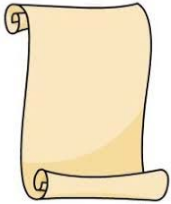


# The Sun Newsletter

City of West Melbourne's Community Publication

November/December 2020

## PROPOSED CITY CHARTER AMENDMENTS ON NOVEMBER 3 BALLOT



A municipal charter is an essential element of every Florida municipality. A municipal government cannot exist without a charter. There are 412 incorporated municipalities in Florida (283 cities, 109 towns, and 20 villages), and every one of them has a charter. The word "charter" is derived from the French word for "contract," and refers to the broad governing document that defines the powers and functions of elected officials as well as the organization and procedures of local government. Municipal charters are adopted by the people, and amended by the people through referendum.

Our Charter establishes the council-manager form of government for the City. The council-manager form of government is the most common form in Florida cities. The city manager serves as the chief administrative officer of the City, supervising and coordinating the City departments, appointing and removing their directors (with the exception of the chief of police), preparing the budget for the City Council's consideration, and making reports and recommendations to the City Council. West Melbourne is one of the last municipalities with the council-manager form of government in which the police chief reports directly to the city council rather than the city manager.

West Melbourne's City Charter requires the City Council to appoint a Charter Review Committee at least once every ten years. The Charter Review Committee is tasked with reviewing the Charter and recommending additions, deletions, or changes. The Charter Review Committee's recommendations are advisory in nature. The City Council ultimately decides whether any of the Committee's recommendations will be placed on the ballot.

On May 21, 2019, the City Council appointed seven members to reform the Charter Review Committee and conduct its decennial review: Stephen Phrampus, Chair; Michelle Rutledge, Vice-Chair; and Committee Members Matthew Brothers, Sandra Carbon, Chris Gibbs, Bill Mettrick, and Sandra Michelson. The Charter Review Committee held monthly public meetings from June 2019 through March 2020. The Committee thoroughly reviewed and discussed each article of the Charter, and recommended seven amendments for consideration by the City Council. One of the proposed amendments was recommended by the Police Chief to the Committee. Police Chief Rick Wiley recommended that the charter be amended to provide the police chief be appointed and removed by the city manager with a concurring vote by a majority of city council, and that the police chief report to the city manager as do the other department heads of the city.



At public meetings on May 19, June 2, and June 16 of this year, the City Council considered the seven Charter amendments proposed by the Charter Review Committee. After receiving public comments, opinions, and input, the City Council adopted Ordinance No. 2020-02, directing that five of the proposed amendments 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. Any amendments approved by a majority of the qualified voters will be adopted and become effective upon certification of the election results.

A summary of the amendments follows on the next page. To review the ballot questions, Ordinance No. 2020-02, and for additional background on each of the proposed amendments, you may visit: [www.westmelbourne.org/charteramendments](http://www.westmelbourne.org/charteramendments).

## Summary of Charter Amendments (continued from previous page)

No.	Title	Summary
1	<b>Qualifications and Reporting Structure for the Chief of Police</b>	The City Charter provides that the chief of police shall be appointed by the city council, and provides no qualifications for the position. If approved, this amendment will require that the chief of police be appointed on the basis of education and experience, and be certified by the Florida Department of Law Enforcement within twelve months of appointment. It will also provide for the city manager to appoint and remove the chief of police, with at least four concurring votes of the city council, and for the chief of police to report to the city manager.
2	<b>Qualifying of Candidates for Mayor and City Council Member</b>	This amendment will correct an error in the City Charter resulting from a previous amendment. The Charter once required that candidates for mayor or city council obtain the signatures of 1% of the qualified West Melbourne voters, as certified for the last general election. At that time, “as certified for the last general election” related to the number of voters to be used for the 1% formula. In 2006, a Charter amendment replaced the 1% formula with a flat 75 signature requirement, but mistakenly retained the language “as certified for the last general election.” The Charter now appears to require that voters must have been qualified as of the last general election in order to sign a candidate petition, inadvertently preventing some voters from signing candidate petitions on the basis of duration of residency or age. This amendment will make clear that any qualified West Melbourne voter may sign a candidate petition.
3	<b>Filling Vacancies in the Office of Mayor or City Council Member</b>	The City Charter provides that when a city council seat becomes vacant due to death, resignation, removal, or forfeiture, the remaining city council members fill the vacancy by appointment. When a vacancy occurs in the office of mayor, the remaining city council members appoint a new mayor from among their members, creating a vacancy on city council which is also filled by appointment. Appointees serve the remainder of the unexpired term for the vacant seat, however long. This amendment allows the voters to elect a replacement at the next general election, even if the seat would not normally be on the ballot for another two years. For example, if a council member is elected in November 2020, and resigns the day after taking office, currently the remaining council members would appoint a replacement to serve the entire unexpired term, until November 2024. If this amendment is approved, the voters would elect a replacement to serve at the next general election (November 2022). This amendment also provides that when a city council member or mayor resigns their seat to run for another office, the resulting vacancy shall be filled by election rather than by appointment.
4	<b>Compensation for the Mayor and City Council Members</b>	The City Charter provides a salary of \$450 per month for the mayor, and \$400 per month for city council members, with automatic adjustments based on changes in the Consumer Price Index (CPI). The current adjusted salaries are \$551 per month for the mayor, and \$489 per month for council members. This amendment would increase the salaries to \$900 per month for the mayor, and \$800 per month for council members. It would also prohibit the mayor and city council members from granting themselves salary increases or new benefits without voter approval.
5	<b>Powers, Duties, and Composition of the Board of Adjustment</b>	The City Charter provides that the Board of Adjustment hears and decides applications for “special exemptions” to the zoning code. This is an obsolete, inaccurate term, and the amendment would replace it with the correct language, “conditional uses.” Also, the Charter requires that at least four of the seven Board of Adjustment members have experience in certain enumerated areas. One type of qualifying experience is being a “professional member of a planning organization.” The use of the word “professional” has resulted in some confusion as to whether a board member must engage in planning as their primary paid occupation in order to qualify. The amendment would eliminate the word “professional” to clarify that a member of the American Planning Association or similar organization may fill that role on the Board of Adjustment, even if they are not actively engaged in a paid planning-related occupation.

## City Council Actions

Your City Council meets twice a month to discuss important issues. Many local issues are studied and decisions are made by your elected officials to make this a better community. Here are a few decisions that your Council has made on behalf of the citizens and businesses of West Melbourne in the last few months:

- Adopted Resolution No. 2020-16 to authorize the submittal of a neighborhood revitalization CDBG grant application for installing water system improvements in the Melbourne Estates neighborhood.
- Awarded a contract in the amount of \$352,250 to Young's Communications, LLC for the Coastal Lane to Columbia Lane Force Main project.
- Approved Ordinance No. 2020-06 amending the Police Officers' Pension Plan to allow for collective trust investments and update the Internal Revenue Code compliance section to recognize changes to the required minimum distribution age.
- Adopted Resolution No. 2020-18 for the 2020-2021 stormwater fund budget and certified the stormwater utility assessment with no change in the annual stormwater utility fee methodology or rates.
- Adopted Resolution No. 2020-20 setting the fiscal year 2020-2021 millage rate at the rolled-back rate of 2.5087 mills, and Resolution No. 2020-21 approving the 2020-2021 budget.
- Approved an engineering task order for the U.S. 192 Watermain crossing to Chen Moore and Associates in the not-to-exceed amount of \$17,335.
- Awarded the annual street resurfacing contract to Asphalt Paving Systems, Inc., in the amount of \$411,941.36.
- Adopted Resolution No. 2020-22 to extend the previously adopted building permit fee reductions to assist in the economic recovery from impacts of the COVID-19 pandemic.

For more information on Council meetings, visit the City's website at [www.westmelbourne.org](http://www.westmelbourne.org). View agendas, minutes, summaries of action, or watch a Council meeting live.



## 2020-2021 West Melbourne Leadership Academy Accepting Applications

For citizens of West Melbourne with inquiring minds and service-oriented hearts, a new West Melbourne Leadership Academy will start December 3, 2020. The Leadership Academy class will run on Thursday evenings for seven weeks, skipping December 24 and December 31, 2020, and ending January 28, 2021.

The no-cost class is for those 18 years of age and older who want to know all about (or at least a lot more about) the inner-workings of their municipal government but (maybe) were afraid to ask. It is especially designed for people who may have an interest in potentially serving on one of the City's many advisory boards, but just need more information about what is expected.

Classes will start at 6:00 p.m. and will end around 7:30 p.m. and will be held in various locations in the City. Depending upon the class's desire to participate in a session starting a bit earlier, the ability to walk or otherwise maneuver across uneven ground and to climb stairs would be a plus, as the late daytime session could consist of a tour of City public works facilities, including the wastewater treatment plant. Of course, those with more limited mobility would certainly be accommodated in appropriate ways on the treatment plant tour date.

The classes will be lead by West Melbourne City Manager Scott Morgan, a forty-two year veteran of local government, the last eleven years here in West Melbourne. Speakers from various departments as well as speakers from organizations that partner with West Melbourne will present throughout the seven session series.

The West Melbourne Leadership Academy Class of 2020-2021 will be limited to not more than fifteen students. Family and friends will be invited to see certificates presented to those students who successfully complete the seven session program.

Applications for admission to the 2020-2021 West Melbourne Leadership Academy will be accepted until the course is full. To get an application, download it from [www.westmelbourne.org](http://www.westmelbourne.org), or call 321-837-7771 for more information or to get an application by e-mail, fax or mail.

## A Look at the Past: City Charter

At a special meeting in April 1967, the Town Council of West Melbourne met to review the first charter and hold a public hearing to take comments. The original charter included sections on a town clerk, town marshal and town council. The original charter also included a section setting the city limits; any changes to the city limits (annexations) would require approval by the voters in a referendum. The charter was approved by a 4-1 vote, with one member of Council opposed because of a section requiring that the City Clerk be elected. The charter was then sent before the Florida legislature and was approved in October 1967. The charter has been amended several times, most notably by House Bill 5390 in 1970 which abolished the present municipality of "Town of West Melbourne" and organized a municipality known as the "City of West Melbourne."

The Charter was completely rewritten and amended in 1983, which is the version that is basically what the City functions under today. The 1983 charter removed the city limits from the language and added a section that required that the charter be reviewed at least once every 10 years to determine if changes were needed. The adopted charter includes sections on the mayor and city council, city attorney, city manager, city clerk, and chief of police, as well as provides for the council-manager form of government.



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(Back L-R) Council Member Daniel Batcheldor, Council Member Pat Bentley, Deputy Mayor John Dittmore, and Council Member Adam Gaffney  
(Front L-R) Council Member Andrea Young, Mayor Hal J. Rose, and Council Member Barbara A. Smith.

## West Melbourne City Council

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## City Calendar

### November 2020

1	Daylight Savings Time Ends	
3	General Election Day	
11	Parks & Recreation Advisory Board	6:00 p.m.
12	Planning & Zoning Board	6:30 p.m.
18	Board of Adjustment	7:00 p.m.
19	Code Enforcement Board	5:30 p.m.
23	Business Advisory Board	6:30 p.m.
24	City Council	6:30 p.m.
26-27	Thanksgiving Holiday—Offices Closed	

### December 2020

8	Planning & Zoning Board	6:30 p.m.
15	Community Redevelopment Agency	6:00 p.m.
15	City Council	6:30 p.m.
16	Board of Adjustment	7:00 p.m.
17	Code Enforcement Board	5:30 p.m.
24-25	Christmas Holiday—Offices Closed	