

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JULY 25, 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 Buckley.

1. Council Member Grace Walker 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, District 2
	Richard Contreras	Council Member, District 1
	Priscilla M. Poole	Council Member, District 3
	Grace Walker	Council Member, District 4
	Cheryl Palmer	Council Member, District 5
	Loretta Isenberg-Hand	Council Member, District 6
	Henry J. Hill	City Manager
	Paul R. Gougelman, III	City Attorney
	Cathleen A. Wysor	City Clerk
	Bud Emerson	Assistant City Manager
	Bill McCord	Assistant Planning and Zoning Administrator

4. PROCLAMATIONS AND PRESENTATIONS

Mayor Buckley introduced Nathalie Gresch, a 16 year old, 10<sup>th</sup> grade, foreign exchange student from Switzerland. Nathalie is spending July in Melbourne with the Len Mallak family.

During the meeting, Mayor Buckley recognized Boy Scout Troop 524. The scouts were in attendance to observe the Council Meeting.

5. APPROVAL OF MINUTES – July 11, 2000 Regular Meeting

Moved by Hand/E. Palmer for approval. Motion carried unanimously.

6. CITY MANAGER'S REPORT

Mr. Hill reported that the County Commission rejected the offer by Mr. Nance for donation of the Babcock Street property for use as a courthouse. It is unclear at this point whether the county knows what they want to do. They plan on spending the next 60 days in various reviews to formulate a long-range plan.

Mayor Buckley referenced the request by staff to add discussion of a lawsuit against Willie and Joann Worthy (Code Enforcement violations) to the agenda as item 22.1.

Moved by Poole/Contreras to add item 22.1 to the agenda. Motion carried unanimously.

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7. PUBLIC COMMENTS

None

UNFINISHED BUSINESS

8. ORDINANCE NO. 2000-45: (Public Hearing/Second Reading) A proposed ordinance for a street name change of Almond Boulevard and Pecan Street to “Reverend Johnie Scott Boulevard.” (Applicant – Ms. Della Scott Thomas) (First Reading 7/11/00)

Attorney Gougelman read the ordinance by title.

Mrs. Poole recommended Council not take action on this item since a petition was submitted indicating that less than 50% of the property owners support the name change.

Mayor Buckley opened the public hearing.

Barbara Bacon, 3226 Pecan Street, stated that she and her husband circulated the petition. They are opposed because of the considerable inconvenience it would cause them changing their mailing address and legal documents.

Mr. Hill pointed out that the petition recently submitted indicates that several property owners who signed the original petition have changed their minds and are now opposed to the street name change. Mr. Ralls calculated the new petition and verified that less than 50% of the property owners are in favor.

Moved by Poole/Walker for denial of Ordinance No. 2000-45.

Mayor Buckley said he will support the motion since there is less than 50% in favor.

A person from the audience asked to speak.

Della Scott Thomas, 401 Maynard Terrace, stated that she had submitted a petition indicating that 59% of the property owners were in favor.

Mayor Buckley informed Ms. Thomas about the new petition that had been submitted. Mr. Hill provided Ms. Thomas with a copy of the new petition.

The question was called. The roll call vote was:

Aye: Contreras, Poole, Walker, C. Palmer, Hand, E. Palmer, and Buckley

Nay: None

Motion carried unanimously.

9. ORDINANCE NOS. 2000-46, 2000-47, AND 2000-48 (AR-2000-130/CPA-2000-05/Z-2000-

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897): (Public Hearings/Second Readings) Proposed ordinances for annexation on a 0.46-acre parcel, a minor Comprehensive Plan Amendment to establish Commercial future land use, and C-1 (Neighborhood Commercial) Zoning on a 0.38-acre portion of the parcel, located on the south side of Aurora Road, east of Bowers Street. (Owner/Applicant – Lucia and Renato Zeppieri/Renato's Bakery) (First Readings 7/11/00)

The attorney read Ordinance Nos. 2000-46, 2000-47 and 2000-48 by title. There were no comments from the audience.

Moved by Poole/C. Palmer for approval of Ordinance No. 2000-46. The roll call vote was:

Aye: Contreras, Poole, Walker, C. Palmer, Hand, E. Palmer, and Buckley

Nay: None

Motion carried unanimously.

Moved by Walker/C. Palmer for approval of Ordinance No. 2000-47. The roll call vote was:

Aye: Contreras, Poole, Walker, C. Palmer, Hand, E. Palmer, and Buckley

Nay: None

Motion carried unanimously.

Moved by Poole/E. Palmer for approval of Ordinance No. 2000-48. The roll call vote was:

Aye: Contreras, Poole, Walker, C. Palmer, Hand, E. Palmer, and Buckley

Nay: None

Motion carried unanimously.

NEW BUSINESS

10. COUNCIL ACTION RE: Construction bid for Canova Beach Pump Station Ground Storage Tank, Project No. 98311, Indian River Industrial Contractors, Inc., Jacksonville, FL – \$714,528.00.

Mr. Hill briefed Council. This is a proposed project for constructing a pre-stressed concrete ground storage tank with a capacity of 2.0 million gallons near Canova Beach. The site presently contains a deteriorated steel ground storage tank (40+ years old) with a capacity of 1.5 million gallons that will be demolished under this contract after the new tank is in service. Also at this site is the booster pumping station that serves the beachside area. In addition to the tank construction, new piping and valves will be required to tie into the booster pumping station. The project includes landscaping to comply with the Brevard County site permit.

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Indian River Industrial Contractors, Inc., Jacksonville, FL, submitted the low bid of \$714,528. The city's standard construction contracting procedures apply regarding performance and payment bonds, maintenance bond, insurance, liquidated damages, etc., and the contractor will have 240 calendar days to complete the project. Liquidated damages will be assessed at \$200 per day if the contractor fails to complete the project on time.

The recommendation is for award of the tank construction contract to Indian River Industrial Contractors, Inc. in the amount of \$714,528 and authorization for additional funding from project savings in the amount of \$181,728.

Moved by Hand/Contreras for approval of the recommendation.

Mr. Ralls confirmed for Mr. Palmer that the booster pumping station was renovated five – six years ago. The old storage tank won't be taken out of commission until the new tank is constructed and tied in with the booster pumping station.

The question was called. Motion carried unanimously.

11. COUNCIL ACTION RE: Contracts for repair and painting of the Patrick Air Force Base water storage tank.
- a. Contract for repair and painting of the Patrick Air Force Base elevated water storage tank, Worth Contracting, Inc., Jacksonville, FL - \$448,500.00.
  - b. Supplement No. 39 to Continuing Consultant's Contract to provide construction contract administration and tank inspection, Frazier Engineering, Inc., Melbourne, FL - \$31,000.00.

Mr. Hill reviewed the agenda report. This is a contract award to repair and paint the Patrick elevated water storage tank located beachside near the Capehart Housing development north of Satellite Beach. The item also includes construction phase administrative and inspection services to be provided by the city's continuing consultant. This is a one million gallon steel storage tank having a top-of-tank height of 155 feet and a 75.5-foot diameter.

The low bid was submitted by M&J Construction Inc. of Pinellas County. The city's consultants did not think that M&J Construction had the necessary experience required for this project and recommended that the project be awarded to the second low bidder, Worth Contracting Inc. M&J filed a bid protest and city staff met in committee with M&J to discuss the firm's qualifications to perform this project.

The bid protest committee, consisting of the City Engineer, Utilities Director, Assistant City Manager, and Purchasing Manager, heard presentations by the contractor, city consultant Frazier Engineering, and specialist subcontractor TEAM, Inc. The committee determined that M&J Construction did not have experience in several areas critical to successful completion of this tank project. The committee also determined that the

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second low bidder, Worth Contracting, Inc., did have the necessary experience to qualify for the tank project.

The project involves some incidental repairs to the tank and support structure. However, the work primarily involves cleaning and painting the tank, inside and out. The tank will be painted white and the city logo sailboats will be painted in blue around the circumference of the tank similar to the paint scheme used on the Indialantic tank.

The recommendation is for approval of the contract with Worth Contracting, Inc. of Jacksonville, FL in the amount not to exceed \$448,500.

The second part of this item is a proposed supplement to continuing consultants Frazier Engineering's contract to provide construction phase services on this tank painting project.

Moved by Poole/E. Palmer for approval of the contract with Worth Contracting, Inc. of Jacksonville, Florida in the amount not to exceed \$448,500. Motion carried unanimously.

Moved by E. Palmer/Poole for approval of Supplement #39 to Frazier Engineering's Continuing Consultant Contract to provide construction contract administration and tank inspection for a fee not to exceed \$31,000. Motion carried unanimously.

12. COUNCIL ACTION RE: Amendment No. 2 to contract for Phase II RO Concentrate Disposal Study (Monitoring Well Construction and Testing), Project No. 94310, L. S. Sims & Associates, Melbourne Beach, FL - \$70,000.00.

Mr. Hill briefed Council. This is a proposal from L.S. Sims and Associates to proceed with the next step in the process to obtain approval from the Florida Department of Environmental Protection (FDEP) to modify the D.B. Lee Well for injection of reverse osmosis potable water by-product.

The city is currently involved in drilling an exploratory well for the purpose of confirming that a geological confining layer exists at a depth of about 1,100 feet below the surface. The other purpose is to determine if the U.S. Drinking Water (USDW) zone lies above the confining layer. Injectate may not migrate into the USDW, a protected zone of groundwater characterized by the concentration of dissolved solids having a range of 3,000 to 10,000 parts per million. Generally, the concentration of groundwater increases with depth.

Ideally, we will find that the USDW exists at a level above the confining layer. This means that RO by-product injected below the confining layer will not be able to migrate upward through the confinement. Thus, the USDW will be protected from potential intrusion by the RO potable water by-product.

As part of the evidence needed to convince FDEP to issue a permit to modify the injection well, water quality and other geological data are being collected as the exploratory well is being drilled (currently drilled to a depth of about 800 feet). This data will be input to a computerized groundwater flow model.

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Proceeding with Tasks 3 and 4 is the next step in getting the injection well permitted since all the data collected to this date looks positive. Task 3 involves inputting the collected data into the groundwater model; much of the data will be used to recalibrate the model. The model will predict how the by-product injectate will be contained within the geology. This is a \$35,000 effort.

Task 4 involves preparation of the summary report to support the well application and preparation of the application itself. This is also a \$35,000 effort. The total for Tasks 3 and 4 is \$70,000.

The application, model and report must be completed and submitted to FDEP by the consent order deadline of December 31, 2000.

The recommendation is for approval of Tasks 3 and 4 with L.S. Sims & Associates in the total amount of \$70,000.

Moved by Poole/C. Palmer for approval of the recommendation.

Mr. Contreras asked what the next step would be if this process indicates there is migration into the USDW. Mr. Hill said if ultimately we are unable to use the injection well, then we might not be able to use the RO Plant. Concerns have been raised about discharge into the river and clearly FDEP won't allow us to increase our discharge to a surface water body. We would have to deal with whether they would allow us to continue discharging to the Eau Gallie River.

Mr. Ralls added that there are a couple of other possibilities if we don't find the confining zone, including getting an exemption on the rule and/or changing our treatment process. He added that we received a five-year extension on the discharge to the Eau Gallie River to allow time to work through this process.

Mr. Palmer referenced the package, which indicates that if we are successful, this phase will cost \$700,000. He questioned the \$1.3 million cost listed. Mr. Hill said that will be the cost for moving the connection from the Eau Gallie River to the D. B. Lee Plant. He noted that we were facing a cost of \$700,000 or more to plug and abandon the D. B. Lee Well. We are in a position to reuse the well for that same amount of money plus the cost to move the connection. Mr. Palmer agreed that by far this is the best plan.

Mr. Ralls confirmed for Mrs. Palmer that we have not reached the USDW zone yet. Mrs. Palmer asked if the cost of disposal was explained to Council when the RO plant was being considered. Mayor Buckley said yes and Mr. Ralls added that the cost of disposal was part of the overall cost estimates.

A brief discussion followed regarding our options if this project is unsuccessful.

The question was called. Motion carried unanimously.

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13. COUNCIL ACTION RE: Consent Agenda

In response to Mrs. Poole, Mr. Hill said he would provide additional information on the type of liner outlined in items “f” and “g.”

Moved by Hand/E. Palmer for approval of the consent agenda as recommended.

Regarding item “b”, Mrs. Walker expressed concern that the medians would cause a traffic hazard, especially with the high school students. Mr. Hill said they would probably add to traffic safety because there is a huge expanse of pavement located throughout the area. He confirmed that the study would evaluate this. He added that at this point, there is no funding to do the work. Council will ultimately have to be satisfied with the project before approving funds.

Mr. Palmer referenced the traffic signal maintenance agreement in item “e” and commended the effort. A discussion followed regarding the proposed improvements.

The question was called. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Resolution No. 1646: A resolution authorizing application for an Urban and Community Forestry grant from the Florida Department of Agriculture and Consumer Services, Division of Forestry, for funding in the amount of \$7,500 for improvements to Babcock Street Park.
- b. Supplement No. 45 to Continuing Consultant Contract for Surveying and Preliminary Engineering for Babcock Street Medians, Project No. 00611, Frazier Engineering, Inc., Melbourne, FL - \$22,462.00.
- c. Change Order No. 3 to D. B. Lee Wastewater Treatment Plant Exploratory Monitor Well, Project No. 94310, Jaffer Associates, Ltd., Miami, FL - \$2,000.00.
- d. Change Order No. 3 to D. B. Lee Wastewater Treatment O&M Improvements, Project No. 97321, Wharton-Smith, Lake Monroe, FL - \$4,352.00.
- e. Signal Maintenance Agreement with the Florida Department of Transportation (FDOT) for Traffic Signal at SR 518 (Montreal Avenue) and Pineapple Avenue.
- f. Purchase of medium cleaning and furnishing/installation of CIPP lining for Water/Sewer Operations Division, Madsen-Barr/Philip Utilities Management Corporation, Inc., Longwood, FL - \$335,110.00.
- g. Purchase of light cleaning and furnishing/installation of linear feet of CIPP lining for Streets Division Madsen-Barr/Philip Utilities Management Corporation, Inc., Longwood, FL - \$46,410.00.

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14. COUNCIL ACTION RE: A presentation on the Brevard WorkForce 2020 Project. (Requested by Tibby Parker, Project Director)

Mayor Buckley noted that Ms. Parker had a scheduling conflict and will make her presentation at the August 8 meeting.

15. ORDINANCE NO. 2000-49 (A&V #235): (Public Hearing/First Reading) A request to vacate the southern 6' of a 10' wide public utility and drainage easement along the northern property line of Lots 43 and 44, Rio Villa, Unit 2. (Applicants – Dennis & Frances Mannion and Charles & Cheryl Hart)

The City Attorney read the ordinance by title.

From the agenda report: The Mannions (Lot 44) have lost two buyers because their pool, concrete deck, and screen enclosure encroach five feet into the backyard public utility and drainage easement. Mr. and Mrs. Hart, owners of Lot 43, also have a pool in their backyard. Only the concrete deck and screened enclosure encroach into their easement by three feet. In order to sell either residence, portions of the public utility and drainage easement should be vacated.

City departments, local utility companies and the Rio Villa Homeowners' Association had no objections and the recommendation is for approval.

Mayor Buckley opened the public hearing. There were no comments from the public.

Moved by E. Palmer/Walker for approval of Ordinance No. 2000-49.

Mrs. Palmer questioned the need for these easements when we are constantly abandoning and vacating them. Additionally, the utility companies usually have no problems with the request. Mr. Hill replied that access is needed. He explained that on homes built 10 – 15 years ago, the easements weren't carefully verified before permits were issued (for pools, enclosures, etc.). The preference is to maintain the full easement; however, in these instances, the only other choice is to make the homeowner remove the pool from the easement. Additionally, before financing or refinancing property, banks now require all of these things to be cleared.

The question was called. Motion carried unanimously.

16. COUNCIL ACTION RE: A request for approval of policy revisions to homeowner/home buyer Housing/Community Development Programs:
- a. Proposed policy revisions to the Purchase Assistance Program.
  - b. Proposed policy revisions to the Owner-occupied Housing Rehabilitation Program.
  - c. Proposed policy revisions to the Homeowner Housing Replacement Assistance Program.

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Melinda Thomas, Housing and Community Development Director, reviewed the item. Staff is proposing policy revisions to each of the three homeowner/home buyer programs it administers: the Purchase Assistance Program, the Owner-Occupied Housing Rehabilitation Program, and the Homeowner Housing Replacement Assistance Program. Proposed policy revisions for the city's renter programs will be presented at a later date. Policy revisions fall into four broad categories:

1. Grammatical corrections.
2. Technical or clarifying revisions (e.g. the SHIP rule has been renumbered).
3. Revisions made for consistency with other City of Melbourne housing programs.
4. Conceptual/theoretical revisions that reflect a change in policy direction.

The proposed policy revisions were approved by the Citizens' Advisory Board on July 10.

The recommendation is for approval of policy revisions to the following homeowner/home buyer programs of the Housing and Community Development Department: a) Purchase Assistance Program; b) Owner-Occupied Housing Rehabilitation Program; and c) Homeowner Housing Replacement Program.

Mr. Contreras commended staff for an excellent job. Mr. Palmer applauded the programs going city wide. Mrs. Thomas answered several questions for Mr. Palmer. Mrs. Palmer stated that she believes the changes will be beneficial to the recipients and the city as a whole.

Moved by E. Palmer/Hand for approval of the recommendation. Motion carried unanimously.

17. RESOLUTION NO. 1647: A proposed resolution to amend the 1998-2001 Housing Assistance Plan to include a new strategy entitled, "Purchase Assistance with Sweat Equity Strategy" and authorization for the City Manager to submit the amended HAP to the Florida Housing Finance Corporation.

Attorney Gougelman read the resolution by title.

Mrs. Thomas briefed Council. This is a proposed amendment to the HAP to allow for the addition of a new strategy known as the Purchase Assistance with Sweat Equity Strategy. Having such a strategy will make it possible for the city to subsidize new homes purchased by very low-income buyers participating in a sweat equity homeownership program. An amendment requires Council approval and final approval by the SHIP Review Committee of the Florida Housing Finance Corporation (FHFC).

The amendment was approved by the Citizens' Advisory Board at their July 10 meeting.

Mrs. Poole asked who will supervise the people working on their own homes. Mrs. Thomas said the eligible sponsor will have to demonstrate the capacity and experience to

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monitor this. She does not know of too many with this kind of history other than Habitat for Humanity.

Mrs. Walker asked the specific timeframe for the 200 hours to be worked. Mrs. Thomas said it would vary from family to family. She noted, however, that the sweat equity would have to be accomplished before the person occupies the home.

Mr. Palmer questioned how the sweat equity will be measured on an RFP. Following a brief discussion, Mrs. Thomas stated that she avoided this point. She added that if we were in a market where the non-profits were breaking down the door to do this, then we would have to establish a point system and a way to evaluate the merits of one system over another. At this point, we are simply going to advertise the SHIP funds. Mr. Palmer reported that the county has a one page format, which contains sweat equity points.

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

Recessed: 8:56 p.m.

Reconvened: 9:06 p.m.

18. COUNCIL ACTION RE: A request for approval of technical revisions to the 1998-2001 SHIP Housing Assistance Plan.
- a. Technical revisions to Purchase Assistance Strategy.
  - b. Revised Goals Delivery Chart, Program Year 2000-2001.

Mrs. Thomas reviewed the agenda report. Two technical revisions are being proposed to the 1998-2001 SHIP Housing Assistance Plan (HAP). Technical revisions require Council approval, and are then relayed to the Florida Housing Finance Corporation (FHFC) as a matter of information. The proposed revisions are as follows:

- 1. Technical revisions to the existing Purchase Assistance Strategy will bring the strategy in line with proposed policy revisions. The revisions are shown using strike-through (deletions) and underline (additions) in the strategy document contained in the agenda package.

These revisions were approved by the Citizens' Advisory Board at its July 10 meeting.

- 2. The second technical revision is being requested by the FHFC. The agency is requesting that the city submit a revised Housing Goals Delivery Chart to replace the one currently included in the City of Melbourne's approved three-year SHIP Housing Assistance Plan which expires June 30, 2001. The FHFC's request is based on windfall revenues resulting from excess SHIP Trust Fund collections for State Fiscal Year ending June 30, 2000. Melbourne's share of these excess revenues is \$196,591, which allocation has already been received by the city.

The Goals Delivery Chart reflects total projected revenues of \$823,050 composed of the

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following:

SHIP Allocation	\$771,550
Program Income (interest accruals on SHIP funds)	50,000
Recaptured Funds (returned SHIP funds, e.g. utility deposits)	<u>1,500</u>
	\$823,050

The proposed uses of these funds are as follows:

Owner-occupied Housing Rehabilitation	\$223,750
Impact Fee Assistance	-0-
Purchase Assistance Strategy	184,645
Purchase Assistance with Sweat Equity Strategy	150,000
Rental Rehabilitation Strategy	120,000
Tenant Assistance Strategy	60,000
Home Ownership Counseling	5,000
Administration	<u>79,655</u>
	\$823,050

Moved by C. Palmer/Walker for approval of the technical revisions to the 1998-2001 SHIP Housing Assistance Plan, Purchase Assistance Strategy. Motion carried unanimously.

Moved by C. Palmer/Contreras for approval of the technical revisions to the 1998-2001 SHIP Housing Assistance Plan, Revised Housing Goals Delivery Chart, for state fiscal year 2000-2001. Motion carried unanimously.

19. RESOLUTION NO. 1648: A resolution calling for a referendum to be held in conjunction with the General Election of November 7, 2000 on the question of whether the city may grant economic development ad valorem tax exemptions pursuant to the State Constitution and authorizing the City Clerk to include the question on the ballot.

The Attorney read the resolution by title and the referendum question in its entirety.

Mrs. Walker questioned the duration of the abatement. Mr. Hill stated that the statutes provide that it may be up to 10 years and 100%. However, the city would have to create a mechanism by which Council would review and grant exemptions and determinations would be made on a case by case basis.

Mrs. Poole asked if another referendum would be required if this passes and the city decides not to continue with the abatements in the future. Mr. Gougelman said he does not believe so. Council would need to simply repeal the authority. However, to be empowered to grant exemptions, voter approval is necessary.

Mr. Palmer pointed out that we are only authorizing a referendum. The city does not have to proceed with abatements. Attorney Gougelman said that is correct.

Mr. Contreras referenced the additional material distributed, which indicates that Brevard

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County has granted 42 abatements with 19 of them being in the city. He noted that many of them are high tech businesses; Melbourne has benefited well.

Mrs. Poole questioned how the abatements would affect our redevelopment areas, especially the Babcock Redevelopment Area. She read from the Babcock Street Redevelopment Committee minutes, which indicate that the members are ready to accelerate the redevelopment in the area. If the county and the city approve abatements, the redevelopment of the area could fail. The redevelopment is supposed to be financed with tax increment funds – not borrowing or bonding. She asked that when information is provided to citizens, that this information be included.

Mr. Hill said the tax abatements could be used in any location of the city, including the redevelopment districts. If the county and the city abate taxes then that is a lack of revenue that would come to the district. If it weren't in a redevelopment district, it would be lack of money coming to the General Fund and that is a choice Council will have to make. For a successful redevelopment district, there needs to be a mix of retail, housing, etc. Abatements need to be viewed as a layer of incentive or benefit that would be available along with the benefit of the redevelopment district and additional taxes that are devoted to the district.

Mrs. Palmer recalled that the presentation by Mr. Kaiser included information on additional revenue that comes from new businesses, even when abatements are granted. Mr. Hill said the numbers indicate that there is a 5:1 return in terms of the amount of taxes paid and the amount of taxes abated. Even if all the property taxes are abated, there is still a series of utility taxes, franchise fees, telecommunications taxes, etc. that a company would pay. It becomes a business decision. If the company doesn't locate here, we don't get any of it.

Attorney Gougelman pointed out that there is a certain amount of control. Just because someone seeks an abatement does not mean that it will be granted. It provides a bargaining chip to use as a lure. Additionally, in the redevelopment area tax exemption to one property won't have much affect; only the increment may be abated. Also, the exemption may be granted for a maximum of 10 years. A new development in the redevelopment district results in an increased appraised value and after 10 years, the city would be able to take 100% of the appraised value.

Mrs. Poole said she is concerned the county will abate everything on Babcock Street and it will slow redevelopment.

Mr. Hill said it has to be a certain type of business in order to qualify for a higher abatement. Additionally, Council needs to consider if it is worthwhile for the city to receive the spin off benefits. The question is whether we want to collect revenue on a vacant building and whatever blighting it causes, or collect lesser revenue on an occupied building that is a source of employment and provides enhanced value to the surrounding properties.

In response to Mrs. Poole, Mr. Hill said we would have to establish the criteria if the referendum were approved. He noted that Titusville has not granted any abatements yet and their program was established in 1996.

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Mrs. Poole said she is also concerned about being taken to court because we do not grant an abatement. Mr. Hill said that typically we are in competition because a business has the option to locate somewhere else. A business is not interested in arguing with the city. Mrs. Poole added that if they are interested in locating here, they will.

Mrs. Palmer said that this would not be viewed by the voters as a company providing “x” number of jobs with high salaries. They will see that businesses aren’t going to have to pay taxes. There will have to an education of voters.

Mayor Buckley informed Council that the Chamber of Commerce plans on advertising the issue.

Mr. Hill stated that all of these points are well taken; this is a serious matter. It will result in a benefit being provided for a select group. We have been fortunate so far; however, we have to look to a time when the economy won’t be what it is today. We need to consider how we can sustain revenue for a well-balanced community with a mix of retail and residential.

A brief discussion followed.

Moved by Hand/E. Palmer for approval of Resolution No. 1648. Motion carried unanimously. (Mrs. Poole originally voted nay; however, the Mayor pointed out that at the last meeting she agreed to let the voters decide. Following that, Mrs. Poole changed her vote to aye.)

20. COUNCIL ACTION RE: Review of Council salaries per Ordinance No. 2000-32.

From the agenda report: On May 9, Council approved Ordinance No. 2000-32, which amended the section of the City Code relating to the Mayor and Council salaries. The revised Code provides that the annual salary of the Mayor and Council Members shall be determined by a computation of the average salary of like positions derived from at least 10 cities within the state that have a similar population and form of government.

Following adoption of the new Code, Council adopted a motion to continue with the current salaries and approved a motion providing for the review of the salaries prior to adoption of the next budget. The current salary of the Mayor is \$7,200 and each Council Member is \$5,200.

In accordance with the new Code, the City Clerk conducted a salary survey (dated July 2000) of 10 cities of similar size with the Council-Manager form of government. The average population of the cities surveyed approximates the City of Melbourne. Also, several of the cities are those usually used by our Personnel Division for comparison of other city employee salary levels.

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In accordance with the Charter, no increase in salary shall become effective until the commencement of terms of Members elected at the next regular city election (November 14).

Mrs. Palmer pointed out that the salaries for Mayor and Council have not been raised in 27 years and the population has almost doubled during that period. She added that she thinks it is time to review the salaries and noted that she may or may not be around to enjoy an increase. Mrs. Palmer stated that there are no members who serve because of the salary. She said she would be in favor of adopting salaries that are in line with Daytona Beach.

Mrs. Poole stated that elected officials provide a service, which was provided for years by dedicated citizens willing to serve for no salary. She listed the cities in Brevard that have elected officials who serve for no salary. She pointed out that the Mayor of Palm Bay (the largest city in the county) makes \$9,200, which includes salary and travel, and the Mayor of Melbourne receives \$9,600, including salary and travel. She added that Lakeland has a mayor – commission form of government; therefore, it should not have been included in the recent survey.

Continuing, Mrs. Poole stated that the Brevard County Commission voted themselves a salary increase, but they did not vote to locate a courthouse where it will benefit the majority of people on free land. She questioned why they bought property in Palm Bay.

Mrs. Palmer called a point of order because the discussion is off the issue. Mayor Buckley ruled in favor of the point of order.

Mrs. Poole questioned how our volunteer board members will feel if Council votes for an increase. She added that she believes an increase in salary will result in attracting candidates for pay rather than dedication.

Mrs. Hand said that the cost of gas has increased tremendously. She recommended Council consider an increase in expenses as opposed to salary.

Mrs. Walker said she does not believe anyone is serving because they are being paid. She believes the members serve because they are rendering a service to the community. She said she is not sure about the Daytona Beach figures; however, she does believe it is time to consider an increase. She added that the cost of living has increased during the past 27 years.

Mr. Palmer stated that, obviously by the amount of salary, his purpose for being on Council is not the money. He said he would go along with Council's desire on the increase and added that an increase in mileage may be more appropriate.

Moved by C. Palmer/Walker to increase the Mayor's salary to \$10,000 and Council Members' salaries to \$7,500.

Mrs. Palmer said she could not support an increase in the travel because some members travel extensively and that is not reported to the public.

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Mr. Palmer said he does not believe the salaries should go that high. He recommended the Mayor's salary be increased to \$9,000 and Council's increased to \$6,500.

The maker/seconder amended the motion to increase the Mayor's salary to \$9,000 and Council Members' salaries to \$6,500.

Mrs. Hand restated her support for an increase in travel. Mrs. Poole said we already have the highest paid Mayor and Council Members in Brevard County. She added that the number of meetings hasn't increased and we have staff that does most of the work.

Moved by Poole/Hand to amend the motion to provide that the salaries remain as is and the travel expenses increase.

Mayor Buckley asked the amount on the increase in travel expense. Mrs. Palmer said the monthly allowance Mayor and Council receive for travel is not all Council receives. Council is reimbursed for travel outside the county and that is not really made public. The salary is public and if Council receives an increase in salary, it can be used for local travel expenses.

Following a brief discussion, Mrs. Hand recommended the travel allowance increase by \$50 each month. Mayor Buckley clarified that this would increase the Mayor's annual travel allowance to \$3,000 and Council's to \$1,800.

The question was called on the second amendment (to leave the salaries as is but increase the travel allowance as noted). The roll call vote was:

Aye: Poole, Hand, and E. Palmer

Nay: Contreras, Walker, C. Palmer, and Buckley

Motion failed.

The question was called on the main motion as amended (to increase the Mayor's salary to \$9,000 and Council Members' salaries to \$6,500). The roll call vote was:

Aye: Contreras, Walker, C. Palmer, and Buckley

Nay: Poole, Hand and E. Palmer

Motion carried.

21. COUNCIL ACTION RE: A request for support for appointment of Larry Schultz to the State Transportation Outreach Program (TOP) Advisory Council.

The Brevard County Metropolitan Planning Organization (MPO) is requesting the City Council support the appointment of Rockledge City Council Member Larry Schultz to the State's Transportation Outreach Program (TOP) Advisory Council. Mr. Schultz is

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currently Chairman of the Brevard County MPO.

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

22. COUNCIL ACTION RE: Appointment of one resident member to the General Employees' Pension Plan, Board of Trustees.

(Note: There was one applicant for this vacancy.)

Moved by E. Palmer/Contreras to appoint Christopher R. Steele. Motion carried unanimously. (7/25/00 – 10/21/01 – unexpired, two-year term)

- 22.1 COUNCIL ACTION RE: Authorization to file a lawsuit against Willie and Joann Worthy, property owners, for continued Code Enforcement violations at 621 Burr Street.

Mr. Gougelman reported that Mr. & Mrs. Worthy own a house at 621 Burr Street, in an R-1A zoning district. Since 1980, Code Enforcement has made repeated efforts to work with the residents to bring the property into compliance. The case has been referred on numerous occasions to the Code Enforcement Board.

Code Enforcement Board special counsel Bob Wattwood has been working on this case for years. He and staff are recommending court action on this matter. Further code enforcement action before the Code Enforcement Board does not appear to be viable, because code liens cannot be enforced against homestead property.

The recommended action is to approve filing a lawsuit against Mr. and Mrs. Worthy as owners of a house at 621 Burr Street for a court order to bring the property into compliance with the City Code, declaration of a public nuisance, and other appropriate relief.

There was an extensive discussion regarding the removal of junked and abandoned vehicles. Mr. Palmer noted that the City of Titusville has recently started to tow junked vehicles. Mr. Hill said he would investigate. Additionally, he will return with a report on the problems associated with removing and disposing of such vehicles.

Moved by Poole/E. Palmer for approval of the request. Motion carried unanimously.

23. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mrs. Hand stated that there are two alternate member vacancies on the Citizens' Advisory Committee of the Metropolitan Planning Organization. Mr. Hill said he would determine how the past vacancies have been filled. He believes that the Council Members who are members of the MPO make a nomination and submit to the MPO for appointment.

Mrs. Palmer reported that the drain at Sarno Road and U. S. 1 is badly deteriorated. Mr. Hill said he would investigate.

Attorney Gougelman said he anticipates having a detailed report on the city's current

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litigation ready by next week.

24. ADJOURNMENT

Moved by Walker/C. Palmer for adjournment. Motion carried unanimously.

The meeting adjourned at 10:30 p.m.

\_\_\_\_\_  
City Clerk – 8/3/00

Approved by Council \_\_\_\_\_