

Town of Melbourne Beach

**REGULAR TOWN COMMISSION MEETING
WEDNESDAY DECEMBER 18, 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 December 18, 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
Public Works Supervisor Tom Davis
Finance Manager Jennifer Kerr
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

Vice Mayor Wyatt Hoover

Commissioner Steve Walters

Commissioner Sherri Quarrie

Commissioner Corey Runte

Staff Present:

Town Manager Elizabeth Mascaro

Town Clerk Nancy Wilson

Finance Manager Jennifer Kerr

Police Chief Melanie Griswold

Fire Chief Gavin Brown

Public Works Supervisor Tom Davis

Town Attorney Clifford Repperger

III. Pledge of Allegiance and Moment of Silence

Led by Mayor Simmons

IV. Presentations

Duane DeFreese, Executive Director of the Indian River Lagoon Council, discussed the health of the Indian River Lagoon and funding opportunities. Regarding health, there has been some improvement to the Lagoon thanks to a drier summer and cooler fall. In fact, they are seeing the best water quality and clarity that they have seen in a number of years but there are recurring algal blooms. The Lagoon currently and in the foreseeable future will be vulnerable to algal which will lead to conditions that are detrimental to Lagoon quality and the economy. Seagrass has rebounded but there is still a 50% decline in little over a decade. Since 2011, the system has changed dramatically and it will be a struggle to bring it back to health in the decades ahead but they know it can be done. The National Estuary Program has been around for about thirty years, first operating as a grants program through the SJRWMD. Approximately \$27 million of federal dollars flowed through that program to local constituents, partners and stakeholders for projects. As a result of the 2011 algal bloom and all of the problems thereafter, counties got together in 2013 and 2014 and

created the Indian River Lagoon Council which is an independent special district. Mr. DeFreese was hired in 2015 to lead the transition from a grants program to a fully performing national estuary program whose budget is currently \$2.1 million. The sole purpose of the Council is to house and support the National Estuary Program which is a program whose goal is to protect and restore the water quality and ecological integrity of estuaries of national significance. The NEP is a non-regulatory program established by Congress and was authorized by section 320 of the Clean Water Act in 1987. Several of the most important mandates of the NEP are tracking trends, collecting data and working with partners to adopt a comprehensive conservation management plan. Each NEP develops and implements a long-term plan (referred to as a Comprehensive Conservation and Management Plan (CCMP)), based on local priorities, to guide their efforts.

Mr. DeFreese then discussed some of the opportunities he sees going forward. They advise agencies and municipalities to determine their footprint on the IRL then go to work to fix it. The IRL encompasses 156 miles, seven counties and thirty eight cities and they are looking at well over \$2 billion (more likely \$4 billion - \$5 billion) to do all of the hard work that needs to be done. Municipalities are challenged mainly because of the limited options available due to build out. Save Our Indian River Lagoon (SOIRL) program provides the biggest opportunity for cities in Brevard County. The half-cent sales tax that was passed in 2016 is generating about \$40 million per year and if the economy stays strong, all the projections show that they will be generating about a half billion dollars per year, 30% percent of which is from tourist dollars. The NEP program is much smaller at a \$2.1 million budget. They are limited in what they can do but their job and focus is to extend the capability of those dollars to their best use. They have RFP's on the street that the Town should be looking at as examples of possible opportunities. They are looking at clean water projects, habitat restoration projects and community based restorations. NEP has a small grants program with awards running between \$500 and \$5,000 and a science/innovation program.

Melbourne Beach is additionally challenged because of money constraints and grants mostly being awarded for shovel ready projects. There will be small grants awarded this year and the large RFP start date is 10/1/2020 with a deadline of 1/17/2021. There's a lot of money available but you must know where to look. Mr. DeFreese's program will help the Town get projects off the drawing board and to a level of engineering and design where they are almost shovel ready. The program provides tech support services, proposal development and grant writing for free. They budget \$50,000 for their services every year and it has yet to be fully utilized.

V. Public Comments (00:43:34)

Frank Thomas
606 Atlantic
&
Bruce Morgan
501 Sunset

Mr. Thomas said Mr. Morgan will be leading the January 1st history walk. It should last about 1.5 hours after which there will be a reception in the Community Center. Mr. Thomas's book: *Melbourne Beach – The First 125 Years* will be available for purchase.

Mr. Thomas also announced that February 20th is the 100th anniversary of the Community Center. It first housed the Rangler's Club then the Women's Club.

Kate Wilborn
502 Second

Ms. Wilborn said the house on the corner of 1st avenue and Pine Street is under contract but has not closed. It may still be available and she wonders if SJRWM could use it as a model for projects whereupon land is purchased for stormwater retention. Commissioner Walters said that the Town approached SJRWM who said they don't award grants to purchase property.

Mr. DeFreese said he thought it would be appropriate and wise for the State of Florida to start thinking about having a reserve fund for land acquisition. He is not aware of any opportunities that currently exist so a push for policy would be appropriate.

VII. Approval of the Agenda (00:51:10)

Vice Mayor Hoover made a motion to approve the agenda as presented; Commissioner Quarrie seconded. Motion carried 5-0

VIII. Consent Agenda (00:51:25)

- A. Site Plan Review for 314 Avenue B
- B. Site Plan Review for 416 Poinsettia
- C. Site Plan Review for 509 Third Avenue

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

IX. Public Hearings (00:52:12)

First reading of Ordinance 2019-06 amending and restating various provisions of the Land Development Code after being approved by the Planning & Zoning Board

Town Attorney Repperger read the ordinance by title:

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING VARIOUS PROVISIONS OF APPENDIX "A" OF THE CODE OF MELBOURNE BEACH, THE LAND DEVELOPMENT CODE; AMENDING SECTION 3A-80 (b), AMENDING THE MINIMUM LEVEL OF SERVICE STANDARD FOR STORMWATER RETENTION; CREATING SECTION 3A-80 (d), WAIVING APPLICABLE EXEMPTION FROM DRAINAGE CONCURRENCY FOR SINGLE FAMILY RESIDENTIAL LOTS WHERE MODIFICATIONS OR RENOVATIONS EXCEEDING A FIFTY PERCENT APPRAISED VALUE THRESHOLD ARE MADE TO EXISTING RESIDENTIAL STRUCTURES; AMENDING SECTION 4A-238 (1), REMOVING REGULATIONS PERMITTING MINOR NONSTRUCTURAL FILL IN COASTAL HIGH HAZARD AREAS; AMENDING SECTION 7A-50 (e), PROHIBITING MARL AS A PERMITTED SURFACE FOR PARKING AREAS AND DRIVEWAYS; AMENDING SECTION 7A-51, PROVIDING FOR CIVIL ENGINEERING REVIEW OF SITE PLANS, ADDING STORMWATER RETENTION AND DRAINAGE FROM PROPERTY TO SITE PLAN REVIEW, AMENDING SITE PLAN REQUIREMENTS TO INCLUDE ALL EXISTING TREES, OUTBUILDINGS, AND ACCESSORY STRUCTURES, REQUIRING PROFESSIONALLY PREPARED DRAINAGE PLANS, AND PROVIDING FOR CIVIL ENGINEER CONSIDERATION OF SUBSTANTIAL DEVIATIONS; AMENDING SECTION 7A-51.1, PROVIDING FOR CIVIL ENGINEERING REVIEW OF SITE PLANS, ADDING STORMWATER RETENTION TO SITE PLAN REVIEW, AMENDING SITE PLAN REQUIREMENTS TO INCLUDE MAJOR FEATURES AND FENCES, INCLUDING ALL EXISTING OUTBUILDINGS, ACCESSORY STRUCTURES, AND TREES, REQUIRING PROFESSIONALLY PREPARED DRAINAGE PLANS, AND PROVIDING FOR CONSIDERATION OF SUBSTANTIAL DEVIATIONS; AMENDING SECTION 7A-87, AMENDING USES UNDER SPECIAL EXCEPTION PROVISIONS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR THE REPEAL OF INCONSISTENT RESOLUTIONS AND ORDINANCES; PROVIDING FOR TRANSITION; PROVIDING FOR ENFORCEMENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

Commissioner Walters asked if off street parking will no longer be allowed as noted on page 43 under 7A-50. He was told that no changes were made to that section except for the removal of marl as an allowed surface - *Marl is specifically prohibited for use in parking areas and driveways*. Commissioner Quarrie wanted to ensure that the proposed technical standard for stormwater treatment and runoff meets or exceeds the minimum level of service in the Comp Plan; the Mayor responded that it does. She also asked that Town procedures and application forms be amended to ensure that any changes to the LDRs are

explained at the very beginning of the design review process to ensure that all applicants are well informed. She asked that a resolution be provided at the next Commission meeting specifying the requisite changes to the fee schedule. Additionally, any forms that need to be modified to include the updated verbiage should be provided at that same meeting.

Vice Mayor Hoover made a motion to approve Ordinance 2019-06 on first reading; Commissioner Quarrie seconded. Motion carried 5-0.

X. Old Business (01:00:12)

- A. Consideration of October 16th minutes after Commissioner Walters addition (tabled from November 20th RTCM) – Town Clerk Wilson

These minutes were tabled at the November 20, 2019 meeting. Background information on that decision follows:

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 18th meeting.

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

Mayor Simmons said no statement was provided and per the rules, the statement must come after the vote (to explain the vote) and that would be required by the next meeting agenda deadline. Mayor Simmons read from Resolution 2016-12 explaining why this item was revisited:

As provided in Section 1-26(c)(3), of the Town Code, any member of the Commission may have attached to the minutes an explanation of why said Commissioner voted in a particular manner. Said explanation shall not be subject to a vote by the other Commissioners and shall not exceed 250 words. The explanation must be submitted by the agenda closing date for the next regular meeting. Said explanation shall not contrast the Commissioner's vote with other members of the Commission.....

Commissioner Quarrie made a motion to approve the October 16, 2019 minutes; Vice Mayor Hoover seconded. Motion carried 4-1 with Commissioner Walters casting the dissenting vote.

- B. Consideration of updates to the beach parking survey (tabled from November 20th RTCM) – Town Manager Mascaro

Commissioner Quarrie made a motion to approve the survey as drafted and to send it to all residents; Commissioner Runte seconded. Motion carried 4-1 with Commissioner Walters casting the dissenting vote.

- C. Consideration of proposal by Thijs Stelling to adopt Town right-of-way (tabled from November 20th RTCM) – Town Manager Mascaro

Town Manager Mascaro said this matter went to the Planning & Zoning Board; they weren't quite sure why it was coming to them and thus referred it back to the Commission. Public Works Supervisor Davis said that Mr. Stelling wants to use our right of way for temporary parking to relieve congestion at his service station during busy times. The owner would also maintain the unsightly area on that corner (NW corner of Ocean and Oak) DOT is fine with the proposal since it isn't their property. Mr. Davis said that he and the Police Chief evaluated the area and they feel there wouldn't be any safety issues. Commissioner Runte said the unsightly landscaping is the Town's fault and added that he's uncomfortable with the plan since he doesn't think that due diligence was performed; he won't vote to approve the proposal until he has more information. Commissioner Quarrie said that what the owner has requested doesn't have to be approved by anybody but the Town; he just wants a temporary parking area. The problem is that we don't have any place for trucks to unload on Ocean Avenue which is why big trucks sit on our rights-of-way. She said there is no precedent because it's always happening. Commissioner Quarrie is in favor of the request because that side of the road will be maintained and made attractive. Commissioner Runte said an agreement outlining specifics would have been useful.

Commissioner Walters is concerned about safety issues from the palm trees being in the way to right turns being made onto Ocean heading west while somebody parking in the right-of-way is pulling out. He also doesn't see how it benefits the Town, thinks it sets a bad precedent, worries about liability issues and said the gravel used in the parking area will get all over Ocean Avenue. Further, in the past, the Town has had agreements with the owner and he's violated them. Mayor Simmons shared Commissioner Walters' concerns, especially about the gravel and setting a precedent. He added that if we have an MOU, he would want to add a rescindable clause but thinks the intersection is too busy for this use.

Commissioner Walters made a motion to disapprove the request from the owner of the Exxon station that would have allowed use of the Town's right-of-way for temporary parking; Vice Mayor Hoover seconded. Motion carried 5-0.

Commissioner Runte said he would be happy to revisit the issue in the future if more information is provided.

- C. Consideration of engaging Stewart Capps for Code Enforcement Board legal counsel (tabled from November 20th RTCM) – Town Attorney Repperger

Town Attorney Repperger said the Town Commission previously approved the temporary engagement of Stewart Capps for the Code Enforcement Board's legal counsel. Commissioner Walters wanted to get a feel for what this would cost the Town so he asked how often meetings are held. The Town Attorney responded that they generally meet about four times a year. Commissioner Quarrie thinks that having a professional advising the Code Board members is a good idea. Mayor Simmons commented that Chairman Baird was pleased to have representation. The Town Manager added that the meeting went very smoothly with Mr. Capps in attendance. All the proposed agreement does is approve engaging legal counsel for the Code Enforcement Board, it doesn't engage him as the Special Magistrate which would require an ordinance.

Commissioner Quarrie made a motion to approve the draft agreement engaging the services of Stewart Capps to represent the Code Enforcement Board; Vice Mayor Hoover seconded. Motion carried 5-0.

XI. New Business

- A. Consideration of November 20, 2019 RTCM draft minutes – Town Clerk Wilson
- B. Consideration of November 25, 2019 STCM draft minutes – Town Clerk Wilson
- C. Consideration of December 4, 2019 TCW draft minutes – Town Clerk Wilson

Vice Mayor Hoover made a motion to approve the minutes from the November 20, 2019 RTCM meeting, the November 25, 2019 STCM meeting and the December 4, 2019 TCW meeting; Commissioner Quarrie seconded.

Commissioner Walters requested a change to the November 20th minutes by adding the words “he said”: *What he said 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 requested a change to the November 20th minutes by adding the words “he said”: *(“Commissioner Walters disagreed with what the Mayor said he said. Mayor Simmons referred him to the audio recording of the meeting beginning between 1 hr 10 min and 1 hr 11 min.”)*

Vice Mayor Hoover modified his motion to approve the minutes subject to the November 20th minutes change requested by Commissioner Walters; Commissioner Quarrie seconded. Motion carried 4-1 with Commissioner Walters casting the dissenting vote.

- D. Consideration of hiring a new Fire Inspector – Town Manager Mascaro

Town Manager Mascaro explained that the new Fire Inspector needs to be a W2 employee instead of a contract employee. Our current Fire Inspector tendered his resignation and our previous inspector, Joe Faletra, who performed our fire inspections from 3/2018 through 10/2018, is interested in coming back to work in Melbourne Beach. He resigned from Melbourne Beach due to his relationship with the former Town Manager. Mr. Faletra has worked as a Fire Inspector for the City of Melbourne, as a Police Officer in Melbourne and he performed an excellent job as Fire Inspector for the Town. He helped heal several relationships with our commercial businesses that were strained due to a previous Fire Inspector.

The Town Manager recently found a memorandum provided by Ford Harrison advising the Town that all Fire Inspectors should be employees of the Town. This would be similar to the situation we currently have with the volunteer firefighters. Mr. Faletra would be paid the same per inspection

rate as all Fire Inspectors which is \$35 per inspection. During the 20 months he worked for the Town, he was paid a monthly average of \$283.25. The payroll withholding on that amount would be \$22.57 per month.

No motion was necessary. It's under the Town Manager's authority to make the hire.

XII. Staff Reports (01:36:48)

A. Town Attorney Report

Town Attorney Repperger said he sent an email to the Commissioners about fund transfers to explain what he and the Town Manager are proposing. They made changes to Sections 15-6 and 15-7 of the Code. The problem was with intradepartmental transfers so section 15-7 was eliminated and 15-6 was changed to say intradepartmental transfers don't require Commission approval. Also, a new proposed Chapter for the Town's policy and procedure manual which reflects the policies related to the three types of fund transfers utilized by the Town was provided in the email. If the language and new policy meet with the Commission's consensus approval, the draft code changes would be processed as an Ordinance and presented for first reading in January and the draft policy/procedure would be formally presented at the same time for consideration/approval by the Town Commission.

Commissioner Walters said for years, the Town had Managers who would buy whatever they wanted to buy which is why the Code was amended requiring Commission approval of budget amendments - Town Code section 15-7: *The Town Manager may, with the approval of the Town Commission, transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within any office, department or agency.* He read from Statute 166.241: *The adopted budget must regulate expenditures of the municipality, and an officer of a municipal government may not expend or contract for expenditures in any fiscal year except pursuant to the adopted budget.* When changes were required, the Commission would approve the transfer so the Town wouldn't violate the Code or Statute. He said that every month they approve the finance report, they are violating the law because we don't allow for exceeding the budget. In conclusion, he said that Town Managers only had to come to them once or twice a year for budget amendment requests. Town Attorney Repperger said that intradepartmental transfers that can be implemented by the Town Manager would not cause the expenditures in the department to be exceeded; the bottom line budget figure must stay the same or the Commission must approve it. Mayor Simmons said that when department expenditures are exceeded a resolution would be required.

Mayor Simmons said the only request he had was to add to the last sentence of the policy, section 24.02: *Intradepartmental Transfers shall be reflected on a general ledger report prepared by the department head or Town Manager and provided to the Commission at each regular Town Commission meeting.*

The Commission consented (4-1, Commissioner Walters dissenting) for the Town Attorney to proceed with the draft ordinance as outlined by the Town Attorney.

Next, the Town Attorney explained that a Board of Adjustment meeting for a variance is coming up and the applicant is Serene Blue whom he has represented in related matters regarding his properties in Melbourne Beach. He can't represent the Town without a conflict waiver being signed; the Arocena's have already signed the waiver.

Commissioner Runte made a motion to approve the conflict waiver for the Town Attorney enabling him to represent the Town at Serene Blue's variance hearing on December 19th; Commissioner Quarrie seconded.

Commissioner Walters said he's not in favor of the waiver because the Town Attorney represented Serene Blue. He also asked if a Commissioner who received a campaign donation from Serene Blue should be voting on the waiver. The Town Attorney said the acceptance of a campaign donation is not relevant to the waiver; there is no conflict because there was no personal gain.

Motion carried 4-1 with Commissioner Walters casting the dissenting vote.

The Town Attorney said that if adverse conditions arise or there is a conflict, he will back out of representing the Town on the Serene Blue variance.

Town Attorney Repperger said the proposed language for the vacation rental ordinance will be presented to the Commission in January. A bill regarding those rentals was introduced into legislation at the beginning of December that is in the Rules Committee; there is no companion bill in the House. If the bill is approved, it would completely gut what the Town is planning on doing with vacation rentals by taking away regulation and inspection rights from municipalities.

B. Town Manager Report

Town Manager Mascaro said she had talked to the Town Planner about the moratorium on enforcement of boat parking on corner lots. He is reviewing our policy and checking with other municipalities and will provide recommendations for the Commission to review.

She said the Green Infrastructure Meeting held in the Community Center earlier that month was very informative. Experts in their fields were in attendance to discuss sustainability and she got a lot of feedback. Duane DeFreese said that Melbourne Beach is a “model for other communities.”

Commissioner Walters asked about staffing in the Police Department and the hiring of a consultant without first discussing the matter with the Commission. Ms. Mascaro said it is unfortunate that Commissioner Walters won't call or come to the office to talk to her since the balance of the Commissioners do reach out to discuss Town business. Regarding the consultant, the PBA representative said they wanted to have some allegations investigated by somebody from the outside who would be impartial. After discussing the matter with the other Commission members individually and consulting with our Labor Attorney, it was decided that the best route would be to hire somebody outside of law enforcement in Brevard County. A Labor and HR Consultant /Former Police Officer was hired to perform the investigation at a cost of \$1,800. The money will come out of the Police Department budget under legal fees. Commissioner Walters commented that Ms. Mascaro met individually with each Commissioner and got their approval to hire the consultant. She responded that she discussed it with them and they were all supportive.... Commissioner Walters interjected by saying he didn't know we were having extra meetings that he wasn't aware of. The Town Manager again encouraged Commissioner Walters to come by or call her at any time. Regarding Lieutenant Epling, Town Manager Mascaro said that he resigned because he didn't think the job was a good fit for him. Our per diem officer was going through his background checks and he was available for a full-time position so he was hired. If Lt. Epling had not resigned, things would have gone on as usual. However, with him gone, they had an opportunity to make things better since the Lieutenant position didn't work out as anticipated. Due to long term absences of a few officers, a lot of overtime was required and they thought having additional personnel, at no additional cost, was the best solution. Commissioner Walters said the Town didn't need another officer. The composition of the Town is being changed, so according to our Charter, Sec. 3.02(a): *The Commission by ordinance may establish, abolish or reorganize and prescribe the composition, duties and functions of any Town departments, agencies and offices; the*

Commission should have been consulted. He asked the Town Attorney if the Commission needs to agree to hiring another person. Town Attorney Repperger responded that he doesn't think this issue falls under 3.02(a):

Sec. 3.02. ADMINISTRATIVE UNITS OF TOWN GOVERNMENT.

(a) The Commission by ordinance may establish, abolish or reorganize, and prescribe the composition, duties and functions of any Town departments, agencies and offices.

(b) The Town Manager, as provided under Section 3.03, with the approval of the Commission, may be the head of any department. The Town Commission may by ordinance authorize the Town Manager to create, abolish or reorganize any departments or positions, and further to delegate any of the duties and authorities of the Town Manager to said departments or positions. The Town Manager shall remain responsible for proper execution of all the functions of the Town Manager whether or not such functions have been delegated by the Town Manager to other departments or positions.

The officer positions were vacant positions but he didn't know if those positions were eliminated. The Commission previously agreed to replace two officers with the lieutenant position and now the Police Chief would like to go back to the composition of the department prior to that decision. Commissioner Quarrie said the Commission doesn't need to tell the Town Manager or the Police Chief how many people they can hire in the Police Department, just how much money they can spend. She thinks its micro managing. Commissioner Runte agreed with Commissioner Quarrie as long as what they do is within budget, legal and it's what the Chief needs. Commissioner Walters made the comment that whenever the Town gets sued, it's because somebody didn't follow the rules.

Chief Griswold said that having two officers instead of a lieutenant will help limit overtime. Vacation accrues much more quickly with tenured employees plus there have been 3 unexpected emergencies with the officers recently so she thinks the best solution is to have ten officers plus the SRO.

Vice Mayor Hoover said that EAB is working with Hoover Middle School for their first ever community service day and he is encouraging people to join them on January 8th.

Commissioner Walters said they spent \$150 on unit citation bars – what are those? Police Chief Griswold answered that they are awards for officers who work on something as a unit such as during the hurricane. He also asked what the time clock renewal license is that costs \$1,440 annually. Fire Chief Brown said it's used to track volunteers' hours; it breaks down to \$30 per volunteer each year.

Commissioner Runte asked the Town Manager to send the RFP for paving that was discussed with Scott Glaubitz then asked when the RFP go out for bid. The Town Manager responded that there isn't an RFP yet, she and Mr. Glaubitz have just been discussing it. He is going to take a look at the tree streets and assess stormwater issues in that location. Commissioner Runte said he can help with the RFP in order to save some money. He then thanked everybody who worked on the events for Christmas; he's never seen such high attendance.

C. Town Clerk Report – no report

D. Departmental Reports:

1. Building Department – no comments
2. Public Works Department – Mayor Simmons said he heard there had been an injury in the snow pit after the tree lighting ceremony. Public Works Supervisor Davis said it was never documented and they only found out about it via social media. Fire Chief Brown received something on facebook from a parent who said his son was pushed. The snow itself was not unsafe.

The snow became slimy and it was difficult to get rid of the next morning. Next year, they'll perform the cleanup right after the event when the snow is still intact.

3. Code Enforcement – no comments
4. Police Department – The Police Chief said the Grinch movie was successful and well attended with 79 people. She announced that December 20th is the cutoff for Toys for Tots drop-offs.
5. Fire Department – Commissioner Quarrie asked about the flooring in the FD and the Fire Chief said he's working on getting quotes.
6. Finance Department

Commissioner Quarrie made a motion to approve the finance report; Vice Mayor Hoover seconded. Motion carried 4-1 with Commissioner Walters casting the dissenting vote.

XIII. Town Commission Comments

A. General Comments

Annually, the Space Coast League of Cities requests that appointments be made for a League voting delegate and an alternate.

Commissioner Walters made a motion for Mayor Simmons to be the voting delegate for SCLOC and for Vice Mayor Hoover to be the alternate; Commissioner Quarrie seconded. Motion carried 5-0.

Commissioner Walters made a motion to appoint Commissioner Runte as Vice Mayor. Motion died for lack of a second.

Commissioner Quarrie made a motion to reappoint Wyatt Hoover as Vice Mayor; Commissioner Runte seconded.

Commissioner Walters said Mr. Hoover has been Vice Mayor for two years and he thinks someone else should be appointed.

Motion carried 5-0.

B. Review of Commission Action List

No items added

Six items closed:

- Ocean Park, end of street & golf cart parking options
- Presentation scheduled for Duane DeFreese to discuss the lagoon
- Space Coast TPO's Annual CALL FOR PROJECTS
- Exxon station use of right-of-way for parking
- Town taking over the selection of "Citizen of the Year" from Rotary
- Year-end budget amendment resolution

Commissioner Walters said to the Town Attorney that he strongly objects to the Town Manager meeting individually with members of the Commission and polling them and then taking direct action with a contract that was not brought in the Sunshine to the Town Commission. There's nothing confidential about hiring a consultant; he strongly objects because the matter should have been brought to the Commission. He's hoping that the Town Attorney will relay the information Commissioner Walters thinks is necessary so it doesn't happen again.


XIV. Adjournment

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

The meeting adjourned at 9:28 pm

ATTEST:


James D. Simmons, Mayor


Nancy Wilson, Town Clerk