

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

February 5, 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, Finance Director Margi Starkey, Public Works Director Mark Piccirillo, Information Technology Director Tom Bradford, Police Chief Rick Wiley, Deputy Police Chief Rich Cordeau, Planning Director Christy Fischer, Human Resources Director Kimberly Gale, Jacobs Project Manager Brian Mascher, City Clerk Cynthia Hanscom, and other members of the public.

#### 4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

**Certificates of Recognition to the 2018-2019 Citizen Leadership Academy Graduates.** Mayor Hal Rose and City Manager Scott Morgan presented certificates to the graduates of the 2018-2019 West Melbourne Citizen Leadership Academy.

#### 5. PUBLIC HEARINGS

**Amend the Future Land Use Map Designation and Rezoning for a 7.92-acre Property owned by Kathleen A. Klair.** Planning Director Fischer presented the small scale amendment and rezoning for property located along the west side of Columbia Lane. She noted the property was not currently developed. She stated that Alan King was present representing the property owner, Ms. Kathleen A. Klair.

Planning Director Fischer explained the 7.92 acre property was annexed in 2009, which was a result of a pre-annexation agreement from 1994. At that time, the property owner asked that the City delay the small scale amendment and rezoning. However, the property owner is currently interested in selling the property and requests designation of land use prior to that occurring. The property owner is asking for industrial use designation. Planning Director Fischer presented an analysis of surrounding properties noting that there was a mix of uses. She reviewed the impacts of the change and the consistency with the comprehensive plan, which stated that industrial land should be in close proximity to highways and major distribution networks.

Planning Director Fischer reviewed the rezoning request and noted that it would be rezoned from the County's Transient Tourist Commercial (TU-2) to Light industrial and Warehousing (M-1). She noted that the County's transient tourist commercial use does not fit with the surrounding uses in the area.

Planning Director Fischer stated the Planning and Zoning Board met on January 8, 2019, and recommended approval of the small scale amendment and rezoning. She stated there was some discussion at that meeting with comments from surrounding property owners that were not opposed but asked for desirable aesthetics. Therefore, the property owner had agreed to a binding development plan that would require a façade cover for a metal building that faced Columbia Lane. She stated that a change was requested by the applicant that the façade be "along any side parallel to Columbia Lane." She presented examples of metal buildings with facades that improve the aesthetics.

Planning Director Fischer also reviewed the connection of Columbia Lane to U.S. 192, noting that a vehicle exiting from Columbia Lane onto U.S. 192 would need to turn right and then make a U-turn if proposing to travel eastward. This development would not impact the turning movements but she would be asking Florida Department of Transportation (FDOT) to take another look at the turning movements.

City Attorney Richardson read, in title only, Ordinance Nos. 2019-02 and 2019-03:

#### **ORDINANCE NO. 2019-02**

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 7.92 ACRE PARCEL OF LAND GENERALLY LOCATED ON THE WEST SIDE OF COLUMBIA LANE, WEST OF I-95, AND NORTH OF U.S. 192, LYING IN SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, AND AS MORE FULLY DESCRIBED HEREIN FROM BREVARD COUNTY RES-2 (RESIDENTIAL 2) TO CITY OF WEST MELBOURNE INDUSTRIAL (IND); PROVIDING AN EFFECTIVE DATE.

### ORDINANCE NO. 2019-03

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A 7.92 ACRE PARCEL OF LAND GENERALLY LOCATED ON THE WEST SIDE OF COLUMBIA LANE, WEST OF I-95, AND NORTH OF U.S. 192, LYING IN SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, AND AS MORE FULLY DESCRIBED HEREIN FROM BREVARD COUNTY TU-2 (TRANSIENT TOURIST) TO CITY OF WEST MELBOURNE M-1 (LIGHT INDUSTRIAL AND WAREHOUSING); 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. 2019-02, a small scale comprehensive plan map amendment (SSA-2018-05) to change the future land use designation for a 7.92-acre property located on the west side of Columbia Lane from Brevard County Residential 2 (RES-2) to City of West Melbourne Industrial (IND), conditional on the execution of the binding development agreement. Council Member Batcheldor seconded the motion.

Council Member Batcheldor said the change proposed by the applicant for the binding development plan agreement to indicate "parallel" to Columbia would require both the front and rear of the building have a façade. He did not believe that was the intent and suggested the language indicate the façade should be directly facing Columbia Lane. Council Member Batcheldor stated that the City should do what it could to insure that the turning movements are done safely for U.S. 192 and commented that a traffic homicide had occurred that morning at this location.

Council Member Young questioned why each side of the building would not include a façade. Alan King, 1331 Harbor City Boulevard, Melbourne, stated that he had checked with the property owner and they were agreeable to a front façade but would not want an additional burden placed on this property over any other industrially zoned property, which would put the owner at a disadvantage when selling the property. He reminded Council that there were no plans at this point for development of the property.

Mayor Rose asked if fencing would be required along the rear property line. Planning Director Fischer stated it would not be required. Mayor Rose asked about the proximity to residential uses and Planning Director Fischer replied that there was a mix of surrounding zoning which included agricultural and commercial.

Mayor Rose asked if Columbia Lane would be improved. Planning Director Fischer stated that the County did not include this road on their five-year plan. Mayor Rose asked if the developer could be required to make improvements to the road. Planning Director Fischer stated that, if there was a new road, it would be required to be built to certain standards. However, Columbia Lane has been there for many years and has always been a dirt road.

Council asked questions regarding the water and sewer connections. City Manager Morgan stated that water connection was directly across Columbia Lane and sewer would cross I-95 at the same location as the water line. As properties are developed to the north, the sewer lines would be extended to connect to this property.

Mayor Rose asked if a concrete barrier could be constructed at the intersection of Columbia Lane and U.S. 192 to restrict traffic from turning east. Planning Director Fischer stated that they could ask the County and FDOT.

Council Member Dittmore asked if the future land use designation was being changed to make the land more marketable. Mr. King stated that the property could not be sold because the designation was that which was assigned in the County. Council Member Dittmore stated that the Council was being asked to change the zoning to increase the property values and he did not believe that Council should be doing that. Mr. King stated that zoning would need to be assigned at some point. In order for it to be sold and developed, it would need a zoning designation. He stated that nothing had changed in the area for 10-12 years. This is something that would need to be done.

Council then voted on the motion to approve the first reading of Ordinance No. 2019-02, which passed with a 7-0 vote.

Council Member Young moved to approve the first reading of Ordinance No. 2019-03, rezoning a 7.92 acre property located on the west side of Columbia Lane from Brevard County Transient Tourist Commercial (TU-2) to City of West Melbourne Light Industrial and Warehousing (M-1). Council Member Gaffney seconded the motion, which passed with a 7-0 vote.

Council Member Young moved to approve the binding development plan, and authorize the Mayor to execute the same upon approval of Ordinance No. 2019-03 at second reading. Council Member Dittmore seconded the motion.

Deputy Mayor Bentley asked if Council could require other tracts of land to do the same with the building façade. He believed that any future development in this area should be treated the same. Planning Director Fischer stated that the City could ask developers but many of the properties are in the County. The City could ask the County to include this in their development review process.

Mayor Rose stated the dirt road does not appear to be a high priority in the County. If this property is developed it could impact the level of traffic. Planning Director Fischer stated that the developer would pay into the southland impact fee district, which could only be spent within the district. Mayor Rose hoped that the funds would be used to improve the roadway.

Council then voted on the motion to approve the binding development plan, which passed with a 7-0 vote.

## 6. PUBLIC FORUM

There were no comments from the public.

## 7. CONSENT AGENDA

Council Member Young moved to approve the following consent agenda. Deputy Mayor Bentley seconded the motion, which passed with a 7-0 vote.

- Approve the Regular City Council meeting minutes for Tuesday, January 15, 2019.
- Approve the renewal of the county-wide Mutual Aid Agreement between Brevard County law enforcement agencies, including the West Melbourne Police Department.

## 8. ACTION AGENDA

**Property Acquisition on Stephenson Drive for Neighborhood Drainage Improvements.** City Attorney Richardson explained that Council was being asked to allow the purchase of a property located at 205 Stephenson Drive. He noted that it was a low lying property and would be used to reduce flood risk for the neighborhood. The engineer had reviewed the property, as well as the adjacent right-of-way for 2nd Avenue that was never developed, and believed it would provide some benefit. The property was listed for \$94,000 for one week at which time owner-occupants and municipal bidders were considered. The City submitted a bid to purchase the property at the asking price, which could be cancelled within 7 days should the Council not approve the purchase. He stated that the City Manager had contacted many of the adjacent property owners and they were in favor of the purchase. City Manager Morgan also stated that staff was committed to insure that the property would be screened appropriately for the abutting property owners.

City Attorney Richardson also presented a resolution to approve the interfund loan to the stormwater fund to make the purchase.

Deputy Mayor Bentley moved to (1) confirm and ratify the City Manager's offer to purchase the property located at 205 Stephenson Drive in the amount of \$94,000, and authorize and direct the City Manager to take all actions necessary to close on the property; and (2) approve Resolution No. 2019-03, providing for an interfund loan from the General Fund to the Stormwater Special Revenue Fund and amending the Stormwater Special Revenue Fund Budget. Council Member Dittmore seconded the motion.

Mayor Rose questioned the debt being incurred for the stormwater fund. City Manager Morgan estimated that the total amount was approximately \$200,000-\$250,000. He noted the cash balance in the fund would be used for completion of the engineering for the retention basin proposed for the City's property at the sewer plant. He reminded

Council that having the engineering complete for this project would increase the likelihood of receiving grant funding for the project.

Council then voted on the motion to approve the purchase and Resolution No. 2019-03, which passed 7-0.

**Proposal to City of Melbourne Regarding “Sawgrass Lakes West” Development.**

Council Member Dittmore presented a proposal for an agreement with the City of Melbourne to address residents’ concerns with the development of Sawgrass Lakes West. He reviewed the proposal as prepared by staff. He added that he would also like to add that staff be directed to approach the Errorhead property owners to discuss annexation into the City.

City Attorney Richardson presented an overview of the proposal as well as maps showing the areas proposed for the Sawgrass Lakes West development and the extension of Norfolk Parkway.

Mike McGuire, 3362 Rushing Waters Drive, spoke in favor of the proposal noting that this would provide more control for the City of West Melbourne on the construction of Norfolk Parkway. He asked that Council insist that construction traffic be restricted from using Shallow Creek Boulevard.

Scott Dixon, 3880 Watergrass Street, spoke on the traffic concerns for residents. He supported the proposal as presented but urged Council to require that the connection of Norfolk Parkway to St. Johns Heritage Parkway be completed prior to construction of any additional homes in Sawgrass Lakes West.

Stephen Phrampus, 4301 Watergrass Street, and President of the Sawgrass Lakes Homeowners Association, stated that an HOA meeting was held on Saturday and there was unanimous support for this proposal. All agreed that the residents would be better served with West Melbourne having the control of Norfolk Parkway. He agreed that Council should restrict the use of Shallow Creek Boulevard for construction.

City Attorney Richardson stated, if this proposal would be approved, he did not believe the City could guarantee that Shallow Creek Boulevard would not be used for construction. If the proposal was not accepted by the City of Melbourne, the City may be able to condition the connection to Shallow Creek Boulevard to restrict construction traffic.

Deputy Mayor Bentley moved to propose to the City Council of the City of Melbourne the following: (1) that Melbourne honor a portion of the de-annexation request from the owners of the 300-acre “Sawgrass Lakes West” site and de-annex approximately 150 acres of the 300 acres, which would then be annexed into West Melbourne; (2) that West Melbourne will provide immediate sewer service to the entire 300 acres, including the portion to remain within the city limits of Melbourne; (3) that West Melbourne offers to provide water service to the entire 300 acres if Melbourne so desires; and (4) that West Melbourne become responsible for ownership and maintenance of Norfolk

Parkway through the entirety of the 300 acres and to the western limit of the contiguous property owned by Errorhead, Inc.; and direct staff to approach Errorhead on possible annexation into West Melbourne. Council Member Batcheldor seconded the motion, which passed with a 7-0 vote.

## 9. CITY COUNCIL REPORTS

Council Member Smith asked the status of the landscaping for the equipment located at the Veterans Memorial Complex. City Manager Morgan stated the project had been broken into two parts with one being the masonry wall and the second for the landscaping. He stated they were finalizing the landscaping plan.

Council Member Smith questioned staff on the status of purchasing several parcels of land adjacent to the West Melbourne Community Park and asked that a dialogue with the property owners be made a priority.

Council Member Batcheldor asked for details on the traffic death on U.S. 192 near the intersection with St. Johns Heritage Parkway. Chief Wiley reported that it appeared the accident was caused by the fog and high rate of speed. Council Member Batcheldor stated the information on this accident should be provided to FDOT to improve the safety in this area. City Manager Morgan stated that FDOT was proposing a paving project within their five-year program and they could typically work in minor safety improvements. He would see if these improvements could be completed sooner.

Council Member Batcheldor also spoke on having second access points for neighborhoods for emergency purposes. He asked if an ordinance requirement could be made to require a second access. City Manager Morgan stated that staff could look at the code to determine if there could be improvements. He noted that in some cases a developer will add the required improvements as the neighborhood is developed.

Council Member Gaffney thanked the residents of Sawgrass Lakes for bringing their concerns before Council and hoped to bring the issues to a successful conclusion.

Council Member Dittmore asked when the proposal to the City of Melbourne would be going to their Council. City Manager Morgan stated that it would go before their Council on February 26. City Attorney Richardson noted that, if more than one Council Member were to attend and speak at that meeting, it would need to be appropriately noticed.

Deputy Mayor Bentley reported that he would be attending the Police Officers' Retirement Board this week and would report back to Council on the market impacts on the retirement plan.

Council Member Young reported she had attended the Melbourne Airport Board meeting and found it very interesting on the things that were being proposed, such as a fly-in hotel and convention center. She also noted that from the Transportation Planning Organization meeting, she was told that the intersection of Ellis Road and John Rodes Boulevard would be closed for 30 days because of the I-95 interchange construction.

Mayor Rose reported on several meetings he had attended, including the Economic Development Commission, Civilian Military and a workshop at Satellite Beach on social media. He reported the Arrowood subdivision had changed their name and was now Palm Lakes Estates. He had toured the property with management representatives and many renovations had been completed that would provide more benefits for the residents. He invited the public to attend the West Melbourne Mayor's Walk as part of the Mayor's Fitness Challenge on Saturday, February 16, 2019, at 9:00 a.m. at the West Melbourne Community Park.

City Manager Morgan reported there had been another reuse water line break under Hollywood Boulevard. He stated that it would be a costly repair and attributed the break to an aging system.

## **10. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:45 p.m.