

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

February 16, 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, Planning Director Christy Fischer, Jacobs Project Manager Brian Mascher, City Clerk Cynthia Hanscom, and members of the public.

Attending Remotely: Deputy City Manager Keith Mills, Finance Director Margi Starkey, and Human Resource Director Kimberly Gale.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

New Employee Introduction. Police Chief Wiley introduced Police Officer David Rausch, who started with the City on February 5, 2021.

Proclamation for Bleeding Disorder Awareness Month. Mayor Rose presented a proclamation to Samantha Nazario, Ambassador for the Bleeding Disorders Coalition of Florida, proclaiming March as Bleeding Disorder Awareness Month.

5. PUBLIC HEARINGS

Amendment to the Election Code. City Clerk Hanscom presented the second reading of Ordinance No. 2021-07 which would amend Chapter 22 of the City's code to reflect changes made to the City's charter by referendum in the November 2020 election. This change reflects language that is duplicated and would need to be amended so that there is no conflict.

City Attorney Richardson read Ordinance No. 2021-07 in title only:

ORDINANCE NO. 2021-07

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 22, ELECTIONS, SECTION 22.2. CANDIDATE QUALIFICATIONS PERIOD, TO REFLECT CHANGES MADE BY THE ELECTORS IN THE NOVEMBER 2020 ELECTION; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

Council Member Bentley moved to approve the second reading of Ordinance No. 2021-07 conforming the election code to the amended Charter. Council Member Phrampus seconded the motion, which passed unanimously.

Allow Gas Stations in the Gateway Interchange Zoning District. Planning Director Fischer presented the first reading of Ordinance No. 2021-08, changing the Gateway Interchange zoning district to allow gas stations with limited placement and performance criteria, which would apply to all areas that are zoned Gateway Interchange. She explained this was requested by the developer of the Space Coast Town Center. She provided a history of the Gateway Interchange district explaining why gas stations were not originally included in 2016. She said that City staff has suggested that gas stations be allowed by conditional use. She reviewed what is being done in other local governments with multi-use districts. The Planning and Zoning Board met on February 10 and approved the amendment and asked that Council consider asking for a feature that contains art in public places.

City Attorney Richardson read Ordinance No. 2021-08 in title only:

ORDINANCE NO. 2021-08

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 98, ZONING, ARTICLE III. DISTRICTS, OF THE CODE OF ORDINANCES TO AMEND DIVISION 22, GATEWAY INTERCHANGE DISTRICT (GTWY-I), SECTION 98-843 CONDITIONAL USES, TO ALLOW GAS STATIONS AS A CONDITIONAL USE IN THE GTWY-I (GATEWAY INTERCHANGE) DISTRICT; PROVIDING FOR SEVERABILITY;

PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND
PROVIDING AN EFFECTIVE DATE.

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

Council Member Phrampus asked about the development on all four corners of the intersection of U.S. 192 and St. Johns Heritage Parkway and the possibility of annexation of the one property that was not in the City. City Attorney Richardson commented that the policy of the City Council has been to have voluntary annexations.

Council Member Bentley stated the City had originally made a point of not allowing service stations in that zoning district. Planning Director Fischer agreed but stated that there had not been a full analysis on the impact of a gas station when the district was originally created. Since there was agreement among the Council, there did not appear to be a need for more dialogue on the issue of including service stations. Council Member Bentley commented there were already too many gas stations with four service stations within a quarter mile.

Council Member Bentley asked about access to municipal utilities. City Manager Morgan explained that all four corners of the St. Johns Heritage Parkway and U.S. 192 had access to City utilities and three of them were in the City of West Melbourne.

Deputy Mayor Dittmore asked if the proposal could be amended to allow only one service station. Therefore, the maximum that could be developed at the U.S. 192/St. Johns Heritage Parkway intersection would be two gas stations. City Attorney Richardson reminded Council that the proposed change would modify the Gateway Interchange zoning district and was not specific to one property. Deputy Mayor Dittmore suggested that the language could state that there could be no more than two gas stations at any four-way intersection.

Council Member Young commented that limiting gas stations or convenience stores to the eastside of I-95 along U.S. 192 would provide no relief to an area that is already congested.

Council Member Batcheldor commented that adding gas stations was inconsistent with what was envisioned for this area. The intended location of the gas station would create turning conflicts. He stated that it may be better to encourage a gas station west of St. Johns Heritage Parkway. Planning Director Fischer noted that the code could not be site specific.

Council Member McDow questioned on what options there would be for this area. He understood that there was congestion in the area.

Mayor Rose commented that the Space Coast Town Center was a gateway to West Melbourne and it was something that should be attractive. He asked if gas stations were allowed in other mixed use zones. Planning Director Fischer stated that six of the ten mixed use districts in other municipalities allowed gas stations.

Council Member Phrampus stated he had driven through the area and agreed that drivers using I-95 would currently have to go east for a gas station. He stated that it would be more beneficial to have the gas station along St. Johns Heritage Parkway. He suggested that this be allowed but restricted by a development agreement to be located along St. Johns Heritage Parkway.

Council Member Phrampus stated that the Planning and Zoning Board made a change regarding store front windows, which was not shown in the ordinance. City Attorney Richardson explained that the ordinance was advertised for public hearing and the Planning and Zoning Board recommended the change. The ordinance shown before Council reflects those recommended changes. The City Council would need to make that change between first and second reading. He noted that the title of the ordinance was broad enough that it would not need to be changed.

Council Member Phrampus said he liked the artwork at Cumberland Farms but felt it was out of place, and suggested that it be included in the green space area as part of the total development.

Edgar Jones, principal for the Space Coast Town Center development, spoke on the magnitude of the project and noted that this property was not the only property located west of I-95. He noted that having a service station at the intersection of St. Johns Heritage Parkway was not the statement they hoped this development would make to the community. He reminded Council that their original request had only asked for one gas station.

Council discussed the proposed location of the gas station and the developers design to not have it located at the main intersection of U.S. 192 and St. Johns Heritage Parkway. Council Member Batcheldor stated that he would prefer to see an amendment to the master plan showing the location of the gas station prior to approving the zoning change.

Mayor Rose asked if they could limit the number of gas pumps. Planning Director Fischer stated that it could not be limited. Mayor Rose encouraged placement of charging station. City Attorney Richardson noted that this would be better stated in the master plan and may not be located on the lot proposed for a service station. Mayor Rose commented that he would like to see criteria added for architectural design.

Council Member Bentley moved to approve the first reading of Ordinance No. 2021-08, changing the Gateway Interchange zoning district to allow gas stations with placement and performance criteria and limiting to one gas station. Council Member Young seconded the motion, which passed 6-1, with Council Member Batcheldor opposed.

Second Revised West Melbourne Interchange Center Traffic Impact Fee Agreement. Planning Director Fischer presented the Second Amendment to the Traffic Impact Fee Credit Agreement between Brevard County, the City of West Melbourne, and Benchmark Melbourne 35 Associates to allow the square footage retail conversion table to be revised for a day care use. She provided a background of the agreement for

the property along Hollywood Boulevard, just north of Palm Bay Road. She noted that the first amendment had been made in 2018 to add the trip conversion category for hotels. The revision before Council tonight would provide for trip equivalency for day care use. She noted that the added use would not change the 5,483 daily trips.

Mayor Rose asked about the gas station on the corner of Palm Bay Road and Hollywood Boulevard. Planning Director Fischer stated that it is not included with the parcel. The commercial uses along Palm Bay Road were not part of the original subdivision proposal.

Robert Robb, civil engineer for the West Melbourne Interchange Center, explained what was being proposed for the different parcels, including a hotel and day care center. He noted the hotel had already been permitted. The other undeveloped areas did not have tenants proposed. He explained that the original proposal was for a shopping center.

Mayor Rose asked if there would be any future traffic improvements proposed. Mr. Robb stated the improvements along Hollywood Boulevard have been completed according to the County's request. Planning Director Fischer noted that if the number of trips proposed went beyond the 5,400 trips, there could be traffic improvements required.

Deputy Mayor Dittmore moved to approve the Second Amendment to the Traffic Impact Fee Credit Agreement between Brevard County, the City of West Melbourne, and Benchmark Melbourne 35 Associates to allow the square footage retail conversion table to be revised for a day care use. Council Member Phrampus seconded the motion, which passed unanimously.

6. PUBLIC FORUM

There were no comments made during the public forum.

7. CONSENT AGENDA

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

- Approve the Regular City Council meeting minutes for February 2, 2021.
- Adopt Resolution No. 2021-08 opposing the preemption of local government regulation of the construction of energy infrastructure, and the prohibition of local governments from implementing restrictions on changes to energy infrastructure, as proposed by Senate Bill 856.
- Adopt Resolution No. 2021-09 opposing the elimination of statutory authorization for regional planning councils in Florida, as proposed by Senate Bill 62.

8. ACTION AGENDA

Florida Department of Environmental Protection Grant Agreement. Deputy City Manager Mills presented the grant agreement for a stormwater project at the treatment plant. The project proposed would improve draining to the Crane Creek district and improve the water quality. This would be the third and final agreement for this project, which had an estimated cost of \$1.47 million. There would be \$485,000 from St. Johns River Water Management District and \$160,000 from the Indian River Lagoon. The balance for the project would be paid by the City which may be covered through the sale of fill dirt.

Deputy Mayor Dittmore moved to accept the \$750,000 grant agreement with the Florida Department of Environmental Protection for constructing stormwater improvements at the Ray Bullard Water Reclamation Facility, and authorize the City Manager to execute the grant agreement on behalf of the City. Council Member Bentley seconded the motion.

Mayor Rose asked how the fill dirt would be sold. Deputy City Manager Mills believed that there would not be any issues as all developers would be interested in purchasing the fill dirt.

Mayor Rose asked when the project would get started. Deputy City Manager Mills stated that he hoped to go out to bid in April or May. He expected the project to be finished in the spring of next year.

Council then voted on the motion, which passed unanimously.

Extension of Agreement for Solid Waste, Recyclable Materials, and Yard Waste Collection, Processing and Disposal Services with Waste Management Inc. of Florida. City Attorney Richardson presented a proposal to consider the expiring agreement with Waste Management for solid waste collection in the City. The current contract expires September 30, 2021, with an option for an extension of two years.

City Attorney Richardson commented that he believed the City had been able to negotiate a fair and favorable agreement with a negotiated contract extension in 2018. Recent experience has shown that governments are seeing significant price increases for trash collection and the City was in a favorable position. He provided a list of cost information for commercial rates for other municipalities in the County, noting that the average increase according to the CPI in the south region was about 1.8 percent.

Deputy Mayor Dittmore moved to direct the City Manager to exercise the City's contractual option to extend the term of the Agreement for an additional period of two years, until September 30, 2023. Council Member Bentley seconded the motion.

Council Member Bentley asked if this could be extended past the two years. Dina Reider-Hicks, Public Affairs Manager with Waste Management, stated that they could not answer that tonight but felt it was a good analysis of the shift industry wide over the

last three years. In many cases, the cost increase for collection was related to changes in global recycling and processing.

Mayor Rose asked about recycling and Ms. Reider-Hicks explained that they were continuing to accept glass in single stream but some municipalities had eliminated glass because the glass shards contaminate other products such as cardboard. There is a cost to Waste Management to have the glass hauled away. She stated the biggest contaminant to the recycling was the plastic bags, which do not belong,

Mayor Rose asked about the delays because of the pandemic. Ms. Reider-Hicks stated that COVID-19 had caused some issues with staffing but they were making it work. Most of the office workers continued to work from home.

Council then voted on the motion to direct the City Manager to exercise the City's contractual option to extend the term of the Agreement, which passed unanimously.

Resolution Accepting County Rights-of-Way. City Manager Morgan presented a resolution to accept several rights-of-way from the County. One was for Fell Road between Minton Road and the County's Max K. Rodes Park. The right-of-way would allow the City to complete a water main loop as part of the improvements to the circulation in advance of the water plant. The resolution would also accept the rights-of-way for Meadowlane Avenue south of U.S. 192 and Helen Street between Meadowlane Avenue and Minton Road. This right-of-way would be used for a sewer force main replacement.

Council Member Phrampus asked about the negative costs for accepting the rights-of-way. City Manager Morgan stated the City would assume the maintenance of the rights-of-way. He stated that Fell Road was in good shape and did not expect maintenance for 10 years. For Helen Road and Meadowlane Avenue, the base is good and would only need to be micro-sealed.

Mayor Rose noted that there had been some issues with the gas station and possible contamination to the area along U.S. 192. City Manager Morgan stated that both Melbourne and West Melbourne have water mains in the area but the area of concern was east of the right-of-way.

Deputy Mayor Dittmore moved to adopt Resolution No. 2021-07 accepting from Brevard County the roadway and roadway drainage swale right-of-way for Fell Road between Minton Road and Max K. Rodes Park, and the roadway and roadway drainage swale rights-of-way for Meadowlane Avenue south of U.S. 192 and Helen Street between Minton Road and Meadowlane Avenue. Council Member Batchelder seconded the motion, which passed unanimously.

Proposed Action Strategies to Implement City Council Vision and Goals. City Manager Morgan presented a summary of the action strategies as proposed by City Council at the December 6 strategic planning workshop. The consultant had presented his report in January and an outline of the strategies had been distributed to the City

staff for the development of action strategies. Attached to the agenda was a three-year look ahead that would be used by Council for their budget review.

Council Member Phrampus suggested the word “future” be removed from the vision statement.

Council Member McDow commented that he was glad to see that there were sustainability strategies imbedded in the actions.

Council Member Bentley stated that he liked the process that the Council followed for the budget process and would not want this to change.

Mayor Rose reviewed several items on the list and noted there may not be agreement to move forward with some of the actions shown in the report. Council Member Batcheldor stated that his interpretation was that this was to be used as a guide and was not a commitment to funds. Mayor Rose agreed and stated that there may be other items added during the budget process.

Council Member Batcheldor agreed that the word “future” should be removed from the vision statement and suggested that the statement that was reviewed at the December 6 meeting be used, which stated: “The City of West Melbourne is committed to being a vibrant, growing, and caring community that continually seeks excellence for residents. Our vision is to grow West Melbourne into the Space Coast’s premier location for homes, careers, and families.”

Council Member Young stated there was a great deal of work that had gone into preparing the strategies. She agreed that it should be used as a guide.

Deputy Mayor Dittmore moved to amend the vision statement as suggested by Council Member Batcheldor and use the action strategies as a guideline in the budget workshops. Council Member McDow seconded the motion.

Upon further discussion, the motion was withdrawn and the following motion was made.

Deputy Mayor Dittmore moved to amend the vision statement as suggested by Council Member Batcheldor to: “The City of West Melbourne is committed to being a vibrant, growing, and caring community that continually seeks excellence for residents. Our vision is to grow West Melbourne into the Space Coast’s premier location for homes, careers, and families.” Council Member McDow seconded the motion, which passed unanimously.

Mayor Rose stated that they should bring this back in the budget process and see if there were items that should be added or removed.

9. MANAGEMENT REPORTS

2020 Police Department Annual Report. Police Chief Wiley presented the 2020 Police Department Annual Report. Council raised questions regarding position control for School Resource Officers, use of Narcan, update on the new BMW motorcycles and the motor patrol unit, training for officers, crime statistics and mapping, and task force officers.

10. CITY COUNCIL REPORTS

Council Member McDow reported he had attended several different committee meetings including a ground water study, the Palm Bay Chamber luncheon and several others. He thanked the City Attorney for sending out information on the human relations ordinance and recommended that the City remain engaged but did not believe a special ordinance was necessary at this time. He noted that of the 17 goals set by the United Nations, the 11th goal dealt with sustainability issues for cities and communities. He reported he would be attending the Business Advisory Board meeting on Monday.

Council Member Phrampus and Council Member Batcheldor had no report.

Deputy Mayor Dittmore thanked that staff on the problems associated with the 7600 block of Coral Drive and noted that the condition of the street does not represent the standards for West Melbourne.

Council Member Bentley reported he had attended the Palm Bay Chamber luncheon and reported on several items from the presentation from the CEO of Florida Power & Light.

Council Member Young apprised Council on the Transportation Planning Organization and reminded everyone of the meeting scheduled for the following evening on an update on the Minton Road Feasibility Study. She stated that updated information had been sent to Council Members on the Florida Department of Transportation Five-Year Plan, which included the widening of Ellis Road and adding a turn lane at the U.S. 192/Hollywood Boulevard intersection. She encouraged Council to read Senate Bill 856, which would be devastating to the cities. She was also working to update the Tourist Development Council's website to include restaurants in West Melbourne.

Mayor Rose reported on several meetings he had attend including the Palm Bay Chamber luncheon and the Economic Development Commission. He stated the opening for the Mayors' Fitness Challenge had occurred the previous Saturday and encouraged all participants to enter their minutes of activity every week. He noted that the update to the Minton Road Feasibility Study would be the following day and expressed concerns with the proposed reduction in the width of the travel lanes. He also commented on the condition of the road surface for Doherty Drive and that a signalized intersection was needed at Doherty Drive/Henry Avenue. Mayor Rose also questioned the closure of the splash pad for maintenance and the extension of the park hours once daylight savings time ends.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 10:31 p.m.