

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 WORKSHOP

MINUTES

June 2, 2020, at 5:30 p.m.

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

Attending in person: Mayor Hal Rose, Deputy Mayor John Dittmore, and Council Members Pat Bentley, Andrea Young and Adam Gaffney.

Attending remotely: Council Members Barbara Smith and Daniel Batcheldor.

Also present in person: City Manager Scott Morgan, City Attorney Morris Richardson, Information Technology Director Tom Bradford, City Clerk Cynthia Hanscom, Police Chief Rick Wiley, and members of the public.

Also attending remotely: Deputy City Manager Keith Mills, Finance Director Margi Starkey, Planning Director Christy Fischer, and Jacobs Project Manager Brian Mascher.

4. BUDGET WORKSHOP – PROPOSED CAPITAL IMPROVEMENT AND MAJOR MAINTENANCE PROJECTS

City Manager Morgan presented the proposed capital improvement and major maintenance projects for the 2020-2021 budget year. He reported that there were 25 total projects, 16 of which are continuing projects either in engineering design or actively under construction. The project list totals \$15.348 million. City Manager Morgan reviewed the continuing projects and the new projects proposed.

Deputy Mayor Dittmore stated there was an increase in the budgeted amount for the extension of Doherty Drive/Heritage Oaks Boulevard. City Manager Morgan noted that it

had previously been estimated at \$1.2 million and was now more than \$1.9 million which was based on updated cost estimates and on an additional scope of the project, including widening of Heritage Oaks approaching Minton to provide additional stacking as recommended by the traffic engineer, and the costs associated with providing improved fill and fencing for shielding for abutting property owners. Deputy Mayor Dittmore asked if grant money could be used for this project. City Manager Morgan explained that \$1.2 million would be used from development impact fees from Brevard County.

Mayor Rose asked about setting aside funds for a traffic signal that would be needed at the Doherty/Henry intersection once the road is built. City Manager Morgan stated that intersection was proposed as a 4-way stop but there would be room for signalization if needed in the future.

Council Member Batcheldor asked about the proposed restriping of the parking lot at the West Melbourne Community Park. He noted those spaces had been designated for handicapped and reflected the intent of the Field of Dreams facility. He stated he would not want to remove spaces that may be needed for special events. City Manager Morgan stated the proposed design would be an improvement and would more than meet the minimums required. The proposal was to increase the number of spaces without adversely impacting those with special needs.

Mayor Rose asked if there were plans for maintenance of the City Hall building. City Manager Morgan stated he had not put painting and sealing of the building in the draft budget. He stated that he would go back and get an estimate. Mayor Rose stated the City needed to maintain the City's assets and believed there were maintenance items that needed to be done for City Hall. He suggested that a portion of the cost for the maintenance of the facility could be paid from the building fund reserves. City Manager Morgan stated that 30 percent of the space for City Hall was utilized by the building; therefore, 30 percent of the costs of repainting could be charged to the building department.

City Manager Morgan also reported that, based on revenue projections, he was proposing to Council that a portion of the vehicle reserve be used. He reminded Council that they had the foresight to set money aside to build the vehicle replacement fund for down turns in the economy. He stated this was an important budget tool.

Mayor Rose urged staff to prepare a budget that includes the rolled back rate. City Manager Morgan stated staff had received the early estimate from the property appraiser and would provide the information to Council. Mayor Rose stated that he believed the 2021-2022 budget year would be critical and would determine how well the City had budgeted in the past.

Council Member Bentley asked if any vehicles had been cut from the proposed budget since some of the reserves would be used. City Manager Morgan stated that no vehicles had been cut and noted that the Police Department would be replacing 2013 model vehicles. Because of the projected revenues, the proposal would be to use vehicle replacement fund reserves.

Mayor Rose asked if using reserves to balance the budget was normal. City Manager Morgan stated that it was not a good thing to do often but could be used to carry the City through a tough year. He noted that during the pandemic, there had been a huge loss in state revenue.

5. RECESS

Council recessed the workshop at 6:16 p.m. and reconvene to the Regular City Council meeting at 6:30 p.m.

CITY COUNCIL REGULAR MEETING

MINUTES

June 2, 2020

6. CALL TO ORDER

Mayor Rose called the meeting to order at 6:30 p.m.

7. ROLL CALL

Attending in person: Mayor Hal Rose, Deputy Mayor John Dittmore, and Council Members Pat Bentley, Andrea Young and Adam Gaffney.

Attending remotely: Council Members Barbara Smith and Daniel Batcheldor.

Also present in person: City Manager Scott Morgan, City Attorney Morris Richardson, Police Chief Rick Wiley, Information Technology Director Tom Bradford, Building Official Thomas Forbes, City Clerk Cynthia Hanscom, and members of the public.

Attending remotely: Deputy City Manager Keith Mills, Planning Director Christy Fischer, Finance Director Margi Starkey, Public Works Director Mark Piccirillo, and Jacobs Project Manager Brian Mascher.

8. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Introduction of New Employees. Police Chief Rick Wiley introduced new Police Records Technician Wyn Grice, who started with the City on May 22, 2020. Building Official Tom Forbes introduced Deputy Building Official Rick Foye, who started with the City on June 1, 2020.

9. PUBLIC HEARINGS

City Charter Amendments Recommended by Charter Review Committee. City Attorney Richardson began by reading Ordinance No. 2020-02, in title only:

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, FLORIDA, PROPOSING AMENDMENTS TO THE CITY CHARTER RELATING TO THE QUALIFICATIONS AND REPORTING OF THE CHIEF OF POLICE, THE QUALIFYING OF CANDIDATES FOR THE OFFICES OF MAYOR AND CITY COUNCIL MEMBER, THE FILLING OF VACANCIES IN THE OFFICES OF MAYOR AND CITY COUNCIL MEMBER, THE COMPENSATION FOR THE MAYOR AND CITY COUNCIL MEMBERS, THE POWERS, DUTIES, AND COMPOSITION OF THE BOARD OF ADJUSTMENT, AND THE SELECTION OF THE DEPUTY MAYOR; PROVIDING THAT THE PROPOSED CHARTER AMENDMENTS BE SUBMITTED TO THE ELECTORS FOR REFERENDUM AT THE GENERAL ELECTION TO BE HELD TUESDAY, NOVEMBER 3, 2020; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR NOTICE AND AVAILABILITY OF COPIES OF THE PROPOSED AMENDMENTS; PROVIDING FOR INCLUSION IN THE CHARTER AND AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY.

CLERK'S NOTE: The motions on each of the individual ballot items was made later in the meeting but have been incorporated with each individual item to provide clarity.

Chief of Police. City Attorney Richardson summarized that a modification was proposed that would amend Article XI, Sections 1 and 2 of the City Charter to provide general qualifications for the chief of police position, and for the chief of police to be appointed and removed by the city manager with four concurring votes of City Council. Currently, no qualifications are provided for the chief of police position, and the chief of police is appointed by, and reports to, the City Council directly.

Council Member Young asked if this item could be split so that Council and voters were voting on qualifications and reporting structure separately. Mayor Rose stated he believed these items were related and should be kept together.

Council Member Smith commented that West Melbourne has been operating under the current structure for many years with the checks and balances that are needed so that all of the control does not rest with one individual. The City had the luxury of long-term employees in the both the city manager and chief of police positions. She did not see the chief of police position as political and did not agree that it was a problem having this position report to city council.

Deputy Mayor Dittmore moved to approve the amendment for the police chief on the ballot. Council Member Bentley seconded the motion which passed 5-2 in a roll call vote, with Council Members Young and Smith opposed.

Candidate Qualifying. City Attorney Richardson explained that a change was proposed to amend Article IV, Section 1 of the City Charter to provide that any qualified voter of the City of West Melbourne may sign qualifying petitions for candidates for the offices of mayor or City Council member. Currently, only voters certified for the last general election may sign candidate petitions. In some cases, this means that registered voters who have resided in West Melbourne for a year or more may not be eligible to sign a candidate petition.

Mayor Rose said the word “qualified” as it applies to the last sentence of the question was confusing. He suggested that it be clarified to state “qualified to vote.”

Mayor Rose commented that he objected to this item as he believed the Charter was being interpreted incorrectly and was keeping registered voters out of the election process.

Deputy Mayor Dittmore moved to approve the amendment for qualifying for election. Council Member Bentley seconded the motion, which passed 7-0 in a roll call vote.

Vacancies. City Attorney Richardson indicated a change was proposed to amend Article III, Section 10 of the City Charter to provide that if the office of mayor or any city council member seat becomes vacant, the remaining members of the city council shall appoint a qualified person to fill such office only until the next general election, unless the vacancy occurs less than 90 days prior to the election, in which case the person so appointed shall serve the remainder of the unexpired term for the vacant office. Currently, a city council appointment serves the entire unexpired term for a vacant office, even if there is an intervening general election.

Mayor Rose questioned how this would interface with the ‘resign to run’ law. City Attorney Richardson stated that the vacancy for the council or mayor seat would not occur until the election in November; therefore, there would not be the 90 days needed in order to get the selection for an additional seat on the ballot. Mayor Rose stated that in most cases, the individual would need to resign to run at the time of qualifying as a candidate for another office, which provided more than the 90 days needed to be included on the ballot of the next election. Since the vacancy would be known, it could be included.

City Attorney Richardson discussed how this was incorporated in the Charter for other cities and how it was interpreted. He stated that the Charter proposal could be amended to show that vacancy would occur by the submission of a resignation to run and filled at the next election. He cautioned that the resignation to run would need to be provided prior to the end of qualifying for the West Melbourne election so individuals would have an opportunity to qualify.

Deputy Mayor Dittmore and Council Member Bentley agreed that this should be included in the amendment.

Deputy Mayor Dittmore moved to table a vote on the vacancies so that language can be considered for the leaving of office as a result of the resign to run requirement. Council Member Gaffney seconded the motion, which passed 7-0 in a roll call vote.

Council Compensation. City Attorney Richardson presented an amendment to Article III, Section 7 of the City Charter to increase the monthly salary for city council members from the current amount of \$489 per month to \$800 per month, and the monthly salary for the mayor from the current amount of \$550 per month to \$900 per month.

City Attorney Richardson stated that Council Member Bentley had expressed concern about limiting Council's ability to grant themselves other benefits that fall outside the definition of salary. Therefore, he presented an alternative to add a statement to prohibit the City Council and Mayor from providing additional increases or other benefits. In addition, language was added that would not limit benefits provided for health and life insurance programs.

Council Member Bentley stated he had talked with many citizens and they appeared to be opposed to an increase. He stated he would agree to language that would increase the salary but believed there should be no additional benefits, such as retirement.

Council discussed the amount of the salary increase. Deputy Mayor Dittmore presented research based on documentation from 2007 showing how the increase was comparable in relation to the population. Therefore, he did not believe the proposal was wrong.

Council Member Young stated that she had not changed her mind about this item. She believed Council was already paid enough and all other items needed were paid by the City.

Mayor Rose stated he believed the increase proposed was reasonable but would not want language added that would prohibit Council receiving the tools needed to do the job, such as an iPad.

Council Member Bentley expressed concern with the language added for health insurance because it could suggest that Council was asking for a new benefit. City Attorney Richardson explained the language shown.

Deputy Mayor Dittmore moved to approve the amendment on council compensation with the change as proposed by Council Member Bentley. Council Member Bentley seconded the motion, which passed 4-3 in a roll call vote, with Council Members Young, Smith, and Batchelder opposed.

Board of Adjustment. City Attorney Richardson presented an amendment to Article XIV, Section 2 of the City Charter to clarify that the duties of the board of adjustment to include conditional uses, and that a board member's previous service as a member of a planning organization may be applied toward the requirement that at least four members of the board have experience relevant to the board's duties.

Deputy Mayor Dittmore moved to approve the amendment to the Board of Adjustment. Council Member Gaffney seconded the motion, which passed 7-0 in a roll call vote.

Deputy Mayor. City Attorney Richardson presented a change to Article III, Section 5 of the City Charter to provide that the city council shall, at its meeting in the third week of November in non-election years, or at its first meeting following the certification of the

general election results in election years, elect from its members a deputy mayor. The current practice is that a deputy mayor is selected each year; however, the Charter could be interpreted such that a deputy mayor is selected only in election years (even-numbered years).

Mayor Rose asked the result if this ballot amendment would fail. City Attorney Richardson stated the Council could keep with their current practice. He stated the current language was ambiguous and the amendment would simply clarify the current practice.

Council Member Smith commented that she did not believe that the change was needed. She felt that an additional ballot amendment would muddle things and other amendments that were more important.

Council discussed the timing of the selection of the deputy mayor and possibly having this occur in the first meeting of December rather than in November.

Council Member Bentley moved to include the amendment to the deputy mayor position on the ballot. Deputy Mayor Dittmore seconded the motion. The motion failed by a 3-4 vote with Council Members Young, Smith, Gaffney, and Mayor Rose opposed.

Deputy Mayor Dittmore moved to continue the public hearing and second reading of Ordinance No. 2020-02 to June 16 for the sole purpose of considering language to be applied when leaving office as a result of the resign to run requirement. Council Member Gaffney seconded the motion, which passed in 7-0 in a roll call vote.

Pilot Program for Food Trucks. Planning Director Christy Fischer presented the first reading of Ordinance No. 2020-01 for a pilot program for food trucks. She provided a background on expanding the codes to allow food trucks to operate as a more permanent use, explaining that a committee had been formed to review proposed language. She reported both the Planning & Zoning Board and the Business Advisory Board had met separately in February and recommended approval.

Currently, food trucks are allowed to temporarily operate in the City for special events. The ordinance proposes to allow food trucks as on-going accessory use. This would be a pilot program so that it can be determined if there are any issues. Food truck owners would have a choice of permitting for special events or for permanent placement as a mobile catering kitchen. She explained that the State of Florida would conduct an initial inspection and then as many inspections as needed to insure that regulations are being followed.

Planning Director Fischer provided a map of those districts where this would be permitted, which include the C-P, C-1, C-2, M-1, P-1, C-NY, C-2 and IB zoning districts. She also provided an explanation on the setbacks required and prohibited uses.

City Attorney Richardson read Ordinance No. 2020-01, in title only:

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF REGULATIONS, PROCEDURES, AND CRITERIA FOR THE REVIEW, DENIAL, APPROVAL, OR APPROVAL WITH CONDITIONS OF MOBILE CATERING KITCHENS AS PART OF A PILOT PROGRAM THAT REQUIRES COMPLIANCE WITH MINIMUM STANDARDS WITHIN THE CITY OF WEST MELBOURNE TO ADDRESS IMPACTS ON PEDESTRIAN AND TRAFFIC CIRCULATION, SANITATION, AND TO MINIMIZE NUISANCES WITHIN THE CITY OF WEST MELBOURNE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Planning Director Fischer pointed out a few minor corrections to the language in the ordinance.

Mayor Rose opened the public hearing.

Ted Williams, 2835 Eber Boulevard, stated he had made a considerable investment for his property on Eber Boulevard and hoped that his property would be included with the proposed ordinance. He noted that he was developing his property as a wedding venue to provide banquet services. He believed allowing for food trucks on his property would be beneficial. Planning Director Fischer confirmed that his property, located in the C-1 zoning district, would be included in the pilot program.

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

Council Member Bentley commented he did not have a problem with food trucks, but would want to make sure that all health inspections are being done. He also spoke on the timing of this ordinance given that many restaurants were struggling with recovering from the COVID-19 pandemic restrictions. Planning Director stated she could come back to Council with a report on the frequency of inspections that would be completed by the Department of Business and Professional Regulations and the Department of Hotels and Restaurants.

Deputy Mayor Member Dittmore asked if permits are currently issued for food trucks. Planning Director Fischer stated that a permit could be issued but it would be for a temporary use. She noted that less than 75 days under the proposed ordinance would be considered as temporary.

Deputy Mayor Dittmore asked if the number could be limited so that a situation would not occur where food trucks congregate and create a mini-fair atmosphere. Planning Director Fischer stated there was no limit and the ad hoc committee wanted the market to regulate the number within a certain area.

Deputy Mayor Dittmore also asked if this could be rescinded because it was a pilot program. City Attorney Richardson explained that at the end of the year the Council could discontinue the program.

Council Member Gaffney stated he would agree that there should be a limit put on total trucks within a specific area. If it were temporary, he did not see a problem.

Council Member Young commented that, if approved, this would not allow a food truck to be placed on the vacant lot at the corner of U.S. 192 and Minton Road (previously occupied by 7-Eleven). Planning Director Fischer stated it would not be permitted as a permanent use because the building did not have an operational kitchen.

Council Member Young also commented on the need to properly dispose of wastewater and grease and oils and that the food trucks were monitored to insure they are not in violation.

Mayor Rose asked for the rationale that required there be 500 feet from a school. Planning Director Fischer stated that the ad hoc committee did not want to have food trucks in the walk zones for school children.

Mayor Rose also spoke about investing in a food truck and then the pilot program being discontinued after one year. Planning Director Fischer stated this ordinance would not necessarily encourage investment into a food truck but would allow those who have the food trucks with more flexibility. Deputy Mayor Dittmore suggested the applications contain language to make it clear that the program is only good for one year.

Council Member Batcheldor stated he liked the idea of the program and asked if a vendor would be permitted to obtain both a temporary and permanent permit. Planning Director Fischer stated that they could do both. She noted that some food truck vendors feel that they would make more money on a special event rather than a permanent location.

Council Member Bentley asked the advantage of a restaurant allowing a food truck in front of their building. Planning Director Fischer stated that the restaurant owner may actually own the food truck.

Council Member Bentley asked Mr. Williams the advantage to have a food truck for his events. Mr. Williams explained this would allow them to provide additional menu items. He noted he would not be making an investment into a food truck. Council Member Bentley asked if the food truck would dispose of grease in his kitchen. Mr. Williams stated that it would be up to the food truck owner to take care of their own grease waste.

Council Members asked that staff come back at second reading on the frequency of inspections and how the food trucks would handle grease disposal.

Council Member Young stated that at the end of the year she would like to see a report. Planning Director Fischer stated the Planning Department staff would work with the Building Department to gather data on the program. Council Member Young stated that she would like to see a report on regular inspections by code enforcement.

Mayor Rose noted that this may be too limiting as it would not allow a hot dog food truck to be located in the Lowe's parking lot. Planning Director Fischer stated that the State of Florida would require an affiliation with a commissary.

Council Member Bentley moved to approve the first reading of Ordinance No. 2020-01 for a pilot program for food trucks to operate year-round and not just at special events. Council Member Gaffney seconded the motion, which passed in a 5-2 roll call vote, with Council Members Young and Smith opposed.

Council took a break at 9:16 p.m. and reconvened the meeting at 9:22 p.m.

10. PUBLIC FORUM

There were no comments from the public.

11. CONSENT AGENDA

Council Member Young moved to approve the City Council meeting minutes for Tuesday, May 19, 2020, as written. Council Member Gaffney seconded the motion, which passed with a 7-0 roll call vote.

12. ACTION AGENDA

Security Improvements at the Ray Bullard Water Reclamation Facility. IT Director Tom Bradford presented a proposal to enter into an agreement with ArtemisIT to install security improvements at the Ray Bullard Water Reclamation Facility. This project would bring another facility on line with the security that was first put in place for the Public Works facility in 2015. The proposal would include 11 doors in four separate buildings with some improvements to the front gate intercom system. The only remaining facility would be the parks maintenance building, which would be integrated with the project awarded earlier in the year.

Mayor Rose asked how this project would be funded. IT Director Bradford stated it would be funded from the sewer fund and was under budget.

Deputy Mayor Dittmore moved to authorize the City Manager to enter into an agreement with ArtemisIT for the installation of security improvements at the Ray Bullard Water Reclamation Facility, to include electronic access control, gate intercom and video surveillance system expansion. Council Member Bentley seconded the motion, which passed with a 7-0 roll call vote.

Contract Building Inspections for the Ascend at Hammock Landings Apartments. Building Official Forbes presented a contract with Universal Engineering Sciences (UES) to conduct building inspections for the apartment complex known as Ascend at Hammock Landings. He noted he was currently understaffed with vacant positions and was having difficulty in filling those positions. Financially, there would be no cost to the City based on the funds collected for building permits and plan review. He noted that UES was currently conducting inspections for Carlton Apartments.

Council Member Bentley stated that he liked that they were using an outside company, which is sometimes more cost effective. Although he would have liked to see a second bid, he understood that staff had worked well with this firm in the past.

Deputy Mayor Dittmore moved to approve the contract with Universal Engineering Sciences, LLC to conduct building inspections for the apartment complex known as Ascend at Hammock Landings. Council Member Bentley seconded the motion.

Council Member Young asked if it would be beneficial to subcontract all of the inspection services. Building Official Forbes stated that the contract for specific projects was acceptable, but doing so City-wide would create problems with unknown consequences in regards to control, service and quality. Under the proposed contract, City staff would be able to audit all inspections.

Mayor Rose asked if the UES had a local office other than Orlando. Building Official Forbes explained they had a permanent office in Rockledge.

Mayor Rose asked about liability. Building Official Forbes explained that UES was required to carry \$5,000,000 in liability insurance and they would be held accountable for any issues with the inspections.

Council then voted on the motion to approve the contract with Universal Engineering Sciences, which passed 7-0 in a roll call vote.

13. CITY COUNCIL REPORTS

Deputy Mayor John Dittmore thanked the West Melbourne Police Department for their response to the recent demonstration. The officers had handled themselves professionally. He also reported he had attended the ribbon cutting for the opening of the Ellis Road interchange at I-95.

Council Member Bentley asked about an email received regarding the unpaved Basswood Road. City Manager Morgan reported that it was an unpaved road and the issue would be taken care of by the Public Works Department staff.

Council Member Young also thanked the West Melbourne Police Department, noting that she had seen officers handling several traffic incidents.

Council Member Smith also thanked the West Melbourne Police Department for the hard work that they do.

Council Member Batcheldor congratulated the entire community on the successful launch over the weekend. He stated that it was a good thing for West Melbourne and brought hope for growth. He also praised the Police Department for balancing citizen rights and the need to keep order by professionally handling the concerns of the citizens.

Council Member Adam Gaffney commented that he was glad to see a peaceful protest in our area. He thanked the Police Department in addressing threats.

Mayor Hal Rose agreed the highlight of the week was the launch, stating that this was a great time for America and believed it was a sign of many good things to come. He also reported on the ribbon cutting of the new connection for I-95 at Ellis Road which was great, even with the rain. He reported on a second dog park that had opened in Eau Gallie with over \$50,000 in play equipment for the dogs. He noted that he had been getting calls from citizens on what West Melbourne was doing in response to the recent protests and thanked Chief Wiley for leading the charge. He asked the Chief for a report on the types of training offered to officers to insure that all people were treated fairly and with respect. Chief Wiley reviewed the training provided and required of the officers.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 10:09 p.m.