

MAYOR
Hal J. Rose

DEPUTY MAYOR
John Dittmore

COUNCIL MEMBERS
Daniel Batcheldor
Pat Bentley
Adam Gaffney
Barbara A. Smith
Andrea Young



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CITY COUNCIL REGULAR MEETING

MINUTES

September 24, 2020

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 in person: Mayor Hal Rose, Deputy Mayor John Dittmore, and Council Members Pat Bentley, Andrea Young, and Adam Gaffney.

Attending remotely: Council Members Barbara Smith and Daniel Batcheldor.

Also present in person: City Manager Scott Morgan, City Attorney Morris Richardson, Police Chief Rick Wiley, Jacobs Project Manager Brian Mascher, Information Technology Director Tom Bradford, Human Resources Director Kimberly Gale, City Clerk Cynthia Hanscom, and members of the public.

Attending remotely: Deputy City Manager Keith Mills, Finance Director Margi Starkey, Public Works Director Mark Piccirillo, and Planning Director Christy Fischer.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Red Ribbon Week Proclamation. Mayor Rose presented a proclamation naming October 23-31 as Red Ribbon Week to the Young Marines.

Space Coast Transportation Planning Organization. Executive Director Georganna Gillette from the Space Coast Transportation Planning Organization (TPO) provided an update to City Council on relevant transportation planning issues. She reminded Council that the Space Coast TPO was responsible for coordinating all the modes of transportation.

She reviewed some of the major projects affecting West Melbourne, such as the I-95/Ellis Road interchange, Ellis Road widening, the U.S. 192 Hollywood/Evans intersection improvements, and the Minton Road Feasibility Study. Lastly, she spoke about insufficient funding at the local, state and federal levels.

Mayor Rose asked about funding to complete the suggestions from the Minton Road study. Ms. Gillette stated that funding was available for only the study. She believed that the intersections would be designed first and then there would be a future plan for the bike/pedestrian improvements.

Council Member Bentley stated that taxes were paid by users through fuel taxes while electric vehicles were not contributing even though the vehicles were using the same roads. Ms. Gillette stated that any changes to provide for user fees for electric vehicles would need to be come from the federal or state level.

Presentation of the Jacobs/CH2M Annual Wastewater Operations Report. Council received the Annual Wastewater Operations Report from representatives from Jacobs, including Project Manager Brian Mascher, Maintenance Supervisor Mike Deberry, and VP of Operations Management Facilities Services Andy Rouse.

5. PUBLIC HEARINGS

Adoption of Final FY 2020-2021 Millage Rate and Budget. City Manager Morgan presented the FY2020-2021 budget and millage rate for consideration. He reminded Council that they had been working on the budget since April in coming up with goals for the City. The tentatively adopted millage rate was 2.5807 mills and the total budget was \$44.99 million. He thanked the department heads for coming up with a budget that meets the needs of the City and for the Finance Department staff for preparing the budget.

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

City Clerk Hanscom announced the name of the taxing authority as the City of West Melbourne, the rolled-back rate at 2.5087 mills, percentage increase from the rolled-back rate as 0 percent, and the millage rate to be levied as 2.5087 mills.

Council Member Bentley moved to adopt Resolution No. 2020-20 setting the fiscal year 2020-2021 millage rate of 2.5087, which is equal to the rolled-back millage rate of 2.5087. Deputy Mayor Dittmore seconded the motion, which passed 7-0 in a roll call vote.

Council Member Young moved to adopt Resolution No. 2020-21 approving the 2020-2021 budget. Deputy Mayor Dittmore seconded the motion, which passed in a 7-0 roll call vote.

Large Scale Comprehensive Plan Amendment and Rezoning for Property West of I-95 and Near Ellis Road and I-95 Overpass. Planning Director Fischer presented the first reading of Ordinance No. 2020-07 for the large scale amendment and Ordinance No. 2020-08 for property located west of Interstate 95 and near the Ellis Road/I-95 overpass. She presented an aerial of the property noting that it was vacant and the developer was

proposing a mixed-use development with commercial and multi-family. The request was to change the land use to the parkway interchange designation. She provided an analysis noting the consistency with the comprehensive plan and compatibility with surrounding land use. Planning Director Fischer also presented the rezoning request from R-2 to Gateway-1, which would provide for the mixed uses. The Planning & Zoning Board met on September 8 and, acting as the planning agency, recommended approval of both the comprehensive plan and the rezoning. The rezoning approval was conditioned on a voluntary development agreement and the approval of the comprehensive plan amendment.

City Attorney Richardson read Ordinance No. 2020-07 and Ordinance No. 2020-08, in title only:

ORDINANCE NO. 2020-07

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO PROVIDE FOR P-I (PARKWAY INTERCHANGE) LAND USE FOR A 57.31 ACRE PARCEL GENERALLY LOCATED WEST OF INTERSTATE 95, NEAR THE INTERSECTION OF ST. JOHNS HERITAGE PARKWAY AND INTERSTATE 95 OVERPASS TO ELLIS 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. 2020-08

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A 57.31 ACRE PARCEL OF LAND GENERALLY LOCATED WEST OF INTERSTATE 95, NEAR THE INTERSECTION OF ST. JOHNS HERITAGE PARKWAY AND INTERSTATE 95 OVERPASS TO ELLIS ROAD, AND AS MORE FULLY DESCRIBED HEREIN, FROM R-2 (ONE-, TWO-, AND MULTI-FAMILY DWELLING) TO GTWY-I (GATEWAY INTERCHANGE DISTRICT); PROVIDING AN EFFECTIVE DATE.

Mayor Rose opened the public hearing. Ken Ludlow with BSE Consultants stated that he was available if there were questions. There being no further comments, Mayor Rose closed the public hearing.

Deputy Mayor Dittmore asked about the parcel that would remain R-2 and proposed as single family. Planning Director Fischer noted that the adjoining parcel was R-2 and could be developed as multi-family. However, the change proposed was for the northern parcel, which would be required to have three different uses and could not be developed as all multi-family according to the Gateway zoning. Deputy Mayor Dittmore asked the total build out for multi-family for the southern parcel. Mr. Ludlow stated that the southern parcel was under contract and was proposed for single-family development. Council discussed the proposed single-family lots in the parcel to the south which were proposed as 50-foot wide lots.

Council Member Batcheldor spoke about his concerns with the multi-family development with the Space Coast Town Center because of the stress the development would place on the infrastructure, particularly to schools. He stated that there was uncertainty in the market for residential housing and believed developing multi-family would be exposing risk.

Council Member Young expressed concern with the growing number of multi-family developments. Mike Renfro with Matthew Development stated that plans show three different uses for the parcel. The amount of multi-family had not yet been confirmed. Some drawings had more office space or commercial. He stated that they did not have anybody contacting them about construction of multi-family development. Mr. Renfro mentioned a piece of the property to the north side of St. Johns Heritage Parkway that was proposed to be gifted to the City of West Melbourne for gateway signage.

Mayor Rose asked about a traffic study. Planning Director Fischer noted that development at the highest density would be commercial and industrial, which could generate a large number of trips if the entire site was the same use. By having the mixed use, the traffic impacts would be less. She noted that the next step was to transmit the comprehensive plan amendment to the state to determine if there would be impacts at the state level.

Mayor Rose asked if the development agreement could address what was being proposed in the adjoining property. Planning Director Fischer stated that it could not; the opportunity for comment would be when the preliminary plat was submitted.

Council Member Bentley moved to approve the transmittal and first reading of Ordinance No. 2020-07 amending the future land use map (Amendment LSA 2020-01) to change the subject property from Medium Density Residential (MD-RES) to Parkway Interchange (P-I). Council Member Gaffney seconded the motion, which passed 7-0 in a roll call vote.

Council Member Young moved to approve the first reading of Ordinance No. 2020-08 rezoning of property from R-2 to GTWY-I (Gateway Interchange) with the condition that the comprehensive plan map amendment (large scale) is approved and a development agreement limits the intensity of the commercial and industrial to 25% of the maximum building coverage. Council Member Gaffney seconded the motion, which passed 7-0 in a roll call vote.

Zoning Code Amendment Modifying Fence Requirements for Residential Corner Lots. Planning Director Fischer presented the first reading of Ordinance No. 2020-09 to amend the fence code for residential corner properties. The ordinance would allow six-foot tall fence on side corner yards, add a sight visibility triangle prohibition for three street corner lots, and include a statement defining commercial fence measurement. She stated that the Planning & Zoning Board, acting as the planning agency, recommended approval of the ordinance at their meeting of September 8, 2020.

City Attorney Richardson read in title only Ordinance No. 2020-09:

ORDINANCE NO. 2020-09

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 98, ZONING, ARTICLE V, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2 – HEIGHT, YARD AND AREA REQUIREMENTS, SECTION 98-1005. VISION CLEARANCE AT CORNERS, CURB CUTS AND RAILROAD CROSSINGS; DIVISION 5 – FENCES, WALLS, HEDGES AND BUFFERS, SECTION 98-1117. PERMITTED IN RESIDENTIAL DISTRICTS, SECTION 98-1118. HEIGHT RESTRICTIONS IN RESIDENTIAL ZONES AND SECTION 98-1119. HEIGHT RESTRICTIONS IN COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL ZONES, REGARDING FENCE, WALL, AND HEDGE HEIGHT REQUIREMENTS AND VISION CLEARANCE REQUIREMENTS; PROVIDING ILLUSTRATIONS; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY, CONFLICTS, AND 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. 2020-09, containing code revisions to the fence code with graphics and updated written requirements. Council Member Bentley seconded the motion.

Council Member Bentley asked about nonconforming uses. Planning Director Fischer stated that the fence may be nonconforming or it could be in violation and may require correction. City Attorney Richardson stated the proposed ordinance intends to relax the height requirement and, therefore, would allow for some fences that were nonconforming to come into compliance.

Planning Director Fischer noted that the language in the code would include illustrations to make it clear for property owners.

Council discussed hedges and plantings that could act as fencing and would need to meet the same criteria as a fence.

Council then voted on the motion to approve the first reading of Ordinance No. 2020-09, which passed 7-0 in a roll call vote.

6. PUBLIC FORUM

There were no comments from the public.

Council recessed the meeting at 8:40 p.m. for a break and reconvened at 8:45 p.m.

7. CONSENT AGENDA

Mayor Rose asked to pull the adoption of Resolution 2020-22 from the consent agenda for discussion.

City Manager Morgan indicated this resolution would adopt changes previously approved by Council to support the business community during the COVID-19 crisis. He stated the current resolution would expire on September 30 and he was recommending that be extended another year. Because there was an excess in the building fund, he believed the City had the ability to draw down on the costs.

Mayor Rose stated that he liked the concept of saving money for businesses but believed contractors were still charging the end user for the permit. City Manager Morgan stated the City could do more to educate the homeowners so that they could seek to get those fees reduced as a price reduction from the roofer or fence contractor. Mayor Rose stated he would like to see some things added to this such as individuals that are getting hurricane windows and shutters, air conditioning equipment, remodeling, etc. City Manager Morgan stated that staff could take a look at this and bring something back at a future meeting. He suggested the current resolution be approved so that there is no break in the current fee reduction schedule.

Council Member Bentley moved to approve the following consent agenda. Mayor Rose seconded the motion, which passed with a 7-0 vote.

- Approve the Regular City Council meeting minutes for Wednesday, September 9, 2020.
- Accept the federally-funded CDBG Disaster Recovery Infrastructure Repair Program grant agreement with the Florida Department of Economic Opportunity for constructing stormwater improvements in the Melbourne Estates neighborhood, and authorize the Mayor to execute the grant agreement on behalf of the City.
- Adopt Resolution No. 2020-22 providing for a one year extension of the previously-adopted building permit fee reductions to assist in the economic recovery from impacts of the COVID-19 pandemic.

8. ACTION AGENDA

Professional Engineering Services Selection. Deputy City Manager Mills stated a Request for Qualifications for qualified professional engineering firms had been posted for consideration to perform design engineering, permitting, construction bid preparation and evaluation support for the development and start-up operation of a new treatment element for the City's existing wastewater treatment plant. Proposals were due on September 4 and Infrastructure Solution Services and CPH Engineering submitted qualifications. The evaluation committee met on September 14 and based on criteria established, the total points achieved by each firm was a tie. The committee felt the fairest solution would be to have the City Council break the tie.

Council Member Bentley asked City Manager Morgan to provide his recommendation. City Manager Morgan stated that he ranked Infrastructure Solution Services ahead of CPH using the criteria established as part of the bid documents. He stated that Council should remember that this a major undertaking and both firms have a good background to do the work.

Council Member Bentley stated that based on the comments from City Manager Morgan, he recommended that Infrastructure Solution Services be selected to provide civil engineering services for municipal wastewater treatment plant upgrades and authorize the City Manager to negotiate and execute a professional engineering task order with the selected firm. Council Member Gaffney seconded the motion.

Mayor Rose stated that he hoped that the negotiation for pricing was done with the intention of getting a good cost for the service provided and if not, the City could reach out to the other firm to negotiate a price for the services.

There being no further discussion, the motion to select Infrastructure Solution Services was approved 7-0 in a roll call vote.

Annual Street Resurfacing Project. Public Works Director Piccirillo presented the street resurfacing proposal for fiscal year 2020-2021. Asphalt Paving Systems, Inc. has been the contractor for the last 4 years and has agreed to honor the bid prices provided for Lee County. He reviewed the work proposed as part of the contract.

Deputy Mayor Dittmore moved to award the annual street resurfacing project contract to Asphalt Paving Systems Inc., in the amount of \$411,941.36. Council Member Young seconded the motion.

Council Member Young stated that there was an issue in the past with milling and rough surfaces. Public Works Director Piccirillo stated the contractor was able to correct that problem last year and would do so going forward.

Mayor Rose asked if this was the average amount of work that the City completes on streets. Public Works Director stated that it was about \$50,000 less than in previous years. He noted that less streets were being completed but the mill and pave was more expensive than the micro-surfacing.

Mayor Rose stated that Henry Avenue may need some maintenance going forward. Public Works Director Piccirillo noted that it was in the queue to be considered for maintenance within the next five years.

Council then voted on the motion to award the annual street resurfacing contract to Asphalt Paving Systems, which passed unanimously.

Annual Review of the Police Chief's Performance. Human Resources Director Gale presented the results of the Police Chief's annual performance evaluation. The summary document showed a favorable evaluation score of 4.57, which is commendable. She recommended that raises for the charter positions be considered at the October 6 meeting.

Council Member Young moved to accept the summary results for the Police Chief's annual performance evaluation. Deputy Mayor Dittmore seconded the motion, which passed unanimously.

9. CITY COUNCIL REPORTS

Deputy Mayor Dittmore thanked the Police Department for their assistance in handling the noise complaints from the LA Fitness parking lot. He also asked about trick or treat in the City of West Melbourne. City Manager Morgan stated the Center for Disease Control (CDC) was recommending that there be limited Halloween activities and that the City could post the CDC guidelines on the City's website.

Council Member Bentley stated there would be a grand reopening the next day for the Walmart on Palm Bay Road.

Council Members Young, Smith, Batcheldor, and Gaffney had no report.

Mayor Rose reported the Field of Dreams Board had met with City staff to determine potential improvements; he stated it was nice to see the whole park open again. He reported the Tourist Development Commission had met and recommended funding to various facilities. He also reported that City Hall would be reopening to the public next week but masks would still be required.

10. ADJOURNMENT

There being no further business, the meeting recessed to a closed session at 9:20 p.m.

The closed session was adjourned at 10:09 p.m.