



# M Town of Melbourne Beach

**REGULAR TOWN COMMISSION MEETING  
WEDNESDAY, SEPTEMBER 19, 2018  
6:30 pm  
COMMUNITY CENTER – 509 OCEAN AVENUE**

## **MINUTES**

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Mayor Jim Simmons  
Commissioner Steve Walters  
Commissioner Wyatt Hoover  
Commissioner Sherri Quarrie

Town Manager Robert Daniels  
Town Clerk Nancy Wilson  
Town Attorney Clifford Repperger, Jr.

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## **PUBLIC NOTICE**

**The Town Commission conducted a Regular Town Commission Meeting  
on Wednesday, September 19, 2018 at the Community Center  
located at 509 Ocean Avenue to address the items below.**

**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 Wyatt Hoover

Commissioner Steve Walters

Commissioner Sherri Quarrie

Staff Present:

Town Manager Bob Daniels

Town Clerk Nancy Wilson

Town Attorney Clifford Repperger

**III. Pledge of Allegiance and Moment of Silence**

Led by Mayor Simmons

**IV. Special Presentations**

**A. Proclamation recognizing Constitution Week – Mayor Simmons**

Mayor Simmons read the proclamation and presented it to representatives from Daughters of the American Revolution

**B. Swearing in of new police officer Nate Bramblett – Chief Griswold**

Chief Griswold introduced Nate Bramblett who has come straight from the Academy and will begin his career in law enforcement in Melbourne Beach.

The Town Clerk swore in Police Officer Bramblett.

A break was taken at 6:37 p.m. to celebrate the occasion with refreshments; the meeting reconvened at 6:47 p.m.

Town Clerk Wilson led roll call.

Commissioners Present:

Mayor Jim Simmons

Vice Mayor Wyatt Hoover

Commissioner Steve Walters

Commissioner Sherri Quarrie

Staff Present:

Town Manager Bob Daniels

Town Clerk Nancy Wilson

Town Attorney Clifford Repperger

**V. Boards and Committees**

No reports submitted

**VI. Public Comments**

*Deborah Marchese  
310 First Avenue*

Ms. Marchese said the structure at 311 Ocean Avenue is unsafe and she has complained about its condition many times. If a storm comes, debris from the property will fly everywhere. The police have been called to chase away kids but nothing has been done about the unsound building. The Town Manager said he has a meeting with the Building Official the following day and he will address this issue with him. The Commission decided to add this to the Action List and to address the issue at the next regular meeting.

## **VII. Approval of the Agenda**

Commissioner Quarrie asked to have Consent Agenda, item F regarding the Public Works Supervisor job description, moved to New Business, item G.

Commissioner Walters asked to have Consent Agenda, item E regarding the Ryckman House roof, moved to New Business, item H.

Mayor Simmons asked to discuss New Business, item F, regarding the extension of the Town Manager's contract, at the October workshop.

**Commissioner Walters made a motion to approve the agenda as amended; Vice Mayor Hoover seconded.**

Commissioner Walters said he doesn't agree with moving the Town Manager contract discussion to October because we are so close to October which is when the proposed starting date of his contract begins. He said that the Town has talked about having contract start dates aligned with the budget year. He added that Town Manager Daniels is a known quantity and he is not in favor of moving this item. Mayor Simmons said significant changes were made to the contract such as a higher salary, more annual leave time, life insurance premium payment, comp time and sick leave payout. He thinks the contract merits detailed review and discussion.

**Commissioner Walters withdrew his previous motion.**

**Vice Mayor Hoover made a motion to move Consent Agenda items E and F to New Business items G and H and New Business item F, regarding the Town Manager's contract, to the October workshop; Commissioner Quarrie seconded. Motion carried 3-1 with Commissioner Walters casting the dissenting vote.**

## **VIII. Consent Agenda**

- A. August 31, 2018 Special Town Commission Meeting draft minutes
- B. September 5, 2018 Special Town Commission Meeting draft minutes
- C. Site Plan Review for 219 Surf, Melbourne Beach, FL



D. Site Plan Review for 2105 Redwood, Melbourne Beach, FL

E. ~~Armadillo Roofing bid for Ryekman House~~ moved to New Business, item H.

F. ~~Public Works job advertised as a full time position~~ moved to New Business, item G

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

*Elaine Robinson  
2105 Redwood*

Ms. Robinson said her site plan was just approved and she just wanted to make sure she could move forward with construction. The Town Manager said he would help her through the process.

**IX. Public Hearings**

No public hearings

**X. Old Business (00:30:08)**

A. Consideration of Form 8B, Memorandum of Voting Conflict – Town Clerk Wilson

Form 8B was read and both forms are included with the minutes.

Commissioner Walters explained Form 8B and described why both he and Commissioner Quarrie filed the voting conflict forms at the meeting when candidates were confirmed after the qualification period.

**Vice Mayor Hoover made a motion to approve the voting conflict form for Commissioner Walters; Commissioner Quarrie seconded. Motion carried 4-0.**

**Vice Mayor Hoover made a motion to approve the voting conflict form for Commissioner Quarrie; Commissioner Walters seconded. Motion carried 4-0.**

**XI. New Business (00:33:37)**

A. Consideration of August 15, 2018 Regular Town Commission draft minutes as amended – Town Clerk Wilson

**Commissioner Walters made a motion to approve the August 15, 2018 draft minutes as amended; Commissioner Quarrie seconded. Motion carried 4-0.**

- B. Consideration of August 22, 2018 Special Town Commission draft minutes – Town Clerk Wilson

**Commissioner Walters made a motion to approve the August 22, 2018 draft minutes as amended; Vice Mayor Hoover seconded. Motion carried 4-0.**

- C. Consideration of Resolution 2018-09 recognizing the 50 year anniversary of Home Rule – Town Manager Daniels

Town Manager Daniels said this has been a great year for Home Rule and it is the 50 year anniversary. We have a Commission that decides on ordinances and the various issues affecting our Town. Mayor Simmons said that many of the issues that we deal with, using short term rental duration as an example; we are preempted by state legislature from enacting any regulations. So even though it has an impact at the local level, the state has taken that decision away from us and we can't establish rules relative to that. This resolution is reiterating our support of Home Rule which is embedded in our Constitution through the state constitutional revision process in 1968.

**Commissioner Walters made a motion to approve Resolution 2018-09 honoring 50 years of Home Rule; Vice Mayor Hoover seconded. Motion carried 4-0.**

- D. Consideration of partnering with Fields to Forks CSA – Town Clerk Wilson

After discussion among the Commission members and hearing public comments, it was decided that partnering with Fields to Forks CSA was not in the best interest of the Town. No motion was made.

- E. Discussion and possible action regarding the election qualifying period – Mayor Simmons

Mayor Simmons said this past year, and every year, we have to rush to get everything done for candidate qualifying. Since we levied the requirement on ourselves, we could move qualifying back a week to give ourselves more time. We didn't get the candidate packages we would normally get because there wasn't enough time to prepare them prior to the meeting. Town Attorney Repperger said an ordinance could be drafted as requested.

**Commissioner Walters made a motion for the Town Attorney to draft an ordinance making the qualifying deadline five business days earlier than it is now; Commissioner Quarrie seconded. Motion carried 4-0.**

- F. Consideration of advertising the Public Works job as a full-time position – Town Manager Daniels



Town Manager Daniels said that he and Finance Manager Mascaro wrote a job description for a Public Works Supervisor and he would like the position to be full-time. The Town budgeted \$44,000/year for the job. Commissioner Walters gave some background on past managers in Public Works and added that he wants to ensure we hire a *working* supervisor. He also wants the job description to include any other tasks the Town Manager assigns. Mayor Simmons said he would like the Public Works Supervisor job description to include the responsibility for developing plans, providing options and solving problems.

Mayor Simmons said there are two issues in play: one is the job description and the other is if the position should be full-time or part time which was not fully resolved during the budget meetings. Commissioner Quarrie added that she would like to see inventory control and maintenance of equipment included in the job description.

**Commissioner Quarrie made a motion to accept the Public Works Supervisor job description as revised; Commissioner Walters seconded. Motion carried 4-0.**

The second part of the agenda item was to decide if the position would be full-time or part time. Commissioner Walters said the position was budgeted for full-time and the Town Manager has also requested that it be full-time; it can always be changed to part time at a later date though Commissioner Quarrie said that an applicant looking for a full-time position might not be interested in the job if there's a possibility it will become part time. Vice Mayor Hoover said there is plenty to keep a Public Works Supervisor busy and it is the expectation of the residents that Melbourne Beach looks nice so that should be our priority thus he supports hiring somebody full-time.

**Commissioner Walters made a motion to approve the Public Works Supervisor position as full-time based on the salary listed in the budget; Commissioner Quarrie seconded. Motion carried 4-0.**

- G. Consideration of the Armadillo Roofing bid for Ryckman House – Town Manager Daniels

The Town Manager said that Brian Vickers from Public Works got four contractors to look at project but only one person submitted a bid for a metal roof. His recommendation is to move forward with the Armadillo Roofing bid. Commissioner Walters said nothing in the bid mentions utilizing stainless steel fasteners and he also read some bad reviews online about the company. Further, he doesn't like the idea of giving them 50% up front and their warranty is questionable.

Commissioner Quarrie asked about insurance and the Town Manager responded that they would have to apply for a permit at which time they'd show proof of insurance; the job is too small for a performance bond. The next question had to do with roofing material; the Town Manager said he thought there was a decision made in the past that roofs on Ocean Avenue had to be metal. Mayor Simmons commented that he doesn't want to deal with a rusty roof down the road. Commissioner Quarrie said she remembered Marty Remark, Chairwoman of the Historical Preservation Board, saying that installing shingles on the Ryckman Building roof would be fine. Commissioner Walters recollection of the meeting with Ms. Remark was that they would use shingles that looked like cedar shakes.

*Joyce Barton*  
*322 3<sup>rd</sup> Avenue*

Ms. Barton had her roof replaced recently with shingles and the contractor was great. She said *RBS Construction* did not bid on the project but he would be interested in doing so. She said his work ethic was great and the work was done within 2-3 days.

*Corey Runte*  
*605 Hibiscus Trail*

Mr. Runte said he doesn't recommend shingles, especially in high wind zone areas, because the durability and lifespan isn't as good or long as metal. He chairs the Historic Architectural and Review Board in Melbourne and they had a number of roofs lose shingles during the last two hurricanes. He said a good option is an aluminum cedar shake (he recommends G&G Roofing). Getting more than one bid is recommended. There is a backlog of work among roofers so you'd want include in the contract a duration period. Also, negotiating a warranty period is advisable. Mayor Simmons asked if Mr. Runte is familiar with kynar coating. He responded that kynar is a baked-on coating that provides durability. In conclusion, Mr. Runte said the problem with shingles is if you lose a few, the replacement shingles never match and insurance sometimes doesn't cover the expense.

Commissioner Walters said he would like for staff to get bids for a shake look metal roof and shingles then bring that information back to the Commission.

Commissioner Quarrie said she would like to present the options to Ms. Remark.

Vice Mayor Hoover suggested to the Town Manager that he focus on just the Ryckman House roof and not worry about other roofing projects around Town at this time.

**The Commission consented to exploring other options.**



- ~~F. Discussion and possible action on extending and revising Robert Daniel's employment contract—Commissioner Walters moved to the October 3<sup>rd</sup> workshop.~~

## **XII. Staff Reports (01:33:00)**

- A. Town Attorney Report – Regarding the vacation rental ordinance; Mr. Repperger has reviewed Flagler County's information and also discovered that Indian Harbour Beach recently adopted an ordinance regarding vacation rentals which is more streamlined than Flagler Beach's. Though he hasn't had a chance to discuss the ordinance with their Town Attorney, we may want to model ours after theirs. He'd like to put together some language and bring it back to the Commission for them to review.

Commissioner Walters asked the Town Attorney about the rollback rate and if municipalities can exceed 10% over that rate. It is generally understood that the act that limits the amount to 10% over rollback has been overruled.

Commissioner Walters explained to the audience what this means saying that if there is no limit to the amount that can be levied over rollback, taxes could go up significantly each year though they could not exceed 10 mills. Mayor Simmons mentioned that we will be voting in November about an additional \$25,000 homestead exemption which will cost us 5% of our budget; this is a big deal to communities like ours. He added that few people will vote against this tax decrease but it will result in the Town losing \$175,000; how will we be able to continue providing the services our residents want? This is another Home Rule issue.

Back to the millage issue, the Town Attorney said for the edification of those in the audience, a local law sets a millage cap of no greater than 10% over the preceding years' millage and that law hasn't been challenged except by Judge Evander who in his ruling on a case in 2002, said he thought the law had been repealed. Based on that, Mr. Repperger thinks there is a substantial argument to make that Judge Evander's logic was correct but the repeal of that law has not been found.

Mayor Simmons explained that the rollback rate is based on the dollars collected. From 2008 – 2014, when property values were going down, we were limited on how much we could raise; the millage could be raised to 10% over rollback, but we'd raise less money. The cap on the millage rate is 10 mills. Commissioner Quarrie asked the Town Attorney if he would talk to Satellite Beach's attorney about rollback and get his input.

- B. Town Manager / Public Works Report

Commissioner Walters said there was a complaint made by a resident about a neighboring property. Our Building Official and Code Enforcement Officer went



to inspect the property and told the neighbor who complained. He said we don't want to cause trouble by ratting out people so both staff members should be told not to expose the identity of a complainant.

Town Manager Daniels said the window replacements were completed at Ryckman House and employee Brian Vickers replaced a rotten windowsill. The pavilion is nearing completion and we have received a lot of compliments, people like the openness now that the pickets have been removed. Once completed, a resident has volunteered to stain the structure. Finally, the tree trunk with the dolphins carved into it has been sanded and stained.

The Elm/Rosewood project began and should be finished within a week. The Avenue A /Riverside project has begun and should be completed in less than a week. The big project on Andrews and the outfall line will begin with clearing the right-of-way during the first week of October and construction will begin mid-October.

The fundraising Family Day is being held on November 11<sup>th</sup> with other events to take place in early 2019. A pancake breakfast during the children's Christmas parade was suggested. Mayor Simmons asked about a band for the Christmas parade and the Town Manager said he will follow up with that.

Vice Mayor Hoover asked about the cost of groundwater testing and what it would entail. Unless it's too expensive, he'd like to do that. The Town Manager said he is looking into it.

C. Town Clerk Report – no report

D. Departmental Reports:

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

### **XIII. Town Commission Comments**

A. General Comments

Commissioner Walters asked about the website and the Town Clerk said it is being populated and should go live in several weeks. We are currently being trained.

Mayor Simmons talked about the muscle car museum on Sarno as a fundraising possibility. He also said that during ethics training he learned that all tweets, texts, social media postings (Facebook, NextDoor, etc) etc., that deal with Town business must be forwarded to the Town Clerk for retention in order to comply with Public Records laws.

Commissioner Walters said the gofundme account for the SRO has only collected \$125.

B. Review of Commission Action List

3 items were added:

- 311 Ocean Avenue potential for condemnation
- Town Attorney contacting Satellite Beach about millage
- Repaying reserves with FEMA money

2 items were closed:

- Bat houses
- PW Supervisor

Town Attorney Repperger discussed compliance issues with Sand on the Beach saying that fines won't continue to accrue once turtle season is over but will pick up again next year; no new order will be needed. They have cleaned up the crossover area.

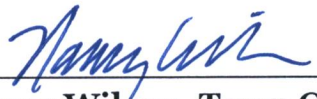
**XIV. Adjournment**

The meeting adjourned at 8:52 pm.

**Commissioner Quarrie made a motion to adjourn; Commissioner Walters seconded. Motion carried 4-0.**

**ATTEST:**

  
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**James D. Simmons, Mayor**

  
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**Nancy Wilson, Town Clerk**