

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

October 19, 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, Assistant City Manager Tim Rhode, Finance Director Margi Starkey, Police Chief Rick Wiley, Planning Director Christy Fischer, Public Works Director Mark Piccirillo, Human Resources Director Kimberly Gale, Jacobs Project Manager Brian Mascher, Systems Administrator Christian Arsenault, City Clerk Cynthia Hanscom, and members of the public.

#### 4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

**Introduction of New Employee.** Planning Director Fischer introduced Administrative Assistant Denise Conville, who started with the City on October 11, 2021.

#### 5. PUBLIC HEARINGS

**Amended Noise Ordinance.** City Attorney Richardson presented Ordinance No. 2021-22 to repeal and replace the provisions of the City's code relating to the regulation of noise. He updated Council on the changes to the ordinance that were made at first

reading. Noise regulation techniques vary but they are usually listed as nuisance standards. Providing decibel and audible standards would afford better enforcement and be less subjective. City Attorney Richardson reviewed the decibel levels and common standards, daytime and nighttime standards and the exemptions.

City Attorney Richardson read, in title only, Ordinance No. 2021-22:

**ORDINANCE NO. 2021-22**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, FLORIDA RELATING TO NOISE REGULATION AND REPEALING AND REPLACING THE PROVISIONS OF CHAPTER 26, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF WEST MELBOURNE, FLORIDA; ESTABLISHING MAXIMUM NOISE LEVELS AND PROHIBITING NOISE DISTURBANCES; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; 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 adopt on second reading Ordinance No. 2021-22, repealing and replacing the provisions of Chapter 26 of the City Code relating to the regulation of noise, establishing maximum noise levels, and prohibiting noise disturbances. Council Member Phrampus seconded the motion.*

Council Member Phrampus commented that a restriction after 9:00 p.m. on weekends for residential was unreasonable, especially during the summer hours. Mayor Rose agreed that it was too restrictive. Many times there were school events that produced noise levels. Council Member Batcheldor stated that special events could have different standards.

*Council Member Phrampus withdrew his second to the motion.*

*Deputy Mayor Dittmore seconded the motion made by Council Member Bentley.*

Council Member Batcheldor stated the reason for this ordinance is to restrict the level of noise in those areas where construction and businesses abut up against residential areas. There are many occasions where residents have been adversely impacted in regards to the volumes and the hours that noise is occurring. Therefore, he felt 9:00 p.m. was a reasonable time for decibel levels to drop. The hour from 9:00-10:00 p.m. is significant for those with families. City Attorney Richardson provided comparison for the hours in other municipalities, as well as the County.

*Council Member Bentley moved to amend the motion to extend the residential hours to 11:00 p.m. Deputy Mayor Dittmore seconded the amendment.*

Deputy Mayor Dittmore asked if the enforcement would be based on complaints. City Attorney Richardson agreed that would probably be the case.

Mayor Rose asked about extending the hours in the mornings possibly to 6:00 a.m. He provided the example that it is cooler and residents may want to mow their lawn. City Attorney Richardson stated that the noise levels would need to be within the decibel levels. Council Member Phrampus commented the current ordinance would prohibit the noise before 7:00 a.m.

*Council then voted on the motion to approve Ordinance No. 2021-22 with the change to extend residential evening hours to 11:00 p.m., which passed unanimously.*

**PMG West Melbourne Large Scale Comprehensive Plan Amendment, Rezoning and Development Agreement.** Planning Director Fischer announced that the applicant had withdrawn their request. No action was needed from Council.

## **6. PUBLIC FORUM**

There were no comments from the public.

## **7. CONSENT AGENDA**

*Deputy Mayor Dittmore moved to approve the following consent agenda. Council Member McDow seconded the motion, which passed unanimously.*

- Regular City Council meeting minutes for Tuesday, October 5, 2021.
- Termination of Spring Lake Recreational Vehicle Resort Development Agreement, authorize the Mayor to execute the termination, and direct that the termination be recorded in the public records of Brevard County.

## **8. ACTION AGENDA**

**Resurfacing and Paving Contract for FY 2021-2022.** Public Works Director Piccirillo presented the annual street resurfacing program. He stated that Asphalt Paving Systems has been the contractor for several years and this contract for \$426,607.23 will allow for the resurfacing and paving for 17 streets in three subdivisions consisting of Saddlebrooke, Whispering Winds and Oak Grove.

Public Works Director Piccirillo indicated, as requested by Council, the approval will also complete the milling and paving for a section of Doherty Drive at a cost of \$53,435.35.

Council Member Phrampus confirmed that Doherty Drive would be repaired and not just patched. Public Works Director Piccirillo stated that they had determined there were

eight areas where the roadway would need to be milled down four inches and then paved.

*Council Member Phrampus moved to award the contract to Asphalt Paving Systems Inc., in the amount of \$426,607.23 for resurfacing, and the patching of Doherty Drive, in the amount of \$52,435.35. Deputy Mayor Dittmore seconded the motion.*

Mayor Rose asked why Asphalt Paving was the company that was used every year even when they were not local. Public Works Director Piccirillo indicated the company had done some work for the City of Palm Bay and was one of the only contractors in the state that provided the chip seal process.

Mayor Rose asked if there would be a separate mobilization charge for Doherty Drive. Public Works Director Piccirillo indicated there would be a separate mobilization fee because different equipment would be needed for the milling and surfacing process.

Mayor Rose asked when Henry Avenue would be done because it was getting rough. Public Works Director Piccirillo stated that it was in the five-year plan and would be completed in the next few years.

*Council then voted on the motion to award the contract to Asphalt Paving Systems, which passed unanimously.*

**Purchase of a 6-inch Trailer Mounted Pump.** Public Works Director Piccirillo presented a proposal to purchase a pump that is used during heavy rains, usually stationed at the corner of Henry Avenue and Doherty Drive. The existing pump is 24 years old, has been outside, and it is necessary to purchase a replacement.

*Deputy Mayor Dittmore moved to award the contract to Thompson Pump & Manufacturing Co., Inc. in the amount of \$59,986 for the purchase of a new 6-inch mounted Thomas Pump. Mayor Rose seconded the motion, which passed unanimously.*

**Purchase of New UG12 Universal Grapple Attachment for Menzi Muck.** Public Works Director Piccirillo presented the request for the purchase of a new grapple attachment for the Menzi Muck. He reminded Council that two attachments had been bought when the Menzi Muck was purchased. However, the grapple attachment was not purchased at that time because of the cost. Currently, if large objects are located in the canal, the crew must go into the canal and drag it out. This attachment will allow them to move the item out of the canal safely.

*Deputy Mayor Dittmore moved to award a contract to Menzi USA Sales, Inc., in the amount of \$21,970, for the purchase of a new UG12 Universal Grapple attachment for the Menzi Muck machine. Council Member Phrampus seconded the motion.*

Council Member Phrampus asked if the grapple attachment and the pump that was previously approved can be stored out of the weather. Public Works Director Piccirillo stated that equipment for the Menzi Muck would be stored in the pole barn. He noted that the pump was encased and could be stored outside. Council Member Phrampus stated the pump was metal and would deteriorate outside.

Mayor Rose asked if funds were available for the grapple attachment purchase. City Manager Morgan confirmed that money had been budgeted.

*Council then voted on the motion to purchase the grapple attachment, which passed unanimously.*

**Police Department Public Service Aide.** Police Chief Wiley presented a resolution to modify the position control to make the part-time public service aide position into a full-time position. He reviewed problems in covering the Public Services Aide working the Shallow Creek Boulevard location. The additional Public Service Aide would be able to fill in for the full-time position when needed, as well as for the school crossing guards. He reminded Council that the position can also conduct preliminary investigations for minor traffic incidents, provide emergency medical assistance, issue parking citations and assist with the front desk. There was a similar position at the City of Melbourne, called Community Service Officers. The positions have been very successful in responding to minor service calls. The new full-time position would be able to handle many of these assignments as well as fill in whenever and wherever needed.

Council Member Phrampus asked how the position could cover both school crossing guards, as well as the full-time location at Shallow Creek Boulevard. Chief Wiley indicated that he has had to have officers cover some locations when needed.

Council Member Phrampus asked about management of the position and assigning other tasks. He expressed concern that management staff would not be able to insure that there was continuing coverage of the Shallow Creek Boulevard location. He indicated he would rather see a specific position for the Shallow Creek Boulevard location.

Council Member Phrampus expressed concern on what would happen to the position should a traffic signal be placed at the intersection of Shallow Creek Boulevard and Norfolk Parkway. Police Chief Wiley indicated that the City was growing and there was a need for this position to provide many of the services and tasks previously mentioned.

Mayor Rose asked about the school crossing guards – those that were provided by the City and those provided by the County. Police Chief Wiley noted that they were currently seeking people to fill the vacant school crossing guard positions. Mayor Rose asked if volunteers could be used. Chief Wiley replied affirmatively but volunteers were not always as accountable as someone who was on the payroll.

*Council Member Batcheldor moved to adopt Resolution No. 2021-33 to amend the position control within the Fiscal Year 2021-22 Police Department Budget, exchanging one part-time Public Service Aide position for a full-time Public Service Aide. Deputy Mayor Dittmore seconded the motion, which passed 6-1, with Council Member Phrampus opposed.*

**Annual Evaluation and Salary Increase for City Attorney.** Human Resources Director Gale presented the evaluation of City Attorney Morris Richardson and summarized the overall score was 5.0, which was superior performance.

Mayor Rose commented that he hoped this was the last time this form was used. He also recommended that an increase be provided at 6 percent.

*Council Member McDow moved to accept the evaluation and provide a 6 percent increase for City Attorney Richardson with an effective date of October 1, 2021. Mayor Rose seconded the motion.*

Council Members discussed the range for the position, what is paid in other municipalities, comparison to that paid to City Managers, and the definition of mid-point. Council also discussed the raises provided to City employees if that formula should be used when determining pay increases for the charter employees.

Deputy Mayor Dittmore asked that City Attorney Richardson meet individually with Council to discuss the renewal of his contract and that he share with them what the salary range should be.

Council Member Bentley stated that Council was prepared to provide a salary increase in order to entice City Attorney Richardson to stay when he was being considered for the County's attorney position. Therefore, he believed a 7.5 percent increase would be more appropriate as he was a well-respected attorney.

Council Member Young commented that she was prepared to provide a 10 percent increase, which would place him well below the top of the range while still providing room for him to move up the scale.

*Council Member McDow moved to amend his motion to provide a 10 percent increase. Mayor Rose accepted the amendment to the motion.*

*Council then voted on the motion to provide a 10 percent increase, which passed 6-1 with Council Member Phrampus opposed.*

**Employee Pay.** Mayor Rose brought up another subject which would deal with the increases provided to City employees. He noted that Social Security was providing a 5.9 percent increase because of inflation. However, some employees did not even receive that. Therefore, he asked if Council would be agreeable to one-time bonus to get those employees that received less than 5.9 percent up to that amount.

Council Member Bentley stated the City Manager was assigned to set the salaries. The role of Council was to provide the necessary funds to provide salary increases. He also stated that he would not want to provide a one-time bonus because it would just carry the problem forward rather than increase base salaries.

Deputy Mayor Dittmore stated that this would basically set a cost of living raise for employees. He agreed that he did not want to have the employees fall behind.

City Manager Morgan explained the four parts of the salary increase provided to employees.

Council Member Phrampus stated he would rather see a change to make the family rate for health insurance more affordable. Deputy Mayor Dittmore stated that staff was currently working on an alternative to allow this.

## **9. CITY COUNCIL REPORTS**

Council Members Batcheldor and Phrampus had no report.

Deputy Mayor Dittmore stated that he only had one more meeting serving as Deputy Mayor and appreciated the Council's support.

Council Member Bentley asked for a change in the policy so that Council Members could not use the City vehicles. He noted that Council had previously received a higher reimbursement rate for travel. It was now lower because the City vehicles were being made available for use by Council. City Manager Morgan stated he would bring back a policy proposal for Council travel.

Council Member Young reminded Council that the Space Coast League of Cities dinner would be November 8 with the speaker being Lynda Weatherman, President and CEO of the Economic Development Commission of Florida's Space Coast. She also wanted to thank staff for having the area around the I-95/U.S. 192 interchange mowed.

Council Member McDow commented that the Florida League of Cities was recognizing City Government week and thanked all the employees that work in City government.

Mayor Rose stated there would be a 'Stomp Out Bullying Walk' with the students at 8:00 a.m. on October 26, starting at the West Melbourne Police Station and ending at Central Middle School on Wingate Boulevard.

Mayor Rose also commented that he had received calls on issues with panhandling and asked what could be done. City Attorney Richardson reminded Council that the panhandling issue had been discussed and they had been successful in patrolling those areas of concern and talking with the individuals. Officers are told to check in with the panhandlers and make sure that they are aware that they can be arrested if they step

out into traffic. Chief Wiley commented that he was not aware of any recent complaints. City Attorney Richardson stated that there are many tools that can be used if it occurs on private property.

Mayor Rose asked about the new Police K-9. Chief Wiley stated that they were able to get an extension until January.

Council Member Phrampus complimented the Police Department in their recent efforts in the investigation of vehicle break-ins.

## **10. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:35 p.m.