

MAYOR
Hal J. Rose

DEPUTY MAYOR
John Dittmore

COUNCIL MEMBERS
Daniel Batcheldor
Pat Bentley
Daniel McDow
Stephen Phrampus
Andrea Young



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CITY COUNCIL REGULAR MEETING

MINUTES

January 19, 2021

1. CALL TO ORDER

Mayor Rose called the meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT MEDITATION

Mayor Rose led the Pledge of Allegiance followed by a moment of silence.

3. ROLL CALL

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

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

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

New Employee Introductions. Public Works Director Mark Piccirillo introduced Maintenance Worker Cory Backer and Water Distribution Worker Alan Brookins, both who started with the City on December 28, 2020.

Mayor's Annual State of the City Presentation. Mayor Rose presented the City's 2020 Year in Review covering the pandemic, municipal services, and the financial position of the City.

City Council Strategic Planning. Facilitator Jim Karas summarized the December 6, 2020, City Council strategic planning workshop. He covered the discussion of the vision for the City and developing a list of challenges, opportunities and strategies.

Mayor Rose indicated he would like to see further work done on the discussions from the workshop. City Manager Morgan stated that a future workshop could be held to rank the 23 items with the understanding that it would take time and funding for development of the strategies.

5. PUBLIC HEARINGS

Water Rate Adjustment. City Manager Morgan presented the second reading of Ordinance No. 2020-17 to consider a modest increase for the fixed rate and partially offsetting reduction in the variable portion of the water rates. He noted that the last increase was more than five years ago. The typical single-family home would see a net increase of about 27 cents per month. He noted that two changes from the first reading had been incorporated into the ordinance. The first change was to shorten the increase to three years and the second was to have the master metered multi-family fixed rate be the same as the single-family fixed rate on March 1, 2023. The ordinance was advertised as per Florida Statutes.

City Attorney Richardson read, in title only, Ordinance No. 2020-17:

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REPEALING AND REPLACING SECTION 58-98(a), MONTHLY POTABLE WATER RATES; 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 opened the public hearing. There being no comments, he closed the public hearing.

Council Member Bentley confirmed that the increase would stop after the third year. City Manager Morgan stated that it would be a good time at that point to evaluate the financial position in relation to the completion of the distribution improvements and payments on the future water plant bond issue.

Council Member Bentley moved to adopt on second reading Ordinance No. 2020-17 increasing water service charges and reducing water consumption charges effective March 1, 2021. Council Member Young seconded the motion, which passed unanimously.

Five Year Capital Improvement Plan Annual Update. City Manager Morgan presented the second reading of Ordinance No. 2020-18 to update the City's Five Year Capital Improvement Plan. The projects in the first year were included in the current year's budget and those in years 2-5 are planned and considered cost feasible with some having the potential for grant opportunities. The estimated costs of all the

projects was \$73,000,000. The ordinance had been advertised in *Florida Today* and no comments had been made nor were there any changes from first reading.

City Attorney Richardson read, in title only, Ordinance No. 2020-18:

ORDINANCE NO. 2020-18

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.

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

Council Member Phrampus suggested the plan include the funding that would be received for widening of Norfolk Parkway from the first amendment to the development agreement with Pineapple Cove Classical Academy, which was scheduled for consideration later in the meeting.

Mayor Rose noted that this had been approved at first reading but not unanimously. He asked if opposed to one of the projects if Council members should vote against the ordinance. He noted his concern with the \$800,000 budgeted for the purchase of land adjacent to the West Melbourne Community Park. City Manager Morgan noted that the \$800,000 proposed for the purchase of the land was financially feasible but it was not a part of the adopted budget. Council would need to effectuate the expenditure in the future. He understood as well that there was some concern that the dollars might be better spent on capital improvements within the existing parks.

Mayor Rose asked about a traffic signal as part of the Doherty Drive extension at Henry Avenue. City Manager Morgan stated the traffic engineer had forecasted that the traffic at the intersection would not warrant a traffic signal.

Council Member Phrampus moved to adopt on second reading Ordinance No. 2020-18 updating the City's Five Year Capital Improvement Plan with the additional funding provided for the widening of Norfolk Parkway if the agreement was approved. Council Member Young seconded the motion, which passed 6-1, with Council Member Bentley opposed.

Entrance Sign Feature. City Attorney Richardson presented the second reading of Ordinance No. 2020-10 to allow for entrance feature signs. He reminded Council that Sprengergarten had asked that this be amended so that a free standing metal arch over the driveway with signage incorporated could be constructed. The current code does

not allow detached signs over 12 feet in height. In order to accommodate a sign into the arch feature, an amendment is needed. The owner had agreed that this would be the only sign on the property and the City Attorney asked that there be a binding development plan.

City Attorney Richardson read, in title only, Ordinance No. 2020-10:

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 72 – SIGNS, OF THE WEST MELBOURNE CODE OF ORDINANCES; AMENDING SECTION 72-14, PERMANENT ON-SITE SIGNS AND SECTION 72-18, SIGN REGULATION SUMMARY CHART, TO PROVIDE REGULATIONS FOR ENTRANCE FEATURE IDENTIFICATION SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Council Member Bentley asked about the sensitivity issue that was raised at the last meeting. Council Member Batcheldor stated that he was simply raising the issue that others had expressed concern with the design. He noted that he had no objection to the sign.

Council Member Young moved to adopt on second reading Ordinance No. 2020-10 to allow for entrance feature signs and approve the binding development plan with Sprengergarten. Deputy Mayor Dittmore seconded the motion, which passed unanimously.

Operation of Golf Carts on Private Roads. City Attorney Richardson presented the second reading of Ordinance No. 2020-16 to allow private communities to designate private roads for use by golf carts. He provided a review of the ordinance and noted that certain signage would be required indicating that golf carts would not be permitted beyond a certain point.

City Attorney Richardson read, in title only, Ordinance No. 2020-16:

ORDINANCE NO. 2020-16

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, CREATING A NEW ARTICLE VI (GOLF CARTS), CHAPTER 54 (TRAFFIC AND VEHICLES), IN THE WEST MELBOURNE CODE OF ORDINANCES, RELATING TO THE OPERATION OF GOLF CARTS ON PRIVATE ROADS; PROVIDING FOR LEGISLATIVE INTENT AND FINDINGS;

PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY,
CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Council Member Phrampus moved to adopt on second reading Ordinance No. 2020-16, allowing private communities to designate private roads for use by golf carts. Council Member Young seconded the motion.

Deputy Mayor Dittmore asked if any of the homeowners association had contacted the City regarding the ordinance. City Attorney Richardson stated that he had not received any questions. Deputy Mayor Dittmore stated there appeared to be no other interest in this ordinance other than the Sawgrass community, which already has traffic issues. He believed that steps needed to be taken to protect our children so that 14- and 15-year-olds were not put at risk.

Council Member Phrampus stated that, as a representative for Sawgrass, he had not received a negative response on the rules proposed for golf carts. The ordinance was initially proposed from a citizen from Hammock Lakes. He agreed that there were traffic concerns in Sawgrass Lakes but most were not on the private roadways and were located at Norfolk Parkway.

Mayor Rose asked if golf carts would be permitted in Hollywood Estates. City Attorney Richardson stated that they are already permitted because it was a retirement community.

Mayor Rose commented that his homeowners association did not want to have golf carts nor low speed vehicles. Council Member Bentley confirmed that the golf carts would only be permitted with the ordinance if the homeowners association agreed.

Deputy Mayor Dittmore commented that he believed the golf carts would create significant concerns in Sawgrass Lakes and would force traffic to slow down and create impatient drivers. He believed the ordinance would empower communities to put 14- and 15-year-olds in the golf carts. Sawgrass was not built to be a golf cart community. He also stated this ordinance would pass along the enforcement power to the homeowners association and they were not equipped to do so.

Mayor Rose stated that he hoped that the parents would get involved and asked if homeowner associations could require some kind of driving manual that would need to be reviewed by teenagers before they were permitted on the roadway. City Attorney Richardson stated they could ask that drivers be educated, but it would be difficult for homeowner associations to enforce.

Council then voted on the motion to approve Ordinance No. 2020-16, which passed 6-1 with Deputy Mayor Dittmore opposed.

Amend Gateway Interchange to Allow for Service Stations. Planning Director Fischer reported the proposed amendment to add service stations to the Gateway Interchange District as a permitted use would need to be postponed to February 16, 2021.

Council Member Bentley moved to postpone the hearing until February 16 for the proposed code amendment to Gateway Interchange District to allow for service stations. Council Member Batchelder seconded the motion, which passed unanimously.

Annexation, Large Scale Amendment and Rezoning of Property West of Columbia Lane and I-95 and North of U.S. 192. Planning Director Fischer presented the first reading of Ordinance No. 2021-01, Ordinance No. 2021-02 and Ordinance No. 2021-03. She explained the ordinances would provide for the annexation, comprehensive plan amendment and rezoning for a 34.52 acre property located west of Columbia Lane and I-95 and north of U.S. 192 and owned by William P. Turnbaugh.

City Attorney Richardson reminded Council that this was a quasi-judicial hearing and that Council would need to disclose if they had talked with anyone about this agenda item or if they had visited the site.

Planning Director Fischer reviewed the proposal to annex the property and noted that it was being done to obtain municipal service. She reviewed the urban services such as utilities, access, stormwater, fire and police.

City Attorney Richardson read, in title only, Ordinance No. 2021-01:

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION PARCELS OF LAND TOTALING APPROXIMATELY 34.52 ACRES LOCATED ON THE SOUTH SIDE OF U.S. 192, WEST OF INTERSTATE 95 AND EAST OF THE ST. JOHNS HERITAGE PARKWAY, AS MORE FULLY DESCRIBED HEREIN; FINDING THAT THE AREA BEING ANNEXED IS REASONABLY COMPACT AND CONTIGUOUS TO THE CITY, THAT THE ANNEXATION OF THE PROPERTY DOES NOT CREATE AN ENCLAVE, AND THAT THE ANNEXATION OF THE PROPERTY OTHERWISE COMPLIES WITH FLORIDA LAW; AMENDING THE CORPORATE BOUNDARIES OF THE CITY TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR FILING OF THE REVISED CITY BOUNDARIES WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Rose asked for any disclosures. Council Member Phrampus stated he had researched the property and used Google maps to better understand its location.

William Turnbaugh, owner of the property, stated the property is across from Space Coast Town Center, which is why they would be asking for a commercial use along U.S. 192. The rear of the property was proposed for industrial, which is similar to the uses surrounding the property. There would be a small portion of the site that would be residential to provide a buffer to the adjacent residential property to the north. He explained he had no plans to improve the property but hoped to make the property more appealing to a developer.

Planning Director Fischer presented the future land use designation change from Brevard County Residential 2 (RES-2) to the City LD-RES (low density residential) to the north, and IND (industrial) and COM (commercial) for the majority of the property. She explained there was a home on the property which would be a legal nonconforming use. She provided the staff analysis on the maximum infrastructure and capacity and noted that it would be consistent with the future land use goals, objectives and policies.

Planning Director Fischer also reviewed the proposed rezoning from A-U (residential agricultural) to R-1A (single-family residential), M-1 (light industrial and warehousing) and C-P (commercial parkway). Council discussed the 69-foot lot depth for the residential portion of the property and noted that this would create another non-conforming as the minimum lot width was 75 feet for the R-1A. She noted the Planning & Zoning Board approved the transmittal and the rezoning at their January 12, 2021, meeting.

City Attorney Richardson read, in title only, Ordinance Nos. 2021-02 and 2021-03:

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO PROVIDE FOR LD-RES (LOW DENSITY RESIDENTIAL), IND (INDUSTRIAL) AND COM (COMMERCIAL) LAND USE ON 34.52 ACRES OF NEWLY ANNEXED LAND GENERALLY LOCATED ON THE NORTH SIDE OF U.S. 192, WEST OF INTERSTATE 95, AND EAST OF ST. JOHNS HERITAGE PARKWAY, AND AS MORE FULLY DESCRIBED HEREIN; ESTABLISHING AN APPROPRIATE LAND USE FOR THE PROPERTY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; EXTENDING THE GOALS, OBJECTIVES, AND POLICIES AND OTHER LAND USE PLANNING REQUIREMENTS TO THE PROPERTY; AND, PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A NEWLY ANNEXED 34.52 ACRE PARCEL OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF U.S. 192, WEST OF

INTERSTATE 95, AND EAST OF ST. JOHNS HERITAGE PARKWAY, AND AS MORE FULLY DESCRIBED HEREIN, FROM BREVARD COUNTY AU (AGRICULTURAL RESIDENTIAL) TO CITY OF WEST MELBOURNE R-1A (SINGLE-FAMILY RESIDENTIAL), M-1 (LIGHT INDUSTRIAL AND WAREHOUSING) AND C-P (COMMERCIAL PARKWAY); PROVIDING AN EFFECTIVE DATE.

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

Council Member Batcheldor moved to approve the first reading of Ordinance No. 2021-01, annexing the 34.52 acre property west of Columbia Lane and I-95 and north of U.S. 192. Council Member Bentley seconded the motion.

Council Member Bentley noted that the residential portion to the north could be six feet wider or longer and it would not be considered a non-conformity. Planning Director Fischer stated the rezoning would allow for a buffer area that may be used for accessory uses for industrial properties, such as a parking lot. The goal is to provide a buffer between the industrial to the south and the residential property to the north. City Attorney Richardson indicated the proposal before the Planning & Zoning Board did not specify the depth of the property but rather referred to it as a one-acre parcel.

Council Member Young spoke about the flooding for the residential parcel to the north and that she would want to see the flooding concerns addressed.

Planning Director Fischer stated that the buffer could be accomplished through a binding development agreement with the property owner so that non-occupied types of structures such as parking could be placed in the area to the north on this property. Mr. Turnbaugh stated the he would agree to provide a buffer.

Mayor Rose asked if there would need to be a wall. Planning Director Fischer stated that if the industrial property abutted residential, a wall was required.

Council then voted on the motion to approve the first reading of Ordinance No. 2021-01 to annex the property, which passed unanimously.

Council Member Batcheldor moved to approve the first reading of Ordinance No. 2021-02 and transmit the large scale comprehensive plan map amendment to change the future land use of the property. Council Member Bentley seconded the motion, which passed unanimously.

Council Member Bentley moved to approve the first reading of Ordinance No. 2021-03, rezoning 34.52 acres from AU to C-P (Commercial Parkway) and M-1(Light Industrial), with the condition that the comprehensive plan map amendment is approved and a binding development plan is approved for no vertical building on the one-acre northern portion of the property to provide a buffer. Council Member Phrampus seconded the motion, which passed 7-0.

Annexation of 23.27 Acre Property West of Minton Road on Carriage Gate Drive (Greenleaf) and Large Scale Amendment and Rezoning for 23.27 Acre Property West of Minton Road on Carriage Gate Drive. Council Member Phrampus disclosed that he had talked to several residents and had visited the site. He had also spoken with the Carriage Gate homeowner association president, who asked that the land not be developed because of the traffic congestion and worsening flood risks.

Deputy Mayor Dittmore disclosed that he talked to residents and they had conveyed that the property should be maintained as residential rather than commercial or industrial.

Mayor Rose disclosed that he had driven by a few times and talked with one gentleman who stated that there should be no more development in West Melbourne because he liked the trees.

Planning Director Fischer presented the first reading of Ordinance No. 2021-04 to annex 23.27 acres located along Carriage Gate Drive and west of Minton Road into the City. She noted the project was being called Greenleaf. She presented a map of the area noting that it was currently vacant. The City had been communicating with Brevard County about improvements at Minton Road.

City Attorney Richardson read, in title only, Ordinance No. 2021-04

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION PARCELS OF LAND TOTALING APPROXIMATELY 23.27 ACRES LOCATED SOUTHWEST OF INTERSTATE 95, WEST OF MINTON ROAD, AND SOUTH AND WEST OF CARRIAGE GATE DRIVE, AS MORE FULLY DESCRIBED HEREIN; FINDING THAT THE AREA BEING ANNEXED IS REASONABLY COMPACT AND CONTIGUOUS TO THE CITY, THAT THE ANNEXATION OF THE PROPERTY DOES NOT CREATE AN ENCLAVE, AND THAT THE ANNEXATION OF THE PROPERTY OTHERWISE COMPLIES WITH FLORIDA LAW; AMENDING THE CORPORATE BOUNDARIES OF THE CITY TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR FILING OF THE REVISED CITY BOUNDARIES WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Director Fischer presented the first reading of Ordinance No. 2021-05 to approve the transmittal of the large scale comprehensive plan map amendment, and the first reading of Ordinance No. 2021-06 to rezone the property. She provided analysis of the surrounding land use and the access on Carriage Gate Drive. The amendment was

consistent with the future land use goals, objectives and policies and would add low density housing.

Planning Director Fischer talked about the access on Minton Road and the traffic issues for vehicles. She indicated the County had no plans for signaling the intersection because of its proximity to the I-95 bridge and other intersections.

Planning Director Fischer spoke on the proposed rezoning which would go from the County's GU (general use) to R-1A (low density residential). The property could be developed at a higher impact with the county's land use designation and zoning.

City Attorney Richardson read, in title only, Ordinance Nos. 2021-05 and 2021-06:

ORDINANCE NO. 2021-05

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO PROVIDE FOR LD-RES (LOW DENSITY RESIDENTIAL) LAND USE ON 23.37 ACRES OF NEWLY ANNEXED LAND GENERALLY LOCATED SOUTHWEST OF INTERSTATE 95, WEST OF MINTON ROAD, AND SOUTH AND WEST OF CARRIAGE GATE DRIVE, AND AS MORE FULLY DESCRIBED HEREIN; ESTABLISHING AN APPROPRIATE LAND USE FOR THE PROPERTY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; EXTENDING THE GOALS, OBJECTIVES, AND POLICIES AND OTHER LAND USE PLANNING REQUIREMENTS TO THE PROPERTY; AND, PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A NEWLY ANNEXED 23.27 ACRE PARCEL OF LAND GENERALLY LOCATED SOUTHWEST OF INTERSTATE 95, WEST OF MINTON ROAD AND SOUTH AND WEST OF CARRIAGE GATE DRIVE, AND AS MORE FULLY DESCRIBED HEREIN, FROM BREVARD COUNTY GU (GENERAL USE) TO CITY OF WEST MELBOURNE R-1A (SINGLE-FAMILY RESIDENTIAL); PROVIDING AN EFFECTIVE DATE.

Mayor Rose opened the public hearing.

Thomas Krell, 3892 Peacock Drive, stated that he was unofficially representing the Carriage Gate community. He noted that they were opposed to development of this land. Any development would exacerbate the traffic issues for entering and exiting at Carriage Gate Drive and Minton Road. The proposed development of 55 homes would add about 200-300 more residents. He explained that there were storm drain issues and Carriage Gate was in a low-lying area and they get standing water at the entrance. He also expressed concern that the ground would be disturbed where the landfill was located. He stated Carriage Gate was a predominantly elderly community and some are adverse to leave the community because of the dangerous intersection at Carriage

Gate Drive/Minton Road. He did not believe that any development of the land would solve that problem but would create a bigger problem. He suggested that, if developed, sidewalks be added because many residents currently use the roadway for walking. Mr. Krell also had some concerns about being forced to hook up to City water and sewer and believed there was disparity in the statutes and distance requirements.

Cole Oliver of EKS Inc., in Cocoa stated he was representing the applicant. He noted that he had spoken to Mr. Krell and had a meeting with the residents of the Carriage Gate community. He agreed that traffic was a concern and needed to be addressed. He commented that they had met with St. Johns River Water Management District and would meet or exceed the requirements for retention ponds. Based on environmental studies, no portion of this property had been used for the landfill. He asked the Council to approve the proposal and stated that they would be a good neighbor for the Carriage Gate community.

Mayor Rose agreed that traffic was a concern but West Melbourne did not have the final say because the roads were County rights-of-way. Mr. Oliver stated that to proceed, the developer would be required to conduct traffic studies to determine the impacts. He noted that single-family was a low traffic generator compared to other uses permitted under the existing zoning. The Council discussed what the County was doing and proposals for acceleration lanes and turning lanes.

Council Member Phrampus stated he had talked to the Rodes family that resides to the property to the west and uses the subject property to access their property. Mr. Oliver explained he had met with the Rodes family and was willing to work on an agreement to provide access through the proposed development via one of the streets.

Council Member Bentley stated that the risk to Carriage Gate was worse if the property were not annexed. This proposal was for a single-family development which would be the best possible alternative.

Doris Andrews, 3585 Carriage Gate Drive, stated that Promise in Brevard owns the property across Minton to the east and they are planning on further development, which could make the traffic situation worse. Planning Director Fischer stated the property directly across Minton Road was not owned by Promise. However, the property just south was owned by Promise and any development would access from Norfolk Parkway and not Minton Road.

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

Council Member Phrampus said there was no clear solutions for the traffic problems. He believed the City was not managing growth and the residents were suffering. Additional homes were being added to Sawgrass Lakes and the Ascend Apartments, both of which would add to the traffic problems on Minton Road.

Deputy Mayor Dittmore agreed that the load on Minton Road was problematic, especially during peak hours. He commented that he felt they were being pushed into making a decision on this when it was not clear what was going to happen with the intersection. He stated that Council has an obligation to those who live in the City.

Council Member Bentley stated that they could not tell the property owner that they could not build because the road would fail and that the traffic impacts are too great. City Attorney Richardson agreed that Council could not deny the annexation on the basis that the road would fail.

Mayor Rose said the comments seemed to be centered on “not in my backyard.” He stated that 55 homes was minimal and would be the best case scenario for this property.

Council Member Phrampus moved to reject Ordinance No. 2021-01 to annex the 23.27-acre property along Carriage Gate Drive and west of Minton Road. Deputy Mayor Dittmore seconded the motion. The motion failed 2-5 in a roll call vote, with Mayor Rose and Council Members McDow, Young, Bentley and Batcheldor opposed.

Council Member Young moved to approve the first reading of Ordinance No. 2021-04, annexing the 23.27-acre property along Carriage Gate Drive and west of Minton Road. Council Member McDow seconded the motion. The motion passed, 5-2 in a roll call vote, with Council Member Phrampus and Deputy Mayor Dittmore opposed.

Council Member Young moved to approve the first reading of Ordinance No. 2021-05, approving the transmittal of the large scale comprehensive plan map amendment (LSA 2021-02) to change the future land use of the property from Brevard County Residential 2 (RES-2) and Neighborhood Commercial (NC) to City of West Melbourne Low Density Residential (LD-RES). Mayor Rose seconded the motion. The motion passed, 5-2 in a roll call vote, with Council Member Phrampus and Deputy Mayor Dittmore opposed.

Council Member Young moved to approve the first reading of Ordinance No. 2021-06 rezoning the properties from Brevard County GU to City of West Melbourne R-1A (Single-Family Residential) with the condition that the annexation and comprehensive plan map amendment (large scale) are approved. Mayor Rose seconded the motion, which passed 5-2, with Council Member Phrampus and Deputy Mayor Dittmore opposed.

6. PUBLIC FORUM

There were no speakers at the public forum.

7. CONSENT AGENDA

Mayor Rose asked for data on the number of times the West Melbourne Police Department has been to Melbourne Village and how many times Melbourne Village

Police have provided support to West Melbourne. City Manager Morgan stated he would get that information for Council.

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

- Approve the Regular City Council meeting minutes for December 15, 2020.
- Approve the renewal of the county-wide mutual aid agreement between Brevard County Law Enforcement Agencies, including the West Melbourne Police Department.
- Approve Resolution No. 2021-02 accepting the dedication of public water and sewer system improvements from The Aventine West Melbourne, LLC, and authorize the City Manager to sign the Bill of Sale.
- Approve Resolution No. 2021-04 accepting the dedication of public water, sewer system, roadway, stormwater, and lift station improvements from John's Landing, LLC and authorize the City Manager to sign the Bill of Sale.

8. ACTION AGENDA

Amendment to Pineapple Cove Classical Academy Charter School Development Agreement. City Attorney Richardson presented the first amendment to the development agreement with Pineapple Cove Classical Academy. He explained the initial agreement indicated that Pineapple Cove Classical Academy would develop the school in two phases. The second phase was designed and waiting on permits and the Academy would like to defer their obligation to build out Norfolk Parkway to their western boundary for an additional five years. The second issue of the agreement deals with the fair share to fund improvements needed on Norfolk Parkway. The proposal on Norfolk Parkway at the intersection of Minton Road was to add an additional turn lane to alleviate traffic congestion. The current project budget was \$400,000, and the Academy had agreed to contribute their fair share of \$250,000, making the total project budget \$650,000. Lastly, the agreement would reference the commitment to stagger school start times to assist in the traffic congestion.

Council Member Bentley moved to approve the First Amendment to the Development Agreement with Pineapple Cove Classical Academy of West Melbourne, Inc., providing for the payment of \$250,000 as Pineapple Cove's proportionate share of the cost of offsite traffic system improvements, and continuing for five years the deferral of Pineapple Cove's obligation to extend Norfolk Parkway beyond its current dead-end terminus to the western boundary of the Pineapple Cove property and providing that there will be staggered school start times as the upper grades are added. Deputy Mayor Dittmore seconded the motion.

Mayor Rose stated the extra lane would require that the Sawgrass Lakes subdivision sign on Norfolk Parkway be moved. He asked for assurance that the removal and placement of the sign for Sawgrass Lakes would not be paid by these funds. City Attorney Richardson confirmed that the funds could only be used for transportation improvements.

Council Member Batcheldor asked about off-site shuttle service from the vacant parking lots to aid in the parental frustration of dropping off and picking up children. Cliff Repperger, Whitebird Attorneys at Law, and representing Pineapple Cove Classical Academy, stated that he did not have an answer on the possibility of having a shuttle service but he would relay the concept to the ownership group.

Council then voted on the motion to approve the first amendment to the development agreement for Pineapple Cove Classical Academy, which passed unanimously.

Budget Amendment, Acceptance of Donation, and Authorization to Surplus and Purchase Replacement K-9. Police Chief Wiley presented Resolution No. 2021-03 and asked Council to approve the sale of K-9 Jax and amend the FY 2020-21 budget to accept a donation of \$9,500 for the purchase of a replacement dog. He reminded Council that Jax had been with the department for six years and had hip dysplasia, which is not uncommon for the German Shepard breed.

Deputy Mayor Dittmore asked about the sale to the handler at nominal cost. City Attorney Richardson explained the contract with the officer provides for the purchase of the dog when it retires.

Council Member Bentley moved to adopt Resolution No. 2021-03 declaring K-9 Jax to be surplus property and authorize the City Manager to sell K-9 Jax, and amend the FY 2020-21 budget to accept a donation and purchase of a replacement dog. Mayor Rose seconded the motion, which passed unanimously.

Lift Station Rehabilitation Project. Public Works Director Piccirillo presented the proposal for the rehabilitation of three lift stations: Idlewylde #115, Industrial #116, and Arrowood #139. A request for bids had been sent out and two bidders responded. The low bid was from Danus Utilities for \$345,254. The City will purchase the replacement materials from Barney's Pumps at a total cost of \$117,780.

Council Member Phrampus asked for confirmation that the second bidder was aware that the City would be purchasing the items needed from Barney's Pump. He questioned this because of a line in the bid package which asked for the cost for materials from the bidder. Public Works Director Piccirillo confirmed the materials would cover what was needed to repair the lift stations. Each lift station was different and the City has always purchased the pumps separately, which was spelled out in the bid documents.

Deputy Mayor Dittmore moved to award a contract to Danus Utilities, Inc. in the amount of \$345,254 for the rehabilitation of the Idlewylde #115, Industrial #116, and Arrowood #139 lift stations, and the expenditure of \$117,780 to Barney's Pumps, for a total project cost of \$463,034. Council Member Bentley seconded the motion, which passed unanimously.

Replacement of WEMCO Hydrogritter Separator on the Headworks Structure at the Ray Bullard Water Reclamation Facility. Public Works Director Piccirillo presented a proposal for the replacement of the hydrogritter separator which is inside the headworks structure and removes sand and grit. The equipment has a 15-year life and the labor to replace the piece of equipment would be performed by Jacobs personnel.

Council Member Phrampus asked how many hydrogritter separators were in the headworks structure. Public Works Piccirillo stated there was only one. Council Member Phrampus stated he had done some research and the hydrogritter had a 25-year life span. Jacobs Project Manager Mascher explained the equipment was worn out and it was heavily used.

Council Member Young moved to approve the purchase from Trillium Flow Technologies, Trillium Pumps USA Inc., for the WEMCO hydrogritter separator in the amount of \$58,343.00. Mayor Rose seconded the motion, which passed 7-0.

Resolution Naming Street in Ascend at Hammock Landing. Planning Director Fischer presented Resolution No. 2021-01 to officially name the private internal driveway for Ascend Apartments. She explained this would be the road to access the apartments. The resolution would be sent to the County and entered into the 9-1-1 system.

Council Member Phrampus moved to adopt Resolution No. 2021-01 officially naming the private internal driveway in the Ascend Apartments as Ascend Circle. Deputy Mayor Dittmore seconded the motion, which passed unanimously.

Final Plat for John's Landing. Planning Director Fischer presented the final plat for John's Landing for approval. The property was off of Fell Road, west of Minton Road. She noted that the final plat had been approved by the Planning & Zoning Board in December. There were a number of items that needed to be done and the developer had met all the conditions. She noted the plat was consistent with the approved preliminary plat.

Council Member Young moved to approve the final plat for John's Landing residential subdivision west of Minton Road on the north side of Fell Road just east of Max K. Rodes Park, with the condition that the sidewalk bond is received and the recording of the revised declaration of covenants. Deputy Mayor Dittmore seconded the motion, which passed unanimously.

9. CITY COUNCIL REPORTS

Council Member Bentley had no report.

Council Member Young thanked the police officer that assisted with an issue at Hollywood Estates.

Council Member McDow reported on several events he had attended. He also reported that he had been reaching out to citizens on equal rights protection, especially for those businesses with less than 15 employees. He hoped to have a human rights ordinance for Council consideration at a future meeting.

Council Member Phrampus reported he had toured the Hyatt hotel, the Public Works facility and the test well site. Also, he attended the YourLife grand opening and the Palm Bay Chamber luncheon.

Council Member Batcheldor thanked City management for the patience and due diligence in dealing with the comments recently received from a citizen about the construction noise at the site along Minton Road where they are building the church. He noted that he lived in the same subdivision and had experienced the same issue in regards to construction noise.

Deputy Mayor Dittmore reported he had attended the YourLife grand opening. He also commented on annexation costs and asked questions about the requirement to tie into the sewer.

Mayor Rose said the banners on U.S. 192 looked nice. He also said that, from the presentation at the Palm Bay Chamber, it should be noted that statistics show that crime is down in the County. He reported he had attended the ribbon cutting for YourLife. He presented a letter from the widower of Barbara Whitley, who had been a long-time member of the City's Planning and Zoning Board. He mentioned that registrations were continuing for the Mayor's Fitness Challenge.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 10:48 p.m.