



Town of Melbourne Beach

**REGULAR TOWN COMMISSION MEETING
WEDNESDAY, JUNE 20, 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 June 20, 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 roll call.

Commissioners Present:

Mayor Jim Simmons

Vice Mayor Tom Davis (arrived at 6:38pm)

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. Special Presentations

Town Manager Daniels introduced Jennifer Kerr as our new Code Compliance Officer.

V. Boards and Committees

No Board or committee reports

VI. Public Comments

Paul Drusch

333 Albacore Place

On May 16, Mr. Drusch spoke at the Town Commission meeting where he supported the hiring of a School Resource Officer for Gemini Elementary. Because there was some pushback about funding the position, he said he would start a GoFundMe page and if \$12,000 wasn't collected (to cover the Town's cost for the SRO) he would make up the difference.

Since that meeting, Mr. Drusch has been working through the logistics of setting up a GoFundMe account with his sole objective being to support an SRO. He reported that Brevard County Schools wouldn't let him use their name, logo, etc., for any fundraising activity.

There was Commission consensus to have Mr. Drusch, the Town Manager and the Town Attorney work together to come up with a proposal that would use a combination of terms: "Town of Melbourne

Beach” or “Melbourne Beach Police Department” and an approved image/photo (no Town Seal).

VII. Approval of the Agenda

Commissioner Walters made a motion to approve the agenda as presented. Commissioner Quarrie seconded. Motion carried 5-0.

VIII. Consent Agenda

1. June 6, 2018 Special Town Commission Meeting draft minutes
2. Reappointment of Xochitl Ross to the Board of Adjustment
3. Appointment of Greg Schaefer as an alternate member of the Environmental Advisory Board
4. Appointment of Holly Naftolin as an alternate member of the Parks Board
5. Site Plan Review for 304 Hibiscus, Melbourne Beach, FL
6. Site Plan Review for 402 Colony, Melbourne Beach, FL
7. ~~Coordinate a community event on October 19 and 20, 2018 called Ieeman’s Festival~~ moved to Old Business, item C.
8. ~~Stormwater Sewer Repair bid for Cherry/Oak~~ moved to Old Business, item D.
9. ~~Stormwater Sewer Repair bid for Dogwood/Rosewood~~ moved to Old Business, item E.

Commissioner Walters made a motion to approve the Consent Agenda subject to numbers 7, 8, 9 being moved to Old Business; Commissioner Hoover seconded. Motion carried 5-0.

IX. Public Hearings

- A. Second 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.

Commissioner Walters made a motion to adopt the Second Amendment of the prior Water Franchise Agreement, Ordinance 2018-01, on second and final read; Vice Mayor Davis seconded. Motion carried 5-0.

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

Town Attorney Repperger read Ordinance 2018-02 by title.

Mayor Simmons said that the three recommended changes were incorporated into the updated ordinance.

Commissioner Walters made a motion to adopt the Water Franchise Agreement, Ordinance 2018-02 on second and final read; Vice Mayor Davis seconded. Motion carried 5-0.

X. Old Business (00:21:15)

- A. Consideration of RFP for stormwater sewer outfall line, pipe and structure replacement on Riverside Drive – TownManager Daniels

Town Manager Daniels said that as a result of Hurricane Irma, the stormwater outfall line collapsed causing a sinkhole behind 506-510 Riverside Drive. Upon further inspection, B.S.E. discovered damage to the structure at Andrews Drive and the pipe from the outfall line. The cost has been estimated to be \$111,111.

Commissioner Walters suggested combining projects since we often just get one bidder. Ana Saunders from B.S.E. said the projects could be bid individually or together which would reduce mobilization costs.

There was Commission consensus to request three RFP options for the two projects: bid the Riverside Drive project, bid the Andrews Drive project or bid them both.

- B. Consideration of RFP for stormwater sewer pipe and structure replacement on Andrews Drive – Town Manager Daniels

Town Manager Daniels said this project involves stormwater sewer pipe and structure replacement on Andrews Drive from Banyan Way to Riverside Drive at an estimated cost of \$450,100.

Commissioner Walters made a motion to bid the stormwater sewer outfall line, pipe and structure replacement on Riverside Drive and the stormwater sewer pipe and structure replacement on Andrews independently or to combine the two projects; Commissioner Hoover seconded. Motion carried 5-0.

- C. Coordinate a community event on October 19 and 20, 2018 called Iceman's Festival – Town Manager Daniels (moved from Consent Agenda)

The Town Manager has talked in the past about different ways to raise funds for a new playground in Ryckman Park. He said the Town hosted an Iceman's Ball event in the past and after talking to residents and staff he would like to get

permission from the Commission to hold a similar two day event. Friday, October 19th would be an evening for adults with music, wine/cheese and a silent auction. Saturday, October 20th would be more of a family day with games, food trucks and amplified music with an ending time of 9pm. Also, the Fire Department may hold their haunted house event that evening. Commissioner Hoover liked the idea but he felt the name of the event should resonate more with the community by calling it, for instance, *Lagoon Fest* or something with more current day appeal. Commissioner Quarrie said that since the point of the event is to fundraise for playground equipment, the event name should reflect that, adding that if the event is tied to what the funds are being used for, people may donate even if they don't attend. Mayor Simmons said we should draw in the south beaches as much as possible adding that there are a lot of south beaches residents who use our park because there isn't anything as nice down their way. In response to a question posed by the Mayor, the Town Manager said he will be working with the Parks Board to help with logistics. Mayor Simmons said that two local church pastors have asked how they could get involved in the community, this may be something for them to consider.

Commissioner Walters made a motion directing the Town Manager to plan a fundraiser for playground equipment in Ryckman Park, Commissioner Quarrie seconded. Motion carried 5-0.

- D. Stormwater Sewer Repair bid for Cherry/Oak – Town Manager Daniels (moved from Consent Agenda)

Town Manager Daniels said the Cherry/Oak project includes a road collapse and a leaking junction box. This repair should be take place while school is out. He is requesting that the Town accept the bid proposal from the only bidder, Brewer Paving and Development, in the amount of \$85,240. The contractor has committed to completing the project before school is back in session. Commissioner Walters said the cost could exceed \$85,240 so he suggested a contingency. Town Manager Daniels said the contractor doesn't know what we will find once the work begins but he would be willing to sign a contract that says the maximum amount charged would be cost plus 20% profit; he will commit to not exceed \$85,240. Commissioner Quarrie asked what "cost" includes? Mayor Simmons answered that cost includes labor, equipment, material, etc., and in this case, profit would be 20% of the total cost. Commissioner Quarrie asked about change orders to which Ms. Saunders responded that if something major arises, a change order request will be submitted and presented to the Town. In response to Mayor Simmons' question, the Town Manager said that money for this project will be split 50/50 between Funds 141 and 341.

Commissioner Walters made a motion to approve the bid from Brewing Paving and Development, LLC for stormwater sewer repairs

on Oak Street south of Cherry Drive, not to exceed \$85,240, with 50% coming from the Stormwater Utility Fund and 50% coming from the Stormwater Bond Fund; Vice Mayor Davis seconded. Motion carried 5-0.

- E. Stormwater Sewer Repair bid for Dogwood/Rosewood – Town Manager Daniels (moved from Consent Agenda)

Town Manager Daniels said he is again asking for the Commission to accept the bid from the only bidder, Brewer Paving and Development, LLC. In this case, there are two outfall lines that need to be repaired on Rosewood Drive and Dogwood Avenue.

Commissioner Walters asked to make a new motion to supersede his previous motion regarding the stormwater sewer repair on Oak Street, south of Cherry:

Commissioner Walters made a motion to approve the bid from Brewing Paving and Development, LLC for stormwater sewer repairs on Oak Street south of Cherry Drive in the amount of cost + 20%, not to exceed \$85,240, with 50% coming from the Stormwater Utility Fund and 50% coming from the Stormwater Bond Fund; Commissioner Hoover seconded. Motion carried 5-0.

To save money on mobilization, a paving company has been scheduled for the week of July 23rd to complete both projects referenced above. They should both be completed before school begins during the first week of August.

Commissioner Walters made a motion to approve the bid from Brewing Paving and Development, LLC for stormwater sewer repairs on Rosewood Drive at Dogwood Avenue in the amount of cost + 20%, not to exceed \$109,106, with 50% coming from the Stormwater Utility Fund and 50% coming from the Stormwater Bond Fund; Vice Mayor Davis seconded. Motion carried 5-0.

XI. New Business (00:29:50)

- A. Consideration of May 16, 2018 Regular Town Commission draft minutes as amended – Town Clerk Wilson

Commissioner Hoover made a motion to approve the May 16, 2018 Regular Town Commission draft minutes as amended; Commissioner Quarrie seconded. Motion carried 5-0.

- B. Consideration of June 6, 2018 Special Town Commission draft minutes as amended – Town Clerk Wilson

Commissioner Hoover made a motion to approve the June 6, 2018 Special Town Commission draft minutes as amended; Commissioner Quarrie seconded. Motion carried 5-0.

- C. Discussion and possible action regarding a proposed resolution recognizing Melbourne Beach businesses that reduce waste and improve environmental practices – Mayor Simmons (00:31:19)

Mayor Simmons said that there are two initiatives that have begun in Brevard County called *Surfrider's Ocean Friendly Restaurants* and *Keep Brevard Beautiful/Brevard Zoo's Litter Quitters*, both are intended to get a commitment from business owners to reduce waste and improve environmental practices. The proposed resolution would recognize businesses who participate in the initiative(s). He said it would be an added incentive to present any business, who signs up for one or both initiatives, with a proclamation that could be publicly displayed. They could also be publicly recognized at a Commission meeting.

There was Commission consensus to have Mayor Simmons present at the next regular Commission meeting, a resolution supporting an initiative to reduce waste and support a healthy environment

- D. Discussion and possible action to request proposals (RFP) to purchase \$50,000 in new playground equipment for Ryckman Park – Commissioner Walters

Commissioner Walters said he brought this forward because when the poor condition of the playground equipment was brought to the Commissions' attention about two years ago, nothing was done. In July 2017, a plan was supposed to be developed and it never happened. In August 2017, there was a reported meeting with five playground companies to get proposals for playground equipment but a presentation regarding the proposals never occurred. The Town budgeted \$50,000 for equipment in the FY17/18 budget and Commissioner Walters suggested we combine that with \$50,000 in the FY18/19 budget and get proposals now for \$100,000 worth of playground equipment. He wants to insure that the money isn't spent on something else, like has happened in the past, and that we don't just keep kicking the can down the road. We can purchase \$100,000 worth of equipment now and then have a fundraiser, erect professionally printed signs with a rendering of the additional equipment we want and solicit funds for that. Based on the cost of the equipment we purchased years ago and factoring in inflation, he thinks the cost will be around \$130,000. Commissioner Quarried also suggested the printing of a professional rendering of the playground, a vision board, so that it would be easier to solicit funds by showing exactly where and for what the money would be spent. We could also have a goal thermometer to show how close we are to our goal. Mayor Simmons said we were originally going to develop a plan and approach big companies for

donations. We never got a plan and he's hesitant to move forward without one. He added that splitting the project in two may be more expensive. He wants to prioritize this project and get a plan from the Town Manager by a certain date. Commissioner Walters said the company *GameTime*, one of the biggest providers of playground equipment, will help us figure out how to proceed.

Commissioner Quarrie said she doesn't think we have communicated to the public what it is we are trying to accomplish; Commissioner Walters said we could print 1,000 flyers to distribute and Commissioner Hoover suggested a sub-committee within the Parks Board.

There was Commission consensus to task the Town Manager with developing a plan for playground equipment to be presented at the July 18th meeting.

XII. Staff Reports (00:54:18)

A. Town Attorney Report

Town Attorney Repperger said that the Baccus mediation and hearing were scheduled for the following week. Commissioner Walters asked if the issue is moot since the Baccus' pavers and concrete have been removed by Mr. Arocena; he doesn't know what will be mediated and he doesn't know what there is to hear. The Town Manager reported that there is still communication between the two parties. A representative from the Commission is welcome to attend; the Town Manager will be present to represent the Town.

B. Town Manager / Public Works Report

Town Manager Daniels said he will have a bid for A/C Controls to present at the July Commission meeting.

He had a meeting with David Jacobs from Land and Sea about Phase 2 of the pier project. The project will begin on July 6th and will be completed by September.

He was contacted by Michael Fears from *Iron Oak Post Tavern*. He called on behalf of Doug Flutie who would like his band to perform on July 4th in Ryckman Park during the BBQ that MBVFD is hosting; they would play between 6pm – 9pm.

There was Commission consensus to allow Doug Flutie's band to play on July 4th.

The Town Manager reported on a tree in Ryckman Park with a horizontal branch that has become compromised. It's possible that the tree can be braced and he will contact an arborist.

Commissioner Walters asked about the high water bill of \$443 at Ocean Park. The Town Manager said he will look into it. He also wanted to confirm that the new Chief will accumulate compensatory time and that her work hours will be Monday – Friday between 8am – 5pm. Compensatory time can't exceed 96 hours and it is not paid out when employment ends. Commissioner Walters also commented on the \$8,000 paid to the Building Inspector in May adding that the Town could hire a full-time Inspector for that amount of money. The Town Manager said that they are conducting a study regarding outsourcing vs. an in-house employee adding that staff likes having a contracted worker because if he is sick, somebody is sent to work in his place. Mr. Walters said there's a tacky looking map by the pier that should be replaced or removed. Finally, the Commissioner asked about paving one mile of road this year. The Town Manager said he didn't want to proceed with paving until we saw where we are with the stormwater repairs; there will be some paving done necessitated by those repairs. Mayor Simmons said there is \$50,000 in the budget for paving and the Commission agreed to add \$50,000 to the budget every year. Commissioner Walters said there is money in the Stormwater Fund to cover any paving related to stormwater repairs. Town Manager Daniels said he is going to redo the road grading list that currently exists.

There was Commission consensus to have the Town Manager advertise an RFP for road paving.

Commissioner Hoover said he'd like the newly appointed Chief Griswold to be introduced at a Town Meeting. She will attend the next regular meeting on July 18th.

C. Town Clerk Report

The front page design of the new website was provided to the Town Commission

B. Departmental Reports:

1. Building Department – no comments
2. Code Enforcement – no comments
3. Police Department – no comments
4. Fire Department – no comments
5. Finance Department – no comments

XIII. Town Commission Comments (01:27:05)

A. General Comments

Commissioner Walters reminded everyone that Form 1 – Statement of Financial Interests – is due by July 1st. He also had a report regarding 911 calls saying that a recent article in the Wall Street Journal reported that 80% of calls made to 911 are

now being made via cell phones and that Apple and Google are developing phones where exact locations of callers are pinpointed.

Commissioner Quarrie said Sunset Blvd is starting to look unkempt again since the last cleanup adding that a lot of the vegetation should be cleared. The Town Manager said he'd look into it.

It was decided among the Commission members that Town Workshops would begin at 6pm.

B. Review of Commission Action List

5 items were closed

16 items were updated and scheduled for review at the July 18, 2018 meeting

2 items were updated and scheduled for review at the August 15, 2018 meeting

2 items were added:

- Bid results from RFP for road paving
- Sand on the Beach code violations

XIV. Adjournment

Commissioner Walters made a motion to adjourn; seconded by Commissioner Hoover. Motion carried 5-0.

Meeting adjourned at 8:46 p.m.

ATTEST:



James D. Simmons, Mayor



Nancy Wilson, Town Clerk