

MAYOR
Hal J. Rose

DEPUTY MAYOR
Stephen Phrampus

COUNCIL MEMBERS
Diana Adams
Pat Bentley
John Dittmore
Daniel McDow
Andrea Young



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CITY COUNCIL REGULAR MEETING

MINUTES

August 1, 2023

1. CALL TO ORDER

Mayor Rose called the regular meeting to order at 6:00 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 Stephen Phrampus, and Council Members Diana Adams, Pat Bentley, John Dittmore, Daniel McDow, and Andrea Young.

Also present: City Manager Tim Rhode, City Attorney John Cary, Assistant City Manager Tom Bradford, Police Chief Gregory Vesta, Finance Director Candice Blake, Capital Projects Manager Mark Petroni, Building Official Dan Ferry, Systems Administrator Christian Arsenault, City Clerk Cynthia Hanscom, and members of the public.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Employee Introductions. City Manager Tim Rhode introduced Building Official Dan Ferry, who started with the City on July 17, 2023. Building Official Dan Ferry introduced Building Inspector Travis Berger, who started with the City on June 30, 2023.

5. PUBLIC HEARING

Annexation of Property at 591 Ponderosa Street. Planning Director Fischer presented the first reading of Ordinance No. 2023-15 annexing properties at 591 Ponderosa Street. She stated this was a request for annexation by the property owner. She presented maps showing the location of the properties which were located at the corner of Ponderosa Street and Sheridan Road. Notices were sent to adjacent property owners and notices were placed in the newspaper with no one coming forward with

concerns. She reviewed the urban services and provided photos of the property. She noted that this would be a logical extension of the city limits.

City Attorney Cary read, in title only, Ordinance No. 2023-15:

ORDINANCE NO. 2023-15

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION PARCELS OF LAND APPROXIMATELY 0.60 ACRES LOCATED AT 591 PONDEROSA STREET AND AS MORE FULLY DESCRIBED HEREIN; FINDING THAT THE AREA BEING ANNEXED IS REASONABLY COMPACT AND CONTIGUOUS TO THE CITY, THAT THE ANNEXATION OF THE PROPERTY DOES NOT CREATE AN ENCLAVE, AND THAT THE ANNEXATION OF THE PROPERTY OTHERWISE COMPLIES WITH FLORIDA LAW; AMENDING THE CORPORATE BOUNDARIES OF THE CITY TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR FILING OF THE REVISED CITY BOUNDARIES WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Deputy Mayor Phrampus asked about annexation requirements and connecting to city services. Planning Director Fischer noted that the property was already connected to City water. The property would have septic services for sewer.

Council Member Bentley moved to approve the first reading of Ordinance No. 2023-15, annexing the properties at 591 Ponderosa Street. Deputy Mayor Phrampus seconded the motion.

Council Member Bentley asked if this property was near the other properties that were being converted from septic to sewer. City Manager Rhode stated that it was not in the area that would qualify for the conversion from the existing grants.

Council Member Dittmore questioned the property being contiguous to the City limits and commented on the confusion for first responders. Planning Director Fischer stated that the property was across Sheridan Road from property located within the City limits. Council Member Dittmore asked several questions about annexing properties within a homeowner's association. Planning Director Fischer explained that prior to 1990, properties were not required to sign a voluntary annexation agreement in order to receive city services.

Council discussed the size of the water lines and ability to serve the residents and the pressure required for fire protection.

Council then voted on the motion to approve the first reading of Ordinance No. 2023-15, which passed unanimously.

Annexation of Property on the West Side of Griffith Lane. Planning Director Fischer presented the first reading of Ordinance No. 2023-16, annexing the City's sewer lift station property on the west side of Griffith Lane next to Falcon Ridge Subdivision. This is a city-initiated annexation. The City owns the lift station which was in place before Falcon Ridge was developed. It was constructed in 2001 and was part of the extension of the sewer lines westward.

City Attorney Cary read, in title only, Ordinance No. 2023-16:

ORDINANCE NO. 2023-16

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION PARCELS OF LAND APPROXIMATELY 0.06 ACRES LOCATED ON THE WEST SIDE OF GRIFFITH LANE AND AS MORE FULLY DESCRIBED HEREIN; FINDING THAT THE AREA BEING ANNEXED IS REASONABLY COMPACT AND CONTIGUOUS TO THE CITY, THAT THE ANNEXATION OF THE PROPERTY DOES NOT CREATE AN ENCLAVE, AND THAT THE ANNEXATION OF THE PROPERTY OTHERWISE COMPLIES WITH FLORIDA LAW; AMENDING THE CORPORATE BOUNDARIES OF THE CITY TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR FILING OF THE REVISED CITY BOUNDARIES WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Deputy Mayor Phrampus moved to approve the first reading of Ordinance No. 2023-16, annexing the City's sewer lift station property on the west side of Griffith Lane near Falcon Ridge Subdivision. Council Member Adams seconded the motion, which passed unanimously.

6. PUBLIC FORUM

Bob Griffin, 895 Shoshone Lane, in the Falls of Sheridan, spoke on the use of property at 9075 Ellis Road, reminding Council of the problems associated with the property in the past. He stated he had met with BSE Consultants, engineers for the project, on a development agreement and site plan to use the property for truck storage. This would be going before the Board of Adjustment for conditional use approval.

Bill Stewart, 837 Potomac Drive, stated the plan for 9075 Ellis Road was for a truck depot that will run seven days a week. He noted that truck stops were noisy and smelled bad because of diesel exhaust fumes. This type of development would

negatively impact the neighborhood. He stated that the property owner had not been a good neighbor and this would be a poor use of the property.

Pat Montemurro, 717 Falls Creek Drive, spoke about the development and noted that the neighborhood included many young families with children. A truck depot would not be an appropriate use of the property. She stated there could be a much better use of the property that would be more less disruptive to the neighborhood.

7. CONSENT AGENDA

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

- Approve the Regular City Council minutes for Tuesday, July 18, 2023.

8. ACTION AGENDA

Pour-in-place Surface Repair/Replacement at Space Coast Field of Dreams. Assistant City Manager Bradford presented the bids received on the surface repair/replacement for the Space Coast Field of Dreams. He noted that there were several options that could be considered other than full replacement. He recommended that Council consider Bliss Products because they were the low bidder and would be able to start within a few weeks. Whatever the Council decides, there would need to be a budget amendment approved at a future meeting.

Council Member Dittmore asked about the three-year warranty from Bliss Products. Assistant City Manager Bradford confirmed the three-year warranty for full replacement, however, if Council selected the patch and repair option, there would be a one-year warranty.

Council discussed the different options and noted that all repaired or replaced surfaces would be sealed, which would extend the life of the field. When asked for a staff recommendation, it was noted that staff was recommending a patch and repair, but Council had indicated their desire at a previous meeting to do more. The Public Works crews had done a good job of patching the areas of the ballfield which would result in a longer life for the fields.

Council Member Dittmore moved to select option 2 from the agenda with a total cost of \$511,271. There was no second to the motion. The motion failed.

Council Member Bentley noted that he would be in favor of the full replacement, which is what they had told residents they would be doing. He appreciated having the options but believed it would be beneficial to have the work done now which would include the full three-year warranty.

Council Member Bentley moved to replace the baseball field, basketball practice area and playground, and patch and repair the soccer field and soccer practice area for a total of \$538,791. Council Member McDow seconded the motion.

Council Member Dittmore agreed with this motion, stating that this was his intent when he had made his motion earlier.

Council discussed the color scheme and noted that the multi-colored baseball field was appealing but the surface could be maintained better if there were no seams.

Council also discussed the soccer fields and the need to replace some of the areas, such as around the benches. Some Council members were concerned with the seams in the soccer field area.

Mayor Rose reminded Council that there was no money budgeted for the surface replacement. Even with a maintenance policy, the fields would not last forever in the Florida sun. He would prefer that no money be expended from reserves and that the fields be repaired and patched. He used the analogy that an entire road was not replaced simply because of one pothole. Council Member Dittmore agreed. He also stated that Council was not the experts and that staff had been coordinating with the experts for recommended measures to repair the fields.

Council Member Bentley noted that the soccer field was used more than others. Because of this he was concerned that there could be problems. Assistant City Manager Bradford indicated the problems in the baseball field were because the heavy use areas were along the base line which is the same travel path. That was not the case for the soccer fields.

Council discussed the full replacement of all of the surfaces and the cost of \$760,468. Deputy Mayor Phrampus and Council Member Young both expressed concern that issues would not be corrected for the soccer field with the patching and that the work would mix old and new products.

Council Member Bentley withdrew his motion because of concerns with the soccer field.

Council Member Bentley moved to approve a full replacement of all fields at a cost of \$760,468 from Bliss products. Deputy Mayor Phrampus seconded the motion.

Council discussed the difference in cost and the amount being spent on this park versus other parks in the City.

Council then voted on the motion for the full surface replacement with Bliss Products, which passed 4-3 in a roll call vote with Mayor Rose, Council Member Dittmore and Council Member McDow opposed.

Septic to Sewer Project on Sheridan Road. Capital Projects Manager Petroni presented Change Order #1 for the existing task order for the septic to sewer project. He noted that additional funding had become available that would allow them to add 14 new residences along Sheridan Road. Therefore, they were asking for a change order not to exceed \$59,880.

Council Member Adams moved to authorize the City Manager to execute Change Order #1 with Infrastructure Solution Services in the amount of \$59,880 for additional data collection for the Septic to Sewer Project on Sheridan Road. Mayor Rose seconded the motion.

Council Member Adams noted that the additional homeowners would be getting letters, but she understood that it was still optional. City Manager Rhode noted the only cost to the homeowner would be a \$3,000 connection fee. Because grant funding was being used, the City cannot force the property owner to participate. They currently have confirmation from 12 of the 14 property owners.

Mayor Rose asked if there were options for residents to pay for the \$3,000 connection fee. City Manager Rhode noted that they offered an option for a 3-year financing.

Council then voted on the motion to approve the change order, which passed unanimously.

9. MANAGEMENT REPORTS

Quarterly Budget Report. Finance Director Candice Blake presented the Third Quarter Budget Status report.

Council Member Bentley moved to accept the quarterly budget report. Council Member McDow seconded the motion, which passed unanimously.

10. CITY COUNCIL REPORTS

Council Member Adams reported on several meetings she had attended. She also announced the Police Department was accepting applications for the Citizens Police Academy which would begin in October. She asked citizens to be aware as school would be starting and they should slow down.

Deputy Mayor Phrampus had no report.

Council Member Dittmore reported he had been asked to serve on a discipline advisory group for the Brevard public schools.

Council Member Bentley reported on several meetings he had attended. He reported that National Night Out was the following evening. He thanked Commissioner Jason

Steele for attending the West Melbourne-Brevard County Joint Community Redevelopment Agency meeting earlier in the evening.

Council Member Young asked for an update on the speed notification signs for Wingate Boulevard. City Manager Rhode reported the signs were installed earlier and should be fully functioning. He also reported the signs announcing the crack sealing for Wingate Boulevard next week were in place.

Council Member McDow reported on several meetings he had attended including the Right For Brevard which was a self-alliance organization to fill the health concerns for children. He also reported on the upcoming Florida League of Cities conference.

Mayor Rose reported on several meetings he had attended, including an Ellis Road presentation with City Manager Rhode. He reported there was a special heritage event planned by City staff for sometime in October.

Council Member Dittmore asked for an update on the records request for Field of Dreams. City Attorney Cary stated there was a meeting scheduled the following week with the attorney and he hoped to get some answers.

11. RECESS TO CLOSED SESSION

The meeting was recessed to a closed session at 8:28 p.m. in accordance with Florida Statutes Section 447.605 (1) to provide authority to the employer negotiator in labor negotiations with employees represented by the Coastal Florida Police Benevolent Association.

12. ADJOURNMENT

There being no further business, the meeting adjourned at 9:11 p.m.