

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.org

## CITY COUNCIL SPECIAL MEETING

### MINUTES

November 1, 2022

#### 1. CALL TO ORDER

Mayor Rose called the special meeting to order at 6:01 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 Tim Rhode, Interim City Attorney Cliff Repperger (attended remotely), Assistant City Manager Tom Bradford, Senior Systems Administrator Chris Timmons, Assistant City Clerk Eric Popham, Claims Counsel Debra S. Babb-Nutcher (attended remotely), and Court Reporter Margaret Sheffield.

#### 4. DETERMINATION OF JUSTIFICATION

*Council Member Bentley motioned to justify the special meeting. Council Member Adams seconded the motion, which passed with a unanimous vote.*

#### 5. REQUEST TO SCHEDULE EXECUTIVE SESSION

Interim City Attorney Repperger spoke about the need to authorize the holding of a private attorney-client session, pursuant to Section 286.011(8), Florida Statutes for the purposes of discussing litigation strategy and settlement negotiations in the case of Masci General Contractor, Inc., a Florida corporation, individually, and as assignee of Brevard County vs. Jacob Engineering Group, Inc., a foreign corporation, City of Melbourne; and City of West Melbourne, Case No. 05-2015-CA-046973-XXXX-XX.

*Deputy Member Young motioned to authorize holding a private attorney-client session on November 1, 2022 at 6:00 p.m. Council Member McDow seconded this motion, which passed unanimously.*

**6. ATTORNEY-CLIENT SESSION (ADJOURN TO PRIVATE CLOSED SESSION)**

Mayor Rose announced the attorney-client session and asked all but the following to depart the Council Chambers.

Hal J. Rose, Mayor  
Andrea Young, Deputy Mayor  
Diana Adams, Council Member  
Pat Bentley, Council Member  
John Dittmore, Council Member  
Daniel McDow, Council Member  
Stephen Phrampus, Council Member  
Tim Rhode, City Manager  
Cliff Repperger, Interim City Attorney  
Debra S. Babb-Nutcher, Claims Counsel via virtual participation  
Margaret Sheffield, Court Reporter, Huseby Reporting

**7. RECONVENE PUBLIC MEETING**

Mayor Rose reconvened the public meeting at 7:10 p.m.

*Council Member Dittmore motioned for City Council to authorize a settlement payment up to \$50,000. Council Member Bentley seconded the motion, which passed 5-2 with Council Members Phrampus and McDow opposed.*

**8. ADJOURNMENT**

There being no further business, the special meeting adjourned at 7:16 p.m.