

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

November 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, Adam Gaffney and Daniel Batcheldor.

Attending remotely: Council Member Barbara Smith.

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: Public Works Director Mark Piccirillo, Deputy Chief Rich Cordeau, and Jacobs Project Manager Brian Mascher.

4. APPROVAL OF REMOTE ATTENDANCE

Council Member Bentley moved to approve the remote participation by Council Member Smith. Council Member Young seconded the motion, which passed 7-0.

5. APPROVAL OF MINUTES

Deputy Mayor Dittmore moved to approve the October 20, 2020 minutes as written. Council Member Bentley seconded the motion, which passed unanimously.

6. APPROVAL OF CERTIFICATION OF RESULTS FOR NOVEMBER 3, 2020, ELECTION

Deputy Mayor Dittmore moved to adopt Resolution No. 2020-29 approving the certified results from the November 3, 2020, election. Council Member Young seconded the motion.

Mayor Rose expressed his pleasure with the voter turnout from the City, which was over 80 percent, and that it was a clean election.

Council then voted on the motion to adopt Resolution No. 2020-29, which passed unanimously.

7. PRESENTATION

Mayor Rose presented special plaques for Council Members Adam Gaffney and Barbara Smith for their service on City Council.

8. SWEARING IN OF NEWLY ELECTED COUNCIL MEMBERS

Newly elected officials Pat Bentley, Daniel McDow and Stephen Phrampus were sworn into office. Mayor Hal Rose was also administered the oath of office and was recognized for completing 20 years of service to the City

9. ROLL CALL OF NEWLY ELECTED COUNCIL

City Clerk Hanscom conducted a roll call of the newly elected Council.

Present: Mayor Hal Rose, and Council Members Daniel Batcheldor, Pat Bentley, John Dittmore, Daniel McDow, Stephen Phrampus, Andrea Young.

SELECTION OF DEPUTY MAYOR

Council conducted the selection of a Deputy Mayor. Council Members Batcheldor, Phrampus, McDow and Bentley asked to withdraw their names from consideration.

Council Member Bentley stated, although he believed the position of Deputy Mayor should rotate, he recommended John Dittmore serve another year because he was unable to attend events and engage with the community the past year because of the pandemic. Council Member Young agreed and asked that her name be withdrawn as well.

Council Member Bentley moved to approve the selection of John Dittmore as Deputy Mayor. Council Member Batcheldor seconded the motion, which passed unanimously.

Council took a short recess to rearrange the dais and reconvened at 7:16 p.m.

10. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Zonta Club of West Melbourne Proclamation. Mayor Rose presented a proclamation to Zonta Club of West Melbourne to recognize November 25 through December 10 as “16 Days of Activism for the Elimination of Violence Against Women.”

11. PUBLIC HEARINGS

Comprehensive Plan Map and Text Amendment and Rezoning for 57.31 Acre Portion of Property located West of I-95 and Southeast of St. Johns Heritage Parkway. Planning Director Fischer explained that staff was asking for a postponement of the hearing for the comprehensive plan map amendment and rezoning for the 57.31 acre portion of property located west of I-95 and southeast of St. Johns Heritage Parkway. She noted that the developers had agreed to a voluntary 25 percent maximum building coverage for non-residential uses and the review by the State suggested this be incorporated into the comprehensive plan. Therefore, a text amendment was needed and required a delay.

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

Council Member Bentley moved to postpone the public hearing and second readings of Ordinance No. 2020-07 and Ordinance No. 2020-08 to the December 15 City Council meeting. Deputy Mayor Dittmore seconded the motion, which passed unanimously.

12. PUBLIC FORUM

Jared Shear, 2793 Glasbern Circle, stated he had been operating golf carts in West Melbourne for three years. He stated that there had been an issue one year ago but the use of the golf cart had been a blessing to him and his family. He stated his wife had a heart issue and they used the golf cart in the community to see other people in the neighborhood. He stated that United Parcel Service (UPS) used golf carts to delivery packages in some neighborhoods. Golf carts were more visible to drivers than scooter or bicycles. Many neighborhoods were modeling their communities after Viera. Beach-side communities were adopting golf cart ordinances and lowering speed limits. He encouraged Council to make golf carts legal on private streets by licensed drivers with insurance. He stated he would like to see his community with wider pathways for golf carts.

Mike Geerligns, from Car Guys at 3665 West New Haven Avenue, Melbourne, agreed that golf carts should be endorsed. He believed it was an economical second vehicle and helped move toward a greener community.

Chris Busse, 1451 Whitman Drive, expressed his support for legalizing the golf carts. He stated the golf cart made it easier to go the park and see people in the neighborhood. He stated he would like to see this in his community.

Donald Pepin, 3311 Charon Ave, agreed with the comments made by Mr. Shear. He stated he used his cart to go to the park and travel throughout his neighborhood. He stated it would be nice to be able to have them allowed on the streets and have drivers with more patience. He commented he really enjoyed using the cart and liked driving around with his children.

Bill Murray, 2435 New York Street, Melbourne, stated he did not have any children but was currently an owner of a golf cart. He used it multiple times every day for fitness, yard work or running to the store. He sees people out on the street while traveling through the neighborhood and felt that it created a sense of community by seeing his neighbors on a regular basis. He stated this would be a good opportunity for law enforcement to adapt as well. The golf carts are not about reckless driving but are used by adults to run errands. He hoped Council recognized that many people would like to see golf carts as an alternative. He said there were many golf carts being used and they would benefit with a set a rules.

Lindsey Davidson, 2045 Commodore Street, Melbourne, stated she grew up in Titusville and had seen how communities that allowed golf carts can pull together, interact with each other, conduct clean-up efforts, and hold different types of events. As a mother, the golf carts offer the opportunity for her kids to get outside and just ride around the community and meet other people. As a former teacher she has seen how this type of interaction has helped to pull a community together. She stated that this has worked in those communities where the users are licensed and the vehicles are insured.

Nicholas Caba, 2813 Floresta Drive NE, Palm Bay, stated he works at Car Guys on West New Haven Avenue and has seen how families enjoy getting together and enjoy the outdoors by spending time together in a golf cart in their neighborhoods. He believed this would make West Melbourne better and it should be considered. There needed to be rules and regulations but overall it would be a good thing for the community.

13. CONSENT AGENDA

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

- Receive the Annual Reports for the Charter Review Committee and Police Officers' Retirement Board. No appointments are needed.
- Adopt Resolution No. 2020-30 approving the State of Florida Department of Transportation ("FDOT") agreement for the maintenance of a certain State Road Right-of-Way, authorize the City Manager to execute the agreement on behalf of the City and authorize the City Manager to execute yearly renewals for a period not to exceed three years.

14. ACTION AGENDA

Request Direction to Proceed with Annexation of a 23.27 Acre Property Located West of the I-95 overpass, west of Minton Road on Carriage Gate Drive. Planning Director Fischer presented an annexation advisability. She explained this was the first step for this request and noted that staff was asking for determination of allowing staff to proceed with the annexation request. The property was located in unincorporated Brevard County along Minton Road and was adjacent to City limits. She noted that the development would most likely access from Carriage Gate Drive. Planning Director Fischer stated the County was working on a transportation study for Minton Road but there were concerns with the intersection with Carriage Gate Drive. Both Minton Road and Carriage Gate Drive were County roads.

Mayor Rose asked if this would propose Carriage Gate Drive as a right-in and right-out regardless of this development. Planning Director Fischer stated that she believed that was the proposal from the County. The only other alternative would be to signalize the intersection.

Deputy Mayor Dittmore stated that traffic issues would need to be addressed. He would be reluctant to allow the development when it would only exacerbate the current failed intersection. Since these are County roads, the City may not be able to address the traffic concerns.

City Manager Morgan stated that the Transportation Planning Organization (TPO) was completing a study of the entire Minton Road corridor, which includes the Carriage Gate Drive intersection. Deputy Mayor Dittmore said it would be interesting to receive crash data for this intersection and how that would encourage the County officials to make changes to this intersection.

Council Member Phrampus noted that the intersection was currently at level "F" and the recommendations from the 2013 traffic study were never completed. The impacts from proposed development would increase traffic congestion on Minton Road.

Mayor Rose agreed the Carriage Gate Drive access is not good and something needed to be done. He believed that County Commissioner Kristine Zonka was looking at getting changes for this intersection. He stated that there were additional properties in this area that could be annexed and further impact the intersection. Therefore, he believed the City should continue working with the County on this issue.

J. Cole Oliver, EKS Development, stated he was not a traffic engineer but the first preference would be to have a signalized intersection. This would require working with the County officials. He believed they should work with the Carriage Gate community and the County to find the best solution that works for everyone. The proposal for the property was to have a residential community. The future land use in the County proposed commercial use; therefore, this change could decrease the negative impacts on the intersection.

Deputy Mayor Dittmore asked if the Carriage Gate community would be required to tie into the City's sewer if the annexation was developed. Planning Director Fischer indicated that Florida Statutes state that properties within 500 feet would need to connect.

Deputy Mayor Dittmore moved to proceed with the public hearings and staff evaluation of the annexation request along with the comprehensive plan map amendment and rezoning to allow a single-family residential subdivision with an emphasis on early determination of Carriage Gate Drive traffic management solutions. Council Member Young seconded the motion, which passed 6-1, with Council Member Phrampus opposed.

Annual Report and Reappointments to the Board of Adjustment. City Clerk Hanscom presented the annual report for the Board of Adjustment and asked Council to make reappointments for two members for two-year terms.

Deputy Mayor Dittmore moved to receive the annual report for the Board of Adjustment and reappointment William H. Johnson and Robert Willmarth, both with terms ending November 30, 2022. Council Member Young seconded the motion, which passed unanimously.

Council Member Phrampus stated that there was a vacancy on the Board and he understood that Adam Gaffney had expressed interest in serving and would meet the necessary criteria to serve on the Board.

Council Member Phrampus moved to appoint Adam Gaffney as a member of the Board of Adjustment conditioned on the receipt of an application, with a term ending November 30, 2022. Council Member Bentley seconded the motion, which passed unanimously.

Annual Report and Reappointments to the Business Advisory Board. City Clerk Hanscom presented the annual report for the Business Advisory Board and asked Council to make reappointments for one-year terms.

Mayor Rose noted that many of the members did not live in the City. He would encourage future appointments to the Board be residents.

Deputy Mayor Dittmore moved to appoint Blaine Barton, Matthew Brothers, Brian DeGonzague, Allen Jean, Rusty H. Melle, Richard Naber, Ramses Rodriguez, and David Rulli to serve one-year terms ending in November 2021. Council Member Young seconded the motion, which passed unanimously.

Annual Report and Reappointments to the Code Enforcement Board. City Clerk Hanscom presented the annual report for the Code Enforcement Board and asked Council to make two reappointments for three-year terms.

Deputy Mayor Dittmore moved to receive the annual report for the Code Enforcement Board and make reappointments for Andrew Jones and Robert H. Luber to complete three-year terms ending November 30, 2023. Council Member Phrampus seconded the motion, which passed unanimously.

Annual Report and Appointment to the Parks and Recreation Advisory Board. City Clerk Hanscom presented the annual report for the Parks and Recreation Advisory Board and asked Council to make a selection from the applications on file.

Council Member McDow moved to receive the annual report for the Parks and Recreation Advisory Board and appoint Samuel Edwards to fill an unexpired term ending November 2021. Mayor Rose seconded the motion, which passed unanimously.

Annual Report and Reappointments to the Planning and Zoning Board. City Clerk Hanscom presented the annual report for the Planning & Zoning Board and asked Council to reappoint those individuals with expiring terms.

Deputy Mayor Dittmore moved to receive the annual report for the Planning and Zoning Board and reappoint Paul Bernkopf, Chris Jaudon, and Anna Kapnoula for two-year terms expiring November 30, 2022. Mayor Rose seconded the motion, which passed unanimously.

Council Member Appointments to Various Boards and Committees. Council Member Bentley presented information on serving on the Florida League of Cities committees.

Council then considered appointments to various Board and Committees. Mayor Rose reminded Council Members that their roles as liaisons to the City's boards was to listen and report back to Council; he asked that elected officials not influence the recommendations and decisions of the board members.

Space Coast Transportation Planning Organization Board of Directors (MPO)	Andrea Young Hal J. Rose (alternate)
MPO Technical Advisory Committee (TAC)	Scott Morgan (TAC) Christy Fischer (TAC) (alternate)
Citizens Advisory Committee (CAC)	Gil Ramirez (CAC) Sandra Michelson (alternate)
Brevard County Water Supply Board	John Dittmore Hal J. Rose (alternate)
Space Coast League of Cities	Pat Bentley Stephen Phrampus (alternate)
Space Coast Economic Development Commission	Hal J. Rose Andrea Young (alternate)
Liaison to Other Agencies, Authorities and Organizations	
Melbourne Airport Authority Liaison	John Dittmore Stephen Phrampus (alternate)

Melbourne Regional Chamber of Commerce of East Central Florida, Inc.	Daniel McDow Hal J. Rose (alternate)
Greater Palm Bay Chamber of Commerce	Hal J. Rose John Dittmore (alternate)
Brevard County Fire Department Liaison	Hal J. Rose Stephen Phrampus (alternate)
Florida League of Cities – Finance, Taxation and Personnel Committee	Pat Bentley
Florida League of Cities – Land Use and Economic Development	Andrea Young
Liaisons to City Boards and Committees	
Beautification Committee Liaison	Andrea Young Hal J. Rose (alternate)
Board of Adjustment Liaison	Hal J. Rose Andrea Young (alternate)
Business Advisory Board Liaison	Daniel McDow Andrea Young (alternate)
Code Enforcement Board Liaison	Stephen Phrampus John Dittmore (alternate)
Parks and Recreation Advisory Board Liaison	Daniel McDow Daniel Batcheldor (alternate)
Planning and Zoning Board Liaison	Daniel Batcheldor Hal J. Rose (alternate)

Council Member Young moved to approve the revised list and make appointments for representation by Council Members or City Officials to various boards and committees, as well as liaisons to other agencies and City advisory boards and committees. Deputy Mayor Dittmore seconded the motion, which passed unanimously.

15. MANAGEMENT REPORTS

City Attorney Report. City Attorney Richardson presented a report to Council on golf carts. He reviewed the current rules on golf carts and explained the difference between a golf cart and a low speed vehicle. Golf carts can be used in a self-contained retirement community and private streets, unless the public has the right to travel on the street and/or there is a written traffic enforcement agreement or it is prohibited by HOA rules. He also reviewed the golf cart requirements which required certain equipment but did not require seat belts, driver’s licenses, or liability insurance.

City Attorney Richardson then reviewed the requirements for low speed vehicles which had different rules, such as seatbelts, driver’s license, and insurance, and can exceed speeds of 20 mph.

He provide three alternatives for Council, which included:

1. Do nothing – low speed vehicles allowed on public roads with speed limits of 35 mph or lower.

2. Adopt an ordinance to allow private communities to designate private streets for golf cart use.
3. Adopt an ordinance establishing procedures for designating public roads and sidewalks for golf cart use.

Council Member Phrampus asked if an ordinance would be specific. City Attorney Richardson explained that an ordinance could provide the framework to allow for golf carts and set up rules that communities could adopt within their communities. Council Member Phrampus asked how this would apply to 55 and over communities. City Attorney Richardson stated that golf carts were already permitted.

Mayor Rose asked how the golf cart ordinance was applied in Satellite Beach. City Attorney Richardson explained that the ordinance was copied from the Florida Statutes but it included an inspection process through their police department. Mayor Rose asked about enforcement at Satellite Beach. City Attorney Richardson stated there were only a few calls; in most cases it was an internal issue within the gated community.

Council Member Young stated that the Doherty Road extension was proposed to be 25 mph; therefore a low speed vehicle would be able to cross Henry Avenue to get the Publix shopping center. She asked if a low speed vehicle would be permitted to cross Minton Road to the park. City Attorney Richardson stated that there could be provisions for crossing roadways.

Council Member Phrampus moved to proceed with alternative no. 2, which was to adopt an ordinance to allow private communities to designate private streets for golf cart use. Mayor Rose seconded the motion.

Deputy Mayor Dittmore expressed concern with safety issues, especially that this would allow 14-15 year olds without driver's training to be out on the roads in golf carts. City Attorney Richardson explained that the homeowners association could further restrict the age of drivers.

Council Member Batchelor questioned if there was a problem that would be corrected with an ordinance. Currently, low speed vehicles could use the streets but golf carts are restricted unless is it a retirement community. City Attorney Richardson agreed that there appeared to be a misunderstanding in regards to low speed vehicles.

Council then voted on the motion to move forward with alternative no. 2, which passed 5-2, with Deputy Mayor Dittmore and Council Member Batchelor opposed.

16. CITY COUNCIL REPORTS

Council Member Batchelor welcomed the new Council Members and thanked Barbara Smith and Adam Gaffney for their dedication to the City. He stated that he did not realize the level of commitment that was necessary. He thanked the City of Melbourne for the fireworks display honoring veterans. He also expressed appreciation to the IT Department for working out all the technical details so that he was able to attend remotely. He wished everyone a Happy Thanksgiving.

Deputy Mayor Dittmore congratulated the newly elected officials and also thanked Mr. Gaffney and Ms. Smith.

Council Member Bentley welcomed the new Council Members and wished everyone a Happy Thanksgiving.

Council Member Young reminded Council that the Space Coast League of Cities would be hosting an in-person meeting in January and she looked forward to seeing everyone.

Council Member McDow expressed appreciation for the welcoming comments and looked forward to working on addressing issues with the City as well as County-wide groups.

Council Member Phrampus reported he had attended the November Palm Bay Chamber luncheon. He also expressed appreciation for the opportunity to bond with other candidates during the campaign.

Mayor Rose reported the fireworks at the Melbourne Square Mall were very nice and appreciated by the community. He noted that YourLife memory care facility on Minton Road was scheduled to open on January 5, 2021. He reported he had attended a ribbon cutting at the University Park school and that they had constructed a new playground for special needs kids. He stated that his goal for the next year was to work together to make West Melbourne a better community. He wished everyone a Happy Thanksgiving.

17. ADJOURNMENT

There being no further business, the meeting adjourned at 9:35 p.m.