

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

September 22, 2021

1. CALL TO ORDER

Mayor Rose called the 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, Assistant City Manager Tim Rhode, Finance Director Margi Starkey, Police Chief Rick Wiley, Planning Director Christy Fischer, Public Works Director Mark Piccirillo, Human Resources Director Kimberly Gale, Jacobs Project Manager Brian Mascher, Systems Administrator Christian Arsenault, City Clerk Cynthia Hanscom, and members of the public.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Introduction of New Employee. City Manager Morgan introduced Assistant City Manager Tim Rhode who started with the City on September 17, 2021.

5. PUBLIC HEARINGS

Adoption of FY 2021-2022 Millage Rate and Budget. City Manager Morgan presented the 2021-2022 budget which had incorporated suggestions made during the budget workshops as well as changes made at the tentative budget hearing. He expressed appreciation to Council on their leadership on the strategic budget goals.

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

In accordance with the Florida Department of Revenue TRIM (Truth in Millage) Compliance, City Clerk Hanscom announced the name of the taxing authority as City of West Melbourne, the rolled-back rate as 2.4228, the percentage increase from the rolled-back rate as 0.00 percent, and the millage rate to be levied as 2.4228.

Deputy Mayor Dittmore moved to adopt Resolution No. 2021-30 setting the fiscal year 2021-2022 millage rate of 2.4228, which is equal to the rolled-back millage rate of 2.4228. Council Member Bentley seconded the motion.

Council Member Bentley commented that it was a good budget. He noted that there would be an increase in revenue even with the rolled back rate.

There being no further discussion, Council voted on the motion to adopt Resolution No. 2021-30, which passed unanimously.

Council Member Bentley moved to adopt Resolution No. 2021-31 approving the 2021-2022 budget. Deputy Mayor Dittmore seconded the motion, which passed with a 7-0 vote.

City Manager Morgan thanked all of the department heads, as well as the Finance staff for their work on the budget.

Feast Road Properties Annexation, Small Scale Comprehensive Plan Amendment and Rezoning. Planning Director Fischer presented the second reading of Ordinance No. 2021-18 to annex a 0.52 acre parcel at 2005, 2015, 2025, 2035, and 2045 Feast Road, located on the south side of U.S. 192.

City Attorney Richardson reminded Council Members that this was a quasi-judicial hearing and asked for any disclosures for contact or communication with the applicant or visits to the site. Mayor Rose stated most of the Council had met with City staff on this issue.

Planning Director Fischer presented the location of the property to be annexed and the 5-unit apartment complex on the site. She noted the owners were interested in annexing to connect to City sewer service. This annexation would square off the boundaries for the City. The property was currently served by City of Melbourne water.

Planning Director Fischer presented the small scale amendment and rezoning for the property. She reminded Council that, once a property is annexed, the City would need to provide a land use designation and zoning for the property. The property use would not change but would need to have a comparable land use designation. The land use designation in the County was neighborhood commercial and would go to medium density residential in the City. She provided the surrounding land uses and the staff analysis on the maximum impacts. She also provided an analysis on the rezoning

which would go from the County's medium density multi-family residential to the City's multi-family dwelling. The Planning and Zoning Board had met on September 14 and recommended approval of both ordinances.

City Attorney Richardson read, in title only, Ordinance Nos. 2021-18, 2021-24 and 2021-25:

ORDINANCE NO. 2021-18

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION A PARCEL OF LAND APPROXIMATELY 0.52 ACRES LOCATED AT 2005, 2015, 2025, 2035, AND 2045 FEAST ROAD AND 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.

ORDINANCE NO. 2021-24

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO PROVIDE FOR MD-RES (MEDIUM DENSITY RESIDENTIAL) LAND USE ON 0.52 ACRES OF NEWLY ANNEXED LAND LOCATED AT 2005, 2015, 2025, 2035, AND 2045 FEAST ROAD 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. 2021-25

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A NEWLY ANNEXED 0.52 ACRE PARCEL OF LAND LOCATED AT 2005, 2015, 2025, 2035, AND 2045 FEAST ROAD, AND AS MORE FULLY DESCRIBED HEREIN, FROM BREVARD COUNTY RU-2-10 (MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL) TO CITY OF WEST MELBOURNE R-2 (ONE-, TWO- AND MULTI-FAMILY DWELLING); 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 second reading of Ordinance No. 2021-18, annexing the 0.52-acre property at 2005, 2015, 2025, 2035, and 2045 Feast Road, on the south side of U.S. 192. Council Member Phrampus seconded the motion.

Mayor Rose asked if the buildings could be rebuilt if destroyed. Planning Director Fischer stated the use would be permitted but the footprint of the building may be different because of setbacks.

Council then voted on the motion to approve Ordinance No. 2021-18, which passed unanimously.

Deputy Mayor Dittmore moved to approve the first reading of Ordinance No. 2021-24, a small scale comprehensive plan map amendment (SSA 2021-01) to change the future land use on 0.52 acres of property located on Feast Road from Brevard County NC (Neighborhood Commercial) to City of West Melbourne MD-RES (Medium Density Residential). Council Member Phrampus seconded the motion, which passed unanimously.

Council Member Phrampus moved to approve the first reading of Ordinance No. 2021-25 rezoning 0.52 acres of property located at 2005, 2015, 2025, 2035, and 2045 Feast Road from Brevard County RU-2-10 (Multiple-Family Residential) to City of West Melbourne R-2 (One-, Two- and Multi-Family Dwelling). Deputy Mayor Dittmore seconded the motion, which passed unanimously.

Eden at Heritage Lakes Site Plan. Planning Director Fischer presented the Eden at Heritage Lakes site plan and proposal for a gated community. She reminded Council that site plans for multi-family with 50 units or more would come before Council with the Planning and Zoning Board acting as a recommending body.

City Attorney Richardson stated that this was a quasi-judicial hearing as well and noted that all of Council had been individually briefed on the project.

Planning Director Fischer provided an overview of the project, which was 27.10 acres located east of St. Johns Heritage Parkway and south of the Ellis Road interchange. The proposal was to build 376 units with an average density of 14 units per acre. There would be a lake to provide stormwater retention for Eden at Heritage Lakes property as well as six commercial properties located along St. Johns Heritage Parkway. Planning Director Fischer presented architectural renderings and stated there would be a property owner association as well as a gated community. She also provided a review of the environmental data and the tree survey. The water and sewer to the site would be extended from Columbia Lane and would be paid by the developers. Planning Director Fischer also explained that a connecting internal drive had been added as a condition recommended by the Planning and Zoning Board that would displace three units, decreasing the total to 373 units for this development.

Mayor Rose opened the public hearing.

Council raised several questions about the site and asked the developers questions on the property owners association, ownership of the pond, impacts of emergency services, mail and parcel delivery, approved access onto St. Johns Heritage Parkway, storage space for residents, site lighting, and the targeted market group.

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

Deputy Mayor Dittmore moved to approve the initial site plan for the project located in the area to be platted as "Heritage Lakes" for a 373 unit rental community known as Eden at Heritage Lakes (west of I-95, east of St. Johns Heritage Parkway and south of Ellis Road interchange) with these conditions:

- a. Final site plan approval can only be provided (1) after the final plat is recorded or (2) upon an agreement, acceptable to the City Attorney, to approve a final site plan prior to final plat approval.*
- b. The large block of individual rental units in the middle of the complex comprised of more than 130 units is split into two blocks to be easier to maneuver for residents, maintenance workers, visitors and emergency service personnel.*
- c. Obtain outside agency permits prior to final site plan approval.*
- d. Attain City Council approval for the two proposed Eden at Heritage Lakes community gates.*
- e. Pay the fee in lieu of public recreation dedication.*

With the additional conditions:

- f. Prior to final site plan approval, the applicant is to document via auto turn software that turning radius is available at all corners for the largest fire apparatus most likely to respond into the community.*
- g. Prior to final site plan approval, applicant is to amend the site plan for the mail and package delivery kiosk area to reduce the risk of an entering vehicle parking in the entrance aisle while persons in that vehicle collect mail and packages.*

Council Member Phrampus seconded the motion, which passed unanimously.

Eden at Heritage Lakes Gated Community. Planning Director Fischer presented the Eden at Heritage Lakes gated community. She explained requests for gated communities are scored on safety and connectivity on a case by case basis. A score of 8 is required and this community received a score of 15, which surpasses that needed for approval.

Deputy Mayor Dittmore moved to allow the Eden at Heritage Lakes apartment complex to be a gated community. Council Member Bentley seconded the motion, which passed unanimously.

PMG West Melbourne Large Scale Comprehensive Plan Amendment and Rezoning. Planning Director Fischer indicated that the public hearing for the PMG West Melbourne Development would need to be postponed until October 19, 2021.

Deputy Mayor Dittmore moved to postpone the public hearing for PMG West Melbourne Development's large scale comprehensive plan map amendment and rezoning to the October 19, 2021 meeting. Mayor Rose seconded the motion, which passed unanimously.

6. PUBLIC FORUM

There were no comments from the public.

7. CONSENT AGENDA

Council Member Bentley noted that the American Rescue Plan Act funding was coming in at \$12.5 million rather than the original \$10.3 million predicted.

Council Member Bentley moved to approve the following consent agenda. Council Member Batchelor seconded the motion, which passed unanimously.

- Regular City Council meeting minutes for September 7, 2021.
- Appointment of Cody Naber to the Business Advisory Board for a term ending November 2021.
- Authorization of the City Manager to electronically sign the American Rescue Plan Act funding agreement between the City of West Melbourne and the Florida Division of Emergency Management.

8. ACTION AGENDA

Veterans Memorial Complex Landscaping and Irrigation Project. Assistant City Manager Bradford presented the bids for the Veterans Memorial Complex Landscaping and Irrigation project. He informed Council that this project would provide landscaping around the decorative wall that surrounds the lift station at the corner of Minton Road and Henry Avenue. The project would be funded from the tree bank and recreation department. A total of \$45,000 had been budgeted for the project and two bids had been submitted prior to the deadline, with the low bid from Deep Roots Landscaping in the amount of \$42,333.67. Assistant City Manager Bradford noted that two additional bids had been submitted via email following the closing date.

Deputy Mayor Dittmore asked if reclaimed water could be used for the irrigation. City Manager Morgan stated that running a line to this location would be costly.

Deputy Mayor Dittmore moved to award the bid for the Veterans Memorial Complex Landscaping and Irrigation Project to Deep Roots Landscape Contracting, in the amount of \$42,333.67 and authorize the City Manager to execute a contract. Council Member Bentley seconded the motion.

Council Member Bentley asked about the bidder that had not submitted the insurance documents. Assistant City Manager Bradford noted that the bidder had realized the error and had submitted them later. Had that submission been the low bid, the City would have the option to waive the irregularity.

Council Member McDow asked why the tree fund was being used. Assistant City Manager Bradford noted that trees could be considered for this fund, as well as a prorated cost for the irrigation and landscaping.

Council Member Phrampus asked about the area that would be open to view and not enclosed on the south side. City Manager Morgan stated that staff could research the costs of putting in a gate.

Mayor Rose asked about the cost for the landscape architect. Assistant City Manager Bradford stated that Susan Hall was the landscape architect and had been paid approximately \$9,000.

There being no further discussion, Council voted on the motion to award the bid, which passed unanimously.

Salary Increase for City Manager. Human Resources Director Gale presented the results of the salary survey for the City Manager. She reviewed the overall evaluation score of 4.29 which was considered commendable. She provided Council with survey information on other cities in Brevard.

Council Member Phrampus asked the average increase proposed for City employees. City Manager Morgan stated that it would vary based on the formula, which included the distance the salary was from mid-point and the evaluation. The formula also included a flat across the board inflationary increase. Therefore, employees would receive increases between 2.7 percent and 9 percent, with the average at about 4.5 percent.

Deputy Mayor Dittmore moved to provide a 5 percent increase for the City Manager as of October 1. Mayor Rose seconded the motion.

Council continued to discuss the proposed increase with some considering the increase as generous while others felt that a higher increase should be provided.

Council Member Phrampus moved to table their decision until an alternate rate increase based on the same formula as that being used for all employees could be considered. Deputy Mayor Dittmore seconded the motion. The motion to table passed with a 5-2 vote, with Council Members Bentley and Batchelor opposed.

9. CITY COUNCIL REPORTS

Council Member McDow reported attendance at several meetings, including the West Melbourne Business Association, Space Coast League of Cities, and a focus group on diversity, equity and inclusion. He also reported that he had attended the Melbourne Chamber Leadership conference and would be sharing a few of the presentations with Council.

Council Member Phrampus asked for an update on the applications received for the Parks and Recreation Advisory Board and suggested that an alternate number of members could be considered.

Council Member Batcheldor asked the status of the update to the noise ordinance. City Attorney Richardson stated that he hoped to present it in October.

Deputy Mayor Dittmore spoke on the medical benefits for employees and concerns with the costs for family benefits. Because there are retention issues, particularly in the police, he suggested staff come up with alternatives that could lower the share of the cost to the employee for family coverage.

Council Member Bentley asked for similar survey information for the City Attorney as that received for the City Manager in order to consider an increase at a future meeting.

Council Member Young reported on the Space Coast League of Cities dinner and asked for an update on the food truck ordinance since it was considered approved on a trial basis. City Attorney Richardson stated the City's ordinance had been pre-empted by State statute; therefore, there was no need to update the ordinance.

Mayor Rose reported he had attended the West Melbourne Business Association social gathering. He also attended the Space Coast League of Cities and would be attending the Ethics training with the School Board on October 4. He attended a meeting of the Field of Dreams where they continued to work on fund raising. He reported on the death of Bill Thornburg, who had served the City on the Planning and Zoning Board for many years and had been involved with the development of Hollywood Estates.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 9:18 p.m.