

MAYOR
Hal J. Rose

DEPUTY MAYOR
Pat Bentley

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



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www.westmelbourne.org

To: Mayor Rose, Members of the City Council,
Department Heads and Subscribers

From: Scott Morgan, City Manager

A handwritten signature in blue ink that reads "Scott Morgan".

Date: May 24, 2019

Subject: Friday Memo

Introduction

This Friday Memo is for the week of May 20 through May 24. Anyone wanting to be added to the distribution list may contact Tammy Neal at 837-7771 or tneal@westmelbourne.org. As always, if there are any questions or comments on items described in this memo, or on any other City matter, please call.

Public Projects Update

On Tuesday morning, Deputy City Manager/Capital Projects Director Keith Mills and I met with our contract project engineers from Infrastructure Solution Services to review the status of each of the proposed public works projects in various stages of development and to plan next month's milestone goals and tasks to achieve these milestones. We continue to make good progress on all of our public works projects in development, including those we are gearing towards application submission cycles for future grant funding applications.

Police Pension "Buy Back"

During the City Council meeting on Tuesday, the City Council approved the first reading of a proposed ordinance implementing our collective bargaining agreement and MOU to provide a new opportunity for Police Officers to "buy back" time from previous work in law enforcement or military service. On Wednesday, I submitted the proposed ordinance and the Plan Actuary's statement of no impact to the Florida Department of Management Services Division of Retirement, as is required before the City may adopt the ordinance. Our goal is to advertise the public hearing and second reading for the Council meeting of June 18, provided DMS/Division of Retirement gets back with us not later than June 5.

Management and employee representatives alike believe that this new ability to "buy back" time should prove to be a valuable recruitment and retention tool that both enhances our employee retirement benefit and comes at no cost to the City.

2019-2020 Budget Development

The next step in the 2019-2020 budget development process will be an operating budget workshop scheduled for 5:30 p.m. on Tuesday June 4.

Employee Benefits for August 1, 2019 – July 31, 2020 Plan Year

Also during the City Council meeting on Tuesday the City Council approved all of the recommendations on employee benefit providers. With a slight reduction in health insurance premiums more than offsetting a slight increase in dental insurance premiums, overall City costs for the upcoming plan year will be slightly reduced, as will the employee share for those employees with spouse, children, and family coverage (employee only health coverage remains 100% employer paid). The open enrollment period will open after City Council approval, and our annual benefits fair is scheduled for Thursday June 6.

Space Coast Town Center

On Thursday, I met with the principals for the proposed Space Coast Town Center development. The next step in the process will be the first reading of an ordinance making the comprehensive plan modification to the land use mix percentages for the property. That item is scheduled for the next City Council meeting on Tuesday June 4.

Sylvan Drive Septic to Sewer Temporary Construction Easements

We have received forty-six of the fifty-nine signed temporary construction easements, and started our follow-up work with the remaining thirteen homeowners today. The St. Johns River Water Management grant funding agreement that will fund a portion of the cost of the construction will be considered by the City Council on June 4. Construction bid solicitation is still on schedule for this fall.

Memorial Day Holiday

On Monday, City Hall will be closed for the Memorial Day holiday. Hollywood Estates residents will be hosting a Memorial Day ceremony at noon. For West Melbourne homes with normally scheduled trash, recycling or yard waste pick up on Mondays, those pick-ups will be provided on Tuesday instead.

Extension of Heritage Oaks and Doherty

The City Council will consider the two Council-requested studies – the drainage and traffic studies – during the City Council meeting of Tuesday June 4. Staff is recommending that the Council receive the two studies and vote to proceed with the final engineering design. If the Council so decides, the only remaining decision that would be presented to the City Council would be the award of the construction bid, which would be towards the end of this year or very early in 2020.

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- Attachments:
1. May and June Monthly Calendars.
 2. Six Month City Council Agenda Planning Calendar.
 3. Departmental Friday Memos.

May 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 9:00 Police Officer Pension Bd 11:15 Greater Palm Bay Chamber of Commerce	2 7:00 a.m. Melbourne Regional Chamber Business Breakfast	3	4
5	6	7 5:30 Council Workshop 6:30 City Council	8 11:30 West Melbourne Business Assoc 6:00 Parks & Rec Advisory Bd	9	10	11
12	13 7:00 Space Coast League of Cities Dinner	14 6:30 Planning & Zoning Bd	15	16 5:30 Code Enf Bd	17	18
19	20	21 6:00 CRA meeting 6:30 City Council	22	23 7:00 Bd of Adjustment cancelled	24 5:00 Food Truck Friday	25
26	27  Offices Closed	28	29	30	31	

June 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 5:30 Council Workshop 6:30 City Council	5 11:15 Greater Palm Bay Chamber of Commerce	6 7:00 a.m. Melbourne Regional Chamber Business Breakfast	7	8
9	10 7:00 Space Coast League of Cities Dinner	11 6:30 Planning & Zoning Bd	12 11:30 West Melbourne Business Assoc	13	14	15
16	17	18 5:30 Council Workshop 6:30 City Council	19	20 5:30 Code Enf Bd	21	22
23	24 6:30 Business Adv Bd	25	26	27 7:00 Bd of Adjustment	28 5:00 Food Truck Friday	29
30						

Six Month City Council Agenda Planning Calendar

Council Date	Presentations/Workshops/Ceremonies/Public Hearings	Consent/Action Items/Management Reports
4-Jun Workshop 5:30 p.m.	2019-2020 Budget Workshop - Proposed Capital Improvement Projects (Scott)	
4-Jun Regular Meeting 6:30 p.m.	Introduction of New Employee Police Officer William Paz (Rick)	Extension of Interlocal Agreement with Brevard County for Installation and Maintenance of SCAT Bus Shelters (Scott) (consent)
	Public Hearing - Second Reading - Fulton SSA and Rezoning (Christy)	Modification of Interlocal Agreement with Brevard County for Energy Cost Sharing of Proposed New FP&L Street Lighting Along the West Side of Minton Road from Henry to Just South of Flanagan (Scott) (action)
	Public Hearing - Second Reading - Circle Drive SSA and Rezoning (Christy)	Bill of Sale for Minton Cove Improvements to Norfolk Parkway (Morris) (consent)
	Public Hearing - First Reading - Comprehensive Plan Text Amendment - Land Use Mix Modification in Parkway Interchange Land Use (Christy)	93rd Annual FLC Conference and Voting Delegate (Cynthia) (consent)
		Drainage and Traffic Studies for Proposed Heritage Oaks and Doherty Extension Project (Keith) (action)
		Funding Agreement with St. Johns River Water Management District for Construction of Sylvan Drive Septic to Sewer Project (Keith) (consent)
		School Resource Officer Budget Alternatives (Scott) (management reports)
18-Jun Workshop 5:30 p.m.	2019-2020 Budget Workshop - Draft Operating Budget (Scott)	
18-Jun Regular Meeting 6:30 p.m.	Public Hearing - Second Reading of Ordinance Amending Police Officers Pension Plan to Codify New Buy Back Provision Negotiated in Collective Bargaining Agreement Dated 11-20-2018 and Implementing Memorandum of Understanding Dated 1-25-2019 (Scott)	May Statistical Report for Police Department (Rick) (mgmt reports)
	Public Hearing - Second Reading - Comprehensive Plan Text Amendment - Land Use Mix Modification in Parkway Interchange Land Use (Christy)	Renewal Agreements with School Board, Imagine Charter School, and Pineapple Cove Classical Academy for Partial Funding of School Resource Officers for the 2019-2020 School Year (Rick) (action)
2-Jul	No Council Meeting - Independence Day Holiday Week	

Six Month City Council Agenda Planning Calendar

Council Date	Presentations/Workshops/Ceremonies/Public Hearings	Consent/Action Items/Management Reports
16-Jul Workshop 5:30 p.m.	Workshop - Water Plant Feasibility Study	
16-Jul Regular Meeting 6:30 p.m.	Presentation - Businesses of the Quarter (Cynthia) Presentation - Space Coast Transportation Planning Organization - Georganna Gillette Public Hearing - First Reading - Parkway Interchange Future Land Use (Request of Space Coast Town Center) (Christy)	Council Approval of Advertised Millage Rate and Hearing Dates for Tentative 2019-2020 Budget (Scott) (action) First Reading of Ordinance Increasing Sewer Rates an Average of 2.35% Effective October 1, 2019 (Scott) (action) June Statistical Report for Police Department (Rick) (mgmt reports) Third Quarter 2018-2019 Budget Status Report (Margi) (consent) City Council Annual Review of City Manager's Performance (Kimberly) (action) Selection of Banking Institution for Servicing City Accounts (Margi) (action)
6-Aug	No Council Meeting - National Night Out	
20-Aug CRA Meeting 6:00 p.m.		CRA Resolution Adopting 2019-2020 CRA Budget (Scott) (action)
20-Aug Regular Meeting 6:30 p.m.	Public Hearing - Second Reading of Ordinance Increasing Sewer Rates an Average of 2.35% Effective October 1, 2019 (Scott)	July Statistical Report for Police Department (Rick) (mgmt reports) Receive and File FY 19-20 Administrative Expense Budget for Police Officers Retirement Plan (Scott) (consent) Water Plant Feasibility Study Final Report (Scott) (action)
3-Sep Regular Meeting 6:30 p.m.	Public Hearing - Tentative Budget and Millage Rate (Scott)	Award of Construction Bid - Sylvan Drive Septic to Sewer Project (Keith) (action) City Council Annual Review of City Attorney's Performance (Kimberly) (action)
17-Sep Regular Meeting 6:30 p.m.	Public Hearing - Final Adoption of Budget and Millage Rate (Scott)	August Statistical Report for Police Department (Rick) (mgmt reports) Award of Construction Bid - Columbia Lane-Brandywine Water Main (Keith) (action) City Council Annual Review of Police Chief's Performance (Kimberly) (action)
1-Oct Regular Meeting 6:30 p.m.		Award of Construction Bid - M-1 Canal Water Main (Keith) (action) Award of Piggyback Contract - 2019-2020 Annual Street Resurfacings (Mark) (action)

Council Date	Presentations/Workshops/Ceremonies/Public Hearings	Consent/Action Items/Management Reports
15-Oct Regular Meeting 6:30 p.m.		September Statistical Report for Police Department (Rick) (mgmt reports)

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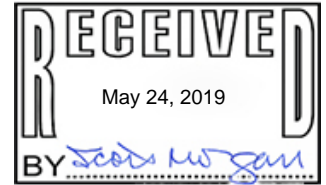
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To: Mayor Rose and Members of the City Council
Through: Scott Morgan, City Manager
From: Morris Richardson, City Attorney *MR*
Date: May 24, 2019
Subject: Friday Memo



The Legal Department Friday Memo provides news and information on legal issues affecting the City. If you have any questions regarding this report, please contact me.

NEW LAWS WITH SIGNIFICANT IMPACT TO THE CITY – PART I

This Friday Memo highlights some of the bills passed in the recently concluded legislative session that may have an immediate fiscal, practice, or policy impact on the City. This report draws from a May 23, 2019 memorandum issued by the legislative and general counsel for the Florida League of Cities to city attorneys, city managers, and city finance officers.

ATTORNEY FEES AND COSTS / PREEMPTION LITIGATION

Effective July 1, 2019, CS/CS/CS/HB 829 provides for a mandatory award of attorney fees, costs, and damages to the prevailing party in a civil action where the adoption or enforcement of a local government ordinance is alleged to have been expressly preempted by the state constitution or by state law. Fees may not be awarded if written notice is provided to the local government that a proposed or adopted ordinance may be expressly preempted and the local government withdraws a proposed ordinance within 30 days of receipt of the notice or, in the case of an adopted ordinance, notices the ordinance for repeal within 30 days of receipt of the notice and repeals the ordinance within 30 days thereafter. The new law exempts ordinances adopted pursuant to part II of chapter 163, Florida Statutes (Growth Management Act, Community Planning Act, and Land Development Regulation), the Florida Building Code, or the Florida Fire Prevention Code.

LOCAL GOVERNMENT FINANCIAL REPORTING AND WEBSITE POSTING

Effective May 23, 2019, HB 861 requires municipal (and county) budget officers to report certain information regarding the local government's budget and economic status to the Office of Economic and Demographic Research annually in a format specified by the Office. The reporting begins October 15, 2019 and includes: (1) municipal (or county) spending per resident, including, at a minimum, the spending per resident for the previous 5 fiscal years; (2) municipal (or county) debt per resident, including, at a minimum, the debt per resident for the previous 5 fiscal years; (3) median income within the municipality (or county); (4) the average municipal (or county) employee salary; (5) the percent of budget spent on salaries and benefits for municipal (or county) employees;

and (6) the number of special taxing districts, wholly or partially, within the municipality (or county). The bill also requires tentative budgets to remain on the City website for at least 45 days and for the final budget to remain on the website for at least 2 years.

IMPACT FEES

Effective July 1, 2019, CS/HB 207 prohibits any local government from requiring payment of impact fees any time prior to issuing a building permit. It codifies the requirement articulated in case law for impact fees to bear a rational nexus both to the need for additional capital facilities and to the expenditure of funds collected and to the benefits accruing to the new construction (the “dual rational nexus test”). The new law requires local governments to designate the funds collected by the impact fees for acquiring, constructing, or improving the capital facilities to benefit the new users. It prohibits impact fees collected by a local government from being used to pay existing debt or to pay for prior approved projects unless such expenditure has a rational nexus to the impact generated by the new construction. Fees charged for water and sewer system connections are excluded from the bill’s requirements.

TREE TRIMMING ORDINANCES

Effective July 1, 2019, CS/HB 1159 imposes restrictions on the enforcement of local government tree ordinances and imposes notice requirements on county property appraisers. HB 1159 provides that a local government may not enforce its tree requirements against a residential property owner for the trimming or removal of a tree if the owner obtains documentation from a certified arborist or a licensed landscape architect that the tree presents a danger to persons or property. The bill specifically prohibits a local government from requiring the property owner to replant a tree that was removed under such circumstances. The bill allows a property owner adjacent to an electric utility right-of-way to request the electric utility perform tree trimming in the right-of-way without local government approval.

POSTING BUILDING PERMIT FEES TO WEBSITE

Effective July 1, 2019, CS/HB 127 requires counties and municipalities to post permit and inspection fee schedules and building permit and section utilization reports on their websites by December 31, 2020. The information in the report must be derived from relevant information available in the most recently completed financial audit. After December 31, 2020, a local government that provides a schedule of fees must update its building permit and inspection utilization report before adjusting the fee schedule. The report must include the following information:

- Direct and indirect costs incurred by the local government to enforce the Florida Building Code, including costs related to personnel services costs (including salary and related employee benefit costs), and operating expenditures and expenses;
- Permit and inspection utilization information, including:
 - Number of building permit applications submitted.
 - Number of building permits issued or approved.

- Number of building inspections and reinspections requested.
- Number of building inspections and reinspections conducted.
- Number of building inspections conducted by a private provider.
- Number of building audits provided by the local government of the building inspections conducted by a private provider.
- Number of positions dedicated by the local government to enforce the Florida Building Code, issue building permits, and conduct inspections.
- Certain other permissible activities for enforcing the Florida Building Code.
- Revenue information, including revenue derived from certain fees, fines, investment earnings from investment of revenue derived from fees and fines, balances carried forward and balances refunded by the local government, and revenue derived from other sources, including general revenue.

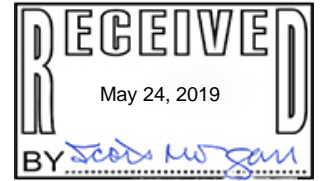
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Tom Forbes, Building Official
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To: Scott Morgan, City Manager
From: Thomas Forbes, Building Official
Date: May 24, 2019
Re: Friday Memo / Building Department

Weekly activity summary for the Building Department

Building:

There were 0 new building permits issued for single family residences and a total of 46 permits issued this period.

Commercial Project Update:

The following commercial projects have had permits issued and are in various stages of construction:

- Minton Cove Apartments, Norfolk Parkway.
- Promise in Brevard Bakery & Café, 3000 Minton Road (Field of Dreams), 7,100 sq. ft. new construction.
- West Melbourne Police Station, 2290 Minton Road, 9,489 sq. ft. addition.
- Apollo Surgery Center, 375 W. New Haven, 9,150 sq. ft. (second floor), tenant build out.
- Aventine Apartments, 4515 Durham Drive, 379,594 sq. ft. new construction.
- Audi of Melbourne, Coastal Lane, 51,821 sq. ft. new construction.
- Pineapple Daycare, 4125 Minton Road, 12,614 sq. ft. new construction.
- Dr. Priyanka, interior alteration of medical offices, 2,500 sq. ft.
- Calvary Chapel, 2955 Minton Road, 1,543 sq. ft. new construction, Central Energy Plant.
- Launch Federal Credit Union, Norfolk Parkway, 6,813 sq. ft. new construction.
- One Main Financial, 1416 W. New Haven Avenue, 2,136 sq. ft. interior tenant build-out.
- CinemaWorld, 4345 W. New Haven Avenue, interior renovation.
- The Springs at Hibiscus, 288 unit apartment complex, 12 apartment buildings, clubhouse and ancillary buildings, total square footage 338,952.
- Carlton of West Melbourne, Hollywood Boulevard, 15-3 story apartment buildings, clubhouse and ancillary structures
- Buena Vida, 2129 W. New Haven Avenue, exterior renovation.

- Your Pie, 225 Palm Bay Road, #193, 2,820 sq. ft. interior alteration.
- Housman Aluminum, 7724 Matrix Way, 6,000 sq. ft. office/warehouse, new construction.
- Glamour Lounge, 635 S. Wickham Road, 2,010 sq. ft. tenant build out.
- The Oasis at West Melbourne Apartments, John Rhodes Pkwy., 10-3 story apartment buildings, clubhouse and ancillary structures.
- Vitas Medical Warehouse, 7500B Technology Drive, 8,327 sq. ft. interior renovation, permit issued 05/10/19.
- Clair's, 845 Palm Bay Road, 832 sq. ft. interior alteration in existing Walmart.

Building Inspections conducted from 05/20/19 to 05/24/19 totaled 277

New Permit applications received from 05/20/19 to 05/24/19 totaled 10

- 3 new single family residence permits.

Status of Commercial projects submitted for review:

- City of West Melbourne Maintenance building addition, permits ready to issue.
- Lucky's, 3170 W. New Haven Avenue, interior renovation, revised plans submitted, awaiting review.
- Sprengergarten, 2825 Eber Road, new construction of a 5,624 sq. ft. events building and a 6,000 sq. ft. maintenance building, plans approved, permits ready to issue.
- YourLife of West Melbourne, NE corner of Minton Road and Heritage Oaks Boulevard, 60,000 sq. ft. new construction, awaiting site plan approval.
- B & M Property Holdings, LLC, 7600 Technology Drive, 22,500 sq. ft. warehouse, new construction, plans submitted.
- Dunkin Donuts – Tract E; 4527 W. New Haven Avenue, interior build-out.
- Viet-Yumz, 2233 W. New Haven Avenue, interior build-out.
- Cloud Angels, 350 S Wickham Road, interior renovation.

Code Enforcement:

The next Code Enforcement Board meeting will be June 20, 2019 at 5:30 p.m.

There were a total of 75 illegal signs removed from the right-of-way during the past week.

There were a total of 16 new code enforcement cases opened this week; additionally 14 existing cases were closed this past week in compliance.

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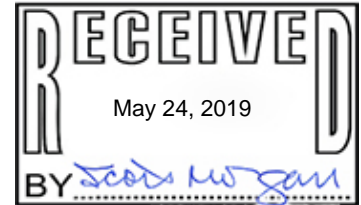


West Melbourne

FLORIDA

CITY COUNCIL UPDATE

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TO: Scott Morgan, City Manager
PREPARED BY: Christy Fischer, Planning Director
DATE: May 24, 2019
SUBJECT: Planning Department Update

A handwritten signature in blue ink that reads "Christy Fischer".

Space Coast Massage Center – In 2014, the Community Redevelopment Agency voted to award the Space Coast Massage Center, a loan for exterior improvements (located at the corner of Wickham Road and Sheridan Road). The loan was for a maximum amount of \$4,985 which would only be paid by the Community Redevelopment Agency to Space Coast Massage Center as reimbursement if the landscaping, lighting and other minor improvements were made. The exterior landscaping and lighting was installed and the City conducted its inspection in 2015 and the business was only reimbursed approximately half of the \$4985. Staff has been asked to re-inspect the plantings and verify that four (4) years after installation that the plants were still there. We will provide an update with our findings. The improvements are to be maintained at least five (5) years after installation per the loan agreement contract with the business – through the end of 2020.



Audi dealership – The City has issued a temporary certificate of occupancy to allow the new Audi dealership to open. Here is a photo taken earlier this week.

Various projects – The following photos are of projects under construction:



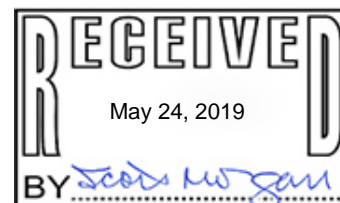
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To: Scott Morgan, City Manager

From: Mark Piccirillo, Director of Public Works

Date: May 24, 2019

Subject: This Week in Public Works

The Public Works Department celebrated National Public Works Week with a barbeque today at the Public Works facilities for Public Works and Jacobs employees. Streets and Drainage Supervisor Sean Morrisson was in charge of manning the grill for this event.



Image of Public Works and Jacobs employees having barbeque lunch.

On Tuesday, I attended the Memorandum of Agreement (MOA) meeting hosted by the Florida Department of Transportation, located in the FDOT office in Cocoa. The agenda for the meeting covered available activities and expectations, maintenance rating program and expectations, cost determination, and invoice processing. This meeting was an informational refresher regarding the MOA, between FDOT and the City.

On Tuesday, Public Works hosted a pre-construction meeting with Insituform Technologies, the City's contractor, regarding this year's CIP scheduling of lining of City sanitary and storm drainage piping. We were informed that a crew will be starting next week preparing the pipes for lining. The week of June 24, Insituform will be starting with the sanitary pipes on McClain Drive, Sunset Drive, and Westover Drive. They are scheduled to return at the end of July, to start with the storm drainage lining.

The Public Works Streets and Drainage Department attended the Tuesday night Council meeting with the new Menzi Muck. The Menzi was on display for Council Members and the public to view the Menzi first hand and up close. Streets and Drainage Supervisor Sean Morrisson, the operator for the Menzi, was also on hand to answer questions regarding its capabilities and performance.

The Public Works Streets and Drainage Department continued to utilize the Menzi Muck, and have moved into the B-7E canal off of the north end of the B-7 canal (Doherty Pond) for maintenance. The Menzi is being utilized from inside the canal by cutting back growth on the canal bank to remove any chance of obstructing the flow of the water entering into the pond. Once the vegetation is removed, the canal bottom will be mucked out, removing sediment to hold more stormwater and be more efficient.



Images of Menzi Muck cleaning vegetation from the B-7E canal.

The Public Works Water Department completed 241 work orders this week. They exercised, and maintained nine fire hydrants, raised one fire hydrant up to proper grade, and exercised 10 water valves. They also installed two new residential water service line meters.

Water Distribution Worker Stephen Vukovich received hands-on training in the field operating the City's mini excavator.



Image of City employee training on mini excavator.

The Sewer Department Jacobs completed 136 work orders and eight sewer inspections. The Plant maintenance continues with the installation of the rebuilt #3 transfer pump motor for the reuse system.



Image of transfer pump installation at sewer plant.

During a routine inspection in the Coastal Lane vicinity, Jacobs found a sewer clean out converted to a storm drain that is directly tied into the gravity sewer located in the parking lot of the new Holiday Inn Express. These findings were confirmed with a green dye test that was utilized in the system.



Images of gravity sewer in parking lot and green dye testing.

Over this past weekend, the Data Flow System signal 'locked up' and Jacobs lost communication with lift stations and reuse distribution stations. The DFS technician was on the scene, and found the cause to be the Henry Avenue lift station telemetry communication unit. The TCU was replaced and communications were restored.