

MAYOR  
Hal J. Rose

DEPUTY MAYOR  
Andrea Young

COUNCIL MEMBERS  
Daniel Batcheldor  
Pat Bentley  
John Dittmore  
Daniel McDow  
Stephen Phrampus



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## CITY COUNCIL REGULAR MEETING

### MINUTES

January 18, 2022

#### 1. CALL TO ORDER

Mayor Rose called the meeting to order at 6:00 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

Attending: Mayor Hal Rose, Deputy Mayor Andrea Young, and Council Members Pat Bentley, Daniel Batcheldor, Stephen Phrampus and Daniel McDow.

Attending remotely: Council Member John Dittmore.

Also present: City Manager Scott Morgan, City Attorney Morris Richardson, Assistant City Manager Tom Bradford, Assistant City Manager Tim Rhode, Finance Director Margi Starkey, Human Resources Director Kimberly Gale, Police Chief Rick Wiley, Jacobs Project Manager Brian Mascher, Public Works Director Mark Piccirillo, Planning Director Christy Fischer, Systems Administrator Christian Arsenault, City Clerk Cynthia Hanscom, and members of the public.

*Deputy Mayor Young moved to allow Council Member Dittmore to attend remotely. Council Member Bentley seconded the motion, which passed unanimously.*

#### 4. CLOSED SESSION

Council held a closed session in accordance with Florida Statutes Section 447.605 (1) to discuss a proposed Memorandum of Understanding with representatives of the Coastal Florida Police Benevolent Association.

Council reconvened to their regular meeting at 7:07 p.m.

## 5. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

**Introduction of New Employees.** Planning Director Fischer introduced Planning Intern Malia Staker, who started with the City on December 20, 2021.

Public Works Director Piccirillo introduced Maintenance Worker Matthew Pace, who started with the City on January 3, 2022.

Police Chief Wiley introduced Administrative Assistant Courtney Fender and Police Officer Ashley Simons, both who started with the City on January 7, 2022.

Finance Director Starkey and Assistant City Manager Bradford introduced Administrative Assistant Vivian Muniz, who started with the City on January 10, 2022.

**Volunteer of the Year.** Mayor Rose presented the 2021 Volunteer of the Year award to Pat Bentley who serves on the Police Officer's Retirement Board of Trustees.

**Mayor's Annual State of the City Presentation.** Mayor Rose presented the City's 2021 Year in Review. He added that 2020 and 2021 were challenging years for residents, businesses, and employees. However, with thoughtfulness and careful planning, the City was able to carry out essential services. There was a great deal of growth, which has kept the Building Department busy. The City continues to invest in infrastructure and emphasize training and technology. He stated that it takes a great deal of dedication and creativity by the employees and Council to continue to provide the high level of services to which people have become accustomed. He expressed appreciation to those who had provided dedicated involvement in the City.

## 6. PUBLIC HEARING

**Five Year Capital Improvement Plan Annual Update.** City Manager Morgan presented the second reading of Ordinance No. 2021-26 updating the City's Five Year Capital Improvement Plan. He stated it was unchanged since first reading. He reminded Council the first year projects were budgeted and projects in years 2 through 5 were not yet budgeted but considered cost feasible.

City Attorney Richardson read, in title only, Ordinance No. 2021-26:

### ORDINANCE NO. 2021-26

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN CONSISTENT WITH CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

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

*Council Member Bentley moved to adopt Ordinance No. 2021-26 updating the City's Five Year Capital Improvement Plan. Council Member Phrampus seconded the motion.*

Council Member McDow clarified that this was an update. City Manager Morgan explained that it was an annual update with the new plan year ending in fiscal year 2025-2026.

Mayor Rose asked about the \$900,000 budgeted for property that was sold. City Manager Morgan stated that he would consider in the proposed 2022-2023 budget where there may be alternative projects that can be considered such as spectator seating for the skate park or other opportunities for the Field of Dreams.

*There being no further discussion, the motion to approve Ordinance No. 2021-26 passed unanimously.*

## **7. PUBLIC FORUM**

Jim Wade, 783 Del Mar Circle, spoke about the recent resurfacing of the roadway in Saddlebrooke subdivision. He stated the contractor did a horrible job and the roadway was sunk where vehicles were parked on the street. The middle of the roadway was higher than the rest of road. In addition, the surface was rough. He applauded Chief Wiley for the police patrols stating that having the cruisers out on the streets was important to lessen crime. Lastly, he asked for an update on the extension of Fell Road.

Ray Patala, 737 Preakness Drive, also spoke about the contractors for the road construction in Saddlebrooke subdivision and that no notice had been provided. They had claimed that flyers were placed in the mailboxes, but that was not the case. The homeowner's association president was also not aware that the roadway would be resurfaced. Certified letters or notices to the homeowner association at the very least should be done in the future.

Council Member Batcheldor reminded Council that comments had been received from the Oak Grove residents as well about the lack of notification. City Manager Morgan agreed that notice to property owners was not adequate and that better notice will be provided in the fall when resurfacing is next planned.

Council Member Bentley asked about the acceptance and inspection process and whether the contractor had been paid. City Manager Morgan said the contractor had been paid. He noted that concerns with the Oak Grove residents was with the notice and not the quality of the work; therefore, payment was released to the contract. He stated that work was inspected by the City's construction inspector. However, he would

have staff check the roadway to determine if there were deficiencies and report back to Council.

## 8. CONSENT AGENDA

*Deputy Mayor Young moved to approve the following consent agenda. Council Member McDow seconded the motion, which passed unanimously.*

- Regular City Council meeting minutes for Tuesday, December 14, 2021.
- Authorization for the City Manager to execute an agreement with Infrastructure Solution Services to prepare a reuse feasibility report required as a condition of both the City's recently renewed sewer plant operating permit and consumptive use permit for the City's future water plant in the not-to-exceed amount of \$20,600.
- Interlocal Agreement with Brevard County relating to the transfer of roadway ownership, maintenance, drainage, and associated functional responsibilities for Ellis Road from Wickham Road to Technology Drive (East); and adoption of Resolution No. 2022-01 accepting the County deed to the same portion of roadway.
- Authorization for the Mayor to sign an Interlocal Agreement with Brevard County governing the use of regional opioid settlement funds to be distributed to Brevard County if it obtains "Qualified County" status.

## 9. ACTION AGENDA

**Hollywood Boulevard and Imagine Way Traffic Signal Project.** Assistant City Manager Rhode presented the bid results for the Hollywood Boulevard and Imagine Way Traffic Signal Project. The only bid received was from Traffic Control Devices.

Council raised several question about the bidding process and that using a service may not be sufficient. Assistant City Manager Rhode stated there were only handful of firms that would be able to complete the project. He stated that Bowman had reached out to the firms to let them know the bid was available.

Council also raised questions on funding the project. Assistant City Manager Rhode explained it would be funded with transportation impact fees.

Council discussed sending this project back out to bid. City Manager Morgan stated it was probable that the bids would be higher.

*Council Member Batcheldor moved to award the bid for Hollywood Boulevard and Imagine Way Signal Project to Traffic Control Devices, LLC, in the amount of \$772,237.25 and authorize the City Manager to execute a contract. Council Member Phrampus seconded the motion, which passed 7-0.*

**Fell Road Extension Analysis.** Assistant City Manager Rhode presented a task order with Infrastructure Solution Services to evaluate the extension of Fell Road to connect Hollywood Boulevard to Dairy Road. He explained that right-of-way was very tight and was adjacent to a lift station and canal.

Council Member Phrampus asked if there was community support for the project. City Manager Morgan stated that this project was only recently funded. Therefore, this would provide the analysis that could be given to the community to get input.

*Council Member McDow moved to authorize the City Manager to execute the professional engineering task order with Infrastructure Solutions Services (ISS) for the Fell Road Extension Analysis in the not-to-exceed amount of \$20,132. Deputy Mayor Young seconded the motion, which passed unanimously.*

**Memorandum of Understanding with Coastal Florida Police Benevolent Association.** City Manager Morgan reported that representatives from the Coastal Florida Police Benevolent Association had contacted him about the spike in inflation. Although he would not normally recommend consideration of a wage increase during the term of a bargaining agreement, he believed that inflation was extraordinary. Therefore, he was recommending a 4 percent increase as of July 1. This would extend the term of the agreement through June 30, 2023. The cost would not require a budget amendment because of cost savings from vacancies.

*Council Member Phrampus stated, based on the discussion in closed session prior to the regular meeting, he moved to table the approval of the Memorandum of Understanding. Council Member Bentley seconded the motion, confirming that the delay was to have staff come back to Council with a proposed 4 percent increase for the represented employees and 2 percent for non-represented City employees. The vote on the motion passed 6-1, with Council Member McDow opposed.*

**Selection of Engineering Firm for Grant-Funded Sheridan Road Area Septic to Sewer.** City Manager Morgan presented the results of the request for proposal for engineering services for the Sheridan Road area septic-to-sewer project. He believed there would be grant funds available for the project. City Manager Morgan stated that three very good proposals were received from local firms. The scoring committee met and ranked Infrastructure Solution Services as the top-ranked firm.

*Council Member Bentley moved to select Infrastructure Solution Services to provide professional civil engineering services for the Sheridan Road Area Septic to Sewer Projects and authorize the City Manager to negotiate and execute a professional engineering task order with the selected firm. Deputy Mayor Young seconded the motion, which passed unanimously.*

**Recreation Fee Agreement for Eden at Heritage Lakes North.** Planning Director Fischer presented the Recreation Fee Impact Agreement for Eden at Heritage Lakes North. The vacant site was proposed for a future apartment complex. The developer

had expressed interest into entering into a recreation fee agreement rather than dedicate public land. She further explained the application of the city code's formula that sets the amount of the fee to be paid.

Mayor Rose expressed his concern about the code allowing developers receiving a credit for providing private amenities.

*Council Member Phrampus moved to approve the Recreation Impact Fee Credit Agreement with Eden Living West Melbourne, LLC, providing for payment of a recreation fee in lieu of dedication of park or recreation areas in Eden at Heritage Lakes. Deputy Mayor Young seconded the motion, which passed unanimously.*

## **10. MANAGEMENT REPORTS**

**America's Best Value Inn.** City Attorney Richardson and Police Chief Wiley presented a report to update Council on the crime issues with America's Best Value Inn located at 4431 West New Haven Avenue. Police Chief Wiley and Lieutenant Antonio Romano began by presenting statistical data on the calls for service to the site and notable increases in the past year. Officer William Paz presented suggested modifications based on crime prevention through environmental design (CPED). Officer Paz also noted that there were several self-initiated responses by the property owner. He thanked the owners for their continued cooperation.

Harry Patel, owner of the property, spoke on the management of the property since 2008. He welcomed the West Melbourne Police Department and their assistance in improving the property. He expressed his desire to eradicate the crime issues.

Robert Williams, manager, spoke on the recommendations that he hoped would improve the clientele of the facility. He also spoke to some internal measures that have been taken, such as no longer accepting cash payments. He also talked about how he would be working on improving the professionalism of the staff.

Council Member Dittmore thanked staff for working on this and thanked Council for their support. This was clearly a hot spot for crime and he hoped that they continue to monitor the situation.

Council Members commended the owners for taking action and working with the City to find ways to reduce crime. Council discussed possible ways that the City could provide assistance to the owner.

City Attorney Richardson stated that staff was proposing to bring this back as an update as part of the quarterly report from the Police Department.

## **11. CITY COUNCIL REPORTS**

Council Member McDow reported the Special Olympic ceremony had been cancelled and rescheduled for March 12. He announced that it was Human Traffic Awareness month. He reported on several meetings he had attended in the last month. He reported would be attending the Palm Bay Multicultural Festival on January 29 and would be working the voter registration table.

Council Member Phrampus reported on free home COVID tests that could be sent to your home. He also reported the Sawgrass neighborhood association would be hosting an event with the Brevard County mounted patrols on Saturday at 9:30 a.m.

Council Member Batcheldor had no report.

Council Member Dittmore reported on complaints he had received from neighbors regarding the construction activities from the Buena Vida Cottages.

Council Member Bentley reported on several meetings he had attending in the last month.

Deputy Mayor Young reported on the number of bills coming from the state legislature and reported the Transportation Planning Organization would meet later in the month.

Mayor Rose reported on several meetings he had attended the last month and spoke on the proposed school redistricting.

## **12. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:03 p.m.