

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 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 Willie Lockett, St. Martha Missionary Baptist Church, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

Present:	John A. Buckley	Mayor
	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

Absent: Richard Contreras Vice Mayor, District 1 (vacation)

4. PROCLAMATIONS AND PRESENTATIONS

Mayor Buckley read and presented a proclamation to Peggy Braz recognizing her 27 years of public service and wishing her a long and healthy retirement (retiring from City June 30).

5. APPROVAL OF MINUTES - Regular Meeting June 10, 2003

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

6. CITY MANAGER'S REPORT

Mayor Buckley referenced the memorandum from the City Manager requesting Item 18.1 be added to the agenda.

Moved by E. Palmer/Walker to add Item 18.1 to the agenda. Motion carried unanimously.

7. PUBLIC COMMENTS

Patricia Joslin, 602 Dianne Drive, expressed concern about the new traffic patterns being created in front of Melbourne High School (as a result of the Babcock Street median project). She stated that the high school drivers are young and inexperienced and the requirement for U-turns will result in a dangerous situation. Ms. Joslin recommended the City study this issue.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

Mayor Buckley asked the City Manager to investigate.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2003-32 (CU-2001-17) HISTORIC ROSSETTER FOUNDATION: (Second Reading/Public Hearing) An ordinance granting a conditional use to allow a museum in a residential zoning district by converting the old Rossetter home into a museum. (Owner – Caroline P. Rossetter Trust c/o William C. Potter; Florida Historical Society) (Applicant - Historic Rossetter Foundation) (Representative – John Parks/Attorney - Phil Nohrr) (First Reading - 6/10/03)

Mayor Buckley referenced the correspondence from Attorney Phil Nohrr requesting Council consider this item after 8:00 p.m. (because of his attendance at another public meeting).

Moved by Walker/C. Palmer to honor Attorney Nohrr's request. Motion carried unanimously.

At 8:10 p.m., City Council considered this item.

Attorney Gougelman read Ordinance No. 2003-32 by title. There were no disclosures.

From the agenda report: The implementing ordinance has been modified as a result of the action taken at the June 10 City Council meeting. It no longer includes the Hector Street right-of-way. The applicant has indicated that he does not want to enter into a right-of-way use agreement and will leave the right-of-way as it is, except for a handicapped accessible sidewalk to connect the parking to the museum site. Since sidewalks are regularly provided in the right-of-way, no right-of-way use agreement will be required.

Additionally, as a result of action taken at the June 10 meeting, no parking will be permitted in the cemetery. Since the applicant is planning to use the north parcel for parking, the restrooms will be relocated to the museum site.

Philip Nohrr, Attorney representing the applicant, said that he understands the recommendation and action taken at the last meeting.

At the request of Mrs. Poole, Attorney Gougelman read a paper entitled "First Post Office." The paper outlines a brief history about John Cornthwaite Hector, Melbourne's first postmaster.

Following a brief discussion, Attorney Nohrr confirmed that the Rossetter Trust will not be donating the property in Downtown Melbourne that is currently used as a parking lot. Mrs. Poole asked Attorney Nohrr to determine whether the Trust would consider a long-term lease on this property.

Mrs. Poole said that originally the City and the Rossetter Trust were going to "switch" properties. She asked why this was not done. Mrs. Braz said this relates to Rossetter Park in the Eau Gallie area and the Downtown Melbourne parking lot property. The

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

Trust/Florida Historical Society proposed using the park property for parking and that was not acceptable to the City.

Moved by E. Palmer/Walker for approval of Ordinance No. 2003-32. The roll call vote was:

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

Nay: None

Motion carried unanimously.

NEW BUSINESS

9. CONSENT AGENDA:

Moved by Hand/E. Palmer to approve the consent agenda, Items “a – i.”

Mrs. Palmer referenced Item “c” and expressed concern about this being a single source contract. She added that a few months ago she asked staff to investigate another single source item. Mrs. Palmer asked the progress on that request.

Mr. Schluckebier confirmed that he will determine from FDEP or EPA how the public good is served with a sole source nationwide arrangement. He added that someone, through another level of government, has surely answered this question. Additionally, he noted that he will follow up on the status of Mrs. Palmer’s previous request.

The question was called. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Amendment to Investment Advisory Agreement with Public Financial Management to renew the agreement for an additional two years.
- b. Amendment to Contract for Banking and Investment Services for an additional three years, effective July 3, 2003.
- c. Purchase of Granular Activated Carbon (GAC) for four filters, Calgon Carbon Corporation, Pittsburgh, PA - \$357,000.
- d. Contract award to prepare surfaces and paint exterior of Eau Gallie Civic Center, Motta Painting Company, Venice, FL - \$22,880.
- e. Enhanced Security Project in Police Facilities, Morse Communications, Inc. Melbourne, FL - \$108,344.95.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

- f. Purchase of an Elgin Crosswind J+ Dual Street Sweeper, Environmental Products of Florida, Maitland, FL - \$121,352.60.
  - g. Approval of a logo for the Eau Gallie Redevelopment Area.
  - h. RESOLUTION NO. 1831: A resolution authorizing submittal of an application to the Department of Community Affairs for reimbursement of security costs related to the recent heightened national threat level.
  - i. Consideration of a Special Purpose Foundation for use in fundraising for the Melbourne Police Department.
10. PRELIMINARY PLAT APPROVAL (SD-2003-01): (Public Hearing) A request for preliminary plat approval for “The Preserve” at Lake Washington Subdivision on a 34.63-acre parcel, zoned R-1B (Single-Family Residential) and M-1 (Light Industrial), located on the south side of Lake Washington Road, west of Avocado Avenue. (Owner – Slater Land Development, Inc.) (Applicant - McWilliams Corporate Management) (Representative - Jake Wise) (P&Z Board – 6/05/03)

Mrs. Braz briefed Council. This is a request for preliminary plat approval on the 34.63-acre property that was recently rezoned to R-1B at the southwest corner of Lake Washington Road and Avocado Avenue.

The Planning and Zoning Board and the Planning and Economic Development Department recommended approval, subject to the one-sheet plan prepared by AAL Land Surveying of West Melbourne, Florida (Project Number #8515-8, stamped and sealed date of May 28, 2003), the findings in the Planning and Zoning memorandum and the following conditions:

- a. Any change to the preliminary plat will require its reevaluation by the Planning and Economic Development Department and Engineering Department.

Any substantial change to the preliminary plat will require review and approval by the Planning and Zoning Board, Local Planning Agency, and City Council. A substantial change in the preliminary plat includes, but is not limited to: 1) any increase or decrease in the number of access points including public or private streets to or from the subdivision; 2) an increase of more than three lots or replatting of Tracts H, J, or K; or 3) a decrease in the size of Tract C or other tracts intended to provide scrub jay habitat and gopher tortoise protection/preservation.

- b. The owner/developer shall provide a permit from the Florida Fish and Wildlife Conservation Commission to mitigate and/or relocate gopher tortoises found on the property and from the U. S. Fish and Wildlife Service for approval of the scrub jay habitat preservation tract and any related mitigation. 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

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

development. If a scrub jay habitat management plan is approved by the USFWS for designated portions of the property, Tract C and other properties contained in the plat encompassed by the USFWS permit shall be deeded as a conservation easement for the prescribed habitat. The conservation easement area shall be owned and maintained by the homeowners association or as prescribed in any permit authorized by the USFWS.

- c. Upon completion of the subdivision improvements, the applicant/developer shall file a map amendment with the Federal Emergency Management Agency to correctly identify the flood zone designation/elevation of the property as a result of the improvements. Copies of the changes approved by FEMA shall be provided to the City of Melbourne Planning and Economic Development Department, Engineering Department and Code Compliance Division.
- d. Tract A (lift station tract) landscape maintenance shall be the responsibility of the homeowners' association. The City shall determine the specific tract size at the time of construction plan review.
- e. Provide an eastbound deceleration lane on Lake Washington Road if deemed necessary and required by the City Engineering Department.
- f. Provide deed restrictions for the property zoned M-1 to prohibit its use for industrial and/or commercial purposes.

Mayor Buckley opened the public hearing.

Jake Wise, civil engineer representing the applicant, stated that they have remained consistent with the plans since the rezoning and Future Land Use changes. He reported that the gopher tortoise nests will be relocated on site. He added that they may also do some other enhancements.

Mrs. Poole asked if there are scrub jays on the property. Mr. Wise said they are still working with Fish and Wildlife on that issue. Mr. Wise concluded by agreeing with the stipulations.

There were no disclosures.

Moved by E. Palmer/C. Palmer for approval of the preliminary plat SD-2003-01 subject to the conditions. Motion carried unanimously.

*Council convened as the Melbourne Downtown Community Redevelopment Agency for the following item:*

- 11. COUNCIL ACTION RE: A request for City co-sponsorship of the Downtown Melbourne Fall Art and Craft Festival to be conducted October 18 and 19, 2003.

Betsy Vosburgh, representing Melbourne Main Street (formerly Downtown Melbourne

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

Association), stated this is a community event. She asked for assistance with barricades, Police, Fire/Code inspections, electrical connection, etc.

Mayor Buckley said that the recommendation is to approve funding from the Downtown Redevelopment Fund.

Moved by Poole/C. Palmer to approve co-sponsorship of the 11<sup>th</sup> Annual Downtown Melbourne Fall Fine Art and Craft Festival with funding from the Downtown Redevelopment Fund.

Mrs. Palmer said she appreciates that the City's open container ordinance will not be waived for this event (since it is being billed as a non-alcoholic, family event).

The question was called. Motion carried unanimously.

*City Council reconvened for the remaining items.*

12. ORDINANCE NO. 2003-35 ZONING REQUEST (Z-2003-950): (First Reading/Public Hearing) An ordinance establishing a C-1 (Neighborhood Commercial) zoning designation on the west 8.71 acres and R-1B (Single-Family Residential) zoning designation on the east 25.46 acres of a 34.17-acre parcel, located on the east side of Wickham Road, north of Pebble Creek Street, and south of Summer Brook Street. (Owner – John Massaro) (Applicant - B.S.E. Consultants) (Representative - Ana Glaubitz) (P&Z Board - 6/05/2003)

Attorney Gougelman read the ordinance by title.

Mrs. Braz briefed Council. This request is to zone a 34.17-acre parcel located on the east side of Wickham Road, north of Pebble Creek Street. The property was annexed in 1992 and a land use designation was established in 1993. The property was never zoned. A concept plan is included in the agenda package. This is not a binding plan, but it indicates that the applicant intends to develop a subdivision in a similar manner as the Pebble Creek development to the south. The applicant will be returning to City Council with a preliminary plat for the residential use and a site plan for the commercial uses.

There are some environmental and traffic concerns in the neighborhood regarding development of this parcel. The development plan is not before Council. This property has no zoning and needs to be zoned. The other concerns will be evaluated at the time a development plan is submitted.

The Planning and Zoning Board and the Planning and Economic Development Department recommended approval, subject to the findings in the Planning and Zoning memorandum.

There were no disclosures.

Mrs. Poole said that some residents in the adjacent subdivision paid more for their property because they were next to the "environmental area." Mrs. Braz said it is

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

unfortunate that there are cases where realtors have not been honest. Mrs. Braz added that during the Planning and Zoning Board meeting, someone said their realtor told them that this property would never be developed. However, a private individual bought the property for development purposes.

Scott Glaubitz, BSE Consultants, applicant, said that the requested zoning is compatible with the area zoning.

Mrs. Poole referenced the Joint Planning Agreement comments, which indicate that Johnson Junior High School and Eau Gallie High School exceed capacity.

Phil Nohrr, attorney representing the applicant, said that they are aware of that situation and have taken it into consideration. However, he noted that unless Council is going to declare a moratorium, they have to work within the system. He pointed out that they are proposing to develop at a density less than what is allowed through the County zoning. So, they have taken the school capacity issue into consideration.

Moved by C. Palmer/Hand for approval of Ordinance No. 2003-35. Motion carried unanimously.

At this point, Council considered Item #8.

13. ORDINANCE NO. 2003-36 (AR-2003-143), ORDINANCE NO. 2003-37 (CPA-2003-03), ORDINANCE NO. 2003-38 (Z-2003-953), AND SITE PLAN APPROVAL (SP-2003-10): (First Readings/Public Hearings) Ordinances providing for the annexation of a 3.33-acre and a .21±-acre portion of the Parkway Drive right-of-way, located on the west side of Wickham Road, south of Parkway Drive, establishing a mixed use Commercial/Medium Density Residential land use, establishing C-1 (Neighborhood Commercial) zoning, and site plan approval on the same property. (Owner – Ed Paniccia & Allen Thorn) (Applicant - Building Management Systems, Inc.) (Representative - Perry J. Coleman) (P&Z Board - 6/05/2003)
- a. Ordinance No. 2003-36: An ordinance providing for the annexation of the property. (AR-2003-143).
  - b. Ordinance No. 2003-37: An ordinance establishing mixed use Commercial/Medium Density Residential land use of the property (CPA-2003-03).
  - c. Ordinance No. 2003-38: An ordinance establishing C-1 (Neighborhood Commercial) zoning (Z-2003-953).
  - d. Site Plan Approval: A request for site plan approval (SP-2003-10).

Attorney Gougelman read Ordinance Nos. 2003-36, 2003-37 and 2003-38 by title.

Mrs. Braz reviewed the agenda report. This request is to annex 3.54 acres, provide a mixed use Medium Density Residential/Commercial land use, C-1 (Neighborhood

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

Commercial) zoning, and approve a site plan for an office/retail center on a 3.33-acre parcel located on the west side of Wickham Road, south of Parkway Drive.

The Planning and Zoning Board and the Planning and Economic Development Department recommended approval of the ordinances based on the findings in the Planning and Zoning Board memorandum. They also recommended approval of SP-2003-10, site plan for Wickham Executive Center, subject to the one-page plan prepared by Construction Engineering Group of Melbourne, Florida (Drawing Number SC-1, dated 4/30/03, revision date of 5/27/03), the findings in the Planning and Zoning memorandum and the following conditions:

- a. Any change to the site plan will require reevaluation of the site plan by the City Engineering Department and Planning and Economic Development Department.

Any substantial change to the site plan will require review and approval by the Planning and Zoning Board, Local Planning Agency, and the City Council. A substantial change includes, but is not limited to: 1) a decrease of five percent or more of the open space or vegetative areas on site; or 2) an increase of five percent or more in the building size or number of parking spaces.

- b. All trees shall be preserved unless located in a driveway, paved parking lot, building pad, or retention area. All structures, driveways, parking spaces and aisles, and retention areas shall be shifted whenever possible to preserve trees. Initially, trees shall only be removed for driveways, drainage facilities, and or model units. Trees and scrub habitat in the footprint of the structure shall be removed only in conjunction with a building permit. All trees to be removed shall be identified by Code Compliance personnel, and an evaluation shall be made to determine the possibility of saving hardwood trees and scrub habitat. Preserved trees must be protected by barricades at the drip line during construction.
- c. The applicant shall obtain current appropriate environmental permits from the Florida Fish and Wildlife Conservation Commission to relocate or take gopher tortoises. Should threatened or endangered species be found on the site after commencement of construction for which a permit has not been granted, the owner/applicant shall cease construction until the appropriate permits are obtained.
- d. Provide a sanitary sewer lateral line from the property to the vacant property to the west.
- e. Provide sidewalk connections to the public sidewalk along Parkway Drive.
- f. Cross-access easements may be required to the property to the west and such access needs will be determined at the time of Engineering plan review.
- g. Driveway access improvements, including the need for directional driveways and turn lanes, shall be provided as required by Brevard County Traffic Engineering.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

Mrs. Walker said that it seems odd that this property will be accessed through the CVS Pharmacy site.

Mayor Buckley opened the public hearing.

Jake Wise, civil engineer representing the applicant, distributed a rendering of the project, which shows different views of the proposed development. He reported that there are less than five gopher tortoises on site and they will be relocated to the property to the west.

In response to Mrs. Walker, Mr. Wise said they have worked out a cross access easement with CVS Pharmacy in order to limit the number of driveway connections. A new sidewalk will be constructed along Wickham Road. The rendering distributed shows a slightly different layout, which will allow them to save trees.

Mr. Wise concluded by agreeing with the stipulations.

Mrs. Poole referenced the rendering and said it does not show landscaping. Mr. Wise said the rendering was put together quickly; he assured Mrs. Poole that there will be improvements, including landscaping.

There were no disclosures.

Moved by Poole/Hand for approval of Ordinance No. 2003-36. Motion carried unanimously.

Moved by Walker/Hand for approval of Ordinance No. 2003-37. Motion carried unanimously.

Moved by E. Palmer/Poole for approval of Ordinance No. 2003-38. Motion carried unanimously.

Moved by C. Palmer/Poole for approval of Site Plan SP-2003-10 subject to the conditions. Motion carried unanimously.

14. ORDINANCE NO. 2003-39 (CU-2003-03/SP-2003-11) INTERSTATE BATTERY: (First Reading/Public Hearing) An ordinance granting a conditional use for an automotive service station and site plan approval on a 0.89-acre parcel zoned C-P (Commercial Parkway), located on the south side of Sarno Road, west of Wickham Road, and east of State Street. (Owner - Anthony Tripodo) (Applicant - PMW Properties, Inc.) (Representative - Jake Wise) (P&Z Board - 6/05/03)

The City Attorney read the ordinance by title.

Mrs. Braz briefed Council. The Planning and Zoning Board and the Planning and Economic Development Department recommended approval with the findings in the Planning and Zoning memorandum and the following conditions:

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

- a. The conditional use shall be consistent with the site plan for Interstate Battery consisting of a one-page plan dated 4/29/03, stamp dated 5/28/03, Drawing Number SC-1, prepared by Construction Engineering Group, Inc., of Melbourne, Florida.

Any change to the site plan will require reevaluation of the site plan by the Engineering and Planning and Economic Development Departments. Any substantial change to the site plan will require review and approval by the Planning and Zoning Board, Local Planning Agency and City Council. A substantial change includes but is not limited to: 1) a decrease of 5% or more of open space or vegetative areas on the site; 2) any increase in the number of access points as shown on the site plan; or 3) a 10% or more increase in the building size.

- b. Proposals to use portions of the building or redevelop the site for different permitted uses listed in the C-P zoning district must ensure that adequate parking is available or provided to accommodate the proposed use. No occupational or business license will be issued for the building until determined by the City that sufficient parking will be provided.
- c. The applicant must obtain variances for lot dimensions, side yard building setbacks, and front yard landscape area.

Mrs. Walker expressed concern about the distance between the automotive repair facility and the nursing home/rehabilitation center.

Mrs. Braz confirmed for Mrs. Palmer that the hours of operation can be specified in the conditional use ordinance.

In response to Mrs. Poole, Mrs. Braz said they will meet all the front setbacks from Sarno Road.

Mrs. Poole asked about threatened or endangered species on the site.

Jake Wise, civil engineer representing the applicant, said that the Environmental Impact Assessment indicates that there are no endangered species on the site. A small .01-acre wetland, which will not require mitigation, will be impacted. It is not part of a major wetland.

Mr. Wise referenced the variances that will be required and said that the site is non-conforming for the C-P zoning district. The conditional use is for the automotive service station. They intend to replace batteries and cables and provide testing; no type of automotive repair is planned on the site. He agreed with the stipulations.

Mrs. Palmer asked the hours of operation. Mr. Wise said 8:00 a.m. – 5:00 p.m. Monday through Friday and 8:00 a.m. – 12:00 p.m. on Saturday. This includes the delivery/warehouse operation.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

Mrs. Poole asked the applicant if he would stipulate that there will be no automotive repair on the site. Mr. Wise agreed, with the exception of replacement of batteries and electrical testing.

In response to Mrs. Walker, Mr. Wise pointed out the location of the retention area, proposed buffer and fence.

Moved by Hand/Poole for approval of Ordinance No. 2003-39.

Attorney Gougelman asked about the additional stipulation.

The maker/seconded agreed that the additional stipulation is included in the motion.

Mrs. Palmer said this site will require a lot of variances in order to fit a business onto a piece of property that was not designed for this operation. She added that we should not go this far in order to allow that type of use next to a nursing home.

Mayor Buckley said the property is inappropriately zoned C-P and they are trying their best to work with the site. Mrs. Palmer said an inappropriate property line was established when the property was divided. Approval of this ordinance could establish a precedent that will allow narrow, C-P zoned parcels to be created.

The question was called on the motion, including the additional stipulation. Motion carried. (Mrs. Walker and Mrs. Palmer voted nay.)

(Note: the following stipulation will be added to the ordinance: “No automotive service shall be permitted on the subject property except battery replacement and testing.”)

15. ORDINANCE NO. 2003-40 (CU-2003-04/SP-2003-12) FOUNTAIN TOWNHOMES: (First Reading/Public Hearing) An ordinance granting a conditional use and site plan approval to allow a multiple-family development on an 11.06-acre parcel zoned C-1 (Neighborhood Commercial), located on the west side of Dairy Road, north of Palm Bay Road. (Owner/Applicant - Frank Brockerman) (Representative - Jake Wise) (P&Z Board - 6/05/03)

Attorney Gougelman read Ordinance No. 2003-40 by title.

Mrs. Braz reviewed the agenda report. The Planning and Zoning Board and Planning and Economic Development Department recommended approval subject to the one-page concept plan for Fountain Townhomes (dated 5-28-03), the findings listed in the Planning and Zoning memorandum and the following conditions:

- a. 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.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

- b. The applicant/developer shall take measures necessary to save as much natural native vegetation as possible. Such evaluation shall occur through the time of individual lot (building permit) review and approval. When possible, building, retention and parking spaces shall be placed in locations to permit for the maximum preservation of trees and other native vegetation.
- c. Prior to construction plan approval, the applicant shall obtain approval from the St. Johns River Water Management District to permit removal or modification to any wetlands on the property.
- d. Development of the property must follow the platting process. The plat shall be substantially consistent with the conceptual site plan approved as a part of the conditional use.

There were no disclosures.

Mrs. Poole asked why the recommendation is for residential instead of commercial. Mrs. Braz explained that the applicant has applied for residential use. The land use indicates that either is okay. Additionally, staff believes that six units per acre is an improvement over the current 15 units per acre.

Mrs. Poole asked how trees can be saved. Mrs. Braz said there are a number of different buildings and they could be shifted one way or another in order to save trees.

Mrs. Poole questioned how the site could have no scrub jays or scrub jay habitat when the County maps indicate otherwise. Mrs. Braz said the applicant has submitted an Environmental Impact Assessment that shows no scrub jays or scrub jay habitat. She added that the County scrub jay maps are old and scrub jays move.

Mrs. Poole referenced the "Student Enrollment" report in the package prepared by Fran Pickett, which conflicts with the report from the School Board facility planner (indicating that Palm Bay High School is over capacity). Mrs. Braz said Ms. Pickett's analysis indicates that this development will result in seven high school students. And, she does not believe that is a big impact on the high school. The property is allowed 15 units per acre and they are only developing at 6.4 units per acre.

Mrs. Poole said that this area is being absolutely obliterated. She referenced the number of apartments built/proposed in the area and the developments with 50' lots.

Jake Wise, civil engineer representing the applicant, explained that the development will provide a good transitional area between the apartments and the commercial area. He confirmed that they are downgrading the density. He elaborated on the amenities and the location of the stormwater ponds.

Mr. Wise said the Environmental Impact Assessment indicates no scrub jays on site; however, there is habitat to the west of this property. There are gopher tortoises on site,

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

but the tortoises in this area are known to have an upper respiratory disease. Therefore, Florida Fish and Wildlife Conservation Commission will not allow relocation. He stated that they will work around as many trees as possible.

Mr. Wise referenced the report prepared by Ms. Pickett, which indicates that this development will have an impact of seven students on Palm Bay High School. He added that Ms. Pickett has prepared enrollment analyses throughout the state. Mr. Wise concluded by agreeing with the stipulations.

Mrs. Poole said the recreation area looks small. Mr. Wise said the pool and deck area are a decent size; however, they are not proposing a whole lot of other recreation.

Mrs. Poole stated that she won't vote for this since the gopher tortoises will be killed.

Pat Joslin, Dianne Drive, discussed her background and noted that she has attended many hearings and educational seminars on scrub jays. She stated that scrub jays do not move. If Fish and Wildlife has indicated that scrub jays were on the property at one time, they should still be there unless the land has been altered or the jays have been killed.

Moved by C. Palmer/Hand for approval of Ordinance No. 2003-40. Motion carried. (Mrs. Poole voted nay.)

Recessed: 9:10 p.m.  
Reconvened: 9:22 p.m.

16. ORDINANCE NO. 2003-41 (Z-2003-951AD): (First Reading) An ordinance amending City Code, Appendix B, Article XX, "Site Plan Approval for Multiple-Family Dwelling Districts, Planned Commercial and Industrial Developments, Mobile Home Parks, Institutional Zoning, Conditional Use Requests, and Downtown Redevelopment Area Proposals" and Article XV, "Granting Conditional Uses," requiring the submittal of renderings of proposed projects and developments. (P&Z Board - 6/05/03)

The attorney read the ordinance by title.

From the agenda report: This is an administrative ordinance proposed by staff to require renderings, elevations or photographs with formal site plan submittals.

Mrs. Palmer asked for clarification of an "elevation." Mrs. Braz said that usually a rendering is a picture. An elevation depicts the structure from the front and side view.

Moved by Walker/E. Palmer for approval of Ordinance No. 2003-41. Motion carried unanimously.

17. ORDINANCE NO. 2003-42 (Z-2003-954AD): (First Reading) An ordinance amending City Code, Appendix B, Article XXV, "Planning & Zoning Board," by expanding the membership of the Board/LPA to include a non-voting member appointed by the School Board. (P&Z

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

Board - 6/05/03)

Attorney Gougelman read Ordinance No. 2003-42 by title.

From the agenda report: This ordinance implements the Joint Planning Agreement between the City and School Board. It changes the make-up of the Planning and Zoning Board by providing for an appointed member representing the School Board to sit on the Planning and Zoning Board. The member will be able to participate in discussion, but will not be a voting member.

Mr. Palmer asked if this position has a proposed job description. Mrs. Braz said she will determine that before second reading of the ordinance.

Moved by C. Palmer/E. Palmer for approval of Ordinance No. 2003-42. Motion carried unanimously.

18. COUNCIL ACTION RE: Discussion of fighter jet training contracts at the Melbourne International Airport.

Jim Johnson, Executive Director, Melbourne International Airport, stated that the Melbourne Airport Authority is clearly charged with operation and development of the Airport. The authority is required by federal regulations to maintain the Airport in an open and safe condition. In 1989 the Airport leased property to Sheltair, Inc. to construct a hangar and office space. Sheltair leases to a number of aviation type tenants, including AeroGroup. AeroGroup, which is in the business of operating military type aircraft, leased several hangars in 2001.

AeroGroup is also the provider of advance training to several military organizations. They informed the Airport that they were responding to an RFP to train the Royal Netherlands Air Force in advance targeting. Mr. Johnson said that when he was informed about the F-16 aircraft being brought in, his staff investigated other airports with similar activity. That resulted in a number of stipulations in an attempt to minimize noise to the surrounding community. They also confirmed that FAA regulations protect this type of operation. F-16 aircraft may operate at Melbourne or any other airport; it is a legal aircraft and a legal operation.

Mr. Johnson reported that the F-16 fighter training activity has had a positive impact to the community. They are buying a lot of fuel from the Airport's ground handler. This could possibly turn into a five-year contract (between AeroGroup and the Royal Netherlands Air Force). They conduct four sorties per day under the current arrangement. Additionally, the Airport asked AeroGroup to inform the public before the operation took place.

Continuing, Mr. Johnson said that since June, the Airport, FAA, AeroGroup and the City of Melbourne have received a flood of complaints. He added that the Airport has also received e-mails and calls from people who support the F-16 operation. As a result of the complaints, they called a meeting with AeroGroup. The F-16's changed their flight pattern and hours of operation. The Airport also met with the FAA district office and asked them to

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

research available options. FAA said that there are no options available.

At the Airport Authority meeting held this morning, the members instructed him to continue to work to find solutions and to address citizens' concerns. Mr. Johnson noted that the evaluation period for the F-16 fighter training ended today.

Mr. Johnson said he delivered a letter to Mark Daniels, CEO of AeroGroup, today informing him that the training is not compatible with the Airport and the surrounding community. Further, the letter requests AeroGroup seek another airport to conduct these operations. Mr. Johnson stressed that he did not demand or coerce since that would violate FAA regulations. AeroGroup can comply or continue to fly and ignore the request.

Mrs. Palmer asked what decision by the Airport Authority opened the door to this operation. Mr. Johnson said by virtue of being an Airport. He explained that when AeroGroup entered into the lease with Sheltair, they did not have a contract with the Royal Netherlands Air Force.

Mrs. Palmer asked if it is true that Sheltair is now trying to evict AeroGroup. Mr. Johnson said he does not know.

Mrs. Palmer referenced the e-mail from Bud Jackman, FAA, which in part states, "I checked with my environmental specialist, and we can't find anything in our guidance that would allow for formal restrictions on the F-16 training operations, without going through the FAR Part 150 update process...Prior to this, foreign military training was conducted on military bases." Mrs. Palmer asked for information regarding the FAR Part 150 update process.

Mr. Johnson said that is how noise contours are developed. It is a study to determine noise levels over a protracted period. The last study indicates that the noise contours are contained mostly on the Airport. The F-16's would expand those contours to some extent, although not a great extent.

Mrs. Palmer said that if FAA can't identify formal restrictions, then the Airport letter will do nothing more than placate citizens. Their only motivation to stop the contract would be the City's displeasure and that would be outweighed against the enormous financial gain. She asked if there is anything that the City can do to stop the on-going training. Mr. Johnson replied no.

Mrs. Palmer said the newspaper mentioned that this training was begun as part of a pentagon initiative and that puzzled her. Mr. Johnson said the military decreased training on its bases with foreign countries. That action gave an opening to a company like AeroGroup to find contracts in that field. Mrs. Palmer asked if we helped AeroGroup solicit for this contract and Mr. Johnson replied no.

Mrs. Palmer said she can't imagine that the Airport Authority had no knowledge that this would have a huge impact on the community. Mr. Johnson said the Airport suspected there would be a noise impact on the community. AeroGroup was asked to make the public aware and that resulted in two Florida Today articles.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

Patricia Joslin, 602 Dianne Drive, said she was informed during the Airport Authority meeting on this issue that there would be a maximum number of four – six sorties each day. She pointed out that in addition to the F-16's that are already at the Airport, AeroGroup is in the process of purchasing 19 additional F-16's.

Ms. Joslin asked about other countries conducting similar training at the Airport, like Belgium and Denmark. She added that the three Council Members who serve on the Airport Authority already have a lot of work running the City; therefore, she does not know how they can keep up with Airport Authority issues. She recommended that an election be conducted so people can be voted on the Airport Authority.

Gary Karschnick, 905 North Harbor City Boulevard, #204, said he served 14 years in the Air Force as a navigator and instructor pilot. He graduated from safety officers' school and is one term paper shy of a master's degree in aerospace operations management. He spent 25 years with an airline as a pilot and for the last three years has owned and operated a private helicopter at the Melbourne Airport.

Mr. Karschnick said that although he is not in the flight path of the Airport, the afterburners of the F-16's shake the walls of his condominium. He added that asking the pilots to refrain from using afterburners is unsafe for them and the community. These aircraft are designed to use afterburners for safe operation. Mr. Karschnick noted that this operation has nothing to do with the War on Terrorism. It is an operation that is creating excessive noise pollution in the community and is a by-product of a private profit making enterprise. He stressed that these are not bad people – just simply the wrong airport for this operation.

Mr. Karschnick explained that commercial airlines are required to comply with stage two noise requirements; therefore, there are existing regulations. He added that the military assistance program is paying the Dutch government to train in our country. An additional problem is that military aircraft do not have reliability and safety that we enjoy with commercial aviation. These aircraft are built by the lowest bidder. It is a fact that the military expects to lose a portion of its aircraft and pilots on a regular basis. The most dangerous phase is take-off and landing.

At this point, Mr. Karschnick was granted additional time to speak.

Mr. Karschnick summarized possible solutions. He explained that an airport in California assesses heavy fees for any aircraft that exceeds the noise requirements. Also, there are airports and seaports around the world that assign arbitrary landing fees. A fee of \$10,000 could be arbitrarily assigned to an F-16 landing at the Melbourne Airport.

Mayor Buckley said that the Airport Attorney has indicated that arbitrary landing fees cannot be imposed.

Carroll Price, 7962 Timber Lake Drive, West Melbourne, said he has never heard of a lessee being able to do whatever without any regard for the surrounding community. He added that this represents poor due diligence. And, if this decision stands, it will be a major

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

impediment to good business locating at the Airport. Mr. Price recommended Mr. Johnson and the Airport staff find some legal way to change this. He reported that he has a petition with 68 signatures from people opposed to the F-16 flights and concluded by saying the Melbourne Airport has a flight line with more fighter jets than Patrick Air Force Base.

Ray Kotowski, 2877 Wright Avenue, agreed with previous speakers. He stated that his problem is with the noise level. He added that he has heard that (AeroGroup) has been removed from a couple of other airports. He asked the City to investigate this.

Robert Morris, 5626 Carissa Road, Melbourne Village, said that his house is at the end of the runway. The F-16 afterburners shake the windows in his house and he can feel the impact of the sound waves hitting his body. He asked who will be responsible when one of these planes crashes in a neighborhood.

Mr. Morris said that a \$30 million boost to the economy has been mentioned; however, he has not seen the increase in the tax base. The Airport fuelers are making money. He finished by referencing his environmental concerns – including the impact on Erna Nixon Park – and the negative impact this operation will have on property values.

Mayor Buckley clarified that the Airport is not making big bucks on this operation. The Airport is selling jet fuel.

Colette Alexander, 808 Hickory Street, said that representatives from AeroGroup were rude and insensitive. She referenced the current number of F-16's and the 19 additional planes that they are trying to acquire. This on top of 4-6 trips per day will result in an incredible number of F-16 flights out of the Airport each day.

Ms. Alexander relinquished part of her time to Mr. Karschnick.

Mr. Karschnick returned to the podium and elaborated on his concerns. He said that he is concerned about the student pilots at the Airport and the possible interaction with the F-16 pilots. Additionally, the first language of the FIT students and the fighter pilots is not English. He stressed that no military officer would allow such a situation to occur.

Agnes Brogan, 2756 Corbusier Drive, stated that the noise in her area is intolerable. The F-16's produce a noise level of 140 dB, which is enough to shake the windows in her house. She explained that the FAA does not regulate noise. Noise is a community issue that needs to be addressed locally. And, that puts it back in the City's hands. She asked that the F-16 operation be removed from the Airport.

Frank Romano, 134 Cambridge Court, Indialantic, stated that the noise from the F-16's morning, noon and evening is affecting his household. F-16's are in a noise class by themselves and adjusting flight patterns will not eliminate the noise. He added that AeroGroup needs to be bluntly told that the F-16 operation is not welcome in our community.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

Sheila Trott, 211 8<sup>th</sup> Avenue, Indialantic, said that if the trial period is successful the F-16's will be here permanently; there is potential for expansion given the number of aircraft and possible countries involved. She stated that this operation will have a negative impact on the environment and real estate. She informed Council that AeroGroup indicated to Indialantic that there are nine aircraft; however, this week she learned that they are purchasing 19 additional F-16's.

Continuing, Ms. Trott said there is a lot of research that needs to be done on the background of AeroGroup. She feels the community and the Airport Authority have been sideswiped. Since the FAA regulations state that these planes may fly as often as they would like, she recommended that the area communities unite to show opposition. Melbourne is a test case and instead of whining about whose fault this is, the area needs to unite and seek those with the most power.

In response to Mrs. Poole, Ms. Trott said she did attend the AeroGroup open house on Saturday. The Airport Police took the position that the information she was distributing to the pilots represented a protest; therefore, they asked her to relocate to the protest area on Apollo Boulevard.

John Goodman, 341 Avenida Del Sol, Indialantic, recommended that the lease and sublease be reviewed and that the noise ordinance be enforced.

Regina Kaufmann, 207 Lansing Island Drive, Indian Harbour Beach, asked the duration of the lease and the renewal options. She asked the City Council to take whatever means necessary to inform the public.

Mayor Buckley responded that the Airport Authority has the responsibility for the leases at the Airport. A brief discussion followed regarding the composition of the Airport Authority.

David Wenbert, 1225 E. New Haven Avenue, said that the F-16 operation is the price we pay to have other people defend our freedom. He added that running off a \$30 million contract will set bad precedent. He referenced another operation that moved its production from the Airport because of lack of community support. Mr. Wenbert concluded by saying the community is getting uptight because a handful of people cringe at loud noises. He added that this is the first new business the Airport Authority has managed to land in the past 10 years.

A brief discussion followed regarding Grumman's follow-on project to J-Stars and their intent to build 10 – 12 larger aircraft in Melbourne.

Mrs. Palmer assured Mr. Wenbert that the City Council has been supportive of the aerospace industry; this is not an issue about people who cringe at noise. The problem is with the noise in residential areas and the use of afterburners.

Mr. Johnson returned to the podium to clarify several issues. He noted that the Airport does not have a lease with AeroGroup. The Airport has a lease with Sheltair and that lease is for 40 years.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

Attorney Gougelman said he is aware of at least three leases where AeroGroup leases from Sheltair. The first is for Hangar 17, which is the subject of a lawsuit Sheltair filed against AeroGroup for failure to pay rent. The lease for Hangar 16 is also the subject of a separate lawsuit for failure to pay rent. And, the lease for Hangar 18 is the subject of a third lawsuit regarding failure to pay rent. All lawsuits were filed last year and no action has been taken since that time.

Continuing, Mr. Johnson responded to comments made during the public hearing: the Airport is into stage three compliant aircraft and is going to stage four – this applies to commercial planes only, not military planes; the Airport may not charge astronomical landing fees; the Airport receives 5.5% of the fuel sales; English may be the second language of the pilots, but it is the first language of aviation; noise regulations are the community's responsibility although they must be established through an FAA study; Congress should establish some type of regulations for these types of flights; Grumman is starting a new program and will be going to quieter, stage three aircraft.

Mr. Palmer referenced the lease with Sheltair and said he believes there is some way it could be altered or voided if certain conditions are not met.

Mrs. Hand reported that the estimated revenue to the Airport is \$150,000 annually and the economic impact to the community could be \$15 - \$20 million annually. Because of the Dutch Air Force, the ground handler has been able to significantly increase the volume of fuel sales. This means more competitive prices can be provided to other air carriers. Specialized equipment has been brought in and the ability to begin amortization of this equipment allows for more efficient and quicker handling of our existing airlines and future airlines.

Continuing, Mrs. Hand said the FAA regulations are very specific – the Airport must be maintained in an open and safe fashion for all types of flight operations. The F-16's are a legal operation and forcing them to leave constitutes restraint of trade. Mrs. Hand said she attended the open house held on Saturday and enjoyed seeing the F-16's take off. She added that they did make noise, but this is an Airport and the City must do everything possible to promote all types of aircraft activities.

Mrs. Hand said she understands the concerns of some who have been impacted by the noise. However, she is also aware of citizens who don't mind and welcome the F-16 flight operations. She has received two telephone calls from people against the missions and has received many comments and e-mails from people in favor of the missions.

Mrs. Poole said that all contracts/leases should have to be approved by the Airport Authority. She added that AeroGroup has been asked to leave from other airports. Mrs. Poole stated that the FAA does not own the Airport – it was given to the citizens of Melbourne. She reported that 63 pilots were killed during training at Melbourne Naval Air Station – accidents are something to be concerned about. Our citizens should be the number one priority and the planes/money should come last.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

Mr. Johnson clarified that Sheltair is responsible for the lease with the Airport and they (Sheltair) are paying rent. If Sheltair has a tenant that is not paying rent, they should be evicted.

Mrs. Palmer read a statement from Marilyn Gardenour who lives on Hopi Drive. In the letter, Ms. Gardenour explains being woken by the sound of roaring jets. The F-16's have an impact on health, safety and the environment. And, to her knowledge, nowhere do F-16's practice from the center of an urban population and nowhere do pilots train at a commercial airport. She asked that Council do everything in its power to protect the people in Melbourne.

Mrs. Walker said that the letter written by Mr. Johnson to AeroSpace is eloquent; however, it doesn't make a point. Mr. Johnson assured Mrs. Walker that he used the strongest language he could. He added that coercing someone to leave would be in violation of FAA regulations.

Mrs. Poole recommended that each Council Member return to the next meeting with suggestions on how to end this operation.

Mrs. Palmer said that the issue of jet fighter training based at the Melbourne International Airport may be the most crucial quality of life issue that this Council will face. If there was no other place available for this type of activity, she feels sure the citizens would be willing to sacrifice safety and comfort. However, there are other facilities available. Our residents have the common sense to know that this type of operation belongs on a military base. She added that she believes the financial gain is far overshadowed by the potential for tragedy.

A brief discussion followed.

Mr. Schluckebier said that the City has persuasive, legal and political authority. He recommended that Council immediately reaffirm and support the Airport Authority letter and communicate that the City Council does not feel the operation is compatible.

Moved by Walker/Poole to direct the City Manager and City Attorney to draft a letter supporting the Airport's letter and reaffirming the City's position that this is an incompatible operation. Motion carried unanimously.

Continuing, the City Manager said there are additional steps that the City can take, including: immediately address concerns about noise, air pollution and safety; request the Airport Authority to specifically address the safety of F-16's; at the Congressional level, inquire whether funding for fighter training at regional/community airports can be stopped; review lease and sub-lease and use persuasive authority; determine whether City can impose noise regulations on the operation of F-16's; communicate with the Royal Netherlands Air Force that not everyone is in agreement with what they are doing here; research the military exception to stage two and stage three – determine if that applies to all governments.

Mrs. Poole recommended that the letter drafted by the City also be communicated to the

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

pilots in their own language.

Sheila Trott stated that the meeting is ending on a positive note. She recommended that the City transmit its letter to area Councils. Additionally, she noted that she is asking that all petitions be delivered to her so they can be presented at the same time.

Bob Johnson, Dianne Drive, asked if the F-16's are flying with live ammo. From the audience Mr. Jim Johnson replied no. He added that they are flying to Avon Park for advance target practice – not bombing practice.

Following a brief discussion, Mr. Palmer recommended that the City Council also adopt a resolution opposing the F-16 operation.

Moved by E. Palmer/Poole to adopt a resolution opposing the F-16 operation. Motion carried unanimously.

Added to the agenda:

- 18.1 COUNCIL ACTION RE: Request by Honor America, Inc. for the City to waive its liability insurance requirements for the Fourth of July parade

Attorney Gougelman said that he serves on the Board of Honor America. During a board meeting, he said he explained that the City requires applicants to post liability insurance in favor of the City in case someone is injured at an event. During a suit, people usually go for the deep pocket – the City – in addition to the applicant. He noted that the City has been sued in excess of \$80,000 by someone injured at a “Mardi Gras” street event.

Continuing, Attorney Gougelman said the City Council has the authority to waive this requirement. However, if it does, he suspects other fine civic organizations will also ask for the waiver. That will open the door to groups like Cannabis Action Network or some lounge to make the same request. If the requirement is not applied equally, a federal lawsuit could be filed against the City. That is why the requirement needs to be uniformly applied.

Mayor Buckley said that the City is co-sponsoring the Fourth of July parade with Honor America. The City does not co-sponsor the Mardi Gras street event. He pointed out that a hold harmless agreement is required from everyone who wishes to participate in the parade. The Mayor added that if this is not approved, there will be no parade.

Mr. Palmer said he also serves on the Board of Honor America. He added that he believes there are ways to get around the insurance requirement. The City can provide a one time waiver or donate enough money to Honor America.

Mrs. Palmer said that members who serve on the Board of Honor America should not be voting on this issue; this is a conflict of interest. Mayor Buckley disagreed and said that Honor America is not asking for money. Mrs. Palmer said that Honor America is asking the City to be liable.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

Mrs. Poole said she does not believe we should waive the insurance requirement.

Moved by E. Palmer/Buckley to waive the insurance requirement. Discussion continued before a full vote was taken.

Attorney Gougelman repeated that this is a policy decision. He added that his job is to protect the City so his response would be that we should be insured to the hilt. However, there may be times that the City wishes to waive the insurance requirement.

Mrs. Poole said that the City could ask for donations.

Moved by C. Palmer/Hand to donate the amount of money necessary to Honor America to cover the liability insurance and if Honor American can't cover the expense in the future, to cover the amount through donations.

Mr. Schluckebier said the City should adjust the donation made to Honor America to provide funding for the liability insurance. He would prefer this over simply waiving the insurance requirement.

A brief discussion followed regarding the fireworks donations that have been made this year. The City Manager said the letters were explicit that the donations were for fireworks. However, next year donations for the parade can be included in the solicitation letters.

Mrs. Poole stated that she is angry with Honor America about another incident; therefore, she won't vote for this item.

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

19. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

The City Manager reported on the following:

- He instituted a moratorium on the donation of leave after learning about six or seven instances of abuse. A revised policy will be reinstated, which will address the abuse issues that previously occurred. He added that when there are employees who the City has not seen for more than a year – that is a problem.
- Shortly, the City Council will need to address the school concurrency issue. He, Mrs. Braz and Attorney Gougelman will meet with the School Board on June 25 to discuss this issue.
- Several organizational changes are being made and employees affected by the realignment are being notified. He noted that not all employees will be in agreement with the changes. City Council will be briefed in the next several days.

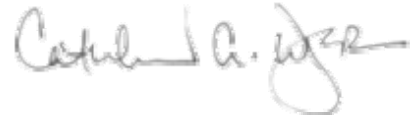
Mrs. Poole asked staff to follow up with (Melbourne Main Street) regarding its plans for placement of the location sign/directory.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JUNE 24, 2003

20. ADJOURNMENT

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

The meeting adjourned at 12:05 a.m.



---

City Clerk – 7/2/2003

Approved by Council 6/24/2003