

MAYOR  
Hal J. Rose

DEPUTY MAYOR  
Pat Bentley

COUNCIL MEMBERS

Daniel Batcheldor  
John Dittmore  
Adam Gaffney  
Barbara A. Smith  
Andrea Young



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## CITY COUNCIL WORKSHOP

### MINUTES

June 18, 2019

#### 1. CALL TO ORDER

Mayor Rose called the workshop to order at 5:30 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

Present: Mayor Hal Rose, Deputy Mayor Pat Bentley, Council Members Andrea Young, Barbara Smith, Adam Gaffney, John Dittmore, and Daniel Batcheldor.

Also present: City Manager Scott Morgan, City Attorney Morris Richardson, Finance Director Margi Starkey, Information Technology Director Tom Bradford, Police Chief Rick Wiley, Planning Director Christy Fischer, Jacobs Project Manager Brian Mascher, Parks and Recreation Director Rich Boprey, Building Official Tom Forbes, City Clerk Cynthia Hanscom, and other members of the public.

#### 4. BUDGET WORKSHOP – DRAFT OPERATING BUDGET

City Manager Morgan presented the proposed 2019-2020 operating budget. He reminded Council this was developed by the management team by focusing on the priorities established by Council. For all funds, the total budget was \$36.5 million, which was a 1.2% increase from the current year. The increase is primarily attributable to the increase in salaries and benefits and maintenance and operations, offset by slight reduction in capital improvement expenditures.

City Manager Morgan stated the general fund is \$15.66 million, which is a decrease of 10.7% due to a large reduction in capital improvement expenditures. The general fund personnel expenditure increased by 2.6 percent and the maintenance and operations expenditures increased by 3.3 percent.

Deputy Mayor Bentley asked if the budget would need to pull from reserves. City Manager Morgan replied that general fund reserves would be drawn in the approximate amount of \$600,000.

City Manager Morgan reviewed the revenue sources, noting that it was diversified and not overly dependent on ad valorem taxes. He also presented the expenditures, pointing out that two-thirds of the general fund expenditures are dedicated to police and public works.

City Manager Morgan reviewed the special funds noting that there would be sufficient revenues and cash reserves available in the water and sewer funds.

The City's reserves were healthy excepting the stormwater utility fund. The stormwater rates had been increased last year and funding would be provided for engineering to put the City in a position to be eligible to compete for external grant funding. He expected the stormwater fund would have a positive balance by September 30, 2021.

City Manager Morgan reported the proposed budget included 138 full-time and 6 part-time positions, which was a reduction of one PAL Coordinator position.

City Manager Morgan then reviewed the top 20 budgeted items.

Mayor Rose asked if the cost for the Jacobs contract for wastewater operations and maintenance was an increase. City Manager Morgan replied that it was 2.3 percent higher due to contracted cost of living provisions.

Mayor Rose asked if the purchase of the vehicles would include all of the accessories, particularly for the police vehicles. City Manager Morgan stated that budgeted amount would include all of the accessories.

Mayor Rose asked if state funds would be sought for the major process improvement at the plant to improve the quality of water in the reuse distribution. City Manager Morgan replied that the project would be eligible for a significant amount of funding from the Indian River Lagoon sales tax.

City Manager Morgan stated he was recommending a millage rate of 2.6017 mills, which was the same rate as the current year. Deputy Mayor Bentley asked about the rolled back rate. City Manager Morgan replied that it was 10.81 cents greater than the estimated rolled back rate, which would be 2.4936. Council would be asked to advertise an estimated rate increase of 4.33 percent greater than the rolled back rate. He reminded Council that this rate was lower than other cities in Brevard County and similar sized cities in Florida. He also reminded Council that they could approve a rate equal to or lower than the advertised rate but could not approve a rate higher than the advertised rate.

Council Member Smith noted that the amount shown in the proposed budget documents for personnel costs, which included employee wages and benefits, went down for the Police Department. City Manager Morgan noted that this was because of the reduction of one employee and a reduction in funding necessary for the Police Pension plan and workers compensation insurance. Council Member Smith also questioned the elimination of the PAL Coordinator position and when that decision had been made by Council. City Manager Morgan noted that Council would be asked eliminate the position as part of the budget approval.

Council Member Smith was also concerned about the leasing of the PAL house to United Way. City Manager Morgan explained the PAL was a 501c organization. The City had agreed to fund the coordinator position in the past. The 2019-2020 budget would propose to eliminate the position. Council Member Smith expressed concern that the facility was given away prior to this Council agreeing to eliminate the position. She believed this Council had agreed to have the PAL program and was stunned that this had all taken place. Council Member Smith spoke again on the reduction for the Police Department in salaries and benefits and that no other department had been reduced.

Council Member Smith also raised the issue of police officers having to wash their own police vehicles and suggested that a contract be made with a local car washing facility. City Manager Morgan stated that there were no funds in the current budget; however, it could be added to the budget if Council believes it would be beneficial. He expected the additional cost to be between \$10,000 and \$11,000 annually. He suggested that staff could reach out to providers and obtain quotes.

There was a consensus of Council that this be added to the Police Department budget. City Manager Morgan suggested that it be included across all departments. He believed the additional costs could be absorbed by the other departments.

Council Member Smith asked that a report be provided to Council on the revenues that are coming in from parks and code enforcement. City Manager Morgan stated that he could provide a revenue report and suggested that it be done in October, which was at the close-out of the fiscal year.

## **5. RECESS**

*Council recessed the workshop at 6:30 p.m. and reconvened to the Regular City Council meeting at 6:37 p.m.*

## CITY COUNCIL REGULAR MEETING

### MINUTES

June 18, 2019

#### 6. CALL TO ORDER

Mayor Rose called the meeting to order at 6:37 p.m.

#### 7. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT MEDITATION

Mayor Rose led the Pledge of Allegiance followed by a moment of silence.

#### 8. ROLL CALL

Present: Mayor Hal Rose, Deputy Mayor Pat Bentley, Council Members Andrea Young, Barbara Smith, Adam Gaffney, John Dittmore, and Daniel Batcheldor.

Also present: City Manager Scott Morgan, City Attorney Morris Richardson, Finance Director Margi Starkey, Information Technology Director Tom Bradford, Police Chief Rick Wiley, , Planning Director Christy Fischer, Public Works Director Mark Piccirillo, Human Resources Director Kimberly Gale, Jacobs Project Manager Brian Mascher, City Clerk Cynthia Hanscom, and other members of the public.

#### 9. PUBLIC HEARINGS

**Police Pension Plan Amendments.** City Manager Morgan presented the second reading of Ordinance No. 2019-11, amending the police officer pension plan to reflect changes as part of the bargaining agreement and Memorandum of Understanding to allow officers to buy back previous years of service. He stated that this would provide a benefit to the employee and was a no-cost item for the plan.

City Attorney Richardson read, in title only, Ordinance No. 2019-11:

#### **ORDINANCE NO. 2019-11**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING ARTICLE IV, POLICE OFFICERS RETIREMENT, OF THE WEST MELBOURNE CODE OF ORDINANCES; AMENDING SECTION 34-78, DISABILITY; ADDING SECTION 34-88, ADDITIONAL CREDITED SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

*Deputy Mayor Bentley moved to approve the second reading of Ordinance No. 2019-11 amending the Police Officers' Pension Plan to reflect changes to the Plan resulting from the collective bargaining agreement dated November 20, 2018, the implementing Memorandum of Agreement dated January 25, 2019, and confirming an interpretation of the Plan made by the Police Pension Board on November 7, 2018. Council Member Gaffney seconded the motion, which passed unanimously.*

**Revise the Parkway Interchange Future Land Use Policies in the Horizon 2030 Comprehensive Plan.** Planning Director Fischer presented the second reading to revise the Parkway Interchange future land use policies to increase the percentages for multi-family use from 25 percent to 65 percent. In addition, the wording had been changed for hotel density to create a floor area ratio.

City Attorney Richardson read Ordinance No. 2019-16, in title only:

#### **ORDINANCE NO. 2019-16**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA ADOPTING LARGE SCALE COMPREHENSIVE PLAN AMENDMENT (LSA-2019-02); AMENDING THE FUTURE LAND USE ELEMENT TO REVISE POLICIES AND GUIDELINES FOR THE "PARKWAY INTERCHANGE" FUTURE LAND USE DESIGNATION, AS MORE FULLY DESCRIBED HEREIN; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; AND, PROVIDING AN EFFECTIVE DATE.

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

*Deputy Mayor Bentley moved to approve the second reading of Ordinance No. 2019-16, revising the Parkway Interchange future land use policies. Council Member Gaffney seconded the motion.*

Council Member Batcheldor stated he was opposed and believed it was short-sighted planning when there is a growing need for more schools and more indoor/outdoor activities for families and children. There has been a number of apartment developments approved and are currently under construction. He did not believe that aerospace millennials would want to live in apartments.

Mayor Rose commented that the proposal would not eliminate the possibility of constructing a school. Mr. Robert Gorlow, developer for the Space Coast Town Center project, stated that it could be done if the school board was interested in buying land within the area.

Mr. Gorlow stated that he would like to discuss with the City in moving the gateway sign further west so that individuals would know that they were in West Melbourne when entering from the west.

Tuck Ferrell, 1300 Pine Tree Drive, Indian Harbour Beach, stated they had been working with higher education groups that could lead to other educational avenues for the property.

Council Member Batcheldor asked if there would be a conflict of interest because he worked with a higher education institution. City Attorney Richardson replied that there would not be a conflict.

*Council then voted on the motion to approve the second reading of Ordinance No. 2019-16, which passed with a 6-1 vote, with Council Member Batcheldor opposed.*

## **10. PUBLIC FORUM**

There were no comments from the public.

## **11. CONSENT AGENDA**

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

- Approve the Regular City Council meeting minutes for Tuesday, June 4, 2019.

**Agreements for School Resource Officers with Imagine School and Pineapple Cove Classical Academy.** Council Member Dittmore pulled both agreements from the consent agenda for the Milestone Community School, Inc., d/b/a Imagine Schools at West Melbourne and Pineapple Cove Classical Academy. He stated that the charter schools are publicly funded but privately run. He researched the financial statements for both charter schools and noted that there was an excess at the end of the year. He believed that both schools had the resources to fund the school resource officer without the positions being subsidized by the City.

*Council Member Dittmore moved to revise the contracts to have the schools fund the full cost of the officers at \$79,000. Mayor Rose seconded the motion.*

Council Member Batcheldor stated the excess for each school was very small compared to the annual costs. The teachers are subsidizing by buying supplies for the classrooms. He believed this could be considered but would want to have more information.

Council Member Dittmore indicated the carryover for both schools would be sufficient to make up the difference. He stated his concern was that the City was funding private organizations that are not hurting for business.

Mayor Rose stated he did not believe the schools were running with a profit. City Attorney Richardson stated that the schools pay for \$52,000; funding from the State for Imagine Schools is \$25,000 and Pineapple Cove is \$21,900. Therefore, both schools pay the difference. He stated they had not engaged in an analysis on the ability to pay.

Council Members discussed a budget analysis for the schools and that current year numbers may not be a multi-year pattern. There was a consensus that this could be further researched but would not want to do this to the schools at this time.

Council Member Dittmore added that many of the children in West Melbourne do not get the benefit of a school resource officer. Since the Council is the steward of the public funding, he questioned using tax dollars to subsidize a private company. He said that the City should take a closer look at the school's ability to pay for the program.

*Council Member Dittmore withdrew his motion. Mayor Rose withdrew his second on the motion.*

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

- Approve an agreement with Milestones Community School, Inc. d/b/a Imagine Schools at West Melbourne for partial funding of a school resource officer assigned to the school for the 2019-2020 school year, and authorize the Mayor to sign the agreement on behalf of the City.
- Approve an agreement with Pineapple Cove Classical Academy of West Melbourne, Inc. for partial funding of a school resource officer assigned to the school for the 2019-2020 school year, and authorize the Mayor to sign the agreement on behalf of the City.

## **12. ACTION AGENDA**

**School Board of Brevard County School Resource Officers.** City Attorney Richardson presented two alternative agreements with the School Board of Brevard County to provide School Resource Officers (SROs) to the schools located in West Melbourne. He stated that originally Chief Wiley had suggested that an armed security specialist be provided for the West Melbourne School for Science. However, the Council seemed to be opposed and the Chief was able to secure a commitment for a Deputy Sheriff to be placed at the West Melbourne School for Science as an SRO. Therefore, Council has been provided with two options. One is to place three SROs in West Melbourne schools, with an SRO provided by a Deputy Sheriff at the West Melbourne School for Science, or approve an agreement to place four SROs in West Melbourne schools.

City Attorney Richardson reported that, at the direction of Council, he had contacted the School Board to determine if an agreement could be reached to provide an SRO in those schools that were out of the City limits. The response was that they could not give assurances that a SRO could be provided; the School Board suggested talking with the City of Melbourne or the City of Palm Bay.

*Council Member Batcheldor moved to approve an agreement with the School Board to provide SROs in four schools. There being no second, the motion failed.*

*Council Member Gaffney moved to approve an agreement with the School Board of Brevard County for partial funding of three school resource officers to be assigned to public schools within the City for the 2019-2020 school year, and authorize the Mayor to sign the agreement on behalf of the City. Deputy Mayor Bentley seconded the motion.*

Council Member Gaffney thanked Sherriff Wayne Ivey for reaching out and talking with him about providing an SRO at the West Melbourne School for Science.

Council Member Batcheldor stated he believed that this would be an error. Although it is good that the Brevard County Sheriff's office has agreed to provide an SRO, he believed it should be done by the City. He stated that providing an SRO would show leadership and set the example for other cities. In addition, it allowed the City to set standards for security in the schools. The City had increased the millage rate last year in order to provide the SROs. He believed that committing to the five-year plan and providing leadership in the schools would show that this Council was being responsible with taxpayers' money to meet the needs and desires of the residents.

Deputy Mayor Bentley stated that he had also talked with Sheriff Ivey and he had guaranteed coverage at the school. The goal for the City was to have an SRO in every school and this could be done with a Deputy Sheriff. Therefore, he supported Chief Wiley's recommendation. Council Member Young agreed.

Council Member Smith stated there was a positive influence from the SROs in the schools that could not be provided by the armed security specialist. She believed that having an SRO in the school was important and believed this addresses not only the budget concerns but would address the need for additional patrols. She stated that the City could place a SRO in the school if there were any problems.

Council Member Batcheldor stated he was not contacted by Sheriff Ivey and was concerned about bias; he cautioned Council on being swayed by a political sheriff. He expressed concern with compromising the children by displacing the security of the children in the school. He also believed this would break up the SRO force that had been trained together and was a proactive force for improving the lives of the children in the schools. He had not heard from residents that they would want anything but a West Melbourne officer in the school. He believed that control would be lost and urged Council to remain committed by funding a full SRO team.

Mayor Rose stated that he had met with the new principal at West Melbourne School for Science and she was excited to be in West Melbourne. She had also met with Chief Wiley and other police personnel. She did not believe there would be an issue with having a Deputy Sheriff as an SRO for the school.

Council Member Batcheldor asked Chief Wiley if the concern for providing the four SROs was budgetary. Chief Wiley stated that there is a budget concern but he believed it was beneficial to have the SRO provided by the Deputy Sheriff so that they could meet the five-year plan and maintain the SRO in the school. He stated that he has worked with the City Manager and staff and was asked to think critically on how to make adjustments to accomplish the same mission. Council Member Batcheldor stated that he believed there would be a benefit for a coherent team. He stated that it did not reflect well that the City was making desperate decisions over such a small amount of money which would have huge impacts for the City residents.

Deputy Mayor Bentley commented that he did not believe they were putting the City children in danger and had confidence in the Deputy Sheriff.

Council Member Smith asked if the proposed budget included the two new positions as approved in the five-year plan. City Manager Morgan stated one officer was added when the officer assigned as an SRO to the Educational Horizons was retained for patrol. The second position would be the officer retained that was originally assigned as an SRO at the West Melbourne School for Science. Council Member Smith expressed concern with the way the budget was prepared and that many of the requests never make it to Council for consideration.

Council Member Batcheldor again spoke about the exposure to risk. He believed that the individual phone calls from Sheriff Ivey provided a way around the sunshine law and believed it was political. He had seen nothing on paper that would guarantee that the SRO position would be filled by a Deputy Sheriff.

*Council then voted on the motion to approve an agreement with the School Board for three school resources officers, which passed 6-1, with Council Member Batcheldor opposed.*

**Re-plat of Coastal Commerce's Tract H-3.** Planning Director Fischer presented the Coastal Commerce re-plat for Tract H-3, which was owned by Melbourne 95 New Haven LLC. She explained the property was 3.19 acres and would be converted to two properties: Tract H-4 would be 2.36 acres and was proposed for a hotel, and Tract H-5 was 0.83 acres and would be considered as undevelopable because of the utility and stormwater easements. She reminded Council that there was a buffer hill on Tract I that provides a buffer for residents on Miami and Keystone Avenues. She reported the Planning and Zoning Board had met on June 11 and recommended approval.

Mayor Rose how many hotels were proposed, and Planning Director Fischer replied that there would be only one hotel. She stated that there could be a parking lot on Tract H-5.

*Council Member Dittmore moved to approve the re-plat of a portion of the commercial subdivision known as Coastal Commerce (corner of I-95 and West New Haven) with two conditions: convert the private stormwater drainage easements along the sides and rear property line of Tract H-4 into a permanent system to ensure that stormwater retention still flows from this lot into the master shopping center pond prior to recording the mylar, and maintain the existing planted trees, bushes, and grass on the hill of Tract I (buffers Tracts H5 and H4) per the original plat notes and remove invasive plant species prior to recording the mylar. Council Member Gaffney seconded the motion.*

Council Member Batchelor hoped that the developer would not put in a parking lot just for the sake of having a parking lot. Planner Director Fischer stated that there was nothing prohibiting the owner from doing so as long as the stormwater measures have been met. Council Member Young asked if the parking lot would need to be paved. Planning Director Fisher replied that code standards for paved lots would require that it be concrete or asphalt. She added that they could reach out to the owner to consider other materials if that appears to be their intention.

*Council then voted on the motion to approve the re-plat of Tract H-3, which passed unanimously.*

**Professional Engineering Task Order for the Coastal Lane to Columbia Lane Force Main Project.** City Manager Morgan presented a proposal to provide for engineering for a sewer project. He noted that the St. Johns River Water Management District was proposing to divert stormwater from the County's canal to the St. Johns River basin. To get across the interstate, they would need to cross at the location of an existing water main. However, because it was a narrow crossing, well-planned work would need to be done. Because the City will need to provide sewer service west of I-95, the proposal was to provide engineering to partner with SJRWMD for the construction of a sewer force main. The City was behind in the engineering and would need to catch up to what had been done by SJRWMD, which included extension survey work.

*Council Member Young moved to authorize the City Manager to execute the professional engineering task order for the Coastal Lane to Columbia Lane Force Main Project in the not-to-exceed amount of \$48,390. Council Member Dittmore seconded the motion, which passed unanimously.*

**Ellis Road/John Rodes Boulevard Master Meter Elimination and Water Main Extension.** City Manager Morgan presented a proposal to eliminate a master meter and provide for a water main extension at Ellis Road/John Rodes Boulevard. He stated this was an opportunity for a water project that would help several public agencies and taxpayers. He explained that Ellis Road construction is underway and the County has

asked for a field change to address future widening of Ellis Road. Florida Department of Transportation agreed to the field change order which raises the elevation of the existing Ellis Road/John Rodes Boulevard intersection. However, there was a City of Melbourne master meter that serves several businesses. Rather than relocate the meter, it was decided that it would best to construct 1,000 feet of water main so that properties that are served would be supplied from the east rather than from the west. The City would piggyback on a contract between the City of Melbourne and Young's Communication for the project. He stated there would be a site meeting on Monday and they would be providing the contractor with a notice to proceed with the entire project done in less than one month.

Deputy Mayor Bentley asked if there could be funding assistance. City Manager Morgan stated that he had not given up on the opportunity to seek reimbursement from FDOT.

*Council Member Dittmore moved to authorize the City Manager to expend funds in the amount of \$60,000 to eliminate the Ellis Road/John Rodes Boulevard master meter and extend a water main on Ellis Road between two points of connection. Council Member Gaffney seconded the motion, which passed unanimously.*

### **13. MANAGEMENT REPORTS**

**Chief of Police.** Police Chief Wiley presented the May 2019 Police Department report. He also reported that the new addition had been completed and they were in the process of moving. The contractor would then begin the renovation of the existing side of the building. He thanked the IT Department for their assistance throughout the project.

### **14. CITY COUNCIL REPORTS**

Council Member Dittmore reported he had attended the Charter Review Committee and hoped that they would be able to address the state statute that says that elected officials be provided a retirement after 20 years of service.

Deputy Mayor Bentley reported he had attended the Florida League of Cities Finance and Taxation Policy Committee meeting.

Council Member Young reported she had attended the Florida League of Cities Land Use and Economic Development Policy Committee. She also asked about any plans to recognize the City's 60<sup>th</sup> anniversary. Council discussed possible celebration events and believed something could be included in the City's newsletter as well as an outdoor barbeque at the West Melbourne Community Park. It was suggested that this event could be combined with the tree lighting ceremony.

Council Member Smith had no report.

Council Member Batcheldor thanked the City for organizing the Space Coast League of Cities dinner last week. He also wished everyone a happy Fourth of July.

Council Member Gaffney reported that he had also attended the Space Coast League of Cities dinner and thanked staff for organizing the event.

Mayor Rose reported that he had attended the Economic Development Commission meeting and there was more happening in the County than most people were aware. He reported the next launch was proposed for June 24. He reported he had also attended chamber meetings and several ribbon cuttings. He stated that he had visited Lucky's Market on U.S. 192 and noticed that they were building a ramen noodle bar. He had also heard that there was a proposal to remodel the plaza, which was needed. He stated that there would be a 'back to school' event at the Field of Dreams and they were looking for donations. He wished everyone a happy Fourth of July. The next meeting of City Council would be July 16.

## **15. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:54 p.m.