

**TOWN OF MELBOURNE BEACH
MINUTES
TOWN COMMISSION - REGULAR MEETING
Wednesday, April 21, 2010
Community Center - 509 Ocean Avenue
6:30 PM**

I. CALL TO ORDER

Mayor Karpie called the meeting to order at 6:31 pm.

II. ROLL CALL

Present were:

Mayor Rita Karpie
Vice Mayor Chad Tennant
Commissioner Price
Commissioner Evans
Commissioner Marshall

III. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Commissioner Price led the Pledge of Allegiance.

IV. PROCLAMATIONS AND AWARDS

1. Certificate of completion presented to Commissioner Jean Marshall from the Florida Institute of Government.

Mayor Karpie read the letter into the record. It was a letter stating the completion of the institute for elected municipal officials through the Florida Institute of government 2010 for Commissioner Jean Marshall.

2. Proclamation for sexual assault awareness month.

There was no one present to accept the proclamation so it was placed into the record without being read aloud.

3. Proclamation for Toastmaster Awareness Week.

Mayor Karpie read the proclamation into the record and Kathy Emerson accepted it on behalf of the Toastmasters Awareness Week. Beach Street Eatery holds it's meetings every 1st and 3rd Thursday of the month at 7pm. Ms. Emerson stated that this is the town's contribution to this global organization and it's a very positive and helpful experience, and that everyone is invited to join them.

4. Proclamation for Municipal Clerks Week

Mayor Karpie read the proclamation into the record. She stated that she recognized the week of May 2nd through May 8th as Municipal Clerk's week and further extended appreciation to the Town's Municipal Clerk Rhonda Danielle and to all Municipal Clerks for the vital services they perform and their exceptional dedication to the communities which they represent. The Mayor also wanted to thank some of the Municipal Clerks from the neighboring communities who have offered us assistance graciously and without reservation such as Laura Eaton from Indialantic and Cathy Wysor from Melbourne.

V. PRESENTATIONS BY SPECIAL GUESTS

1. Presentation by Waste Pro related to Solid Waste collection services.

Tim Bullock introduced Platt Loftis as a Division Manager from Waste Pro.

Mr. Loftis discussed schedule service and stated that they can still maintain the current schedule without interruption in service. He stated that in approximately six months the town can move to a one day a week schedule if they choose to. He said that the equipment will be the same trucks from Cape Canaveral and they are all running great and that Waste Pro will be delivering 18 gallon bins this week along with bags and flyers.

The Mayor opened up discussion to the audience.

Gail Gowdy asked when Waste Pro intends to start.

Mr. Loftis replied May 1st, 2010.

Bruce Black stated that he believed that everyone would want a second cart and wondered if he had excessive yard waste if it would be picked up.

Mr. Loftis replied that there is access to a second cart at no additional charge and that no matter what is set to the curb it will be picked up so until a second cart is received by the resident they can go ahead and put it out.

Commissioner Marshall stated that Waste Pro promised that residents wouldn't have their service interrupted and felt that residents shouldn't have to ask for a second cart. She stated that residents should automatically receive them.

Mr. Loftis stated that Waste Pro didn't promise to give two carts but residents can receive a second cart if they call.

Mayor Karpie asked Town Manager Bursick if Waste Management contacted the town to pick up their bins.

Town Manager Bursick replied that Waste Management said that they would pick up one cart next week on Wednesday and one on Thursday. The commercial containers would be picked up on Saturday.

Mayor Karpie thanked Mr. Loftis for his presentation.

2. Presentation by Mr. Frank Thomas to provide information regarding events and activities to recognize Ponce De Leon for the discovery of Florida.

Frank Thomas gave a brief summary of the events and activities to recognize Ponce De Leon's discovery of Florida. He suggested changing the Town's motto from 'Brevard's only Beach Community founded in 1883' to 'Where Florida history begins.'

VI. BOARDS AND COMMITTEES

1. Reports by all Boards and Committees

Ann Downing, 801 Pine Street, said that the Old Town Hall history center has a new exhibit in May called "Facets in Florida Art Show", and it will be every Saturday with over 20 vendors.

Frank Cariou, Code Enforcement Board, wondered why the board is inactive now. He stated that for a year and a half we had a building official that was getting things done and our current Code Enforcement Officer was not doing his job.

The Mayor stated that she would look into it.

2. Letter from Curtis Byrd – Chairman of Environmental Advisory Board requesting removal of three inactive members.

There was a general consensus among the Commission to remove the three inactive members who are Frank Kelly, Scott Herber and Phillip Venanzi from the Environmental Advisory Board to allow for new members to apply for membership.

3. Appointment to the Parks Board – Lally Collins

Commissioner Evans made a motion to approve Lally Collins to the Parks Board.

Commissioner Marshall seconded the motion.

The Mayor called the question. The vote was 5-0 in favor of approving Lally Collins application.

4. Appointment to the Environmental Advisory Board – Peter Cohen

Commissioner Price made a motion to approve Peter Cohen to the Environmental Advisory Board.

Commissioner Evans seconded the motion.

The Mayor called the question. The vote was passed 5-0 in favor of approving Peter Cohen's application.

VII. PUBLIC COMMENT

After being acknowledged by the Mayor, any member of the audience may address the Commission after first stating their name and address for the record. Members of the Public should prepare their comments and remarks in advance. Each individual will have three (3) minutes to address the Commission on any topic(s) relating to Town business, including items that may or may not appear on the current agenda, which may be extended as approved by the Commission.

Note, State law and administrative rules prevent the Town Commission from taking any formal action on any item discussed at this time. The Town Commission may schedule such items as regular agenda items and act upon them on them in the future.

The Mayor invited two members of the audience to address the Commission: Chris Campbell, Councilman from Indialantic and Pat Scordino of the Relay for Life. Mr. Campbell announced that they were there on behalf of the American Cancer Society and he wanted to issue a challenge to the Commissioners to donate their salary for the month of April to the Relay for Life.

Ms. Scordino thanked the Commission for their support and stated that it is about a community coming together to fight cancer. She said that the event is being held May 1st and 2nd and is free. She then presented the Commission with a certificate of support.

Mayor Karpie stated that she would donate her salary for the month of April.

Vice Mayor Tennant said that he would as well.

Commissioner Marshall agreed to support this cause by donating her salary as well.

Commissioner Price also agreed to donate his salary.

Commissioner Evans stated that she had already made donations to the American Cancer Society.

The Mayor asked that the Town Clerk coordinate the donations to the American Cancer Society.

VIII. CHANGES TO THE AGENDA

None

IX. CONSENT AGENDA

This section is reserved for routine, non-controversial items requiring commission action. These items are handled with a singular motion and without commission discussion or public comment. Any commissioner may request that an item be removed from consent agenda for discussion under New Business. Members of the Public may also request that items appearing under Consent be removed for further Commission discussion. This shall be done under the Public Comment portion of the agenda or by approaching a member of the Commission with the request PRIOR to the start of the meeting.

1. Approval of Minutes-March 17, 2010
March 30, 2010 Special Town Commission A
March 30, 2010 Special Town Commission B

Commissioner Marshall asked that the minutes of March 30, 2010 meeting B be deferred until the next regular meeting.

Commissioner Evans made a motion to approve the minutes of March 17, 2010 and March 30, 2010 meeting A.

Commissioner Marshall seconded the motion.

The Mayor called the question. The vote was passed 5-0 in favor of approving the consent agenda.

X. PUBLIC HEARINGS

Members of the Public may address the Commission, one (1) time, for no more than three (3) minutes on each item presented under Public Hearings.

1. **Second and final reading of Ordinance No. 2010-03, creating sections 27-20 through 27-30 of the Town Code of Ordinances relating to Storm Water runoff and fertilizers.**

Town Attorney Gougelman read the ordinance by title only.

The Mayor called the question. The motion passed 5-0 to pass ordinance 2010-03.

2. **Second and final reading of Ordinance No. 2010-04, amending Chapter 13 of the Town Code of Ordinances relating to Town Elections.**

Town Attorney Gougelman read the ordinance in by title only. He stated that after Karan Rounsavall spoke with the Supervisor of Elections they recommended that the Town go back to the old qualifying schedule of not less than 77 days and no more than 89 days.

Commissioner Price made a motion to approve the ordinance with the changes that were made.

Commissioner Marshall seconded the motion.

The Mayor opened the discussion up to the public. There were no comments.

The Mayor called the question. The vote was carried 5-0 in favor of passing ordinance 2010-04.

XI. OLD BUSINESS

Discussion and possible action related to the procedure for Town Commission appointments and reappointments of Board and Committee members.

Vice Mayor Tennant made a motion to approve the appointment policy on board and committee policy and procedures.

Commissioner Price seconded the motion.

Vice Mayor Tennant said that any comments regarding candidates should be addressed to the Town Manager in writing and received in time to be reviewed by Commission prior to the meeting.

Commissioner Price stated that he accepted these changes.

The Mayor opened up the discussion to the public.

Susan Dieterle made a comment that if an individual is allowed to send the Commission information that they feel is important in making a decision if someone is appointed to a board then that information should be sent to the potential applicant to offer a chance of rebuttal.

Steve Walters, 416 Sixth Avenue, stated that Board of Adjustment and Planning and Zoning members are considered public officials. The person making the complaint should be able to speak at a public meeting and then that person would have a chance to rebut.

The Mayor asked if the Town Clerk should forward any additional comments received to the applicant in question.

Commissioner Marshall said that the Commission should not be the judge of what is negative or positive and any comments should be sent to the applicant to be able to prepare a rebuttal.

Mayor Karpie asked if this would need to have an amendment to the policy created.

Town Attorney Gougelman said that would be a fair thing to do. That way everybody knows that copies should be sent to applicants in a timely manner and to not wait until after the applicant has been appointed.

The Mayor called the question. The motion carries 5-0 accepting the policy.

Commissioner Evans asked if it should be sent to the Town Manager, the Town Clerk and the applicant.

Town Attorney Gougelman said that it could but that you would also want to add that it be sent to the candidate before the meeting.

The Mayor stated that they were going to amend section 9 (g) by inserting that it should be forwarded to the Town Manager and candidate in writing. The Town Clerk will forward it to the candidate to the applicant in a timely fashion.

Town Attorney Gougelman wanted clarification by asking if the comment that the Town Commission is encouraged to solicit public comment means that the comments at the meeting are struck out because the comments are already being sent to the Town Manager.

Commissioner Marshall said that she was not in favor of discouraging comments from the citizens. If it gets out of hand then it can be stopped by the Mayor.

Commissioner Evans said that section F should be left as is and the change is the insertion of an addition to in Section G.

The Mayor called the question. The vote was 5-0. The motion carries to accept this policy.

XII. NEW BUSINESS

1. Items pulled from the Consent Agenda

Minutes from March 30, 2010 B Special Town Commission meeting B. Deferred until next regular meeting on May 19, 2010.

2. Changing Town Election process to have each related Town Commissioner hold a seat identified by a number, thereby allowing potential candidates to declare their candidacy to run against a particular person.

Vice Mayor Tennant stated that the Town should consider having four Commission seats by number but not geographical area. He said that the Town should go to numbered seats because that way it gives the voter a clear choice who they are voting for. He said that right now the top two vote getters get elected and by doing it by seats a candidate can run against a particular person. He stated

that it would be possible to run unopposed. This would have to be done as a change to the Charter to be put on the ballot.

Vice Mayor made a motion to have the Town Attorney prepare an ordinance to change the election process to numbered seats 1,2,3, and 4 for Town Commissioners and have this done in a timely manner to be on the November ballot.

Commissioner Price seconded the motion.

Commissioner Marshall said that she was not fond of this and she has a lot of confidence in the citizens. She didn't feel that it would be a good idea to combine it with the even-year only Charter question because it would create confusion.

Commissioner Price stated that this would not go into effect this year. The concept is an improvement of what we now have. It gives the people of Melbourne Beach a choice that they now don't have. He stated that he thought it would be healthy and stimulate great debate.

The Mayor opened discussion up to the public.

Steve Walters, 416 Sixth Ave, said that it sounds like their trying to protect the incumbent. He said that there has been no public outcry for this. He said it was basically a popularity contest and it costs hundreds of dollars to research this when we can't even give employees a raise. He felt that these frivolous items should be left alone.

Jay Gurecki, 406 Sixth Avenue, asked the Town Manager if there was a problem doing it either way.

Town Attorney Gougelman replied that it's a policy decision and you can do it either way.

The Mayor called the question.

Vice Mayor Tennant voted aye.

Commissioner Price voted aye.

Mayor Karpie voted nay.

Commissioner Evans voted nay.

Commissioner Marshall voted nay.

The vote was 3-2 with the motion failing.

3. Discussion and possible action regarding the establishment of guidelines related to the continuation of the Community Night Dinner.

Town Manager Bursick stated that the Town was asking for contributions of funds to support the dinner. He said that the total deficit to date was \$97.00 over the first three months.

The Mayor stated that it appears there would be two actions here. One is discussion regarding the proposed guidelines and the second is whether or not to contribute town funds.

Commissioner Marshall stated that she had receipts that it's Community for a Lifetime night that the Town did participate in at one time

Town Manager Bursick replied that was true and that this was originally designed to be part of that overall umbrella program.

Commissioner Marshall asked if he was aware that we are no longer a part of that.

Town Manager Bursick replied that he was not sure that we ever did belong. He stated that the Town adopted a resolution supporting that and there are various aspects of that program.

Commissioner Marshall said that the town repealed it on 12-17-2008 that we are not part of it at all.

Town Manager Bursick said that he did not realize that.

The Mayor stated that Commissioner Marshall is correct in that the group that was acting as a committee was concerned about the time and the restrictions placed on them by being a formal group that was required to operate under the Sunshine Law. They asked that it be dissolved and we now do not have a formal entity.

Commissioner Price stated that they didn't dissolve Community for a lifetime. He said that they dissolved that particular committee that was functioning as a specific Community for a Life time Committee. He said that Communities for a lifetime is about making the community senior citizen friendly and handicap friendly. It was never the intent of this town to not be part of Communities for a Lifetime.

Commissioner Marshall said that Resolution 2006-04 was when the Town entered it and it was moved by Vice Mayor Evans and seconded by Commissioner Price to repeal resolution 2008-11 and create an alternative. She said that the Commission repealed the Communities for a Lifetime Committee.

The Mayor said that the resolution that was repealed was 2008-11.

Commissioner Evans said that this group didn't want to be an official board because of the restrictions of Sunshine Laws so the Commission said that we need to find an alternate way of continuing the types of things they were doing. She said that they didn't want a volunteer coordinator from on staff so they wouldn't fall under Sunshine and have to have minutes and announce their meetings.

Commissioner Price stated that it was under Communities for a Lifetime but it wasn't under a formal structure that had Sunshine rules. We have operated up until now that this was an understanding that this was a continuation of what we were doing for Communities for a Lifetime but the Town was doing it in an ad hoc way so that we could utilize the volunteers that wanted to work on the project. It has worked wonderfully up until now, especially the pot luck night. He stated that he would be against anything to prevent that.

Mayor Karpie stated that resolution 2006-04 supported elder affairs Community for a Lifetime initiative and resolution 2008-11 created a committee and in the meeting December 17, 2008 that was repealed and the committee was dissolved. She said that we still have our commitment to the elder affairs Community for a Lifetime initiative. What did not happen, though it did happen to some extent in an ad hoc manner, was to create an alternative in the future. She suggested that they create an alternative that was accountable. She said that the Town needs to figure out how we can work this pot luck dinner. It is not a problem for Communities for a Lifetime and is not a problem for the Town. It is a problem for the State of Florida. She suggested perhaps finding sponsors. She stated that if the Town sponsored it we would not have that freedom from liability.

Commissioner Price said that the Town does not have a facility that will meet the health code and that's why we have gone to the catering situation.

Mayor Karpie stated that in previous meetings the Commission has discussed the possibility of attempting to meet health code regulations. She then asked the Town Manager if it was feasible to upgrade the kitchen,

The Town Manager replied that they would need to change out the types of sinks and add hot water to the restroom facilities and that would be able to be licensed by the Health Department or the Division of Professional Regulations.

Commissioner Marshall made a motion to look into obtaining funds to continue pot luck for discussion only.

Commissioner Price seconded the motion.

Commissioner Marshall stated that she wanted to know how you could take money from residents for a few choice people and that the town shouldn't touch reserves for this. She felt that sponsors were the way to go.

Commissioner Price said that the motion is not about the acquisition of funds and he maintains that they should vote on that motion.

Commissioner Evans asked the Town Manager if the kitchen in the Community center was brought up to proper standards would the health department allow the Town to go back to have the potluck dinners.

The Town Manager replied no, the food would have to be prepared in the kitchen, but that's not as simple as it sounds.

Commissioner Price suggested holding a workshop to discuss these ideas.

The Mayor agreed with Commissioner Price.

The Mayor opened up discussion to the public.

Jay Gurecki, 406 Sixth Avenue, said that he was concerned that they would no longer be able to hold pancake breakfasts for the History and Preservation Board.

The Mayor stated that food was cooked on the premises and that the potluck comes from various kitchens.

Town Manager Bursick stated that they would need a one day special event permit from the Health Department and the cost was \$91.00 per event.

Vice Mayor Tennant stated that he didn't believe that anyone should receive free food off the backs of the tax payers. He said that he would support a one time grant for a certain amount of money if it was available next year with no strings attached.

The Mayor opened the discussion up to the public.

Gail Gowdy, 215 Ash Avenue said that she had no problem with the community getting together to hold a dinner. She said that other groups don't ask for town support of money and the tax payers money shouldn't be going to feed residents and non residents. She said that light refreshments such as pretzels could be served. She said that she was against Town Funds being spent for a club.

Karen Manno, 218 Ash Avenue, said that she has met everyone in the community through this organization and it brings the community together. She feels that it's very worthwhile and a chance for people to meet neighbors. She stated that it's not a club and no one is excluded.

Commissioner Price said that the Town should try to find a way to preserve something that is good. He said that the senior citizens need the companionship. He said that it was not true that town funds can't be used for this activity.

Vice Mayor Tennant stated that these events can be held in any church or building and even possibly some resident's homes but we just can't hold them in the Community Center. We can still have pot luck if it's held somewhere else.

Bruce Black, 405 Avenue A, said that you can't do potlucks and bring food from home unless you can guarantee it will be over 135 degrees and you must have a food handler or you're in violation. These are the rules even if it is a non profit group.

The Mayor called a five minute recess at 9:13 pm.

The meeting was called back to order at 9:19 pm.

The Mayor called the question. The vote was 5-0 against trying to obtain funds for pot luck dinner.

Vice Mayor Tennant made a motion to reduce all of the Commissioners pay by \$50.00 a month to give to the Community dinner.

Commissioner Price seconded the motion.

The Mayor called the question. The vote was:

Mayor Karpie voted nay.
Commissioner Marshall voted nay
Commissioner Evans voted nay
Vice Mayor Tennant voted aye
Commissioner Price voted aye

The motion failed 3-2.

The Mayor said that Commissioner Price suggested a workshop to find a similar gathering without violating health laws.

The Mayor directed the Town Clerk to set up a workshop.

4. Approval of Resolution 2010-02 amending the Fiscal Year 2010 budget for the General Fund by \$53,625.84.

Town Manager Bursick gave an over view of changes that were made to come up with that total.

Commissioner Evans made a motion to approve Resolution 2010-02 for discussion only.

Vice Mayor Tennant seconded the motion.

Commissioner Evans said that she was under the impression that some of these numbers were lowered from the original meeting and thought that it would reflect that.

Town Manager Bursick stated that he thought there was discussion to lower it but he thought that the motion was to amend these dollar amounts.

The Mayor stated that the March 30, 2010 meeting B minutes were pulled from the agenda and have been approved. She said that the numbers do not coordinate and the correct number should be \$53,625. She said that the computer workstations were disallowed.

Commissioner Evans stated that the training/certification for the Town Clerk was no longer needed because she found alternate methods to getting the training. Commissioner Evans also said that the Commission agreed to pay the consultant, Karan Rounsavall \$10,000 and the numbers don't reflect that.

Town Manager Bursick stated that \$45,698.84 was in the minutes that were not approved.

Commissioner Evans asked to withdraw her motion.

Commissioner Price seconded it.

The Mayor suggested that this item be deferred until the next regular meeting scheduled for May 19, 2010.

The Mayor called the question and there was a general consensus among the Commissioners to defer resolution 2010-02 until the May 19th meeting.

5. **Adoption of Resolution 2010-03, authorizing the Town Manager to submit an application to the Florida Department of Environmental Protection (FREP) under the Federal Clean Water Act, Section 319 Program requesting approximately \$40,000 for storm water improvements in Basin 2 (Riverside Drive) with required matching funds of \$50,000 for a total project cost of \$90,000.**

Town Manager Bursick said that this is requesting authorization to submit a request an application to the 319 grant program be approved for improvements in Basin 2. Applications are due May 28, 2010.

Vice Mayor Tennant made a motion to approve Resolution 2010-03 for storm water improvements in Basin 2.

Commissioner Price seconded the motion.

The Mayor asked if we had time to submit the application if it was due May 28, 2010.

Town Manager Bursick stated that an award will be made in the next few months.

The Mayor opened up discussion to the public.

Jay Gurecki, 406 Sixth Avenue, said that the Town Manager has gone above and beyond in bringing in grant money.

Vice Mayor Tennant said that the Town Manager has been duly recognized during his last evaluation.

The Mayor called the question. The vote was 5-0 passing Resolution 2010-03.

6. Approval of an Interlocal Agreement between the Town of Melbourne Beach and Brevard County providing for the preparation of the annual Storm Water Utility Assessment Roll.

Town Manager Bursick stated that each year the Town needs to prepare an assessment roll so that we can build the Storm water utility fee and then submit it to the Property Appraiser to be put on the property tax bill. This year they are charging a fee for the service of \$1.00 per parcel to cover the processing charge. He stated that this would be an ongoing arrangement.

Vice Mayor Tennant made a motion to approve the interlocal agreement between the Town of Melbourne Beach and Brevard County providing for the preparation of the annual storm water utility assessment roll.

Commissioner Evans seconded the motion.

Commissioner Price stated that it comes to about \$1600.00 a year in fees and it appears to be a double taxation and we already pay for this service. We pay County and Municipal fees.

Town Manager Bursick stated that the fee is \$36.00 per household. He stated that based on past experience that most IT departments are set up as internal service funds which means their expenses are covered by user fees just like the utility so general fund tax dollars aren't used to cover those expenses. It's pretty typical to have it set up in this fashion.

The Mayor called the question. The vote was 5-0 in favor of passing the interlocal agreement.

7. Discussion and possible action regarding an amendment to the existing contract for building inspection services between the Town of Melbourne Beach and Independent Inspections, Ltd.

Town Manager Bursick stated that on March 3, 2010 at a Special Town Commission Meeting a two month extension was granted and the time is close to expiring. He suggested amending the existing agreement. He proposed a one year term to expire April 30, 2011 and to also split fees of 30% payable to Independent Inspections and 70% to be returned to the Town for site plan review fees.

Vice Mayor Tennant made a motion for discussion and possible action regarding an amendment to the existing contract for building inspection services between the Town of Melbourne Beach and Independent inspections.

Commissioner Price seconded the motion.

Vice Mayor Tennant stated that they seen no problem with continuing the contract for one year.

Commissioner Evans said that she had received complaints about non responsiveness and fees were levied that were unnecessary. She stated that she believed that a full time building official was needed because a lot is falling through the cracks.

The Mayor asked what the original split was between the Town and Independent Inspections.

Town Manager Bursick said there was no split for site plan review fees and the split for building permit fees is the same.

Commissioner Marshall said that Independent Inspections agreed to work month to month or maybe do six months and she wanted more time to go over the fees. It would be in the best interest of the town to do a 3-6 month contract versus one year right now.

Vice Mayor Tennant withdrew his motion.

Commissioner Price made a motion to approve an amendment to the existing contract for building inspection services between the Town of Melbourne Beach and Independent Inspections.

Vice Mayor Tennant seconded the motion.

Commissioner Price amended the motion to be contingent on approval of a fee schedule.

The Mayor reminded the Commission that the contract comes with a term of one year.

Vice Mayor Tennant asked Commissioner Evans to clarify the problems that were brought to her attention regarding Independent Inspections.

Commissioner Evans stated that there were people interested in opening a business in the shopping center and the building official changed his working schedule after they had an appointment. She also pointed out that it took over four months for someone to get an occupational license because it wasn't signed off in a timely manner.

Tom Forbes, Building Official, said that he has been working to resolve that shop owner getting a permit and there are times when you can't make everybody happy all of the time.

Commissioner Evans stated that it had to do with accessibility and service and people expect a certain level of service.

Mr. Forbes said that he changed his hours to be more accessible and that he returns phone calls within 24 hours. He stated that he has heard a lot of good things from people as well.

Commissioner Evans said that she was concerned with increasing fees and complaints from people that are feeling that they are not receiving adequate service.

Commissioner Marshall stated that the Town's fees are higher than other places and she doesn't want to see them go up. She said that she felt more comfortable with a six month contract.

The Mayor opened up discussion to the public.

Jay Gurecki, 406 Sixth Avenue, said that in 2005-2006 permit fees were low and it gave people an incentive. He asked that they go back to that fee schedule because it will not motivate people to do anything when fees cost more than the renovation.

The Mayor called the question. The vote was:

Mayor Karpie nay
Vice Mayor Tennant aye
Commissioner Price aye
Commissioner Evans nay
Commissioner Marshall nay

The vote was 3-2. The motion failed.

Commissioner Marshall made a motion for a six month contract with Independent Inspections.

Vice Mayor Tennant seconded the motion.

The Mayor called the question. The vote was 4-1 with the motion passing. Commissioner Price voted nay.

8. Discussion and possible action regarding revisions to the building permit fee schedule.

Town Manager Bursick said that this item proposes a different fee structure. He said that specifically it would consist of a reduction in the building permit fee of 19.3% for permits for new construction, renovations, and additions. The proposed fee would be a reduction of 11.6% from the current building permit fee.

Vice Mayor Tennant made a motion that we approve the new fee schedule that was presented.

Commissioner Price seconded the motion.

Vice Mayor Tennant suggested taking the remodeling fee and reducing it to encourage people to remodel their homes.

The Mayor called the question. The vote was 5-0 with the motion failing.

Commissioner Price suggested a workshop to work out the fees.

Commissioner Marshall suggested to the Town Manager that it be sent back to the drawing board.

There was a general consensus among the Commissioners to have the Town Manager review it again and see if we can bring down some of the remodeling fees.

Commissioner Price made a motion to approve the present fee schedule as presented here tonight.

Vice Mayor Tennant seconded the motion.

The Mayor called the question. The vote was:

Mayor Karpie aye
Commissioner Evans nay

Commissioner Price aye
Vice Mayor Tennant aye
Commissioner Marshall nay

The vote passed 3-2 to keep the new fee schedule for the next six months.

9. Authorization of an off site parking agreement with the Sand on the Beach eating and drinking establishment, in accordance with Section 7A-50 (b) (1) of the Land Development Regulations for the Town of Melbourne Beach.

Town Manager Bursick explained that this is related to a special exception use application. Sand on the Beach wants to increase the number of seats and eliminate unused office space and the application is currently under review by the Board of Adjustment.

Commissioner Price made a motion to authorize off site parking agreement for Sand on the Beach eating and drinking establishment in accordance with 7A-50 (b) (1) of the Land Development Regulations for the Town of Melbourne Beach subject to approval of the special exception use permit for the site plan associated with the operation of an eating and drinking establishment as currently under review by the Board of Adjustment.

Vice Mayor Tennant seconded the motion.

Town Attorney Gougelman stated that the application will formalize the agreement by making 13 spaces more formally part of the deal. Mr. Pepaj will then go to the Board of Adjustment and ask to get credit for those spaces. He stated that the Board of Adjustment can't consider this unless it is approved by the Commission.

Commissioner Price asked the Town Manager if the 13 spaces that are being proposed are legal to the property.

Town Manager Bursick stated that they were to his knowledge.

Commissioner Price stated that they can't contract those spaces if their not legal spaces.

Town Manager Bursick said that he could research that but it may be difficult to research that.

Commissioner Price amended his motion also subject to validate the 13 spaces.

Vice Mayor Tennant seconded the motion.

The Mayor called the vote. The vote was 4-1 with Commissioner Marshall voting nay. The amended motion was approved.

10. Discussion and possible action regarding an amendment to Task Assignment #15 for Jones Edmunds & Associates, Inc. in the amount of \$18,920 for additional services related to the engineering, design and permitting for various storm water system and street improvements.

Town Manager Bursick said that on December 16, 2009 the Town approved task assignment to Jones Edmunds in the amount of \$139,700. That was for engineering services related to a lot of proposed storm water improvement projects. It was for specifically Sunset Boulevard which was under the NEP grant, Avenue A and B which is the 319 grant and Pine Street and Driftwood which is the St. Johns grant. He stated that as a result of the change order to the drainage project which is currently under way which is the hazard mitigation project there was a change order at the last meeting which was approximately \$95,000. That resulted in primarily unexpected conditions that we weren't able to determine during the engineering and design stage. He stated that in order to eliminate that situation in the future, Jones Edmunds is proposing some additional work for the engineering service contract for this May project and it's primarily to tv the existing storm water pipes so they can see what's in there and what type of condition there in so when they do the plans and specifications they will have a better idea of what they are proposing. He said it was also to do some ground penetrating radar and that will tell them where the existing utilities are so they can determine if there would be any conflicts with the proposed work. He went on to say that the additional cost of this work is \$20,000 and this will be a major project but it will pay for it self as we go through the project. If we can avoid a change order the town will be better off.

Commissioner Marshall asked the Town Manager if the \$20,000 was coming out of the grant money.

Town Manager Bursick replied that it was coming out of the referendum money.

The Mayor stated that these services should have been performed through the storm water master plan.

Town Manager Bursick stated that all the Town paid for was an update to the master plan. He said there was no detailed engineering as part of the master plan.

Commissioner Price made a motion to approve action regarding an amendment to task Assignment #15 for Jones Edmunds & Associates, Inc in the amount of \$18,920 for additional services related to the engineering, design and permitting of various storm water system and street improvements.

Vice Mayor Tennant seconded the motion.

The Mayor asked what specifically the \$20,000 was for. She wanted to know if it was for additional testing or to augment the design.

Town Manager Bursick replied that it was for additional testing in several basins.

The Mayor called the vote. The vote was 4-0 with Commissioner Marshall voting nay. The motion passes.

XIII. REPORTS

Town Manager Bursick gave the financial report. He said that the hazard mitigation should be completed by June 4, 2010.

Mayor Karpie also wanted to remind everyone that it was turtle nesting season from May 1, 2010 to October 31, 2010 so lights out from 9pm to 6 am.

XIV. ADJOURNMENT

There was a motion to adjourn made by Commissioner Price, seconded by Commissioner Marshall. Question called; motion carried, 5-0.

The meeting was adjourned at 10:32 pm.

Mayor Rita A. Karpie

Rhonda Danielle
Interim Town Clerk