

MAYOR
Hal J. Rose

DEPUTY MAYOR
Andrea Young

COUNCIL MEMBERS
Diana Adams
Pat Bentley
John Dittmore
Daniel McDow
Stephen Phrampus



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CITY COUNCIL REGULAR MEETING

MINUTES

July 19, 2022

1. CALL TO ORDER

Mayor Rose called the regular 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 Diana Adams, Pat Bentley, 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, Public Works Director Mark Piccirillo, Planning Director Christy Fischer, Building Official Tom Forbes, Jacobs Project Manager Brian Mascher, Assistant Finance Director Candice Blake, Systems Administrator Christian Arsenault, City Clerk Cynthia Hanscom, and members of the public.

Council Member Bentley moved to add an item to the agenda to discuss recruitment for the City Attorney. Council Member Dittmore seconded the motion, which passed unanimously.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Introduction of New Employees. Building Official Tom Forbes introduced Administrative Support Specialist Lisa Pilsbury, Public Works Director Mark Piccirillo introduced Maintenance Worker Blake Canada, and Police Chief Rick Wiley introduced Crime Scene Technician Leah Shanley. All three new employees started with the City on July 11, 2022.

Presentation of IEMO Certification of Completion. Mayor Rose presented a Certificate of Completion to Council Member Daniel McDow for completing the first level of training for the Institute for Elected Municipal Officials (IEMO).

5. PUBLIC HEARINGS

Comprehensive Plan Map Amendment and Rezoning for Space Coast Town Center. Planning Director Fischer presented the comprehensive plan map amendment and rezoning for Space Coast Town Center.

City Attorney Richardson reminded Council that the rezoning portion of the request was a quasi-judicial hearing and asked for disclosures from Council members for any communications, meetings or site visits prior to the hearing. There were no disclosures made from Council.

Planning Director Fischer provided a background on the property noting that this was a 4.65 acre county stormwater pond and would be incorporated into the Space Coast Town Center development. The future land use designation would change from Brevard County Community Commercial to West Melbourne Parkway Interchange. The total acreage for the Space Coast Town Center would be 158.97 acres. She provided a staff analysis showing the maximum impacts, noting that the change would be minimal because it would only be 4.65 acres.

Planning Director Fischer also provided an analysis of the rezoning noting it would go from Brevard County Transient Tourist Commercial to Gateway Interchange. The Planning & Zoning Board had meet on June 8 and recommended approval of both the land use change and the rezoning.

City Attorney Richardson read Ordinance No. 2022-12 and 2022-13 in title only:

ORDINANCE NO. 2022-12

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 PARCELS OF LAND TOTALLING 4.65 ACRES LOCATED ON THE EAST SIDE OF ST. JOHNS HERITAGE PARKWAY, SOUTH OF U.S. 192 AND AS MORE FULLY DESCRIBED HEREIN FROM BREVARD COUNTY CC (COMMUNITY COMMERCIAL) TO CITY OF WEST MELBOURNE PI (PARKWAY INTERCHANGE); PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING PARCELS OF LAND TOTALING 4.65 ACRES GENERALLY LOCATED ON THE EAST SIDE OF ST. JOHNS HERITAGE

PARKWAY, SOUTH OF U.S. 192 FROM BREVARD COUNTY TU-2 (TRANSIENT TOURIST COMMERCIAL) TO CITY OF WEST MELBOURNE GTWY-I (GATEWAY INTERCHANGE); PROVIDING AN EFFECTIVE DATE.

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

City Attorney Richardson clarified that the development of the property was based on the master plan. Therefore, the site plan can proceed directly to review with City Planning staff and would not come back to City Council for site plan approval.

Council Member Dittmore moved to approve the second reading of Ordinance No. 2022-12 amending the future land use of a 4.65 acre retention pond from Brevard County Community Commercial to West Melbourne Parkway Interchange. Council Member Bentley seconded the motion, which passed unanimously.

Council Member Dittmore moved to approve the second reading of Ordinance No. 2022-13 rezoning a 4.65 acre property from Brevard County Transient Tourist Commercial to Gateway Interchange with the condition that the comprehensive plan map amendment is approved. Council Member Bentley seconded the motion, which passed unanimously.

Transmittal, Comprehensive Plan Amendment and Rezoning for the St. Johns River Water Management District Diversion Project. Planning Director Fischer presented the proposed large scale comprehensive plan map amendment and rezoning for property for the St. Johns River Water Management District (SJRWMD). The subject property is 59.24 acres located on the west side of St. Johns Heritage Parkway, approximately 2,500 feet north of the intersection of U.S. 192. The property is owned by Brevard County and is being used as a retention pond. The SJRWMD was proposing to use the pond for a stormwater management area. The land use would need to change from Low Density Residential to Institutional. She noted that there was a Florida Department of Transportation (FDOT) floodplain conservation easement across the site. Because it was a large scale amendment, Council was being asked to approve the transmittal to the State.

Planning Director also reviewed the rezoning that would change from single family residential to institutional. She provided an analysis, noting the compatibility with surrounding uses and consistency with land development regulations.

City Attorney Richardson read Ordinance No. 2022-14 and 2022-15 in title only:

ORDINANCE NO. 2022-14

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO PROVIDE FOR INST (INSTITUTIONAL) LAND USE FOR A 59.24 ACRE PARCEL GENERALLY LOCATED WEST OF ST. JOHNS HERITAGE PARKWAY,

APPROXIMATELY 2,500 FEET NORTH OF US-192 (SR 500) 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. 2022-15

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A 59.24 ACRE PARCEL OF LAND GENERALLY LOCATED WEST OF ST. JOHNS HERITAGE PARKWAY, APPROXIMATELY 2,500 FEET NORTH OF US-192 (SR 500) AND AS MORE FULLY DESCRIBED HEREIN, FROM R-1A (SINGLE-FAMILY RESIDENTIAL) TO P-1 (INSTITUTIONAL); PROVIDING AN EFFECTIVE DATE.

Mayor Rose opened the public hearing. He asked representatives from St. Johns River Water Management District to present an overview of the project.

Richard Koller, Senior Consultant with Jones Edmunds and representing the SJRWMD explained that this was part of the Crane Creek/M-1 Canal Flow Restoration project. Currently the M-1 canal collects stormwater from 5,300 acres of drainage area in Melbourne, West Melbourne, Melbourne Village and portions of unincorporated Brevard County. Stormwater is sent east to the Indian River Lagoon via Crane Creek. The stormwater runoff degrades the lagoon water quality. The diversion project would reduce nutrients flowing to the Indian River Lagoon by re-routing water in the M-1 Canal westward for treatment. The stormwater treatment area would clarify the water prior to discharging to the St. Johns River Basin.

Council Member Phrampus asked if the project would bring contaminated water from Melbourne and move it west into West Melbourne. Mr. Koller stated that water was not contaminated but rather contained nutrients. The project would divert nutrient-rich water into pond and wetland cleansing areas before entering to the St. Johns River. The goal is to reduce nutrients entering the Indian River Lagoon. Planning Director Fischer stated that individual ponds within a development do the same filtering through passive clarification.

Deputy Mayor Young asked if the property could be developed with the FDOT floodplain conservation easement. Mr. Koller stated the easement would limit development on the site and as long as the property is owned by the SJRWMD it would not be developed.

Council Member Bentley spoke about the M-1 canal, which abuts developments located off of Sheridan Road and commented on how the canal has flowed back into the neighborhoods. Mr. Koller stated comprehensive modeling of the stormwater system showed that the weir would not raise flood elevations. He noted that they were sensitive to the concerns. He stated there could be flooding during storm events but the changes would not increase the flood levels.

Marc Van Heden, engineer with SJRWMD spoke about water stages and how the weir would impact the flow of water. Council Member Bentley stated there needed to be a way to restrict stormwater from flowing back into the neighborhoods.

Council Member Dittmore asked about maintenance of the retention area. Mr. Koller stated the operation and maintenance plan included the removal of excess accumulated vegetation to keep the area functioning.

Council Member Adams asked what would happen if the device malfunctioned. Mr. Koller stated the weir structure was constructed to inflate to lift up. If it failed, it would deflate and would remain in the open position.

Mayor Rose asked how long it would take for the nutrients to settle. Mr. Koller stated that the system would self-clarify from the time water travels to the marsh.

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

Deputy Mayor Young moved to (1) approve the transmittal of the large-scale comprehensive plan map amendment; and (2) approve the first reading of Ordinance No. 2022-14 changing the future land use of the property from Low Density Residential to Institutional for 59.24 acres of land located on the west side of St. Johns Heritage Parkway, approximately 2,500 feet north of US 192. Council Member Dittmore seconded the motion, which passed 6-1, with Council Member Bentley opposed.

Council Member Dittmore moved to approve the first reading of Ordinance No. 2022-15 changing the zoning of the subject property a 59.24-acre property from R-1A - Single-Family Residential to P-1 - Institutional with the condition that the comprehensive plan map amendment is approved. Council Member Adams seconded the motion, which passed 6-1 with Council Member Bentley opposed.

6. PUBLIC FORUM

There were no public comments during the public forum.

7. CONSENT AGENDA

Council Member Phrampus asked that the manual for acceptable plantings be pulled from the consent agenda.

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

- Regular City Council meeting minutes for Tuesday, June 21, 2022.

- Appointment of Tara Couture to the Business Advisory Board with a term ending November 2022.
- Approval of the Save Our Indian River Lagoon Project Cost-Sharing Funding Interlocal Agreements between Brevard County and the City of West Melbourne for the Lake Ashley Circle Septic-to-Sewer Project (SOIRL 22-224) and for the Dundee Circle and Manor Place Septic-to-Sewer Project (SOIRL 22-225).
- Adoption of Resolution No. 2022-15 expressing gratitude to Senator Debbie Mayfield and Representative Randy Fine for sponsoring a State appropriation providing \$460,000 to reduce flooding in a West Melbourne neighborhood.
- Authorization for the City Manager to enter into a three-year interlocal agreement with Brevard County for administration of the City's stormwater program.

Manual for Acceptable Plantings. Council Member Phrampus commented that there were several types of palm trees in his community that were not included on the list. Planning Director Fischer stated that the list includes trees that are native or would thrive in the environment. She stated that developers can plant other plantings. She provided the example that for every single family home there must be three trees per lot, which can be any of the trees that are allowed. Any additional plantings beyond the three trees can be added.

Council Member Phrampus believed the list could be broader to provide for nice looking palm trees. Planning Director Fischer stated that plants were considered that would be viable given the soil conditions.

Council Member Phrampus moved to adopt Resolution No. 2022-12 updating the 2009 listing of acceptable plants to meet the City's minimum code requirements. Council Member Adams seconded the motion, which passed unanimously.

8. ACTION AGENDA

Establishment of Proposed 2022-2023 Millage Rate for Public Hearing Advertisement. City Manager Morgan reminded Council that they would need to set the advertised millage rate, which would be sent to property owners through the Brevard County Property Appraisal Office advertising the first public hearing on September 7, 2022, which is when the rate will be considered. He reminded Council that the advertised rate could be lowered but could not increase above the advertised rate.

City Manager Morgan stated that current rate was 2.4248 mills. He provide suggested alternatives noting that the rolled-back rate was 2.1186. He was recommending the rate of 2.1367 mills which was only slightly higher than the rolled-back rate.

Mayor Rose commented that he would be concerned about advertising the rolled-back rate. There were many things that were uncertain that could affect the budget, such as

inflation or projects coming in over budget. He noted the departmental budget spending had increased and there was an expectation of spending more next year. Although there are grants available, many grants require matching funds. He added the employees enjoyed the compensation package and there were two very large projects of the fire department and water plant on the horizon as well as improvements needed for the sewer plant. Therefore, he would be opposed to advertising the rolled-back millage rate.

Council Member Dittmore asked about staffing. City Manager Morgan stated that he was projecting the same level of staff with an additional water maintenance employee paid from the water fund. Also, the part-time planning intern would be moved to an associate planner position. There were no layoffs proposed.

Council Member Dittmore stated that difference tween the rolled-back rate and the recommended rate is only around \$44,000. City Manager Morgan stated the proposed budget would be able to absorb the decrease of \$44,000 should the rolled-back rate be approved.

Council Member Dittmore moved to establish a proposed millage rate of 2.1186 per thousand dollars of taxable value for the purposes of advertising a Wednesday September 7, 2022, public hearing to consider adopting a tentative budget and proposed millage rate for fiscal year 2022-2023. Council Member Bentley seconded the motion.

Council Member Bentley commented that the City was doing well and they were proposing additional funds to the reserves as part of the current budget. He stated the ad valorem was about one-third of the City's revenues. City Manager Morgan commented that ad valorem revenues were important because the funds were used to fund basic operations and was the single largest general fund revenue. Council Member Bentley stated that he did not see an impact with difference in funds between the rolled-back rate of 2.1186 and the recommended rate of 2.1367. Therefore, he was in favor of establishing the rolled-back rate.

Council Member Phrampus stated that West Melbourne could not be compared to Melbourne and Palm Bay because they have fire services in the ad valorem. If the City choses to have a local fire department the percentage would change because residents would no longer be paying into the County. He agreed that the rollback rate should be established.

The vote on the motion to establish a millage rate at the rolled-back rate of 2.1186 passed 4-3 with Mayor Rose, Deputy Mayor Young and Council Member Adams opposed.

Amendment to Subdivision Code to Update Recreation Fee. City Attorney Richardson presented the first reading Ordinance No. 2022-17 to increase the fixed fee per acre for the in lieu fee for dedication of parkland to \$110,000. He provided a

background of the ordinance noting that developers can get credit for amenities provided onsite. He noted that this may seem to be a significant increase but it reflects what has happened in the local real estate market. The funds collected as part of this fee are to be used for capital expenditures or improvements for the parks system. The funds cannot be used for operation costs.

City Attorney Richardson read Ordinance No. 2022-17 in title only:

ORDINANCE NO. 2022-17

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 86, SUBDIVISIONS, ARTICLE II, IMPROVEMENTS, SECTION 86-64, DEDICATION OF PARKLAND OR PAYMENT OF RECREATION FEE; UPDATING THE FIXED FEE PER ACRE WHEN A DEVELOPER ELECTS TO PAY A RECREATION FEE IN LIEU OF DEDICATION OF PARK AND RECREATION LAND; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Council Member Phrampus moved approve on first reading Ordinance No. 2022-17, amending the City Code of Ordinances, Section 86-64, Dedication of Parkland or Payment of Recreation Fee, by updating the fixed fee per acre when a developer elects to pay a recreation fee in lieu of dedication of parkland from \$80,000 to \$110,000. Council Member Dittmore seconded the motion, which passed unanimously.

Update Council List of Liaisons to Outside Agencies and City Boards. City Clerk Hanscom presented the appointments and assignments of City Council members as liaisons to various boards. She asked that Council consider replacements for those positions vacated as a result of the resignation of Daniel Batcheldor.

Mayor Rose suggested that Council Member Adams take the liaison position for Planning & Zoning Board and the alternate liaison for the Parks & Recreation Advisory Board. Council Member Adams agreed.

Council also suggested that Assistant City Manager Tim Rhode serve as the City's representative on the MPO Technical Advisory Committee upon the retirement of City Manager Morgan. Assistant City Manager Tim Rhode agreed to serve.

Council Member McDow moved to modify the Council's representation on the MPO Technical Advisory Committee, Planning & Zoning Board, and Parks and Recreation Advisory Board as suggested. Council Member Bentley seconded the motion, which passed unanimously.

Melbourne Estates CDBG Water Project Options. Assistant City Manager Rhode reminded Council that the Melbourne Estates project had been sent out to bid as two projects being completed simultaneously because they would be conducting the work in the same location. Because the bids had come in high, only the flood risk portion had

been previously approved by the City Council, with the bid awarded to Young's Communication, Inc.

At Council's previous meeting, staff was asked to come back to Council with suggestions for funding the water portion of the project. Assistant City Manager provided three options: (1) to take no action, (2) modify the project to include a portion of the water line project, and (3) move forward with the contractor to complete the full scope of the water project as designed.

Assistant City Manager Rhode reported he had contacted Young's Communication and they were open to using the original bid price. Although the time of the project would be aggressive, the contractor believed it could be accomplished. He stated that completing the full scope of the water project would require approximately \$1,500,000 in additional American Rescue Plan Act funds.

Council Member McDow asked how much of the water project would be completed with second option. Assistant City Manager Rhode stated the needed system improvements would be done along Henry Avenue but the project would not address the improvements needed to update the water lines within the residential neighborhood.

Council Member Phrampus asked what would happen if the project was not completed on time. City Attorney Richardson replied that the project costs beyond the deadline would need to be paid by the City.

Council discussed the timeline of the project given product availability and funding available from other grants.

Council Member Phrampus moved to proceed with the complete Melbourne Estates Water Line project to be constructed concurrently with the Melbourne Estates Flood Risk Reduction Project by construction contractor Young's Communication, Inc. Council Member Dittmore seconded the motion.

Council Member Adams spoke on the quality of work for the project and how that would be controlled. Assistant City Manager Rhode stated that Young's Communication, Inc., has a good reputation and the City itself has experienced good results with the contractor on similar projects. In addition, the Construction Inspector with the City and Infrastructure Solution Services would be on site to insure that the work was being done according to the construction documents.

Council then voted on the motion to proceed with the completion of the water portion of the Melbourne Estates project, which passed unanimously.

City Attorney Recruitment. City Attorney Richardson spoke on his recent offer and acceptance as the County Attorney for Brevard County. He noted that he was thankful for all that the City had provided and his departure was not a reflection of his time with the City. He said it was a great place to work because of the team.

Council discussed a timeline and getting a meeting scheduled to interview the candidates. Council provided guidance on a recruitment schedule.

9. CITY COUNCIL REPORTS

Council Member Bentley reported he had met with Representative Randy Fine to discuss future project funding for additional flood risk reduction projects.

Deputy Mayor Young spoke on the speed sign that was located on Wingate Boulevard. She asked for an update on the Flock cameras and National Night Out.

Council Member McDow reported on several meeting he had attended, including a meeting on generational poverty and a meeting with Florida Institute of Technology on recycling.

Council Member Adams reported she had taken a tour of the recycling center and had individual meetings with department heads. She also reported the Field of Dreams had met and was recommending that City Council fund a full-time position dedicated to the Field of Dreams.

Council Member Phrampus asked the status of filling the Coordinator position for Special Populations and Assistant City Manager Bradford indicated that the position had been re-advertised.

Council Member Dittmore spoke on the reuse system and enforcing the times of use so that residents are not using the system outside of their allotted time.

Mayor Rose reported he had attended a meeting for a legislative update and commented favorably on the new banners on U.S. 192. He also asked for a splash pad update and noted that there would be a workshop prior to the regular meeting on September 7 to hear about a building for the building department.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 9:54 p.m.