

MAYOR
Hal J. Rose

DEPUTY MAYOR
John Dittmore

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



West Melbourne

F L O R I D A

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CITY COUNCIL WORKSHOP

MINUTES

June 16, 2020

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, Finance Director Margi Starkey, Public Works Director Mark Piccirillo, Human Resources Director Kimberly Gale, Jacobs Project Manager Brian Mascher, and City Clerk Cynthia Hanscom, and members of the public.

Also attending remotely: Planning Director Christy Fischer, and Police Chief Rick Wiley.

4. BUDGET WORKSHOP – Proposed FY 2020-2021 Operating Budget

City Manager Morgan presented the highlights of the proposed 2020-2021 operating budget. The budget focuses on the priorities established at previous meetings. The total all funds budget was \$43.4 million, an 8.5 percent increase from 2019-2020. The increase is partly attributable to proposed increases in salaries and benefits, maintenance and operations, and grant-funded capital improvements, but primarily attributable to a proposal to pre-pay the remaining 2010 water fund debt service a full

ten years in advance, saving considerable interest expense in future years and better preparing the City financially for the future cost of constructing a new water plant.

The general fund budget was \$15.12 million, which was a decrease of 7.8 percent. Proposed general fund personnel expenditures are increased by 1.5 percent, proposed general fund maintenance and operations expenditures are increased by 0.5 percent, and proposed capital improvement and contingency expenditures are reduced by 47.1 percent.

Mayor Rose expressed concern with increasing the budget by 8.5 percent while there is a global recession. Since the City may not see some of the negative economic impacts until future years, he asked if the budget had been projected further out than one year. City Manager Morgan stated he had not. He reminded Council that they had been provided information showing that the difference between the current rate and the rolled back rate, which would be about \$160,000.

Council Member Bentley asked about the 1.5 percent increase in personnel costs. City Manager Morgan stated that he was proposing a modest salary increase for non-represented employees. Council Member Bentley asked if this would include the Police Department. City Manager Morgan stated it did not include increases that may result from collective bargaining.

Council Member Bentley asked if the benefit costs had changed and City Manager Morgan replied that the costs had remained constant.

City Manager Morgan reviewed the status of water and sewer utility enterprise funds and the City's reserves.

Mayor Rose asked if funds would be added to vehicle replacement. City Manager Morgan indicated that departments would continue to be charged for depreciation on vehicles in their departments. He added that he was proposing that vehicles purchased would use the vehicle replacement fund and would not be charged to the individual departments.

City Manager Morgan said the budget included 137 full time and 6 part time positions, which was less one position that had never been filled. He noted there was a change proposed by the Police Department for one additional Lieutenant position and one less Police Officer for improved field supervision. Mayor Rose asked if this would put one less officer on patrol. In addition, he asked about the School Resource Officers. City Manager Morgan stated that they would be coming to Council at the next meeting to discuss providing officers in the charter schools. Chief Wiley indicated that the Lieutenants would still be on patrol, as would the Sergeants, and would be available to act in a supervisory manner if needed.

Mayor Rose asked about the officers that had been hired as School Resource Officers. City Manager Morgan stated that Council would receive a report at the next meeting so that a policy decision could be made for providing School Resource Officers to the charter schools.

City Manager Morgan reviewed the larger budget items, which included debt service payments, purchase of water from the City of Melbourne, stormwater projects serving older neighborhoods, construction of a new backbone water main along the M-1 canal, engineering and construction of the extension of Heritage Oaks Boulevard/Doherty Drive, replacement of aging water mains in Melbourne Estates, and the Jacobs contract for wastewater operations and maintenance.

City Manager Morgan noted that he would propose a millage rate of 2.6017 mills, which is the same as the current millage rate. This was 8.88 cents greater than the estimated rolled back rate of 2.51929. According to the budget meeting schedule, Council would decide on the advertised rate at their meeting on July 21.

Council Member Bentley asked about de-escalation training in the Police Department. Chief Wiley explained how the year-round training was conducted.

Council Member Bentley asked about the body cameras and what would happen if they were not working. Chief Wiley explained that every officer wears the camera and if there are technical issues, it is tracked. There are spare units that are changed out if one is not working. The officer is required to turn on the body camera for any interaction. He reminded Council that there were also cameras in the vehicles.

Council Member Bentley asked that information be provided on the structure of departments of similar size to evaluate the number of command staff. Chief Wiley explained that most departments usually have two supervisors on each squad.

Council Member Young commented that it took a great deal of time for new officers to be hired and get through the training process. This process will get even more competitive given the nature of the current events. Because a third party consultant had worked to insure pay levels were competitive, which included the police officers, she urged that the City continue to do so.

5. RECESS

Council recessed the workshop at 6:40 and reconvened to the Regular City Council meeting at approximately 6:47 p.m.

CITY COUNCIL REGULAR MEETING

MINUTES

June 16, 2020

6. CALL TO ORDER

Mayor Rose called the meeting to order at 6:47 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

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: Planning Director Christy Fischer, Finance Director Margi Starkey, Public Works Director Mark Piccirillo, Jacobs Project Manager Brian Mascher; and Deputy Chief Rich Cordeau.

9. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Introduction of New Employee. Parks and Recreation Director Rich Boprey introduced Recreation Worker Ben Lara, who started with the City on June 4, 2020.

10. PUBLIC HEARINGS

Proposed City Charter Amendments. City Attorney Richardson reviewed the five proposed amendments that had been discussed by Council for referendum on the November 3, 2020 general election ballot. He noted that two of the proposed amendments proposed by the Charter Review Committee would not be included in the ordinance. As instructed by Council, the amendment proposed on filling of vacancies for both mayor and city council was amended to include vacancies created by Florida's resign to run law.

City Attorney Richardson explained that this was a continuation of the public hearing from June 2, 2020. He stated that Council was asked to approve the second reading of the ordinance.

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

Council Member Bentley moved to approve Ordinance No. 2020-02 relating to proposed City Charter amendments to be submitted to the electors of West Melbourne at a referendum election to be held concurrent with the general election on Tuesday, November 3, 2020. Deputy Mayor Dittmore seconded the motion, which passed 7-0 in a roll call vote.

Food Truck Pilot Program. Planning Director Fischer presented the second reading of Ordinance No. 2020-01 to provide a pilot program for food trucks. She explained that staff had met with a committee of local business owners and interested individuals to look at ways to expand the use of food trucks, which was not limited. Food trucks would be permitted in specified areas on a permanent basis as long as there was a commissary. She stated that food truck operators have a choice and could choose to obtain a special event permit or a stay in a permanent location. After one year, a report would be made to Council to consider making the pilot program permanent.

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.

Mayor Rose opened the public hearing.

Leandro Badiglian, 4559 Bellaluna Drive, stated that he was an owner of a restaurant and had worked with the City on getting this ordinance drafted. He thanked Council for considering the change to allow additional options for restaurant owners.

Eva Nagymihaly, 3413 Willowwood Drive, stated that she had watched the first hearing on this issue and believed that a food truck pilot program was proposed prior to the COVID-19 pandemic. The ordinance may be a good thing but did not believe this was the best time to move forward. She also commented that it is difficult to take something

away once it is in place and there were no measures in place to regulate the disposal of grease and oil.

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

Council Member Bentley moved to approve Ordinance No. 2020-01 to provide a pilot program for food trucks. Deputy Mayor Dittmore seconded the motion.

Council Member Young stated that she wanted to be business-friendly and was concerned that someone could make an investment and then have it pulled away after a year. She also expressed concern about the disposal of grease and oils. City Attorney Richardson stated that the food trucks would need to meet the Fats Oils and Grease (FOG) requirements.

Mayor Rose asked how this could apply to churches. Planning Director Fischer stated that they would be permitted under the language of the ordinance.

Mayor Rose asked if there were any restaurants on Ellis Road that would allow for a food truck. Planning Director Fischer stated that she could not think of a location that would permit a food truck. Mayor Rose stated he would like to see food trucks permitted in industrial zones that could fill the need for a restaurant. Planning Director Fisher stated the ordinance could be changed if that was the direction of Council.

Council Member Young asked about the hours of operation. Planning Director Fischer stated that it was not listed but would be the same as the commissary because of the need to have restroom facilities.

Council then voted on the motion to approve Ordinance No. 2020-01, which passed 7-0 in a roll call vote.

Code Changes to Allow Temporary Housing After Declared Disaster. Planning Director Fischer presented the first reading of Ordinance No. 2020-03. The ordinance would clarify that flat roofs were not prohibited for residential developments in the integrated business and gateway interchange districts. Also the ordinance would allow for temporary homes in residential zones following a declared disaster. For example, if a home is damaged, a temporary home, such as a trailer or RV, would be permitted temporarily on the property until the home could be repaired. The temporary or interim housing would be allowed for 24 months.

City Attorney Richardson read Ordinance No. 2020-03 in title only:

ORDINANCE NO. 2020-03

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 TEMPORARY HOUSING WITHIN THE CITY OF WEST MELBOURNE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

Deputy Mayor Dittmore asked if this was being done in other cities. Planning Director Fischer stated that she was not aware of any changes proposed by other cities. Deputy Mayor Dittmore confirmed that this would not allow for a temporary camp for citizens brought in from outside the city.

Council Member Bentley asked if the ordinance language would require a FEMA event. Planning Director Fischer explained that the language includes “by individuals who have been displaced from their primary residence located within West Melbourne due to damage from the disaster.” She believed the applicant would need to apply through the Building Department and show that the temporary housing was needed because of a disaster. Council Member Bentley suggested the timeframe be less than 24 months with the option to extend to 24 months if needed.

Mayor Rose asked if this would apply to a tornado or a fire that destroyed only a certain number of homes. Planning Director Fischer stated that it would need to be a ‘Governor declared’ disaster.

Council Member Young asked what the risk is to the City if a temporary home is destroyed or someone is injured from a second weather event. City Attorney Richardson stated that there would be no risk to the City.

Deputy Mayor Dittmore moved and Council Member Young seconded a motion to approve the first reading of Ordinance No. 2020-03, as discussed, revising the Zoning Code’s Integrated Business and Gateway Interchange districts and allowing a temporary housing provision for State declared disasters. The motion passed 7-0 vote in a roll call vote.

Code Changes to Chapter 86. Planning Director Fischer presented the first reading of Ordinance No. 2020-04 to modify the subdivision regulations to clean up language for lot splits and review of preliminary plats.

City Attorney Richardson read Ordinance No. 2020-04 in title only:

ORDINANCE NO. 2020-04

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 86, SUBDIVISIONS, ARTICLE I, IN GENERAL, SECTION 86-10. PRELIMINARY PLAT SUBMITTAL REQUIREMENTS; SECTION 86-14. LOT SPLITS; SECTION 86-15.

PRELIMINARY PLAT REVIEW BY PLANNING AND ZONING BOARD; SECTION 86-16. PRELIMINARY PLAT REVIEW BY CITY COUNCIL; SECTION 86-22. FINAL PLAT REVIEW BY PLANNING AND ZONING BOARD; SECTION 86-23. FINAL PLAT REVIEW BY CITY COUNCIL; AND SECTION 86-24. RECORDING OF FINAL PLAT TO REMOVE ANTIQUATED SUBMITTAL REQUIREMENTS AND TO UPDATE THE LOT SPLIT AND SUBDIVISION REVIEW PROCESSES IN THE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

Deputy Mayor Dittmore moved to approve the first reading of Ordinance No. 2020-04, code changes to Chapter 86, Subdivisions, to update both the lot split process and the subdivision code. Council Member Gaffney seconded the motion, which passed in a 7-0 roll call vote.

11. PUBLIC FORUM

Beth Gwinn, 877 N. A1A, Indialantic, spoke on the hiring practices of the City. She stated that she was prior law enforcement and was concerned that she had a conditional offer rescinded by the City with very little explanation. She expressed concern that she was not provided the opportunity to explain discrepancies in her background. She felt that she was not treated with respect by the department. There should be absolute transparency in the department.

12. CONSENT AGENDA

Council Member Young moved to approve the following consent agenda. Council Member Gaffney seconded the motion, which passed with a 7-0 roll call vote.

- Approve the City Council meeting minutes for Tuesday, June 2, 2020.
- Approve the purchase of one 2020 Ford Ranger XL Crew Cab in the amount of \$24,950 from Bozard Ford through the Florida Sheriff's Association piggyback bid for the Parks and Recreation Department.

13. ACTION AGENDA

Interlocal Agreement with Brevard County. City Manager Morgan presented the interlocal agreement with Brevard County for reimbursement of CARES Act funds. The funds are to be used for responding to the COVID-19 pandemic. The agreement will allow the City to access the funds.

Mayor Rose asked the amount that is expected to be requested. City Manager Morgan stated that the Finance Department was working on this and preliminarily it would be about \$5000-\$6000 in expenses for hand sanitizer and wipes and about \$12,000 in the cost to provide the extended family medical leave. Mayor Rose stated that some employees may have put in additional hours. City Manager Morgan stated that personnel costs that had to be shifted to pandemic response purposes could be reimbursed. He stated he would take a look at the language and determine what could be requested.

Mayor Rose also explained that additional leave was granted and if that could be reimbursed. City Manager Morgan explained that employees were granted leave time for working through the pandemic and they would research to determine if it could be reimbursed.

Deputy Mayor Dittmore noted that additional pay would need to be authorized prior to asking for reimbursements. City Manager Morgan stated there was no additional pay authorized. He did not believe the additional leave time provided would be considered as reimbursable.

Deputy Mayor Dittmore asked about overtime in the Police Department during the pandemic. City Manager Morgan stated that there was little need for overtime as each shift was covered and all officers reported to duty. He noted that they had the additional School Resource Officers available for patrols during the time period.

Council Member Bentley stated that he believed the federal government was going to reimburse employers that paid their employees during the event. City Manager Morgan stated that local governments are not eligible for that reimbursement.

City Manager Morgan also stated that the City could not backfill any revenue losses with these funds.

Deputy Mayor Dittmore moved to approve an interlocal agreement with Brevard County for use of CARES Act funding for reimbursement of certain direct City expenses of responding to the COVID-19 pandemic. Council Member Gaffney seconded the motion.

Mayor Rose stated that Brevard County had received more than \$100,000,000 and was planning on keeping \$40,000,000 in reserves. City Manager Morgan stated that the County wanted to hold back funds that could be used to address business losses in the future, which may not yet be known. Mayor Rose stated he was opposed to the County holding back \$40,000,000.

Council then voted on the motion to approve the Interlocal agreement, which passed 7-0 in a roll call vote.

Grant-Funded Back-up Generators for Sewer Collection System. Public Works Director Piccirillo presented the purchase of two mobile generators for the sewer collection system that would be 75 percent funded through a FEMA grant. The total cost of the two generators would be \$172,820.

Council Member Young moved to award the purchase of the two mobile diesel generators to ACF Standby Systems, through the Florida Sheriff's Association, in the amount of \$172,820. Deputy Mayor Dittmore seconded the motion, which passed 7-0 in a roll call vote.

Florida League of Cities 94th Annual Conference. City Clerk Hanscom asked Council to designate a voting delegate for the Florida League of Cities annual business meeting. Mayor Rose noted that he had acted as the voting delegate in the past and would be willing to do so this year.

Deputy Mayor Dittmore moved to designate Mayor Rose as the voting delegate for the Florida League of Cities 94th annual conference business meeting. Council Member Young Seconded the motion, which passed unanimously.

14. CITY COUNCIL REPORTS

Council Members Bentley, Young, Smith, and Gaffney had no reports.

Council Member Batcheldor asked that staff reach out to Ms. Gwinn to provide clarity on the process. He cautioned Council and the public on the seriousness of the COVID-19 pandemic and moving too quickly to re-open Florida.

Deputy Mayor Dittmore reported he had attended a community dialogue meeting held in Melbourne and complimented Chief Wiley on his comments on the use of body cams.

Mayor Rose reported that the reclaimed water scheduled had been updated. He also stated that the Space Coast League of Cities had been active and City Manager Morgan was acting as a liaison to that group. He believed the City was doing well and the businesses were trying to get back to normal, but every day was a challenge.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 8:40 p.m.