

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
DECEMBER 12, 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. The invocation was given by Vice Mayor Cheryl Palmer.
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
	Cheryl Palmer	Vice Mayor, District 5
	Richard Contreras	Council Member, District 1
	Ed Palmer	Council Member, District 2
	Pat Poole	Council Member, District 3
	Grace Walker	Council Member, District 4
	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

None.

5. APPROVAL OF MINUTES - Regular Meeting - November 28, 2000

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

6. CITY MANAGER'S REPORT

Mr. Hill reminded the Council Members participating in the field trip to the solid waste transfer facility in Seminole County to meet at City Hall on December 13 at 8:30 a.m.

Mr. Hill referenced his memorandum requesting item 12 "f" be added to the agenda.

Moved by C. Palmer/E. Palmer to add item 12 "f" to the agenda. Motion carried unanimously.

The Mayor and the City Manager commended the staff of Leisure Services, Management Services, Police, Fire, and City Clerk for their hard work and dedication towards ensuring a successful "Capital for a Day"; event conducted December 12.

7. PUBLIC COMMENTS

None.

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UNFINISHED BUSINESS

8. ORDINANCE NO. 2000-59 (Z-2000-901): (Public Hearing/Second Reading) An ordinance rezoning of a .636-acre parcel from C-2 (General Commercial) and R-2 (Cap 6) (One-, Two- and Multiple-Family with a cap of 6 units per acre) to R-2 (Cap 4) (One-, Two-, and Multiple-Family Residential with a cap of four units per acre) located on the south side of Young Street, east of U. S. 1 in Houston's Addition Subdivision. (Owner/Applicant - F. Michael and Patricia R. Henry) (First Reading 11/14/00) (Postponed by Council 11/28/00)

Attorney Gougelman read Ordinance No. 2000-59 by title. Mayor Buckley referenced the memorandum from the City Manager, which indicates that a number of names have been withdrawn from the original petition. The removal of the names is contingent on the stipulation discussed at the November 14 meeting. The stipulation has been included in the ordinance. The opposition represents less than 20%; therefore a 6/7 vote by Council will not be required.

Bill Potter, 1499 S. Harbor City Boulevard, representing the residents who submitted the petition in opposition, stated that the stipulation is acceptable. Based on the inclusion of the stipulation in the ordinance, the petitioners have withdrawn their opposition.

Note: The stipulation provides that "the ordinance is approved based on the condition that the property subject to this rezoning shall be for a single-family residence. A guesthouse may also be included with the home, but it shall be accessory to the main structure and shall not be rented or sold separately from the main house."

Mrs. Poole asked why all the petitioners did not withdraw their names. Mr. Potter said they stopped gathering signatures when the percentage went below 20%.

Michael Henry, applicant, agreed with the stipulation. He added that he believes most of the neighborhood was misled into believing that he was building a multiple-family project. He regrets that it has taken so much to reach a compromise.

Responding to Mrs. Poole, Attorney Gougelman confirmed that the stipulation would run with the land.

Moved by Hand/Walker for approval of Ordinance No. 2000-59. The question was called.

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

Nay: None

Motion carried unanimously.

9. ORDINANCE NO. 2000-67 (A&V #236): (Public Hearing/Second Reading) An ordinance abandoning and vacating a 60-foot wide right-of-way known as Harvey Ogden Road

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between Harry Sutton Road and Eddie Allen Road. (Requested by the Melbourne Airport Authority) (First Reading 11/28/00)

Mr. Gougelman read Ordinance No. 2000-67 by title. There were no comments from the audience.

Moved by Contreras/E. Palmer for approval of Ordinance No. 2000-67. The roll call vote was:

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

Nay: None

Motion carried unanimously.

10. ORDINANCE NOS. 2000-68, 2000-69, AND 2000-70 (AR-2000-131/CPA-2000-09/Z-2000-904): (Public Hearings/Second Readings) Ordinances providing for the annexation of four lots in the Joyal Gardens Subdivision totaling 1.3 acres; amending the Melbourne Comprehensive Plan, Future Land Use Map, by establishing a Medium Density Residential Future Land Use; and establishing R-1A (Single-Family Residential) zoning on .87 acres, located west of Wickham Road and south of Aurora Road (Owner/Applicant – Ruth Rogers, Frances Naylor, Joyal Enterprises and Robert and Sara Joyal) (First Reading 11/28/00)

Attorney Gougelman read each ordinance by title. There were no comments from the public.

Moved by Poole/C. Palmer for approval of Ordinance No. 2000-68. The roll call vote was:

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

Nay: None

Motion carried unanimously.

Moved by Hand/E. Palmer for approval of Ordinance No. 2000-69. The roll call vote was:

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

Nay: None

Motion carried unanimously.

Moved by Walker/Contreras for approval of Ordinance No. 2000-70. The roll call vote was:

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

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Nay: None

Motion carried unanimously.

11. ORDINANCE NO. 2000-72 (CPA-2000-04): (Public Hearing/Second Reading) An ordinance revising the Capital Improvements Element of the Comprehensive Plan to reflect newly identified capital improvements projected by the city to occur in the next five years; revising revenues and debt servicing obligations. (First Reading 11/28/00)

Attorney Gougelman read Ordinance No. 2000-72 by title. There were no public comments.

Moved by E. Palmer/C. Palmer for approval of Ordinance No. 2000-72. The roll call vote was:

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

Nay: None

Motion carried unanimously.

NEW BUSINESS

12. COUNCIL ACTION RE: Consent Agenda:

Moved by Hand/Contreras for approval of the consent agenda, items “a – f” as recommended. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Resolution 1666: A resolution authorizing the sale of city property located at 1115 Line Street to Epik Communications of Orlando, Florida for \$30,120.00. (Approved by Council 11/14/00)
- b. Resolution No. 1667: A resolution for consent to an assignment of lease for city property located at 2200 Front Street between Hynes Properties L.L.C. and WRH Rio Properties.
- c. Right-of-way Use Agreement with Florida Institute of Technology to install landscaping and lights in the median and along both sides of University Boulevard between Babcock Street and Country Club Road.
- d. Annual contract for the purchase of traffic materials and assorted aluminum sign blanks for Signage Services, Universal Signs and Accessories, Ft. Pierce, FL - \$39,534.75.

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- e. Purchase of six pieces of equipment for the Fleet Management Division from two dealers - \$43,154.00.

Added to the agenda:

- f. Purchase of wireless modems from Sierra Wireless Inc., Tacoma, Washington for a total cost of \$23,012.00.
13. COUNCIL ACTION RE: A presentation by Mr. Charles Nelson, Brevard County Parks and Recreation Director, seeking Council approval of projects included in the recently passed referendum.

From the agenda report: On November 7 voters approved the South Brevard Recreation Special District Bond Referendum. This program will provide \$45 million for parks and recreation improvements in Brevard County.

Projects in the City of Melbourne include improvements and additions to Wickham Park, principally an 18,000 square feet community center totaling \$6,881,467 and various improvements to the South Brevard Senior Center totaling \$491,640. City residents will also benefit from new boat launching facilities to be built north and south of the city and new ocean beach facilities. In addition, county staff will recommend that each of the cities in the district receive a one-time \$75,000 grant for improvements to municipal park and recreation facilities. Council will have the opportunity to decide on the use of these funds later. The county plans to solicit volunteers for citizen committees in the new year to oversee and ensure public participation in the process.

Charles Nelson, Director of Brevard County Parks and Recreation, provided an overview and discussed the process that will be followed. He commended Leisure Services Director, Mary Ann Kise, for suggesting that a program be included for the smaller cities. He noted that they are going to recommend to the County Commission that \$75,000 be allocated to each city for recreation improvements. The grant would not require matching funds. Mr. Nelson discussed the inadequate boat launching facilities in South Brevard and noted that the referendum will provide an opportunity to expand these facilities.

Mrs. Poole asked that a covered walkway be considered at the Senior Center east of the shuffleboard courts. Mr. Nelson explained that citizen committees and user organizations will have an opportunity to participate in the process. Mr. Contreras asked who would staff the community building at Wickham Park. Mr. Nelson replied that the county would provide the staffing and maintenance.

Mr. Palmer asked if expansion of boat launching facilities is planned for the Eau Gallie Causeway. Mr. Nelson said not through the referendum. He noted that the expansion or addition of other facilities through the referendum would alleviate or soften the congestion on the causeway.

Mrs. Palmer asked if any of the funds would be used for conservation. Mr. Nelson said this is a program geared towards active recreational facilities.

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Moved by Poole/E. Palmer for approval, consistent with Section 125.01(5)(a), Florida Statutes, for the creation of the South Brevard Special Recreation District, which will include the incorporated area of the City of Melbourne. Motion carried unanimously.

14. SITE PLAN APPROVAL (SP-2000-09): (Public Hearing) A request for site plan approval for a 32,200 square foot, two-story office building within a C-2 (General Commercial) zoning district, located east of Wickham Road, north of Summer Brook Street on an 8.2 acre parcel. (Owner - Ensco Services Company, Inc.) (Representative - Vaughn D. Holeman, Holeman Suman Architects)

Mr. McCord briefed Council. The property is part of a larger tract of 19.92 acres, which was annexed in 1992. The zoning was accomplished in 1994 (Ordinance No. 94-31).

The future land use is commercial on both sides of Wickham Road adjacent to this site. The site is zoned C-2 (General Commercial), and an office use is permitted within this zone. The land to the west, across Wickham Road, is unincorporated and zoned BU-1 (similar to C-2) and GML (Government Managed Lands), which includes the County Road and Bridge maintenance facility. The property to the north and to the south of Summer Brook Street is zoned C-2. The Summer Brook Subdivision to the east is zoned R-2 (cap 3) (One-, Two-, and Multiple-Family with a cap of three units per acre).

The site is currently undeveloped. The upland community covers 5.2 acres and is composed of a pine and oak canopy. A mixed wetland hardwood area of 1.85 acres covers the northeast corner of the site and a small 0.15-acre isolated wetland pocket is in the south central portion of the site. No endangered species were found on the property; however, there may be scrub jay habitat on the site. As a result, a permit will be required from the U. S. Fish and Wildlife Service.

This is a large site that leaves a great deal of open space and most of the wetland areas are undisturbed. It provides an excellent buffer for the residential development to the east and saves a large number of trees. Access to the site is proposed from both Wickham Road and Summer Brook Street, using existing median cuts on Wickham Road and Summer Brook Street.

The Planning and Zoning Board and staff recommended approval of SP-2000-09 with the following conditions:

- a. Any change to the site plan will require reevaluation of the site plan by the City of Melbourne Engineering and Planning and Zoning Departments. Any substantial change to the site plan will require review and approval by the Planning and Zoning Board, Local Planning Agency, and the City Council. A substantial change includes but is not limited to: a) a decrease of the open space or vegetative areas on site of more than 10%; or b) a five percent or more increase in the number of parking spaces on the site plan.

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- b. Obtain appropriate permits from Brevard County for the curb cut on Wickham Road.
- c. Obtain approval from the U. S. Fish and Wildlife Service prior to construction. Should the owner/developer discover that any endangered or threatened species are found on the property after construction begins all construction shall be suspended until appropriate permits are obtained.
- d. All structures, retention basins, parking spaces and drive aisles shall be shifted whenever possible to preserve trees. Trees in the footprint of proposed improvements shall be removed only in conjunction with a building permit. All trees to be preserved must be protected by barricades during construction.

Vaughn Holeman, representing the owner, displayed an artist's rendering of the building.

Mrs. Palmer said she noticed on the site plan that a lot of this property is in the flood area. She asked if the owner is confident that the site will accommodate a heavy rain. Mr. Holeman replied yes and added that the elevation of the site appears to be significantly higher than the nearby subdivision. He pointed out that the existing groundwater is quite low; this is a well-drained site and the vegetation indicates that it is not in a flood type area.

Mrs. Poole asked how they have addressed the scrub jay issue. Mr. Holeman said scrub jays are using the margins of the site. They plan to enhance the scrub jay habitat on the site, which will include cutting pine trees that provide a perch for hawks (predator of scrub jays). Mrs. Poole commended Mr. Holeman for providing mitigation on site.

Mr. Holeman said that his client is sensitive to habitat; they are trying to certify this as a "green building." In response to the Mayor, he stated that they agree with the stipulations.

Moved by Hand/E. Palmer for approval of SP 2000-09 subject to the proposed stipulations. Motion carried unanimously.

15. COUNCIL ACTION RE: Consideration of a draft ordinance to amend Chapter 29, Subdivisions, and Chapter 31, Traffic and Motor Vehicles, to permit the construction of traffic calming measures on local publicly maintained city streets.

From the agenda report: The city has received numerous requests by residents in neighborhoods to address the excessive speed and, in some cases, the volume of traffic on residential/local streets. Providing a police officer to monitor the traffic on a continuous basis would not alleviate these problems.

Residents have requested that speed humps, rumble strips, signage, etc. be installed in order to address the problems. Areas where requests have been received include Bel Aire Palms, Crown Heights, Old Eau Gallie (Houston's Plat), Wickham Forest, Meadow

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Cove, Breeze Ridge, University Estates, University Park, Country Club Road, Quail Ridge, Parkway Meadows, Lansing Ridge, and Weston Village.

Many other cities in the state and throughout the country have provided traffic calming measures that permit the self-policing of traffic on local streets. The Planning and Zoning Board reviewed a similar draft ordinance and administrative procedure proposed with the ordinance; however, the Board did not review a specific proposal to permit/require the development of traffic calming measures to be applied to newly constructed subdivisions. Therefore, the Planning and Zoning Board will need to review this ordinance if Council decides to proceed.

The proposed administrative procedure would charge the City Engineer with the responsibility of administering the new regulation. Council would have to approve the expenditure of funds to construct the modifications with the exception of newly developing subdivisions. The administrative procedure identifies how the city, another governmental body, or the public would request, petition, or apply to have traffic calming measures implemented. A public workshop would be held to present the findings of the study, the design options, estimated costs, maintenance responsibilities and duration of changes.

Mr. McCord provided an overview and presented a presentation on various traffic calming measures used in other cities. Mr. Hill pointed out that the improvements can be expensive, although that is not a reason not to implement them. An elaborate set of procedures has been proposed to ensure that the residents do indeed want the changes. Traffic calming measures would be in place for a while because of the expense of installing and/or trying to remove them.

A brief discussion followed regarding the cost of implementing traffic calming measures, the application fee, and the process. Mr. Hill assured Council that the application fee does not cover the cost of the effort. However, the fee could be eliminated if Council felt it was going to be an impediment.

Mrs. Palmer asked who would conduct the research. Mr. Hill replied city staff. Mrs. Palmer recommended staff encourage developers to incorporate traffic calming measures into new subdivisions. Mr. Hill agreed and said that is why the ordinance needs to be returned to the Planning and Zoning Board. Originally the regulation addressed retrofitting; however, as staff proceeded, it realized that new subdivisions needed to be addressed.

Richard Chapman, 2315 Royal Poinciana Boulevard, stated that he represents several homeowners in his subdivision. He discussed a recent accident and described how traffic cuts through his neighborhood. He noted that while residents are trying to rollerblade and children are playing, cars are traveling through the area at 50 – 60 mph. He added that the Police Department can't keep up; it is out of control. He spoke in support of the new regulation and asked Council to seriously consider adoption.

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Cathy Steinmetz, 1543 Dandelion Drive, described similar situations in her neighborhood. She reported that she previously lived in another state that utilized speed humps. They work tremendously and don't damage cars. She stressed that the homeowners' association is willing to do anything to get these measures adopted. She added that she contacted a company in Melbourne, which indicated it would charge \$150 to install a speed hump.

Moved by E. Palmer/Poole to accept the draft ordinance and forward it to the Planning and Zoning Board for review and recommendation.

Mr. Hill said the estimate for the installation of a speed hump would be closer to \$1,000 because of striping, markings, required signage, etc.

The question was called. Motion carried unanimously.

16. COUNCIL ACTION RE: A request that additional positions of City Clerk, Housing/CDBG Administrator, and Assistant Aviation Director be transferred from Regular Class of the Florida Retirement System to the Senior Management Service Class.

Mr. Hill briefed Council. New legislation approved July 1, 2000 affords local agencies the opportunity to transfer 10 additional non-elected, full-time positions that meet the criteria as senior manager into the Senior Management Services Class (SMSC) of the Florida Retirement System. The retirement multiplier for Regular Class is 1.6% and for the Senior Management Class is 2%. Currently the City Manager, Director of Aviation, Assistant City Manager, Director of Finance, City Engineer and Leisure Services Director positions have been designated as Senior Management Services Class positions. Legislation previously allowed Council to designate these positions.

The remaining department head level positions that are currently eligible to be placed into the SMSC are the City Clerk, Housing/CDBG Administrator and Deputy Executive Director of Aviation positions. The Police Chief and the Fire Chief are covered by the respective Police and Fire Pension Plans (with a 3% multiplier). The two remaining department heads are the Utilities Director and Planning & Zoning Administrator. They are currently participating in the Florida Retirement System's "DROP" Program, so a change in classification will not be of benefit to them. However, these positions may need to be added at a later date.

The current contribution to the Florida Retirement System for Regular Class is 9.15%. The contribution rate for Senior Management Class is 11.13%. The additional cost for these positions to be upgraded to the Senior Management Class is approximately \$4,000 annually. The Airport will be responsible for the additional cost for the Deputy Executive Director of Aviation.

Moved by Contreras/Walker for approval of the City Clerk, Housing/CDBG Administrator, and the Deputy Executive Director of Aviation positions to be transferred to the Senior Management Service Class of the Florida Retirement System. Motion carried unanimously.

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17. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Attorney Gougelman updated City Council on the Harbor City Volunteer Ambulance Squad litigation. The judge shuffled several cases and this item was moved up on the docket. The city was ready; however, counsel for the squad was not and asked the court for a continuance. The continuance was granted; however, a trial date has not been set.

Attorney Gougelman asked Council for approval of vacation leave (January 2 – 10).

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

Following a brief discussion, Mr. Hill was directed to prepare a letter for Mayor & Council's signature to the county regarding the installation of a traffic signal at the intersection of the Dog Track and Wal Mart on Wickham Road.

There was a brief discussion by Mrs. Poole on the 6/7 rule in the Zoning Code. Mr. Gougelman explained that recommendations will be forthcoming from the Code Review Committee charged with review of the Zoning Code.

Council Member Ed Palmer asked that an item appear on a future agenda regarding the placement of Trailer Haven on the tax rolls. This is based on a recent Orlando case involving the Orlando Aviation Authority. During discussion, questions were raised regarding how the property would be taxed (as airport commercial or as a trailer park), whether the Airport would pass the cost on to the leaseholders, and what the taxes would be per lot.

Vice Mayor Palmer asked if properties that have been posted for rezoning are visible to people driving by. Mr. Hill said yes and offered to take a picture of a property that has been posted for Mrs. Palmer's review.

18. ADJOURNMENT

Moved by E. Palmer/Poole to adjourn. Motion carried unanimously.

The meeting adjourned at 9:35 p.m.

City Clerk – 12/29/00

Approved by Council: _____