

MAYOR  
Hal J. Rose

DEPUTY MAYOR  
Pat Bentley

COUNCIL MEMBERS  
Daniel Batchelor  
John Dittmore  
Adam Gaffney  
Barbara A. Smith  
Andrea Young



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## CITY COUNCIL REGULAR MEETING

### MINUTES

March 19, 2019

#### 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

Present: Mayor Hal Rose, Deputy Mayor Pat Bentley, Council Members Andrea Young, Adam Gaffney, John Dittmore, and Daniel Batchelor.

Also present: City Manager Scott Morgan, City Attorney Morris Richardson, Deputy City Manager Keith Mills, Finance Director Margi Starkey, Information Technology Director Tom Bradford, Human Resources Director Kimberly Gale, Police Chief Rick Wiley, Planning Director Christy Fischer, Jacobs Maintenance Supervisor Mike DeBerry, City Clerk Cynthia Hanscom, and other members of the public.

*Council Member Gaffney moved to excuse the absence of Council Member Barbara Smith. Mayor Rose seconded the motion, which passed 6-0.*

#### 4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

**Introduction of New Employees in the Police Department.** Chief Wiley introduced new Police Officers Kyle Brockell and Donn Maldonado, both who started with the City on March 8.

**Proclamation for Children's Home Society.** Mayor Rose presented a proclamation to Kenneth Parks with the Children's Home Society of Florida proclaiming April 1 as Children's Home Society of Florida Transformation Network Team (TNT) Launch Day.

#### 5. PUBLIC HEARINGS

**Residential Connectivity Code Revisions.** Planning Director Fischer stated this item had been advertised as a public hearing but she was asking Council to table the hearing until April 16.

*Deputy Mayor Bentley moved to table the advertised code revisions for establishing minimum secondary residential connections from March 19, 2019 to April 16, 2019. Council Member Batcheldor seconded the motion, which passed 6-0.*

**Vacate a Utility Easement on the Carlton Apartments Site.** Planning Director Fischer presented a request to vacate a 20-foot wide utility easement for the property that was being developed for Carlton apartments. She reminded Council that Carlton apartments was off of Hollywood Boulevard and located north of the West Melbourne Interchange Center. She explained the easement was originally provided on the site to provide access to utilities. The site was originally called the Square Lake property and was to have been developed as apartments. With the development of Hammock Landing, utilities were brought through and the easement was no longer needed. In addition, West Melbourne Interchange Center extended the water and sewer within its subdivision. She stated the vacation of the easement would not impact the City utilities and the site will have connections to water and sewer. Planning Director Fischer stated all other utilities will be notified to confirm that the easement is no longer needed. This will assist with development of the property.

Mayor Rose asked if there were other easements on the property. Planning Director Fischer replied that there was another easement for the water and the force main.

Mayor Rose asked if there any comments from the public. There being none, he closed the public hearing.

*Council Member Dittmore moved to approve Resolution No. 2019-07 vacating the utility easement on the Carlton Apartment site located on the west side of Hollywood Boulevard, across from Imagine Way. Council Member Gaffney seconded the motion, which passed 6-0.*

**Vacate a Portion of a Sewer Force Main Easement on Minton Cove Apartments Site.** Planning Director Fischer explained that the Minton Cove apartment site located off of Norfolk Parkway is built and needs to go through the same process to vacate a portion of a sewer force main easement. She stated the vacation would apply to only a portion of the easement and provided a map showing the portion that would be vacated. The original proposal for the site was for a single-family community and the easement would serve the public shopping center to the south. However, Hammock Landing was built and upgrades were made to the lift station to make it more of a regional lift station. She stated the vacation of the easement would not impact City utilities. She stated a new easement would need to be recorded that would include the southern portion of the sewer main. She asked that the resolution be approved with the condition that a new public utility easement be recorded for the existing sewer main.

Mayor Rose asked if there were any comments from the public. There being none, he closed the public hearing.

Mayor Rose asked about the dirt road and if there was a generator at this location. Planning Director Fischer confirmed that access to the lift station would remain and there was a permanent generator for this lift station.

*Council Member Young moved to approve Resolution No. 2019-08 vacating a portion of a 20-foot wide sewer force main easement on the Minton Cove Apartments site located on Norfolk Parkway east of Minton Road with the condition that a new public utility easement be recorded at the same time. Council Member Gaffney seconded the motion, which passed 6-0.*

## **6. PUBLIC FORUM**

There were no public comments received during the public forum.

## **7. CONSENT AGENDA**

*Council Member Young moved to approve the following consent agenda. Mayor Rose seconded the motion, which passed 6-0.*

- Approve the Regular City Council meeting minutes for Tuesday, March 5, 2019.

## **8. ACTION AGENDA**

**Comprehensive Annual Financial Report.** Finance Director Starkey presented the Comprehensive Annual Financial Report (CAFR) for year ended September 30, 2018. She stated that this was the first submission in the nine years that she had been with the City that was completed without a need for a time extension. She complimented her staff on working diligently and appreciated their hard work. She summarized the fund balances for the general fund and the enterprise funds. She noted that the fund balance for the general fund had decreased by \$2.6 million which was drawn down for capital improvements, notably for the park improvements and the Police Department expansion and other capital outlay.

Mayor Rose asked about the “other financial sources” listed and Finance Director Starkey explained that it was mainly for the transfer of funds for vehicles or bills of sale.

Mayor Rose asked about the balance for the stormwater fund and whether it was a concern. Finance Director Starkey stated that revenues for the stormwater fund would increase because of Council’s action last year to increase fees. She reminded Council that the fund does not reflect a \$95,000 budget amendment that occurred in January.

Yvonne Claiborne, audit partner with Carr, Riggs & Ingram, LLC (CRI), reviewed the auditor opinion stating that it was an unmodified or clean audit opinion, which is the highest level of audit assurance. She stated that this year there was an emphasis of matter paragraph related to a change in accounting principle for reporting post-employment benefit standards from GASB 75. The total impact of this change is a decrease of assets by about \$20,000, which is the smallest impact that she has seen based on the GASB 75 change. She reviewed the revenues, financial government-wide

statements on the full accrual accounting basis, and total debt which included the new standard for OPED liability, which was very small compared to other cities. She stated the City had a positive net position.

Mayor Rose asked about the obligation to the more senior employees. City Manager Morgan indicated it was the 401 plan for those employees who did not move to the Florida Retirement System (FRS). The obligation was included in the numbers shown in the report; he noted that no contributions were being made at this time because the plan has a surplus.

Deputy Mayor Bentley asked about the pension plan for the FRS employees. City Manager Morgan stated that each local agency accounts for its proportionate share; as the number of employees from West Melbourne increase, the proportionate share increases as well. Deputy Mayor Bentley expressed his concern that the FRS had chosen not to fully fund their plan.

Mayor Rose noted that there were some things listed, such as Field of Dreams, which occurred after year-end. Ms. Claiborne stated that there were known events that happened prior to the conclusion of the audit and the noted was added because of the impacts.

Ms. Claiborne stated there was no material weakness and the single audit for the DEP grant showed no findings and no compliance issues. She stated that the management letter included specific disclosures and testing. There was one recommendation for improvement related to strengthening the controls for segregation of duties.

Deputy Mayor Bentley asked about the City's debt. City Manager Morgan explained that the City had continued to pay down debt and made an extra principal payment on the 2007 debt which was at a higher interest rate. He noted the City was allowed to pay down an additional 15 percent of the remaining principal balance per year. Ms. Claiborne stated the only debt was for water and sewer and was low in comparison to other municipalities.

Ms. Claiborne thanked the City staff and the CRI team and congratulated the City on a good audit.

**2018-2019 Budget Amendment for the Police Department.** City Manager Morgan noted that there were significant items in the 2018 budget that had not been expended in the previous budget year. The City Council had authorized expenditures for the Police Department expansion and a Police vehicle mid-year in 2018. This amendment would replicate those budget amendments that were approved the previous year and would not change the total budget authorized for these items.

*Council Member Dittmore moved to adopt Resolution No. 2019-09 amending the budget for the fiscal year ending September 30, 2019. Deputy Mayor Bentley seconded the motion.*

Deputy Mayor Bentley asked about the \$60,000 for the Police vehicle. City Manager Morgan stated this amount includes the vehicle and all accessories.

Mayor Rose asked if there would be one less vehicle because one less position was needed for the school resource officer. City Manager Morgan explained that the department moved from having four spare vehicles to six spare vehicles, which he supported.

*Council voted on the motion to approve Resolution No. 2019-09, which passed 6-0.*

**Engineering Standards Manual and Code Amendments.** Planning Director Fischer presented code amendments to Chapters 74, 82 and 90 that would delete the technical specifications and allow for an engineering standards manual. A consolidated document would reduce misunderstandings that may occur with developers and provide drawings to clarify the standards. She noted that staff had been working on this since 2014 and Eric Flavell, the City's contract engineer, was present to answer any questions. She reported the Planning and Zoning Board met on March 12, 2019, and recommended approval.

City Attorney Richardson read in title only, Ordinance No. 2019-06:

**ORDINANCE NO. 2019-06**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO THE ADOPTION OF AN ENGINEERING STANDARDS MANUAL; AMENDING CHAPTER 74, DEVELOPMENT STANDARDS, ARTICLE II, OFF-STREET PARKING AND LOADING AREAS AND ACCESS, DIVISION 4, PARKING LOT CONSTRUCTION STANDARDS, AND ARTICLE IV. SOLID WASTE CONTAINMENT; CHAPTER 82, STREETS, SIDEWALKS AND PUBLIC WAYS; AND CHAPTER 90, UTILITIES TO REMOVE ANTIQUATED REFERENCES TO INFRASTRUCTURE EQUIPMENT AND OBSOLETE CONSTRUCTION PRACTICES IN THE CODE OF ORDINANCES; PROVIDING FOR INCLUSION OF THE REFERENCE TO THE "ENGINEERING STANDARDS MANUAL" IN THE CODE, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

*Council Member Young moved to approve the first reading of Ordinance No. 2019-06, deleting certain technical specifications in the code related to water, sewer, pavement, and adopting technical specifications in a West Melbourne Engineering Standards Manual. Council Member Dittmore seconded the motion.*

Mayor Rose asked about roadway materials such as crushed concrete, which does seem to hold up well. Mr. Flavell stated that crushed lime rock and asphalt millings do not hold up as a base and are excluded. Mayor Rose asked about testing of the roadway as it is built. Mr. Flavell stated the City had not tested in the past but now performs tests on roadways every few feet before accepting the roadway. Mayor Rose asked about crushed glass and Mr. Flavell stated that it was not listed as acceptable material but could be added to the manual in the future without changing the code.

*Council then voted on the motion to approve the first reading of Ordinance No. 2019-06, which passed with a 6-0 vote.*

**Land Development Regulations Moratorium on Road Extensions Beyond the City's Municipal Boundaries.** City Attorney Richardson stated that at the March 5 City Council meeting, he was directed to draft an ordinance to impose a temporary moratorium on roads extending beyond the City boundaries. The moratorium would be for a six-month period or until a regulatory ordinance is adopted, whichever is shorter. At the urging by Council and as discussed in January, he would be using outside assistance in drafting the regulatory ordinance.

City Attorney Richardson read in title only, Ordinance No. 2019-07:

#### **ORDINANCE NO. 2019-07**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, FLORIDA IMPOSING A TEMPORARY MORATORIUM ON APPLICATIONS FOR DEVELOPMENT ORDERS OR DEVELOPMENT PERMITS RELATING TO THE EXTENSION OF WEST MELBOURNE PUBLIC OR PRIVATE ROADS BEYOND THE CITY'S MUNICIPAL BOUNDARIES; PROVIDING FOR AN AREA IMPACTED, TEMPORARY MORATORIUM IMPOSED, EXTENSION OF MORATORIUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Council Member Batcheldor moved to approve on first reading Ordinance No. 2019-07, establishing a moratorium on applications for development approvals that would allow the extension of West Melbourne public and private roads beyond the City's municipal boundaries, for a period of six months or until a regulatory ordinance has been duly considered and acted upon by City Council, whichever time is shorter. Council Member Gaffney seconded the motion.*

Mayor Rose asked if the City Attorney had received any feedback on this proposal. City Attorney Richardson stated he had received a heated letter from the D.R. Horton attorney, but he had a conversation with their attorney and believes that it was understood that it is not the intention of the City to block the development but rather address the impacts that would occur for the City residents.

Mayor Rose asked who would be assisting in writing the regulatory ordinance. City Attorney Richardson stated it would be Scott Knox, who was the former attorney for Brevard County.

*Council then voted on the motion to approve the first reading of Ordinance No. 2019-07, which passed 6-0.*

## **9. MANAGEMENT REPORTS**

**Chief of Police.** Police Chief Wiley reported on the proposed summer program for the School Resource Officers. He stated that the Kids Rock program would be two groups of 40 children and would be held June 10-13. Not all of the SRO officers would be needed the entire time and would be rotated. The second program, Operation Integrity,

would be held June 17-20 and would also consist of two groups of 40 children each. He noted that children residing in West Melbourne would receive priority. He reported that food would be donated and many of the school staff had volunteered their time to assist with the program. Children would be required to bring a lunch. Council Members suggested that staff try and find contributions to provide lunches for the children.

Chief Wiley reported that he had contacted the Chiefs from Palm Bay and Melbourne and they had declined participation in the program. Mayor Rose asked why they had declined and Chief Wiley stated he believed that it was not within their jurisdiction and that they were going to see how well the program was received in West Melbourne.

Mayor Rose asked if the Brevard County Sheriff's Office would be volunteering. Chief Wiley indicated they had expressed their willingness to help. Mayor Rose also asked if the School Board had provided permission for the program and Chief Wiley responded that permission had been received.

Mayor Rose asked about the SROs that were available to work when school was not in session, such as over the holiday break. Chief Wiley stated that many took advantage of the opportunity to take vacation. In some cases, the officers supplemented the existing patrol or filled-in for patrol officers that were on vacation.

Mayor Rose also asked about training scheduled in July for School Resource Officers and why it was not held locally. Chief Wiley stated that the training was not offered locally. It would be held in Orlando and would last approximately two weeks. Mayor Rose asked to be provided a curriculum of the program.

Mayor Rose asked about utilizing the PAL program and Recreation staff to supplement the summer program staff. Chief Wiley noted that the program was not something that would be provided through a PAL program. The program was geared to impacting the children through contact with Police Officers and changing the perspective of the child.

Council Member Dittmore raised several questions about the PAL program and the checks and balances that were being done. Chief Wiley explained that it was a 501C not-for-profit program and followed the same requirements as that for other 501C entities. Council Member Dittmore spoke about the recent resignation of the PAL Coordinator and rumors surrounding that resignation. He stated he had asked about the resignation and felt that the explanation he had received was less than full disclosure and believed there was more information that should be provided. He stated that the information could be shared with Council individually.

*Council Member Dittmore moved to direct staff to do a fact-finding investigation on what took place with the resignation of the PAL Coordinator. Council Member Young seconded the motion.*

City Manager Morgan stated that he could provide Council with what is requested. Mayor Rose stated that he understood that this was a personnel matter and reporting to each Council Member should include the same information.

*Council then voted on the motion, which passed 5-1, with Council Member Batcheldor opposed.*

Chief Wiley continued his report of activities noting that he had met with a representative of the Extended Stay America to address concerns and informed Council of the implementation of a K-12 mutual link that would be a panic button for the administrative staff at the schools.

## **10. CITY COUNCIL REPORTS**

Council Member Dittmore had no report.

Deputy Mayor Bentley reported on attendance at the Melbourne Chamber, Palm Bay Chamber and Space Coast League of Cities. He noted that the League was asking for support on several issues but he believed they were political in nature.

Council Member Young reported she had attended the St. Patrick's Day parade in Melbourne and rode in the M-RAP. She was pleased that the West Melbourne Police Department was well-represented in the parade.

Council Member Batcheldor stated that a coyote had reportedly been spotted in West Melbourne. He also asked about the reporting structure for the PAL Coordinator and was told that the position reports to the Police Chief.

Council Member Gaffney reported he was participating in a Red Cross program called Sound the Alarm and would be canvassing at-risk neighborhoods and installing smoke alarms.

Mayor Rose reported that he had delivered Meals on Wheels for Aging Matters and encouraged others to volunteer for the program. He also reported that he had represented the Field of Dreams at a kickball event. Other meetings he had attended included the West Melbourne Business Association, Melbourne Chamber, Palm Bay Chamber and the Space Coast League of Cities. He reported that West Melbourne was doing well in the Mayor's Fitness Challenge and encouraged participants to exercise and report their minutes each week. He also wished everyone Happy Spring and reminded residents that their sprinkler systems should be adjusted because of daylight savings time.

## **11. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:04 p.m.