

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING WEDNESDAY JANUARY 15, 2020 at 6:30 p.m. COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

**The Town Commission conducted a Regular Town Commission Meeting
on Wednesday January 15, 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
Town Clerk Nancy Wilson
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

Town Clerk Wilson conducted the roll call.

Commissioners Present:

Mayor Jim Simmons

Vice Mayor Wyatt Hoover

Commissioner Steve Walters

Commissioner Sherri Quarrie

Commissioner Corey Runte

Staff Present:

Town Manager Elizabeth Mascaro

Town Clerk Nancy Wilson

Fire Chief Gavin Brown

Public Works Supervisor Tom Davis

Town Attorney Clifford Repperger

III. Pledge of Allegiance and Moment of Silence

Led by Mayor Simmons

IV. Presentations

- A. Proclamation recognizing Will Lucas' contributions to our community and for his recent induction into the East Coast Surfing Hall of Fame

Mayor Simmons read the proclamation that posthumously recognizes Will Lucas' contributions to Melbourne Beach and his induction into the East Coast Surfing Hall of Fame. Mrs. Lucas and Bill Tweedie from the *Florida Surf Museum* were in attendance to represent Will.

- B. Proclamation recognizing the 100th anniversary of the Melbourne Beach Community Center

Mayor Simmons read the proclamation recognizing the 100th anniversary of the Community Center and presented it to Frank Thomas, Town Historian and Bruce Morgan.

There was a break for refreshments and the meeting reconvened at 6:45 p.m.

Commissioners Present:

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

Staff Present:

Town Manager Elizabeth Mascaro
Town Clerk Nancy Wilson
Fire Chief Gavin Brown
Public Works Supervisor Tom Davis
Town Attorney Clifford Repperger

C. Public Works quarterly report

Public Works Supervisor Davis gave a rundown on all the accomplishments in PW since his last report. He handed photos to the Commission members showing before and after pictures of stormwater drains after the ditch witch had vacuumed them. The work yielded a huge pile of dirt that may be nutrient dense and could be used in Ryckman Park. Mr. Davis will have the dirt tested by University of Florida IFAS to ensure it doesn't contain toxins.

In conclusion, the PW Supervisor handed the Commission members a picture of a lift vehicle that the Town could purchase for \$8,500. He outlined its many uses including tree trimming which would save them \$2,800 per year. Additionally, by trimming the palm trees in Town, they could save \$1,450 per year. The cost to rent a lift is \$417/day. A ladder could be used for some of the listed uses but they are dangerous. When asked, Mr. Davis said he performed research on available/affordable lifts through wholesalers; the one he is requesting is from *Altec Cable Trucks*. The side reach is 21 feet and the skyward height is 34 feet.

V. Boards and Committees

Request by the Parks Board for Jason Judge to be replaced by Ed Struttman as Chairman (both appointed on 2/20/19 to the Parks Board; terms to expire on 2/20/21)

This notice was for informational purposes and didn't require a vote.

VI. Public Comments

*Kate Wilborn
502 2nd Avenue*

Ms. Wilborn asked for an update on the Town's stormwater management plans. She said the house on the northwest corner of Pine and 1st is under contract but hasn't closed so the opportunity may still be there to purchase it. Next, she commented that the retention area on 1st Avenue still isn't being used.

Debra Marchese

310 1st Avenue

Ms. Marchese gave pictures to the Commission members indicating that the beach access at 1st Avenue is a mess again due to grease buckets from the restaurant and open garbage cans. At the location where the hardware store previously stood, there is not a proper fence between the commercial property and their residential property and there are also electrical/cable wires on the ground that are connected to the power pole. Finally, in the park, there is an oak tree over the sidewalk that could hurt someone passing underneath it.

Kevin Diamond

Rock Harbor Church

Mr. Diamond said his congregation continues to grow and they now hold their services at Gemini Elementary. He wanted to greet the community on behalf of the church and in conclusion, led the audience in prayer.

Adam Meyer

214 Surf

Mr. Meyer asked what the ultimate plan is with the parking survey. Mayor Simmons answered that the results will be discussed at a meeting but there currently aren't plans for a follow-up mailing. Mr. Meyer commented that there's no information about the cost of the system that would be required in Ocean Park. In conclusion he said there will be a lot of residents who will benefit from being able to park at the ends of the streets. Unfortunately, the only people who will be negatively impacted are the people who live near those areas so he may have people parking in front of his house and he'll need to get permits for those visiting him. He suggested starting with a fewer number of streets to see how it works out.

Kim Cowles

214 Surf

Ms. Cowles referred to the survey where it reads "The parking issues listed below should be considered individually, however, if there is paid parking in Ocean Park, then Resident Only Street Parking should also be mandatory." She has issues with that because the survey shouldn't be telling her what should or shouldn't be done. She also thinks the survey is based on an incorrect premise because if people on Avenue A are having issues, those should be addressed

separately. Her suggestion is that each situation should be handled independent from others.

VII. Approval of the Agenda (00:54:42)

Mayor Simmons said that since most people remaining in the audience are present for the boat parking on corner lots issue, he recommended that the agenda item dealing with this matter be moved to Item A. under New Business.

Commissioner Quarrie made a motion to approve the agenda as modified, moving Item E. under New Business to Item A. under New Business; Vice Mayor Hoover seconded. Motion carried 5-0

VIII. Consent Agenda (00:56:58)

- A. Site plan review for 407 River View
- B. Site plan review for 522 Avenue A

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

IX. Public Hearings (00:58:28)

- A. Second reading of Ordinance 2019-06 amending and restating various provisions of the Land Development Code– Town Attorney Repperger

This ordinance addresses many of the Town's stormwater issues and includes requirements to increase the amount of stormwater that must be detained on property. The Town's Civil Engineer also must approve the detention plan. Town Attorney Repperger read the ordinance by title:

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING VARIOUS PROVISIONS OF APPENDIX "A" OF THE CODE OF MELBOURNE BEACH, THE LAND DEVELOPMENT CODE; AMENDING SECTION 3A-80 (b), AMENDING THE MINIMUM LEVEL OF SERVICE STANDARD FOR STORMWATER RETENTION; CREATING SECTION 3A-80 (d), WAIVING APPLICABLE EXEMPTION FROM DRAINAGE CONCURRENCY FOR SINGLE FAMILY RESIDENTIAL LOTS WHERE MODIFICATIONS OR RENOVATIONS EXCEEDING A FIFTY PERCENT APPRAISED VALUE THRESHOLD ARE MADE TO EXISTING RESIDENTIAL STRUCTURES; AMENDING SECTION 4A-238 (1), REMOVING REGULATIONS PERMITTING MINOR NONSTRUCTURAL FILL IN COASTAL HIGH HAZARD AREAS; AMENDING SECTION 7A-50 (e), PROHIBITING MARL AS A PERMITTED SURFACE FOR PARKING AREAS AND DRIVEWAYS; AMENDING SECTION 7A-51, PROVIDING FOR CIVIL ENGINEERING REVIEW OF

SITE PLANS, ADDING STORMWATER RETENTION AND DRAINAGE FROM PROPERTY TO SITE PLAN REVIEW, AMENDING SITE PLAN REQUIREMENTS TO INCLUDE ALL EXISTING TREES, OUTBUILDINGS, AND ACCESSORY STRUCTURES, REQUIRING PROFESSIONALLY PREPARED DRAINAGE PLANS, AND PROVIDING FOR CIVIL ENGINEER CONSIDERATION OF SUBSTANTIAL DEVIATIONS; AMENDING SECTION 7A-51.1, PROVIDING FOR CIVIL ENGINEERING REVIEW OF SITE PLANS, ADDING STORMWATER RETENTION TO SITE PLAN REVIEW, AMENDING SITE PLAN REQUIREMENTS TO INCLUDE MAJOR FEATURES AND FENCES, INCLUDING ALL EXISTING OUTBUILDINGS, ACCESSORY STRUCTURES, AND TREES, REQUIRING PROFESSIONALLY PREPARED DRAINAGE PLANS, AND PROVIDING FOR CONSIDERATION OF SUBSTANTIAL DEVIATIONS; AMENDING SECTION 7A-87, AMENDING USES UNDER SPECIAL EXCEPTION PROVISIONS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR THE REPEAL OF INCONSISTENT RESOLUTIONS AND ORDINANCES; PROVIDING FOR TRANSITION; PROVIDING FOR ENFORCEMENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

No changes to the ordinance have been made since the first reading, however, Mr. Repperger commented that the Commission may want to modify the proposed language in 7A-51(e) and 7A-51.1(f)(5) where the additional site plan requirements are found related to outbuildings, trees and accessory structures. On the development application, reflections of the minor features are required to be shown on the survey not the site plan. Given that the application has those requirements listed in the survey, the Commission may want to append the language in 7A-51(e) and 7A-51.1(f)(5) with “may be reflected on the survey.”

Vice Mayor Hoover made a motion to adopt Ordinance 2019-06 with the changes suggested by the Town Attorney; Commissioner Quarrie seconded. Motion carried 5-0.

- B. First reading of Ordinance 2020-01 regarding fund transfer and budget amendment approvals – Town Attorney Repperger (01:07:14)

Town Attorney Repperger read the ordinance by title:

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 15-6 TOWN CODE OF MELBOURNE BEACH, BUDGET AMENDMENTS AUTHORIZED, CLARIFYING FUND TRANSFERS AND BUDGET AMENDMENTS REQUIRING TOWN COMMISSION APPROVAL VIA RESOLUTION; DELETING SECTION 15-7 TOWN CODE OF MELBOURNE BEACH, TRANSFERS OF APPROPRIATIONS; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; PROVIDING FOR REPEAL OF

**CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR AN
EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.**

Commissioner Walters said that for fifteen years the Town had an Ordinance that stated clearly that the Town Manager could, with approval from the Commission, transfer monies from one line item to another line item within a department. It was changed because the Town Manager at the time was purchasing things not authorized by the Commission. That Ordinance was in effect and the Commissioners through the years understood it completely. With the proposed Ordinance, the Town Manager would be allowed to change line items at will within a department. The PD purchased a drone that was never discussed or budgeted. Our current Town Manager overspent the budget by almost \$50,000. \$20,000+ was because of Hurricane Dorian but the other part wasn't, which is against the law. No department head or manager can spend more than what is budgeted. All that the Manager has to do is bring the transfer request to the Commission for approval, she now does it after the fact. Commissioner Walters doesn't know why more money is being spent to create another Ordinance when the other one was so straightforward.

Mayor Simmons said the Commission receives a report every month from the Finance Manager that spells out every change that's made in the budget. The changes being discussed are, for instance, the Commission budgeted \$200 for boots and they ended up costing \$202; a budget resolution should not be required for that kind of transfer. The changes are, however, approved every month at the regular Town Commission meetings. The reason the budget was overspent is because in October there were more pay periods not accounted for but the overage was approved at the November Commission meeting.

Mari Williams
312 2nd Avenue

Ms. Williams said that what Commissioner Walters said makes sense. Oversight is good. She had no idea the Town purchased a drone; why did we buy it? Maybe there should be a cap over which the Town Manager can't make transfers but if it's under that amount, it's OK.

Mayor Simmons said there are two signatures on every check that is processed and the budget is reviewed every month; every expenditure is authorized. All this is about is if the Town goes to the trouble of drafting a budget resolution more than once a year. If a transfer is made between departments, a resolution is required. If a transfer is made in Public Works from trash pickup to tree trimming, a resolution is not required as long as

their budget isn't overspent. We get about a twenty page report every month that shows what was under expended and over expended. The Commission has very tight control over the budget.

Commissioner Runte said the Commission has a lot of macro-management policies in place; he doesn't think that micro-managing people who have been interviewed and who are qualified and capable is necessary. The reason why the Town has had so many Town Managers and so much turnover is probably because they were micro-managed. Town staff has an open door policy and anybody who has any questions is welcome to speak with them directly and request copies of public records.

Jane Waters

312 6th Avenue

Ms. Waters said she doesn't understand why there is so much controversy. Is the public not hearing all the sides? She said when one person speaks, another person disagrees so she doesn't know where the facts lay.

Commissioner Walters said she should request a copy of the proposed Ordinance and the previous Ordinance from the Town Clerk. He read Florida Statute 166.241: *The adopted budget must regulate expenditures of the municipality, and an officer of a municipal government may not expend or contract for expenditures in any fiscal year except pursuant to the adopted budget.* How did the budget go over \$20,000? Nobody wants to discuss how we ended up with the drone for \$2,000 when it wasn't budgeted.

Mayor Simmons said the budget is reviewed every month. What was missing when we did the resolutions for budget transfers is that one department was overrun and that overrun was handled by taking money from another department. This resulted in the previously overrun department looking golden and the previously underrun department looking like they'd overspent their budget. The Commission knows at the end of the year who over or underran their budget and they are then made whole but the budget is monitored throughout the year. That process allows staff to better plan for the next year. As far as the legality of the Ordinance, our Town Attorney has assured us that the proposed process is entirely in keeping with state statutes.

Commissioner Quarrie said the proposed Ordinance shows exactly what language has been added and stricken and she recommends that the Ordinance be reviewed by those who want to fully understand what is being changed. She added that as far as the drone is concerned, it was purchased by the previous Town Manager who the Commission voted to fire.

Mayor Simmons said the Commission manages money, in a macro-sense, very well. Our millage rate is 4.35 this year. Compare that to Satellite Beach's which is 10 mills and Indialantic's which is over 6 mills. We are doing a lot with the Town's money and that is without any commercial taxes; the budget consists of property taxes. The State has cut the communication taxes the Town used to receive and keeps almost all the revenue from parking tickets. Also, the Town only receives a ¼ percent of sales tax receipts.

Vice Mayor Hoover made a motion to approve draft Ordinance 2020-01; Commissioner Quarrie seconded. Motion carried 4-1; Commissioner Walters dissented.

X. Old Business (01:22:58)

Consideration of options regarding Fire Department stipends (tabled from December 4th TCW) – Fire Chief Brown

The Fire Chief said he updated the stipend plan to address questions and concerns posed by the Town Commission from previous meetings. He also met with Labor Attorney Hament and included his recommendations that include requirements of the State. A salary survey was also conducted that included local fire departments. The plan was streamlined and verbiage was added such that if the proposed budget is exceeded, no more money would be allocated. The stipend plan will be reevaluated for FY 2021 at the end of this fiscal year.

Commissioner Runte said that there have been four or five meetings on this topic and he appreciates the clear and concise end product.

Mayor Simmons explained that the Fire Department has a hard time retaining volunteers. Many of them were recently certified and they are hoping to keep their certification active until they find a job which results in high turnover numbers. This stipend plan provides them with an incentive to obtain training within a fast period of time and to put in hours in the station to respond to calls. This function had to be budgeted and it is increasing our Fire Department expense by \$80,000 but we are getting a bargain compared to what surrounding communities pay; we are paying about 25% of what Indialantic pays for similar services. The Town Commission and the Fire Department now have a very good relationship. Another savings Town residents get is on property insurance since having a Fire Department within two miles of every house significantly reduces property insurance premiums.

Labor Attorney Hament said the Length of Service Award Program (LOSAP) isn't being considered at this time but if it is considered in the future there are some considerations that should be looked at.

Mari Williams

312 2nd Avenue

Ms. Williams said she had occasion to call the Fire Department when a live power line fell in her yard; they responded within two minutes. She also loves what they do at Christmas time.

Vice Mayor Hoover made a motion to approve the stipend plan as presented for FY20; Commissioner Quarrie seconded. Motion carried 5-0.

XI. New Business (01:31:20)

- A. Consideration of options provided by the Town Planner related to boat parking on corner lots – Town Manager Mascaro (moved from New Business, Item E.)

Town Manager Mascaro said this issue was originally brought to the Commissions' attention when they discussed boat parking on corner lots. When staff looked into the issue further, they found that there are several paragraphs in Land Development Code (LDC), section 7A-67, that distinguish between interior vs. corner lots. While researching the matter, she also noticed that the maximum length permitted for recreational vehicles and boats is 26 feet; there are many RV's and boats in Town that exceed that length. She added that, when measuring boat length, the trailer is included and that compounds the issue. Additionally, the Code says that such vehicles and boats can only be plugged in for charging. There are several other reasons to plug in these vehicles such as for dehumidifiers and other electronics that must run for basic maintenance reasons. She would like the Commission to consider requirements for boat/RV parking on corner lots; it's posing a big challenge for those people since it's so difficult to legally obscure those boats/RV'S. Should we consider raising the legal height of fences or allow for the top portions of the boats/RV'S to show or simply make the restrictions the same as interior lots? Those on corner lots are being held to a higher standard. While addressing this, the Commission may want to address other items in 7A-67.

Mayor Simmons said that before moving forward, should this not have gone to the Planning & Zoning Board first for their opinion? Town Manager Mascaro said that's fine, but at the November Commission meeting it was decided that there would be a moratorium on enforcement of boat parking on corner lots until more research was conducted so that's why she's bringing it

back to the Commission. It was decided that this matter would be passed along to the Planning & Zoning Board for their input.

Commissioner Walters asked the Town Manager who started this? He remembered the conversation the Commission had about corner lots, but there was nothing about length that he could recall. The Ordinance has been in effect since 1987 and for all those years there wasn't a problem. Now there's a problem and he wanted to know who brought it to the Town Managers' attention; 5 people, 10 people? Did those people say that something needed to be done about allowing longer RV's/boats? The Town Manager said that this was originally brought to her attention because of a code issue regarding corner lot parking. While reviewing the matter, however, staff noticed the reference to the 26 ft. length limit; many boats and RV's in Town exceed 26 feet. So, if the Commission is going to change 7A-67, they may as well consider other issues in that section of the Code.

Commissioner Quarrie said, as the Town Manager said, this was brought up initially because someone on a corner lot was unable to completely obscure their boat from view after taking a lot of measures to do so. It was at that time that the Commission put a moratorium on enforcing the Code for those corner lot situations while researching options to make the rules more equitable. She didn't agree with Commissioner Walters' attitude toward the Town Manager for looking at the Ordinance and bringing up to the Commission other issues that should be looked into. She was letting the Commission know that there are some inconsistencies for them to consider; that's her job and he shouldn't be confrontational with her. Commissioner Quarrie added that since the 1980's there may be things in the Code that need to be revisited.

Mayor Simmons said he recommends that this matter be referred to the Planning & Zoning Board for a recommendation on how boats, RV's and sheds are handled on corner lots.

Commissioner Walters said he was confrontational because he sent two emails to the Town Manager from which he received no reply. When he asks an employee to provide an answer for him he expects his question to be answered.

Holly Madden
608 Mango Drive

Ms. Madden said that in the Town Manager's narrative, she said that there are many boats/RV's in Town that exceed the allowed length, why haven't they been fined? Mayor Simmons said they have been issued citations but they can't be fined until they've gone through a long process. Staff works with the

owners to come into compliance but some are simply unable to comply and they have asked for changes to the Code to accommodate their situations. He again explained the moratorium and said that there were seven or eight code actions on boats or RV's. When Ms. Madden showed dismay about the issue, the Mayor said the Commission has to listen to every resident whether in the majority or minority.

Walter Gibbs

1606 Atlantic, E1708

Mr. Gibbs said the problem is not necessarily one of length but height. Melbourne Beach is residential; there are places where boats and RV's can be parked.

Lauren Hardman

320 6th Avenue

Ms. Hardman said she was fined for a 22 foot boat. She appreciates this matter going in front of the Planning & Zoning Board; our Codes are behind the times.

Glenn Colon

Surf & Orange

Mr. Colon said his boat is in Miami because he can't keep it here. He does think that those on corner lots shouldn't be penalized.

Debra Marchese

310 1st Avenue

Ms. Marchese said her son lives on 6th Avenue and he has a boat on a corner lot that he now parks in her yard. We all pay taxes so we should be able to park a boat on our property.

LeAnn Schultz

409 Hibiscus

Ms. Schultz says she feels fortunate to live in small, quaint Melbourne Beach. She asked the Town Commission to please maintain the lifestyle in Town. She has and likes recreational vehicles of all sorts. On April 18, 2019, she received a warning about her 24 foot RV being parked in front of her house while unloading. She has seen thirty RV's of different lengths being parked in front of houses. The house behind her on Banyan Way had a trailer on their property that was lived in and an RV that is parked next to her house was also lived in. It is within ten inches of her property line and has slide-outs. She doesn't want people living in RV's and allowing them to be parked too close to the lot line.

Jane Waters
312 Sixth Avenue

Ms. Waters said that these complaints are all code issues that aren't being equitably managed.

The Mayor responded that from the reports the Commission receives, codes are being enforced and then he explained how the code enforcement process works adding that the scofflaw has all the power. Code enforcement is severely limited by state law.

Commissioner Walters said that Ms. Schultz submitted a complaint in May and it was just resolved recently.

Thijs Stelling
610 Mango

Mr. Stelling said he has a large RV. He has worked hard, he has earned it and he wants to enjoy it. He'd like to see, while this issue is being looked into, if there is the possibility that he could build a garage for it. Older houses have a lower roof so it's not tall enough for him to build a garage that would be high enough to accommodate his RV without violating code.

Commissioner Runte made a motion to send this matter to the Planning & Zoning Board for their input regarding recreational vehicles and sheds on corner lots, length restrictions and garages that can accommodate RV's; Vice Mayor Hoover seconded.

Commissioner Walters said it's frustrating to him that the Land Development Code has been discussed over and over again and here we are suggesting more changes be made to it. It should not be a living document. Ordinances cost a lot to prepare.

Justin Filler
304 South Palm

Mr. Filler suggested that each of the concerns be addressed separately by the Planning Board. Mayor Simmons assured him that each issue will be considered separately.

Motion carried 5-0.

In conclusion, Mayor Simmons said that our code enforcement is proactive and the Officer drives the streets regularly, at different days and times.

Commissioner Runte said we should continue to enforce the Code for all properties except for corner lots.

Commissioner Runte made a motion to continue the moratorium for recreational vehicles on corner lots only, no exceptions; Commissioner Quarrie seconded. Motion carried 5-0.

- B. Consideration of the December 18, 2019 Regular Town Commission Meeting draft minutes – Town Clerk Wilson (02:16:55)
Commissioner Walters questioned why the following had been stricken from the draft minutes:

Sec. 3.02. ADMINISTRATIVE UNITS OF TOWN GOVERNMENT.

(a) The Commission by ordinance may establish, abolish or reorganize, and prescribe the composition, duties and functions of any Town departments, agencies and offices.

(b) The Town Manager, as provided under Section 3.03, with the approval of the Commission, may be the head of any department. The Town Commission may by ordinance authorize the Town Manager to create, abolish or reorganize any departments or positions, and further to delegate any of the duties and authorities of the Town Manager to said departments or positions. The Town Manager shall remain responsible for proper execution of all the functions of the Town Manager whether or not such functions have been delegated by the Town Manager to other departments or positions.

The Clerk responded that given the other changes made to that section of the minutes, she found that verbiage to be redundant but she agreed to add it back into the minutes.

Commissioner Walters made a motion to approve the December 18, 2019 minutes as amended; Vice Mayor Hoover seconded. Motion carried 5-0.

- C. Consideration of Resolution 2020-01 amending the fee schedule (related to Ordinance 2019-06) – Town Manager Mascaro (02:22:06)

Town Manager Mascaro said this is the resolution and associated fee schedule (exhibit “A”) that includes a fee under Site Plan Review for Civil Engineer review. An applicant is charged the actual cost of the review. There isn’t a dollar amount because it depends on how long the review takes and who performs it. Mayor Simmons asked how the applicant will know what the cost will be for Civil Engineer review. Until such time as staff gets a good feeling about the average cost, they’ll contact B.S.E. prior to any submissions to get an estimate. Finally, a builder can use whatever engineer he/she chooses but the review must be performed by the Town’s engineer.

Vice Mayor Hoover made a motion to approve Resolution 2020-01, amending the fee schedule; Commissioner Quarrie seconded. Motion carried 5-0.

D. Consideration of change to development application form (related to Ordinance 2019-06) – Town Manager Mascaro (02:28:56)

Town Manager Mascaro outlined what was added to the development application in the site plan section in order to align it with Ordinance 2019-06. The Commission made a couple changes to be incorporated in the development plan application in the section covering site plans. The completed edits for *Site Plan for Single Family Development* and *Site Plan for duplex, multi-family and/or commercial* include:

- Adding *Civil Engineer* to the group of those who will review/evaluate site plans.
- Professionally prepared plans in compliance with *Ordinance 2019-06*
- Making *Drainage Site Plan showing flow paths and retention areas to meet certification requirements. (3A-80 & 7A-51.1)* more prominent.
- Adding *and the Drainage Site Plan* to the end of the following clause: Ten (10) 11X17 Complete sets of plans (all information as outlined in item 3 above) including a copy of the survey both existing and proposed and the Drainage Site Plan.

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

E. Consideration of new chapter in the Town's Policies & Procedures manual about budgeted fund transfers (related to Ordinance 2020-01) – Town Manager Mascaro (02:36:42)

This new policy establishes procedures for implementing intradepartmental transfers, interdepartmental transfers and interfund transfers and was written in conjunction with Ordinance 2020-01.

Vice Mayor Hoover made a motion to approve the addition of Chapter 25 to the Policies & Procedures manual; Commissioner Quarrie seconded. Motion carried 4-1; Commissioner Walters dissented.

F. Consideration of Safebuilt contract renewal – Town Manager Mascaro (02:37:27)

This renewal is for one year at the current rates. Safebuilt has notified us that if we renew next year, the rates will increase. Also, the Building Official, Marc Meyers, is retiring in six months. Mayor Simmons said if the Commission

thinks we should find a new Building Official, we should spend the next year doing so. Town Manager Mascaro said there are probably people out there who would be a good fit; we can terminate Safebuilt with a 90 day notice. The state requirements for Building Officials are very stringent so the market is tight. There's also high liability. Commissioner Runte said personal referrals are the way to go when recruiting a Building Official and when the time comes, he will help in the process. Town Manager Mascaro said she'd like to combine the Building Official and Code Enforcement positions and offer a salary of \$90,000 plus benefits. This would cost less than our current staffing cost for both positions working fewer hours.

Commissioner Walters made a motion to approve the Safebuilt contract for one year; Commissioner Runte seconded. Motion carried 5-0.

The Commission consented to adding an action item to research compensation and requirements for Building Officials.

G. Consideration of Resolution 2020-02 regarding safety improvements on A1A – Town Manager Mascaro (02:48:41)

The Town Manager received a request from Mark Ryan, City Manager of Indian Harbour Beach, to pass this resolution encouraging the FDOT to take steps to reduce the posted speed limits on SR A1A and make the current flashing lights flash red instead of white. This is part of the on-going pedestrian safety projects in support of the SCTPO Vision Zero initiative to reduce traffic accidents and fatalities. This request is in response to a young girl being killed while crossing A1A in December 2019.

Mayor Simmons said he can't support reduced speeds on A1A and flashing red lights on a state highway. What he could support is revised signage such that the pedestrian knows not to enter the crosswalk until traffic has stopped. The red lights would give pedestrians right of way from Melbourne Beach to Cape Canaveral. The Commission agreed that issues related to pedestrians crossing A1A is a problem but they didn't agree that this resolution was the solution. Commissioner Walters suggested having Chief Griswold talk to SRO Vila about teaching the children at Gemini about pedestrian safety.

The Commission consented to taking no action on Resolution 2020-01.

Commissioner Quarrie said she'd like to have somebody else be a member on the South Beaches Coalition. It's hosted this year in Indian Harbour Beach.

She has not missed a single meeting and her experience is that they last for ten minutes and nobody listens to anything that member communities have to say. She said they don't listen and don't seem to want input. If nobody else wants to go she said they should be notified that nobody from Melbourne Beach will attend the meetings because there's no value added. They can call us if they need us for any reason. The Mayor suggested telling them that a representative from Melbourne Beach won't be attending their meetings anymore and to call us if they need us.

H. Discussion and possible action regarding the adoption of sediment and erosion control requirements for lots under development – Mayor Simmons (03:01:24)

Mayor Simmons said that a house across the street from him is being built and every day the trucks are in and out and dirt is being deposited on the street by those trucks. When that dirt and debris ends up in our storm drains, it ultimately ends up in the river. Dr. DeFreese told us that the muck in the river is largely comprised of soils, clays and things like that that come through the storm drains. In Anne Arundel County, Maryland, they are required to come up with a plan that keeps dirt on properties. They are requiring silt fencing, something that knocks the dirt off tires prior to entering the roadway (such as gravel) and they are required to clean in front of the construction site daily.

Commissioner Quarrie thought we were already taking sediment control measures. It turned out that those measures are spelled out in our Code and the Florida Building Code but they aren't being enforced.

The Commission tasked the Town Manager with determining if current controls were in effect and, if so, why they were not being implemented by the Building Official consistently.

Sediment control was added to the Action Item list.

XII. Staff Reports

- A. Town Attorney Report – Town Attorney Repperger said he is still planning on having the first reading of the short term rental ordinance for the February RTCM but he'd like to discuss the draft version with the Commission before that at the February Workshop.
- B. Town Manager Report – Town Attorney Mascaro mentioned that the Town received a check from Ring's Manufacturing for \$3,398 for the Police Department. The money will be used to update their electronic citation system that the State has been on them to update; we are one of the few

municipalities that has not done so. The donation will pay for the hardware and software necessary to produce electronic tickets. Our Code Enforcement Officer, Jim O'Byrne who has 35 years in law enforcement, secured the money for the Town through his relationship with Ring's.

The Town Manager also said that money was put into the budget to paint the Community Center and since it's the 100th birthday, it's something that Public Works is planning to do soon. She asked the Commission if they had any color preferences – they did not.

Referring to an item on the Manager's report about a "budget" for the Planning & Zoning Board allowing them to discuss pertinent issues with the Town Planner, Mayor Simmons suggested that they request funds on an as-needed basis. The rest of the Commission concurred.

Commissioner Walters asked the Town Manager if she had changed the format of the invoice list. She answered that she had not. He then asked if she would ask the Planning & Zoning Board if they would expedite the boat/RV issue by holding a special meeting. She answered that she would. He added that he'd like the amount of time for loading/unloading, prior to storing, to be longer than six hours. He said the problem is with storage.

The Commission took a break and reconvened at 10:06 p.m.

Town Clerk Wilson conducted the roll call.

Commissioners Present:

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

Staff Present:

Town Manager Elizabeth Mascaro
Town Clerk Nancy Wilson
Fire Chief Gavin Brown
Public Works Supervisor Tom Davis
Town Attorney Clifford Repperger

Before moving on, the Town Manager asked the Commission how they felt about the lift truck that was mentioned by the Public Works Supervisor in his quarterly report. Mayor Simmons asked where the money would come from. Ms. Mascaro answered that they could use the leftover money from the Town

Hall flooring budget that was going to possibly be used for new flooring in the PD plus money that was already allocated for trimming the sea grapes in Ocean Park along with palm/tree trimming which totals about \$5,000. The Mayor's issue is that Public Works keeps getting more equipment but doesn't get more people. Public Works Supervisor Davis said that in some respects, the lift would make their job easier because they'll be able to use it as a maintenance van as well, storing touch-up paint, tools, etc., in it when they go to job sites. He also said ownership leads to a successful team. He has one employee who has taken "ownership" of the ditch witch and knows all about it. He'll have another do the same with the lift. He could use a fourth employee but this equipment will help them, not bog them down, in the meantime. The ROI would take less than two years. In conclusion, Mr. Davis said he doesn't know how Public Works got along for all those years.

After discussing the matter further, the Town Manager referred to the budget and explained how both the speed trailer and lift could be purchased while staying within budget:

	\$5,000 allocated in the budget for the speed trailer
	\$6,000 remaining from what was budgeted for the floor
	<u>\$4,990</u> allocated in the budget for tree trimming
	\$15,990 total available
minus	\$ 8,500 for the lift van, leaving \$7,490 for the speed trailer

It was determined that both the lift van and speed trailer could be purchased.

Commissioner Runte made a motion to approve the request from the Public Works Supervisor for \$8,500 to purchase the lift vehicle for Public Works using money left over from what was budgeted for the floor and the money allocated for tree trimming, so long as the speed trailer is purchased; Vice Mayor Hoover seconded. Motion carried 5-0.

C. Town Clerk Report – no report

D. Departmental Reports:

1. Building Department – no comments
2. Public Works Department – Mayor Simmons asked if the PW Supervisor knew who broke the stormwater drain on Rosewood. He answered that he didn't but that it has been repaired. Mr. Davis said they are going to be working on the swale on the west side of Ocean Park. Locates have been done. They will do four feet for the whole width with a one foot bottom drop; it will be a gentle slope. They also just finished a 4'x4' installation to secure the picnic roofs.

3. Code Enforcement – the complaint about someone living in an RV was addressed
4. Police Department – no comments
5. Fire Department – Fire Chief Brown said he met with six different fire departments, three of which have done their floors recently. They either have polished concrete or use a polymer epoxy. He wants to continue researching so we don't end up in the same position again. Chief Brown is going to a convention next week where he will check out flooring options. Commissioner Runte said he will help when the time comes to choose a contractor. He also mentioned a product called granite grip. The Fire Department was open the previous weekend with the new employees.
6. Finance Department - no comments

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

XIII. Town Commission Comments

A. General Comments

Mayor Simmons said there was a walk-on agenda item – Commissioner Walters provided a rebuttal to explain his “no” vote on a matter at the October 16, 2019 meeting. The meeting rules on this read: *Minutes may have attached to them an explanation why a member of the Town Commission voted in a particular matter. 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.* The Mayor said he would submit that the rebuttal fails to adhere to the meeting rules. It does not show respect for the position of other Commissioners; it does not explain why the Commissioner voted as he did and; it does contrast the Commissioners vote with other members of the Commission. He said he would entertain a motion to expunge this from the minutes and maintain it as a separate public record.

Vice Mayor Hoover made a motion to expunge Commissioner Walters' statement from the minutes and maintain it as a separate public record; Commissioner Runte seconded.

Commissioner Walters said the Mayor's position isn't contrasted. What he said the Mayor did was say that Commissioner Walters accused the Vice Mayor of a felony – no such thing is in the minutes. Commissioner Walters said he didn't contrast anyone's vote with any other vote, he just stated the facts. He continued by saying the Mayor didn't have any problem with the Vice Mayor saying that Commissioner Walters constructed fiction about him: *He (Vice Mayor Hoover) said Mr. Walters has constructed fiction about him; his reputation in the community doesn't reflect Mr. Walters' lies..... Mr. Walters' behavioral trend is attacking people and just this week he accused* (from October 16, 2019 minutes). Commissioner Walters said nothing he said is in violation of the rules.

Motion carried 4-1; Commissioner Walters dissented

Mayor Simmons said that the statement provided by Commissioner Walters will be expunged from the minutes and maintained as a separate public record.

B. Review of Commission Action List

The Commission closed the following action items:

- Fire Department stipend comparison between old and new programs
- Fire Department stipends
- Town Commission approval of fund transfers
- Civil Engineer to review site plans for drainage **
- Update to LDC requiring that surveys show outbuildings that will be installed, removed or modified and tree locations for single family residences **
- P&Z Board - Land Development Code Action Items **

** closed by adoption of Ordinance 2019-06

The Commission opened the following action items:


- Research availability and compensation for Building Officials
- Sediment Control

XIV. Adjournment

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

The meeting adjourned at 10:43 p.m.

ATTEST:



James D. Simmons, Mayor



Jennifer Torres, Interim Town Clerk