

MAYOR
Hal J. Rose

DEPUTY MAYOR
Pat Bentley

COUNCIL MEMBERS
Daniel Batcheldor
John Dittmore
Adam Gaffney
Barbara A. Smith
Andrea Young



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CITY COUNCIL REGULAR MEETING

MINUTES

February 19, 2019

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

Present: Mayor Hal Rose, Deputy Mayor Pat Bentley, Council Members Andrea Young, Barbara Smith, Adam Gaffney, John Dittmore, and Daniel Batcheldor.

Also present: City Manager Scott Morgan, City Attorney Morris Richardson, Finance Director Margi Starkey, Public Works Director Mark Piccirillo, Information Technology Director Tom Bradford, Police Chief Rick Wiley, Deputy Police Chief Rich Cordeau, Planning Director Christy Fischer, Jacobs Project Manager Brian Mascher, City Clerk Cynthia Hanscom, and other members of the public.

City Attorney Richardson ask that Council consider adding an item to the agenda to consider a Utility Upsizing Agreement with Continental 436 Funds for the Springs at Hibiscus Crossing project.

Council Member Young moved to add this item to the agenda to be heard following the consent agenda. Council Member Gaffney seconded the motion, which passed 7-0.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Proclamation for Irish American Heritage Month. Mayor Rose presented a proclamation designating March as Irish American Heritage Month.

Presentation to Captain Mark Thompson. Police Chief Rick Wiley recognized Captain Mark Thompson on his upcoming retirement after 30 years of service.

5. PUBLIC HEARINGS

Annexation of 1355 and 1370 Garwood Drive. Planning Director Fischer presented the second reading of Ordinance No. 2019-01 to annex properties located at 1355 and 1370 Garwood Drive. She reported this was a voluntary annexation and the first reading was held on January 15. The annexation would include two parcels with a total area of approximately 1 acre.

City Attorney Richardson read, in title only, Ordinance No. 2019-01:

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION TWO PARCELS OF LAND TOTALING APPROXIMATELY 1.00 ACRES LOCATED AT 1355 AND 1370 GARWOOD DRIVE, 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.

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

Deputy Mayor Bentley moved to approve the second reading of Ordinance No. 2019-01 annexing properties at 1355 and 1370 Garwood Drive. Council Member Young seconded the motion, which passed with a vote of 7-0.

Amend the Future Land Use Map Designation for Properties located at 1355 and 1370 Garwood Drive and Rezoning of Residential Properties located at 1355 and 1370 Garwood Drive. Planning Director Fischer presented the first reading of Ordinance Nos. 2019-04 and 2019-05 for the comprehensive plan map amendment and rezoning of properties as a result of the annexation of 1355 and 1370 Garwood Drive. She presented a map showing the properties to be annexed and noted that this was a request by the property owners so that they could connect to City water. She reported that each parcel is about 0.5 acres for a total of 1 acre. Both lots contain single-family homes located in the Sylvan Pines subdivision.

Planning Director Fischer reported the parcels are designated as Brevard County Residential 6 (RES-6) and would be designated to the City of West Melbourne's Low Density Residential (LD-RES). She presented an analysis showing the impacts to the

infrastructure. She noted this change would be consistent with the future land use element goals, objectives and policies.

Planning Director Fischer also reviewed the proposal to rezone the two parcels from Brevard County EU (Estate Use Residential) to R-1AAA single family residential and provided an analysis showing how the zoning was compatible.

Planning Director Fischer stated the Planning & Zoning Board met on February 13 and recommended in favor of the future land use map amendment and the rezoning. Legal notices and mailings were completed and there were no comments from property owners.

City Attorney Richardson read, in title only, Ordinances Nos. 2019-04 and 2019-05:

ORDINANCE NO. 2019-04

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN TO PROVIDE FOR LD-RES (LOW-DENSITY RESIDENTIAL) LAND USE FOR NEWLY ANNEXED PARCELS OF LAND LOCATED AT 1355 AND 1370 GARWOOD DRIVE, AND AS MORE FULLY DESCRIBED HEREIN; ESTABLISHING AN APPROPRIATE LAND USE FOR THE PROPERTY; EXTENDING THE GOALS, OBJECTIVES, AND POLICIES AND OTHER LAND USE PLANNING REQUIREMENTS TO THE PROPERTY; PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING NEWLY ANNEXED PARCELS OF LAND LOCATED AT 1355 AND 1370 GARWOOD DRIVE, AND AS MORE FULLY DESCRIBED HEREIN FROM BREVARD COUNTY EU (ESTATE USE RESIDENTIAL) TO CITY OF WEST MELBOURNE R-1AAA (SINGLE-FAMILY RESIDENTIAL); PROVIDING AN EFFECTIVE DATE.

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

Council Member Gaffney moved to approve the first reading of Ordinance No. 2019-04, small scale comprehensive plan map amendment (SSA 2018-04) and (SSA 2018-06) to provide for land use designation for 1.0 acres of two properties located at 1355 and 1370 Garwood Drive from Brevard County Residential 6 (RES-6) to City of West Melbourne Low Density Residential (LD-RES). Council Member Young seconded the motion.

Deputy Mayor Bentley asked if the properties had been connected to public water. Planning Director Fischer stated that the property owners had completed a pre-annexation agreement to connect to the water line. Council discussed the size of the water line, which was only 2-inches and would not accommodate additional properties on Garwood Drive. If additional properties were annexed into the City, the water line would need to be improved. Planning Director Fischer reassured Council that the proposal for this annexation was

reviewed by the water department to insure that appropriate water pressure would be in place.

Council then voted on the motion to approve the first reading of Ordinance No. 2019-04, which passed 7-0.

Council Member Young moved to approve the first reading of Ordinance No. 2019-05 approving the City zoning for 1.0 acres, combined, for the two homes located at 1355 and 1370 Garwood Drive, from Brevard County Estate Use Residential (EU) to the City of West Melbourne Single-Family Residential (R-1AAA). Council Member Gaffney seconded the motion.

Mayor Rose asked about the sewer connections. Planning Director Fischer stated there were no sewer lines in this area.

Mayor Rose also asked about public safety response since this area bordered unincorporated Brevard County. Planning Director Fischer explained that, according to State statutes, notification of the annexation would be sent to several agencies. Chief Wiley spoke on working with the City of Melbourne and Brevard County Sheriff's Office to insure that there is timely response to calls.

Council then voted on the motion to approve the first reading of Ordinance No. 2019-05, which passed unanimously.

Amend the Future Land Use Map Designation for a 7.92-acre Property Owned by Kathleen A. Klair and Rezoning for a 7.92 acre property owned by Kathleen A. Klair. Planning Director Fischer presented the second reading of Ordinance No. 2019-02, a small scale comprehensive plan map amendment and Ordinance No. 2019-03 for rezoning of property on Columbia Lane owned by Kathleen Klair. She reminded Council that Columbia Lane was a county dirt road. The annexation occurred in 2009 and the property owner requested at that time to delay the comprehensive plan amendment and rezoning.

Planning Director Fischer presented a map showing the location of the 7.92 acre property, which was vacant. She reviewed the proposed comprehensive plan map amendment and noted that Council was being asked to amend the land use from Brevard County RES-2 to West Melbourne IND (industrial).

Planning Director Fischer also reviewed the rezoning request which would change zoning from Brevard County TU-2 Transient Tourist Commercial to City of West Melbourne M-1 (light industrial and warehouse). She provided the analysis on the rezoning which included a review of the surrounding uses.

Planning Director Fischer stated the Planning & Zoning Board had met on January 8 and recommended approval of both the comprehensive land use amendment and the rezoning. She added that nearby property owners had commented at the January 8 meeting suggesting that the façade for a metal building that faced Columbia Lane be aesthetically pleasing. Based on that discussion, the property owner had agreed to a binding development plan requiring that aesthetic improvement.

City Attorney Richardson read, in title only, Ordinance Nos. 2019-02 and 2019-03:

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE FOR A 7.92 ACRE PARCEL OF LAND GENERALLY LOCATED ON THE WEST SIDE OF COLUMBIA LANE, WEST OF I-95, AND NORTH OF U.S. 192, LYING IN SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, AND AS MORE FULLY DESCRIBED HEREIN FROM BREVARD COUNTY RES-2 (RESIDENTIAL 2) TO CITY OF WEST MELBOURNE INDUSTRIAL (IND); PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2019-03

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A 7.92 ACRE PARCEL OF LAND GENERALLY LOCATED ON THE WEST SIDE OF COLUMBIA LANE, WEST OF I-95, AND NORTH OF U.S. 192, LYING IN SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, AND AS MORE FULLY DESCRIBED HEREIN FROM BREVARD COUNTY TU-2 (TRANSIENT TOURIST) TO CITY OF WEST MELBOURNE M-1 (LIGHT INDUSTRIAL AND WAREHOUSING); PROVIDING AN EFFECTIVE DATE.

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

Mayor Rose disclosed that he had visited the site and had talked with the property owner's representative, Alan King. He commented that many of the businesses were industrial in nature with a one being a junk yard and another one that stores granite. He noted that there were barriers on U.S. 192 so that vehicles exiting from Columbia Lane could not make a left turn to travel east.

Mayor Rose commented that he did not believe that placing stucco on the front of the metal building would improve the aesthetics. In addition, he believed requiring this would handicap this one property. Therefore, he stated he would not be supporting the binding development agreement.

Council Member Young moved to approve the second reading of Ordinance No. 2019-02, a small scale comprehensive plan map amendment (SSA-2018-05) to change the future land use designation for a 7.92 acre property located on the west side of Columbia Lane from Brevard County Residential 2 (RES-2) to City of West Melbourne Industrial (IND). Mayor Rose seconded the motion, which passed 7-0.

Council Member Young moved to approve the second reading of Ordinance No. 2019-03, rezoning a 7.92 acre property located on the west side of Columbia Lane from Brevard County Transient Tourist Commercial (TU-2) to City of West Melbourne Light Industrial and

Warehousing (M-1); and approve the binding development plan, and authorize the Mayor to execute the same upon approval of Ordinance No. 2019-03 at second reading. Council Member Gaffney seconded the motion.

City Council discussed the binding development plan and having this apply for all properties in the M-1. Planning Director stated that the adjoining property owner has expressed interest in expanding and possibly annexing into the City. If that were to happen, the City could require a similar aesthetic front. Mayor Rose commented that he was opposed to applying this to one property. Nothing has happened for this property in 30 years and there was no indication that the property would be developed.

Council then voted on the motion to approve the second reading of Ordinance No. 2019-03, which passed 6-1, with Mayor Rose opposed.

6. PUBLIC FORUM

There were no comments from the public.

7. CONSENT AGENDA

Mayor Rose asked that the First Quarter Budget Status Report be pulled from the consent agenda.

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

- Approve the Regular City Council meeting minutes for Tuesday, February 5, 2019.
- Appoint Allen Jean to fill a vacancy on the Business Advisory Board for a term ending November 2019.
- Approve the proposed agreement with respect to Traffic Enforcement of Private Roads with Ashley Manor, allowing the City to enforce the provisions of the Florida Statutes regarding traffic control and infractions on its streets and roads.
- Approve Resolution No. 2019-04 adopting the City of West Melbourne's Revenue Recognition Policy.

Receive the First Quarter 2018-2019 Budget Status Report. Council was asked to receive the first quarter budget status report. Mayor Rose asked about a budget amendment that was proposed for the Police Department. Chief Wiley explained it was needed for the building and renovation project. When the budget was prepared, it was proposed that the project would be further along and monies budgeted would be expended in the prior budget year. However, that did not occur and more funds were needed in the current budget year. The overall project costs would not change;

Mayor Rose asked if the project was within the contract. Chief Wiley stated the project was within the budget but there were concerns with the target completion date. Council Member

Dittmore asked about penalties for passing the deadline for completion. City Attorney Richardson stated the project was on schedule now but the contract stipulated a \$500 per day penalty for going past the deadline.

Mayor Rose asked about the non-building portions of the Police department budget, specifically in regards to overtime. Chief Wiley stated they were within the budget.

Council Member Young moved to receive the First Quarter 2018-2019 Budget Status Report. Council Member Dittmore seconded the motion, which passed unanimously.

Springs of Hibiscus Crossing Utility Upsizing Agreement. City Attorney Richardson asked Council to consider a utility agreement with Continental 436 Fund, LLC providing for the installation of a 16-inch public water main from the Springs at Hibiscus Crossing project west along the M-1 canal to Dairy Road. He stated the City has budgeted for this project but having the developer privately construct this portion of the larger project could create some cost savings. The City's contribution to the project will be approximate \$185,000 and will result in a savings to the City of \$55,000 by having Continental upsize the water main as opposed to the City constructing a 16-inch water main. City Attorney Richardson explained the difference in the amounts for the 8-inch versus the 16-inch water line for the 550 feet is more than \$34,000.

City Attorney Richardson stated that staff was recommending that the Council approve the utility agreement, subject to the City Engineer's final approval of the plans and cost estimates, and with the condition that the City's cost share not exceed \$200,000.

Deputy Mayor Pat Bentley moved to approve a Utility Agreement with Continental 436 Fund, LLC, providing for the installation of a 16-inch public water main from the Springs at Hibiscus Crossing project west along the M-1 canal to Dairy Road. Council Member Dittmore seconded the motion, which passed 7-0.

8. MANAGEMENT REPORTS

Chief of Police. Police Chief Wiley presented the Police Department's 2018 Year in Review and the January 2019 Police Department report. Council Member Dittmore asked questions about the number of hours the Canine unit was used and believed it could be utilized more. Council Member Gaffney asked about seized funds and property. City Attorney Richardson noted the forfeiture laws have become more stringent and there were less forfeitures being claimed.

9. CITY COUNCIL REPORTS

Council Member Batcheldor reported on an event he had attended for the Child Hunger Project where he learned that there were several West Melbourne schools that are receiving the benefits from this charity. He stated he learned that some children are taking home meals that are being shared with their families.

Council Member Gaffney reported that the Child Hunger Project was a very good charity with 100 percent of the funds collected going to the kids. He also asked about the fence

that is along the rear of Manchester Lakes. City Attorney Richardson stated that the repair of the fence is the responsibility of the property owners. The homeowners association is undertaking some effort to fill and grade behind the fence to provide stabilization. Council Member Gaffney commented that Norfolk Parkway between Minton Road and Hammock Landing was very dark and suggested the City should pursue grants to provide street lighting through that area.

Deputy Mayor Bentley reported that he had attended the Police Officers' Retirement Board and was glad to report that the pension fund is still doing well even after the market downturn. He stated a change was made on the accounting method to adopt a more conservative process.

Council Member Dittmore commented that the Manchester Lakes HOA president supported the code enforcement action to encourage residents to fix the fences along the rear of the subdivision. He also commented on the efforts of the Child Hunger Project and stated that \$150 feeds one child for a year. Lastly, Council Member Dittmore reminded Council that the City of Melbourne meeting on this Council's proposal for the Sawgrass Lakes West development was Tuesday, February 26, 2019 at 6:30 p.m.

Council Members Young and Smith had no report.

Mayor Rose reported on several meetings he had attended as well as the ribbon cutting for the Joint Chiropractic Clinic recently opened in Hammock Landing. He also reported on attending the graduation ceremony for AMIkids which is a program geared to serving at-risk youth. The 3rd Annual Mayor's Walk on Saturday, February 16, was successful with many attending to walk the park. Lastly, he reported on his attendance at the Pinoy Sports banquet.

City Manager Morgan stated he had attended a luncheon at Promise of Brevard to express appreciation for the donors; he noted that the City of West Melbourne was notably mentioned for welcoming their facility to the community of West Melbourne. It was also announced that the Wesley United Methodist Church would be making a major donation to complete the Café and Bakery at West Melbourne Community Park.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 8:35 p.m.