

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

February 7, 2023, at 6:00 p.m.
City Council Chamber

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, Planning Director Christy Fischer, Public Works Director Mark Piccirillo, Project Manager Brian Mascher, Systems Administrator Christian Arsenault, Assistant City Clerk Eric Popham, and members of the public.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Interview Applicant for Vacancy on Board of Adjustment. Teresa Breault introduced herself to Council and answered questions about why she has interest in serving on the Board of Adjustment. Deputy Mayor Phrampus reminded Ms. Breault that serving on the Board of Adjustment would limit her potential involvement in other City boards. She understood that limitation.

Council Member Bentley motioned to select Teresa Breault to fill the vacancy on the Board of Adjustment. Council Member Adams seconded the motion, which passed unanimously.

5. PUBLIC HEARINGS

Small Scale Amendment, Rezoning, and Development Agreement for Inclusion of Martinez Property in Space Coast Town Center. Planning Director Fischer presented information for the second reading of the small-scale map amendment and rezoning for inclusion of the Martinez property in the Space Coast Town Center. The property had been annexed into the City in 2008 but would need to be assigned a future land use designation as well as be rezoned from the County's designation. In response to a question, Planning Director Fischer stated the property does meet the minimum requirements for Parkway Interchange designation. She provided a brief review of the analysis of future land use showing the proposed change with the compatible uses surrounding the property. The maximum impacts would be limited by the development agreement. She reviewed the requirements for private property rights and noted the Planning & Zoning Board, acting as the planning agency, had met on January 10 and recommended approval.

Planning Director Fischer stated the developers have agreed to the previous request from Council to reduce the dwelling units by 10 percent from 2445 units to 2200 units.

City Attorney Cary read Ordinance Nos. 2023-03 and 2023-04, in title only:

ORDINANCE NO. 2023-03

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 19.71 ACRE PARCEL OF LAND GENERALLY LOCATED SOUTH OF U.S. 192, WEST OF THE ST. JOHNS HERITAGE PARKWAY AND EAST OF SIMON ROAD AND AS MORE FULLY DESCRIBED HEREIN FROM BREVARD COUNTY CC (COMMUNITY COMMERCIAL) AND NC (NEIGHBORHOOD COMMERCIAL) TO PI (PARKWAY INTERCHANGE); PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2023-04

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A 19.71 ACRE PARCEL OF LAND GENERALLY LOCATED SOUTH OF U.S. 192, WEST OF THE ST. JOHNS HERITAGE PARKWAY AND EAST OF SIMON ROAD AND AS MORE FULLY DESCRIBED HEREIN FROM BREVARD COUNTY BU-2 (RETAIL, WAREHOUSING AND WHOLESALE COMMERCIAL) AND AU (AGRICULTURAL RESIDENTIAL) TO CITY OF WEST MELBOURNE GTWY-I (GATEWAY INTERCHANGE); PROVIDING AN EFFECTIVE DATE.

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

Council Member Bentley moved to approve the second reading of Ordinance No. 2023-03 to adopt the future land use map amendment on the 19.71-acre property from

Brevard County Community Commercial (CC) and Neighborhood Commercial (NC) to Parkway Interchange (PI). Mayor Rose seconded the motion, which passed 7-0.

Council Member Dittmore moved to approve the second reading of Ordinance No. 2023-04, rezoning the property from Brevard County Retail, Warehousing & Wholesale Commercial (BU-2) and Agricultural Residential (AU) to City of West Melbourne Gateway Interchange (GTWY-I). Council Member Young seconded the motion, which passed unanimously.

Council Member Adams moved to approve the 10 percent multi-family total unit reduction in Exhibit C of the Space Coast Town Center development agreement master plan. Council Member Bentley seconded the motion, which passed without opposition.

Annual Update of the Five-Year Capital Improvement Plan. City Manager Rhode presented the details for annual update to the Five-Year Capital Improvement Plan. He briefly spoke on items being added to consideration, and addressed intersections improvements along Minton Road. These improvements could include improved turning lanes; as well as lighting options. These intersections include:

- Minton Road and Norfolk Parkway
- Minton Road and Flannagan Avenue
- Minton Road and Milwaukee Avenue
- Minton Road and Henry Avenue

Council Member McDow asked about the accuracy of approximately \$8 million total and City Manager Rhode responded that it was accurate.

Mayor Rose asked about use of the CRA funds for road improvements and was told that Minton Road was a County road so the funds could not be used.

Council discussed additional funding for reducing the odor at the sewer plant and funding needed for improvements at the public works building.

City Attorney Cary read Ordinance No. 2023-01 in title only:

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN CONSISTENT WITH CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

Council Member Dittmore motioned to approve Ordinance No. 2023-01 updating the Annual Five-Year Capital Improvement Plan. Council Member McDow seconded the motion, which passed unopposed.

6. PUBLIC FORUM

There being no speakers for the public forum.

7. CONSENT AGENDA

Council Member Dittmore moved to approve the Regular City Council meeting minutes for Tuesday, January 17, 2023, as presented. Council Member Adams seconded the motion, which passed 7-0.

8. ACTION AGENDA

Property Lease to Aging Matters in Brevard. Assistant City Manager Bradford presented information on a possible partnership with Aging Matters in Brevard. He introduced Tom Kammerdener, President/CEO for Aging Matters in Brevard. Mr. Kammerdener spoke on the proposed relocation of the Sunflower House Resource Center from Merritt Island to West Melbourne at the park house located on Fell Road. ,

Council Member Adams asked about the schedule of the Sunflower House and how frequently events would take place in West Melbourne for seniors. Mr. Kammerdener stated that the goal is to have it five days per week. Council Member Adams also inquired if this would impact Parks and Recreation personnel. Assistant City Manager Bradford responded it was not likely to impact City personnel. Council Member Adams asked if there is a way to track which of the users of the programs are actual West Melbourne residents. Mr. Kammerdener stated that type of usage data could be gathered.

Deputy Member Phrampus inquired about the costs and the sources of funding utilized by Aging in Brevard. Mr. Kammerdener stated that all services are provided to clients free of charge and funded federally and through donations. Council discussed the different programs, the parking and traffic at the site and the safety and security of the clients.

Mayor Rose asked when they would like to begin using the site. Mr. Kammerdener responded they would like to begin using the property by the end of March.

Council Member Dittmore motioned to approve a one-year lease of the City-owned property at 3125 Fell Road to Community Services Council of Brevard County Inc Db a Aging Matters in Brevard to provide senior and caregiver programs. Mayor Rose seconded the motion. Council Member Bentley motioned to strike a portion of language from agreement related to subletting. City Attorney Cary stated he would make the changes if approved. Council voted 7-0 to approve the lease agreement.

Recreation Impact Fee Agreement – Integra Heritage LLC. City Attorney Cary presented information on the recreation impact fee agreement for Integra Heritage. The agreement provides a credit in the amount of \$153,518.75 for the amenities the

developer is providing and leaving a balance of \$285,106.25 to be paid in a lump sum payment prior to any building permits being issued.

Council Member Dittmore motioned to approve a Recreation Impact Fee Credit Agreement with Integra Heritage LLC providing for payment of a recreation fee in lieu of dedication of park or recreation areas. Council Member Adams seconded the motion, which passed unanimously.

Recreation Impact Fee Agreement – Legacy West Melbourne LLC. City Attorney Cary presented information on the recreation impact fee agreement for Legacy West Melbourne. The agreement provides a credit in the amount of \$69,720 for the amenities the developer is providing, leaving a balance of \$129,480 to be paid in a lump sum payment prior to any building permits being issued.

Council Member Adams motioned to approve a Recreation Impact Fee Credit Agreement with Legacy West Melbourne, LLC providing for payment of a recreation fee in lieu of dedication of park or recreation areas. Council Member Bentley seconded the motion, which passed in a 7-0 vote.

Cured-in-Place Pipe Lining. Public Works Director Piccirillo presented the bid results for the cured-in-place pipe lining project for the City. Based on the bids, he was recommending Council reject the bids and award the contract to Insituform Technologies, LLC., piggybacking off the City of St. Augustine Contract in the amount of \$334,394.50. Price is based on the diameter of pipe with a total length of 6,061 feet of 8-inch sewer pipes in the amount of \$256,300.00, and total amount of \$86,000.00 for storm water pipes.

Council Member Dittmore motioned to reject the bid and authorize the City Manager to award the contract as presented. Council Member Bentley seconded the motion, which passed unanimously.

New Building Department Building with Council Chambers. City Manager Rhode presented information to Council on the results of consultation with a local architect on the proposed new Building Department building with council chambers attached. City Manager Rhode emphasized that this was a rough concept and nothing about the building was finalized. The goal was to have the council chambers in a building attached to the Building Department and keeping the conceptual building at a single floor. The original development of the area was always in the plans for the City but not with a specific purpose in mind. The new building would allow greater flexibility for the City as some other locations begin to age.

Deputy Mayor Phrampus stated the exterior of the proposed building was appealing and thought that Council should be presented with several different options for building façade.

Mayor Rose spoke in favor of the concept of putting the council chambers in the new building but would like to see the administration relocated to this new building as well.

The Building Department could expand their footprint to the second floor of the existing City Hall.

Council Member Adams asked the City Manager if this new building, combined with our current buildings, will meet the future needs of the City. City Manager Rhode stated that he did believe it would meet the needs.

Mayor Rose asked about the plan for the current Building Department space if that department moves to the new building. City Manager Rhode stated, the current Building Department spaces would be remodeled and converted for use by the other city administrative offices.

Council Member Bentley questioned the size of the proposed building and stated that the Council should consider a second story now.

City Manager Rhode stated he would ask for estimates from the architect and ask for updated renderings based on the comments from Council

City Elected Officials Pension Options. City Manager Rhode presented three different pension options for Council's consideration.

- **Option 1, Florida Retirement System (FRS).** City employees are members of this option. City would be buying into this system and not a City-controlled system. There are two classes; the regular class which the city employees contribute 3 percent and city contributes 11.91 percent contribution. There is also the elected official class, which is utilized by both City of Melbourne and City of Palm Bay, where council members would contribute 3 percent and the city would contribute 57 percent.
- **Option 2, standard Florida retirement per state statute.** This option is based on state statute which dictates that council members would need to serve for 20 years and would receive 50 percent of their final salary. This option would allow the city to customize its own plan in terms of years and potential multipliers for retirement calculation.

City Attorney Cary informed Council that Florida statute dictated a 10-year minimum for retirement and if Council chose to deviate from that it would require the plan go to referendum. He also clarified the referendum would only be required if Council wanted to enact a retirement plan which began at less than the 10-year minimum.

- **Option 3, traditional 401K type of fund.** This type of system was used prior to the City adopting FRS for its employees. When it was utilized, employees contributed 2 percent and the city contributed 8.4 percent.

Council Member Dittmore asked about the elected officials participating on the regular category of FRS. City Attorney Cary provided clarification on the language from the State statute. He noted there was a subsection in the statute which states the City may elect to provide an annual or monthly salary for elected officials with 10 years of service.

Based on the language in the statute, City Attorney Cary a system could be established that was different from the main State statute. City Manager Rhode added further clarification on FRS. He noted that elected officials would begin in the general category; Council could then decide if the elected officials should be moved to the “Elected Official” category.

Mayor Rose asked about the cost of buying years of service. City Manager Rhode stated that the information was delayed at the FRS level who is still compiling the exact amount for each council member.

City Manager Rhode stated the easiest way forward is to utilize option 2 and modify it to suit the needs of the City.

Council Member Bentley proposed an idea of using option two with 10 years of service equaling 25 percent of salary and each additional year served the member could earn an additional 2.5 percent with no cap on number of years of service.

Council Member Dittmore stated he will not support the City paying for individuals to be covered in a retroactive manner and it should be shouldered by the individual member. He stated he would like to see a good cost comparative from FRS as well as how the cost compares to simply keeping the minimal state statute guidelines.

Mayor Rose stated he would like to see 10 years minimum participation with a three percent multiplier and two percent Cost of Living Adjustment (COLA).

City Manager Rhode stated that once the information is available from FRS, staff will be able to provide more accurate numbers as well as providing a cost comparison between the FRS options and the option of creating our own retirement system using a variety of parameters and multipliers. Once this information is compiled, City Manager Rhode stated he would bring the item back to Council for review.

Mayor Rose adjourned the meeting for a five-minute break at 8:46 pm. Meeting resumed at 8:52 pm.

9. MANAGEMENT REPORTS

America’s Best Value Inn Status Report. City Attorney Cary provided a presentation to bring Council up to date on the activity and response calls to America’s Best Value Inn by West Melbourne Police Department. The information presented is from fourth quarter 2022 data. He stated that the measures which Council required from the hotel in the past have resulted in a noted decrease in criminal activity during the last quarter of 2022; particularly in comparison to the same timeframe of 2021.

Mayor Rose stated that these reports would not be needed going forward unless there is a change in criminal activity.

Annual Report from Police Department. Police Chief Vesta presented the 2022 Police Department Annual Report providing information on the training and activities of the police department during the calendar year.

10. CITY COUNCIL REPORTS

Deputy Mayor Phrampus had no report.

Council Member Dittmore expressed concern about the annexation policies, stating the City needed to consider a more aggressive annexation policy to better control the desired look of the City.

Council Member Bentley reported on the first Farm Share Food Distribution event in West Melbourne. He also reported on Police Officers' Retirement Board of Trustees meeting.

Council Member Young reported on the Tourist Development Council, which showed December 2022 was a record level year for tourism and hotel rentals within the County.

Council Member McDow reported the composting numbers are increasing and he hoped to have a presentation next month from Keep Brevard Beautiful (KBB).

Council Member Adams attended the Institute for Elected Municipal Officials (IEMO) Level 1 Training Level and attended the Economic Development Council (EDC) meeting which featured West Melbourne in their projections for 2023.

Mayor Hal Rose attended the Mayors' Quarterly Meeting and an event about commercial property in the County. He reminded everyone Spring into Fitness Challenge would begin on February 11.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 10:32 p.m.