

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
MARCH 26, 2002

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

1. Reverend Jim Bartholomew, Vineyard Christian Fellowship, 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
	Loretta Isenberg-Hand	Vice Mayor, District 6
	Richard Contreras	Council Member, District 1
	Ed Palmer	Council Member, District 2
	Pat Poole	Council Member, District 3
	Grace Walker	Council Member, District 4
	Cheryl Palmer	Council Member, District 5
	Henry J. Hill	City Manager
	Paul R. Gougelman, III	City Attorney
	Cathleen A. Wysor	City Clerk
	Bud Emerson	Assistant City Manager
	Peggy Braz	Planning and Economic Development Director

4. PROCLAMATIONS AND PRESENTATIONS

Mayor Buckley presented the following proclamations:

Recognizing the Melbourne Central Catholic Hustlers Girls Basketball Team for their Class 2A Championship; accepted by Coach Candee Terry and members of the team.

“National Telecommunications Week”, April 8-14, 2002; accepted by Deputy Chief Jim Reynolds, Communication Supervisors Mike Switzer and Carey Sargeant, and Communication Officers Kristin Parks and Leslie Faletra.

The February Beautification Award was presented to Florida Institute of Technology; accepted by John Milbourne, Director of Facilities Management.

5. APPROVAL OF MINUTES – March 12, 2002 Regular Meeting

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

6. CITY MANAGER’S REPORT

Mr. Hill referenced the memoranda distributed requesting that two items be added to the agenda.

Moved by Poole/Walker to add items 16 “g” and 20.1 to the agenda. Motion carried

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unanimously.

7. PUBLIC COMMENTS

Judith Wargo, 722 Manston Avenue, Trailer Haven, asked for an update on the Trailer Haven water main project. She said that the manager of Trailer Haven has told the residents that the city postponed the project indefinitely because of the uncertain status of the Land Yacht Port O' Call property. She asked that the city continue with the project, starting with replacement of the oldest lines.

Additionally, Ms. Wargo asked for an update on the sewer main issue, which includes a determination by city and airport staff on ownership of the lines.

Mr. Hill replied that the Utilities Director will provide a report on the water main project. He added that he does not know why a representation was made by airport staff that the project was put on hold because of Port O'Call issues. Mr. Hill noted that a number of projects in the city have been delayed to accommodate other pressing capital needs.

Regarding sewer service, Mr. Hill stated that this is an on going issue; however, he is not sure that it is a problem. He has not been informed of an instance where someone has not received service or has experienced difficulty since the item was last discussed.

Mr. Hill confirmed for the Mayor that he would provide a status report by the next meeting.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2002-19 (Z-2002-921/SP-2002-02/LAKE IN THE WOODS APARTMENTS – “Reflections at the Fountains”): (Public Hearing/Second Reading) A proposed ordinance to rezone two parcels consisting of 46.49 acres from R-2 (cap 6) (One-, Two-, and Multiple-Family Residential with a cap of six units per acre) to PUD (Planned Unit Development) with a preliminary development plan, located on the west side of Stack Boulevard between Eber Road and Palm Bay Road. (Owners – Lake in the Woods Apartments, Inc. and KRC Melbourne LP) (Applicant – Kisco Retirement Communities) (Representative – Anthony A. Ferrero) (First Reading 3/12/2002)

From the agenda report: Based on the applicant's presentation at the last meeting, the following two stipulations were added:

- g. The buffer between this property and the Bayberry Subdivision property will be a minimum of 20 feet. A staggered block wall will be provided with landscaping on both sides.
- h. The homes along the northern edge of the preliminary development plan, adjacent to Bayberry Subdivision, will be limited to single story.

Conditions “a” through “h” have been included in the ordinance.

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Attorney Gougelman read Ordinance No. 2002-19 by title. Mayor Buckley opened the public hearing and there were no comments from the audience.

Moved by Contreras/Walker for approval of Ordinance No. 2002-19.

Mrs. Palmer said she can't support this item because in her opinion there is not enough common open space. The water retention area is included in the open space calculations. This will be a problem in a development with families and children.

Mrs. Poole discussed her concerns with the PUD zoning classification, which provides for "flexibility." She indicated that she is opposed because, with the exception of the extensive pedestrian system, there is very little green area; there are variance requests; and the extension of Range Road is proposed. She noted that the road extension will eventually provide a cut through to Lipscomb Street. Finally, Mrs. Poole pointed out that the amount of fill required will destroy the trees on the site.

The question was called. The roll call vote was:

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

Nay: Poole and C. Palmer

Motion carried.

9. ORDINANCE NO. 2002-20 (CU-2002-01/SP-2002-01/TROPIC CAR WASH): (Public Hearing/Second Reading) A proposed ordinance granting a conditional use for a car wash on a .98-acre parcel in a C-2 (General Commercial) zoning district, located on the north side of Sarno Road east of Wickham Road and west of Peel Street. (Owner – Donald Plymel) (Applicant – Anthony Masone) (First Reading 3/12/2002)

Mr. Gougelman read Ordinance No. 2002-20 by title. Mrs. Palmer disclosed that she looked at the property. There were no comments from the audience.

Moved by Hand/E. Palmer for approval of Ordinance No. 2002-20.

Mrs. Palmer asked how the property will be drained.

Tony Masone, applicant, explained that there will be a dry on-site retention area on the property. He added that the wash water will be reclaimed.

The question was called. The roll call vote was:

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

Nay: None

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Motion carried unanimously.

10. PRELIMINARY PLAT APPROVAL (SD-2002-01/PEACHTREE LANDING SUBDIVISION): (Public Hearing) A request for preliminary plat approval for Peachtree Landing Subdivision on a 15.3-acre portion of an existing platted subdivision, located on the east side of John Rodes Boulevard, north of the intersection of Eau Gallie Boulevard. (Owners – Elting Storms, Trustee c/o Glen Outlaw Realty Co., Inc. and Buz Underhill, Trustee c/o Montreal Limited) (Applicant – Forte Macaulay Development Consultants, Inc.) (Representative Massimo Bosso) (Postponed by Council 3/12/2002)

Mrs. Braz reviewed the agenda report: This item was postponed at the March 12 meeting to allow the developer time to provide clarification on the use of Tracts B, D and E and whether they will be conveyed to the homeowners' association.

The previous recommendation was for approval of SD-2002-01, Preliminary Plat for Peachtree Pointe Subdivision, consisting of a one-sheet plan prepared by William Mott Land Surveying Inc., of Satellite Beach, Florida, with Drawing Number 2010459, with the findings from the Planning and Zoning Board and the following conditions:

- a. The applicant shall make payment into the Bikeways/Sidewalk Trust Fund for the length of the subdivision boundary abutting John Rodes Boulevard. Said trust fund payment shall be used to offset the construction costs of a sidewalk/pedway along John Rodes Boulevard, north of Eau Gallie Boulevard.
- b. Any change to the preliminary plat will require its reevaluation by the Planning and Economic Development Department and Engineering Department. Any substantial change to the preliminary plat will require review and approval by the Planning and Zoning Board, Local Planning Agency, and City Council. A substantial change in the preliminary plat includes, but is not limited to: 1) any increase or decrease in the number of access points including public or private streets to or from the subdivision, or 2) an increase of more than two lots.
- c. The owner/developer shall provide a permit from the Florida Fish and Wildlife Conservation Commission to mitigate or relocate gopher tortoises found on the property. Should other threatened or endangered species be found on the site prior to or after commencement of construction, all construction shall be suspended until adequate permits are acquired or appropriate jurisdictional agencies provide approval to proceed with development.
- d. Upon completion of the subdivision improvements, the applicant/developer shall file a map amendment with the Federal Emergency Management Agency to correctly identify the flood zone designation/elevation of the property as a result of the improvements. Copies of the changes approved by FEMA shall be provided to the City of Melbourne Planning and Economic Development, Building (Code Compliance) and Engineering Departments.

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- e. The north private drainage easement must be piped with yard inlets approved by the City Engineer.

Tract B is clearly identified on the plat to be conveyed to the homeowners' association. Tract D will also be conveyed to the homeowners' association. The developer believes that Tract E can be made into a sellable lot and would like the option to do this. Should they be unable to do so, it would be deeded to the homeowners' association at the time of final plat approval.

One additional stipulation for approval is needed which states:

- f. Modify Note 10 to add language stating that if Tract E is not developed as a lot, it will be conveyed to the homeowners' association, and that Tract D is to be conveyed to the homeowners' association.

Mr. Palmer asked the size of Tract D. Ms. Braz said it is shaped irregularly and is about 2,000 s.f. Mr. Palmer asked if Tract D is usable and Ms. Braz said possibly as an entry feature or as open green area.

Mr. Palmer asked the rationale for holding Tract E. Mrs. Braz said that at this point the applicant is not positive a house can be constructed on the lot, which meets the setbacks. She noted that the outcome will be reflected at the time of final plat (whether the lot is used or conveyed).

In response to Mrs. Poole, Jack Kirschenbaum, attorney representing the applicant, submitted an invoice from Ecotech Consultants, Inc. for relocation of the gopher tortoises.

Continuing, Mr. Kirschenbaum said Tract D will be immediately deeded to the homeowners' association. Regarding Tract E, if they are not able to configure a residence on the property, it will be deeded to the homeowners' association as part of the final plat. He stated that they agree with all stipulations.

Mrs. Poole said it is her understanding that the wetland on the site is about an acre and will be filled. Additionally, the fill will destroy all trees on the property.

Max Bosso, engineer representing the applicant, said the wetland is one acre in surface area. He added that the site will be completely cleared. Mr. Bosso confirmed for Mrs. Poole that the fill will result in the flood zone being changed for the property.

Moved by Contreras/Buckley for approval of SD-2002-01 subject to conditions "a" through "f".

Mayor Buckley said the applicant has done everything asked by the city and has agreed with all stipulations.

Mrs. Poole stated that she can't support the request because of the devastation the development will cause.

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The question was called. The roll call vote was:

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

Nay: E. Palmer and Poole

Motion carried.

At this point, item 17 was heard. Immediately following item 17, Council recessed.

Recessed: 8:56 p.m.

Reconvened: 9:06 p.m.

11. PRELIMINARY PLAT APPROVAL (SD-2002-02/EAGLE LAKE EAST SUBDIVISION):  
(Public Hearing) A request for preliminary plat approval for Eagle Lake East Subdivision on a 47.49-acre parcel zoned PUD (Planned Unit Development), located on the west side of Lipscomb Street, south of Pirate Lane. (Owners – PRN Real Estate and Investments, Ltd., and BML Investments) (Applicant – Eagle Lake Two Development Company) (Representative-Massimo Bosso) (Postponed by Council 3/12/2002)

Mrs. Braz reviewed the agenda report. This item was postponed by Council on March 12 to allow staff time to verify the tracts and their acreage against the notes on the plat. The open space calculations have been corrected on the cover sheet of the preliminary plat included in the package.

The recommendation is for approval of SD-2002-02, Preliminary Plat for Eagle Lake East Subdivision, consisting of a two-sheet plan prepared by William Mott Land Surveying, Inc., of Satellite Beach, Florida, with the findings from the Planning and Zoning Board and the following conditions:

- a. Any change to the preliminary plat will require its reevaluation by the Planning and Economic Development Department and Engineering Department. Any substantial change to the preliminary plat will require review and approval by the Planning and Zoning Board, Local Planning Agency, and City Council. A substantial change in the preliminary plat includes, but is not limited to: 1) any decrease in the number of access points including public or private streets to or from the subdivision; or 2) an increase of more than five lots.
- b. The owner/developer shall provide a detailed gopher tortoise survey and any necessary permits from the Florida Fish and Wildlife Conservation Commission to mitigate or relocate gopher tortoises found on the property. Should other threatened or endangered species be found on the site prior to or after commencement of construction, all construction shall be suspended until adequate permits are acquired or appropriate jurisdictional agencies provide approval to proceed with development.

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- c. Provide traffic calming design to limit the speed of traffic through the subdivision.
- d. Pave Tarpon Way from Lipscomb Street to the connection at Collinwood Drive prior to final plat of Phase II.

The following additional stipulation is proposed:

- e. Add Tracts D and E to Note 5 and eliminate Note 6.

Staff has reviewed the calculations and verified that the developer meets the open space requirements. The applicant agrees that Tracts D and E will be deeded to the homeowners' association.

Jack Kirschenbaum, attorney representing the applicant, confirmed that Tracts D and E will be deeded to the homeowners' association. He agreed with all stipulations.

Mrs. Poole pointed out that when Range Road is built, there will be a cut through that leads to Lipscomb Street. Mr. Hill said it will be a long time before that occurs. He added that right-of-way has been reserved over the years in order to have an east/west corridor. Discussion followed.

Moved by Walker/Hand for approval of SD-2002-02 subject to the previously proposed conditions and one additional condition to add Tracts D and E to Note 5 and eliminate Note 6.

Mrs. Braz confirmed for Mrs. Poole that the property will need about two feet of fill, which will eliminate all trees.

The question was called. Motion carried. Mrs. Poole voted nay and stated that we are ruining the city.

12. SUPPLEMENTAL PAY FOR MILITARY LEAVE UNDER OPERATION ENDURING FREEDOM: Additional six months supplemental pay for city employees called to active military duty under Operation Enduring Freedom.

Mr. Hill briefed Council. On October 9, 2001 Council approved six months of supplemental pay for employees called to active military duty under Operation Enduring Freedom. At the end of that six-month period Council was to revisit this matter to determine if an extension was necessary. There are three employees on military leave and their service may be up to one year. The recommendation is for Council to consider extending the supplemental pay an additional six months.

Moved by E. Palmer/Contreras for approval of an additional six months of supplemental pay for those employees called to active military duty under Operation Enduring Freedom. Council will revisit this matter in September 2002. Motion carried unanimously.

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NEW BUSINESS

13. COUNCIL ACTION RE: Presentation by Hoyman, Dobson and Company, the city's auditors, regarding the Comprehensive Annual Financial Report for the year ended September 30, 2001.

Debbie Bradley and Chas Hoyman with Hoyman, Dobson & Company reviewed the report and responded to questions.

14. COUNCIL ACTION RE: Supplement No. 101 to Continuing Consultant Contract for Utility Relocation Plans to Support Widening of Wickham Road from U.S. 192 to NASA Boulevard, Project No. 02301, Frazier Engineering, Inc., Melbourne, Florida, in the amount of \$90,000.

Mr. Hill briefed Council. This is a supplement to the continuing consultant's contract to provide engineering services required for the relocation of a 30-inch water main in Wickham Road. The cost of the services is \$90,000.

Brevard County is currently in the design stage of a project to widen Wickham Road between U.S. 192 and NASA Boulevard. The city's 30-inch water main will be significantly impacted by the construction. Frazier Engineering investigated and evaluated several alternatives for the water main.

The engineers determined that the 30-inch main should be relocated out of the roadway. Most of the pipeline can be installed within the county's M-1 and M-7 canal rights-of-way that run parallel to and east of Wickham Road. The county project has been delayed while city staff and consultants evaluated the alternatives. Rather than further delay the project, staff is proposing that the engineering design be awarded through the continuing consultant contract.

Frazier Engineering has been involved with and is very knowledgeable about the road project. The estimated construction cost of this relocation is \$1,475,000 and that figure exceeds the minimum threshold for following the Consultants' Competitive Negotiation Act (F.S. 287.055). That process typically takes several months and it would be followed by a need to negotiate a design contract with the selected engineering firm. In this case, we can proceed immediately if we award the contract to Frazier on an emergency basis so as not to delay the road improvement project. The road widening project will improve safety for traffic on Wickham Road; therefore, implementing it as soon as possible has merit.

Moved by Contreras/Walker for approval of Supplement No. 101 to Frazier Engineer's continuing consultant contract in the amount of \$90,000. Motion carried unanimously.

15. COUNCIL ACTION RE: A request for sole source purchase approval for Beltpress Mechanical Rehabilitation for both Wastewater Treatment Plants, Project No. CO2312, from Ashbrook Corporation of Houston, Texas, in the amount of \$142,348.

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Mr. Hill reviewed the agenda report. This is a proposed contract award to purchase replacement parts for the belt presses at the wastewater treatment plants. The belt presses are used to dewater sewage sludge. There are four presses, two at each plant. Upgrading two presses is a scheduled capital improvement project in the current fiscal year. The two presses have been in operation for 15 years.

The presses are manufactured by Ashbrook Corporation, a Thames Water PLC Company located in Houston, Texas. Ashbrook is the sole source provider of the original equipment parts needed to upgrade the presses. Ashbrook worked with staff to define the necessary upgrades and then submitted the proposal for the equipment in February.

The proposal to provide equipment to upgrade two presses is \$142,348. The CIP budget is \$247,500. The equipment will be delivered in six – eight weeks and can be installed by city forces.

Moved by E. Palmer/C. Palmer for approval to purchase the equipment to upgrade two presses from the sole source supplier, Ashbrook Corporation, in the amount of \$142,348.

Mr. Palmer asked the expected life of the equipment following this repair. Mr. Ralls said this will be an upgrade and we should get 10 – 15 years use.

The question was called. Motion carried unanimously.

16. COUNCIL ACTION RE: Consent Agenda

Moved by Hand/Walker for approval of 16 “a” through “g” as recommended.

Mrs. Palmer questioned the placement of item “c” on the consent agenda. Mr. Hill said this is consistent with what was included in the budget. The city was previously turned down for this grant and we are making application under a new grant period.

Mrs. Palmer said if this item is not separated from the consent agenda, she will have to vote nay.

The question was called. Motion carried. Mrs. Palmer voted nay.

The consent agenda was approved as follows:

- a. Resolution No. 1752: A proposed resolution authorizing application for grant funding from the Department of Justice for the Bulletproof Vest Program for the purchase of 12 vests for the Melbourne Police Department (\$5,682) and 6 vests for the Melbourne Airport Police (\$2,841) at an estimated cost of \$8,523.
- b. Resolution No. 1753: A proposed resolution authorizing application to the Florida Inland Navigational District for 2002-2003 Waterways Assistance Program funds for replacement of the Houston Street seawall in the amount of \$30,000.

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- c. Resolution No. 1754: A proposed resolution authorizing application for Federal Highway Safety Funds through the Florida Department of Transportation for the purchase of two fully equipped police vehicles and hiring of two officers to expand efforts to provide safer roads and intersection at an estimated three-year cost of \$75,066.
- d. Contracts for Bond Counsel Services with Bryant Miller and Olive, Orlando, FL, and Disclosure Counsel Services, Nabors with Gilbin and Nickerson, Orlando, FL.
- e. Supplement No. 102 to the continuing consultant contract for engineering services to provide professional surveying and design services for Phase Two of the Downtown Ornamental Lighting Project, Project No. 01122, Frazier Engineering, Inc., Melbourne, FL - \$26,640.
- f. Sixty-three month lease of one Toshiba E55 and two Toshiba E65 Digital Systems copiers for use by City Hall staff, Toshiba Business Solutions, Ft. Pierce, FL - \$77,175.

Added to the Agenda:

- g. Resolution No. 1756: Supporting the application of ZCS Senior Housing Partners, LTD for the Charles L. Edson Tax Credit Excellence Awards 2002 for the Crane Creek Senior Apartments.
17. COUNCIL ACTION RE: Discussion of lease between Land Yacht Port O' Call and the Melbourne Airport Authority. (Requested by Port O' Call Board of Directors)

For information: The Port O' Call residents attended the February 20 meeting of the Airport Authority as suggested by Council (at the February 12 City Council meeting).

Virginia High, Land Yacht Port O' Call, reported that LYPOC addressed the Melbourne Airport Authority on February 20 with regard to extending the lease. At that meeting, Mr. Johnson reported that there is no vacant airport property available and Global Technology has an option for the land on which the park sits. Ms. High noted that two years ago they had 400 leaseholders and this year they may have as few as 250. Their income has been reduced drastically while expenditures have not diminished accordingly.

Continuing, Ms. High said since no property is available and they are not able to pay the price because of a 40% loss in annual leaseholders, another possible location has surfaced and they look forward to developing a permanent site. She asked if the City Council would recommend to the Airport Authority that they grant a reduction in the annual lease.

Mayor Buckley said this request should be made to the Airport Authority. Ms. High replied that she intends to do that; however, she wanted the City Council to be aware of and hopefully support the request.

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Mrs. Palmer said she would not have a problem supporting this request. Mayor Buckley said the City Council is outweighed by a 4-3 vote on the Authority. However, he noted that Mr. Johnson is present and heard the request. He encouraged Ms. High to make her request to the Airport Authority.

Mrs. Poole discussed the history of the airport property and stressed that the city – not the airport – was deeded the property in 1947. She added that there is no legal description assigned to the Airport Authority and, except for law enforcement, the Airport has not been assigned authority over a defined area.

Mrs. Poole pointed out that Chapter 6 of the City Code provides language, which delegates duties to the Airport Authority. She discussed Section 6-97, which provides for the members and qualifications. This section provides for the terms of Council Members who serve on the Authority and she believes that this section has been violated.

After citing specific sections of Chapter 6, Mrs. Poole stated that the Melbourne International Airport belongs to the City of Melbourne and its citizens. Mrs. Poole discussed the history of the Airport Authority, the merger of Melbourne and Eau Gallie, the new Charter for the merged city, and the fact that the terms of old City of Melbourne Ordinance No. 67-7 were incorporated into the new Charter. She noted that any change in the way that the Airport Authority operates or is composed would require a Charter amendment.

At this point, Mrs. Poole made the following motion: That we direct the City Attorney and City Manager to draft an ordinance to amend the Charter to abolish the Airport Authority and turn over all authority over the airport to the City Council and the City of Melbourne. If the referendum passes, the city should adopt an ordinance to set up a new “airport committee” to manage the airport under the city’s control.

(See later discussion for a second to this motion.)

Mrs. Poole asked the City Attorney how this could be accomplished and stated that the citizens of Melbourne deserve a referendum.

Attorney Gougelman agreed that any plan to abolish the Airport Authority would involve a Charter amendment. He noted that Council would need to consider an ordinance, which provides amendatory language for the Charter, and provide for an election to be held, including the ballot language. The ordinance would become effective if approved by the electorate.

Mrs. Walker said she is saddened by the chain of events that has affected people in Port O’ Call and Trailer Haven. She expressed appreciation to Mrs. Poole for her time and research on the subject and said that it would be appropriate for the City Attorney to research the subject and come up with specific language about what Council could do.

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Mrs. Hand said she feels very bad that Port O' Call has decided to leave. She assured the residents that the Airport Authority members had no idea that Land Yacht Port O' Call representatives had asked to be considered in purchase of the land. Mrs. Hand cited portions of the February 20, 2002 Airport Authority minutes and referenced the lease option with Global Technologies. Within those minutes, the Airport Authority Attorney, Bill Potter, indicates that the Airport Authority is contractually bound (by the option with Global Technologies).

Regarding Mrs. Poole's motion, Mrs. Hand said she would need a considerable amount of information before voting on such action.

At this point, Mr. Palmer provided a second to the motion:

Moved by Poole/E. Palmer that we direct the City Attorney and City Manager to draft an ordinance to amend the Charter to abolish the Airport Authority and turn over all authority over the airport to the City Council and the City of Melbourne. If the referendum passes, the city should adopt an ordinance to set up a new "airport committee" to manage the airport under the city's control.

Mrs. Poole asked for additional time in order to provide information on this subject. Mayor Buckley indicated that she had one minute remaining. Mrs. Poole said she researched this and Mrs. Hand has said she would like more information. Mayor Buckley replied that Mrs. Poole has not been a part of the Airport Authority, does not know what goes on, and has never attended meetings. Mrs. Poole responded that she couldn't stand it (attending authority meetings). Following a brief discussion, Mayor Buckley asked Mrs. Poole to distribute written information to Council. Mrs. Poole asked for a vote on her request. By consensus, Council agreed to provide Mrs. Poole with five additional minutes of speaking time.

Mrs. Poole highlighted the following concerns she has: there are no official boundaries for the airport; a legal description needs to be assigned and recorded; the lease option with Global Technologies needs to be investigated, especially the plan presented that is not to city standards; the petition signed by over 1,000 people asking that the Port O' Call lease not be terminated, which was not considered; the letters from Fountainhead Subdivision that indicate noise is not regulated at the airport; and the proposal by the Airport Authority to buy property east of the railroad tracks to perhaps lengthen the east/west runway – the area that causes constant noise complaint calls.

Mrs. Poole concluded by stating that the Airport Authority is out of control and the City of Melbourne needs to take control.

Mrs. Palmer said she has heard similar concerns raised by residents. She noted that this causes her to question whether the Airport Authority is carrying out the wishes of the city. Additionally, she added that she is not sure that a referendum is the way to go and perhaps another Council Member should be added to the membership of the Airport Authority.

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Mayor Buckley called for a vote on Mrs. Poole's motion. Mr. Palmer said if it involves a study by the City Attorney and City Manager, he does not have a problem with this.

Discussion followed regarding the wording of the motion. Mayor Buckley said the motion does not simply call for a study. At the request of Mr. Contreras, the City Clerk read the motion.

The question was called. The roll call vote was:

Aye: Poole

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

Motion failed.

At this point, Mrs. Walker made the following motion: That we ask the City Attorney to review what Mrs. Poole has prepared and present Council with an opinion on how to proceed.

Mr. Hill said he has heard several members express concern that the public, via the City Council, does not seem to be exercising enough control over what the Airport Authority is doing. And, Council would like the City Attorney to examine alternatives, which would work their way into a Charter change to address the control issues being expressed.

Mr. Gougelman asked that the City Manager be included in the process in order to draw on his experience and knowledge.

Mr. Palmer said this endeavor should include the geographical boundaries of the airport; the role of the Airport Authority; and how coordination between the Airport Authority and the City of Melbourne can be improved.

The Mayor asked Mrs. Walker if her motion included the City Manager and the geographical boundaries issue. Mrs. Walker replied yes.

At this point, Mrs. Palmer provided a second to the motion.

Mrs. Palmer said the research should include the issue Mrs. Poole brought up about whether Council Members should serve more than two years on the Airport Authority. Mayor Buckley replied okay.

Mayor Buckley stated the following motion: Moved by Walker/C. Palmer that the City Manager and City Attorney conduct a study to make recommendations on alternatives for the Airport Authority, to determine the boundaries of the airport, and to clarify the term language in the Code. Motion carried unanimously.

18. ORDINANCE NO. 2002-21 (A&V 250): (Public Hearing/First Reading) A proposed ordinance to abandon and vacate the street right-of-way known as Sheridan Road

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between Oak Street and Hickory Street for a distance of 550 feet. (Requested by Holmes Regional Medical Center)

Attorney Gougelman read Ordinance No. 2002-21 by title.

From the agenda report: The applicant, Holmes Regional Medical Center (HRMC), desires to expand the hospital northward and create a Heart Institute dedicated to cardiac care. HRMC owns property on the north side of Sheridan Road. HRMC evaluated several alternatives including a freestanding building. However, they realized that expanding the hospital allows them to more efficiently use the hospital's facilities. The proposed expansion would be over the Sheridan Road right-of-way and onto the property owned by HRMC on the north side of the street. HRMC also proposes to construct a parking garage on that property.

Sheridan Road at this location is paved street with sidewalks. All of the basic utilities have lines within the right-of way. All of these utilities will have to be relocated.

HRMC proposes to construct a by-pass or perimeter road around the new building site and to relocate all existing infrastructure on Sheridan Road into that road right-of-way and adjacent easements. HRMC will convey this right-of-way and easements to the city. A separate matter, which will need to be considered at a later date, is the reversionary interest in property that the hospital is acquiring from Circles of Care.

Vacating Sheridan Road will require two actions by Council because part of the road right-of-way is platted and the other part is owned by the city. The platted portion can be vacated by standard ordinance. Council can convey the other portion to HRMC upon approval of a resolution. Both actions will have to be contingent upon HRMC completing all of the relocations to the city's satisfaction, completing other utility relocations to the satisfaction of those utility owners, and conveying rights-of-way and easements to the city for location of the new roadway and relocated utilities. The resolution will be presented to Council when the relocations are near completion.

Staff proposes that Ordinance No. 2002-21 not become effective until all of the conditions have been met. These are summarized as follows:

- Completion of the construction of a two-lane roadway, including traffic signalization, to city standards within the property and easements conveyed by HRMC.
- Acceptance of the roadway by the City Engineer as meeting all city construction standards.
- Completion of the construction of all city water, sewer, and drainage systems that must be relocated into the new, realigned roadway to city construction standards.
- Acceptance of the water, sewer, and drainage systems by the City Engineer as meeting all city construction standards.

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- Posting a maintenance bond for the new roadway, water systems, sewer systems, and drainage systems in the amount of 10 percent of the construction costs for a period of two years.
- Completion of all other utility relocations necessitated by the road relocation and acceptance of those relocations by each of the Utility entities.
- Conveyance of land by warranty deed from HRMC to the city, said land being for the realigned road right-of-way and associated easements as defined in attachments.

Council made the following disclosures:

Mr. Contreras: Met with representatives from PBS&J on March 14 and reviewed renderings of the plan, which include the abandon and vacate request. On March 26, spoke with Tom Mills about the relocation of Sheridan Road and was informed that a physician located on the southeast corner of Hickory and Sheridan objects to the A/V request.

Mr. Palmer: Met with representatives from PBS&J about the same and had similar conversation today with Tom Mills.

Mrs. Poole: Disclosed the same meeting and conversation.

Mrs. Walker: Met with Tom Mills and representatives from engineering firm regarding the A/V request and the HRMC plans. Received a call from the wife of Dr. Kartsonis who is opposed to the A/V.

Mrs. Palmer: Had a similar meeting and conversation with Tom Mills.

Mrs. Hand: Similar meeting last Wednesday.

Mayor Buckley: Similar meeting almost two weeks ago and meeting yesterday to discuss the proposed A/V and plans for the hospital.

Mrs. Hand declared a conflict of interest and stated that she is employed by Health First as a nurse.

Tom Mills, Vice President for Facilities, HRMC, stated that the new President of HRMC along with representatives from PBS&J are present.

Mr. Mills distributed a rendering of the hospital's expansion plans. He noted that out of the three new parking lots, two are completely designed and permitted; construction is about to begin. They recently purchased four acres on the north side of the hospital that will be used for 250-plus new parking spaces and a super-sized retention area.

The parking lot on the east side will provide 250 spaces and will require demolition of a building. The original plan to expand the emergency room has been changed. Instead,

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a new parking lot located near the existing emergency room will provide 22 spaces. A new emergency department is proposed for the north portion of the site, which will probably result in the helicopter landing site being moved. The lobby and drop off area will be improved and a covered area will be provided. The redesigned lobby will be easy to see and will facilitate in/out traffic in the area.

The relocation of Sheridan Road will result in the addition of needed facilities. The new footprint would allow an addition to the hospital – six stories at least and possibly eight. The existing tower is eight stories. The new wing would include four new cardiac operating rooms and 80 new private patient beds. This will result in more private beds in the south and north areas of the hospital. The proposed new parking garage on the north end would accommodate 500-plus vehicles and maybe as much as 800.

The new emergency department is the key. Many patients are admitted through the ER with chest pain. Those people are in an emergency situation and minutes count. By relocating the emergency department near the new heart center, patient care would be improved. In order for this to work, a short section of Sheridan Road needs to be vacated and relocated. A reversionary interest by the city in the Circles of Care property would also need to be released as part of the plan. He noted that Council will be asked to act on release of the reversionary interest at the next meeting.

Mr. Mills outlined alternative paths of travel if Sheridan Road is vacated. Additionally, he highlighted the positive aspects of the plan. Hickory Street will be beautified and on-street parking will be eliminated. Pedestrian safety will be improved and ultimately the drainage in the area will be improved.

In response to Mr. Palmer, Mr. Mills elaborated on use of the Circles of Care property. He noted that Circles of Care will use the money from HRMC to expand their main facility.

Mrs. Walker asked if the new Sheridan Road would be dedicated and Mr. Mills replied yes.

Dr. John Gayden, Jr., 1251 South Hickory Street, stated that his office is located directly across the street from the proposed facility. He noted that HRMC has reassured him that his property values will not fall and that they will rise in value. Therefore, he stated that he does not have any objections to this proposal.

Dr. Jose Reilova, 1305 Oak Street, expressed his support for the new heart institute. He stated that he is opposed to closing Sheridan because his office is located at the southwest corner of Oak and Sheridan. He explained that they have fire exits that lead to Sheridan. Additionally, the closing will affect his ability to provide certain services in his practice. Dr. Reilova reported that HRMC has not contacted him regarding this.

Mr. Mills responded that they have discussed the closing of Sheridan with the owner of this property, Dr. Lanford. He added that there is a spur that will be maintained by the

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hospital; therefore, Dr. Reilova will not lose his Sheridan frontage. Additionally, the alley behind the hospital will be maintained.

Mrs. Poole asked who owned the building. Dr. Reilova replied that it is owned by four partners and he is one of the four. He added that he has been given first right to purchase because the other three want to retire.

Attorney Gougelman pointed out that the ordinance as written provides that everything from the east right-of-way of Oak Street going eastward will be vacated. Therefore, maintenance of the “spur” would be totally at the discretion of the hospital. He added that a condition could be included in the ordinance.

Mr. Mills said it was his understanding that was a stipulation in the ordinance.

Mary Gayden, representing the stockholders of the Hickory Medical Building, 1251 South Hickory Street, stated that they knew nothing about this project until they received the A/V notice. She said she thought this would adversely affect their property; however, her son is convinced that this is not a bad idea. She concluded by saying she believes the traffic will be horrendous and will impact access to their property.

Dr. Gopal Gadodia, Atlantic Cardionet, 1305 Hickory Street, said the original blueprint showed a bridge crossing Sheridan. He noted that the closing of Sheridan was never discussed and he does not know how this would impact property values. He asked that the item be postponed to allow him time to determine the impact.

Mayor Buckley pointed out that this is only first reading. Second reading would occur in two weeks.

Richard Torpy, attorney representing Dr. and Mrs. Kartsonis located at the southeast corner of Hickory and Sheridan, stated that his clients don't have a problem with the hospital's desire to expand. He asked that Council postpone this item to allow time for review. The people in the area have not been approached by the hospital and many buildings have patient access issues. The hospital has not provided traffic count information; every utility will have to be moved; the utilities need to be consulted and provide feedback. Additionally, the hospital has stated that this plan would allow them to relocate their helicopter; however, that statement is conspicuously absent from the ordinance.

Mr. Torpy concluded by saying that a binding development agreement with all the terms and conditions should be required.

Mrs. Palmer agreed that she would like to see more items included in the ordinance.

Moved by C. Palmer/Walker to postpone this item for two weeks (April 9) to allow the applicant time to contact area property owners and the City Attorney time to include additional stipulations in the ordinance.

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Mayor Buckley said he is opposed to the motion. This is first reading and there would be two weeks to address these issues. A condition can be added that the alley (and the spur) will remain open.

Attorney Gougelman said if there are certain concessions that the applicant has made, they should be memorialized in writing and consented to by the applicant. Otherwise, they might get lost in the shuffle. He asked what concessions Council thought should be included.

Mr. Palmer said he wants to ensure that all utilities are relocated at no expense to the city. Mrs. Walker said she is concerned that area people were not notified.

The question was called. The roll call vote was:

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

Nay: Poole and Buckley

Mrs. Hand abstained from voting. A memorandum of voting conflict form is attached to the original minutes.

Motion carried.

19. ORDINANCE NO. 2002-22 (CU-2002-02/SP-2002-04/SPARKLE CAR WASH): (Public Hearing/First Reading). A proposed ordinance for a conditional use for a car wash in a C-P (Commercial Parkway) zoning district, located on the west side of Wickham Road and south of the driveway to the dog track, on a 1.183-acre parcel. (Owner – John R. Prickett) (Applicant - Stephenson Anderson) (Representative – Vaheed Teimouri). (P&Z 3/7/2002)

Attorney Gougelman read the ordinance by title.

Mrs. Braz reviewed the agenda report and discussed the zoning and surrounding property. The property is vacant and located on the Wal-Mart site at the southwest corner of Wickham Road and the dog track driveway. The applicant proposes to construct a 3,885 square foot retail building and 3,168 square foot building with eight open bay manual car washes and six vacuum stations. The retail building proposed for the site does not require a conditional use or site plan approval under the requirements of Article XX. A one-way traffic aisle will be provided on the west side of the car wash bays.

The applicant proposes to provide a six foot high vegetative buffer along the west and south boundary of the site to meet the requirements of the City Code. The proposed plan of development complies with the city land development regulations including satisfying the standards for obtaining a conditional use. The building setbacks exceed those required by Code. A pedestrian easement is needed for the encroaching sidewalk at the northeast corner of the site.

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The number of persons residing or working at the site will not generate excessive traffic volumes and the development will utilize existing driveways as part of the Wal-Mart site plan. A traffic signal now is under design by a consultant hired by Wal-Mart. The signal would be erected at the dog track/Wickham Road intersection. This signal will require the approval of Brevard County and could be erected as soon as this summer.

The project complies with the minimum design requirements of the Comprehensive Plan, Zoning Code and other land development regulations. The applicant has been granted an exemption from having to provide an Environmental Impact Assessment Report since an EIA was conducted for this property at the time the Wal-Mart site plan was reviewed.

The Planning and Zoning Board recommended approval with the findings listed in the agenda package and the following conditions:

a. The conditional use and the proposed plan of development shall be consistent with the one-page site plan (SP-2002-04) for Sparkle Car Wash, prepared by Teimouri and Associates, Inc, of Melbourne, Florida, Project Number 2002-105, dated February 7, 2002.

b. Any change to the site plan will require review and approval by the Engineering Department and Planning and Economic Development Department.

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: 1) a decrease of 5% of the open space or vegetative areas on site; 2) any increase in the number of vehicular access points shown on the site plan; or 3) any expansion of the buildings.

c. Provide a pedestrian easement over the northeast corner of the plan that includes the area of the public sidewalk encroachment.

Mrs. Palmer asked if ingress/egress would be provided from the side street to the dog track. Mrs. Braz said no and explained that access would be primarily through the shopping center. There will not be any more curb cuts than what currently exists.

Vaheed Teimouri, applicant, said he does not see the need for the six foot high vegetative buffer; however, he will comply. He added that the vegetation will not be 6' at the time of planting. He later confirmed that the Code requires a minimum of 24", so his initial plantings will be that height or higher.

Moved by Contreras/Poole for approval of Ordinance No. 2002-22 subject to the conditions proposed by the Planning and Zoning Board. Motion carried unanimously.

20. ORDINANCE NO. 2002-23: (First Reading) A proposed ordinance to amend Chapter 12, Fire Prevention and Protection, as recommended by the Code Review Committee, Section 4.

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Attorney Gougelman read the ordinance by title.

Moved by Poole/E. Palmer for approval of Ordinance No. 2002-23.

Mrs. Palmer expressed concern with Section 12-1, which empowers the Fire Chief to make fire prevention regulations in addition to the regulations set forth in the chapter. She said this seems broad with no parameters.

Mr. Hill pointed out that the existing language that has been struck is very broad. He added that any regulations made by the Fire Chief would have to be consistent with his duties as Fire Chief.

Following a brief discussion, the City Attorney and City Manager agreed to review this language prior to second reading and determine if a change is necessary.

The question was called. Motion carried unanimously.

Recessed: 11:03 p.m.

Reconvened: 11:08 p.m.

Added to the agenda:

20.1 COUNCIL ACTION RE: Request for Subordination of Lien on a HOME mortgage for property owned by Rosa Slade, 3524 Applin Way.

Mr. Hill briefed Council. This request is outside of the allowable standard for subordination and therefore Council approval is required. Emergency action is necessary in order to avoid foreclosure and possibly homelessness of the 90-year-old homeowner.

Moved by Hand/E. Palmer for approval.

Mr. Contreras pointed out that this request is being made so the applicant can refinance the mortgage and \$18,117 in consumer and tax-related debt. The city previously subordinated its mortgage in 1996 so the applicant could refinance the first mortgage and consumer debt. Another request was received and denied in 1997. He added that he finds this to be pretty odd.

Mr. Hill agreed that the homeowners are having difficulties. He said that staff is reluctant to recommend this, but the consequences are that the homeowner would end up homeless.

Joy Williford, Assistant Housing and Community Development Director, said she can't promise that this won't happen again. The family has a history of poor money management, low income and poor health. This is their second foreclosure proceeding. Because this situation involves such an elderly woman, the city is recommending approval. Years ago, Ms. Slade owned the home free and clear. Her daughter moved in,

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was added to the deed, and used the equity to secure debt. Ms. Williford said she does not want to see an innocent elderly person go homeless.

The question was called. Motion carried unanimously.

21. COUNCIL ACTION RE: Proposed collective bargaining agreement with the Police Benevolent Association for the period October 1, 2001 to September 30, 2004.

Mr. Hill reviewed the agenda report. This is a proposed contract with the Police Benevolent Association (PBA) for a three-year period from October 1, 2001 through September 30, 2004. The PBA represents the city's sworn employees in the positions of Officer, Sergeant and Lieutenant. The contract was approved by a ratification vote on March 21. The vote was 109 to 4.

The proposed agreement will provide for competitive, across-the-board pay adjustments and step increases for the next three fiscal years. We believe this proposed contract will continue our sworn officers being among the best compensated in the state.

Changes in the proposed agreement are summarized as follows:

Article 6 BULLETIN BOARDS

- Added language that allows a union representative to utilize the city's email system for union business with prior approval from the Police Chief.

Article 9 GRIEVANCE PROCEDURE

- Clarification language establishing the procedure for presenting and processing a grievance at Step 1.

Article 16 LEGAL PROTECTION

- Added language providing compensation for a union representative's time spent working on a project that is mutually beneficial to the union and the city as authorized by the Police Chief.

Article 19 TUITION GRANT PROGRAM

- Added language specifying that the \$100 allowance for a tuition grant is per course and that the funds may also be used for lab fees.

Article 20 HOURS OF WORK AND OVERTIME

- A memorandum of understanding was initiated that acknowledges the city has the option to make changes to the work schedule using the existing 8 and 10 hour work

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periods in the article, but also indicating that the city has agreed to defer such action until January 11, 2003, and in the interim will consider any suggestions by the PBA.

Article 21 CALL BACK AND STAND-BY PROCEDURE

- Added language that provides compensation for employees interrupted during their off-duty hours for duty related business.

Article 22 COURT ATTENDANCE

- Modified language that provides for an employee to be paid 2 hours if traveling to court within Brevard County.

Article 24 SICK LEAVE

- Altered bereavement leave language to be consistent with the general employees' bereavement leave benefit.

Article 25 VACATION

- Elimination of language that established a lower vacation leave accrual schedule for employees hired on or after October 1, 1987.

Article 27 INSURANCE

- Modification of the specific co-payment language for Health Insurance HMO plan.
- Clarification language regarding the basic life insurance policy amount.
- Clarification language regarding the city-offered cafeteria (pre-tax) benefit plan.

Article 28 WAGES

- Increase the pay schedules across-the-board for the Police Officer, Police Sergeant, and Police Lieutenant positions by 2.5% retroactive to October 1, 2001, 2.5% or CPI which ever is greater not to exceed 3.0% on October 1, 2002, and 3.0% or CPI which ever is greater not to exceed 3.5% on October 1, 2003.
- Move the step increases for all union members to October 1 of each year as opposed to the anniversary date effective 10/1/02.
- Change the longevity bonus from a lump sum payment to become a part of the employee's hourly rate of pay effective 10/1/02.
- Increase the Field Training Officer monthly supplement from \$20 to \$40.

Article 29 PROMOTION

- Redefine the specifications for when a promotional process will occur and the length of time that an eligibility list will remain in effect.

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Moved by E. Palmer/Walker to approve adoption of the proposed collective bargaining agreement with the Police Benevolent Association (PBA) for a three-year period, October 1, 2001 to September 30, 2004, and authorize the City Manager to execute a contract with the Union including those items detailed in the ratified Memorandum of Agreement. Motion carried unanimously.

22. COUNCIL ACTION RE: Discussion of Fire Station #4 relocation.

Mr. Hill reported that at the March 12 meeting, Council directed that the \$600,000 received in exchange for release of the reverter clause on the ARC property be considered for construction of a new Fire Station #4. Station #4 is proposed to be relocated from City Hall to Hibiscus Boulevard between Oak and Hickory Streets.

A concept plan for the new Station #4 was distributed several weeks ago. If Council wishes to proceed, a project budget should be established.

Mrs. Poole said she recalled discussion about placing a station beachside and/or in the south area of the city. Mr. Hill replied that in October Council conducted a workshop meeting and while the beachside and southwest fire stations still remain issues, Council directed the potential move of Station #4 away from City Hall.

Mrs. Poole said she is opposed to constructing a new fire station on the Wells Park property. Mr. Hill said this was the site directed by Council.

Mrs. Walker called a point of order based on this agenda item being directed by Council.

Mr. Contreras asked Chief Walt Chamberlin if he discussed this location with his key staff. Chief Chamberlin said the Hibiscus site is about the best location that will still allow for Downtown Melbourne coverage.

Mrs. Poole asked if staff considered the Bombardier building (Strawbridge Avenue, west of City Hall). Mr. Hill said staff conducted a walk through of the building. The asking price is about \$1 million and the cost of conversion would be significant. Instead of the approximate \$700,000 cost, it would be closer to \$1.5 million.

Mr. Palmer asked the Fire Chief if he is satisfied that the Hibiscus site will meet the needs. Chief Chamberlin replied yes.

Moved by Hand/E. Palmer to establish a project budget.

Mrs. Palmer asked what would happen with the water tower. Mr. Hill said the tower would stay. He added that it probably has five – eight more years in terms of life.

Mrs. Poole said she agrees that the fire station needs to be moved from City Hall; however, she is opposed to the proposed location.

The question was called. Motion carried. Mrs. Poole voted nay.

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Mr. Hill stated that the next step would be to hire a consultant to design the project. He asked Council's opinion on using the continuing consultant. Mrs. Poole said if it will save money, then we should use the continuing consultant. Mr. Hill replied that would be the quickest and least expensive way of doing it. The competitive process would take months. Additionally, through the continuing consultant arrangement, Mr. Sands would be involved and he is familiar with the issue.

Moved by E. Palmer/Contreras to use the continuing consultant to design the project. Motion carried unanimously.

23. RESOLUTION NO. 1755: A resolution providing for the adoption of new Council Districts for the City of Melbourne.

Attorney Gougelman read the resolution by title.

From the agenda report: This is a resolution providing for the adoption of new Council Districts for the City of Melbourne. The current district boundaries were adopted in 1991. Section 11-2 of the City Code provides that election districts shall be reestablished by Council at least 60 days before the first election following the official certification of the federal decennial census. Staff recently obtained the detailed information on the census necessary to complete this task. Additionally, Section 5.04, City Charter, provides that there may not be a variation of more than 10% between the largest and smallest district.

The Planning and Economic Development Department used the 2000 Census tract and block information in order to prepare the analysis and proposed maps. The proposed reestablishment of the districts does not change the district of any current Council Members.

Mrs. Hand asked the population of the enclave in her district. Mr. Hill said he does not know; however, that number is not included in the total. He agreed that ultimately we would like to see the area annex, however, on a house by house basis, we haven't made a big dent.

Moved by C. Palmer/Contreras for approval of Resolution No. 1755. Motion carried unanimously.

24. COUNCIL ACTION RE: Board Appointments

a. Firefighters Pension Plan Board of Trustees – one resident member

Moved by Poole/Hand to appoint Melissa Burgess-Jackson as a member of the Firefighters' Pension Plan Board of Trustees. Motion carried unanimously. (Term: 3/26/2002 – 9/30/2004 unexpired, plus full two-year term)

25. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

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Council briefly discussed the development of a nature trail/park on airport property and the grant application. Council Member Cheryl Palmer will determine whether the residents of Fountainhead want to proceed with the grant application. She will report to Council and Council will determine whether to withdraw the city's application.

Attorney Gougelman updated Council on the Fusillo/Paprika's lawsuit.

Mr. Contreras asked that the salary issue for the City Manager and City Attorney appear on the April 9 agenda.

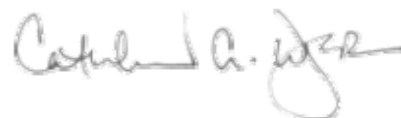
Mrs. Palmer discussed personnel concerns she has about the Melbourne Police Department and said she would submit her comments in writing to the City Manager.

By consensus, Council decided to conduct the budget workshop meeting on April 16.

26. ADJOURNMENT

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

The meeting adjourned at 12:00 a.m.



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City Clerk – 4/3/2002

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

Attachment to original minutes: Memorandum of voting conflict form for Loretta Isenberg-Hand (reference Item #18)