

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

March 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, 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, Information Technology Director Tom Bradford, Police Chief Rick Wiley, Captain Charles Finsted, Planning Director Christy Fischer, Jacobs Maintenance Supervisor Mike DeBerry, City Clerk Cynthia Hanscom, and other members of the public.

Council Member Young moved to excuse the absence of Council Member Barbara Smith. Council Member Gaffney seconded the motion, which passed 6-0.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Presentation on the Planned 2019 Summer Programs by the West Melbourne Police Department School Resource Officer Unit. Police Chief Wiley introduced his staff who presented information on summer programs proposed by the School Resource Officer unit. Officers present included Sergeant Harvey Whitney, Officers Brittney Skovsgard, Jason Wheeler, Justin Crooks, Evelyn Moyer, and Kimberly Weeks.

Officer Skovsgard presented the proposal for the program which would mimic other similar programs. She reviewed the purpose, the programs, which included Kids Rock and Operation Integrity, and how the focus was on team building by completing activities. She stated that they would seek sponsorship for the team shirts as well as the snacks that will be provided.

Council Member Dittmore asked about transportation. Officer Skovsgard stated it would be the responsibility of the parent. Council Member Dittmore asked about the number of students that would be from West Melbourne. Officer Skovsgard stated that, while the distribution of the information about the program would be to the West Melbourne schools, they could give priority to those students from West Melbourne.

Council Member Dittmore explained that he had approved providing officers in the schools because of the benefit the City would receive with additional patrol officers during the summer months to cover for those on vacation. He wanted to be sure that resources were available to the City.

Sergeant Whitney stated that there would be five officers that would be involved in the program as well as one new hire. He stated he had reached out to see if Sheriff Deputies were interested in volunteering. He also added that many teachers had indicated that they would be willing to volunteer their time for the program.

Mayor Rose asked about the SRO assignments over the holiday break. Chief Wiley stated that they were assigned to the patrol division but were offered the opportunity to use vacation; in many cases the SROs filled in on patrols for others that had taken time off during the holidays. Mayor Rose stated he would hope the SROs were being used during this time to reduce overtime costs. Chief Wiley stated he had not done an analysis on the overtime budget but thought it would be reduced. He noted that the City had not been through the hurricane season which is usually when most of the overtime can be incurred. Chief Wiley commented that he believed this was an important program for the summer months.

Mayor Rose asked if the PAL program could be used to develop the summer programs. Chief Wiley stated this is a more intensive program based on classroom instruction. He noted that the City was replicating something that has been successful around the country.

Council Member Batcheldor asked if there were other police departments that were running similar programs. Officer Skovsgard stated that the School Resource Officers were specially trained to conduct these types of programs. Council Member Batcheldor suggested this be run as a pilot program in the first summer to determine the interest and the amount of time it would take to dedicate to the program. Officer Whitney informed Council that the program would take place during the month of June. He noted there were other training programs for the School Resource Officers that were required for July. He stated the program would include about 80 children in two groups of 40. Council Member Batcheldor reminded Council that there were West Melbourne children that were located in schools that were not located in West Melbourne.

Deputy Mayor Bentley supported the program but felt that West Melbourne children should receive preference because this is being paid through West Melbourne tax dollars.

Mayor Rose asked the percentage of children in the PAL program that were not West Melbourne residents. Chief Wiley stated he did not know that percentage but stated the program was prohibited from requiring residency.

Council Member Dittmore stated the size of the other departments around the country are much larger than West Melbourne and can handle the expense of a summer program. Officer Skovsgard stated other police departments have expressed interest in the City's proposed program. Council Member Dittmore stated that he would support a two-week summer camp where it is small with priority given to children in West Melbourne.

Deputy Mayor Bentley encouraged contacting other police departments for an expanded program. Mayor Rose agreed and suggested the departments work together. Chief Wiley stated he would check with the other departments and report back to Council.

Mayor Rose asked if there was an indication of interest from the students. Officer Skovsgard stated that they were confident that there would be significant interest.

Beautification Award for Shoff Insurance. Mayor Hal Rose presented the Beautification Award for Shoff Insurance located at 2350 Minton Road to Michelle and Roland Shoff. Mr. Shoff expressed appreciation for the award and encouraged other businesses to make improvements to their buildings.

5. PUBLIC HEARINGS

Amend the Future Land Use Map Designation for Properties located at 1355 and 1370 Garwood Drive and Rezoning for Approximately 1.0 Acres of Residential Properties located at 1355 and 1370 Garwood Drive. Planning Director Fischer made a brief presentation on the two properties' owners who voluntarily annexed into the City located at 1355 and 1370 Garwood Drive in Sylvan Pines.

Planning Director Fischer reviewed the small scale amendment to go from Brevard County RES 6 to West Melbourne LD-RES. She noted this was a comparable land use designation and similar to the surrounding uses. She provided an analysis on the impact on the infrastructure and stated the change was consistent with the goals and objectives of the Comprehensive Plan.

Planning Director Fisher also reviewed the rezoning which would go from Brevard County EU, estate use residential, to West Melbourne R-1AAA, single-family residential.

Planning Director Fischer reported the land use and rezoning had been recommended for approval by the Planning and Zoning Board on February 13. These ordinances had been approved at first reading by Council on February 19.

City Attorney Richardson read, in title only, Ordinances Nos. 2019-04 and 2019-05:

ORDINANCE NO. 2019-04

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN TO PROVIDE FOR LD-RES (LOW-DENSITY RESIDENTIAL) LAND USE FOR NEWLY ANNEXED PARCELS OF LAND LOCATED AT 1355 AND 1370 GARWOOD DRIVE, AND AS MORE FULLY DESCRIBED HEREIN; ESTABLISHING AN APPROPRIATE LAND USE FOR THE PROPERTY; EXTENDING THE GOALS, OBJECTIVES, AND POLICIES AND OTHER LAND USE PLANNING REQUIREMENTS TO THE PROPERTY; PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING NEWLY ANNEXED PARCELS OF LAND LOCATED AT 1355 AND 1370 GARWOOD DRIVE, AND AS MORE FULLY DESCRIBED HEREIN FROM BREVARD COUNTY EU (ESTATE USE RESIDENTIAL) TO CITY OF WEST MELBOURNE R-1AAA (SINGLE-FAMILY RESIDENTIAL); PROVIDING AN EFFECTIVE DATE.

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

Council Member Gaffney moved to approve the second reading of Ordinance No. 2019-04, small scale comprehensive plan map amendment (SSA 2018-04) and (SSA 2018-06) to provide land use designation for 1.0 acres of two properties located at 1355 and 1370 Garwood Drive from Brevard County Residential 6 (RES-6) to City of West Melbourne Low Density Residential (LD-RES. Deputy Mayor Bentley seconded the motion, which passed 6-0.

Council Member Gaffney moved to approve the second reading of Ordinance No. 2019-05 approving the City zoning for 1.0 acres, combined, for the two homes located at 1355 and 1370 Garwood Drive, from Brevard County Estate Use Residential (EU) to the City of West Melbourne Single-Family Residential (R-1AAA). Deputy Mayor Bentley seconded the motion, which passed 6-0.

6. PUBLIC FORUM

Elizabeth Ketter, 682 John Hancock Lane, spoke on flooding concerns in Clement Woods, particularly on John Hancock Lane and the two cul-de-sacs that were in the center of the neighborhood. She reported that her husband had spoken at past meetings and had been told that funding to address the flooding was not included in the current year's budget. She believed that property owners had done what they could and now it was up to Council to act. Mayor Rose asked the City Manager to look into the issues and report back.

Stephen Phrampus, 3401 Watergrass Street, complemented City Attorney Richardson on his presentation at the Melbourne City Council meeting of February 26. He expressed disappointment that the proposal was not approved and wanted to reiterate the Sawgrass Lakes Neighborhood Association's stance on the opposition on Shallow Creek Boulevard connecting to the development of Sawgrass Lakes West.

7. CONSENT AGENDA

Police Department Position Control Change. Mayor Rose asked that this item be pulled from the consent agenda. He asked about the proposal. Chief Wiley stated that he was recommending that the position of the public service aide that currently is stationed on Norfolk Parkway be made a permanent part-time seasonal position. He reminded Council that this position was created to address the traffic issues at the Pineapple Cove Academy. In addition, the SRO position with Educational Horizons would be reduced to a contract employee provided by off-duty officers. He noted that the off-duty officer may be from the Brevard County Sheriff's Office. He stated the position would not be vacant. Therefore, the position control had been reduced to 52 sworn officers. Overall, this would result in a cost savings. City Manager Morgan reminded Council that the SRO position with Educational Horizons was partially funded.

Council Member Dittmore asked how the off-duty officer would be paid. Chief Wiley indicated that the hours would be paid directly to the officer by the school.

Mayor Rose asked if the City could incur costs. Chief Wiley noted that if there was an emergency situation an officer may be assigned to cover the school but believed that there would be officers willing to step in for this extra assignment without having a City-paid employee to fill the shift.

Council Member Gaffney moved to approve the following consent agenda. Council Member Dittmore seconded the motion, which passed 6-0.

- Approve the Regular City Council meeting minutes for Tuesday, February 19, 2019.
- Receive the Annual Report of the West Melbourne-Brevard County Joint Community Redevelopment Agency.
- Adopt Resolution No. 2019-06 accepting a deed from John's Landing, LLC, conveying right-of-way along Fell Road to the City of West Melbourne.
- Adopt Resolution No. 2019-05 to approve the addition of one part-time Public Service Aide position and the removal of one Police Officer position from the Police Department's position control plan.

8. ACTION AGENDA

Business of the Quarter Policy and 2nd Quarter Awards. City Clerk Hanscom reminded Council that a draft policy for awarding the Business of the Quarter had been reviewed by Council at the meeting of December 4. The revised simplified language of

the policy stated that businesses should be involved in the community and contribute in some way to the community events and/or sponsor an event that is coordinated by the City. City Clerk Hanscom reported the Business Advisory Board had met on February 25 and recommended Council approve the revised policy.

City Clerk Hanscom stated the Business Advisory Board had also considered businesses to be recommended for second quarter awards. Based on holiday activities, the Board recommended awarding the Business of the Quarter to Walmart and Academy Sports.

Council Member Young stated the Board had reviewed the policy and talked about the many contributions that had been made for the PAL house. It was suggested that those businesses be acknowledged when the PAL house is officially opened.

Council Member Young moved to approve the revised Business of the Quarter policy and approve the presentation of awards for the second quarter of 2019. Council Member Gaffney seconded the motion, which passed 6-0.

Land Development Regulation Amendments and Moratorium on Road Extensions Beyond the City's Municipal Boundaries. City Attorney Richardson reminded Council that on January 15, staff was instructed to 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 the impacts of Sawgrass Lakes West are addressed. Based on the City of Melbourne's opposition to a possible agreement to address the impacts of the Sawgrass Lakes West development, he was asking for direction from Council to proceed. He presented a map showing the proposed development that would be an enclave of the City of Melbourne. With no definitive plans for the extension of Norfolk Parkway to connect to St. John's Heritage Parkway, the proposed development would dump traffic in West Melbourne.

City Attorney Richardson asked that Council direct staff to prepare an ordinance to amend the City's land development regulations and policies to address the extension of public and private roads beyond the City's boundaries, and direct staff to prepare an ordinance establishing a moratorium on development approvals that allow the extension of public and private roads beyond the City's boundaries, and applications for development approval that would allow the extension of public or private roads beyond the City's boundaries be held in abeyance.

Daniel Liparini, representing DR Horton, spoke in opposition to the moratorium. He stated that the developer had productive conversations with both Melbourne and West Melbourne. He stated that DR Horton is aware of the traffic issues on Norfolk Parkway and that Sawgrass Lakes West will generate additional traffic. They were working on a solution to improve the flow of traffic. He reminded Council that, as the developer, he was not involved with the annexation of land and believed the issues were between the two cities. However, he was aware that something needed to be proposed to address the traffic concerns. He believed that, as part of the process, this Council would have an opportunity to approve and comment on the proposed connection. Instituting a moratorium before the results of the traffic study are completed would be premature.

Council Member Dittmore asked Mr. Liparini several questions and recommended that insuring the connection of Norfolk Parkway to the St. John's Heritage Parkway would address many of his concerns. Mayor Rose agreed that there should be assurances that the roadway will go through.

Ronald Reid, 884 Musgrass Circle, thanked City staff for their presentation at the City of Melbourne meeting and expressed his support for the moratorium on roadway connections. He believed if Shallow Creek Boulevard would not connect, it would reduce the impacts to his neighborhood.

Council Member Gaffney expressed his support on the moratorium and believed this Council should look after the residents at Sawgrass Lakes. He did not believe this was premature because of the traffic issues that are occurring on Norfolk Parkway.

Deputy Mayor Bentley asked if this action could create a law suit. City Attorney Richardson stated that any action could create a law suit, but he did not believe the proposal before Council would be subject to a successful challenge.

Mayor Rose asked what would happen if there was movement to submit development plans. City Attorney Richardson stated that, by the action of Council, it would put the community on notice that this was going to occur.

Council Member Batcheldor moved to (1) direct staff to process an ordinance or ordinances amending the City's land development regulations and polices to address the extension of West Melbourne public and private roads beyond the City's municipal boundaries; (2) direct the City Attorney to prepare an ordinance establishing a six-month moratorium on applications for development approvals that would allow the extension of West Melbourne public and private roads beyond the City's municipal boundaries; and (3) direct that applications for development approvals that would allow the extension of West Melbourne public and private roads beyond the City's municipal boundaries be held in abeyance, whether or not received prior to adoption of a formal moratorium. Council Member Gaffney seconded the motion, which passed with a 6-0 vote.

9. CITY COUNCIL REPORTS

Council Member Gaffney had no report.

Council Member Dittmore expressed his support of the Police Department and complemented them on wanting to do more for the community. He stated that, based on his experience, the patrol division should be the priority for the department.

Deputy Mayor Bentley mentioned several upcoming meetings he would be attending, including Chamber meetings and the Space Coast League of Cities dinner on Monday, March 11.

Council Member Young stated she had attended the kickoff event for March for Meals. She stated this program serves many people here in West Melbourne.

Council Member Batcheldor had no report.

Mayor Rose reported that he had attended the Panera Bread grand opening for their drive-through and the Launch Credit Union ground breaking, which is the last three remaining parcels in Hammock Landing. He also reported he had attended the IEMO III conference. He reminded those participating in the Mayor's Fitness Challenge to input their minutes every week. He reminded the public to turn their clocks forward for Daylight Savings time next weekend. Lastly, he reported that he would be delivering Meals on Wheels on March 18.

Council Member Gaffney asked about getting information on health inspections for local eating establishments. City Attorney Richardson stated the Brevard County Health Department should have information on those inspections.

City Manager Morgan thanked the Field of Dreams Board and staff as well as the City staff in working toward a smooth transition for the City to take over the maintenance and operation of the Field of Dreams portion of the park, which would occur on March 8, 2019.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 8:35 p.m.