

Town of Melbourne Beach

**REGULAR TOWN COMMISSION MEETING
WEDNESDAY MARCH 18, 2020 at 6:30 p.m.
COMMUNITY CENTER – 509 OCEAN AVENUE**

MINUTES

**The Town Commission conducted a Regular Town Commission Meeting
on Wednesday March 18, 2020 in the Community Center
to address the items below.**

Commission Members:

Mayor Jim Simmons
Vice Mayor Wyatt Hoover
Commissioner Steve Walters
Commissioner Sherrie Quarrie
Commissioner Corey Runte

Staff Members:

Town Manager Elizabeth Mascaro
Interim Town Clerk Jennifer Torres
Town Attorney Clifford Repperger

I. Call to Order – Led by Mayor Simmons

Mayor Simmons called the meeting to order at 6:30 p.m.

II. Roll Call

Interim Town Clerk Jennifer Torres conducted the roll call

Commissioners Present:

Mayor Jim Simmons
Vice Mayor Wyatt Hoover
Commissioner Steve Walters
Commissioner Sherrie Quarrie
Commissioner Corey Runte

Staff Present:

Town Manager Elizabeth Mascaro
Interim Town Clerk Jennifer Torres
Town Attorney Clifford Repperger

III. Pledge of Allegiance and Moment of Silence

Led by Mayor Simmons

IV. Presentations

No Presentations

V. Public Comments

*Frank Thomas
606 Atlantic Ave.*

Mr. Thomas expressed his disappointment that recently planted oak trees on Oak Street appear to be unhealthy and dying. He said in all the years he has lived here, he's been involved with planting and beautification of the Town and wants to know why they are not being maintained or watered. Mr. Thomas stated that if his two oaks die, he wants his money back.

*Alan Ross
850 Aquarina Boulevard*

Mr. Ross gave a report on the Southern Squall event and said that turnout was good with a net of approximately \$43,000 that will be split between Genesis House, Gemini PTO - and the Melbourne Beach Volunteer Fire Department will receive about \$11,000.

Mr. Ross said everyone was well behaved and left the park in good condition. He thanked the Town for its support. Melbourne Beach Rotary Club President Taryn Rockwell stood up to thank the Town as well.

Vice Mayor Hoover asked if there was an estimate of how many attended – to which Mr. Ross replied – about 1,000. He said it was cold but people came out in spite of that.

Vice Mayor Hoover then addressed Town Manager Mascaro to let her know there was no soap in the women’s restroom and asked her to make sure Public Works makes regular checks on those facilities.

Commissioner Runte thanked Mr. Ross and Ms. Rockwell for the event and said he had a lot of family in Town that day and was very proud of the event and the opportunity to show off our community. He also suggested a post-event meeting to discuss what worked – what didn’t - and lessons learned.

*Thijs Stelling
Melbourne Beach Exxon*

Mr. Stelling said he has heard a lot of businesses are closing down due to the Novel Coronavirus (COVID-19) and he wanted to know how local shops and residents can get up-to-date information on the pandemic, including closings and restrictions.

Mayor Simmons responded that the community can visit the Town website for updates – as well as the Town’s social media pages – and in addition, the Mayor said he is sharing information as it comes in through his email list – which he said is open to everyone to sign up for.

Mayor Simmons then went over some of the current restrictions in place including; reduced capacity limits at restaurants, bar closures, and he stated that while beaches are currently open, the county requested all beach and park - parking lots – are to be closed – so access to these areas is restricted to walk-up and bicycle traffic. He also said if people go to the beach – they cannot congregate in groups larger than ten – and noted that earlier that day the beach was jam packed.

Mayor Simmons said extreme measures are being taken because we are in the middle of an extreme situation.

Commissioner Quarrie told Mr. Stelling that he may want to check and see what his restrictions as a service/gas station may be – to which Mr. Stelling replied that nobody he’s called seems to have any good answers.

Mayor Simmons said the situation is constantly evolving.

Mr. Stelling said he is very busy cleaning and fueling customers up all day long. He said water is flying off the shelves but he can still get plenty of food items in and the gas supply is good.

Commissioner Runte questioned why water is being sold out and reasoned that many people are programmed to think of a hurricane and react in that vein – but this is a different situation.

Mayor Simmons then asked the Commission to join him in giving a status update with any information they could share related to the pandemic. He proceeded to say that Ryckman Park is open and said he spoke to the Town of Indialantic where they are keeping parks open – but added that may change tomorrow.

Commissioner Runte said that people can sign up for alerts from Brevard County Emergency Management by simply texting a request from a cell phone and then text updates will come through every couple of hours.

Mayor Simmons said he sends out updates via an email distribution list wherein he typically shares agenda items and meeting summaries – but during hurricanes he sends regular updates - and now will offer updates on the virus. Anyone can join by sending him an email.

Commissioner Quarrie said that a manager she knows at Home Depot is no longer selling cleaning products – instead they are keeping them for employees – and she suggested Mr. Stelling do that too.

Mayor Simmons shared the fact that Melbourne Beach Rotary Club President Taryn Rockwell asked him to keep her informed of people who are in need at this time including the elderly, those who have lost jobs, shut-ins, etc. He encouraged people to let him know of anyone in need and he would pass that information along to Ms. Rockwell.

The Mayor encouraged residents to help their neighbors in need with anything they can – like shopping - and said that this is going to last a lot longer than we may think. He also said if there is any silver lining, it's that we can re-establish social connections and look out for each other.

Mayor Simmons added that all facility rentals are cancelled and refunds will be issued.

Frank Thomas
606 Atlantic Ave.

Mr. Thomas encouraged people to visit the public library – which he said is open – and in his opinion – is the best entertainment deal you can find.

Dan Brunger
400 6th Ave.

Mr. Brunger said he hasn't heard too much about possible changes to RV restrictions and wanted to know the status on this issue. Mayor Simmons replied that the Commission would be discussing that issue tonight.

Mr. Brunger said another issue he wanted to follow-up on was a letter he sent to the Mayor pertaining to the prohibition of weapons in Town during times of emergency. Mayor Simmons responded that the Town will comply with state laws.

VII. Approval of the Agenda

Commissioner Walters asked that under New Business, item 11 (C) is removed from the agenda.

Vice Mayor Hoover made a motion to approve the agenda as amended ; Commissioner Runte seconded. Motion carried 5-0.

VI. Consent Agenda

No consent agenda

IX. Public Hearings

A. First reading of Ordinance 2020-02, regulation of vacation rentals - Town Attorney Repperger

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, FLORIDA CREATING AND ADOPTING A NEW CHAPTER 74 OF THE TOWN OF MELBOURNE BEACH CODE OF ORDINANCES RELATING TO "VACATION RENTALS;" PROVIDING A GENERAL FRAMEWORK FOR THE REGULATION OF VACATION RENTALS; PROVIDING AUTHORITY, SCOPE AND PURPOSE; MAKING FINDINGS OF FACTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR APPEALS; PROVIDING FOR CONSTRUCTION OF CHAPTER; REQUIRING VACATION RENTAL REGISTRATION; PROVIDING REQUIREMENTS FOR REGISTRATIONS AND INSPECTIONS; PROVIDING DUTIES OF VACATION RENTAL OWNERS AND RESPONSIBLE PARTIES; PROVIDING MINIMUM LIFE/SAFETY AND OPERATIONAL REQUIREMENTS; PROVIDING MAXIMUM OCCUPANCY AND GRANDFATHERING OF OCCUPANCY; PROVIDING GENERAL CODE COMPLIANCE REQUIREMENTS FOR VACATION RENTALS; PROVIDING FOR REQUIRED POSTING AND LEGAL AGREEMENT REQUIREMENTS; PROVIDING FOR EXEMPTIONS; PROVIDING A SERVERABILITY/INTERPRETATION CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

Mayor Simmons suggested going through the Ordinance - page by page - for any edits or comments.

- Mayor Simmons asked if the Commission agreed to add the word “potentially” to page 4 (13).

Vice Mayor Hoover said he suggested the addition of “can be” earlier in the sentence. Commissioner Quarrie said she is fine with “can be” - but up in the air over the use of the word - “potentially.” Mayor Simmons said he is OK either way. The Commission agreed to keep the statement as corrected.

- Referring to page 8 (8) Commissioner Quarrie questioned a sentence that read “but must be scaled to appropriate dimensions” - and thought it should instead read – “must be to scale.”

The Town Attorney said he could add the phrase - “dimensions in scale” - in parenthesis. Commissioner Runte suggested they say - “must include dimensions.” Mayor Simmons said it should say - “must be scaled, must show dimensions, and must show scale” – the Commission agreed with Mayor Simmons and Town Attorney Repperger agreed to edit the wording.

- On page 12 of the Ordinance, Commissioner Runte asked the Town Attorney to explain the special note that read: TOWN STAFF EVALUATING PUBLIC PARK LOCATION DISTANCE REQUIREMENTS.

Town Attorney Repperger said this may change depending on establishing the park locations throughout Town. For the benefit of the audience, Mayor Simmons explained that this has to do with sexual offenders and the fact that the current code is quite prohibitive as to where they can live –or rent. He said the location of Town parks affects this – so the Town is checking to see if there are any areas in which sexual offenders are allowed.

Town Manager Mascaro said she spoke to the Police Chief and learned there are two very small areas in town where sex offenders are allowed to stay. She also explained that the process sexual offenders are required to follow states that sex offenders must register with the BCSO and then the Town Police are notified. Town Manager Mascaro said the chief also told her that sexual offenders have been found to be living in the sea rapes along the dunes.

Commissioner Runte said the two locations allowed are assuming that they

register. He added that current verbiage in the Ordinance requiring vacation rental owners to verify a sexual offender renting one of their units has properly registered is a second check and balance and he's unsure why it's been such a challenge to accept.

Mayor Simmons pointed out that if the owner doesn't ensure they register – they can take that owner's license away and he doesn't think that is reasonable. Instead he believes the verbiage should be in the rental agreement they sign.

The Mayor said he would entertain striking sections C and D that relate to making the owner or responsible party liable for ensuring sexual offenders register with BCSO (C) and requiring the owner or responsible party inquires at check-in if any guest of the vacation rental is a sexual offender (D) – and instead make the language part of the rental agreement the renter must sign.

Vice Mayor Hoover made a motion to strike sections C and D and add it to the rental agreement; no second. Motion failed.

- On Page 14 of the Ordinance (3) Mayor Simmons asked if the Commission wanted to do as Mr. Emerson had suggested during the recent workshop – which was to require that the owner have one smoke and carbon monoxide detector with audio and visual warning capabilities that can be temporarily installed.

The Mayor said that during the workshop, Mr. Emerson explained the expense of these type of units is prohibitive and requiring one in every unit is very expensive when all that is needed is one unit to be stored that is used on an “as-needed” basis when requested by a guest who is hearing-impaired. Commissioner Quarrie said it's a lifesaving issue and Vice Mayor Hoover agreed and said the idea of moving one unit back and forth seems unrealistic. He felt it's better to keep one in each unit.

Commissioner Quarrie made a motion to approve the draft ordinance as amended for a second reading; Commissioner Runte seconded. Motion carried 5-0.

X. Old Business

- A. Consideration of revising Ordinance 7A-67 – Review recommended changes to the Ordinance by the Planning & Zoning Board.

Mayor Simmons explained that the Commission requested this issue go to Planning & Zoning for their recommendations and after meeting March 3, 2020, they made the following recommendations:

- The maximum length of boats with trailers and RVs not exceed 45-feet.
- RVs allowed to be connected to electric for purposes of maintenance only.
- Time allowed for loading and unloading boats and RVs changed to 48 hours (was 6 hrs).
- Require a three-foot setback from the side lot line for parking.
- Corner lots must have a fence or vegetative cover that substantially shields boat or RV from view – but it is not required to totally shelter it from view.

The Mayor said the P & Z board considered a motion to recommend separating boats and RVs in the code – but it didn't pass. However he said they asked the Commission to consider the issue.

Going through the recommendations one by one, discussion stalled on the first recommendation of increasing length limits because Vice Mayor Hoover had some reservations – so they moved on to allowing RVs to connect to electric for maintenance only – and all agreed.

Moving on to allowing 48 hours for loading and unloading boats – Vice Mayor Hoover asked what the current allowed loading time is.

Commissioner Quarrie responded that it is currently six hours

Mayor Simmons said it used to take his parents a week to get their RV ready.

Vice Mayor Hoover said 48-hours is reasonable and Commissioner Runte and Commissioner Quarrie agreed so the recommendation was accepted.

The Mayor said one of the recommendations for was a three-foot setback from the lot line for parking.

Commissioner Quarrie said she didn't think this was necessary and didn't want to mandate any setbacks. Commissioner Runte, Commissioner Walters and Mayor Simmons agreed. Vice Mayor Hoover wanted to keep the three-foot setback.

After some discussion on whether the use of Bamboo can create an invasive issue and taking into consideration the opinions of Commissioner Quarrie and Commissioner Runte who believe that if you don't like the way a neighbor's yard looks – you should shield the view with shrubs or other vegetation, the Commission was in unanimous agreement to accept the recommendation that the fence or vegetative cover on corner lots should substantially screen a boat or RV from view – but is not required to totally shield it from view.

The Mayor then asked if there was any discussion on the issue of separating boats and RVs in the code.

Commissioner Quarrie asked if agreeing to this would require having to rewrite the whole section and the Mayor responded that he thought it would.

Commissioner Runte asked if they could get more information on the intent of this request and learn more about the specific differences between boats with boat trailers and RVs.

Town Manager Mascaro said the issue is one of height and RVs are considered by some to be more offensive because of their massive structure.

Public Comment

*Chris Schultz
409 Hibiscus Trail*

Mr. Schultz said Planning & Zoning was tasked with the issue of recommending a change in length limits – not separating them in the code – or discussing having neighbors take responsibility for shielding eyesores on their own. Mr. Schultz said he felt the Planning & Zoning Board was biased. He then referred to an unappealing bus he said is parked on Flamingo Ave. and pointed out that changing the Ordinance from 25-feet to 45-feet would allow school buses such as this in Town.

He said RVs are already being used as temporary housing units and we do not want Melbourne Beach to become an RV park because he said it violates our personal, peaceful domain.

Mayor Simmons wanted to clarify that Planning & Zoning is an advisory board and the Commission does not require their consent.

Commissioner Runte asked Mr. Schultz how the issues are going with his neighbor and wanted to know if they've gotten better.

Mr. Schultz said yes – and added that he reports his issues to the Town online with photos.

Commissioner Runte asked how long his issues have been going on –estimating it was about five years.

Mr. Schultz said yes it has been five years and that the RV in question creates a billboard affect because it extends 8-feet above his fence and is massive. He said Realtors have told him they can't conduct showings of his house because of the neighbor's RV – and asked the Commission to “do the right thing” adding that Melbourne Beach is a cute Town and we can't just give it away by following destructive trends. He said he wants to see action.

Commissioner Quarrie asked Mr. Schultz why he hasn't put in a hedge or any other plants in to cover it - if he has been dealing with this issue for five years.

Mr. Schultz responded that the RV is taller than his house and reaffirmed that the code is 26-feet.

*Doug Hilmes
443 Riverview Lane*

Mr. Hilmes told Town Manager Mascaro he was disturbed she hasn't followed up with Mr. Schultz on these issues. He said when he filled out a form online – he cc'd her - and didn't get a response.

Mr. Hilmes said he agrees with Mr. Schultz and believes a 45-foot RV is long and imposing. He said the second issue he wanted to bring up is a correction to the Planning & Zoning draft minutes in that the recommendations to the Commission were made by a motion that was seconded and passed with 3 ayes and 2 nays.

Mr. Hilmes went on to say that boats are not as imposing because very little sticks above the fence and separating RVs from boats made sense but his fellow board members say it will cost more to make the change and the motion failed 2-3. He feels most restrictions should apply to RVs. Mr. Hilmes said one thing that disturbs him about Mr. Schultz's situation is that his neighbor put the sides out on his RV and he had water and sewage lines attached.

As a waterfront property owner, Mr. Hilmes worries what would happen if someone on a neighboring property brought in an RV that blocked his view and told the Commission that if they don't think there are derelict RVs in Town – there are.

He asked the Commission to imagine how they would feel if an RV like the one neighboring Mr. Schultz's property – was parked near their property – and added that he doesn't feel it's fair to ask a neighbor to be responsible for screening that kind of RV. He then suggested the Commission members visit Mr. Schultz's house so they can see the RV in question for themselves.

Mr. Hilmes said if we allow a 120-square foot, 9 ½ foot tall shed against a neighbor's fence – they should understand that a 45- foot RV is a wall.

Mr. Hilmes also stated that the Planning & Zoning board feels 48-hours is a good time for loading and unloading boats – but if the Commission decides to extend that time – they should also consider limiting how many times an owner can do it within a 30-day period.

Deborah Marchese
310 1st Ave.

Ms. Marchese wanted to point out that it wasn't just Commissioner Quarrie who felt that property owners should take steps to shield eye sores on neighboring properties themselves. She said a lot of people feel that way. Ms. Marchese said she has a decrepit house behind her and an RV next to her and she planted beautiful Areca Palms to shield the offending views. She believes that if you are offended – either get over it or do something yourself – and as far as a view – she said you own the view up to your property line. Ms. Marchese added that there has been a cargo trailer parked on 1st Avenue for two weeks.

Thijs Stelling
Melbourne Beach Exxon

Mr. Stelling said there are a lot of people who like both RVs and boats – including himself. He added that these days you can buy an RV worth more than a home. He feels that if you don't like them - it's a personal agenda and said there is no RV in this world that is 15-feet tall. RVs go out on the sides – not up - and he thinks the maximum height is 12.9-feet.

Mr. Stelling said that if you come to his house, he has and RV in the driveway and his neighbor - Holly Maiden (a realtor) - loves it. Mr Stelling said his property value goes up with an RV but he can understand the concern over people living in them. He said the maximum length of an RV is 45-feet and he did not think they make them longer. He believes it's all personal. Some people like a boat –some like an RV – and he likes both. He said he also likes when his neighbors have toys they can play with and to say it depreciates values is not correct. Mr. Stelling said he made a big driveway for his RV.

Dan Brunger
400 6th Ave.

Mr. Brunger said he owns an RV and his neighbor owns a boat and it's a personal preference because it's your property. He said we should be able to do what we want on our property, but agreed, there are some eyesores in Town. He asked if the proposed setback applies to corner lots and if someone can have an RV on a corner lot as long as it is substantially covered.

The Mayor told him that is what is currently being discussed.

Mr. Brunger thanked the Commission for extending the loading time to 48-hours but wanted to know who would be monitoring this because he feels that some codes are enforced while others are not.

Mayor Simmons said code enforcement randomly drives through Town - many times at odd hours, evening and weekends to find violations. The Mayor said they do not want to put any neighbor in the position of having to report on another.

Mr. Brunger said he felt more code enforcement action needs to be taken. For example, he said there is an above-ground swimming pool on Andrews.

*Doug Hilmes
443 Riverview Lane*

Mr. Hilmes said he wanted to correct one thing – the height of the RV near Mr. Schultz is 13-feet, 3-inches tall.

Mayor Simmons asked the Commission if they wanted to develop an ordinance for boats and RVs together or separately.

Vice Mayor Hoover said they are two different things so we should separate them.

Commissioner Walters, Commissioner Runte and Mayor Simmons each agreed that RVs and boats should be separated in the code.

Commissioner Quarrie said she's not sure where she stands because while she agrees with the sentiments given at this meeting and in previous meetings, she believes an eyesore is a matter of opinion and said that some of the eyesores we have in Town are a much bigger issue than the height of a million-dollar RV.

Commissioner Quarrie said that she and many others will plant – or have planted a hedge if something is offensive about a neighboring property, but said personally she is not offended by a million-dollar RV.

Commissioner Walters said this whole thing started last May when Mr. Schultz tried to get some resolution on the RV issue because someone was living in it and you can clearly see from the road that it's over 26-feet. In fact, he said – it's huge but the code enforcement officer recently wrote a letter to the neighbor of Mr. Schultz that stated he was not in violation - and that upset Mr. Schultz.

Commissioner Walters said the Town needs to do a better job of enforcing the codes so no one thinks they are being singled out and then he believes 99-percent of people will comply. Commissioner Walters went on to say that if you have a 45-foot long RV it wouldn't personally offend him - but if people were living in it

– then it definitely would. He thought that Mr. Hilmes made good comment about separating them because he has water view and the question is - do your rights end when someone else's begin? Commissioner Walters said that's the determination to make.

Mayor Simmons said you are absolutely right that code enforcement should be proactive and not reactive but as far as whether someone is living in an RV, it takes more than having a couple lines hooked up to prove it and we have limits on entering property. He said if we know someone is in violation in the moment - we can cite them at the time - but that can be a challenge.

The Mayor explained that code enforcement misinterpreted the Commission's moratorium and instead of applying it just to corner lots – code enforcement thought it was a moratorium on all properties.

Commissioner Quarrie said she agreed with changing the length limit to 45-feet for both RVs and boats.

Vice Mayor Hoover said he feels strongly about the small town feel of Melbourne Beach but also believes in an individual's right to have what they want on their own property. He asked if 45-feet is the largest possible length for an RV and suggested considering an alternate limit instead of 45-feet – such as 32-foot.

Commissioner Quarrie said a 45-foot RV is as big as they get - but who is going to go out and measure them because an RV a few feet smaller has the same visual impact so unless the Town wants to change the fence height restrictions and allow people to put in a much higher fence - she's not sure how to enforce that.

In relation to the three-foot setback suggested by Planning & Zoning, Commissioner Walters asked if there is a 20-foot boat why they can't have it two-feet from the lot line and suggested that perhaps boats should be allowed closer to the fence - but not RVs. He said he's fine with a three-foot setback for RVs.

Commissioner Quarrie said she can't see it.

Commissioner Runte said he doesn't feel he has enough knowledge about RVs to understand why they should be separated from boats.

Commissioner Walters explained one of the issues people have with RVs is that the sides can be put out and then he said - it's in your face – not just on the far side of a lot.

Commissioner Quarrie said the suggestion was made to require they are stored in a collapsed state.

Commissioner Runte said if someone is storing an RV on a lot with the sides extended out – it's likely someone is living in it.

Mayor Simmons proposed no setback requirements – require that RVs are stored with collapsed sides – and require corner lots shield – but are not required to fully shield.

Commissioner Walters suggested increasing size of the fence height limits.

Commissioner Runte said that would be an eyesore.

Mayor Simmons asked if the Commission could come to some agreement on wording for the screening requirement for corner lots and said he thought the phrase – “substantially shield from view” was acceptable.

Vice Mayor Hoover asked if they should have some clarification on the verbiage – “substantially shield from view.”

Town Attorney Repperger said it was up to the discretion of code enforcement.

Mayor Simmons then suggested they go back to the issue of the recommended change in length to 45-feet.

Commissioner Runte said he has one 22-foot boat with a trailer. Originally, he said, he parked it on his side yard – but personally thought it was an eyesore – so he put it on a lift. He said he also had a neighbor with an eyesore on their property and he decided to plant hedges to obscure it. Commissioner Runte said those hedges are beautiful now and feels that if people consider something on their neighbor’s property an eyesore – but it is up to code – then it is up to you to take care of it. He said he supports increasing the length to 45-feet.

Commissioner Walters said he keeps seeing Mr. Schultz’s neighbor’s RV and said if that was parked in his neighborhood - he would be mad. Commissioner Walters said he thinks they should have a limit on length but isn’t sure what that should be - so he said he would vote with the majority.

Vice Mayor Hoover said he thinks one of the reasons he loves Melbourne Beach is that it’s not an HOA community with restrictions and residents have the ability to do what they want with their property. So in this case, he said, those rights outweigh his preference for a small town and he supports the change to 45-feet.

Commissioner Quarrie said she thinks RVs should be 45-feet.

Mayor Simmons said he understands the importance of property rights - and also sympathizes with residents who feel there is an eyesore in their neighborhood – because, he said – he has lived through it himself. He continued to explain that when he moved to Melbourne Beach there was someone who didn’t want to take care of their house living nearby and he had to deal with it himself (by installing a hedge). Mayor Simmons said that setting the limit at any length is arbitrary – and he believes many things have gone way out of scale because everyone wants one bigger than the person next door. He said that before he commits to agreeing

to the length increase, he wants to make sure code enforcement starts enforcing the rules better by being more aggressive. The Mayor said he has been hearing the same complaints about fallen trees, mosquito breeders, etc. since he took office and said we need code enforcement to get going because we don't want people to have conflict with their neighbors so we have to enforce current codes across the board. That said, Mayor Simmons agreed with the length increase to 45-feet.

Commissioner Quarrie made a motion to direct the Town Attorney to develop separate requirement sections for boats and RVs; increase maximum length of each to 45-feet with no height restriction; mandate that RVs can connect to electrical for maintenance purposes only; require that RV side-room extensions can only be extended for loading and unloading; increase loading and unloading time from six hours to 48 hours; establish no minimum setback distance from the side property line; require that RVs and boats on corner lots must be substantially screened but not completely shielded from view by vegetative cover or fence; Commissioner Runte seconded. Motion carried 5-0.

XI. New Business

Mayor Simmons said that when he reviews the draft minutes in advance he may embed questions in them for the clerk – but once they are answered – those notations can be removed. The Mayor noted there were a few such places in both the workshop draft minutes as well as the RTCM draft minutes where questions were subsequently answered - and so - in the future - those types of notations can be removed by the clerk before Commission approval.

- A. Consideration of the February 19, 2020 Regular Town Commission Meeting draft minutes – Interim Town Clerk Torres

Commissioner Quarrie made a motion to approve the minutes as amended; Commissioner Runte seconded. Motion carried 5-0.

- B. Consideration of the March 4, 2020 Town Commission Workshop draft minutes – Interim Town Clerk Torres

Commissioner Runte made a motion to approve the workshop draft minutes as amended; Vice-Mayor Hoover seconded. Motion carried 5-0.

- ~~C. Consideration of request by Commissioner Steve Walters to have his statement attached to the RTCM minutes of January 15, 2020. Removed~~
- D. Consideration of Resolution 2020-03 – Increasing U.S. Census Bureau awareness and participation.

Mayor Simmons was contacted by former Florida Senate President Mike Haridopolos and former Florida Speaker of the House of Representatives Steve Crisafulli to assist with getting the word out about the importance of participating in the US Census by asking the Commission to pass a Census Resolution.

Mayor Simmons made a motion to pass Resolution 2020-03; Commissioner Runte seconded. Motion carried 5-0.

XII. Staff Reports

A. Town Attorney Report

Town Attorney Repperger advised the Commission that the State Legislature did not pass any items in relation to vacation rentals this year– so he said - the Town’s interests are safe for now.

B. Town Manager Report

Before beginning her report, Commissioner Runte addressed Town Manager Mascaro and told her he appreciates that she has kept everyone in the loop with all the Pandemic-related updates – and to keep it up. He also wanted her to know that the Commission is here for her with any support she needs.

Town Manager Mascaro said discussion about the beach parking lot at A1A/Ocean Ave. will be postponed to a later date and wanted to begin her report with a recently created draft of a Pandemic Response Protocols Personnel Policy and A Proclamation of the Town of Melbourne Beach Florida Declaring a Civil Emergency/State of Local Emergency.

She explained that under the current employee handbook, in a natural disaster, our employees are paid time-and-a-half and double-time, a process that works during a hurricane but she said because this Pandemic is something that could go on indefinitely, the response should be different.

Town Manager Mascaro said she spoke to a labor attorney about adding a different policy to our handbook that detailed the Town's pandemic response that incorporated no change in staff pay rate. After that discussion, the Town Manager created a draft, which handed out to Commission members to review.

Town Manager Mascaro said this is the Town's first pandemic policy and explained that she wanted to declare an emergency – as many other municipalities had done - so we have access to certain funding and can take specific public safety actions but said she hesitated because paying out time-and-a-half or double-time pay could literally bankrupt the Town after paying those kind of wages for 30 days.

Mayor Simmons explained to the other Commission members and those present that the Town was not going to declare an emergency solely because of the mandated increase in salaries of our current policy – but – he said, the Town Manager spoke to a labor attorney today and he directed her to come up with a separate policy to address this.

One other thing to note, the Mayor added, is that when we declare an emergency for a hurricane - the increase in salaries is reimbursed through FEMA – but this type of emergency is not – so, he said, the Town Manager was in between a rock and a hard place.

Town Manager Mascaro said the policy can be edited further down the road but it was necessary to create this document today to ensure we had a policy in place – and also ensure minimal contact between Town staff and the general public.

Town Attorney Repperger said there were a few stylistic edits to make and noted that it addresses quite a bit more than just employment style. He pointed to the section under wages and salary – and said this is not just wage and salary.

The Town Attorney asked if the Commission would consider allowing the policy's implementation without a convening board and allow her authority without the necessity of a Commission meeting.

Commissioner Walters said he wanted more time to go over the policy but Mayor Simmons said if they don't decide tonight they will have to have another meeting – and given the uncertainty of the current pandemic – future meetings could be cancelled for a while.

Commissioner Quarrie asked Town Manager Mascaro how she would determine if staff can work remotely if necessary.

The Town Manager said she knows who can work remotely and who cannot – for example she said – the Town Clerk can work remote because of her duties – but the Public Works Supervisor could not work remotely – but she said, that issue can be flushed out later.

Town Manager Mascaro said the Building Department is looking at limiting interaction with the public which may involve closing the lobby.

Commissioner Quarrie asked if we needed to construct some kind of drive-in teller for document drop-off.

Town Manager Mascaro said we can do most everything electronically and including accepting payments electronically. Town staff would still be working in the office – but the work area would be closed off to the public.

Commissioner Quarrie asked the Town Manager if she felt it necessary to restrict interaction between employees as well – and Town Manager said remote work is possible for some – but not others.

Commissioner Quarrie said she felt comfortable allowing the Town Manager to decide what is best for the Town's employees.

Commissioner Quarrie asked where the policy addressed no additional pay under this pandemic circumstance – and the Town Manager replied that it doesn't refer to it – because there is no change in pay.

Commissioner Runte said that in his opinion, not declaring an emergency would be a mistake

Mayor Simmons agreed with giving the Town Manager such authorities to deal with the policy in lieu of a Commission quorum – but suggested that authority be practiced in consultation with the Mayor – or another Commission member – with permission for funds to be extended to the Town Attorney if necessary.

The Commission agreed that edits to the policy would be made by the Town Manager in consultation with department heads – and in consultation with Mayor Simmons.

Commissioner Walters expressed the desire to be kept informed.

Mayor Simmons agreed and asked that verbiage be added that the Town Manager will keep Commission members informed of all developments.

The Town Attorney said the Commission can decide when the pandemic policy is no longer in effect.

Town Manager Mascaro then asked the Commission what their opinion is on how - or if - Town staff will be paid - in the event Town Hall is forced to close.

Commissioner Walters said that type of situation would not be their fault and they should all be paid their salary. All members of the Commission agreed with this sentiment – and Commissioner Runte added that Town money would still be coming in so it would not be a case of going over budget – because all the salaries are budgeted in already.

Town Manager Mascaro asked what the Town can do to make the situation easier and more convenient for builders and current construction needs.

Commissioner Runte said not to be afraid of technology - everything should be digital and the Town should make use of videos, Face Time, photos, etc. so construction isn't slowed down. He added that in his opinion, Planning & Zoning should plan to meet virtually so as to be able to review and approve site plans

Town Manager Mascaro said we are not stopping inspections, and unless Safe Built restricts them at some point, we will continue inspections because, she said, we are here to support people and keep things moving along.

Mayor Simmons asked the Town Manager to work with Town Attorney Repperger to stay updated on Sunshine Law changes regarding virtual meetings, etc

Town Attorney Repperger said the Governor is currently looking at Sunshine rules related to a present quorum.

Commissioner Quarrie asked what if our volunteer P & Z members don't want to expose themselves to any risk by holding a meeting.

Mayor Simmons said that while Planning & Zoning is an advisory board, the Commission has to go to them first with certain issues.

Town Attorney Repperger said in a state of emergency we can ask for a change in requirements and if we need to bypass Planning & Zoning, we can do that.

Commissioner Runte said he really did not want parks or beaches to close unless things get absolutely insane because people need something to do.

Commissioner Quarrie asked how we keep the playground sanitary and Town Manager Mascaro replied – we can't. She said they may post signs about using the park at your own risk.

Commissioner Quarrie made a motion to approve drafts of the Pandemic Response Protocols Personnel Policy and a Proclamation of the Town of Melbourne Beach Florida Declaring a Civil Emergency/State of Local Emergency, with permission for the Town Manager to make edits to these policies in consultation with department heads and Mayor Jim Simmons, and also keeping all Commission members informed of developments; Commissioner Runte seconded. Motion carried 5-0.

Town Manager Mascaro said the police department would like to take part in a beachside police contest sponsored by Puzzle Box Academy to promote Autism Awareness Month in April that includes a gala at the Hilton Rialto April 3rd.

Vice Mayor Hoover asked if that would be promoting a business. Commissioner Runte noted that the gala will likely be cancelled. The Commission agreed to accept a proposal for one police car to be wrapped at no cost – with an Autism Awareness theme and to allow this car to be entered in a contest sponsored by Puzzle Box Academy.

Town Manager Mascaro said Citizen of the Year ballots would be distributed to each Commission member by Interim Town Clerk Jennifer Torres - with two selections – from which they would choose one name – and then the ballots would be collected and kept by the clerk until an announcement was made.

Town Manager Mascaro welcomed Jennifer Torres as the new Interim Town Clerk and Katie Cox as the new Administrative Assistant.

C. Town Clerk Report

No report

D. Departmental Reports:

1. Building Department – No comments or questions
2. Public Works Department – Public Works Supervisor Tom Davis asked the Commission how they liked the newly painted Community Center and all agreed it looked very nice. He also pointed out the removal of the invasive plant *Vitek Rotundifolia* (Beach Vitex) at Ocean Park which had greatly improved appearance. Mayor Simmons said he would like to pat the whole department on the back and added that they are doing great. In regard to closing the beach parking lots due to county-wide order – Public Works Supervisor Davis said they would mark off the area and leave an opening to the beach wide enough to be ADA compliant and allow bicycle and pedestrian access.
3. Code Enforcement – No comments or questions.
4. Police Department – No comments or questions.
5. Fire Department – No comments or questions.
6. Finance Department – February 2020 finance report

Commissioner Quarrie made a motion to approve the February finance report; Vice Mayor Hoover seconded. Motion carried 4-1 with Commissioner Walters dissenting.

XIII Site Plan Review – 1904 Rosewood Drive (added to agenda)

Commissioner Runte made a motion to approve as presented; Commissioner Quarrie seconded. Motion carried 5-0.

XIV. Town Commission Comments

A. General Comments

- Commissioners were each given a secret ballot with two selections for Citizen of the Year. The completed ballots were collected by Interim Town

Clerk Torres and the winner will announced at Founder's Day or (if postponed) will be announced at a TBD date.

- A discussion on whether to officially postpone Founder's Day culminated with the decision to "wait and see" what happens as the date gets closer.

B. Review of Commission Action List

3 new items

- Address Frank Thomas's complaints about condition of Oak trees on Oak Street
- Employee six-month evaluations
- Town Manager evaluation

2 closed items

- Sediment control
- Pool water discharge

11 updates

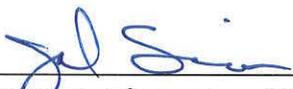
- Vacation Rental Ordinance – 2nd reading at RTCM April 15
- Research availability and compensation for Building Officials – TM presented information about salary and discussed starting a search. Mayor said salary can't exceed \$95,000. Further discussion pushed to September.
- Establish salary ranges – pushed to June, 2020
- Sheds on corner lots – Send to P & Z. Push to June, 2020
- Street Paving and repaving plan – Start some repairs and come up with yearly plan at scheduled workshop
- Code Enforcement Magistrate – Push to April, 2020
- Beach Access Parking - Discuss at May, 2020 workshop
- Investigate grant opportunities for water retention along Oak and county roads – Look into possibility of purchasing land as they did in Indialantic, possible grants. Push to June RTCM.
- HR Policy for social media retention – TM Mascaro said she learned if a Commissioner makes a comment on a Town issue on social media, the Town will not receive lawsuit support. Pushed to May RTCM.
- Charging stations – Get with Tesla to see what they have to offer – perhaps have one installed at no cost. Push to May Workshop.
- Storm water issue at 2nd & Pine – PW Supervisor Tom Davis will monitor. Pushed to July RTCM.

XV. Adjournment

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

The meeting adjourned at 9:32 p.m.

ATTEST:



James D. Simmons, Mayor



Jennifer Torres, Interim Town Clerk

