

# **Town of Melbourne Beach**

**REGULAR TOWN COMMISSION MEETING  
WEDNESDAY NOVEMBER 20, 2019 at 6:30 p.m.  
COMMUNITY CENTER – 509 OCEAN AVENUE**

## **MINUTES**

### **PUBLIC NOTICE**

**The Town Commission conducted a Regular Town Commission Meeting  
on Wednesday November 20, 2019 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  
Town Clerk Nancy Wilson  
Town Attorney Clifford Repperger  
Police Chief Melanie Griswold

**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 conducted the roll call.

Commissioners Present:

Mayor Jim Simmons

Commissioner Steve Walters

Commissioner Sherri Quarrie

Commissioners Absent:

Vice Mayor Wyatt Hoover

Commissioner Corey Runte

Staff Present:

Town Manager Elizabeth Mascaro

Town Attorney Clifford Repperger

Police Chief Melanie Griswold

Town Clerk Nancy Wilson

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

Led by Mayor Simmons

**IV. Presentations**

- A. Administration of Oath of Office to newly elected members of the Town Commission - Town Clerk Wilson

Neither incumbents Vice Mayor Hoover nor Commission Runte were present for their swearing in so this item was continued.

- B. Public recognition of Zachary Martin as Police Officer of the quarter – Police Chief Griswold

Police Chief read a commendation letter written for Officer Zach Martin honoring him as Police Officer of the Quarter.

- C. Swearing in of Gavin Brown as new Fire Chief and recognition of outgoing Fire Chief Dave Micka who will now be serving in the position of Safety Officer –Dave Micka

Outgoing Fire Chief Micka gave some background about his years' as Chief and said he is making a lifestyle change so he's stepping down and will act in the capacity of

Chief Safety Compliance Officer; he will be available to help the new Chief. Mr. Micka then introduced Gavin Brown adding that he has been a member of the MBVFD for 13 years and has demonstrated exemplary leadership skills. Mr. Brown was then sworn in as the new Melbourne Beach Fire Chief.

Fire Chief Brown thanked all the public service professionals who were in attendance. He also thanked the members of his department, the Town Manager, Town Commission and the residents of Melbourne Beach who have supported him. In conclusion, he thanked outgoing Chief Micka and said he will continue the job of improving the Department.

The meeting adjourned for 10 minutes at 6:45 p.m. for congratulations and refreshments. The meeting reconvened at 6:55 and roll call was conducted:

Commissioners Present:

Mayor Jim Simmons  
Commissioner Steve Walters  
Commissioner Sherri Quarrie

Commissioners Absent:

Vice Mayor Wyatt Hoover  
Commissioner Corey Runte

Staff Present:

Town Manager Elizabeth Mascaro  
Town Attorney Clifford Repperger  
Police Chief Melanie Griswold  
Town Clerk Nancy Wilson

**V. Boards and Committees (00:26:00)**

Appointment of new member to the Space Coast Transportation Planning Organization

Mayor Simmons asked who had previously served on the Board and the answer was prior Town Manager Bob Daniels.

**Commissioner Walters nominated Vice Mayor Hoover as the new member on the Space Coast Transportation Planning Organization; Commissioner Quarrie seconded. Motion carried 3-0.**

**VI. Public Comments**

*John Tanner*

*321 Hibiscus Trail*

Mr. Tanner wanted to bring an upbeat note to the meeting by talking about positive topics including a well-attended "Coffee with a Cop" meet-and-greet where he got a chance to talk to the police officers. He also recounted a story where he was pulled over by a Melbourne Beach police officer who treated him very respectfully adding that's one of the benefits of living in a small Town. In conclusion, Mr. Tanner said he appreciates the Commission and all they do and would like them all to be respectful of each other

*Frank Thomas*

*606 Atlantic Street*

Mr. Thomas said the Community Center will be 100 years old in March 2020 and he has a complete story on the building if anybody is interested. It has been central to our community - housing the Women's Club and Rangler's Club before being taken over by the Town.

Mr. Thomas also announced the New Years' Day walk on January 1<sup>st</sup> at 10am that begins at the pier. The event was noticed on social media last year and 225 people showed up; he prefers smaller crowds. Bruce Morgan will be with him for the walk.

Mayor Simmons said if anybody is interested in the book written by Mr. Thomas, they are available for purchase.

**VII. Approval of the Agenda**

Mayor Simmons asked that the special event application for Leslie Maloney be moved to New Business, Item A.

**Commissioner Quarrie made a motion to approve the agenda as modified; Commissioner Walters seconded. Motion carried 3-0.**

**VIII. Consent Agenda**

- A. Special event application from Mrs. Lloyd Johnston
- B. ~~Special event application from Leslie Maloney~~ moved to New Business, Item A.
- C. Special event application from Taryn Rockwell
- D. Site Plan Review for 321 Banyan
- E. Site Plan Review for 1507 Pine
- F. Site Plan Review for 222 Sixth

**Commissioner Walters made a motion to approve Consent Agenda items A,C,D,E,F; Commissioner Quarrie seconded. Motion carried 3-0.**

**IX. Public Hearings (00:34:52)**

First reading of Ordinance 2019-06 amending and restating various provisions of the

## Land Development Code – Town Attorney Repperger

Town Attorney Repperger said that because the Planning & Zoning Board tabled the recommendation to approve or disapprove of the Ordinance until they have more information, the Ordinance was tabled by the Commission until the December 18, 2019 meeting.

### **X. Old Business (00:35:40)**

#### **A. Consideration of MOU for the Southern Squall event on March 7, 2020 – Town Manager Mascaro**

Town Manager Mascaro said the Commission previously directed, as a condition of the Special Event permit considered this past May, that an MOU between the Town and Alan Ross be drafted spelling out the details of the event, specifically the levels of support to be provided and by whom, the anticipated expenses and how the proceeds will be distributed. Since then, it was determined that the Melbourne Beach Rotary Club is hosting the event so the MOU is being signed by Taryn Rockwell who is their current president. Expenses include \$1,600 for Police Officers and \$905 for Public Works; those expenses will be paid from gross proceeds prior to disbursement to the three recipients: Town of Melbourne Beach Volunteer Fire Department, Genesis House and Gemini PTO with the Town receiving 25% of the net profit. Fire Chief Brown said he would like to use any proceeds toward the purchase of radios because the associated grant had been disapproved.

Commissioner Walters suggested that if the event is held next year that all profits go to the Volunteer Fire Department since Town property is being used. The Town Commission and Fire Department would then decide how the money would be spent.

Commissioner Quarrie asked if there is an explanation for why the Town is receiving a lesser percentage of the profits than the other two charities to which there was not an answer.

Mayor Simmons said he didn't see in the MOU who would be paying for the portable toilets and the dumpsters. He said there was a misunderstanding last year when the Town thought those expenses would be covered by the event holder, Alan Ross, but he thought the Town was donating the funds for the toilets and dumpsters. The matter of portable toilets is addressed in the MOU which indicates that the event holder will be paying for them. The Town Manager said the Town will utilize their own trash receptacles so there will not be an expense associated with that.

Commissioner Quarrie reiterated that she feels the proceeds should be distributed evenly among the recipients. There was some question as to whether that change could be made since the Special Event permit application had already been approved. Town Attorney Repperger said that the previously approved permit application was subject to an approved MOU, therefore, the MOU presented (not yet approved) could be amended.

**Commissioner Quarrie made a motion to approve the MOU with the change to split the proceeds evenly among the charities (33.33%), after expenses are paid, and the change that the agreement is between the Town of Melbourne Beach and Melbourne Beach Rotary Club; Commissioner Walters seconded. Motion carried 3-0, subject to changes.**

B. Consideration of updates to the beach parking survey – Town Manager Mascaro (00:47:00)

Town Manager Mascaro explained the new draft survey which was based on input from the Commission at a previous meeting. The purpose of the survey and the parking options (resident only street parking, resident only parking at crossovers, paid parking at Ocean Park) were provided. Also provided were the annual expenses at Ocean Park, possible revenue and potential projects funded by that added revenue. Detailed enforcement information was not provided in this draft. Commissioner Walters was not in favor of the survey because it's skewed toward paid parking. He also doesn't think that our area is experiencing "explosive growth" which the survey mentions as a justification for paid parking. He added that if the Town goes with paid parking, he'd like to apply it "across the board" (all areas where there is public parking) and would like input from the absent Commissioners. Commissioner Quarrie wants feedback from the community and is in favor of the survey but she is fine with waiting for the other Commissioners to be present.

Mayor Simmons made a correction to a misstatement made on social media that was attributed to him; he did not say that he "would not be bound by the results of the survey for Ocean Avenue parking." What he said was that he'd be "paying more attention to the people who are affected by the resident parking aspect of the survey." Commissioner Walters disagreed with what the Mayor said he wrote. Mayor Simmons referred him to the audio recording of the meeting beginning between 1 hr 10 min and 1 hr 11 min.

Commissioner Quarrie said she thinks that the cost for the Police Department to enforce parking won't be too expensive because of new technology. However, she'd

like to see more details from the Police Chief about enforcement costs and how much of a burden it would be on her department.

Town Manager Mascaro asked if the Commission decided to issue guest passes, would residents be charged for them.

*Adam Meyer*  
*214 Surf Road*

Mr. Meyer asked if it would be possible to only tackle the parking on Avenues A and B, east of A1A to see what it would cost and how it would work. The Mayor said his only fear would be that it would just drive crowds farther south and his preference was a comprehensive solution. Mr. Meyer then asked about guest passes and his concern that Town Hall would be closed when he needed one or more of them. The Mayor answered that guest passes could be obtained ahead of time and used whenever guests were visiting. He also said that he personally would be fine with tackling Avenues A & B first to see how it went but his fear is that it would just drive the same crowds farther south so that's why he proposed to provide a comprehensive solution. The Town Manager was tasked with adding to the discussion in December, Mr. Meyer's suggestion to focus on the parking issue at Avenues A and B, east of A1A.

*John Tanner*  
*321 Hibiscus*

Mr. Tanner strongly agreed with sending out a survey to get input from residents and he appreciated the Mayor's breakdown of the issues as spelled out in his email to residents. He said the Ocean Park parking lot is horribly designed and he suggested blocking it off for use by Town residents only. The Mayor explained that the land is leased from the State and thus must be open to everyone. Mr. Tanner also thinks the \$1.25/hour parking fee should be higher to drive people south so damage at Ocean Park would be minimized.

*Frank Thomas*  
*606 Atlantic*

Mr. Thomas congratulated the Commission for addressing the parking issue and doing something about the situation.

*Lauren Hardman*  
*320 Sixth Avenue*

Ms. Hardman agreed with looking into parking solutions adding that 6<sup>th</sup> Avenue is also affected by beach parking so maybe other areas should be addressed.

**The Beach parking survey was tabled until the December 18<sup>th</sup> meeting when input from the 2 absent Commissioners could be heard.**

C. Consideration of proposal by Thijs Stelling to adopt Town right-of-way – PW Supervisor Davis

Mayor Simmons gave background on this issue explaining that the owner of the Exxon station requested permission to adopt the landscaped area on the north side of Ocean Avenue between his business exit and the FDOT right-of-way to the east. The purpose is to provide short term parking for larger vehicles visiting his store. Public Works Supervisor Davis provided a drawing of how the area would look. He contacted FDOT and the property in question is not theirs so they don't have an issue with the proposal. Mr. Davis also contacted the Town Planner who reviewed our Code to determine if there are any requirements for the Commission or Planning & Zoning Board to review the proposed improvements in the Town's rights-of-way and no language was found that would require such review. The adoption of the right-of-way and utilization of the area is outlined below:

1. Mr. Stelling will employ a professional landscaper to remove the existing plants. A portion of those plants will be relocated to Bicentennial Park.
2. There will be one parallel parking spot created. The spot will be 12 ft. wide and 50 ft. in length. Pervious material will be used to build the base for the one parking spot.
3. Signage will be posted stating: Parallel Parking Only, 10 Minute Limit, No Overnight Parking
4. The three existing Palm trees will remain as will the roughly 5 feet of landscaping along the north side of the parking spot.
5. The parking spot will not be utilized by Melbourne Beach Exxon employees or for vehicles being serviced.
6. Melbourne Beach Exxon will pay for all signage
7. A 15 ft. area on the west end of the parking spot will be maintained, which may include the removal of 3 palm trees, but no type of plant or signage will be placed there. This is in order to maintain a clear field of vision for vehicles that exit the Melbourne Beach Exxon onto Ocean Avenue.

Commissioner Walters said he had concerns about taking a strip of Town property to create a parallel parking spot where views could be obstructed and traffic could back-up. Secondly, there's a safety concern about taking away the sidewalk for public use. Thirdly, there is liability to the Town in that we are giving a commercial business, who has already received five or six variances, use of Town property. Finally, there could be a cost to the Town for the drafting of agreements, etc. Mr. Walters wasn't confident that Mr. Stelling would abide by any agreement given his history with the Town (he gave a few examples). Allowing this would set a bad precedent and he is not in favor of the requested use. Commissioner Quarrie said



she sees this as taking an eyesore and beautifying it. Trucks are already parking there so the Town isn't setting a precedent. All that would change is the Town allowing him to make that area more attractive. The palms along the sidewalk will remain by the sidewalk so no barrier is being eliminated; pedestrians are no more at risk with this plan. She added that the history of the business shouldn't be considered.

Mayor Simmons shared Commissioner Walters' concerns. He doesn't think the proposed parking area is intended for delivery or tanker trucks. It is intended for vehicles like lawn trucks and he's not sure there is enough room if there are two of them there at the same time. He is also concerned that gravel will be shot all over the street because trucks will dig ruts in the graveled area. The Mayor fears that they are setting a precedent for those who will need relief in the future for Ocean Avenue parking and said the Commission agreed to send the parking plan to the Planning & Zoning Board for their input. When asked, the Town Attorney said that the Board isn't required to look at the plan prior to the Commission making a decision. Commissioner Quarrie said that all Planning & Zoning can do is determine if the plan adheres to our Code.

The matter should not be sent to the Board of Adjustment because a variance isn't being requested. However, if the Planning & Zoning Board determines that the plan does not meet Code, it would then go to BOA.

**Commissioner Walters made a motion to send the issue to the Planning & Zoning Board for their opinion. Motion died from lack of a second. The matter was tabled until the December 18<sup>th</sup> Commission meeting.**

- D. Consideration of engaging Stewart Capps for Code Enforcement Board legal counsel – Town Attorney Repperger

The Town Attorney said the Commission previously approved up to 6 hours for Stewart Capps to serve as Special Magistrate and represent the Melbourne Beach Code Enforcement Board at their next meeting at a rate not to exceed \$125/hour. The Independent Contractor Agreement was provided in the packet for Commission consideration. Commissioner Walters didn't like the following verbiage:

*Compensation shall be paid for all pre and post Code Enforcement Board meeting preparation and proceedings, attendance at Code Enforcement Board meetings, and consultation with TOWN Staff or the TOWN Attorney regarding TOWN Code Enforcement matters. Compensation shall not be paid for travel time.*

He asked how the 6 hour cap previously decided upon was determined. Town Attorney Repperger answered that the 6 hour cap was chosen because it wasn't

known how much time would be needed for the meeting in November; this was a one-time deal to fill the gap so that the Code Board would have representation prior to an agreement being signed; this is not the same as the current proposal to go to a Special Magistrate. The current agreement, if approved, will be in place for as long as Mr. Capps serves in the capacity of Special Magistrate or until the Code is amended to allow for the magistrate process. While the agreement doesn't have limits for pre and post meeting time, the Town Attorney doesn't feel the time spent for those activities will be significant.

**Commissioner Quarrie made a motion to accept and approve the draft agreement for a magistrate for Code Enforcement Board meetings as presented. The motion died for lack of a second.**

The Town Attorney asked if the Commission would agree to the previous authorization allowing for a Special Magistrate to attend the December Code Board meeting for up to 6 hours.

**Commissioner Walters made a motion to pay Special Magistrate Stewart Capps \$125 hour for the upcoming December meeting not to exceed 6 hours; Commissioner Quarrie seconded. Motion carried 3-0.**

**The agreement will be revisited at the December meeting.**

## **XI. New Business (01:32:03)**

### **A. Consideration of special event application for Leslie Maloney – Town Manager Mascaro (moved from Consent Agenda)**

Town Manager Mascaro said Ms. Maloney has made application to hold yoga classes at the Ryckman Park pavilion at 4pm on Wednesdays. She wants to ask participants for donations to benefit the Marine Resources Council and the Turtle Coast Sierra Club. Normally we do not allow anybody to charge a fee for any activity in the Park; she's not sure how this particular activity could be monitored since the Town doesn't want to be involved in collecting fees for charities. Another group conducts yoga lessons in the Park but they don't collect fees. The Town Manager has signed off on the request and she suggested setting a time limit after which they could revisit the request. Commissioner Walters suggested changing the charity to the Melbourne Beach Fire Department instead of the two charities Ms. Maloney suggested. Commissioner Quarrie agreed with Commissioner Walters and also wanted to set an end date. She suggested asking if other organizations have an issue with her using it.

Mayor Simmons doesn't like making exceptions but he is also OK with it if the proceeds go to the MBVFD and a time frame is established.

**Commissioner Walters made a motion to approve the special event application for Ms. Maloney to use the pavilion for yoga for a 3 month period with all proceeds going to the MBVFD; paying customers would preempt her activities; Commissioner Quarrie seconded. Motion carried 3-0.**

- B. Consideration of the amended October 16, 2019 RTCM draft minutes – Town Clerk Wilson

**Commissioner Quarrie made a motion to approve the minutes as written from the October 16, 2019 meeting and the November 6, 2019 meeting; motion died for lack of a second.** Commissioner Walters said he didn't feel his comments were allowed during the October 16th meeting, due to the Mayor hitting the gavel, which is why he didn't second the motion. He said the Mayor had allowed Vice Mayor Hoover to speak on an issue (out of agenda order) then banged his gavel to call Mr. Walters out of order and silence him when he tried to respond. Mayor Simmons also commented that he had the right to silence Commissioner Walters because he had accused Vice Mayor Hoover of a felony. Commissioner Walters replied that he did not accuse him of a felony and that Mayor Simmons had no right to silence him. He would like to provide a statement with up to 250 words at the December 18<sup>th</sup> meeting.

**The October 16<sup>th</sup> meeting minutes were tabled until the December 18<sup>th</sup> meeting at which time Commissioner Walters will provide a statement for inclusion in those minutes.**

- C. Consideration of the amended November 6, 2019 TCW draft minutes – Town Clerk Wilson

**Commissioner Quarrie made a motion to approve the amended minutes from the November 6, 2019 minutes; Commissioner Walters seconded. Motion carried 3-0.**

- D. Consideration of hiring fire maintenance 1099 contractors to work weekends for an amount not to exceed \$20,000 annually – Town Manager Mascaro

Town Manager Mascaro explained that the Fire Department would like to hire up to four 1099 contractors for weekend coverage who would perform time sensitive maintenance and administrative tasks. They would not be required to answer calls if working as 1099 employees; they would only do that in their capacity of volunteer firefighters. During budget discussions, the Fire Department requested that \$15,000 of the \$100,000 stipend plan be reallocated to hire a part-time

weekend employee. After further consideration, they felt that utilizing 1099 employees would be a better solution.

Commissioner Walters had no problem with the request if the three or four 1099 contractors are volunteer firefighters. Commissioner Quarrie said that the memo from Fire Chief Brown says, "If a Contractor is also a volunteer firefighter with the MBVFD, they would have the *option* to respond to emergency calls for service during their work shift, but they would do so acting as a volunteer, not as a Contractor for the Town." Chief Brown doesn't think we can legally require the Contractors to be firefighters though strong preference will be given to the current volunteer firefighters. Cliff read from Chapter 11 of Code.

**Commissioner Walters made a motion to approve the Fire Department request to hire three to four 1099 contractors to work weekends at a cost not to exceed \$15,000 per year with preference given to volunteer firefighters. Motion died for lack of a second.**

**Commissioner Quarrie made a motion to approve the proposal for part time contractors for Fire Station maintenance work as proposed by Chief Brown with the amount not to exceed \$15,000 annually. Motion died for lack of a second.**

Commissioner Quarrie disagreed with Commissioner Walters' statement that preference should be given to volunteer firefighters; she feels the Chief should make that decision.

**Commissioner Quarrie made a motion to approve, for one fiscal year, the proposal for part time contractors for weekend fire station maintenance work as described in the memorandum from Chief Brown dated 11/13/2019; Commission Walters seconded. Motion carried 3-0.**

E. Consideration of bid for new flooring in Town Hall – Town Manager Mascaro

Town Manager Mascaro said money was budgeted for this project. Three people came to Town Hall to measure and give us quotes but only one quote was received. That quote was considerably less than the amount budgeted so she's asking that we utilize that vendor. The leftover funds could be put back in the contingency fund, used to get new flooring in the Police Department or used to purchase a speed trailer. This is a capital item so the Commission needs to decide what to do with the excess dollars. The budgeted amount was \$16,800 and the bid amount for the flooring in Town Hall is \$9,785.

An estimate to replace the flooring in the Police Department hasn't been received but the Police Chief said she'd rather have a speed trailer for which they are \$3,000

short; she doesn't think there will be enough in the budget to get both the speed trailer and new flooring.

Mayor Simmons asked Public Works Supervisor Davis if we have any real world knowledge about anybody who has the same flooring. Mr. Davis responded that he doesn't have that information but *Classic Floors* offered references. The Mayor would like them to be confident that the flooring will last 5+ years. Mr. Davis added that they did select higher grade flooring that the vendor has installed in hospitals. In closing, the Town Manager said all three vendors dropped off the same sample books.

Mayor Simmons suggested that we accept the bid from *Classic Floors* for the Town Hall complex in the amount not to exceed \$9,785, obtain a bid for the Police Department and save the underruns for the speed trailer and if the bid allows, replace floors in the Police Department.

**Commissioner Walters made a motion to accept the bid from Classic Floors in an amount not to exceed \$9,785 to install vinyl planking in the Town Hall Complex; Commissioner Quarrie seconded. Motion carried 3-0.**

- F. Consideration of speed trailer purchase for the Police Department – Police Chief Griswold

Police Chief Griswold said that a message board was approved in the FY19/20 budget in the amount of \$5,000. After researching the available products on the market, the least expensive one cost \$15,000. The Chief then shifted her thoughts to getting another speed trailer similar to the one they currently have at a cost of \$7,379 – substantially less than the cost of a message board. She received three quotes but thinks the *Stalker* would suit them best. It would benefit the Town to have two speed trailers plus Public Works wouldn't need to move them as frequently.

**Commissioner Walters made a motion to purchase the *Stalker* radar trailer at the not to exceed price of \$7,900 with funds from the unused portion of the Town Hall flooring budget; Commissioner Quarrie seconded. Motion carried 3-0.**

- G. Consideration of Budget Resolution 2019-08 amending the year end budget – Town Manager Mascaro

Mayor Simmons said there was an agenda template but no resolution in the packet. Town Manager Mascaro provided the language that would be in the resolution but the actual resolution was required so a Special Meeting would need to be

scheduled. The Commission directed the Town Manager to schedule a special meeting so that this resolution could be considered/approved prior to the December 1<sup>st</sup> State mandated deadline.

- H. Consideration of Resolution 2019-09 supporting SB182 giving local governments the ability to regulate the use of plastics, polystyrene, et al. – Mayor Simmons

**Commissioner Quarrie made a motion to adopt Resolution 2019-09 in support of SB182; Commissioner Walters seconded. Motion carried 3-0.**

- I. Consideration of public records policy and request form – Town Clerk Wilson

Town Clerk Wilson said it had come to her attention that the Town didn't have a written public records policy but did have a draft version from 2005 that adequately covered what was needed. Additionally, the current records request form is messy and not well organized so a draft version of that was also provided. One sentence added to the request form reads "Service charge for extensive use of technology resources and/or labor cost of personnel providing the service, including redactions, are applied as permitted by State law and pursuant to the Town's Public Record Policy." Extensive time is defined to mean more than 15 minutes. Commissioner Walters said that it should be stated on the request form that submission of the form is optional; requests can be made anonymously. The Mayor was concerned that if fees aren't collected up front, a lot of work could be conducted and the requestor may never show up to pay. The Clerk assured the Commission that the process is made very clear to requestors about what the estimated costs will be and that often leads the requestor to tighten up the request. Otherwise, in cases where a lot of time needs to be spent, a deposit is requested. The Town Attorney asked that references to RMLO (records management liaison officer) under 23.04(E) should be changed to "Town" since the Town defines "extensive" time, not the RMLO.

**Commissioner Quarrie made a motion to approve the Public Records Request policy and form subject to suggested changes; Commissioner Walters seconded. Motion carried 3-0.**

- J. Discussion regarding renewal of Safebuilt's contract – Town Manager Mascaro

The Town Manager said the contract for Safebuilt will expire in February 2020 so she asked if the Town wanted to advertise an RFP since that would need to happen soon. The Mayor responded that since Safebuilt hasn't given the Town a proposal for renewal, we don't have the information to determine if we want to go to RFP. We need that information quickly to meet advertising and bid deadlines.

Commissioner Walters said the Town paid Safebuilt \$9,000 last month. He thinks for that money, we could hire somebody full-time. We have a responsibility to residents to find someone as qualified at a lower price.

Commissioner Quarrie said there is a nationwide shortage of inspectors and their salaries are high, plus, we would have to pay benefits to an employee. There is no cost to the Town for Safebuilt's services since they are being paid by those needing plans review and inspection services; it's a pass-through. She's heard great things about Safebuilt and she wants to stay with them. Commissioner Walters agreed that the people who use the services, pay for them, but residents would like less cost and more expedient service. Unless we advertise, we won't know who is available at what cost.

Mayor Simmons said we've been through this before and whomever we hire eventually leaves. Currently, the risk is Safebuilt's.

**There was Commission consensus for the Town Manager to get a proposal from Safebuilt to review prior to considering other options.**

*John Tanner*

*321 Hibiscus Trail*

Mr. Tanner commented that Commissioner Walters is spot on about hiring a building inspector; we've got to think about the future and solicit the market. In response, the Mayor explained our past issues with inspectors adding that they don't stay more than 8-9 months.

## **XII. Staff Reports (02:46:10)**

### **A. Town Attorney Report – under action items**

### **B. Town Manager Report**

- A Workers Comp annual audit was recently performed. We've had one claim this year so it's possible that rates will increase.
- She attended a meeting in Satellite Beach where the Manager from Mexico Beach spoke about disaster recovery. He talked about the long term effects of devastation adding that they've learned the importance of getting schools back up and running to provide some sort of normalcy. Town Manager Mascaro wants to get together with the Fire and Police Departments to discuss what she learned at this meeting and how their disaster plan may be improved.
- She attended a solar energy meeting where she learned that costs have decreased while technology has improved.
- The first meeting with the Police Benevolent Association was held on November 8<sup>th</sup> and the next meeting is on November 22<sup>nd</sup>.
- Plans for the Ocean Park drainage proposal were given to Duane DeFreese but she hasn't heard back from him; he will be attending the December RTCM.

- She talked to a representative for Tesla who said there's no cost to obtain charging stations, the only cost would be for an electrician to wire them. They don't accept credit cards but businesses could sponsor one or more of them. Each pedestal has two stations and there are three charging speeds. Unfortunately, Tesla uses different plugs than other electric cars so free doesn't matter unless you drive a Tesla. The issue needs to be researched further and if the technology has improved, it may be a good time to move forward with getting charging stations. The Commission wanted this added to the Action List and forwarded to the Environmental Advisory Board for further consideration.
- Regarding the grant from SJRWMD, stemming from a resident suggesting the Town purchase the property next to Town Hall for stormwater retention, they don't give grants for the purchase of property. They will purchase property themselves but nothing with a structure on it. Commissioner Quarrie said that Deborah Webster from the Space Coast Office of Tourism said they have grants that will pay for property as long as it fits into their parameters.
- She reported that there are a lot of concerned citizens on corner lots who are having trouble obscuring their boats and RV's from view and asked if the Commission would be willing to put a pause on the issue, corner lots only, while the matter is looked into further and a code change is considered. This is an issue we hear about most frequently. Commissioner Quarrie passed out a picture that illustrated the issue – the resident went to a great deal of trouble trying to obscure the boat and it's still in violation.

**There was Commission consensus to put a temporary halt on enforcement of code issues dealing with boats and RV's parked on corner lots.**

*Break taken between 9:36pm – 9:41pm*

C. Town Clerk Report – no report

D. Departmental Reports:

1. Building Department – no comments
2. Public Works Department – They are beginning to put up Christmas decorations. The fresh water shower at Ocean Park was disabled due to vandalism, well water is available; Brevard County has the same issues so he guesses it's widespread. Graffiti is back.
3. Code Enforcement – no comments
4. Police Department – *Movies in the Park* is on December 14<sup>th</sup>; the Chief was awarded a scholarship to attend a management class for Chiefs of Police.



5. Fire Department – Commissioner Quarrie asked if the FD floor was ever fixed. The Fire Chief is getting quotes and checking other fire departments to see what they have done. They didn't get the grant for mobile radios.
6. Finance Department – Town Manager Mascaro said she will send the Commissioners the missing information for the budget amendment resolution.

### **XIII. Town Commission Comments (03:19:00)**

#### **A. General Comments**

Commissioner Walters asked about Resolution 2019-08. Mayor Simmons said a special meeting will need to be scheduled before the end of November.

#### **B. Review of Commission Action List**

Four new items

- Exxon use of right-of-way
- Charging stations
- Budget resolution
- Sheds on corner lots

Two closed items

- Harden Ocean Park showers
- Public Records Request policy

During the review of the Special Magistrate ordinance item in the Action List, the topic of issues related to 7A-67 (3) - parking and sheltering of trailers, boats and RV's **on corner lots** arose. The problem is that corner lots are considered to have two front yards which makes it difficult to obscure boats, etc., in order to be in compliance with the Code. The Commission decided to pass a moratorium (see above) on enforcement in those circumstances until a code change is made.

*John Tanner*

*321 Hibiscus*

Mr. Tanner questioned why the moratorium on enforcement of the boat parking doesn't apply to the shed he wants to place in his side yard. He would meet the setback requirements but the Code said that he can't have a shed on either side of a corner lot and he doesn't have enough room in his yard where a shed would be allowed. The moratorium doesn't include sheds because they are permanent structures. Commissioner Quarrie suggested that the issue of sheds on corner lots be investigated further. The issue was placed on the Action List.

**Commissioner Quarrie made a motion to place a temporary moratorium on enforcement of boat and RV parking on corner lots**

**pending a code change; Commissioner Walters seconded. Motion carried 3-0.**

**XIV. Adjournment**

**Commissioner Walters made a motion to adjourn; Commissioner Quarrie seconded. Motion carried 3-0**

The meeting adjourned at 10:11 pm

**ATTEST:**

  
James D. Simmons, Mayor

  
Nancy Wilson, Town Clerk