



M Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING

WEDNESDAY, AUGUST 16, 2017

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

Interim Town Manager Elizabeth Mascaro
Town Clerk Nancy Wilson
Town Attorney Clifford Repperger, Jr.

**The Town Commission held a Regular Meeting
on Wednesday, August 16, 2017**

I. Call to Order – Led by Mayor Simmons

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

II. Roll Call

Town Clerk Wilson led the roll call.

Commissioners Present:

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

Staff Present:

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

III. Pledge of Allegiance and Moment of Silence

Led by Mayor Simmons

IV. Public Comments

Mike Johnson
201 5th Avenue

Mr. Johnson asked the Commission to bring us together as a community to fight domestic terrorism by hate groups in Melbourne Beach. He claimed that, in 2016, he and his wife were subjected to numerous acts of domestic terrorism by officials of this Town and by residents of this Town. He recounted an incident that happened to him in 2016. After completing his comments, he handed the Town Clerk a publication form the *Southern Poverty Law Center*.

V. Approval of the Agenda

Town Clerk Wilson requested an addition to the agenda under *New Business*, item G. to read: "Consideration of request by Planning and Zoning Board to utilize the services of Town Planner O'Gorman"

Commissioner Walters asked to move 8B regarding 911 Addressing to the September meeting because there was no backup provided in the package

**Vice Mayor Davis moved to approve the agenda as revised;
Commissioner Hoover seconded. Motion carried 5-0**

VI. Consent Agenda (00:10:10)

A. Site Plan Review for 511 Hibiscus

Commissioner Quarrie asked for the site plan review to be moved to item A. under New Business. The Commission agreed by consensus to do so.

B. July 31, 2017 Budget Workshop draft minutes

C. August 2, 2017 Special Meeting draft minutes

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

VII. Public Hearings (00:10:50)

- A. Second Reading of Referendum Election and Ballot Change, Ordinance 2017-02
Town Attorney Repperger

Town Attorney Repperger read Ordinance 2017-02 by title.

Commissioner Walters made a motion to adopt Ordinance 2017-02 on second read to approve a referendum election and ballot change; Vice Mayor Davis seconded. Motion carried 5-0.

- B. First Reading of Water Franchise Agreement, Ordinance 2017-03 – Town Attorney Repperger

Town Attorney Repperger read Ordinance 2017-03 by title.

Commissioner Walters requested a list of all the Town's contracts so the Commission will know ahead of time when contracts are coming due.

Commissioner Walters made a motion to adopt Ordinance 2017-03 on first read to approve the Water Franchise Agreement; Commissioner Hoover seconded. Motion carried 5-0.

VIII. Old Business (00:18:30)

- A. Discussion regarding unpaid leave policy – Mayor Simmons/Commissioner Walters

Mayor Simmons said that he wanted to revise our unpaid leave policy to allow for 12 weeks of leave rather than the current 8 weeks that a previous Commission had approved. In addition to changing the leave from 8 to 12 weeks, Commissioner Walters asked that in the first paragraph under 15.01 a forth condition be added that reads *(4) or other immediate family members*. In the sixth paragraph, he also wanted to add to the first sentence: *An employee taking a medical leave of absence must report at least every 30 days (or more frequently if directed by the Town Manager (or the Town Commission if applicable))*. Finally, the Mayor didn't want to make it a requirement that accrued paid leave be used before unpaid leave. The Interim Town Manager was to make the aforementioned changes and bring back to the Commission the updated version at the September 20, 2017 meeting.

Commissioner Walters made a motion to change Medical and Personal unpaid leave time to 12 weeks from 8 weeks; include under section 15.01 Medical Leave of Absence (4) other immediate family member; and in the sixth paragraph add the words *Manager (or the Town Commission if applicable)*; Commissioner Quarrie seconded. Motion carried 5-0.

~~B. Reconsideration of budgeting for 911 Addressing—Interim Town Manager Masearo~~
(This item will be presented at the September 20, 2017 Regular Town Commission meeting)

IX. New Business (00:26:15)

A. Site Plan Review for 511 Hibiscus

Commissioner Quarrie asked that this item be pulled from the Consent Agenda because the plans show a swimming pool on the property that is not addressed by any surveys or reports for the property, therefore, the survey doesn't reflect what is currently on the property.

*Mel George
George Construction
217 Dogwood Avenue*

Mr. George said the pool is coming out but the plans for a new house had to be approved before the property, including the pool, was torn down. Commissioner Quarrie said that nowhere does she read that a pool exists and what the plans are for that pool adding that the Planning and Zoning Board also didn't have plans that reflected a demolition. Mr. George said that he was told not to address demolition until the plans for new construction were approved. Mayor Simmons said we are approving the proposed site plan not demo plans or a building plan. Commissioner Quarrie said a site plan is supposed to show what exists and what is proposed. The Mayor responded that indicating what exists and what is proposed is a requirement for modifications; they are starting with a bare lot and we're approving what's going to go on that bare lot.

Commissioner Quarrie made a motion to approve the Site Plan for 511 Hibiscus as presented with the understanding that the currently existing swimming pool will be removed; Vice Mayor Davis seconded. Motion carried 5-0.

Because of Commissioner Quarrie's concern about what she feels is a situation that could backfire on the Town, Mayor Simmons suggested that we add to the action list the requirement that the Town Manager address and approve any major demolitions that are necessary during the building process.

- B. Consideration of July 12, 2017 Town Commission Workshop Draft Minutes as amended– Town Clerk Wilson

It was agreed by consensus, 5-0, to approve the July 12, 2017 minutes.

- C. Consideration of July 19, 2017 Town Commission Regular Meeting Draft Minutes as amended– Town Clerk Wilson
D. Consideration of July 24, 2017 Town Commission Special Meeting Draft Minutes as amended– Town Clerk Wilson
E. Consideration of July 24, 2017 Town Commission Workshop Draft Minutes as amended– Town Clerk Wilson
F. Consideration of August 2, 2017 Town Commission Workshop Draft Minutes as amended– Town Clerk Wilson

Commissioner Waters made a motion to approve the July 19th Regular Meeting minutes, the July 24th Special Meeting minutes; the July 24th Workshop minutes and the August 2nd Workshop minutes; Commission Hoover seconded. Motion carried 5-0.

- F. Consideration of Mayor Simmons' reaffirmation of appointment as Commission representative to the FWC– Mayor Simmons

In 2014, the Commission appointed Mayor Simmons to be the Town's representative to FWC regarding on shore-based shark fishing issues. He has been requested by Jupiter Beach representatives to support another meeting with FWC. This is a home-rule issue and he would like to be able to say he is speaking on behalf of Melbourne Beach.

Commissioner Hoover made a motion to reappoint Mayor Simmons to represent Melbourne Beach on the home rule issue of shore-based shark fishing; Commissioner Quarrie seconded. Motion carried 5-0.

- G. ADD ON: Consideration of request by Planning and Zoning Board to utilize the services of Town Planner O'Gorman – Town Clerk Wilson

At their August 1, 2017 meeting, Planning & Zoning requested that Town Clerk Wilson ask the Town Planner how many hours it would take for him to look into lot size and accessory structures. Town Planner O'Gorman estimated the time to be 8 hours.

Commissioner Quarrie made a motion to approve the Planning & Zoning Board's request to engage the services of the Town Planner to address

accessory structures and lot size, not to exceed 8 hours; Commissioner Hoover seconded. Motion carried 5-0.

X. Staff Reports (00:42:20)

A. Town Attorney Report

Town Attorney Repperger reported on the Land Development Code saying that the Town Planner issued a revised staff report on August 2nd. At the last Planning & Zoning Board meeting, they asked to see a copy of the revised report prior to the ordinance being presented to them. Mr. Repperger said the current timetable has Planning & Zoning reviewing the ordinance in October and the Commission would have the first read at their November meeting.

Commissioner Walters asked Mr. Repperger about the Town Manager's agreement from July 20, 2016 adding that when Mr. Day resigned, he said he didn't have a contract, thus, he wasn't beholden to the two month notice requirement. The Town Attorney said that he didn't write nor did he review the Town Manager's contract; the Town's employment attorney Andy Hammett must have prepared/reviewed it. After Town Manager Day resigned, Mayor Simmons contacted Mr. Hammett regarding the Town Manager's contract. Mr. Hammett told the Mayor that if a contract wasn't written with both parties signing it, you don't have a contract no matter what you agreed to at the meeting.

B. Interim Town Manager / Public Works Report

Interim Town Manager Mascaro reported that she held a meeting with Public Works staff to discuss their projects. They ordered some composite lumber that's going to be used to repair two of the dune crossovers, numbers 3 and 4. Mayor Simmons asked that the stair treads not overhang the risers because the steps get damaged when heavy items are dragged over them. Ms. Mascaro also reported that the shower at Ocean Park is scheduled to be fixed as well as the wooden planks on the pier. The window at the Ryckman House was fixed and Public Works braced the other windows. Marty Remark told the Mayor that we could use vinyl clad windows as replacements instead of historic windows. The Mayor also told Ms. Remark that he didn't want to refinish the floors until the roof is replaced.

Commissioner Hoover asked if Chairs of our Boards could come to our meetings to give quarterly updates; the Commission agreed to invite them to Town Workshops. Ms. Mascaro reported that the tennis court nets are being replaced and that she is meeting with 5 playground companies to get proposals for Ryckman Park playground equipment and she hopes to have a presentation in October. Ms. Mascaro also reported that Town Hall has a small roof leak near the Fire Department that may have resulted from an issue with the flashing material. During the process of locating the origin of the leak, it was discovered that the fire alarm system in Town Hall and the Fire Department is not working; this may be an

expense down the line. Our security people were in to replace the security system and they are going to give us an estimate for the alarm system.

C. Town Clerk Report – no report

D. Departmental Reports:

1. Building Department – no questions/comments
2. Code Enforcement – no questions/comments
3. Police Department – no questions/ comments
4. Fire Department

Mayor Simmons wrote a letter to Brevard County Mayors regarding the proposed water shut off during an emergency. He also called the Public Works Director in Melbourne who said that they intend to cut the water off 12 hours prior to a what they determine is a significant hurricane. That will leave the beaches, from Pineda south to where fresh water ends, with a 3 million gallon reserve. The director said he can't send out his guys to shut down the water if the winds hit 35 mph. The Mayor also said, regarding the causeway shut-offs, that the Brevard County Sheriff's Department agreed to keep the causeways closed until the beachside communities had a chance to assess their areas for hazards. The Mayor is concerned about the shut off of water 12 hours before a storm because the 3 million gallons will be depleted quickly. This is unprecedented; they are panicking over a situation that occurred during the last storm when a transfer switch failed.

5. Finance Department – no questions/comments

XI. Town Commission Comments (01: 02: 30)

A. General Comments

Commissioner Walters asked who the 4 or 5 people are, who the Town Manager alluded to in a previous meeting, who he thought needed pay increases. Interim Town Manager Mascaro said she would look into it. Mayor Simmons commented that he was pleasantly surprised how Melbourne Beach salaries compared to other Brevard County communities.

Commissioner Walters also asked that when the 911 addressing is revisited, he wants to know what the Communications Service Tax dollar amount is. Interim Manager Mascaro said there is a detailed list outlining where those fees go and she will provide a breakdown for the Commission.

Commissioner Hoover said the Environmental Advisory Board has the living dock project scheduled for September 30th. He asked for feedback about having FIT bring

their “science” bus to the event where they would set out a table from 9:00 am - noon and provide information about the project. Commissioner Hoover asked that the Chairman from EAB be invited to the September 6th workshop.

B. Review of Commission Action List (01:20:00)

4 items were closed

4 items were updated

1 item was added: *Demolition of properties to receive oversight, to ensure enforcement, by the Town Manager*

XII. Adjournment

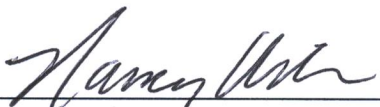
Commissioner Walters made a motion to adjourn; Vice Mayor Davis seconded. Motion carried 5-0.

Meeting adjourned at 8:09 p.m.

ATTEST:



James D. Simmons, Mayor



Nancy Wilson, Town Clerk