

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 WORKSHOP

### MINUTES

May 7, 2019

#### 1. CALL TO ORDER

Mayor Rose called the workshop to order at 5:30 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, Police Chief Rick Wiley, Deputy Chief Rich Cordeau, Planning Director Christy Fischer, Public Works Director Mark Piccirillo, Parks and Recreation Director Rich Boprey, Jacobs Project Manager Brian Mascher, City Clerk Cynthia Hanscom, and other members of the public.

#### 4. BUDGET WORKSHOP – CONFIRMATION OF STRATEGIC PRIORITIES, REVIEW OF PROJECTED 2019-2020 REVENUES, AND ANNUAL UPDATE OF VEHICLE REPLACEMENT PLAN AND FIVE YEAR STREET MAINTENANCE PLAN

City Manager Morgan presented a summary of the four topics: City Council strategic priorities, projected revenues, updated five year vehicle replacement plan, and the updated five year street maintenance plan.

He began by reviewing the strategic priorities:

(1) Water plant feasibility analysis

Mayor Rose asked that there be a special workshop scheduled so that Council could discuss the analysis as provided by the consultant. He predicted there would be a great deal of information to be considered prior to making a decision. He also asked that a copy of the report be provided in advance of the meeting.

(2) Reduce flood risk through external funding.

Mayor Rose expressed concern that the stormwater fund was in the negative. City Manager Morgan noted that the goal was to be at a positive balance by September 30, 2021. He noted that projects proposed may be eligible for funding from outside sources.

(3) Improve water quality.

City Manager Morgan reviewed proposals to improve the wastewater system through septic to sewer conversion and wastewater facility improvements to improve the treatment process to reduce the nitrogen in reuse water. He believed there could be Indian River Lagoon funds available for these projects.

(4) Long-term expansion of City's park system.

(5) Continue to prioritize improvements in salaries and benefits to existing employees. Continue to be a leader in Brevard County in respect to salaries and benefits.

(6) Update data in the Evaluation and Appraisal Report and adopt a new Comprehensive Plan with a horizon of 2040.

Council Member Dittmore asked about the current build out of property within the City limits and doing more to annex property, particularly in those areas where the city limits are not squared off.

(7) Community Redevelopment Agency (CRA).

(8) Good budget practice; has done well over the last 10 years and have focused on existing infrastructure and good repair.

(9) Charter Review Committee.

(10) Priority operational needs of the Police Department are met.

Chief Wiley explained that he would be considering reducing the School Resource Officer (SRO) program by one, by eliminating the SRO at the West Melbourne School of Science. Because of the proximity to the station, he believed having an officer on patrol that was able to stop by the school periodically would be sufficient. The current number of 52 sworn officers would not change. Based on conversations with the sheriff's office, an armed security specialist could be provided for the school.

Council Members discussed the SRO program and some disagreed that the SROs should be eliminated from the schools, noting that the armed security specialist was very different than a School Resource Officer. City Manager Morgan reminded Council that they would be discussing this in June with the renewal of the contracts.

- (11) Continue to fund police officers' pension, reduce water/sewer debt, modest sewer increase, positive cash flow in water fund but change in rate structure between the fixed rate and variable rate, return CRA and stormwater to positive fund balance, and maintaining general fund reserve of 20% of annual expenditures.

City Manager Morgan then discussed the revenue projections focusing on the six principal operating funds of the City, which were the general fund, the stormwater utility fund, the water fund, the reuse and sewer fund, the capital fees trust fund, and the CRA fund.

City Manager Morgan also presented a summary of the updated five year vehicle replacement plans, and the updated five year street maintenance plan.

Deputy Mayor Bentley commented on the comparisons with other cities and that it does not factor in that the City residents pay a separate bill for fire services, which is as high as property taxes in the City. He believed that the millage rate would actually be closer to 4 or 5 mills.

Deputy Mayor Bentley also asked about the fees collected and if the utility taxes were higher than other communities. City Manager Morgan stated it was not higher than other communities and they had been able to reduce the rate on water in previous years.

## **5. RECESS**

*Council recessed the workshop at 6:53 and reconvened to the Regular City Council meeting at 7:03 p.m.*

## CITY COUNCIL REGULAR MEETING

### MINUTES

May 7, 2019

#### 6. CALL TO ORDER

Mayor Rose called the meeting to order at 7:03 p.m.

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

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

#### 8. 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, Police Chief Rick Wiley, Deputy Chief Rich Cordeau, Planning Director Christy Fischer, Public Works Director Mark Piccirillo, Jacobs Project Manager Brian Mascher, City Clerk Cynthia Hanscom, and other members of the public.

#### 9. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

**Certificates of Appreciation presented to the City of West Melbourne for the Family Fun Fest and Cycle Jam.** Terry Clark, Executive Director of Space Coast Early Intervention Center, and Jim Clemmons, Chairman of Family Fun Fest, expressed appreciation and presented plaques to the City of West Melbourne for their assistance with their event.

#### 10. PUBLIC HEARINGS

**Code Amendment to Establish Minimum Number of Ingress and Egress Connections for Future Residential Developments.** Planning Director Fischer presented the ordinance that would revise Chapters 86 and 74 of the City's code to make changes to require ingress/egress connections for residential development. She stated this was the second reading and would create a threshold of 200 dwelling units to require an additional access. She stated the Planning and Zoning Board recommended approval of the ordinance at their meeting of April 10.

Planning Director Fischer reviewed the difference between quality and quantity of access and provided examples of how the measures or criteria of the connection can be improved.

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.

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

*Council Member Batcheldor moved to approve the second reading of Ordinance No. 2019-08, adding requirements for more than one ingress and egress to residential communities with 200 dwelling units or more. Council Member Young seconded the motion, which passed unanimously.*

**Annex Residential Property at 2840 Fellwood Lane.** Planning Director Fischer presented the first reading of an ordinance to annex property at 2840 Fellwood Lane. She explained the neighborhood was located along Fell Road and was adjacent to John's Landing, where there are infrastructure improvements being made. She presented a map showing how the utilities would be brought on to this property.

She noted that other property owners along Fell Road appeared to be interested in annexing into the City but were not ready to do so at this time. She reminded Council that, if the ordinance is approved, this would come back before Council for a small scale amendment and rezoning.

City Attorney Richardson read, in title only, Ordinance No. 2019-09:

**ORDINANCE NO. 2019-09**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION PARCELS OF LAND TOTALING APPROXIMATELY 5.04 ACRES LOCATED AT 2840 FELLWOOD LANE, 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.

Council Member Dittmore asked about annexing the entire neighborhood. City Manager Morgan noted that City staff had discussed this with the property owners but could not get agreement. Planning Director Fischer stated she had started talking with the property owners in this neighborhood back in 2011 but could not get concurrence.

Howard Fulton, property owner of 2840 Fellwood Road, stated he was the current neighborhood president and hoped that this could be done as a neighborhood. Given that an agreement could not be reached at this time, he had decided to move forward with annexing his property.

Council Member Dittmore asked if they could force the property owners to annex. City Attorney Richardson stated that cities are hesitant to institute involuntary annexation, particularly in regards to residential properties. Council Member Dittmore stated he was concerned about the fragmenting of services, particularly in relation to police response. Planning Director Fischer stated that it was far easier to work with the property owner than go through litigation if the property owner is opposed. Council Member Young stated that she would be opposed to involuntary annexation. Deputy Mayor Bentley agreed with Council Member Young.

*Council Member Young moved to approve the first reading of Ordinance No. 2019-09, annexing the property at 2840 Fellwood Lane. Council Member Gaffney seconded the motion.*

Mayor Rose spoke against involuntary annexation and believed they should support the property owners. It was prudent to plan ahead to accommodate by oversizing the pipes. In the instance for this property, the developers of John's Landing are paying for the majority of the costs for the infrastructure.

*Council then voted on the motion, which passed unanimously.*

**Annex Properties at the Southeast Corner of Circle Drive and West New Haven Avenue.** Planning Director Fischer presented a proposal to annex property located on Circle Drive and U.S. 192. She stated this was adjacent to property within the City limits.

Council asked questions about other the other properties along U.S. 192 that were not in the City. It was noted that one property had a pre-annexation agreement that would be annexed once the City limits were expanded to this property.

City Attorney Richardson stated that if the larger property to the east wanted to annex into the City, but the property where Bennigan's was located did not, this would be an example of an involuntary annexation. By excluding one property, the connections to infrastructure could not be made. Therefore, involuntary annexation for commercial properties was different than residential.

City Attorney Richardson read, in title only, Ordinance No. 2019-10:

**ORDINANCE NO. 2019-10**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION PARCELS OF LAND TOTALING APPROXIMATELY 3.49 ACRES LOCATED ON THE SOUTHEAST CORNER OF CIRCLE DRIVE AND WEST NEW HAVEN AVENUE, 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.

David Menzel, 395 Stan Drive, Melbourne, stated he was representing the property owners. The proposal was to construct a four-story, 98-room Hilton hotel on this property. The balance of the property would be used for retention and possibly another hotel or restaurant.

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

*Deputy Mayor Bentley moved to approve the first reading of Ordinance No. 2019-10, annexing the properties at the southeast corner of Circle Drive and West New Haven Avenue. Council Member Gaffney seconded the motion, which passed unanimously.*

## 11. PUBLIC FORUM

Mary E. Morton, 544 Lake Ashley Circle, spoke as a parent in appreciation for the School Resource Officer program. She stated the relationship that the SROs have created with students has provided a vast difference. She understood there was consideration for replacing the SROs with armed security specialists and believed that was a terrible idea. The SROs cannot be replaced. She has been teaching for over 22 years and the changes occurring nationwide are scary; she would not want to deal with a crisis situation without the fully-trained officers.

## 12. CONSENT AGENDA

*Council Member young moved to approve the following consent agenda. Deputy Mayor Bentley seconded the motion, which passed 7-0.*

- Approve the Regular City Council meeting minutes for Tuesday, April 16, 2019.
- Approve the recommended recipients of the Business of the Quarter for the 3rd quarter of 2019.
- Receive the Second Quarter 2018-2019 Budget Status Report.
- Approve an agreement with the Florida Department of Transportation (FDOT) providing that the City will operate and maintain the 59 decorative street lights the City installed on U.S. 192 east of I-95 to Circle Drive, and that FDOT will pay the City a lump sum annually beginning in the fiscal year the agreement is funded.

## 13. ACTION AGENDA

**Potential Property Purchase for Long-Term West Melbourne Community Park Expansion.** City Manager Morgan presented a proposal to make an offer to purchase 9.57 acres of property for long-term future park development. He stated he had talked with a real estate professional representing one of the three parcels and was told that the family would consider an offer from the City. If a counter offer was made by the property owners, he would bring this back to Council for consideration.

*Council Member Young moved to authorize the City Manager to make an offer to purchase 9.57 acres of property adjacent West Melbourne Community Park. Council Member Dittmore seconded the motion.*

Mayor Rose asked if this proposal had been vetted through the Parks & Recreation Advisory Board. City Manager Morgan stated that it had not but he could do so at their next meeting.



Mayor Rose stated that purchasing all of the properties, rather than just the one south of the Police Athletic League (PAL) house, would be more land than what was needed. He stated he would not support the purchase, especially if other City park projects would be delayed. In addition, there would be no funds left to expand or improve other City parks.

Council Member Batcheldor stated that the funds were designated for park land; therefore, he did not see an issue with the purchase.

Council Member Smith stated she was the liaison to the Parks & Recreation Advisory Board and believed that they would support the expansion of the park. She commented that there was a need for a building that would be large enough to hold about 130 people. The fund proposed to use for the purchase can only be used for parks and recreation facilities. She believed this purchase would create something better for the residents.

Council Member Dittmore asked about projects that would be delayed. City Manager Morgan stated that they would need to defer the renovation of the restroom at Clements Wood Park, and the design and major remodeling of the Parks and Recreation office for park workers. City Manager Morgan reminded Council the fund could not be used for regular maintenance expenditures.

Council discussed the cost to develop the land, if purchased. The City Manager estimated it would be between \$5-6 million. If successful, a master plan for development of the property would be completed. He added that there may be opportunity for state grants.

Council Member Batcheldor stated that purchasing the property would provide a maximum return of funds. He stated that this was an investment and he would be concerned with other development that could occur if not purchased by the City.

Council Member Gaffney asked if there were projects in the early planning stages that could provide additional recreation fees. City Manager Morgan stated he could only forecast those with an existing agreement.

*Council then voted on the motion to authorize the City Manager to proceed with an offer for the purchase, which passed 6-1, with Mayor Rose opposed.*

**Extension of Agreement with the City's Independent Auditors, Carr, Riggs & Ingram, LLC.** Finance Director Starkey presented a proposed one-year extension and a mutual clause to extend the agreement with Carr, Riggs & Ingram (CRI). She noted the City was asking for one more year on this contract so that we can get a request for proposal out to bid for banking services prior to starting the audit.

Council Member Dittmore asked how long the City had been with this auditor. Finance Director Starkey stated the City had been working with CRI for six years. Next year, the

City would prepare a request for proposal for auditing services. Council Member Dittmore agreed, stating that it was a good idea to have new eyes on the finances.

*Deputy Mayor Bentley moved to approve a one-year extension of the current agreement for independent auditing services for the fiscal year ending September 30, 2019 and authorize the City Manager to sign the engagement letter. Council Member Bentley seconded the motion, which passed unanimously.*

**Annual Lining of Storm Drain and Sewer Pipes.** Public Works Director Piccirillo presented a proposal from Insituform Technologies for preventive maintenance of the storm and sewer pipes. The City had worked with Insituform for 12 years and they had provided good service. The proposal came from a Daytona Beach contract, which had been recently competitively bid.

Deputy Mayor Bentley asked if there were local companies that could do the work. Public Works Director Piccirillo indicated there were no local companies. Insituform was the biggest provider in the state for this service.

*Council Member Young moved to approve and award the contract to Insituform Technologies, LLC with a price based on the diameter of the pipe. Council Member Dittmore seconded the motion, which passed unanimously.*

**Appointment(s) to the Board of Adjustment.** City Clerk Hanscom reminded Council that interviews of William Johnson, Teresa McKessey and Mary Renfro had been conducted on April 16, 2019, for the Board of Adjustment. She stated that Council could choose to make no appointments, make one appointment, or make two appointments to the two vacancies. She noted that one of the appointments would be for a term ending November 2019 and one would be for a term ending November 2020.

*Council Member Dittmore moved to appoint William Johnson to the Board of Adjustment with a term ending November 2020. Council Member Gaffney seconded the motion, which passed 7-0.*

Council took a ballot vote for the second appointment with the following results:

Council Member Young selected Teresa McKessey  
Council Member Batchelder selected Mary Renfro  
Council Member Dittmore selected Mary Renfro  
Mayor Rose selected Mary Renfro  
Deputy Mayor Bentley selected that no appointment be made at this time.  
Council Member Gaffney selected Mary Renfro  
Council Member Smith selected Teresa McKessey

*Council Member Dittmore moved to appoint Mary Renfro to the Board of Adjustment with a term ending November 2019. Council Member Young seconded the motion, which passed 7-0.*

**Appointments to the Parks and Recreation Advisory Board.** City Clerk Hanscom presented three applicants for the Parks & Recreation Advisory Board. She explained there were currently two vacancies on the Board and Council was asked to make two appointments.

*Council Member Young moved to appoint Linda Palardy to the Parks & Recreation Advisory Board with a term ending November 2019. Mayor Rose seconded the motion, which passed 7-0.*

*Deputy Mayor Bentley moved to appoint Daniel McDow to the Parks & Recreation Advisory Board with a term ending November 2019. Council Member Dittmore seconded the motion, which passed 7-0.*

#### **14. MANAGEMENT REPORTS**

**City Attorney Report.** City Attorney Richardson presented a report on ordinances for restricting panhandling. He noted that the Cities of Melbourne and Daytona Beach both had adopted ordinances. He cautioned that panhandling could not restrict the right for free speech. To pass an ordinance, the City would need to provide a compelling reason and provide an evidentiary record. For example, Daytona Beach had problems with panhandling in certain areas which was causing many tourists to avoid those areas; business owners spoke at public hearings. He stated that there should be a compelling reason for the ordinance. In addition, there could be other ways to reduce the negative impacts of panhandling through enforcement.

Council Members discussed the issues of panhandling at businesses and safety issues on medians.

#### **15. CITY COUNCIL REPORTS**

Council Member Smith spoke about the Family Fun Fest and how the event melds the two parks.

Council Member Batcheldor stated he had met with School Superintendent Mark Mullins about the air conditioning problems in the schools. The schedule would be changed to add humidity sensors and improve the system.

Council Member Gaffney had no report.

Council Member Dittmore reported the Platt family had been approached to sell additional property and declined, stating that they had no intention to sell additional property. He also mentioned that the Transportation Planning Organization would be talking about a study to widen Minton Road to six lanes on May 9.

Deputy Mayor Bentley reported he had attended both the Greater Palm Bay and Melbourne Chamber monthly meetings. He reported that he had attended the Family Fun Fest event which was well attended with many organizations participating.

Council Member Young reported she had also attended the Family Fun Fest and would be attending the Transportation Planning Organization as the City's representative on May 9. She stated she had attended the Florida Wildlife Hospital's Baby Shower where she had seen many animals. She also stated that she would like to bring more art to the community.

Mayor Rose spoke favorably about the art at Cumberland Farms and hoped there could be more. He reported he had attended the Civilian Military Group, Palm Bay and Melbourne Chamber meetings, and Family Fun Fest. He stated at the Palm Bay Chamber the speaker was from the Brevard Zoo and they were looking for volunteers to help expand the zoo. He stated the West Melbourne Library Board is proposing to construct a fence around the retention pond and hoped that they could be encouraged to put up a decorative fence. He said that he had attended the Leadership luncheon and noted that there were many great things happening in the area. He also reported the Economic Development Commission was considering a tax abatement for BK Technologies in West Melbourne.

## **16. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:37 p.m.