

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
OCTOBER 8, 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. Pastor Erich E. Hamm, St. Paul's United Methodist Church, gave the invocation.
2. All present gave the Pledge of Allegiance to the Flag of the United States of America.
3. Roll Call.

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| Present: | John A. Buckley | Mayor |
| | Loretta Isenberg-Hand | Vice Mayor, District 6 |
| | 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 Gougelman | City Attorney |
| | Cathleen A. Wysor | City Clerk |
| | Amy W. Elliott | Assistant City Manager |
| | Peggy Braz | Planning and Economic Development Director |

Absent: Richard Contreras Council Member, District 1 (ill)

4. PROCLAMATIONS AND PRESENTATIONS

Mayor Buckley read and presented the following proclamations:

“Energy Awareness Month” – October 2002; accepted by Retha Mullins and Dolores Casella, Co-Chairs, Public Affairs, Melbourne Woman's Club.

“Navy League Day” – October 12, 2002; accepted by Fred Carl, National Director Emeritus and President, Cape Canaveral Council, Navy League of the United States.

5. APPROVAL OF MINUTES – September 17 special meeting and September 24 regular meeting

Mayor Buckley referenced the note from the City Clerk requesting the September 24 minutes be removed from the agenda (they will appear on the October 22 agenda for approval).

Moved by Hand/Walker for approval of the September 17 special meeting minutes. Motion carried unanimously.

6. CITY MANAGER'S REPORT

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Mr. Hill reminded Council that the City Place Tour (West Palm redevelopment area) is scheduled for October 11. Mrs. Palmer stated that she would like to attend. Mrs. Poole reported that she and Mr. Palmer will not be able to attend since they will be at the FLC Policy Committee Meetings in Orlando that day.

7. PUBLIC COMMENTS

Donald Lindenberger, 508 S. Gardenia Drive, stated that he is opposed to the city sponsored Halloween event (through Leisure Services). He said that Halloween is a demonic, paganistic ritual event and any activity recognizing it should not be sponsored by the city. He added that he will be seeking legal counsel to stop the event. Mr. Lindenberger asked Council to place this item on the next agenda for discussion.

Mayor Buckley mentioned that the word Halloween means “evening before All Saints Day.” Mr. Lindenberger informed Council that the satanic church participates in human or animal sacrifices on Halloween. Additionally, he referenced the number of missing children in the United States each year. Mayor Buckley confirmed that the item will appear on the next agenda.

A brief discussion followed.

8. ORDINANCE NO. 2002-65 (Z-2002-931): (Public Hearing/Second Reading) An ordinance changing the zoning from R-1A (Single-Family Residential) to C-1 (Neighborhood Commercial) on two platted lots (Lots 7 & 8) of the Palm Gardens Subdivision, consisting of .33 acres, located on the west side of Bryan Street, south of New Haven Avenue. (Owner - Emmett B. and Cheryl F. McGill, Owner, with pending sale to CVS Pharmacy) (Applicant - Skilken Properties) (Representative - Jay R. Jackson) (First Reading 9/24/2002)

Attorney Gougelman read Ordinance No. 2002-65 by title. There were no comments from the public. Mrs. Hand disclosed that she drove by the property. Mrs. Poole said she took pictures (of the Miguel’s site), which were distributed to Council.

Moved by E. Palmer/Hand for approval of Ordinance No. 2002-65.

Mrs. Palmer said she finds it regrettable that the owner of Miguel’s decided to sell one of the few remaining historical buildings to make room for a pharmacy. She noted that her choice would have been for the property to be put on the market to allow an opportunity for purchase/preservation. Since the owner decided to sell, she stated that she feels she has no choice but to support the request. She added that in the future she hopes people in the community will be given an opportunity to purchase for preservation.

Mrs. Poole said she can’t support the request; this is one of the oldest homes in the city. She referenced the pictures she took of Miguel’s that show the architecture of the structure and a large tree on the side of the building. Mrs. Poole questioned the location

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of a pharmacy on this corner and asked why the vacant property across the street was not considered.

Mrs. Hand expressed disappointment with the historical structure being removed. Mrs. Walker agreed and noted that it is a beautiful old building. Mayor Buckley pointed out that the building has not been maintained. Mr. Palmer stated that this is private enterprise and the man who owns the building made a decision. Whether Council likes it or not is immaterial to the issue.

The question was called. The roll call vote was:

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

Nay: Poole

Motion carried.

9. ORDINANCE NO. 2002-66 (Z-2002-935): (Public Hearing/Second Reading) An ordinance changing the zoning from C-1 (Neighborhood Commercial) to C-2 (General Commercial) on six lots totaling 1.29 acres located on the north and south sides of University Boulevard, west of the Florida East Coast Railway tracks and east of Monroe Street. (Owner/Applicant/Representative – Alex and Minnie Spivey) (Owner – Leon A. Tucker) (Owner – Donald and Mary B. Jenkins) (Owner/Applicant – Shiloh Christian Center) (Representative – Phyllis R. Cokley) (First Reading 9/24/2002)

Attorney Gougelman read the ordinance by title. Mrs. Palmer disclosed that she viewed the property. There were no comments from the public.

Moved by C. Palmer/E. Palmer for approval of Ordinance No. 2002-66. The roll call vote was:

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

Nay: None

Motion carried unanimously.

10. ORDINANCE NO. 2002-67 (CPA-2002-09) AND ORDINANCE NO. 2002-68 (Z-2002-936): (Public Hearings/Second Readings) An ordinance amending the Future Land Use Map by changing the land use from Low Density Residential to mixed use Commercial/ Low Density Residential and an ordinance changing the zoning from R-1A (Single-Family Residential) to C-1 (Neighborhood Commercial) on 2.306 acres, located on the north side of University Boulevard, west of Lipscomb Street and east of Grant Street. (Owner – Marcus Sanders) (Owner/Applicant – Michael Montgomery) (Representative – Jake Wise) (First Reading 9/24/2002)

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Mayor Buckley announced that a Comprehensive Plan Amendment sign-up sheet is available for this item. The City Attorney read Ordinance Nos. 2002-67 and 2002-68 by title. Mrs. Palmer disclosed that she looked at the property. There were no comments from the public.

Moved by Hand/E. Palmer for approval of Ordinance No. 2002-67. The roll call vote was:

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

Nay: None

Motion carried unanimously.

Moved by Walker/E. Palmer for approval of Ordinance No. 2002-68. The roll call vote was:

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

Nay: None

Motion carried unanimously.

11. ORDINANCE NO. 2002-70 (Z-2002-938): (Public Hearing/Second Reading) An ordinance changing the zoning from R-A (Residential Holding) to R-1A (Single-Family Residential) on an 8.628-acre parcel and a .955-acre parcel, located on the east side of Dairy Road, north of Florida Avenue and south of Edgewood Drive. (Owner - Mary E. Heardon Estate and Walter and Mildred Heardon) (Applicant - Charles Sabin) (Representative - Mason Blake) (First Reading 9/24/2002)

Attorney Gougelman read Ordinance No. 2002-70 by title. There were no public comments.

Moved by Poole/Walker for approval of Ordinance No. 2002-70. The roll call vote was:

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

Nay: None

Motion carried unanimously.

12. ORDINANCE NO. 2002-71 (Z-2002-939) AND PRELIMINARY PLAT APPROVAL (SD-2002-04): (Public Hearing/Second Reading) An ordinance changing the zoning from R-1A (Single-Family Residential) to R-1B (Single-Family Residential) on a 5.526-acre portion of a platted subdivision, and preliminary plat approval for Faith Landings

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Subdivision on 8.822 acres (which includes the property to be rezoned, plus two tracts that will retain the existing R-1A zoning) located on the north side of Florida Avenue, west of Lipscomb Street and south of University Boulevard. (Owner – Reverend Stephen Holmes) (Applicant – South Brevard Habitat for Humanity) (First Reading 9/24/2002)

Mr. Gougelman read Ordinance No. 2002-71 by title. There were no comments from the public.

From the agenda report: The recommendation is for approval of Ordinance No. 2002-71 and Preliminary Plat SD-2002-04 for Faith Landings Subdivision on 8.822 acres, consisting of a two-sheet plan prepared by William Mott Land Surveying, of Satellite Beach, Florida, with Project Number 2020287, subject to the following conditions:

- a. Any change to the preliminary plat will require its re-evaluation 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 any increase of more than two lots.
- b. 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.
- c. Comply with construction recommendations and directions as contained in the USFWS letter dated July 9, 2002.
- d. The applicant shall make payment into the City of Melbourne Bikeways/Sidewalks Trust Fund for the length of the subdivision boundary abutting Florida Avenue. Said trust fund payment shall be used to offset the construction costs of a sidewalk/pedway along Florida Avenue adjacent to the property.
- e. As a condition of preliminary plat approval, construction drawings shall include the construction of Redbud Street from Laurel Street to Aldrin Street (Myrtle Street) and constructing Aldrin Street from Florida Avenue to Fountain Street.

Moved by Hand/E. Palmer for approval of Ordinance No. 2002-71 and the preliminary plat (subject to the noted conditions). The roll call vote was:

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

Nay: None

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Motion carried unanimously.

Mrs. Poole stated that she voted for this item because the homes will be constructed with garages.

NEW BUSINESS

13. COUNCIL ACTION RE: Request to Piggy-Back Contract to Insituform Technologies, Inc. for Storm Pipe Linings, Project No. 02604, \$139,688.80.

Mr. Hill reviewed the agenda report.

Moved by E. Palmer/Poole for approval of the piggy-back contract with Insituform Technologies, Inc. in an amount not to exceed \$139,688.80. Motion carried unanimously.

14. COUNCIL ACTION RE: Revision to stipulation for Wuesthoff Hospital Site Plan Approval.

Mr. Hill briefed Council. This is a revision to a site plan condition for Wuesthoff Hospital on Wickham Road. The site plan showed that a new road will serve as the southern and main entrance to the hospital site. A traffic signal is to be constructed at this road's intersection with Wickham Road. The signal will be interconnected with other signals on Wickham Road to improve traffic flow.

Council stipulated that the traffic signal must be installed as a condition of the issuance of a Certificate of Occupancy (C/O) for the hospital project. The signal equipment is scheduled to be delivered in early October. Wuesthoff officials said that the hospital project will be completed before the signal installation. They are asking that the C/O not be delayed because the signal installation should be completed in the near future.

Staff supports Wuesthoff's request for the following reasons:

- The traffic signal warrant analysis that justifies the signal is based on projected traffic volumes from the project. These trips will not be realized for some time, until the project is near full occupancy.
- Since the signal is on Wickham Road, Brevard County will approve its installation and then take it for operation and maintenance. The county traffic engineer concurs that even after installation, the signal will be on "flash" until a new traffic count study demonstrates that the signal should be placed into operation.

There will not be sufficient traffic generated to warrant placing the signal into operation for some time. The developers anticipate that the signal will be installed by the end of November. Staff thinks there should be some guarantee the signal will be installed if the

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C/O condition is removed and recommends that the developer provide that guarantee in the form of a letter of credit.

The proposed revision to the traffic signal stipulation, approved November 27, 2001, is as follows:

The applicant shall complete the installation of a traffic signal at its southern entrance and a closed loop system on Wickham Road interconnecting the new entrance with the existing signals at Harper Road and Wright Avenue. Said installation shall be completed within 45 calendar days after the city's issuance of a Certificate of Occupancy for the Wuesthoff Hospital project. The applicant shall provide a letter of credit in favor of the city in the amount of 110% of the traffic signal and interconnect costs as a guarantee of its timely installation. Completion of installation shall mean the signal and related equipment shall be operable and accepted by Brevard County. Placing the signal into operation shall be subject to the determination by Brevard County that warrants are met.

Moved by C. Palmer/Poole for approval of the revised traffic signal stipulation for the Wuesthoff Hospital site on Wickham Road.

Mrs. Hand said she will support this; however, she disagreed that “there will not be sufficient traffic generated.” Mayor Buckley noted that they will have to conduct a study. Mr. Hill added that ultimately, it will be a county decision; it is their roadway and their signal.

The question was called. Motion carried unanimously.

15. COUNCIL ACTION RE: Approval of South Brevard Habitat for Humanity, Inc. to administer FY 2001-2002, FY 2002-2003 and FY 2003-2004 Purchase Assistance with Sweat Equity Program Funds.

Mr. Hill briefed Council. On June 17, 2002, the Housing and Community Development staff advertised availability of the 2001-2004 State Housing Initiatives Partnership (SHIP) Program funds, including funding for the Purchase Assistance with Sweat Equity strategy. In response to the public notice, South Brevard Habitat for Humanity, Inc. (SBHFH), a local affordable housing non-profit, submitted a proposal to continue administering the program on behalf of the city. SBHFH is currently administering a Melbourne SHIP award of \$150,000 funded from the 2000-2001 SHIP grant, and is requesting \$309,215.14 to continue providing this assistance through 2005.

Council will recall the Purchase Assistance with Sweat Equity Program provides financial assistance to low-income homebuyers purchasing new homes in Melbourne through programs operated by non-profits, which requires sweat equity contributions of at least 200 hours from buyers. The maximum amount of assistance is \$15,000 per household.

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In the 24 months since SBHFH was first selected by Council to administer the Purchase Assistance with Sweat Equity Program, nine very low income homebuyers have been assisted and a tenth homebuyer will be assisted in the near future with the initial \$150,000 allocated to this SHIP strategy. The SHIP funding was critical in expediting SBHFH's homebuilding program in the Booker T. Washington (BTW) neighborhood in north Melbourne, an area targeted by the city for revitalization.

The total appraised value of the nine homes already subsidized with SHIP funds is \$609,677 and the combined total of zero-interest mortgage loans made to the assisted homebuyers is \$365,090. In addition to the SHIP funds, SBHFH also leveraged more than \$40,000 in Federal Home Loan Bank funds to build these BTW homes. The 10 families in the BTW neighborhood assisted or to be assisted include 26 children and eight single-parent households. The economic and social impact of SBHFH's homebuilding program in BTW is significant.

Staff reviewed the application submitted by SBHFH and found that the organization has demonstrated capability to administer and implement the SHIP Purchase Assistance with Sweat Equity strategy over the next three years. Administration of the program will include recruitment, intake, selection and training of homebuyers.

SBHFH is proposing to utilize the requested \$309,215.14 as follows:

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| Assistance to two homebuyers in the BTW Neighborhood (both homes are located on Dove Street and are currently under construction) | \$20,000.00 |
| Assistance to 28 homebuyers in the proposed Faith Landings Subdivision | <u>\$289,215.14</u> |
| | \$309,215.14 |

While SBHFH's request is for significantly more than the \$180,000 advertised in the SHIP Notice of Funding Availability, staff believes that it is possible to fully fund the request without negative impacts on the other SHIP strategies due to (1) an increase in SHIP distributions for state fiscal year 2002-2003 from \$591,114 to \$719,635, and (2) unexpected revenues resulting from the payoff of SHIP assistance to homeowners.

The agenda report outlines the budget adjustments that would be necessary to fully fund SBHFH's requested \$309,215.14 in SHIP Purchase Assistance with Sweat Equity funds. SBHFH has also indicated that it will submit a request to cancel a previous HOME award of \$33,000 made by Council in 2000. This award was for scattered-site lot acquisition. Since SBHFH intends to work on a single subdivision, the application of HOME funds would complicate contract compliance by triggering a multiplicity of federal regulations. If the \$33,000 award is cancelled, it could simply be reallocated to the Housing Rehabilitation Program. If SBHFH's SHIP request is granted, staff would initiate an amendment to the HOME Action Plan and seek Council approval of same after proper advertisement for public comment.

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SBHFH expects to complete the 30 homes proposed from funding and expend the SHIP award by 2005.

Moved by Walker/E. Palmer for approval of award to South Brevard Habitat for Humanity, Inc. of \$309,215 in FY 2001-2002, 2002-2003, and 2003-2004 SHIP funds for the implementation and administration of the Purchase Assistance with Sweat Equity SHIP Strategy.

Mr. Palmer praised the sweat equity strategy and stated that it works; it allows people of low income to participate in the construction of their home, which in turn brings pride into the family.

Mrs. Poole referenced the agenda report, which indicates an ending date of 2004 but assistance provided through 2005. She questioned if that should be changed to 2004. Additionally, Mrs. Poole asked for an explanation of sweat equity. She said that she believes the term means to actually work, yet so many of the homes are for single mothers. She asked how a single mother can work full time and still put in the required 200 hours. Continuing, Mrs. Poole said 200 hours of sweat equity in return for \$15,000 per household equates to the homeowner being paid \$75.00 per hour.

Kim Gabriel, President of South Brevard Habitat for Humanity, said sweat equity is a program that allows the families to work on the homes. They do work that is within their capabilities. Each adult in the household whose name will be on the mortgage is required to put in 250 hours by themselves. She added that these people make sacrifices – they work on Saturdays, after work, etc. She noted that a recent family on Dove Street far surpassed the minimum requirement; they put in over 1,000 hours.

Mrs. Poole pointed out that Ms. Gabriel said 250 hours is required, yet the agenda report indicates 200 hours.

Regarding the dates, Mr. Hill said the program year will be through 2004, but the schedule of activities will continue until January 2005. Additionally, 200 hours is a requirement of the city's program – Habitat for Humanity requires 250 hours.

In response to Mrs. Poole, Ms. Gabriel confirmed that Forte Macaulay is donating its services on the Faith Landings project.

Mrs. Poole agreed that this is a good program; however, she noted that she has a problem with 200 hours – or 250 hours – of sweat equity in return for \$15,000.

Mr. Palmer said a price tag can't be placed on sweat equity; it gets the families involved in the construction of their home and raises the standards in the neighborhood.

The question was called. Motion carried unanimously.

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Moved by Hand/E. Palmer for approval of the proposed budget adjustment to provide full funding to South Brevard Habitat for Humanity for the development and administration of the SHIP Purchase Assistance with Sweat Equity Strategy, subject to cancellation of the \$33,000 HOME award to SBHFH for scattered site land acquisition, and authorization for the City Manager to execute the agreement. Motion carried unanimously.

16. COUNCIL ACTION RE: A request for city co-sponsorship of the *Strawbridge Art League's "Artworks 2002" to be conducted November 23 and 24, 2002.

*Mayor Buckley clarified that the event is being sponsored by Artworks, Inc.

From the agenda report: Artworks, Inc. is asking the city to co-sponsor the Artworks 2002 event in Downtown Eau Gallie on November 23-24 and for the Community Redevelopment Agency to approve a \$1,000 donation from the Eau Gallie Redevelopment Fund to the Student Artist Recognition Program.

The estimated cost for city services is \$1,300. The Olde Eau Gallie Riverfront Community Redevelopment Agency Advisory Committee considered this request on September 12. The members recommended that the General Fund pay the entire amount for services. Additionally, the advisory committee recommended that a contribution of \$1,000 be made from the Eau Gallie Redevelopment Fund to support the Student Artist Recognition Program.

Given the status of the General Fund needs, any contribution to that effort should come from the Eau Gallie Redevelopment Fund. Any contribution will require an adjustment to the Olde Eau Gallie Riverfront Community Redevelopment Fund budget.

Link Johnsten, Chairman, Artworks 2002, reviewed the request. He noted that this is the first year Artworks is being sponsored by merchants in the Downtown Eau Gallie area. Prior to this, it was sponsored by the Strawbridge Art League.

Mayor Buckley referenced the letter submitted by Rick Hester, member of the redevelopment advisory committee, asking the city to support the request. The Mayor stated that unfortunately the city has budget constraints as of October 1. He asked Council Members for their input.

Moved by C. Palmer/Poole for denial of the request.

Mr. Palmer stated that the city's heart is in the right place; however, the pocketbook is slim.

Mrs. Hand said she can't support the motion. She pointed out that for years the city has given to Downtown Melbourne. Downtown Eau Gallie needs to be promoted and \$1,300 is a small amount to help with the event.

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Mrs. Poole said Downtown Melbourne has received funding because it has been in redevelopment for 20 years. She pointed out that Eau Gallie could have been a part of the redevelopment 20 years ago, but they (area merchants/residents) refused.

The maker/seconded clarified that the motion is for denial of co-sponsorship from the General Fund. The question was called. Motion carried. Mrs. Hand voted nay.

Mrs. Palmer asked if there are funds available in the Eau Gallie Redevelopment Fund. Mr. Hill said that a budget adjustment would be required.

Moved by C. Palmer/Poole for denial (of the \$1,000 contribution from the Olde Eau Gallie) Redevelopment Fund.

Mrs. Poole pointed out that the redevelopment fund is committed to repaying the funding used to purchase the Gleason property over a 17-year period. She stressed that redevelopment takes time.

Mrs. Palmer said her reasons for denial relate strictly to budget constraints – not because she does not fully support the Eau Gallie redevelopment effort. Mrs. Walker agreed.

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

17. COUNCIL ACTION RE: Correspondence to the Brevard County Property Appraiser regarding tax roll records and ownership of Airport property.

From the agenda report: Council has been previously advised that almost all of the property connected with the Airport is legally titled in the name of the City of Melbourne. One discrepancy, which caused a significant problem, relates to the tax rolls as prepared by the Brevard County Property Appraiser.

In the case of the property connected with the Airport, the tax rolls are in error. The City Attorney has provided two sample reports from the tax rolls of property for the Northrop/Grumman and JDS Uniphase facilities. His research and that of the Property Appraiser's Office indicates that the land is actually owned by the City of Melbourne. The rolls for all of the property connected with the Airport indicate that the Airport Authority holds title. The tax rolls do not indicate the location in the Clerk of Circuit Court's official records where the deed by which the property owner took title can be found.

The City Attorney contacted the Property Appraiser regarding the discrepancies. Included in the agenda package is a letter from Chief Deputy Property Appraiser Lance Larsen. Mr. Larsen, apparently believing that the Airport Authority and the City of Melbourne are for all purposes one and the same, does not state that the Property Appraiser intends to correct the tax rolls.

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The City Attorney has suggested sending a letter (draft included in the package) to the Property Appraiser.

William Powell, Cantelou Powell, Inc., said he is not speaking on behalf of the Airport. He noted that he is speaking from experience of doing a fair amount of survey work for the Airport. He reported that this is not a question of who owns the property; it appears that the City of Melbourne is the owner. However, quite a few parcels are the subject of leases the Melbourne Airport Authority has with private tenants. One aspect is that each tenant is responsible for taxes on the property. And, under ordinary circumstances, a courtesy tax notice is sent to the Melbourne Airport Authority.

Mr. Powell said it may be premature to put all the property in the name of the City of Melbourne without first determining the boundary which the Airport Authority has management and control over. It appears to be correct that the City of Melbourne is the owner; however, if all the parcels are listed in the city's name, then there is a concern about the leased parcels.

Mrs. Poole asked Mr. Powell if he did survey work for the Airport. Mr. Powell said that in 1999 he completed a boundary survey of the entire Airport property. Mrs. Poole asked Mr. Powell if he knows who the Airport belongs to. Mr. Powell said based on all the deeds, the city owns the property

Attorney Gougelman asked Mr. Powell if he was asked to appear at this meeting. Mr. Powell said he volunteered to assist Mr. Ennis in understanding the issues. He noted that he has been asked to determine the ownership of the JDS and Grumman properties. He added that he is not at this meeting as a paid consultant to the Airport.

Richard Ennis, Deputy Executive Director, Melbourne Airport Authority, stressed that it is understood that this is City of Melbourne property. The point relates to the identification of the Melbourne Airport Authority property operated by the Airport. It assists the Airport when bills go out to leased tenants; it helps the Airport manage the land.

Mr. Palmer clarified that the City Charter gives the Airport Authority management rights over the property. Mr. Ennis agreed; however, he added that there is not a description of the property turned over to the Airport to manage. He noted that Mr. Powell conducted a survey, which he (Mr. Ennis) believes describes the property subject to Airport management.

Mrs. Poole referenced the information from the Property Appraiser and said almost everything is listed as Melbourne Airport Authority. Mr. Ennis said that is not the question. There are other properties owned by the City of Melbourne. The Airport wants to ensure that it does not lose sight of what is managed by the Airport Authority.

Mrs. Palmer asked Mr. Gougelman if the city can ensure that the Airport Authority receives the notices of tax bills if/when this change is made to the tax rolls. Attorney

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Gougelman said yes. When the bills come in to the city, they can be made available to the Airport Authority.

Attorney Gougelman clarified that the item on this issue has nothing to do with the boundary of the Airport; that is an issue scheduled for a future Council agenda. He added that technically speaking, there has been no authority given by the City of Melbourne to the Airport Authority to operate any of those properties and there won't be until the City Council sets the boundaries.

Mrs. Poole agreed that the draft letter in the package needs to be sent to the Property Appraiser immediately. She reminded Council that Trailer Haven is the property of the City of Melbourne. She discussed several concerns regarding operation and maintenance of the park. Mayor Buckley stated that the Trailer Haven discussion is not germane to the subject. A brief discussion continued.

Moved by Poole/E. Palmer to authorize sending a letter to the Property Appraiser's Office requesting that the tax rolls be appropriately revised (with the exception of parcel numbers 27-37-30-00-3 and 27-37-30-00-253) to reflect the correct legal name of the entity owning the airport properties as the City of Melbourne and to reflect the appropriate historical data as to the origin of the deeds conveying the property into the City of Melbourne.

Mayor Buckley agreed with Mrs. Poole that the boundary issue is still open and will appear on a future agenda.

The question was called. Motion carried unanimously.

Recessed: 9:03 p.m.
Reconvened: 9:15 p.m.

18. COUNCIL ACTION RE: A proposed Legislative Position Paper to be presented to the Brevard Legislative Delegation for action during the 2003 legislative session.

Moved by Walker/E. Palmer for approval of the legislative priorities as outlined (in the agenda package) and transmission to the Brevard Legislative Delegation.

Mrs. Palmer stated that there are a couple of items in the paper that she does not agree with; however, she will vote in the affirmative.

The question was called. Motion carried unanimously.

19. ORDINANCE NO. 2002-72: (First Reading) An ordinance amending Chapter 23, Retirement and Pensions, Article V, Firefighters' Pension Plan, to implement mandated minimum retirement benefits for firefighters.

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Attorney Gougelman read Ordinance No. 2002-72 by title.

Moved by Poole/Hand for approval of Ordinance No. 2002-72. Motion carried unanimously.

20. ORDINANCE NO. 2002-73: (First Reading) An ordinance amending Chapter 31, Traffic and Motor Vehicles, as recommended by the Code Review Committee, Section 4.

Attorney Gougelman referenced the memorandum distributed requesting changes to Sections 31-21 and 31-61 as the result of a recent change to the statutory definition of “motor vehicle.”

Mr. Hill informed Council that staff is conducting a review on the effectiveness of the vehicle impound section of this Chapter. The information will be provided to Council in the next few weeks for consideration.

Moved by E. Palmer/Hand for approval of Ordinance No. 2002-73 with the changes to Sections 31-21 and 31-61 as outlined in the memorandum.

Mr. Hill responded to general questions from Mrs. Hand about the changes to the Chapter.

The question was called. Motion carried unanimously.

21. ORDINANCE NO. 2002-74: (First Reading) An ordinance (amending Chapter 2 of the City Code by) adopting the list of permitted investments pursuant to the requirements of Section 218.415, F.S.

The attorney read Ordinance No. 2002-74 by title.

Moved by Poole/E. Palmer for approval of Ordinance No. 2002-74. Motion carried unanimously.

22. RESOLUTION NO. 1786: A resolution approving a warranty deed from the City of Melbourne to Greg Hartleb, conveying real property located at 1803 Pine Street.

Mr. Gougelman read Resolution No. 1786 by title.

From the agenda report: On September 10 Council approved a sale contract to Greg Hartleb for \$3,000. The city obtained the property at public sale as a result of code enforcement proceedings. When the city took title to this property, there were a number of lot clearing liens (totaling \$716) encumbering the property. By process of law, those liens were likely invalidated when the city took title to the property. The title company has asked that the city record a release of those liens.

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Moved by Poole/Walker for approval of Resolution No. 1786 and the deed, and approval of recordation of the release of the liens. Motion carried unanimously.

23. COUNCIL ACTION RE: Police Officers' Retirement Trust Fund Board of Trustees - Appointment of two resident members and confirmation of appointment of fifth member.

Moved by C. Palmer/Hand to confirm the appointment of Janice Hill as the fifth member. Motion carried unanimously. (Unexpired term plus full two-year term through October 31, 2004.)

Moved by Walker/C. Palmer to appoint Melinda Maddox as a resident member. Motion carried unanimously. (Term through September 30, 2004.)

Moved by E. Palmer/Walker to reappoint Elinor M. Burns for a two-year term ending September 30, 2004. Motion carried unanimously.

24. COUNCIL ACTION RE: Selection process for City Manager position.

Mayor Buckley said that in order to speed up the selection of a new City Manager, his recommendation is to evaluate the top two firms that Palm Bay recently selected during its search for a city manager. Palm Bay ranked The Mercer Group, Inc. and Rachlin Cohen & Holtz as one and two. Palm Bay was able to select a new city manager in 60 days. The Mayor added that the information from Palm Bay is recent – it is from June 27, 2002.

Moved by C. Palmer/Buckley to request The Mercer Group, Inc. and Rachlin Cohen & Holtz to submit proposals for Council's consideration.

Mrs. Poole said she has attended many Palm Bay City Council meetings and she is not fond of the way they decide things. She asked Mr. Hill for his opinion. Mrs. Hand pointed out that information from various firms was distributed to members at this meeting and she has not had a chance to review the material. Mayor Buckley said he understands that; however, if Council follows the same procedure used during the last search for a City Manager, the time could extend to six months or longer.

Mrs. Hand recommended Council consider a special meeting to discuss this. Mrs. Palmer said the reason she made the motion is that all of these firms are going to look for the best possible candidates. She added that she would like this done in a timeframe that would allow Council to use Mr. Hill's expertise and advice.

Mr. Hill explained that he contacted several firms during the recent ICMA Conference; some firms have already provided proposals. He clarified that since this is for a professional service, City Council does not have to issue a Request for Proposals. Council has the ability to pick and choose. Continuing, he noted that using Palm Bay's

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evaluation is valid. Council could also issue a formal Request for Proposals with a short timeframe.

Mrs. Poole said she has no desire to rush through this process. She asked the cost involved for using such a firm.

Mr. Hill noted that some of the firms have already volunteered their fee. Also, the information in the package indicates that the City of North Miami asked for a fee “not to exceed” a certain amount. During the selection process, he explained that Council should expect a firm to indicate what they are going to do and how much they are going to charge.

Mrs. Walker said she does not think we need to follow Palm Bay’s process. She pointed out that Amy Elliott is the Assistant City Manager and she may be an applicant. In that case, Mrs. Walker said we don’t need to go outside. She asked Mrs. Elliott to comment.

Ms. Elliott said that right now she is thinking of applying once the search process starts.

Mrs. Palmer said she is sure Ms. Elliott is one of a number of wonderful candidates; however, she noted that Council owes it to the people to look at more than one candidate.

The question was called. Motion failed. (Aye: C. Palmer and Buckley. Nay: E. Palmer, Poole, Walker, and Hand.)

Mayor Buckley announced that he will be out of town from October 15-23; therefore, the first opportunity for a special meeting would be October 24. He recommended Council issue a Request for Proposals and then conduct an evaluation. Mrs. Poole expressed concern about going through this process, spending the money, and then ultimately selecting Amy Elliott.

Mrs. Palmer said that if a number of Members have decided to select Ms. Elliott, then the city should not spend money on this process. She stated that Council needs to look for someone with City Manager experience. She added that Ms. Elliott is a wonderful Finance Director and Assistant City Manager; however, when the City Council hired Mr. Hill, he had a number of years experience as a manager and assistant manager. She asked Council to speak up now if they have already made a decision.

Following a brief discussion, Mr. Hill clarified Council’s intent as follows: A special meeting will be conducted October 24; between now and then Council will issue a Request for Proposals; the RFP should include fees, timeframe, etc.; the firms that respond should demonstrate experience with Florida management; and the selection of the firms can be made during the special meeting.

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A brief discussion followed regarding whether it is important for the firms to know if Council is seriously considering Ms. Elliott. Mr. Hill assured Council that will be one of the first questions asked. He noted that managers in other locations will be subject to the public records law and if there is some probability that a local candidate will be considered, it may be a factor. Attorney Gougelman agreed and said any person of substance will want to know if the position is “pre-wired.”

Discussion followed regarding the items to be included in the RFP. Mr. Palmer said we should require a rapid response. Mrs. Palmer asked that the firm that recruited Mr. Hill be included in the RFP notification. Mrs. Poole said it should be a firm from the State of Florida. Mr. Hill clarified that it should be a firm that can demonstrate recruitment of Florida cities. Mayor Buckley said we should not exclude someone outside the state.

Mr. Hill said he will generally follow the RFP format used by the City of North Miami. He recommended that Council be prepared to indicate to the search firm selected (at the October 24 special meeting) the background and experience desired in a new City Manager. The firms will be asked to submit the RFP by October 21 for distribution to Council. The firms will also be notified that Council will entertain presentations at the October 24 meeting and that a decision will be made at that meeting.

Regarding the vacant position of Police Chief, Mayor Buckley said Mr. Hill has recommended that the new City Manager make that appointment. Mr. Hill agreed and said since it is Council’s intent to select a new City Manager in a short timeframe, the new manager should appoint the new Police Chief. The city has the opportunity for Jim Reynolds to continue serving in an interim and acting capacity.

Mr. Palmer agreed that there is no hurry in the selection of Police Chief. Mrs. Poole said Mr. Hill should be part of the selection process. He has been here and knows the problems. Mayor Buckley said a new City Manager may have a different personality and may not get along with the Chief. Mrs. Walker said that it is more important for the Police Officers to get along with the Police Chief.

25. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mayor Buckley reported that the Hacienda Girls Ranch will be hosting a “roast and toast” in his honor on February 1. He asked anyone who wishes to participate to contact him.

Mrs. Poole reported on a number of concerns at Trailer Haven. There are no handicapped parking spaces in front of the Trailer Haven Auditorium and shuffleboard courts; two wooden doors on the south side of the facility are deteriorated and leaking; and there is no handicapped parking space next to the handicapped ramp in the rear of the facility. She added that the residents are not happy with the Trailer Haven manager. Additionally, she noted that the residents have not been made aware of the Airport Authority fund established for water and sewer repairs (in Trailer Haven).

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Mayor Buckley reminded Council that the City Board Reception will be conducted October 29 at 6:00 p.m., Front Street Civic Center.

26. ADJOURNMENT

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

The meeting adjourned at 10:21 p.m.

City Clerk – 10/22/2002

Approved by Council November 12, 2002