

Town of Melbourne Beach

CHARTER REVIEW COMMITTEE MONDAY, APRIL 14, 2025, 6:00 P.M. COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Board Members:

Chairman James Simmons
Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus
Member Charles Leps Jr
Member Jessica Martinez

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown
Town Attorney Ryan Knight

1. Call to Order

Town Attorney Ryan Knight called the meeting to order at 6:00 p.m.

2. Roll Call with Determination of Quorum

Town Clerk Amber Brown conducted roll call

Board Members Present

Chairman James Simmons
Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus
Member Charles Leps Jr

Staff Members Present

Town Attorney Ryan Knight
Town Clerk Amber Brown

Board Members Absent

Member Jessica Martinez

3. Approval of minutes

A. March 24, 2025 minutes

B. March 31, 2025 minutes

Vice Chairman Bruce Larson made a motion to table both minutes; Member Charles Leps Jr seconded; Motion carried 4-0.

4. Public Comment

None

5. New Business

A. Review and rank the proposed changes to the Charter. - 2:15

Member Charles Leps Jr said the end of Section 2.02 still shows he and his.

Chairman James Simmons spoke about 4 items that were discussed, but do not have ballot summaries. In 2.12, did not change the quorum to adjourn. 3.01 and 3.04 had changes about the clerk reporting to the Commission. In 3.05, there was a change regarding the Town Attorney.

Town Attorney Ryan Knight spoke about 2 additional items, 3.12 and 5.03, and how there needs to be the removal of a few words. Said those will be included in the next meeting.

Sections 1.01, 1.02, 1.03, 1.04, 1.05, 1.06 - No changes

Sections 2.01 - No changes

Section 2.02 Compositions and Qualifications

Member Charles Leps Jr addressed the he/his issue in Section 2.02.

Sections 2.03, 2.04, 2.05, 2.06 - No changes

Section 2.07 Mayor and Section 2.08 Vice-Mayor

Member Charles Leps Jr said there were 3 he's in Section 2.07 and 1 in 2.08.

Sections 2.09, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17 - No changes

Sections 3.01, 3.02 - No changes

Section 3.03 Office of the Town Manager

Member Charles Leps Jr said the problem is not in 3.03, it is in the ballot language. Said it should be except the office of Town Clerk and Town Attorney. Office is new text, it's replacing offices.

Town Attorney Ryan Knight said the strikethrough is in the current Charter, so it should not be there, which is why it was not included in the ballot language.

Section 3.04 Office of the Town Clerk

Member Charles Leps Jr said Section 3.04 has no ballot language associated with it. Could we combine it with 3.03?

Town Attorney Ryan Knight said that because it is a separate section, it would need a separate ballot question.

Section 3.05 Office of the Town Attorney

Member Charles Leps Jr said the last sentence in Section 3.05 has a his.

Section 3.06 – No changes

Sections 3.07, 3.08, 3.09 – Are blank

Section 3.10 - No changes

Section 3.11 Code of Ethics

Member Charles Leps Jr said there are a lot of he's and hims in Section 3.11.

Section 3.12 Advisory Boards

Member Charles Leps Jr spoke about this being his recommendation and does not feel this needs to proceed as there are many other important ones.

Sections 5.01, 5.02- No changes

Section 5.03 Time and Manner of Elections

Member Charles Leps Jr spoke about wanting to leave the word regular, which would mean Section 5.03 would not need to be changed.

Section 5.04 – No changes

Sections 6.01, 6.02, 6.03, 6.04, 6.05, 6.06 – No changes

Section 7.01 – No changes

Sections 8.01, 8.02, 8.03, 8.04, 8.05, 8.06, 8.07, 8.08, 8.09, 8.10 - No changes

Sections 9.01, 9.02, 9.03, 9.04, 9.05, 9.06, 9.07, 9.08 - No changes

Chairman James Simmons says there are 2 changes that talk about registered electors and regular elections. - 15:42

Town Attorney Ryan Knight spoke about how the Board can recommend as many as they want, and then the Commission can decide how many to proceed with.

The Board discussed that there are 11 proposed amendments.

Chairman James Simmons suggested ranking them based on the items that have caused the Town problems.

Vice Chairman Bruce Larson suggested creating two categories, one for priorities and one that are less of a priority.

The Board agreed to the following high priorities and low priorities.

High Priority

Section 2.03 Term of Office

Section 2.04 Vacancies on the Commission

Section 2.09 Commissioner-at-Large

Section 3.01 Powers and Duties of the Town Commission

Section 3.03 Office of the Town Manager

Section 3.04 Office of the Town Clerk

Low Priority

He or She and His or Her

Section 2.02 Composition and Qualifications

Section 2.12 Legislative Procedure

Section 3.05 Office of the Town Attorney

Section 3.11 Code of Ethics

Town Attorney Ryan Knight spoke about adding the word candidate at the beginning of Section 2.09. - 25:15

The Board agreed to add "candidates for" at the beginning of Section 2.09 Commissioner-at-Large.

Sec. 2.09. COMMISSIONER-AT-LARGE.

Candidates for A total of four (4) Commissioners-at-Large shall qualify and run for the four (4) open seats. At the November, 1989 election, the two candidates receiving the largest and second largest number of votes shall each be elected to three (3) year terms, while the two candidates receiving the third and fourth largest number of votes shall each be elected to two (2) year terms. Among the successful candidates those receiving the largest number of votes shall be declared elected for the longest terms.

Town Attorney Ryan Knight spoke about how if the Commission decides not to do he/she throughout, another option is in each Section that is being updated to include he/she.

Vice Chair Bruce Larson said while the he/she item is low priority, it should still be included in the language of any section we are changing because that's not an additional ballot item.

The Board discussed the prior meeting's minutes.

Town Attorney Ryan Knight showed an example for the City of Mount Dora, and said at the next meeting, they will have a report similar to that. It will include a table of contents, the

minutes, the amendments recommended by the committee, and some exhibits. It is presented at a Regular Meeting or they can call a Special Meeting to discuss it. - 36:35

Member Charles Leps Jr confirmed that for the next meeting, if everyone has reviewed it before the meeting, any changes could be fixed in real time, and they can sign with the understanding they will be fixed.

Town Attorney Ryan Knight said he could fix any changes at the next meeting, then there would be a vote to approve the report as written or with amendments/revisions.

The Board said they would meet next Monday, April 21st.

Town Attorney Ryan Knight said the Town Commissioners will have it in their hands a week before the Regular Town Commission Meeting on May 21st.


Town Clerk Amber Brown said whatever is being presented has to be ready by May 9th. Reminded the board members of Sunshine Laws and becoming a conduit if Commission members reach out to them.

6. Adjournment


Member Charles Leps Jr made a motion to adjourn; Vice Chair Bruce Larson seconded; Motion carried 4-0.

Meeting adjourned at 6:48 pm.

ATTEST:



James Simmons
Chairman



Rachel Pembrook (Apr 25, 2025 18:44 EDT)
Rachel Pembrook
Transcriptionist

