

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 WORKSHOP

### MINUTES

June 15, 2021

#### 1. CALL TO ORDER

Mayor Rose called the 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 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, Assistant City Manager Tom Bradford, Police Chief Rick Wiley, Finance Director Margi Starkey, Public Works Director Mark Piccirillo, Jacobs Project Manager Brian Mascher, Parks & Recreation Director Rich Boprey, Sr. Systems Administrator Christopher Timmons, City Clerk Cynthia Hanscom, and members of the public.

#### 4. BUDGET WORKSHOP – PROPOSED FY 2021-2022 OPERATING BUDGET

City Manager Morgan presented the proposed fiscal year 2021-2022 operating budget. Early estimates have the all funds budget at \$45.6 million, which is a 3.6 percent increase from the current year. The general fund is \$17.6 million, which is an increase of 15.8 percent. City Manager Morgan stated that wages and benefits were up by 6.5 percent and operations were up by 11.7 percent. He noted that capital improvement and contingency was increased by 84.4 percent, largely because of the American Rescue Plan Act (ARPA) funds.

City Manager Morgan presented a summary of the revenues, which were not overly reliant on one type but rather was a good mix. He also reviewed the enterprise funds and confirmed that sufficient revenues were available.

Council discussed the current positions and personnel changes. City Manager Morgan stated that the workload was high but they continued to fill vacant positions. When asked about the update to the pay ranges, City Manager Morgan stated that they had taken a comprehensive look in 2018, which should be repeated every 5 years.

City Manager reviewed the top twenty largest or otherwise notable budget items.

Mayor Rose asked about the number of old water lines. City Manager Morgan stated that they were replacing those lines systematically. The next project will be in Melbourne Estates, which would take advantage of possible grant funding.

Council Member Phrampus stated the proposal was to use ARPA funding to construct three wells. He asked the total number of wells that would be needed. City Manager Morgan explained the engineering study estimated that there would need to be three to five wells. However, based on the productivity of the test well, it was believed that four wells would be sufficient.

Mayor Rose noted that there was only \$1.25 million budgeted for the building department annex. City Manager Morgan stated that the cost would not be large because minimal amenities would be needed. The budgeted cost was about \$200 a square foot, which was typical for an office building.

Council discussed road repairs and which streets should or should not be on the list, which ones needed more than just patching and those streets that required more extensive work. Council Members agreed that additional work would need to be done on Doherty Drive. Public Works Director Piccirillo stated that it was estimated to be \$90,000 for that repair. City Manager Morgan stated that it could be added to the list of road repairs for the next budget year.

Council also discussed the improvement to Norfolk Parkway. City Manager Morgan stated that the proposed changes to the intersection would not impact the drainage or the controller box and would not require approval from Florida Power & Light for use of their easement.

City Manager Morgan stated he was proposing a rolled-back millage rate of 2.449 mills. The expected final valuation from the property appraiser would be received by July 1. This would need to be set at the City Council meeting of July 20, 2021. City Manager Morgan reviewed the remaining budget schedule.

Council Member Batcheldor asked about the reduction of one crossing guard. City Manager Morgan stated that it was based on students that crossed and there were no longer any school age children that used the intersection to get to school. Council Member Batcheldor asked that the City check with the school district on the number of students on the chance that a crossing guard would be needed at this or another location. Mayor Rose suggested someone be stationed at the intersection for the first week or two of school to insure that there is no demand.

Council Member Batcheldor also asked if the millage rate could be offset by the ARPA funds. City Manager Morgan stated the ARPA funds are limited and could not go toward the general fund, nor would it carry forward for future years. He stated that he would expect growth in residential valuations, but could see some commercial valuations drop. He noted that some storefronts are aging and there is more shopping being done online.

Mayor Rose asked that money be set aside for shade structures in the park. City Manager Morgan stated that he had included funds for a landscape architect to prepare a design but was not sure of the cost of the shade structures. He said he would include funding in the next year's budget.

Council Member Phrampus commented that he was disappointed that there was not a true comparison of tax rates with fire assessment included.

Council Member Bentley asked if all cities charged a franchise fee for water and electric. City Manager Morgan stated they were local discretionary taxes. Council Member Bentley stated that this would create inconsistency in comparing tax rates when some municipalities may not have the additional taxes. City Manager Morgan stated that the expenditures per capita was another way to compare among municipalities and the City was very low.

## **5. RECESS**

*Council recessed the workshop at 6:53 p.m. and reconvened to the Regular City Council meeting at 7:05 p.m.*

## **CITY COUNCIL REGULAR MEETING**

### **MINUTES**

June 15, 2021

## **6. CALL TO ORDER**

Mayor Rose called the regular meeting to order at 7:05 p.m.

## **7. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT MEDITATION**

Mayor Rose led the Pledge of Allegiance followed by a moment of silence.

## **8. 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, Assistant City Manager Tom Bradford, Police Chief Rick Wiley, Finance Director Margi Starkey, Public Works Director Mark Piccirillo, Planning Director Christy Fischer, Parks & Recreation Director Rich Boprey, Jacobs Project Manager Brian Mascher, Sr. Systems Administrator Christopher Timmons, City Clerk Cynthia Hanscom, and members of the public.

## **9. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS**

**Introduction of New Employees.** Parks & Recreation Director Boprey introduced Recreation Leader Jennifer McClellan, who started with the City on June 7, 2021. Assistant City Manager Bradford introduced Systems Administrator Christian Arsenault, who started with the City on June 14, 2021.

## **10. PUBLIC HEARINGS**

**Transmittal, Comprehensive Plan Amendment, and Rezoning Transmittal for Property Located West of I-95, North of US-192, and East of St. Johns Heritage Parkway (Space Coast Business Center).** Planning Director Fischer presented the transmittal, rezoning and development agreement for the Space Coast Business Center for property located west of I-95, north of U.S. 192, and east of St. Johns Heritage Parkway. She reviewed the changes to the future land use and the amendment which would change from the County RES 2 to Parkway Interchange. She provided a staff analysis for water and sewer, public safety and the environmental site data as well as the surrounding uses. The amendment would be consistent with the goals, objectives and policies of the comprehensive plan.

Planning Director Fischer also reviewed the rezoning to Gateway Interchange. A concept plan was shown which was for illustration only and would not be binding. She reported that the Planning & Zoning Board had met on May 11 and recommended approval of the transmittal, comprehensive plan amendment, and rezoning.

Planning Director Fischer also presented the development agreement, noting that it would limit residential to 184 dwelling units or less. The main use of the property would be for industrial and commercial uses and the agreement asked for architectural features if corrugated metal buildings are used. If the 184 units were developed for rental, the property owner would insure that 85 percent of the residents were age restricted to 55 years of age or older. Planning Director Fischer stated that the Planning & Zoning Board had also recommended approval of the development agreement.

City Attorney Richardson read, in title only, Ordinance Nos. 2021-14 and 2021-15.

### **ORDINANCE NO. 2021-14**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO PROVIDE FOR PI (PARKWAY INTERCHANGE) LAND USE FOR A 36.73 ACRE PARCEL GENERALLY LOCATED WEST OF INTERSTATE 95, NORTH OF

U.S. 192, 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. 2021-15**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A 36.73 ACRE PARCEL OF LAND GENERALLY LOCATED WEST OF INTERSTATE 95, NORTH OF U.S. 192, AND EAST OF ST. JOHNS HERITAGE PARKWAY, AND AS MORE FULLY DESCRIBED HEREIN, FROM BREVARD COUNTY AU (AGRICULTURAL USE DISTRICT) TO CITY OF WEST MELBOURNE GTWY-I (GATEWAY INTERCHANGE DISTRICT); PROVIDING AN EFFECTIVE DATE.

Mayor Rose opened the public hearing.

Mayor Rose asked about the entrances to the property. Robert Robb, representing the applicant, stated that there would be access on U.S. 192 and they hoped to work with Brevard County to obtain an access on St. Johns Heritage Parkway, which would be a right in/right out only.

Mayor Rose asked about the number of units and how that number was calculated. Planning Director Fischer stated the 25 percent threshold is based on the acreage. Mayor Rose asked where the residential would be built on the property. Planning Director Fischer stated that it could be clustered at one end or spread throughout the property as long as it is no more than 25 percent of the property. Mr. Robb stated it would be an option should there be issues with the residential zoned property to the north. If they no longer have the ability to have residential as an option, they would lose the ability to work with the neighboring property owner.

Mayor Rose asked about a buffer. Planning Director Fischer noted that they would be required to have a wall or fence regardless of the use.

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

*Council Member Young moved to approve transmitting the large scale comprehensive plan map amendment LSA-2021-13 conditioned on the properties being annexed and the approval of the execution of a density and intensity limiting development agreement. Council Member Bentley seconded the motion, which passed unanimously.*

*Council Member Young moved to approve the first reading of Ordinance No. 2021-14 changing the future land use of the property from Residential (RES-2) to Parkway Interchange (PI). Council Member Phrampus seconded the motion, which passed unanimously.*

*Council Member Young moved to approve the first reading of Ordinance No. 2021-15 changing the zoning of the subject properties from the Brevard County AU to City of West Melbourne GTWY-I with the condition that the annexation and comprehensive plan map amendment (large scale) are approved along with a density limiting development agreement. Council Member Phrampus seconded the motion, which passed unanimously.*

**Annexation of Parcels Located East of St. Johns Heritage Parkway and North of US 192 (Space Coast Business Center).** Planning Director Fischer presented the request for annexation for the Acquest property located west of I-95, east of St. Johns Heritage Parkway and north of U.S. 192.

City Attorney Richardson reminded Council that this was a quasi-judicial hearing and disclosures were needed. Council Members Bentley, McDow, Phrampus, Batcheldor, Young and Deputy Mayor Dittmore all disclosed that they had met with City staff on this request. Mayor Rose stated that he had a telephone conversation with City staff on this issue.

Planning Director Fischer reviewed the availability of urban services for utilities, access, stormwater, fire and police, and confirmed the proximity to the City limits.

City Attorney Richardson read, in title only, Ordinance No. 2021-13:

### **ORDINANCE NO. 2021-13**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION PARCELS OF LAND TOTALING APPROXIMATELY 36.73 ACRES LOCATED ON THE NORTH 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. There being no comments, he closed the public hearing.

*Council Member Bentley moved to approve the second reading of Ordinance No. 2021-13, annexing approximately 36.73 acres of property located east of St. Johns Heritage Parkway and north of U.S. 192. Council Member Phrampus seconded the motion, which passed unanimously.*

**PMG West Melbourne Large Scale Comprehensive Plan Amendment and Rezoning.** Planning Director Fischer asked Council to postpone the public hearing until July 20, 2021.

*Council Member Bentley moved to postpone the public hearing for PMG West Melbourne's large scale comprehensive plan map amendment and rezoning requests to the July 20, 2021, meeting. Council Member Batcheldor seconded the motion, which passed unanimously.*

**Preliminary Plat for St. Johns Heritage Lakes North Subdivision.** Planning Director Fischer presented the preliminary plat for the 59.93 acre parcel for the St. Johns Heritage Lakes North Subdivision, located along the interchange, south of Ellis Road.

Planning Director Fischer stated the developer was proposing to have seven parcels, one of which would be 27.10 acres and developed as multi-family. She reminded Council that the property had already been zoned for multi-family and Council was to consider the preliminary plat. Access would be from St. Johns Heritage Parkway with the desire to have a second access along the southern portion of the property. She presented a drawing of the plan in relation to the adjacent property (The Dunes) which would come before Council later in the meeting. She noted that all of the internal roadways would be private. The lift station for this project will be centrally located between the Heritage Lakes and The Dunes projects.

Planning Director Fischer provided an analysis on consistency with the land development regulations, transportation concurrency, utilities, stormwater, schools, recreation and police. She stated that the Planning & Zoning Board, acting as the planning agency, recommended approval on June 9, 2021, with the following six conditions.

1. Developer will finalize construction drawings to comply with City Codes, the conditions of the preliminary plat, the requirements by outside governmental agencies, and the minimum percentage thresholds required by the Parkway Interchange future land use designation.
2. Developer must either install a segment of sidewalk along the private road or provide a performance bond to meet the sidewalk requirement.
3. A traffic study must be submitted, reviewed and accepted by the City before the final plat.
4. Identify the tract that will contain either the subdivision or apartment complex sign.
5. Pay the City's recreation fee at the time of final plat since public land will not be dedicated for a new public park for multi-family portion in this subdivision.
6. Coordinate with the City and floodplain agencies to ensure that building floor elevations, drainage and other issues are addressed for those portions of the property that are residential and in the flood zone.

City Attorney Richardson reminded Council that this was a quasi-judicial hearing and Council Members would need to disclose any contact or information that they had received prior to the hearing. City Attorney Richardson noted that all of the Council

Members had participated in discussions individually with staff but there were no other disclosures.

Council Member Phrampus asked about the entryway. Scott Glaubitz, engineer for the project and representing the developer, provide an analysis on the entrances to Heritage Lakes and The Dunes, noting that internal roadways would be shared and private with one shared access from St. Johns Heritage Parkway.

Council Member Phrampus also asked about the dedication of a sign. Mr. Glaubitz indicated the original location was on the north side of St. Johns Heritage Parkway, but because of the topography, it was suggested that it would be more visible if it were located next to the Florida Department of Transportation property. Mike Renfro, owner of the property, presented a drawing of the sign showing how it would welcome visitors to West Melbourne but would also show the logo for Heritage Lakes. The developer would retain ownership of the sign.

Council discussed the triangular piece of land located north of Ellis Road. Mr. Renfro stated that it was not buildable because of site conditions, egress, and setbacks. Mr. Glaubitz also stated that there was a Florida Department of Transportation easement going through the center of the property.

Mayor Rose opened the public hearing. There were no comments from the public.

*Deputy Mayor Dittmore moved to approve the preliminary plat for St. Johns Heritage Lakes North subdivision. Council Member Phrampus seconded the motion.*

Council Member Batcheldor commented on the City's concern with the tree removal and consistency with City Code. Mr. Glaubitz stated he had been associated with this project since 1987 and the property had been cleared when it was proposed for a recreational vehicle park. He noted that the landscaping plan would be completed and submitted to the City for review.

Council Member Batcheldor expressed concern that there would be two residential areas next to one another with limited entrances and exits. City Attorney Richardson stated that the plan would go through the site plan review process and both plans would be required to go through final plat approval.

*Council then voted on the motion to approve the preliminary plat, which passed unanimously.*

**Preliminary Plat for The Dunes at Heritage Lakes Subdivision.** Planning Director Fischer presented the preliminary plat for The Dunes at Heritage Lakes Subdivision. This single-family development was adjacent to Heritage Lakes. The access would be from St. Johns Heritage Parkway. She noted that the stormwater area for this development was very large and would be shared with the adjacent multiple-family development of Heritage Lakes. She provided an analysis of the proposal. The Planning & Zoning Board recommended approved the preliminary plat at their meeting of June 9, 2021, with the following eight conditions:



1. Developer shall finalize construction drawings to comply with City Codes, the conditions of the preliminary plat, and the requirements by outside governmental agencies.
2. Developer must either install a segment of sidewalk along the private road or provide a performance bond, as they determine to meet this requirement.
3. Prior to construction drawing approval, the developer shall request the School Board's final school capacity determination.
4. A traffic study must be submitted, reviewed and accepted by the City before the final plat.
5. Change the name of Lindner Circle to an easier name for address assignment.
6. Include an emergency access easement on Tract MU-4 and on the construction plans, show a stabilized surface from McFarland Drive to Columbia Lane.
7. Coordinate with the City and floodplain agencies to ensure that building floor elevations, drainage and other issues are addressed for those portions of the property that are in the flood zone.
8. Pay the City's recreation fee with final plat submittal since public land will not be dedicated for a new public park for this subdivision.

Mayor Rose opened the public hearing.

Council Member Phrampus asked about a buffer between the single-family and multiple-family developments. Mr. Glaubitz stated that there would be a robust landscaping buffer along the multiple-family development. Council Member Phrampus also asked about the road connection. Mr. Glaubitz stated that there would be connectivity through the street system but not through each development. He noted that the multiple-family would have parking along the roadway and they did not want to introduce additional traffic.

Mayor Rose asked the width of the single-family lots. Planning Director Fischer stated that the lots would be the required 50 feet.

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

*Council Member Phrampus moved to approve the preliminary plat for The Dunes at Heritage Lakes subdivision with conditions. Council Member Young seconded the motion, which passed unanimously.*

**Comprehensive Plan Amendment and Rezoning Epoch Apartments.** Planning Director Fischer presented the comprehensive plan amendment, rezoning and development agreement for Epoch Apartments at 3685 Minton Road.

City Attorney Richardson reminded Council that it was a quasi-judicial hearing and Council would need to disclose any contact with the developer or visits to the property. Council had no other disclosures other than meetings with City staff.

Planning Director Fischer provided a background on the development of the triangular parcel that would become part of the larger development for Epoch Apartments. She

reminded Council that this was before Council for second reading. She reviewed the future land use that would be changed from commercial to urban residential to accommodate the multiple-family use. She also reviewed the rezoning noting that the property would be rezoned to R-3.

City Attorney Richardson read Ordinance Nos. 2021-10 and 2021-11, in title only:

**ORDINANCE NO. 2021-10**

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 A 5.37 ACRE PARCEL OF LAND LOCATED AT 3685 MINTON ROAD, AND AS MORE FULLY DESCRIBED HEREIN FROM COM (COMMERCIAL) TO UD-RES (URBAN DENSITY RESIDENTIAL); PROVIDING AN EFFECTIVE DATE.

**ORDINANCE NO. 2021-11**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A 5.37 ACRE PARCEL OF LAND GENERALLY LOCATED AT 3685 MINTON ROAD, AND AS MORE FULLY DESCRIBED HEREIN FROM C-1 (LOW DENSITY COMMERCIAL) TO R-3 (MULTIPLE-FAMILY DWELLING); PROVIDING AN EFFECTIVE DATE.

Mayor Rose opened the public hearing.

Jake Wise, engineer for the project and representing the developer, stated no new information was being presented since the first reading.

Mayor Rose asked about access to the site. Mr. Wise explained there would be one access from the existing drive on Norfolk Parkway for the Promise in Brevard facility and the second access would be from Minton Road.

Council Member Phrampus asked what kind of agreement had been made with Promise for units. Tommy Cisneros, developer for Epoch Apartments, stated they have agreed to offer Promise a corporate discount. He noted that this would be a private agreement between the two parties.

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

*Council Member Bentley moved to approve the second reading of Ordinance No. 2021-10, to change the future land use on 5.37 acres of property located at 3685 Minton Road from the current designation of Commercial to Urban Density Residential. Deputy Mayor Dittmore seconded the motion, which passed unanimously.*

*Council Member Young moved to approve the second reading of Ordinance No. 2021-11, to change the zoning designation on 5.37 acres of property located at 3685 Minton Road from C-1 to R-3. Deputy Mayor Dittmore seconded the motion, which passed 6-1, with Council Member Phrampus opposed.*

**Development Agreement for Epoch Apartments.** Planning Director Fischer presented the development agreement for the Epoch Apartments for the properties that would be developed to include the property along Norfolk Parkway with the power lines. The agreement would allow for 280 apartments, which would come to no more than 25 dwelling units per acre. The apartments would have a shared access with Promise in Brevard, which would require a shared easement agreement. The landscaping would include trees along the south side of Norfolk Parkway. She stated the agreement was consistent with the comprehensive plan and the intent of the density limits.

Mayor Rose opened public hearing.

Mayor Rose asked about the property under the power lines. Planning Director Fischer explained that it would need to be maintained by the property owner and could be enforced through code enforcement action. Council also discussed the litter that accumulates in this area and the need to have the codes enforced.

Mayor Rose closed the public hearing.

*Council Member Young moved to approve the development agreement to limit the use and the density of the proposed Epoch community as well as include landscaping along the south side of Norfolk Parkway. Deputy Mayor Dittmore seconded the motion, which passed unanimously.*

**Second Reading for Illicit Discharge Detection and Elimination Ordinance.** City Attorney Richardson presented the second reading of the illicit discharge detection and elimination ordinance. He stated that stormwater runoff can harm the environment and the National Pollutant Discharge Elimination System (NPDES) requires that an ordinance be in place to enforce the clean water act. The proposed ordinance is primarily based on the model ordinance. He added that the City had been enforcing the rules as if this ordinance had been adopted.

City Attorney Richardson read, in title only, Ordinance No. 2021-16:

### **ORDINANCE NO. 2021-16**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, FLORIDA, PROVIDING FOR THE REGULATION OF NON-STORMWATER DISCHARGES TO THE STORM DRAINAGE SYSTEM; PROVIDING FOR FINDINGS AND LEGISLATIVE INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITION OF ILLICIT DISCHARGE; PROVIDING FOR PROHIBITION OF ILLICIT CONNECTION; PROVIDING FOR REPORTING OF ILLICIT DISCHARGES AND ILLICIT CONNECTIONS; PROVIDING FOR ENFORCEMENT, PENALTIES, AND LIABILITY FOR POLLUTION ABATEMENT; PROVIDING FOR SEVERABILITY; 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 Bentley moved to adopt Ordinance No. 2021-16, establishing methods for controlling the introduction of pollutants into the City's municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System permitting process. Council Member Phrampus seconded the motion, which passed unanimously.*

## **11. PUBLIC FORUM**

There were no comments from the public.

## **12. CONSENT AGENDA**

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

- Minutes from the Regular City Council Meeting for June 1, 2021.
- Minutes from the Special City Council Meeting for June 3, 2021.
- Fiscal year 2021-2022 law enforcement dispatch services agreement in the annual amount of \$126,110, and authorize the City Manager to execute the agreement on behalf of the City.

## **13. ACTION AGENDA**

**City Council Review of Initial Site Plans.** City Attorney Richardson presented the first reading of Ordinance No. 2021-17 providing for City Council review of certain site plans. He provided a review of the current duties and responsibilities of the Planning & Zoning Board and Board of Adjustment. He noted there was an obsolete reference to the Planning & Zoning Board action for certain small subdivision plans that would need to be eliminated. He provided a summary of the site plan review process in local jurisdictions. He stated the ordinance would provide that City Council have final action on site plans for multi-family and industrial developments over five acres, and commercial developments over three acres.

City Attorney Richardson stated the Planning & Zoning Board had recommended approval of the ordinance in two parts. First, there was unanimous approval to eliminate the obsolete reference to the Planning & Zoning Board action on certain small subdivision plans. Secondly, the approval of the remainder of the ordinance was approved by a 5-1 vote, with the suggestion that Council consider the time, cost and effort to applicants and staff.

City Attorney Richardson read, in title only, Ordinance No. 2021-17:

## **ORDINANCE NO. 2021-17**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, PROVIDING FOR CITY COUNCIL REVIEW OF CERTAIN CONCEPTUAL AND INITIAL SITE PLANS PREVIOUSLY SUBJECT TO REVIEW BY THE PLANNING AND ZONING BOARD OR THE BOARD OF ADJUSTMENT; AMENDING CHAPTER 66, ADMINISTRATION, ARTICLE III, BOARDS, COMMITTEES, COMMISSIONS, DIVISION 3, BOARD OF ADJUSTMENT, DIVISION 4, PLANNING AND ZONING BOARD, AND ARTICLE X, SITE PLANS; AMENDING CHAPTER 71, NATURAL RESOURCES AND STORMWATER, ARTICLE V, HABITAT MANAGEMENT; AMENDING CHAPTER 86, SUBDIVISIONS, ARTICLE I, IN GENERAL; AMENDING CHAPTER 98, ZONING, ARTICLE III, DISTRICTS, DIVISION 6, ONE-, TWO- AND MULTIPLE-FAMILY DWELLING DISTRICT, DIVISION 7, R-3 MULTIPLE-FAMILY DWELLING DISTRICT, DIVISION 15, P-1 INSTITUTIONAL DISTRICT, DIVISION 16, TR-1 PLANNED RESIDENTIAL DEVELOPMENT FOR MOBILE HOME PARKS, DIVISION 17, TRC-1 SINGLE-FAMILY MOBILE HOME COOPERATIVE DISTRICT, DIVISION 18, TR-2 SINGLE-FAMILY MOBILE HOME RESIDENTIAL DISTRICT, AND DIVISION 19, RV-P PLANNED DEVELOPMENT FOR RECREATIONAL VEHICLE PARKS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

*Council Member Phrampus moved to approve the first reading of Ordinance No. 2021-17, providing for City Council review of site plans using the criteria of that for Melbourne, which stated that the City Council would consider the site plan if greater than or equal to 25 units for multi-family, greater than or equal to 5 acres for commercial, and greater than or equal to 10 acres for industrial. Deputy Mayor Dittmore seconded the motion.*

*Upon further discussion, Council Member Phrampus amended the motion to use the criteria of greater than or equal to 40 units for multi-family, greater than or equal to 10 acres for commercial and industrial. Deputy Mayor Dittmore agreed to the amendment.*

Deputy Mayor Dittmore asked how many submissions would go to the Planning & Zoning Board that were not reviewed by the City Council. City Attorney Richardson indicated he believed that there were about six approvals a year that would not go before City Council in some form. The conditional uses would continue to go before the Board of Adjustment.

Council Member Bentley stated he did not believe that review process for site plans should be changed. The City Council Members could chose to attend the Planning & Zoning Board meetings if they had concerns. He believed the current system worked well. Although he agreed there were problems with the dual access for Ascend, the plan had met the Codes and would not have changed if it required Council approval.

Council Member McDow stated that he was not clear on what was not working that needed to be fixed. He believed this would only add another layer of review to the process. Council Member Phrampus explained that this stemmed from the fact that City Council did not have the ability to make recommendations early on in the process.

Council Member Batcheldor commented that this ordinance was proposed to insure alignment with the comprehensive plan and address concerns to balance single-family and multiple-family housing. The current review process provided a reactive response to problems.

Council discussed including the commercial and industrial uses in the Council's review. Council Member Phrampus stated that the Council should be a part of the final decision.

Planning Director Fischer suggested the limits for commercial be increased to 20 acres. Council Member Phrampus agreed.

*Council Member Phrampus amended the motion to use the criteria of 20 acres for commercial, industrial and institutional uses. Deputy Mayor Dittmore agreed to the amendment.*

City Manager Morgan stated that he would not want to ask Council to approve the site plans for institutional uses. Planning Director Fischer indicated that institutional uses were not in certain areas on the map, but rather were considered individually and rezoned according to proposed use, which would come to Council as a rezoning.

Council discussed the site plan review process. City Attorney Richardson clarified that site plans that meet the code could not be denied. The goal would be to write or amend the code to insure the site plans include those policy issues that are wanted in the City.

*Council Member Phrampus withdrew his motion and asked that the City Attorney bring something back to Council that would include those concerns for site plan review for multi-family housing, trees and traffic.*

*Council Member Bentley moved to approve the first reading of Ordinance No. 2021-17 with the criteria to include review of multi-family developments equal to or greater than 50 units. Council Member Phrampus seconded the motion, which passed 4-3, with Mayor Rose and Council Members Young and McDow opposed.*

**Report on Building Permit Fees.** City Manager Morgan presented a report and analysis on building permit fees and the balance of the reserves. If Council chooses to do nothing, the building permit fee reduction would go back to the 2012 levels on October 1. Alternatively, Council could extend the reduction but would need to do so by September 30.

Council Member Phrampus stated that he would prefer to end the reduction as soon as possible. Council Members agreed and approved a resolution sunsetting the discount with an effective date of July 20, 2021.

**Short-Term Non-Profit Community-Serving Use of City House at 3125 Fell Road.**  
City Manager Morgan stated he was looking for alternative uses for the City house at 3125 Fell Road.

Nancy Peltonen, President and CEO for the Greater Palm Bay Chamber of Commerce, stated the Chamber offices are located in Palm Bay but they recognized that it may not be geographically centralized to the partners. If the Chamber would use the City house, it would be a secondary location. She understood there was other interest in the facility and believed that it could be accommodated.

Mary Larson with St. Frances Reflections Lifestage Care explained about the benefits of the grief program. She explained the program would need office space, a kitchen and a living room for the program. In addition, she was proposing that there would be social programs and they would need space to gather. She believed the City house would be a good location for the program. Although they could occupy the home on a part-time basis, she would be concerned with confidentiality of the clients. She provided information about grief sessions and noted that she would hope to have bereavement counselors in the facility five days a week. She reiterated that privacy and confidentiality would be very important to their clients.

Deputy Mayor Dittmore stated that the Veterans Memorial Complex may be suitable as it has office space as well as a kitchen facility. Ms. Larson stated that she would prefer to have a location that would be private and accessible.

*Council Member Bentley moved to extend the meeting past 10:30 p.m. Council Member Young seconded the motion, which passed unanimously.*

Council Member McDow expressed concern that other agencies may come forward asking for use of the space.

Mayor Rose stated that it sounded like it would be a good space for St. Frances but could also be used for events for the Greater Palm Bay Chamber, such as a mingle. City Manager Morgan agreed that use of the Veterans Memorial complex could be an option for both agencies, including the United Way tax program.

Council encouraged the City Manager to work with both St. Francis Reflections Lifestage Care and Palm Bay Chamber of Commerce to provide options for both the City house at 3125 Fell Road and the space available at the Veterans Memorial Complex.

#### **14. CITY COUNCIL REPORTS**

Council Member Batcheldor thanked City staff for organizing the Space Coast League of Cities dinner.

Deputy Mayor Dittmore thanked Chief Wiley and the department for the enforcement efforts with pedestrians in crosswalks. He asked for an update on the fire department. City Manager Morgan stated that he had talked with another City that had recently

completed the formation of a Fire Department to provide insight into the process. He hoped to get a request for proposal prepared for release in August.

Council Member Bentley reported on several meetings he had attended.

Council Member Young thanked City staff for organizing the Space Coast League of Cities dinner. She reported on meetings she had attended, including the Economic and Land Use Policy Committee meeting for the Florida League of Cities.

Council Member McDow provided a short slideshow on sustainability. He reminded Council that sustainability encompassed more than just the environment.

Council Member Phrampus reported on several meetings he attended, including the Municipal Administration Policy Committee for the Florida League of Cities. He agreed the Space Coast League of Cities dinner was a great event.

Mayor Rose reported on several events he had attended and thanked staff and Council Member Young for the Space Coast League of Cities dinner. He also complemented the new banners on the poles on U.S. 192 and thanked Public Works staff for installing them.

Mayor Rose asked the status of the interview process for Assistant City Manager. City Manager Morgan reported that interviews were held for 10 applicants and they were able to narrow the list to four finalists.

## **15. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:51 p.m.