

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 WORKSHOP

### MINUTES

May 17, 2022

#### 1. CALL TO ORDER

Mayor Rose called the Council workshop 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, Police Chief Rick Wiley, Public Works Director Mark Piccirillo, Jacobs Maintenance Supervisor Sherman Huffman, Building Official Tom Forbes, Finance Director Margi Starkey, Planning Director Christy Fischer, Systems Administrator Christian Arsenault, Assistant City Clerk Eric Popham, and members of the public.

#### 4. BUDGET WORKSHOP – INITIAL PROJECTION OF FISCAL YEAR 2022-2023 REVENUES

City Manager Morgan recapped the 2022-2023 Council budget priorities which were identified in previous workshops. He then presented an initial revenue forecast for 2022-2023 with a growth of 2.1% equaling \$43.9 million.

Mayor Rose proposed looking at the idea of raising stormwater fees. City Manager Morgan stated the last update was in 2018. In order to do this, it would require additional advertising and public hearings. While this could be accomplished for this upcoming year if the Council acts quickly, Council may prefer to wait a year to allow for more time to accomplish the task. Council Member Phrampus agreed that Council should wait until next year.

Mayor Rose asked how best to minimize adverse impacts from avoid recessions. City Manager Morgan responded that Council has been very good about saving and having the appropriate level of reserves and that strategy is an excellent one.

Nicole and Jason Konicki, 1975 Botanica Circle, addressed Council about the use and popularity of the City's current pickleball courts and expressed support to the Council for additional pickleball courts in the upcoming year budget.

## 5. RECESS

*Council recessed the workshop at 6:08 p.m. and reconvened to the Regular City Council meeting at approximately 6:35 p.m., following the West Melbourne-Brevard County Joint Community Redevelopment Agency meeting.*

# CITY COUNCIL REGULAR MEETING

## MINUTES

May 17, 2022

## 6. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

**Presentation to Council Member Daniel Batcheldor.** Mayor Rose presented a plaque of appreciation to outgoing Council Member Batcheldor for his service as a member of City Council.

**Interview Applicant for Board of Adjustment.** John Cary, an applicant for a vacancy on the Board of Adjustment, was invited to address the Council. Mr. Cary briefly described his background and reasons for wanting to serve the City. Mr. Cary also informed Council he may not be able to serve a full term.

*Council Member Bentley motioned to appoint John Cary to the Board of Adjustment beginning June 7, 2022, with a term ending November 2022. Council Member Phrampus seconded the motion, which passed unanimously.*

## 7. PUBLIC HEARINGS

**Revisions to Chapter 71, Natural Resources and Stormwater, Article IV, Landscaping and Tree Preservation.** Planning Director Fischer presented a code amendment relating to proposed revisions for tree and landscaping codes. These changes have been coordinated with professional landscape consultants familiar with the Central Florida environment and reviewed by a guiding committee. Staff is recommending the effective date be the date of first reading versus the date of second reading. This would mean that any project without final site plan approval as of May 17, 2022, would be required to follow the new guidelines.

City Attorney Richardson read the proposed ordinance in title only:

**ORDINANCE NO. 2022-09**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 71, NATURAL RESOURCES AND STORMWATER, ARTICLE IV, LANDSCAPING AND TREE PRESERVATION, DIVISION 1. – TREE PRESERVATION, DIVISION 2. – TREE REMOVAL AND REPLACEMENT, AND DIVISION 3. LANDSCAPE AND BUFFER REQUIREMENTS; UPDATING THE LANDSCAPE AND TREE CODES; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Richardson clarified the effective date of the ordinance. While the effective date would still be the date of adoption on second reading, in Florida law there is the Pending Ordinance Doctrine, when a public announcement about a pending change to code could apply based on the date of the announcement.

Mayor Rose opened the public hearing.

Mr. Bruce Moia, Government Affairs Chairman for the Homebuilders and Contractors Association and Business Advocacy Chairman for the Chamber of Commerce, expressed concern about the proposed changes and impacts on the costs for both the developer and the contractors, which will ultimately impact the residents who buy the properties. Mr. Moia recommended three changes to the proposed ordinance:

- 1) Do not use the 10% coverage requirement currently in the proposed ordinance.
- 2) Consider a grandfather clause for projects which have not yet received final site plans approval.
- 3) If Council does retain the 10% coverage requirement; consider an exemption for developers who keep a certain preserved portion of land.

With no further comments from the public, Mayor Rose closed the hearing.

*Council Member Phrampus motioned to approve the first reading of Ordinance No. 2022-09, with the provision of accepting the effective date of first reading. Council Member Batchelder seconded motion.*

Council Member Dittmore expressed concern that by adopting this ordinance, it would cause undue expense on projects already in development. Council Member Bentley agreed and wanted to ensure Council is being fair to certain projects.

Council Member McDow stated he supports the idea of grandfathering certain projects to aid in avoiding undue costs to developers.

Deputy Mayor Young proposed that the approval should be based on those site plans which have been approved by Council as a good point for a possible grandfathering of projects.

*Council voted to approve the motion, 6-1, with Council Member Dittmore opposed.*

**Comprehensive Plan Map Amendment, Rezoning and Development Agreement for Pulte Homes.** *Deputy Mayor Young motioned to postpone the public hearing for the future land use map amendment, rezoning and development agreement until June 21, 2022, at the recommendation of City Staff. Council Member Batcheldor seconded the motion, which passed unanimously.*

## **8. PUBLIC FORUM**

Tony Masone, developer of the Sawgrass Lakes Center at 3780 and 3820 Minton Road, asked Council to reconsider the project which was presented at the April 19, 2022, Council meeting, as a conditional use under the current commercial zoning designation. Council Member Dittmore asked if staff could research the possibility of permitting the type of conditional use that Mr. Masone is requesting.

## **9. CONSENT AGENDA**

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

- Regular City Council meeting minutes for Tuesday, May 3, 2022.

## **10. ACTION AGENDA**

**Final Plat of Space Coast Town Center East - Phase 1A.** Planning Director Fischer presented background information related to a plat of land on the southern edge of the Space Coast Town Center and the proposed subdivision and replat of this area. The Planning and Zoning Board recommended approval on May 10, 2022, with the following conditions:

1. Council approve the County pond relocation documents, the comprehensive plan amendments, the rezoning and the development agreement revision, prior to recordation of the plat Mylar.
2. Submit a Trip Vesting Report signed by a traffic engineer per the 2018 Development Agreement between Space Coast Town Centre, LLC and the City of West Melbourne.
3. Developer either posts an infrastructure performance bond or build the subdivision improvements prior to recordation of the plat Mylar.

Bob Gorlow, developer for Space Coast Town Center, described the area and noted that there was no intent to record a plat for this area until such time as it is ready to be purchased.

Council Member Batcheldor expressed concern that this is a change from the master plan originally presented to Council. The developer stated the intention has always been to sell off this piece of property.

*Council Member Phrampus motioned to deny the final plat for Phase 1A of the Space Coast Town Center East creating Lot 2 in the mixed-use development known as Space Coast Town Center (located west of I-95, east of St. Johns Heritage Parkway and south of U.S. 192) with the proposed conditions. Council Member Batcheldor seconded the motion.*

Following discussion, the developer formally withdrew the plat from consideration. No vote was needed on the motion.

**Resolution Supporting Vision Zero.** Kim Smith, Vision Zero Project Manager, presented information on the Vision Zero program from the Space Coast Transportation Planning Organization (TPO). The goal of the program is to eliminate traffic fatalities and serious injuries resulting from traffic crashes within the County which are goals that are in line with both Federal and State programs. Ms. Smith stated the expectation is that cities in the program should prioritize safety as well as provide representation to the TPO.

*Council Member Batcheldor motioned to adopt Resolution No. 2022-11 supporting the vision of zero traffic fatalities and serious injuries. Council Member McDow seconded the motion, which passed unanimously.*

**Melbourne Estates CDBG Flood Risk Reduction Project.** Assistant City Manager Rhode presented background information on grants related to flood risk reduction and water line replacement in the Melbourne Estates neighborhood and the bid process. Because of the cost associated with the construction bid, Council is asked to approve the flood risk reduction portion of the project, with the construction contract execution subsequent to receipt of an environmental clearance letter from the Florida Department of Economic Opportunity.

*Council Member Dittmore motioned to award the bid for the Melbourne Estates CDBG Flood Risk Reduction Project to Young's Communication, LLC, in the amount of \$3,346,872 with construction contract execution pending an environmental clearance letter from the Florida Department of Economic Opportunity. Council Member Batcheldor seconded, which passed unanimously.*

**City Hall and Police Department Monument Sign.** Assistant City Manager Bradford presented information on the cost associated with a new monument-style sign for City Hall and the Police Department. There are two potential options for Council to consider. A sign without a digital board will cost approximately \$30,000 and a sign with a digital board will have a cost of approximately \$60,000. Funds in the amount of \$50,000 have already been allocated in the current fiscal year.

*Council Member Batcheldor motioned to move forward with obtaining quotes and construction of a digital message board. Council Member Phrampus seconded the motion. The vote on the motion passed 6-1, with Council Member Bentley opposed.*

Council asked staff to return at a later date with further information on sign placement.

## **11. CITY COUNCIL REPORTS**

Council Member McDow commented on the Sustainability Report which was presented to Council on April 19, 2022 and he would like to encapsulate and present the information at a future date.

Council Member Phrampus thanked staff for providing updated traffic and lane information to residents of Sawgrass Lakes and asked about negotiating a contract for employment for Mr. Rhode as the next City Manager. City Attorney Richardson stated he would provide a sample contract for Council to review.

Council Member Batcheldor expressed his gratitude to the residents, staff and Council Members.

Council Member Dittmore participated in a town hall meeting recently with State representatives and Senator Debbie Mayfield regarding property insurance issues.

Council Member Bentley reminded the group about the Mayor's Breakfast on Friday, May 20.

Deputy Mayor Young thanked Council for approving the Vision Zero resolution.

Mayor Rose reported he had also attended the town hall meeting with State Senator Debbie Mayfield, who spoke about issues and topics that are taking place in Tallahassee. Mayor Rose inquired about an update on the splash pad and asked about organized sports or events planned for the summer at the Field of Dreams.

## **12. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:30 p.m.