

MAYOR
Hal J. Rose

DEPUTY MAYOR
John Dittmore

COUNCIL MEMBERS
Daniel Batcheldor
Pat Bentley
Daniel McDow
Stephen Phrampus
Andrea Young



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CITY COUNCIL REGULAR MEETING

MINUTES

September 7, 2021

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: Mayor Hal Rose, Deputy Mayor John Dittmore, and Council Members Pat Bentley, Andrea Young, Daniel Batcheldor, Stephen Phrampus and Daniel McDow.

Also present: City Manager Scott Morgan, City Attorney Morris Richardson, Assistant City Manager Tom Bradford, Police Chief Rick Wiley, Public Works Director Mark Piccirillo, Human Resources Director Kimberly Gale, Systems Administrator Christian Arsenault, City Clerk Cynthia Hanscom, and members of the public.

Attending remotely: Project Manager Brian Mascher.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Business of the First Quarter of 2021. Mayor Rose presented the Business of the First Quarter of 2021 to Wholesale Music Instruments to Gene Kimbro, Virginia Kimbro and Kevin Kimbro.

Introduction of New Employees. Public Works Director Piccirillo introduced Maintenance Worker Solomon Rini and Construction Inspector Richard Clements, both who started with the City on August 23, 2021.

5. PUBLIC HEARINGS

Proposed FY 2020-2021 Millage Rate and Budget. City Manager Morgan presented the first public hearing on the budget. He stated the budget was developed based on

priorities established in previous City Council workshops. The total budget was \$47.8 million, a 7.4 percent increase from the current year, largely attributable to the budgeted use of American Rescue Act funding. The general fund budget is \$17.6 million, an increase of 15.8 percent. He presented revenues and noted that West Melbourne is fortunate that it was not over reliant on one revenue source, which moderates the impacts of economic downturns. He also reviewed expenditures and enterprise funds. The budget included 142 full-time and 6 part-time staff, which is 3 more than the current number. City Manager Morgan reviewed the top 20 largest notable items.

Council asked that the budget be amended to include the road dig outs on Doherty Drive, which had been discussed at a previous meeting. In addition, approval of the shade structure at the splash pad was delayed and should be included in the 2021-2022 budget. It was also suggested that the funds be provided to allow for LEED certification for the new building for the Building Department.

City Manager Morgan stated that final hearing for the budget was scheduled for September 22.

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

Council raised questions and discussed several items in the budget, including the tree bank, the replacement of the older water lines, the review process for the fire feasibility study, the combined monument sign for the Police Building and City Hall, items that can be charged to non-departmental expenditures, the franchise fee, current debt, a possible future rate increase for the stormwater fund, future grant resources for an additional septic to sewer project, spectator seating at the skate park, and the division of salaries for individuals that work across many different departments.

Deputy Mayor Dittmore moved to: (1) approve a tentative fiscal year 2021-2022 millage rate of 2.4228 per thousand dollars of taxable value; (2) approve the tentative 2021-2022 budget with the change to add the Doherty Drive dig outs and the splash pad repair and shade structure; and (3) set a public hearing for 6:30 p.m. on Wednesday, September 22, 2021, to consider final adoption of the 2021-2022 millage and budget. Council Member Batcheldor seconded the motion, which passed with a 7-0 vote.

Annual Stormwater Utility Budget and Assessment Roll. City Manager Morgan presented the 2021-2022 stormwater fund budget to certify the stormwater utility assessment. He noted the calculated billing amount for fiscal year 2021-2022 would be \$669,107.55. The base residential fee would remain at \$52 per parcel with credits applied for those parcels within the Melbourne-Tillman Water Control District service area as well as some subdivisions for previously constructed and operating stormwater improvements.

Mayor Rose opened the public hearing on the stormwater utility budget and assessment roll. There being no comments, he closed the public hearing.

Council Member Phrampus moved to adopt Resolution No. 2021-26 adopting the 2021-2022 stormwater fund budget and certifying the stormwater utility assessment as presented by Brevard County with no change in the annual stormwater utility fee methodology or rates. Deputy Mayor Dittmore seconded the motion, which passed unanimously.

Juvenile Curfew Ordinance. City Attorney Richardson presented the second reading of the juvenile curfew ordinance, which would create a curfew for minors under the age of 18. He explained how the ordinance compared to state law and noted that this would be an additional tool for police officers to engage and stop minors when they are out beyond curfew.

City Attorney Richardson read in title only Ordinance No. 2021-23:

ORDINANCE NO. 2021-23

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, FLORIDA, ESTABLISHING A CURFEW FOR MINORS; PROVIDING FOR FINDINGS AND LEGISLATIVE INTENT; PROVIDING FOR DEFINITIONS; PROHIBITING MINORS FROM BEING OR REMAINING IN PUBLIC PLACES OR ESTABLISHMENTS DURING CERTAIN HOURS; PROVIDING FOR LEGAL DUTIES OF PARENTS; PROHIBITING THE PERMISSION OF CURFEW VIOLATIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING 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 second reading of Ordinance No. 2021-23, establishing a local curfew for minors. Council Member Phrampus seconded the motion.

Mayor Rose asked that data be collected going forward to determine if this ordinance has an impact.

Council Member Bentley stated that he felt the ordinance was overreaching. He noted that he could serve in the Marines at 17 but could not be out after midnight.

Council then voted on the motion to approve the second reading of Ordinance No. 2021-23, which passed with a 6-1 vote, with Council Member Bentley opposed.

6. PUBLIC FORUM

Rachel M. Sadoff, 710 Fiddleleaf Circle and Clerk of Court for Brevard County, spoke on the congestion that had occurred in the Sawgrass Lakes neighborhood when the intersection of Shallow Creek Boulevard and Norfolk Parkway was not manned. She expressed concern and opined that it was very dangerous, especially if someone in the

neighborhood had a medical emergency. City Manager Morgan indicated that it was an oversight and that the intersection would be manned in the future. Council discussed the intersection and possible solutions to the traffic congestion that occurs, such as a three-way stop or traffic signal.

7. CONSENT AGENDA

Council pulled three items from the consent agenda.

Council Member Bentley moved to approve the following consent items. Council Member Phrampus seconded the motion, which passed unanimously.

- Regular City Council meeting minutes for August 17, 2021.
- Private Traffic Enforcement Agreement with Palm Garden Lakes Community Association, Inc. authorizing the City to exercise traffic control jurisdiction over the private roads located within the Palm Garden Lakes subdivision.

Classification Pay Grade Changes. Council Member Bentley questioned the 15 percent increase for the Police Records Technician to work the front desk. Human Resources Director Gale stated the duties included more than just manning the desk. The Records Technicians perform tasks such as fingerprinting services, merging reports, escorting visitors and retrieving evidence. In many cases, the individuals that are on the telephone or the front counter are emotionally charged visitors. Based on the salary survey, this position was paid below that of Melbourne and Palm Bay. Chief Wiley also added the position was technical in nature and the Records Technicians were assigning crime classifications.

Council Member Phrampus moved to adopt Resolution No. 2021-29, effective October 1, 2021, approving seven (7) classification pay grade additions and one (1) classification pay grade change. Council Member McDow seconded the motion, which passed unanimously.

Council Member Bentley asked that staff conduct an updated salary study for the City Manager position. Mayor Rose asked about the salary level for the Assistant City Manager positions. City Manager Morgan stated that a survey and analysis had been conducted on the Assistant City Manager classification in the Spring so the information was up-to-date.

Sale of K-9 “Ranger.” Chief Wiley reported that Officer Kevin Krukoski had resigned and accepted a position in North Carolina. Officer Krukoski has agreed to care for Ranger and they have agreed on a purchase price of \$5,400. The dog was purchased two years ago for \$9,000 and the contract associated with the payout to the City includes a schedule for the sale of the dog back to the handler at a percentage. It is expected that the dog will become the police dog at the new agency in North Carolina.

Council Member Bentley noted the typical life span of the dog is 6-8 years. Sergeant Justin Cantees stated that the department uses a five-year span, which is industry standard. He reminded Council that the dog would retire in the sixth year of service, which means the dog is 7-8 years old.

Deputy Mayor Dittmore expressed concern that this would cause the City to appear as a training ground for new officers. Sergeant Cantees stated he did not believe that would be the case because this was a unique circumstance. Currently, they did not have an officer willing to be a K-9 handler.

Council Member Phrampus reiterated that the National Police Foundation states the typical life span of a police dog is eight years. Therefore, he was wondering why the City was using five years for the life of a dog. Sergeant Cantees indicated the five-year time frame was based on observations and aligns with other police departments. At year six they are exhibiting slowdowns, and the handler and the dog need to be performing at top levels. Council Member Phrampus stated that he would like the officer to pay full cost for the dog or have the police department where the dog is moving to pay the full cost. Chief Wiley stated that the dog was already two years old and was not worth the full cost.

Council discussed other alternatives if the dog could not be sold to the handler.

Council Member Phrampus moved to adopt Resolution No. 2021-27 declaring K-9 "Ranger" to be surplus property and authorize the City Manager to sell "Ranger" for the sum of \$9,000 or donate the dog to another agency. Council Member Dittmore seconded the motion. The vote failed, 3-4, in a roll call vote with Council Members Bentley, Young, Batcheldor and McDow opposed.

Council Member Bentley moved to adopt Resolution No. 2021-27 declaring K-9 "Ranger" to be surplus property and authorize the City Manager to sell "Ranger" for the sum of \$5,400. Council Member Batcheldor seconded the motion.

Deputy Mayor Dittmore moved to amend the motion to sell the K-9 for \$7,750. Mayor Rose seconded the motion, which failed 3-4, with Council Members Bentley, Young, Batcheldor and McDow opposed.

Council then voted on the original motion to adopt Resolution No. 2021-27 as written, which passed 4-3 with Mayor Rose, Deputy Mayor Dittmore, and Council Member Phrampus opposed.

Ellis Road Widening. City Manager Morgan explained that Council was being asked to reaffirm their support for the Ellis Road Widening Project. He noted that a portion of Ellis Road is owned, operated and maintained by the City. Although exact numbers are not specified in the resolution, it does indicate that the City recognizes there is a future maintenance and cost-share responsibilities.

Mayor Rose stated that it should be clear that the City was not willing to take over the entire roadway and that the division of responsibilities would need to be negotiated. Council Member Young noted that this was briefly discussed at the Transportation Planning Organization meeting and infrastructure funds may come to the County that would support the widening project.

Deputy Mayor Dittmore moved to adopt Resolution No. 2021-28 re-affirming the City Council's support of the Ellis Road Widening Project, recognizing that a portion of Ellis Road is owned, operated and maintained by the City and that the widening project will bring additional responsibilities, and directing the City Manager to enter into negotiations with the County Manager to develop a proposed Interlocal Agreement for City Council consideration for the equitable division of future Ellis Road ownership, operations, maintenance and maintenance cost-sharing responsibilities. Mayor Rose seconded the motion, which passed unanimously.

8. ACTION AGENDA

Water Treatment Plant Engineering. City Manager Morgan presented two task orders for the water plant engineering related to the design, permitting and construction of three production wells and the preliminary engineering design and reverse osmosis testing for the water plant. These would be expended in the next budget year.

Deputy Mayor Dittmore moved to authorize the City Manager to execute an agreement with Hazen and Sawyer for task orders 4 and 5 for civil engineering services related to the design, permitting and construction of three raw water production wells and preliminary engineering design and reverse osmosis testing for the water plant. Council Member Phrampus seconded the motion.

Council Member Phrampus asked the status of the consumptive use permit. City Manager Morgan reported that the application had been submitted last week and they had heard back that additional information was needed. We have prepared a draft response and the subcontractor would be doing some additional modeling. He hoped to have the approved permit at the end of the month or by October. He reminded Council that notice to the City of Melbourne would need to be made by December 31.

Council Member Phrampus asked if the City had committed to building a water plant. City Manager Morgan stated that commitment by the Council had been made in October 2019.

Mayor Rose asked if the City had committed to using the engineering firm of Hazen & Sawyer. City Manager Morgan stated they had committed to using the firm for the water plant portion, but other local engineers were being used for the distribution system improvements and raw water supply from the wells to the plant.

Mayor Rose asked at what point this project would be placed on hold if the consumptive use permit was not received. City Manager Morgan stated the target was for the end of the month but could be in October. Ultimately, the notification to the City of Melbourne

would need to be made by the end of December. Mayor Rose cautioned that he would not want to proceed spending the money if the consumptive use permit was not issued. City Manager Morgan stated he could delay the notice to proceed for the task orders until the consumptive use permit was received.

Council then voted on the motion to approve the task orders, which passed unanimously.

Appointment to Melbourne-Tillman Water Control District. City Clerk Hanscom asked Council to make an appointment to the Melbourne-Tillman Water Control District.

Council Member Young moved to reappoint Keith Jerdon to fill the City of West Melbourne City Council-appointed seat on the Board of Directors of the Melbourne-Tillman Water Control District for a 3-year term ending September 30, 2024. Deputy Mayor Dittmore seconded the motion, which passed unanimously.

Annual review of the City Manager's performance. Human Resources Director Gale presented the annual performance evaluation for City Manager Morgan noting that an overall performance of 4.29 was received, which was commendable.

Deputy Mayor Dittmore moved to accept the summary results and that the salary adjustment be postponed until a salary survey is received, with the effective date of the salary adjustment occurring October 1. Council Member Young seconded the motion.

Mayor Rose asked that a written plan be provided on how the City Manager would be addressing those items that had been rated as "needs improvement."

Council then voted on the motion to accept the summary results, which passed unanimously.

9. CITY COUNCIL REPORTS

Deputy Mayor Dittmore suggested moving the City's monument sign that is located under the I-95 bridge along U.S. 192 to the southbound exit on U.S. 192 where there was a fountain. He also asked the internal climate survey being conducted by the police union be made available to Council.

Council Member Young provided a link to information on the Infrastructure Investment and Jobs Act, which would provide transportation dollars for local projects.

Council Member McDow reported he had attended several routine meetings. He also noted that he would be participating in the Honor Flight. He asked about the selection process for the replacement of the City Manager should he retire next year. City Manager Morgan stated this should be addressed in the spring.

Council Members Phrampus, Batcheldor, and Bentley had no reports.

Mayor Rose reported on several meetings that he had attended including the Palm Bay Chamber, and noted that the West Melbourne Business Association would be meeting in person for the first time in several months on the following day. Mayor Rose also commented on the impacts of COVID and requirements of employers.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 10:28 p.m.