



# Town of Melbourne Beach

**SPECIAL TOWN COMMISSION MEETING  
FRIDAY, AUGUST 31, 2018  
TOWN HALL MASNY ROOM – 507 OCEAN AVENUE**

## **MINUTES**

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

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

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## **PUBLIC NOTICE**

**The Town Commission conducted a Special Town Commission Meeting  
on Friday, August 31, 2018 in the Town Hall Masny Room  
located at 507 Ocean Avenue to address the items below.**

**I. Call to Order – Led by Mayor Simmons**

Mayor Simmons called the meeting to order at 12:30 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  
Finance Manager Elizabeth Mascaro

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

**IV. Public Comment**

No Public Comments

**V. New Business**

**Commissioner Quarrie made a motion to move item C. regarding the damaged police car to item A. so the Police Chief can return to work; Commissioner Walters seconded. Motion carried 4-0.**

**A. Consideration of replacing the police car that was damaged by fire – Town Manager Daniels**

Town Manager Daniels reported that while one of our police cars was being driven, it caught fire. The problem was believed to be caused by a short in the auxiliary battery that is located in the trunks of our police cars. We received word that the car was considered a total loss from our insurer, FMIT, and will receive \$6,856 from them. The other police car that was approved during budget discussions, was ordered 2 weeks ago but probably won't be delivered until January. He'd like to move forward with ordering another police vehicle. Finance Manager Mascaro suggested that the police department has about \$9,000 remaining in their FY18 budget that won't need to be used to shore up any other departments. If we moved that \$9,000 to long term capital along with the \$6,856 insurance money we would have \$15,856. We also have \$12,000 in our long term capital account allocated for a police car. Thus, the total amount available is \$27,856 which means we could almost pay cash for the new replacement vehicle. If the Commission didn't want to utilize the \$12,000 allocated for a police car, we could finance the balance (over and above \$15,856) for 2 years.



A new vehicle runs about \$30,000. Mayor Simmons confirmed that we are already purchasing a car this year and asked why, since the car being replaced and the totaled car are the same age, we couldn't wait until next year to replace the "good" car. Chief Griswold said that the totaled car was much better than the one that is being replaced. The Mayor then asked where we will finance the second car that is to be replaced this year. Town Manager Daniels suggested that we finance the totaled car for 2 years. Mayor Simmons summarized how we would proceed: we will use the \$9,000 remaining in the FY18 PD budget + the \$6,856 insurance money + the \$12,000 allocated for a police vehicle in the FY18 long term capital account; totaling \$27,856 which will pay for the fire damaged car. For the other car, we will utilize the \$12,000 allocated for a police vehicle in the FY19 long term capital account and finance the balance of \$18,000 over 2 years. We will continue to put away \$12,000 per year and replace existing vehicles every 2 years. Chief Griswold gave the ages and mileage of their current fleet of cars.

**Commissioner Walters made a motion to direct the Town Manager to meet with the Chief of Police and Finance Manager to purchase the car we need based on the discussion above; Commissioner Quarrie seconded.**

Mayor Simmons suggested that an amended motion be made.

**Commissioner Walters made a motion to direct the Town Manager to purchase a new police vehicle to replace the 2013 Caprice that caught fire using the insurance money, the underruns in the PD from FY18 and the capital outlay funds that we have budgeted; Commissioner Quarrie seconded. Motion carried 4-0.**

- B. Confirm Qualified Candidates and Order Names to be printed on the November 6, 2018 Municipal General Election Ballot – Town Clerk Wilson

Town Clerk Wilson explained that the Town was due to have an election this year to fill 2 open seats, for 3 year terms. Because of the resignation of Vice Mayor Davis, we were left with another seat that had to be filled. The remaining time in his term on November 6<sup>th</sup> is 1 year. This vacancy necessitates having a special election that will be on the same ballot as the regular election. Qualifying for the 1 year seat was conducted at the same time as qualifying for the 3 year terms. The following people qualified:

**1 year term**

Corey Runte  
Kate Wilborn

**3 year term**

Joyce Barton  
"Libby" Brown-Brock  
Sherri Quarrie  
Steve Walters



The Town Clerk reported that the petitions and paperwork for the candidates was in order. Once the Commission confirms the candidates, their information will be forwarded to the Supervisor of Elections whereupon their names will be printed on the ballot for the November 6, 2018 election.

Mayor Simmons asked if the Town Attorney was consulted about Commissioner Quarrie and Commissioner Walters voting to qualify themselves; Town Manager Daniels said he did not get in touch with him but he is available by phone. The Mayor suggested that each candidate be qualified individually so the 2 incumbents could recuse themselves when the vote is for their qualification.

Commissioner Walters said that when the Commission met on August 22<sup>nd</sup>, they agreed to hold a special election for the 1 year term and voted to put it on the November 6<sup>th</sup> ballot. He didn't agree with the Town Attorney's opinion so he did some research and discovered that we violated state law, 100.151, related to special elections – he read an excerpt from that law. He said the Town Attorney should have told us about the law that he feels we violated and added that we didn't have permission from the Supervisor of Elections but we voted to hold a special election anyway. He contacted the Supervisor of Elections and explained the situation. They said that there may not be room on the ballot for this separate election and if that turned out to be the case, we would have to pay for an additional ballot. He questioned whether the special election is even valid. The Town Clerk said that Lori Scott and her assistant were sent a letter (with verbiage provided by our Town Attorney) that explained the circumstances regarding our special election. Ms. Scott was fine with what we were planning on doing and told us to just send them what we want to have placed on the ballot. Commissioner Walters said that request to the SOE should have occurred before they voted at the August 22<sup>nd</sup> meeting where a special election was approved. The Town Clerk said that after investigating this situation ad nauseam, Mr. Repperger was confident that the path we took was the correct one. Commissioner Walters said he'd go ahead and vote at this meeting pending input from Town Attorney Repperger.

Town Manager Daniels called the Town Attorney and put him on speaker. Commissioner Walters asked Mr. Repperger about when he made his opinion that we hold a special election and said he took exception to the Town Attorney's opinion. He then conducted his own research. He interpreted that what he read in Florida Statute, 100.151 regarding special elections, conflicted with our Town Attorney's opinion. Mr. Repperger said we did notify the Supervisor of Elections but Commissioner Walters said we did so after the fact. Town Attorney Repperger explained that what is intended in 100.151 is that the Special Election will not have effect



until notification is made which is what was done on August 23<sup>rd</sup>; no statute was violated.

Commissioner Walters asked the Town Attorney how a disqualifying factor found in the qualifying documents should be handled. He said that one of the candidates wrote a check from his campaign account to the "Town of Melbourne" instead of the "Town of Melbourne Beach". This has not been addressed with the candidate and the qualification period is over. The Town Attorney said the Commission needs to make the determination if the error on the check should be considered a scribner's error. His Willingness to Serve statement also says *Melbourne* instead of *Melbourne Beach*. Commissioner Quarrie said she feels strongly about considering his error a scribner's error that he should not be disqualified. Vice Mayor Hoover said he's not in favor of disqualifying somebody because of a typo. We can assume that his intent is to run for office in Melbourne Beach where he resides. The Vice Mayor added that the process of qualifying is confusing. In response to a question posed by the Town Attorney, Finance Manager Mascaro said that the check would absolutely be honored if deposited.

**Commissioner Quarrie made a motion to accept that Corey Runte made a scribner's error by omitting the word "Beach" on his check and Willingness to Serve statement and not consider the omission a disqualifying factor; Vice Mayor Hoover seconded. Motion carried 4-0.**

**Commission Quarrie made a motion to qualify Joyce Barton for a 3 year term and order her name placed on the November 6, 2018 municipal general election ballot; Vice Mayor Hoover seconded. Motion carried 4-0.**

**Commission Quarrie made a motion to qualify Libby Brown-Brock for a 3 year term and order her name placed on the November 6, 2018 municipal general election ballot; Vice Mayor Hoover seconded. Motion carried 4-0.**

**Vice Mayor Hoover made a motion to qualify Sherri Quarrie for a 3 year term and order her name placed on the November 6, 2018 municipal general election ballot; Commissioner Walters seconded. Motion carried 3-0. Commissioner Quarrie abstained.**

**Commission Quarrie made a motion to qualify Steve Walters for a 3 year term and order his named placed on the November 6, 2018 municipal general election ballot; Vice Mayor Hoover seconded. Motion carried 3-0. Commissioner Walters abstained**

**Commission Quarrie made a motion to qualify Corey Runte and Kate Wilborn for a 1 year term and order their names placed on**

**the November 6, 2018 municipal general election ballot; Vice Mayor Hoover seconded. Motion carried 4-0.**

- C. Consideration of emergency repair at Elm and Rosewood at a not to exceed cost of \$75,000 – Town Manager Daniels

The Town Manager advised the Commission that there is another pipe break that could cause the street to collapse at Elm and Rosewood. It covers about a 4'x4' area but is expected to expand. The engineer said the problem needs to be taken care of right away; the estimated cost will be \$75,000. Brewer Paving & Development will conduct the work at cost + 20%. Finance Manager Mascaro explained the data that had been given to the Commission members to review and Town Manager Daniels explained what they were looking at in the pictures provided.

**Commissioner Quarrie made a motion to accept the not to exceed amount of \$75,000 for the emergency repair at Elm and Rosewood; Vice Mayor Hoover seconded.**

Mayor Simmons suggested that the motion be amended to including the source of funding.

**Commissioner Quarrie amended her motion to accept the not to exceed amount of \$75,000 for the emergency repair and Elm and Rosewood with funding coming from FY18's 141 fund; Vice Mayor Hoover seconded. Motion carried 4-0.**

Town Manager Daniels notified the Commission that the contractor did not include the bid bond for the outfall line project on Riverside Drive/Riverside Circle. His assumption that the bond for the repair on Andrews covered the outfall line project was incorrect. The performance bond is based on a percentage of the project cost, which varies, and in this case is 6% which means the cost to the Town for the bond is \$18,000.

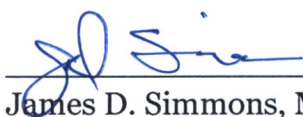
**The Commission consented to approve payment for the performance bond. 4-0.**

**VI. Adjournment**

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

Meeting adjourned at 1:46 p.m.

ATTEST:

  
James D. Simmons, Mayor

  
Nancy Wilson, Town Clerk