



# M Town of Melbourne Beach

**REGULAR TOWN COMMISSION MEETING**  
**WEDNESDAY, SEPTEMBER 27, 2017**  
**COMMUNITY CENTER – 509 OCEAN AVENUE**

## MINUTES

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

Interim Town Manager Mascaro  
Town Clerk Nancy Wilson  
Town Attorney Clifford Repperger

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## PUBLIC NOTICE

The Town Commission will conducted a Regular Town Commission Meeting, following the Town Commission Special Meeting that began at 6:00 pm, on Wednesday, September 27, 2017 at the Community Center located at 509 Ocean Avenue to address the items below.

**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 led the roll call.

Commissioners Present:

Mayor Jim Simmons

Vice Mayor Tom Davis

Commissioner Steve Walters

Commissioner Wyatt Hoover

Commissioner Sherri Quarrie

Staff Present:

Town Clerk Nancy Wilson

Town Attorney Cliff Repperger

Staff Absent

Interim Town Manager Elizabeth Mascaro

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

The Pledge of Allegiance and Moment of Silence was dispensed with due to recital at earlier meeting

**IV. Special Presentation**

A. Proclamation promoting Constitution Week – Mayor Simmons

*Tammy Sandberg, 1<sup>st</sup> Vice Regent - DAR  
Melbourne*

Mayor Simmons read and presented the Proclamation: *Constitution Week 2017* to Ms. Sandberg and pictures were taken.

**V. Public Comments**

No public comments

**VI. Approval of the Agenda**

Mayor Simmons and the Interim Town Manager discussed moving to the October agenda, two items under New Business:

C. Consideration of removing “planter” on 300 Atlantic Street located in Town right-of-way.

D. Consideration of adding electronic controls to our air conditioning system in Town Hall Complex

Mayor Simmons said that there was a miscommunication between the previous and current Town Managers regarding notification of and discussion with the owner at 300 Atlantic Street prior to the “planter” issue being placed on an agenda.

Regarding adding electronic controls to our a/c system, the Interim Town Manager

would like time to get other proposals for the project.

*Ramone Lacoy, Shirley Baccus's daughter  
300 Atlantic Avenue (Ms. Lacoy lives in Georgia)*

Ms. Lacoy was in attendance on her mothers' behalf to discuss the "planter" at 300 Atlantic Avenue. Since the item was tabled the issue was not discussed yet she requested that a picture be entered into the record; it was given to the Town Clerk.

**Vice Mayor Davis moved to approve the agenda as amended; Commissioner Quarrie seconded. Motion carried 5-0**

**VII. Consent Agenda (06:38)**

- A. Paul Rumbley resignation
- B. Site Plan Review for 427 Riverview, Melbourne Beach, FL
- C. Site Plan Review for 508 Sunset, Melbourne Beach, FL
- D. August 8, 2017 Budget Workshop draft minutes
- E. August 28, 2017 Special Town Commission Meeting draft minutes
- F. September 1, 2017 Special Town Commission Meeting draft minutes
- G. September 6, 2017 Special Town Commission Meeting draft minutes
- H. September 6, 2017 Town Commission Workshop draft minutes

**Commissioner Quarrie made a motion to approve the Consent Agenda; Vice Mayor Davis seconded. Motion carried 5-0.**

**VIII. Old Business**

- A. Consideration of modified unpaid leave policy – Mayor Simmons/Commissioner Walters (00:08:00)

Revisions were made to the policy as requested by Mayor Simmons and Commissioner Walters.

**Commissioner Walters made a motion to approve the unpaid leave policy as amended; Commissioner Hoover seconded. Motion carried 5-0.**

- B. Reconsideration of budgeting for 911 Addressing – Interim Town Manager Mascaro (00:09:00)

Commissioner Walters said this issue came up again at the August 8th Workshop where the Town Manager had an issue finding an address on Hibiscus Trail. Mr. Walters said the address could have been located by looking at surrounding



addresses and added that this was not a 911 issue. He also said that the remaining 20+ addresses should have already been addressed. It is a simple process to assign an address and only requires the completion of one page of information.

Commissioner Walters said we paid the county for two years of service in order to address our remaining properties and he thought the Town Manager had completed the task because it was removed from the Action List. Whether or not we ever have anybody build in Melbourne Beach, we would still have to pay the County \$900/year to provide 911 addressing services. He said there are only seven municipalities that have signed on with the County for these services. He added that if the Town Manager had addressed the final 20+ properties, the only time we would have to worry about addressing is if someone wanted to change their address which is unlikely. The other time this would be a consideration is if someone wanted to split their lot. That person would be responsible for filling out and submitting the requisite 911 addressing paperwork. He feels the Town's liability is little to none. Commissioner Walters said he had numerous contacts with Town Manager Day over this issue, adding that on April 19, 2017, he made a motion to opt out of the 911 process and direct the Town Manager to establish a process to include the required forms in the building permit package and that Mr. Day would continue to address as many properties as possible before the September 30, 2017 contract expiration. The motion passed 5-0. Commissioner Walters said we are addressing this item again because of a recommendation made by Mr. Day prior to his departure. He said he's asked several times how many lots do we have left and he has not received an answer. Mr. Day said the addressing would be completed by April 2017 so we shouldn't have any lots to worry about except lots that may be split in the future. He concluded by saying that even if numbers are transposed on the application, the mistake will be caught.

He mailed to the Commission members a report he received from Tallahassee that says 67% of Floridians don't even have a landline and that the trend will continue.

Commissioner Quarrie said this isn't an issue about vacant lots, rather, it's an issue about improved properties with incorrect addressing. The issue with not being able to find the address where the woman had been hit on a bicycle was because a homeowner had done a replat and the County didn't properly enter the information provided by the Town into the system. She thinks that \$900/year is a good insurance policy.

Commissioner Walters said what Commissioner Quarrie is talking about has nothing to do with this issue. Mayor Simmons added that the County will own any issues if we contract with them. This was such a hot button with our previous Town Manager and he hesitates to act against him. The Mayor concluded by saying that what Commissioner Walters says is required for addressing and what the County and staff say is required, are two different things.

**Commissioner Walters made a motion to table the 911 issue until we determine how many lots need addressing; Vice Mayor Davis seconded. Motion carried 4-1 with Mayor Simmons casting the dissenting vote.**

**IX. New Business (00:34:15)**

- A. August 16, 2017 Town Commission Workshop draft minutes – Town Clerk Wilson

**Commissioner Walters made a motion to approve the August 16, 2017 workshop draft minutes as revised; Vice Mayor Davis seconded. Motion carried 5-0.**

- B. August 16, 2017 Regular Town Commission Meeting draft minutes – Town Clerk Wilson

**Commissioner Walters made a motion to approve the August 16, 2017 regular meeting draft minutes as revised; Commissioner Quarrie seconded. Motion carried 5-0.**

- C. Consideration of removing “planter” on 300 Atlantic Street located in Town right-of-way. **Continued to October Regular Town Commission meeting**
- D. Consideration of adding electronic controls to our air conditioning system in Town Hall Complex. **Continued to October Regular Town Commission meeting**
- E. Consideration of engaging the services of one of our engineering firms to evaluate flooding at Pine Street and Driftwood Avenue and a storm drain issue on Rosewood Drive – Interim Town Manager Mascaro (00:37:07)

Mayor Simmons said he was requested to attend a meeting with residents who live near the Pine Street/Driftwood Avenue area regarding flooding issues. He said he would bring the issue to the Commission to consider engaging one of our engineering firms to evaluate the problem.

**The Commissioner agreed by consensus to allow the Interim Town Manager to move forward with hiring one of our engineering firms to evaluate the flooding issue.**

Commissioner Quarrie pointed out that the agenda backup material indicated a problem on Rosewood Drive as well. Rosewood Drive will be included in the engineers’ evaluation along with Pine Street and Driftwood Avenue.

- F. Consideration of temporarily waiving permit fees for storm related repairs – Interim Town Manager Mascaro (00:39:22)

Mayor Simmons said the waiver would end on December 31, 2017 and is solely for



damage caused by Hurricane Irma. He added that the County and other cities have waived permit fees. Commissioner Walters said the Town first waived permit fees in 2004 because the Commission at the time didn't think property owners should be penalized because of a storm; other municipalities followed suit. He added that a deadline wasn't set. The Mayor wanted to set a deadline and Commissioner Quarrie agreed with a deadline with the option of extending it because some people may have trouble getting the work done within that timeframe.

**Commissioner Walters made a motion to waive permit fees for damage caused by Hurricane Irma until December 31, 2017; Vice Mayor Davis seconded. Motion carried 5-0.**

This item will be added to the Action Item list so it can be revisited at the November 2017 meeting. It will then be determined if the Town would like to extend the waiving of fees.

- G. Consideration of request to place *Shorebird & Seabird Rescue* signage at beach access points – Interim Town Manager Mascaro (00:43:42)

Mayor Simmons said that Demi Fox from Loggerhead Marinelife Center contacted the Town about a rescue program for shore/seabirds. To educate the public about what to do if an injured bird is found, she would like to place signs with instructions and an emergency number at beach access points. Five free signs are provided and they cost \$20 each thereafter. Commissioner Walters likes the idea of the signs but feels there are so many already on the beach that nobody will notice them among all the others.

**Commissioner Quarrie made a motion to allow the shorebird rescue signs to be placed at beach access points including Loggerhead Park, Ocean Park, the pier, Avenue A and Avenue B; Vice Mayor Davis seconded. Motion carried 5-0.**

The Town logo will be placed on the signs.

- H. Consideration of accepting offer made by a local resident to pay for our generator to be properly connected to Town Hall – Interim Town Manager Mascaro (00:49:05)

Mayor Simmons said that an offer was made by Town resident Mr. Deffenbach to fully connect our generator to Town Hall at his expense. This offer came after a casual conversation he had with Chief Duncan where he learned that staff who worked during the power outage caused by Irma had no air conditioning during their shifts at Town Hall. Mr. Deffenbach said to utilize the services of Eau Gallie Electric and he would take care of the bill. Commissioner Walters said he appreciated the offer but was upset to learn that our generator was not attached to the power source

for Town Hall and that this wasn't determined before the storm. Mr. Walters added that he would rather have Mr. Deffenbach pay to replace trees that were lost during the storm; the Mayor said that the offer was for connecting our generator to the building's power supply. The Mayor added that the air conditioning system not being connected to the generator had nothing to do with the recent a/c installation.

**Commissioner Walters made a motion to accept Mr. Deffenbachs' generous offer to pay for connection of the generator to Town Hall; Vice Mayor Davis seconded. Motion carried 5-0.**

- I. Discussion regarding the Commission's interest in proceeding with *FDOT's Safe Routes to School* program – Interim Town Manager Mascaro (00:54:10)

Commissioner Hoover said this issue ties in with stormwater management. He proposes rather than moving forward with smaller projects, he'd like to work on a comprehensive 10-15 year plan as we continue with the repaving of roads and the anticipation of population growth. With the increasing likelihood of more serious storms, he thinks the Commission should work to establish a long term plan to upgrade the pedestrian safety infrastructure along with our stormwater infrastructure. Commissioner Hoover didn't recommend that we move forward with the FDOT program, rather, he would like to look for funding resources from St. John's River Water Management District, et al, to implement a more comprehensive plan for our residents while ensuring that our money is better spent.

Mayor Simmons added that we do have a master plan for stormwater; there were four or six phases of the plan and we are currently in phase two or three. The plan was paused based on financing.

Commissioner Walters said the *FDOT's Safe Routes to School* program is about putting sidewalks down Pine Street; the residents on Pine Street went "ballistic" last time the Town talked about putting sidewalks down their side of the street.

Mayor Simmons said the two items that need to be added to the Action List as a result of this discussion are stormwater management and safe pedestrian and bicyclist streets.

**The Commission agreed by consensus to not proceed with FDOT's Safe Routes to School program.**

**X. Staff Reports (01:25:02)**

- A. Town Attorney Report – no report  
B. Interim Town Manager / Public Works Report

*Mayor Simmons commented on certain Interim Town Manager Report items in her absence.*

Public Works has found several baffle boxes that are leaking and/or are crushed and some of the boxes are filled with water due to the high water table and the height of



the river. Also, the Interim Town Manager has a meeting scheduled with Daniel Gonzalez to discuss electric car charging stations and she will contact Melbourne High about having their Shop students make repairs to the Old Town Post Office. On October 28<sup>th</sup>, the Town will host a movie which will run concurrently with the open hours of the Fire Department's haunted house. We will host a Christmas movie but a time and date have not yet been established.

C. Town Clerk Report – no report

D. Departmental Reports:

1. Building Department – no questions/comments
2. Code Enforcement – no questions/comments
3. Police Department – no questions/ comments
4. Fire Department

Mayor Simmons said Marty Remark commented on a Fire Department training exercise at the Fire College and she thought our MBVFD did very well.

5. Finance Department – no questions/comments

## **XI. Town Commission Comments**

A. General Comments (01:20:10)

Commissioner Walters asked that information regarding Communications Services Tax be addressed at the next meeting.

Vice Mayor Davis commended the Police and Fire Departments for their work during the hurricane and added that the Town operated admirably.

Mayor Simmons commented on how the Police Department ensured the Town was safe before allowing people back over the bridge; they went up and down every street. Any delay related to opening the bridge was to ensure citizens' safety.

Commissioner Hoover said that the businesses in town were great and responded well to the community. He asked that in the future, we ask FPL to prioritize power restoration to the downtown area.

Vice Mayor Davis said that the out-of-state guys who came to assist FPL were great. They commented on how outdated FPL's equipment is.

Mayor Simmons commented that Melbourne Beach was one of the first areas for trash pickup this time. He said that once we kick in for FEMA money, Waste Pro is locked out and we contract with another service provider for debris pickup.

B. Review of Commission Action List (01:08:20)

15 items were updated

3 items were closed



3 new items were added:

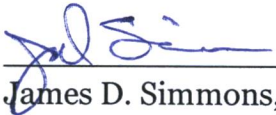
- waiving permit fees for hurricane related damage
- stormwater management plan & implementation
- comprehensive, long-term plan for safe pedestrian and bike routes.

## **XII. Adjournment**

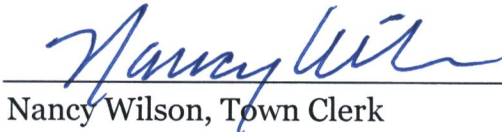
**Commissioner Hoover made a motion to adjourn; Commissioner Walters seconded. Motion carried 5-0.**

Meeting adjourned at 8:00 p.m.

ATTEST:

A handwritten signature in blue ink, appearing to read "J. Simmons", written over a horizontal line.

James D. Simmons, Mayor

A handwritten signature in blue ink, appearing to read "Nancy Wilson", written over a horizontal line.

Nancy Wilson, Town Clerk