

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

July 20, 2021

1. CALL TO ORDER

Mayor Rose called the regular 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

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, Assistant City Manager Tom Bradford, Police Chief Rick Wiley, Finance Director Margi Starkey, Public Works Director Mark Piccirillo, Planning Director Christy Fischer, Building Official Tom Forbes, Systems Administrator Christian Arsenault, City Clerk Cynthia Hanscom, and members of the public.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Recognition of Robert Willmarth. Mayor Rose recognized Robert Willmarth for his years of service to the City of West Melbourne by presenting him with a proclamation and a key to the City.

Introduction of New Employees. Public Works Director Piccirillo introduced Maintenance Worker Ryan Hunt, who started with the City on June 21, 2021. Building Official Forbes introduced Inspector III Marcus Winburn, who started with the City on July 19, 2021.

5. PUBLIC HEARINGS

City Council Review of Initial Site Plans. City Attorney Richardson presented the second reading of an ordinance providing for City Council review and approval of initial site plans for multi-family projects. He reviewed the changes that were made at first reading and noted that this ordinance would add City Council review and approval for multi-family developments greater than or equal to 50 units.

He noted that, at a minimum, he was asking Council to amend Section 66-157 of the City Code to eliminate an obsolete reference to Planning and Zoning Board action on small subdivision plans, and Section 66-117, to clarify the existing site plan review duties of the Board of Adjustment.

City Attorney Richardson read, in title only, Ordinance No. 2021-17:

ORDINANCE NO. 2021-17

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, PROVIDING FOR CITY COUNCIL REVIEW OF CERTAIN MULTIFAMILY INITIAL SITE PLANS PREVIOUSLY SUBJECT TO REVIEW BY THE PLANNING AND ZONING BOARD; AMENDING CHAPTER 66, ADMINISTRATION, ARTICLE III, BOARDS, COMMITTEES, COMMISSIONS, DIVISION 3, BOARD OF ADJUSTMENT, DIVISION 4, PLANNING AND ZONING BOARD, AND ARTICLE X, SITE PLANS; AMENDING CHAPTER 71, NATURAL RESOURCES AND STORMWATER, ARTICLE V, HABITAT MANAGEMENT; AMENDING CHAPTER 86, SUBDIVISIONS, ARTICLE I, IN GENERAL; AMENDING CHAPTER 98, ZONING, ARTICLE III, DISTRICTS, DIVISION 6, ONE-, TWO- AND MULTIPLE-FAMILY DWELLING DISTRICT, DIVISION 7, AND R-3 MULTIPLE-FAMILY DWELLING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

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

Council Member Phrampus moved to approve Ordinance No. 2021-17, providing for the City Council review of, and action on, initial site plans for certain multi-family projects previously subject to review and final action by the Planning and Zoning Board. Deputy Mayor Dittmore seconded the motion.

Mayor Rose asked if condominiums would be considered as multi-family. City Attorney Richardson indicated the use of the property is not contingent on ownership. Mayor Rose asked about cluster developments where some are single-family rentals. City Attorney Richardson stated that a cluster development would be considered as multi-family but under this ordinance, it would not come before Council unless it had 50 or more units.

Council then voted on the motion, which passed 7-0.

Revised Development Agreement for Space Coast Town Center. Planning Director Fischer presented the first amendment of the development agreement for the Space Coast Town Center. She noted this amendment for the agreement would add the Fulcher property. She stated this was a mixed use project and retains the 2019 agreement but extends that agreement for the Fulcher Lake property. She reviewed a history of the approvals for development of this property and explained the same criteria and standards would be extended to the additional property.

Planning Director Fischer presented a phasing plan for development and noted the benefit to having the unified development to retain the internal roadway and master utility system.

Mayor Rose opened the public hearing.

Joe Sutphin, 2405 Grassmere Drive, expressed concerns with the removal of trees that were up against the canal on the western portion of the property. He asked that Council require a 60-80 foot buffer to retain the existing foliage. He noted that the buffer was already there and asked that it be left. He stated there were many families that walk that area and wildlife that is worthy of consideration.

Planning Director Fischer stated that there is an area along the Melbourne-Tillman Canal that would not be part of this project. Mr. Bob Gorlow, developer for Space Coast Town Center, stated that he was not aware of any trees being removed in this area except for those around the lift station.

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

Mayor Rose asked if the development agreement was not approved, would the development use Brandywine as an access. Mr. Gorlow stated that the plans do not show an access to Brandywine from the east side. Mayor Rose asked what would be developed on the eastern portion (Fulcher Lakes property). Mr. Gorlow stated it was a prominent location and he would hope to have industry and commercial uses but it could be developed with apartments. Mayor Rose asked if a reduced percentage for multi-family uses would be acceptable for the Fulcher portion of the development. Mr. Gorlow stated he could not change what was proposed for the other portion already approved, but would be willing to reduce the percentage of multi-family for the Fulcher property.

Council Member Phrampus asked if a tower monument would be constructed on the Fulcher property. Mr. Gorlow stated they were continuing to explore various ways to identify the project. Council Member Phrampus asked that the City be considered when identifying the project.

Council Member Phrampus also asked about the fountain in the lake. Mr. Gorlow stated the fountain would be located in the central lake, which was not located on the Fulcher property.

Council Member Phrampus asked about the 200 acre limit for the development. City Attorney Richardson explained that adding the Fulcher property would not exceed the limit, but would be at 199.04 acres. Therefore, there could be no additional property added to this development, absent a possible future city code amendment.

Council Member Phrampus asked about the transportation impact fee that could be used within a two mile radius of the property. He stated he would not, however, want the funds to be spent on anything other than City roads. City Attorney Richardson stated that the goal was to get the most value in traffic improvements and most roads are County or State roads. The traffic impact fees are for improvements that are needed for widening roads or intersection improvements and used to increase capacity.

Council Member Phrampus stated that the traffic study would need to be revisited with additional consideration for parking that was needed.

Council Member Phrampus asked about the utility plan calculations, which has the multi-family at 3011 units with the bonus number at 3085. Planning Director Fischer stated they would be developing 3011 and would be voluntarily limiting the number of units.

Council Member Phrampus asked about the traffic vesting agreement and why that was not just absorbed into the new agreement. City Attorney Richardson stated it is incorporated into the agreement by attachment. The traffic vesting agreement is a separate stand-alone agreement.

Deputy Mayor Dittmore asked about maximum height restrictions and the additional needs for fire equipment should a higher building be constructed. City Manager Morgan stated a hotel could be constructed at 120 feet, which would not require additional ladder equipment than what would already be required.

Deputy Mayor Dittmore also asked the estimated number of residents per unit used in determining the expected additional residents. Planning Director Fischer stated that the comprehensive plan listed 2.4 per persons per household, but that could change.

Council Member Batcheldor spoke on the development and his hope that the land would not be scorched for the development. He commented that he had an issue with the bonus density calculation and did not believe the project aligned with the comprehensive plan where it states that the City shall provide for a broad range of housing. The cost of housing being provided would push out the medium income and the essential workers. Therefore, he stated he would not be supporting the amendment to the development agreement.

Deputy Mayor Dittmore agreed that there needed to be a balance in housing and was concerned that the housing would not be affordable.

Council Member Bentley moved to approve the first amendment to the Space Coast Town Center Development Agreement, including the revised conceptual master plan to incorporate the Fulcher Lake property, with the reduction of multi-family to 50 percent

for the Fulcher property. Council Member Young seconded the motion. The motion passed 6-1, with Council Member Batcheldor opposed.

PMG West Melbourne Large Scale Comprehensive Plan Amendment and Rezoning. Planning Director Fischer stated the developer has asked for an additional postponement to continue their preparation.

Deputy Mayor Dittmore moved to postpone the public hearing for PMG West Melbourne Development's large scale comprehensive plan map amendment and rezoning requests to the August 17, 2021, meeting. Council Member Bentley seconded the motion, which passed 7-0.

6. PUBLIC FORUM

There were no comments from the public.

7. CONSENT AGENDA

Award a Request for Proposal for Janitorial Services. Mayor Rose spoke on the number of days that City Hall would be cleaned and asked if twice a week was sufficient. City Manager Morgan stated that it seemed to be adequate for historic levels of service. Mayor Rose suggested the City Hall should be cleaned more often than twice a week and the contract should be renegotiated to add another day each week to insure that the building was safe for employees.

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

- Minutes from the Regular City Council Meeting for June 15, 2021.
- Receipt of the Third Quarter FY 2020-2021 Budget Report.
- Designation of Mayor Hal Rose as the voting delegate representing the City of West Melbourne at the Florida League of Cities 95th Annual Conference.
- Ranking of the janitorial services bids by the Janitorial Review Committee and authorize the City Manager to negotiate a contract with Clean Space, Inc.

8. ACTION AGENDA

Establishment of Proposed 2021-2022 Millage Rate for Public Hearing Advertisement. City Manager Morgan presented the proposed millage rate of 2.4228 per thousand dollars of taxable value for the proposed budget. The current millage rate of 2.5087 would be reduced to the rolled back rate and sent to property owners as the required mailing by the Brevard County Property Appraiser.

Deputy Mayor Dittmore moved to establish a proposed millage rate of 2.4228 per thousand dollars of taxable value for the purposes of advertising a September 7, 2021,

public hearing to consider adopting a tentative budget and proposed millage rate for 2021-2022. Council Member Phrampus seconded the motion.

Council Member Phrampus asked if something would change between now and September if Council could increase the rate. City Manager Morgan stated that rate could not be increased once the rate has been advertised. He noted that any adverse impact on property values would not be reflected until the following year so he did not believe that there would be anything dramatic that would affect the rate between now and September.

Council Member Bentley confirmed that the City would see an increase even with the rolled back rate because of increased valuations. City Manager Morgan confirmed that he expected to see a 7 percent increase mainly because of increased development.

Mayor Rose asked how much property values had increased. City Manager Morgan stated that it appears that they had increased by about 10 percent.

Council Member McDow asked the City's ad valorem rate compared to other cities in the County. City Manager Morgan stated he did not have the information yet but would have it available at the budget hearings.

Council then voted on the motion to establish a millage rate of 2.4228 per thousand dollars of taxable value, which passed unanimously.

Clement's Wood Park Restroom Renovation Project. Assistant City Manager Bradford presented the results from the bid to renovate the restrooms and some concrete work. The work would also include adding new fixtures and doing some interior work. He reported one bid from MGM Contracting had been received, which was below the budgeted amount of \$120,000. References for MGM Contracting had been contacted and they saw no concerns.

Deputy Mayor Dittmore moved to award the bid for the Clement's Wood Park Restroom Renovation Project to MGM Contracting, in the amount of \$109,260 and authorize the City Manager to execute a contract. Council Member Batcheldor seconded the motion.

Council Member Phrampus asked why there was only one bidder and if MGM Contracting had been used before. Assistant City Manager Bradford indicated that the project had been advertised but only one bidder submitted a bid. Contractors may be busy with other projects or the project was too small. He added that the City has not worked with MGM Contracting, which was from Cocoa, but they had good references.

Council Member Batcheldor asked if the ACRA funds could be used for this project. City Manager Morgan stated that funding for this project would be from the 'in lieu' park fees.

Mayor Rose stated he believed the original project was budgeted for \$60,000. Assistant City Manager Bradford stated that the budget for the project was \$120,000 and the

revised estimate from the architect was \$175,000. The bid was in line with the original estimate.

Mayor Rose asked the cost paid to the architect for this project. Assistant City Manager Bradford stated he was not sure but could get that information. Mayor Rose also asked about parking. Assistant City Manager Bradford replied that no parking would be affected by the project but there would be improved concrete ramping so that the restrooms would be compliant with the Americans with Disabilities Act.

Council then voted on the motion to award the bid, which passed 7-0.

Property Lease to Keep Brevard Beautiful. City Manager Morgan presented a proposal to lease a property on the west side of Park Hill Boulevard to Keep Brevard Beautiful for the development of a community composting program. The property was adjacent to the wastewater treatment plant and he believed the site would be suitable.

Deputy Mayor Dittmore moved to approve a lease of City-owned vacant property on the west side of Park Hill Boulevard to Keep Brevard Beautiful for the development and operation of a community composting program. Council Member Bentley seconded the motion.

Council Member Bentley asked about liability. City Attorney Richardson stated that there would be insurance requirements as part of the lease agreement.

Mayor Rose stated that he liked the project but believed they were running out of room at the compound. City Manager Morgan stated that he believed they would have access to space should it be needed.

Council discussed the accumulated debris on the site, such as broken concrete that would need to be cleaned up.

Mayor Rose stated that the property would need to be rezoned at some point. Planning Director Fischer agreed that the property should be rezoned to institutional.

Bryan Bobbitt, Executive Director for Keep Brevard Beautiful, spoke on the composting program. He explained how the program would work. He stated the containers for the food waste would be sealed and would not cause problems for the homeowner. He also spoke on how they hoped to expand the program to other communities.

Deputy Mayor Dittmore asked several questions regarding permitting the project and possible lining of the area. He was informed that no permitting would be needed but the program would need to be registered. The site would not be lined because there would be no leaching from the compost.

Council Member Bentley asked if the property would be returned to its original condition at the termination of the program. Mr. Bobbitt stated that they would not be constructing any buildings but may need to have a concrete pad, which could be destroyed.

Council Member Bentley asked if there would be issues with Waste Management since they were under contract with the City as the sole waste service provider. Mr. Bobbitt explained that he had been working with Waste Management and they did not believe there would be issues.

Council Member Batcheldor asked about wildlife disturbing the site. Amanda Muzaurieta with Keep Brevard Beautiful stated that, if done correctly, there would be no odors to attract wildlife to the site.

Council Member Young asked about how the weather would affect the program. Ms. Muzaurieta stated that it was not a concern as they would be using a shipping container. Since the site would be closed and monitored, they could control the amount of moisture.

Council then voted on the motion to approve a lease with Keep Brevard Beautiful, which passed 7-0.

Sunsetting of Parks & Recreation Advisory Board. City Manager Morgan reminded Council that he had brought this before Council a few months ago and Council had asked that it be tabled until after the Parks & Recreation Advisory Board meeting in July. He noted that there had not been a meeting because there was not a quorum present. Deputy Mayor Dittmore stated that he wanted the Board to have a chance to get together and do something productive. He was hoping the members could be polled to determine the value of the Board.

Deputy Mayor Dittmore moved to adopt Resolution No. 2021-20 sunseting the Parks & Recreation Advisory Board, thanking members for their service, and encouraging members to individually advise City officials on parks and recreation matters. Council Member Young seconded the motion.

Council Member Phrampus stated that he saw some value in the Board and he would be interested in reappointing people that have an interest.

Council Member McDow commented that there was some confusion on meeting dates and a calamity of things that went wrong. He believed it would be premature to sunset the Board. Rather, he suggested looking at the composition of the Board and provide some scope and clarity. He believed there was passion among the members but just a lack of direction.

Council Member Batcheldor said he could see both sides of this issue. He wanted to involve residents who want to take part in the city government. He agreed an additional opportunity should be provided to this Board. There was no need to move quickly but they should do something.

Deputy Mayor Dittmore moved to amend his motion NOT to sunset the Board, but rather to re-evaluate and reappoint members through the application process. Council Member Young withdrew her second to the motion. Council Member Phrampus seconded the amended motion.

Council Member Young suggested there be a timeframe put on this to keep the members and get new people.

Mayor Rose stated that, if done correctly, this Board could do a lot for the City.

Deputy Mayor Dittmore stated that he would poll the existing members and take applications. He suggested that the Board could evaluate two parks each quarter and provide suggestions for improvements or changes. He believed this would bring value to the Board.

Council Member Phrampus suggested that Board members could send something directly to the City Manager if they have concerns.

Council Member Bentley agreed that this Board should be given another chance and agreed that it could provide value if done correctly. He noted that the Council liaison can report to Council on any issues brought up before the Board.

Council then voted on the amended motion to re-evaluate and reappoint members of the Parks & Recreation Advisory Board, which passed 7-0.

National Night Out. City Manager Morgan stated that National Night Out has been scheduled for August 3, which is a regularly scheduled meeting. Therefore, Council is being asked to cancel the meeting. Council also has the option of rescheduling the first meeting in August to another date later in the week.

Deputy Mayor Dittmore stated that he was not in favor of cancelling the meeting. He was not in favor of having the National Night Out event because of the increases in COVID cases. He was surprised that the Police Department had scheduled the event knowing that there was a Council meeting scheduled for that evening.

Council Member Phrampus stated that he would prefer cancelling the meeting to allow for participation in the National Night Out event.

Council Member Young stated the first meeting in August has not been scheduled for the past several years in order to attend National Night out. The homeowners associations were expecting Council Members and everyone could take the necessary precautions.

Council Member Bentley stated that he would be willing to hold the Council meeting another night. He noted that the neighborhood associations have been known to wait in the rain for the elected officials to arrive in previous years and believed they should participate.

Mayor Rose stated that he believed the Police Department went ahead and scheduled this without consideration for the meeting schedule.

Council Member Phrampus moved to cancel the City Council meeting of Tuesday, August 3, 2021, for National Night Out. Council Member Young seconded the motion, which passed 6-1, with Deputy Mayor Dittmore opposed.

Legislative Intent for Juvenile Curfew Ordinance. Deputy Mayor Dittmore spoke on the rash of vehicle break-ins at night and the issues with vehicles being stolen for joy rides. He noted that these types of offenses are typically juveniles. The City does not have a curfew ordinance and the juveniles can only be stopped if there is reasonable suspicion or probable cause. With the curfew ordinance in place, it would allow police officers to stop the juveniles. He reported on several guns that had been stolen from vehicles in West Melbourne.

Deputy Mayor Dittmore stated that the City could adopt the state curfew ordinance for children under 16 years of age, but he was asking that the City adopt an ordinance similar to that in Rockledge, which would further restrict for individuals under 18 years of age.

City Attorney Richardson reviewed the state juvenile curfew law and the Rockledge local ordinance. He noted the Rockledge local ordinance covers those under 18, has less restrictive hours, but adds responsibility to the driver of a vehicle.

Deputy Mayor Dittmore commented this ordinance would help the police by providing another tool and cause some parents to “pay attention.” He indicated he was asking for direction to move forward with drafting an ordinance.

Council Member Phrampus stated that the Sawgrass neighborhoods had been plagued with vehicle break-ins. He did not believe that the state curfew law would do enough. Therefore, he would favor an ordinance similar to Rockledge.

Mayor Rose asked if there was evidence that juveniles were the cause of the increase in the number of break-ins. Chief Wiley noted that many of the break-ins are occurring by individuals walking through the neighborhoods, which is usually juveniles. In many cases, the parents do not know that the child is out.

Chief Wiley noted that another problem is encouraging residents to lock their vehicle. He would be conducting a pro-active campaign to encourage residents to lock their vehicles.

Council Member Batcheldor moved to ask staff to prepare an ordinance to adopt the state curfew laws and then a second ordinance to cover 16- and 17-year-olds. Council Member McDow seconded the motion.

Deputy Mayor Dittmore expressed concern with the enforcement of two different time periods. Council Member Batcheldor stated the main concern is holding parents accountable.

City Attorney Richardson recommended adoption of either the state law or a separate ordinance to cover the additional 16- and 17-year-olds.

Council Member Batcheldor withdrew his motion.

Council Member Phrampus moved to instruct staff to prepare an ordinance that covers 16- and 17-year-olds, similar to that in Rockledge, with the removal of the misdemeanor portion of the ordinance. Deputy Mayor Dittmore seconded the motion. The vote on the motion was 6-1, with Council Member Bentley opposed.

Purchase Police Department Vehicles and Associated Equipment. Police Chief Wiley presented the proposal to pre-purchase three Ford Interceptors with all the necessary equipment. These vehicles were from the 2021-2022 proposed budget. Pre-purchasing the vehicles would allow them to have more savings, as well as place the orders before other municipalities.

Mayor Rose commented that the cost of the vehicles appeared to have increased. He asked about the vehicles that would be replaced. Chief Wiley stated that this would replace the Chargers, which are in bad shape, and one SUV that has over 100,000 miles.

Council Member Young moved to authorize the pre-purchase of three (3) Ford Interceptor SUV pursuit rated vehicles and authorize the expenditures to outfit the vehicles with necessary equipment. Deputy Mayor Dittmore seconded the motion, which passed unanimously.

9. MANAGEMENT REPORTS

Quarterly Police Department Report. Police Chief Wiley presented the Quarterly Police Department Report.

Deputy Mayor Dittmore moved to extend the meeting past 10:30 p.m. Mayor Rose seconded the motion, which passed unanimously.

10. CITY COUNCIL REPORTS

Based on an initial request from City staff and before addressing this with the homeowners association, Deputy Mayor Dittmore asked Council for a consensus on turning ownership of the Hammock Lakes Park back to the homeowners association. Council discussed the location and access to the park but it appeared that Council Members were not in agreement to turn the park over to the homeowners association. Deputy Mayor Dittmore also commented on the condition of the landscaping at the Post Office and the landfill for construction debris to be located on U.S. 192.

Council Member Bentley reported he had attended the Civilian Military monthly meeting, the Palm Bay Chamber luncheon and the Space Coast League of Cities. He also noted that he had attended the Florida League of Cities transportation policy committee meeting.

Council Member Young reported she had attended the Florida League of Cities policy committee meeting and the Transportation Planning Organization meeting. She presented information from the TPO meeting on intelligent reporting, Operation S.T.R.I.D.E., and the FY 2022 project priorities.

Council Member McDow reported attendance at the Palm Bay Chamber luncheon and the Florida Inland Navigational meeting. He reported that there would be a special event at the Space Coast Field of Dreams on October 9 as part of the Special Olympics.

Council Member Phrampus reported he had attended the Home Builders Association meeting for the legislative update and the Mayor's Breakfast held by the Palm Bay Chamber. He also reported he had attended the Florida League of Cities policy committee meeting which focused on cyber security and short term rentals.

Council Member Batcheldor reported he had attended the Space Coast League of Cities dinner at Gleason Park in Indian Harbour Beach and attended the Planning & Zoning Board.

Mayor Rose reported he had attended a legislative update with the Home Builders Association, Chamber luncheon, and Mayor's Breakfast. He also congratulated Council Member Pat Bentley who had received a Hometown Hero award at the Space Coast League of Cities dinner. He reported that he had received a donation to the Field of Dreams from Jacobs. He thanked everyone for allowing him to be the voting delegate at the annual Florida League of Cities conference. He also reported on a ribbon cutting at the 7-Eleven on Wickham Road.

City Manager Morgan updated Council on the recruitment for the Assistant City Manager.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 11:05 p.m.