustrated for the Town and for himself too, because he said, he will be one paying for it and it was approved site visit.

Town Manager Mascaro said the drains were intentionally covered.

Commissioner Runte said his recommendation is that we give the owner an hour of the Town's civil engineer's time and they just get it done. Commissioner Runte said that's the least we can do is offer our civil engineer's time. The Commission unanimously consented to this suggestion. Mr. Betts said he was just curious about the offer of a civil engineer and asked if that could be expedited. Town Manager Mascaro said she would send the engineer a message tomorrow and it would be handled quickly.

Commissioner Walters moved to adjourn; Vice Mayor Hoover seconded; Motion carried 5-0.

The meeting adjourned at 11:23 pm.

ATTEST:



James D. Simmons, Mayor



Jennifer Torres, Interim Town Clerk