

MAYOR  
Hal J. Rose

DEPUTY MAYOR  
John Dittmore

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



CITY HALL  
2240 Minton Road  
West Melbourne, FL 32904  
Phone: (321) 837-7774  
Fax: (321) 768-2390  
www.westmelbourne.org

## CITY COUNCIL REGULAR MEETING

### MINUTES

October 20, 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, Information Technology Director Tom Bradford, Planning Director Christy Fischer, City Clerk Cynthia Hanscom, and members of the public.

Attending remotely: Deputy City Manager Keith Mills, Public Works Director Mark Piccirillo, and Jacobs Project Manager Brian Mascher.

#### 4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

**Introduction of New Code Enforcement Officer.** Building Official Tom Forbes introduced Code Enforcement Officer Thomas Ramsey, who started with the City on October 19.

**Tourist Development Council Update.** Council Member Young introduced Peter Cranis with the Tourist Development Council to provide an update on the activities of the Council.

Council Member Bentley asked why the numbers for Florida were lower than the national for the change in hotel demand. Mr. Cranis explained that Florida has suffered because it was a top state for tourism. People are reluctant to get on airplanes.

Council Member Batchelder asked if there was a breakdown on hotels versus private rentals and the impacts of the pandemic. Mr. Cranis stated that we are seeing the same trend. He reminded Council that they were collecting the tourism tax. He noted that there is an audience for both and there are about 2,000 vacation rentals units that are tracked.

Mayor Rose asked if they had difficulty in collecting from the condo units. Mr. Cranis stated that individual property owners who are renting are harder to track. He noted that many people have contracts with Airbnb or Expedia, which can be monitored.

Mayor Rose stated that there were a few hotels in West Melbourne and asked how to measure the investment into West Melbourne. Mr. Cranis stated that his office has been working on an analysis to determine how much and where people are spending while staying at a hotel. He stated he would be willing to work with this Council to determine what one hotel room would generate in local spending. He stated that they had a good partnership with the economic department at Florida Tech and they had been able to assist them in the past.

## **5. PUBLIC HEARING**

**Zoning Code Amendment Modifying Fence Requirements for Residential Corner Lots.** Planning Director Fischer indicated that this was the second reading of an ordinance to modify the fence code to include the following:

- Sight visibility triangle is the same thing as vision clearance area;
- Revise corner lot fence to allow 6' tall fence in side corner yards;
- Add a sight visibility triangle prohibition for 3 street corner lots; and
- Include a statement defining commercial fence measurement.

Planning Director Fischer reviewed the process for a zoning amendment approval and presented photos of properties that could be affected by this ordinance. She concluded that the changes would improve the code and combine narrative and images. The ordinance would resolve some existing fence issues. She reported the Planning & Zoning Board recommended approval at their meeting on September 8.

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 second reading of Ordinance No. 2020-09, containing code revisions to the fence code with graphics and updated written requirements. Council Member Gaffney seconded the motion, which passed 7-0 in a roll call vote.*

## **6. PUBLIC FORUM**

Barbara Deeter, 556 Marnie Circle, congratulated Mayor Rose for winning unopposed. She reminded Council she had spoken before Council on July 21 about the drainage in front of her home. She thanked everyone for the great response she had received to determine if there were any problems with the drainage at her residence. However, she noted that there were still areas that seemed to always have standing water. She stated that the area in front of her home had a puddle that never dried up and had problems by attracting animals and mosquitos. She asked if there was any follow-up on this as it was a hazard. City Manager Morgan reminded Council that Hollywood Estates was built to different standards and Public Works has done what they can but expectations that it will always be dry could be unrealistic. He noted that they would continue to do what they can, however some of the lots have natural weepage.

## **7. CONSENT AGENDA**

*Council Member Young moved to approve the following consent agenda. Deputy Mayor Dittmore seconded the motion, which passed with a 7-0 vote.*

- Approve the Regular City Council meeting minutes for Tuesday, October 6, 2020.
- Accept the state-funded Local Stormwater Management and Alternative Water Supply Project/Conservation Implementation Program cost-share agreement with the St. Johns River Water Management District for constructing stormwater improvements at the Ray Bullard Water Reclamation Facility, and authorize the Mayor to execute the cost-share agreement on behalf of the City.

- Approve Resolution No. 2020-27 accepting the dedication of public water and sewer system improvements from Continental 436 Fund LLC, and authorize the City Manager to sign the Bill of Sale.

## 8. ACTION AGENDA

**Agreement with Coastal Florida Police Benevolent Association.** City Manager Morgan presented a 2-year collective bargaining agreement with the police union. He complemented the union representatives noting that they were very organized and had moved through the process very quickly.

Mayor Rose noted that there were 18 members of the union that did not vote on the contract. City Manager Morgan noted that the vote on the contract passed with 24 in favor and 6 opposed. He could not speak to those individuals who were not present for the vote.

Mayor Rose commented that it appeared to be a good contract for the officers and how much the average salary increase would be. City Manager Morgan stated that it would be 3.87 percent in the first year and 3.11 percent in the second year.

*Deputy Mayor Dittmore moved to adopt Resolution No. 2020-26 amending the adopted fiscal year 2020-2021 budget by \$106,650 and approving a collective bargaining agreement with the Coastal Florida Police Benevolent Association for a term ending December 31, 2022. Council Member Gaffney seconded the motion, which passed 7-0 in a roll call vote.*

**John Deere 325G Track Skid Steer Loader.** Public Works Director Piccirillo presented a proposal to replace the existing John Deere skid steer loader. He stated that pricing from the Florida Sheriff's Association listing provided a price of \$66,700; with a trade-in of \$16,000 for the old machine, the total cost would be approximately \$51,000.

Mayor Rose asked if the City would be downgrading the type of machine. Public Works Director Piccirillo indicated that the new machine would be slightly larger.

*Deputy Mayor Dittmore moved to purchase a replacement Skid Steer from Dobbs Equipment, utilizing the Florida Sheriff's Association and Florida Association of Counties bid in the net amount of \$50,670.60 after a \$16,000 trade-in on the City's 2011 Bobcat Skid Steer. Council Member Young seconded the motion, which passed 7-0 in a roll call vote.*

**Replace Three Public Works Fleet Vehicles.** Public Works Director Piccirillo presented a proposal to purchase three replacement vehicles for Public Works. He indicated these were included in the 2020-2021 budget. He was proposing to purchase two Ford F-150 pickup trucks for \$55,286 and one Ford F-250 pickup truck for \$37,313.

Deputy Mayor Dittmore moved to award one contract to Asbury Ford in the amount of \$55,286.00 for two Ford F-150 pickup trucks, and one contract to Duval Ford in the amount of \$37,313.00 for one Ford F-250 pickup truck with utility body. Council Member Bentley seconded the motion, which passed 7-0 in a roll call vote.

**Adoption of the Brevard County Local Mitigation Strategy (LMS) Plan.** Deputy City Manager Mills presented the updated local mitigation strategy for adoption. He explained the plan had been adopted in the past, and every five years it needs to be readopted once changes are made according to the state and jurisdictional updates. He noted that this had been sent to FEMA and had been approved. It had also been approved by the Brevard County Commissioners. He reviewed one of the projects that had been used to purchase two generators for those lift stations that do not currently have generators that can be used should the power go out. He expected that staff would be looking at other projects that could be brought before Council in the future.

*Council Member Bentley moved to approve Resolution No. 2020-28 adopting the Brevard County Local Mitigation Strategy (LMS) Plan. Council Member Gaffney seconded the motion.*

Mayor Rose asked about the ranking of concerns by West Melbourne and noted that the top three were “high winds,” “lightning,” and “utilities.” However the City of Melbourne had ranked “lightning” before “high winds.” Deputy City Manager Mills stated that the placement of these items was subjective and would not impact the ability for funding. He also noted that meetings were held throughout the year and the ranking could change.

There being no further discussion, the vote on the motion passed 7-0 in a roll call vote.

## **9. MANAGEMENT REPORTS**

**Chief of Police.** Police Chief Rick Wiley presented a quarterly report of department statistics as requested by Council for July, August and September.

Mayor Rose asked for a report on the inadvertent destruction of evidence. Chief Wiley indicated that their evidence was cross-referenced with another case and was destroyed due to a clerical error. He reported that the department conducts regular audits and follows strict policy and procedures. Unfortunately, there are times where an error is made.

Council Member Bentley asked about the replacement of the clutches on the Harley Davidson motorcycles. Chief Wiley stated that during training the clutches are used heavily and new riders tend to wear them down quickly.

## **10. CITY COUNCIL REPORTS**

Council Member Young reported on the Space Coast Transportation Planning Organization meeting which was held on October 8. She also spoke on the burning of material from the property on Ellis Road and the negative impacts on residents.

Council Member Smith agreed the burning of material on the property at Ellis Road had negatively affected her development. City Attorney Richardson stated that the property owner was permitted to burn the material that was cut down from the lot but would have to truck the rest of the material away.

Council Member Batcheldor had no report.

Council Member Gaffney brought up the issue of allowing for golf carts on private roads. Council discussed those homeowners associations that had traffic enforcement agreements with the police department and noted that the agreements do not make the roads in those development considered as public roadways. Council asked City Attorney to do some research and come back to them with a report.

Deputy Mayor Dittmore reminded the public of the food drive on October 28.

Council Member Bentley had no report.

Mayor Rose reported on the Mayor's breakfast and the City Manager's presentation before the Palm Bay Chamber. He also reported that Lights of Love would be having a ceremony in November to light the tree at West Melbourne Community Park. He reported he had attended the Housman's Aluminum grand opening and had been interviewed by a journalism student with Florida Tech. He wished all those running for office good luck in the upcoming election.

## **11. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:01 p.m.