

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

September 9, 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 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, Finance Director Margi Starkey, Information Technology Director Tom Bradford, Public Works Director Mark Piccirillo, Jacobs Project Manager Brian Mascher, Human Resources Director Kimberly Gale, City Clerk Cynthia Hanscom, and members of the public.

Attending remotely: Deputy City Manager Keith Mills and Deputy Chief Richard Cordeau.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Introduction of New Employee. Building Official Tom Forbes introduced Inspector III Bobby Coleman, who started with the City on August 21, 2020.

5. PUBLIC HEARINGS

Proposed FY 2020-2021 Millage Rate and Budget. City Manager Morgan presented the fiscal year 2020-2021 budget and millage rate. He reminded Council that this was the first of two public hearings on the proposed millage rate and budget. The budget

was based on several workshops held in the spring where Council set strategic priorities. The total budget was \$44.7 million which is an overall increase by 3.97 percent. The general fund budget is \$14.96 million, which is expenditure decrease of 8.8 percent. City Manager Morgan stated that he was proposing an average of 3.3 percent salary increase for employees. The overall wages and benefits increase was only 1.3 percent because of reductions in health insurance costs and the reduction of one position in the Finance Department that was never filled.

City Manager Morgan reviewed the revenue sources and noted that the City was not reliant on just one source. He reviewed the expenditures and noted that the City's spending reflects the Council emphasis on law enforcement and public works. In addition, he reviewed water and sewer enterprises which had sufficient revenues and cash reserves. He reminded Council that the stormwater utility fund balance was in the negative and would return to black in 2022.

He reviewed positions proposed and the largest notable budget items. He also stated the proposed millage rate was 2.5087, which is the rolled back rate. The final budget hearing would be held on Thursday, September 24, which is when Council is expected to adopt a millage and budget.

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

Council Member Bentley raised several questions on purchasing land as part of the Ellis Road redevelopment, the formula for sewer rates, the increase in revenue due to new development, funding additional canal work as part of a sewer line project with general funds, maintenance of the trees at the U.S. 192/I-95 interchange, and the increase in the number of supervisory positions in the Police Department. He also commented that he agreed that some staff members could have their salaries split and paid by several sources, such as the Human Resources Director partially paid from Building Department funds.

Council Member Young asked questions about the project and funding of the proposed improvements to the wastewater treatment plant processes through the Indian River Lagoon half-cent sales tax.

Mayor Rose noted that the millage rate had been rolled back but there would still be an increase in revenues because of new development. He asked about spending the reserves and worthy projects that can be completed even with the roll back rate.

Council Member Bentley moved to approve a tentative fiscal year 2020-2021 millage rate of 2.5087 per thousand dollars of taxable value. Council Member Gaffney seconded the motion, which passed 7-0 in a roll call vote.

Council Member Young moved to approve the tentative 2020-2021 budget. Council Member Bentley seconded the motion, which passed 7-0 in a roll call vote.

Council Member Gaffney moved to set a public hearing for 6:30 p.m. on Thursday September 24, 2020, to consider final adoption of the 2020-2021 millage and budget. Council Member Young seconded the motion, which passed 7-0 in a roll call vote.

Annual Stormwater Utility Budget and Assessment Roll. City Manager Morgan presented Resolution No. 2020-18 to adopt the 2020-2021 stormwater fund budget and certify the assessment as presented by Brevard County with no change in the annual stormwater utility fee methodology or rates. He stated this is a restricted fund with a negative fund balance. The rates are less than those charged in unincorporated Brevard County. The budget for fiscal year 2020-2021 is \$4.187 million, with the largest portion being grant funding.

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

Mayor Rose commented that storm drainage and flooding were important issues with the City and he was concerned that there was a negative fund balance. He asked the amount that is charged by the County for program administration. City Manager Morgan stated that he believed it was around \$70,000, which includes preparing the roll, which is 1700 pages, and a complex rate structure based on the use of the land.

Deputy Mayor Dittmore moved to adopt Resolution No. 2020-18 adopting the 2020-2021 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. Council Member Gaffney seconded the motion, which passed with a 7-0 vote.

Police Pension Plan Amendments. City Attorney Richardson presented the second reading of Ordinance No. 2020-06, which would allow for collective trust investments and updating the Internal Revenue Code compliance section to recognize recent changes to the required minimum distribution age from 70½ to 72. This was in response to recommendations from the Police Officer's Retirement Board. He reminded Council that this ordinance had been approved at first reading on August 11, 2020.

City Attorney Richardson read, in title only, Ordinance No. 2020-06:

ORDINANCE NO. 2020-06

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING ARTICLE IV, POLICE OFFICERS RETIREMENT, OF THE WEST MELBOURNE CODE OF ORDINANCES; AMENDING SECTION 34-74, FINANCES AND FUND MANAGEMENT; ESTABLISHMENT AND OPERATION OF THE FUND; AMENDING SECTION 34-97, INTERNAL REVENUE CODE COMPLIANCE; PROVIDING FOR COMPLIANCE WITH THE SECURE ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE

REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Council Member Bentley moved to approve on second reading Ordinance No. 2020-06 amending the Police Officers' Pension Plan to allow for collective trust investments and updating the Internal Revenue Code compliance section to recognize recent changes to the required minimum distribution age from 70½ to 72. Deputy Mayor Dittmore seconded the motion, which passed 7-0.

6. PUBLIC FORUM

Robert Griffin, 895 Shoshone Lane, Falls of Sheridan, spoke on the burning and land clearing occurring on the property at 9075 Ellis road, which was adjacent to his development. He stated the quality of life had been negatively impacted. He presented material showing the incinerator unit that was being used to burn debris brought to this location from offsite. He stated that a Florida Department of Environmental Protection (DEP) issued a permit to this property owner to allow for an air curtain incinerator. The incinerator was supposed to be smokeless, which is not the case. He stated that he had contacted the Planning Director and was told that Florida DEP was not required to contact the City when issuing a permit. He stated that it was difficult to comprehend that it was approved given the proximity to the residential area. He stated that when 9075 Ellis Road was cleared, it removed the vegetation buffer to the residential area and suggested the property owner be encouraged to provide some kind of a buffer. Council Member Smith stated that she had smoke in her yard from the incinerator.

Mayor Rose asked that staff research the permitted uses for this property and the impacts that are occurring.

7. CONSENT AGENDA

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

- Approve the Regular City Council meeting minutes for Tuesday, August 11, 2020.
- Adopt Resolution No. 2020-19 accepting the dedication of water distribution system improvements for Housman Aluminum and Screening, and authorize the City Manager to sign the Bill of Sale.
- Authorize the City Manager to execute the professional engineering task order with Infrastructure Solution Services (ISS) for the Septic-to-Sewer Master Planning Study in the not-to-exceed amount of \$24,800.

8. ACTION AGENDA

Professional Engineering Task Order for the U.S. 192 Watermain Crossing.

Deputy City Manager Mills presented the professional engineering scope of services with Chen Moore and Associates (CMA) for the U.S. 192 Watermain Crossing project. CMA was one of the newer engineering firms that had been approved by Council for continuing services contracts. He explained the analysis provided by Hazen and Associates as part of the water plant project recommended a new connection be made from the north side of U.S. 192 to the south side to improve flow. Different routes will be evaluated and the best route will be recommended.

Mayor Rose confirmed the engineering would provide analysis on the best route but would not include the full engineering. Deputy City Manager Mills confirmed that it would not include the engineering for the actual construction. Mayor Rose asked if CMA was qualified to complete the full engineering as well as providing assistance for the Florida Department of Transportation permit. Deputy City Manager indicated that this was first occasion to work with this firm but he expected that they would provide the necessary proposed scope of work to complete the project.

Council Member Bentley asked if the engineering firm would provide an estimate of construction costs. Deputy City Manager Mills stated the engineering firm would estimate costs for the project.

Council Member Batcheldor moved to authorize the City Manager to execute the professional engineering scope of services with Chen Moore and Associates for the U.S. 192 Watermain Crossing Project in the not-to-exceed amount of \$17,335. Council Member Bentley seconded the motion, which passed unanimously.

Emergency Replacement Headworks Structure Influent Pipe and Valve.

Public Works Director Piccirillo explained that a 24-inch influent pipe had developed pin holes and was deteriorating. It was discovered in March 2020 and was proposed to be replaced in next year's budget. He explained that they had been inspecting the pipe and been able to patch one time. However, as of August 10, there were additional pinholes and it was determined that it needed to be replaced. This was the only influent pipe that comes in for the whole plant and needed to be replaced as soon as possible.

Public Works Director Piccirillo stated that Danus Utilities had provided a bid price and could be scheduled to come in as early as Friday with equipment and begin the process to replace the pipe.

Council Member Bentley asked if there was time to get a second bid. Public Works Director Piccirillo replied only one contractor had been contacted. Because of the emergency nature of the repair, staff determined that they needed to move quickly. The City has worked with Danus Utilities and felt confident that it was a fair price.

Mayor Rose asked if the costs would come from the current year's budget. City Manager Morgan stated that it would be paid in the current year's budget if completed prior to the end of the fiscal year.

Council Member Bentley moved to award the contract to Danus Utilities in the amount of \$39,988 for the emergency replacement of the RBWRF 24-inch headworks structure influent pipe and valve. Council Member Gaffney seconded the motion, which passed unanimously.

Award Bid for Landscape Maintenance of U.S. 192 Medians and Minton Road Medians and Swales. Public Work Director Piccirillo presented the bid results. For the landscape maintenance of the U.S. 192 medians and the Minton Road medians and swales. There were four bids received with the low bid from Jeffery Hogues Lawncare in the amount of \$25,155. He noted that staff took extra effort to verify the bid amounts as well as references because of the low bid.

Mayor Rose asked how much the City was paying now. Public Works Director Piccirillo indicated it was \$29,000 for U.S. 192 and \$29,000 for Minton Road.

Council Member Young asked for confirmation that the vendor would pick up debris. Public Works Director Piccirillo indicated the mowers usually have cherry pickers that allow them to pick up the debris.

Council Member Young moved to award the contract to Jeffery Hogues Lawncare in the amount of \$25,155 for both roads the first year, and \$25,155 for both roads the second year. Council Member Gaffney seconded the motion, which passed unanimously.

Police Patrol Vehicle Replacement. Police Chief Wiley asked Council to fund a vehicle that was involved in a crash and needed to be replaced.

Deputy Mayor Dittmore asked if the insurance would cover the cost. City Manager Morgan indicated that there would be a net for a new vehicle that would not be covered. He added that they usually try to salvage as much equipment from the vehicle which should reduce the cost.

Council Member Bentley moved to authorize the purchase of one (1) Ford Interceptor SUV pursuit rated vehicle and authorize the expenditures to outfit the vehicle with the necessary equipment. Deputy Mayor Dittmore seconded the motion, which passed unanimously.

Annual Review of the City Attorney's Performance. Human Resources Director Gale presented the annual performance evaluation for City Attorney Richardson. She noted that he had received a favorable score of 5.0.

Mayor Rose commented that the self-evaluation by the City Attorney was good and he believed it hit some good targets. He commented that even though the overall score was 5.0, there was always room for improvement.

Council Member Bentley stated that he was very pleased with the City Attorney's performance and had used him often as a sounding board and was pleased with his good professional opinion.

Deputy Mayor Dittmore moved to accept the summary results for the City Attorney's annual evaluation. Mayor Rose seconded the motion, which passed unanimously.

9. CITY COUNCIL REPORTS

Council Member Gaffney had no report.

Deputy Mayor Dittmore thanked U.S. Representative Bill Posey for his efforts in coordinating getting the landscaping cleaned up for the post office on Minton Road. He also asked about the formula being used to extend the face covering ordinance. City Manager Morgan stated he hoped the number of infections would go down.

Council Member Bentley complimented staff involved in the preparation of the budget.

Council Member Young also appreciated the work that went into the preparation of the budget and thanked Human Resources Director Kimberly Gale for her work in putting the evaluations together.

Council Member Smith complimented the work that went into the budget and also thanked City Manager Morgan for his knowledge on the City's finances.

Council Member Batcheldor asked for an update on a recent case where there were logs buried beneath a home. City Manager Morgan provided an update and indicated that City staff was diligent in insuring that this was not occurring elsewhere. Council Member Batcheldor also asked that the public not get complacent about COVID-19 and that the number of infections appear to be trending down.

Mayor Rose reported he had attended a Palm Bay Chamber zoom meeting and the Space Coast League of Cities nomination committee. He also reported he attended a presentation of a 'quilt of honor' to a Vietnam Veteran with Deputy Mayor Dittmore and Council Member Bentley. He commended staff in handling the water break issue that occurred on Friday with the City of Melbourne that required the emergency connection with water service from the City of Palm Bay. He also noted that he had attended a presentation on the Minton Road Feasibility Study where a suggestion was made for a right turn only onto Minton Road from Heritage Oaks Boulevard, which he believed was not a good idea.

City Attorney Richardson announced that following the meeting, there would be a closed session scheduled in accordance with Florida Statutes Section 447.605 (1) to provide authority to the employer negotiator in labor negotiations with employees represented by the Coastal Florida Police Benevolent Association.

10. ADJOURNMENT

There being no further business, the meeting adjourned to a closed session at 8:46 p.m.

The closed session was adjourned at 10:25 p.m.