

CITY OF WEST MELBOURNE
REGULAR CITY COUNCIL MEETING

MINUTES

November 15, 2005

7:00 P.M.

I. ROLL CALL

Presentation of "God Bless America" by Ms. Hannah Mathers, daughter of Robert and Carol Mathers

Mayor Willmarth called the meeting to order with the Pledge of Allegiance and a moment of silent meditation.

Present were:

Mayor Robert Willmarth
Deputy Mayor Hal Rose
Council Member Duke Salberg
Council Member Andrew Jones
Council Member Karrie Delaney
Council Member Virginia Blanchard

Absent was:

Council Member Kathy Lane

Moved by Deputy Mayor Rose, seconded by Council Member Blanchard to excuse the absence. Question called: Motion carried, unanimously.

II. ELECTION CERTIFICATION

A. Certification of the November 8, 2005, General Election for the Mayor and City Council Seats #4 and #5

Moved by Council Member Jones, seconded by Deputy Mayor Rose to verify the certification of the November 8, 2005, election. Question called: motion carried, unanimously.

B. Swearing-in of the Mayor and City Council Members Seats #4, #5, and #6

City Clerk Markae Rupp administered the oath of office for Shirley Bradshaw, Jan Lieson, Wayshak Hill, and Virginia Blanchard.

C. Appointment of Deputy Mayor

Mayor Bradshaw thanked Deputy Mayor Rose for his dedication to the title of Deputy Mayor and requested that he remain on as Deputy Mayor.

Moved by Council Member Blanchard, seconded by Council Member Hill to appoint Deputy Mayor Rose to another term as Deputy Mayor. Question called: motion carried, unanimously.

III. MINUTE(S)

Regular City Council Meeting of October 4, 2005

Moved by Council Member Blanchard, seconded by Council Member Jones to approve the minutes of October 4, 2005. Question called: motion carried, unanimously.

Regular City Council Meeting of October 18, 2005

Moved by Council Member Blanchard, seconded by Council Member Salberg to approve the minutes of October 18, 2005. Question called: motion carried, unanimously.

Mayor Bradshaw called a brief ten minute recess for a reception to welcome the new Council Members.

IV. PUBLIC HEARING(S)

A. ORDINANCE NO. 2006-04

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ADOPTING COMPREHENSIVE PLAN AMENDMENT NO. 2005-10 (SSA); AMENDING THE FUTURE LAND USE MAP OF THE CITY FROM MEDIUM DENSITY RESIDENTIAL USE TO COMMERCIAL USE FOR LOTS 11, 12 AND 13, BLOCK D, WESTERWOLD SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 8, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE. (SECOND READING)

City Manager Ryan read Ordinance by title only.

Mayor Bradshaw opened the public hearing.

Mr. Charles Settgast, Timberlake Drive, stated that he believes that there can be no second reading to an Ordinance that has no official record of being reviewed by the new Council. Mr. Settgast read Florida Statutes that he believes pertains to the situation at hand, as a new Council has been elected and he does not feel those new members have had the opportunity to duly consider the matters at hand.

Mayor Bradshaw closed the public hearing.

Council Member Blanchard asked City Attorney Bohne if the information that Mr. Settgast had offered was accurate.

City Attorney Bohne stated that as long as there are recorded tapes or handwritten minutes available to be heard, that is adequate. He stated that the taped or handwritten minutes are valid public records until superseded by the official typed minutes. City Attorney Bohne stated that the City is not violating the law by proceeding with the adoption of the Ordinances as scheduled.

Moved by Council Member Blanchard, seconded by Council Member Jones to approve Ordinance No. 2005-04.

Discussion among the City Council, City Clerk, and City Attorney regarding the minutes of the previous meetings and if there is a publicly - handwritten or tape-recorded minutes - available version of the previous meeting for review.

City Attorney Bohne stated that he believes it is appropriate for the Council to act upon these Ordinances.

Council Member Hill stated that he was present at the past meeting and has read the information available and is comfortable with the vote.

Deputy Mayor Rose inquired on how this property would affect the Palm Bay Beltway in the future.

City Manager Ryan stated that Ordinance No. 2005-04 is not in the vicinity of the Palm Bay Parkway.

Moved by Council Member Lieson to table the four Ordinances in question. Motion failed for lack of a second.

City Attorney Bohne stated that each Ordinance is approved individually.

Roll call vote:

Deputy Mayor Rose, Aye
Council Member Salberg, Aye
Council Member Jones, Aye
Mayor Bradshaw, Aye
Council Member Hill, Aye
Council Member Lieson, Aye
Council Member Blanchard, Aye

Motion carried, 7-0, unanimously.

B. ORDINANCE NO. 2006-05

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING THE DISTRICT BOUNDARIES OF THE OFFICIAL ZONING MAP OF THE CITY OF WEST MELBOURNE AS PROVIDED FOR IN SECTION 98-66 OF THE CODE OF ORDINANCES; REZONING PROPERTY AS FOLLOWS: LOTS 11, 12 AND 13, BLOCK D, WESTERWOLD SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 8, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; REZONING THE SAID PROPERTY FROM R-2 (ONE-, TWO- AND MULTIPLE-FAMILY DWELLING DISTRICT) TO C-2 (GENERAL COMMERCIAL DISTRICT); PROVIDING AN EFFECTIVE DATE. (Z.C. 2006-04) (SECOND READING)

City Manager Ryan read by title.

Mayor Bradshaw opened the public hearing.

Mr. Charles Settgast, Timberlake, stated that he again registers his objection to this Ordinance as well.

Mayor Bradshaw closed the public hearing.

City Attorney Bohne read from the Sunshine Manual regarding the requirements of minutes. He stated that handwritten minutes are the only version required and that tape-recorded minutes are for convenience only.

Moved by Council Member Jones, seconded by Deputy Mayor Rose to approve Ordinance No. 2005-05.

Discussion:

Deputy Mayor Rose questioned what the result would be if the City were held in violation of the minutes.

City Attorney Bohne stated that the City would simply hold an additional meeting.

Roll call vote:

Council Member Jones, Aye
Mayor Bradshaw, Aye
Council Member Hill, Aye
Council Member Lieson, Aye
Council Member Blanchard, Aye
Deputy Mayor Rose, Aye
Council Member Salberg, Aye

Motion carried, 7-0, unanimously.

C. ORDINANCE NO. 2006-06

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING THE DISTRICT BOUNDARIES OF THE OFFICIAL ZONING MAP OF THE CITY OF WEST MELBOURNE AS PROVIDED FOR IN SECTION 98-66 OF THE CODE OF ORDINANCES; REZONING PROPERTY AS FOLLOWS: A PARCEL LYING IN THE SOUTH ONE-HALF OF THE SOUTH ONE-HALF OF SECTION 34, TOWNSHIP 27 SOUTH, RANGE 36 EAST, LOCATED APPROXIMATELY 300 FEET WEST OF COLUMBIA LANE AT ITS NORTHERN TERMINUS; REZONING THE SAID PARCEL FROM TR-1 (PLANNED RESIDENTIAL DEVELOPMENT FOR MOBILE HOME PARKS) TO R-1A (SINGLE-FAMILY RESIDENTIAL DISTRICT); REZONING PROPERTY AS FOLLOWS: A PARCEL LYING IN SECTION 34, TOWNSHIP 27 SOUTH, RANGE 36 EAST, LOCATED ON THE WEST SIDE OF COLUMBIA LANE AT ITS NORTHERN TERMINUS; REZONING THE SAID PARCEL FROM C-1 (LOW DENSITY COMMERCIAL DISTRICT) TO R-2 (ONE-, TWO- AND MULTIPLE-FAMILY DWELLING DISTRICT); PROVIDING AN EFFECTIVE DATE. (Z.C. 2006-05) (SECOND READING)

City Manager Ryan read by title only.

Mayor Bradshaw opened the public hearing.

Mr. Ronald Welch, applicant, requested that the Council approve this Ordinance.

Mayor Bradshaw closed the public hearing.

Moved by Council Member Blanchard, seconded by Council Member Hill to approve Ordinance No. 2005-06.

Discussion:

Council Member Jones inquired about the translation and if it results in lower density.

City Manager Ryan confirmed the statement.

Deputy Mayor Rose inquired about this Ordinance and its conflict about the Palm Bay Parkway.

City Manager Ryan stated that further in the agenda he will address the discussions regarding the parkway and also that the applicant would like to address the conflicts regarding the development and the future parkway.

Mr. Richard Torpy, 202 N. Harbor City Boulevard, Melbourne, stated that currently this is zoning only regarding density and that the roads have not yet been established. He stated that he believes that the comments regarding the possible parkway are optimistic at this point.

Deputy Mayor Rose requested Staff comment.

City Manager Ryan stated that he has discussed the proposed parkway and another development and, in a roundabout way, discussed this property also.

Deputy Mayor Rose asked City Attorney Bohne the down side of approving this project.

City Attorney Bohne stated that no matter what the decision is the property will still remain there.

Deputy Mayor rose inquired about a promise of easement.

Mr. Torpy stated that there was no promise.

Council Member Salberg wanted to confirm that no homes will be built on 50 foot lots.

Mr. Torpy stated that no homes will be on 50 foot lots.

Roll call vote:

Council Member Blanchard, Aye
Deputy Mayor Rose, Aye
Council Member Salberg, Aye
Council Member Jones, Aye
Mayor Bradshaw, Aye
Council Member Hill, Aye
Council Member Lieson, Aye

Motion carried, 7-0, unanimously.

D. ORDINANCE NO. 2006-07

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES OF THE CITY; ADDING NEW SECTIONS 34-32 THROUGH 34-36; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERSONS AUTHORIZED TO DECLARE EMERGENCIES; PROVIDING FOR EMERGENCY POWERS AND MEASURES, DURATION AND TERMINATION OF EMERGENCIES; PROVIDING FOR PROHIBITION OF SALE OF GOODS, SERVICES OR MATERIALS AT UNCONSCIONABLE PRICES; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES OF THE CITY; PROVIDING AN EFFECTIVE DATE. (SECOND READING)

City Manager Ryan read by title only and stated that on Page 3 it was amended to state that expenditures would not exceed \$5,000.

Mayor Bradshaw opened and closed the public hearing.

Moved by Deputy Mayor Rose, seconded by Council Member Salberg to approve Ordinance No. 2006-07.

Discussion:

Council Member Hill questioned the verbiage regarding handguns.

City Attorney Bohne stated that it prohibits the display and purchase of certain firearms during a declared emergency.

Council Member Hill stated that he disagrees with that particular verbiage.

Council Member Jones asked if that only pertains during a declared emergency.

Desk Sergeant Mike Helms explained the reasoning for such verbiage.

Council Member Hill asked if it were possible to reverse the order of prohibiting firearms and enact a ban only when necessary instead of including it in the Ordinance.

Council Member Jones questioned if it is a provision of the plan.

Sergeant Helms stated that it is an integral part of the Emergency Ordinance.

Roll call vote:

Mayor Bradshaw, Aye
Council Member Hill, Nay
Council Member Lieson, Aye
Council Member Blanchard, Aye
Deputy Mayor Rose, Aye
Council Member Salberg, Aye
Council Member Jones, Aye

Motion carried, 6-1. Voting Nay was Council Member Hill.

V. PUBLIC FORUM

Persons wishing to speak must fill out a "Request to Speak" form. Comments on matters will be limited to three (3) minutes.

Mr. Charles Settcast, Timberlake, thanked all Council Members, new and old, for volunteering their time and efforts to benefit the City of West Melbourne. He also gave several suggestions to the new City Council for the future of the City.

Mr. Ted Crawford, 1731 Whitman Drive, asked Council to resolve the problem along Whitman Drive in the Oak Grove subdivision.

Ms. Mary Crawford, 1731 Whitman Drive, requested that Council do something to cease the traffic through the Oak Grove Subdivision.

Discussion among the Council and audience regarding how to improve the traffic situation on Whitman Drive. Suggestions include gating the east entrance from Florida Avenue or placing barricades to stop unauthorized traffic flow.

Council Member Hill called a Point of Order to move forward with the agenda.

Mayor Bradshaw requested that this item be placed on the next agenda for discussion.

Mr. Fred Wright, 718 Danville Circle, asked why it would take so long for the extension of Florida Avenue to be completed.

City Manager Ryan stated that it will take condemnation and involvement of the courts to complete the roadway.

Council Member Jones asked for a clarification for the audience.

City Manager Ryan stated that no matter which way the road is designed, it will take the acquisition of land that is not owned by the City. He also explained that the funding for this roadway will be supply by impact fees from Brevard County that have not been received. City Manager Ryan stated that the request for the funds was made in May and they are currently awaiting the funds.

VI. CITY MANAGER'S REPORT - CONSENT AGENDA (The entire Consent Agenda will be passed as one motion. Any member may request to remove any item from the Consent Agenda.)

A. Presentation of the October 2005 Monthly Financial Reports - *Information Item*

At this time, I would like to present the October 2005 Monthly Financial Report prepared by the City's Finance Department. Please review this report. If you have any comments or questions, please contact either Finance Director Charlotte Luikart or myself.

B. Presentation of the October 2005 Monthly Progress and Financial Reports for Veolia Water North America, Inc. - *Information Item*

Included with this agenda package is a copy of the October 2005 Monthly Financial and Progress Report for Veolia Water North America Operating Services, Inc., the contract operator of the Ray Bullard Water Reclamation Facility. If you have any comments or questions, please contact Mr. Brett Taylor, Project Manager.

C. Joint Special Meeting with the City Council and Planning and Zoning Board on November 22, 2005 - *Information Item*

There will be a Joint Special Meeting with the Planning and Zoning Board on Tuesday, November 22, 2005. At this meeting, both Boards will be reviewing the following:

- 1) Preliminary plat and site plan for Spring Lakes Development - A proposed 500-unit, single-family and multi-family residential subdivision located on the north end of Columbia Lane, west of I-95.
- 2) Site plan for Calvary Chapel Church - A site plan for a proposed parking lot addition located south of the Melbourne-Tillman Drainage District Canal, east of Minton Road.
- 3) Preliminary Plat for West Melbourne Interchange Center - A proposed 34.57 acre commercial development located on the northwest corner of Palm Bay Road and Hollywood Boulevard.

Additionally, the City Council previously requested a workshop immediately following the Joint Special Meeting to discuss the following items:

- 1) Financial Reporting
- 2) Organizational Analysis Study
- 3) Dean/Mead Report
- 4) Employee Benefits - Health Insurance and Compensatory Time

D. St. Johns River Alliance Film Premiere Event on December 3, 2005, at the Brevard Zoo - *Information Item*

The St. Johns River Alliance has produced an hour-long film, "The River Runs North," a documentary which the PBS television network has chosen to air nationally in 2006. As a fund-raising event, the Alliance will be hosting one of three premiere events of this movie at the Brevard Zoo from 4:00 p.m. to 7:00 p.m. on Saturday, December 3, 2005. Tickets for this event are available for purchase through District 4 County Commissioner Sue Carlson (633-2044).

E. Florida Department of Transportation Public Hearing on the 5-Year Transportation Plan on December 13, 2005 - *Information Item*

The Florida Department of Transportation presented the Tentative Five Year Work Program for FY 2006/07 - 2010/11 at the Brevard Metropolitan Planning Organization Technical Advisory Meeting on November 7, 2005, and will hold a public hearing on the program at 5:30 p.m. on December 13, 2005, at the Rockledge City Hall.

F. Palm Bay Parkway - *Information Item*

On November 7, 2005, Assistant City Manager/Planning Director Keith Mills met with Brevard Metropolitan Planning Organization Staff Director Bob Kamm and Brevard County Transportation Engineering Director John Denninghoff to discuss the proposed Palm Bay Parkway and its relationship to proposed developments within the City of West Melbourne.

One of the projects discussed was the Spring Lakes Development. This development is located west of I-95, approximately 1.5 miles north of U.S. 192. The proposed access to the Spring Lakes Development is Columbia Lane, an unpaved county road that intersects U.S. 192 at Brandywine Estates.

During this meeting, Brevard County indicated that the proposed alignment for the Palm Bay Parkway, see enclosed map, has been submitted by the County to the Federal Highway Administration, and has been approved for future federal funding. The approved Parkway alignment traverses the western edge of the proposed Spring Lakes Development, and dissects the tract of land which is the subject of the rezoning in Ordinance No. 2006-06.

While this alignment has been approved by the Federal Highway Administration for future federal funding, there have not been any right-of-way reservation maps recorded or any amendments to either the County or City Comprehensive Plan regarding this right-of-way. The County is attempting to set up a meeting with all the affected property owners in this region.

Spring Lakes Development, which is scheduled for review during the November 22 Joint Special Meeting, is the first development north of U.S. 192 which impacts the proposed alignment of the Palm Bay Parkway. This meeting resulted in a concern that approval of developments without resolution of the right-of-way for the alignment for the Palm Bay Parkway could jeopardize the ability of the Parkway to connect to Ellis Road. The County is asking the City to consider this information as it begins the review of projects such as the Spring Lakes Development.

G. Design/Build Project for the Ray Bullard Water Reclamation Facility - *Information Item*

At the August 2, 2005, Regular City Council Meeting, the City Council authorized proceeding with a design/build project with a guaranteed maximum price for the Ray Bullard Water Reclamation Facility. In September 2005, the City received statements of qualifications from firms for this design/build project. This resulted in the firm of CH2M Hill, Inc. being the top ranked firm and the City Council authorizing negotiations for this project. These negotiations are underway, and we anticipate presenting this contract to you for approval at the December 6, 2005, Regular City Council Meeting.

H. 2005 United Way Campaign Results - *Information Item*

I am pleased to report that the 2005 United Way Campaign has concluded. Under the leadership of our Employee Campaign Manager, Secretary Tina Hoffkins, the City received pledges and donations totaling \$4,016.56.

Congratulations to Ms. Hoffkins for a fantastic campaign and to all of our employees who are willing to give back to our community.

I. Roll Over of Funding from Capital Projects Not Completed in the Prior Fiscal Year - Action Item

During Fiscal Year 2004-05, the City initiated two major capital improvement projects, the Sylvan Estates waterline improvements and the Dorchester Avenue paving and drainage improvements. In both cases, the contractors did not complete the work during the prior fiscal year as anticipated. Therefore, it is necessary to rollover the unexpended capital funds for these projects (Sylvan Estates - \$43,292.02 and Dorchester Avenue - \$84,634.10) to Fiscal Year 2005-06 in order to complete these projects.

At this time, I would recommend rolling over these funds into the current fiscal year.

Moved by Council Member Blanchard, seconded by Council Member Jones to approve the Consent Agenda, less Items C, E, and F. Question called: motion carried, unanimously.

VII. CITY MANAGER'S REPORT (Continued - Non-Consent Agenda Items)

J. Board and Committee Appointments - Action Item

The following is a list of various Board and Committee appointments which will need to be filled.

<u>Position/Board</u>	<u>Current Appointee - Term Expiration</u>
Deputy Mayor	Council Member Hal Rose (11/05)
Planning and Zoning Board	Board Member Craig Suman (11/05) Board Member Jim Liesenfelt (11/05) Board Member John George (11/05)
Beautification Committee	Council Member Hal Rose

Suggested by Mayor Bradshaw to continue with current appointee.

Brevard Metropolitan Planning Organization	Mayor Bob Willmarth (11/05)
--	-----------------------------

Suggested by Mayor Bradshaw to appoint Council Member Lieson.

Brevard Metropolitan Planning
Organization Technical
Advisory Committee

City Manager Mark Ryan (no expiration)
Alt. - Asst. City Manager Keith Mills

Suggested by Mayor Bradshaw to continue with current appointees.

Brevard Metropolitan Planning
Organization Citizens Advisory
Committee

Mr. John VanCleve

Brevard County Parks
& Recreation Liaison

Parks & Recreation Supervisor Bob
Crawford

Brevard Water Supply Board

Council Member Virginia Blanchard
(11/05)

Suggested by Mayor Bradshaw to continue with current appointee.

Melbourne Water System
Advisory Board

Council Member Virginia Blanchard
(11/05)

Suggested by Mayor Bradshaw to continue with current appointee.

Civil Defense Liaison

City Clerk Markae Rupp

Suggested by Mayor Bradshaw to continue with current appointee.

Fire Department Liaison

City Clerk Markae Rupp

Suggested by Mayor Bradshaw to appoint Council Member Jones.

Greater West Melbourne
Athletic Association

City Manager Mark Ryan

Suggested by City Manager Ryan to appoint Council Member Salberg.

Melbourne International
Airport Authority Liaison

Council Member Kathy Lane (11/05)

Suggested by Mayor Bradshaw to appoint herself.

Ordinance Review Liaison

Council Member Virginia Blanchard
(11/05)

Requested by Council Member Blanchard to continue with current appointee.

Planning and Zoning Board
Liaison

Council Member Hal Rose (11/05)

Suggested by Mayor Bradshaw to appoint Council Member Jones.

Space Coast League of Cities

Council Member Karrie Delaney (11/05)
Alt. Council Member Kathy Lane

Suggested by Mayor Bradshaw to appoint Council Member Hill and Alternate Council Member Lieson.

Melbourne-Tillman Water
Control District

Finance Director Charlotte Luikart

Suggested by Mayor Bradshaw to continue with current appointee.

Brevard County Advisory
Committee for Site Selection and
Development of a New Rodes Park

Council Member Duke Salberg

Suggested by Mayor Bradshaw to continue with current appointee.

East Central Florida Water
Supply Planning Initiative

Council Member Virginia Blanchard

Suggested by Mayor Bradshaw to continue with current appointee.

Economic Development
Commission of Florida's
Space Coast

Council Member Karrie Delaney

Suggested by Mayor Bradshaw to appoint Council Member Hill.

Liaison to City Clerk

Council Member Duke Salberg

Suggested by Mayor Bradshaw to dissolve the Liaison to the City Clerk.

Suggested by Mayor Bradshaw to appoint Council Member Blanchard as liaison to the *Sun* newsletter.

Moved by Council Member Hill, seconded by Council Member Lieson to approve the appointments, excluding the Planning and Zoning Board appointments. Question called: motion carried, unanimously.

Council Member Salberg stated that he no longer wishes to be the liaison to the Advisory Committee for Impact Fee allocation.

Mayor Bradshaw asked if any individual wished to be a representative to replace Council Member Salberg.

City Manager Ryan stated that the City needs a representative.

Mayor Bradshaw suggested that Assistant City Manager/Planning Director Keith Mills be the representative.

Moved by Council Member Hill, seconded by Deputy Mayor Rose to appoint ACM/Planning Director Mills as representative for impact fees. Question called: motion carried, unanimously.

Moved by Council Member Blanchard, seconded by Council Member Jones to reappoint the existing Planning and Zoning Board Members.

Discussion:

Council Member Lieson questioned Board Member John George and his residence.

Mayor Bradshaw stated that she is disappointed that Mr. George is still on the Board and suggested that the three members up for reappointment be released and requested three more residents from the City apply and be appointed.

Council Member Blanchard questioned what Mayor Bradshaw's displeasure was regarding the other two individuals.

Mayor Bradshaw stated that she has none but she simply wishes to appoint three new individuals.

Council Member Blanchard withdrew her original motion.

City Manager Ryan suggested that the reappointment of these three individuals be deferred until after the next meeting in December. He stated that following the meeting, he will write the individuals and request their qualifying information in addition to requesting resumes from citizens to use to reappoint the members.

ACM/Planning Director Mills stated that there will be no upcoming Joint Special Meeting.

Moved by Council Member Jones, seconded by Council Member Lieson to not reappoint those members at this time.

Discussion:

Council Member Hill requested that Council Member Jones rephrase his motion.

City Attorney Bohne stated that it is not necessary to detail the motion at this time.

Deputy Mayor Rose stated that he is in favor of opening the application process, however, he is concerned about the time deadline.

City Manager Ryan stated that the next scheduled Planning and Zoning Board meeting is December 13 and, if the Council agrees, the deadline for submission of applications will be December 1.

Council Member Blanchard expressed her concern over replacing the whole board at one time.

Council Member Jones stated that he is concerned that Mr. George does not live within the City.

City Manager Ryan stated that he questioned Mr. George and was told that "he meets the requirements."

Council Member Jones requested that the requirements be cited on the application.

Question called: motion carried, unanimously.

K. Changes in the Employee Dental Insurance Plan - *Action Item*

At the October 18, 2005, Regular City Council Meeting, you approved renewing the employee health insurance program with Health First Health Plans. At that meeting, City Clerk Markae Rupp reported that the City's Plan Administrator would be bringing back quotations from vendors for the employee dental insurance program for comparison with the existing program provided by the Florida Dental Association, administered by Dental Decisions. These quotations were reviewed by the Employee Benefits Committee who recommended remaining with the existing provider, Dental Decisions, with the ability for the employee to select between two options for this insurance program.

As a part of the FY 2005-06 Budget process, the City appropriated a 15% increase in the employee insurance program. As a result, the first option is fully funded via the budget allocation. However, the second option is not and would require increased employee participation, if selected. The Employee Benefits Committee endorsed the two options and the requirement of the employee to fund the increase in the dental insurance if the higher option is selected by the employee.

For your information, the existing dental insurance program premiums are outlined as follows:

Employee Coverage	\$23.76 per month
Employee plus One	\$50.36 per month
Family Coverage	\$90.63 per month

The two options recommended by the Benefits Committee are as follows:

Option One

\$1,000 maximum benefit per year per person
(100% of first \$150 of billed charges)
(60% of the next \$1,417 of billed charges)

Employee Coverage	\$25.00 per month
Employee plus One	\$50.00 per month
Family Coverage	\$75.00 per month

Employee Cost per Month

Months of Employment	<u>0-18</u>	<u>18-36</u>	<u>36-60</u>	<u>60+</u>
Employee Only	\$0.00	\$0.00	\$0.00	\$0.00
Employee Plus One	\$25.00	\$12.50	\$10.00	\$8.75
Full Family	\$50.00	\$25.00	\$20.00	\$17.50

Option Two

\$1,500 Maximum benefit per year per person
(100% of first \$200 of billed charges)
(60% of the next \$2,170 of billed charges)

Employee Coverage	\$30.00 per month
Employee plus One	\$60.00 per month
Family Coverage	\$90.00 per month

Employee Cost per Month

Months of Employment	<u>0-18</u>	<u>18-36</u>	<u>36-60</u>	<u>60+</u>
Employee Only	\$5.00	\$5.00	\$5.00	\$5.00
Employee Plus One	\$35.00	\$32.50	\$30.00	\$27.50
Full Family	\$65.00	\$52.50	\$45.00	\$41.25

Again, as stated above, renewing the dental insurance plan with Dental Decisions is fully funded within the FY 2006 Budget with Option One and Two as outlined above.

At this time, based upon this information, I would like to request approval of the renewal of the employee dental insurance program with Dental Decisions.

Council Member Blanchard asked for a clarification of the program and the percentage increase to the cost to the City.

City Manager Ryan stated that each option is funded in the budget, however, Option 2 is an additional cost to the employee.

Moved by Council Member Hill, seconded by Council Member Lieson to approve the dental plan.

Deputy Mayor Rose asked what the new cost for the City is. He also requested that the employees begin sharing the cost of insurance.

Question called: motion carried, unanimously.

L. Establishment of a Municipal Charter Review Committee - *Action Item*

At the November 1, 2005, Regular City Council Meeting, Council Member Virginia Blanchard made a proposal to implement a municipal charter review committee. This committee would be charged with reviewing the entire West Melbourne Charter and submitting any recommended changes to the Mayor and City Council for consideration of presenting to the voters in a referendum election.

At this time, it would be appropriate to discuss this issue and determine whether you desire to proceed with implementing this type of committee.

Moved by Council Member Salberg, seconded by Council Member Lieson to establish a Charter Review Committee.

Moved by Council Member Blanchard, seconded by Deputy Mayor Rose to table the discussion regarding the Charter Review Committee until the first meeting of 2006. Question called: motion carried, 6-1. Voting Nay was Council Member Hill.

M. City Clerk's Employment Agreement - *Action Item*

At the previous City Council Meeting, the City Council directed Council Member Duke Salberg to meet with City Clerk Markae Rupp to finalize a proposed employment agreement for consideration of adoption. Ms. Rupp indicates that the attached employment agreement is the result of these discussions.

At this time, it would be appropriate to approve this revised agreement, with minor typographical error corrected.

Moved by Council Member Salberg, seconded by Council Member Jones to approve City Clerk Rupp's contract.

Discussion:

Deputy Mayor Rose stated that he disagreed with beginning a contract after the fact as it does not appear to benefit the City.

Extensive discussion between the Council and City Attorney regarding the perpetual nature of the contract, as well as the vacation and compensation time buyback. Also discussed was the verbiage of the contract and whether or not it mimicked the contracts of Police Chief Brian Lock and City Manager Ryan. It was concluded that it was similar in nature to the contracts of the other charter officers with the exception of personalized verbiage.

Moved by Council Member Hill to table the discussion until a labor attorney can be consulted. Motion failed for lack of a second.

Council Member Salberg explained the buyout process.

Council Member Hill listed his concerns with the contract.

Moved by Council Member Hill, seconded by Council Member Blanchard to amend the original motion striking Paragraph 4.07 and adding "14 business days written in advance."

Deputy Mayor Rose explained that the Council did not strike Paragraph 4.07 from the City Manager's contract, and that it was deemed confidential due to HIPPA.

Council Member Jones agrees to the striking of Paragraph 4.07 as it is confidential and unnecessary and stated that he wished the contracts mirrored each other as closely as possible.

City Attorney Bohne stated that a perpetual contract would require both parties to agree on adjustments to the contract.

Deputy Mayor Rose stated that it may be in the best interest of the employee to receive a physical, not for the benefit of the City but for the benefit of the employee.

Council Member Hill explained that he wished City Clerk Rupp to still be able to receive a physical, however, it is not required of her to submit results to the Council.

Council Member Hill withdrew his amendment to the motion.

City Clerk Rupp stated that she would not agree to a renewable contract.

Council Member Hill stated that he would not support a contract of perpetual nature.

Moved by Council Member Hill, seconded by Deputy Mayor Rose to amend the contract to state 'renewable on an annual basis'.

Deputy Mayor Rose clarified that City Clerk Rupp would not be willing to accept a yearly contract.

City Clerk Rupp agreed.

Discussion regarding perpetual specifications of the contract in question.

Roll Call Vote:

Deputy Mayor Rose, Nay
Council Member Salberg, Nay
Council Member Jones, Nay
Mayor Bradshaw, Nay
Council Member Hill, Aye
Council Member Lieson, Nay
Council Member Blanchard, Aye

Motion failed, 2-5. Voting Nay were Council Members Rose, Salberg, Jones, Bradshaw, and Lieson.

Return to original motion of approval of the City Clerk's contract with the addition of "14 business days."

Roll Call Vote:

Deputy Mayor Rose, Nay
Council Member Salberg, Aye
Council Member Jones, Aye
Mayor Bradshaw, Aye
Council Member Hill, Nay
Council Member Lieson, Aye
Council Member Blanchard, Nay

Motion passed, 4-3. Voting Nay were Council Members Rose, Hill, and Blanchard.

N. 2005 Florida League of Cities Legislative Conference - *Action Item*

The Florida League of Cities (FLC) 454th Annual Legislative Conference will be held November 17-18, 2005, at the Orlando International Airport (OIA) Hyatt Hotel. The conference begins with registration on Thursday morning and runs until Friday afternoon. Additionally, there is an Awards Banquet on Friday evening, with a separate registration.

At this conference, the FLC briefs the attendees on what the League staff believes will be the most pressing issues for cities in the 2006 Legislative Session. In September, the City Council authorized former Council Member Kathy Lane to attend this conference. With Ms. Lane no longer on the City Council, it would be appropriate to determine whether another member of the City Council desires to attend this conference. Although on-line registration for this event has ended, it appears possible to register on site. The registration fee is \$175. The conference rate for the hotel is no longer available (\$110 per night) and the non-conference rate cost for three nights is \$887. I have researched the availability of off-site lodging and there is a Fairfield Inn by Marriott approximately one mile north of the airport on Semoran Boulevard. The three-night lodging cost for this facility is \$390. The meal allowance for this conference would be \$94 (three dinner allowances, lunch on Friday, and incidentals of \$3 a day).

Additionally, as cited earlier, there is an Awards Banquet on Friday evening, which has a separate registration fee of \$75. The registration for this banquet has also ended, however, the City could attempt to register members to attend this function. If members attend this banquet, the meal allowance would be reduced by one dinner (\$24). Also, if the member does not stay for the banquet on Friday evening the hotel cost would be reduced by one night, and the associated meal allowances would be reduced.

At this time, it would be appropriate to determine whether any member desires to attend this conference.

No Council Members wished to attend.

O. Brevard County Legislative Delegation Meeting on November 30, 2005 - *Action Item*

The Brevard County Legislative Delegation will meet to review local government legislative platforms or legislative proposals on Wednesday, November 30, 2005, at the Brevard County Government Service Complex. At this meeting, each municipality is afforded an opportunity to present their legislative priorities. At the September 6, 2005, Regular City Council Meeting, the City Council adopted the attached Legislative Priorities and voted to highlight Priorities 1-4 and 7 as this community's top five legislative priorities for the 2006 Legislative Session.

Unfortunately, I have a conflict on November 30, 2005, and will be unable to attend the Delegation Meeting. It is permissible for the Mayor, Deputy Mayor, or other members of the City Council to present this community's Legislative Priorities.

At this time, it would be appropriate to determine whether Mayor Bradshaw or another member of the City Council will be presenting these priorities.

Council chose the following priorities: 1, 2, 4, 5, and 7.

P. Purchasing - Action Item

IT Director Karen Martin has submitted a request to acquire a Dell PowerEdge 2850 server to the City's computer operations. Within the Fiscal Year 2005-06 Annual Budget, Ms. Martin budgeted \$10,000 for the acquisition of this server. She reports that this server is available through the State of Florida Division of Management Services State Contract at a cost of \$6,046.20.

At this time, I would like to request authorization to purchase this server utilizing the State of Florida State Contract.

Moved by Deputy Mayor Rose, seconded by Council Member Lieson to approve the purchase of the Dell server. Question called: motion carried, unanimously.

Mayor Bradshaw called a five minute recess.

Mayor Bradshaw reconvened the meeting.

Q. Citizens's Advisory Board - Action Item

As you know, in 2003, the City Council re-instituted the Citizen's Advisory Board (CAB), which consists of 12 citizens throughout the community. I would like to propose considering altering the makeup of this Board to provide for the number of appointees to be representative to the population of the community. I would like to propose that you consider a ratio of one citizen for each one thousand citizens of the community. Therefore, based upon the current population of 15,000 residents, the Advisory Board would increase to 15 citizens. Naturally, as the community grows, the Advisory Board would grow as well.

At this time, it would be appropriate to discuss this proposal.

Moved by Council Member Blanchard, seconded by Council Member Lieson to approve increasing the number of CAB members.

Discussion:

Council Member Jones suggested that former Council Member Karrie Delaney be appointed to the CAB to make reports to the Council on a regular basis.

Deputy Mayor Rose stated he would like to cap the number of board members at 15.

Moved by Deputy Mayor Rose, seconded by Council Member Blanchard to cap the number of members at 15. Question called: motion carried, unanimously.

Return to original motion of increasing the members to 15. Question called: motion carried, unanimously.

R. Items Removed from the Consent Agenda - *Action Item*

This portion of the agenda is reserved for any item previously designated as a Consent Agenda Item that any member of the City Council desires to remove from the Consent Agenda for further discussion, prior to action.

Item C. Joint Meeting on November 22, 2005

ACM/Planning Director Mills explained that the items scheduled for the joint meeting have been pulled, however, the workshop is still scheduled for Tuesday, November 22, 2005.

Mayor Bradshaw requested the background information on the current and previous whistleblowers to allow the new Council to be informed.

Deputy Mayor Rose explained that he is concerned that the City Attorney cannot be present when the projects up for discussion interfere with the Palm Bay Parkway.

City Manager explained that, currently, the part of Spring Lakes, which may conflict with the Parkway, is not part of the current development plan.

Item E. Hearing on 5-year Transportation Plan

Discussion regarding what will be discussed at the hearing and how it conflicts with the roads within West Melbourne.

Item F. Palm Bay Parkway

City Manager Ryan stated that dialog must continue regarding the conflicts of development interfering with the future Parkway.

S. Miscellaneous

None.

VIII. CITY ATTORNEY'S REPORT

City Attorney Bohne stated that the rumor concerning a donation he gave to one of the Mayoral candidates is false. He adamantly defended himself against such allegations.

IX. STAFF REPORTS

A. Police Chief

No report.

B. City Clerk

City Clerk Rupp stated that on the dais the new Council has received an orientation packet. The City Clerk will make the existing Council copies of the packet as well.

Deputy Mayor Rose requested that Council be supplied with a list of the Committee and Board Members. He also inquired about the minutes that are backlogged.

City Clerk Rupp explained that there are currently four sets of minutes backlogged.

Mayor Bradshaw requested that there be a workshop or special meeting regarding the minutes and procedures.

C. Other Department Heads

None.

X. RESOLUTION(S)

RESOLUTION NO. 2006-02

A RESOLUTION OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, DESIGNATING AND AUTHORIZING CERTAIN MUNICIPAL OFFICIALS TO SIGN AND COUNTERSIGN DOCUMENTS, CHECKS, INSTRUMENTS AND SUCH

OTHER PAPERS NECESSARY TO THE PROPER AND EFFICIENT ADMINISTRATION OF THE CITY; PROVIDING AN EFFECTIVE DATE.

Moved by Council Member Lieson, seconded by Council Member Hill to approve Resolution No. 2006-02. Question called: motion carried, unanimously.

XI. COUNCIL REPORTS

Mayor Shirley D. Bradshaw

Mayor Bradshaw thanked all of the candidates and Mrs. Delaney. She also wishes that each Council Members be polite and professional to employees and citizens. She thanked City Manager Ryan for his work.

Council Member Hal Rose

Council Member Rose expressed his thanks for being chosen for Deputy Mayor and also thanked the previous Council for their time and effort.

Council Member Duke Salberg

Council Member Salberg apologized that he did not notice the signs that were put up. He also encouraged the new Council to learn as much as possible.

Council Member Andrew Jones

Council Member Jones congratulated the new members and Mrs. Delaney. He also thanked the West Melbourne Police Department for their good job.

Council Member Wayshak Hill

Council Member Hill thanked staff and Mrs. Delaney for their services.

Council Member Jan Lieson

Council Member Lieson expressed that she is grateful for returning to the Council. She also asked City Manager Ryan about the Airport authority and our voting status and expressed that she agrees with Mrs. Delaney being a member on the CAB.

Council Member Virginia Blanchard

Council Member Blanchard expressed that she believes the new Council members should attend classes on leadership. She also stated that she believes politics are 'dirty and slimy' and she will not participate in destructive politics. She also welcomed the new Council Members.

XII. ADJOURN

Mayor Bradshaw adjourned the meeting at 11:15 p.m.

MAYOR

DEPUTY MAYOR

ATTEST: _____
CITY CLERK