

MINUTES
TOWN OF MELBOURNE VILLAGE
SPECIAL COMMISSION MEETING
Wednesday, May 12, 2021
7:00 PM – AHF Town Hall

- I. Call to Order 7:06pm By Mayor
- II. Pledge of Allegiance Led by Mayor
- III. Roll Call Commr's Anderson, Calenda, Jones, McCharles, Murphy, Vice Mayor Niemann, Mayor Martin. Also present was Attorney Richardson, and Town Clerk/Treasurer Collen
After Roll Call the Town Clerk made an announcement asking persons to stick to a three-minute time with comments and to recognize respectful decorum.
- IV. Approval of Regular Commission Meeting Minutes April 27, 2021

The Commission noted that Sgt Veina spoke numerous times in the last meeting and wanted the notes to reflect this. Mr. Richard Bryant was not in previous minutes. Commr. Murphy stated she was unsure of her comment as noted and would be in to check the "Zoom" file, Commr Calenda asked to be recognized for her asking the Mayor in the last meeting to write a formal letter to Police Officers. **Motion made by VM Niemann to not accept the minutes until the updates were made, Commr Calenda 2nd the motion.** The motion carried by all commissioners unanimously.

V. Public Comments—limited to three minutes per person.

Please note: Whereas the Clerk's Office tries to capture what persons are saying as they say it, the comments below are not meant to be a transcription of words. For an exact transcription you may request a copy of the audio file taken at the meeting via "zoom."

Sandra Smith asked if she could make a statement out of order of the agenda because she was celebrating a personal matter. The Mayor allowed her to speak. Ms. Smith felt regards to the issues that the Chief chose to escalate his issues with the Mayor outside of what his training and demeanor as a police officer should have been. Ms. Smith also relayed that the Mayor was unprofessional in her behavior toward staff and the Chief. Ms. Smith cited several concerns she has with the Towns Charter and policy manuals and pressed the need for the town to update these to mitigate against future personal conflicts.

VI. Termination of Chief Loos

Correspondence: Heidi Salmon expressed her support in a letter addressed to council for Gary Loos and stated she was approached by three employees (two prior) who voiced concern on how personal was being managed. Sue Ditty included research she had done after speaking to residents of their concerns to her over issues within the Town Office. Ms. Ditty stated the residents did not come forward out of their fear of retaliation from the Mayor. Ms. Ditty also provided research on business and meeting decorum. Ryan and Carol Krahn voiced their concerns in a letter to the Commission toward the Mayors action of seemingly updating her complaint against the Chief as time went on and added they feared the Mayor was removing signs which encouraged a gathering of citizens on AHF property.

Upon opening this agenda item, the Mayor noted that the Chief delivered many “At Table” documents to his rebuttal of her complaint. Mr. Richardson added, he did not have time to look at the Chiefs rebuttal. However, Mr. Richardson advised the Chief was able to provide a response to the allegations and asked if the Chief was going to speak to the items he provided. The Chief informed the commission he was going to speak to the documents.

Vern Goding advised the commission he has been a volunteer at MVPD for over twenty years and during that time he has reviewed Town police procedure and its personal policy. Mr. Goding stated he had also donated thousands of dollars to the Town in support of its police department because he had a good working relationship with the Chief. Mr. Goding was interrupted as he lost time while speaking.

Dennis Johnson stated he has been a resident of the Town of over fifty-three years and feels the Chief was/is doing a great job. He admonished the commission to “forgive” and to sit down with both the Mayor and Chief-write the issues out and work things out.

Paul Alfrey of Melbourne, Florida stated the Chief was his supervisor in Melbourne Police Department for many years and knows the Chief to be an honest man and handworker, which was rare. Mr. Alfrey believed the Mayor went on a smear campaign against the Chief and stated he did not know how the commission could act to correct that. Mr. Alfrey advised he works in government and after he read the Mayors termination letter, he wondered why anyone would want to work for the Town.

Vickie Busby Announced she signed a petition to get the Mayor elected, but regrets it now. She asked to rescind her signature supporting the Mayor. Ms. Busby encouraged the Town to seek Human Resource alternatives and believes an outside mediator should handle the dispute.

Mary Karel advised she felt the problems between the Mayor and Chief are foolish and admonished the two to work it out.

Suzan Bryant Reminded the commission that many of the people present were not at the last meeting and there was already a month-long investigation between the Mayor and the Chief which had already taken place. Ms. Bryant believed there was a solution in the last meeting and it was the Chief who hindered it.

Angie Corley asked the commission to consider progressive discipline for the Chief. Ms. Corley advised the need to all involved persons to “take a breath.”

Chris Haley asked Mr. Richardson if he wrote the Mayors termination letter. Mr. Richardson stated that the letter was the Mayors letter of what she believes of the Chief. Mr. Richardson advised he with the Mayor “pieced” the letter together. Mr. Haley’s time had expired prior to he finishing his comment.

Valerie Croce stated she believes people pick and choose what needs to be followed and mediation should have been done. Ms. Croce asked the commission to look at the facts and the issues. Ms. Croce stated Mr. Loos slandered the Mayor and has been disproven in his allegations. Ms. Croce noted that if the public was unhappy with the Mayor to run for Mayor themselves when it came time. Ms. Croce pressed the need to do the right thing and move forward. Ms. Croce also highlighted the many roles the Mayor had taken on such as COVID shots and seeking resolution to “the bridge money.” Ms. Croce stated the Mayor is committed to the community.

Rick Debellis on Zoom Relayed to commission that in his corporate experience, the issue was an employer and employee issue and believed the Chief was insubordinate.

Nadia Howell on Zoom relayed to the commission: it was the Mayor who was slandered by the Chief and the Chief did not apologize.

Rosa Bennet on Zoom stated the Chief slandered the Mayor and “no matter where one works this would not fly.”

Jen Phillips on Zoom asked the commission to consider that the Chief was not able to take direction from his supervisor-the Mayor.

Deborah Altenhof stated she lives across the street from Town Hall and has seen “a lot of goings on and who is present.” She asked Mr. Richardson if there was a grievance policy in place to document the problem Mr Richardson said yes, and it the grievance policy labels different offence types, and it was up to the Mayor on how she saw fit to punish within those offences. Mayor Martin stated she had spoken to the Chief on the issues and also was involved in an email chain with him over the issues. Commr. Murphy stated she was not aware of any written documentation that the Mayor sat down with the Chief. Ms. Altenhof asked if any of the offence called for termination of the Chief? Commr Anderson stated the “Chief’s letter” to commission called for termination.

Ray Bowen Asked Mr. Richardson if he was the Mayors Attorney and if an outside attorney was needed. Mr. Richardson advised he was the Towns Attorney, and this was an internal investigation due to the severity of the complaint made by the Chief. Mr. Bowen further commented the “banter” needed to stop, and he was concerned because he had heard the Mayor may have removed online “Nextdoor” comments from residents. Mr. Bowen stated he heard the Chief wanted to take mediation and the Mayor refused. The Mayor replied the issue had already been mediated. Mr. Bowen also thanked Mayor Martin for all the work she has done and knows it is a thankless job.

Dee Smith believes there is confusion over the “NextDoor post” and asked the Mayor, as a “lead” for nextdoor, how things get removed online and encouraged the Mayor to detail how a post could be removed from nextdoor. The Mayor responded she would be happy to, but it would take up the three minutes Ms. Smith had. Ms. Smith replied that it was difficult to get things removed from the online site and multiple people were needed for that to occur.

Astra Succar Ms. Succar felt the complaint about the Chief not being at work was not merited since she has observed him numerous times “doing rounds.” Ms. Succar advised she sees the Chief every morning around 7am patrolling and felt he is doing a great job in the community since “day one.” Ms. Succar also believed she is very protected by the police force and encouraged progressive discipline.

David Ziess Stated he sees the Chief patrolling in the morning hours and does not remember ever seeing a police chief do that in Town. Mr. Ziess stated he knows the Chief personally; talks with people in the Village while he makes rounds.

Carol Dobson Asked Mr. Richardson is he represents the Town and if he helped the Chief in the termination matter. Mr. Richardson stated he represented the Town Commission as a whole. Ms. Dobson presented that she thought it was unfair for Mr. Richardson to speak to the Chief as a mediator. Mr. Richardson stated the Chief was able to attain his own attorney if he wanted. Mr. Richardson clarified that no mediation had taken place. Ms. Dobson encouraged and cited that the Chief had been the only Chief to be at work before 8:00am.

Mr. Richardson asked to comment he felt some people may have been misinformed and stated he has taken the allegation of age, sex, discrimination serious. Mr. Richardson stated he had spent hours trying get the Chief and Mayor to work together and felt a large portion of issues stemmed from the Chief not wanting to work with the Mayor, and that the Chief was unwilling to take any sort of punishment. Mr. Richardson concluded in his investigation the Chief had been reckless in his complaint and made personal attacks on the Mayor. Mr. Richardson stated it was the Chief who broke down communication and felt that the Mayor was willing to listen. Richardson also clarified again that no mediation had taken place and he had hoped to further negotiate with the two. Mr. Richardson stated the Chief told him he wanted to be able to do his job without interference from the Mayor. The Mayor requested the Chief be suspended and the Chief denied any sort of discipline was proper and was now requesting termination.

Kim Zarillo POST Public comment asked if the Vice Mayor could oversee the Chief for the time being. The Clerk advised her to contact Town Hall via email so her thoughts/concerns could be relayed to the commission.

Gary Loos Addressed the Mayors earlier comment that she sent him emails of her allegations and concern. Mr. Loos denied ever receiving any emails to such and requested she produce them. He also stated the whole intent of his email to commission was to advise them of issues and that he felt he had no recourse for problems with the Mayor. Mr. Richardson advised Loos that he could have complained to his supervisor. Mr. Loos replied he thought the commission was the supervisor given the breakdown of the Mayors unwillingness to communicate with him. Mr. Loos also stated not once did he intend to sue the Town, nor did he convey that to the commission.

Vice Mayor Niemann asked Mr. Richardson if the Chief should go through his timeline that was provided “at table.” Mr. Richardson replied if the documents were material and the Chief could stick to his termination letter.

Mr. Loos provided an answer in writing to each of the Mayors reasons for termination. Mr. Loos read each answer into the record (As attached in “At Table Documents”) along with ten additional attachment containing, a Medical excuse, previous evaluations, email correspondence to the Commission, Email form State regarding fireworks, car insurance, job descriptions of all personal, and police department budget.

Commr. Jones asked the if the Chief were to make his complaint over again would he do the same? Mr. Loos replied that he would have changed the verbiage, but felt he was stuck and was at a big loss.

Commr. McCharles asked Mr. Loos if he had attempted any other method to make his complaint known. Mr. Loos responded he felt he had no recourse other then go to the commission since the complaint was about the Mayor as his direct supervisor. Mr. Loos reiterated that multiple officers had come to him because they felt “cornered by the Mayor” and he did not know of any other way to bring the problem forward as there was no policy for this type of matter.Mr. Richardson stated the Chief had recourse and that was to talk to his supervisor.

Commr. Calenda asked Mr. Loos if he could still work with the Mayor and if he could control his future actions. Commr. Calenda explained she though there was error on both sides. Mr. Loos stated he felt he could work with the Mayor and would be open to sitting down with her.

Commr. Murphy inquired if an outside agency could handle the issue.

Commr Anderson stated the problem still existed and there was no way to take back words.

Commr. Calenda requested that there be not such a hard stance.

Mayor Martin stated there was more than just one episode. Commr. Calenda responded she felt the Mayor “was angry and out to get him.”

Mayor Martin asked Mr. Loos of his comment in complaint that a “department head was told to follow him around.” Mr. Loos stated he had been advised of that. The Town Clerk Collen stated he had a comment for that and was told by Department Head Ward that he was told to follow the Chief in the morning to see he is on time. Mr. Ward said he wanted to clarify and stated he had been told by the Mayor to check and see how much it would cost to get the public works truck cleaned, Commr. Calenda pointed out that because of the current atmosphere, the Chief may have become concerned. Commr. Murphy stated it was a bad position to place an employee into that. Mr. Ward reiterated he did not go there just for that purpose, but he was to go to the car wash to look at opening an account.

Vice Mayor Niemann advised she had been told by the Mayor in January that she wanted to get rid of four people in the office and the Chief was the third person. She accused the Mayor of being divisive of another commissioner who resigned, Town employees, and the current commission. The Vice Mayor stated she knows one was George Tompkins, and Leslie Fay. Vice Mayor Niemann also stated she heard from persons that the Mayor did not like her either. After a discussion, Mayor Martins response was and, so what, what is your point? Vice Mayor stated the point was the Mayor had a part to play in this situation as well and that the commission wants to support her and support the Town. Mr. Richardson stated that no one had been fired, except the previous Town Clerk Ms. Hayes.

Commr. Calenda brought up that in the last meeting she had requested the Mayor to write a formal letter to police with encouragement, which was approved by all commissioners. Commr. Calenda provided an “at table document” that the Mayor sent with her response stating she was not going to write a letter, but has spoken to all the officers as this was best. The Mayor stated she felt Commr. Calenda was overstepping her grounds as a Commr. And in the email, it stated the Mayor had oversight of personal. Commr. Calenda stated she thought the Mayor was trying to go it alone and alienating the commission and residents(paraphrase).

Leslie Fay Asked to commission to clarify why she had taken an early retirement and spoke toward her over all feeling of discontentment. Ms. Fay produced a letter of explanation to be included in her personal file.

Sue Ditty Approached the counsel and asked why the Mayor had not placed her “at table document” in the original packet. Ms. Ditty asked for the commission to warn the Mayor of her part in this overall event, and to get the Mayor some management training to benefit all.

Vice Mayor Niemann motioned to have the Chiefs letter of termination by the Mayor rescinded because the Mayors letter of termination did not match the facts, and therefore to not terminate Chief Loos. Commr. Calenda 2nd the Motion. A roll call vote was performed with *Commr’s Anderson voting no, Calenda voting yes, Jones voting yes, McCharles voting yes, Murphy voting yes, Vice Mayor Niemann voting yes, Mayor Martin voting no. The Motion Carried with five yes votes over two no votes.* Commr. Calenda after the vote stated the need for work to be done now regarding all the issues that had been brought up.

After the motion was passed, galley persons started to exit. Ms. Ditty approached the podium, appeared very shaken and stated she had been accosted by a resident and asked for her removal. The resident also “attacked” Ms. Fay. Ms. Ditty stated she approached the podium in fear for her safety from the resident. Mr. Morris reminded all present of proper meeting decorum and asked Ms. Ditty if she required help. Ms. Ditty stated she did not at the moment.

Motion Made by Commr. Jones after his own investigation realized the Mayor did overstep her boundaries and needed help and asked to formally warn the Mayor of concerns with her behavior, work to develop an explicit plan for improvement opportunities for the Mayor, Town employees, and the commission, and begin to take immediate steps to ensure fair representation of Village constituents in a transparent manner. **Commr. Murphy 2nd The Motion carried by all commissioners unanimously.**

Commr. McCharles exonerated the need for the Mayor to communicate directly with department heads and not to employees directly. Commr. McCharles also encouraged the Mayor by highlighting she has “done a lot of great things “and cited several positive examples from previous Mayors reports. Commr. McCharles invited the Mayor “to reach out to the commission for help.”

Commr. Jones asked to go on record to thank Mr Richardson for his hard work. Commr. Jones stated Mr. Richardson had a difficult task and was very good; Mr. Richardson had served the Town in a great way.

Vice Mayor Niemann requested instruction from Mr. Richardson on how to move on from the contentious issue. Mr. Richardson stated it was up to the commission to decide the next steps, but some sort of employment counseling should be done. He cautioned the commission, that the commission could not make the Mayor do anything, and that there were offences committed by the Chief. Mayor Martin commented she thought training would be “good for the entire commission.” The Mayor stated, she felt the determination was one-sided and the letter was without regard and mostly false. The Mayor asked Mr. Richardson if that was correct. Mr. Richardson stated he would say the letter was “recklessly done without regard for it being true or false.” Commr. Murphy pressed the need for the commission and Mayor to “move forward.”

VII Establishment of a committee to address updates/revisions to the Town Charter.

Vice Mayor Niemann spoke of her request of this item and sought direction from Mr. Richardson. Mr. Richardson stated in order for the Town to revise its Charter, a Committee must be formed of non-commissioners. It was recommended the Committee be between five and seven people. The Charter update could include an entire “revamp” of the Charter or parts of it. The Town Clerk was instructed to advertise for position and have an application for potential members to fill out. Mr. Richardson was to provide a template for the application. Mr. Richardson cautioned commissioners that their presence at such a meeting could cast a shadow on the review process.

Commr. Calenda opined the whole Charter needed to be updated. Commr. Jones stated there was a need for role expectations within the committee, so things were not left by the wayside. Commr. McCharles pressed the need for varied expertise in new committee members. Mr. Richardson recommended the committee meet in public over the next six months at one time a month and Town personal could send the committee members a portion of the Charter to consider two weeks ahead of time.

VIII. Review Commission responsibilities and authority.

Vice Mayor Niemann spoke to the issues and asked for protection to be made for the Mayor and Town personal. Mr. Richardson stated the Mayor was largely accountable to voting public and the way the Charter is written that the Mayor is the final arbitrator in issues. But, he encourages her to listen to employees. Vice Mayor Niemann asked if the commission would consider a ‘civility pledge’ to be signed by all elected officials. Mayor Martin stated it might be best to place such pledge in a Charter.

IX. Update and review Town grievance policy.

Vice Mayor Niemann stated the Town did not offer concrete protection to its employees. Commr. Calenda asked if the personal policies should be updated first or if the Charter should be first. Mr. Richardson commented that the personal policies should be updated with the Charter, but the policy must conform with the Charter. Vice Mayor Niemann will contact the Space Coast League of Cities and Professional Human Resource agency to get recommendations.

X. Road repair options.

Town Superintendent Ward notified the Commission that a large hole had developed at the intersection of Live Oak and Hammock. The hole formed because the drainage pipe was old and compromised under the weight of passing traffic. Mr. Ward will be getting quotes for the project and believes that road engineering will not be needed and the cost of the project will be around ten thousand dollars. The Commission also briefly discussed the possible need to replace all other pipes at intersections given the aging system.

XI Adjournment 10:18 PM

ATTEST:

Jimmy Collen
Town Clerk/Treasurer

Tabitha Niemann
Interim Mayor