

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

March 2, 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, Finance Director Margi Starkey, Information Technology Director Tom Bradford, Planning Director Christy Fischer, Building Official Thomas Forbes, Jacobs Project Manager Brian Mascher, City Clerk Cynthia Hanscom, and members of the public.

Attending Remotely: Public Works Director Mark Piccirillo.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Certificates of Course Completion to Citizens Leadership Academy. Mayor Rose presented Certificates of Course Completion to Citizen Leadership Academy Class of 2020-2021 graduates.

Presentation from Space Coast Transportation Planning Organization. Senior Transportation Planner Sarah Kraum, Space Coast Transportation Planning Organization Executive Director Georganna Gillette, and Kittleson Project Manager Travis Hills presented the final Minton Road Feasibility Study.

Council discussed several aspects of the plan, one of which was the reduction of the 12 foot lanes to 11 feet. Deputy Mayor Dittmore commented that he had measured the lane widths on US 1, which were reported to be 11 foot. Although all three lanes totaled 33 feet, there was inconsistency in the lane width and in some cases the lanes were only 8 feet wide. There was consensus that a letter should be sent to the Space Coast Transportation Planning Organization and the Brevard County Commissioners that expressed opposition to reducing lane width to 11 feet.

Council also discussed the Carriage Gate entrance and the improvements promised to the residents by the County. Executive Director Gillette stated she had spoken to Commissioner Zonka and the acceleration lane would be constructed.

5. PUBLIC HEARINGS

Annexation, Large Scale Amendment and Rezoning of Two Parcels West of Columbia Lane and North of US 192 (Turnbaugh) and Annexation, Large Scale Amendment and Rezoning for Property located on Carriage Gate Drive (Greenleaf)

Planning Director Fischer stated that the items listed above were postponed until April 6, 2021. Those items were not advertised because feedback had not been received from the State of Florida. No action was required of Council.

Allow Gas Stations in the Gateway Interchange Zoning District. Planning Director Fischer presented a revised amendment to the Gateway Interchange zoning district to allow for gas stations as a conditional use. Revised language had been added to restrict one gas station. She noted that the language for “service bay” was included but would be stricken from the final copy. She noted this changed would need to be part of the motion to approve the ordinance.

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.

Mayor Rose commented on the need for electric charging stations and believed they should be incorporated in development standards for large developments of shopping centers.

Deputy Mayor Dittmore moved to approve the second reading of Ordinance No. 2021-08, changing the Gateway Interchange zoning district to allow for one gas station with a change to strike "service bay" from the ordinance. Council Member Phrampus seconded the motion, which passed 6-1 with Council Member Batchelor opposed.

Annexation of Property located West of Brandywine Lane and I-95 and South of US 192. Planning Director Fischer presented a voluntary annexation for a property located west of Brandywine Lane and I-95 and south of US 192. She presented a map showing the location of the parcel and explained that it would be incorporated into the Space Coast Town Center master plan. She provided an analysis of urban services and that the property would be provided access through an internal loop within the development.

City Attorney Richardson reminded Council that this was a quasi-judicial hearing and Council should disclose any meetings with the developer or visits to the site. Council Members Phrampus, Young, McDow and Deputy Mayor Dittmore disclosed they had met individually with the developer. Council Member Young stated that she had driven by the site. Mayor Rose stated he had spoken with a resident of Brandywine Lane who indicated that it may be beneficial to have an emergency exit from their neighborhood.

City Attorney Richardson read Ordinance No. 2020-13, its title only.

ORDINANCE NO. 2020-13

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION PARCELS OF LAND TOTALING APPROXIMATELY 44.72 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 opened the public hearing:

Cole Oliver, 1901 S. Harbor City Boulevard, Melbourne, and attorney with Parkway Associates 192, a mortgage holder of adjacent land, stated that his co-counsel had sent a letter objecting to the annexation because it would spread development rights to the

encumbered property. However, an agreement had been worked out with the developers, and would be recorded, so there would be no spread of development rights. In addition, there would be no roadways connecting until such time the underlying mortgage was satisfied. Therefore, they were withdrawing the objection.

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

Deputy Mayor Dittmore moved to approve the second reading of Ordinance No. 2020-13, annexing the property west of Brandywine Lane and I-95 and south of US 192. Council Member Bentley seconded the motion.

Council Member Phrampus asked if the combined property would be near the maximum square footage. Planning Director Fischer replied affirmatively.

Mayor Rose asked about a traffic study. City Attorney Richardson stated the attorneys for the Space Coast Town Center had indicated that the same number of trips would be vested for concurrency with the annexed parcel.

There being no further discussion, Council voted on the approval of Ordinance No. 2020-13, which passed unanimously.

Large Scale Amendment and Rezoning for Property West of Brandywine Lane and I-95 and South of US 192. Planning Director Fischer presented the large scale amendment and rezoning for the property just annexed and located west of Brandywine Lane and I-95 and south of US 192. She provided maps showing how the property was included in the master plan of the Space Coast Town Center. She noted the land use amendment was consistent with the land use goals and policies. The analysis for the rezoning to Gateway Interchange met the criteria for designation.

City Attorney Richardson read Ordinances No. 2020-14 and 2020-15, in title only:

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO PROVIDE FOR P-I (PARKWAY INTERCHANGE) LAND USE 44.72 ACRES OF NEWLY ANNEXED LAND GENERALLY LOCATED ON THE SOUTH 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. 2020-15

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A NEWLY ANNEXED 44.72 ACRE PARCEL OF LAND GENERALLY LOCATED ON THE SOUTH 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 GTWY-I (GATEWAY INTERCHANGE DISTRICT); PROVIDING AN EFFECTIVE DATE.

City Attorney Richardson stated that this was also a quasi-public hearing and noted that any additional disclosures would need to be stated. There were none.

Mayor Rose opened the public hearing.

Cole Oliver, attorney for Parkway Associates 192, spoke again on the prior objection being withdrawn.

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

Deputy Mayor Dittmore moved to approve the second reading of Ordinance No. 2020-14 adopting the large scale comprehensive plan map amendment LSA 2020-02 to change the future land use of the property from Residential Two (RES-2) and Neighborhood Commercial (NC) to Parkway Interchange (P-I). Council Member Bentley seconded the motion, which passed unanimously.

Council Member Bentley moved to approve the second reading of Ordinance No. 2020-15, rezoning property from AU to GTWY-I (Gateway Interchange) with the condition that the comprehensive plan map amendment (large scale) is approved. Council Member Young seconded the motion, which passed unanimously.

6. PUBLIC FORUM

There were no comments made during the public forum.

7. CONSENT AGENDA

Building Department Vehicles. Mayor Rose asked the purchase of pick-up trucks for the Building Department be pulled from the consent agenda. He asked why the trucks are basic and did not include four-wheel drive or any additional accessories. Building Official Forbes noted that this was the type of truck they typically purchased. Going on site for inspections did not require a four-wheel drive vehicle because the site was accessible once the project was going vertical. Mayor Rose stated that having the four-wheel drive vehicles during hurricanes may be useful. Building Official Forbes indicated that he would come back to Council at their next meeting with a revised proposal. Deputy Mayor Dittmore also commented that there had been difficulty in recruitment for inspector positions and having good equipment may attract employees.

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

- Approve the Regular City Council meeting minutes for February 16, 2021.

- Approve and award a contract to USA Services of Florida, Inc., in the amount of \$34,020.00 for sweeping streets in the City.
- Reappoint Rande Matteson to the Business Advisory Board with a term ending November 2021.
- Select Summit Professionals, Inc. to perform grant administration and compliance assistance services and authorize the City Manager to enter into a professional services agreement with the firm.

8. ACTION AGENDA

2019-2020 Comprehensive Annual Financial Report and Financial Audit. Finance Director Margi Starkey and Yvonne Clayborne with Riggs, Carr & Ingram presented the 2019-2020 Comprehensive Annual Financial Report, ending September 30, 2020.

Finance Director Starkey reported the general fund balance had increased 1.6 million dollars to \$13,860,349. The City had significantly drawn down unassigned fund balance during FY2018 for operations and capital improvements but had positive growth in FY2019 and FY2020 as the spending on major capital projects decreased. She reviewed several of the other enterprise funds noting that the Police Pension Trust Fund showed a net position of 98.78% funded, which was a good financial position. Finance Director Starkey expressed appreciation for the auditing staff.

Ms. Clayborne stated the City was in compliance and operating extremely well considering the unusual year. She reviewed the pages from the audit document and noted that it was their opinion that the City complied, in all material respects, with the requirements of Section 218.415, Florida Statutes, Local Government Investment Policies, during the year ending September 30, 2020.

Mayor Rose noted that the previous year had been difficult because of the pandemic. Ms. Clayborne stated that general fund revenue was under budget by \$126,000. There had been a reduction in state revenue and the loss of revenue from the parks and recreation services. However, given those reductions, the impact was not large.

Council Member Bentley asked if the net pension liability was based on the covered payroll. Ms. Clayborne replied affirmatively and noted the pension liability went down.

Mayor Rose disclosed that his brother-in-law worked for the auditing firm and asked if he would need to abstain from any vote. City Attorney Richardson stated there was not conflict for this action.

Deputy Mayor Dittmore moved to receive and file the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2020. Council Member Young seconded the motion, which passed unanimously.

Amend Distance Requirements for Alcoholic Beverage Sales. City Attorney Morris Richardson presented an ordinance to allow for limited alcohol sales at Promise Café in the West Melbourne Community Park. He reminded Council that Jeff Kiel, President and CEO of Promise in Brevard, had spoken to Council about the success of Promise

Café in holding meetings. Therefore, they would like to promote the facility as an event venue. However, it is limited because of the inability to serve alcohol. City Attorney Richardson said, based on the direction of Council, he prepared an ordinance that would allow city lessees, concessionaires or contractors with limited alcohol sales. He noted that this would require a lease amendment with Promise in Brevard for the Promise Café. The ordinance would clarify that special permission for alcohol sales can be granted for special events. As part of this, he was proposing to bring forward a future ordinance on special events.

City Attorney Richardson read Ordinance No. 2021-09, in title only:

ORDINANCE NO. 2021-09

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 10 – ALCOHOLIC BEVERAGES, SECTION 10-5, DISTANCE REQUIREMENT FOR SALE NEAR SCHOOL, CHURCH, KINDERGARTEN, NURSERY SCHOOL, CHILD CARE CENTER OR PUBLIC PARK; PROVIDING FOR SEVERABILITY, CONFLICTS, AND INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

Deputy Mayor Dittmore moved to approve the first reading of Ordinance No. 2021-09, amending Chapter 10 – Alcoholic Beverages, Section 10-5 – Distance Requirement for Sale Near School, Church, Kindergarten, Nursery School, Child Care Center or Public Park, to allow for City lessees, concessionaires, contractors, and special event permit holders with alcoholic beverage licenses to operate within defined areas of public park and recreation areas. Council Member Batcheldor seconded the motion, which passed unanimously.

9. CITY COUNCIL REPORTS

Council Member Phrampus expressed appreciation with city staff for finding a solution for traffic control at the intersection of Shallow Creek Drive and Norfolk Parkway while the Public Service Aide is on leave.

Council Members Batcheldor, Bentley and Young had no report.

Deputy Mayor Dittmore thanked staff for dealing with an incident on Coral Drive.

Council Member McDow continued to research organizations dealing with sustainability issues and had made contact with professional staff of Florida Institute of Technology. He reported he had attended the Business Advisory Board meeting and had completed his 4-hour ethics course.

Mayor Rose reported he had addressed the Palm Bay Rotary Club on what is occurring in West Melbourne. He encouraged participants of the Mayor's Fitness Challenge to input their weekly minutes of activity each week. He asked staff to consider adding requirements to the City's code for vehicle charging stations at apartment complexes.

In addition, he would like to see the building code require street lights in new subdivisions. Lastly, he questioned the legal advertising costs for annexations and that the City may need to recoup the cost.

City Attorney Richardson updated Council on a litigation case for an incident that occurred at Publix. He noted the plaintiffs had failed to file disclosures and were proposing to dismiss with the intention to refile. The City intends to object. However, the plaintiff has made the offer to release the city and refile against the officers. He stated he was advising that the City object to their motion to dismiss, which Council members agreed.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.