



Town of Melbourne Beach

TOWN COMMISSION WORKSHOP WEDNESDAY, MARCH 6, 2019 MASNY ROOM – 507 OCEAN AVENUE

MINUTES

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

Town Manager Robert Daniels
Town Clerk Nancy Wilson

PUBLIC NOTICE

The Town Commission conducted a Town Commission Workshop
on Wednesday, March 6, 2019 in the Masny Room
located at 507 Ocean Avenue to address the items below.

I. Call to Order – Led by Mayor Simmons

Mayor Simmons called the meeting to order at 6:00 p.m.

II. Roll Call

Town Clerk Wilson led the roll call.

Commissioners Present:

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

Staff Present:

Town Manager Bob Daniels
Town Clerk Nancy Wilson
Town Attorney Cliff Repperger

III. Pledge of Allegiance and Moment of Silence

Led by Mayor Simmons

IV. Public Comment

No public in attendance

V. Old Business

- A. Discussion regarding the LDC changes agreed to at the February 6, 2019 workshop including input from the Town Attorney regarding the proposed change to 3A-80(c) - Town Attorney Repperger (00:00:45)

Mayor Simmons read 3A-80(c): *Single family residential lots within a subdivision which was platted prior to January 1, 1990 are exempt from the requirement.* The Commission tentatively agreed to delete this paragraph but our engineer, Scott Glaubitz, recommended that we get a legal interpretation from our Town Attorney.

Town Attorney Repperger talked to Mr. Glaubitz who said he does not like the way 3A-80 is written and doesn't like the requirements in 3A-80(b). He forwarded a copy of Indialantic's chapter on water management that he thinks would cover any concerns Melbourne Beach might encounter. Mayor Simmons added that all Mr. Glaubitz suggested to the Commission was that in 3A-80(b), *1/2 inch of runoff must be retained from a 25 year/24 hour storm event* should be changed to read *8 inches of runoff must be retained from a 10 year/24 hour storm event.* The Town Attorney said that if the Commission doesn't currently want wholesale change, such as what Indialantic has done, his suggestion would be to add 3A-80(d) which would read: *Notwithstanding the exemption provided for in subsection 3A-80(c), any new construction on any residential lot, any modification or renovation to any existing residential structure on any residential lot of greater than*

fifty percent (50%) of its appraised value and any regrading of any residential lot shall require compliance with subsection 3A-80 (a) and (b).

Commissioner Quarrie asked if our engineer is suggesting that we replace our stormwater section with Indialantic's to which the Town Attorney answered "no"; he just wanted the Commission to see what they have put in place. Mayor Simmons said when we talk about concurrency in section 3A-80, all we are doing is making sure that our infrastructure and amenities keep up as the Town develops. This section doesn't define in detail, however, what the criteria are for stormwater management. 3A-80(b) does say that in order to maintain our level of concurrency, *the first ½ inch of runoff must be retained from a 25 year/24 hour storm event* (it will read *8 inches of runoff must be retained from a 10 year/24 hour storm event* in the next codification). Indialantic's stormwater ordinance goes into much more detail but it would be a big effort that would take a lot more time to implement so the Mayor suggested going with what the Town Attorney drafted and add 3A-80(d). The issue can always be revisited at a later date.

Mayor Simmons mentioned the items to which the Commission has previously agreed:

- 3A-80(b) change *½ inch of runoff from a 25 year/24 hour storm event* to *8 inches of runoff from a 10 year/24 hour storm event*
- Remove (1) from 4A-238 that reads: *Minor grading and the placement of minor quantities of nonstructural fill will be permitted for landscaping and for drainage purposes under and around buildings.*
- Have a civil engineer review retention of water on site plans thus requiring as-builts before and after the project. This is more than procedural and will require LDC changes to 7A-51 and 7A-51.1.

Commissioner Quarrie said that in every section for every type of zoning, *civil engineer* should be inserted for site plan approval.

Commissioner Runte wanted to ensure that the Town broadcast as widely as possible the new site plan review requirements and explain why we are having a civil engineer review them. He said he would propose some language and find all the locations in 7A-51 and 7A-51.1 where *civil engineer* should be added.

In the end, it was decided that the Mayor would meet with the Town Clerk to ensure all appropriate changes are made to sections 7A-51 and 7A-51.1.

Commissioner Walters didn't agree with the new process and the added fees. He said if he wants to gut his house and put on a 2nd floor and his property already floods, he would have to retain even more water. Mayor Simmons

said in that case, if the cost of the renovations exceeds 50% of the appraised value of the home, the house would have to be brought up to code anyway. Commissioner Runte said that Commissioner Walters already agreed to hire B.S.E. for engineering services and pass on the added cost to homeowners. All that the Commission is approving is to have B.S.E. review the site plan for drainage, etc., instead of having the Building Official provide that task. Vice Mayor Hoover said what the change is designed to do is retain stormwater throughout the Town and to protect homeowners in the future. Commissioner Walters said the assumption is that this process will work but he's skeptical.

B. Discussion regarding a building permit process change involving the commercial delivery of fill – Mayor Simmons (48:41)

Town Attorney Repperger said there are numerous ways to deal with this but the problem will be enforceability. If the trigger is the delivery of fill, a specific amount should be defined and the requirements stated in a grading or fill permit such as if full engineering will be required. The Town Attorney thinks this would work better as a requirement, such as, if you are doing grading, you have to maintain what is already retained on site.

Mayor Simmons said that if retention is in a property owner's backyard, nobody would know if fill is added but a dump truck or grader is a good indicator that something could be going on that would affect water flow. Commissioner Runte responded that no matter what rules are in place, they can be broken but rules still need to be adopted to indicate the Town's intent. He added that just because it may be unenforceable, the Commission shouldn't be deterred from making the right decision.

Town Attorney Repperger said there are a couple places where grading and fill are dealt with in the LDC such as 4A-20(g) R322.3.2 (4) where elevation requirements, specifically minor grading and fill, are addressed:

Minor grading and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

This is where the grading permit requirements could be added with either a definition of minor grading or removal of R322.3.2 (4) and redefining when a grading or fill permit is required. Mayor Simmons said the same change would also need to be made to the previous section R322.2.1 since R322.3.2 just refers to coastal high-hazard areas, however, minor grading is not addressed in that location. The Town Attorney also directed the Commission to look at 4A-181 regarding floodplain development permits. *Grading permits* are referenced in that location but not defined.

Commissioner Runte said that New Smyrna Beach requires a permit to bring in over a certain amount of fill. Melbourne Beach has nothing in place to prevent someone from building up their property.

At the conclusion of this discussion, the Commission agreed to have Commissioner Runte look into this issue further with input from Scott Glaubitz.

There was Commission consensus (4-1, Commissioner Walters dissented) to allow Commissioner Runte up to 30 minutes of consult time with Scott Glaubitz from B.S.E. to discuss the best course of action to follow regarding the commercial delivery of fill.

Commissioner Walters commented that the Town will have a difficult time enforcing the requirement to get a permit for deliveries of fill.

- C. Review of the Action Item list which was not reviewed but was updated after the February 20, 2019 meeting – Commission (01:16:35)
(The additions made to the action list include items from the Special Meeting that follows the Workshop)

1 item was closed

6 items were added

- **Donation of empty lot on 2nd Avenue**
- **Town's ethics and harassment complaint procedure**
- **B.S.E. to review site plans for drainage**
- **Investigate grant opportunities for water retention along Oak and county roads**
- **Space Coast TPO's Annual CALL FOR PROJECTS**
- **BB&T Closing and non-conforming use**

Commissioner Walters asked the Town Manager about what money is available for stormwater projects to which he answered that there is \$56,166 in Stormwater Utility Fund 141 and \$151,565 in Stormwater Bond Grant Fund 341 that is for repairs and street resurfacing. If the Town receives money from FEMA, after paying back reserves of about \$100,000, that money will go back into the Stormwater Bond Grant Fund 341.

Commissioner Walters then suggested that the Town has enough money to do the 2nd/Pine project. Commissioner Quarrie said that the \$56,166 in Fund 141 is pretty much untouchable unless we don't service our drains and Mayor Simmons added that Cherry Drive is in imminent danger of collapsing so we should wait to address the 2nd/Pine project during budget discussions.

- D) Discussion regarding Space Coast Transportation Planning Organization call for projects – Vice Mayor Hoover (add-on item)

The Space Coast TPO is accepting applications for projects to be added to their list of priority projects. These applications will be used by the TPO to qualify and prioritize proposed transportation-related projects using federal and/or state transportation funding. The deadline for submitting project applications is 2:00 p.m. on Tuesday, April 16, 2019.

Vice Mayor Hoover had 2 ideas for projects. The first one was to install curbed sidewalks on both sides of the street and a marked on-street bike lane on the east side of A1A. The second project involved changing the entrance/exits to the Ocean Avenue plaza and possibly installing a median with a turn lane and crosswalks. He suggested that the Town Manager contact SCTPO and the Eastern Florida Regional Committee to see what support he can get from them since they are always eager to help. ADD TO ACTION LIST

Town Manager Daniels reported that Susan Giblin, who owns the art gallery at 321 Ocean Avenue, is hosting an art event in April and she would like to donate 20% of the proceeds to the playground. He also suggested having a blood drive at Town Hall.

Commissioner Quarrie said BB&T is closing on April 12th; their drive thru window is a nonconforming use. We need to start a paper trail in April for the window not being used. We need to follow a timeline for notices because if there are "x" number of days that the window isn't used, the nonconforming use becomes invalid. ADD TO ACTION LIST

Vice Mayor Hoover said the Commission has discussed investigating retention areas for basins 11-13 along Oak and County lands to alleviate pressure on the stormwater that goes into the canals. If we missed the SJRWM application cycle, now would be the time to be looking for opportunities for that. ADD TO ACTION LIST

Vice Mayor Hoover also asked for an update about the person who wanted to donate his property on 2nd Avenue to the Town. ADD TO ACTION LIST

VI. Adjournment

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

The meeting adjourned at 8:37pm

ATTEST:


James D. Simmons, Mayor


Nancy Wilson, Town Clerk