

MAYOR  
Hal J. Rose

DEPUTY MAYOR  
Pat Bentley

COUNCIL MEMBERS  
Daniel Batcheldor  
John Dittmore  
Adam Gaffney  
Barbara A. Smith  
Andrea Young



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## CITY COUNCIL REGULAR MEETING

### MINUTES

January 15, 2019

#### 1. CALL TO ORDER

Mayor Rose called the meeting to order at 6:30 p.m.

#### 2. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT MEDITATION

Mayor Rose led the Pledge of Allegiance followed by a moment of silence.

#### 3. ROLL CALL

Present: Mayor Hal Rose, Deputy Mayor Pat Bentley, Council Members Andrea Young, Barbara Smith, Adam Gaffney, John Dittmore, and Daniel Batcheldor.

Also present: City Manager Scott Morgan, City Attorney Morris Richardson, Deputy City Manager Keith Mills, Public Works Director Mark Piccirillo, Information Technology Director Tom Bradford, Deputy Police Chief Rich Cordeau, Planning Director Christy Fischer, Parks and Recreation Director Rich Boprey, Human Resources Director Kimberly Gale, Jacobs Project Manager Brian Mascher, City Clerk Cynthia Hanscom, and other members of the public.

Council Member Dittmore asked that the Sawgrass Lakes West item be moved to earlier in the meeting. Council Members agreed.

#### 4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

**Volunteer of the Year.** Mayor Rose presented the award for Volunteer of the Year to Catherine Ziebell for her service with the Board of Adjustment.

**Business of the Quarter.** Mayor Rose presented the First Quarter awards to Lucky's Market and Love Bugs Bakery, recognizing them for Business of the Quarter.

**Role of the External Auditor.** Yvonne Clayborne with Carr Riggs & Ingram presented a short educational presentation on the role of the auditor, the purpose of the audit and basic information on understanding the Comprehensive Annual Financial Report (CAFR).

Deputy Mayor Bentley commented that the City's audit is not a full audit of all transactions but rather a check on following recommended standards and procedures. Ms. Clayborne confirmed that the auditor completes a random check on transactions. She noted that they do look at risks and base the testing on those areas. She stated it was a complex process.

Mayor Rose stated that he had asked for the overview by the auditor on what they do but did not believe that there were issues. He had full faith and confidence in the Finance Department but was reassured by the outside auditor. He asked if other cities perform an audit on all transactions. Ms. Clayborne stated that it would be cost prohibitive. She noted that there were controls in place that may need to be fine-tuned from time to time, but an audit of every transaction is not done.

**Mayor's 2018 State of the City.** Mayor Rose presented the City of West Melbourne's 2018 State of the City, which highlighted public health and safety and infrastructure improvements, organizational, operational and financial health, planning, building and economic indicators, and a look ahead at 2019.

Mayor Rose thanked all those for their contributions to the projects. He believed the City had accomplished a great deal and was envied by other communities. Moving forward will be challenging and may require some difficult decisions. He believed West Melbourne would continue to be one of the most desirable cities in Florida and was a great place to live, work, shop and have fun.

*Council recessed the meeting for a short break at 7:40 p.m. and reconvened at 7:45 p.m. During the break, Council Member Smith left the meeting.*

## **5. PUBLIC HEARINGS**

**Amend the Future Land Use Map designation for a 0.34 acre portion of a 0.94 acre property at 1220 South Wickham Road.** Planning Director Fischer reminded Council that this site was a former ice cream shop and the property extends from Wickham Road west to Lemon Grove Avenue. The proposal was to extend the commercial use permitted a bit further west within the lot. The remaining portion of the property fronting Lemon Grove Avenue would remain residential. Planning Director Fischer explained the current land use designation of the portion was LD-RES and was proposed to be changed to Commercial.

City Attorney Richardson read, in title only, Ordinance No. 2018-21:

**ORDINANCE NO. 2018-21**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE FOR A PARCEL OF LAND GENERALLY LOCATED AT 1220 S. WICKHAM ROAD, LYING IN SECTION 36, TOWNSHIP 27 SOUTH, RANGE 36 EAST, AND AS MORE FULLY DESCRIBED HEREIN FROM LOW DENSITY RESIDENTIAL (LD-RES) TO COMMERCIAL (COM); PROVIDING AN EFFECTIVE DATE.

Mayor Rose opened the public hearing. There being no comments, he closed the public hearing.

Deputy Mayor Bentley moved to approve the second reading of Ordinance No. 2018-21, amending the comprehensive plan map (SSA 2018-03) to change the future land use for a 0.34 acre portion of property at 1220 South Wickham Road from Low Density Residential (LD-RES) to Commercial (COM). Council Member Young seconded the motion, which passed with a 6-0 vote.

**Proposed Rezoning for a 0.34 acre Portion of a 0.94 acre property which is part of 1220 South Wickham Road.** Planning Director Fischer stated the request included a rezoning from R-1A (Single-Family Residential) to C-W (Commercial Wickham). She reviewed the analysis for the rezoning and noted that the remaining portion of the property abutting Lemon Grove Avenue would be large enough for a single-family residence.

City Attorney Richardson read, in title only, Ordinance No. 2018-22:

**ORDINANCE NO. 2018-22**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A PARCEL OF LAND GENERALLY LOCATED AT 1220 S. WICKHAM ROAD, LYING IN SECTION 36, TOWNSHIP 27 SOUTH, RANGE 36 EAST, AND AS MORE FULLY DESCRIBED HEREIN FROM R-1A (SINGLE-FAMILY RESIDENTIAL) TO C-W (COMMERCIAL WICKHAM); PROVIDING AN EFFECTIVE DATE.

Mayor Rose opened the public hearing. There being no comments, he closed the public hearing.

Council Member Young moved to approve the second reading of Ordinance No. 2018-22, rezoning a 0.34 acre portion of property at 1220 South Wickham Road from Single-Family Residential (R-1A) to Commercial Wickham (C-W) with the condition that the comprehensive plan amendment is approved. Council Member Gaffney seconded the motion, which passed with a 6-0 vote.

**Annexation of 1355 and 1370 Garwood Drive.** Planning Director Fischer presented the first reading of an ordinance for voluntary annexation of two properties that currently have single-family houses. These properties were located south of Sheridan Road and east of John Rodes Boulevard. Each property was about half an acre. The property owners are requesting connection to City utilities which requires annexation. The homes are in a subdivision called Sylvan Pines and the homes were built in the 1980s.

City Attorney Richardson read, in title only, Ordinance No. 2019-01:

#### **ORDINANCE NO. 2019-01**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION TWO PARCELS OF LAND TOTALING APPROXIMATELY 1.00 ACRES LOCATED AT 1355 AND 1370 GARWOOD DRIVE, AS MORE FULLY DESCRIBED HEREIN; FINDING THAT THE AREA BEING ANNEXED IS REASONABLY COMPACT AND CONTIGUOUS TO THE CITY, THAT THE ANNEXATION OF THE PROPERTY DOES NOT CREATE AN ENCLAVE, AND THAT THE ANNEXATION OF THE PROPERTY OTHERWISE COMPLIES WITH FLORIDA LAW; AMENDING THE CORPORATE BOUNDARIES OF THE CITY TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR FILING OF THE REVISED CITY BOUNDARIES WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Rose opened the public hearing. There being no comments, he closed the public hearing.

*Deputy Mayor Bentley moved to approve the first reading of Ordinance No. 2019-01 to annex properties at 1355 and 1370 Garwood Drive. Council Member Young seconded the motion.*

Mayor Rose asked about police services. Planning Director Fischer explained that the City's police officers would respond to calls. Although there were adjacent properties still located in the County, Brevard County Sheriff's Office would respond at those locations. She also explained that this annexation would help to square off the boundaries. Mayor Rose asked about one of the properties that did not appear to be contiguous. Planning Director Fischer noted that it was diagonally contiguous to the City limits.

Planning Director Fischer reminded Council that City staff had conducted an outreach to the property owners asking for voluntary annexation. Mayor Rose recommended that other property owners be contacted suggesting annexation. Council Member Dittmore agreed based on the benefit of constructing a water line further down Garwood Avenue.

Council then voted on the motion to approve the first reading of Ordinance No. 2019-01, which passed with a 6-0 vote.

## 6. PUBLIC FORUM

Stephen Phrampus, 3401 Watergrass Street, and President of the Sawgrass Lakes Homeowners Association, spoke on the issues with the developer, DR Horton. He spoke on the size of the clubhouse and that half of the space is used for offices. He also stated that meeting room space was limited to 65 people but there were 130 residents required to be present for their annual homeowners meeting. He also stated that the pool has a maximum capacity of 150 people when there were over 900 homes in the development. He stated the amenities are insufficient. He believed that DR Horton wanted profits over addressing the needs of the residents.

## 7. CONSENT AGENDA

Council Member Gaffney moved to approve the following consent agenda. Council Member Young seconded the motion, which passed with a 6-0 vote.

- Approve the Regular City Council meeting minutes for Tuesday, December 18, 2018.

## 8. ACTION AGENDA

**Staff Direction Regarding Proposed “Sawgrass Lakes West” Development in Melbourne.** Council Member Dittmore presented a proposal to address issues with the proposed Sawgrass Lakes West development in the City of Melbourne. Last week, he attended the Melbourne City Council meeting to discuss Melbourne’s proposal to bring sewer into the new community for Sawgrass Lakes West. He noted that there had been several letters that had been sent to address the traffic and recreation concerns by residents of West Melbourne in Sawgrass Lakes.

Council Member Dittmore also stated that there were rumors that a traffic study conducted by the developer had been done during the holiday period. Council Member Dittmore presented several slides showing the traffic on Norfolk Parkway during high peak times. He added that Minton Road was probably currently classified as “C” rated and could fail at some point.

Council Member Dittmore stated that the City of Melbourne was working with the developer and wanted to get the tax revenue from the project. He believed that the tax revenue was not the concern of West Melbourne but rather on how the impacts would be addressed.

Michael McGuire, 3362 Rushing Waters Drive, stated many of his concerns were the same as expressed by Mr. Phrampus earlier in the meeting. He stated that Shallow Creek Boulevard was an issue if this would connect with Sawgrass Lakes West. He

believed there were significant safety issues. Many children use Shallow Creek Boulevard to get to school. He asked Council to assist in keeping the construction traffic off of Shallow Creek Boulevard and keep it on Norfolk Parkway. He also asked Council for assistance in getting the connection from Norfolk Parkway to the St. Johns Heritage Parkway.

Dr. Stephen Bernstein, 660 Fiddleleaf Circle, stated he was on the roads every morning and watched the kids having difficulty crossing the streets to the bus stop because of the traffic. He believed there should be a road dedicated for construction. He stated the traffic shown in the photographs happens every day when school is in session. He added that the clubhouse was for 933 homes and had a capacity for only 65 people. In addition, the pool only allows for 150 people. He believed there was no logic to the numbers.

City Attorney Richardson stated the traffic study had been raised at a meeting held today with representatives from DR Horton and their traffic engineer. He stated that traffic counting equipment was being set up during the school break but the counts would not begin until after school was back in session.

Mr. Phrampus noted that letters had been sent to Commissioner Isnardi, City Council and State Representatives on the issues of the impacts the Sawgrass Lakes West development would have on their community. Council Member Dittmore asked Mr. Phrampus if there had been meetings with DR Horton representatives about the impacts. Mr. Phrampus stated that meetings had been held but it was more of a notification of what was coming rather than a conversation.

Mayor Rose asked if the City Manager was able to meet with staff at the City of Melbourne. City Manager Morgan replied that they had meetings scheduled.

Council Member Batcheldor stated he would be interested in hearing about the impact the development could have on future home prices.

Mayor Rose asked about the use of Shallow Creek Boulevard. City Attorney Richardson stated that it was a private road. There were actions that DR Horton would need to do to extend the road, such as changing the plat, which would require approval by the City of West Melbourne. Deputy Mayor Bentley noted that conditions might be placed to reduce possible adverse impacts of the future development of Sawgrass Lakes West.

Council Member Dittmore moved to direct staff to (1) enter into discussions with the City of Melbourne to address and mitigate the impacts of the proposed Sawgrass Lakes West development, and explore any potential scenarios beneficial to the City of West Melbourne and its residents; and (2) research and explore potential ordinances, policy changes, or other alternatives that could be used to prohibit the extension of Shallow Creek Boulevard and Norfolk Parkway until such time as the impacts of Sawgrass Lakes West and future development of the Platt Ranch are adequately addressed. Council Member Young seconded the motion.

Mayor Rose asked if the motion would include something about the roadway connections. City Attorney Richardson stated that the City will research the options in regards to the connection.

Jake Wise, engineer for Sawgrass Lakes West, reported that the developer had initially anticipated that this project would be in West Melbourne. The development would support the extension of Norfolk Parkway, which was intended to be a four-lane road. The traffic counts would not be completed over the holidays nor over the summer months. He understood the concerns that had been expressed. He added that the school was part of the original proposal but that it was anticipated to be a public school so that more busing would be used. Since it had developed as a private school, there were more traffic impacts. He stated they were working closely with Brevard County and both the City of Melbourne and the City of West Melbourne.

Council Member Dittmore asked if there was a contingency plan for Norfolk Parkway if the traffic counts were high. Mr. Wise stated a separate traffic consultant would look at the counts and make the analysis. Council Member Dittmore asked if there were discussions on extending Norfolk Parkway to St. Johns Heritage Parkway. Mr. Wise stated that it had not been discussed. He believed there were several things that could be done by looking at the project and addressing turning movements to provide a picture of the whole area and not specific to the Sawgrass Lakes West development. Council Member Dittmore said his concern was that West Melbourne would not be involved in the process and that residents' concerns would not be addressed. Mr. Wise stated that they would agree to work with everyone.

Mayor Rose asked if there was a threshold that would dictate that a traffic signal be installed at Shallow Creek Boulevard and Norfolk Parkway. Mr. Wise stated that it would be depend on the average daily trips, peak hours and the number of traffic accidents. He expressed his commitment to work with staff and Council.

Council then voted on the motion to direct staff to work with all parties to address the impacts of the Sawgrass Lakes West development, which passed with a 6-0 vote.

**West Melbourne Community Park Staffing and Budget Adjustments.** Parks and Recreation Director Boprey presented Resolution No. 2019-02 for budget adjustments necessary as a result of the approval to assume the maintenance and operations of the Space Coast Field of Dreams. This would expand the staff for the Parks and Recreation department. He noted the budget revenue provided by the Space Coast Field of Dreams would be approximately \$300,000; the expenditures were expected to be \$134,000. He stated that the date of the transfer was left open because important maintenance work was being completed prior to acceptance.

Council Member Gaffney moved to adopt Resolution No. 2019-02 amending the fiscal year 2018-2019 budget and approving additional staffing in the Parks and Recreation Department. Council Member Young seconded the motion, which passed with a 6-0 vote.

**Resolution Providing for the Space Coast Field of Dreams, Inc., to Appoint One Member to the Parks and Recreation Advisory Board.** City Attorney Richardson presented Resolution No. 2019-01 to add an additional member on the Parks and Recreation Advisory Board that would be appointed from the Board of Directors of the Space Coast Field of Dreams. He noted the total membership would be 8 members but the quorum would remain at 4. He stated the other members of the Board are required to be residents and registered voters. The member serving from the Board of Directors would be required to be a resident of the County.

Council Member Young asked if the member appointed by the Board would need to be a registered voter. City Attorney Richardson stated that it could be required.

Council Member Young moved to adopt Resolution No. 2019-01, recognizing a request by the Board of Directors of Space Coast Field of Dreams, Inc., that the organization be entitled to appoint a designee to serve as a member of the Parks and Recreation Advisory Board for so long as the organization remains in existence and continues to support the Field of Dreams, and with the change to require the member to be a registered voter in the County. Council Member Gaffney seconded the motion, which passed with a 6-0 vote.

**Appointment to the Parks and Recreation Advisory Board to Fill a Vacancy.** City Clerk Hanscom presented two applications of individuals interested in serving on the Parks and Recreation Board.

Council Member Dittmore moved to appoint Brett Tam to serve an unexpired term on the Parks and Recreation Advisory Board, with a term ending November 2019. Mayor Rose seconded the motion, which passed with a 6-0 vote.

**Potential Property Acquisition on Stephenson Drive for Drainage Improvements.** City Attorney Richardson reminded Council that a resident spoke at the December 18 meeting and suggested the City look at the property at 205 Stephenson Drive as a possible purchase by the City to help address drainage problems in that neighborhood. He stated it was an older house on an oversized lot and adjacent to a paper street, 2nd Avenue. This presents the opportunity for a low-lying flood prone property to serve as a retention area that may provide some flood relief to the area. From talking with the City's engineering consultant, they believed it may have a benefit as a stormwater retention area.

City Attorney Richardson stated the property has not been listed but is foreclosed and owned by the bank. When listed, the City would have an opportunity to bid on the property. This would come back to Council with a purchase contract for approval.

Council Member Gaffney moved to authorize the City Manager to negotiate the purchase of property located at 205 Stephenson Drive for future drainage improvements. Council Member Young seconded the motion.



Council Member Batcheldor asked if the City was under any obligation to inform surrounding property owners about the intent of the land; he stated the City could encounter resistance. City Attorney Richardson stated that the City should communicate prior to purchase. He believed that residents would be in favor as it may reduce flood risk.

Deputy Mayor Bentley asked about the estimated cost. City Attorney Richardson stated that he would not be willing to share that publicly. City Manager Morgan stated that, because it would provide only a marginal benefit, the City would not pay a great deal for the property.

Mayor Rose asked where the funds would come from. City Manager Morgan stated they would come from the stormwater fund.

Council then voted on the motion to authorize the City Manager to negotiate for the property, which passed 6-0.

## **9. MANAGEMENT REPORTS**

**Chief of Police.** City Council received the written report from Chief Wiley on the December 2018 activities.

## **10. CITY COUNCIL REPORTS**

Council Member Young had no report.

Council Member Batcheldor asked about the force main break that had occurred on Imagine Way and the costs involved. City Manager Morgan stated that the City would be billing the developer's contractor for the damages so that the sewer system will not pick up the costs. The costs incurred by the City's third party contractor, Jacobs, would be a fully burdened rate to include staff time and will be invoiced through the City's Finance Department. Public Works Director Piccirillo stated that FEMA rates would be applied. Mayor Rose asked that he be provided a copy of the invoice.

Council Member Batcheldor reported on a concern raised at the Planning & Zoning Board meeting on the potential rezoning of a property adjacent to Columbia Lane. Residents in the Brandywine area were concerned about additional traffic. He stated this item would come before Council.

Council Member Batcheldor also stated that there would be a special meeting with the City of Melbourne City Council to discuss fluoridation of the water. He expressed concerns if Melbourne would cease to do so. City Manager Morgan stated that there was concern expressed by a Satellite Beach resident on the fluoridation of the water. He stated that Melbourne has been fluoridating for 60 years.

Council Member Batcheldor also questioned the type of communication that is going to residents with so many residents now opting to receive their water bills electronically. He also thanked Mayor Rose for a good year in review report.

Council Member Gaffney had no report.

Council Member Dittmore requested that minutes be kept on the negotiations with the City of Melbourne on the Sawgrass Lakes West development; he also asked that Council remain apprised of the status.

Council Member Dittmore also asked if the City might consider allowing for the Florida State Retirement System (FRS) for elected officials. He noted that other communities have FRS for their Council Members. He calculated the cost to the City and felt it would be minor. City Manager Morgan stated that this had come before Council in the past and was eventually voted down. City Attorney Richardson stated he would caution this as it may be considered as remuneration, which is prohibited according to the City's charter. City Manager Morgan stated he would provide the information that had come before Council in the past.

Deputy Mayor Bentley had no report.

Mayor Rose reported he had attended several meetings including the West Melbourne Business Association and the Space Coast League of Cities. He congratulated Council Member Young on being selected as treasurer for the Space Coast League of Cities. He reported he had met with Bill Johnson with the Melbourne Airport and noted that they had quite a bit of land and had plans for development for hotels and/or convention centers. He stated Mr. Johnson expressed his desire to continue to work with the City of West Melbourne in the future.

## **11. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:41 p.m.