



# Town of Melbourne Beach

**REGULAR TOWN COMMISSION MEETING**  
**WEDNESDAY, FEBUARY 20, 2019**  
**6:30 pm**  
**COMMUNITY CENTER – 509 OCEAN AVENUE**

## **MINUTES**

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

Town Manager Robert Daniels  
Town Clerk Nancy Wilson  
Town Attorney Clifford Repperger, Jr.

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## **PUBLIC NOTICE**

The Town Commission conducted a Regular Town Commission Meeting  
on Wednesday, February 20, 2019 at the Community Center  
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 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 Bob Daniels  
Town Clerk Nancy Wilson  
Town Attorney Clifford Repperger  
Police Chief Melanie Griswold

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

Led by Mayor Simmons

**IV. Public Comments**

*Karen Lucas*  
*208 1<sup>st</sup> Avenue*

Ms. Lucas held up a bag of cigarette butts that she had collected at the 1<sup>st</sup> Avenue crossover saying that it is an ongoing problem and the area is filthy and smells of urine. She suggested that the Town Manager arrange a meeting to talk to the manager and employees of *Sand on the Beach*.

*Frank Thomas*  
*606 Atlantic*

Mr. Thomas announced that St. Sebastian's Church will again host "A Taste of Barbados" on February 23<sup>rd</sup> where there will be food, beverages and entertainment.

He added that the Town's first streetlights were installed in 1928 at a cost of \$26 each - there were 24 of them.

*Neil Tompkins*  
*2004 Neptune Drive*

Mr. Tompkins thanked the Commission for the Workshop last week where the problems regarding the Harbor East canals was discussed and also thanked the Town Manager for his ongoing support. He said we should work together to try to capture stormwater runoff at the source. He also asked that the Town consider, on basins 11-18, creating additional retention areas in the easements along Oak and get the County to add retention areas where water is currently offloading into Harbor East. Over the last 40 years, the residents have dredged the area at a cost of about \$500,000. If they hadn't been dredged, he doesn't think the canals would be effective in handling runoff. About 10,000 cubic yards need to be dredged.

*Edward Kenny*  
*442 Sandy Key*

Mr. Kenny lives in the middle of the canals. They are still measuring the dissolved oxygen levels in the canals and they are still hypoxic (doesn't support fish live) at about 6-8 inches below the surface. He said Harbor East lots cover about 36.5 acres and there's another 8.5 acres of surface



areas in the canals. The property value of this area is about \$78,000,000 which means the canals are worth about \$14.5 million. Harbor East has a total ad valorem tax base of about \$1,000,000, a quarter of which goes to the Town and half again of that goes toward the stormwater bond. Those are the assets Harbor East residents bring to the table and the risks are that the Indian River Lagoon has a water quality problem, their canals are dead and the water can't support fish life. Property values will decline if the water isn't cleared up. They want to give some ideas for solutions and to raise awareness.

*Doug Hilmes*

*443 River View Lane*

Mr. Hilmes is asking for the Town's help in cleaning up the decomposing seaweed and algae in the Harbor East canals that's blocking the flow of water. He said that one of the topics not previously discussed was the contribution the canals make to stormwater management in the Town. There are 9 stormwater discharge pipes that drain into the canals of Harbor East; 351 properties, including churches, condominiums and some County land, discharge into their canals. There are 83 houses directly on the canals in Harbor East - 351 properties are draining into their backyards and is not flowing out. The Town does have the responsibility to keep their water clear.

*Michael Fears*

*408 River View Lane*

Mr. Fears said Harbor East is overdue for dredging and he proposed hosting a music festival in Town to raise money for that effort over Memorial Day weekend. He discussed the event further and asked for a follow-up meeting to go over the specifics.

*Jim Gillespie*

*441 Sandy Key*

Mr. Gillespie said there have always been challenges trying to get money for dredging. In the past, the residents in Harbor East have approached the Town for support with little response so he is encouraged by the concern shown recently by the Town Manager and the Commission. A lot of the runoff in Town goes into their canals but this is the worst he's seen it in 26 years. He encouraged the Town and other entities to provide financial support.

*Alex Smith*

*404 Anchor Key*

Mr. Smith thanked the Commission for the new playground that his children love. He's a concerned homeowner who has lived in Harbor East for 8 years and in the area for 23 years. He paid \$7,000 for his share of the dredging 8 years ago. He said the current baffle boxes are ineffective and Harbor East has become a leach field for a lot of the Town's mess. He believes the Town needs to share in the cost of solutions to this problem.

#### **VI. Approval of the Agenda (00:27:30)**

**Vice Mayor Hoover made a motion to approve the agenda as presented;**  
**Commissioner Quarrie seconded. Motion carried 5-0.**

#### **VII. Consent Agenda (00:27:55)**

A. Site Plan Review for 446 Riverview, Melbourne Beach

- B. Site Plan Review for 423 6<sup>th</sup> Avenue, Melbourne Beach
- C. Reappointment of David Campbell to the Planning & Zoning Board for a term of 3 years
- D. Reappointment of April Evans to the Planning & Zoning Board for a term of 3 years
- E. Reappointment of Jason Judge to the Parks Board for a term of 2 years
- F. Reappointment of Eddie Struttman to the Parks Board for a term of 2 years
- G. Reappointment of Diana Beacham to the Historic Preservation Board for a term of 2 years
- H. Appointment of Oleya "Libby" Brown-Brock to the Planning & Zoning Board as an alternate member for a term of 3 years (interviewed at February 6<sup>th</sup> Workshop)
- I. Appointment of Oleya "Libby" Brown-Brock to the Environmental Advisory Board as an alternate member for a term of 2 years

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

Mayor Simmons asked the Town Clerk to screen the applications for completeness prior to submitting them for approval.

#### **VIII. Old Business (00:28:41)**

- A. Consideration of making Melbourne Beach a golf cart friendly community – Town Manager Daniels

Town Manager Daniels said he and the Police Chief have looked at allowing golf carts in Town from many different angles so what is needed now is to determine in what direction the Commission would like to go such as drafting an ordinance that would allow permitting of converted golf carts, making the Town a golf cart community, etc. He and Chief Griswold don't like the idea of having unlicensed, underaged drivers in Town which could happen without imposing rules and regulations.

Commissioner Quarrie said she is still in favor of allowing golf carts and would like to follow through with the draft ordinance since it addresses a lot of concerns. She is still receiving a favorability rate of 60% on the poll she placed on *Nextdoor*. Commissioner Runte said he has only received positive feedback from residents about allowing golf carts in Town and Commissioner Walters was in favor of them if they comply with state laws but he thinks the fees are too high. Commissioner Quarrie and Chief Griswold agreed that the permit application process fees are reasonable, especially since we will want to offset the cost of signs and registration stickers, but the Chief's concern is the extra time that will be required by her Officers to ensure that the golf carts have the proper safety equipment installed. Designating us as a golf cart community offsets having to go to Titusville. Mayor Simmons went over the responses he received from those polled with his favorite being that we should provide a service to get the carts to Titusville then it remains the State's problem. He thinks there are potential problems with allowing golf carts



on our streets such as stickers not being easily seen. The solution to that would be requiring a license plate that couldn't be counterfeited and that's easily seen. Another potential problem is that the Town couldn't ensure insurance coverage. A possible solution would be to require the Town of Melbourne Beach to be an additional insured so we'd be notified if there is any change to that insurance policy. Another possible solution is to require an annual verification that a policy has been in place the entire year and if it lapses, the vehicle is banned forever from getting registered. Our police officers would go to the homeowners' houses so that the vehicles aren't driven to and from Town Hall. Referencing state law on this topic, Mayor Simmons had other concerns such as how will we determine if golf carts can safely travel on designated roads and streets (as required by State law)?; will we be required to perform a study.? Also, once it has been determined that golf carts can operate safely on designated roads and streets, where must the "appropriate" signs, indicating that such operation is allowed, be posted? Also, referring to state law that reads: *A golf cart may be operated on a part of the State Highway System under the following condition: To cross a portion of the State Highway System which intersects a county road or municipal street that has been designated for use by golf carts if the DOT has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes*, the Mayor questioned whether we'd be required to have a formal crossing every time a golf cart crossed over A1A or Oak Street. He also mentioned that a resident suggested that an operator test and licensing be based on an understanding of our operating rules for golf carts. In conclusion, Mayor Simmons said there's a lot more work to be done before we move forward. He also pointed out that none of the restrictions mentioned above would exist with low speed vehicles (LSV). The 3 reasons for us wanting to allow golf carts is that it's a pain in the neck to transport a vehicle to Titusville for licensing, the rules are more stringent for LSV's and insurance rates aren't as high.

Vice Mayor Hoover agreed that the verification of insurance is important and that we need to also have a better understanding of what we need to do to verify that the roads are safe. Otherwise, we should offer logistical support to transport the vehicles to Titusville.

To clarify: A vehicle can only be designated as an LSV if it has a valid license plate, registration and a vehicle identification number. This can only happen by installing all the required safety equipment and taking the vehicle to Titusville.

Commissioner Runte agrees with the requirement that Melbourne Beach be an additional insured. He added that road crossings and safety studies should be discussed with DOT and suggested contacting municipalities that are in a similar situation.

Commissioner Walters said he wants to comply with state law and have the vehicles tagged and insured. It would be a lot simpler to have the owner take care of the conversion so the Town didn't have to get so involved in the process which would make enforcement easier. The Mayor agreed but thinks providing a service to take the vehicles to Titusville would be a good idea. Commissioner Quarrie just wants to save Town residents time and money.

*Jason Judge  
400 Coral Avenue*

Mr. Judge said that he and his wife are very well versed on the subject of LSV's and golf carts. He said there isn't a difference in price between LSV's and golf carts other than the fact that LSV's are required to have safety equipment installed and have to be transported to Titusville



for licensing. Insurance cost is about \$200 but with personal injury protection, which is required for LSV's, the cost goes up to about \$600.

In response to a question asked by Commissioner Walters, Mr. Judge said that to turn a golf cart into an LSV costs about \$1,000 plus the cost to transport it to Titusville for licensing plus the added insurance cost for PIP.

*Edward Kenny*  
*442 Sandy Key*

Mr. Kenny asked if a speedometer is required to which the answer was "no". He questioned how the driver is supposed to gauge his/her speed which is important in the slow zones in Town.

**There was Commission consensus to have the Town Manager get feedback from other communities in a similar situation and to address DOT considerations by determining what we need to do to comply with road crossings, studies, etc., as mentioned in Florida Statutes 316.212. Also, determine how we'll ensure continuous insurance coverage.**

B. Consideration of stormwater solution for 2<sup>nd</sup>/Pine flooding – Town Manager Daniels (01:12:25)

Town Manager Daniels said that the flooding problems on 2<sup>nd</sup>/Pine have been on our project priority list since we began discussing our FY19 budget. B.S.E. Consulting did an analysis on that area and the best solution would cost \$180,000. Because of all the other stormwater issues that we've had to address and the fact that we haven't received any reimbursements from FEMA, our budget doesn't have the money to cover this expense, otherwise, he would recommend moving forward with the project. Other pending issues exist on the tree streets and on Poinsettia. If the Commission wants to make 2<sup>nd</sup>/Pine the #1 priority, we can move ahead once we receive funding. There is no timeline on receiving reimbursements from FEMA though we've been told it will be "soon".

Mayor Simmons said the Andrews outfall was not included in the budget submittal to FEMA. Riverside Circle sod was not included in the Andrews estimate and it wasn't included in the figure that Scott Glaubitz gave us when he said we'd saved a couple hundred thousand dollars on the project. Also not included in the estimate were the irrigation repairs that amounted to about \$1,000.

*Tom Davis*  
*PW Supervisor*

Mr. Davis said there were 6 residents whose irrigation was affected and 2 of those 6 were farmed out. He said the cost was approximately \$1,500 - \$2,000 which doesn't factor in the approximately 30 man hours supplied by Public Works employees. In response to a question asked by Commissioner Walters, Mr. Davis answered that sod is piled up in Circle Park because Bruce Black is creating a path that will be planted with low maintenance plants. Public Works is going to utilize the removed sod at Ryckman Park.

Commissioner Quarrie said that at the February 6<sup>th</sup> Workshop, the engineer reported that it would cost about \$350,000 to fix the intersection at Cherry and Rosewood which is higher than the amount quoted in the budget. She also recounted that Mr. Glaubitz said we are



going to see an accelerated rate of collapse on our streets and we'll be chasing maintenance issues. Vice Mayor Hoover said that's why it's crucial that we look into grant opportunities.

*Edward Kenny*  
*442 Sandy Key*

Mr. Kenny said he is curious about the pipe issues where the tree streets intersect with Cherry. He said that area feeds into Harbor East's first outflow and he wonders if as the pipe is collapsing, is it pulling in any material. Mayor Simmons responded that it's not happening yet, according to a survey that was performed, but it's still weak. When asked about baffle box cleaning, the Mayor told Mr. Kenny that cleaning of the baffle boxes has increased from 2 to 5 times per year.

*Neal Tompkins*  
*2004 Neptune Drive*

Mr. Tompkins asked for the Town to please work with the county to help restore the canals in Harbor East by looking for areas where water could be retained.

Commissioner Runte asked if our engineer could take a look at Oak Street to see what the as-builts show (to determine if the current storm drains would interfere with a swale). It wouldn't cost much to create a swale in that area.

*Gina Quigley*  
*503 Second Avenue*

Ms. Quigley asked how the Town determines what constitutes a priority. Mayor Simmons answered that a hole in the road would be considered a priority issue. Vice Mayor Hoover added that the Andrews Avenue project was a priority because getting reimbursed from FEMA had a deadline we didn't want to pass. Ms. Quigley said during a rain event, there is an extraordinary amount of water on 2<sup>nd</sup> Avenue. She said the issue on 2<sup>nd</sup> is a health and welfare issue and they won't make it through even predictable rains. Mayor Simmons said that the reason some projects are eligible for FEMA money is because they were caused by a storm. The problem on 2<sup>nd</sup>/Pine isn't a problem that resulted from a storm, rather, it was poorly designed and constructed but it didn't fail. That's why we would have to pay the entire \$180,000. She concluded by saying she understands that the Town is in a bad position but she's worried about her property becoming uninhabitable.

*Kate Wilborn*  
*502 Second Avenue*

Ms. Wilborn weighed in on the flooding issues on 2<sup>nd</sup>/Pine and agreed that it is a health and safety issue. She said that having a new playground is nice but it shouldn't be a priority over flooding issues. Pine Street is well travelled but is impassable after a rain. She doesn't know what to do; after a rain, the water is up to her outlets and water keeps flowing in.

*Jessica Quigley*  
*503 Second Avenue*

Ms. Quigley said if the Town won't fix the problem, can they keep the drains cleaned and maintained. She said the problem is caused not only caused by poor design but also by poor maintenance. Before the last storm, the drains were full of muck.

*Joe Frams*

*503 Second Avenue*

Mr. Frams said cameras need to be used to make sure drain lines are clear; they could be failed or collapsed. He said during one rain event in 2017, hardly any water was flowing into the river from the drainage pipes.

*Janie Stewart*

*317 Second Avenue*

Ms. Stewart has lived in the same house since 1987 and has watched this problem get worse in the last few years. She thinks the Town should honor the original neighborhood of Wilcox Plat in Melbourne Beach and fix the problem.

*Pamela Wise*

*410 River View Lane*

Ms. Wise lives in Harbor East but she feels for the people who have the flooding issue on 2<sup>nd</sup>/Pine. She asked what the next steps will be for 2<sup>nd</sup> Avenue and for Harbor East now and in the future. Mayor Simmons read the Action Items related to stormwater adding that the Town is dealing with damaged pipes and collapsed roads so we can't begin developing and implementing a master plan. He added that the Town may need to float another bond. Vice Mayor Hoover explained that the purpose of developing a master plan is to update historical efforts. We have very little water retention capability so the solutions to our stormwater problems will involve creative planning, homeowner cooperation and new building requirements.

*Loraine Arbogast*

*1100 Atlantic*

Ms. Arbogast said there is a low spot at the 1<sup>st</sup> Avenue crosswalk where water collects. She said the area keeps getting rutted out by garbage trucks and asked if they could be relocated.

Commissioner Walters asked the Town Manager for the amount of bond money and stormwater utility fees that remain for stormwater repairs. The Town Manager said he will work with the Finance Manager to get exact figures.

Mayor Simmons suggested that the 2<sup>nd</sup>/Pine issue be revisited after we receive the money from FEMA, ensure it's considered at budget time and look for grant opportunities.

**There was Commission consensus to revisit this issue once FEMA money is received, to have the Town Manager look for grant opportunities and report on how much money is available from stormwater taxes and how much of the bond money remains.**

C. Consideration of FPL's LED Lighting Agreement – Town Manager Daniels (02:21:18)

The Town Manager reported that FDOT is holding steadfast on their requirement to have brighter lights on state roads. He recommended that the Commission authorize him to move forward with the LED conversion using nothing brighter than 3000K lights on residential streets. He also recommended that they revisit the lighting in Ryckman Park as a separate project at a later date since those lights will be an expense to the Town.



Vice Mayor Hoover said a couple residents mentioned missing light poles and also areas where more light is needed. Town Manager Daniels said he and an FPL representative will go through the suggestions made by the Commission at one of our Workshops. The additional lights will be added at locations where we are already paying for them but they don't work for some reason.

**Vice Mayor Hoover made a motion to approve the conversion of the existing lights to 3000K with no conversions on DOT or county controlled roads; Commissioner Runte seconded. Motion carried 5-0.**

**IX. New Business (02:29:15)**

- A. Consideration of January 9, 2019 Town Commission Workshop minutes – Town Clerk Wilson
- B. Consideration of January 16, 2019 Regular Town Commission Meeting minutes -Town Clerk Wilson
- C. Consideration of February 6, 2019 Regular Town Commission Meeting minutes -Town Clerk Wilson

**Commissioner Quarrie made a motion to approve the minutes with suggested changes for the January 9, 2019 meeting, the January 16, 2019 meeting and the February 6, 2019 meeting; seconded by Vice Mayor Hoover. Motion carried 5-0.**

- D. Discussion and possible action regarding the purchase of a utility vehicle for Public Works – Public Works Supervisor Davis (02:30:41)

Mr. Davis asked the Commission to redirect leftover funds within capital accounts from the Ryckman House roof and pavilion budgeted amounts in order for Public Works to purchase a new utility vehicle. The 2008 utility vehicle is too old to be rebuilt since the parts are no longer manufactured. He explained that the one they are interested in, a Honda 700, is a mid-range model with basic features but has the best payload factor and tow capacity. He did extensive research on utility vehicles including electric ones but the one they decided on gives them what they need at the best price. Honda of Melbourne is as competitive as anybody else and they have given him a price of \$10,500. Mr. Davis said he'd rather drive a utility vehicle around town than the truck for a lot of their jobs. He also thinks they'll be able to get 10 years out of it.

**Commission Quarrie made a motion to waive the normal bidding rules; Vice Mayor Hoover seconded. Motion carried 5-0.**

**Commissioner Runte made a motion to approve the purchase of a new utility vehicle at a cost not to exceed \$11,000; Commissioner Quarrie seconded. Motion carried 5-0.**

- E. Discussion and possible action regarding the purchase of an automatic gate system for the back lot of Town Hall – Public Works Supervisor Davis (02:41:44)

Mr. Davis asked the Commission to redirect leftover funds within capital accounts to purchase an automatic gate system to enable securing the Police and Public Works area. The

surplus funds are a result of savings from the pavilion, Ryckman House roof and garage door opener replacement projects. The only proposal to date of \$8,600 would cover all the needed equipment and installation costs. He'll be getting at least one more proposal.

Current events targeting various government agencies necessitate increased security to protect both assets and personnel. Also, Chief Griswold is working on accreditation for the Police Department and security is one of the requirements.

Commissioner Quarrie asked about the speed of the gate since a previous complaint was that it doesn't move fast enough. Chief Griswold said the problem, other than the motor being inoperable, is that the gate is so heavy; the idea is to get a much lighter one. The intent is to keep the gate closed except during the ingress or egress of vehicles. There isn't a requirement to have a signal indicating if the gate is opening or closing. The gate will be operated by remotes in the vehicles and inside the station.

**Vice Mayor Hoover made a motion to waive the normal bidding rules; Commissioner Quarrie seconded. Motion carried 5-0.**

**Vice Mayor Hoover made a motion to approve the purchase of an automatic gate system for the back lot of Town Hall at a cost not to exceed \$8,600; Commissioner Quarrie seconded. Motion carried 5-0.**

- F. Discussion and possible action regarding the Town's *Ethics and Harassment Complaint Procedure* – Mayor Simmons (02:50:10)

Mayor Simmons said that after we made the change to the reporting process for the Town Clerk, he started looking into some of our policies and procedures. He found that we had no policy for investigating ethics violations. In reading the complaint procedure for sexual harassment, he found it was rather circular if the violator was the Town Manager. After further discussion and input from the Town Attorney and Commissioners, wording and clarification changes were decided upon. Those changes, along with a recommendation regarding time lines, will be incorporated by the Town Manager and reviewed and voted on at the March 20<sup>th</sup> Regular Town Commission meeting. (This item was to be added to the Action Items list.)

A break was taken at 9:47 p.m. and the meeting reconvened at 9:56 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 Bob Daniels  
Town Clerk Nancy Wilson  
Town Attorney Clifford Repperger  
Police Chief Melanie Griswold

- G. Discussion and possible action regarding a building permit process change involving commercial deliveries of fill – Mayor Simmons

Mayor Simmons said that at the February 6<sup>th</sup> Workshop Doug Hilmes suggested that we add something into the building permit process about commercial deliveries of fill. His rationale



is that we can approve a retention plan then somebody can have a truckload of fill delivered. Commissioner Walters said the enforcement of this would be difficult especially with all the commercial deliveries in Town. Commissioner Runte added that we have to put our best foot forward to mitigate our retention issues, so he is in favor of this change. Commissioner Quarrie said what would trigger enforcement is a neighbor who makes a code complaint against the homeowner with the new fill who would then have to prove again that water is retained on his/her property. Mayor Simmons responded that the *Town* would have to prove that the homeowner didn't meet the code.

Town Attorney Repperger said to accomplish this, a code change would be required. The point of the suggested action is to ensure compliance with the LDC regarding runoff. He asked: how many people are bringing in fill who would be in violation of that provision who aren't going to have a building permit anyway? The Mayor responded that we are putting in place that when someone is building a new house, a water retention plan is required showing where, during a storm, the first 8 inches in a 24 hour period will be retained. The homeowner later wants the unattractive retention area filled in and landscaped and code enforcement can't see what's going on behind a fence, for instance. The Town Manager added that with a building permit requirement, the building official has more authority to go on the property if he sees that there's a violation. Commissioner Runte said that if a building permit is required and the proper procedures aren't followed, there's a lot of legal action that can be taken.

The Town Attorney said to effectuate this change, it would have to be written into the code to require a building permit for commercial deliveries of fill. If it's not written in the code, how will the Town be able to ensure compliance with runoff in the LDC? Mayor Simmons said we are adding one more thing to the building permit process which he doesn't think is governed by our code adding that we recently updated our building fee schedule without an ordinance. We may be able update the schedule by majority vote.

**The Commission agreed to discuss the ordinance and fee schedule at the March 6<sup>th</sup> Special Meeting**

- H. Ratification of Land Development Code changes agreed to at the February 6, 2019 Workshop – Mayor Simmons (03:38:47)

Mayor Simmons said the point of the change is to not allow properties to be exempt from water retention requirements just because they were platted before 1990. Town Attorney Repperger said that if that wording is removed, grandfathering may be affected so he'll have to look at the interplay between this section and the non-conforming section. He doesn't know what the consequence would be of deleting that provision. He then asked if the Commission has a problem with homes that are constructed on pre-platted lots that are currently constructed but are not being modified (unless they meet the 50% threshold). The answer was that they do not have a problem with that. The Town Attorney said he may add a (d) that reads: *any alterations, modifications, renovations or new construction on any single family residential lot within a subdivision shall not be exempt*. This way, the Town keeps the existing exemption. He will work on the appropriate wording.

**Commission consent to address the LDC changes at the March 6<sup>th</sup> Special Meeting after the Town Attorney gives feedback on proposed change to 3a-80(c)**



- I. Consideration of Safebuilt's renewal agreement for building inspections and official services – Town Manager Daniels (03:52:16)

Commissioner Walters said that given the hourly rate increase, we may want to revisit hiring a building inspector. Commissioner Runte said his hourly rate has increased but he will be working fewer hours and inspections will be performed by a lower paid employee. He also questioned when the Commission will discuss hiring a civil engineer.

**There was Commission consensus to get a copy of B.S.E.'s fee schedule and to discuss hiring a Civil Engr for building permit reviews (focusing on water retention) at the March 6<sup>th</sup> Special Meeting**

**Commissioner Quarrie made a motion authorizing the Town Manager to sign the renewal contract between the Town and MT Causley (aka Safebuilt) for 1 year, effective March 1st; seconded by Commissioner Runte. Motion carried 5-0.**

## **X. Staff Reports (04:03:33)**

- A. Town Attorney Report – Regarding *Sand on the Beach* and the special exception - the Town Manager has met with the owner and advised him of the issues related to the special exception. Mr. Pepaj's attorney, Kim Rezanka, has asked for an extension of time and to bring the case to the Board of Adjustment in April at which time they may present options for redevelopment of the property. Both the Town Manager and the Town Attorney agreed to the extension. The Town Manager also sent a letter to Ms. Rezanka indicating that there are immediate issues that need to be cured such as the cigarette butts, open garbage bins, etc. When asked how the case will be presented to the Board, the Town Attorney said that Town staff will present the evidence to BOA and he will direct the proceedings and presentation. There are a number of specific deficiencies that are outlined in the deficiency letter that illustrate the exact violations and they'll have to walk through each of them at the meeting. Commissioner Runte asked that a copy of the special exception and notice of violation be sent to him. Mayor Simmons said that this process could be highly contentious and that it was imperative that all board members follow the law on ex parte communications (especially site visits and discussions with residents) and asked if the Town Attorney should conduct a refresher with the BOA members on ex parte communications. The Town Attorney said he will put something together for them about quasi-judicial proceedings. The Town Attorney also looked at the code regarding budget transfers and said that Commission approval is required for interdepartmental line item transfers. The finance report each month will indicate any transfers and the Commission can vote on them at that time. The Town Attorney will send something out explaining that. He will not be able to attend the March 20<sup>th</sup> meeting.

### **B. Town Manager Report**

The Town Manager talked about the Public Employees Relation Commission ruling that Corporals could not be part of the election process. After 15 days, the Police Benevolent Association has the opportunity to challenge the hearing officer's ruling and if they don't challenge, it moves to the election phase.

The Mayor asked the Town Manager if he had received the all the signed releases from the people on Andrews Avenue to which Mr. Daniels said he has all but 3 and explained why he didn't have them. Vice Mayor Hoover asked if the Town Manager had the record of contacts



made with residents throughout the Andrews project. Mr. Daniels said it is available and he will get it to the Commission.

Commissioner Quarrie asked what we are going to do about plantings in the Town rights-of-way. The Town Manager responded that he sent out a letter to those on the north side of Andrews who had work done in their rights-of-way saying that if they plant anything in those areas, it will be treated as a code violation. Commissioner Runte asked if we are going to enforce this throughout the Town because it may be hard to just enforce it in one area.

C. Town Clerk Report – no report

D. Departmental Reports:

1. Public Works Department – no questions/comments
2. Building Department – no questions/comments
3. Code Enforcement – no questions/comments
4. Police Department – Chief Griswold said she didn't have big crowds at her public sessions but the people liked meeting the new officers. She'll have another session in a few months. Those who had issues are now satisfied.
5. Fire Department – no questions/comments
6. Finance Department – The Finance Manager is anticipating a minimum payment from FEMA of \$900,000

**Commissioner Quarrie made a motion to accept to finance report as presented; Vice Mayor Hoover seconded. Motion carried 5-0.**

**XI. Town Commission Comments**

A. General Comments

Mayor Simmons mentioned 3 bills in the state now that negatively impact Home Rule on plastic straws and a municipality's authority on monuments and memorials. He also reported that new shark fishing regulations were adopted on second (and final) reading, that they will become effective on July 1 and that municipal law enforcement can enforce them.

B. Review of Commission Action List

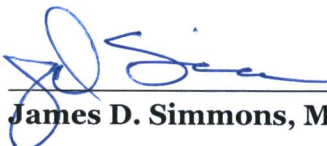
To be addressed at the March 6<sup>th</sup> Workshop

**XII. Adjournment**

**Commissioner Quarrie made a motion to adjourn; Commissioner Runte seconded. Motion carried 5-0.**

Meeting adjourned at 11:07 p.m.

ATTEST:

  
James D. Simmons, Mayor

  
Nancy Wilson, Town Clerk