

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
APRIL 8, 2003

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. Father Bob Burkhart, Director of Pastoral Care, Holmes Regional Medical Center, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

Present:	John A. Buckley	Mayor
	Richard Contreras	Vice Mayor, District 1
	Ed Palmer	Council Member, District 2
	Pat Poole	Council Member, District 3
	Grace Walker	Council Member, District 4
	Loretta Isenberg-Hand	Council Member, District 6
	Jack M. Schluckebier, Ph.D.	City Manager
	Paul R. Gougelman, III	City Attorney
	Cathleen A. Wysor	City Clerk
	Peggy Braz	Planning & Economic Development Director

Absent: Cheryl Palmer Council Member, District 5 (out of town)

4. PROCLAMATIONS AND PRESENTATIONS

Mayor Buckley presented the following proclamations:

“National Volunteer Month,” April 2003; accepted by Bonnie Miller, General Federation of Women’s Clubs.

“Florida Air Academy Falcons Basketball Team” – recognizing the team for its State Championship win; accepted by Coach Aubin Goporo and members of the Falcons Basketball Team.

Mayor Buckley displayed the “2003 Outstanding Planning Award for a Special Community Initiative” awarded by the American Planning Association to the Planning and Economic Development Department in recognition of the City’s efforts in the rehabilitation of the Old Eau Gallie area of the City. Mrs. Braz said the credit for the award goes to the City Council (as the Community Redevelopment Agency), the Booker T. Washington Association, the Eau Gallie Improvement District and the Olde Eau Gallie Community Redevelopment Agency Advisory Committee.

5. APPROVAL OF MINUTES - Regular Meeting March 25, 2003

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

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6. CITY MANAGER'S REPORT

No additions/no discussion.

7. PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2003-21 (CU-2003-01/SP-2003-01A): (First Reading) (Public Hearing held and closed on 3/25/2003) An ordinance granting a conditional use to allow for a mini-storage building on a portion of a 6.05-acre parcel located east of Wickham Road and south of Mariah Drive. (Owner/Applicant – Boozer Properties) (Representative – Vaheed B. Teimouri) (Postponed by Council - 3/25/2003)

Attorney Gougelman read Ordinance No. 2003-21 by title.

Mrs. Braz summarized the agenda report. The conditions in the ordinance have been revised so that they are consistent with the conditions in the agenda report. Additionally, a condition has been added to provide that construction traffic will be limited to the Wickham Road entrance (no construction access from Mariah Drive). At the direction of City Council, "no parking" signs have been placed on Mariah Drive.

Vaheed Teimouri, representing the applicant, reported that following the last meeting he met with the homeowners. He said he is not sure if they resolved anything; however, they did clarify a couple of items. Mr. Teimouri reported that he had surveyors locate the north side of Mariah Drive. He displayed a map, which shows the width of Mariah as it narrows going east. He explained that he moved the entrance approximately 100' to the west where the pavement is wider. He added that if Council wants the entrance (moved even farther west) to align with the driveway that exists on the north side, three trees would be lost. And, two of them are significant at 36".

Continuing, Mr. Teimouri said that the residents are opposed to access from Mariah Drive. He pointed out that regardless of the conditional use, they are entitled to a driveway off of a public road. Also, this project is a low traffic generator.

Responding to Mrs. Poole, Mr. Teimouri said he will review the comments submitted by Brevard County regarding tree plantings in the landscape islands.

Mrs. Poole asked if vehicles could drive through the mini storage site if traffic backs up into the subdivision. Mr. Teimouri said the development will not be gated; therefore, anyone would be able to drive through the complex.

Mayor Buckley asked Council for disclosures since the last meeting. Mr. Palmer said he had a discussion with someone prior to this meeting about whether the public would be

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authorized to drive through the mini storage site. Mrs. Poole reported that she spoke with Sherry Deno who is concerned about whether the residents could drive through this development if traffic backs up into the subdivision. Mayor Buckley reported that Anita Shaw phoned him the day after the last meeting to apologize for the residents who left during the meeting.

Mrs. Poole asked the Mayor to read two letters into the record that she received after the last Council meeting. Mayor Buckley read the following: 1) Letter from Janice Normand, dated April 2, which discusses traffic problems at the intersection of Mariah Drive and Wickham Road and indicates that the Boozers tried to intimidate the homeowners at the meeting held in her house. 2) Letter from Anita Shaw, dated April 3, indicating that she agrees with moving the entrance to the proposed development farther west where Mariah Drive is wider; supporting placement of the “no parking” signs; and expressing concern about the overall development in the area, which will result in increased traffic.

Mayor Buckley said that at the last meeting he made a motion to approve the ordinance with a stipulation that there be no construction access from Mariah Drive. The Mayor stated that although this is not the best solution, it would be the best way to handle the request.

Moved by Buckley/E. Palmer for approval of Ordinance 2003-21 (which includes the stipulation regarding no construction access on Mariah Drive).

Mr. Palmer said that moving the driveway west and allowing the residents to cut through the commercial development will help eliminate traffic problems. Mrs. Hand said that she still has a problem with commercial property using the entrance to a single-family development. Mrs. Poole agreed and said that the traffic will increase.

Mr. Contreras said that he is pleased Mr. Teimouri moved the driveway farther west; however, he does not believe it is a good idea to allow traffic to cut through the commercial development. This will open up the possibility for traffic accidents in the parking lot.

The question was called. The roll call vote was:

Aye: E. Palmer, Poole, Walker and Buckley

Nay: Hand and Contreras

Motion carried.

9. ORDINANCE NO. 2003-22: (Second Reading/Public Hearing) An ordinance repealing Chapter 24 of the Melbourne Code of Ordinances, entitled “Secondhand Goods.” (First Reading – 3/25/2003)

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

Moved by Hand/Poole for approval of Ordinance No. 2003-22. The roll call vote was:

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

Nay: None

Motion carried unanimously.

10. ORDINANCE NO. 2003-23 (LDR-2002-05/FOC-2002-05/VEGETATION CODE): (First Reading/Public Hearing) An ordinance, which transfers the provisions of Chapter 33 of the Melbourne Code of Ordinances, entitled "Vegetation," to the Land Development Regulations, Appendix D, Chapter 9, and revises the Vegetation Code in accordance with changes recommended by the City Code Review Committee, Section 4, and the Planning and Zoning Board. (Postponed by Council – 3/25/2003)

Attorney Gougelman read Ordinance No. 2003-23 by title.

Mrs. Braz reviewed the agenda report and highlighted the significant changes. The ordinance provides for an opt-out of the Brevard County Code; increase in the front landscape setback for most zoning districts; separation of the soil and erosion provisions; definition of unacceptable fill; and inclusion of scrub oak in the definition of tree.

Mrs. Poole disagreed with allowing the landscaping to "meander" in the C-P zone. She added that this zone allows for plenty of room for large trees.

Mr. Palmer asked staff to elaborate on the fee section. Dan Porsi, Senior Code Enforcement Officer, explained that the base cost for a permit will be \$15, regardless of whether a tree is removed. Added to that will be a (\$10) fee for every tree removed up to a maximum of \$100 for single-family and duplex lots, not to exceed \$1,000 for all other areas.

Mr. Porsi confirmed for Mr. Palmer that the mass clearing of a single-family development could fall under the \$100 per lot category or be treated as "all other" and be subject to the \$1,000 fee for the entire development. The "either/or" will be determined administratively.

Mrs. Poole asked why the recommendations from the Beautification and Environmental Advisory Committee were not included in the ordinance. Mr. Porsi said some of the suggestions were rhetoric and some excessive; however, the members did make some good suggestions.

Mrs. Hand asked what the fee would be for removal of a dead tree. Mr. Porsi said a permit would not be required to remove a dead tree.

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Moved by Poole/Walker to approve Ordinance 2003-23 with a revision to include the recommendations from the Beautification and Environmental Advisory Committee. Motion carried unanimously.

NEW BUSINESS

11. COUNCIL ACTION RE: Change Order No. 2, CenState Contractors, Inc., for Grant Street Wastewater Treatment Plant Trickling Filter Modification, Project No. 99321 - \$151,814.13.

Mr. Ralls reviewed the agenda report and, along with Utility Engineer Harold Nantz, responded to Council's questions.

Moved by E. Palmer/Hand for approval of Change Order No. 2 to the CenState Contractors, Inc. contract in the amount of \$151,814.13 and transfer of \$150,000 from the Miscellaneous Water and Sewer Capital Projects to the Grant Street Wastewater Treatment Plant Trickling Filter Modification Project. Motion carried unanimously.

12. COUNCIL ACTION RE: Discussion with representatives from the Henegar Center regarding their plans to alter the exterior of the old high school building.

From the agenda report: The City Council, at its March 11 meeting, discussed plans by the Henegar Center to add an elevator to the west side and a canopy to the front entrance of the old Melbourne High School building. Several of the members expressed concern that these actions may materially change the appearance/style of the building and thus prevent the building from being listed in the National Register of Historic Places. At the request of Council, a letter was sent to Jerry Brees, Executive Director, indicating that the City Council would like to encourage the Henegar Center to carefully consider its plans in order to assure that all reasonable efforts are made to preserve the historical integrity of the building.

Jerry Brees reported that the first phase of the interior restoration, which involves the basement level only, will begin in May of this year. The project has been funded through the State of Florida; therefore, all plans must be approved by the (Florida) Bureau of Historic Preservation and meet the Secretary of the Interior (federal) standards for historical structures. The elevator and awning have not yet been approved; they will be part of the second or third phase. Mr. Brees stressed that if the plans don't meet the guidelines, they will not receive funding.

Mr. Palmer asked for additional information about the awning. Mr. Brees said that he does not believe the awning will meet the state criteria; therefore, the awning will be removed from the plans. He added that the architect added the awning on his own. Because of a tight deadline, they submitted the plans with the awning in order to be on time.

In response to Mrs. Poole, Mr. Brees confirmed that the state will determine if the elevator will impede the Henegar Center's nomination for the National Historic Register. He added that they are required to install an elevator for accessibility.

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Mrs. Poole explained that she was concerned about the proposed changes to the building because she knew that they would keep the building from qualifying for the National Register of Historic Places. She referenced the additional information distributed to Council at her request. The information includes a petition containing 120 signatures from residents and Melbourne High School graduates and families – including those who attended school in the old high school building. The signers of the petition ask that the old high school building be preserved in its current form.

Mrs. Poole noted that the additional material distributed outlines the thousands of dollars in funds and grants the City has provided to the Henegar Center over the years. She stressed that the Henegar Center is important to the Downtown Melbourne area and should remain in its restored, historical condition. She added that she is sure the Henegar Center will want to work with the City in this regard just as the City will want to continue its support with grants and funds.

Mayor Buckley pointed out that Mr. Brees has indicated that the State of Florida must approve any changes. Mrs. Poole replied that she is referring to the National Register and that the petition would stop any grants at the state level. She suggested that the Henegar Center find ways for the building to remain in its restored condition in order to meet the National Register.

Mr. Brees stated that the job of the State Division of Historical Preservation is to ensure that the Henegar Center does nothing to make the building ineligible for the National Register. He repeated that when the state conducts its review, it is ensuring that changes meet the Secretary of Interior (federal) standards.

A brief discussion followed.

Mrs. Hand asked how ADA requirements would be met if an elevator is not added to the building. Mr. Brees said there are ways to address this and the state will assist. He noted that an obvious addition, like an elevator, is sometimes considered an acceptable alteration.

Mr. Palmer pointed out that the City and the Henegar Center have worked together for years. He commended Mr. Brees for his guidance and said that his statement is loud and clear – if the Henegar Center meets the state requirements, then it will meet the federal requirements.

13. COUNCIL ACTION RE: Discussion on status of relocating Fire Station No. 4

From the agenda report: Plans are complete and the project is ready to be bid. Council previously authorized a \$600,000 budget for this project. Council had also approved additional space for the administrative headquarters, but the funding source for the estimated \$100,000 addition was not identified. Funding to cover the additional \$100,000 could be provided from the General Fund Capital Construction Reserve. If funding is

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provided from this source, the Capital Construction Reserve would be reduced from \$801,587 to \$701,587.

Mr. Contreras asked the expected completion date. Mr. Ralls said the project will start in early June and will be a six – eight month project.

Moved by Hand/E. Palmer to appropriate \$100,000 from the General Fund Capital Construction Reserve and transfer to the General Construction Fund Project to construct the New Fire Station #4 (Index 761132).

Mrs. Poole discussed the history of the property and said that the Wells family wanted the park to remain a green area. She said that although she supports the construction of a new fire station, she is opposed to the station being located in Wells Park.

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

14. CONSENT AGENDA:

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

The consent agenda was approved as follows:

- a. Annual contract for utility billing services, AXIS, Inc., Orlando, Florida - \$78,000 (based on the processing of 51,000 bills monthly).
- b. Change Order No. 3, Total Golf Construction, Inc., for drainage improvements at the Harbor City Golf Course, Project No. 01403 - \$32,179.80.
- c. Increase in Water Production Security Service Contract to expand security, Brevard Security Specialists, Melbourne for the period April 9, 2003 – March 3, 2004 - \$30,595.84.
- d. Annual bid to furnish 3000 psi ready mix concrete, Cemex, Grant, Florida - \$62 per cubic yard, annual cost \$24,800 (based on estimated annual usage of 400 cubic yards).
- e. Establishment of Capital Improvement Project for storm drain repair at the Florida East Coast Railway at Melbourne Avenue by transferring \$35,000 from Local Option Gas Tax Miscellaneous Projects to fund the project, and contract with Derrico Construction, Melbourne, Florida, to install new stormwater pipe and manhole at a cost not to exceed \$21,500.
- f. Change Order No. 1 for sod and concrete riprap, Doug Connor, Inc., for Dove Street Pond, Project No. 01902 - \$13,240.
- g. Paprika's, Inc. vs. City of Melbourne Settlement Agreement.

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- h. Professional services to perform agreed upon procedures to review NUI City Gas utility tax collections and claim for overpayment, Hoyman, Dobson & Company - \$2,800 to \$3,800 (based on actual time incurred at the firm's standard rates).
 - i. RESOLUTION NO. 1816: A resolution authorizing submittal of an application to the U.S. Department of Justice for Bulletproof Vest Partnership Grant Program funds in the amount of \$4,735 to purchase 20 vests (16 for the Melbourne Police Department and four for the Airport Authority).
15. COUNCIL ACTION RE: Request by Scott Beach, Polish Pottery, Inc., 3185 New York Avenue, for an off-premise directional sign to be placed on Wickham Road.

Mrs. Braz reviewed the agenda report.

Teresa Beach, representing Polish Pottery, said that they were not aware about the City regulations when they put the sign up in November. She added that they received written authorization from the property owner where the sign is located and they assumed that was all that was needed.

Mr. Palmer asked if there is a sign that covers the entire facility (Skyway Industrial Park) and Mrs. Beach replied no. Mrs. Poole stated that we can't allow people to place signs without permits. She recommended one sign be placed advertising the entire facility.

Mrs. Poole's motion for denial of the request did not receive a second.

Mr. Palmer said if Council allows the sign to remain, the stipulation should be for a period of six months. He added that the applicant placed the sign with good intentions; therefore, he supports the sign remaining for a limited period. Mrs. Hand said she can support that. Mr. Palmer added that the sign will need to be modified to meet the City Code.

Moved by E. Palmer/Walker to allow the sign to remain for a period of six months from this date and that the sign be modified to meet the City Code. Motion carried. Mrs. Poole voted nay.

Recessed: 9:15 p.m.
Reconvened: 9:27 p.m.

16. ORDINANCE NO. 2003-24 (First Reading) An ordinance implementing a Water Franchise Agreement for the City of Indian Harbour Beach.

Attorney Gougelman read Ordinance No. 2003-24 by title.

Moved by Walker/Poole for approval of Ordinance No. 2003-24. Motion carried unanimously.

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17. ORDINANCE NO. 2003-25 (Z-2003-944): (Public Hearing/First Reading) An ordinance changing the zoning from R-1A (Single-Family Residential) to R-2 (Cap 6) (One-, Two-, and Multiple-Family Residential with a a cap of six units per acre) on a 2.5+ acre parcel, located at the northwest corner of Lake Washington Road and Stewart Road. (Owner – Jean Yves Clerc, Trustee) (Applicant/Representative – Cheryl Campbell) (P&Z Board – March 6, 2003)

Mrs. Braz reviewed the agenda report. The Planning and Economic Development Department recommended approval of Z-2003-944 with the findings outlined in the package. The Planning and Zoning Board voted to deny the request at its March 6 meeting. The board's discussion related to the intensity of the development.

The applicant is willing to agree to bind the zoning to the rendering presented. This site, located on the corner of two busy roads, is a difficult one to plan. Staff believes that tying the plan to the rendering and limiting the height to two stories will allow for a development that is compatible with the surrounding developments.

The City received a petition of objection from the adjacent homeowners, which totals 13.65%.

The proposed ordinance contains the following stipulations recommended by staff:

- a. The development shall substantially comply with the rendering presented by the applicant and the Conceptual Site Plan for Oleander Walk prepared by Campbell and Campbell Associates, Inc. as presented at the March 6, 2003 Planning and Zoning Board meeting.
- b. Development shall be limited to 25 feet in height.

Council made the following disclosures:

Mr. Palmer spoke with Cheryl Campbell regarding the project; no decision was made. Mrs. Poole said she does not like to discuss developments prior to the Council meeting; therefore, she did not return Ms. Campbell's call. Mr. Contreras said he spoke with Cheryl Campbell on April 4 regarding the proposed development. Mrs. Hand said she did not return Mrs. Campbell's call. Mrs. Walker stated that she did not return Mrs. Campbell's call. Mayor Buckley said that he spoke with Cheryl Campbell on April 4 and reviewed the project; however, no decision was made.

Cheryl Campbell, applicant, displayed a rendering of the development and discussed the surrounding zoning. She explained that the property is limited by its size, shape and location; it is not economically feasible to develop it as a small subdivision.

Ms. Campbell said that she created a plan that serves the housing market and is compatible with surrounding uses. It is consistent with the Comprehensive Plan and

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features 15 courtyard villas that have the appearance of one, single-family home. She reviewed the features of the plan, including landscaping, signage, lighting, retention, etc.

Ms. Campbell said she presented the plan to the Croton Park Homeowners' Association and the residents seemed amenable. Their concern focused on "what if" the property was rezoned, not developed and then sold. That is why the owner is willing to tie the rezoning to the site plan.

Mrs. Campbell responded to general questions regarding the plan.

Mayor Buckley said he believes the property would be better developed for eight single-family homes in the R-1A zone. That is what surrounds this property on the north and west sides. Mr. Palmer agreed and said that would not require a change in zoning.

Anne Street, 2529 Brett Court, Vice President of the Croton Park Homeowners' Association, questioned the calculation on the petition. She said they thought they received 27% of the property owners within 500' opposed.

Mrs. Braz clarified that it is based on acreage, not on the number of property owners. Ms. Street recommended that the City clarify this on the form of the petition.

Continuing, Ms. Street said the density on the proposed development is high and not in keeping with the R-1A district. The residents are concerned that, if rezoned, the property will be sold before it is developed. Additionally, they are concerned about the drainage and the increased traffic. She asked Council to deny the request.

James Noone, 2579 Fulton Court, agreed with the comments made by Ms. Street. Additionally, he pointed out the property on the map and said there is no reason it can't be developed as a single-family development. He encouraged Council to reject the request.

Leland Krause, 1623 West Shores Road, reported that when he purchased his home, he relied on the zoning that was in effect behind his home. If he had known that the property could be rezoned, he probably would not have purchased. He asked Council to stay with the existing zoning.

Nellie Fuentes, 1621 West Shores Road, said that the proposed development is directly behind her. She explained that when they made the decision to purchase their home, they took into consideration the surrounding area. She stressed that this change should not take place and she agreed with the comments made by the other speakers.

Moved by E. Palmer/Poole to deny Ordinance No. 2003-25. Motion carried unanimously.

18. ORDINANCE NO. 2003-26 (CPA-2003-01) AND ORDINANCE NO. 2003-27 (Z-2003-947) LAKE WASHINGTON ROAD/AVOCADO AVENUE: (Public Hearings/First Readings) An ordinance amending the Future Land Use Map by changing the land use

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from mixed use Commercial/Industrial to Low Density Residential and an ordinance changing the zoning from M-1 (Light Industrial) to R-1B (Single-Family Residential) on a 9.92+-acre portion, and from R-1A (Single-Family Residential) to R-1B (Single Family Residential) on 19.13-acre portion of a 36.52-acre parcel located on the south side of Lake Washington Road, west of Avocado Avenue. (Owner – Slater Land Development, Inc.) (Applicant – Dave McWilliams) (Representative – Jake Wise, Construction Engineering Group) (P&Z Board – 3/20/2003)

The City Attorney read each ordinance by title.

Mrs. Braz briefed Council. The Planning and Zoning Board recommended approval of CPA-2003-01 with the findings in the Planning and Zoning Board memorandum and the following condition:

- a. The owner/developer of the property will not object to future change in the land use on the remainder of the 36.52-acre property by designating the proposed scrub jay habitat area as a Conservation land use.

Additionally, the Planning and Zoning Board recommended approval of Z-2003-947 with the findings in the package and following conditions:

- a. The rezoning is subject to approval of CPA-2003-01 establishing Low-Density Residential land use on the north 9.92 acres of Tax Parcel 759 as depicted in Exhibit 'A'.
- b. The owner/developer of the property shall not object to a future change in the land use and zoning on the property designated for scrub jay habitat to Conservation land use and R-1B Zoning or a less intensive zoning.

Attorney Gougelman asked why the applicant is not giving the (conservation) easement now. Mrs. Braz said that the applicant does not know if the U. S. Fish and Wildlife Service (USFWS) will allow the subject property to be used for on-site mitigation. If so, then it will be a conservation area. If the applicant is required by USFWS to purchase land off-site, then the easement will not be given.

Mrs. Poole asked about the shape of the property.

Jake Wise, representing the applicant, said that the “jigsaw” shape is the result of flagging the conservation area. The area was determined in the field by an ecologist and the USFWS. He added that they can't apply for USFWS permits until the project has been approved by the City. Mr. Wise noted that they are confident the USFWS will approve the plan once it has been officially submitted.

Mr. Wise elaborated on the site layout, design and surrounding zoning. He reported that they previously requested a rezoning on this property to M-1; however, the neighbors were opposed. They determined that the best option is to make the property residential

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in order to be compatible to the west and south. He pointed out that there is industrial zoning to the north and east.

Mr. Wise said that if this is not approved, the R-1A parcel will have no public access to Avocado Avenue or Lake Washington Road. There is no way to put an entrance on the south half of the site without going through the mitigation area. Instead, they want to make the north half residential with two entrances and a density of 3.4 units per acre.

Mr. Wise responded to general questions regarding the development. He confirmed for Mr. Palmer that they have a potential user for the existing (not part of this request) M-1 zoning to the north. He added that the property will meet the 50' buffer.

Attorney Gougelman asked about the narrow area to the west of the "jigsaw" parcel. Mr. Wise said that is private property with stormwater retention. Attorney Gougelman asked what would happen if USFWS does not approve the mitigation plan. Mr. Wise said they would have to reevaluate the entire development because of costs involved with off-site mitigation.

Mrs. Poole asked how many homes are proposed in the R-1B zoning area. Mr. Wise replied 122. Mayor Buckley said that this is preferable over the entire area being rezoned to M-1. Mrs. Poole disagreed and pointed out that the M-1 zoning would not create traffic congestion.

Mrs. Hand asked if the neighbors have objected to this plan. Mr. Wise replied that at the Planning and Zoning Board meeting, one family attended and asked questions; however, no one has objected to the plan that is being presented.

Moved by Contreras/Walker for approval of Ordinance No. 2003-26. Motion carried.
Mrs. Poole voted nay.

Moved by E. Palmer/Contreras for approval of Ordinance No. 2003-27. Motion carried.
Mrs. Poole voted nay.

19. COUNCIL ACTION RE: Proposed 2003-2004 Action Plan for City CDBG programs and projects to be included in the Brevard County HOME Consortium's FY 2003 Action Plan to be submitted to the U.S. Department of Housing & Urban Development (HUD) for a Community Development Block Grant (CDBG) to the City.

Housing and Community Development Director Melinda Thomas briefed Council and responded to questions.

Mrs. Poole stated that she is concerned about all the funds that are going into the Booker T. Washington neighborhood. In response to Mrs. Poole, Mrs. Thomas explained how the Code Enforcement Officer operates in the north and south target areas.

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Mr. Palmer said that Council has previously discussed the Booker T. Washington neighborhood sign, which is currently in front of the Eau Gallie Cemetery. He said the sign needs to be moved or repainted to identify the cemetery and another sign installed identifying the BTW area. Mrs. Walker agreed and Mrs. Poole said she has received phone calls opposed to the location of the sign.

Following a brief discussion, Mr. Schluckebier assured Council that staff will investigate and return to Council. He noted that this is the first time he has been advised of the concern. Council concurred with proceeding with this item with the understanding that the City Manager will investigate and return.

Mary Eason, Rolling Readers Space Coast, referenced the brochure distributed to Council regarding their reading program. She explained that they submitted a request for funding; however, they were not selected. She discussed the success of the program and asked Council to consider finding funds elsewhere.

Sally Lloyd, PREVENT! Of Brevard, thanked Council for its past and future support.

Lee George, Child Care Association of Brevard, thanked Council for its interest and support.

Jackie Willis, H.O.P.E. Clinic, confirmed for Mrs. Poole that HealthFirst pays the salaries of the H.O.P.E. healthcare employees. She added that they rely on grants and noted that the cost of medication is incredible.

Moved by Walker/Hand for approval of the proposed projects and activities for the FY 2003 CDBG funding, and the 2003-2004 CDBG Action Plan, and authorization for the City Manager to submit the Plan for inclusion in the Brevard County HOME Consortium's Consolidated Action Plan for 2003-2004 and execute all necessary documents pertaining thereto. Motion carried unanimously.

20. COUNCIL ACTION RE: Proposed Activities to be Included in Melbourne's 2003-2004 HOME Program and the Consortium's 2003-2004 Consolidated Action Plan.

Mrs. Thomas reviewed the agenda report.

Moved by E. Palmer/Contreras for approval of the proposed activities for FY 2003 HOME funds and authorization for the City Manager to submit them for inclusion in the Brevard County HOME Consortium's Consolidated Action Plan for 2003-2004 and to execute all necessary documents pertaining thereto. Motion carried unanimously.

21. COUNCIL ACTION RE: Request by Melbourne International Airport for in-kind support, appointment of a representative to Melbourne Airport Community Task Force, and authorization for letter of support relating to the 2003 Federal Small Community Air Services Development Pilot Program grant application.

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The Airport is requesting: commitment of non-Airport funds (which could include in-kind services) to meet the required public-private partnership effort; appointment of a representative to serve on the Melbourne Airport Community Task Force; and approval of the draft letter to the U.S. Department of Transportation in support of the grant request.

James Johnson, Executive Director, Melbourne International Airport, discussed the grant program and stated that Melbourne intends to apply for the grant if funding is made available by Congress. He noted that the City of Melbourne can help by donating in-kind services. The City could place notices in the (Melbourne Messenger) and assign a value. Information could also be added to the City's web site. He asked Council to also approve the letter of support and appoint a member to the task force.

Mrs. Poole said she has a problem with the City donating in-kind services when we can't seem to identify in-kind services for the D. B. Lee Wastewater Treatment Plant property (reference to City's attempt to have property released from FAA).

Mr. Palmer and Mr. Contreras indicated support for use of the City's newsletter and web site to support the Airport.

Moved by Hand/Walker to approve in-kind support by providing advertisement space in the Melbourne Messenger and on the City's web site. Motion carried. (Mrs. Poole voted nay.)

Moved by E. Palmer/Hand to appoint Mayor Buckley to the Melbourne Airport Community Task Force. Motion carried unanimously.

Moved by Contreras/E. Palmer to approve the letter in support of the grant request. Motion carried unanimously.

22. COUNCIL ACTION RE: Discussion and direction to staff on historical preservation guidelines.

Mrs. Braz reviewed the agenda report and recommended that Council invite the Historic Preservation Officer (Jodi Rubin) to discuss how the process works.

Mr. Palmer asked for copies of historic ordinances from two or three cities.

Mrs. Hand recommended that Council conduct a workshop meeting.

Mrs. Poole said she has already provided copies of other cities' ordinances to the City Attorney. She referenced Mrs. Braz's memo in the package and said she believes it is an attempt to delay. Mrs. Poole stated that the City Attorney could have a draft ordinance ready for the next agenda.

Mrs. Poole's motion for the City Attorney to draft an historical preservation ordinance while the City goes through the process of adding a preservation element to the Comprehensive

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Plan did not receive a second.

Mayor Buckley said he supports having the Historic Preservation Officer from Orlando address Council at a workshop meeting.

Mrs. Poole stated that the longer the City delays, the more historic properties will be lost.

Moved by Buckley/Hand to establish April 29 as a workshop meeting and invite Ms. Jodi Rubin from Orlando.

Mr. Schluckebier referenced the information in the package, which lists the five elements of what a preservation ordinance should do. He said that staff will use that in conjunction with finding the common elements used by Certified Local Governments. Regarding the agenda item, he explained that he would like the full desire of Council so that the goals are accomplished in a prudent way and that the ordinance is drafted once. He clarified that he is not stuck on Orlando's ordinance and process; however, Ms. Rubin is competent and available.

Mr. Contreras asked for additional information regarding staffing and the cost. Mr. Schluckebier replied until staff knows exactly what Council wants to do, that question will be difficult to answer in a definitive way.

The question was called. Motion carried unanimously.

23. COUNCIL ACTION RE: Discussion and approval of proposed list of capital projects to be funded by a one-cent local option Infrastructure Sales Tax.

The City Manager reviewed the agenda report.

Mrs. Hand said she does not believe a sales tax increase will pass, especially if we have a millage increase this year. Additionally, she pointed out that a new City Hall is not in the proposed list.

Mr. Schluckebier replied that Council looked at that issue three times over the past 36 months and never came to a consensus. Rather than tangling the item in controversy, he suggested that \$3 million be dedicated to renovations and parking at City Hall (rather than \$6 million for a new City Hall). He stressed the importance of avoiding the appearance that the new sales tax is all about a new City Hall.

Mr. Palmer pointed out that the dredging of Elbow Creek has not been included on the list. Mr. Schluckebier confirmed that his intent was to include that; the City wants that to be part of the list.

Moved by E. Palmer/Walker to authorize the 10-year CIP changes, including the dredging of Elbow Creek, as specified for inclusion in the Sales Tax proposal and direct the City

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Manager to present this program to the Board of County Commission for action and support. Motion carried unanimously.

24. COUNCIL ACTION RE: License Agreements allowing the City to utilize copyrighted music as part of City events.
- a. American Society of Composers, Authors, and Publishers (ASCAP)
 - b. Broadcast Music, Inc. (BMI)

Moved by Poole/Hand for approval of the License Agreements with the American Society of Composers, Authors, and Publishers (ASCAP) and Broadcast Music, Inc. (BMI), and authorization for the City Manager to execute both agreements. Motion carried unanimously.

25. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mr. Palmer announced that the dedication of the Military Memorial Park will be conducted on Memorial Day, May 26, at 6:00 p.m. He stated that Governor Bush will be invited to participate.

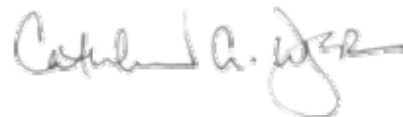
Mr. Schluckebier said that previously Council approved moving the agenda package delivery day from Tuesday to Thursday. Now that this change has been made, staff has noted that a substantial savings (courier fee) could be realized if the Friday mail delivery be eliminated during weeks when there is a Thursday delivery. All other weeks would continue with the Friday mail delivery. The weekly development report would be modified to include the appropriate time period.

By consensus, Council agreed with the change.

26. ADJOURNMENT

Moved by Hand/Contreras to adjourn. Motion carried unanimously.

The meeting adjourned at 11:53 p.m.



City Clerk – 4/17/2003

Approved by Council: 4/22/2003