

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

February 15, 2022

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

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

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

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Presentation. Mayor Hal Rose presented a clock to Jacobs Maintenance Supervisor Michael DeBerry expressing appreciation for his service to the City of West Melbourne on the occasion of his retirement.

5. PUBLIC HEARING

Preliminary Plat for Greenleaf Subdivision. Planning Director Fischer presented the preliminary plat for Greenleaf subdivision with six conditions recommended by the Planning and Zoning Board. The new subdivision would be located along Carriage Gate Drive. She reviewed the conditions proposed by the Planning and Zoning Board.

Council Member Phrampus asked if residents living to the west of the proposed area would have access to the easement situated north-south along the pond. Planning Director Fischer stated that the residents living adjacent to the easement would have access.

Mayor Rose opened the public hearing.

Seth Couslar, vice president for Carriage Gate Homeowners Association which borders this new proposed subdivision, stated the Association was aware of the proposed development and had no issues. He stated that he would ask the developer to keep the construction timeline available to ensure the Carriage Gate Homeowners Association can pass the information to members. Council Member Bentley inquired as to the number of homes in Carriage Gate and was told there were 172 homes. Council Member Bentley then asked about the need for additional traffic measures. Planning Director Fischer stated the subdivision meets the City's guidelines allowing for a single access. She added that the properties in the Carriage Gate subdivision are in a different jurisdiction.

Cole Oliver, developer for Greenleaf, agreed to keep the homeowners association informed. He added that they had been working with Brevard County officials regarding traffic impacts. Mr. Oliver also stated that he had reviewed the recommended conditions from the Planning and Zoning Board and did not see any problems.

Deputy Mayor Young asked about drainage ponds. David Bassford, engineer for the project, provided clarification on that the main drainage would be in the center pond with the north pond to be used for overflow through County swales and ultimately into the Melbourne-Tillman system.

Council Member McDow noted the developer had indicated that they would be paying the recreation fee and asked the closest park to this proposed subdivision. Planning Director Fischer said the closest park would be West Melbourne Community Park.

Council Member McDow also asked about school concurrency. Planning Director Fischer verified that the School Board has indicated there will be one high school servicing this subdivision.

Council Member McDow also asked about trees on this site. Planning Director Fischer stated some trees would be saved. However, there were many Australian Pines which are non-native and would not be retained.

Council Member Batcheldor asked if there were any plans to oversize the water and sewer mains for potential extension to the Carriage Gate subdivision. Planning Director Fischer stated the sewer lift station was oversized to serve properties to the south but would not be serving the Carriage Gate community.

Council Member Phrampus asked questions about access to the property to the west of the subdivision location. Mr. Oliver stated that service trucks would use the public road through the subdivision to access adjacent areas to the west.

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

Council Member Batcheldor motioned to approve the preliminary plat for Greenleaf subdivision with the six conditions recommended by the Planning and Zoning Board. Council Member McDow seconded the motion. Council voted and motion passed unanimously.

6. PUBLIC FORUM

There were no comments from the public.

7. CONSENT AGENDA

Council Member Phrampus pulled the policy prohibiting excessive force and Mayor Rose pulled the item opposing Senate Bill 280.

Deputy Mayor Young motioned to approve the following consent agenda. Council Member Dittmore seconded, which passed unanimously.

- Regular City Council meeting minutes for Tuesday, February 1, 2022.
- Receive the First Quarter 2021-2022 Budget Report.

Prohibit the Use of Excessive Force by Law Enforcement. Council Member Phrampus questioned whether the City currently had a policy addressing excessive force. City Attorney Richardson stated that it is already a policy. However, to meet CDBG requirements it was necessary to adopt this resolution. City Attorney Richardson stated that this was a long-standing federal policy but was only recently notified that the policy had not been adopted by resolution.

Opposition to Senate Bill 280. Mayor Rose asked about the status of the Senate bill related to this resolution. City Attorney Richardson responded that there had been amendments to this bill that would make it better, but the Florida League of Cities continued to oppose the bill. The amendments had not yet been submitted to the House.

Deputy Mayor Young moved to adopt Resolution No. 2022-05, stating the policy of the City to prohibit the use of excessive force by law enforcement agencies within its jurisdiction against individuals engaged in nonviolent civil rights demonstrations, and to enforce applicable State and local laws against physically barring entrance or exit from a facility or location which is the subject of nonviolent civil rights demonstration; and adopt Resolution No. 2022-07 opposing Senate Bill 280 authorizing courts to award attorney fees, costs and damages to plaintiffs that successfully prove that an ordinance adopted after October 1, 2022, is arbitrary or unreasonable; requiring local governments to prepare and publish a “business impact estimate” before adopting an ordinance after October 1, 2022; and requiring local governments to stay the enforcement of an ordinance when a claim is filed after October 1, 2022, which alleges that an ordinance is expressly preempted or is arbitrary or unreasonable. Council Member Dittmore seconded and motion passed unanimously.

8. ACTION AGENDA

Purchase of Police Radios. Chief Wiley addressed Council about the plan to phase-in newly purchased radios. A representative from Communications International explained that support for the current radios would end in 2023. Chief Wiley stated the reason for the phasing was to spread the cost over several years.

Council Member Batchelor motioned to authorize the purchase of twenty (20) Portable XL-95P, 7/800 MHX, Black and one (1) Mobile, XG-5M/M7300,764-870MHZ, Hald DPLX and accessories. Council Member Phrampus seconded the motion, which passed unanimously.

Off System Agreement and Resolution Authorizing FDOT to Acquire Property for Ellis Road Widening Project. City Attorney Richardson presented background for the resolution and the affected areas of the Ellis Road widening addressed by this agreement.

Council Member Phrampus motioned to approve Resolution No. 2022-06, authorizing the Mayor to execute an Off System Right of Way Acquisition Agreement allowing the Florida Department of Transportation to act on behalf of the City in acquiring property for the Ellis Road Widening Project. Council Member Dittmore seconded the motion. Vote passed unanimously.

City Manager Selection Process. City Manager Morgan presented the proposal which was requested by Council at the February 1, 2022 meeting.

Mayor Rose confirmed that the dates of the events could move depending on Council schedules. He confirmed that the position would be advertised nationally.

Deputy Mayor Young recommended that asked that the education requirement be listed at the master’s degree level. Council discussed requiring City residency and City Attorney Richardson stated that it was not listed in the Charter.

Council Member Dittmore motioned to approve the suggested process towards consideration of City Council appointment of the next West Melbourne City Manager. Deputy Mayor Young seconded the motion. Vote passed unanimously.

9. MANAGEMENT REPORTS

Police Department Fourth Quarter 2021 Report. Police Chief Wiley and Deputy Chief Cordeau presented the fourth quarter report for 2021.

10. CITY COUNCIL REPORTS

Council Member Batcheldor had nothing to report.

Council Member Dittmore asked Assistant City Manager Rhode about the status of Buena Vida Cottages.

Council Member Bentley stated he would be attending the Palm Bay Chamber breakfast on Wednesday, February 16, 2022 where Mayor Rose will be speaking.

Deputy Mayor Young provided information on federal investment in infrastructure for transportation systems. She asked why West Melbourne Police Officers were directing school traffic rather than Crossing Guards or School Resource Officers.

Council Member McDow attended the Economic Development Commission meeting and noted that representatives from Waste Management had offered to participate in a virtual meeting relating to sustainability.

Council Member Phrampus reported he had attended the West Melbourne Business Association meeting. He asked for an update on the work proposed for the Minton Road/Norfolk Parkway intersection.

Mayor Rose reported on several meetings that he had attended. He also reported the Mayor's Fitness Challenge was continuing and that the City continued to score in the mid-range. He stated he attended the Florida League of Cities Legislative Action Days in Tallahassee.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 9:19 p.m.