

MAYOR  
Hal J. Rose

DEPUTY MAYOR  
Andrea Young

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



CITY HALL  
2240 Minton Road  
West Melbourne, FL 32904  
Phone: (321) 837-7774  
Fax: (321) 768-2390  
[www.westmelbourne.gov](http://www.westmelbourne.gov)

## CITY COUNCIL REGULAR MEETING

### MINUTES

September 21, 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 Tim Rhode, Acting City Attorney Adam Bird, Assistant City Manager Tom Bradford, Assistant Finance Director Candice Blake, Deputy Police Chief Rich Cordeau, Public Works Director Mark Piccirillo, Human Resources Director Jennifer Curran, Planning Director Christy Fischer, Jacobs Project Manager Brian Mascher, Systems Administrator Christian Arsenault, City Clerk Cynthia Hanscom, and members of the public.

#### 4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

**Presentation to Senator Debbie Mayfield.** A special presentation was made to Senator Debbie Mayfield expressing appreciation for appropriation support for the flood risk reduction grant.

**Presentation on the Home Depot Foundation Memorial.** Mayor Rose presented a plaque to Frank Branson and Home Depot Store #0260 for the contribution from the Home Depot Foundation to the landscaping at the Police Department building in remembrance of Captain Carlos R. Navedo.

**Presentation of Jacobs/CH2M Annual Client Wastewater Operations Report 2021/2022.** Representatives from Jacobs/CH2M presented the Annual Client Wastewater Operations Report. Project Manager Brian Mascher, Regional Manager Andy Rouse, Maintenance Supervisor Sherman Huffman, and Safety Manager Mike Rapien, presented the 2021-2022 report covering the maintenance and operations of the plant.

Council Members asked about the sand filter, disposal and treatment of the biosolids, and the contract. Council also discussed reclaimed water and the possibility of expanding the users.

## **5. PUBLIC HEARINGS**

**Adoption of FY 2022-2023 Millage Rate and Budget.** City Manager Rhode presented the 2022-2023 tentatively approved budget. He thanked staff for their work on the budget. The all funds budget was \$51,747,750, which is an overall increase of 3.22 percent from the 2021-2022 budget. He also reminded Council that the advertised millage rate of 2.1186 per thousand dollars of taxable value would result in a reduction for property owners. He reviewed a breakdown of the ad valorem taxes and the projected reserves as of September 30, 2023. The budget included 144 full-time positions and 4 part-time positions. He presented information on the top notable budget items.

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

City Clerk Hanscom publicly announced the taxing authority as the City of West Melbourne, the rolled-back rate of 2.1186, the change from the rolled-back rate would be 0 percent, and the millage rate to be levied was 2.1186.

Council Member Bentley asked about the \$14 million in reserves. City Manager Rhode stated the guidance was 20 percent of total budget and the reserves were more than that amount.

*Council Member Phrampus moved to adopt Resolution No. 2022-20 setting the fiscal year 2022-2023 millage rate of 2.1186, which is equal to the rolled-back millage rate of 2.1186. Council Member Adams seconded the motion, which passed unanimously.*

*Council Member Phrampus moved to adopt Resolution No. 2022-21 approving the 2022-2023 budget. Council Member Adams seconded the motion, which passed unanimously.*

**Annexation of Property at 1340 S. Wickham Road.** Planning Director Fischer presented the first reading of Ordinance No. 2022-21, annexing property at 1340 S. Wickham Road. She stated that this was a voluntary annexation. The property is currently operated as a retail nursery and hardscape business. Notices went to

adjacent property owners with no comments received. The property is currently on City of Melbourne water and would remain with Melbourne water. The property currently has septic sewer service and the property owner was looking to hook into the City's sewer. She provided a review of urban services and noted that the property would go through the comprehensive plan and rezoning review process.

Acting City Attorney Bird read Ordinance No. 2022-21, in title only:

### **ORDINANCE NO. 2022-21**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION A PARCEL OF LAND APPROXIMATELY 0.83 ACRES LOCATED AT 1340 S WICKHAM ROAD 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.

Council asked about when the property would be hooking to the City's sewer system and the non-conforming use of the property.

*Council Member Phrampus moved to approve the first reading of Ordinance No. 2022-21, annexing the property at 1340 S. Wickham Road. Council Member McDow seconded the motion, which passed unanimously.*

**Parking Code Amendment.** Planning Director Fischer asked that Council continue the public hearing for the parking code amendments until staff had time to address some of the suggestions made by the Planning & Zoning Board.

*Council Member Adams moved to continue the public hearing for the staff's proposed parking space ratio changes until October 18, 2022, so that staff can conduct further research and make Planning & Zoning Board suggested changes. Council Member Bentley seconded the motion, which passed unanimously.*

**Comprehensive Plan Map Amendment, Rezoning, Development Agreement and Mixed Use Code Amendment for ITG Mixed Use Office/Townhomes at Pinecrest.** Planning Director Fischer asked Council to continue the hearings until October 18.

*Council Member Young moved to continue the public hearing for the future land use map amendment, rezoning, development agreement and staff's proposed zoning district mixed use changes until October 18, 2022, so that the development team can make changes to the development agreement. Council Member Adams seconded the motion, which passed unanimously.*

## **6. PUBLIC FORUM**

There were no comments received from the public.

## **7. CONSENT AGENDA**

City Clerk Hanscom read the following changes to the September 7, 2022, minutes as suggested by Mayor Rose.

Page 2, 2<sup>nd</sup> paragraph should be changed to read:

Mayor Rose expressed concern that the departments were not fragmented and that an additional plan should be brought back to Council. **He did not believe that the administrative offices on the second floor of City Hall were as functional as it could be. In addition, more space was needed for the growing city. He suggested looking into building a new well-designed, functional building next door with either one or two floors. The existing 2<sup>nd</sup> floor of City Hall could be used for additional space for the building department and meeting rooms.**

And Page 8, last paragraph, 3<sup>rd</sup> sentence should read:

Mr. Walsh noted that the ~~officer~~ **public serve aide** does a good job of controlling the traffic, **and it functions better than a traffic signal.**

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

- A. Approve the Regular City Council meeting minutes for Tuesday, September 7, 2022, as amended.
- B. Approve the fiscal year 2022-2023 law enforcement dispatch services agreement in the annual amount of \$129,893.30, and authorize the City Manager to execute the agreement on behalf of the City.

## 8. ACTION AGENDA

**Engineering Concept Study – Fell Road Extension.** City Manager Rhode provided a background on the study that was completed to determine if Fell Road could be extended to Dairy Road given the location of the canals. Options were presented at the August 9 meeting. He noted that the original language in the City's Comprehensive Plan included a suggestion for this connection. The project has moved up as others projects were completed. He stated that the engineering firm was present. Mayor Rose asked that the engineers present the study.

Bill Huffman with Infrastructure Solutions Services (ISS) stated that they had been commissioned by the City to do a study for the extension of Fell Road. The goal was to see if the road would fit in with the available land. The study concluded that it would fit but did not address issues that may come out of the traffic study. He provided drawings of two options for construction of the roadway.

Kim Resenka, an attorney representing Palm Lake Estates, distributed information to City Council. She stated that Palm Lake Estates was a 55 and over community with 104 homes. Both entrances to the development were on Fell Road. She noted that Fell Road was substandard and did not have curbing or sidewalks. It was bordered by Canal 10, which was very deep. She stated Palm Lake Estates was a proud community with very nice homes with a nice walk way and community center that was not fenced. She also spoke about Clements Wood Park, which was adjacent to Fell Road. She asked that Council protect the residents by taking this out of the Comprehensive Plan.

Linda Emhardt, 602 Brockton Way, stated she was from Compass Point Homeowners Association, which was west of Palm Lakes Estates. She stated there are traffic problems now on Fell Road; if it opened to Dairy there would be more traffic stuck on Hollywood. There would eventually need to be a traffic signal at Compass Pointe so that people can get out of the neighborhood. She stated she saw no benefit in extended the roadway.

Kevin Mitchell, 767 John Adams Lane, stated he agreed with the other speakers. Traffic gets jammed up on Hollywood Boulevard. If Fell Road was open to Dairy, there would be more traffic detouring down Fell Road. He stated he would be opposed to the additional traffic.

Sandra McPeck, 434 Buffalo Street, stated she has lived in Palm Lake Estates since 2004. It was a 55 and over community. Ninety-eight percent of the residents were opposed to the Fell Road extension. She noted that they have four people in their 90's that still drive. She stated she could not imagine the impact this would have on the safety for the residents. Residents walk in the neighborhood during all times of the day and night. She also commented on the baseball field and the overflow parking that would create additional traffic and safety concerns. She encouraged Council to consider the value of life and the need to protect the residents.

Darius Passione stated he was with the Palm Lakes Estates Homeowners Association and agreed that this was a safety issue. Cars speed down the street and get mad when they realize that it is a dead end. He believed that opening the road to Dairy would create more speeders.

Suzanne Markham, 715 Samuel Chase Lane, stated she has lived in Clements Woods for over 29 years. She moved there because of the small town community. She had canvassed the area and presented over 200 signatures, which was 65 percent of the homes opposing the extension. The neighborhood did not want the roadway. It would endanger the children in the neighborhood and the officials need to protect them.

Babadayo Ogunjobi, 3043 Chica Circle, stated he moved to Clements Woods because of the small town feel. The roads 14 years ago were not as congested as they are now. There is a great deal of traffic on Dairy Road. The Fell Road extension would take away the joy of living in the small neighborhood. He appealed to the City to rethink their decision to build the extension. He stated his road was next to the canal and he enjoyed the peace and tranquility. The money for this project could be reassigned to other projects with a greater need in the community.

Bruce Johnson, 3575 Soft Breeze Circle, spoke against the extension because there were already through streets on Florida Avenue and Henry Avenue. Fell Road does not need to have a connection to Dairy Road.

Shauna Butts, 3515 Soft Breeze Circle, asked Council to dismiss the project. Speakers have talked about safety issues and it makes no sense to have the road go through their back yards. She stated that she would be directly affected. There would be damage to their back yards, and unwanted traffic and crime. The City has wasted enough money and should dismiss the proposal from the Comprehensive Plan.

Ron Soja, 3585 Soft Breeze Circle, stated he agrees with all of the comments. He stated he would directly be impacted and opposed the extension. He also mentioned the wildlife that lived in the area. He asked Council to consider the recent amount of rain that had fallen and the impacts if there was a roadway. Money would be better spent looking at the north-south corridors.

Lilian Guevara, 728 Samuel Chase Lane, stated she rode the bus to school and could not imagine the increase of traffic if the road was extended. She said we do not need anymore insane drivers. The kids walking in the neighborhood do not want to get hit by a car. She believe the road extension would impact a lot of kids.

Mike Guevara, 728 Samuel Chase Lane, stated safety was very important especially for the kids, many of which ride their bikes to school. There was a 55 and over community across the street and elderly folks are walking and exercising. He believed this would destroy the community.

Danee Dungee, 3522 Chica Circle, stated he was speaking from the homeowners association for the Fairmont subdivision and represented the majority of the community that was opposed to the road extension. He stated there was a significant increase in traffic and it was perilous pulling out from their neighborhood onto Dairy Road. Too many cars are using the center median on Dairy Road as an exit or entering lane. He asked that Council reconsider and use the money toward something else.

Jason Daniels, 750 John Adams Lane, stated he lived in Clements Wood. He grew up on the Platt ranch where it was safe with very little traffic and crime. He elected to live in Clement Woods because of those same reasons. The extension of Fell Road would change all of that. He stated that it was a nice quiet neighborhood and it should stay that way.

Renae Matteson, 713 John Carroll Lane, stated he had lived for 20 years on John Carroll Lane and they liked their nice quiet neighborhood with no traffic. She had lived in Brevard since 1976 and had seen a lot of growth. The Fell Road extension was not needed and would create many safety concerns. Children ride their bikes and Hollywood Boulevard is a battle in regards to traffic. She opposed the extension and believed the money could be better spent.

Debe Gantt, 3535 Soft Breeze Circle, thanked Council for their work and for making West Melbourne the best place to live. She loved the City and their home, which was convenient to shopping and health care needs. She understood the Comprehensive Plan presented an idea that the quality of live was the most important. However, the original proposal was to have Doherty Drive connecting to Fell Road and then to Dairy Road. However in 2005 and 2006, the City gave the road back to the developer so that Fell Road could not go through. Now, the City was trying to retrofit the road. There were concerns with the box culvert. She concluded that there was not enough area for the roadway because the City gave the land to the developers when housing was a priority. She requested that Fell Road be dismissed.

Mayor Rose thanked everyone for coming and all the research and emails that were sent. He encouraged everyone to get involved in the Comprehensive Plan process. He also encouraged getting involved by volunteering on one of the City's boards.

All of Council thanked those for speaking, noting that the public's participation at this meeting made a difference.

*Council Member Dittmore moved to withdraw any consideration for the Fell Road extension in the Comprehensive Plan. Council Member Adams seconded the motion, which passed unanimously.*

*Council recessed the meeting at 8:37 p.m. and reconvened at 8:48 p.m.*

**Purchase Police Department Vehicles and Associated Equipment.** Deputy Chief Cordeau presented a proposal to pre-purchase three Ford Interceptor vehicles for the 2022-2023 budget. He noted this was in line with the vehicle master plan. By ordering prior to October, they get ahead of the other orders from other cities facing the same budget year restrictions. He noted that there had been an increase in the vehicle costs.

Council discussed the vehicles that would be replaced, giving the new Police Chief the opportunity to select appropriate accessories, and providing air conditioning in the back seat of the vehicles.

*Council Member Dittmore moved to authorize the purchase of three (3) Ford Interceptor SUV pursuit-rated vehicles and authorize the expenditures to outfit the vehicles with necessary equipment. Council Member Adams seconded the motion.*

Council Member Adams asked about the current year vehicles that were ordered. Deputy Chief Cordeau stated the vehicles had been ordered but were not expected to be delivered until the end of October. He noted that this was occurring across the country.

Council Member Bentley asked about the cost increase if the vehicles were being purchased under a contract. Deputy Chief Cordeau explained that there were clauses in the contract that allowed for inflationary increases.

Council Member McDow asked about using hybrid vehicles. City Manager Rhode stated that a conversion to some hybrid vehicles would be best for administration vehicles and not the pursuit vehicles.

*Council then voted on the motion to authorize the pre-purchase of three Ford Interceptor vehicles for the Police Department, which passed unanimously.*

**Recreation Impact Fee Agreement for Epoch West Melbourne.** City Manager Rhode presented the recreation impact fee agreement with Epoch West Melbourne to provide for the 'in lieu' fee for recreation services. The proposed agreement provides for payment to the City of a recreation fee in the amount of \$385,000 for impacts related to development of the Epoch West Melbourne residential apartment project. The agreement also provides a credit in the amount of \$134,750 for recreational amenities within the project including a community pool and other facilities. The remaining balance of \$250,250 is to be paid in a single, lump-sum payment before the issuance of the first building permit.

Council Member Bentley asked who verifies the value of the credit. Planning Director Fischer stated that it was based on a formula on the proposed cost of the improvements. The developer would be required to provide those improvements as part of the agreement.

*Council Member Bentley moved to approve a Recreation Impact Fee Credit Agreement with Epoch West Melbourne, LLC providing for payment of a recreation fee in lieu of dedication of park or recreation areas. Council Member Phrampus seconded the motion, which passed unanimously.*

**Appointments to the Parks and Recreation Advisory Board.** City Clerk Hanscom presented three applications for two vacancies on the Parks and Recreation Advisory Board.

Kristin Springer, 1740 Whitman Drive, spoke on the need to use the recreational facilities at the City to strengthen the performing arts in the community. She noted that West Melbourne lacks an independent non-education forum. She noted that there was an amphitheater but there were no concerts. She believed that the Park House located next to the West Melbourne Community Park could be used for the performing arts community. She stated that there were individual teachers using the Veterans Memorial Complex but there was a lack of a core location.

Mayor Rose asked if any of the applicants were present.

Gail Jackson, 4125 Caladium Circle, stated she resides in Sawgrass Lakes and enjoyed being involved in the community. She saw this as a great opportunity to get involved.

*Council Member Bentley moved to appoint Amy Donahue Benét and Gail Jackson to the Parks and Recreation Board with a term ending November 2023. Council Member Adams seconded the motion, which passed unanimously.*

## **9. CITY COUNCIL REPORTS**

Council Member Adams stated that she had attended the evening reception to meet the Police Chief applicants and complimented staff on a job well-done. She also participated in a farm share event sponsored by Representative Fine for families in need to distribute food. Additionally, she had attended the Florida League of Cities policy meetings and the Planning & Zoning Board meeting, which included a rich discussion on different viewpoints.

Council Member Phrampus reported he had also attended the evening reception to meet the Police Chief applicants and looked forward to seeing the rest of the process. He reported he had attended a class for Planning Officials in Fellsmere which was very informative. He asked about the question that had been raised at the previous meeting on providing just fire services. City Manager Rhode replied that it was complicated and that no department in the County did only fire services. There is a level of emergency medical services that are being done.

Council Member Dittmore stated he had received a call from a Carriage Gate resident asking about tying into the West Melbourne sewer system.

Council Member Bentley reported he had attended the Tied Together event at Johnson Jr. High to work with middle school children and encouraged others to volunteer for this event. He complimented staff on the reception to meet the Police Chief candidates. He reported he had also attended the farm share event sponsored by Representative Randy Fine and noted that they had run out of food with 150 vehicles still in line. He also reported on his attendance at the Florida League of Cities policy committee meeting.

Deputy Mayor Young thanked Ms. Springer for her comments on promoting a performing arts community. She also asked about having a community garden.

Council Member McDow reported that he had toured several of the charter schools in West Melbourne and had a better understanding of what they are about. He also met with Keep Brevard Beautiful about jump starting the composting program. He reported on his attendance at IEMO II in Fort Myers.

Mayor Rose reported that the Police Chief selection process was going well. He stated he had also attended the farm share event and that there would be another one on October 14. He also reported on other events such as the Space Coast League of Cities and an event held by the Brevard County Homebuilders Association.

## **10. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:51 p.m.