

MAYOR  
Hal J. Rose

DEPUTY MAYOR  
Stephen Phrampus

COUNCIL MEMBERS  
Diana Adams  
Pat Bentley  
John Dittmore  
Daniel McDow  
Andrea Young



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## CITY COUNCIL REGULAR MEETING

### MINUTES

July 18, 2023

#### 1. CALL TO ORDER

Mayor Rose called the regular 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 Stephen Phrampus, and Council Members Diana Adams, Pat Bentley, John Dittmore, Daniel McDow, and Andrea Young.

Also present: City Manager Tim Rhode, City Attorney John Cary, Assistant City Manager Tom Bradford, Police Chief Gregory Vesta, Finance Director Candice Blake, Public Works Director Mark Piccirillo, Systems Administrator Christian Arsenault, City Clerk Cynthia Hanscom, and members of the public.

#### 4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

**Employee Introductions.** Police Chief Vesta introduced Police Officers Joseph Schwab and Joshua Ummel, both who started with the City on May 15, 2023.

Public Works Director Piccirillo introduced Maintenance Worker Michael Burris, who started with the City on June 13, 2023.

Finance Director Blake introduced Utility Billing Coordinators Sarrissa Whisman, who started on June 13, 2023, and Jayda Stevens, who started on June 26, 2023.

## 5. PUBLIC HEARING

**Small Scale Comprehensive Plan Amendment, Rezoning and Development Agreement for Property located on the Southeast Corner of Ellis Road and John Rodes Boulevard (RaceTrac).** Planning Director Fischer indicated the attorney for RaceTrac was asking that the small scale amendment, rezoning, and development agreement be delayed until September. Attorney Tom Sullivan with GrayRobinson. asked for a continuance until September 6. He stated they had been working a development agreement and one of the components needed was a traffic study.

Planning Director Fischer stated the development agreement had gone before the Planning & Zoning Board which indicated the traffic study was forthcoming. The developer was asking for a delay so that the traffic study could be completed.

*Council Member Dittmore moved to continue the hearing until September 6. The motion was seconded by Deputy Mayor Phrampus.*

Council Member Adams asked why the development agreement was presented to the Planning & Zoning Board when the traffic study was missing. Planning Director Fischer stated the developer wanted to keep things moving. The agreement would not go back before the Planning & Zoning Board.

Council Member Bentley asked if the study would make a difference on the recommendation from the Planning & Zoning Board. Planning Director Fischer stated it may have made a difference. Council Member Bentley said it would be helpful to have the Planning & Zoning Board reconsider the development agreement prior to coming before Council. Planning Director Fischer asked if the hearing before Council could be delayed to the second meeting in September. Mr. Sullivan agreed to delay until September 20.

*Council Member Dittmore asked the motion be amended to delay the hearing until September 20 and Deputy Mayor Phrampus agreed.*

*Council then voted on the motion to delay the hearing, which passed unanimously.*

**Revisions to Chapter 72, Signage for Certain Zoning Districts.** Planning Director Fischer presented the second reading of the ordinance to amend signage. She reviewed the changes in the code.

City Attorney Cary read Ordinance No. 2023-11, in title only:

### **ORDINANCE NO. 2023-11**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 72, SIGNS, SECTION 72-10, TEMPORARY SIGNS WITH PERMITS REQUIRED; Section 72-14, PERMANENT ON-SITE SIGNS; SECTION 72-15, OFF-SITE DIGITAL SIGNS, AND SECTION 72-18,

SIGN REGULATIONS SUMMARY CHART OF THE CODE OF ORDINANCES TO PROVIDING FOR SIGN REQUIREMENTS FOR THE C-NH (COMMERCIAL NEW HAVEN), C-W (COMMERCIAL WICKHAM), IB (INTEGRATED BUSINESS DISTRICT), AND GTWY-I (GATEWAY INTERCHANGE) ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

*Deputy Mayor Phrampus moved to approve the second reading of Ordinance No. 2023-11, amending the sign code for properties located within the C-NH, C-W, IB, and GTWY-1 zoning districts. Council Member McDow seconded the motion, which passed unanimously.*

**Replace Chapter 66 Administration.** Planning Director Fischer presented the second reading of Ordinance No. 2013-12 to delete Chapter 66 administration and replace with Chapter 64. The intent was to clean up some of the language and create tables for notices.

City Attorney Cary read Ordinance No. 2023-12 in title only:

#### **ORDINANCE NO. 2023-12**

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, DELETING CHAPTER 66, ADMINISTRATION IN ITS ENTIRETY AND CREATING AND APPROVING A NEW CHAPTER 64, ADMINISTRATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

*Council Member Adams moved to approve the second reading of Ordinance No. 2023-12, deleting in its entirety Chapter 66 Administration and creating a new Chapter 64 Administration. Council Member Bentley seconded the motion, which passed unanimously.*

## **6. PUBLIC FORUM**

Helen Voltz, 778 Wyeth Street, spoke about an issue she had with her utility bill. Because her debit card was compromised in late June, she reported the problem and her card was disabled. While waiting for her new card, the automated system at the City attempted to pay her utility bill. Her account became listed as "in arrears" and a door hanger was placed on the door of her neighbor's house. She stated she had been in the house for 21 years and had never been late with a payment. It was an embarrassing situation. She stated she did get a call from the City with an apology and noted that changes were being made.

Council asked how shut off and notifications were handled. City Manager Rhode noted that the situation did not rise to the level of a shut off. When a direct payment comes back with insufficient funds or a closed account, a notice is provided to the account holder. The error that occurred in this situation was that a door hanger was placed at the wrong house. Those who signed up for the direct payment early in the process may not have provided an email or phone number. When asked about mailing a notice, City Manager Rhode indicated a notice would be mailed for notice of shut off of services.

Council discussed situations where people may not see the door hanger if they are entering their homes through the garage. It was suggested that a notice be placed in the utility bills and the newsletter encouraging people to update their account information with an email address and phone number.

## **7. CONSENT AGENDA**

*Council Member Dittmore moved to approve the following consent agenda. Council Member Bentley seconded the motion, which passed unanimously.*

- Regular City Council minutes for Tuesday, June 20, 2023.
- Appointment of the voting delegate for the Florida League of Cities Annual Conference.

## **8. ACTION AGENDA**

**Establishment of Proposed 2023-2024 Millage Rate for Public Hearing Advertisement.** City Manager Rhode presented the 2023-2024 millage rate of 1.9948 per thousand dollars of taxable value. He reminded Council that once the millage rate is set for notification to residents, the final millage rate can be approved at a lower rate but cannot go higher. The action by Council will result in the proposed rate to be sent out to property owners as part of their tentative tax notice. City Manager Rhode presented information on the increase in property valuation in the City increasing by \$1 billion in the past five years. He also presented options for a millage rate of \$2.0402 and 2.1186, which is the current rate. He stated the recommendation was to adopt the roll back rate of 1.9948 per thousand dollars of taxable value.

City Manager Rhode stated meetings in September for the tentative budget hearing and final budget hearing would be Wednesday, September 6 and September 20, respectively. He reminded Council the budget hearing schedule and noted that hearings were moved to Wednesdays because the Brevard County Commission budget hearings were on the regularly scheduled Tuesday meeting dates.

City Manager Rhode reported that the Business Advisory Board met on June 26, 2023 and recommended adoption of the roll back rate. The only discussion among the Board was on whether or not future increases would be needed and achieving those increases in smaller yearly increases.

*Council Member Adams moved to establish a proposed millage rate of 1.9948 per thousand dollars of taxable value for the purposes of advertising a Wednesday, September 6, 2023, public hearing to consider adopting a tentative budget and proposed millage rate for fiscal year 2023-2024. Deputy Mayor Phrampus seconded the motion.*

Council Member McDow ask if the increase in valuation was from commercial or residential construction. Mr. Rhode noted West Melbourne was a growing community but it should be noted that there was a significant increase in home values.

Mayor Rose noted the difference in the current millage rate and the roll back rate would increase revenues by \$350,000. He asked how that \$350,000 could be spent if collected. City Manager Rhode stated that he would have to give that more thought.

Council Member Dittmore asked if there were changes in the projections for reserves. City Manager Rhode stated there were not and he was expecting to add another \$1 million to reserves.

Council Member Adams stated that the City had been very successful with grant funding but asked if recent inflation would create changes. City Manager Rhode stated it would be difficult to predict if there would be a deficit in grant funding.

Council Member McDow asked if the roll back rate would be able to fund all the projects that were proposed. City Manager Rhode confirmed that funding would be available.

*Council then voted on the motion establishing a millage rate of 1.9948 per thousand dollars of taxable value, which passed unanimously.*

**Selection of Solid Waste Services Provider.** City Manager Rhode presented the results from the evaluation committee review for the submissions for the Request for Proposal for the Residential and Commercial Waste Collection. He reviewed the process for the selection of a provider. Once Council has selected the preferred provider, staff would negotiate a contract.

City Manager Rhode stated the recommendation was to select Waste Management, the City's current waste hauler. The services would be similar to the current practices with the addition of automated pickup for yard waste. Each resident would be issued a waste collection bin for yard waste. The clam truck would continue to be used for large limbs. There could be some scheduling changes that would allow for service to be provided over five days rather than four.

*Deputy Mayor Phrampus moved to select Waste Management as the preferred solid waste services provider and authorize the City Manager and City Attorney to negotiate a proposed agreement with the selected provider and to bring back to Council within 30 days. Council Member Bentley seconded the motion.*

Deputy Mayor Phrampus asked about increases in monthly rates. City Manager Rhode stated that would be negotiated with the vendor. In the current agreement, there was a 4 percent cap on cost of living increases per year.

Deputy Mayor Phrampus asked if the clam truck would continue to be an on-call services. City Manager Rhode confirmed that it would be on-call. However, Waste Management had done a good job communicating that when large piles are seen, they are called into dispatch.

Deputy Mayor Phrampus asked about yard waste bin sizes. City Manager Rhode stated everyone would receive a 96-gallon bin which could be exchanged for a smaller one at a later time.

Council Member McDow asked why Republic did not submit a proposal. City Manager Rhode stated they had submitted a letter providing an explanation on why they would not be submitting a proposal.

Council Member Adams expressed concern that the cost for residential collection would increase from \$13 a month to \$27 a month and asked about possible cost savings. City Manager Rhode indicated that they would be willing to discuss this with the waste hauler when negotiating a contract.

Council Member Adams asked about customer satisfaction and suggested an updated survey could be conducted.

Council discussed cart size for the trash, recycling and yard waste and being able to tell the difference in the collection of the carts. Council also expressed the importance of communicating with the public about the contract and the changes in collection.

Mayor Rose also asked about percentage increases for commercial versus residential rates. City Manager Rhode stated the rates had increased for commercial and residential at the same percentage.

Mayor Rose noted that a concern was raised by Republic on the difficulty in getting new trucks. City Manager Rhode stated the proposal mirrored the County in asking that trucks be no less than 10 years old.

Mayor Rose asked about the City doing the billing. City Manager Rhode noted that the City provides for the residential billing only. From the amount that is collected, the City retains the 10 percent franchise fee.

Mayor Rose asked about the contract length and City Manager Rhode indicated he was looking to negotiate a 7-year contract.

Mayor Rose asked about those communities that may not have yard waste, such as Compass Pointe, because lawn maintenance is provided by a contractor. City Manager

Rhode stated that those communities are being charged for yard waste now and did not see how that should change with automated collection.

Council Member Dittmore spoke about the closing of the land fill on Sarno Road and the additional travel time if the land fill is located further away. City Manager Rhode stated the County continues to work on a new land fill on US 192 which would be comparable distance. The contractor has factored in the cost.

Dina Reider-Hicks, Public Affairs Manager with Waste Management addressed several of the questions. First, she indicated there had been a customer survey conducted in 2017. There is an opportunity to complete a survey after every phone call. Therefore, they are collecting customer testimonials all the time. She indicated that Waste Management could conduct another survey.

Ms. Reider-Hicks confirmed that the yard waste carts would be green and would look the same as the trash carts. If there was an overflow for yard waste, residents could put yard waste in the trash bin. She stated that it would need to be obvious to the driver that it was yard waste. It was suggested that the yard waste bins have different colored lid or stickers on the bins.

Deputy Mayor Phrampus asked if yard waste could be placed in regular trash cans. Ms. Reider-Hicks stated yard waste would need to be in the Waste Management bins because the automated collection arms would crush the cans. She noted there were vendors that sell comparable containers that could be used.

Mayor Rose commented on the failed recycling program, noting that so much of what is collected is contaminated. He asked what could be done to improve the collection. Ms. Reider-Hicks agreed that recycling could be better. She stated that they would be willing to go out and talk to any groups to remind customers on what can be recycled and how to reduce contamination. Because educating the public was important, it was suggested that information should be distributed to residents.

When asked if recycling was cost effective, Ms. Reider-Hicks stated that single-stream was more cost effective because it reduces the amount of recycling that goes into the land fill. However, the cost of processing the recyclables is increasing.

Mayor Rose also asked about holiday collection. City Manager Rhode stated the proposal would provide the same collection schedule as that in the current agreement. Ms. Reider-Hicks stated the City of West Melbourne was the last municipality to offer next-day pick-up after a holiday.

Mayor Rose asked why the cost increased from the amount offered a few months ago to now. Ms. Reider-Hicks indicated the financial model from several months ago was based on prior year data. The number used in coming up with the costs for the Request for Proposal was based on current information.

*Council then voted on the motion to select Waste Management as the preferred provider, which passed unanimously.*

**City of West Melbourne 2023 Sustainability Update.** Planning Director Fischer presented an update to the City of West Melbourne sustainability report.

She reviewed the suggested items from the report for Council to move forward. Council made two additional suggestions for the report.

*Council Member McDow moved to accept the City of West Melbourne 2023 Sustainability Update and move forward with the following:*

1. *Collaborate with Brevard County and the Space Coast Transportation and Planning Organization to implement Vision Zero Safety Action Plan goals including intersection re-design and enforcement.*
2. *Continue supporting Keep Brevard Beautiful composting efforts and request flyers to distribute with development applications to enhance community awareness.*
3. *Seek grants and construct stormwater improvements.*
4. *Implement an Adopt-A-Tree or market the Indian River Lagoon Rain-Barrel program to encourage green infrastructure and stormwater risk reduction.*
5. *Continue encouraging low impact development through the site plan process.*
6. *Continue to pursue grants for septic-to-sewer projects.*
7. *Encourage water conservation by offering high-efficiency toilet rebate programs.*

*Council Member Bentley seconded the motion, which passed unanimously.*

## **9. MANAGEMENT REPORTS**

**2023 Florida Legislative Update.** City Attorney Cary presented a summary on bills that passed during the 2023 legislative session speaking on how they related to local government.

**America's Best Value Inn.** City Attorney Cary provided an update on the America's Best Value Inn crime statistics. Council agreed that City staff should continue looking at the number of calls and monitor the issues at the hotel and report back to Council if there are issues which could be incorporated into the Police Department quarterly report.

## **10. CITY COUNCIL REPORTS**

Council Member McDow had no report.

Council Member Adams reported on several meetings she attended and reminded residents to update their voter registration information.



Deputy Mayor Phrampus also reminded residents that they needed to re-register for a mail-in ballot with the Supervisor of Elections. He spoke on several events he had attended, including a tour of the courthouse in Titusville and a rezoning meeting at the County.

Council Member Dittmore asked the status of his public records request with the Space Coast Field of Dreams. City Attorney Cary noted that the attorney for the Space Coast Field of Dreams responded that they did not need to turn over records that were not already created. Council Member Dittmore also spoke on a meeting with County officials to take over billing for fire services so that collected funds could be used to finance capital projects such as building a fire station, which would eliminate the need for a bond and referendum.

Council Member Bentley spoke on several events he had attended and congratulated Council Member Adams on a flawless scholarship campaign for the Space Coast League of Cities and winning a Home Rule Hero award from the Florida League of Cities.

Council Member Young reported on attending several meetings and updated Council on the Space Coast Transportation Organization report on the 23 regional significant projects. She also reported on test runs for Brightline trains that will go through Melbourne at 80 mph. Lastly, she reported the Tourist Development Council's cultural committee awarded over \$500,000 to arts and cultural organizations.

Mayor Rose reported on several meetings and thanked Council for selecting him as the voting delegate for the Florida League of Cities. He also congratulated Council Member Adams on receiving the Home Rule Heroes award.

Mayor Rose asked Chief Vesta if the summer break had resulted in an increase in the number of break-ins. Chief Vesta indicated there had been a spike in car burglaries but he had not seen an increase in home burglaries.

Deputy Mayor Phrampus asked for an update on his request for an agenda item to talk about multiple access for subdivisions. City Manager Rhode stated he hoped to have something for the next meeting.

Deputy Mayor Phrampus also spoke on the wording of the motion for the Council out-of-county travel from the November 2, 2021 meeting, noting that it did make sense.

*Because the time was 10:10 p.m., Council Members Adams moved to extend the meeting. Deputy Mayor Phrampus seconded the motion, which passed unanimously.*

Council Member Young asked about traffic enforcement on Ellis Road, Bradford Drive when school was in session, and Heritage Oaks Boulevard.

**11. RECESS TO CLOSED SESSION**

A closed session was held in accordance with Florida Statutes Section 447.605 (1) to provide authority to the employer negotiator in labor negotiations with employees represented by the Coastal Florida Police Benevolent Association.

**12. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:48 p.m.