

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

September 20, 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, Building Official Dan Ferry, Planning Director Christy Fischer, Systems Administrator Christian Arsenault, City Clerk Cynthia Hanscom, and members of the public.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Proclamation for Constitution Week. Mayor Rose presented a proclamation proclaiming the week of September 17 through 23, 2023, as Constitution Week to Stephanie Eley with the Daughters of the American Revolution.

Employee Introduction. Building Official Ferry introduced Building Inspector Jeremy Nagel, who started with the City on August 23, 2023.

Correspondence from Mayor Rose. Mayor Rose presented his notice of retirement as of October 4, 2023.

5. PUBLIC HEARING

Adoption of FY 2023-2024 Millage Rate and Budget. City Manager Tim Rhode presented the fiscal year 2023-2024 millage rate and budget. He expressed appreciation to the Finance Department staff and all of the Department Heads for putting the budget together.

Mayor Rose opened the public hearing. He commented that the Council has remained fiscally responsible and given that property values have increased, the Council was able to roll back the millage rate. There being no other comments, he closed the public hearing.

City Clerk Hanscom read the name of the taxing authority as City of West Melbourne, the roll back rate of 1.9948 mills, the percentage increase from the roll back rate at 0 percent, and the millage rate to be levied at 1.9948.

Council Member Bentley moved to adopt Resolution No. 2023-12 setting the fiscal year 2023-2024 millage rate of 1.9948, which is equal to the roll back millage rate of 1.9948. Council Member Adams seconded the motion, which passed unanimously.

Council Member Adams moved to adopt Resolution No. 2023-13 approving the 2023-2024 budget. Council Member Young seconded the motion, which passed unanimously.

Code Amendment to Modify Roadway/Driveway Separation Distances. Planning Director Fischer presented the second reading of Ordinance No. 2023-21, revising the Land Development Regulations Sections 63-8, Zoning Definitions, 74-87, Entrance and Exit Driveway, and 86-53 Access, defining master residential developments and adding separation requirements. Planning Director Fischer provided the background information on revisions and the purpose of this change, which was to better define the language related to roadway/driveway separation distances. Additionally, this change will clarify that emergency entrances do not count as a secondary entrance for a subdivision. The ordinance was recommended for approval by the Planning & Zoning Board at the September 12, 2023, meeting.

City Attorney Cary read, in title only, Ordinance No. 2023-21:

ORDINANCE NO. 2023-21

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, CLARIFYING MINIMUM ACCESS CONNECTION REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT; PROVIDING LEGISLATIVE FINDINGS; AMENDING CHAPTER 63, DEFINITIONS; AMENDING CHAPTER 86, SUBDIVISIONS, ARTICLE II, IMPROVEMENTS, SEC. 86-53 – ACCESS; AMENDING CHAPTER 74, DEVELOPMENT

STANDARDS, ARTICLE II, OFF-STREET PARKING AND LOADING AREAS AND ACCESS, DIVISION 3, DRIVEWAYS, SEC. 74-87 – ENTRANCE AND EXIT DRIVEWAYS; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY, CONFLICTS, AND 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 second reading of Ordinance No. 2023-21, revising City codes by defining master residential developments and adding residential community driveway separation requirements. Council Member Young seconded the motion, which passed unanimously.

Small Scale Comprehensive Plan Amendment, and Rezoning and Revised Development Agreement for Property located Near the Southeast Corner of Ellis Road and John Rodes Boulevard (RaceTrac).

City Attorney Cary asked for Council members to disclose any communication or visitation to the site. Council Member McDow stated he had met with the attorney for the RaceTrac. Mayor Rose stated he had a similar meeting with representatives from RaceTrac.

Planning Director Fischer presented an aerial of the site noting the property was owned by Intercontinental Trade & Management Association. The northern portion of the property was located in the City of Melbourne. The West Melbourne portion of the property was 3.86 acres and was currently vacant. The proposal was for a gasoline station and convenience store, which would require the land use and the zoning for the property to be changed from light industrial to commercial. She noted the surrounding land use designations were industrial. Water service was provided by Melbourne and sewer would be provided through West Melbourne. From review of the comprehensive plan policies, industrial designation has been assigned to properties along the Ellis Road corridor. She believed the commercial use may impact the City's ability to promote strong industry.

Planning Director Fischer also provided a summary of the zoning comparisons and noted the Planning & Zoning Board recommended denial of both the small-scale amendment and the rezoning at their meeting of September 12, 2023.

Tom Sullivan with Gray Robison law firm, spoke representing the applicant. He introduced the traffic and civil engineer for the project. He stated the project would be a nice addition to the area and with only five acres would be too small to have an impact on the vision for the industrial. He noted that the industrial zoning for Melbourne allowed for several uses which were not classical industrial but would support the industrial area. The RaceTrac would be an EDO (Expanded Diesel Offering) with a separate area provided for diesel truck fueling. He believed the use would help to support the industrial uses in the area. He noted that it would not be a truck stop as there would be

no showers or overnight parking. Mr. Sullivan presented a rendering of the proposed convenience store and gas pumps shown from Ellis Road. He believed it is compatible with adjacent industrial uses. He also believed that many of the concerns could be addressed through the development agreement.

Ayman H As-Saidi, Traffic & Mobility Consultants, LLC, and traffic consultant for the project, reported on the traffic impact analysis for the development. He noted that comments had been received from Brevard County. The site plan shows the required turn lane on John Rodes Boulevard and the improvements that would be made for the flow of traffic, which would reduce the delay at the intersection by 37 percent. The proposed widening of Ellis Road would reduce the overall delay by 68 percent.

Council asked questions about the stormwater system and Kirt Anderson with Priority Engineering, LLC, stated that all the water retention for the site would be stored on site in the retention ponds, which were located on the West Melbourne portion of the property.

Michael Mullen, Racetrac, spoke about the concerns raised with the proliferation of gas stations and the area and provided a map showing that there were no fueling options within a one-mile radius. He noted that RaceTrac had been a part of the Florida landscape and they wanted to invest in West Melbourne. He provided an example of the landscaping plan and noted that the store would provide 20-30 new jobs in the area.

Council Member McDow noted that there were a number of fuel stations located just outside of the one-mile radius. Mr. Mullen agreed and noted that they were clustered; therefore, there was a need for a fueling station in this area.

Deputy Mayor Phrampus asked if the applicant had any interaction with Melbourne. Mr. Sullivan stated they had talked with the City Attorney and were working through the process. He reminded Council that they were not requesting a change in zoning from Melbourne because the proposed use was permitted under the existing zoning. Deputy Mayor Phrampus believed there needed to be an interlocal agreement with Melbourne and West Melbourne for this development.

Mayor Rose asked if a gas station could be built on the 1.7 acres located entirely within Melbourne. Mr. Sullivan replied that it was possible, but they would not be able to offer the expanded diesel offering. Mayor Rose commented on the obstacles in traffic and improvements needed. Mr. Sullivan stated that the permanent solution would be the four-lane the road. However, the proposal would provide a short-term solution until the road would be built.

Council Member Bentley stated he did not support the project because he did not believe it was in line with the City's 2030 Comprehensive Plan. He spoke about the trucks that could be coming in and out of the facility 24 hours a day with a residential development a short distance away. Mr. Mullen argued the proposed use would not generate any more noise than what was already in place with the industrial zoning.

Council Member Adams noted the Council has the responsibility for supporting the local economy and the residents. This Council has gone on record advocating for the funding for Ellis Road widening and it was difficult to look at new uses that could impact the traffic numbers.

Council Member McDow commented on the need to balance development with environmental concerns and suggested there may be a better use for the land. Mr. Sullivan replied that the proposed use would create a smaller impact with the commercial. There were a number of vacant industrial sites that were available should that use be needed.

Planning Director Fischer commented that the focus should be on compatibility and consistency. The Economic Development Commission had done studies that showed that industrial uses could provide more impactful economic benefits.

City Manager Rhode was asked for his perspective for the project and he commented that West Melbourne has seen a lot of growth in the last 15 years, which shows how the City is in favor of business development. However, given the policies of the comprehensive plan, this project was hard to support.

Mr. Sullivan disagreed with the reasoning and argued that the property could be developed for industrial use. He believed they had prepared a favorable vision for this property.

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

Deputy Mayor Phrampus moved to deny the request for the small-scale comprehensive plan map amendment to change the future land use for property located near the southeast corner of the intersection of John Rodes Boulevard and Ellis Road. Council Member Adams seconded the motion, which passed unanimously.

Council Member Adams moved to withdraw the agenda items for the rezoning and development agreement given that the comprehensive plan amendment was denied. Council Member Dittmore seconded the motion, which passed unanimously.

Preliminary Plat for Sunrise Estates Subdivision. Planning Director Fischer presented the preliminary plat for the Sunrise Estates subdivision. She noted the property was located south of the Space Coast Town Center. This was a preliminary plat with a final plat needing approval by March of 2025 and before any lots can be sold. The Planning & Zoning Board met on September 12 and recommended approval. She noted there would be two connections to St. Johns Heritage Parkway with three stormwater tracts. There would be a buffer provided along the east side for the Brandywine development. She noted that they were still waiting on the traffic study.

Planning Director Fischer provided an analysis showing consistency with the land development regulations and measures needed for concurrency. If approved, she asked that conditions be applied as recommended by the Planning & Zoning Board.

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

Council Member Dittmore moved to approve the preliminary plat for Sunrise Estate subdivision with the following conditions.

- 1. Finalize construction drawings to comply with City Codes, the conditions of the preliminary plat, and the requirements by outside governmental agencies.*
- 2. Either install a segment of sidewalk along the internal roads and other locations as indicated in the engineering drawing or provide a performance bond, as they determine to meet this requirement as part of the final plat process.*
- 3. Request the School Board's final school capacity determination prior to final plat approval.*
- 4. Prior to the final plat being presented to the City Council, the traffic study conclusions and any identified improvements must be accepted by Brevard County.*
- 5. Pay the City's recreation fee with the final plat submittal since public land will not be dedicated for a new public park for this subdivision.*

Mayor Rose seconded the motion.

Deputy Mayor Phrampus spoke on the dead-end streets without a cul de sac and the difficulty for emergency services to maneuver. He noted that a condition had been made in a previous plan review for T-turn arounds. Planning Director Fischer noted that the fire safety review had not yet been done and suggested the following condition be added to the approval:

- 6. Consider reconfiguring the turnarounds at the dead-end streets suitable for emergency vehicles standards*

Both Deputy Mayor Phrampus and Mayor Rose agreed to the amendment to add the condition for approval.

Chris Ossa, engineer, stated that the plans would not support a turnaround for the dead-end streets. The dead-ends were 100 feet in length which would provide adequate circulation and a short distance needed to back-up. Mr. Ossa stated that they were further along in the process and believed the alignment had been vetted with other entities.

Council Member Young asked about stormwater retention. Mr. Ossa stated there was yard drain systems in place that would flow to the center pond. The water would then flow to an outfall pipe to the Melbourne Tillman Canal 84. This had been approved back

in July. Council Member Young spoke on the homeowner's association being responsible for the drainage and did not want to see an issue with flooding for the residents. Maleia Storum with Pulte Homes indicated the homeowner's association would be responsible for fixing any problems with drainage. There would be a budgeted amount provided by the residents who live in the community. She indicated they were still working through the stormwater calculations. Council Member Dittmore spoke about issues with developers during turnover. He asked that a reserve be provided to the homeowner's association in order to make any changes that were needed. City Attorney Cary noted that state law would govern what was required for homeowner associations.

Council then voted on the motion to approve the preliminary plat for the Sunrise Estates subdivision with the six conditions, which passed 6-1, with Council Member Young opposed.

Preliminary Plat for Space Coast Town Center West Phase I. Planning Director Fischer presented the preliminary plat for the Space Coast Town Center West Phase I. This area was on the west side of St. Johns Heritage Parkway. There were three lots which would be subdivided into seven lots. Lot 1 is 12.17 acres for 320 multi-family residential units and is part of the overall approved 2,200 dwelling units listed in the development agreement for the Space Coast Town Center. Tract D is a 7.78 acre parcel to provide stormwater retention and open space requirements. There were two existing curb cuts on St. Johns Heritage Parkway. Although the property fronts on US 192, there would be no access. The Planning & Zoning Board met on September 12 and recommended approval of the preliminary plat with conditions.

Mayor Rose opened the public hearing.

Mr. Robert Gorlow, developer for the project, indicated he was available to answer any questions.

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

Council Member Dittmore moved to approve the preliminary plat for Space Coast Town Center West Phase 1, with the following 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 internal public road or provide a performance bond, as they determine to meet this requirement as part of the final plat process.*
- 3. Prior to final plat approval, the developer shall request the School Board's final school capacity determination.*

4. *If during the development of Lot 1, the vested peak hour trips for the overall Space Coast Town Center are exceeded, then another traffic study for Lot 1 will be required.*
5. *Pay the City's recreation fee with the final plat submittal since public land will not be dedicated for a new public park for this subdivision.*

Mayor Rose seconded the motion, which passed unanimously.

Third Revision to the Space Coast Town Center Development Agreement.

Planning Director Fischer presented the third revision to the Space Coast Town Center development agreement of August 2019. This amendment would modify the Master Utility Plan sheets of the Conceptual Master Plan regarding the water and sewer lines which cross the west side of the parkway. The Planning and Zoning Board recommended approval of the amendment at their meeting of September 12, 2023.

Mayor Rose opened the public hearing

Mr. Gorlow commented that they continue to work to make the utility layout more efficient.

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

Council Member Dittmore moved to approve the Third Amendment to the 2019 Space Coast Town Center development agreement including Exhibit B "conceptual master plan" with the utility modifications indicated on the utility plan sheets. Council Member Young seconded the motion.

Council Member Phrampus asked if these changes would ensure that there were proper utilities for development that may occur to the south of these properties. Planning Director Fischer stated there was a looped system which would assist with the flow of water. The lift station had capacity to serve development to the south.

Council then voted on the motion to approve the Third Amendment, which passed unanimously.

6. PUBLIC FORUM

Helen Voltz, 778 Wyeth Street, thanked Mayor Rose for serving the City, noting that he had done a great job. She wished him the best. She noted that there were two large dead trees on Hollywood Boulevard near the Saddlebrooke subdivision in the city right-of-way. Ms. Voltz also commented on the paving that was being done on Wingate Boulevard noting that it should have been done during the school break. She also stated that the contractor had left large ruts in the area between the curb and the sidewalk, which was where the homeowner's association had the reuse lines and sprinklers.

Pari Jamnia, 827 Potomac Drive, stated she had come to speak before Council about a major concern but was glad to see that it was resolved.

Anthony Marks, 670 Cocoanut Grove, spoke about the homeless camp near his home. He stated that he had called and was concerned about the response from the West Melbourne Police Department. He stated the camp was in close proximity to families. He understood that there was a much bigger concern with homelessness, but felt that the camp should be addressed.

7. CONSENT AGENDA

Council Member Adams moved to approve the following consent agenda. Council Member Phrampus seconded the motion, which passed unanimously

- Approve the Special and Regular City Council minutes for Wednesday, September 6, 2023.

Council took a break at 8:25 p.m. and reconvened at 8:34 p.m.

8. ACTION AGENDA

Rename Private Driveway from Suapres Lane to Real Tree Lane. Consideration of the renaming of the private driveway from Suapres Lane to Real Tree Lane was postponed until October 3, 2023.

Water Treatment Plant Engineering. City Manager Tim Rhode asked the consultant to present the water treatment plant design.

Albert Muniz, Hazen and Sawyer, presented the design of the City's reverse osmosis water treatment plant. He introduced the others that were in attendance and would be assisting with the design. He provided an implementation schedule noting that a permit had been maintained and wells were being dug. He reminded Council that a test production well had been conducted to ensure that they would have access to quality water. He provided a population forecast and noted that the increases would require design of a larger facility. Ms. Rebecca Wilder stated the production cost had increased by 43 percent since the feasibility study and future costs were predicted to go up by 8 percent per year.

Council asked questions about capacity and the design. Mr. Muniz stated the permit addressed the capacity and the requirement for storage. Council also discussed the well size, impacts for treating salt water intrusion, and efficiency of the wells.

Mr. Muniz presented drawings showing the water treatment system and the building. He provided the proposed location of the building, which would be 10,000 square feet. Concerns were expressed with the placement of the storage tank and consideration for the surrounding neighbors.

Council asked for reassurance that cost efficiency would not sacrifice quality. Mr. Muniz stated that the quality of the treatment facility would not be compromised. He understood that quality of the water was most important.

Council Member Dittmore moved to authorize the City Manager to execute an agreement with Hazen and Sawyer for Task Order #8 for civil engineering services related to the design, permitting and construction of a reverse osmosis water plant. Council Members Adams seconded the motion.

Council discussed the overall increases in the cost of the facility. Mr. Muniz noted that other than inflation and product availability, the size of the facility was the main driver in cost. City Manager Rhode noted that the ground storage was not considered initially because the plant would have been smaller. In addition, there would be an increase in the concentrate disposal in the deep well, which would require improvements.

Council discussed the cost spent to date and the fact that there may be grant funding for the project going forward. Council agreed the value added for having their own water plant would be better for the City.

Council then voted on the motion to approve the task order, which was approved unanimously.

Stantec – Water and Sewer Revenue Sufficiency Analysis. City Manager Rhode presented the Stantec report which would align with the water treatment plant design. It was assumed that the City would borrow for the water plant project. He presented the estimated construction cost and the estimated debt service. City Manager Rhode also presented the rate structure which showed only a small increase proposed for 2030 in relation to inflation. He reiterated that this borrowing did not include consideration of possible grant funding.

City Manager Rhode stated the City had engaged with the Florida Municipal Loan Council for bond professionals. He was recommending engaging with a lobbyist to assist with the pursuit of grant funding.

Deputy Mayor Phrampus asked about increases in water costs. City Manager Rhode stated that there were some increases built in by City action from water provided from the City of Melbourne.

Mayor Rose asked about the utility tax and if that would continue. City Manager Rhode stated that staff will look at fixed costs to capture all of the costs and make a determination.

Council Member Adams moved to receive and file the FY 2023 Water and Sewer revenue sufficiency analysis Final Report. Council Member Dittmore seconded the motion, which passed unanimously.

Contracting with MJH Consulting. City Manager presented a proposed contact to hire a lobbyist to help secure additional grant funds. It is under the spending authority of the City Manager, but since it is a new concept, he wanted to bring it to Council for consideration.

Deputy Mayor Phrampus commented that the consultant could help in obtaining funding for a fire department.

Deputy Mayor Phrampus moved to authorize the City Manager to execute an agreement with MJH Consulting for services effective October 1, 2023 through October 1, 2024. Council Member Adams seconded the motion.

Council Member Adams asked about travel costs and limits. City Manager Rhode indicated there were no limits but that this was standard language. All approvals would go through the City Manager. She noted that she was initially opposed to hiring a consultant because the City had been quite successful in the past. However, given the cost of the water plant, it could be money well spent.

Council discussed measuring the success and the value that would be added. It was important to be able to navigate how things were going in Tallahassee.

Council then voted on the motion, which passed unanimously.

9. MANAGEMENT REPORTS

City Attorney John Cary stated that, because of intervening events, he would put a hold on the request to the Attorney General for opinion on the City's subpoena power according to the Charter.

10. CITY COUNCIL REPORTS

Council Member Bentley expressed his sadness for the Mayor's retirement and noted that the City was in better shape because of his service.

Council Member Young reported on her attendance at the Melbourne Chamber Leadership Retreat. She expressed concern and asked several questions about the roadwork on Wingate Boulevard. She also reported on officers directing traffic on Hollywood Boulevard to a dead-end road because of an emergency closing.

Council Member McDow agreed the Melbourne Chamber retreat was very good and reported on the non-profit symposium at Rockledge. He also reported on his attendance at the coastal clean-up, grandparents raising grandchildren, and the West Melbourne Business Association.

Council Member Adams agreed the Melbourne Chamber Retreat was exceptional and focused on growth and quality of life. She reported on the Florida League of Cities legislative committee meetings and a meeting with Jeff Kiel and the changes proposed for the Promise Café. She announced that there were organizations looking for volunteers. Lastly, she reported on a photo that had been taken for the beautification award for the The Yard.

Deputy Mayor Phrampus noted that he had been out of town but was able to attend the Melbourne Chamber monthly breakfast before he left.

Council Member Dittmore reported there would be a Tied Together event on Friday and an event for Life Recaptured at the American Muscle Car Museum.

Mayor Rose reported that he had gone by the Field of Dreams to see the progress on the resurfacing. He was also pleased that residents were actively using the pickleball courts. He suggested that an ordinance be considered for dead-end streets. Lastly, he reported on attending the funeral of former Mayor David Panicola from Indian Harbour Beach.

City Manager Rhode announced that Heritage Day would be Wednesday, October 18, 2023, from 4-6 p.m. at the West Melbourne Community Park.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 10:12 p.m.