

MAYOR
Hal J. Rose

DEPUTY MAYOR
Andrea Young

COUNCIL MEMBERS
Diana Adams
Pat Bentley
John Dittmore
Daniel McDow
Stephen Phrampus



CITY HALL
2240 Minton Road
West Melbourne, FL 32904
Phone: (321) 837-7774
Fax: (321) 768-2390
www.westmelbourne.gov

CITY COUNCIL REGULAR MEETING

MINUTES

August 9, 2022

1. CALL TO ORDER

Mayor Rose called the regular meeting to order at 6:37 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 Diana Adams, Pat Bentley, 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, Public Works Director Mark Piccirillo, Planning Director Christy Fischer, Jacobs Project Manager Brian Mascher, Systems Administrator Christian Arsenault, City Clerk Cynthia Hanscom, and members of the public.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Presentation of Beautification Award. Mayor Hal Rose and Deputy Mayor Andrea Young presented a Beautification Award to Top Notch Lawn Care.

Introduction of New Employees. Police Chief Rick Wiley introduced Public Service Aide Jaidon Richards and Police Officers Nicholas Earl, Ryan Kruger, and Sean Carter, all who started August 5, 2022.

Presentation to City Manager and City Attorney. City Council recognized the retirement of City Manager Morgan and the service provided by City Attorney Richardson.

5. PUBLIC HEARINGS

Amendment to Subdivision Code to Update Recreation Fee. City Attorney Richardson presented the second reading of an ordinance proposing an amendment updating the fixed fee per acre from \$80,000 to \$110,000. He explained this was being done as directed to be reviewed every four years and was based on the average sale price per acre.

City Attorney Richardson read Ordinance No. 2022-17 in title only:

ORDINANCE NO. 2022-17

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 86, SUBDIVISIONS, ARTICLE II, IMPROVEMENTS, SECTION 86-64, DEDICATION OF PARKLAND OR PAYMENT OF RECREATION FEE; UPDATING THE FIXED FEE PER ACRE WHEN A DEVELOPER ELECTS TO PAY A RECREATION FEE IN LIEU OF DEDICATION OF PARK AND RECREATION LAND; 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 Phrampus moved to adopt on second reading Ordinance No. 2022-17, amending City Code of Ordinances Section 86-64, Dedication of Parkland or Payment of Recreation Fee, by updating the fixed fee per acre when a developer elects to pay a recreation fee in lieu of dedication of parkland from \$80,000 to \$110,000. Council Member Dittmore seconded the motion, which passed unanimously.

ITG Mixed Use Office/Townhomes at Pinecrest. Planning Director Fischer asked Council to postpone the advertised public hearings for the small scale comprehensive plan map amendment, development agreement and preliminary plat for the mixed use community called Townhomes at Pinecrest on ITG property and the code amendments to the Community Redevelopment zoning districts until September 21, 2022.

Council Member Dittmore moved to continue the public hearings for the small scale comprehensive plan map amendment, development agreement and preliminary plat for the mixed use community called Townhomes at Pinecrest on ITG property and the code amendments to the Community Redevelopment zoning districts until September 21, 2022. Council Member Adams seconded the motion, which passed unanimously.

6. PUBLIC FORUM

The following comment was received later in the meeting but placed here for conformity.

Tony Martinez, 774 Triple Crown Lane, West Melbourne, spoke on a recent event that was held at the Space Coast Field of Dreams. He stated the park was designed for people with disability and he encouraged the park to be used for similar purpose. He stated that he was planning additional events at the park and thanked the Council for bringing the park to the West Melbourne community.

7. CONSENT AGENDA

Council Member Phrampus received clarification on the membership of the Police Officers Retirement Board of Trustees. He also asked about the expenditure of funds for the pickleball courts as a budget item for next year. City Manager Morgan explained that there was an opportunity to address the Council's priority sooner at a favorable price. Further consideration on the need and possible locations for pickleball courts could be addressed as part of the master plan park study.

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, July 19, 2022.
- Resolution No. 2022-16 authorizing certain individuals to sign and countersign documents.
- Appointment of Jennifer Curran to serve as the fifth member of the Police Officers' Retirement Board of Trustees for the remainder of an unexpired term ending November 19, 2022.
- Appointment of Scott Morgan to serve as a resident trustee of the City of West Melbourne Police Officers Retirement Plan Board of Trustees, to fill the vacancy created by his retirement as City Manager, effective September 1, 2022 and for the remaining unexpired term through February 21, 2024.
- Receipt of the fiscal year 2022-2023 administrative expense budget for the West Melbourne Police Officers' Retirement Plan.
- Authorization of the City Manager to execute an agreement with Varsity Courts for \$19,657 for conversion of two tennis courts to six pickleball courts at the Bryant Adams Park.

8. ACTION AGENDA

City Manager's Administrative Purchasing Limit. City Manager Morgan presented the first reading of an ordinance to increase the City Manager's purchasing limit authority from \$15,000 to \$22,500. The original ordinance was approved in 2007, which established the authority previously in the Charter. In the past 15 years, the cost of

goods increased 45.6 percent. Therefore, he was asking for a 50 percent increase in the purchasing authority. City Manager Morgan presented a comparison with other cities on the purchasing authority of the City Manager.

City Attorney Richardson read Ordinance No. 2022-18 in title only:

ORDINANCE NO. 2022-18

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE I, IN GENERAL, SECTION 2-10, POWERS OF THE CITY MANAGER; UPDATING THE CITY MANAGER'S PURCHASING AUTHORITY LIMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Council Member Bentley moved to approve the first reading of Ordinance No. 2022-18 with the increased to \$25,000 rather than \$22,500. Mayor Rose seconded the motion with the condition that information on all purchases over \$10,000 be sent to City Council.

Council Member Phrampus questioned the additional notification to Council when they were not currently being notified of expenditures \$10,000. Mayor Rose stated that the City Manager would have the ability to make the purchases, but he stated he wanted to be informed.

Council Member Bentley stated that Council had the ability to ask for information on expenditures at any time. Therefore, he would not want this included in the motion.

Council Member Bentley withdrew his original motion.

Council Member Bentley moved to approve the first reading of Ordinance No. 2022-18 with the purchasing authority limit set to \$25,000. Council Member Dittmore seconded the motion, which passed unanimously.

Mayor Rose asked that he receive information on expenditures over \$10,000.

Westbrooke Park Restroom Repairs. Assistant City Manager Bradford presented a proposal to provide restroom repairs to the Westbrooke Park restrooms. He noted that there had been vandalism of the porcelain fixtures so they were proposing to replace the facilities with stainless steel. Three proposals were received with the best proposal from MGM Contracting in the amount of \$55,000. A similar project had been completed at the Clements Wood Park by this contractor and the City was pleased with their work.

Council Member Dittmore moved to authorize the City Manager to execute an agreement with MGM Contracting in the quoted amount of \$55,000 for repairs to the Westbrooke Park restrooms. Council Member Adams seconded the motion.

Council Member Dittmore asked about security cameras. Assistant City Manager Bradford stated cameras were in place that covered the entrance and the parking area, but there are no cameras in the restrooms.

Council Member Adams agreed the contractor had done a good job with the bathrooms at Clements Wood Park. She asked if there had been vandalism at other parks. Assistant City Manager Bradford stated the only other bathrooms open to the public were at the West Melbourne Community Park, which has on-site staff and has not experienced vandalism.

Council then voted on the motion to authorize the agreement with MGM Contracting, which passed unanimously.

Mail Processing Contract for City Utility Bills. City Manager Morgan presented a proposal to award a contract for utility bill mailing services for three years beginning September 1, 2022 to Promise in Brevard. He noted that it was his goal to continue to contract service to individuals with special needs. The Brevard Achievement Center has done a good job for the last 12 years but were no longer using special needs clients. Over the last several weeks, Brevard Achievement Center had been assisting Promise in getting ready to commence a mailing service employing special needs persons.

Jeff Kiel, Executive Director of Promise, Inc., stated he was very excited and introduced other individuals that were present to provide assistance to the program. He stated one of the major focuses for the organization was to provide employment for the residents. One of the biggest challenges was transportation. He predicted this venture would provide employment for 10 residents. He thanked the Council for considering their organization for this work.

Council Member Adams moved to award a contract for utility bill mail processing services to Promise in Brevard for an initial three-year term beginning September 1, 2022. Deputy Mayor Young seconded the motion.

Deputy Mayor Young mentioned that she worked with the Transportation Planning Organization's committee that addresses the needs of the disadvantaged population and that they were doubling their efforts and focus to provide services.

Council Member Dittmore asked how many pieces of mail were sent out through utility billing a month. City Manager Morgan estimated it was about 5,000.

Council Member Phrampus spoke about the importance of privacy to the residents. Mr. Kiel stated that they had prepared their facility to provide for space and would have the room secure.

Council then voted on the motion to award the utility bill mail processing services to Promise in Brevard, which passed unanimously.

Task Order with Infrastructure Solution for Melbourne Estates. Assistant City Manager Rhode presented a professional task order for engineering services with Infrastructure Solution Services (ISS) for the Melbourne Estates Flood Risk Reduction and Water Main Replacement Project. The scope of work would provide bidding assistance, funding assistance, and engineering services during construction. Construction is anticipated to take approximately 18 months.

Council Member Dittmore moved to authorize the City Manager to execute the professional engineering task order with Infrastructure Solutions Services (ISS) for the Melbourne Estates Flood Risk Reduction and Water Main Replacement Project in the not-to-exceed amount of \$405,725. Council Member Adams seconded the motion.

Council discussed the budgeting of the project and the timeline of the project. Given that this would impact the residents, staff was reminded to insure that residents were notified throughout the project.

When asked about restoring the driveways, Project Engineer Tom Vill with Infrastructure Solutions, stated the plans called for restoring the property to the condition that it was in before the work. Therefore, if the driveway was not paved, it would not be paved upon completion of the project. However, the project included driveway aprons which would be concrete.

Council then voted on the motion to approve execution of the task order, which passed unanimously.

Appointment of WhiteBird PLLC Law Firm for Provision of Temporary Legal Counsel Services. City Attorney Richardson presented an agreement for consideration with WhiteBird PLLC law firm for legal services. He stated his last day with the City would be September 2. The recruitment process had the position closing on August 25. Because there would be a gap, the proposed contract would provide legal services during that interim time. The attorney that would be representing the City would be Cliff Repergger, a seasoned attorney who has represented other municipal clients. Mr. Repergger did not intend to apply for the position and would only serve as the interim.

Council Member Dittmore moved to appoint the law firm of WhiteBird PLLC to provide temporary legal counsel services during the gap period between the current city attorney's resignation effective date and the appointment of a new city attorney. Council Member Phrampus seconded the motion.

Deputy Mayor Young asked about open cases and City Attorney Richardson stated he would be monitoring on-going cases but many of them had outside counsel.

Cliff Repergger, 2102 Waverly Place, Melbourne, spoke on his 26 years practicing in the County. He provided his background highlighting his work with other government entities. He noted that support staff would continue to be provided through the City which reduces the costs. Mr. Repergger disclosed a conflict of interest with an application for comprehensive plan amendment and would not be handling the legal issues with that subject matter.

Council then voted on the motion to appoint the law firm of WhiteBird PLLC, which passed unanimously.

Fell Road Extension Study. Assistant City Manager Rhode presented the results of the Fell Road Extension study which showed three road options. The extension of the road would provide a new connector route between two major arterial roads, Dairy Road and Hollywood Boulevard. He reminded Council that the City had entered into an agreement with the County to fund the proposed project through South Mainland Benefit District developer impact fees.

Tom Vill, engineer with Infrastructure Solution Services, provided the feasibility analysis for constructing the roadway. If Council wanted to move forward, some guidance would be needed in order for the engineer to provide a reliable cost estimate. He reviewed the options which addressed the adjacent channel.

Council discussed enclosing the drainage canal and moving the road. Council also discussed the impacts to the neighbors and whether or not the additional access was needed.

Council Member Dittmore moved to table the discussion until the meeting of September 21 to allow Council to meet with staff to get some of their questions answered about the roadway. Council Member Phrampus seconded the motion, which passed 5-2, with Mayor Rose and Council Member McDow opposed.

9. MANAGEMENT REPORTS

Third Quarter Budget Status Report. Mr. Morgan presented the third quarter budget status report noting that the City was in great financial shape.

Third Quarter Police Department Report. Chief Wiley presented the third quarter Police Department Report for the quarter ending June 30, 2022.

Quarterly Report on America's Best Value Inn. City Attorney Richardson provided an update on the impacts from changes made at America's Best Value Inn, noting some of the major upgrades to the exterior. He reported on the reduction of calls to the property.

10. CITY COUNCIL REPORTS

Deputy Mayor Young thanked the Police Department for coordination of National Night Out and provided an update from the Transportation Planning Organization.

Council Member McDow agreed the National Night Out event was very nice. He also reported on the Marine Resource Council Low Impact Development program and that he would be attending the annual Florida League of Cities Conference.

Council Member Adams reported that she had met with representatives from Keep Brevard Beautiful on the composting program. She also reminded residents that school is starting and asked that drivers slow down.

Council Member Phrampus reported on National Night Out and complimented the officers and organizers.

Council Member Dittmore had no report.

Council Member Bentley reported on the Space Coast League of Cities dinner and the Palm Bay Chamber monthly luncheon, both of which included recognition to City Manager Morgan. He also reported on National Night Out. Lastly, he stated that there would be a Police Officers' Retirement Board of Trustees meeting the following week.

Mayor Rose reported on several meetings that he had attended. He also reported he had taken a tour of Integra Apartments. He reported he had issued a proclamation to a couple in West Melbourne celebrating their 50th wedding anniversary.

11. ADJOURNMENT

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