

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

May 4, 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, and Daniel McDow.

Also present: City Manager Scott Morgan, City Attorney Morris Richardson, Police Chief Rick Wiley, Information Technology Director Tom Bradford, Planning Director Christy Fischer, Human Resources Director Kimberly Gale, 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.

#### 4. BUDGET WORKSHOP – INITIAL PROJECTION OF FISCAL YEAR 2021-2022 REVENUES

City Manager Morgan began by reviewing changes to several of the priorities from the previous workshops. Under the Parks & Recreation items, Mayor Rose suggested that a shade area be provided at the splash pad. He also noted that the skate park gets a lot of use and the perimeter area is eroded and it may need to be sodded again. Lastly, he asked that the tennis courts at the Veterans Memorial Complex be resurfaced.

Council also discussed a new building department be constructed on the City's property north of City Hall. Council also discussed the need for some reclassifications and staffing levels.

City Manager reviewed the initial general fund revenue forecast which he predicted would grow 5.5 percent over the adopted 2020-2021 revenues, an increase of \$787,600

and totaling \$15.17 million. He reviewed revenue sources noting that charges for services, fines and forfeitures and miscellaneous revenues would decline.

Council discussed the increases with Florida Power & Light and how that would affect the City's costs as well as the revenue. Suggestions were made to pursue solar energy for sustainability.

City Manager Morgan summarized that the initial 2021-2022 revenue forecast did not yet include any portion of the estimated \$10.1 million in American Rescue Act funds that might be received in fiscal year 2021-2022. The current 2021-2022 all funds revenue forecast of \$37.71 million included an estimate of \$5.81 million in grant revenues. The current all funds revenue forecast represented an increase of \$2.83 million over the adopted 2020-2021 all funds revenue budget of \$34.88 million, which is a projected increase of 8.1 percent.

Council Member Dittmore asked about funds from the CARES Act for first responders and if that would offset any assistance proposed as part of the American Rescue Act funds. City Manager Morgan stated that it was not proposed to do that.

## **5. RECESS**

*Council recessed the workshop at 6:25 p.m. and reconvened to the Regular City Council meeting at approximately 6:35 p.m.*

## **CITY COUNCIL REGULAR MEETING**

### **AGENDA**

May 4, 2021

## **6. CALL TO ORDER**

Mayor Rose called the regular meeting to order at 6:35 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, and Daniel McDow.

Also present: City Manager Scott Morgan, City Attorney Morris Richardson, 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.** Public Works Director Mark Piccirillo introduced Water Distribution Worker Robert Cloney and Parks & Recreation Director Rich Boprey introduced Recreation Worker Daniel Rogers, both who started with the City on May 3, 2021.

**Proclamation for Women's Lung Health Week.** Mayor Rose presented a proclamation to Debra Smith naming the week of May 7-13 as Women's Lung Health Week.

## 10. PUBLIC HEARINGS

**Code Change to Commercial Parkway Zoning District.** Planning Director Fischer presented the second reading of an ordinance to amend the Commercial Parkway zoning to remove multiple-family dwellings as a principal use. She noted that staff initiated this request and the Commercial Parkway would be the only zoning district affected. This would clean up a discrepancy with the comprehensive plan policy that only provides for commercial uses. She provided a history of the commercial parkway zoning district. She stated the Planning & Zoning Board had recommended approval of the ordinance at their meeting of April 14, 2021.

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.

Council Member Phrampus commented that 45 percent of the city could be multi-family and expressed concern that this was turning into a rental community.

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

**Annexation of Parcels Located East of St. Johns Heritage Parkway and North of U.S. 192 (Acquest).** Planning Director Fischer presented a proposal for annexation of

parcels located north of U.S. 192 and east of St. Johns Heritage Parkway. The annexation would allow for four vacant parcels totaling over 36 acres to become a part of the City. She reminded Council that the future land use and rezoning would come before Council at a future meeting.

City Attorney Richardson reminded Council that this was a quasi-judicial hearing and asked for disclosures on communications and meetings on the subject matter. There were no disclosures.

Planning Director Fischer provided an analysis on the urban services and the proximity to city limits.

City Attorney Richardson read, in title only, Ordinance No. 2021-13:

### **ORDINANCE NO. 2021-13**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION PARCELS OF LAND TOTALING APPROXIMATELY 36.73 ACRES LOCATED ON THE NORTH SIDE OF U.S. 192, WEST OF INTERSTATE 95 AND EAST OF THE ST. JOHNS HERITAGE PARKWAY, 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.

Mayor Rose asked about the project proposal. Robert Robb, civil engineer for the project, stated that Acquest had developed similar projects throughout the United States geared toward office and light industrial. All facilities are owned and managed by Acquest and they do not develop residential projects. Many of the office/industrial projects are affiliated with the federal government.

Mayor Rose asked if the parcels were landlocked. Mr. Robb indicated that Acquest owned all the parcels and there would be access on U.S. 192 with possible access on St. Johns Heritage Parkway.

Council Member Phrampus stated that he would be opposed to zoning the property as Gateway Interchange unless the developers were willing to provide a binding development agreement that multiple family housing would not be built. Mr. Robb stated he could not speak for the developer.

Deputy Mayor Dittmore asked if Acquest had developed detention centers. Mr. Robb indicated they had not and listed several of the projects they had developed.

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

*Deputy Mayor Dittmore moved to approve the first reading of Ordinance No. 2021-13, annexing properties totaling approximately 36.73 acres located east of the St. Johns Heritage Parkway and north of US 192. Council Member Young seconded the motion, which passed unanimously.*

**Small Scale Amendment and Rezoning for Property Located at 3685 Minton Road.**

Planning Director Fischer presented the small scale amendment and rezoning for Epoch West Melbourne. She reminded Council that they failed to approve the future land use amendment was not approved back in April, and Council agreed to hear the proposal anew at this meeting.

City Attorney Richardson indicated this is a quasi-judicial matter because of the rezoning and asked if there were any disclosures since the previous hearing. Council Member Phrampus stated he had a discussion with Jeff Kiel, CEO of Promise in Brevard, and Jake Wise, civil engineer for the project. Deputy Mayor Dittmore stated he had also met with the developer as well as Rusty Melle and Jeff Kiel.

Planning Director Fischer explained the location of the property and noted the proximity to Minton Road and I-95. The triangular property is only 5.37 acres. The proposal was to convert the future land use of the smaller triangular property from commercial to residential in order to build multi-family residential. She explained the maximum density of the property if it were rezoned as well as the maximum density of the adjacent property, which would be part of the overall development. The Planning & Zoning Board had recommended approval at their meeting of March 9, 2021.

City Attorney Richardson read Ordinance No. 2021-10, and Ordinance No. 2021-11, in title only:

**ORDINANCE NO. 2021-10**

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 5.37 ACRE PARCEL OF LAND LOCATED AT 3685 MINTON ROAD, AND AS MORE FULLY DESCRIBED HEREIN FROM COM (COMMERCIAL) TO UD-RES (URBAN DENSITY RESIDENTIAL); PROVIDING AN EFFECTIVE DATE.

**ORDINANCE NO. 2021-11**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A 5.37 ACRE PARCEL OF LAND GENERALLY LOCATED AT 3685 MINTON ROAD, AND AS MORE FULLY DESCRIBED HEREIN FROM C-1 (LOW DENSITY COMMERCIAL) TO R-3 (MULTIPLE-FAMILY DWELLING); PROVIDING AN EFFECTIVE DATE.

Jake Wise presented a proposal to develop the properties as Epoch West Melbourne, a residential apartment complex, which would be an infill project. The triangular parcel was difficult to develop on its own and was proposed to be part of a larger project. He noted the development would have one access point on Minton Road and then a second access to Norfolk Parkway. He reviewed the density of the project which would be less than 10 units per acre.

Council discussed the traffic impacts and the number of vehicles during peak hours. Council also discussed the landscaping and the Florida Power & Light power lines. It was noted that there would be two pieces that were not buildable because of the wetlands and the Florida Power & Light easements.

Tommy Ciserano, developer for the project, presented the proposal for Epoch Apartments covering the traffic, land use density and design.

Jeff Kiel, CEO for Promise in Brevard, expressed appreciation to the City Council and noted that Promise was enthusiastically optimistic about the project.

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

Deputy Mayor Dittmore commented that he was not initially supportive of this project based on the percentage of multi-family in the City. However, after meeting with the developers and discussing the alternatives, he believed it was a good opportunity and would tie in to neighboring uses. He also believed the landscaping would be coordinated across multiple properties.

*Deputy Mayor Dittmore moved to approve of the first reading of Ordinance No. 2021-10 to change the future land use on 5.37 acres of property located at 3685 Minton Road from the current designation of Commercial to Urban Density Residential. Council Member Young seconded the motion.*

Council Member Batcheldor questioned the number of units that would need to be built for the owner to cover the cost of the development. He also questioned whether the development could proceed without the ability to include the triangular property under consideration. He believed the entire reason for this request was based on the level of profitability by the developer and believed it did not represent the residents and the vision of the City.

*Council then voted on the motion to approve the first reading of Ordinance No. 2021-10, which passed 5-2, with Council Members Batcheldor and Phrampus opposed.*

*Deputy Mayor Dittmore moved to approve the first reading of Ordinance No. 2021-11 rezoning request and to change the zoning designation on 5.37 acres of property located at 3685 Minton Road from C-1 to R-3. Council Member Young seconded the motion, which passed 5-2, with Council Members Batcheldor and Phrampus opposed.*

## 11. PUBLIC FORUM

Keith Schachter, 1710 Highland Avenue, spoke on providing signs along the fences for Brevard County school properties. He noted that this was being done to provide funding for the schools. He worked with companies to connect those wishing to advertise with the banners. Concerns were raised regarding the banners. He asked Council to consider an ordinance to allow for advertising at the schools. He noted that the schools receive 70 percent of the overall profit from the advertisements. Council discussed the complaints that had been posted on social media sites, mainly from the Westbrooke and Heritage Oaks communities.

## 12. CONSENT AGENDA

*Deputy Mayor Dittmore moved to approve the following consent agenda. Council Member Young seconded the motion, which passed unanimously.*

- Regular City Council meeting minutes for April 20, 2021.
- Granting of an easement to the Florida Department of Transportation for a future signalization project at McClain Drive and U.S. 192.
- Interlocal Agreement with Brevard County pertaining to the engineering design of the relocation of City utilities necessitated by the Ellis Road widening project.
- Wholesale Music Instrument as Business of the First Quarter and Lifestyle Homes as Business of the Second Quarter of 2021.

## 13. ACTION AGENDA

**Professional Engineering Task Order for the US 192 Watermain Crossing.** City Manager Morgan stated this was the second phase in the engineering to create a water line crossing of U.S. 192. He noted the project would be important to strengthen the distribution system in preparation for a water plant. He stated that Chen Moore & Associates had done a good job on Phase 1 of the project.

Mayor Rose asked how long it would take to complete the project. Robert Best, engineer with Chen Moore & Associates, predicted it would take a minimum of six months up to one year.

*Deputy Mayor Dittmore moved to authorize the City Manager to execute an agreement incorporating professional engineering task order #2 with Chen Moore and Associates for the US 192 Watermain Crossing Project in the not-to-exceed amount of \$125,405. Council Member Batcheldor seconded the motion, which passed unanimously.*

**Award of Construction Bid for Ray Bullard Storm Water Management Area Project.** City Manager Morgan stated a grant funded project had been proposed to both reduce flood risk in the older neighborhoods and improve stormwater quality to benefit the Indian River Lagoon. A project was designed by Infrastructure Solution

Services and the project had been advertised for bid. Four contractors had bid on the project with the low bidder being Loren Jock Trucking, Inc., in the amount of \$1,143,702, which was below the engineering estimate. The engineer had reviewed the bids and recommended that Loren Jock Trucking be awarded the bid.

*Council Member Young moved to award the construction bid for the Ray Bullard Storm Water Management Area Project to Loren Jock Trucking, Inc. in the base bid amount of \$1,143,702 and authorize the City Manager to execute a contract. Deputy Mayor Dittmore seconded the motion.*

Mayor Rose asked about the sod that would be created from the project. City Manager Morgan stated the project requires the contractor to store the dirt on site. The dirt would be considered as a city asset and would be sold to the highest bidder. He noted that four local developers had expressed interest in purchasing the dirt. Mayor Rose suggested retaining some of the dirt for possible construction of a new City building.

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

**Exterior Painting of City Hall.** Parks & Recreation Director Boprey presented quotes for exterior painting of City Hall. He noted that all three quotes were received from well established firms who would use quality paint, repair all cracks, and trench the walls where possible. He stated he was recommending Council engage Collins Custom Painting, Inc., the lowest bidder.

*Council Member Bentley moved to award the quote for the exterior painting of City Hall to Collins Custom Painting, Inc., in the amount of \$22,630. Deputy Mayor Dittmore seconded the motion, which passed unanimously.*

Mayor Rose addressed the color that would be used and suggested that it match the color scheme used for the Police Department. Council agreed.

**Administrative Position Changes.** City Manager Morgan presented a resolution to eliminate the Deputy City Manager/Capital Projects Director position and the IT Director and replace those two positions with two Assistant City Manager positions. For one of the newly created Assistant City Manager positions, he planned to promote IT Director Tom Bradford. The City would then recruit for the second Assistant City Manager position. A new position in the IT Department would be created for Senior Systems Administrator to allow for many of the duties performed by Mr. Bradford to be absorbed by this new position. Because of the amount of time for recruitment, this would not impact the current year's budget.

Council discussed how capital projects would be handled going forward and the need to have back-up support for the City Manager.

*Deputy Mayor Dittmore moved to adopt Resolution No. 2021-13 deleting the Deputy City Manager/Capital Projects Director and Information Technology Director positions, and adding two Assistant City Manager positions and one Senior Systems Administrator position. Council Member Young seconded the motion, which passed unanimously.*



#### **14. CITY COUNCIL REPORTS**

Council Member Young reported on the work of the Cultural Committee of the Tourist Development Council.

Council Member McDow commented on the Special Olympics to be held in Orlando next year and hoped that the City could be involved in some small way. He also reported he had attended the Business Advisory Board and was provided a tour of the City Public Works facilities.

Council Member Phrampus reported he had attended the retirement luncheon for Deputy City Manager Keith Mills. He asked the status of scheduling a special meeting for the comprehensive plan review workshop. City Manager Morgan stated he was proposing the Council have the workshop prior to an upcoming meeting. Council felt that this would take more than a one-hour workshop to discuss and asked that an alternate date be established.

Council Member Batcheldor expressed appreciation to the Planning Director on her handling of the conflicting needs of developers versus the wishes of Council. He suggested a moratorium on building of multi-family housing in the City. City Attorney Richardson did not recommend an overall moratorium but could discuss changes at the upcoming workshop on how the City can limit density.

Deputy Mayor Dittmore reported that he looked forward to a report on the pro forma for a fire department at the next meeting. He also asked about wearing masks at public meetings. City Manager Morgan stated that the Center for Disease Control (CDC) continued to recommend wearing masks and social distancing when indoors.

Council Member Bentley presented an update on the police pension plan.

Mayor Rose reported he had attended the retirement luncheon for Keith Mills and commented on several other employees of the City that were retiring or would be retiring in the near future. He commented on a recent soccer tournament held at Max K. Rodes Park, which was sponsored by two West Melbourne hotels. He also reported on several legislative actions that would impact local government.

#### **15. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:02 p.m.