

MAYOR  
Hal J. Rose

DEPUTY MAYOR  
Andrea Young

COUNCIL MEMBERS  
Daniel Batcheldor  
Pat Bentley  
John Dittmore  
Daniel McDow  
Stephen Phrampus



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

## CITY COUNCIL REGULAR MEETING

### MINUTES

March 15, 2022

#### 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 Andrea Young, and Council Members Pat Bentley, Daniel Batcheldor, John Dittmore, Stephen Phrampus and Daniel McDow.

Also present: City Manager Scott Morgan, City Attorney Morris Richardson, Assistant City Manager Tom Bradford, Assistant City Manager Tim Rhode, Police Chief Rick Wiley, Deputy Chief Rich Cordeau, Planning Director Christy Fischer, Jacobs Project Manager Brian Mascher, Senior Systems Administrator Christopher Timmons, City Clerk Cynthia Hanscom, and members of the public.

#### 4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

**Proclamation for Water Conservation Month.** Mayor Rose presented a proclamation to James Cannon, Intergovernmental Coordinator with the St. Johns River Water Management District, recognizing April as Water Conservation Month.

#### 5. PUBLIC HEARINGS

**Annexation Request for Orange Grove Avenue.** Planning Director Fischer presented the second reading of Ordinance No. 2022-01 to annex a one-acre property located at 571 Orange Grove Avenue. She presented maps showing the location of the property and provided an analysis of the impacts. She reported the adjacent property owners had been notified. The property was currently vacant with a proposal for development as a single-family home. The purpose of the annexation was to connect to City water.

City Attorney Richardson read, in title only, Ordinance No. 2022-01:

**ORDINANCE NO. 2022-01**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION A PARCEL OF LAND APPROXIMATELY 1.00 ACRES LOCATED AT 571 ORANGE GROVE AVENUE AND 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. There being no comments, he closed the public hearing.

*Council Member Bentley moved to approve the second reading of Ordinance No. 2022-01, annexing a one acre property at 571 Orange Grove Avenue. Council Member Phrampus seconded the motion, which passed unanimously.*

**Small Scale Amendment and Rezoning for Orange Grove Avenue.** Planning Director Fischer presented the small scale amendment and rezoning for the one acre property recently annexed into the City.

City Attorney Richardson stated that because this was a quasi-judicial public hearing, he asked for disclosures for communications outside the public meeting. There were none.

Planning Director Fischer explained Council was being asked to adopt a comprehensive plan map amendment to assign the future land use as low density residential for the one acre lot recently annexed into the City. The land use designation would be similar to the County designation and compatible with the surrounding properties. She also reviewed the property rights analysis.

Planning Director Fischer also reviewed the rezoning analysis indicating the property would be rezoned from Brevard County's single family residential use (RU-1-9) to single-family residential (R-1A).

Planning Director Fischer indicated that the Planning & Zoning Board met on March 8 and, acting as the planning agency, recommended approval of both the small scale amendment and the rezoning.

City Attorney Richardson read Ordinance Nos. 2022-02 and 2022-03, in title only:

**ORDINANCE NO. 2022-02**

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) LAND USE ON 1.0 ACRES OF NEWLY ANNEXED LAND LOCATED AT 571 ORANGE GROVE AVENUE 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. 2022-03**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A NEWLY ANNEXED 1.0 ACRE PARCEL OF LAND LOCATED AT 571 ORANGE GROVE AVENUE, AND AS MORE FULLY DESCRIBED HEREIN, FROM BREVARD COUNTY RU-1-9 (SINGLE-FAMILY RESIDENTIAL) TO CITY OF WEST MELBOURNE R-1A (SINGLE-FAMILY DWELLING); PROVIDING AN EFFECTIVE DATE.

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

*Council Member Phrampus moved to approve the first reading of Ordinance No. 2022-02, adopting the comprehensive plan map amendment to Low Density Residential (LD-RES) for the property located at 571 Orange Grove Avenue. Mayor Rose seconded the motion, which passed unanimously.*

*Council Member Bentley moved to approve the first reading of Ordinance No. 2022-03, rezoning property located at 571 Orange Grove Avenue to Single-Family Residential (R-1A). Council Member Phrampus seconded the motion, which passed unanimously.*

**Code Amendment for Screen Porches to Extend Into Rear Yard Setback.** Planning Director Fischer presented the first reading of Ordinance No. 2022-04 for code revisions to allow certain screen porches to extend in the rear yard setback of single-family residential lots. The ordinance would allow accessory uses, such as a screened porch with a flat roof to extend into the setback to within 7.5 feet of the property line. This would not apply to structures that were an extension of the existing roof line for residential homes. She concluded that this change was being requested by staff and the Planning & Zoning Board recommended approval at their March 8 meeting.

City Attorney Richardson read, in title only, Ordinance No. 2022-04:

**ORDINANCE NO. 2022-04**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 98, ZONING, ARTICLE V,

SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2 – HEIGHT, YARD AND AREA REQUIREMENTS, SECTION 98-1003. YARD ENCROACHMENTS, AND DIVISION 3 – ACCESSORY STRUCTURES, SECTION 98-1047. SCREEN ENCLOSURES; DELETING SECTION 98-1048. CALCULATION FOR COMPLIANCE WITH LOT COVERAGE IN RESIDENTIAL DISTRICTS; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

Council Member Phrampus asked if this was consistent with surrounding cities. Planning Director Fischer replied that the language was borrowed from the City of Melbourne.

*Council Member Phrampus moved to approve the first reading of Ordinance No. 2022-04 for code revisions to allow certain screen porches to extend into the rear yard setback of single-family residential lots. Deputy Mayor Young seconded the motion.*

Council Member Bentley asked why the existing 25-foot setback was in place. Planning Director Fischer stated the setback allowed for separation between homes and provided for a yard area.

Council Member Batcheldor asked about structural requirements for the porches. Planning Director Fischer stated that the builder would be required to meet minimum building codes.

Mayor Rose asked about pervious surfaces. Planning Director Fischer stated stormwater management is related to the expected lot coverage. She stated that this would not allow any more covered area than what is already allowed.

Mayor Rose asked if homeowner associations would permit this addition. Planning Director Fischer stated that the homeowners association may be more restrictive but could not be less restrictive. Since this provides added use of the property by owners, she did not believe residents would be opposed to the change.

*Council then voted on the motion to approve the first reading of Ordinance No. 2022-04, which passed unanimously.*

**Preliminary Site Plan for Legacy of West Melbourne Apartments.** City Attorney Richardson explained the County's review of the Legacy of West Melbourne Apartments off-site improvements for John Rodes Boulevard was not complete. Therefore, the developer agreed that the public hearing could be postponed until April 5.

*Council Member Dittmore moved to postpone the public hearing for the initial site plan for a 199-unit apartment community known as Legacy at West Melbourne, located east of I-95, west of John Rodes Boulevard and north of Sheridan Road, until April 5, 2022. Council Member Phrampus seconded the motion, which passed unanimously.*

## 6. PUBLIC FORUM

Joe Minarik, 2506 Plantation Drive, Melbourne, spoke about the traffic on Ellis Road at the intersection of East Drive. He indicated that East Drive was a direct connection to Sarno Road to the north. During rush hours, there are concerns with traffic turning east from East Drive onto Ellis Road. Traffic turning west is also backed up. He suggested that the intersection should be signalized. East Drive intersected with Ellis Road and was half way between Wickham Road and John Rodes Boulevard. Mayor Rose noted that Ellis Road is a County road and is a priority for improvements. Mr. Minarik stated that something needed to be done soon.

Samantha Thompson, 1015 Venetian Drive, Melbourne, spoke about the West Melbourne Community Park and the length of time it has taken to repair the splash pad. In addition, there were caution tape and cones in the playground where there were holes in the surface. She stated that they had been in place for three months. She expressed concerns with children using the park when there were hazards in place. City Manager Morgan spoke on the delay in getting parts to make repairs and the recent funding by City Council to make improvements to the splash pad. He stated he did not have an update on the repairs to the playground area. Mayor Rose asked that Council be updated. City Manager Morgan responded that he would provide an updated via the Friday Memo.

## 7. CONSENT AGENDA

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

- Regular City Council meeting minutes for Tuesday, March 1, 2022.

## 8. ACTION AGENDA

**Selection of Professional Planning Firm for 2040 Comprehensive Plan.** Planning Director Fischer reminded Council that the City was proposing to rewrite the Comprehensive Plan. A request for qualifications was advertised and six firms responded. The selection committee met on March 7 and tallied the scores for each consultant with the Corradino Group receiving the highest number of points.

*Council Member Dittmore moved to authorize the City Manager to enter into an agreement with the Corradino Group to conduct the comprehensive plan revision for the horizon 2040. Deputy Mayor Young seconded the motion.*

Mayor Rose asked how the approach by the Corradino Group was different than the others. Planning Director Fischer stated that the proposal was thorough and the consultant paid attention to how the scope was written.

Council Member McDow asked the timeframe for the process. Planning Director Fischer stated the project would be completed in 2023 with the bulk of the time spent in workshops to gather input.

*Council then voted on the motion to select Corradino Group to conduct the comprehensive plan revision, which passed unanimously.*

**Appointment to Business Advisory Board.** City Clerk Hanscom asked Council to make an appointment to the Business Advisory Board. There are currently four vacancies on the Board. An application was received from Diana Adams, who currently serves on the Parks and Recreation Advisory Board. Ms. Adams is one of the business owners for Rock Paper Simple, a website design firm located at 1335 Gateway Drive, Suite 2007, in Melbourne. The location of the business is within the required one mile radius of the City limits.

*Council Member Bentley moved to appoint Diana Adams to the Business Advisory Board for a term ending November 2022. Council Member McDow seconded the motion, which passed unanimously.*

**Eastbound Norfolk Parkway Turn Lane Approaching Minton Road.** Assistant City Manager Rhode presented a proposal to contract with the Brevard County Public Works Department to construct an additional turn lane for eastbound traffic on Norfolk Parkway approaching the intersection of Minton Road. He reminded Council that this had gone out to bid and there had been no submissions. The County had provided a good proposal whose cost was below the engineering estimate. Assistant City Manager Rhode showed the location of the intersection and how a lane would be added. The palm trees in the median would be lost and the clock tower would be removed. Assistant City Manager Rhode explained that the sign would remain but it would no longer be centered in the median.

Council discussed the additional lane and asked why the turning lanes had not been extended to allow more queuing at the light. Assistant City Manager Rhode noted that additional area would increase the impervious surface and would raise the level of the project to require stormwater improvements. The stormwater cost would be incorporated into the future four-laning of Norfolk Parkway. When asked why the City does not propose the construction of the four lane at this time, the reply was that it would not be constructed until it was needed and future development to the west would provide funding for the future improvements.

Council Member Phrampus reported on the different alternatives for the tower and suggested that the palm trees could be relocated closer to the Sawgrass Lakes community. City Manager Morgan noted that Council direction on the relocation of the trees and the rebuilding of a town could be provided after staff research.

*Council Member Batcheldor moved to authorize the City Manager to enter into an agreement with Brevard County for the County Public Works Department to construct an additional turn lane on the Norfolk Parkway west of Minton Road in the agreed upon amount of \$121,929.13. Deputy Mayor Young seconded the motion.*

Council also discussed the lane width and noted that there would be two 11-foot lanes with the right-turn lane at 10 feet. Council Member Bentley expressed concern with the 10-foot lane. Assistant City Manager Rhode indicated that it had been through the County analysis and was within their specifications.

Council Member Dittmore asked the amount of time it would take to complete this project. Assistant City Manager Rhode replied that it was estimated to be about three weeks. The road and bridge crews at the County were sensitive to the concern that this was a congested area and that it would be desirable to work with the school schedule.

Council discussed the tower and was told by the City Attorney that the City was not legally financially responsible for rebuilding the tower. However, if a resolution could be reached with the homeowners association, the Council would have the option to consider a request.

Council Member McDow asked how much of the problem would be solved with this solution. City Manager Morgan indicated that the history of the problem started with the signal timing, which had been improved. The additional lane will allow the morning rush hour to have twice as many cars going northbound on Minton Road.

Mayor Rose questioned why the middle lane would be restricted to a left turn only. City Manager Morgan indicated that having the two lanes turning left would move traffic through the intersection during the morning rush hour. If there was a need in the future, the striping configuration could be changed.

Council also discussed the impacts on traffic from the future expansion of the school.

City Manager Morgan stated he would work with the homeowners association and come back to Council with a plan for the palm trees and tower.

*Council then voted on the motion to authorize the City Manager to enter into an agreement with the County, which passed unanimously.*

## **9. CITY COUNCIL REPORTS**

Council Member Batcheldor reported that hazardous weather was expected that evening.

Council Member Dittmore had no report.

Council Member Bentley reported on attending the Space Coast League of Cities, which included the attendance of six representatives from the City; he was pleased that the City was well represented with the group.

Deputy Mayor Young reported on the Transportation Planning Organization meeting where they had discussed grants that were available. She also spoke on the legislative update and noted that information had been provided to Council through the City Clerk.

Council Member McDow reported he had attended the Space Coast League of Cities. He complimented the Public Works Department on the coordination and communication in handling the reuse break on Hollywood Boulevard. He also thanked the City for partnering with the composting program with Keep Brevard Beautiful. He reported the Special Olympics program had held an awards ceremony the previous Saturday and thanked Mayor Rose for attending.

Council Member Phrampus reported he had toured the parks with the Parks & Recreation Chair Donald Curry and noted that there were a number of maintenance items. He thanked Chief Wiley and the Police Department for their arrests for the car burglaries in his neighborhood.

Mayor Rose reported on the opening of the St. Francis Palliative Care unit at the Melbourne Regional Medical Center. He also stated he had attended the Palm Bay Chamber luncheon and the West Melbourne Business Association meetings. He commented on the ceremony held on Saturday for Special Olympics in recognizing all those who would be going to the state conference. He reported on his attendance at the street renaming in Palm Bay to recognize the contributions to the community by Samuel Lopez. Lastly, he reported on the ribbon cutting ceremony held at the Ray Bullard Water Reclamation Facility for the stormwater project. The retention pond was built with grant money and would relieve some of the flooding occurring in the older communities. City Manager Morgan expressed appreciation to the Representative Randy Fine and Senator Debbie Mayfield for their support in the funding of the proposed flood risk reduction project for the Westbrooke neighborhood.

Mayor Rose reminded everyone to change the timer for their sprinklers in relation to the daylight savings time. Council Member Phrampus asked that residents also check their smoke detector batteries.

## **10. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:46 p.m.