

MAYOR  
Hal J. Rose

DEPUTY MAYOR  
Pat Bentley

COUNCIL MEMBERS  
Daniel Batchelder  
John Dittmore  
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](http://www.westmelbourne.org)

## CITY COUNCIL REGULAR MEETING

### MINUTES

July 16, 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 Batchelder.

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

#### 4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

**Introduction of New Employees in the Police Department.** Police Chief Wiley introduced new Police Officer Adam Morrow, who started with the City on June 28.

**Space Coast Transportation Planning Organization.** Executive Director of the Space Coast Transportation Planning Organization, Georganna Gillette, presented an overview of the local transportation planning process and local projects that will impact the municipality, such as the Minton Road Corridor Study from Palm Bay Road to U.S. 192, design of the Hollywood Boulevard widening from Palm Bay Road to U.S. 192, phases for the regional travel route of the St. Johns Heritage Parkway, the proposed widening of Ellis Road and the interchange at I-95, and intersection improvements at U.S. 192 and Hollywood/Evans.

Deputy Mayor Bentley asked about the design for widening of Hollywood Boulevard. Ms. Gillette stated the design was proposed to begin in September, but there was currently no funding for right-of-way acquisition or construction.

Mayor Rose asked about the percentage of traffic that was no longer using Minton Road because of the opening of St. Johns Heritage Parkway. Ms. Gillette replied that she did not know what that number would be. Mayor Rose asked if she believed traffic on Minton Road would be reduced once St. Johns Heritage Parkway is open to Ellis Road. Ms. Gillette predicted that it would alleviate some of the traffic. She noted that it would be critical to look at past models. Mayor Rose inquired about the skew of northbound Minton Road and U.S. 192. Ms. Gillette said that she would get in touch with the Florida Department of Transportation to relay the comment.

## **5. PUBLIC HEARINGS**

**Space Coast Town Center Concept Plan and Development Agreement.** Planning Director Fischer presented the concept plan and development agreement for the proposed Space Coast Town Center. She provided background on the property and the history of the zoning approval in 2016 for the Gateway Interchange district. The property was located on the south side of U.S. 192 at the intersection of St. Johns Heritage Parkway. She reviewed the future land use and the staff analysis of the development agreement.

Planning Director Fischer reviewed the parking requirements and noted that there could be a reduction for shared parking. However, a study would need to be done before that could be approved.

Planning Director Fischer presented a drawing of the project area and the phasing of development. Mayor Rose asked about access to the plot of land that was not owned by the developer. Planning Director Fischer stated that there would be access from the west off of Simon Road.

Planning Director Fischer stated that the Planning & Zoning Board met on July 8 and recommended approval of both the development agreement and conceptual master plan.

Mayor Rose opened the public hearing.

City Attorney Richardson reminded Council that this was a quasi-judicial hearing and asked that they disclose any communication that they have had with the developer or any visits to the site.

Council Member Dittmore stated he spoke with Mr. Edgar Jones on the telephone regarding the plan. He was invited to meet with the developer but declined.

Council Member Young disclosed that she had met with the developers at a meeting at City Hall where she was provided the opportunity to ask questions. Mayor Rose and Council Member Batcheldor disclosed that they also met with the developer in a meeting at City Hall.

Edgar Jones, 4100 Coral Cables, thanked Council and planning staff for working with them on this project. He introduced those who were also present. He reviewed the proposal as a mixed-use development with office, hospitality and multi-family residential uses, with the

market dictating how the land would be developed. He currently had a parcel under contract with a developer to build 300 residential rental units. The goal was to have an environment to encourage commercial activity that would support the families in the area.

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

Council Member Batcheldor asked about the biannual reports due from the developer and what interventions could be made by City Council should there be a divergent between the market analysis and what is proposed. Planning Director Fischer stated the reports were not statutorily required but would be able to provide an overview of how the property was being developed. Council Member Batcheldor asked if any changes would come back to the Planning and Zoning Board and Council. Planning Director Fischer stated that significant changes would require the developer to go back through the process. She said that, if the developer wanted to add the parcel that is currently not included in this proposal, they would need to come back to Council with another development agreement.

Council Member Batcheldor asked about the two access points on U.S. 192. Planning Director Fischer stated that the plan shows what the developer is requesting. Because U.S. 192 is a State road, permits would need to be obtained from the Florida Department of Transportation, which may limit the access; however, it would not require that this be brought back before Council. She stated that she would report to Council on any changes on the access from U.S. 192.

*Council Member Dittmore moved to approve the development agreement for the proposed, "Space Coast Town Center" project along with the conceptual master development plan for the property located on the south side of U.S. 192, on both sides of the St. Johns Heritage Parkway. Council Member Gaffney seconded the motion.*

City Attorney Richardson reported that the development agreement had been changed to modify the attorney's fees. He noted that the City's standard is that each party pays their own fees; therefore, the language had been changed to indicate this.

Mayor Rose asked about maintenance of the complex. City Attorney Richardson stated that it was discussed with the developers but there was nothing placed in the agreement. Council Members discussed their concerns with maintenance on other large scale developments. City Attorney Richardson asked if the developers would agree to a separate stand-alone agreement on the maintenance of the development. Mr. Bob Gorlow, representing the developer, stated that they would be amenable.

Council Member Batcheldor asked about other permits that would be required, such as for drainage and environmental impacts. Planning Director Fischer stated that there would need to be approved permits from other agencies, such as the St. Johns River Water Management District and Melbourne-Tillman Water Control District. In addition, stormwater calculations would need to be submitted and reviewed by the civil engineer and St. Johns River Water Management District.

Council Member Batcheldor questioned the advertisement of the public hearing and noted that many people no longer use print media. He suggested staff look at how things are advertised since print media is not regularly used.

Council Member Batcheldor asked how long it would take to walk from the southeast corner to the northwest corner. Mr. Gorlow estimated that it would take 6-7 minutes if walking between 4-5 miles per hour. He also noted that it was proposed to have delivery service from the commercial uses to residential structures. Council Member Batcheldor also asked about traffic measures that would need to be in place to address pedestrians. Mr. Gorlow stated that those would need to be coordinated with Brevard County. Council Member Dittmore asked if golf carts would be permitted. Mayor Rose noted that the streets would be private. The City Attorney indicated that golf carts are not permitted on public or private streets unless specifically designed for that. Council discussed crosswalks for St. Johns Heritage Parkway and that the County may not allow them unless they were at signalized intersections.

*Council then voted on the motion to approve the concept plan and development agreement, which passed 7-0.*

**Rezoning Residential Parcels within the Community Redevelopment Area (CRA) on Stephenson Drive, Bossieux Boulevard, and Bry-Lynn Drive to Commercial New Haven (C-NH).** Planning Director Fischer presented Ordinance No. 2019-17 to rezone residential parcels on Stephenson Drive, Bossieux Boulevard, and Bry-Lynn Drive to Commercial New Haven (C-NH). In April, staff spoke to residents with properties on Bossieux and Stephenson that were closest to W. New Haven Avenue.

Planning Director Fischer explained the properties north of First Street had a commercial future land use designation. She provided a map of the properties. She also noted that the Commercial New Haven (C-NH) zoning designation would allow for residential use while the Commercial zoning would not.

Planning Director Fischer reviewed possible negative impacts, including the possible reassessment by the Brevard County Property Appraiser, which may not occur until the property has been converted.

Planning Director Fischer reported the Planning & Zoning Board had met on July 8 and recommended approval of the rezoning.

City Attorney Richardson read, in title only, Ordinance No. 2019-17:

#### **ORDINANCE NO. 2019-17**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING PARCELS OF LAND INCLUDED IN THE COMMUNITY REDEVELOPMENT AREA, GENERALLY LOCATED OFF NEW HAVEN AVENUE, ALONG BOSSIEUX BOULEVARD, STEPHENSON DRIVE, AND BRY-LYNN DRIVE, AND AS MORE FULLY DESCRIBED HEREIN, FROM R-1A (SINGLE-FAMILY RESIDENTIAL) TO CITY OF WEST MELBOURNE C-NH (COMMERCIAL NEW HAVEN); PROVIDING AN EFFECTIVE DATE.

Mayor Rose opened the public hearing.

Tess Jones, 99 Bossieux Boulevard, questioned why only the properties on the west side of Bossieux were included. She explained her property was adjacent to the Home Depot but was not included in the proposed rezoning of the properties. She stated that the other property owners on her street were not aware of this proposal.

Jeffrey Jones, 99 Bossieux Boulevard, stated that his home, when owned by his grandfather in 1970, was next to a big field and a lake. Now, his back window is only 50 feet from the loading docks at Home Depot. Therefore, he does not have the ability to enjoy his back yard.

City Attorney Richardson explained that the rezoning would align the future land use with the zoning. In addition, the current zoning would not allow the existing property owners to rebuild or expand on their residential use. He also reminded Council that there would be a mailing to the property owners for second reading.

Council discussed changing the land use rather than the zoning. City Attorney Richardson commented that there would be some risk involved as the City would be taking away a land use from the property owners.

David Bryant, 89 Stephenson Drive, stated he was in the proposed area to be rezoned and he had been contacted several months ago. At the meeting on this issue, six of the seven property owners had attended and were all in favor of the rezoning.

Council Member Batcheldor asked about the noise regulations in regards to Home Depot. City Manager Morgan stated that they were restricted to certain hours and the level of the sound. City Attorney Richardson added that the noise ordinance addresses construction and amplified music but did not address the sounds of doing normal business. Council Member Batcheldor stated he would like to see something that would minimize the impact on the residents.

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

Council Member Young asked if the other lots on Bossieux Boulevard could be rebuilt as residential. Planning Director Fischer stated that they could not but those properties could be included in the rezoning request. She explained the City Council could hold a public hearing for first reading on the additional properties in August and then have a second reading for all of the properties in September.

Mayor Rose stated the other properties should be included. Deputy Mayor Bentley agreed, stating that this would assist the property owners in maintaining the properties as residential. Council Member Smith agreed and suggested that staff reach out to the other property owners.

City Attorney Richardson reminded Council that any disclosures would need to be made on visiting the site prior to the public hearing. There were no disclosures made by Council.

*Council Member Young moved to approve the first reading of Ordinance No. 2019-17, rezoning residential parcels on Stephenson, Bossieux, and Bry-Lynn streets in the Community Redevelopment Area (CRA) to Commercial New Haven (C-NH) to be consistent with their Commercial Future Land Use designation and that a companion ordinance be prepared for the August 20 meeting to add the additional properties on Bossieux. Deputy Mayor Bentley seconded the motion, which passed unanimously.*

## **6. PUBLIC FORUM**

There were no comments received from the public.

## **7. CONSENT AGENDA**

Council considered the following consent agenda items.

- Approve the Regular City Council meeting minutes for Tuesday, June 18, 2019.
- Receive the Third Quarter 2018-2019 Budget Status Report.

Mayor Rose asked what would be the case if a department was over budget. City Manager Morgan stated that this does not appear to be likely, but that if a department was at risk, additional expenditures may not be approved.

*Council Member Young moved to approve the consent agenda. Deputy Mayor Bentley seconded the motion, which passed unanimously.*

## **8. ACTION AGENDA**

**Establishment of a Proposed 2019-2020 Millage Rate for Public Hearing Advertisement.** City Manager Morgan presented a proposed millage rate of 2.6017 mills, the same rate as current year, and asked Council to advertise the proposed rate. He explained the proposed rate would generate an estimated \$4,373,000 in ad valorem revenue. This would be 0.1264 mills or 5.11% higher than the rolled back rate. If Council wanted to go with the rolled back rate, it would generate \$212,500 less in revenue for the City. The impact on the typical West Melbourne homeowner would be an increase of about \$8 for the year. City Manager Morgan provided comparisons to other cities in the County and to similarly sized cities without fire departments in Florida. He noted that the City's rate was the third lowest in the County and the fourth lowest of the 22 similar cities throughout the state.

City Manager Morgan reminded Council that they could not postpone the decision. Truth in Millage (TRIM) reporting deadline was the end of July so that tax notices can be sent out.

City Manager Morgan also reminded Council that they could adopt a millage rate the same or lower than the advertised rate but could not ultimately adopt a rate greater than the advertised rate.

Deputy Mayor Bentley suggested that the City advertise a millage rate of 2.54, which is a 3 percent increase from last year. He noted that this was about the same percentage of pay raises provided to employees. He did not think that they should be asking homeowners for any more than what the City was providing in pay raises.

*Deputy Mayor Bentley moved to establish a proposed millage rate of 2.54 per thousand dollars of taxable value for the purposes of advertising a September 3, 2019, public hearing to consider adopting a tentative budget and proposed millage rate for 2019-2020. Council Member Dittmore seconded the motion.*

Council Member Dittmore asked how much was being charged to the other cities for fire services. City Manager Morgan stated that if adding a fire millage, he would estimate that it would be about 2.25 mills. Even adding that rate to the City's millage, it would not exceed the millage rate of Palm Bay, which is 8.45.

Council Member Dittmore asked how the change in the proposed rate would affect the proposed budget. City Manager Morgan stated that he estimated it would reduce the projected revenues by around \$100,000. Because the budget proposes using \$600,000 in reserve funding, he would increase that to \$700,000 to balance the expenditures.

City Manager Morgan also commented that the rate of 2.54 would allow for most homeowners with a homestead exemption to see a slight reduction in total ad valorem taxes for the year.

Council Member Batcheldor commented that as the City grows, there is more stress on the current resources and the budget would need to increase to address the additional services needed. He provided an example of the additional services that may be needed to serve the Space Coast Town Center. He asked how this was addressed long-range. City Manager Morgan stated that each year's millage rate is a separate decision and he would not expect changes in that service area to occur near term. Council Member Batcheldor stated he would prefer to anticipate the increased need with any new development.

City Manager Morgan addressed the history of the millage rate and noted that the difference between 2.6017 and 2.54 is not large.

Council Member Smith was not in favor of reducing the proposed millage rate. She stated her position was to insure that there is funding available for expected and unexpected expenditures. Therefore, she was not in favor of a partial rolled back rate.

Mayor Rose stated that this was not the time to lower the millage rate. He stated the rate could be advertised at the highest number then the Council would have flexibility when approving the budget to lower the millage rate.

Council Member Young commented that she would prefer to advertise at the current rate. She had not heard one complaint from citizens that the rate was too high.

*Council then voted on the motion to establish a proposed millage rate of 2.54, which failed 3-4, with Mayor Rose and Council Members Young, Smith and Batcheldor opposed.*

*Council Member Smith moved to establish a proposed millage rate of 2.6017 per thousand dollars of taxable value for the purposes of advertising a September 3, 2019, public hearing to consider adopting a tentative budget and proposed millage rate for 2019-2020. Council Member Young seconded the motion, which passed 4-3, with Deputy Mayor Bentley and Council Members Gaffney and Dittmore opposed.*

**Sewer Charges.** City Manager Morgan presented the first reading of an ordinance to increase sewer rates as of October 1, 2019. He reminded Council that sewer charges had two components: a fixed rate and a variable rate based on the amount of water consumed. He reviewed a history of increases in the sewer rate. The proposed increase would average 2.35 percent for residential use and 1.4 percent for business use. The City would see an annual increase of \$113,000 in revenues. Compared to neighboring cities, the City's rate would still be lower.

City Attorney Richardson read, in title only, Ordinance No. 2019-18:

#### **ORDINANCE NO. 2019-18**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING THE CITY OF WEST MELBOURNE CODE OF ORDINANCES SECTION 58-98(b) MONTHLY WASTEWATER RATES AND CHARGES; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Rose asked if the rates would change for out-of-city customers. City Manager Morgan stated that it would increase but there were few customers that were not in the City. Mayor Rose asked if a higher rate could be applied to those not within the city boundaries. City Manager Morgan stated that it was controlled by state statute and the City would be limited on what it could charge.

*Council Member Young moved to approve the first reading of Ordinance No. 2019-18, increasing sewer charges, and set a public hearing to consider adoption of the ordinance for August 20, 2019. Council Member Smith seconded the motion, which passed unanimously.*

**Annual Review of City Manager's Performance.** Human Resources Director Gale presented the summary results of the City Manager's annual performance evaluation. She noted that Mr. Morgan was approaching his 10-year anniversary. The overall evaluation score was 4.5 which indicates a superior performance.

*Council Member Gaffney moved to accept the summary results of the evaluation. Council Member Dittmore seconded the motion, which passed unanimously.*

Council discussed an annual increase for the City Manager.

*Council Member Young moved to provide an increase of 4 percent. Mayor Rose seconded the motion.*

Upon further discussion, it was suggested that the increase be at 4.5 percent to allow the City Manager to be above the midpoint of the pay scale.

*Council Member Young and Mayor Rose agreed to a modification of the motion to provide for an increase of 4.5 percent.*

Council Member Dittmore stated that, based on pay levels at surrounding municipalities, he would prefer to see an increase at a higher level and suggested the pay increase be 5%.

*Council Member Dittmore moved to amend the motion to provide for an increase of 5 percent. Deputy Mayor Bentley seconded the motion. The amendment to the motion was approved by a 7-0 vote.*

*Council then voted on the original motion to provide for a salary increase for the City Manager, which was amended to 5 percent. The motion passed unanimously.*

City Manager Morgan thanked the Council for their thoughtful review. He believed the positive evaluation was a reflection of the high quality employees in the City.

#### **Purchase of Police Vehicles and Associated Equipment for 2019-2020 Budget Year.**

Police Chief Wiley presented a proposal to authorize the pre-purchase of vehicles and the necessary equipment, which was included with the 2019-2020 proposed budget. This could present a savings by insuring that current rates would apply.

Mayor Rose asked why the non-pursuit vehicles would be equipped with the bigger engines. Deputy Chief Rich Cordeau stated that the non-pursuit vehicles do not get the road miles that the other vehicles do and may be transferred to a road position.

Mayor Rose also asked about the air conditioning for the rear seats. Police Chief Wiley explained that there may be equipment in the back and there may be a need to transport others besides criminals.

Mayor Rose asked about the specialty lights. Mayor Rose indicated he believed the lighting was more than what other cities had on their police vehicles. Police Chief Wiley stated the lighting was not custom lighting but was provided as was needed. Ninety-eight percent of the equipment for the police vehicles was standard and was based on recommended safety measures.

Deputy Mayor Bentley stated the lighting on the West Melbourne police vehicles appeared to be different than other cities. Police Chief Wiley stated the placement on the vehicles may be different.

*Council Member Smith moved to authorize the purchase of eight (8) Ford Interceptor SUV pursuit rated vehicles, one (1) Harley Davidson Electra Glide motorcycle, and the necessary equipment. Council Member Gaffney seconded the motion, which passed unanimously.*

## **9. MANAGEMENT REPORTS**

**Chief of Police.** Police Chief Wiley presented the June 2019 Police Department report. He also announced that National Night Out was August 6 and expected to meet at the Police Department at 4:30 and depart at 4:45 p.m.

Mayor Rose asked if the schedule of the officers would be modified for National Night Out to reduce the overtime. Police Chief Wiley stated he had tried to reduce staffing and believed there would be a reduction in the number of officers participating.

Police Chief Wiley also reported that the lobby of the Police Department had been temporarily relocated during construction. To maintain the same level of security, the front desk would be manned by a sworn officer.

## **10. CITY COUNCIL REPORTS**

Deputy Mayor Bentley had no report.

Council Member Young thanked the City Manager and the staff in repairing a water main break the previous week. She also asked about the musty smell to the water. Public Works Director Piccirillo said that there had been complaints but there were no issues with the quality of the water. He indicated they had flushed a few of the hydrants to insure that the water was flowing and not sitting in the lines. Council Member Dittmore stated that there had been complaints about the smell of the water prior to the water main break.

Council Member Smith commented that it would be better if the City has a water plant so that the issues can be handled directly rather than relying on the City of Melbourne.

Council Member Batcheldor commented that there had been a request by the developers of the Space Coast Town Center to move the gateway sign along U.S. 192. He stated he would be opposed to doing that. He also asked for an update on the proposed development of Sawgrass Lakes West. City Manager Morgan said that he had received a letter from the Melbourne Planning Department indicating that they were requesting additional time before the issue is considered by the Melbourne City Council. The primary issue was the alignment of Norfolk Parkway.

Council Members Gaffney and Dittmore had no report.

Mayor Rose reported on an event at Field of Dreams to collect school supplies. He also reported that he had attended the Space Coast League of Cities dinner, and the West Melbourne Business Association luncheon. He attended a meeting on Transit One at the airport on discussion to get younger riders for the bus system by providing an application for smart phones so that riders know where their bus is located and providing free wireless internet on the bus.

Mayor Rose asked for a report on the purchase of the land next to West Melbourne Community Park. City Manager stated that he would follow-up on this.

City Manager Morgan complemented staff for working with the Florida Department of Transportation in obtaining reimbursement for the new water line on Ellis Road as part of the I-95 interchange work that was being completed. The contractor had been mobilized and should have the work completed by the end of the month.

## **11. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:05 p.m.