

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

April 16, 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, Information Technology Director Tom Bradford, Human Resources Director Kimberly Gale, Police Chief Rick Wiley, Deputy Chief Rich Cordeau, Planning Director Christy Fischer, Jacobs Project Manager Brian Mascher, City Clerk Cynthia Hanscom, and other members of the public.

#### 4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

**Business of the Quarter.** Mayor Hal Rose and members of the Business Advisory Board presented Second Quarter awards to Academy Sports and Walmart recognizing them for Business of the Quarter.

**Introduction of New Employee.** City Manager Scott Morgan introduced Deputy Building Official Jim Parker, who started with the City on March 25.

**Conduct Interviews for Vacancies on the Board of Adjustment.** Council conducted interviews of William Johnson, Teresa McKessey, and Mary Renfro for two vacancies on the Board of Adjustment. City Clerk Cynthia Hanscom informed Council at least four of the members shall have previously served on a planning/zoning board, code enforcement board, as an elected municipal officer, or as a professional member of a planning organization. Because four of the five members meet these qualifications, there is no criteria needed other than residency for the two vacancies. City Attorney Morris Richardson reminded Council that this was a quasi-judicial board where

decisions do not go to Council for consideration. Mayor Rose asked if this was unique to West Melbourne. City Attorney Richardson stated that all cities have an appeals board for zoning matters such as variances and conditional uses. Any appeals to decisions made by the Board of Adjustment would go before Council.

William H. Johnson, 413 Murano Drive, stated that he was a resident of the City of West Melbourne for the last 2.5 years and was a resident of Brevard County for 15 years. He had worked with the United States Air Force and was a graduate of the most recent West Melbourne Citizens Leadership Academy. Council Member Smith noted that he had selected interest in serving on other Boards as well. Mr. Johnson stated that he would prefer serving on the Board of Adjustment. Mayor Rose asked about how he would prepare for making decisions. Mr. Johnson stated he would read where necessary and mentor with the other members who have the experience. In addition, he would seek advice from the City Attorney. He stated that it may be beneficial to the Board to bring a new perspective.

Teresa McKessey, 107 E. Laila Drive, stated she was full-time mother of six children and had worked several part-time jobs. She was now retired and worked with several ministry non-profit groups. She wanted to do something different and give something back to the City. She had attended the leadership class and was impressed with the attitude and desire to do good for the City by staff. It encouraged her to want to do something to help out and do something for the community. Mayor Rose asked if she was interested in serving on any other boards. Ms. McKessey stated she was not interested in another board at this time but willing to serve for this vacancy.

Mary Renfro, 8650 Sylvan Drive, stated she has lived in Brevard County since 1968, living most of the time at the same location on Sylvan Drive. She worked for Harris Corporation since 1973, and retired in 2007 to work in real estate. She stated that she understood the differences in zoning and how that affects the future of development. She hoped her knowledge would help in serving on this Board. Mayor Rose asked, through her experience in real estate, if there were any rules that she believed should be changed. Ms. Renfro stated she could not think of any changes and believed the City was doing a good job.

Mayor Rose thanked the applicants and stated that Council's decision on appointments would be scheduled for May 7.

**Presentation to Mayor Hal Rose for Completion of IEMO III: The Leadership Challenge.** Deputy Mayor Pat Bentley presented Mayor Rose with the completion certification for IEMO III, which is an advanced course for elected officials provided by the Florida League of Cities.

## **5. PUBLIC FORUM**

Edward Beebe, 242 E. Haven Drive, spoke about the Doherty canal that has not been cleaned out in a while. He noticed that the City had purchased a machine to clean the canals but did not believe it could be used for the Doherty canal. He stated the weeds had grown up and the muck was getting thicker.

Mr. Beebe also spoke about the trash carts being left out on the sidewalk. He stated this was a code violation but had not been enforced. He also stated there were a number of junk cars in the neighborhood.

Deputy Mayor Bentley asked if there was a progressive system for compliance. City Manager Morgan stated that violations in the code would go before the Code Board. However, upon notice of violation the resident would simply need to comply, which means they move the trash carts back up to the house. There was a system in place for repeat violations but in most cases the violation is cured prior to going before the Code Enforcement Board.

Justin Lauer, 2205 Botanica Circle, expressed concern with the Doherty Drive extension. He noted that Council had received a number of emails from Ed Hines and there was a growing number of people against the project.

## 6. CONSENT AGENDA

*Council Member Young moved to approve the following consent agenda. Council Member Gaffney seconded the motion, which passed 7-0.*

- Approve the Regular City Council meeting minutes for Tuesday, April 2, 2019.

## 7. ACTION AGENDA

**Code Amendment to Require More than One Access to Residential Communities With 200 or More Dwelling Units.** Planning Director Christy Fischer presented the first reading of an ordinance that would address residential connectivity by amending Chapter 74 for entrance and exit driveways for multi-family residential developments and Chapter 86 for residential subdivisions. This proposal was requested by Council and would require a second road in and out of new residential developments with more than 200 units.

Planning Director Fischer reviewed the Comprehensive Plan's Transportation and Multi-Model element and stated that the ordinance would promote interconnectivity and grid roadway systems. She also provided background from the American Planning Association on the need to provide an unhampered roadway for emergency response. The change would not restrict gated communities, but would require the gated communities to have a second access if there were more than 200 units.

Planning Director Fischer provided national and local government comparisons stating that both Titusville and Brevard County have similar requirements for communities with more than 200 units. She also presented maps showing the entrances to several of the communities in West Melbourne. She asked that the ordinance include a table so that it would be clear to developers on the requirements. She noted the Planning and Zoning Board conducted a public hearing on April 10 and recommended approval of the ordinance with changes.

City Attorney Richardson read in title only Ordinance No. 2019-08:

**ORDINANCE NO. 2019-08**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ESTABLISHING MINIMUM ACCESS CONNECTION REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT; PROVIDING LEGISLATIVE FINDINGS; AMENDING CHAPTER 86, SUBDIVISIONS, ARTICLE II, IMPROVEMENTS, SEC. 86-53 – ACCESS; AMENDING CHAPTER 74, DEVELOPMENT STANDARDS, ARTICLE II, OFF-STREET PARKING AND LOADING AREAS AND ACCESS, DIVISION 3, DRIVEWAYS, SEC. 74-87 – ENTRANCE AND EXIT DRIVEWAYS PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Justin Lauer, 2205 Botanica Circle, stated that his position is to have less government and less regulation. He did not believe this ordinance made any sense. There were already good processes in place and believed this was frivolous code which is not needed. He noted that it would not retroactively make changes.

Council Member Dittmore raised concerns that this would not address development that occurs in phases. For example, this would not require that Norfolk Parkway be developed for a second entrance as each community would access the connector road, which was Shallow Creek Boulevard. In addition, each separate subdivision in Heritage Oaks may not meet the necessary requirements for a second entrance onto Heritage Oaks Boulevard. Council Member Dittmore expressed his concern that this would not address their specific concerns.

Council Member Batcheldor asked what would be considered as a new community. Planning Director Fischer explained that a new community would be one that has not yet been permitted. Council Member Batcheldor stated that the intent was for this to apply to future communities.

Council Member Young asked if the secondary road would be paved. Planning Director Fischer stated the ordinance provides a list of preferred types of access, all of which would be required to be paved.

*Council Member Young moved to approve the first reading of Ordinance No. 2019-08, adding requirements for more than one ingress and egress to residential communities with 200 dwelling units or more and adding the table as suggested by the Planning Director. Council Member Batcheldor seconded the motion.*

Deputy Mayor Bentley stated that even with a second entrance to Sawgrass Lakes further east, it would not solve the problem of traffic using Norfolk Parkway. Deputy Mayor Bentley also talked about a feeder road that opened to several smaller communities. At some point as the communities are developed, the feeder road would require a second access point. City Attorney Richardson stated that this ordinance would not provide a solution to every issue. It could be a tool that could be used for future development. Planning Director Fischer also stated that the development agreement could be written to require a second access once a certain portion of

communities are developed. She noted that the development agreement was another tool to set policy that may be unique to a certain community.

Deputy Mayor Bentley asked how many access points would be needed if the development was more than 2,000 units. City Attorney Richardson replied that it would require three access points, which is the same as required by Brevard County.

Mayor Rose stated that he recognized that providing an emergency access is smart planning and that the Heritage Oaks development was not one overall plan. He expressed concern with the level of service on the access road and how that impacts traffic. For example, providing an ingress/egress onto Sheridan Road was different than Minton Road because of the number of vehicles using the roadway.

Council Member Smith commented that she did not know if there were properties left in the City large enough to develop. Because the ordinance would not affect existing development, she did not see how this would create a negative impact. She stated that it may not solve existing problems but may be able to address future issues.

*Council then voted on the motion to approve the first reading of Ordinance No. 2019-08, which passed 6-1, with Council Member Gaffney opposed.*

**Professional Engineering Task Order for Melbourne Estates/Henry Avenue Water Main Replacement Project.** Deputy City Manager Keith Mills presented the professional task order to add to a project already under design for Melbourne Estate drainage improvements. He stated that this was an opportunity design for the replacement of the older water mains in Melbourne Estates and other connections onto Henry Avenue. This would be beneficial to improve the pressure and flow of water. The work to be done would coincide with the drainage project.

Council Member Dittmore stated the engineering task order usually represents 10 percent of the total cost. Deputy City Manager Mills agreed that it is usually about 5 to 10 percent. Council Member Dittmore asked if there would be funds available to do this project, which is expected to be between \$1 and \$1.4 million.

City Manager Morgan stated that strategy is to strengthen the existing distribution system, which this project will accomplish. He stated the neighborhood had already been surveyed and meets the income requirements for Community Development Block Grant funds. Therefore, it is proposed to apply for federal funds to assist with this project. If the design is completed, this could be a project for 2020. Deputy City Manager Mills added that the drainage project was proposing to use Hurricane Irma funds.

Mayor Rose asked if this would increase the water pressure. City Manager Mills stated there would be more connection points with larger mains which allows for increased capacity of water flow and pressure.

Mayor Rose asked if the residents would need to be resurveyed to insure that the federal income requirements were met. City Manager stated he was not sure but felt there was enough time to resurvey the residents if needed.

*Council Member Dittmore moved to authorize the City Manager to execute the professional engineering task order for the Melbourne Estates/Henry Avenue Water Main Replacement Project in the not-to-exceed amount of \$143,770. Council Member Young seconded the motion, which passed unanimously.*

## **8. MANAGEMENT REPORTS**

**Chief of Police.** Police Chief Rick Wiley presented the March 2019 Police Department report. He also reported on a number of upcoming community events such as the Law Enforcement Torch Run, DEA Drug Take Back, and the Family Fun Fest and Cycle Jam.

Council Member Young asked the status of the Police Department expansion. Chief Wiley stated that an extension had been granted because of changes in materials.

Mayor Rose asked about spikes in crime from the March 2018 reporting period and March 2019 reporting period. Deputy Chief Rich Cordeau stated that there were no specific crime trends. Chief Wiley noted that there had been increases in car break-ins, mainly because people are leaving items in plain view.

## **9. CITY COUNCIL REPORTS**

Council Member Young reported on her attendance at the U.S. Astronaut Hall of Fame induction ceremony. She also thanked staff for obtaining the grant for the Sylvan Septic-to-Sewer Project.

Council Member Smith commented that several citizens had come before Council with concerns about codes being enforced. She commented that Council may want to think about adding personnel to Code Enforcement so that they could be more proactive rather than reactive.

Council Member Batcheldor reported that he would be meeting with School Board Members to discuss failing air conditioning systems in the schools.

Council Member Gaffney expressed appreciation with Parks and Recreation Director Rich Boprey and his staff for their work on the BMX competition that was held a few weeks ago. He also noted that the entrance to the City at the U.S. 192/I-95 interchange was becoming overgrown.

Council Member Dittmore discussed the need for a panhandling ordinance in the City. He noted that the City of Melbourne had passed an ordinance to restrict panhandling in the commercial areas. He believed the Melbourne ordinance had mirrored the Daytona Beach ordinance. The ordinance prohibited panhandling within so many feet of a commercial area. Several Council Members told of occurrences where they had been

approached by panhandlers in West Melbourne. Council Member Dittmore asked staff to research what other municipalities have done to restrict panhandling. Mayor Rose expressed concerns for safety for the panhandlers along major roadways.

Deputy Mayor Bentley reported that both he and Mayor Rose had been a part of community volunteers to help build a new dog park. The park was not located in West Melbourne but was located off of Florida Avenue and funded by a donation from the Muscle Car Museum.

Deputy Mayor Bentley also took a verbal poll of Council Members on their view on doing more for global warming. As a Board Member of the Space Coast League of Cities, he was asked to determine if local officials felt they should be doing more for global warming. Council Members provided feedback to Deputy Mayor Bentley that they believed this was a political issue and should be handled by the state legislators.

Mayor Rose reported he had attended the Melbourne and Palm Bay Chamber monthly meetings, the Space Coast League of Cities dinner, the Economic Development Commission meeting, the BMX competition, Relay for Life at Field of Dreams, the Space Coast Realtors luncheon and presentations by students at the Florida Institute of Technology. He added that he was a member of the Meadowlane Middle School Committee and stated that the school had a reduction in the number of students. He noted the Mayor's Fitness Challenge had concluded and West Melbourne come out in the middle of the 11 municipalities that had participated.

Mayor Rose also stated that the City of Melbourne was considering renaming one of their streets to Martin Luther King Boulevard and Hibiscus Boulevard was one of the streets being considered. He questioned if the City of West Melbourne would be able to comment and that many of business owners may be financially impacted by the change.

Mayor Rose wished everyone a Happy Easter and Passover.

City Manager Morgan reminded Council of the Family Fun Fest and Cycle Jam on April 27 and that the last concert at West Melbourne Community Park would be April 26. He also reported that he had received some interest for potentially acquiring property adjacent to West Melbourne Community Park. The appraisal had been completed and he would be bringing this topic to Council at the next meeting.

## **10. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:14 p.m.