

MAYOR
Hal J. Rose

DEPUTY MAYOR
John Dittmore

COUNCIL MEMBERS
Daniel Batcheldor
Pat Bentley
Daniel McDow
Stephen Phrampus
Andrea Young



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CITY COUNCIL WORKSHOP

MINUTES

April 20, 2021

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

Attending in person: Mayor Hal Rose, Deputy Mayor John Dittmore, and Council Members Pat Bentley, Andrea Young, Daniel Batcheldor, Stephen Phrampus and Daniel McDow.

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

City Manager Morgan announced that Deputy City Manager Keith Mills would be retiring on April 28 after 35 years with the City and this would be his final Council meeting. Deputy City Manager Mills received a standing ovation.

4. BUDGET WORKSHOP – REFINEMENT OF CITY COUNCIL BUDGET PRIORITIES FOR FISCAL YEAR 2021-2022

Council discussed the proposed \$10,000,000 from the American Rescue Plan Act of 2021. City Manager Morgan explained he had originally proposed using the entire funds toward the water plant, but following discussion from the previous workshop, he was proposing the following:

- one-time issuance of premium pay for City of West Melbourne employees for performance of essential work during the COVID-19 emergency in the amount of \$125,000
- potable water capital improvement projects, including the water plant in the amount of \$6,500,000
- sanitary sewer capital improvement projects in the amount of \$1,500,000
- establish a reserve for future year City Council allocation of \$2,000,000

City Council discussed the suggestions made by City Manager Morgan and agreed with the suggestions.

City Manager Morgan reviewed the budget priorities, which included the new water plant, flood risk reduction, sanitary sewer system, city roads, and the update to the comprehensive plan. Several Council members discussed planning for parks and the need to consider some protections for the existing green sites.

Council discussed the proposal from the previous meeting to reduce the sworn officers to 51 with the loss of funding for the School Resource Officer at Imagine School. Concerns were expressed with continuing to fully support the police force and that there should be justification provided to have the number of officers remain at 52. Council discussed creating a formula based on population to adjust this number and it was recommended this be considered annually as part of the budget process.

City Manager Morgan also reviewed the priorities for a Fire Study and salary increases for employees. Council members stressed the importance of a plan for the City Manager's office in relation to the planned retirement of the City Manager in the future. Council also discussed the Communications Coordinator position and the possible need for additional staffing in Human Resources. Council also discussed if the restricted funds balance in the Building Department and the possibility of using those funds a new department building.

City Manager Morgan reviewed the budget priorities for finance. He noted that the additional item that was mentioned at the previous workshop was to not increase the ad valorem tax for the residents and consider a rolled-back rate.

Council also asked that improvements be considered to improve the lighting and air conditioning in the Council Chambers.

5. RECESS

Council recessed the workshop at 7:27 p.m. and reconvened to the Regular City Council meeting at approximately 7:41 p.m.

CITY COUNCIL REGULAR MEETING

MINUTES

April 20, 2021

6. CALL TO ORDER

Mayor Rose called the regular meeting to order at 7:41 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

Attending in person: Mayor Hal Rose, Deputy Mayor John Dittmore, and Council Members Pat Bentley, Andrea Young, Daniel Batchelder, Stephen Phrampus and Daniel McDow.

Also present: City Manager Scott Morgan, City Attorney Morris Richardson, Deputy City Manager Keith Mills, Police Chief Rick Wiley, Information Technology Director Tom Bradford, Planning Director Christy Fischer, Public Works Director Mark Piccirillo, Jacobs Project Manager Brian Mascher, City Clerk Cynthia Hanscom, and members of the public.

9. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Introduction of New Employees. Police Chief Rick Wiley introduced Police Records Technician Misty Curry, who started with the City on April 9, 2021.

10. PUBLIC HEARINGS

Code Change to Commercial Parkway Zoning District. Planning Director Fischer provided an overview of a staff initiated change to the Commercial Parkway zoning district to remove multiple-family dwellings as a principal use. She provided a history of the zoning district and noted that many of the areas originally zoned commercial parkway were in areas that were rezoned to Commercial New Haven and Commercial Wickham. She noted that this would clean up language in the zoning code with a discrepancy in the comprehensive plan. She presented a map of the areas currently zoned Commercial Parkway. The Planning & Zoning Board met on April 14, 2021 and recommended approval of the ordinance.

City Attorney Richardson read, in title only, Ordinance No. 2021-12:

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 98, ZONING, ARTICLE III. DISTRICTS, OF THE CODE OF ORDINANCES TO AMEND DIVISION 8, C-P COMMERCIAL PARKWAY DISTRICT, SECTION 98-832, PRINCIPAL USES AND STRUCTURES, TO REMOVE MULTIPLE-FAMILY DWELLINGS AS A PRINCIPAL USE IN THE C-P COMMERCIAL PARKWAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Deputy Mayor Dittmore moved to approve the first reading of Ordinance No. 2021-12, removing multiple-family dwellings as a listed use in the Commercial Parkway zoning district to be consistent with the Comprehensive Plan's Commercial designation. Council Member Phrampus seconded the motion, which passed unanimously.

11. PUBLIC FORUM

There were no comments from members of the public.

12. CONSENT AGENDA

Council Member Young moved to approve the April 6, 2021, minutes, with the amendment as suggested by Mayor Rose to add a paragraph under Council Reports to state:

"Following discussion on the reassignment of the existing School Resource Officer, there was a consensus of Council that the number of police officers should be reduced to 51 after the school term because the position would no longer be funded by the charter school."

Deputy Mayor Dittmore seconded the motion.

Deputy Mayor Dittmore also asked that his motion to reject the proposal to provide a School Resource Officer for Imagine School on Page 9 be prefaced by the statement "Based on the request made by the Principal of Imagine Schools..." Council Member Young agreed with the additional amendment to the minutes.

Council then voted on the motion to approve the April 6 minutes with the two amendments, which passed unanimously.

13. ACTION AGENDA

Proposed Economic Development Incentive for Dobbs Equipment. City Manager Morgan presented a proposal to provide assistance for road improvements to Columbia Lane as part of an incentive to Dobbs Equipment to develop a full-service facility for John Deere equipment. The company was considering the purchase of property along Columbia Lane, which is currently vacant. Dobbs Equipment has requested financial assistance from the City towards the future paving of Columbia Lane. Based on the City's tax abatement formula from 2010 to 2020, the incentive value would be \$56,837.11. Offering this incentive would encourage Dobbs Equipment to develop as an anchor business in this area and would improve the economy by providing good jobs.

Council discussed that Columbia Lane was currently a County roadway. City Manager Morgan noted that as the properties are developed and the roadway is paved, they can begin talking to the County about bringing the road into the City.

Deputy Mayor Dittmore moved to authorize the City Manager to offer a \$56,837.11 City contribution towards future Columbia Lane road improvements as an incentive to Dobbs Equipment as part of the firm's consideration of developing a full-service John Deere facility between Columbia Lane and I-95, provided there was an agreement in place. Council Member Batcheldor seconded the motion.

Council Member Bentley expressed concern with subsidizing the cost to improve a county road. City Manager Morgan stated that the City had annexed several parcels but this would be the first new development in many years. If successful, it would make sense that the City assume the roadway. He noted that it seemed like a low risk to the City to try to lure the firm. Council Member Bentley stated that this would be a multi-million dollar investment and he did not believe they would be concerned with such a small amount.

Mayor Rose asked about the tax abatement. City Manager Morgan indicated that it had expired because there was no interest. They could structure the agreement that there would be no funding unless something is in place and they could show that jobs had been created.

Ben Richmond, representing Dobbs Equipment, stated that they were asking for assistance similar to a tax abatement program. He stated they had not yet purchased the land. The unpaved roadway was an issue and would be an added expense. The total cost to improve the road would be \$500,000 and the assistance from the City would cover 10 percent of the cost.

Council then voted on the motion to authorize the contribution, which passed 6-1, with Council Member Bentley opposed.

Ascend at Hammock Landing Hold Harmless Agreement. City Attorney Richardson reminded Council that this had been tabled at their April 6 meeting. He reminded Council that this was quasi-judicial and Council would need to disclose any communication regarding this agenda item.

Mayor Rose stated he had met with the City Attorney to discuss this case in terms of the number of exits and discussed the issue with the City Manager for traffic on Minton Road.

Council Member Phrampus disclosed that he had discussions with staff and a conversation with Tony Masone.

Deputy Mayor Dittmore disclosed he also had a conversation with staff, the applicants and their engineers. He had also driven by the location.

Council Members Young, Bentley and McDow all reported that they had met with the applicant.

Council Member Batcheldor reported he had a discussion with staff about this property.

City Attorney Richardson presented a map of the property. He noted the approval of the hold harmless agreement would allow the developer to move forward with this project by allowing the site plans to be signed off prior to receiving County approval for transportation concurrency.

The question that had been raised at the previous meeting was the requirement for the development to have two access points. The City Attorney explained how the plans included two entrances. He noted that there was some concern with the proximity of the two access points and showed a map on the emergency access to the adjacent development of the Luminary at 95, which had their primary access on Norfolk Parkway.

There was some discussion for an access to the north to Norfolk Parkway and Jake Wise, Civil Engineer for the project, explained that this would cut through another property that was not owned by the developer. In addition, it would require an easement from Florida Power & Light. Deputy Mayor Dittmore stated that he had met with representatives from Promise and they indicated they had no use for the strip of land with the Florida Power & Light easement. He did not believe there would be resistance to have another access to the north. Mr. Wise noted that an access easement from Florida Power & Light would be very time consuming. In addition, it would be quite costly to design and build a bridge across the canal. He believed the current layout would meet the requirements of the ordinance.

City Attorney Richardson stated he was suggesting that the agreement could be approved which would insure all construction is consistent with the conditionally approved final site plan, would bind and enforce the commitment to remove construction work and to stabilize and restore the property to its previous condition if the Impact Fee

Agreement has not been finalized within six months, and require the developer to post a performance bond to guarantee its commitments (\$777,738).

Deputy Mayor Dittmore moved to approve the Hold Harmless Agreement with Requirement to Post Bond between the City and DHIC – Hammock Landing, LLC. Council Member Bentley seconded the motion.

Mayor Rose asked if the motion could include a requirement for the emergency access. City Attorney Richardson stated that they had the agreement and it had been recorded. Mayor Rose also asked that the primary exit roadway be brought up to standards and that turning radius of the u-turns on Minton Road be widened. Mr. Wise stated that they continued to work with the County to improve the access; however, they could not commit to something that the County does not approve.

Council Member Phrampus stated Council should consider changing the process to have the Council be the body that has site plan approval. He also believed that the proposal technically met the ordinance, but was done in a way to bypass the intent. He asked that staff come back to Council with a change so that this could not happen again.

Council then voted on the motion, which passed 6-1 with Council Member Batcheldor opposed.

14. MANAGEMENT REPORTS

Quarterly Police Department Report. Police Chief Rick Wiley presented the Quarterly Police Department Report. Council Member Phrampus asked the status of the license tag reader that had been approved. IT Director Bradford reported that the cameras had not yet been installed but they were completing the site survey. Council Member McDow asked about changes in enforcement as a result of the recently signed law against rioting. Police Chief Wiley stated he had met and reviewed the new law with Sheriff Wayne Ivey. City Attorney Richardson stated that he would prepare an update to Council which could be included in a Friday Memo.

15. CITY COUNCIL REPORTS

Council Member Bentley reported he had attended the Brevard County Commission meeting on the fire assessment increase which resulted in a vote to increase the fire assessment by 33 percent, which is less than the 35 percent original proposed. He believed they could have had a much smaller increase.

Council Member Young stated she had attended the Cocoa Beach Air Show and reported on the upcoming Transportation Planning Organization meeting and Metropolitan Planning Organization meeting. She distributed information on safe driving by both drivers of bicycles and vehicles.

Council Member McDow stated the Mayor's Fitness Challenge had concluded and Earth Day would be April 22. He also commented on several other events he had attended over the last few weeks.

Council Member Phrampus reported he had attended the Torch Run and a Boy Scout event in Titusville. He also reported on a meeting with a developer proposing to develop a 9 acre parcel on the northwest corner of Minton Road and Norfolk Parkway.

Council Member Batcheldor expressed frustration with the approval of the Ascend apartments and its entranceway. He believed there would have been a more in-depth conversation if City Council had been involved in the decision process for the site plan.

Deputy Mayor Dittmore spoke about a meeting with the group selling the property for Promise Inc., and the developers of Epoch Apartments. City Attorney Richardson cautioned speaking on this issue, which was quasi-judicial and would come before Council in two weeks. Deputy Mayor Dittmore reported he had attended the opening of Palm Bay Fire Department and was able to speak with the Fire Chief; she indicated she would be willing to meet with Council and answer any questions about establishing a fire department in the City.

Mayor Rose reported he also attended the Brevard County Commission meeting and spoke in opposition to the increase in fire fees. He reported on several other events that he had attended, including the awards ceremony for the Mayors Fitness Challenge.

Mayor Rose asked about the pavilions at the park and City Manager Morgan stated the City was accepting reservations for the outdoor facilities. Mayor Rose also asked about several maintenance issues at the park.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 10:27 p.m.

Hal J. Rose, Mayor

Cynthia Hanscom, City Clerk