

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 REGULAR MEETING

MINUTES

May 18, 2021

1. CALL TO ORDER

Mayor Rose called the regular meeting to order at 6:43 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: 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, Police Chief Rick Wiley, Assistant City Manager Tom Bradford, Planning Director Christy Fischer, Public Works Director Mark Piccirillo, Human Resources Director Kimberly Gale, Jacobs Project Manager Brian Mascher, Senior Systems Administrator Christopher Timmons, City Clerk Cynthia Hanscom, and members of the public.

4. PUBLIC HEARINGS

Transmittal of Large Scale Amendment and Rezoning for Property Located West of I-95, North of U.S. 192, and East of St. Johns Heritage Parkway (Space Coast Business Center). Planning Director Fischer presented the request to transmit the large scale amendment for a 36.73 acre vacant parcel located west of I-95, north of U.S. 192, and east of St. Johns Heritage Parkway. The project was being called the Space Coast Business Center by the Acquest developers. She reminded Council this had been before Council for first reading for the annexation. The annexation would come back before Council for second reading after review by the State on the comprehensive plan amendment.

The developers were asking for a mix of commercial and industrial uses with limited quantities of residential. Planning Director Fischer provided a map showing the future land use designation in the County and proposed future land use. She reviewed the

surrounding land uses and the staff analysis on the development potential. She added that the developers were willing to self-limit to 20 dwelling per acre which would come to 184 dwelling units. Although they were not proposing residential development, they wanted to have the option. Planning Director Fischer also provided staff analysis for water, sewer, public safety and environmental site data and noted that it was consistent with the goals, objectives and policies of the comprehensive plan.

Planning Director Fischer reviewed the proposed rezoning and pointed out that the developer was asking to have the property rezoned from Brevard County agricultural to the City's Gateway Interchange. She provided an analysis and stated that it would be consistent with the abutting uses. Planning Director Fischer also provided a copy of the concept plan, which was not binding, showing the entire lot with office/industrial use. The Planning & Zoning Board met on May 11 and recommended approval of the transmittal conditioned on approval of the annexation and a density limiting development agreement.

City Attorney Richardson read, in title only, Ordinance No. 2021-14 and 2021-15:

ORDINANCE NO. 2021-14

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO PROVIDE FOR PI (PARKWAY INTERCHANGE) LAND USE FOR A 36.73 ACRE PARCEL GENERALLY LOCATED WEST OF INTERSTATE 95, NORTH OF US 192, AND EAST OF ST. JOHNS HERITAGE PARKWAY, AND AS MORE FULLY DESCRIBED HEREIN; ESTABLISHING AN APPROPRIATE LAND USE FOR THE PROPERTY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; EXTENDING THE GOALS, OBJECTIVES, AND POLICIES AND OTHER LAND USE PLANNING REQUIREMENTS TO THE PROPERTY; AND, PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2021-15

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A 36.73 ACRE PARCEL OF LAND GENERALLY LOCATED WEST OF INTERSTATE 95, NORTH OF US 192, AND EAST OF ST. JOHNS HERITAGE PARKWAY, AND AS MORE FULLY DESCRIBED HEREIN, FROM BREVARD COUNTY AU (AGRICULTURAL USE DISTRICT) TO CITY OF WEST MELBOURNE GTWY-I (GATEWAY INTERCHANGE DISTRICT); PROVIDING AN EFFECTIVE DATE.

Mayor Rose opened the public hearing.

Omar Abu-Sitta with Acquest Development Company in Williamsville, New York, thanked Council for considering this proposal. He stated that Acquest did not typically develop residential uses but they are looking at the site and will be purchasing with the proposed zoning of Gateway Interchange, which would provide some zoning flexibility. He would be willing to limit to 25 percent residential just so that they would have flexibility should plans change.

Mayor Rose asked if the proposal would have more than one access. Robert Robb, engineer for the project, stated that there is an access on U.S. 192 and would be working with the County to seek an additional access on St. Johns Heritage Parkway.

Mayor Rose asked if Acquest had developed residential in the past. Mr. Abu-Sitta stated the Acquest portfolio currently includes one assisted living facility. He noted that their intent was to develop office and industrial. He believed this would correlate with other developments. However, he would want the flexibility for a small amount of residential.

Gregory Wood, President of Welchwood Enterprises, Inc., and owner of the adjacent property to the north, stated he had no issues with the proposed change in land use or zoning. He believed that they would need to look at the entire corridor, much of which would be residential. Therefore, the limited multi-family use should not be an issue. He asked that Council approve the request.

There being no further comments, he closed the public hearing.

Council Member Batcheldor stated that he recognized the hard work, but believed that this could be tabled until next month after Council has had a chance to conduct a workshop on June 3.

Council Member Batcheldor moved to table the transmittal of the comprehensive plan amendment and the first reading of Ordinance No. 2021-14 until June 15. Deputy Mayor Dittmore seconded the motion, which passed unanimously.

Council Member Batcheldor moved to table the first reading of Ordinance No. 2021-15 to rezone property until the June 15 meeting. Council Member Phrampus seconded the motion, which passed unanimously.

PMG West Melbourne Large Scale Comprehensive Plan Amendment and Rezoning. Planning Director Fischer asked that Council postpone the hearing for the large scale comprehensive plan amendment and rezoning for PMG West Melbourne until June 15, 2021.

Deputy Mayor Dittmore moved to postpone PMG West Melbourne Development's large scale comprehensive plan map amendment and rezoning requests to the June 15, 2021, meeting. Council Member Bentley seconded the motion, which passed unanimously.

5. PUBLIC FORUM

Jim Wade, 783 Del Mar Circle, spoke in favor of the Fell Road extension to Dairy Road. He stated that traffic is backed-up on Hollywood Boulevard, particularly in the morning peak hours. He believed the construction of the extension would be beneficial to alleviate some of the traffic.

Eva Nagymihaly, 3413 Willowwood Drive, spoke on development that had been occurring and that it was disappointing that so many of the trees had been removed. She referred to this as the “raping” of the environment that would kill everything in its path. She referred to the recent removal of trees at the Ascend property. She indicated that many animals are in the nesting season. She asked Council to encourage intelligent development and more green space. Mayor Rose agreed and asked that staff provide more information to Council on the ordinances that allow for the removal of trees.

6. CONSENT AGENDA

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

- Regular City Council meeting minutes for May 4, 2021.
- Receipt of the Second Quarter FY2021 Budget Status Report.
- Resolution No. 2021-15 authorizing certain individuals to sign and countersign documents.
- Purchase of a new replacement 38-foot decorative light pole from TAG - The Arnold Group of Florida, Inc. and installation provided by PowerCore, Inc.

7. ACTION AGENDA

Selection of Independent Auditors. City Clerk Hanscom reported that a Request for Proposal (RFP) had been advertised for the selection of an independent auditor for the City of West Melbourne. The Auditor Review Committee reviewed the five proposals received and scored the written proposals first in order to narrow the list to the top three firms. Those three firms were interviewed and scored by the Auditor Review Committee on May 6, 2021. From that scoring process, the firm with the most points was Carr, Riggs & Ingram.

Mayor Rose commented that he served on this committee and that all the firms submitting proposals were quality firms.

Deputy Mayor Dittmore moved to approve the ranking of Independent Auditors by the Auditor Review Committee and authorize the City Manager to negotiate a contract with Carr, Riggs & Ingram for the Fiscal Years Ending September 30, 2021 through 2024. Council Member Bentley seconded the motion, which passed unanimously.

Group Insurance Plans for Fiscal Year 2021-2022 Plan Year. Human Resources Director Gale presented the group insurance renewal for plan year 2021-2022. She said this was a favorable renewal with a minor rate increase of 3.52 percent in the health insurance premiums. No other insurer had a rate increase.

Deputy Mayor Dittmore moved to adopt Resolution No. 2021-14 approving the City's group insurance plans for the 2021-2022 plan year, provided by the following vendors:

INSURANCE TYPE	VENDOR
Medical	Health First Health Plans
Health Reimbursement Account (HRA)	Ameriflex
Dental	Principal
Vision	Principal
Life & Disability	Lincoln Financial Group
Employee Assistance Program (EAP)	Lincoln Financial Group
Flexible Spending Account (FSA)	Ameriflex
Supplemental Options	Colonial Life & MetLife

Council Member Bentley seconded the motion.

Council Member Bentley asked about the increase for the employee versus the City. Human Resources Director Gale stated the amount of the increase would depend on the years of service for the employee, and that the overall increase would be 3 percent for both the employer and the employee.

Mayor Rose noted that Health First would no longer be providing group insurance after the 2021-2022 plan year. He asked what would be done for the employees going forward. Jennifer West, Health First, indicated that the decision to no longer offer group insurance was not a financial decision but rather an attempt to focus on providing quality health care.

Brian Boone, Hylant, stated they had good historical data and appears there will be insurance providers that would be interested. Ms. West stated the City of West Melbourne had a good claim history to go into the market. Mr. Boone stated they would also be tracking what is happening in other cities.

Council then voted on the motion, which passed unanimously.

Fire Department Pro Forma. City Manager Morgan presented the fire department pro forma. He reminded Council he had been asked to come back to Council in May with preliminary cost information on the feasibility of establishing a fire department in West Melbourne. This was requested by the Council because of a large increase in the Brevard County fire assessment.

City Manager Morgan provided a high-level estimate of potential start-up costs and recurring annual operating cost of establishing a new municipal fire department. The estimated costs are provided to assist Council in deciding whether or not the project difference is sufficient to proceed with a feasibility study conducted by a professional consulting firm.

The City Manager estimated that the total available funds for West Melbourne from the Municipal Services Taxing Unit (MSTU) and annual assessment would be \$5,105,000. City Manager Morgan estimated the start-up costs would be \$8,000,000. The annual operating budget was estimated to be \$4,727,000, which would include the annual debt

service on the \$8,000,000 borrowed for start-up. The net difference would be \$378,000. Therefore, the net savings to have a municipal fire department between first year sources and uses would be \$378,000 annually.

Council Member Phrampus noted that the proposal would not include grant funding. City Manager Morgan agreed. He also said that there could be an available source of funding by levying a development impact fee, which would be more significant than any grant.

Council Member Phrampus also encouraged staff to reach out to a national professional contact who had indicated willingness to provide assistance with the process for a fee.

Council discussed the revenue forecast and the impacts by development.

Deputy Mayor Dittmore moved to receive and file the City Manager's initial pro forma financial analysis of a potential City of West Melbourne Fire Department, proceed further in the investigation of the feasibility of the City of West Melbourne forming its own Fire Department, and authorize the City Manager to prepare and release a request for proposals for qualified consultants to prepare a detailed feasibility and implementation guide for the possible formation of a City of West Melbourne Fire Department. Council Member Phrampus seconded the motion.

Council discussed the purchase of land, the number of stations, the number of staff for each piece of equipment, the certifications required for personnel, estimated costs for the vehicles, and the type of apparatus that would be needed. City Manager Morgan informed Council that the need would be based on the analysis that would be completed as part of the feasibility study, including the projected number and types of calls.

Council then voted on the motion to move forward with an analysis to create a West Melbourne Fire Department, which passed unanimously.

Opioid Litigation. City Attorney Richardson presented a resolution approving a memorandum of understanding with the State of Florida regarding the allocation of settlement proceeds from opioid litigation. He provided a background on the suit that had been filed by the State and Florida and some counties and cities. He noted that if the City did not participate, the Attorney General may bar the claims from those entities that did not respond to the request for the agreement. The overall number of participants would add to the amount of the overall settlement. The City/County fund would consist of 15% of the overall settlement.

Council Member Bentley moved to adopt Resolution No. 2021-16 approving a Memorandum of Understanding with the State of Florida regarding the allocation of settlement proceeds from opioid litigation, and authorizing the City Manager to execute the Memorandum of Understanding. Deputy Mayor Dittmore seconded the motion, which passed unanimously.

8. CITY COUNCIL REPORTS

Council Member McDow had no report.

Council Member Phrampus reported on several events that he had attended. He also said there had been a near drowning at the pool in Sawgrass Lakes and he hoped to recognize those that had responded. Council Member Phrampus asked that an ordinance be brought back before Council changing the approval authority for preliminary site plans to the City Council.

Council Member Batcheldor spoke about land acquisition for the Hollywood Boulevard widening project and thanked Council Member Young for her report on the Tourist Development Council at the previous meeting. He also asked about a possible project to be funded by the grants through the Tourist Development Council.

Deputy Mayor Dittmore spoke about an ordinance on panhandling. Following discussion, there was a Council consensus to wait until the City Attorney had the opportunity to review a potential City of Melbourne ordinance on the subject. Deputy Mayor Dittmore also spoke about the recent announcement that the City Attorney had applied for the County Attorney vacancy.

Council Member Bentley reported on several events he had attended and the Florida League of Cities policy committee meetings to be held in June. He also commented on the City of Melbourne's recent change to use body cameras for police officers. Police Chief Wiley provided a report on the camera usage by the West Melbourne officers.

Council Member Young reported on several events she had attended and updated the Council on the report received at the Transportation Planning Organization on the negative impacts on fuel tax revenues from both COVID and the increase in electric vehicles.

Mayor Rose reported on several events he had attended. He also asked for an update on the mask requirement for city facilities. He encouraged the facilities be opened back up for events. He also asked that staff bring a resolution for consideration to remove the fee associated with the use of the tennis courts in the evening hours.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 9:55 p.m.