

MAYOR  
Hal J. Rose

DEPUTY MAYOR  
John Dittmore

COUNCIL MEMBERS  
Daniel Batchelor  
Pat Bentley  
Adam Gaffney  
Barbara A. Smith  
Andrea Young



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## CHARTER REVIEW COMMITTEE

### MINUTES

February 13, 2020

#### 1. CALL TO ORDER

Chair Stephen Phrampus called the meeting to order at 6:33 p.m. and led the pledge of allegiance.

#### 2. ROLL CALL

Chair Phrampus congratulated Committee Member Michelson on winning Volunteer of the Year for 2019.

Present: Chair Stephen Phrampus, Committee Members Bill Mettrick, Sandra Carbon, Matthew Brothers, Chris Gibbs, and Sandra Michelson.

Absent: Vice-Chair Michelle Rutledge.

Also present: City Attorney Morris Richardson, City Clerk Cynthia Hanscom, and other members of the public.

*Chair Phrampus moved to excuse Vice-Chair Michelle Rutledge. Committee Member Carbon seconded the motion, which passed 6-0.*

#### 3. APPROVAL OF MINUTES

*Committee Member Mettrick moved to approve the minutes of January 9, 2020. Committee Member Brothers seconded the motion, which passed with a 6-0 vote.*

#### 4. REVIEW OF CHARTER

City Clerk Hanscom reminded the Committee that they had reviewed Article XIV with Planning Director Christy Fischer at the last meeting. Several suggestions were made for changes and the Committee discussed if the entire Article should be deleted as it was duplicated in the code. Staff conducted an analysis of what is shown in other charters and noted that the Charter for Melbourne was the most similar to West Melbourne. She explained that staff had met to discuss the changes and was

suggesting a modification to remove the sections of Article IV that were duplicated in the Code. The change would not remove the entire Article, but would only reference the Board of Adjustment and Planning and Zoning Board.

Chair Phrampus stated he thought the code was required to mimic the Charter. City Attorney Richardson explained that anything in the code could not contradict what was in the Charter but could add to it. Chair Phrampus stated that he would be opposed to removing all of the language in the Charter for this Article. Committee Member Michelson agreed stated that it was added in 2007 so there must have been a reason that the citizens felt it was needed. Committee Member Brothers stated that he was not surprised to see all of the language removed because he believed that was what the Committee had discussed and that it would allow more flexibility to modify the code.

City Attorney Richardson agreed and felt that “if it is was not broken, don’t fix it.” Therefore, minimum changes to the Board of Adjustment membership and changing the reference to special exception to conditional uses could be made.

City Attorney Richardson reviewed the process for a conditional use and how applications went before the Board of Adjustment. The listing of individuals with specific criteria was a way to ensure that those making the decisions had qualifications to do so. He noted that appeals to the Board of Adjustment would go to City Council which would strike a balance rather than go directly to court. The Committee discussed reducing the number of Board of Adjustment members having required criteria, but felt that it should remain at 4 members.

The Committee Members discussed the proposed changes and agreed that the word “professional” from Section 2(b)(4) could be deleted. Also, the reference to “special exception” should be changed to “conditional use.”

*Chair Phrampus moved to amend Article XIV as stated above. Committee Member Mettrick seconded the motion, which passed 6-0.*

Council Member Pat Bentley asked if the ballot language would be combined into one question. City Attorney Richardson believed that would be the case. Council Member Bentley expressed concern that the question could be voted down even if one of the items was something citizens would have approved.

## **5. REVIEW OF ARTICLE XII FIRE DEPARTMENT**

Chair Phrampus asked that the Committee discuss modifying the language for Article XII Fire Department to include language for the fire chief similar to that for the chief of police. He noted that the cost of providing fire services in the City was \$3.5 million and there had been discussion that it may be less expensive for West Melbourne to provide their own fire department, not including the start-up costs.

Committee Member Gibbs asked why the change would be needed. Chair Phrampus noted that it ensure that the fire chief would fall under the direction of the city manager.

The Committee discussed the current agreement with Brevard County to provide services. Other members felt that it could be a good idea but the Charter language could be changed at that time if the City would decide to provide fire services.

Mayor Hal Rose commented that the City of Rockledge had combined the fire chief and the police chief to a public safety director position. If the City would move toward their own fire department in the future, doing something similar could be discussed.

## **6. RECONSIDERATION OF ARTICLE III, SECTION 7, COMPENSATION FOR MAYOR AND COUNCIL MEMBERS**

The Committee asked to revisit the amendment to the Charter on compensation for elected officials. Additional information on Council compensation from other cities was presented by the City Clerk.

Committee Member Michelson suggested that the words “plus necessary and ordinary expenses” could be deleted because now there needs to be an expense report submitted when a Council Member travels. City Attorney Richardson stated that it could be deleted or moved to another part of that section that follows the language for the salaries. Committee Member Brothers commented that, if there is concern with raising the salary of Council and the additional ballot language included a change for “necessary and ordinary expenses,” the change could be viewed as adding something that was not currently being done.

Committee Member Michelson also asked if the CPI language could be deleted. City Clerk Hanscom stated that this allows for an increase for Council annually based on changes in the CPI.

Chair Phrampus asked if the current salary could be listed in the ballot language, because it appears that the salary is going from \$400 to \$600, which is not the case because of the CPI increases that have occurred over the last 10 years. Mayor Rose stated the numbers shown on the spreadsheet provided to the Committee were incorrect. The current annual salary for the Mayor is \$6608.28, with a monthly salary of \$550.69. The current annual salary for Council is \$5,873.76 with a monthly salary of \$489.48. He noted that the proposed change recommended by the Committee would be less than \$100 per month. Council Member Mettrick believed the current salary should not be included in the ballot language.

Committee Members discussed the current salaries and increasing the recommended amount proposed. Committee Member Brothers stated that the intent of the Committee was to provide enough funds so that the elected official would be able to obtain health insurance for the family and provide a \$200 a month increase. However, that was not the case.

Mayor Rose left the room so that Council Member Bentley could speak.

Council Member Bentley stated that he does not serve on Council for the money. Other members may need the money. Council salaries in comparison to other cities was

inequitable. In addition, other City officials would receive expense accounts. He stated that citizens really like living in West Melbourne and he believed the Council has done a good job. He disagreed with the comments provided by Harry Stapor and Charles Settgest in that increasing the salary would cause individuals to serve that do not necessarily have an interest in what is best for West Melbourne. He believed the Mayor and Council should be paid fairly.

Committee Members discussed what is being done in some communities where a formula is being used to determine the salary. City Attorney Richardson indicated that it would be better to have a flat amount.

Mayor Rose returned to the meeting as a member of the public.

*Chair Phrampus moved to amend the monthly salary to \$800 for council and \$900 for mayor, with maintaining the annual increases for the CPI. Committee Member Carbon seconded the motion, which passed 6-0.*

## **7. PROPOSED AMENDMENTS WITH BALLOT LANGUAGE**

City Clerk Hanscom presented a summary of the Committee's recommendations to date with suggested ballot language. This does not include any changes from Article XIV. She explained that each of the items would need to pass by the Committee by a super majority. City Attorney Richardson reminded the Committee that Council would review the changes in the Charter and not necessarily the ballot questions initially.

Chair Phrampus asked what the voter would see. City Clerk Hanscom stated that the voter would only see the ballot questions and would not see the strike-through of the original charter language.

Chair Phrampus stated that each item would be reviewed at the meeting in March.

## **8. PUBLIC COMMENTS**

There were no public comments.

## **9. ADJOURNMENT**

There being no further business, Chair Phrampus adjourned the meeting at 7:53 p.m.