



# Town of Melbourne Beach

**SPECIAL TOWN COMMISSION MEETING  
WEDNESDAY, AUGUST 22, 2018 at 6:00 pm  
MASNY ROOM – 509 OCEAN AVENUE**

## **MINUTES**

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

Town Manager Bob Daniels  
Town Clerk Nancy Wilson  
Town Attorney Cliff Repperger

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## **PUBLIC NOTICE**

**The Town Commission will conduct a Special Town Commission Meeting  
on Wednesday, August 22, 2018 in the Masny Room  
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 Wyatt Hoover  
Commissioner Steve Walters  
Commissioner Sherri Quarrie

### Staff Present:

Town Manager Bob Daniels  
Town Clerk Nancy Wilson  
Town Attorney Clifford Repperger

## **III. New Business**

- A. Consideration of filling the open seat on the Town Commission vacated by Vice Mayor Davis who resigned on August 16, 2018 – Town Manager Daniels

Town Manager Daniels said he called the meeting to determine how the Town Commission would like to move forward with the vacancy resulting from Vice Mayor Davis' resignation. Town Attorney Repperger said the Commission has a couple of options. They could make an appointment within 30 days but if an appointment isn't made, the Mayor would call for a Special Election. The timing of this is critical because it's happening just before qualifying. So, if the Commission knows that they are not going to appoint somebody he asked that they specifically determine and vote affirmatively that they are not making an appointment so that we know we are holding a Special Election based on the provisions of 2.04 in the Charter. If a Special Election is held, qualifying would occur in 2 groupings – one for the 2 open, 3 year term seats (regular election) and one for the 1 open, 1 year term seat (special election); the 2 races would appear on the same ballot. This also means that qualifying for both open seats could take place next week. Candidates would have to choose what race in which they want to run. If nobody chose to run in the 1 year seat, somebody would be appointed after the election.

There is a 30 day window in which the Commission can appoint somebody but if we miss qualifying next week and end up not appointing anybody, we would have to hold a special election on our dime.

**Commissioner Walters made a motion not to appoint anybody to the vacated seat, opting to have a Special Election on November 6<sup>th</sup> to be held in conjunction with our Regular Election; Commission Hoover seconded. Motion carried 4-0.**



**Commissioner Walters made a motion to make the qualifying period and requirements for the Special Election the same as the qualifying period and requirements for the Regular Election; Commissioner Quarrie seconded. Motion carried 4-0.**

B. Consideration of Vice Mayor appointment – Town Manager Daniels

Town Manager Daniels said that under our Charter there are specific responsibilities of a Vice Mayor. Though the position is generally appointed by the Commission after an election, the Commission is currently without a Vice Mayor and an appointment should be made. Since Commissioner Quarrie and Commissioner Walters are running in the next election, it was suggested that Commissioner Hoover assume the role of Vice Mayor.

**Commissioner Walters made a motion to appoint Commissioner Hoover as Vice Mayor; Commissioner Quarrie seconded. Motion carried 4-0.**

Town Manager Daniels said the pier had a soft opening and he expects there to be a grand opening in a few weeks. He also reported that a 20 foot section of old railroad track was unearthed during pier renovation. Bruce Morgan said the rails on display and the History Center are not original so he would like to see the recent find displayed there.

Commissioner Hoover said a resident was lamenting the loss of a crossing guard on Ocean Avenue. The Town Manager said it has been 10 years since they had a crossing guard at that location. Commissioner Walters said that when he was the Chief of Police, he acted in that capacity from 8am – 9am and from 2:30pm – 3:30pm; later, a flashing light on a timer was used. The Town Manager said he'd investigate this issue further. Commissioner Walters and Commissioner Quarrie added that they've noticed a lot of speeders lately.

Town Manager Daniels announced that another Code Board meeting will be held on September 6<sup>th</sup>.

Mayor Simmons asked the Town Attorney about rules regarding Commission members attending and speaking at Board meetings. Mr. Repperger said that as long as he/she isn't engaging in any dialogue or speaking on an issue where there is potential for it to come before the Commission, there isn't a problem. Mayor Simmons then asked about speaking relative to the issue being heard especially to provide citizen comments that he has received on the matter before the Board; asking if it could prejudice the Town. The Town Attorney responded that it would not but added that there could be an issue about commentary if quasi-judicial matters are being discussed whereupon Mayor Simmons said he's talking about quasi-judicial Boards. The bottom line is that he can attend but the

optics of him attending aren't good. Commissioner Quarrie said instead of attending the meeting, the Mayor could submit questions/comments to staff who would present that information at the meeting. Town Manager Repperger added that the issue is not a Sunshine or ethical one, rather, it's political.

Commissioner Quarrie said related to the Code Board issue regarding beachside lighting as they relate to turtles, she was under the assumption that the FWC or DEP would levy higher fines. Town Manager Daniels reached out to FWC, the county and DEP and none wanted to take jurisdiction over the issue. He then passed out an FWC Marine Turtle Disorientation Report for the Commission members to review.

#### **IV. Public Comment**

No comments from the public.

#### **V. Adjournment**

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

Meeting adjourned at 6:46 p.m.

ATTEST:

  
James D. Simmons, Mayor

  
Nancy Wilson, Town Clerk