

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
APRIL 23, 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 Pastor Tony Laboy, Jehovah Rapha Christian Church, gave the invocation.
2. All present gave the Pledge of Allegiance to the Flag of the United States of America.
3. Roll Call.

Present:	John A. Buckley	Mayor
	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
	Peggy Braz	Planning and Economic Development Director

4. PROCLAMATIONS AND PRESENTATIONS

Mayor Buckley presented a proclamation declaring April 30, 2002 as “Beta Sigma Phi Day” to Nicki Woodrow, President, Beta Sigma Phi Sorority.

Additionally, the City Manager and the Director of Utilities commended the employees from the Utilities Department for their quick action, hard work and dedication during a recent waterline break at the Water Plant. Because of their response, the city did not have to issue a “boil water notice” for the system’s 130,000 customers.

5. APPROVAL OF MINUTES – April 9, 2002 Regular Meeting

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

6. CITY MANAGER’S REPORT

Mayor Buckley referenced the memo from the City Manager requesting that the Downtown Melbourne traffic signals be added to the agenda as Item No. 22.1.

Mr. Hill stated that the map of property superintended by the Airport distributed to Council is still in draft format.

Mr. Palmer noted that the city’s application for the Front Porch Florida designation for the Booker T. Washington neighborhood was turned down. He asked if there will be an

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opportunity to apply again. Mr. Hill said yes and added that it is the city's intent to apply each time there is an opportunity.

Mr. Palmer commended the City of Melbourne employees who recently participated in the American Cancer Society fundraiser, "Relay for Life." (City employees raised approximately \$2,900.)

Moved by Walker/Contreras to add Item No. 22.1 to the agenda. Motion carried unanimously.

7. PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

8. RESOLUTION NO. 1760: A proposed resolution for approval of an Easement and License Agreement for the Causeway Office Center. (Required by Council 1/8/2002)

Attorney Gougelman read Resolution No. 1760 by title.

Attorney Gougelman summarized the agenda report. The Easement/License Agreement is for the Causeway Office Center. The site plan and conditional use approved January 8, 2002 will not become effective until the agreement is approved regarding the relocation of the easement for the trysting steps.

The proposed agreement is consistent with the requirements made by Council. The city will release any claim to the 1892 easement and/or any prescriptive easement that has developed over the years. In exchange for this release, the owner/developer agrees to relocate the easement with one that will run from New Haven Avenue through the Causeway Office Center garage to Strawbridge Avenue as a memorial easement; to provide a commemorative plaque at both ends of the easement; to allow public parking in the Causeway Office Center garage on Sundays and off-business hours; and to allow limited public use of the top deck of the Causeway Office Center to view the Indian River Lagoon and surrounding area.

Stipulation "d" in Ordinance No. 2001-62 allows for free parking by the general public at certain times in the parking garage. After the agenda package went to Council, the owner/developer requested a modification as follows:

"...said Parking Lot shall be available for free use by the general public not necessarily visiting occupants of the Property when such use does not interfere with the use of occupants of the Property and their invitees..." (The requested language replaces language that lists certain days and times that parking will be available.)

Additionally, Attorney Gougelman noted that a clarifying change has been made to Section 4 of the easement/license agreement.

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Mrs. Poole asked the City Attorney to explain if the new language (regarding parking) is consistent with the ordinance adopted by Council. Mr. Gougelman said it does not mirror the stipulation in the ordinance, although it is somewhat similar. He added that the applicant should justify whether the change is sufficient to pass Council scrutiny.

Gary Frese, 930 South Harbor City Boulevard, attorney representing the applicant, explained that Dr. Hynes (owner/developer) wanted to offer the city use of the parking lot when it wouldn't interfere with his use of the building. The current wording in the agreement (not the proposed change) would require Dr. Hynes to make constant requests to the City Manager for changes. He added that he does not believe it is the city's intent to interfere with the operation of the building. Mr. Frese said the proposed change will be less of a hassle.

Mrs. Poole said that the proposed language is not clear on when the parking garage will be available. She added that she objects because the trysting steps have been open 24 hours a day since the 1890's. Construction of a parking garage does not satisfy people who care about historical preservation. She asked Mr. Frese if his client would consider relocating the trysting steps.

Mayor Buckley explained that prior to the Council meeting, a group of Florida Tech students presented ideas on how to connect the existing Downtown area with the area across U. S. 1. One suggestion provided for the trysting steps to be moved next to Bean Park or the Strawberry Mansion.

Mr. Frese said this is an entirely new request to him and he does not have an answer. He added that a lot of time, expense, and effort have been put forth to reach this point.

In response to Council Members Contreras and C. Palmer, Mr. Frese said it became clear when drafting the agreement that the owner/developer needed to ensure use of the parking garage. The proposed language allows public use when offices are not in use. Additionally, it adds weekday use by the public.

Mrs. Palmer asked Mr. Gougelman if he thought the proposed language gives the public access for parking. Mr. Gougelman said he thinks it does. He added that Council needs to make the determination about whether the language is consistent with the ordinance that was adopted.

Mrs. Poole expressed concern with Council receiving a late change to the agreement. She stated that Council needs time to review the new language, especially since the city is vacating an historical easement.

Moved by Poole/Walker to postpone this item until the May 14 meeting to allow Council time to review the changes to the Easement and License Agreement. Motion carried.
Council Member Contreras and Mayor Buckley voted nay.

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Mr. Frese said he would discuss relocating the trysting steps near the Strawberry Mansion with Dr. Hynes.

9. ORDINANCE NO. 2002-21 (A&V #250): A request for Council action related to abandoning and vacating the street right-of-way known as Sheridan Road between Oak Street and Hickory Street for a distance of 550 feet. (Requested by Holmes Regional Medical Center)
- a. Binding Developer's Agreement: A proposed agreement between the city and Holmes Regional Medical Center regarding A&V #250. (Requested by Council 4/9/2002)
- b. Ordinance No. 2002-21 (A&V #250): (Public Hearing/Second Reading) An ordinance to abandon and vacate the street right-of-way. (First Reading 4/9/2002)

Attorney Gougelman read the ordinance by title.

From the agenda report: As directed by Council at the April 9 meeting, a Developer's Agreement is attached to the ordinance. The agreement provides for a requirement to provide access to the private alley on the west side of the hospital from the north and the south; relocation of the emergency room to the north end of the hospital; identification of the location of the entrance to the emergency room; the location and definition of the cardiac center or heart institute; location of the helicopter pad; location of off-site parking areas including number of spaces and timeframes for paving; the timeframe for development of a landscaping plan and the implementation of that plan for Hickory Street and an indemnification agreement in favor of the city.

The ordinance will not become effective until the Developer's Agreement has been approved and implemented.

Mayor Buckley asked if the hospital agreed with the Developer's Agreement. Attorney Gougelman said yes and referenced the exhibits "a – d" to the agreement that were distributed to Council. He noted that the agreement does not require the city to do anything; it is a commitment by the hospital to make certain improvements. The hospital is making concessions to demonstrate the public interest that would occur by the vacating of Sheridan Road.

Additionally, Attorney Gougelman reported that the legal description in Section 1 of the ordinance is being amended to reflect the surveyor's language rather than layman's language. This is not considered a material change and it describes the same property that has been discussed by Council.

Council made the following disclosures:

Contreras – received a call from Mr. Mills on April 22, however, the phone call was not returned; E. Palmer – received a call from Tom Mills updating him on the request; Poole – received a similar call from Tom Mills; Walker – received call from Tom Mills, nothing

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new to present; C. Palmer – received a call from Tom Mills offering to answer questions; and Buckley – received a call from Tom Mills asking if there were any questions.

Mrs. Hand declared a conflict of interest and stated that she is an employee of Health First.

Phil Nohrr, attorney representing the applicant, stated that there have been innuendoes made questioning the public interest with closing Sheridan Road. To clear the record regarding Holmes Regional as it relates to the public interest issue, Mr. Nohrr read an affidavit into the record from John R. Ray, President and CEO of Holmes Regional Medical Center.

Mrs. Poole asked if the importance of placing the helipad next to the emergency room would convince FAA to approve the new location. Mr. Nohrr explained that the patients have to be stabilized within the first 60 minutes of an incident and stressed that the HRMC staff is dedicated to moving the helipad next to the emergency room. Holmes will do everything it can to make that happen.

In response to Council, Dr. Emran Imami, Director of the Trauma Center, Holmes Regional Medical Center, answered general questions about the operation of the emergency room. He confirmed for Mr. Palmer that the new technology planned for the expansion of the hospital would further enhance the capability of the hospital in dealing with a mass casualty.

Moved by C. Palmer/Walker for approval of Ordinance No. 2002-21 with the amendment noted by the City Attorney.

Each Council Member expressed support for the hospital's plan to expand service.

The question was called. The roll call vote was:

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

Nay: None

Mrs. Hand abstained from voting.

Motion carried unanimously.

Moved by C. Palmer/Poole for approval of the Developer's Agreement. The roll call vote was:

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

Nay: None

Mrs. Hand abstained from voting.

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Motion carried unanimously.

10. ORDINANCE NO. 2002-24 (A&V #252): (Public Hearing/Second Reading) A proposed ordinance to abandon and vacate the unimproved 30-foot right-of-way known as College Avenue. (Requested by Ronald J. and Dorothy L. Hall) (First Reading 4/9/2002)

Attorney Gougelman read Ordinance No. 2002-24 by title. There were no comments from the public.

Moved by Contreras/E. Palmer for approval of Ordinance No. 2002-24. The roll call vote was:

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

Nay: None

Motion carried unanimously.

10. ORDINANCE NOS. 2002-25, 2002-26 AND 2002-27 (AR-2002-137/CPA-2002-01/Z-2002 922): (Public Hearings/Second Readings) Ordinances providing for the annexation of a portion of a lot and adjacent right-of-way totaling 0.88 acres, establishment of mixed Commercial/Low Density Residential land use, and establishment of C-2 (General Commercial) zoning on a 0.61-acre parcel, located at the southwest corner of Wickham Road and Trimble Road. (Owner/Applicant – Robert L. Goldsmith) (Representative – Rey Campbell). (First Reading 4/9/2002)

Attorney Gougelman read each ordinance by title. Mayor Buckley opened the public hearing on each ordinance. There were no comments from the public.

Moved by Hand/E. Palmer for approval of Ordinance No. 2002-25. The roll call vote was:

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

Nay: None

Motion carried unanimously.

Moved by E. Palmer/Hand for approval of Ordinance No. 2002-26. The roll call vote was:

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

Nay: None

Motion carried unanimously.

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Moved by Walker/Contreras for approval of Ordinance No. 2002-27. The roll call vote was:

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

Nay: None

Motion carried unanimously.

12. ORDINANCE NO. 2002-28: (Public Hearing/Second Reading) A proposed ordinance to implement Resolution 1734, which amended the boundaries of the Babcock Street Redevelopment District and the Babcock Redevelopment Plan to expand the district to the north and west of the existing boundaries. (First Reading 4/9/2002)

Attorney Gougelman read Ordinance No. 2002-28 by title. There were no comments from the public.

Mrs. Poole referenced her comments made at the last meeting and asked if the description of Port O' Call has been amended. Attorney Gougelman replied no and explained that the Florida Statutes require a finding of blight or slum conditions. The definition of slum and blight in the statutes is different from typical definition of slum and blight. The only way the boundaries can be expanded is for our wording to be consistent with state law.

Moved by Hand/E. Palmer for approval of Ordinance No. 2002-28.

Mrs. Poole said she will vote for the ordinance because of the tax increment financing; however, she stated that she is opposed to the description of Port O' Call.

The question was called. The roll call vote was:

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

Nay: None

Motion carried unanimously.

13. COUNCIL ACTION RE: Council consideration of the proposed nature trail on "Airport" property located near Fountainhead Subdivision.

From the agenda report: Council Member Cheryl Palmer requested this item be placed on the agenda for further discussion. Subsequent to Council approval of submission of the grant for the construction of a nature trail on property superintended by the Airport near Fountainhead, city staff met with the Fountainhead Homeowners' Association Board. They agreed that the grant should go forward.

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However, other neighbors in the subdivision oppose the idea of a park. They cite concerns of traffic enforcement on Wright Avenue and control of the property. A full homeowners' association meeting was held at which a petition of opposition was discussed.

Mrs. Palmer discussed the history of the grant application and reported that the new president of the homeowners' association, Kim Sammons, called to voice her concerns, which include impact due to location of entrance to park; traffic; damage to roads from construction equipment; traffic and noise generated by the park parking lot after construction; potential illegal activity in the park; gate with no staffing; possible wildfires; and the \$90,000 matching funds covering construction of the parking lot – not the park itself.

Mayor Buckley referenced the petition in opposition to the proposed nature trail submitted today (138 signatures).

Kimberley Sammons, (law enforcement officer – address exempt), president of the Fountainhead Homeowners' Association, stated that the residents are overwhelmingly opposed to the nature trail. Reasons include a public entrance to the nature trail via the subdivision, increased traffic in a relatively quiet neighborhood, and loitering and loud music from the park parking lot. She noted that as a police officer she is familiar with the issues associated with parks. The nature trail would serve no real purpose for the residents and would not be beneficial. She asked the city to stop the grant application.

Moved by C. Palmer/Poole to authorize staff to withdraw the grant application. Motion carried unanimously.

Recessed: 8:55 p.m.
Reconvened: 9:05 p.m.

At this point, Council agreed to consider Item 18.

14. COUNCIL ACTION RE: Discussion of Airport matters – Charter and Code provisions. (Requested by Council 3/26/2002)

Mr. Hill reviewed the agenda report. At the March 26 meeting, Council asked the City Manager and City Attorney to look into a number of issues regarding the Melbourne Airport Authority, its composition and the boundaries of the Airport.

It will take longer to address the boundary and contractual questions; however, questions relating to the Charter and Code regarding the composition of the Airport Authority and requirements for making a change can be addressed.

Regarding composition of the Authority, Council has a number of options in order to have more influence on the actions of the Authority. Options include:

- City Council to appoint additional members of the Airport Authority:

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1. Additional City Council Members. Presently Council appoints three of its own to the Authority. Additional City Council members could be added to replace one of the other seats on the Authority. A fourth City Council Member would theoretically give Council a majority if all Council Members agreed on an issue. Additional Council Members beyond that number would further reinforce Council's effective control.
2. Citizen Members. Council could appoint all the non-Council Members of the Authority. Council has three seats, the industrial tenants appoint one, the Chamber of Commerce appoints one, and the previous five appoint the other two citizen members. Council could reserve the citizen appointments to itself. It could eliminate the tenants and Chamber seats to appoint the number of citizen seats.
3. Council could change the number of seats on the Authority: Council may find that it wants fewer or more members of the Authority (change to 5 or 9).
 - City Council to serve as the Authority:
 1. All the seats of the Authority could be filled by the Council. Council could fill the seven seats.
 2. Council could appoint an advisory body and retain the title of Airport Authority similar to what it has done for the Community Redevelopment Agencies. The advisory bodies have been useful in superintending the redevelopment efforts of the City.

Mrs. Poole discussed the history of the Airport Authority, including the special acts and enacting ordinances. When Melbourne and Eau Gallie merged in 1969 the new Charter incorporated the terms of Ordinance No. 67-7 (establishment of the Airport Authority). That ordinance provides that a member shall be terminated at the end of his two years. Mrs. Poole referenced an opinion issued by former City Attorney Elting Storms that provides that an amendment to the composition of the Airport Authority would require a referendum and Charter change.

Mrs. Poole asked Council to consider a Charter change and stated that the Airport has become a dynasty; it is changing from an Airport to a real estate development. There is no consideration given to the fact that people want convenient air travel at a competitive cost with Orlando. Mrs. Poole stressed that we do not have to bribe people with incentives such as waiving taxes, fees, etc. We have a sustainable community and people want to locate here.

Mrs. Poole discussed her concern with Palm Bay issuing brochures, which state "Melbourne/Palm Bay International Airport." She said Palm Bay should instead indicate that "it is closest to the Melbourne International Airport." Referencing the Airport travel information, Mrs. Poole said the expense trips for the Airport Director, Marketing Director

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and Authority Members have been outrageous glorified travel trips with limited results in attracting and keeping more airlines.

She asked that the City Manager and City Attorney draft several options for reclaiming the Airport for the people of Melbourne. Further, the Airport pledged \$3 million towards a convention center that the citizens don't want; it will be a tax burden. At the last meeting, the Authority voted to buy more property on the east side of the FECR, which two of the three Council Members voted against. She pointed out that this shows that having four Council Members on the Authority would not necessarily give the Council a majority. The best answer would be for the city to fill all seats and if it desires, to appoint an advisory board.

Mrs. Poole concluded by saying that we do not operate as a dictatorship and neither should we have an Airport Authority that does.

Jim Johnson, Director, Melbourne International Airport, responded to several of the points as follows:

- For some time, Palm Bay included its name in the Airport name for marketing efforts. After an Authority Member questioned this, Palm Bay was contacted and agreed to revise the wording. Palm Bay will send future material to the Airport for approval prior to use.
- Travel expenses are not excessive or outrageous; they are extremely reasonable. Staff travels for training in order to stay current with certifications, accreditations and changes to state and federal laws. Authority Members are asked to attend some of the education trips.

The other reason for travel is marketing. Over the past three years \$692,108 has been spent on marketing. During that time six new airlines were brought in, although some left after September 11. The six airlines brought in \$8.7 million in revenue. After marketing expenses, the net revenue was \$8,098,353. This shows that the expenses were extremely reasonable.

- A convention center will be the best thing we can do for tourism in Brevard County. It will have a significant economic impact.
- It is common for airports to buy contiguous property for development and mitigation. MIA will continue this strategy until the Airport Authority Board directs otherwise.

Mr. Johnson concluded by stating that he is not a dictator, nor is anyone on the Airport Authority Board. He added that he takes exception to that statement.

Mr. Palmer asked Mr. Johnson to elaborate on employment and the economic impact the Airport has on Melbourne and the surrounding area. Mr. Johnson replied that the Airport contributes \$1.04 billion annually to the community through the Airport itself and its

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tenants. A 1998 study indicated that the Airport is responsible for more than 10,000 jobs. Six thousand of those jobs are located on Airport property.

Mr. Contreras asked about the purchase of property adjacent to the Airport. Mr. Johnson said the FIT parcel is for mitigation and the parcel east of the railroad tracks was purchased for buffer.

Discussion followed regarding the proposed convention center; Global Technologies; Airport travel; purchase of property contiguous to the Airport; the number of airlines currently operating out of the Airport; the disparity of pricing between MIA and Orlando; the number of grants the Airport has received; the makeup and expertise of the Airport Authority Members; and the industrial park and its impact on the Airport.

Mrs. Palmer asked Mr. Johnson to elaborate on why the Orlando/Sanford Airport has been so successful. Mr. Johnson said they had a modern, state of the art facility and a transportation network. If Highway 192 had been four-laned many years ago, Melbourne could have experienced the same success.

Mayor Buckley stated that a citizen asked to address Council.

John Gambo, 1961 Garner Avenue, said that planes fly over his house every three minutes even though his home is not in the flight pattern. He listed the officials he has contacted regarding this and said that the planes are making him nervous and sick.

In response to Mrs. Poole, Mayor Buckley explained that FAA funds the tower. The Airport Director has been directed to send a letter to the FAA expressing concern about the tower closing at midnight.

Mrs. Poole asked Council to consider asking the City Manager and City Attorney to return with proposals to bring the Airport under the control of the city. Mrs. Palmer said that there are options listed in the agenda package. Mayor Buckley added that he does not believe anyone is contesting the fact that the Airport belongs to the City of Melbourne. He noted that Mrs. Poole's opinion that the Airport is not run properly is not shared by the entire City Council.

Mr. Palmer said he would like a timeframe for the jurisdictional boundaries issue to be resolved. Attorney Gougelman said two more meetings. He added that staff has asked the Airport to provide information about federal laws or requirements with regard to use of proceeds from any of the properties that used to belong to the federal government. The Airport Attorney has prepared a brief and staff will meet to discuss the information.

Moved by Buckley/Contreras to postpone further action on this item for two meetings (May 28) to allow time for Council to receive the boundary information. Motion carried unanimously.

At this point, Council considered Item 17.

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15. COUNCIL ACTION RE: Discussion of City Manager and City Attorney salaries. (Requested by Council Member Richard Contreras) (Postponed by Council 4/9/2002)

From the agenda report: Council received a report on pay and benefits provided to city managers and city attorneys in other communities in Florida at the beginning of February. The study shows cities comparable to Melbourne in size, number of employees and budgets and includes a listing of cities smaller than Melbourne.

Mayor Buckley said he has reviewed the information, which shows 28 of the 44 cities of smaller size and 24 out of the 33 cities with a population between 30,000 and 69,543 pay their city managers more.

Moved by Buckley/Hand that we increase the City Manager's salary to \$112,000, which combined with his previous raise, will be a 9.31% increase.

Mr. Palmer asked the effective date. Mayor Buckley said Mr. Hill has already received the one raise, so this would be effective as of this date. Council Members E. Palmer and Hand felt that the increase should be retroactive. Mrs. Hand's motion to make the increase retroactive did not receive a second. Mrs. Palmer said that would be almost a 10% salary increase.

Buckley/Hand clarified that the motion provides that the increase will be effective as of tonight.

Mr. Contreras pointed out that Daytona Beach is similar in population and infrastructure – the disparity between Melbourne and Daytona Beach is about 14%.

Mayor Buckley replied that he looked at the numbers, picked a number, and determined where the City Manager was before. It happened to come out to 9.31%.

Mrs. Poole said that Daytona Beach is looking for a new city manager. Mayor Buckley said the Daytona Beach city manager will probably be in the \$130,000 category.

Mr. Contreras commented that is a drop in the bucket and if we want to retain our City Manager, we need to be prudent now and when we cycle around again. Council needs to consider the comparison and competition with the cities with equivalent population and bring the City Manager's salary up to speed.

The question was called. Motion carried unanimously.

Moved by Buckley/C. Palmer to increase the City Attorney's salary to \$102,000, which with the previous raise, would be a 7.94% increase. Motion carried unanimously.

Mrs. Palmer said she is glad that they did not ask for a car. Mayor Buckley said he has talked to the City Manager about that and it becomes complex.

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Mrs. Poole asked if the City Manager and City Attorney agree with the increase. Mayor Buckley said he does not think that they have any problem accepting this. Mrs. Walker said she wants to hear them accept it. Mr. Hill said he appreciates the consideration that Council has given and the thought that has gone into this. Attorney Gougelman agreed.

NEW BUSINESS

16. COUNCIL ACTION RE: Consent Agenda

Moved by Hand/Contreras for approval of the consent agenda as recommended. Motion carried unanimously.

- a. Resolution No. 1758: A proposed resolution authorizing application to the Florida Department of Education, Food and Nutrition Management for program funds to sponsor a Summer Food Services Program.
- b. Resolution No. 1759: A proposed resolution authorizing application for the Environmental Protection Agency Security Planning Grant for Large Systems, for funding to reduce the vulnerability of water utilities to terrorist attacks and to enhance security and the ability to respond to emergency situations.
- c. Contract to furnish and install an Iwatsu DIX Application/Processing System in Utility Billing Division, Brevard Business Telephone System, Rockledge, FL - \$24,500.
- d. Change Order #1 to Oak Street Elevated Water Storage Tank Rehabilitation Project C97396, Utility Service Co., Inc., Perry, GA - \$16,850.

17. COUNCIL ACTION RE: A presentation by Marguerita Engel, Intergovernmental Coordinator for the St. Johns River Water Management District.

Marguerita Engel, Intergovernmental Coordinator for the St. Johns River Water Management District, updated Council on the district's water management programs and projects. She discussed water supply and water quality as being two of the most important issues in the State of Florida.

Recessed: 11:10 p.m.
Reconvened: 11:15 p.m.

After recess, Council considered Item 15.

18. ORDINANCE NO. 2002-30 (CU-2002-03): (Public Hearing/First Reading) A proposed ordinance for a conditional use for the expansion of accessory church uses on three platted lots in the R-2 (cap 6) (One-, Two-, and Multiple-Family Residential with a cap of six units per acre) District adjacent to the existing church campus, located on the northwest corner of Strawbridge Avenue and Stockton Street (Owner/Applicant – First United Methodist Church of Melbourne) (Representative - Dick Atwood) (P&Z 4/4/2002)

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Attorney Gougelman read the ordinance by title. Mrs. Braz reviewed the agenda report and discussed the history of the property. The three lots contain two houses. The church sanctuary received a conditional use in a commercial district in 1980 (Ordinance No. 80-69). A conditional use is no longer needed for a church in the C-1 zoning district but is still required in a residential district where the church is expanding services.

A parking lot in a residential zoning district was approved on several lots to the west in 1989 with a binding lot agreement. It was later constructed as unpaved parking lots and paved parking within the right-of-way around the church. In March 2001 the church was granted a conditional use to use the property approved for an unpaved parking lot to the west as a counseling center and children's playground. The playground doubles as part of the previously approved unpaved parking lot in the residential district.

The site has an adopted land use of Low Density Residential. The surrounding properties have a low-density residential land use and are zoned for one-, two-, and multiple-family residential uses. To the east are single-family residences on the east side of Stockton Street, and to the north a single-family home. The properties to the south and west are part of the existing church (zoned C-1), the site of a parking lot in the residential zoning district and the recently approved counseling building, which was also formerly a home. To the west is a developed single-family home.

The church proposes to convert the house at 1810 Platt Street into an interfaith hospitality house where family counseling and group meetings will occur. The original application provided that one of the accessory buildings would be used as a food pantry where the church would distribute food to referred persons. Following the Planning and Zoning meeting and a meeting the church held with neighbors, the food pantry has been withdrawn and is no longer part of the application. The house on the corner lot is in poor condition and would be demolished. The church proposed to use this lot as parking for the counseling center as well as additional parking for the church.

The vacant lot between the interfaith counseling center and the house to the north would remain. No driveway or other improvements would be constructed in this area. Since the parking area would be screened by the existing structure no fence, wall or landscape buffer is required. The existing house to be converted into the counseling center is 46 feet from the house to the north.

Mrs. Braz reviewed the parking and noted that if additional parking is proposed with the proposed uses, the spaces should be paved. Additionally, the applicant has been granted an exemption from having to provide an Environmental Impact Assessment Report since the property is now developed and the two trees will remain on site.

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

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- a. The conditional use is subject to the one-page marked survey plan of the First United Methodist Church Interfaith Counseling Center, dated March 28, 2002, indicating the proposed improvements.
- b. The uses permitted on the property shall only be operated as an accessory use of the church and are limited to parking, a counseling center and storage of church related items. No food shall be distributed from the site.

Gwen Woodling, 2701 Ohio Street, West Melbourne, stated that her mother lives across the street from the proposed facility. She said that she, her mother, and neighbors signed a petition opposed to the hospitality house. They do not oppose the intent, just the location in this neighborhood. If granted, they would never be assured that the neighborhood would be the same. Additionally, the neighbors are concerned that this is just the surface and the church has future plans to expand into the neighborhood. She stressed that the neighbors have been tolerant about the school and church traffic.

Ms. Woodling concluded by saying the neighbors are concerned that people looking for food at the church will also come to the residents' homes looking for food.

Mrs. Poole reported that this is one of the oldest, historical areas in Melbourne. She added that she has been a member of the church (since 1936).

Tom Luce, 1707 Stockton Street, discussed the impact of religion on Stockton Street and the increased traffic due to the church's expanded operation (daycare, etc.). He informed Council that the area used to be quiet; however, now it is full of speeders. He asked the city to consider ways to slow the traffic, including the use of stop signs and speed bumps.

Continuing, Mr. Luce asked how long before the church takes over the whole block. This is an old historic area and the neighbors are finding it hard to lead a quiet life. He concluded by discussing crime statistics, increase in narcotics arrests, and the number of transients in the area.

Dottie Graves, 2260 Front Street, Chairman of the Board of Trustees, First United Methodist Church, reported that their desire is to coordinate with the Interfaith Hospitality Network, which coordinates churches in local areas to help keep homeless families together. Families are screened and do not use drugs and alcohol. She stressed that they do not intend to take vagrants in off the street.

The property will be used as a hospitality center and daycare and will be staffed by a licensed social worker. It will be used as a processing center to help people complete applications and learn interviewing techniques. Ms. Graves said there are quite a few agencies in Melbourne that help individuals, but only one other agency (Salvation Army) that helps families stay together. The Interfaith Hospitality Network could assist 14 people at any given time.

Ms. Graves summarized and stated that the church wants to help improve the quality of life of our citizens. They do not think the hospitality center will add a great amount of

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traffic or be a place where homeless people will wander. If they do, they will be turned away. She asked Council to approve the request.

Mrs. Palmer asked where the church will receive its referrals. Ms. Graves said from other agencies, perhaps the Women's Center. Mrs. Palmer stated that she applauds active Christianity and charity. She added that the church also needs to extend charity to its neighbors. She asked why the activity cannot be conducted within the church building. Ms. Graves said the property is currently being used to capacity.

Continuing, Mrs. Palmer asked if the church could lend assistance to the Salvation Army, which is in the process of building a facility for families, by providing a social worker. Ms. Graves said that Interfaith Hospitality receives its money from grants; therefore, the church will not be funding the social worker.

Mrs. Poole asked for additional information about the daycare and housing of people in the church facility. Ms. Graves explained that the church will house 14 people for one week every quarter; however, that does not have anything to do with the Hospitality House.

Carol Ashwell, 293 Albacore Place, Melbourne Beach, explained that the children will go to a regular daycare center.

Lillian Ramey, property owner at 1803 Platt Street, reported that the church continually invades the residential neighborhood with its parking lots. She noted that one adjoins the property she owns. She is concerned that the quiet neighborhood is being invaded and the traffic, which is heavy now, will increase.

Mrs. Poole disclosed that she spoke to Gwen Woodling and her mother at the Planning and Zoning Board meeting. She added that she spoke with a couple of other people who are concerned; however, she does not know their names.

Dick Attwood, 408 W. Amherst, First United Methodist Church, elaborated on the parking lots in response to Mrs. Poole.

Mrs. Walker disclosed that this has been her church for the past 43 years. She added that she explained to the minister that she was not able to discuss this issue with him.

Mayor Buckley disclosed that he spoke to Pastor Bryce Harris at the wall raising for Habitat for Humanity. Pastor Harris mentioned that this item would be coming up on the agenda.

Mrs. Walker's motion for approval of Ordinance No. 2002-30 did not receive a second.

Moved by Poole/C. Palmer to deny the conditional use (Ordinance No. 2002-30).

Mrs. Palmer said she is very aware of the need for homeless shelters for families and women and children. She hopes that the church will proceed with housing families for

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one week and stressed that only good can come from the Interfaith Alliance. She concluded by saying it is difficult to allow a business intrusion into the neighborhood and it is more than she feels the neighborhood can handle.

Mrs. Poole said she appreciates what the church is trying to accomplish and hopes they will continue looking for ways to help.

Mr. Palmer noted that he also has a problem with expansion into the neighborhood.

Mr. Hill confirmed for Mr. Palmer that he will investigate Mr. Luce's request for stop signs.

Mayor Buckley said he drove the area a couple of weeks ago and noticed that the property is behind the church and part of the residential area; therefore, he can't support the conditional use request.

The question was called. Motion carried unanimously.

19. ORDINANCE NO. 2002-29 (A&V #239): (Public Hearing/First Reading) A proposed ordinance to abandon and vacate a 10' alley adjacent to Lots 227–241 in Nieman Heights Subdivision. (Requested by Foster Burdette)

Attorney Gougelman read the ordinance by title.

Mr. Ralls explained for Council Member Ed Palmer how the property will be abandoned and vacated and the easement will be retained. He confirmed that the alley is undeveloped, not used as an alley, and is not proposed to be used as an alley.

Moved by E. Palmer/Hand for approval of Ordinance No. 2002-29. Motion carried unanimously.

20. COUNCIL ACTION RE: A request for approval of a Pre-annexation Agreement to provide sanitary sewer service to a 24.11-acre parcel located on the south side of Aurora Road, east of Easy Street.

From the agenda report: City staff and Joyal Enterprises, Inc. have been working for some time to develop a pre-annexation agreement for a proposed Aurora Woods Subdivision. The agreement would provide sanitary sewer service to a 24.11-acre parcel, which will be developed with 30 single-family lots on the south side of Aurora Road, west of Easy Street. The applicant will design, construct and dedicate to the city a regional lift station and the pipes will be sized to provide sanitary sewer service to additional property to the south and west.

Although Aurora Woods is not contiguous at this time, the area to be served by the regional lift station is. Once the contiguous area annexes, Aurora Woods will be required to annex as well. The proposed agreement will be in effect for 40 years.

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Moved by Poole/Contreras for approval of the pre-annexation agreement. Motion carried unanimously.

21. ORDINANCE NO. 2002-31 (LDR-2002-01): (Public Hearing/First Reading) A proposed ordinance to amend the Parking Regulations to require limiting 10-foot parking spaces only to employee parking. (Requested by City Council 1/22/2002) (P&Z 4/4/2002)

Attorney Gougelman read the ordinance by title.

Mrs. Braz briefed Council. In January Council requested a change be drafted to the current parking regulations that would eliminate any 10-foot parking spaces except those for employees. Employee spaces should be clearly marked or separated by a gate or other device that limits entry.

The Planning and Zoning Board did not recommend approval of the change and recommended that the Code Review Committee consider any change.

Mrs. Braz pointed out that this change will cause some properties to become non-conforming.

Moved by Poole/Contreras for approval of Ordinance No. 2002-31. Motion carried. Mrs. Palmer voted nay.

22. COUNCIL ACTION RE: Council consideration of the County Landscaping Ordinance.

From the Agenda Report: The county is proposing some revisions to its landscaping code that will be effective county-wide. Specifically they are proposing a section, which will require the removal of all non-native, noxious invasive plants on all development over 2.5 acres. It also requires the control of re-growth of such plants. The non-native, noxious invasive plants include:

Common Name	Scientific Name
Air Potato	Dioscorea Bulbifera and Dioscorea Alata
Climbing Fern	Lygodium Japonicum and Lygodium Microphyllum
Malaleuca	Malaleuca Quinquenervia
Kudzu Vine	Pueraria Montna
Brazilian Pepper	Schinus Terebinthifolius

The second part of the ordinance that will be effective county-wide will be a section on maintenance as it pertains to the removal or re-growth control of non-native, noxious invasive plants. In discussing this with the county, they have assured us that they will not be inspecting and we will be required to implement their ordinance with our own enforcement efforts.

This could be very confusing for anyone improving property or developing land. Not only would they need to comply with our Code, but they would also need the county code.

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Our requirement should be within our own Code since we have a Vegetation Code. If Council would like to include a similar requirement in City Code, staff will propose an amendment to Chapter 33, Vegetation.

Moved by Poole/Hand to opt out of the county proposed landscape ordinance and authorize a revision to the City Code. Motion carried unanimously.

Mr. Hill confirmed for Mrs. Palmer that the city follows its own ordinance with regard to city property.

Attorney Gougelman reported that the city will have to adopt an ordinance in order to opt out of the county ordinance.

Added to the agenda:

22.1. COUNCIL ACTION RE: Downtown Melbourne Traffic Signals (Requested by Council at the 4/16/2002 meeting)

There has been considerable discussion about the desirability of leaving or removing the traffic signals along New Haven Avenue in Downtown. The Downtown Redevelopment Committee recommended the signals be replaced with stop signs. During a trial period when the signals were set to flash red, a number of merchants indicated support. Additionally, there have been a number of complaints.

The Downtown Redevelopment Committee began discussing the removal of three traffic signals (New Haven Avenue at Municipal, Waverly, and Livingston) during 2001. The basis for this discussion was numerous complaints from merchants along New Haven Avenue about the high speed of traffic coming through the area and the need to slow it down to promote a more pedestrian friendly environment. In addition, the discussion was prompted by the desire to remove the rest of the overhead wiring at the intersections.

Based upon the committee's direction, the Engineering Department completed a traffic analysis once during the summer of 2001 and again in early 2002. The analysis found that the warrants for a traffic signal were not met based upon traffic counts and movements that existed at those intersections. After the second analysis was made, staff proceeded with discussion between the Engineering and Police Departments to turn the existing traffic signals to a "blinking red" in all directions. Requiring all traffic to stop at each intersection is a widely used practice of "traffic calming" that results in overall slower traffic speed and a better pedestrian environment due to those lower speeds.

There was some initial confusion from motorists when the change was made and it took several weeks for people to become accustomed to stopping at each intersection. Since those initial weeks, merchants along New Haven Avenue have reported that the overall traffic speeds through the area have dropped significantly.

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At this point there are three options: Return the signals to normal function, keeping the poles and wires as is; continue to replace the lights with stop signs; or purchase new ornamental mast arm poles to match other poles.

Dennis Meehan, 1310 E. Prospect Avenue, (Chairman of the Downtown Melbourne Redevelopment Committee), recommended the city install the stop signs while the traffic signals remain on flash (for a trial period). He added that he does not think there have been any accidents or incidents. If that does not work, then the traffic signals can be returned to their normal operation.

Moved by C. Palmer/Contreras to install stop signs to see if that works for a while.

Mr. Hill stated that we have prepared temporary stop signs. They will be installed and evaluated for a reasonable period of time. Following that, the item will be returned to Council.

Mrs. Poole noted that there have been some close calls with the flashing signals.

Mayor Buckley read a letter from Thomas Goffinet, 2107 Helen Street, in support of removal of the signals and installation of the stop signs in order to slow traffic on New Haven Avenue.

Mrs. Hand said she was strongly opposed to removing the signals. However, she spoke to Wendy Brandon (member of the committee) who pointed out that people run red lights; yellow lights cause people to increase their speed. She stated that she will support trying the temporary signs.

Mr. Contreras asked the period of performance and who will monitor. Mr. Hill said for at least 30 days and during that period, staff will observe for compliance. The intent is to leave the signals on flash and install the temporary stop signs. This will bridge to ultimately not having the signals.

A brief discussion continued.

Mrs. Walker said she spoke with someone who will not return to Downtown Melbourne as long as the lights are flashing. This is a safety issue and she cannot support it.

The question was called. Motion carried. Council Members Poole and Walker voted nay.

23. COUNCIL ACTION RE: Board Appointments

- a. Building and Construction Advisory Committee – three regular members

Moved by Poole/C. Palmer to reappoint Richard Levine. Motion carried unanimously.

Moved by E. Palmer/Poole to reappoint James Mahoney. Motion carried unanimously.

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Terms: 5/27/2002 – 5/26/2005

Council Member Cheryl Palmer nominated Leonard Losapio.

Moved by E. Palmer/Hand to close the nominations. Motion carried unanimously.

Moved by C. Palmer/Walker to appoint Leonard Losapio. Motion carried unanimously.

Term: 4/23/2002 – 5/26/2004, unexpired 3-year term

24. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mayor Buckley summarized the “Brevard Tomorrow” session that he and Mr. Palmer attended.

Mr. Hill reported that the city received a check from Holmes Regional Medical Center in the amount of \$9,502, which represents the amount due for the occupational license tax.

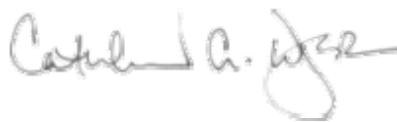
Mr. Hill advised Council that it appears as if the sales tax referendum will appear on a spring ballot rather than the fall ballot.

Mrs. Poole stated that there are motorcycles “screeching through the Downtown Melbourne area” without mufflers. Mr. Hill said he will ask the Police Department to investigate.

25. ADJOURNMENT

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

The meeting adjourned at 11:54 p.m.



City Clerk – 5/1/2002

Approved by Council _____

Attachment to original minutes: Memorandum of Voting Conflict form for Loretta Isenberg-Hand (reference Item No. 9 “a” and “b”)