



TOWN OF MELBOURNE BEACH

TOWN COMMISSION WORKSHOP

DECEMBER 2, 2020

AGENDA PACKET

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Town of Melbourne Beach

AGENDA

TOWN COMMISSION WORKSHOP

**WEDNESDAY, DECEMBER 2, 2020 @ 6:00 p.m.
MASNY ROOM, 507 OCEAN AVENUE**

Due to the effects of COVID-19, recognizing the Centers of Disease Control social distancing guidelines, and as authorized and in compliance with Governor Ron DeSantis Executive Order 20-112 (Phase I: Safe. Smart. Step-by-Step. Plan for Florida's Recovery), attendance in the Masny Room will be limited. Those in excess will be accommodated outside the Masny Room where the meeting will be broadcast live in an audible format. Should members of the public seated outside wish to be heard, comment cards will be available to fill out and those who do will be invited into the Masny Room for the purpose of speaking at the appropriate time. Anyone who wishes to provide public input without personally appearing at the meeting may do so by sending an email to townclerk@melbournebeachfl.org. All emails must be received prior to 4:00 p.m. on Monday December 1, 2020. All emails will be provided to the Mayor and each of the Town Commission Members. Should you wish to have your comment read aloud by Town staff at the meeting, please indicate that in your email. Your full name and address must be included and will be read aloud. The reading of public comments received by email will be limited to three (3) minutes.

PUBLIC NOTICE

The Town Commission will conduct a TOWN COMMISSION WORKSHOP on Wednesday, December 2, 2020 at 6 p.m. in the MASNY ROOM to address the items below.

Commission Members:

Mayor Wyatt Hoover
Vice Mayor Joyce D. Barton
Commissioner Steve Walters
Commissioner Sherrie Quarrie
Commissioner Corey Runte

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Jennifer Torres

Notice: Commission discussion and possible action may occur during any Commissioner Meeting. The following sections of the Agenda are always subject to such discussion and possible action without further motion by the Commission: Changes to the Agenda, Public Hearings, Old Business, and New Business.

The public is advised that members of the Town Commission may be in attendance and participate in proceedings of the board. Attorney General Opinions (AGO) AGO 91-95, AGO 98-14, AGO 2000-68.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, THE TOWN HEREBY ADVISES THE PUBLIC THAT: In order to appeal any decision made at this meeting, you will need a verbatim transcript of the proceedings. It will be your responsibility to ensure such a record is made. Such person must provide a method for recording the proceedings verbatim as the Town does not do so.

In accordance with the Americans with Disability Act and Section 286.26, Florida Statutes, persons needing special accommodations for this meeting shall, at least 5 days prior to the meeting, contact the Office of the Town Clerk at (321) 724-5860 or Florida Relay System at 711.

I. Call to Order – Led by Mayor Hoover

II. Roll Call

III. Pledge of Allegiance and Moment of Silence

IV. Presentation

V. Public Comment

After being acknowledged by the Mayor, members of the public should state their name and address for the record. The Commission encourages citizens to prepare their comments in advance. Each individual will have three (3) minutes to address the Commission on any topic(s) related to Town business not on the Agenda. Please remember to sign the sign-in sheet provided if you will be speaking at the meeting.

VI. New Business

- A. Discussion of Town Manager Performance Review and Suggested Actions – Mayor Hoover
- B. Discussion of Town resident communications – Mayor Hoover
- C. Discussion and review of Robert’s Rules of Order – Mayor Hoover

VII. Adjournment

Town Commission Workshop Agenda Item

Item: A

Section: New Business

Meeting Date: December 2, 2020

Subject: Discussion of Town Manager Performance Review and Suggested Actions

Suggested Action: Discuss and Consider Suggested Actions

Submitted By: Mayor Hoover

Background Information: The Town Commission members recently submitted annual performance reviews for the Town Manager. Included were several suggested future actions to improve the Town and possible actions to improve the Town Manager's performance moving forward. Mayor Hoover would like to discuss which items the Commission would like to prioritize moving forward.

Attachments:

1. Town Manager Review Comments, June 2020



Town of Melbourne Beach

Town Manager Review June 2020 Written Comments

PERFORMANCE FACTORS

Organizational Management:

#1 During this 6-month interim review period, Ms. Mascaro has quickly and quite effectively transitioned into the Town Manager role. Among her accomplishments:

- Numerous long-term Commission-directed action items have been resolved and closed (after languishing for several years under previous TMs)
- Unanticipated personnel vacancies have been quickly filled with an even stronger staff (Town Clerk, Deputy Town Clerk, Code Enforcement, Fire Inspector and her replacement as Finance Director);
- Personnel and organizational issues with the Police (PBA negotiations, personnel complaints) have been effectively managed;
- Fire Dept. leadership has been effectively transitioned;
- Numerous, unforeseen emergencies have been proactively managed (two hurricane preparations, CORONA virus pandemic, including beach and parking closures, numerous storm water and street issues have been repaired, etc.); and
- Several new policies have been developed in order to document best practices (pandemic response, budget reporting and resolutions, etc.)

#2 Very professional when dealing with difficult situations or people.

#3 Nothing but positive feedback. Best TM performance I have seen to date. Great job handling hurricanes and COVID-19.

#4 Organizational management is good. Improvements could be made in applying structure across departments to ensure all tasks are being completed on time, with consistency, and minimal oversight.

Fiscal Management:

#1 Ms. Mascaro consistently underruns the budget in key areas under her control. She develops effective solutions when unavoidable overruns (e.g., legal) arise. She has also ensured that her replacement as Finance Director is well-trained and provides effective budget control.

#2 I feel good about Elizabeth's financial background. It a true plus for our small town.

#3 Extremely proficient in financing and accounting. Her experience is unrivaled and extremely invaluable as Town Manager.

#4 Good work here, as expected, based on your previous experience as Finance Manager.

Planning:

#1 See above

#2 No comment

#3 Town Manager is proactive rather than reactive.

#4 In fairness, this is the most difficult aspect of your job as you've been in the position only a short time. Completion of tasks as directed by the Commission is good. Improvements can be made in understanding the long-term goals of the Commission and then working to identify short term goals that will build toward completion of long term goals.

Supervision:

#1 Ms. Mascaro has provided the appropriate level of supervision and support to her management team, knowing when to "let them run" (e.g., Public Works) and when to provide counsel and support (Police Chief personnel issues)

#2 Not sure about question 1, most departments are in communication regarding decisions.

#3 Town Manager allows departments heads to function without micro managing and fosters growth for all responsibly and respectfully.

#4 more structure is needed in order to effectively delegate tasks while ensuring timely and consistent completion of tasks, with high quality outcomes- meeting documents with department heads to track completion of goals and objectives, digital calendars to share events and associated responsibilities across teams/departments/committees, etc. These documents and meeting also serve as evidence when applying discipline or when terminating an employee.

Relations with Commission:

#1 Ms. Mascaro strikes the right balance between advocating for her and her staff's recommendations and each Commissioner's initial thoughts. She effectively provides her opinions and rationales, but, when the decision is made, she implements it thoroughly.

#2 I'm happy with above average understanding of how government works.

#3 Town Manager is very approachable and easy to communicate with.

#4. Great interpersonal skills, you've done well with creating a unique relationship with each Commission member and have worked to better understand their perspective and directives.

Reporting:

#1 Ms. Mascaro began the practice of providing the financial reports at each Commission meeting in order to provide ongoing insight into budget vs. actuals, while also forecasting potential overruns and mitigations. While initially somewhat deficient (due to other pressing priorities during the transition) her manager's report is now well-defined and documented. She actively and regularly encourages all commissioners to meet with her regularly to discuss and issues, concerns or thoughts. She is an open book, there are no hidden agendas.

#2 Responds quickly. Also doesn't say "I'll find out" and wait a month to provide answers.

#3 Great job here. My only improvement would be to send follow up emails on items not on agenda that are deemed important.

#4 Sometimes more frequent updates on discussion items are needed (i.e. those that are emailed/discussed, but not added as action items or not on meeting agendas. Better/consistent use of digital records/documents will remedy this small issue.

Citizen and Intergovernmental Relations:

#1 Ms. Mascaro coordinates with all outside agencies and municipalities very effectively (e.g., during the COVID-19 pandemic) and provides excellent communication via the Town's Facebook and web pages.

#2 Knows what other municipalities are doing and uses the information for our Town.

#3 Our residents have never been happier. Never receive any negative complaints. Town Manager has developed great working relationships with neighboring municipalities.

#4 I like that I've seen a more supportive approach from Town staff. Customer service appears to be a priority, with staff helping residents trouble shoot to achieve their goals (while still complying with codes/ordinances) is a welcome change from the "you can't do that" attitude of many local governments. You've done a good job connecting with our beachside neighbors, building a relationship with Melbourne should be a priority, as well.

Professional/Personal Characteristics:

#1 Ms. Mascaro is committed to providing exceptional and professional service to the Town.

#2 blank

#3 Town Manager represents the Town very professionally. I am proud to have Elizabeth as our representative.

#4 I expect that, as you continue to settle into your role, your participation in seminars/conferences and your presence throughout the Brevard community will increase.

PERFORMANCE OBJECTIVES

#1 -Assist in transition to new Mayor
 -Develop more detailed policies and procedures proactively
 -Continue to monitor developments in PD while addressing issues that led to request for bargaining
 -Develop long-term infrastructure maintenance plan such that only minor annual modifications are required and department heads do not need to significantly revise it each year.

#2 -none

#3 -Establish a long-term infrastructure, utility, construction cost program for improvements.
 -Increase grant writing-applications and awards by 25% with a transparent tracking log.
 -Implement a 25-50% of EAB goals or start eth process towards achievement.
 -Develop a business partnership program with Ocean Avenue business owners to foster a stronger relationship and offer support.
 -Start/develop a long term vision for Ryckman Park, Ocean Park and Ocean Avenue corridor

(streetscapes, improvements, etc.)

- #4 -Seriously pursue your commitment to earning your degree in Public Administration
- Created written plans/processes that will articulate how the town functions and who is responsible for various ongoing tasks and when those should be implemented.
 - Build your (and your staff's) knowledge and skills in the use of digital tools in order to improve efficiency in managing and completing new/recurring tasks. I suggest starting with a goal of earning a Microsoft Office Specialist certification for you and your key staff members.
 - Reach out to connect with community organizations (schools, clubs, churches), which will help you to proactively identify issues or areas in which the town can better serve its residents.
 - Learn more about urban planning and design, how traffic impacts our community, and how we can protect ourselves from the increasing development around us. A good starting point would be to read publications by an organization like Strong Towns.

RATER'S COMMENTS

#1 Ms. Mascaro has performed exceptionally well during her two periods as interim Town Manager and now Town Manager. This is no surprise to me. She is well organized and focused. She truly cares about her team and is a strong motivator, know when to interject herself and when to stand back. She works well with the Commission as a whole and with me individually. I am sure that she will continue to grow and mature in this role and I look forward to her being in this position for a long time.

#2 I am very happy with the flow of Town business and the positive energy in the office.

#3 The Town of Melbourne Beach has never made more progress than it has since the Town Manager has started in her position. It has been noticed by the Town Commission, Mayor, residents and neighboring municipal leaders.

#4 You walked into a challenging situation, immediately faced adversity, had to fill vacancies in key positions, and did all of that very well. You've laid a very strong foundation for yourself and for the Town's future. There are a few areas of improvement among many areas of strength. I look forward to working with you to build on the success and continue to find ways to improve and to better serve our community. Keep up the great work!

Town Commission Workshop Agenda Item Item: B

Section: New Business

Meeting Date: December 2, 2020

Subject: Town Resident Communications

Suggested Action: Direct Town Staff to create a process for delivering consistent and multi-modal communications to residents regarding Town events and Commission decisions, both recent and upcoming.

Submitted By: Mayor Hoover

Background Information: Residents are not satisfied with the level and quality of communication coming from the Town and, as a result, many feel the Commission is working to deliberately obfuscate its actions (though I do not agree with that sentiment).

With recent turnover in staff, many long-standing communication methods have ceased (i.e. posting signs before meetings) and the Town has not been able to adapt to modern communication methods. To prevent this failure from recurring in the future, the Town should create documented processes that outline what types of communications should occur at what times, at what intervals, in association with what events, and with whom the responsibility of these tasks should lie.

Attachments:

1. Outline of items to consider

ITEMS TO CONSIDER & SUGGESTIONS

1. Types of communication

a. Roadside Signage

- i. Where to place signs – A1A, Riverside, Oak St, in front of Town Hall
- ii. When to place them – RCTM, RTCW, other board meetings, elections, other special events?
- iii. Uniform size/layout of the signs or banners

b. Email lists – the Town has an email signup page on its website that does not do anything when you sign up, this is confusing and frustrating to residents -

<https://www.melbournebeachfl.org/subscribe> (see last page)

- i. Adjust above webpage to reflect items that exist or create the listed items
- ii. Beachcomber
- iii. Monthly Recap Newsletter of Commission actions & upcoming items of interest (no commentary, just facts)

1. Add this to website, so sharing can be done easily through a link instead of attaching a document

c. Social Media – share information posted on town website

- i. Platforms: Facebook, Nextdoor
- ii. What content should be posted and on what schedule? Suggest posting of any items that are sent out through email or posted on the website.
- iii. Facebook events – create events for Town Meetings & other events (list from 1.a.ii above), how far in advance should events be created?
- iv. Other?

Town Commission Workshop Agenda Item

Item: C

Section: New Business

Meeting Date: December 2, 2020

Subject: Review of Roberts Rules of Order /Meeting Procedures

Suggested Action: Discuss and Review Commission meeting decorum and procedures

Submitted By: Mayor Hoover

Background Information:

Attachments:

1. Resolution 2016-12

RESOLUTION NO. 2016-12

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH BREVARD COUNTY, FLORIDA MODIFYING AND RESTATING TOWN COMMISSION RULES AND PROCEDURES; MAKING FINDINGS; ESTABLISHING MEETING RULES OF PROCEDURE; ESTABLISHING THE SEATING ARRANGEMENTS AT MEETINGS; SETTING THE AGENDA; PROVIDING FOR ACTION BY CONSENT; SETTING THE TYPES OF MEETINGS; PUBLIC NOTICE OF MEETINGS; SETTING FORTH RULES TO ADDRESS THE TOWN COMMISSION AND PROCEDURES TO ADDRESS LAND DEVELOPMENT AND QUASI-JUDICIAL MATTERS; PROVIDING FOR COMMISSION AND STAFF RESPONSE TO PUBLIC COMMENTS; SETTING RULES OF DEBATE; SETTING A TIME FOR ADJOURNMENT OF MEETINGS; PROCEDURES FOR MINUTES OF TOWN COMMISSION MEETINGS; PROVIDING PROCEDURES FOR AMENDING OF THE RULES; REPEALING PRIOR RULES OF PROCEDURE; PROVIDING THE METHODOLOGY FOR REQUESTS BY A COMMISSION FOR ACTION BY THE TOWN MANAGER, TOWN CLERK, OR TOWN STAFF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission recognizes and acknowledges the need and requirement for established procedures to be implemented in order to facilitate orderly and respectable regular and special Town Commission meetings; and

WHEREAS, the Town Commission desires to define its procedures in a single document which will allow interested parties to easily understand Commission procedures and that may be revised from time to time in response to changing circumstances, and

WHEREAS, this resolution shall act as a guide and framework for Town Commission procedures;

WHEREAS, this resolution is intended to supersede all previously adopted rules of procedures, including but not limited to Resolution Nos. 702, 708, 729, 744, 3-2005, 2007-15, 2008-22, 2009-10, 2012-01, 2012-02, 2012-14 and 2016-01.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Melbourne Beach, Brevard County Florida that the following policies and procedures are hereby accepted, amended, restated, adopted, and words underlined constitute new text, and words ~~stricken through~~ constitute deleted text:

Section 1. Rules of Procedure.

(A) Pursuant to Section 1-20, Town Code, the Town Commission shall utilize the Robert's Rules of Order, Newly Revised (10th ed. 2000) as its official rules of procedure.

[**COMMISSION INTENT:** Currently, the 10th edition of Robert's Rules of Procedure is the most current version of the rules.]

(B) These policies and procedures shall be adopted, amended, or repealed by amending the adopting resolution. These policies and procedures shall supplement and supervene Robert's Rules of Order to the extent of a conflict.

(C) These policies and procedures may be adopted, amended, or repealed by a two-thirds vote of the full Town Commission.

Section 2. Seating at Meetings.

(A) The seating of Commissioners at any meeting shall be as set forth herein. The Mayor shall be seated in the middle with two Commissioners seated on the Mayor's right and two Commissioners seated on the Mayor's left.

(B) The following seating arrangement shall be used unless all Commissioners agree on an alternative seating arrangement. The Commissioner having the most consecutive or non-consecutive service on the Commission shall be seated to the Mayor's right. The Commissioner having the second most consecutive or non-consecutive service on the Commission shall be seated to the Mayor's left. The Commissioner having the third most consecutive or non-consecutive service on the Commission shall be seated to the Mayor's extreme right. The Commissioner having the fourth most consecutive or non-consecutive service on the Commission shall be seated to the Mayor's extreme left.

In the event that two Commissioners are tied for the amount of service on the Commission and if both members were most recently selected at the same election, the Commissioner winning by the greater number of votes shall be considered to be the more senior member of the Commission.

If two Commissioners are tied for seniority, seniority shall be determined by the flip of a coin by the Town Clerk in the presence of both Commissioners, and the member whose last name begins with the letter closest to "z" shall be designated as having called heads.

Section 3. Setting the Agenda.

(A) The Town Manager and Town Clerk prepare the agenda for a regular meeting. The order of business for a regular meeting shall be as follows:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance and Moment of Silence
4. Proclamations and Awards
5. Presentations by Special Guests
6. Boards and Committees
 - a. Reports by all Boards and Committees
 - b. Appointments and Reappointments
7. Public Comment
8. Changes to the Agenda
9. Consent Agenda
 - a. Approval of Minutes
10. Public Hearings
11. Old Business
12. New Business
13. Reports:
 - a. Town Attorney
 - b. Town Manager
 - c. Departments
 - d. Town Commissioners
14. Adjournment

(B) Adding Items to the Agenda:

(1) The general closing date for items to be placed on the Town Commission regular meeting agenda is 5 p.m. on the Wednesday preceding the scheduled regular meeting.

(2) A Commissioner may request any action item one on which the Commission will vote) or discussion item to be placed on the upcoming regular meeting agenda. The Commissioner desiring to have an item placed on the agenda shall notify the Town Clerk and present the item in writing to the Town Clerk no later than the closing date outlined in item (1) above. Notification to the Town Clerk shall be done in writing with the item written as it should be presented on the agenda. The agenda title shall state the specific purpose or topic of the item. Items with a vague title will not be included on the agenda. The name of the Commissioner requesting the topic shall also be identified with the agenda item. Items placed on an agenda by a Commissioner must include associated backup. Such backup must be submitted to the Town Clerk for inclusion in the agenda packet by 5 P.M. on the Wednesday preceding the scheduled regular meeting.

(3) Staff members may request that the agenda be supplemented with an additional item after the closing date by requesting such item through the Town Manager. Supplemental items should be administrative, time-sensitive items. In no event shall items be added to a Town Commission regular meeting agenda within the forty-eight (48) hours preceding such meeting.

(4) No item, once placed on an agenda, may be removed therefrom without the approval of the Commissioner placing the item on the agenda. An item placed on the agenda by the Town Manager may be removed by the Town Manager at any time. An item placed on the agenda by the Town Attorney may be removed by the Town Attorney at any time.

Section 4. Action by Consent. By general, unanimous, or silent consent, the Commission can do business with little regard for the rules of procedure, as they are made for the protection of the minority, and when there is no minority to protect, there is little need for the restraint of the rules, except such as protect the rights of absent members. In the former case the consent of the absentees cannot be given. A single objection defeats a request for general consent. By the legitimate use of the principle that the rules are designed for the protection of the minority, and generally need not be strictly enforced when there is no minority to protect, business may be greatly expedited. When there is evidently no opposition, except in the case of state law requiring a recorded vote or when an ordinance or written resolution is being adopted in final form, the formality of voting can be avoided by the Mayor asking if there is any objection to the proposed action, and if there is none, announcing the result. The action thus taken is said to be done by general consent, or unanimous or silent consent. Thus, after an order has been adopted limiting the speeches to two minutes each, if a speaker is so interesting that when his time has expired there is a general demand for him to go on, the Mayor, instead of waiting for a motion and taking a vote, could accept it as the will of the assembly that the speaker's time be extended, and would direct him to proceed. Or, he might say that if there is no objection, the member's time will be extended two minutes, or some other time. (Excerpts from Roberts' Rules of Order).

Section 5. Types of Meetings.

(A) Regular Meetings: Regular meetings of the Town Commission shall be held on the third Wednesday of each month in the Community Center, unless the Town Commission designates a different date, time or place by a consensus of the Town Commission present at a preceding meeting. At a regular meeting of the Commission, motions may be made and action taken on any subject on the agenda. Administrative or emergency issues may be added to the agenda, but no final action may be taken if the Charter, the Code, Florida or Federal law require an advertised public hearing.

(B) Special Meetings: Special meetings may be called in accordance with Section 2.11 of the Town of Melbourne Beach Charter, which states as follows: Section 2.11. "Special meetings limited to the subjects specified in the call may be convened by the Mayor, any one (1) Commission member, or the Town Manager, upon at least

twenty-four (24) hours' notice to each member and to the Public." Additional items shall not be added to the agenda of a special call meeting by any individual.

To the extent possible, the Town Commission shall attempt to schedule special and workshop meetings on the first Wednesday of each month to facilitate planning and scheduling for individual commission members, town staff, and the public. This paragraph is not to be construed that a special meeting shall be automatically mandated for the first Wednesday but only if such a meeting is requested.

(C) Workshop Meetings: Workshop meetings shall be called in the same manner as a special meeting. No binding decisions shall be made at a workshop meeting; therefore, motions may be proposed and dispensed with, only to determine the majority intent or desire of the Commission and to facilitate progress of the meeting.

(D) Emergency Meetings: Emergency meetings shall be in accordance with Section 2.11 of the Town of Melbourne Beach Charter, which states as follows: Section 2.11. "The Commission shall provide, by ordinance, for the holding of an emergency meeting and shall prescribe the means of serving or furnishing notice of emergency meetings. Action taken at emergency meetings must be ratified at the next regularly scheduled meeting of the Town Commission."

Section 6. Public Notices. Public notices for Town Commission regular meetings shall be posted on the Town bulletin board and the Town's website by 5 p.m. on the Friday preceding the regular meeting. However, failure to do so shall not affect the legality of the meeting or the validity of any actions taken at the meeting. Items shall not be added to a Town Commission regular meeting agenda after this time, unless done in accordance with Section 3.B.(3). Special meeting public notices shall be posted in accordance with Section 2.11 of the Town of Melbourne Beach Charter. Workshop meeting and Emergency meeting public notices shall be posted the same as a special meeting. Meeting notices will be posted by staff where allowed.

Section 7. Decorum: Addressing the Commission.

(A) Any speaker who becomes unruly, screams, uses profanity or shows poor conduct may be asked to leave the lectern and return to his seat by the Mayor. Should the speaker refuse to leave the lectern and return to his seat, the Mayor may rule the speaker "out of order." Should the speaker still refuse to leave the lectern and return to his seat, the Mayor may ask an assigned law enforcement officer to remove the speaker from the meeting.

(B) Any person may be allowed to address the Commission which may include residents and non-residents, property owners or guests invited by the Commission or the Town Manager. Employees of the Town may not address the Commission regarding their job descriptions and/or job related requirements if such comment would circumvent the chain of command. Members of the public shall not address individual

members of the Commission but shall address the Commission as a whole through the Mayor.

(C) Speakers must come to the lectern to speak, but they may come to the lectern only after they have been recognized by the Mayor.

(D) No individual shall address the Commission until said person discloses who he or she is representing (if other than himself or herself), and discloses his or her name and address. If the speaker's name is difficult to spell or otherwise confusing, the Mayor shall stop the speaker from addressing the Commission and ask the speaker to spell his or her name for the benefit of the Clerk and the record.

(E) Special interest groups are encouraged to select a representative to speak for them in order to conserve time and avoid repetition. In the event that a representative is selected, a list of the names and addresses of all concerned citizens who are present may be given to the Town Clerk for inclusion in the record. In no case will the selection of a representative speaker result in another citizen being denied the opportunity to speak.

(F) Members of the public seeking to address the Commission may do so under the "Public Comments" area of the agenda and should prepare their remarks before addressing the Commission in an effort to be concise and to the point. Except as provided in rule sub-section (I) below, members of the public are limited to a total of three minutes to address the Commission. However, by consensus of a majority of the Commissioners present, this time may be extended for a specific additional amount of time. The Town Clerk shall carefully time the presentation of anyone addressing the Commission. This rule of procedure shall be included on agendas to advise the public and those wishing to speak.

(G) If an individual wishes to speak on a Consent item, they may do so by either:

(1) Approaching the Mayor or a member of the Town Commission prior to the start of the meeting and request that the item be removed from the "Consent Agenda".

(2) Requesting discussion or explanation under the "Public Comments" portion of the agenda understanding that they must address the Commission within the time allotment of 3 minutes. The Mayor, Commission or Staff may then address the individual as outlined in Section 9.

(H) Repealed.

(I) With regard to quasi-judicial matters, the three-minute rule shall be waived for any person making a record for possible court review. The Mayor shall determine from the speaker the amount of time needed. The Mayor upon showing of good cause by the speaker with the consensus support of a majority of those

Commissioners present, shall adjust the amount of time necessary for the speaker to make a record for court review. The Mayor, on its own motion, may shorten the revised time at any time that the speaker becomes redundant or strays from the issues before the Commission.

(J) Speakers shall address only the issues before the Commission, unless speaking under the "Public Comments" section of the agenda. Speakers shall avoid redundant comments.

(K) Except in the case of land development items as described in Section 8, the sequence for agenda-item discussion shall be as follows:

(1) Mayor introduces item by reading it from the agenda.

(2) Mayor asks for a brief staff overview/explanation of the item.

~~(3) Mayor asks for a motion to be introduced on the item. Mayor ensures that a second to the motion is received. If no second is received, the Mayor announces that the motion dies for lack of a second. Another motion is solicited.~~

~~(4)(3) The motion item is open for discussion by the Town Commission. Discussion begins with the member making the motion.~~

~~(5) (4)~~ Each commission member is given an opportunity to speak before a member speaks a second time.

~~(6)(5)~~ Public Comment will be solicited on all items except those determined to be an exception to the rule by majority vote of the Commission. Citizen comments are limited to three minutes. A speaker may only address the commission one time on an item.

~~(7)(6)~~ Additional comments from the Commission are entertained.

~~(7) Mayor asks for a motion to be introduced on the item. Mayor ensures that a second to the motion is received. If no second is received, the Mayor announces that the motion dies for lack of a second. Another motion is solicited.~~

(8) Mayor calls for a vote.

(L) The Mayor may pass the gavel to make a motion. The Mayor shall also have the power to recommend to the Commission a particular motion.

(M) With the consent of a majority of the members of the Commission present at a meeting, the Mayor has the power to change the order of business on the agenda.

Section 8. Land Development Issues and Quasi-Judicial Matters.

(A) Land Development Matters. A land development matter includes quasi-judicial permits or approvals and legislative zoning and comprehensive plan decisions.

(B) The sequence for agenda-item discussion shall be as follows:

(1) The Mayor shall introduce the agenda item;

(2) The Mayor shall request the Town Attorney to read the item by title if an ordinance or resolution is being considered;

(3) The Mayor shall ask the Town Manager, Town Attorney or other appropriate staff member to provide background detail with regard to the proposal;

(4) The Mayor shall ask any member of the Commission who has a voting conflict of interest to disclose the same. In the case of quasi-judicial matters, the Mayor shall ask any member of the Commission conducting an *ex parte* discussion with any non-Town staff person to disclose the same, as well as the substance of the discussion. In the case of quasi-judicial matters, the Mayor shall ask any member of the Commission conducting a site visit to a site subject to Town decision-making to disclose the same and any salient facts relating to the permit under consideration that the member noticed while on site.

(5) The Mayor shall invite the applicant for proposal approval to address the Commission;

(6) The Mayor shall invite citizen comment on the agenda item;

(7) The Mayor shall afford the applicant an opportunity to rebut, correct, or clarify citizen comment;

(8) The Commission discusses the item, including motion/second and other action.

Section 9. Commission/Staff Response to Public Comments. If under “Public Comments” a citizen’s concern can be addressed by (1) answering his/her questions; (2) by providing a short explanation; or (3) by Commission’s directing the Town Manager to follow up, such action will be taken.

If responding to the matter will involve Commission discussion and subsequent Commission action or Commission vote, the matter shall be designated as an agenda item for the next regular Town Commission meeting.

If a concern involves a Consent item and cannot be resolved within a reasonable amount of time, the item shall be removed from the "Consent Agenda" and further discussed as the first item under "New Business".

At no point shall members of the Town Commission or Town Staff engage in disorderly conduct when responding to recognized members of the public.

Section 10. Rules of Debate.

(A) During a presentation by a member of the public or staff member, Commissioners, staff members and members of the public shall avoid interrupting the speaker. After a speaker has completed comments or a presentation, the Mayor and members of the Commission may question the speaker.

(B) After all members of the public have been permitted to speak (if a public hearing or other items open to public discussion), the Mayor shall close the floor to the public. The Commission may then discuss the item pending before the Commission. Staff may participate in the discussion to the extent of furnishing information and pointing out the effect of a decision one way or the other. After a reasonable opportunity has been given to Commissioners to speak, the Mayor shall afford the Commission an opportunity to make a motion.

(C) When the Mayor has placed an item on the agenda for debate, the Mayor shall pass the gavel to the Vice Mayor.

(D) Point of Order. A point of order can be raised at any time when any member notices a violation of the rules or when a decision is made by the Chair that should have been made by majority vote of the town commission. The member raising the point of order shall remain seated and verbally state "Point of Order". The chair shall immediately stop the proceedings and discussion, recognize the commissioner who has called the point of order, and ask the commissioner to state the violation or cause. The chair's duty is to make a decision, called a ruling, on the point of order. He may need to check the rules or the bylaws, or ask the parliamentarian for advice, but a point of order is usually ruled on in one of two ways:

The point is declared either "Well-taken," or "Not well-taken," and a short explanation of the ruling is given by the chair.

Should the member calling "point of order" disagree with the Chair's ruling he or she may appeal that ruling (decision) to the town commission by stating as follow:

"I appeal the Chair's ruling."

The Chair shall immediately call for a vote of the town commission as to the ruling. In the event the majority town commission votes in favor of the appeal, the ruling

shall not stand and the person calling the appeal may continue with debate or by making a motion.

Should the majority town commission vote against the appeal the Chair's ruling stands and the meeting proceeds without further discussion on the point of order. In the event of a tie the ruling stands.

A point of order:

- Can interrupt a speaker who has the floor.
- Doesn't need to be seconded.
- Isn't debatable.
- Can't be amended.
- Is decided by the chair: unless appealed
- Can't be reconsidered.

Section 11. Time for Adjournment.

Regular, special, and workshop meetings shall adjourn at the pleasure of the Town Commission. In the interest of time, the Town Commission may elect to call a special meeting or place unfinished items on the next month's regular meeting agenda.

Section 12. Minutes.

(A) The Minutes of the previous meeting(s) shall be presented to the Commission under item a. of the "Consent Agenda".

(B) Commissioners should attempt to contact the Town Clerk prior to noon on Tuesday before any regular meeting of the Commission to advise the Clerk of proposals to revise the minutes. If there is a question about what someone said or how someone voted, this will give the Clerk an opportunity to review the tape and any notes for a given meeting.

(C) At a regular Commission meeting, the Clerk shall advise the Commission of any revisions to be made to a pending set of minutes. If there are additional revisions to be included, the minutes shall be pulled from the "Consent Agenda" to be discussed under "New Business".

(D) After acknowledging the revisions to the minutes, the Mayor shall permit the minutes to be approved with the remainder of the "Consent Agenda".

(E) Minutes must be approved by at least three votes of the Commission.

(F) As provided in Section 1-26(d)(1)(B), of the Town Code, if minutes of a previous meeting are critical to a debate on an upcoming agenda by the Town Clerk, Town Manager, or the Town Commission, the Town Clerk shall attempt to prepare draft minutes and distribute them to the Commission prior to the meeting, unless excused from

doing so by the Mayor. In all other cases, draft minutes shall be released as soon as possible after the Commission meeting to which they apply. Draft minutes shall be considered to be a public record once they have been completed by the Town Clerk; however, shall not be available via the Town website until approved by the Town Commission.

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. Said explanation shall show respect for the position of other Commissioners and shall merely explain why the Commissioner voted as he or she did. The explanation may be expunged from the minutes and maintained as a separate public record by a majority vote of the Commissioners for failure to adhere to this rule subsection.

Section 13. Amendment of Rules. As provided in Section 1-20, Melbourne Beach Code of Ordinances, the Town Commission may by four (4) votes amend or terminate rules of procedures.

Section 14. Effective Date; Repeal of Prior Rules. These rules are effective immediately upon adoption. All prior rules of procedure of the Town Commission adopted by resolution, be and the same are hereby repealed, including but not limited to the rules set forth in Resolution No. 2012-14 (adopted December 19, 2012); Resolution No. 2012-02 (adopted March 21, 2012); Resolution No. 2012-01 (adopted January 18, 2012); Resolution No. 2009-10 (adopted July 15, 2009); Resolution No. 2009-10 (adopted July 15, 2009); Resolution No. 3-2005 (adopted May 18, 2005); Resolution No. 2008-22 (adopted Dec. 17, 2008); Resolution No. 2007-15 (adopted Dec. 19, 2007); Resolution No. 702 (adopted March 20, 2002); Resolution No. 708 (adopted July 17, 2002); Resolution No. 729 (adopted January 21, 2004); and Resolution No. 744 (adopted September 15, 2004).

[TOWN COMMISSION INTENT: In the past when the Town Commission has adopted new rules, reference has been made in the recitals that it was the intent of the Town Commission to supersede certain former rules. *See, e.g.,* the last recital in Resolution Nos. 3-2005, 2007-15, 2008-22, and 2009-10, all providing that Resolution Nos. 702, 708, 729, and 744 were to be "superseded." However, no former statement of repeal of past rules of procedure has ever been adopted by the Town Commission. The purpose of this provision is to formally manifest the intent of the Town Commission that previous rules of procedure are intended to be repealed, and that this resolution represents

the currently effective rules of procedure of the Town Commission.]

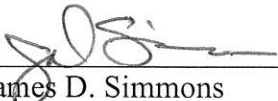
In adopting, amending, and restating these rules of procedure, statements of Town Commission intent are not a part of any adopted rule of procedure and merely explain, as a form of legislative intent, the reason for the rule or background information relating to the rule.

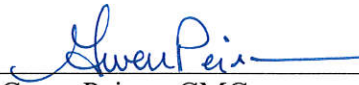
Section 15. Requests by a Commissioner for Action by Town Manager, Town Clerk, or Town Staff. Any request by a Commissioner for action by the Town Manager, Town Clerk, or Town staff members must be in written form. An e-mail will suffice. In compliance with Section 3.03(b), Charter of the Town of Melbourne Beach, requests for action by a Town staff member must be made to the Town Manager. Requests for action by the Town Clerk may be made directly to the Town Clerk but must be copied to the Town Manager. As used in this section, the term “action” includes any request for information, request for analysis, the production of public records as defined by Chapter 119, Florida Statutes, or the undertaking of any deed or act.

PASSED AND ADOPTED by the Town Commission of the Town of Melbourne Beach, Florida at a regular meeting this 19th day of October, 2016.

TOWN OF MELBOURNE BEACH,
FLORIDA, a Florida Municipal Corporation

ATTEST:

By: 
James D. Simmons
Mayor


Gwen Peirce, CMC
Town Clerk