

MAYOR
Hal J. Rose

DEPUTY MAYOR
John Dittmore

COUNCIL MEMBERS
Daniel Batchelder
Pat Bentley
Adam Gaffney
Barbara A. Smith
Andrea Young



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www.westmelbourne.org

To: Mayor Rose, Members of the City Council,
Department Heads and Subscribers

From: Scott Morgan, City Manager

A handwritten signature in blue ink that reads "Scott Morgan".

Date: November 27, 2019

Subject: Friday Memo

Introduction

This Friday Memo (special Wednesday edition) is for the week of November 25 through November 27. Anyone wanting to be added to the distribution list may contact Tammy Neal at 837-7771 or tneal@westmelbourne.org. As always, if there are any questions or comments on items described in this memo, or on any other City matter, please call.

Sylvan Drive Septic to Sewer Construction Update

The City's construction contractor, Atlantic Development of Cocoa, continues to make good progress. Except for the top slab, all of the lift station wet well has been successfully installed. The next significant construction task will be to start to install the deep manholes nearest the lift station.

Melbourne City Council Meeting to Consider Doing Away with Optimal Fluoridation

On Tuesday evening, Deputy Mayor Dittmore, Council Member Batchelder, Council Member Bentley and I attended the City of Melbourne City Council meeting where the Melbourne City Council again considered, for the third time this year, not supplementing fluoride to the optimal level as has been done continuously since 1966 with great public health benefit and without any ill health effects. The Melbourne City Council voted 4-3 to continue providing optimum fluoridation of the public water supply.

City Hall Closed for Thanksgiving

City Hall will be closed tomorrow, Thanksgiving Day, and Friday, the day after Thanksgiving. I am thankful for all the dedicated employees of the City of West Melbourne and the opportunity we have each day to serve the good citizens and businesses of our community.

Hometown News Ad for 60th Anniversary

Thanks to our wonderful City Clerk Cynthia Hanscom, we placed a full page ad in this week's Melbourne-West Melbourne *Hometown News*. This includes the 60th anniversary barbeque at West Melbourne Community Park a week from this Friday December 6. Tickets for the barbeque may be purchased through the eventbrite web site.

Veterans Memorial Complex Flag Pole Dedication 11:00 a.m. on Tuesday December 3

This Tuesday December 3 at 11:00 a.m. will be a dedication ceremony for the five newly donated flag poles installed between the VMC handball courts and Minton Road. In preparation, this past Tuesday, Parks crew members limbed up the large palm tree nearby so as to better open up the views of the flag poles. Each of the five poles will fly the flag of one of the five branches of the armed services.

Capital Improvement Project Planning and Budgeting

On Tuesday evening's City Council agenda are two capital improvement agenda items. The first is to amend the current year budget to pull forward from 2020-2021 projects that are able to get underway earlier than had been planned when we held our Capital Improvement Plan (CIP) budget workshop last Spring. The second is the annual update of the five year CIP. Attached as "Attachment 3" is a spreadsheet summary of the estimated costs of designing and constructing capital improvement projects, sorted by year and function, in the proposed annual update of our Five Year CIP. If the Council approves the proposed resolution advancing certain projects to this budget year, the five year CIP will be amended accordingly.

Buena Vida Cottages Land Use Consideration

The second reading of the comprehensive plan map amendment and zone change ordinances for a proposed 24-unit senior citizens housing development behind the Cheddars restaurant on US 192 have been noticed for City Council public hearing on December 3, but staff is requesting a continuance to the Council meeting of December 17.

2019-2020 Citizen Leadership Academy

The third class session for West Melbourne's 2019-2020 citizen leadership academy will be held on Wednesday December 4. That session will focus on budget and finance.


Water Main Construction Bids Sought

Sealed construction bids for our Columbia Lane-Brandywine water main project are being sought and are due December 10.

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- Attachments:
1. December Monthly Calendar.
 2. Six Month City Council Agenda Planning Calendar.
 3. Spreadsheet Summary of Proposed Annual Update to Five Year CIP.
 4. Departmental Friday Memos.

December 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 6:30 City Council	4 11:15 Greater Palm Bay Chamber of Commerce	5 7:00 a.m. Melbourne Regional Chamber Business Breakfast	6 4:30 60th Anniversary Dinner 6:30 Annual Tree Lighting	7
8	9 7:00 Space Coast League of Cities Dinner	10	11 11:30 West Melbourne Business Assoc 6:30 Planning & Zoning Bd	12 6:30 Charter Review Committee	13	14
15	16	17 6:00 CRA meeting 6:30 City Council	18 7:00 Bd of Adjustment	19 5:30 Code Enf Bd - cancelled	20	21
22	23	24 Christmas Eve  Offices Closed	25 Christmas Day  Offices Closed	26	27 5:00 Food Truck Friday	28
29	30	31				

Six Month City Council Agenda Planning Calendar

Council Date	Presentations/Workshops/Ceremonies/Public Hearings	Consent/Action Items/Management Reports
3-Dec Regular Meeting 6:30 p.m.	<p>Introductions of New Employees - Police Officers Thomas Garrity, Mark Knott, Brendan Lussier, and Joshua Perez-Lopez (Rick)</p> <p>Public Hearing - Second Reading - Comp Plan Amendment and Rezoning for Buena Vida's Woodland Cottages Postpone to 12/17 (Christy)</p> <p>Public Hearing - Second Reading - Annexation of Acquest Property (postponed from 11/19) (Christy)</p> <p>Public Hearing - Second Reading - Comp Plan Amendment and Rezoning to Gateway Interchange for Acquest Property (Christy)</p>	<p>First Reading of Ordinance - Annual Update of Five Year Capital Improvement Plan (Scott) (action)</p> <p>Resolution Approving Capital Improvement Budget Adjustments (Scott) (action)</p> <p>Resolution to Modify the Council's Meeting Rules and Order Regarding Remote Participation (Morris) (action)</p>
17-Dec CRA Meeting 6:00 p.m.		Approval of CRA Meeting Calendar for 2020 (Christy) (CRA)
17-Dec Regular Meeting 6:30 p.m.	<p>Introduction of New Employee - Lead Mechanic Robert Simcox (Mark)</p> <p>Public Hearing - Second Reading - Annual Update of Five Year Capital Improvement Plan (Scott)</p> <p>Public Hearing - Second Reading - Comp Plan Amendment and Rezoning for Buena Vida's Woodland Cottages (postponed from 12/3) (Christy)</p>	<p>Resolution Adopting 2020 City Council Meeting Dates (Cynthia) (consent)</p> <p>Award of Construction Bid - Columbia Lane-Brandywine Water Main (Keith) (action)</p> <p>First Reading of Ordinance on Road Connectivity (Morris) (action)</p> <p>Award of Bid - Veterans Memorial Complex Irrigation and Landscaping Project (Keith) (action)</p> <p>Resolution Allocating Transportation Impact Fees for Roadway Improvement Projects and Amending 2019-2020 Capital Improvement Project Budgets (Scott) (action)</p> <p>Acceptance of the Fell Road Right-of-Way Between Max K. Rodes Park and the Minton Road Right-of-Way from Brevard County (Scott) (action)</p> <p>Extension of Interlocal Agreement with Brevard County for Installation and Maintenance of SCAT Bus Shelters (Scott) (consent)</p>
7-Jan Regular Meeting 6:30 p.m.	<p>Presentation - ABC Volunteer of the Year (Mayor Rose)</p> <p>Presentation - 2019 Year in Review (Mayor Rose)</p> <p>Public Hearing - Second Reading of Ordinance on Road Connectivity (Morris)</p>	<p>Selection of Banking Institution for Servicing City Accounts (Margi) (action)</p> <p>Modification of Interlocal Agreement with Brevard County for Energy Cost Sharing of Proposed New FP&L Street Lighting Along the West Side of Minton Road from Henry to Just South of Flanagan (Scott) (action)</p>
21-Jan Regular Meeting 6:30 p.m.		<p>2019 Annual Police Department Report (Rick) (mgmt reports)</p> <p>First Quarter 2019-2020 Budget Status Report (Margi) (consent)</p>
4-Feb Regular Meeting 6:30 p.m.		Award of Construction Bid - M-1 Canal Water Main (Keith) (action)

Six Month City Council Agenda Planning Calendar

Council Date	Presentations/Workshops/Ceremonies/Public Hearings	Consent/Action Items/Management Reports
18-Feb Regular Meeting 6:30 p.m.	Proclamation - March as Irish-American Heritage Month (Cynthia)	Reappointment of Pat Bentley and/or Scott Morgan or Appointment Otherwise of One or Two City Residents to West Melbourne Police Officers Pension Board of Trustees for Four Year Terms (Cynthia) (action) Fiscal Year 2018-2019 Comprehensive Annual Financial Report (Margi) (action)
3-Mar CRA Meeting 6:00 p.m.		CRA Annual Report (Christy) (CRA)
3-Mar Regular Meeting 6:30 p.m.	Proclamation - April as Water Conservation Month (Cynthia)	Council Receipt of Annual CRA Report (Christy) (consent)
17-Mar	No Council Meeting - Presidential Preference Primary Election	
7-Apr Workshop 5:30 p.m.	Workshop - Annual Update of City Council's Near-Term Strategic Priorities for Fiscal Year 2020-2021 Budget Development (Scott)	
7-Apr Regular Meeting 6:30 p.m.	Public Hearing - Possible Vacation of Entirety of Espanola Way West of Carolina Street Should Property Not Be Needed for Possible City Well Site or Partial Vacation Reserving Easement for Needed City Well Site (Christy)	
21-Apr Regular Meeting 6:30 p.m.		Quarterly Statistical Report for Police Department (Rick) (mgmt reports) Second Quarter 2019-2020 Budget Status Report (Margi) (consent)
5-May Regular Meeting 6:30 p.m.		
19-May Regular Meeting 6:30 p.m.		
2-Jun Regular Meeting 6:30 p.m.		

Proposed 2020 Update to Five Year Capital Improvement Program

Improvement Type	FY 2019-2020	FY 2020-2021	FY 2021-2022	FY 2022-2023	FY 2023-2024	Totals
Parks and Recreation	\$ -	\$ 535,000	\$ -	\$ 750,000		\$ 1,285,000
Water	\$ 5,300,000	\$ 2,470,000	\$ 2,000,000	\$ 3,050,000	\$ 10,850,000	\$ 23,670,000
Sewer	\$ 4,640,000	\$ 1,325,000	\$ 6,745,000	\$ 690,000	\$ 400,000	\$ 13,800,000
Stormwater	\$ 49,000	\$ 3,850,000	\$ 200,000	\$ 660,000	\$ 670,000	\$ 5,429,000
Transportation	\$ 1,200,000	\$ 566,000	\$ 725,000	\$ 1,500,000	\$ 325,000	\$ 4,316,000
Totals by Fiscal Year	\$ 11,189,000	\$ 8,746,000	\$ 9,670,000	\$ 6,650,000	\$ 12,245,000	
Five Year Total						\$ 48,500,000

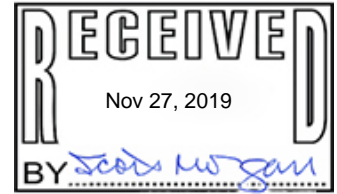
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To: Mayor Rose and Members of the City Council
Through: Scott Morgan, City Manager
From: Morris Richardson, City Attorney **MR**
Date: November 27, 2019
Subject: Friday Memo (Thanksgiving Wednesday Edition)

The Legal Department Friday Memo provides news and information on legal issues affecting the City. If you have any questions regarding this report, please contact me.

Proposed Modification to the Council’s Meeting Rules Regarding Remote Participation

During its decennial review of the City Charter, the Charter Review Committee considered proposing a Charter amendment that would restrict the ability of council members to remotely participate in City Council meetings. The Committee asked whether the Sunshine Law currently addresses remote participation in City Council meetings. I provided the following analysis.

Section 286.011(1), Florida Statutes, Florida's Government-in-the-Sunshine Law, states:

All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

The Sunshine Law contemplates that meetings of boards such as the City Council will be held in a public place with the members physically present. The City Charter also requires that all meetings of the Council shall be open to the public and shall be held within the city limits.

On a number of occasions, Florida’s Attorney General has issued opinions regarding the conduct of public business by electronic means and whether this practice complies with the Sunshine Law. The Attorney General’s Office has concluded that “the participation of an absent member by telephone conference or other interactive electronic technology is permissible when such absence is due to extraordinary circumstances such as illness.” AGO 03-41; see also AGO 02-82 (physically disabled members of a committee could participate and vote on board matters by electronic means if they are unable to attend); AGO 92-44 (county commissioner who was physically unable to attend a meeting because

of medical treatment could participate in the meeting by using an interactive video and telephone system).

The Attorney General cautions, however, that “the participation of an absent member in the meeting by telephone conference should be permitted only in extraordinary circumstances and when a quorum of the board members is physically present at the meeting. Whether the absence of a member due to a scheduling conflict constitutes such a circumstance is a determination that must be made in the good judgement of the board.” AGO 03-41. The Attorney General’s Office “has been reluctant to extend the participation in public meetings of public officials by electronic means to situations other than those involving a serious medical condition and the presence otherwise of a quorum at the public meeting place.” AGO 02-82.

I advised the Charter Review Committee that remote participation is addressed in the City Council’s Meeting Rules and Order, specifically in Section 3.5 – Attendance by Communications Technology Media, which generally follows the intent of the Sunshine Law. I reported that minor revisions to Section 3.5 should be considered by the City Council in light of the above-cited Attorney General opinions.

Because remote participation is already regulated by the Sunshine Law and subject to changes in technology and developing case law, the Charter Review Committee decided that the Council Meeting Rules and Order is a better vehicle to address the subject than the City Charter. At its meeting on October 10, the Committee decided not to recommend a Charter amendment regarding remote participation. Instead, the Committee directed staff to communicate to the City Council the need to update the Meeting Rules and Order.

Accordingly, I prepared Resolution No. 2019-24 for the City Council’s consideration. If approved, the resolution will amend Section 3.5 of the Meeting Rules and Order to read as follow (deletions are indicated in strikethrough, and additions in underline):

A. ~~Councilmembers~~A council member who, due to extraordinary circumstances such as a physical disability or illness, is unable to attend a scheduled council meeting, may participate and vote in a council meeting by the use of communications media technology, that is currently utilized by the city, provided a quorum is physically present at the meeting and a majority of the council members present vote in favor of approving such participation.¹ ~~The~~An absent council member may not be counted for purposes of constituting a quorum.

¹ Whether the absence of a council member constitutes an extraordinary circumstance is a determination that must be made in the good judgment of the city council. (AGO 03-41). The Attorney General’s Office “has been reluctant to extend the participation in public meetings of public officials by electronic means to situations other than those involving a serious medical condition and the presence otherwise of a quorum at the public meeting place.” (AGO 02-82).

B. The communications media utilized must enable the absent member to participate in the discussions, to be heard and/or seen by the other council members and the public, and to hear discussions taking place during the meeting. (AGO 92-44 and 94-55). With regard to quasi-judicial hearings, an absent council member must have access to all of the evidence presented to the council members present, and must have sufficient means to judge the credibility of witnesses and otherwise fully participate as if physically present, in order to vote.

C. The city shall incur the cost for the use of communication media technology in an amount not to exceed One Hundred Dollars (\$100.00) per meeting. Costs exceeding the maximum amount shall be borne by the absent council member.

The Presidential Turkey Pardon

Abraham Lincoln was likely the first president to pardon a turkey, albeit unofficially. Lincoln had been given a turkey as the entrée for the White House Christmas dinner, but his son Tad grew fond of the bird. An animal lover himself, Lincoln instructed White House staff that the turkey should be spared.

However, the modern formalities of granting a turkey clemency began in 1989, when President George H.W. Bush remarked to picketing animal rights activists, “[L]et me assure you, and this fine tom turkey, that he will not end up on anyone’s dinner table, not this guy. He’s granted a Presidential pardon as of right now.”²

At this time of Thanksgiving celebration, the Legal Department extends our best wishes and warm appreciation to the City Council, the City’s police officers and professional staff, and West Melbourne’s residents and businesses. Have a safe and happy holiday!

² “Pardoning the Thanksgiving Turkey.” *White House History.org*, The White House Historical Association, <https://www.whitehousehistory.org/pardoning-the-thanksgiving-turkey>.

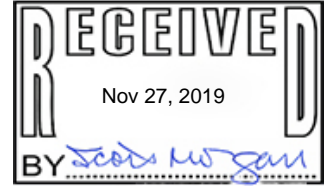
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Memo

To: Scott Morgan, City manager
From: Thomas Forbes, Building Official
CC:
Date: 11/27/2019
Re: November 2019 monthly report

Attached please find a copy of the November 2019 monthly report. If you have any questions or require additional information, please contact me.

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Building Department Monthly Report for November 2019

Building

During the month of November 2019, 16 permits for new single family residences and a total of 286 permits were issued in all. The total value of work permitted was \$17,607,844 and permit fees collected for the month were \$121,188.80.

Commercial Project Update:

The following commercial projects have had permits issued and are in various stages of construction:

- Promise in Brevard Bakery & Café, 3000 Minton Road (West Melbourne Community Park), 7,100 sq. ft. new construction.
- West Melbourne Police Station, 2290 Minton Road, 9,489 sq. ft. addition. (Addition complete/renovation is underway)
- Apollo Surgery Center, 375 W. New Haven Avenue, 9,150 sq. ft. (second floor), tenant build out.
- Aventine Apartments, 4515 Durham Drive, 379,594 sq. ft. new construction.
- Pineapple Daycare, 4125 Minton Road, 12,614 sq. ft. new construction.
- Dr. Priyanka, interior alteration of medical offices, 2,500 sq. ft.
- Calvary Chapel, 2955 Minton Road, 1,543 sq. ft. new construction, Central Energy Plant.
- The Springs at Hibiscus, 288 unit apartment complex, 12 apartment buildings, clubhouse and ancillary buildings, total square footage 338,952.
- Carlton of West Melbourne, Hollywood Boulevard, 15-3 story apartment buildings, clubhouse and ancillary structures.
- Buena Vida, 2129 W. New Haven Avenue, exterior renovation.
- Housman Aluminum, 7724 Matrix Way, 6,000 sq. ft. office/warehouse, new construction.
- The Oasis at West Melbourne Apartments, John Rodes Boulevard, 10-3 story apartment buildings, clubhouse and ancillary structures.
- Sprengergarten, 2825 Eber Road, new construction of a 5,624 sq. ft. events building and a 6,000 sq. ft. maintenance building.
- Viet-Yumz, 2233 W. New Haven Avenue, interior build-out.
- Publix, 2261 W. New Haven Avenue, interior renovation.
- Folklore Latino (restaurant), 2994 W. New Haven Avenue, 1,100 sq. ft. interior renovation.
- YourLife of West Melbourne, NE corner of Minton Road and Heritage Oaks Boulevard, 60,000 sq. ft. new construction.

- Shannon Plaza, 149 Shannon Avenue, 8,908 sq. ft. new construction.

Commercial projects in for review:

- RaceTrac, 4535 W. New Haven Avenue, complete remodel of store, permit ready to issue.
- City of West Melbourne Maintenance building addition, permits ready to issue.
- Cloud Nine Smokeshop, 350 S. Wickham Road, interior renovation, plans submitted, review underway.
- Extended Stay America, West Melbourne Interchange Center (Hollywood Boulevard/Palm Bay Road), 53,000 sq. ft. hotel, new construction, awaiting revised plans.
- Audi Display Tower, 2260 Coastal Lane, 403 sq. ft., 3 story structure, review complete, awaiting on revised plans.
- IHOP, 855 Palm Bay Road, 4,974 sq. ft. interior build-out of new restaurant, revised plans submitted.
- Extended Stay America, Coastal Commerce Center, 53,857 sq. ft. four story hotel, review complete, awaiting revised drawings.
- Design of the Times (florist shop), 2394 Minton Road, 3,959 sq. ft. new construction, review complete, awaiting revised plans.
- Palm Crossings Plaza, 145 Palm Bay Road, 2,133 sq. ft. new construction, review complete, awaiting revised plans.
- FP&L storm shelter, 9001 Ellis Road, 1,056 sq. ft. new construction, permits ready to issue.
- Cilantro Express, 725-B S. Wickham Road, 1,250 sq. ft. interior renovation, review complete, awaiting revised plans.
- Crunch Fitness, 1275 W. New Haven Avenue (old Toys-R-Us), 45,000 sq. ft. interior renovation, plans submitted.

Number of Certificates of Occupancy issued:

Residential - 16

Commercial - 0

Permit Statistics

11/01/19-11/30/19

Issued - 286

Valuation - \$17,607,844

Permit Fees - \$121,188.80

11/01/18-11/30/18

Issued - 302

Valuation - \$7,030,573

Permit Fees - \$66,342.41

11/01/17-11/30/17

Issued - 371

Valuation - \$10,466,167

Permit Fees - \$90,761.02

Code Enforcement:

The next Code Enforcement Board meeting is scheduled for January 16, 2020 at 5:30 p.m.

During the past month, Code Enforcement staff has removed 93 illegal signs from the right of way.

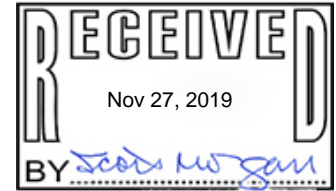
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TO: Scott Morgan, City Manager
FROM: Kimberly Gale, Human Resources Director
DATE: November 27, 2019
RE: Friday Memo - Special Wednesday Edition

The Human Resources Department Friday Memo is intended to provide information and updates on related items that affect the City. If you have any questions regarding this information, please contact me.

Recruitment

The Police Department has four Police Officer candidates starting on Monday, December 2, 2019. Two conditional offers have been extended, and three vacancies remain. Recruitment will remain continuous for the Police Officer and School Resource Officer positions.

A selection has been made for the Lead Mechanic position. The candidate is scheduled to start with the Public Works Department on December 9, 2019.

Interviews continue for the positions of Recreation Worker and Maintenance Worker in the Parks and Recreation Department.

The Customer Service Representative job posting received over 150 responses. Applications are currently under review and selections for interviews will be made in the coming weeks.

United Way – Campaign Week

The City's annual United Way campaign closed last week with our traditional Ice Cream Social event. I am excited to announce that our employees raised just over \$10,000 for our community citizens in need. Our efforts would not have been so successful without the assistance from City Clerk Cynthia Hanscom. Thank you to everyone who participated!