

MAYOR  
Hal J. Rose

DEPUTY MAYOR  
Stephen Phrampus

COUNCIL MEMBERS  
Diana Adams  
Pat Bentley  
John Dittmore  
Daniel McDow  
Andrea Young



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

## CITY COUNCIL REGULAR MEETING

### MINUTES

January 17, 2023, at 6:00 p.m.  
City Council Chamber

#### 1. CALL TO ORDER

Mayor Rose called the regular meeting to order at 6:00 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: Mayor Hal Rose, Deputy Mayor Stephen Phrampus, and Council Members Diana Adams, Pat Bentley, Daniel McDow, and Andrea Young.

Attending Remotely: Council Member John Dittmore.

*Council Member Adams moved to approve the remote attendance by Council Member Dittmore. Deputy Mayor Phrampus seconded the motion, which passed 7-0.*

Also present: City Manager Tim Rhode, City Attorney John Cary, Assistant City Manager Tom Bradford, Police Chief Gregory Vesta, Planning Director Christy Fischer, Finance Director Candice Blake, Public Works Director Mark Piccirillo, Project Manager Brian Mascher, Systems Administrator Christian Arsenault, City Clerk Cynthia Hanscom, and members of the public.

#### 4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

**IEMO Certificate of Completion.** Mayor Rose presented a Certificate of Completion to Deputy Mayor Stephen Phrampus for completing training for the first level of Institute for Elected Municipal Officials (IEMO).

**Mayor's Annual State of the City Presentation.** Mayor Rose presented the City's 2022 Year in Review, which included accomplishments in 2022 and proposed projects for 2023.

## **5. PUBLIC HEARINGS**

**Small Scale Comprehensive Plan Map Amendment, Rezoning and Development Agreement for 205 Coastal Lane.** Planning Director Fischer presented the small scale comprehensive plan amendment, rezoning and development agreement for the proposed development of a 16.44 acre property located at 205 Coastal Lane for a mixed-use industrial facility. She provided maps showing the location of the property, and presented the future land use change, rezoning change and the analysis of surrounding uses. She reviewed the consideration for spot zoning and the public benefit of the mixed-use given the proximity to I-95. If approved, the developer would be required to apply for conditional use approval through the Board of Adjustment prior to moving forward.

Planning Director Fischer reviewed the development agreement and the changes from the previous public hearing, which included restrictions on the storage of hazardous waste and references to the wet retention pond.

City Attorney Cary read Ordinance Nos. 2022-24 and 2022-25, in title only:

### **ORDINANCE NO. 2022-24**

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 16.44 ACRE PARCEL OF LAND GENERALLY LOCATED ON THE WEST SIDE OF COASTAL LANE, NORTH OF U.S. 192, AND AS MORE FULLY DESCRIBED HEREIN FROM INST (INSTITUTIONAL) AND UD-RES (URBAN DENSITY RESIDENTIAL) TO IND (INDUSTRIAL); PROVIDING AN EFFECTIVE DATE.

### **ORDINANCE NO. 2022-25**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A 16.44 ACRE PARCEL OF LAND GENERALLY LOCATED ON THE WEST SIDE OF COASTAL LANE, ON THE NORTH SIDE OF NEW HAVEN AVENUE, NEAR PUMMELO ROAD, AND AS MORE FULLY DESCRIBED HEREIN FROM P-1 (INSTITUTIONAL) AND R-3 (MULTIPLE-FAMILY DWELLING) TO M-1 (LIGHT INDUSTRIAL AND WAREHOUSING); PROVIDING AN EFFECTIVE DATE.

Mayor Rose opened the public hearing.

Cliff Repergger, 2101 Waverly Place, representing the applicant, indicated he was available to answer questions. In regards to the binding development agreement, he reassured Council that the retention area would be a wet pond. He also stated the landscape plan, which showed the landscape buffer, had been incorporated into the

agreement. Lastly, Mr. Repergger stated that no bulk storage for flammable or combustible liquids would be allowed.

Alex Molina, 1703 Sorento Circle, spoke as a resident of the Sheridan Lakes community. From listening to the presentation, he believed that many of his concerns about proximity to his subdivision had been addressed.

Mayor Rose closed the public hearing.

Deputy Mayor Phrampus asked if the flammable materials would include welding tanks. Planning Director Fischer stated that the restriction for bulk storage of any flammable liquid would be prohibited through the development agreement.

Deputy Mayor Phrampus also asked about placement of the dumpsters to insure that they were not unsightly from those entering the development or from Coastal Lane. George Kelly, Jupiter, stated that the dumpsters would be located where it was most convenient to the tenants. The dumpsters would be enclosed with mason bricks on three sides and a gate.

Because the agenda item involved rezoning of a property which was a quasi-judicial hearing, City Attorney Cary asked for disclosures from City Council on any meetings or visitations to the property outside of the public hearing. There were none.

*Council Member Bentley moved to approve the second reading of Ordinance No. 2022-24, the small-scale comprehensive plan map amendment for the 16.44-acre property located at 205 Coastal Lane from Institutional (INST) and Urban Density Residential (UD-RES) to Industrial (IND). Council Member McDow seconded the motion, which passed unanimously.*

*Council Member McDow moved to approve the second reading of Ordinance No. 2022-25 rezoning a 16.44-acre property located at 205 Coastal Lane from Institutional (P-1) and Multiple Family Dwelling (R-3) to Light Industrial and Warehousing (M-1), conditioned upon the small scale comprehensive plan amendment being approved. Mayor Rose seconded the motion, which passed unanimously.*

*Council Member Young moved to approve the development agreement for an industrial warehouse/flex space for the 16.44-acre proposed industrial development located at 205 Coastal Lane, which provides development standards and restricts the industrial development of the property. Council Member McDow seconded the motion, which passed unanimously.*

**Small Scale Amendment, Rezoning, and Development Agreement for Inclusion of Martinez Property in Space Coast Town Center.** Because this was a quasi-judicial public hearing for the rezoning, City Attorney Cary asked for disclosures for communications outside the public meeting on this matter. Mayor Rose, Council Member Bentley and Council Member Dittmore indicated they had met with the developer. Council Member Adams stated she had visited the property.

Planning Director Fischer presented the small scale map amendment, rezoning, and development agreement for inclusion of the Martinez property in the Space Coast Town Center. The property had been annexed into the City but would need to be assigned a future land use designation as well as be rezoned from the County's designation. She provided an analysis of future land use showing the proposed change with the compatible uses surrounding the property. She explained the maximum impacts would be limited by the development agreement. The requirements for review of private property rights were reviewed. The Planning & Zoning Board, acting as the planning agency, had met on January 10 and recommended approval of both ordinances and the development agreement.

City Attorney Cary read Ordinance Nos. 2023-03 and 2023-04, in title only:

**ORDINANCE NO. 2023-03**

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 19.71 ACRE PARCEL OF LAND GENERALLY LOCATED SOUTH OF U.S. 192, WEST OF THE ST. JOHNS HERITAGE PARKWAY AND EAST OF SIMON ROAD AND AS MORE FULLY DESCRIBED HEREIN FROM BREVARD COUNTY CC (COMMUNITY COMMERCIAL) AND NC (NEIGHBORHOOD COMMERCIAL) TO PI (PARKWAY INTERCHANGE); PROVIDING AN EFFECTIVE DATE.

**ORDINANCE NO. 2023-04**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A 19.71 ACRE PARCEL OF LAND GENERALLY LOCATED SOUTH OF U.S. 192, WEST OF THE ST. JOHNS HERITAGE PARKWAY AND EAST OF SIMON ROAD AND AS MORE FULLY DESCRIBED HEREIN FROM BREVARD COUNTY BU-2 (RETAIL, WAREHOUSING AND WHOLESALE COMMERCIAL) AND AU (AGRICULTURAL RESIDENTIAL) TO CITY OF WEST MELBOURNE GTWY-I (GATEWAY INTERCHANGE); PROVIDING AN EFFECTIVE DATE.

Planning Director Fischer reviewed the Second Amendment to the development agreement for Space Coast Town Center. The addition of the Martinez property would put the development at 178.9 acres, which was under the 200-acre threshold. She provided the staff analysis on the agreement and indicated it was consistent with the Comprehensive Plan. The agreement included a master development plan showing the property as part of the overall development.

Mayor Rose opened the public hearing.

Benjamin Hedrick, attorney representing the developers of the Space Coast Town Center, introduced Bob Gorlow and Edgar Jones. He noted that they were in attendance to answer any questions.

William Ferrall, Vero Beach, spoke as one of the owners of the project and noted that he supported the change and reserved any comments until the second reading.

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

Deputy Mayor Phrampus asked about the inclusion of the Fulcher property. Planning Director Fischer noted that the development agreement did not include that property. However, the property does have the Parkway Interchange designation, making the property non-conforming. Mr. Hedrick stated the Fulcher property was 40 acres and could not be developed without coming back to Council for a land use change. The property could not be included in the Space Coast Town Center because it would exceed the 200-acre maximum.

Mayor Rose stated that he would like to see a 10 percent reduction in the number of apartments. Mr. Hedrick indicated that it would need to be discussed with the partners and asked for a postponement until later in the meeting.

*Council Member Adams moved to postpone the item until later in the meeting. Deputy Mayor Phrampus seconded the motion, which passed unanimously.*

*Clerk's Note: The additional discussion on this item occurred following the Consent Agenda but has been placed here for continuity.*

Mr. Kendrick indicated that he had conferred with the clients and partners, all who had agreed with the reduction. Mr. Gorlow indicated the reduction would result in 245 less units. Edgar Jones, Vero Beach, stated they had begun to see interest expressed for developing the commercial parcels.

Council Member Adams commented on the school concurrency and the impacts. Planning Director Fischer stated the School Board had indicated that there would be no impacts. They believe that some of the overcrowding could be corrected with shifting to another school and that charter schools would help to alleviate the impacts.

*Council Member Bentley moved to approve the first reading of Ordinance No. 2023-03 to adopt the future land use map amendment on the 19.71-acre property from Brevard County Community Commercial (CC) and Neighborhood Commercial (NC) to Parkway Interchange (PI). Council Member Young seconded the motion, which passed unanimously.*

*Council Member Young moved to approve the first reading of Ordinance No. 2023-04, rezoning the property from Brevard County Retail, Warehousing & Wholesale Commercial (BU-2) and Agricultural Residential (AU) to City of West Melbourne Gateway Interchange (GTWY-I). Mayor Rose seconded the motion, which passed unanimously.*

*Deputy Mayor Phrampus moved to approve the Second Amendment to the 2019 Space Coast Town Center development agreement and the conceptual master plan of the 19.71-acre property, known as the Martinez property, with the change to reduce the*

*total number of apartment units by 245. Council Member Young seconded the motion, which passed unanimously.*

## **6. CONSENT AGENDA**

*Council Member Bentley moved to approve the following consent agenda. Council Member Adams seconded the motion, which passed unanimously.*

- Regular City Council meeting minutes for Tuesday, December 13, 2022.
- Authorization for the City Manager to execute an agreement for the purchase of a portion of land and easement located at 8855 Sheridan Road, West Melbourne, Florida 32904, as described and depicted in the attached draft contract for sale and purchase, in the amount of \$60,000 to accommodate a lift station for the Lake Ashley Circle portion of a Septic to Sewer Project.
- Private traffic enforcement agreement with The Sanctuary at Sawgrass Lakes Neighborhood Association, Inc., authorizing the City to exercise traffic control jurisdiction over the private roads located within The Sanctuary at Sawgrass Lakes subdivision.

## **7. PUBLIC FORUM**

Ellie Brodis, 635 Greenwood Village, spoke in opposition to the Heritage Oaks Boulevard/Doherty Drive extension. She stated it would provide no benefit to anyone in Greenwood Village. She believed the cost of the project should benefit the greater good. The City should be able to find better use of the funds rather than for the road addition. Also, the City should preserve as much green space as possible, which makes West Melbourne a desirable place to live. The road would negatively impact the flooding in the community. She asked Council to remove the extension from the Comprehensive Plan for all of the citizens.

Ed Hines, 2345 Botanica Circle, thanked the Mayor for the State of the City report. He commented that he had been following the Heritage Oaks Boulevard/Doherty Drive extension project for several years. He had read through several documents and had provided comments on the harmful impacts of the road. He asked Council to focus on those who are against the road. He stated the record showed that 4 to 1 emails are in opposition. Residents speaking at the meetings showed 15 to 1 in opposition. The letters sent to St. Johns River Water Management District showed 60 to 1 in opposition. The petitions in opposition to the roadway was 300 to zero. He noted the pattern was clear. Those opposed were the most respected residents and were members of the homeowner association boards. He encouraged Council to listen to the message that was being presented.

Justin Lauer, 2205 Botanica Circle, stated that he had a history of working with teams in making good decisions that would benefit all stakeholders. The Doherty Drive extension was not a good change and brings negative consequences to the residents. It does not benefit other neighborhoods of West Melbourne. The key issue is the

flooding. Eastwood was built which blocked the extension from going through to Fell Road. The road project for the extension should have been cancelled. The canal was needed to absorb water. He also addressed child safety and how the additional traffic would cause problems. He wanted to limit those coming into the neighborhood. He spoke about home values and the negative impacts to the endangered species living in the area. He encouraged Council to vote to cancel this project and remove it from the Comprehensive Plan.

Ted McKercher, 2470 Windchaser Court, spoke about dollars and sense. He stated the City has the ability to retain the green space and should take advantage. The area for the extension was a healthy green area and will help to channel water to the lagoon. Those who are in favor of the roadway are non-existent. The concept for the roadway is not safe with a 90 degree turn into a canal and there was no money in the budget for a barrier. In addition, there was no budget for lighting of the roadway. He asked Council to eliminate the expense of the unwanted project.

Jana Marie Lauer, 2205 Botanica Circle, spoke in order to participate in the meeting process as part of a school assignment. She stated that it was an amazing experience and she was glad to be speaking. She thought it was wonderful to hear what citizens have to say and provide their input. She thanked Council for listening.

Tracy Hudson-Frantzis, 569 Sylvia Road, spoke on the difficulty in exiting her street onto Henry Avenue. She stated that it was frustrating and the proposed road would dump more traffic on Henry Avenue and make the traffic situation even worse. She also stated the extension would create negative impacts to the flooding situation on her street. As a realtor, she knew the road would affect the value of her home in a negative way. She implored Council to take the roadway out of the Comprehensive Plan.

Karen Perlberg, 1872 Lune Court, asked Council to vote "no" on the extension. She asked that the trees not be lost in that area.

Greg Perlberg, 1872 Lune Court, asked Council to terminate the project and do well for the entire population. He saw no value in the project. There was a long list of negative impacts. The traffic study was based on one day and had no statistical value. He did not believe it was a valid study and should not be used as a basis for a decision. Once the road is built, vehicle use would be greater than what was expected. He also noted that there had been significant growth in the community since the study was done, making the study invalid. He asked that the City put the land into conservancy.

Lisa Steele, 2215 Botanica Circle, said she moved here in 2011 and since 2012, has spoken in opposition to the extension. She did not believe that they were still talking about the roadway and asked Council to "put it to rest." She asked that Council save the time it has taken to go through this again and save money for the taxpayers.

Paul Lally, 2440 Windchaser Court, stated his heartfelt negative reaction to the project. Although he had only been in the area for a few years, he noticed the changes that have impacted the area and was personally involved as a victim of a crime. The extension will increase traffic and crime in the neighborhood. There is already enough

traffic on Minton Road. He stated the extension would impact the children and would get them hurt. Reducing the speed limit would not be enough. He also spoke about the loss of the habitat and concern with the loss of the wildlife. It would have no benefit to the community. He asked Council to vote against the roadway.

Bill Hayden, 2263 Woodfield Circle, spoke about the traffic study that provided conclusions that were not correct and should not be used as a basis for their decision. He believed the predictions of the study were low by 32 percent. In addition, the study was done in 2019 and there had been a great deal of growth. He believed the cost of the road would be a waste of public money.

Suzy Kedzierski, 2133 Woodfield Circle, stated that Council had heard her objections and she just wanted to speak in support of the others that were here. She stated the roadway would be a bad investment and that the project should be cancelled.

Danielle Westrich, 2460 Windchaser Court, spoke to the audience asking for all those opposed to stand. She then spoke to Council stating that those who had stood had hired them and they should oppose the Doherty Drive extension.

Mayor Rose closed the public forum.

## **8. ACTION AGENDA**

**Heritage Oaks/Doherty Extension.** City Manager Rhode reviewed the timeline for proposed project. He also presented a drawing showing the proposed road extension.

David Earnshaw, 2295 Botanica Circle, stated he had been in area since 2010 and has been in Heritage Oaks since 2013. The area has seen a great deal of growth and he has seen many animals move into the strip of land proposed for the extension. He stated his opposition to the road because of the impacts to the animals.

Hope Darrow, 2565 Summerwind Court, stated she was the Vice President of the Heritage Oaks Homeowners Association and was accustomed to construction projects and traffic study and stormwater analysis. She believed the traffic study was targeted and did not look at the current technology. If the road was built, traffic would be diverted through the neighborhood. She believed the cost perspective was low and the project would cost much more than predicted. She also commented on the animals that lived in the area and how the road would have a negative impact on home values. She asked Council to preserve the quality of life for their community.

Gilbert Camacho, 1882 Lune Court, stated that Heritage Oaks Boulevard is a major arterial that connects many communities. Building the extension would change many things and affect the pulse of the community. He valued the ability to walk in the neighborhood and believed that would be taken away with the additional traffic. Residents and parents know where the bus stops are and where their children walk. He stated that he could not stress enough how opposed everyone is to the project. Council needed to have the wisdom to leave the community as it is and vote 'no' on the project.



Denise Warren, 2123 Woodfield Circle, agreed with previous speakers and spoke on the negative environmental impacts. She stated she had been in the neighborhood for 20 years and had been walking the neighborhood for as long. She asked Council to look at the safety standpoint, particularly in regards to the children. She noted that no one stops for the stop signs and there were many careless drivers. For the safety of the neighborhood, she asked that Council not build the road.

Doug Neveu, 2372 Woodfield Circle, stated he had nothing new to add as that being stated by the others speakers but specified his opposition and asked that Council vote 'no' and put this issue to rest.

Mark Mankowski, 527 Sylvia Road, said he lived in the same house over the last 47 years and has seen a lot of changes. He did not believe the extension would be a good change. He agreed with the comments that had been made on safety, flooding, and traffic. He asked Council not to approve the extension. It was not necessary.

Paul Smithey, 2462 Woodfield Circle, stated he had been a resident for 20 years and agreed with the other speakers. If the road was built, it seemed to be common sense that there would be an increase in traffic. He stated for someone traveling north on Minton Road and wanting to travel east, they could turn onto Heritage Oaks Boulevard. The driver would then be met with at least four different stop signs that they would drift through. The traffic signal at Doherty Drive and Henry Avenue would also slow traffic traveling on Henry Avenue. He stated he was opposed to the roadway.

Lori Smithey, 2462 Woodfield Circle, stated she lived in Woodfield for 20 years and believed Council was doing a good job. Council should spend money on true improvements and not those that would negatively impact the quality of life. She respectfully asked that Council shut the project down.

Ellie Brodis, 635 Greenwood Village, spoke again to reiterate that she lived in a separate area and still believed the road should be removed from the City's Comprehensive Plan.

Justin Lauer, 2205 Botanica Circle, also spoke again stating the time had arrived to vote on this again. He hoped Council would vote against the roadway. The residents do not support the roadway and have provided written comments. Also, they had 300 signatures on a petition against the roadway. He asked Council to listen and remove the roadway from the Comprehensive Plan. Please respect the majority.

Ed Hines, 2345 Botanica Circle, also spoke again on the traffic issues and the expected through traffic. He noted that Trend Road had a great deal of traffic for those avoiding the signal at Henry Avenue and Hollywood Boulevard. The proposed extension would funnel the dangerous and frustrated drivers. He noted that the Minton Road Corridor study made statements about crossing guards getting hit by vehicles. However, the study was limited and should have projected 15-20 years in the future. The impacts will be much worse than what was predicted. He noted this region was one of the worst for pedestrian accidents. He asked that Council not put lives in jeopardy.

*Council Member Adams moved to withdraw consideration of the Heritage Oaks Boulevard/Doherty Drive Extension from consideration and remove it from the 2040 Comprehensive Plan. Council Member Bentley seconded the motion.*

Council Member Adams noted that the residents had provided compelling reasons. The road was meant to provide a benefit to the overall community as well as a second exit for the community. However, based on the community comments, it appears that a majority of the residents did not want the project at this time.

Council Member Bentley asked about the St. Johns River Water Management District permit. City Manager Rhode stated that it had not yet been received but he was confident that it would be issued. Council Member Bentley stated that he had not supported this project. During one of the previous hurricanes, he had visited the canal and noted that it was overflowing. If it could not handle the water now, he was concerned on what would happen if more impervious surface was added.

Deputy Mayor Phrampus spoke on the importance of having a second access to a community and what it would mean for the Sawgrass community. He believed that the second entrance should be done as part of the planning process and felt they were remiss in planning the larger developments.

Council Member Young stated she had done a lot of homework and appreciated all of the comments. She noted that from the speed trailer placed on Heritage Oaks Boulevard, the highest speed was 64 mph. She believed speeding traffic was already a problem for these communities. She stated the extension was not meant to be a road for the entire City but for the residents of Heritage Oaks. She stated she would be supporting the motion.

Council Member McDow stated he had received all of the emails but had not been on Council when this was up for a vote in the past. He stated he did not support the extension but would have been obligated to listen to any comments in favor of the extension if they had been presented.

Council Member Dittmore stated that he had told Mr. Lauer back in 2018 that if he could get more than 50 percent of the neighborhood in opposition, he would support the opposition. He noted that Mr. Lauer has been a champion for this and he should be commended for his work in keeping the residents informed.

Mayor Rose stated that when he moved into the neighborhood, his backyard was heavily wooded and eventually became Heritage Oaks Boulevard. He stated that he was impacted when the road was built. He stated that the City has new rules that state that if 200 homes are developed it would require two access points. He believed there would be issues when the commercial properties located at the west end of Heritage Oaks Boulevard were developed. He asked that the City Manager work with the County to have the traffic signal at the intersection of Heritage Oaks Boulevard/Minton Road to run similar to that at Hollywood Boulevard/Henry Avenue so that each of the four points has their own green light without having to worry about crossing traffic.

*Council then voted on the motion to withdraw consideration of the Heritage Oaks Boulevard/Doherty Drive Extension, which passed unanimously.*

**Annual Update of Five Year Capital Improvement Plan.** City Manager Rhode presented an ordinance updating the City's five-year capital improvement plan. He pointed out that this was not a budget document but rather a document of the comprehensive plan to consider for future budget consideration.

Council discussed three of the expenditures in the plan. First was the \$3.5 million for the building department building. City Manager Rhode indicated that this was scheduled to be discussed at the next meeting. Council brought up issues of building a new building for the City's administrative offices (Planning, Administration, and Finance) and a new Council Chamber and, then having the Building Department purchase the second floor of the existing City Hall.

City Manager Rhode stated the second large item was an estimated \$5 million for a community center. Council discussed the possibility of allocating funds in advance for this project. City Manager Rhode cautioned that funds earmarked for one purpose would be removed from the City's reserve.

City Manager Rhode stated the third item would be the \$3 million designed for Henry Avenue. He noted that the road had structural integrity issues which need to be addressed. Building the base structure would be expensive. He noted that impact fees may be able to be used. He reminded Council that impact fees could not be used to maintain the roads but could be used to improve them.

City Attorney Cary read Ordinance No. 2023-01, in title only:

#### **ORDINANCE NO. 2023-01**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN CONSISTENT WITH CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

*Council Member Adams moved to approve the first reading of Ordinance No. 2023-01 updating the City's Five Year Capital Improvement Plan, and set a public hearing and second reading for February 7, 2023. Deputy Mayor Phrampus seconded the motion, which passed unanimously.*

**FY 2022-2023 Sanitary Lift Station Rehabilitation.** Public Works Director Piccirillo presented the bid documents for the Sanitary Lift Station Rehabilitation. He noted the proposal was to rehabilitate two lift stations: Lift Station #110 at Barnett Bank, and Lift Station #114 on Henry Avenue. He stated that two bids had been received and he was

recommending award to the low bidder, Hinterland Group, for \$320,775 and the expenditure of \$84,610 to Barney's pumps.

Council Member Adams asked about the life span of the lift stations. Project Manager Mascher stated that they usually need to be rehabbed within 5-7 years depending on the amount of use.

*Council Member Adams moved to approve and award a contract to Hinterland Group, Inc. in the amount of \$320,775 for the rehabilitation of two lift stations: Barnett Bank #110 and Henry Avenue #114, along with the expenditure of \$84,610 to Barney's Pumps for a total project cost of \$405,385. Council Member Bentley seconded the motion.*

Council Member Bentley asked if the City had used the vendor in the past. Public Works Director Piccirillo stated they had recently completed the force main project for Meadowlane Avenue.

Mayor Rose asked why the City purchased the pumps rather than keep them as part of the contract. Public Works Director Piccirillo stated the City purchases the pumps so that they are all the same.

*There being no further questions, Council voted on the motion to award the bid to Hinterland, which passed unanimously.*

**Private Driveway Naming for Legacy Apartments.** Planning Director Fischer presented a resolution to officially name the private internal driveways in Legacy Apartments. She explained this is required by the County for addressing property.

*Deputy Mayor Phrampus moved to approve Resolution No. 2023-01, officially naming the private internal driveways in Legacy apartments. Council Member Young seconded the motion, which passed unanimously.*

**Statutory Pension for City Council Members.** City Attorney Cary presented a resolution to require the City to provide funds for the pensions for elected officials. The existing state statute requires cities to provide pensions to members who serve at least 20 years. The pension would be one-half of the member's pay at the time of resignation or retirement. He stated that currently there are no elected Council Members that have reached the milestone but the Mayor has served more than 20 years. He noted that the state statute would override any conflicts in the City Charter in regards to remuneration.

Deputy Mayor Phrampus stated that he was not aware of the statute. He believed the City needed to put a system in place that would mirror what the Florida Retirement System (FRS) is doing so that members are making contributions to the plan. He noted the statute adds that the City can provide something for elected officials after 10 years. He believed that the City should be in line with the statute. He stated he was not suggesting that the City join FRS. When asked about how this would be approved, City Attorney Cary stated that any proposed plan would need to be approved by ordinance.

Council Member Dittmore indicated he had brought this up a few years ago and believed it was an unfunded mandate by the state. Elected officials do not contribute into a plan but will receive a benefit paid entirely by the tax payers. He stated that both he and Deputy Mayor Phrampus are aware of how pension systems work. He stated that 50 percent of the annual salary for 20 years of service results in a 2.5 percent multiplier mandated by the state. Most pension plans require an average of the last few years of service. This is an ancient state statute. For FRS, the initial cost to the City would be 10 or 11 percent by the City and then goes to 47 percent or higher. He also noted that if the City had elected to adopt the Florida Retirement System (FRS) for elected officials several years ago, this pension would be paid by the state rather than the City's funds.

Mayor Rose stated that there were five different pension plans in the City, two of which are with the Police Department. A few employees did not select to go into FRS so they are under the previous plan. Also, management personnel such as the City Manager are in a separate plan. He reviewed the different multipliers through FRS plans for different categories. He suggested that a plan could be adopted by the City that allows for vesting at 10 years for elected officials. In addition, the FRS has beneficiary options while the state statute does not provide that option. Nor does the state statute provide for the yearly \$10 assistance for health insurance.

Council Member McDow acknowledged that any public servant that has served for 20 years should be applauded and supported. He stated he would support taking another look at what other cities are doing in regards to pension plans.

Mayor Rose provided a summary of pension plans in other cities as well as the current contribution rates.

City Attorney Cary stated approving the resolution would not preclude the City looking at other options going forward.

Council Member Dittmore stated that the City would be paying for the pension. If the City had joined FRS for elected officials back when it was first adopted, the bulk of the cost of payment for the pension would have been paid by the state. The City would have paid in but at a lower number.

Council Member Bentley asked if any changes would need to go to the voters if they did anything other than what was in the statute. City Attorney Cary stated the statutory mandate would override the Charter. Based on what the Council is considering for the future, he would want to do further research on whether a referendum would be needed.

Council Member Adams stated that the resolution mirrors the statute and would apply to anyone that serves on Council and would not apply to just the Mayor. She reminded that Council needs to consider the position and not the person.

*Council Member McDow moved to adopt Resolution No. 2023-02, directing the City Manager to budget for pensions for City Council Members based on the State Statutes and take other appropriate administrative actions. Deputy Mayor Phrampus seconded the motion, which passed unanimously.*

Council continued discussion on other options for elected officials. Mayor Rose asked that staff come back with other options available. Deputy Mayor Phrampus stated that any proposal should mirror what is being done for employees at the City. City Manager Rhode stated he would look at what is being offered at other cities.

*The time being 10:30 p.m., Council Member Adams moved to extend the meeting. Council Member McDow second the motion, which passed unanimously.*

## **9. MANAGEMENT REPORTS**

**Special Populations Coordinator.** Assistant City Manager Bradford presented an update on the work of the Special Populations Coordinator position, showing a timeline of events as well as projects to raise awareness about the amenities available at the park. Council discussed what had been done to address special needs. Assistant City Manager Bradford stated that there had been more contacts with groups that we may not have had contacted before. The goal was to get the word out on what was available. Drawbacks are that the City does not currently have a league that regularly comes out to the park rather than one-day events. There were challenges with transportation, volunteers and the need to replace the surface of the fields.

**First Quarter FY2022-2023 Budget Status Report.** Council received the first quarter budget status report.

## **10. CITY COUNCIL REPORTS**

Due to the late hour, no Council reports were presented.

## **11. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:58 p.m.