

MAYOR
Hal J. Rose

DEPUTY MAYOR
John Dittmore

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



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CITY COUNCIL REGULAR MEETING

MINUTES

May 19, 2020

1. CALL TO ORDER

Mayor Rose called the 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 in person: Mayor Hal Rose, Deputy Mayor John Dittmore, and Council Members Andrea Young and Adam Gaffney.

Attending remotely: Council Members Pat Bentley, Barbara Smith and Daniel Batcheldor.

Also present in person: City Manager Scott Morgan, City Attorney Morris Richardson, Information Technology Director Tom Bradford, Human Resources Director Kimberly Gale; City Clerk Cynthia Hanscom, and members of the public.

Also attending remotely: Deputy City Manager Keith Mills, Finance Director Margi Starkey, Public Works Director Mark Piccirillo, Planning Director Christy Fischer, Jacobs Project Manager Brian Mascher; Police Chief Rick Wiley; and Deputy Chief Richard Cordeau.

4. PUBLIC FORUM

City Clerk Hanscom read one comment from Keith Hudon on a suggestion for the wording on the Q&A for City's website in addressing short term residential rentals.

5. CONSENT AGENDA

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

- Approve the City Council meeting minutes for Tuesday, May 5, 2020.
- Approve Resolution No. 2020-09 officially naming the private internal roadway in the Cottages at Buena Vida community as Cottage Circle.
- Approve Resolution No. 2020-10 officially naming the private internal roadways in the Space Coast Town Center community as Nebula Way and Pulsar Way.

6. ACTION AGENDA

Group Insurance Plans for 2020-2021 Plan Year. Human Resources Director Gale presented the group insurance plan renewals for the 2020-2021 plan year. She noted that there would be an overall rate decrease of 1.05 percent for Health First group health insurance with no change in the benefit structure. The dental insurance, currently provided by Lincoln Financial Group, would be provided by Principal and would result in a 12.17 percent overall rate decrease, which would be guaranteed for a two years. HR Director Gale also presented a proposed change to vision insurance from Advantica/Superior to Principal, which would result in a 10.01 percent overall rate decrease. All other policies for short and long term disability, flexibility spending accounts, life insurance and supplemental insurances would provide a rate hold for the 2020-2021 plan year.

HR Director Gale stated there would be mandatory open enrollment via Benefits Connect in June.

Mayor Rose spoke positively about the overall health insurance decrease and that it was rare to see in this day and age when most employers were seeing significant increases in health care costs. He hoped the employees continued to stay active with programs such as the Mayors Fitness Challenge to stay healthy, which lowers the rates.

Council Member Batcheldor asked if there would be problems with providers in switching dental and vision plans. HR Director Gale noted that with any transition there could be some fall out, but the networks were comparable.

Council Member Bentley asked why the City did not have Health Savings Accounts (HSAs). HR Director Gale explained that HSAs were associated with high deductible plans.

Council Member Young moved to adopt Resolution No. 2020-08 approving the City's group insurance plans for the 2020-2021 plan year, provided by the following vendors:

<i>Medical</i>	<i>Health First Health Plans</i>
<i>Health Reimbursement Account (HRA)</i>	<i>Ameriflex</i>
<i>Dental</i>	<i>Principal</i>
<i>Vision</i>	<i>Principal</i>
<i>Life & Disability</i>	<i>Lincoln Financial Group</i>
<i>Employee Assistance Program (EAP)</i>	<i>Lincoln Financial Group</i>
<i>Flexible Spending Account (FSA)</i>	<i>Ameriflex</i>
<i>Supplemental Options</i>	<i>Colonial Life & MetLife</i>

Council Member Gaffney seconded the motion, which passed 7-0.

Appointment to the Parks and Recreation Advisory Board. City Clerk Hanscom presented three applications for an opening on the Parks & Recreation Advisory Board. She asked Council to make an appointment with a term ending November 2021.

Mayor Rose asked if any of the applicants were in attendance. Ms. Julie James, 115 Woodland Drive, spoke and provided a background on her interests noting that she felt she would enjoy being a part of the committee.

Council Member Smith asked Ms. James her impression of the City's parks. Ms. James stated that the West Melbourne Community Park was amazing. She noted that she lived near Erna Nixon Park where she took many of her walks. She believed the public may not be aware of the activities being offered and hoped to help better inform residents on what was available.

Council Member Bentley moved to appoint Julie James to the Parks and Recreation Advisory Board with a term ending November 2021. Council Member Gaffney seconded the motion, which passed unanimously.

Professional Engineering Design for Additional Eastbound Lane on Norfolk Parkway. Deputy City Manager Mills presented an overview of a proposal to add an additional lane on Norfolk Parkway for those traveling east from Sawgrass Lakes. The original proposal was to add an additional lane to the south, but existing traffic signal infrastructure would need to be moved. In addition, there would need to be modifications made in the drainage. From talking with the engineer, it was determined that adding another lane to the north would be less costly. Currently, there was a tower clock in the median that would need to be moved. Four hundred thousand dollars in funding received from transportation impact fees was designated for this project.

Mayor Rose asked if the clock tower was in the City's right of way. Deputy City Manager Mills said yes, and stated that an agreement with the developer (DR Horton) for Sawgrass Lakes allowed the developer to place the clock tower in the median. If the tower were removed as part of construction of the travel lane, the City would propose to replace the clock within the median.

Stephen Phrampus, 3401 Watergrass Street, stated he lived in Sawgrass Lakes and spoke in favor of the project and of restoring the clock. He believed it was aesthetically pleasing and hoped that the City would keep the clock tower.

Council Member Bentley asked the total cost for construction. Deputy City Manager Mills stated they did not have a construction estimate but he believed it would be between \$400,000-\$500,000. Council Member Bentley asked if DR Horton would be contributing in the cost to add the travel lane. Deputy City Manager Mills stated he had not spoken to the developers about assisting with the cost. Council Member Bentley commented that Sawgrass Lakes residents would get the most benefit. Mayor Rose agreed. Council Member Smith stated the clock tower was an aesthetic benefit for the residents and agreed that they should assist in the cost to move the clock. Deputy Mayor Dittmore stated that when this was discussed before, it was felt that the traffic study did not correctly depict the amount of traffic using the roadway because it proposed a public school rather than a private school. City Manager Morgan stated that school traffic was modeled into the traffic study.

Council discussed shifting the clock to provide for an additional lane. It was not clear that there would be enough space to add a turning lane and retain a relocated clock. This would be further determined as part of the design.

Council Member Bentley moved to authorize the City Manager to execute the professional task order with DRMP in the amount of \$115,120 for the design of an additional eastbound lane on Norfolk Parkway approaching Minton Road, with the condition that engineering design costs be credited to any sharing of costs to construct the roadway. Council Member Young seconded the motion, which passed 7-0 in a roll call vote.

Final Plat of Space Coast Town Centre East – Phase I. Planning Director Fischer presented the Space Coast Town Center Phase 1 final plat. She noted that this would be for one buildable lot (Lot 1) which would be 12.18 acres to be sold to Integra Development and 5 tracts totaling 88.19 acres. Among the tracts would be property to be used for stormwater management, a public sewer lift station and future development. She reviewed all the tracts noting that any future development would need to go through the subdivision process. Planning Director Fischer provided an analysis of the plat noting that it was consistent with the land development regulations.

Planning Director Fischer explained the sidewalk proposed for around the lake. She noted that the entire sidewalk was part of the recreation amenities for public use but would not be built around the entire lake until the other lots were developed. Therefore, the sidewalk would be built only to that area adjacent to Lot 1.

The Planning & Zoning Board had recommended approval of the final plat at their meeting of May 12, with the following conditions:

1. Developer finalize construction drawings;
2. Developer post construction performance bond;
3. Obtain outside agency permits.

Mayor Rose asked about one of the requirements for preliminary plat approval that required two access points. Planning Director Fischer stated that there would be two access points to Milky Way; therefore, that requirement had been met as part of the preliminary plat approval.

Bruce Moia, MBV Engineering and engineer for the project, stated the project had been through many reviews and this would be the final review to come before Council. He stated that following approval, site work would begin on the property. Mayor Rose noted that infrastructure work was needed first, but asked when the project would be “going vertical.” Mr. Moia stated that they were only limited by the access to water. He hoped for construction to begin as soon as possible. Deputy City Manager Mills stated the waterline work was moving along and much of the work north of U.S. 192 had been completed. The contractor was getting ready to move the lines under I-95 and U.S. 192.

Council Member Bentley asked if it were possible to put the entire sidewalk in around the lake. Mr. Moia stated that there was some discussion on doing that but they did not want to encumber the property. As the lots are developed the sidewalk would be completed.

Council Member Bentley asked how much of the entire project would be completed with this phase. Mr. Moia stated that it would be about one-fourth of the entire project.

Council Member Batcheldor commented on the traffic on Norfolk Parkway associated with Sawgrass Lakes and the problems he could see coming from this project on Milky Way. He also did not see how this project would adequately address schools because the property was zoned for two different high schools. Council Member Batcheldor also spoke on the state of the economy and felt that residents would not be able to afford this level of housing. He felt the elevation was very plain and gray and not appealing. He had researched Integra Developments online and found two companies, neither of which appeared to have experience with high-end apartment development.

Mr. Moia commented that the Integra company developing the project would be the one that was listed from Winter Park (Lake Mary), which had a great deal of experience with multi-family construction. They currently were doing a project on Wickham Road and it was a high quality upscale development. Mr. Moia stated the school concurrency had been met and the distance for Eau Gallie High and Heritage High was about the same. Council Member Batcheldor stated that the distance was not the issue, but rather splitting up the children in two different schools.

Planning Director Fischer stated the school board concurrency was addressed as part of the site plan and final plat approval and the letter from the School Board indicated that, if capacity was not met at one school, capacity could be met at another school.

Planning Director Fischer also explained that this was only the first phase of the project and there would be multiple means of access in the future when the project is built out. Council Member Batcheldor stated that there were already concerns with traffic on Brandywine. Council Members discussed the planned connections to Brandywine and other roadways in the future. Mr. Moia stated there were no planned connections to Brandywine and the project would only tie into the water line on Brandywine.

Council Member Gaffney moved to approve Phase 1 final plat of the mixed use subdivision known as Space Coast Town Centre East (west of I-95, east of St. Johns Heritage Parkway and south of U.S. 192). Council Member Young seconded the motion, which passed 6-1, with Council Member Batcheldor opposed.

Potential City Charter Amendments Recommended by Charter Review Committee. City Attorney Richardson presented the recommendations from the Charter Review Committee. He provided a history of the reinstatement of the Committee and noted that the group had met monthly from June 2019 through March 2020. He thanked the Committee for their work.

The Committee recommended seven amendments:

1. Chief of Police Qualifications and Reporting
2. Qualifying of Candidates for City Council
3. Filling of Vacancies on City Council
4. Compensation for Mayor and Council Members
5. Powers and Duties of the City Manager
6. Powers, Duties, Composition of Board of Adjustment
7. Selection of the Deputy Mayor

Stephen Phrampus, 3401 Watergrass Street, thanked the other committee members. He believed the group was a good sampling of the community and that the recommendations would strengthen the City management, clarify requirements, modernize compensation and attract participation in the city government process. He noted that all of the amendments passed by a super majority vote.

Charles Settgest, 7929 Timberlake Drive, stated the charter is to cure current and future problems. The previous committees took this seriously. The problems associated with the current charter are the reporting of the police chief and compensation of the elected officials. He noted a previous Charter Review Committee had come up with the word "remuneration" to prohibit additional compensation to council. He provided a history of how the previous City Attorney had determined that the word "remuneration" did not include benefits and, based on that opinion, the Council approved benefits in the form of

health care. He believed careful consideration should be provided to council compensation.

City Attorney Richardson reviewed recommendations and noted the proposed ballot questions were in draft form.

Police Chief Reporting. He explained the first amendment would propose adding qualifications to the chief of police and modify the appointment and reporting structure. He noted the change would propose the hiring and firing of the chief of police be made by the city manager with four concurring votes of council, which is similar to the appointment of the city clerk.

Council Member Batcheldor asked if requiring Florida Department of Law Enforcement certification within 12 months was reasonable given the reciprocity of training provided from other states. Chief Wiley noted that he had gone through the process and of recertification and did not believe it would be restrictive. He noted that all retraining costs had been paid by the City.

Council Member Smith stated that she was reluctant to put all of the decisions of the City with one individual. Although the City has a good manager now, there was no guarantee that would be the case in the future.

Mayor Rose noted that this proposal was supported by Police Chief Wiley. He agreed that any decision made should not be based on the current individuals, he would be assured that any decisions of the manager would need to be supported by at least four Council Members.

Council Member Bentley believed the proposed change would protect the police chief because it would require any termination be supported by the city manager.

Council Member Young stated that she understood that West Melbourne was one of the last cities to have the police chief report to the council but she did not see that as a reason to change, especially if the current system was working well. With growth, it is too easy for the city manager and police chief to act against the public good. She would prefer that the police chief report to council and suggested this amendment be approved by a super majority vote.

Qualifying of Candidates. City Attorney Richardson stated that the second amendment was based on the 75 signatures needed for qualifying. The requirement for signatures is that the voters must be registered at the time of the previous election. He noted that an individual would be eligible to run for council after one year but would need to be registered to vote for almost 2 years. Therefore, the suggested change would allow for any registered voter to sign the qualifying petition.

Mayor Rose stated that he believed that staff was looking at this incorrectly and creating an unconstitutional situation which kept people out of the election process. City staff were making the judgement call on who could and could not sign. Therefore, he did not believe that the change was needed in the charter, but rather that City staff had created the situation.

Mayor Rose asked the City Clerk on why this was being enforced when it had not been done so in the past. City Clerk Hanscom noted that it was brought to their attention at a previous election and a determination was made that, based on the language in the charter, voters would need to be registered prior to the previous election. Since that time, it had been enforced. Mayor Rose noted that this had not been enforced in the past and believed that it was being done incorrectly now.

Mayor Rose also noted, because of the pandemic, school board candidates were allowed to collect signatures through fax and email. However, the signatures for City Council needed to be original but there was no requirements that the signatures must be original. City Attorney Richardson stated the Supervisor of Elections was suspending several requirements for original signatures. There was nothing in our charter that would prohibit us from doing the same.

Deputy Mayor Dittmore stated that some office holders have the option to pay a fee rather than collect the signatures, such as \$1 for 10 percent of the total registered voters. Most can get 75 signatures, but because of the pandemic and the difficulty in going door to door, it may be easier to allow for a payment as an option. Council Member Gaffney agreed. Mayor Rose stated there may be some merit, especially in the current environment to respect citizens' space. Mayor Rose suggested there be a hybrid plan where a candidate could get signatures or opt to pay a fee.

Council Member Bentley commented that he believed that collecting signatures showed that the candidate was serious. If waived, he would prefer the fee be more than \$100.

Council Member Young stated that there would need to be extreme circumstances and those circumstances would need to be defined.

Council Member Batcheldor stated he would not want to have a fee circumvent what is supposed to be accomplished by collecting signatures.

Council continued to discuss allowing a fee in lieu of petition signatures for qualifying.

Deputy Mayor Dittmore moved to add a charter amendment to allow for candidates to pay a fee of \$1.00 based for 1% of qualified registered voters in lieu of a petition. Council Member Gaffney seconded the motion, which failed 2-5, with Council Members Bentley, Young, Smith, Batcheldor and Mayor Rose opposed.

Council and Mayor Vacancies. City Attorney Richardson explained a proposal by the Charter Review Committee to change how vacancies for the mayor or council seats were filled. He noted that the current language to fill the seats by city council selection would remain. However, the seat would then be filled at the next available election, if there were at least 90 days until the next election. For council, the seat would be for a 2-year term and would be filled by the candidate with the fourth highest number of votes. He noted this would allow for the seat to be filled by the citizens.

Council Compensation. City Attorney Richardson presented the proposal for an increase in council compensation as well as removing the wording of “remuneration” that had caused some debate in the past.

Council Member Smith stated that the City already takes care of many of the expenses of Council. She would not want this to turn into another federal job. Council Members should want to serve to do the best for the city. Since so much was covered by the City, she did not see that it was necessary for an increase. She stated that Council should do more for providing for the employees, especially with the monthly cost paid for insurance so high for family health insurance coverage.

Deputy Mayor Dittmore asked if removing the word remuneration removed the debate over providing insurance. City Attorney Richardson stated if the word was not removed, there could continue to be conflict. Deputy Mayor Dittmore stated that a council member would not make enough money to pay for family coverage. He believed this could be included on the ballot and let the voters decide.

Council Member Young stated that she would never have thought this would be a position to make a living wage. Council Members are not required to report except for meeting times. Therefore, the number of hours that we put in are minimal. She stated she did not see an issue with modifying or changing the language but would not be in favor of a salary increase. Mayor Rose commented that \$800 per month was not a living wage.

Council Member Bentley stated that there has been a lot of progress made in West Melbourne in the past few years. This is based on good staff and how the City has been managed. However, West Melbourne has the lowest salary levels for elected officials. He believed the Council was high performing and the monthly salary should be reflective of that.

Council continued to debate the issue of whether or not a pay increase should be approved. They asked Mr. Phrampus about the analysis that was conducted for previous cities. Council Member Batcheldor commented that he appreciated the work of the committee but stated he was not serving as an elected official because of the salary.

Deputy Mayor Dittmore asked if there could be a compromise, such as having Council Members pay for the events that they attend on a monthly basis. Council Member Bentley stated he would not want to discourage attendance at the events.

City Manager Powers. City Attorney Richardson presented a proposal to modify a statement made to change the city manager powers. He noted that the language of the charter lists specific powers for the city manager. At the end of the list, there is language that indicates that city council has the power to review and direct the city manager in any action. He noted that this statement would appear to remove any of the power of the city manager and allow for interference with the management of the city. The only non-interference provision is that council cannot direct employees that report to the city manager.

Deputy Mayor Dittmore stated he did not believe the system was broken. In addition, he stated he would not want to have the only option for Council to terminate the City Manager if he would not take direction.

Council Member Young stated that current City Manager is very good and comes to Council for direction. She would not want to have Council excluded in the decision making process.

Mayor Rose asked for comments from the City Manager. City Manager Morgan stated the City Council provides policy direction. The charter intended to provide administrative authority to the city manager with broader decision making reserved to city council. This is consistent with the council-manager form of government. He stated he would support the change because it followed the typical division of duties. City Attorney Richardson stated that removing this statement would not remove any of the Council powers.

Council Member Smith commented that removing the statement would provide a great deal of power to the City Manager and she would not want to do that for one person.

Powers and Duties of Board of Adjustment. City Attorney Richardson explained the changed proposed for the Board of Adjustment to rename the special exemption to conditional use and a slight modification in the requirements for membership on the Board.

Mayor Rose noted he had attended the Charter Review Committee meeting where this was discussed and believed the change was proposed because of the difficulty in filling vacancies on the board.

Selection of Deputy Mayor. City Attorney Richardson explained the change to the selection of the deputy mayor. He noted the current language could be construed to mean a deputy mayor is selected after each election but the words "each year" indicate the intent is to select a deputy mayor on a yearly basis. Therefore, the language

proposed clearly states that a deputy mayor is selected following the certification of the election or at the meeting in the third week of November.

Council Member Young stated that this was confusing. If it does not pass, Council will select a deputy mayor only on election years. City Attorney Richardson stated that Council can continue selection of a deputy mayor each year, but the amendment would eliminate confusion in future years.

Mayor Rose stated that he was not sure that this warranted another ballot amendment.

Deputy Mayor Dittmore suggested that language be changed to read that the selection of deputy mayor could occur anytime in November but after the certification of the election in election years.

Council then took a poll vote on each of the seven ballot questions:

Chief of Police Qualifications and Reporting – approved 5-2 with Council Members Young and Smith opposed.

Qualifying of Candidates for City Council – approved unanimously.

Filling of Vacancies on City Council – approved unanimously.

Compensation for Mayor and Council Members – approved 4-3 with Council Members Young, Smith, and Batcheldor opposed.

Powers and Duties of the City Manager – failed by a 3-4 vote, with Council Members Young, Smith, Gaffney and Deputy Mayor Dittmore opposed. This amendment will not be included in the proposed ordinance.

Powers, Duties, Composition of Board of Adjustment – approved unanimously.

Selection of the Deputy Mayor – approved unanimously with the language changed to indicate that the deputy mayor should be selected at the first November meeting in non-election years.

Deputy Mayor Dittmore moved to approve the first reading of Ordinance No. 2020-02 to include six proposed charter amendment questions on the November 3, 2020 general election ballot, and scheduled a second reading and public hearing for June 2, 2020. Council Member Gaffney seconded the motion, which passed 7-0 in a roll vote.

7. CITY COUNCIL REPORTS

Council Member Gaffney thanked the members of the Charter Review Committee for their hard work.

Deputy Mayor Dittmore reported he had attended the Brevard County Board of Commissioners meeting where they had decided to amend the County's Comprehensive Emergency Management Plan. He reported City Manager Morgan had spoken well representing the cities. He also reported on a food drive event in June at the Melbourne Church on Hollywood Boulevard and invited Council Members to participate.

Council Member Bentley also thanked the Charter Review Committee and the West Melbourne Police Department for assisting with a parade the previous week for teachers and students.

Council Member Young also thanked the Charter Review Committee for their work.

Council Member Smith stated that she hoped everybody was doing well and encouraged the public to stay safe.

Council Member Batcheldor also expressed appreciation to the Charter Review Committee for their work.

Mayor Rose reported that he had attended several of the Charter Review Committee meetings and they had worked well together and listened to input from each other and past members. He expressed concern for the local businesses and hoped that more places would open. He agreed that City Manager Morgan had presented a good speech before the Brevard County Board of Commissioners. He thanked the West Melbourne Police Department for the school parades. He also stated the West Melbourne Police Department had attended an event at Buena Vida where the Buena Vida foundation had presented gift cards to the first responder groups that were present. On a sad note, Mayor Rose announced that Field of Dreams founder Jim Tapp had passed away.

8. ADJOURNMENT

There being no further business, the meeting adjourned at 10:25 p.m.