



# Town of Melbourne Beach

## **SPECIAL TOWN COMMISSION MEETING**

(continued from July 18, 2018)

**WEDNESDAY, JULY 25, 2018 at 6:00pm**

**COMMUNITY CENTER – 509 OCEAN AVENUE**

## **MINUTES**

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

Town Manager Bob Daniels  
Town Clerk Nancy Wilson  
Finance Manager Elizabeth Mascaro

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## **PUBLIC NOTICE**

The Town Commission will conduct a Special Town Commission Meeting  
on Wednesday, July 25, 2018 in 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 6:00 p.m.

## **II. Roll Call**

Town Clerk Wilson led the roll call.

### Commissioners Present:

Mayor Jim Simmons

Vice Mayor Tom Davis

Commissioner Steve Walters (arrived at 6:23 pm)

Commissioner Sherri Quarrie

Commissioner Wyatt Hoover

### Staff Present:

Town Manager Bob Daniels

Town Clerk Nancy Wilson

Finance Manager Elizabeth Mascaro

## **III. New Business**

### **A. Designation of Maximum Millage – Finance Manager Mascaro**

Finance Manager Mascaro said that she contacted Wyatt Peters from the State of Florida, Trim Compliance about increasing the percentage over the rollback amount to higher than 10%. He said that the cap is 10 mills not 10% over rollback; there is no cap on that figure. However, upon further investigation, she found that Brevard County approved legislation in 1974 that didn't allow rollback to be increased more than 10%. She contacted other government agencies to ask how they were performing their calculations and to find out if they are aware of the legislation regarding millage rates; most were not. Though there have been some changes to the law since 1974 and Ms. Mascaro is confident that going higher than the 10% over rollback figure is OK, she said we should play it safe this year while she gathers more information for next year. The figures in the budget have been changed to reflect a millage rate of 4.3885 which is a 9.9998% change over rollback. This amount allows us to collect \$1,739,220 in taxes and only requires a 4 out of 5 vote.

Mayor Simmons recapped saying that the State of Florida does not have a limitation on the change over rollback amount which is when the Finance Manager sent out her first email suggesting that we increase the millage slightly. This would allow the Commission to fund other activities and add to the contingency fund. Mayor Simmons said that Brevard County was the only county in Florida that voted for the legislation limiting the rollback amount to 10%. Paul Gougelman, Town Attorney in Indialantic, said that the 1974 legislation may have been rescinded by an act in 1983 or 1984, but it's not clear. The Town Manager said there was a language change in 1985 that didn't repeal the law but in 1991, according to Town Attorney Repperger, there was language new language that repealed local law acts regarding the 10% cap.



Finance Manager Mascaro said it is perplexing that nobody knows what the laws are regarding caps on millage rates and she wants to explore the subject more before working on next years' budget.

Commissioner Hoover suggested that we request some input from Florida League of Cities and Mayor Simmons said that our representative on the SCLOC Board (Commissioner Hoover) should bring it up at the next meeting. It was suggested that the Finance Manager also attend that meeting.

**The Commission consented to having Commissioner Hoover address the issue of caps on millage rates at the next SCLOC meeting.**

The newly proposed millage rate of 4.3885 gives us \$1,739,220 in ad valorem taxes leaving us with a deficit of approximately \$15,800 from our original plan. Town Manager Daniels said he and the Finance Manager looked at two areas to cut. One cut was to the Fire Department Engine 58 line item. Almost \$6,000 was removed from the FY19 line item and \$1,000 was added to subsequent year budgets so the refurbishment can take place in FY24. The other cut came from the curb and sidewalk replacement line item in the amount of \$10,000. With the 4.3885 millage rate and the two cuts mentioned above, the budget is balanced.

**Commissioner Hoover made a motion to approve the tentative maximum millage rate of 4.3885 for FY19; Commissioner Quarrie seconded. Motion carried 4-0.**

The Commission members were given a copy of our leave policy which outlines our policy for medical leave. We have somebody who is going out on leave and he wanted to provide this information in case there were any questions. Because of HIPAA laws, he doesn't want to discuss the matter further. Finance Manager Mascaro said that the 12 weeks of unpaid leave can be taken more than once by an employee and is measured on a rolling 12 month period counting backwards from the date leave was initiated. Vacation and sick time can, but are not required to, be used during this absence. The purpose is to guarantee the employee's job upon his/her return. We have hired a temporary employee whose salary is being covered by the difference between Chief Duncan's and Chief Griswold's salaries.

Vice Mayor Davis said that he wants to disclose that he is actively pursuing the open Public Works position and the Town Manager is aware of his interest. In the meantime, he has offered to volunteer his time to help the current Public Works employees work on the pavilion in Ryckman Park. There was discussion regarding ethical and conflict of interest considerations. The Mayor said that he thought the Town Manager was to provide recommendations about how the position would be filled: part-

time, contract labor, etc. The Commission hadn't made a decision on whether to make the position full-time.

Commissioner Walters arrived late because of the incorrect time being placed on the website for the meeting. Mayor Simmons recapped what had transpired in the 23 minutes prior to his arrival.

Mayor Simmons said that while reviewing his updated copy of the Land Development Code, he noticed that it states that the Town Clerk does not report to the Town Manager. Town Attorney Repperger is aware of this oversight and is going to remedy it at his expense.

Commissioner Hoover said he would like to recognize the new Superintendent of Brevard County Schools, Mark Mullins, who is also a resident of Melbourne Beach. It was decided that a Proclamation would be appropriate.

**IV. Public Comment**

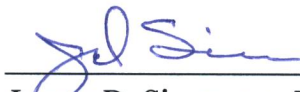
There was no public in attendance.

**V. Adjournment**

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

Meeting adjourned at 6:46 p.m.

ATTEST:

  
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James D. Simmons, Mayor

  
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Nancy Wilson, Town Clerk