

MAYOR
Hal J. Rose

DEPUTY MAYOR
Pat Bentley

COUNCIL MEMBERS
Daniel Batcheldor
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

CITY COUNCIL REGULAR MEETING

MINUTES

September 9, 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 (arrived at 6:48 p.m.), Barbara Smith, Adam Gaffney, John Dittmore, and Daniel Batcheldor.

Also present: City Manager Scott Morgan, City Attorney Morris Richardson, Finance Director Margi Starkey, Information Technology Director Tom Bradford, Police Chief Rick Wiley, Planning Director Christy Fischer, Public Works Director Mark Piccirillo, Jacobs Project Manager Brian Mascher, Deputy Building Official James Parsons, City Clerk Cynthia Hanscom, and other members of the public.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Presentation of Life Saving Award to Eric Rothery. Titusville Police Chief John Lau, representing the Police Chief's Association, presented a Life Saving Award to Sergeant Eric Rothery.

Introduction of New Employee in the Police Department. Chief Wiley introduced Administrative Assistant Charnell Parthemore, who started with the City on August 28, 2019.

Proclamation to the Space Coast Economic Development Commission. Mayor Rose presented a proclamation to Nancy Peltonen, President and CEO of the Space Coast Economic Development Commission, in support of the "Salute our Military" campaign.

5. PUBLIC HEARINGS

Proposed FY 2019-2020 Millage Rate and Budget. City Manager Morgan presented the 2019-2020 budget. He began by explaining how this first hearing had been properly re-advertised from the cancelled tentative budget hearing of September 3 due to Hurricane Dorian. He noted the total budget was \$36.5 million, which is 1.2 percent increase. The General Fund budget is \$15.67 million, a decrease of more than 10 percent because of the large reduction of capital improvement expenditures. He noted that personnel costs had increased by 2.6 percent and maintenance and operations had increased by 3.6 percent. He presented graphs showing revenues and expenditures and reviewed the amounts in the City's reserve accounts for various funds. He noted that the total number of employees was proposed to be 138 full-time and 6 part-time, which was reduced by the PAL Coordinator position. City Manager Morgan then reviewed the largest notable budget items, which included the purchase of water, proposed engineering costs for a water main along the M-1 canal and the replacement of several water mains around Melbourne Estates, debt service payments, contracted services for wastewater operations and maintenance, and construction of a new water main serving the westerly part of West Melbourne.

Council Member Andrea Young arrived at 6:48 p.m.

City Manager Morgan stated the proposed millage rate is 2.6017 mills, which is the same as the current rate. This represents a 5.11 percent increase from the rolled back rate of 2.4753. Based on discussions at the July 16 City Council meeting, City Manager Morgan presented an alternate millage rate of 2.5400, with an estimated revenue reduction of \$103,000. The alternate millage rate would be a 2.61 percent increase over the rolled-back rate. The average West Melbourne homeowner would pay a year-over-year increase of about \$7 if the recommended rate is approved and a year-over-year increase of \$1 if the alternate rate is approved.

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

Deputy Mayor Bentley asked about capital fees trust fund. City Manager Morgan stated there was \$12.1 million paid developers for water and sewer connection fees. These funds can only be used for water and sewer debt service or water and sewer capital projects.

Mayor Rose asked how the \$600,000 from reserves would be spent in the proposed budget. City Manager Morgan noted that the general fund budget has projected revenues of \$15 million and expenditures of \$15.6 million. There would be expenditures of \$2.3 million in capital improvements, which could be considered as one-time costs. Therefore, he felt comfortable in recommending budgeted use of reserves in the approximate amount of \$600,000.

Mayor Rose indicated that the current year's budget had been modified several times throughout the year. City Manager Morgan agreed that there had been modifications but reminded Council that some funds had not been spent, such as the funds provided for the construction of Heritage Oaks Boulevard extension. He believed the actual outcome would not require a draw on reserves because general fund revenues are projected to be higher than general fund expenditures.

Council Member Smith moved to approve a tentative fiscal year 2019-2020 millage rate of 2.6017 per thousand dollars of taxable value. Council Member Young seconded the motion. The motion passed 4-3, with Deputy Mayor Bentley and Council Members Gaffney and Dittmore opposed.

Council Member Young moved to approve the tentative 2019-2020 budget. Council Member Smith seconded the motion, which passed 5-2, with Deputy Mayor Bentley and Council Member Dittmore opposed.

Council Member Young moved to set a public hearing for 6:30 p.m. on Tuesday September 17, 2019, to consider final adoption of the 2019-2020 millage and budget. Mayor Rose seconded the motion, which passed unanimously.

Rezone Properties Within the Community Redevelopment Area on Stephenson Drive, Bossieux Boulevard, and Bry-Lynn Drive to Commercial New Haven (C-NH). Planning Director Fischer presented the rezoning for properties on Bossieux, Stephenson and Bry-Lynn to Commercial New Haven. She reminded Council that this was being done because of long-standing discrepancies between the future land use and the zoning. The rezoning would allow the single-family uses to continue to exist and the properties could be redeveloped as residential uses. She stated that the rezoning may change the character of the neighborhood over the years as commercial uses would be permitted.

City Attorney Richardson read Ordinance Nos. 2019-17 and 2019-19 in title only:

ORDINANCE NO. 2019-17

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING PARCELS OF LAND INCLUDED IN THE COMMUNITY REDEVELOPMENT AREA, GENERALLY LOCATED OFF NEW HAVEN AVENUE, ALONG BOSSIEUX BOULEVARD, STEPHENSON DRIVE, AND BRY-LYNN DRIVE, AND AS MORE FULLY DESCRIBED HEREIN, FROM R-1A (SINGLE-FAMILY RESIDENTIAL) TO CITY OF WEST MELBOURNE C-NH (COMMERCIAL NEW HAVEN); PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2019-19

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING PARCELS OF LAND INCLUDED IN THE COMMUNITY REDEVELOPMENT AREA, GENERALLY LOCATED OFF NEW HAVEN AVENUE, ALONG BOSSIEUX BOULEVARD, AND AS MORE FULLY DESCRIBED HEREIN, FROM R-1A (SINGLE-FAMILY

RESIDENTIAL) TO CITY OF WEST MELBOURNE C-NH (COMMERCIAL NEW HAVEN); PROVIDING AN EFFECTIVE DATE.

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

Deputy Mayor Bentley moved to adopt Ordinance No. 2019-17, rezoning residential parcels on Stephenson, Bossieux, and Bry-Lynn streets in the Community Redevelopment Area (CRA) to Commercial New Haven (C-NH) to be consistent with their Commercial Future Land Use designation. Council Member Gaffney seconded the motion, which passed unanimously.

Council Member Gaffney moved to adopt Ordinance No. 2019-19, rezoning three additional residential parcels on the west side of Bossieux Boulevard in the Community Redevelopment Area (CRA) to Commercial New Haven (C-NH) to be consistent with their Commercial Future Land Use designation. Deputy Mayor Bentley seconded the motion, which passed unanimously.

Annual Stormwater Utility Budget and Assessment Roll. City Manager Morgan presented the 2019-2020 stormwater utility assessment, which adopts the stormwater fund budget and certifies the assessment with no change in the methodology and rates. These funds are used exclusively for stormwater purposes. He predicted this would generate \$617,000 in revenue.

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

Deputy Mayor Bentley moved to approve Resolution No. 2019-19 adopting the 2019-2020 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.

Mayor Rose asked about the negative fund balance in the stormwater fund. City Manager Morgan stated that the goal is to return to a positive fund balance by the end of the 2020-2021 budget year. He predicted that there may be additional expenditures in the 2019-2020 budget year for projects that may be eligible for grant funding. Mayor Rose asked if those grants would require matching funds. City Manager Morgan replied that it was a possibility depending upon the grant. This would require additional borrowing.

Council then voted on the motion to adopt Resolution No. 2019-19, which passed unanimously.

Code Amendment to Modify Qualifying Period. City Clerk Hanscom presented the second reading of an ordinance to modify the qualifying period for elections to

accommodate the need for the Supervisor of Elections to have ballot language prior to the end of the qualifying period.

City Attorney Richardson read Ordinance No. 2019-21 in title only:

ORDINANCE NO. 2019-21

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA RELATING TO QUALIFYING TO RUN FOR CITY COUNCIL; AMENDING CHAPTER 22, SECTION 22-2 OF THE CODE OF ORDINANCES RELATING TO THE TIME OF QUALIFICATION FOR MUNICIPAL ELECTIONS; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

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

Council Member Young moved to adopt Ordinance No. 2019-21 to modify the qualifying period for candidates for Mayor and Council. Council Member Gaffney seconded the motion.

Mayor Rose asked, based on a citizen comment, on the necessity of a multi-language ballot when it was required to speak and read English as part of the citizenship test. City Attorney Richardson stated that there were several exceptions to the English requirement on the citizenship test, such as age and how long an individual has lived in the country.

Council then voted on the motion to adopt Ordinance No. 2019-21, which passed unanimously.

6. PUBLIC FORUM

Jason Cole, 2780 Madrigal Lane, stated that the quality of life in his community was suffering. The energy plant constructed on the Calvary property was directly behind the pond from his home. It was noisy and loud and compared the sound to travelling on I-95 with the windows down. There was also a high-pitched squealing noise. He stated he had made several calls to the church and was disappointed in the lack of response.

Rui Ribafeita, 2777 Madrigal Lane, stated the building being built for the chiller on the Calvary Church property was an eyesore. He was one row of houses removed from the building and was subject to the noise created by the compressors. He stated it was excessive and continuous. There were several modes of the noise, sometimes shrilling, which created vibrations throughout his home. He had contacted the police but there was nothing that they could do about the problem. He believed it was a chiller for the air conditioning for the Calvary Church. The building contained space for three

compressors but there were only two that had been installed. When the bay doors are open, the sound is loud and at a constant high frequency.

City Attorney Richardson reminded Council the provisions of the code that prohibited loud, disturbing noises. He noted there were the typical exceptions for lawn care devices and prohibitions for construction noise beyond the hours of 7:00 a.m. to 11:00 p.m. He reminded Council that the code was not written to enforce based on decibel levels. Because of the level of reasonableness, the noise issue could be enforced through code enforcement.

Several Council Members spoke on visiting the site and conversations with Calvary Church staff members.

City Manager Morgan stated staff will continue to reach out to the church to find out more information. Mayor Rose asked that staff report back to Council on this issue.

7. CONSENT AGENDA

Council then considered the following consent agenda:

- A. Approve the Regular City Council meeting minutes for Tuesday, August 20, 2019.
- B. Adopt Resolution No. 2019-18 declaring Kai to be surplus property and authorize the City Manager to sell Kai to Sergeant Kieran Griffin for the sum of \$1.00.

Mayor Rose asked about the sale of the K-9. Police Chief Wiley stated that there were issues with dog and it could not be repurposed. Other Council Members expressed concern with selling the dog when it may be useful to another agency and that it could be sold by the buyer. City Attorney Richardson stated that it would be difficult to add something in the bill of sale that prohibited reselling the dog. Chief Wiley stated another department would not be interested in this dog as it had documented medical and training issues.

Council Member Gaffney moved to approve the consent agenda. Council Member Young seconded the motion, which passed unanimously.

8. ACTION AGENDA

Purchase of Police Administrative Vehicle. Police Chief Wiley reminded Council that they had approved the pre-purchase of vehicles for the Police Department for the 2019-2020 budget year. He was requesting that the Department be allowed to replace a budgeted motorcycle with an administrative vehicle. He stated that the department had the use of the PAL van, but it was in poor shape. He noted that this change would not impact the proposed budget as it was replacing an approved vehicle and would result in a cost savings. He added he had looked at other options and proposed, rather than a

pick-up, a Ford Explorer base model be purchased under the State contract for \$25,800. He explained the vehicle would also be used by the evidence custodian and for transporting evidence as well as other errands.

Deputy Mayor Bentley asked if another City vehicle could be used. City Manager Morgan noted that there was the PAL van which was proposed to be replaced in the 2020-2021 budget year. He noted that there were vehicles at City Hall that could be shared. For the 2019-2020 budget, he was proposing to add a pooled vehicle from one that would be replaced but was in somewhat reasonable repair. Council discussed if this pooled vehicle could be used by the Police Department.

Mayor Rose stated that if the Police Department no longer wanted to replace a motorcycle, he would rather save the money in the budget. He suggested an administrative vehicle for the Police Department be placed in the 2020-2021 budget.

Council Member Dittmore suggested the replacement of the PAL van be moved up to this budget year. City Manager Morgan believed that would be a reasonable request if there was agreement among Council.

Mayor Rose also asked if police cars could be converted. City Manager Morgan noted vehicles had high mileage and were being replaced according to the approved vehicle replacement plan.

Council Member Gaffney stated he did not see an issue with the purchase. It was not large and would result in a savings compared to budget.

Council Member Gaffney moved to approve the purchase of a base Ford Explorer at \$28,500 to be used as an administrative vehicle for the Police Department. Council Member Smith seconded the motion.

Council continued to discuss the use of a vehicle for City business and that some employees use their personal vehicles to run errands. Because of liability issues, it was suggested there be a policy requiring use of a City vehicle, if available.

Council Member Smith stated that City Hall will have three pooled vehicles and she did not see the issue of the Police Department having one vehicle that could be shared among the employees. In addition, the additional vehicle would help to alleviate the concerns with employees driving their personal vehicles for City business.

Mayor Rose asked about the motorcycle unit. Chief Wiley stated that he would like to have four in the unit but they were down to two motor officers. They currently have three motorcycles, which is why Chief Wiley was proposing that the additional motorcycle not be purchased at this time.

Council then voted on the motion to approve the Police Departments pre-purchase of a Ford Explorer administrative vehicle, which passed 6-1, with Mayor Rose opposed.

9. CITY COUNCIL REPORTS

Council Member Smith commented on the previous week that was spent waiting for Hurricane Dorian. She expressed appreciation for the City employees that were doing what they needed to do and went above and beyond to ensure that residents were safe.

Council Member Batcheldor echoed Council Member Smith's comments on the City's employees and stated that he was proud of the employees and the leadership of the City as setting the example. He commended City Manager Morgan and all of his staff.

Council Member Gaffney agreed with the compliments on the City staff and was glad to see that the City had been spared from the major impacts of Hurricane Dorian. He asked for the public's support for the Bahamas, which was devastated by the storm.

Council Member Dittmore thanked Police Chief Wiley for the tour he had provided of the City's Emergency Operations Center. He urged staff to begin working on a policy for driving personal vehicles while on City business.

Deputy Mayor Bentley agreed with the compliments provided on the City's employees.

Council Member Young stated that she had personally experienced the issues of the car loop for the Imagine School and noted that vehicles were traveling very fast on Snicole Road. She suggested the consideration of a stop sign.

Mayor Rose agreed that all of the City staff had worked very hard to prepare for Hurricane Dorian. He reported he attended the Civilian Military meeting and was invited to the General's house. He also reported he attended a meeting for the Mayor's Fitness Challenge which would occur in February and March of 2020. He encouraged participation to promote a healthier community. He also reported he had volunteered at Hanger No. 4 at the airport for hurricane relief for the Bahamas, which was a rewarding experience. He encouraged the public to provide support.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 8:56 p.m.