

MAYOR
Hal J. Rose

DEPUTY MAYOR
Andrea Young

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



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CITY COUNCIL REGULAR MEETING

MINUTES

May 3, 2022

1. CALL TO ORDER

Mayor Rose called the regular meeting to order at 5:30 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, Deputy Chief Rich Cordeau, Human Resources Director Kimberly Gale, Jacobs Maintenance Supervisor Sherman Huffman, Planning Director Christy Fischer, Systems Administrator Christian Arsenault, City Clerk Cynthia Hanscom, and members of the public.

4. CITY MANAGER POSITION

ICMA Senior Advisor Kent Parker and Retired Cocoa Beach City Manager James McKnight were present to answer questions regarding their review and categorization of the 43 applications. Mr. Parker reviewed the criteria used to evaluate each application and reminded Council that the review was on application material only, and did not include any background. Based on their review, they were recommending that five of the applicants should receive further consideration. He suggested that Council may want to consider other names that they would like to see on that list. Mr. Parker also stated that they had not reviewed the lone internal applicant, and Council would need to add that name to the list of the individuals for further consideration.

Council discussed other factors of the applications including salary requests, level of experience and equal opportunity.

Council also discussed needed background investigation on the candidate and the need to be thorough. They also discussed the current backgrounds that are completed for employees and additional background needed for this position.

Council discussed the qualifications of the internal applicant.

Council Member Phrampus moved to begin contract negotiations with the internal candidate, Timothy Rhode, contingent on a thorough background search. Council Member Dittmore seconded the motion.

Council Member Batcheldor stated the other qualified candidates should receive the same consideration and opportunity that has been provided to Mr. Rhode. Although, Mr. Rhode may be the best candidate, he believed the other candidates deserved a further look.

Council discussed preliminary google searches on the other candidates and the qualifications of the five candidates.

Council then voted on the motion to begin contract negotiations with the internal applicant, Timothy Rhode, which passed 6-1, with Council Member Batcheldor opposed.

5. RECESS

Council recessed the meeting at 6:20 p.m. and reconvened to address regular business at approximately 6:30 p.m.

6. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Introduction of New Employees. Assistant Chief Rich Cordeau introduced Police Officer William O'Connell, who started with the City on April 15, and Police Officer Timothy D'Ambra, who started with the City on April 22.

Planning Director Christy Fischer introduced Planner Cynthia Snay, who started with City on April 11.

Proclamation for Turquoise Awareness Week. Mayor Rose presented a proclamation to Debra and Kent Smith recognizing the second week of May as Turquoise Takeover Week, and encouraged all residents of West Melbourne to learn more about lung cancer risk factors and early detection.

7. PUBLIC HEARINGS

Small Scale Amendment and Rezoning for City-Owned Park Hill Properties. Planning Director Fischer presented the second reading of ordinances for a small scale comprehensive plan map amendment and rezoning for city-owned properties located on Park Hill Boulevard. She stated the five properties totaled approximately 4.51 acres.

The large property on the east side will be for the future water plant. She reviewed the surrounding land uses and noted the proposed use would be compatible.

Planning Director Fischer also discussed the rezoning and provided an analysis showing that it would be consistent with land development regulations. She added that the recommendation was to approve both the small scale amendment and the rezoning with a condition to provide additional landscaping around the water plant.

City Attorney Richardson read Ordinances Nos. 2022-07 and 2022-08 in title only:

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE FOR FIVE (5) PARCELS OF LAND TOTALLING 4.51 ACRES LOCATED ON PARK HILL BOULEVARD, SOUTH OF HENRY AVENUE, AND AS MORE FULLY DESCRIBED HEREIN FROM LD-RES (LOW-DENSITY RESIDENTIAL) TO INST (INSTITUTIONAL); PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING FIVE (5) PARCELS OF LAND TOTALING 4.51 ACRES GENERALLY LOCATED ON PARK HILL BOULEVARD, SOUTH OF HENRY AVENUE, AND AS MORE FULLY DESCRIBED HEREIN FROM R-1AA (SINGLE-FAMILY RESIDENTIAL) TO P-1 (INSTITUTIONAL); PROVIDING AN EFFECTIVE DATE.

City Attorney Richardson reminded Council that the rezoning was a quasi-judicial hearing and asked for any disclosures on meetings or visits to the site. There were no disclosures.

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

Council Member Phrampus asked about the homes owned by the City and currently leased. Planning Director said the institutional use allows for residential.

Council Member Phrampus moved to approve the second reading of Ordinance No. 2022-07, the small scale comprehensive plan map amendment to change the future land use on five city-owned parcels from Low Density Residential to Institutional. Council Member Bentley seconded the motion, which passed unanimously.

Council Member Bentley moved to approve the second reading of Ordinance No. 2022-08, rezoning five city-owned parcels from Single-Family Residential to Institutional, with the condition that the small scale comprehensive plan amendment is approved, and with enhanced landscaping along the water plant perimeters. Council Member Phrampus seconded the motion, which passed unanimously.

Small Scale Amendment Rezoning and Development Agreement for Property at 3780 and 3820 Minton Road. Planning Director Fischer presented the second reading of ordinances for the small scale amendment and rezoning of properties located at 3780 and 3820 Minton Road. The properties were owned by Fred Boozer and the proposed project would be called Sawgrass Lakes Center. The developer was proposing a small scale amendment and rezoning for 6.29 acres to allow for indoor self-storage. In order to construct the self-storage, the future land use of the rear portion would need to be changed from commercial to industrial. The area along Minton Road would remain as commercial. The property was currently vacant and undeveloped. Because there was a strip of land along Norfolk Parkway that was not owned by the developer, there would be no direct access to Norfolk Parkway. Planning Director Fischer provided an analysis and reviewed the traffic impacts.

Planning Director Fischer reviewed the request to rezone the rear portion of the property from commercial to industrial. The developer had agreed through a development agreement to limit the use to only indoor self-storage. The Planning and Zoning Board met on April 13 and recommended approval of both the small scale amendment and the rezoning.

Planning Director Fischer reviewed the development agreement and presented a conceptual drawing showing the proposed development. At the previous Council meeting, there was discussion about possible future access to Norfolk Parkway. She stated the development agreement would define that possible future access which would run with the property. The development agreement also provided other restrictions, such as no outdoor storage, limited hours of operation, and minimum width of interior loading zones. She presented elevation drawings of the buildings and showed a depiction provided by the developer from Minton Road.

City Attorney Richardson read Ordinance Nos. 2022-05 and 2022-06 in title only:

ORDINANCE NO. 2022-06

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING THE WESTERNMOST 6.29 ACRE PORTION OF PARCELS OF LAND LOCATED AT 3780 AND 3820 MINTON ROAD, AND AS MORE FULLY DESCRIBED HEREIN, FROM C-1 (LOW DENSITY COMMERCIAL) TO M-1 (LIGHT INDUSTRIAL AND WAREHOUSING); PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE FOR FIVE (5) PARCELS OF LAND TOTALLING 4.51 ACRES LOCATED ON PARK HILL BOULEVARD, SOUTH OF HENRY AVENUE, AND AS MORE FULLY DESCRIBED HEREIN FROM LD-RES (LOW-DENSITY RESIDENTIAL) TO INST (INSTITUTIONAL); PROVIDING AN EFFECTIVE DATE.

City Attorney Richardson reminded Council that the rezoning and development agreement would be considered as a quasi-judicial hearing and asked for disclosures. He noted that Council had received an email from Harvey Hester prior to the meeting. Mayor Rose disclosed that he had driven by the site, had met with the applicant, the president of DR Horton, and City staff. Council Member Dittmore disclosed that he had prior business relationship with the agent for the property owner, Tony Masone, and he had talked with him about this project the previous week. Council Member Bentley disclosed he had met with City staff and talked with Mr. Harvey Hester.

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

Council Member Phrampus expressed concern with the zoning that would be established. Also, he stated he hoped to see a more residential-looking architectural design.

Deputy Mayor Young asked if the residents were notified of this hearing. Planning Director Fischer stated that an ad was placed prior to the first hearing with notice of both meetings. Notices were sent to property owners within 500 feet prior to the first hearing. She stated that Sawgrass Lakes residents were not sent notices because those homes are more than 500 feet away.

Council Member Dittmore stated that the industrial use would not be compatible. He was also concerned about the impacts for properties to the north that might also ask for industrial zoning in the future.

Council Member McDow asked if there were other pockets of industrial use. Planning Director Fischer confirmed there were areas in the City where industrial uses were adjacent to commercial uses.

Council Member Batcheldor asked why storage facilities were industrial rather than commercial. Planning Director Fischer stated that storage facilities could be permitted in either commercial or industrial. However, the City has zoned for mini-storage uses in the industrial and not commercial. The theory was that it would align with warehousing and wholesaling.

Council Member Batcheldor stated that his concerns were with the traffic and suitable uses to buffer residential. The indoor self-storage would generate less traffic than most commercial uses.

Mayor Rose stated that the use did not fit the area. The restrictions placed in the development agreement clearly depict why the use would not be compatible.

Cole Oliver, representing the developer, believed the issues expressed by Council could be mitigated through the development agreement. He understood this project may not be what the neighborhood would like to see but he felt it would be a good use of the property with minimal traffic impacts.

Council Member Phrampus moved to deny Ordinance No. 2022-05 for a small scale comprehensive plan map amendment for the 6.29 acres of property located at the northwest corner of Minton Road and Norfolk Parkway. Deputy Mayor Young seconded the motion, which passed 5-2, with Council Members McDow and Batchelder opposed.

As a result of this denial, no action was needed on Ordinance No. 2022-06 to rezone the property or on the Sawgrass Lakes Center development agreement.

Legacy of West Melbourne Apartments. Planning Director Fischer presented the initial site plan for the 199-unit apartment community known as Legacy at West Melbourne. The site was 14.03 acres and was annexed in 2006. The parcel along John Rodes Boulevard in front of the parcel was in Brevard County and was originally a strawberry farm. She presented architectural drawings and noted that the site plan met the code requirements. The developer would be meeting recreation requirements through an in lieu agreement. Planning Director Fischer stated that, in regards to transportation, a traffic study was completed and it was estimated the development would create 1,090 daily trips. She presented plans for the turning lanes to be constructed on John Rodes Boulevard. She noted the turning lanes would be finalized by the County. The site plan also included saving 45 trees while removing 84. The plan was consistent with the comprehensive plan objectives and goals. Planning Director Fischer noted that the Planning & Zoning Board met on March 9 and recommended approval of the site plan with conditions.

City Attorney Richardson reminded Council that this was a quasi-judicial hearing and asked for any disclosures. Mayor Rose stated he had met with City staff and was provided with an overview of the project. Council Members Dittmore, Bentley and Phrampus disclosed that they had visited the site.

City Attorney Richardson asked that a third condition be added for the restricted covenant for the front portion of open space be reviewed by the City Attorney prior to recording.

Mayor Rose opened the public hearing.

Sandy Michelson, 745 Greenwood Manor Circle, stated she understood the plan met the requirements of the code. However, she was concerned with the level of traffic on John Rodes Boulevard. She did not believe the vehicles would be able to make a left hand turn because traffic would be backed up. She stated a more comprehensive look at the traffic impacts needed to be considered when reviewing development plans.

Kimberly Rezanka, representing Legacy Residential Group, distributed color version of the site plan. She noted the plan was consistent with the site plan process. They had met with the County and agreed to provide turning lanes on John Rodes Boulevard. She also stated there would be a restricted covenant for the front parcel noting that it would only be used as amenities for the Legacy complex. Ms. Rezanka stated the developers were not planning to sell the complex once it was built.

Council Member McDow asked what kind of amenities would be provided in the front two acres. Ms. Rezanka stated there would green space and benches and possibly a dog park. The area would not be open to the public but would be available for the enjoyment of the residents. She noted the front two acres were not located in the City.

Council Member Phrampus asked about annexing the land. City Attorney Richardson stated the restricted covenant would run with land; therefore, it would not need to be annexed to provide protections. However, the property owner might want to annex in order to achieve a partial credit against the city park in lieu fee.

Council Member Phrampus also asked about sidewalks along John Rodes Boulevard. Planning Director Fischer stated that sidewalks were required for City properties, but this was a County road.

Council Member Batcheldor questioned the number of units. Alexander Moya, Regional Vice President of Development for Legacy Residential Group, stated they were not looking to maximize the property but rather create a nice community. Planning Director Fischer stated there was a 15-unit per acre maximum and the project would be at 14.43 dwelling units per acre. Council Member Batcheldor stated the difference would not impact traffic requirements.

Council Member Young asked if the facility would be gated. Ms. Rezanka stated that it would not.

Council Member Bentley stated he appreciated the proposed turn lanes because traffic was congested on John Rodes Boulevard, especially during peak hours. He asked why the development in Viera would be a nicer development. Erik Downs, Development Associate for Legacy Residential Group, stated the Viera development is equal to what was being proposed.

Mayor Rose asked about parking space size. Planning Director Fischer stated they would all be at minimum code of 10 feet.

Council Member McDow asked about the transportation component for the turn lanes. James Taylor, Project Manager with Kimley Horn and traffic engineers for the project, explained that the traffic study completed for the site indicated that warrants had not been met to include turn lanes. However, the traffic count numbers were close to the warrants and they were instructed by the County to put in the turn lanes for safety reasons. Council discussed long-term plans for John Rodes Boulevard and whether improvements at Ellis Road would alleviate some of the traffic issues.

Mayor Rose asked about electric charging stations and was told they would be included in the project.

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

Council Member Dittmore moved to approve the initial site plan for a 199-unit apartment community known as Legacy at West Melbourne, with the following conditions:

1. *Obtain outside agency permits from the Florida Department of Environmental Protection and the St. Johns River Water Management District prior to final site plan approval.*
2. *Pay the fee in lieu of public recreation dedication and record the required recreation agreement.*
3. *The restricted covenant for the land along John Rodes Boulevard be reviewed by the City Attorney prior to recording.*

Mayor Rose seconded the motion, which passed unanimously.

8. PUBLIC FORUM

There were no comments from the public.

9. CONSENT AGENDA

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

- Regular City Council meeting minutes for Tuesday, April 19, 2022.
- Authorization for the Mayor to sign the Department of Environmental Protection Standard Grant Agreement for \$3,433,300 for the Ashley Manor, Dundee Circle, and Manor Place Septic-to-Sewer project.
- Receipt of the Second Quarter 2021-2022 Budget Report.

10. MANAGEMENT REPORTS

Police Department Quarterly Report. Deputy Chief Cordeau presented the quarterly Police Department Report.

11. CITY COUNCIL REPORTS

Deputy Mayor Young reported the Transportation Planning Organization had been recertified and provided an update on the Ellis Road widening project. She also provided an update from the Tourist Development Council.

Council Member McDow reported on several meetings in the last month and commended the City Attorney on the recent response for public records.

Council Member Phrampus expressed appreciation for City staff in assisting in his review of the City Manager applications.

Council Member Batcheldor provided observations on the international travel at the Melbourne airport and the Tui airline. He also expressed appreciation for the response by the City on records requests.

Council Member Dittmore provided comments on the Tui airline. He also reported he had attended the Cops on the Coop event.

Council Member Bentley reported he had attended an event at the Kennedy Space Center to help students get more involved in space events. He also attended the Space Coast League of Cities board meeting and the Cops on the Coop event.

Mayor Rose reported he had also attended the event at the Kennedy Space Center for students. He reported on several other events he had attended in the last month.

12. ADJOURNMENT

There being no further business, the meeting adjourned at 9:07 p.m.