

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 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. Reverend H. G. Henry, Church of New Life, 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
	Cheryl Palmer	Council Member, District 5
	Loretta Isenberg-Hand	Council Member, District 6
	Jack M. Schluckebier, Ph.D.	City Manager
	Paul R. Gougelman, III	City Attorney
	Amy W. Elliott	Assistant City Manager
	Cathleen A. Wysor	City Clerk
	Peggy Braz	Planning & Economic Development Director

4. PROCLAMATIONS AND PRESENTATIONS

None.

5. APPROVAL OF MINUTES - Regular Meeting May 27, 2003

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

6. CITY MANAGER'S REPORT

City Manager Jack Schluckebier introduced Police Chief Don Carey and commended Deputy Chief Jim Reynolds who served as Acting Chief from September 2002 through June 2003.

7. PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2003-31 (ED-2003-02): (Second Reading/Public Hearing) An ordinance granting an Ad Valorem Tax Exemption for a period of four years totaling an estimated \$274,533.96. (Owner - Foothills Properties, LLC) (Applicant - Washington Mutual, Inc.) (First Reading - May 27, 2003)

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

Attorney Gougelman read Ordinance No. 2003-31 by title. There were no comments from the public.

Moved by Contreras/Walker for approval of Ordinance No. 2003-31.

Mrs. Poole said she will not vote for this because many businesses located/started in Melbourne without a tax exemption.

The question was called. The roll call vote was:

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

Nay: Poole

Motion carried.

9. HISTORIC ROSSETTER FOUNDATION:

- a. ORDINANCE NO. 2003-32/SITE PLAN APPROVAL (CU-2001-17/SP-2001-13): (First Reading/Public Hearing) A proposed ordinance granting a conditional use to allow a museum in a residential zoning district by converting the old Rossetter home into a museum with expansion of the site to include additional properties, which include botanical gardens and parking for the museum and special events. (Owner – Caroline P. Rossetter Trust c/o William C. Potter; Hestor D. Morton; and City of Melbourne; Florida Historical Society) (Applicant - Historic Rossetter Foundation) (Representative – John Parks) (P&Z - 4/17/2003) (Postponed by Council - May 13, 2003)
- b. ORDINANCE NO. 2003-33 (A&V #246): (First Reading/Public Hearing) A proposed ordinance to abandon and vacate approximately 132 feet of a public right-of-way known as Hector Street between Highland Avenue and Houston Street. (Owner/Applicant – William C. Potter, Trustee of the Caroline P. Rossetter Trust)

Mrs. Braz reviewed the agenda materials. She noted that this plan has been substantially scaled back from what was originally proposed. The previous plan included moving the Roesch House and removing the house located north of the Roesch House. One plan provided for parking in Rossetter Park and, initially, the plan called for special events with up to 100 participants.

As part of the conditional use for the museum, the applicant has applied to abandon and vacate the portion of Hector Street between Highland Avenue and Houston Street. The applicant is proposing to extend the grounds of the museum across Hector Street to the parcel zoned C-3 in order to create a botanical garden.

Since the applicant has submitted a letter indicating that they will no longer use the space for special events such as weddings and receptions, only five parking spaces will be required. They plan to utilize the Roesch House parking and add parking in front of the

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

cemetery. A variance will be required since that parking backs into the right-of-way.

The Planning and Zoning Board reviewed the request at its April 17 meeting and voted unanimously to recommend denial. The Planning and Economic Development Department has recommended approval of the revised (scaled back) site plan subject to the following conditions:

- a. The conditional use shall be consistent with the preliminary site plan for the Rossetter House Historic Rossetter Foundation, consisting of a one-page plan prepared by Renker Eich Parks Architects, with Project Number 0003, dated June 3, 2003.
- b. The applicant must successfully obtain variances from the Board of Adjustment for the unpaved parking and backing into the right-of-way.
- c. No trees shall be removed for the installation of parking.
- d. The plan is approved subject to the abandonment and vacation of Hector Street between Highland Avenue and Houston Street as depicted on the site plan. In the alternative, a right-of-way use agreement approved by the City Council for the purposes of this conditional use will satisfy this condition.
- e. Outdoor events shall be limited to six per year.

For information, Mayor & City Council received the following correspondence:

DATE	FROM	SUBJECT
4/5/2003	Dennis W. Walker, 1296 Houston Street, Melbourne, et al (attachment contains over 100 signatures)	Opposed to the creation of parking lot in Rossetter Park and supporting preservation of the Houston Cemetery
4/5/2003	Dennis W. Walker (same attachment)	Opposed to vacating Hector Street
4/8/2003	Karl & Susan Kiser, 551 Young Street, Melbourne	Supporting the conditional use
4/21/2003	Nick Wynne, Rossetter House Foundation and the Florida Historical Society	Describing purpose of the conditional use; withdrawing plans to use the Rossetter House as a public use facility; withdrawing plans to use Rossetter Park for off-site parking and use of 20' of the pioneer cemetery for parking; offering the City the Roesch House; offer to donate property in Downtown Melbourne (owned by the Rossetter Trust) that the City is using as a parking lot as part of approval of the conditional use

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

5/29/2003	Douglas H. Sphar, 819 Heron Road, Cocoa	Supporting the conditional use request; supporting closing a section of Hector Street; supporting approval to allow the creation of a permeable surface parking area on adjacent properties
6/2/2003	Patricia Errington, 565 Old Oak Street, Melbourne	Encouraging the Rossetter Estate and Roesch House remain as historical memorials or museums without commercial uses
6/3/2003	Drs. Hilary and Geoffrey Swain, 473 Young Street, Melbourne	Letter references earlier correspondence, which outlines their concerns about the request and lists their objections.
6/4/2003	Cheri Vincent, 651 Young Street & 560 Shady Lane, Melbourne	Opposed to Rossetter Housing being a public use facility; opposed to rezoning/moving of the historic Roesch House to accommodate parking; opposed to rezoning 1332 Highland Avenue for additional parking
6/5/2003	Two petitions received	*Containing 28 signatures and outlining specific concerns (see Mrs. Braz's response below).
6/6/2003	Randy Vincent, 651 Young Street, Melbourne	Opposed to any zoning change that will negatively impact the neighborhood; opposed to closing of Hector Street; opposed to any change in zoning that would allow parking
6/9/2003	Karla Turner Torpy, 1337 Pineapple Avenue, Melbourne	Encouraging Council to deny the abandon and vacate request

*Mrs. Braz reviewed the concerns listed in the two petitions and commented on each point as follows:

Relocation or destruction of historical homes - that is no longer on the table.

Removal of any trees – that should not be on the table, either. She pointed out the stipulation regarding trees.

Closing of Hector Street – that is an issue for City Council to decide.

Use of Houston Family cemetery as parking lot – she noted that she would not characterize allowing parking on the edge of the cemetery as the cemetery being used as a parking lot. The parking area would not be paved, rather a stabilized material would be used.

Change of zoning which would allow sales/consumption of alcoholic beverages - this plan provides that all activities will be outdoor. The Rossetter House can't accommodate a lot of people. Outdoor events would be limited to six per year. Mrs. Braz added that hours

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

of operation could be added at Council's discretion. Also, this ordinance does not propose anything regarding sales/consumption of alcoholic beverages.

Mrs. Poole questioned the need for only five parking spaces when the applicant would be allowed six events per year. Mrs. Braz said the parking (for the six outdoor events) would be addressed through the special activity permitting process. The applicant will have to provide a parking plan when applying for a permit.

Mr. Palmer said he does not believe there should be parking in the cemetery. Mrs. Braz pointed out on the plan where parking could be provided. The Mayor said if the spaces were provided on the edge of the cemetery, it would be an unimproved surface. Mrs. Poole said she would prefer not to have parking in the cemetery, especially if parking can be provided elsewhere on the site.

Mrs. Walker asked for additional information regarding the vacating of Hector Street. Mrs. Braz said Hector Street is a 50' right-of-way. If Council approved the vacating, the City would retain an easement. Or, Council could provide for a right-of-way use agreement and the City would retain an easement for utilities.

Philip Nohrr, 1800 West Hibiscus Boulevard, attorney representing the Rossetter Trust and Rossetter House Foundation, Inc., outlined the two requests before Council. He explained that the Rossetter House was originally constructed in the mid 1800's by the Houston Family. The Rossetters acquired the home around 1900 and made a number of additions. The house was given to the Rossetter Foundation and the foundation is charged with maintaining the property as a museum representative of a home in 1900-1920 era or such other period.

Continuing, Mr. Nohrr said the home is to be open to the public and the grounds are to be kept neat, attractive and in the appropriate condition reflective of the period the home has been restored to. Experts have determined that the house should be restored to the 1920 – 1930 era. Restoration of the grounds will require Hector Street to be abandoned and vacated.

Mr. Nohrr said the journals of Ella Rossetter are meticulous; they describe the activities in 1920 – 1940. Everyday she worked in the gardens and if the house is going to be restored to the way it was, it will require a significant portion of time, funding and attention be given to those gardens. Mr. Nohrr listed the native plants proposed for the gardens along with items associated with processing of sugar cane. He explained that when the house was constructed, there were no ADA requirements or on-site retention. All of these items will not fit in the space located to the south of the right-of-way. The Rossetters also used the area north of the right-of-way for vegetable gardens, etc. In fact, a garage is located within the 50' right-of-way.

If this plan is approved, there will be a resident gardener on staff. And, as time permits, the gardener will be available to meet and discuss gardening with the residents in the neighborhood and the general public.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

Mr. Nohrr discussed how the plan has been scaled back. He reported that the Rossetter House will be open four or five days a week from 10:00 a.m. – 4:00 p.m. School buses and children visiting the museum represent a problem. The roadway running through the property will be potential for trouble. Bathrooms cannot be located on the south side of Hector Street. The bathrooms in the home were put in sometime in the 1930's. In attempting to restore the home, the bathrooms need to be moved to the outside. Additionally, the second floor of the home will not be open to the public. Perhaps it will be used as an office for the curator.

Mr. Nohrr noted that the cemetery will be restored and a fence constructed. Four or five of the parking spaces can be placed on the Roesch House property. The Roesch House was given to the Florida Historical Society, and they are working with the Rossetter Foundation – so the spaces can be found if needed. He discussed the cost of restoration on the Rossetter House, gardens and cemetery and said that the improvements will significantly upgrade the neighborhood.

Regarding the vacating of Hector Street, Mr. Nohrr said that the Executive Director of the Rossetter Foundation has been watching the traffic for years and reports that on a busy day 10 cars use Hector Street. He added that no one will be inconvenienced by the vacating; it will take a matter of seconds to go around. Mr. Nohrr stressed that the vacating of Hector Street should not be taken lightly. The overall gain will be the restoration of the Rossetter House and gardens, which will freeze in perpetuity our heritage and history.

Mr. Nohrr reported that they are still prepared to deed the City the property located in Downtown Melbourne, which is currently being used as a parking lot, if Hector Street is vacated.

In conclusion, Mr. Nohrr said they have gone to great lengths to downgrade the proposal to make it acceptable to the neighborhood. It is not their intention to allow alcohol sales/consumption and have late night parties. He said that a use agreement would probably fall short of the mark, depending on the wording of the agreement. The plan as proposed is compatible with the neighborhood. He asked Council to grant the conditional use and approve the vacating of Hector Street.

In response to Mrs. Palmer, Mr. Nohrr pointed out the location of the 12 – 13 graves in the cemetery. Also, he confirmed that a fence would be placed between the cemetery and the area where the five parking spaces will be provided.

Mrs. Walker asked how many times per year children will be brought in by bus and the amount of the revenue expected. Mr. Nohrr said that would depend on the needs and desires of the Brevard County school system. At the most, it would be three times per week. Regarding cost, that has not been determined. He added that the Rossetters were very generous and endowed the foundation and trust for the purpose of supporting the facility. His guess is that there would be a charge; however, it would not be for profit or as a revenue generator.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

Mrs. Walker asked if the historian for this project has researched the amount of acreage that would be needed to support a sugar cane activity. Also, she stated that the cost of maintaining a garden and gardener could exhaust the funds of the trust. She noted that the Rossetter sisters were very private people and asked if this is something they wanted.

Mr. Nohrr said that the documents lead you to the conclusion that they wanted a museum open to the public.

Mrs. Poole said she knew the Rossetters, too, and she knows that they wanted their home restored and opened as a museum.

Mrs. Palmer said that one of the problems residents have is that the grounds have not been kept up in recent years. She asked if there will be a caretaker for the house.

Nick Wynne, Executive Director of the Rossetter Foundation and Executive Director of the Florida Historical Society, said that he realizes that the grounds have not looked ideal over the last several years. An elderly man was paid by the trust and has been retained for 35 years rather than being let go. He stressed that there will be a full time gardener, a docent program and a site manager. The number of school children will depend on the schools' needs. Presently, there is no plan to charge; however, he does not know if they will be able to sustain that indefinitely.

Regarding the offer to donate the property in Downtown Melbourne, Mr. Contreras asked Mr. Wynne if he knows the annual cost of the lease or the cumulative cost to the City. Mr. Wynne said the lease agreement provides that the City will pay the taxes on the property.

City Attorney Paul Gougelman read both ordinances by title.

Mayor and Council made the following disclosures:

Mr. Contreras met with Mr. Wynne on April 24 and walked throughout the property.

Mr. Palmer said he toured the Rossetter Home and grounds and discussed the potential. Mr. Palmer added that he believes the cemetery can be restored. He received a telephone call from Randy Vincent who strongly opposes any changes in this area. He received a call from Bob Whitney who supports the project and discussed the potential for the house to be placed on the National Registry. Mr. Palmer added that he personally uses Hector Street.

Mrs. Poole said she attended the Planning and Zoning Board meeting when this item was presented. She said that it has been scaled back. She spoke with Bob Whitney, South Brevard Historical Society, who is very interested in the house becoming a museum. She received a call from Randy Vincent who is opposed. She received a call from Hope Bookman who lives across from the cemetery and is opposed to having parking at that location because she enjoys the trees, peace and quiet. She received a call from Josie

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

Cowart, Cocoa, who is active in the Historical Society and interested in the development of a museum.

Mrs. Walker said she received messages on her voice mail; however, she did not return calls or speak to anyone.

Mrs. Palmer said she received a call from a lady opposed to holding events at this location and moving/destroying historical homes. She received a call from a lady in West Melbourne involved in the Historical Society who is supportive of the plan because of the need to preserve historical sites in the area. Also, she spent two hours with Nick Wynne touring the site and hearing about the history. Later in the meeting she disclosed that she had a long conversation with Jacque Flowers regarding her (Ms. Flowers') concerns with the proposal.

Mrs. Hand said she toured the site with Mr. Wynne. She added that the original plans looked exciting; however, based on the residents not wanting a lot of through traffic, she is glad to see the plans have been scaled down. Additionally, Randy Vincent called her and expressed opposition to the plan.

Mayor Buckley said Nick Wynne visited him and reviewed the plans, including the first drawing. Additionally, he received a call from Sue Sanford on June 9 who is in favor of the project. He received a call today from someone who supports the museum but not the closing of Hector Street.

Malcolm Monroe, 1365 Pineapple Avenue, said that closing Hector would close the way he travels home. He added that he has no objection to the Rossetter House being a museum; however, he is vehemently opposed to closing Hector Street.

Mrs. Palmer asked Mr. Monroe if he could use Old Oak Street instead of Hector Street. Mr. Monroe said this would take another minute or two and would be a significant inconvenience. He elaborated on the various routes he travels, depending on his destination.

James Donaghy, 608 Thomas Barbour Drive, stated that he owns property on Highland Avenue and on Pineapple Avenue. Both properties border the Rossetter property. He stated that he feels the museum is appropriate but the overwhelming majority opposes parking in the cemetery and closing of Hector Street. Mr. Donaghy noted that he uses Hector Street 10 times per day. He elaborated on his concerns as follows: parking should be provided on the property to the north; Houston Street has a low oak canopy, so school buses will have to access the site from Hector Street; the entrance to the cemetery should not be used for parking; early settlers raised pineapples, not sugar cane; and allowing special events with alcohol will not be appropriate in this neighborhood.

Mrs. Palmer asked Mr. Donaghy if he could access his properties via Old Oak Street. He replied yes after elaborating on the congestion that would be created on the surrounding streets and the need to distribute traffic evenly.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

Leon Leash, 1181 Sunny Point Drive, stated that he has no problem with the museum. He described the current configuration of streets in the area and stated that he is absolutely opposed to closing Hector Street.

Bob Gross, 1814 Bryan Street, Brevard County Historical Commission, stated that the commission supports the conditional use for the museum. He explained that the house was built in three, possibly four stages. The home definitely qualifies for the National Register and Carrie Rossetter realized the importance of the house. It may be one of the 10 oldest structures in Southeast Florida. Mr. Gross said that long before Miss Rossetter made the agreement with the Florida Historical Society, she offered the house to the City of Melbourne. The City determined that it would cost too much to maintain.

When Miss Rossetter decided to leave the home as a museum and establish the trust, she was not thinking about drainage, ADA requirements, bathrooms, etc. There has to be a bathroom to satisfy the public. Locating the public restrooms next to the period outhouse will take away from the aesthetics. Mr. Gross added that the garage is located in the public right-of-way because this used to be one parcel of land.

Mr. Gross asked Council to consider the practicality of the proposal in honor of Miss Rossetter's wishes. He added that the item related to the production of sugar cane is a family heirloom that was brought down from Georgia.

Dr. Robert Taylor, president-elect of the Florida Historical Society, assured the audience that the Florida Historical Society does not destroy historical buildings. On behalf of the board and its members, he asked Council to support the item. He added that the Rossetter sisters were truly amazing ladies and their story needs to be preserved for future generations.

Mrs. Palmer asked Mr. Taylor how he would feel about a portion of the cemetery being designated for parking. Mr. Taylor said they would not be comfortable with parking amidst the graves; however, would support parking at the entrance with appropriate fencing.

Dave Bookman, 1280 Highland Avenue, stated that Council can't address this issue unless it stops focusing on the Rossetter House and looks at the neighborhood. The conditional use will cause changes and the residents are opposed to any alterations. He has looked at other historical communities and found that their intent is to maintain the historical settlement pattern, provide for compact residential development and preserve history. The entire community is a museum and should be treated that way.

Mr. Bookman discussed the parking standards established by FDOT and pointed out how parking in front of the cemetery would not meet these standards. He concluded by saying he does not want any alteration to the neighborhood – including abandonment of Hector Street, spaces in the cemetery and special events at the Rossetter House.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

Randy Vincent, 651 Young Street, reported that he is also restoring a home on Shady Lane. He stated that he is against anything that will change the landscape in the neighborhood. And, closing a street, building restrooms and providing parking will do that. He stressed that he is not opposed to the museum. Mr. Vincent said he believes closing Hector Street is a move that would eventually lead to an events center; parking is the problem with the ultimate plan.

Tracy Hinchman, 506 Young Street, pointed out that a few months ago the Historical Society wanted to tear down and relocate historical homes – now they say they care. She stated that she does not trust them and added that there is enough land on the Rossetter property and the Roesch House property to proceed with their plans. She added that she is against closing any streets and commercializing the neighborhood.

Dennis Walker, 1296 Houston Street, said he is located adjacent to Rossetter Park and diagonally across from the cemetery. The traffic flow that will be created by vacating Hector Street will impact his family's life. They chose to live in this neighborhood because of its quaintness.

Mr. Walker said if there is adequate property on the north to provide parking, Hector Street should remain open. Additionally, he stated that during the Planning and Zoning Board meeting, the applicant indicated that the events center was needed to support the botanical gardens and staff. He questioned how these will be maintained without an events center.

Michael Boonstra, President of the Brevard Heritage Council, stated that its members support the Florida Historical Society and the Rossetter Foundation. Interest in historical preservation is skyrocketing and studies indicate that historical properties have a positive economic impact. The plan has been significantly scaled back and residents should think less about how they drive home from work and more about preserving our history.

Sandra Natowich, Brevard Heritage Council and Commissioner and Vice Chair of the Merritt Island Redevelopment Agency, said that her family grew sugar cane on Merritt Island. She stated that after watching what can happen in her area, she can only conclude that if the City gets behind this small project, it will be an asset to the entire community. The type of people who come to a museum are the type of people that make good neighbors. She added that there is parking adjacent to the historical cemetery in Merritt Island.

Ms. Natowich stressed that with a plan like this, the neighbors do not need to worry about what will happen. The values will go up. She encouraged Council to consider all the requests being made by the Rossetter Foundation.

Karla Torpy, 1337 Pineapple Avenue, reported that she, like most of her neighbors, is not opposed to the museum. However, she is opposed to closing Hector Street. The overall proposal will damage the neighborhood.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

Hope Bookman, 1280 Highland Avenue, stated that she lives across from the cemetery. She moved to the neighborhood because she respects and adores its history. The neighborhood is not opposed to the museum, but the residents are opposed to parking at the cemetery. She added that people who need to access Downtown will use the parking spaces and the view from her front porch will be of cars.

Ms. Bookman said the light at Pineapple Avenue backs up so she uses Hector Street all the time. She asked Council not to approve parking across from her historical home and not vacate Hector Street. She also said she is glad that the applicant is beginning to maintain the Rossetter House.

Jacque Flowers, 1317 Houston Street, referenced her relationship with the Rossetter sisters. She explained that since Miss Rossetter passed away, there has been vandalism, ferns destroyed, pots dug up and huge plants and trees torn down. Ms. Flowers quoted from the document that establishes the foundation and noted that if it is impossible or impractical to maintain/operate the house as a museum, it will dissolve and transfer. She added that perhaps the wrong people have been hired to accomplish this.

Ms. Flowers said that Hector Street is part of the community and adjacent streets will be abused if Hector is vacated. She added that she feels the community is being hoodwinked. The Rossetters wanted a handful of people touring the museum. The community should be worried about an events center. It was not the intention of the Rossetters for this to be a party place.

She concluded by referencing the amount of money in the will and the trust and stated that they do not need the money to operate the museum. The Eau Gallie Civic Center is available for events. Public restrooms at (Pineapple Park) were removed because of problems. Therefore, she does not want a public restroom located across the street from her house.

William Lovin, 1107 Houston Street, narrated a power point presentation. The residents object to any change in use or zoning that would allow the closure of Hector Street, unsafe and hazardous parking conditions in the neighborhood and quality of life impact (noise, public intoxication, public disturbances).

Mr. Lovin elaborated on each point and said that the residents are in favor of the Rossetter Home. He added that he appreciates that the destruction of historical structures has been taken off the table.

That concluded comments from the public.

Recessed: 9:48 p.m.
Reconvened: 9:59 p.m.

Mr. Nohrr made the following comments in response to the public hearing: use of the parcel north of Hector Street was planned when the Roesch House was going to be utilized; the Roesch House will not be utilized when the museum comes on line;

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

regarding a reference made to the trust documents, they intend to develop a museum and do not want to give the money to the Historical Society; a fence currently exists at the cemetery – they plan to construct a much nicer fence; they believe there is enough room at the cemetery to accommodate parking and allow for fencing between the parking area and the graves; there is an irreconcilable difference as to the use of Hector Street; and the Rossetter property is 210', so if Hector Street is closed, 420' will be the distance a person will have to travel to go around.

Mrs. Poole said that the offer of the property in Downtown Melbourne currently used as a parking lot sounds like a bribe. Mr. Nohrr said the parking lot has been offered since the beginning. Although the plan has shrunk, they are still offering the lot.

Mrs. Hand asked if Hector Street was originally part of the Rossetter property. Mr. Wynne replied that it was.

Mr. Gougelman asked if there would still be a need for the conditional use on the Roesch House property since it won't be used. Mr. Nohrr said they are not going to utilize the Roesch House once the museum comes in; however, they will probably use the Roesch House parking to support the museum.

Mrs. Palmer asked if the Rossetter House property and botanical gardens will be open to pedestrian traffic and whether the public restrooms would be locked. Mr. Wynne said the bathrooms would be open when the property is open. They will be locked, maintained and monitored regularly. They need to have control of the site; therefore, the gardens probably won't be open all the time. There would be an entryway and they would be open during normal operating hours.

Responding to Mrs. Palmer, Mr. Wynne pointed out on the map one possible way to accommodate school buses on the south side of the property.

Mayor Buckley asked the applicant if he would consider moving parking from the cemetery to the north side of Hector Street. Mr. Nohrr said they will move them from the cemetery as long as they have flexibility to determine if they will be located north of Hector Street or at the Roesch House.

Moved by E. Palmer/Contreras to approve Ordinance No. 2003-32 with a stipulation that there be no parking in the cemetery. Motion carried unanimously.

Moved by E. Palmer/Walker for denial of Ordinance No. 2003-33.

Mr. Palmer said that Hector Street is crucial to the neighborhood and its vacation is not necessary for the successful function of the museum. Mrs. Walker agreed.

The question was called. Motion carried unanimously.

Mayor Buckley asked the applicant whether he would consider a right-of-way use agreement. Mr. Nohrr said yes, it would be considered.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

NEW BUSINESS

10. COUNCIL ACTION RE: New Fire Station No. 74, Project No. 02113, Building Management Systems, Inc., Melbourne, FL - \$756,031.

City Engineer Howard Ralls reviewed the agenda report.

Moved by C. Palmer/Hand for approval of the contract with Building Management Systems, Inc. in the amount of \$756,031.00 and the transfer of \$136,709 from the General Fund Misc. Construction budget to this project budget.

Mrs. Poole said that the Wells donated the property for use as green area and recreation. Although she supports construction of a new fire station, she said that it does not fit into the intended purpose of the property.

Mr. Ralls confirmed for Mrs. Poole that the larger oak trees will be preserved and the small oaks in front will remain.

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

11. CONSENT AGENDA:

Moved by Hand/Walker for approval of Items 11 “a” through “h” as recommended. Motion carried unanimously.

(Note: Item “a” contained authorization for the City Manager to approve project change orders up to the amount of normal purchase order authorization (\$15,000), provided that the change order remains within the project budget or contingency amount and that written reporting of the change and any resulting change in completion is made to Council on or before the next regular Council meeting.)

The consent agenda was approved as follows:

- a. Change Order No. 1 to the Doug Connor, Inc. construction contract for Dove Street paving improvements, Project No. CD9916 - \$4,934.
- b. Amendment to Purchase Order No. POMS03000812 for Fee Avenue Park ballfield lighting, Project No. CD0207, Musco Sports Lighting, Inc., Groveland, FL - \$1,697.
- c. Annual Contract for on-call directional drill services, Young's Communications Co., Inc., Melbourne, FL - \$56,125.
- d. RESOLUTION NO. 1827: A resolution approving an FDOT railroad reimbursement agreement for synchronization of traffic signal and railroad grade crossing at Masterson Street and U.S. 1/S.R. 5.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

- e. RESOLUTION NO. 1828: A resolution authorizing submittal of a application to the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) for a grant to reimburse police overtime costs associated with homeland security efforts in an amount not to exceed \$100,000.
 - f. RESOLUTION NO. 1829: A resolution adopting the Second Quarter Budget Amendments for the Airport Fund.
 - g. Approval of an Interlocal Agreement between the City of Palm Bay, the City of West Melbourne, and the City of Melbourne addressing traffic enforcement jurisdictional issues on Palm Bay Road for a period of three years.
 - h. Approval to proceed with Historic Preservation Committee solicitation of interest.
12. ORDINANCE NO. 2003-34 (ED-2003-03): (First Reading/Public Hearing) An ordinance granting an Ad Valorem Tax Exemption for a period of three years totaling an estimated \$12,948.33. (Owner - Triple Tee, LLC) (Applicant - Cramaro Tarpaulin Systems, Inc.)

Attorney Gougelman read Ordinance No. 2003-34 by title.

Mrs. Dittmer briefed Council on the recommendation for denial. The policy and ordinance are intended as an inducement incentive. The company's proactive timing (despite the Code's allowance for that timing) begs the question of true need. Second, the company is relocating from Rockledge, which may present Melbourne in an unfavorable way regarding its incentive policies to neighboring jurisdictions. Third, the company had a similar exemption at its current location, the terms of which may be rescinded by the County for non-fulfillment of requirements, as a result of this move.

Mrs. Poole commended staff for the recommendation. Mrs. Dittmer referenced the fax submitted by the applicant supporting their request.

Moved by E. Palmer/Poole for denial of Ordinance No. 2003-34. Motion carried unanimously.

13. COUNCIL ACTION RE: Approval of a proposed oversized mural at Antiques by Heidi, 2004 Vernon Place.

Heidi Lutz, Antiques by Heidi, 2004 Vernon Place, discussed her request for the mural.

Moved by Hand/E. Palmer for approval of the proposed oversized mural at Antiques by Heidi, 2004 Vernon Place.

Mrs. Poole said she is typically not in favor of murals; however, because of the location, she will support this request.

The question was called. Motion carried unanimously.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

14. COUNCIL ACTION RE: Consideration of supplemental funding of Brevard County's Croton Road Widening Project - \$500,000.

Mr. Ralls reviewed the agenda report.

Mayor Buckley said he is afraid if the City does not provide funding, that the project won't get done. Mr. Palmer stated that we are in dire need of this project. He asked if this would establish a precedent. Mr. Ralls said his guess is that this could work both ways. Mrs. Hand expressed support for the widening project. Mr. Contreras said this project is critical; a safety issue. He added that half a million dollars would be money well spent for the citizens in our City. Mrs. Poole asked if the people who live on Croton Road want this project. She recommended that we finish one road project – alignment of Babcock Street – before starting another project.

Mr. Schluckebier said that the recommendation is not intended to establish a precedent; staff believes this is a needed project. The City would hate for a fiscal shortfall to result in the project being set aside. He added that he does not believe this will result in the County coming to the City on the front end of projects – this is a unique situation. The County is willing to make a significant investment that will primarily inure to the benefit of Melbourne residents.

Moved by Walker/Hand to contribute \$500,000 towards the County's Croton Road widening project and direct staff to develop an interlocal agreement for that purpose. Motion carried unanimously.

15. RESOLUTION NO. 1830: Fund Balances, Reserves, and Utility Rate of Return Policy.

Attorney Gougelman read the resolution by title.

Mr. Schluckebier reviewed the agenda report and the proposed policy.

Mrs. Palmer stated that this looks like it is a profit motive for the City to make money off of the water system. She added that people pay into this and the City doesn't need to increase its General Fund by charging people more and more for water. We need to charge them as little as possible while still doing a good job.

Moved by Poole/Hand for approval of Resolution No. 1830. Motion carried. Mrs. Palmer voted nay.

16. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mr. Schluckebier reported on the following items:

- Lease of D. B. Lee Property from Airport – In early March 2003 an appraisal was circulated to City Council. The estimated value by the MAI appraiser is approximately \$300,000. If the City wishes to purchase the property, FAA will accept nothing less than

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

the appraised value. Staff has not been able to identify any investments in the property that would qualify as an offsetting cost. The appraiser listed limiting conditions – wastewater treatment plant located on the property and/or the property being located next to a wastewater treatment plant. However, staff does not believe the FAA will provide any latitude with the limiting conditions.

Continuing, Mr. Schluckebier noted that we have a good lease with the Airport and 35 years remain on that lease. Shortly, Council will be asked to decide whether it wishes for the utility to give the Airport \$300,000 and be done with the lease or to continue with what is a perfectly good lease. For information, the escalation on that lease is capped at the CPI or 5%, whichever is lower.

Mr. Palmer said that FAA representatives stipulated that any in-kind support provided to the Airport could be used to reduce the appraised value. Mr. Schluckebier replied that staff has not been able to identify any investments made by the General Fund or the Water and Sewer Fund.

Mr. Palmer inquired about the support provided by the City to clean up the dump. Mr. Schluckebier said that FAA views that as a municipal problem unrelated to the Airport.

Mr. Palmer asked if the City has ever been reimbursed for Police support/protection at Trailer Haven. He added that if we don't make any attempt we are not going to receive a nickel. He asked the City Manager to meet with FAA to determine its position on this.

The City Manager noted that we may be able to pursue the limiting conditions indicated by the appraiser. He added that we can continue and be frustrated or accept that we have a good lease. Mr. Palmer asked the City Manager to try and determine a way for FAA to give us the 12.5 acres at a reduced cost.

A brief discussion followed regarding reuse water provided to the Airport. The City Manager explained that the City did that for its own benefit and for the advantage of our utility.

- Restoration of Lakes Hell N' Blazes and Sawgrass – Utilities Administrator Bob Klaproth has been asked to make an intense effort to ensure that the City is placed on mailing lists, kept informed, etc. Because of the number of agencies involved, the City's role should be to encourage Congressman Weldon and Senator Graham to pursue funding for the sedimentation removal. The Corps of Engineers project manager has indicated that they wish to do the project; however, they are just short of money. The Corps also understands that the City wants the project to be done. The City Manager stressed that this is an issue that the City should keep on the front burner with our Congressional representatives.
- Special Act Annexation of the Water Treatment Plant – Staff will redistribute the City Attorney's memorandum previously issued on this item. The memorandum outlines the scheduling issues that the City would need to undertake in order to pursue this during the next legislative session.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JUNE 10, 2003

- Brevard County MSBU Policy – Brevard County has modified its policy. Future assessments will require 66% of the properties to be in favor. The requirement was previously 75%. This is good news for the Rio Lindo dredging project.
- Anti-cloning Resolution – Senate Majority Leader Bill Frist has thanked the City for its communication regarding the adoption of the resolution and has noted that he is in full support.
- Fireworks Fund – To date, the city has received \$9,200 in contributions. Our goal is \$11,000.
- Sanitary Sewer Lining Project – At the last meeting, Council approved a project, which is considered routine maintenance. Since then, staff has discovered what could be considered an emergency leakage in the Country Club Road area. Staff may return to Council and ask that the emergency project be substituted in place of the routine project.

Mayor Buckley announced that Honor America will conduct a Flag Day ceremony on June 14 from 6:00 p.m. – 7:00 p.m.

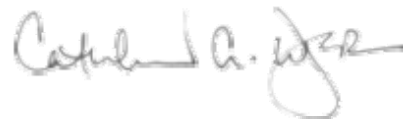
Mrs. Palmer reported that previously the City cleared its property along the river on U. S. 1 and, through agreement, cleared other properties as well. She noted that the properties are overgrown again and asked if we have the funds/staffing available to continue. Mr. Schluckebier said he will determine what was previously done and whether we can make an effort to replicate that.

Mrs. Palmer inquired about the status of the signage at the Eau Gallie Cemetery. She suggested that the City consider an archway, similar to the one at the Melbourne Cemetery.

17. ADJOURNMENT

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

The meeting adjourned at 11:20 p.m.



City Clerk – 6/19/2003

Approved by Council 6/24/2003