

MAYOR
Hal J. Rose

DEPUTY MAYOR
Pat Bentley

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



CITY HALL
2240 Minton Road
West Melbourne, FL 32904
Phone: (321) 837-7774
Fax: (321) 768-2390
www.westmelbourne.org

CHARTER REVIEW COMMITTEE

MINUTES

July 11, 2019

1. CALL TO ORDER

Chair Phrampus called the meeting to order at 6:01 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Phrampus led the pledge of allegiance.

3. ROLL CALL

Present: Chair Stephen Phrampus, Vice-chair Michele Rutledge, Committee Members Bill Mettrick, Chris Gibbs, and Matthew Brothers.

Absent: Committee Members Sandra Carbon and Sandra Michelson.

Committee Member Mettrick moved to excuse Sandra Carbon and Sandra Michelson. Committee Member Gibbs seconded the motion, which passed 5-0.

4. APPROVAL OF MINUTES

Chair Phrampus moved to approve the minutes of June 13, 2019. Vice-chair Rutledge seconded the motion, which passed 5-0.

5. MEETING RULES

Committee Members agreed to set a time limit on the meetings to 8:00 p.m. All members agreed.

Committee Member Brothers moved to require that motions must pass by a majority vote of those present. Vice-chair Rutledge seconded the motion, which passed 5-0.

6. SURVEY OF COUNCIL COMPENSATION

City Clerk Hanscom reviewed the survey conducted of those cities that were included in the salary and compensation survey of employees and asked for compensation levels for elected officials. Much of the information was available publicly through the City's charter. In most cases, the Mayor has a higher salary than the other Council members.

City Clerk Hanscom reviewed several differences including the monthly stipend that is provided by some cities in addition to the annual salary. She noted the City of West Melbourne officials are provided an annual increase according to the Consumer Price Index (CPI), which was not found in other charters. The City of Rockledge's charter provided for salaries to be increased by ordinance, which means the elected officials can increase their salaries without approval of the voters. Another difference is that many of the cities offer a monthly stipend in addition to the salary.

City Clerk Hanscom also noted that the form of governments were similar in that they were Council-Manager excepting the City of Orlando, which had a strong Mayor-Council form of government and the salaries for the elected officials was reflective of the difference.

City Clerk Hanscom also reviewed the benefits and noted that two of the cities surveyed required elected officials to pay the full cost of the benefits. The City of West Melbourne, like many of the other cities, offer health benefits at the same level as other employees.

Chair Phrampus asked if it would be beneficial to update the language to reflect what salaries are now with the increases that have occurred. City Clerk Hanscom noted that it would not change current practice and would need to be approved by the voters. She reminded the Committee that they should be selective on the number of changes.

Chair Phrampus asked if the amendments could be linked so that one vote could change several sections. City Clerk Hanscom stated that she would need to check with the City Attorney.

7. REVIEW OF CHARTER

City Clerk Hanscom reviewed Article I and Article II and the amendments that have occurred. Chair Phrampus distributed copies of the state statutes for home rule in Chapter 166 for further information. Committee Members saw no changes necessary for these two Articles.

City Clerk Hanscom noted that Article III addressed the elected officials and the powers and duties. She noted that staff suggested changes were proposed based on past issues. Staff was not necessarily recommending the changes but wanted the Committee to be aware of the suggested changes.

The Committee reviewed Sections 1-4 of Article III and had no proposed changes.

City Clerk Hanscom explained that a change to Section 5 was to allow for the Deputy Mayor to be selected by the Council every year. She noted when Council had 2-year terms there was an election every year. Since going to 4-year terms, there is no election in odd-numbered years. Therefore, to allow for the selection of a Deputy Mayor every year, the language was changed to select a Deputy Mayor in November.

Harry Stapor, 640 Manor Place, stated that the purpose of selecting a Deputy Mayor was to do so after the election. Therefore, he suggested the language include a statement that the Deputy Mayor should be chosen following the certification of the election. He noted that there were other areas of the charter would need to address the change to 4-year terms.

Committee Members discussed the Deputy Mayor serving for two years and whether that would be an issue. Committee Member Mettrick stated that he did not believe it would be an issue. Council had selected the same individual for Deputy Mayor in consecutive years in the past.

Committee Member Gibbs stated he believed the proposed language as provided by staff would accomplish what was being proposed by Mr. Stapor.

Committee Member Brothers moved to accept the change to Section 5 to state that a deputy mayor is selected every year in the third week of November. For those years with a general election, the deputy mayor shall not be selected until the election has been certified by city council. Committee Member Mettrick seconded the motion, which passed 5-0.

The Committee reviewed Section 6 which addressed terms of office. City Clerk Hanscom explained the second paragraph of this section addresses how the seats would run for 4-year terms based on the change from 2-year terms. This language could be changed to clean up some of the verbiage to simply say when the seats would run, but it would not change the current practice. Therefore, based on discussions with the City Attorney, it is recommended that the language stay the same.

Committee Members discussed having the elections held according to seat number. City Clerk Hanscom noted that this change occurred in 2006. She asked Mr. Stapor to provide a reasoning behind why this occurred. Mr. Stapor stated that it was done to remove the politics from the election. Having candidates run at large means that they are all running to represent the city rather than running against an individual.

Bob Willmarth, 261 Naylor Drive and former Council Member and Mayor, stated that a candidate had to select a seat. In many cases, the candidate would run against an individual that they felt they had a better chance of winning. He stated that the present system of running at large was much better.

Mayor Hal Rose noted that there could be reasons for running by seat versus at large. He noted that a weak council member could be voted out if a better candidate was running against him/her. In addition, the candidates are listed on the ballot in alphabetical order and some voters may not vote for a really good candidate that is

further down on the list. In addition, voters are told to select three candidates and may only select one. Voters may make more selections if there was one selection for each seat.

Committee Member Brothers stated he could see reasons for running according to seat. For example, if you strongly disagreed with a council member, you could run against him/her in the next election by running by that specific seat number. He also agreed the voters may only select the first three on the list.

Chair Phrampus stated he believed it was the candidate's job to go out to the residents to garner support. Therefore, he was in favor of the current system.

City Clerk Hanscom noted that running by seat number would fall under Article IV so this issue may come back to the Committee when that is reviewed.

Committee Member Mettrick moved to not make any changes to Section 6. Committee Member Gibbs seconded the motion, which passed with a 5-0 vote.

The next section reviewed was Section 7, which was on compensation for mayor and council members. City Clerk Hanscom stated staff had chosen not to make any recommendations on this section. She noted that information had been provided to members from Charles Settgast on his concerns. The Committee reviewed the information provided via email from Mr. Settgast.

City Clerk Hanscom explained previous charter committee members had revised the charter to use the word "remuneration" to include all compensation for council. It was the goal of the committee members to use this word so that it would include all benefits. However, the previous City Attorney had opined that the word "remuneration" would not include benefits. As a result, the City Council had approve health benefits for elected officials.

Chair Phrampus stated he had looked up the definition of "remuneration" in several locations and stated he would agree with Mr. Settgast and did not understand how the City Attorney at that time would recommend that it would not include benefits. However, he stated that he did not see a problem with providing benefits to Council Members. Committee Member Brothers agreed that he did not see a problem with Council Members receiving benefits. He noted that he had reviewed the email from Mr. Settgast and disagreed that someone would run for Council solely to receive the health benefit.

Chair Phrampus stated that if the language stays the same, there would be no change in current practice. Committee Member Brothers suggested that the wording be changed to clearly state what should be included in the compensation for Council.

Mr. Willmarth stated that it was the clear intent that the salary would pay for everything. He stated that no one would run for Council to get rich and it was not meant to be a full-time job.

Mr. Stapor commented that the money paid to Council is collected from residents and businesses in the City and the cost of providing is through public funds. The cost of providing benefits is double the amount of money provided for council salaries. This did not go to the voters for consideration. He noted that the comments at the time when considering health benefits from Council Members was that it was not for the sitting board but was to encourage others to run for council. He stated that serving on council was not like a full-time job and should not receive full-time benefits. He felt the public got “duped” and there was a loss of integrity.

Chair Phrampus asked about Council Members receiving benefits. City Clerk Hanscom noted that all Council Members have chosen the health benefit. In some cases, if alternate health care was available to the Council Member, the dental and vision only benefit was chosen.

Committee Member Brothers stated, although he did not see an issue with council receiving health benefits, it was troubling on how it occurred. He stated that it needed to be clarified. Vice-chair Rutledge agreed and stated that it needed to be transparent going forward so the voters know.

Chair Phrampus asked, if language only included specifics regarding the salary and nothing about benefits, would that restrict what benefits could be provided. City Clerk Hanscom stated that excluding the language in the Charter on the prohibition of benefits would allow Council to consider providing the benefits.

Vice-Chair Rutledge stated that she believed it should be spelled out. She also recommended that any loophole to take a payout for not taking the benefit should not be permitted. Committee Members agreed.

Committee Members discussed an option for retirement and asked that clarification be provided on the state law that requires retirement be provided for elected officials that have served 20 years.

Chair Phrampus also asked that the cost of adding the elected official class to the City’s retirement system with FRS be provided to the committee. He said that this is more beneficial than health benefits. He would like to see Council Members awarded for the time that they have served.

The Committee asked that they continue discussion Section 7 at the August meeting.

The Committee then reviewed Section 8 on prohibitions for Council and the Mayor. No changes were suggested by staff.

The Committee reviewed Section 9 on forfeiture of office. Mr. Stapor stated the spirit and intent of government in the sunshine was to be able to attend and view the proceeding. However, when a Council Member attended remotely, that could not be done. He suggested that the fourth item include a statement on being physically present. And suggested that remotely attending three consecutive meetings could be considered as grounds for forfeiture of office.

Mr. Stapor also suggested that a fifth item be added stating that remotely participating in more than three regular meetings in any calendar year would be grounds for forfeiture of office.

Committee members discussed the sunshine law and whether or not physical attendance was required at meetings. It was asked that verification be obtained on whether physical attendance was required. It was noted that the member attending remotely would not count toward meeting the quorum. The Committee would come back to address this section once that information was provided.

8. PUBLIC COMMENTS

Mayor Rose suggested that any motion should pass with at least 4 affirmative votes. Committee members agreed to discuss this at the next meeting.

9. ADJOURNMENT

Committee Member Mettrick moved to adjourn the meeting at 8:01 p.m. Chair Phrampus seconded the motion, which passed 5-0.