



# TOWN OF MELBOURNE VILLAGE

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## Special Commission Meeting

### Minutes

Thursday July 13, 2023

6:30 PM, Town Hall

- I. Call to Order: 6:31 pm
- II. Pledge of Allegiance led by Mayor.
- III. Roll Call: in attendance were Commissioners Anderson, Ingram, Jones, Muzzone and Mayor Ditty. Commissioner Foster and Vice Mayor Calenda were excused.
- IV. Residential Culvert Maintenance:

Mayor Ditty stated that the first topic is about the culverts article that was in the April issue of the Cardinal. She also stated that she has read all the correspondence and Town Codes and they do not address residential culverts in any of the codes. Instead, they address municipal sewers, drains, and swales that are the Town's responsibility. We do not have a specific policy that addresses residential culverts. That was the guidance from our attorney last year and the guidance from our attorney this year.

#### a) Public Comments

Richard Jones stated that the first inch of rainfall is the residents' responsibility, then the other 9.5 falls on the Town. The Town improvement section of the Town Code 9.5 talks about maintenance of culverts and says residents cannot even use shovel or they are in violation. If a culvert pipe fails, then it is the Town's fault and the Town is responsible for repairs.

Mayor Ditty said Chapter 9.5 is about control of streets and public ways, it reads "limits of the Town's streets, bridges, roads, allies in and adjacent to the town limits." So residential culverts underneath the driveways are the purview of the residents.

Richard Jones disagreed with the mayor and proceeded to leave the meeting without listening to the rest of the culvert discussion.

Sandy Dix, 6485 Flamingo Rd, stated she has been here since 1996 and the town has always maintained the resident's culverts. She stated that if people try to clean their culverts out and cause a problem, that becomes a stormwater drainage problem, which becomes backed

up causing flooding. She feels that since we pay taxes, that the stormwater drainage going through driveway culverts should be the town's responsibility.

John McNeil, Sheridan Rd, asked how a resident is supposed to clean their culverts and what equipment should be used. H also read in the code about not being able to move the dirt and how you must come to the commission to get a permit to move the dirt out of your culvert. He understands that the resident should be responsible for keeping the swale clean, but how does a 70 yr. old get the culvert under his driveway clean by himself?

Ray Bowin, 665 West Pine, stated he may not do it properly and move dirt to the wrong place.

John McNeil asked if the residents could rent the town equipment and what is the liability if we do?

Mayor Ditty stated the Town of Melbourne Village is responsible for the swales, the feeder ditches, the culverts under the road, and the drains. George and Bradley had a map and a plan of what was done and needed to be done and this year the plan has not been as active. We have checked with and found out that none of the other municipalities take care of resident's culverts. For example, if I can't clean my roof, I must hire someone to do it.

Comm Anderson said that some of the culverts are aged out and the cost to repair them is part of the problem. It will become a serious financial situation.

Mayor Ditty said that Comm Anderson raised a good point that some of the residents have replaced their culvert, but others have not, and they are causing some of the issues. We appreciate that volunteers tried to help clean culverts a few years ago but past practices cannot continue due to Town Code. In Chapter 17.5 it states that no person shall obstruct the flow of storm water by obstructing any ditch or drain on the several alleys and streets of the town in any manner whatsoever, or any natural drain whatsoever, located within the town.

Ray Bowin said the city has been negligent in clearing so it is a huge liability and the city must come through and clean the swales. He asked why we can't use the stormwater grant.

Mayor Ditty said we do have a stormwater grant but that is earmarked for the town culverts under Hall Road, Dayton, and quite a few others.

Comm Muzzone said we must maintain a certain level and we need to work on the swales first then we can focus on the culverts. As a town right now if you see debris in front of your culvert just clean it out right now so we can get the elevation of swales regulated and then we can move on to culverts.

Mayor Ditty said the swale clean out is a long-term plan and it's on the schedule for Public Works, it just needs to be enacted and followed up on. The equipment is still functional and will be useful. She points out that West Melbourne and Palm Shores are not responsible for the resident's culverts.

Sandra Smith said that if swale cleaning stopped because of Hurricane Season, then when we have no Hurricane, why are they not out there cleaning the culverts.

Mayor Ditty said we stopped during the rainy season because the mini must straddle the swales and it does more damage, so we have to wait for the dry season.

Comm Jones asked how long it takes to clean a culvert with our equipment.

Mayor Ditty said if the town was going to change our policy, it would have to be a big discussion to figure out the cost, time frame, and the uniqueness because we would be the only municipality that would be doing this.

Comm Anderson stated that we are getting ahead of ourselves. We need to get the swales cleaned out first. That needs to be our priority right now because if we don't clean the swales and there is a bad storm, the culverts just get clogged again.

Mayor Ditty said it has taken years for them to get backed up and if they clean the swales, it will be a while before it gets backed up again.

Comm Ingram said that he watched Bradly and George, and it took them 2 to 3 hours to clean a swale.

Comm Jones said he thought it would be about a ½ day to clean a given swale. He was just trying to get an idea for the cost if we decide to hire it out.

Mayor Ditty said not all the swales need to be done.

Mayor Ditty said, "I think if the feeder ditches and the swales are maintained, the water will flow around, and it will go down the streets. The feeder ditches are working. She will take more comments from commissioners but based on our Town Codes, residential culverts are not our responsibility.

Comm Jones said the swales will be our priority, but we need to be careful how we fix the swales.

Mayor Ditty stated that when the swales are dug out, we need to finish by cleaning it up also. The swales are town right-of-way and need to be cleaned and mowed, which is the Public Works responsibility. We have new equipment for the deep ditches. We have a plan the was started when George and Bradly started. If Public Works hasn't gotten to you, please put in a work order.

John McNeil said the part of the code the worries me is the section they say you cannot remove any dirt.

Mayor Ditty said in section 17.6 it states "No person shall do any construction or repair work involving the tearing up and relaying of any street or part of street, or obstruct, dig up or into or in any way disturb any street or part of street, including removal or earth from ditches, without first procuring from the town commission a written permit therefor. The permit shall be issued under such conditions as may be prescribed by the town commission and shall accurately describe the portion of the street to be affected and shall make provision for the replacement of that part of the street which is to be replaced in the same condition as when disturbed and shall state a definite time within which the permit shall be operative."

John Cary, Town Attorney, said the code states you can't create your own ditch, but you can remove what needs to be cleaned.

Mayor Ditty said the chapter is labeled "Streets and Sidewalks."

Mr. Cary said not to take the town codes so literally. The dirt is from settled dirt and can be removed to clean the swales and culverts. He also noted you can read in the City of West Melbourne that they do not maintain culverts, and this is the rule across the state.

Mayor Ditty said she appreciates all the comments and can't rely on past practices, thanked everyone for all the comments and input.

#### V. Roof Proposals

Mayor Ditty sent out RFPs to 20 companies on May 16<sup>th</sup> and due by June 15<sup>th</sup>, we have 2 roof proposals in the packet: one is dated before RFP requested information and it does not include the requested information, and one from Florida Native that has used the information requested in the RFP.

Comm Jones asked if the one dated March 2<sup>nd</sup> is that one valid or are you saying we only have one that meets the RFP.

Mayor Ditty said we only have the one that meets the RFP. The other one we don't know the specification which means the pricing would change if it doesn't meet the RFP and we

do have the one that does, and we need to move forward with this. Both companies are very good. I did my research on them both.

Commissioner Anderson made a **MOTION** to accept the Florida Native Roofing contract as written for both the Town Office and the Public Works workshop roofs and to bypass Finance Committee as it was already included in the budget. Commissioner Muzzone seconded the **MOTION**. A roll call vote was taken and Commissioners Anderson, Ingram, Muzzone and Mayor Ditty voted in favor of the above **MOTION**. Commissioner Jones voted against the above **MOTION**. The **MOTION** is passed. (Commissioner Foster and Vice Mayor Calenda were absent)

#### VI. Emergency Inspection Services

Mayor Ditty stated that we do not have a Building Inspector and we need to have an interim inspector.

Heather Roberts, Town Clerk, said she has contacted other small municipalities to find out who they use, and CAP Government came up from Palm Shores, Palm Bay, and Malabar. She spoke with CAP and they will do inspections, reviews, etc. They could also come and do emergency inspections until we decide on what we want to do. She also spoke with Safebuilt who we had gotten a bid for last time when the town chose Universal, but she received a phone call today that they are not able to take us on. That just leaves us with one company.

Mayor Ditty asked how much they would charge for the hourly rate.

Ms. Roberts said she will need to confirm the rate. They are less expensive than Universal. They can have someone here immediately.

Mayor Ditty said we have already done our due diligence and gotten 2 quotes even if the second company will not be able to do business with us.

Comm Jones, can we make a motion saying we will accept them with a certain price and hours so we can be done with it and not have to have a special meeting.

Ms. Roberts said they also offer an online permit at no additional charge to us and online payment. We will have this on the regular agenda and move forward with a contract.

John Cary, the Town Attorney said piggy backing on other municipalities is a common practice.

Commissioner Jones made a **MOTION** to authorize CAP Government for up to 4-hours per week until official contact is approved per the rates as stated in bid form IFB No 9-0-2021 as

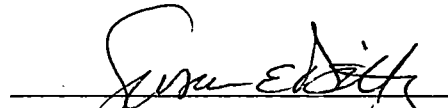
stated. Commissioner Anderson seconded the **MOTION** and allowed the mayor to negotiate and approve the contract. A roll call vote was taken and Commissioners Anderson, Ingram Jones and Muzzone and Mayor Ditty voted in favor of the above **MOTION**. **MOTION** was passed.

VII. Adjourn: 7:55 pm

*If an individual decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting, a record and transcript of the proceedings will be required and the individual will need to ensure that a verbatim record and transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based and will be acceptable in a court of law (FS286.0105). Such person must provide a method for recording and transcribing the proceedings verbatim as the Town does not provide such a record or transcript. In accordance with the Americans Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations for this meeting shall, within a reasonable time prior to the meeting contact the Office of the Town Clerk (321) 723-8300.*

ATTEST:

  
Heather Roberts, Town Clerk

  
Susan Ditty, Mayor