

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
FEBRUARY 8, 2000

A regular meeting of the City Council was held in the City Council Chamber, 900 East Strawbridge Avenue, and was called to order at 7:30 p.m. by Mayor John A. Buckley.

1. Reverend Lee Martinez, First Baptist Church, gave the invocation.
2. All present gave the Pledge of Allegiance to the Flag of the United States of America.
3. Roll Call.

Present:	John A. Buckley	Mayor
	Ed Palmer	Vice Mayor – Dist. #2
	Steven Beltz	Council Member – Dist. #1
	Priscilla M. Poole	Council Member – Dist. #3
	Grace Walker	Council Member – Dist. #4
	Loretta Isenberg-Hand	Council Member – Dist. #6
	Henry J. Hill	City Manager
	Paul R. Gougelman, III	City Attorney
	Cathleen A. Wysor	City Clerk
	Bud Emerson	Assistant City Manager
	Peggy Braz	Planning and Zoning Administrator

Absent: Cheryl Palmer Council Member – Dist. #5

4. PROCLAMATIONS AND PRESENTATIONS

Mayor Buckley read a proclamation recognizing and commending the students of Our Lady of Lourdes School for their outstanding dedication and commitment to the community. Jeanette B. Colburn, Principal, accepted the proclamation.

Mayor Buckley presented the January Beautification Award to Heather Sutton, Manager, StudioPlus of Melbourne.

The Mayor accepted a plaque on behalf of the city from Beth Powell and Laura Chambers, East Central Florida Boardsailors, in recognition of the city's support of the 1999 Olympic Windsurfing Trials.

5. APPROVAL OF MINUTES - Regular Meeting – January 25, 2000

Moved by Walker/Hand for approval. Motion carried unanimously.

6. CITY MANAGER'S REPORT

Mayor Buckley referenced the memorandum requesting that the agreement with Canon Financial for purchase of a document imaging system from Shell Office Systems be added to the agenda as item 11(k).

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Moved by Poole/E. Palmer to add item 11(k) to the agenda. Motion carried unanimously.

Mr. Hill reported that Paul Gougelman, Peggy Braz, and Howard Ralls made an excellent presentation to the county and were successful in obtaining a rezoning of the 17-acre site recently purchased to accommodate the surface water treatment plant expansion.

Additionally, Mr. Hill referenced his memorandum regarding the proposed format change for the budget document. He asked Council to provide him feedback.

7. PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2000-16 (CU-1999-20/Melbourne Recycling): (Public Hearing/Second Reading) A request for a 28.26-acre extension adjoining the current conditional use (CU-1997-12) on a 40.35-acre site for a landfill/recycling activity located west of Wickham Road on the south side of Sarno Road. (Owner/Applicant – Forte Macaulay Development Company/Gleason Brothers and Company) (First Reading 1/25/00)

Attorney Gougelman read Ordinance No. 2000-16 by title. There were no comments from the audience.

Moved by Poole/Beltz for approval of Ordinance No. 2000-16. The roll call vote was:

Aye: Beltz, Poole, Walker, Hand, E. Palmer, and Buckley

Nay: None

Motion carried unanimously.

9. ORDINANCE NO. 2000-17 (Police Pension Plan): A proposed ordinance to amend the Police Pension Plan to comply with Chapter 99-01, F.S. (First Reading 1/25/00)

The attorney read Ordinance No. 2000-17 by title. From the agenda report: Subsequent to the last meeting, the Director of Finance obtained a copy of Chapter 99-01 and learned that this chapter did not make any changes to the provisions for conditions disqualifying disability benefits. These were added to our ordinance by the Police Pension Board attorney to comply with prior state law changes. However, the ordinance, as presented at the last meeting, correctly displayed the intended changes.

There were no comments from the audience.

Moved by Hand/Walker for approval of Ordinance No. 2000-17. The roll call vote was:

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Aye: Beltz, Poole, Walker, Hand, E. Palmer, and Buckley

Nay: None

Motion carried unanimously.

NEW BUSINESS

10. COUNCIL ACTION RE: Street Resurfacing Contract, FY99/00, Project No. 00600, APAC Florida, Inc., Melbourne, FL - \$237,432.15.

Mr. Hill briefed Council. This is the proposed contract for the annual street resurfacing program. The contract is based on unit pricing for items such as asphalt concrete overlay by the ton, traffic striping and marking, and replacement reflector markers. Payment will be based on the actual quantity installed/provided by the contractor. The contractor must complete the work within 60 calendar days of the city's notice to proceed. Two bids were received and the recommendation is to award the contract to APAC Florida, Inc. in the amount not to exceed \$237,432.15.

Moved by E. Palmer/Beltz for approval of the recommendation including the unit price per ton of \$36.95.

Mr. Palmer asked if we expected more bidders. Mr. Ralls said there are only four who are qualified in the area and all four were notified. He added that we usually receive two to three bids for this project.

Mr. Palmer asked how we are including the Eau Gallie Library. Mr. Ralls responded that the driveway leading to the pier is considered public right-of-way. Mr. Hill noted that the actual parking lot of the library was paved when the new facility was constructed.

The question was called. Motion carried unanimously.

11. COUNCIL ACTION RE: Consent Agenda

Moved by Hand/Walker for approval of the consent agenda, items "a – k".

Regarding "e", Mr. Palmer asked how many tons of activated carbon were purchased last year. Mr. Hill said he was not sure and would return with a report. He commented that the condition of the lake determines the amount used.

Mr. Palmer asked for additional information on "j". Mr. Hill explained that this relates to the HMO component. Blue Cross/Blue Shield has proposed an alternate program, which includes additional benefits with no cost increase; however, it discontinues the vision plan. The vision plan has become an administrative problem and we believe that it will be discontinued in the near future. Accepting the alternate proposal will result in rates not being increased this year and additional benefits being made available.

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Mr. Palmer commented that he thought Council would be briefed on item “a” based on policy (contract in excess of \$50,000). Mr. Hill stated that it was included on the consent agenda because the total is made up of individual amounts. A brief discussion followed regarding the improvements that will be made and Mr. Hill noted that it should take care of the problems experienced last year. The city has a gravity feed system and the problem in the Leewood area is that the drainage structures are low.

The question was called. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Purchase of equipment and contractor services for construction of 12” relief force main at the D. B. Lee Wastewater Treatment Plant – various vendors - \$97,099.00.
- b. Purchase 3 replacement vehicles and one new vehicle for various departments, John Deere Company, Conyers, GA - \$54,090.00.
- c. Purchase of one Sterling LT7500 Tandem Axle Chassis with 14-yard dump body, Atlantic Truck Center, Ft. Lauderdale, FL - \$71,910.00.
- d. Purchase of four 2000 Ford Crown Victorias (@ \$19,773 each) for the Police Department, Don Reid Ford, Maitland, FL - \$78,092.00.
- e. Annual contract for purchase of Aqua Nuchar Powdered Activated Carbon 900+ at a unit price of \$1,080 per ton, Westvaco Corporation, Covington, VA – cost to exceed \$10,000 (estimated annual cost is \$748,440.00).
- f. Purchase of one LIFEPAK 12 Defibrillator/monitor with pacing option, SpO2 Option, 12-lead ECG Monitoring Option, Left Pouch and Battery Support System 2, Medtronic Physio-Control, Redmond, WA - \$18,757.80.
- g. Purchase of one Gateway E-5250 550 Computer System, for Engineering/CAD/ GIS station, Gateway 2000, Kansas City MO - \$5,803.00.
- h. Amendment No. 1 to Outlaw & Rice Contract for Engineering Study of Eber Road Widening, Project No. E101-100, \$25,000.00.
- i. Fee Proposal from L. S. Sims & Associates for Soil Excavation and Disposal at Lake Washington Surface Water Treatment Plant, Project No. 95366 - \$6,400.00.
- j. A request for approval of revised contract with Blue Cross/Blue Shield of Florida, for the City’s employee health benefits program. (Reduction of cost by an estimated \$156,806.)

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Added to the agenda:

- k. Lease purchase with Canon Financial for a document imaging system (City Clerk), Shell Office Systems - \$9,927.40 for the next three years (\$29,782.20 total).
12. COUNCIL ACTION RE: A request from Honor America for extension of the present 20-year lease for the Liberty Bell Museum for another 20 years and approval of conceptual expansion plans.

From the agenda report: Honor America is proposing a project to expand the Liberty Bell Memorial Museum at its present location. The guidelines and design assumptions for the project are included in the agenda package. Before proceeding with plans, Honor America has requested Council consider an extension of the current lease for an additional 20 years along with conceptual approval of the proposed expansion of the Liberty Bell Museum. If Council agrees, a lease extension will be prepared and returned to Council for approval.

Joe Mullins, Chairman of the Museum Facilities Committee, Honor America, discussed their proposed plans. He noted that the original museum was built in 1985. After obtaining permission from the city to use the land, they engaged an architect and contractor, proceeded with fundraising activities, and accomplished the project in five months. Continuing, he noted that their needs are double the size of the current facility. They do not have adequate space for educational research and they need a multi-purpose room. Because the investment will be at least \$200,000, they would like a 20-year extension on the lease.

Bob DeMair, Board of Directors and Museum Committee member, reported that the museum has served the community and surrounding area for the last 15 years. The museum has thousands of visitors each year along with dozens of special programs. It is a great asset to the community. Additionally, he explained that the museum's purpose is to reawaken citizens' sense of pride in American traditions and "honor America and respect the flag."

Continuing, Mr. DeMair said expansion of the museum would allow for additional display area and the ability to consolidate and rotate exhibits. An expanded facility would also enable them to qualify for more grants and have an interactive student project facility. He noted that they plan to finance the project by selling pieces of the liberty bell (figuratively speaking; the bell would not be cut into pieces).

Mrs. Poole asked Mr. DeMair if Honor America is going to return to the city and ask for support with funds. Mr. DeMair said he supposes they would to the extent that the city would provide support.

Mayor Buckley noted that in addition to selling pieces of the bell, they also plan to seek state and federal grants. He confirmed for Mrs. Poole that the bell would not be dismantled.

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Mrs. Poole stated that Honor America is a great asset to the city and she is glad they are making room for more activities.

Mayor Buckley corrected the article that appeared in the paper and noted that they are asking \$10 for one ounce of the bell. Additionally, the project will not infringe on the existing parking area.

Mr. Palmer said he is on the Board of Directors of Honor America. He stated that he believes this is a visionary approach to improve the operation and is a worthwhile endeavor. The expansion is well planned.

Mrs. Hand agreed and added that the goals and objectives of Honor America are fantastic. She is happy they are expanding this great asset to our community. Mrs. Walker expressed the same views.

Mr. Beltz congratulated Honor America for creating a great vision and pushing forward. He said the city is proud to have Honor America in our community.

Moved by E. Palmer/Walker to approve the concept of the expansion and extend the lease with Honor America for 20 years. Motion carried unanimously.

13. COUNCIL ACTION RE: A request for an off-premise directional sign for the Crane Creek Fisheries Seafood Market located on Prospect Avenue west of U.S. 1.

Mr. Hill briefed Council. The sign is 12 square feet and will be located on the CITA property. CITA already has a detached sign on the property; therefore, a variance will be required for a second detached sign. The variance has been requested and will be considered on February 28.

The city permits off-premise directional signs only upon approval of City Council and restricts such signs to a maximum of 25 square feet. Only the name, location, and route to the business are allowed on such signs.

The application indicates that the proposed off-premise directional sign would meet the criteria established in the City Code if a variance for an additional sign is granted. As always, staff is concerned that off-premise signs set a precedent for other businesses that have facilities on side streets and would like identification on the main highway. Because this sign is small and attractive it would not be detrimental to the area. Further, it could help in re-establishing the area as a viable commercial area. However, it may be that the off-premise sign should not be allowed permanently.

The recommendation is for approval of the off-premise sign for Crane Creek Fisheries Seafood Market for a period of five years.

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David Civil, representing Crane Creek Fisheries, noted that his brother and sister-in-law have owned the business for about four years. He reported that the sign is necessary in order for customers to find the business. He asked for Council's consideration.

Mrs. Poole complimented Mr. Civil on the design of the sign. In response to Mrs. Poole, Mr. Civil stated that no trees would be replaced or relocated as a result of placement of the sign. CITA misunderstood the intended location; that is why they addressed relocation/replacement of the tree in their agreement.

Moved by Hand/Poole for approval of the off-premise sign for Crane Creek Fisheries for a period of five years. Motion carried unanimously.

14. COUNCIL ACTION RE: A request for consideration of a proposal to draft a letter of support for the establishment of a County courthouse in Melbourne at the former Palms Theater site.

Mr. Hill briefed Council. This is a request for a letter of support for the group of attorneys attempting to locate a new courthouse at the location of the former Palms Theater site on north Babcock Street. A contract for the sale of the property has been completed and it is their intent to sell or lease this property back to the county at no cost to the county.

The location of this type of use within the redevelopment district would generate additional redevelopment activity that would benefit the district. Of particular concern has been the lack of an anchor for the northern end of Babcock Street. The proposed courthouse would provide such an anchor and no doubt serve as a catalyst for redevelopment.

The recommendation is that Council support the location of a new courthouse on North Babcock Street.

Jamie Nance, attorney, reported that his father is spearheading this effort. He added that this morning, the county authorized a study. The other options include a mirror image of the existing facility at Viera and an annex in Palm Bay at Malabar Road/I-95. He said he believes that his father's magnanimous gesture will restore some semblance of order to the judicial administration. Additionally, he stated that he has talked with the city managers from Melbourne Beach, Indian Harbour Beach, and Satellite Beach. He believes our beachside neighbors have a vested interest as well and hopefully they will join in supporting this location.

Mrs. Poole asked Mr. Nance if he knows how the county feels about this. Mr. Nance said it seems that Commissioners Higgs, Carlson, and perhaps Voltz are supportive. Also, surprisingly, O'Brien seemed interested.

Mrs. Poole asked Mr. Nance to convey to his father how much the city appreciates his very special offer. The Mayor and other Council Members agreed.

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Mr. Beltz asked the timeframe involved if the county were to approve this. Mr. Nance said they currently have a purchase option on the property; therefore, they are putting pressure on the county to make a decision. They are hoping that within six months they commit to the property. Also, it appears as if funding is available for this in the county's 2001 budget. The question is whether the county has a desire to build a courthouse on the North Babcock corridor.

Mr. Palmer stated that he believes common sense will prevail.

Mr. Hill reported that he spoke with three commissioners regarding this. Commissioners Carlson and Higgs indicated they were generally supportive and Commissioner Voltz said she is interested in seeing the cost; however, she does understand the benefit of having the courthouse in a redevelopment district.

A brief discussion followed regarding the benefits of having the courthouse at this location.

Moved by Beltz/Hand for approval and support of the location of a new courthouse on North Babcock Street. Motion carried unanimously.

Note: A draft letter of support was included in the agenda package. The letter will be modified to provide for all Council Members' signatures.

15. COUNCIL ACTION RE: Proposed Council policies regarding speakers addressing Council and persons or organizations requesting funding from the City. (Requested by Council 1/25/00)

Council discussed several policies at its January 25 meeting. The following are being presented for Council's consideration:

- *Council voted to prohibit speakers addressing Council from borrowing or assigning time to/from others. (7/28/92, Item #16) Council will consider granting additional time to a person functioning as a spokesperson for a group.*
- *Any person or organization requesting funding from the City must provide a written proposal outlining how the funds will be used and what services will be provided in exchange for those funds.*

The underscored language indicates a proposed revision to an existing policy along with a new policy.

Mr. Beltz said he thought the "addressing Council" form would also be revised to indicate that a spokesperson may be granted additional time. Mayor Buckley said he is not sure we should encourage long-winded spokespersons. Mr. Hill said a revision could be made to the form. Mr. Beltz asked to see the proposed wording at the next meeting.

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There was no discussion on the second policy change.

Moved by Beltz/Hand to make the changes to the policies as noted. Motion carried unanimously.

16. COUNCIL ACTION RE: Board Appointments

- a. Babcock Street Community Redevelopment Agency Advisory Committee – one alternate member.

Moved by E. Palmer/Poole to appoint Karen Harshaw. Motion carried unanimously.
(2/8/00 – 6/7/01)

- b. Downtown Redevelopment Committee – four regular members.

Mayor Buckley referenced the additional application received from Christine Marcelle.

Mrs. Poole noted that Wendy Brandon has a great attendance record. She pointed out that the other applicants, William Corey, Chris Miller and Eric Vanek, have all missed about half of the meetings. She stated that it is important to appoint members who are going to attend the meetings.

Continuing, Mrs. Poole said that the new applicant, Christine Marcelle, appeared before the Downtown Redevelopment Committee on February 3 to discuss a problem she is having with the Downtown Architectural Review Board. Mrs. Poole said it bothers her that this is the same day she applied for this board and wonders if it could be a conflict.

Following a brief discussion, Mr. Beltz said Council has no guarantee that people who have never served would have a better attendance record.

Mayor Buckley started with Wendy Brandon's seat:

Moved by E. Palmer/Poole to reappoint Wendy Brandon. Motion carried unanimously.
(2/23/00 – 2/22/03)

Chris Miller's seat:

Moved by Beltz/E. Palmer to reappoint Mr. Miller. Motion carried. (Mrs. Poole voted nay.) (2/23/00 – 2/22/03)

Ray Armstrong's seat:

Mr. Beltz nominated William Corey. Mrs. Poole pointed out that although Mr. Corey lives on Melbourne Avenue in Downtown Melbourne, he has missed three out of seven meetings.

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Moved by Hand/Walker to close the nominations. Motion carried. (Mrs. Poole voted nay.)

Moved by Hand/Beltz to appoint William Corey as a regular member. Motion carried. (Mrs. Poole voted nay.)

Tina Suiter's seat:

Moved by Walker/Poole to postpone the appointment to this seat until the next meeting. Motion carried. (Mayor Buckley and Council Member Beltz voted nay.)

The appointment of William Corey as a regular member left an alternate member seat vacant.

Moved by Poole/Hand to postpone the appointment to the alternate member seat until the next meeting. Motion carried. (Mayor Buckley voted nay.)

17. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

The Mayor reported that during the Martin Luther King, Jr. celebration, Jackie Colon, Council Member from Palm Bay, volunteered that Palm Bay would try to name a street in honor of MLK. She recommended Florida Avenue. The Mayor said he has some alternative suggestions and has been trying to reach Ms. Colon to discuss this.

Mrs. Hand stated that Council should make every effort to do this, whether it is this street or another. Mrs. Poole disagreed and pointed out that the past Martin Luther King, Jr. street renaming requests have been opposed by over 95% of the people.

The Mayor reported that recommendations would be reviewed and the issue returned to Council.

Agnes Brogan, Corbusier Drive, asked that the Airport Authority meetings be advertised further in advance and also be included in the Melbourne Messenger.

The Mayor noted that the Airport Authority meets the third Wednesday of the month. Following a brief discussion, the Mayor said he would mention this to the Airport Director.

Regarding the street name change discussion, Mr. Palmer said Council should take some positive action. He agreed that the people who live on the street should have a say.

A brief discussion followed.

Recessed: 8:47 p.m.
Reconvened: 8:57 p.m.

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Mr. Hill referenced the general budget workshop meeting that is usually held during March. Council agreed to hold this meeting on March 21 at 7:30 p.m.

Additionally, he suggested the meeting between the county, SJRWMD, and staff to discuss stormwater management issues be conducted on March 15. Council agreed to let the City Manager know if they are okay with this date.

At this point, Mr. Hill made a presentation to Council on leadership issues. A brief question/answer period followed.

18. ADJOURNMENT

Moved by Walker/Beltz for adjournment. Motion carried unanimously.

The meeting adjourned at 9:58 p.m.

City Clerk – 2/17/00

Approved by Council: _____