

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

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. Council Member Ed Palmer 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
	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	City Attorney
	Cathleen A. Wysor	City Clerk
	Bud Emerson	Assistant City Manager
	Peggy Braz	Planning and Zoning Administrator

4. PROCLAMATIONS AND PRESENTATIONS

Tami Tomlinson, Economic Development Commission of Florida's Space Coast, presented the annual Melbourne Community Data Sheet to the City Council.

5. APPROVAL OF MINUTES - May 22, 2001 regular meeting

Moved by E. Palmer/Contreras for approval of the minutes. Motion carried unanimously.

6. CITY MANAGER'S REPORT

Mr. Hill reported that several Council Members have received letters from residents of the Eagle Lake Subdivision requesting a traffic signal. He noted that on several occasions the city has contacted the Florida Department of Transportation (since this is a state roadway) and requested a traffic signal warrant study be conducted. FDOT has done some analysis and determined that a signal is not justified. No further studies are planned by FDOT. Mr. Hill informed Council that he will update the residents on the city's efforts.

7. PUBLIC COMMENTS

UNFINISHED BUSINESS

8. ORDINANCE NO. 2001-27 (Z-2001-908AD(C)): (Public Hearing/First Reading) A proposed ordinance to rezone a 15.95-acre, nine block area of Downtown Melbourne from C-2 (General Commercial) to C-3 (Central Business District) and create an overlay district

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

with design and performance standards, located west of Riverview Drive, north of Strawbridge Avenue and east of Tangerine Street. (Requested by City of Melbourne) (Postponed by Council 5/22/2001)

Attorney Gougelman read Ordinance No. 2001-27 by title.

Mrs. Braz reviewed the agenda report. This item was postponed at the May 22 meeting to allow Attorney Gougelman time to review Council Member Poole's comments. The City Attorney has concluded that there is a great deal of confusion since the proposals have changed and evolved over the last two years. Nonetheless, he believes the proposal before Council is legally correct. Mr. Gougelman has also indicated that if the concern is to create an absolute building height of 40 feet, Council can eliminate the option for a conditional use for height.

The package contains a chronological summary of the rezoning proposals in the area. Council may wish to consider the following options:

- Make no change: The property remains C-2 (General Commercial). All residential units are non-conforming uses. C-2 zoning does not permit residential uses. No new residential or expanded residential uses can be constructed on Riverview Drive. Car lots will be a permitted use. Automotive repair facilities will be permitted with a conditional use. (Mr. Moore's service does not have a conditional use and therefore could not expand or rebuild without one.) Most of the buildings in the area are non-conforming structures because they are constructed too close to the road. There will be a 40-foot height limitation unless a conditional use is granted by the City Council.
- Change the zoning to C-1: All the residential units will become conforming uses and new residential could be developed. The dry cleaners, automotive service providers, and the car lots will become non-conforming but may continue to exist and do business as they currently are. They may not expand or if destroyed may not rebuild. The buildings for the most part will remain non-conforming structures because they lack the necessary setbacks. C-1 setbacks are almost the same as C-2. There will be a 40-foot height limitation unless a conditional use is granted by the City Council.
- Change the zoning to C-3 with the proposed overlay: All the residential units will become conforming and new residential units could be developed. The automotive sales and service providers will become non-conforming but may continue to exist and do business as they currently are. They may not expand or if destroyed may not rebuild. The buildings in the area will become conforming structures since they meet the requirements of C-3. There will be a 40-foot height limitation unless a conditional use is granted by the City Council.

Possible configuration of a change to C-3:

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

- Omit the Austin Property by cutting out the northern most lot. This will allow the use for automotive development. The property will be surrounded by C-1 to the north, east and west and whatever change is made to the south. Because it has over 40,000 s.f. and 200 front feet, it meets the minimum criteria for a separate zoning district.
- Cut out Moore's Car Care parcel (.32 acres). The only way that this could be done would be to increase the area left zoned C-2 because that parcel does not meet the minimum size requirements stated above. This parcel is not considered non-conforming but is essentially so, since it may not be replaced or expanded without a conditional use. If Council desires to eliminate this parcel it would have to be connected with other property.
- Omit Mr. Cotheran's property (.77 acres), which includes the car lot and the dry cleaners on the east side of U. S. 1, south of Palmetto. This property will not meet the minimum criteria for an isolated zoning district. However, if this property is combined with Mr. Moore's property on the other side of U. S. 1, the three properties would be considered contiguous and would meet the minimum area for an isolated zoning district.

An inventory of the current uses of properties in the area, a chart showing the various properties and how the existing non-conformities would be affected by rezoning, and the letter sent to the property owners following the May 22 meeting are also included in the package.

Mrs. Braz summarized by reporting that the Moores, Austins, and Cothers have requested no change. The Kisers have agreed to support C-3 with the overlay, but oppose C-1. Representatives from Brownlie-Maxwell would like C-1 and are opposed to C-3. All others support C-3 with the overlay district.

Mayor Buckley called for disclosures. Mrs. Palmer stated that she spoke to Mr. Maxwell, Brownlie-Maxwell Funeral Home. Mr. Maxwell indicated that he would like C-1 zoning. Mayor Buckley said he had a similar conversation and Mrs. Hand said she received a message from Brownlie-Maxwell. Mr. Palmer said the Brownlie family contacted him and requested the area be zoned C-1. Mrs. Poole said she spoke with Greg and Mike Brownlie, who prefer C-1 zoning. Also, she talked to Diane Barile about C-3 zoning and what it could do to the Downtown area. Mrs. Poole added that she spoke to many others; however, she cannot remember them all.

Mayor Buckley opened the public hearing.

James P. Beadle, attorney representing Mr. and Mrs. Austin, stated that his clients request the property remain C-2 and be removed from consideration as suggested in one alternative outlined by Mrs. Braz.

Mrs. Poole asked Mr. Beadle if he thought the city should remove any parcel if requested by the property owner. Mr. Beadle said it depends on the circumstances. He added that

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

the Austins are the far north property located on a six-lane roadway. Because of the location, they want to retain their options under the C-2 zoning district.

Diane Barile, 1809 Riverview Drive, stated that this has been a complicated issue and staff has done a wonderful job trying to align all the various interests. She noted that she still has some concerns and stated that she would like to see a plan. She recommended the city organize a charette where all the parties could review a plan of the area and address the problems. Ms. Barile added that her greatest concern relates to the property located across the street. A 40' building located 10' from the property line would have quite an impact. She stressed the importance of maintaining the visual beauty of the area.

Mrs. Poole asked if there was anyone present who was going to speak on behalf of Mrs. Thornton. From the audience, a man replied no. Mrs. Poole stated that she spoke to Ruth Thornton, who is in the hospital, about this issue and Mr. Rogers was supposed to speak on her behalf. Mrs. Poole added that Mrs. Thornton owns a parking lot leased by the city and said with 30 days notice she could cancel the lease (if the city proceeded with C-3 zoning).

Dave Rogers, 200 Tampa Avenue, Indialantic, stated that he is the tenant of 1008 E. Strawbridge Avenue. He reported that he spoke with Mrs. Thornton who owns the building and he talked to Mrs. Poole. He added that it is his opinion regarding the Thornton property that the current proposal is beneficial. The property has zero setback and the residence upstairs and the rental unit out back are non-conforming. Mrs. Thornton would not be able to rebuild; however, with the C-3 overlay district, she could rebuild. Additionally, he noted that if Mrs. Thornton sold the property to him, he could add on to the building and maintain the zero setback with the 2:1 floor area ratio. He concluded by saying Mrs. Thornton agrees with the C-3 overlay district and believes it will not negatively impact her property.

That concluded comments from the public.

Mrs. Poole asked if the Thornton property would be conforming if the property were zoned C-1. Mrs. Braz replied that the use would be conforming, but not the structures. She currently has zero lot line and C-1 would not correct that.

Moved by Buckley/Walker to make the property C-3.

Mrs. Palmer asked about an amendment to omit the Moore and Cotheran property. Mayor Buckley said he has a problem with that. It will create isolated areas and the whole purpose of this exercise was to provide consistency. Mrs. Palmer said she cannot support action, which would put long term businesses out of business.

Mrs. Poole noted that Council Members were concerned about the Kisers objections to the proposed zoning changes. She read from past minutes, which indicate that Mr. Kiser has publicly supported C-1, C-2, and C-3. Continuing, she pointed out that the Comprehensive Plan Future Land Use Element encourages mixed uses in the downtown activity core; areas designated as mixed commercial/residential are limited to low intensity

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

commercial uses. Also, only professional or low intensity commercial development is permitted adjacent to residential areas. However, from the Zoning Code, C-3 provides that lots and building regulations are intended to permit intensive development of the area.

Mrs. Poole stated that Riverview Drive is one of the oldest residential and historical areas in Melbourne. Ordinance No. 2001-27 indicates that buildings within 10' of Riverview Drive shall not exceed 40', yet it recommends parking, trash pick-up and deliveries be from the rear. Drive aisles, number of parking spaces, and sizes may be reduced by variances from the Board of Adjustment to enhance the goals of the redevelopment district. Mrs. Poole said she thought the goals of the redevelopment district were to beautify the area. According to Chapter 10 of the City Code relating to Downtown Redevelopment, the findings support reducing the automobile oriented commercial intensity in the Downtown Area in favor of the development of mixed use neighborhood development/redevelopment. The proposed ordinance on this agenda will allow a conditional use for a building over 80' in height. There will be high-rise buildings and condominiums bringing more people in to an already congested area.

Mrs. Poole concluded by saying Council was ready on March 13 to adopt Ordinance No. 2001-15 (neighborhood commercial), which protects from high-rise buildings. Ordinance No. 2001-27 does not protect from variances and conditional uses. Protection will also be lost in the future with new Council and Board of Adjustment members, along with another Planning and Zoning Administrator.

Mayor Buckley restated the main motion as follows:

Moved by Buckley/Walker for approval of Ordinance No. 2001-27.

Mr. Palmer asked if this ordinance guarantees that we won't have buildings in the C-3 zoning district that exceed 40' in height.

Attorney Gougelman replied that the ordinance allows for building height over 40' with a conditional use from City Council.

Mr. Palmer and Mrs. Hand expressed concern that the ordinance contains a provision allowing for height to exceed 40'. Mrs. Walker asked if there was any way the ordinance could absolutely limit the height. Mayor Buckley said Council could eliminate the provision which allows for a conditional use.

Moved by Walker/Buckley to amend the ordinance by prohibiting, under all circumstances, buildings exceeding 40' in height.

Mrs. Poole pointed out that this action will simply form another zoning district. Attorney Gougelman said it would actually be C-3 with an overlay district and in his opinion, it would not be creating another distinct district.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

Mr. Palmer said the city initiated this change. He believes the zoning should be left alone. If property owners desire a change, they should petition on their own. He is inclined to leave the area the way it is.

Mrs. Poole said she is concerned that the C-2 district does not allow for residences. If a residential property is destroyed by more than 50%, it can't be rebuilt.

The question was called on the amendment. The roll call vote was:

Aye: Contreras, Walker, and Buckley

Nay: E. Palmer, Poole, Hand, and C. Palmer

Motion failed.

The question was called on the main motion. The roll call vote was:

Aye: Contreras, Walker, and Buckley

Nay: E. Palmer, Poole, Hand, and C. Palmer

Motion failed.

Moved by E. Palmer/Hand to leave the zoning as is.

Mrs. Walker stated that this action will create problems for people who wish to rebuild their residences. Mr. Palmer pointed out that it has been like that for 20 years. If a house burns down, Council can have compassion. Mrs. Poole stressed that this Council can have compassion; however, we do not know who will hold these positions years from now.

The question was called. The roll call vote was:

Aye: E. Palmer, Hand, and C. Palmer

Nay: Contreras, Poole, Walker, and Buckley

Motion failed.

Moved by Poole/Contreras to provide for C-1 (neighborhood commercial) zoning.

Mr. Palmer said he understands the rationale; however, some people would be adversely impacted by this change. It has limitations.

Mrs. Palmer said she has a feeling that the property owners are happy with the way things are; this request was initiated by the city. She added that she has a feeling that Council will protect the residential units.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

In response to Mrs. Palmer, Attorney Gougelman read the district and intent of C-1 zoning. Mayor Buckley pointed out that the businesses will be non-conforming. Mrs. Poole replied that there are not as many businesses as there are houses. Mayor Buckley stated that the area has changed; it is no longer a residential area.

The question was called. The roll call vote was:

Aye: Contreras, E. Palmer, Poole, and Walker

Nay: Hand, C. Palmer, and Buckley

Motion carried.

9. ORDINANCE NO. 2001-28 (FOC-2001-05/LDR-2001-05): (Public Hearing/Second Reading) A proposed ordinance to amend Appendix D, Chapter 1, Section 1.15 of the Land Development Regulations regarding ex-parte communications for small scale amendments. (Requested by City of Melbourne) (First Reading 5/22/2001)

Attorney Gougelman read Ordinance No. 2001-28 by title. There were no comments from the public.

Moved by Hand/E. Palmer for approval of Ordinance No. 2001-28. The roll call vote was:

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

Nay: None

Motion carried unanimously.

10. ORDINANCE NO. 2001-29 (CPA-2001-01AD (A) & (B)): (Public Hearing/Second Reading) A proposed ordinance to adopt Comprehensive Plan Amendments to define and clarify density issues related to contiguous properties under single ownership, to establish a principal for transfer of development rights, and amend Map IS-3 to expand the future sewer service area in existing unincorporated areas northwest and west of the City to be consistent with the Joint Planning Agreement. (Requested by City of Melbourne) (First Reading 5/22/2001)

Mr. Gougelman read Ordinance No. 2001-29 by title.

Mayor Buckley referenced a letter dated June 11 from James C. Robertson, 2790 Filly Lane, who is opposed to the extension of sanitary sewers into unincorporated areas. Mr. Hill noted that in response to the Joint Planning Agreement between the city and the county, the city is showing a potential sewer service area so that the county doesn't extend sewer into that area. The city has no immediate plans to extend into that area; this is not a proposal to require people to have sewer or compel them to hook up to sewer.

A brief discussion followed.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

Mrs. Palmer expressed concern that two separate Comprehensive Plan Amendments are included in one ordinance. She asked if the issues could be separated. Attorney Gougelman responded that the ordinance has already been advertised. If the issues were split at this point, we would have to start the process again and readvertise.

Mrs. Palmer said she has looked closer at the density issue and she has concerns. It may not affect a large parcel, but it would have a large impact on a smaller parcel. She is supportive of the sewer service area; however, she is no longer supportive of the density issue.

Evelyn Butson, 4937 Fauna Drive, questioned how the ordinance, as it relates to sewer service, will impact her area.

Mr. Hill repeated the purpose of the amendment. Mrs. Butson asked if this strictly relates to future planning and Mr. Hill replied yes.

John Bennett, 4901 Evinrude Road, asked for clarification on the density issue.

Mr. Hill explained that the density issue only applies to properties within the City of Melbourne – Evinrude Road is located in the county. Mr. Bennett pointed out that city property is located on the other side of his property. Mrs. Braz explained the blended density policy.

Moved by Buckley/Contreras for approval of Ordinance No. 2001-29.

Mrs. Palmer asked for a determination on whether the amendments could be separated. Attorney Gougelman said besides the cost factor with the advertisements, we only have 60 days to adopt from the time we receive the objections, recommendations, and comments report from the Department of Community Affairs. We would have to adopt by July 1. Council could amend and remove one of the proposals for consideration during the next cycle.

Mr. Hill added that if there are concerns, they should be identified and resolved. Council should not feel compelled to accept an amendment simply because it has been included with another in the ordinance. He noted that a motion could be made to remove one amendment from the ordinance and adopt the other without altering what has been advertised. The amendments have been before Council three times. The Department of Community Affairs conducted its review and it is now back before Council.

Mrs. Palmer said her concern relates to density. She noted that there are certain parties in the city buying smaller parcels of land and she is concerned about the effect this change could have.

Attorney Gougelman said removing the portion relating to density is a material change. It will put us back to making this first reading. Staff would have to readvertise and conduct second reading on June 26.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

Mrs. Poole and Mrs. Walker agreed with removing the portion relating to density. Mr. Hill said there is nothing pressing about this item. It has been a general practice and we were trying to address it through a Comprehensive Plan Amendment.

Moved by Walker/Poole to amend the ordinance by deleting the portion relating to density.

Mrs. Braz noted that there is another aspect related to site specific policies for the density of development in the Sweetwood and Monaco Estates Subdivisions, and Tax Parcels 03 and 769. She asked if Council would consider leaving this site specific policy. Mrs. Palmer agreed. Mrs. Poole said the properties were supposed to average out to 6 units per acre (as opposed to 6.89). Mrs. Braz said they didn't; therefore, we have a conflict between the zoning and the Comprehensive Plan.

Attorney Gougelman read the changes that will be made in the ordinance and Exhibit A to remove the policy relating to blended densities. The site specific policy regarding residential properties on the north side of Lake Washington Road, east of Stewart Road and south of Parkway Drive will remain.

The question was called on the amendment. The roll call vote was:

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

Nay: Buckley

Motion carried.

The question was called on the main motion, as amended. The roll call vote was:

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

Nay: None

Motion carried unanimously.

11. RESOLUTION NO. 1693: A proposed resolution authorizing participation by the City with the Brevard County Office of Emergency Management and State of Florida as a FEMA Project Impact Community. (Postponed by Council 5/22/2001)

Attorney Gougelman read Resolution No. 1693 by title.

From the agenda report: This item was postponed from the May 22 meeting to allow Mary Bolin, Brevard County Project Impact, an opportunity to make a presentation. The city has been invited by the Brevard County Office of Emergency Management and the State of Florida to participate as a FEMA Project Impact Community.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

Project Impact is an initiative by the Federal Emergency Management Agency to undertake actions that protect communities by reducing the effects of natural disasters. The goal of Project Impact is to reduce the personal and economic costs of disasters by bringing together community leaders, citizens and businesses to prepare for and protect themselves against the ravages of nature.

The City of Melbourne has previously participated with the Brevard County Emergency Management Department to coordinate recovery plans, improvements to facilities and storm event coordination.

Mary Bolin, Brevard County Project Impact Coordinator, asked Council for support. She noted that she is not asking for any funding. The city and the county have the same goal – to establish a disaster resistant community. She added that she would like to use city facilities for classes.

Moved by E Palmer/Poole for approval of Resolution No. 1693. Motion carried unanimously.

Recessed: 9:04 p.m.
Reconvened: 9:14 p.m.

NEW BUSINESS

12. COUNCIL ACTION RE: Consideration of cost-sharing with St. Johns River Water Management District for Algal Toxin Occurrence and Treatability Study in the amount of \$67,000.

Mr. Hill reviewed the agenda report. This is a request for Council approval for the city to participate in a collaborative comprehensive study of the presence of algae and algal toxins in Lake Washington and other surface water bodies around the state. The presence of algae in source waters used as drinking water and possible health effects associated with these toxins has recently become a matter of controversy. Currently no standards exist for regulation of algal toxins.

The St. Johns River Water Management District (SJRWMD) requests our participation in the study that will include at least one other municipality, the South Florida Water Management District, and the Southwest Florida Water Management District. Grant funding is also being sought from the American Water Works Research Foundation. The purpose of the study is to determine frequency and occurrence as well as treatment alternatives for removal of algal toxins. The cost of the study is approximately \$700,000. The city's share is estimated to be \$67,000.

Moved by Poole/Contreras for approval of \$67,000 to participate in the study.

Mr. Palmer asked about the third utility that plans to participate – only Cocoa and Melbourne are mentioned in the backup material. Mr. Hill said it is potentially Tampa.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

Assistant Utilities Director Pat Fleming confirmed that Tampa has been approached; however, they have not confirmed. She listed other agencies that have also been contacted.

Mr. Palmer asked if our cost would go beyond \$67,000 without the third utility. Ms. Fleming said she does not believe so; her assumption is based on conversations she has had with SJRWMD staff.

Mr. Contreras asked if our costs would be reduced if more utilities participate. Ms. Fleming said she would certainly negotiate for that.

Mrs. Palmer asked if the city has the results of the recent samplings taken by CH2M Hill. Ms. Fleming said we are still awaiting data. Mr. Hill said we will hopefully have the results in the next week. Eventually, whatever criteria is established (testing every week, month, etc.) would be followed by the city.

Mr. Palmer asked for Council to be notified about the identity of the third utility that plans to participate and if our costs will be impacted.

The question was called. Motion carried unanimously.

13. COUNCIL ACTION RE: Contract for consulting services for Stormwater Master Plan, Project No. E00900, Camp Dresser & McKee, Inc., Vero Beach, Florida - \$93,770.

Mr. Hill briefed Council. This is a proposed contract with consultants Camp Dresser & McKee (CDM) for preparation of a stormwater master plan. The master plan is essential to management of the stormwater utility and to comply with federal regulations.

The components of the master plan are:

- Inventory of stormwater structures for mapping, planning, system evaluation, and to comply with GASB No. 34 requirements.
- Flooding area identification, evaluation, solutions, costs, and prioritization.
- Identifying measures needed to comply with EPA's NPDES permit requirements.
- Evaluation of current standards related to stormwater, floodplain management, and recharge with recommendations for improvement.
- Preparation of a formal report providing a plan and addressing all of the above issues.
- Meetings including review meetings and presentation of the final report to Council.

Camp Dresser & McKee is under contract with Brevard County. The agreement between the city and county for utility administrative services allows the city to utilize consultants

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

employed by the county. The contract for this work is with the city but is in the format of a task order to the county's contract with CDM. The terms of that contract will apply to this work. The work will be completed within 12 months.

The fee for the above outlined services is \$93,770.

Moved by Hand/Poole for approval of the contract with Camp Dresser & McKee in the amount of \$93,770.

Ron Jones, Brevard County Stormwater Management, confirmed for Mr. Palmer that the city would have to authorize additional services before the contract amount could increase.

A brief discussion followed.

The question was called. Motion carried unanimously.

14. COUNCIL ACTION RE: Consent Agenda

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

A brief discussion followed regarding the street names in item "d."

The question was called. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Interlocal Agreement between the city and Brevard County for allocation of funds for improvements in existing municipal parks for recreational facilities in accordance with the November 7, 2000 referendum.
- b. Change Order No. 2 to contract for Electrical Upgrades at D. B. Lee and Grant Street Wastewater Treatment Plants, Project C00317, Advanced Electrical Installation, Titusville, Florida - \$6,032.00.
- c. Supplement #74 to Continuing Consultant's Contract extension of on-site construction observation services at Lake Washington Water Treatment Plant, Project No. C97371, Frazier Engineering, Inc., Melbourne, Florida - \$35,490.00
- d. Resolution No. 1694: A resolution authorizing the use of the street names for private streets in Ocean Side Village Phases 1C, 2C and 2D, located beachside south of Eau Gallie Boulevard.
- e. Purchase of a Directional Pow-R-Mole system and accessories for Water Distribution, Southeast Pow-R-Mole, Inc., Peachtree, Georgia - \$30,513.92.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

- f. Resolution No. 1695: A proposed resolution to establish an Amtrak passenger rail service between Jacksonville and West Palm Beach along the East Coast of Florida.
- g. Purchase of fire engine equipment, Ten-8 Fire Equipment, Inc., Bradenton, Florida - \$25,455.58.

15. COUNCIL ACTION RE: A request for city co-sponsorship of the Downtown Melbourne Fall Art and Craft Festival to be conducted October 20-21, 2001.

From the agenda report: The Downtown Melbourne Association (DMA) has requested city co-sponsorship of the 9th Annual Downtown Melbourne Fall Art and Craft Festival which will be conducted October 20-21. In the past the city has co-sponsored the event by providing services. The estimated cost for services is \$2,200 to \$2,500.

Previously, funding for this event has come from the Downtown Redevelopment Fund. However, the Downtown Redevelopment Committee recommended that the funds be taken from the General Fund this year. Funding from the General Fund would be consistent with Council's recent decision on the Friday Fest sponsorship.

Kimberlina Murray, Secretary of DMA and Fall Festival Event Coordinator, asked Council for support as outlined in the package. She noted that the annual event draws approximately 12,000 – 15,000 people to the area.

Mrs. Palmer stated that this event is beneficial to the entire community – not just Downtown Melbourne. She said she is leaning towards taking the money from the General Fund; however, she would agree either way.

Moved by C. Palmer/Contreras for co-sponsorship of the 9th Annual Downtown Melbourne Fall Art and Craft Festival to be funded from the General Fund, not to exceed \$2,500.

Mr. Hill noted that staff will track the charges and if they exceed the amount authorized, the DMA will be billed for the difference.

The question was called. Motion carried unanimously.

16. COUNCIL ACTION RE: Discussion of Melbourne Police Officers Retirement Trust Fund (Requested by Darrell L. Parsons)

From the agenda report: We have received a request from Darrell L. Parsons, a retired Melbourne Police Officer, for Council consideration of benefit increases for certain retired Melbourne Police Officers.

The Police and Fire Pension Plans currently offer a retirement benefit of a "3.0% multiplier." This means the benefit is calculated at 3.0% times the number of years of service times the average of the last five highest years compensation. For example, a person meeting age requirements and retiring after 20 years service would receive a

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

benefit of 60% (3.0% x 20) times the final compensation. In prior years the retirement benefit was a 2.5% multiplier, and before that a 2.0% multiplier. Pension benefits have changed as a result of labor negotiations with the police union.

Mr. Parsons indicates 15 former officers are retired at the 2.5% multiplier rate. Actually, the number is 26. Additionally there are two retirees at the 2.0% rate. A listing of all retirees and their multipliers is included in the package. Essentially, they retired under a different benefit structure in the Police Pension plan than was subsequently negotiated through union contracts.

A brief history of the change is as follows:

- During the police union contract negotiations in 1990, the Police Benevolent Association (PBA) proposed an increase in future retirement benefits by increasing the multiplier from 2.5% to 3.0%. The PBA did not propose an increase for the multiplier for previously retired officers. The contract negotiations were extensive, lengthy, and subsequently went to impasse.
- The final resolution was for an increased benefit multiplier of 3% along with an increase in member contributions beginning April 1, 1991 effective with retirements on or after October 1, 1993. Additionally, the negotiations covered a number of other economic items including other pay and benefit changes which were taken into account in the cost of the improved benefit. Police officers now contribute 5% of their pay towards the retirement benefit. The city also had to pay an increased cost for the improved benefit. Any officer who retired prior to April 1, 1991 did not pay anything toward the increased multiplier.
- A similar situation occurred in 1977 when the multiplier was increased from 2.0% to 2.5%. Apparently, during that period officers also gave up a 5% pay increase in order to have the pension costs paid by the city.
- In 1993, as the ordinance to implement the pension plan changes was being prepared to go to Council, there was some discussion of the retroactive benefits. An exchange of letters occurred between the former City Manager, some of the retired members, and the Police Pension Board about objections to leaving them out of the benefit improvement.
- At adoption of the ordinance by Council in August-September 1993 there was no discussion about the improvement for retirees. No actuarial analysis for extending the benefit to the prior retirees was ever performed by the Police Pension Board.

Apparently, the subject of retroactive benefit improvement has been brought up during the Police Pension Board meetings by officers who retired at the 2.5% rate. The Police Pension Board has advised the employees that the board does not negotiate benefits. Negotiations are handled by the city and the PBA. The PBA did not include retroactive

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

benefits or additional benefits for retirees as a bargaining demand at subsequent negotiations (during the 1990's).

We have been informed that the method which the State of Florida used to improve benefits for certain Florida Retirement System High Risk employees who were in a similar difference in benefit structure was to grant a one time 12% increase beginning on January 1, 2002.

The petition submitted with the request mentions a "cost of living adjustment" increase planned for new retirees. We have not yet begun labor negotiations with the PBA. The union has indicated that that it will seek to gain a cost of living increase to the plan. Such increase components are very expensive, usually 5-10% of payroll. The city's past practice in such negotiations has been for similar "economic benefits" to be weighed together, and for the officers to bear most, if not all, of the cost of the improved benefit.

Darrell Parsons, retired Melbourne Police Officer, stated that the trust fund belongs to retired and non-retired officers. He explained that all officers prior to 1975 were required to contribute 5% in order to be a member. In 1975 the state made all retirements non-contributory. That year during bargaining the officers agreed, in lieu of pay raises, for the city to pick up the 5%. Officers hired after 1975 paid nothing into the fund. In 1993, the multiplier changed from 2.5% to 3% for officers retiring after 1993. As a result, officers after 1993 working side by side had different benefits for the same years of service. If the change in 1993 had been made for future benefits, there would not be a problem. But, the conflict is the different multipliers for the same period of service.

Continuing, Mr. Parsons stated that the Florida Legislature recently corrected a similar discrimination and increased the benefits for 12,280 state retirees. The legislature voted 100% in favor of the change and said it was the right thing to do. Mr. Parsons said his request involves about 15 officers and only Council can make the change. About 60% of the officers on the list receive less than \$600 a month in retirement benefits and some receive less than \$200. This is compared to officers who are retiring today receiving about \$60,000 in benefits. Mr. Parsons stated that the active officers are planning a cost of living increase for future retirees – this will cause more discrimination in the plan. He noted that if there is money available for a cost of living increase, then there is money available to correct discrimination in the plan. He encouraged Council to correct the benefits discrimination and stop any future changes in benefits that would create further discrimination.

Henry Alban, retired Melbourne Police Officer, stated that he retired in 1996; therefore, he is under the 3% plan. He served with officers on the list whose multiplier is less than 3%. He noted that this is unfair. He asked Council to correct the difference.

Donald Hampton stated that his father worked for Melbourne for 35 years. He was not able to be present due to health problems. He asked Council to review all the facts and stated that it will be obvious once everything is reviewed. He noted that his father receives no cost of living increase. This is not fair and the right thing to do would be for Council to correct this. He concluded by saying his father stepped out to protect our

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

families. Now that he is of an age where he is no longer able to do that, he is asking for Council to protect his family.

Philip B. Williams, Brevard County Sheriff and interested Melbourne resident, stated that his history with these retired officers goes back to the time when he was 18 years old and an officer in Indialantic.

Sheriff Williams explained his recent involvement in working with the Florida Legislature on the recent change (to increase the multiplier for high risk employees). Mr. Williams continued and stated that it is apparent this is a simple oversight. There are a finite number of retirees who fell through the cracks. The concern that this will open the floodgate is not possible because there are only a few people affected. He asked Council to right the wrong for a few dollars in the grand scheme to improve the quality of life for some men who laid it on the line every day for many years. As a citizen and Sheriff of Brevard County, he encouraged Council, if legal, to accomplish this change.

In response to Mrs. Walker, Sheriff Williams stated that he is not representing these retirees. He added that he is addressing Council as a citizen and as a friend to these officers.

Raymond Gera, retired Melbourne Police Officer, stated that he took an early retirement in 1975. At that time he had a problem with the management and the Chief of Police. He noted that he receives \$110 a month from his police retirement. He thanked Council for listening.

Tom McCarthy, reported that he retired in 1980 after 17 years with the city. He noted that this retirement system has forgotten its retirees, yet the military doesn't forget its people. He asked Council to remember its retirees.

Mr. Palmer asked how many officers are in the retired status. Mayor Buckley said staff researched and found there are 28 involved. The Mayor added that before Council can do anything, an actuarial study must be performed in order to determine the cost involved.

Mrs. Poole stated that the city should not waste time. These men have served us and protected us. The legislature corrected the problem. This should not be done with negotiations and unions.

A brief discussion followed regarding the actuarial study.

Mr. Hill stated that staff will ask the Police Pension Board to conduct an actuarial analysis on the cost involved to correct the problem as presented to Council. Regarding action taken by the state, he stated that it appears it offered a one time increase of 12%; however, he is not sure where that number came from. He stressed that we need to be clear in what we are asking the actuary to do – provide a one time increase or increase the 2% and 2.5% multipliers to 3%.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

Regarding the discussion on a cost of living increase, Mr. Hill reported that there has been indication from the union that they will seek this as part of negotiations. In past years, changes have been negotiated and the cost borne by the officers seeking the benefit. Retired officers do not pay into the plan, so they are not contributing to the cost of the plan for a benefit that may change at a later date.

Mrs. Poole expressed concern with benefits being negotiable. Mr. Hill said it is a condition of employment because the Police Officers are represented by a union. The dilemma is that the working officers appear to give no thought to the retired officers.

Moved by E. Palmer/Contreras to send a request to the Police Pension Board to determine how to rectify this so Council can take the necessary action after knowing the costs. The study should be conducted within 30 days.

Mayor Buckley restated the motion and noted that the motion is for an actuarial study to be performed to determine the cost of increasing the multiplier for retired officers from 2% and 2.5% to 3%.

Mr. Contreras asked Mr. Parsons if the retirees have approached the union regarding this issue. Mr. Parsons said they did in 1993; however, the retirees' concerns are not the active officers' concerns. The retirees are gone and forgotten. Regarding the actuarial study, Mr. Parsons said it will be a simple process to recalculate the benefits.

The question was called. Motion carried unanimously.

17. ORDINANCE NO. 2001-30: (First Reading) A proposed ordinance to amend Chapter 27 to clarify that government-owned parcels leased for non-governmental purposes are subject to the stormwater utility fee assessment.

Attorney Gougelman read Ordinance No. 2001-30 by title.

Mr. Hill briefed Council. In the two tax years since the creation of the stormwater utility, a number of parcels leased to commercial enterprises by the Airport Authority have not been assessed the stormwater utility fee. This is because the properties are governmentally owned and government agencies owning real property are generally exempt from the assessment.

Brevard County Surface Water Improvement staff, working under the interlocal contract with the city, has provided a list of all Airport parcels and identified those that are leased by the Airport for non-governmental purposes. The list also identifies those that were assessed and the amount, and those that were not.

Based on the listing, revenues would increase by \$32,440 annually. Also, the amount does not include Trailer Haven due to the way it is shown on the tax rolls. Assessing Trailer Haven, either as a commercial site or as individual trailer sites, would generate several thousand dollars more in revenue. The rate for the mobile homes would be \$9 per

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

year. Mobile homes are considered one-half of an equivalent residential unit (ERU). The full ERU is \$36. The city uses a 50% discount; therefore, the effective ERU rate is \$18.

Staff believes that all leased parcels should be assessed the fee. The reason is that all other residential, commercial, and industrial properties in the city are assessed, including properties which are otherwise exempt from property taxes (i.e. churches, Trinity Towers, etc.).

The Code can be interpreted to already require this but it is not clear. The proposed amended language will rectify any misinterpretation by clearly stating that government-owned land leased for non-governmental purposes shall not be included in the exemption. If approved, such parcels would be assessed the fee beginning in the next tax year.

Mrs. Poole stated that Trailer Haven is considered low income and should not be included.

Mrs. Palmer stated that on every other occasion regarding Trailer Haven, she has done all she could to protect them from increases. However, everyone else in the city has been called upon to pay the stormwater utility fee. Since the city has adopted the utility, the assessments need to be fair.

Mrs. Poole asked whether residents in Habitat for Humanity homes will have to pay the fee. Council Members Palmer and Walker and Vice Mayor Palmer replied yes and added that all homeowners have to pay.

Mr. Hill pointed out that the property is in the name of the Airport Authority; therefore, that is where the bill will be sent. It is up to the Airport to determine how it will collect.

Mrs. Walker pointed out that not all residents of Trailer Haven are low income. Mr. Palmer agreed.

Mrs. Poole repeated her opposition. Mayor Buckley pointed out that the city needs to be consistent and make the assessment across the board.

Mrs. Poole asked that the three Council Members who sit on the Airport Authority work towards the Airport paying the assessment rather than passing it on to the Trailer Haven residents.

Moved by E. Palmer/Walker for approval of Ordinance No. 2001-30.

Mr. Contreras pointed out that Northrop Grumman is listed several times on the report in the package. Since this is his employer, he declared a conflict of interest.

Attorney Gougelman noted that it will be at least 30 days before the ordinance returns for second reading because of notice requirements in the State Statutes.

The question was called. Motion carried unanimously. (Council Member Contreras abstained from voting.)

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

18. RESOLUTION NO. 1696: A proposed resolution to implement FY 2000-2001 second quarter budget review recommendations.

Attorney Gougelman read Resolution No. 1696 by title.

From the agenda report: The second quarter review was previously distributed to Council. Subsequent to the review being issued the following items have surfaced, which need to be addressed:

- The city received a donation from the Lucky Garden Restaurant of \$1,000. These funds are to be used for a beautification project. Recommend increasing the General Fund Revenue Account, Contributions and Donations, by \$1,000 and the Parks Division Beautification Account by \$1,000.
- Provide reimbursement to Mobiland-by-the-Sea for \$38,023.75 (reference settlement agreement on this agenda). Funding for the repairs to the sewer system and lift station will be provided from the Water and Sewer Non-departmental Regular Salary Account.
- A correction has been requested in the additional amount needed to complete the Lake Washington Seawall. The amount included in the second quarter review was \$3,059. Actually, \$7,143 is needed to make final payments to contractors for the seawall. Funding of \$7,143 will come from the Water and Sewer Miscellaneous Project.
- The recommendation for renovations to the second floor of City Hall has been revisited and the discretionary items are being withdrawn. This will reduce the cost of the renovation by \$26,690 to \$31,105. Preparation of the 2001-02 recommended budget is showing it is prudent to delay the purchase of such discretionary items as replacement doors, hallway carpet, and removal of the wall covering in the Council Chamber until we are more certain what the effect of the "Community Services Tax Simplification Law" will be on the revenues of the General Fund.

The other new projects and programs included in Resolution No. 1696 include:

Renovate second floor area after the Engineering Department moves to the Annex. The area will be reconfigured for Planning and Zoning, the City Clerk records retention function, the Assistant City Attorney, and a conference room. The first two items, replacement of AC units and renovations to P&Z, Assistant City Attorney, and records retention offices are essential items which should be done now. The other items are completely discretionary and can wait to be submitted as a part of the FY 2001-02 budget requests as discussed above.	\$31,105
Repair/replace two AC units on second floor.	\$ 4,000
Renovations to P&Z, Assistant City Attorney and Records Retention offices.	23,000
Reupholster seats for audience chairs in Council Chamber	Withdrawn

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

Furniture for hallway and conference room.	4,105
Shades and carpet for Council Chamber.	Withdrawn
Paint, replace doors and carpet for hallway.	Withdrawn
Remove wallpaper and paint in Council Chamber and halls.	Withdrawn
Establish a victim advocate contract position in the Police Investigation budget. The city applied for a grant to establish this program for six months. The grant was awarded by the Office for Victims of Crime in the amount of \$15,520 with the total cost of the program to be \$19,400 for the six-month period. The city's share of the program will be funded by additional revenue identified in the second quarter review.	3,880
Purchase a trailer to transport grounds maintenance equipment at Lipscomb Park for ball field and landscape maintenance. This will be funded by additional revenue identified in the second quarter review.	2,000
Replace the door of the Annex I building for handicap access with a new door, which has an automatic opener. This will make the door ADA compliant for handicap accessibility. This will be funded by additional revenue identified in the second quarter review.	3,500
Establish a Citizens Emergency Response Team (CERT) using \$5,000 in grant funding from DCA with matching city funds. The Fire Department will train citizens to assist neighborhood groups in handling of emergency situations from natural disasters until fire response is available. Matching funds for this grant will come from additional revenue identified in the second quarter review.	5,000
Purchase a recycler/recharger for 134A Freon used in city vehicles. Due to changes in EPA requirements R-12 Freon is no longer permitted to be used for coolant in the air-conditioning systems of new vehicles. Funds for the purchase of the new equipment resulted from the sale of surplus Freon R-12.	3,000
Purchase 100 special wildfire suits (pants and coat) designed to reduce the firefighter's risk of burn injuries and physiological stresses like heat stroke and fatigue caused by the buildup of body heat. The cost of these suits is estimated to be \$12,000. The city has been awarded a grant from DCA Emergency Management Preparedness and Assistance Trust Fund for \$6,000. This grant requires a match from the city.	6,000

Moved by Hand/Poole for approval of Resolution No. 1696.

In response to Mr. Palmer, Mr. Hill explained the effect of moving the service funds (Data Processing, Fleet Maintenance, and Risk Management) into the General Fund budget (due to recent changes in accounting requirements).

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

The question was called. Motion carried unanimously.

Mrs. Palmer referenced the Citizens Emergency Response Team and asked what type of duties they would have and the city's liability.

Mr. Hill said they would be a volunteer group and would work with the Fire Department. They would receive training in the identification of hazards and recovery efforts. They would not supplant Police Officers or Firefighters in terms of primary response. As volunteers to the city, we would be assuming liability regarding their volunteer status; therefore, they would be used for non-hazardous duties.

19. COUNCIL ACTION RE: Consideration of expenditure in the amount of \$38,023.75 from the Water and Sewer Fund as settlement in the Mobiland-by-the-Sea matter.

From the agenda report: Mobiland-by-the-Sea is a mobile home park located on North U.S. 1 in Melbourne. After major storms in September/October 1999 the park experienced severe problems with the sewage system and lift station. At that time, the city advised them that the sewage system serving Mobiland-by-the-Sea, including the dedicated line running on U. S. 1 to Post Road, was owned by the mobile home park and not the city. As a result, the park made repairs to the system at a cost of \$38,023.75.

In conjunction with the U. S. 1 road widening project, the Florida Department of Transportation located a document dating back to 1978 transferring ownership and responsibility of the various sewer lines to the city. As a result, Mobiland-by-the-Sea has requested reimbursement for the cost of repairing the system in 1999.

To avoid litigation it is recommended that the matter be settled and reimbursement from the Water and Sewer Fund be authorized by Council.

Moved by Contreras/Walker for approval of a settlement with Mobiland-by-the-Sea by reimbursing the cost of repairs in the amount of \$38,023.75. Motion carried unanimously.

Vice Mayor Cheryl Palmer left the Council meeting at 10:45 p.m.

20. ORDINANCE NO. 2001-31: (First Reading) A proposed ordinance to amend Chapter 5, Animals, as recommended by the City Code Review Committee, Section 3.

Attorney Gougelman read Ordinance No. 2001-31 by title.

From the agenda report: This is a proposed ordinance amending Chapter 5, Animals, as approved by the City Code Review Committee, Section 3.

Moved by E. Palmer/Hand for approval of Ordinance No. 2001-31. Motion carried unanimously.

21. ORDINANCE NO. 2001-32: (First Reading) A proposed ordinance to amend Chapter 18,

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

Leisure Services, as approved by the City Code Review Committee, Section 4.

Mr. Gougelman read the ordinance by title.

From the agenda report: This is a proposed ordinance amending Chapter 18, Leisure Services, as approved by the City Code Review Committee, Section 4.

Moved by E. Palmer/Hand for approval of Ordinance No. 2001-32. Motion carried unanimously.

22. COUNCIL ACTION RE: Requests for approval of proposed new and revised policies for housing programs.

- a. Request for approval of Tenant Assistance Program Policies
- b. Request for approval of Rental Rehabilitation Program Policies
- c. Impact Fee Assistance Policies
- d. Request for approval of revisions to Homeowners Housing Replacement Assistance Program Policies
- e. Request for approval of revisions to Tenant Based Rental Assistance Program Policies
- f. Request for approval of revisions to Purchase Assistance Program Policies
- g. Request for approval of revisions to Owner-occupied Housing Rehabilitation Program Policies
- h. Request for approval of revisions to Emergency/Natural Disaster Program Policies

There is a need for Council to approve formal policies for several housing programs. A copy of the proposed changes was previously distributed to Council. The proposed changes effect the following programs:

- Tenant Assistance Program
- Rental Rehabilitation Program
- Impact Fee Assistance Program

Additionally, certain existing policies require revisions for the following reasons:

- (1) Consistency with new three-year SHIP Housing Assistance Plan adopted by City Council on 4/10/2001 and approved by the Florida Housing Finance Corporation on April 27, 2001.
- (2) Programmatic improvements based on staff evaluation of program performance and effectiveness.
- (3) Clarification and grammatical corrections.
- (4) Consistency in style and format in all housing policies.

Proposed revisions are outlined in the agenda package for the following policies:

- Homeowner Housing Replacement Assistance Program

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

- Tenant Based Rental Assistance Program
- Purchase Assistance Program
- Owner-occupied Housing Rehabilitation Program
- Emergency/Natural Disaster Program

Moved by Hand/Contreras for approval of policy changes to the Tenant Assistance Program Policies; Rental Rehabilitation Program Policies; Impact Fee Assistance Policies; Homeowner Housing Replacement Assistance Program Policies; Tenant Based Rental Assistance Program Policies; Purchase Assistance Program Policies; Owner-occupied Housing Rehabilitation Program Policies; and Emergency/Natural Disaster Program Policies.

In response to Mr. Palmer, Melinda Thomas noted that she will review the definitions of low income in policies “c” and “d” and revise them to provide consistency.

Mr. Palmer discussed the Tenant Based Rental Assistance Policy and referenced the section on limitations on assistance. He noted that “no applicant may receive assistance from this program for more than two years.” He discussed people who are absolutely unable to work.

Mrs. Thomas said the program was designed mainly to assist persons who are on their way to self sufficiency.

Mr. Palmer said this should be modified to address those who are mentally or physically unable to work.

Mrs. Thomas said that is the danger of this program. It was created when public assistance programs were being cut back on all fronts. After two years, it was understood that those being assisted would seek out other subsidies. Those who need this on a permanent basis have a lot more staying power. We are approaching the six month period before the assistance ends and she will not be surprised when Council starts receiving phone calls.

Mr. Palmer said the city should not remove the people who are physically or mentally unable to work. We should try to get them into Section 8 housing.

Mrs. Thomas said it will be totally up to Council; however, she noted that the city does not have the staff available to monitor lifelong tenants. She confirmed for Council that there is no law preventing the city from continuing for two additional years; however, that would have to be written into the policy. She repeated that tracking and keeping up with tenants is staff intensive and would require additional funding.

Moved by E. Palmer/Hand to provide the flexibility (in the Tenant Based Rental Assistance Policy) that if someone has a physical or mental problem, we can continue assistance for another two years.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

Following a brief discussion, Mr. Hill said section C of the policy could provide for no more than four years and section D could provide that additional time up to the maximum may be granted based on Council's discretion.

Mrs. Poole expressed concern about tenants who are able to move on to Section 8 housing, but refuse to.

Mr. Hill said this is up to Council; however, we need to recognize that this change will result in a four year program. Mr. Palmer said it should only apply to those who are physically or mentally unable to work.

The question was called. Motion carried unanimously.

23. COUNCIL ACTION RE: A request for authorization to submit an application to the Urban Park and Recreation Recovery (UPARR) Program for grant funding for improvements to Carver Park Community Center.

Mr. Hill briefed Council. The Urban Park and Recreation Recovery (UPARR) program is accepting grant applications for rehabilitation projects. The maximum grant award is \$500,000 with a 70:30 matching requirement. This is a competitive nationwide grant. Last week we issued a grant advisory describing the grant criteria and the two potential projects--Carver Park Community Center and Crane Park Community Center.

After reviewing the grant criteria, we believe the Carver Park Community Center project has a better chance of being funded. This project can also utilize CDBG funds for the local match, to the extent available. The estimated cost to construct a new building and gym at that site is \$1,000,000. This is a rehabilitation grant, so we will have to determine the best way to approach this project to achieve the objective, yet comply with the grant requirements.

If we are able to achieve the maximum grant and utilize \$250,000 of CDBG funds, then the net cost to the city is the remaining \$250,000, which is less than if the grant was successful for Crane Park. If the grant is awarded this matter will be brought back to Council for funding consideration and approval of the actual project.

Moved by E. Palmer/Contreras for approval to apply for UPARR funds for Carver Park Community Center and authorization for the City Manager to execute any documents pertaining to the grant application.

Discussion followed regarding the grant criteria and Mr. Palmer asked that staff continue to pursue improvements for Crane Park.

The question was called. Motion carried unanimously.

24. COUNCIL ACTION RE: A request for Council Member Poole to attend the Legislative Wrap-Up Policy Committee meetings, July 12, 2001, in Orlando.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

Mr. Palmer asked for approval, too.

Moved by Walker/Hand for approval for Mrs. Poole and Mr. Palmer to attend the Legislative Wrap-Up Policy Committee meeting. Motion carried unanimously.

25. COUNCIL ACTION RE: Appointment of seven regular and two alternate members to the Olde Eau Gallie Riverfront Community Redevelopment Agency Advisory Committee.

Mayor and Council were provided a list of the 20 applicants. Each member marked the list and Attorney Gougelman read the results as follows:

Regular Members:

Contreras: Alexander, Davis, Hester, Johnsten, Leash, Nance, and D. Walker
E. Palmer: Alexander, Davis, Jones-Francey, Johnsten, Mathers-Nail, Parker, and Stivers
Poole: Alexander, Crawford, Dillen, Jones-Francey, Johnsten, Mathers-Nail, and Nance
Walker: Alexander, Getz, Johnsten, Koelsch, Nance, Stivers, and D. Walker
Hand: Alexander, Davis, Hester, Johnsten, Koelsch, Sanders, and Stivers
Buckley: Alexander, Davis, Jones-Francey, Hester, Johnsten, Stewart-Leach, and D. Walker

Alternate Members:

Contreras: Dillen and Parker
E. Palmer: Stewart-Leach and D. Walker
Poole: Getz and S. Walker
Walker: Davis and S. Walker
Hand: Crawford and Stewart-Leach
Buckley: Parker and Stivers

Based on the votes, Alexander, Davis and Johnsten were selected as the first three regular members. Council decided to select the next four regular members based on the following applicants each receiving three votes: Jones-Francey, Hester, Nance, Stivers, and D. Walker

By consensus, Mayor and Council selected D. Walker, Stivers, Nance and Hester as the next four members.

Moved by E. Palmer/Walker to appoint George Alexander, Gene Davis, Richard Hester, Link Johnsten, Jamie Nance, Jacie Stivers, and Dennis Walker as the seven regular members. Motion carried. (Mrs. Poole voted nay.)

By consensus, Mayor and Council selected Mathers-Nail and Stewart-Leach as the alternates.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 12, 2001

Moved by Walker/E. Palmer to appoint Marcie Mathers-Nail and Sheila Stewart-Leach as the two alternate members. Motion carried unanimously.

Note: Alexander, Davis, Hester, Johnsten, and Mathers-Nail will serve 6/12/2001 – 6/11/2003. Nance, Stivers, D. Walker, and Stewart-Leach will serve 6/12/2001 – 6/11/2002. Thereafter, all terms will be for two years.

26. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mr. Contreras asked that the City Hall issue return to Council for discussion. Following a brief discussion, Council decided that the issue will return on the July 24 agenda.

Attorney Gougelman updated Council on the Palm Bay Water and Sewer Reserve Area litigation. The case has been scheduled for mediation on July 9 with Phil Fougrousse.

27. ADJOURNMENT

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

The meeting adjourned at 11:55 p.m.

City Clerk – 6/22/2001

Approved by Council: June 26, 2001

Attachment to official minutes: Memorandum of Voting Conflict (reference Item #17)