

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
SEPTEMBER 23, 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 Vice Mayor Richard Contreras.

1. Reverend Harford Lee, Greater Allen Chapel AME Church, Melbourne, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

Present:	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
	Cathleen A. Wysor	City Clerk
	Amy W. Elliott	Assistant City Manager
	Cindy Dittmer	Planning & Economic Development Director

Absent: John A. Buckley Mayor (out of town)

4. PROCLAMATIONS AND PRESENTATIONS

Vice Mayor Contreras presented the following proclamation: "Florida City Government Week," October 19 – 25, 2003; accepted by Jack Schluckebier, City Manager. The City Manager recognized the following as contributing to the success of local government: Volunteer board members (he listed the Chairman of each City board), Department Directors and High School Government Day.

5. APPROVAL OF MINUTES – September, 9, 2003 Regular Meeting

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

6. CITY MANAGER'S REPORT

City Council briefly discussed Item 1 from the report. The first regular Council meeting in November falls on November 11, a City holiday. A brief discussion followed. By consensus, Council agreed to reschedule the November 11 meeting to November 18. Council Member Poole reported that she will not be able to attend.

Council Member Ed Palmer referenced Item 10, contract award for the purchase of fertilizer, and asked the quantity ordered. Mr. Schluckebier replied that he would return with an answer.

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7. PUBLIC COMMENTS

Tim Loomer, Chairman, Architectural Review Board, asked Council to consider expanding the membership of the board from seven regular and two alternate members to nine regular members. He said his request is based on the duties of the board recently expanding to include review of all three redevelopment areas.

Following a brief discussion, Vice Mayor Contreras asked the City Manager and City Clerk to review the request, including the number of agenda items, etc., and return with a recommendation.

Edward Cole, 513 Palmetto Avenue, discussed the removal of the fence from the Florida Eye Associates parking lot, located on the north side of Strawbridge Avenue. He questioned the logic behind staff's interpretation of the Code. Mr. Cole noted that when the fence was up, the property was in compliance. The fence has been replaced with vegetation and the City is allowing the property owner two years for the bushes to reach the proper height for a visual screen.

Mrs. Poole said she recalls that a fence – not vegetation – was required in order to protect the residential area.

Council Member Cheryl Palmer said she found it quite strange that we would allow an existing business to replace a buffer with vegetation that will take two years to fill in. She said that the buffer needs to be immediate.

Mr. Schluckebier said that the interpretation of the Zoning Code may be subject to review by the (Zoning Board of Adjustment). If an appeal is not applicable, he said that he would assist Mr. Cole and Ms. Miller in seeking clarification and, if necessary, pursue a change to our Code.

Susan Miller, 509 Palmetto Avenue, referenced the same issue and said she is satisfied with the City Manager's response.

UNFINISHED BUSINESS

8. COUNCIL ACTION RE: Funding request from Brevard Tomorrow. (Postponed - 8/26/03)

From the agenda report: This is a request from Brevard Tomorrow, a program of Leadership Brevard, for funds in the amount of \$12,400 for the implementation phase of their Preferred Future Strategic Plan.

Kristin L. Bakke, President/CEO, Leadership Brevard, discussed the history, mission statement and community goal of Brevard Tomorrow.

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Mr. Palmer stated that he believes Brevard Tomorrow is doing a wonderful job, which will help the population of the entire County. He added that it is evident they have made tremendous progress and he encouraged the City to be involved.

Ms. Bakke responded to Mrs. Poole's questions regarding the relationship between Brevard Tomorrow and Leadership Brevard. Mrs. Poole commented that for many of the items identified in the plan, it is 10 years too late. Ms. Bakke said it is better to start now than never.

Mrs. Palmer said that the problems listed in the opening statement are problems for the entire County. The municipalities and Brevard County have elected bodies, boards and committees that are accountable to the voters and the public. Everything Brevard Tomorrow seeks to do can be done through the County Commission and the municipalities.

Moved by C. Palmer/Walker to deny the request.

Mr. Palmer said that, although the City may not be able to fiscally help, members can morally support the program.

The question was called. Motion carried unanimously.

9. ORDINANCE NO. 2003-71 (CPA-2003-02), ORDINANCE NO. 2003-72 (Z-2003-962), AND PRELIMINARY PLAT APPROVAL (SD-2003-04) EAGLE HARBOR: Ordinances amending the land use on 8.9 acres and changing the zoning on 8.9 acres and an adjacent 15.5±-acre parcel, and preliminary plat approval on a total of 24.4+ acres, located on the west (north) side of Eau Gallie Boulevard, east of Trent House Drive, west of Wickham Road, and the proposed Turtle Mound Road extension. (Owner/Applicant - Florida Conference Association of Seventh Day Adventist) (Representative - Mike Evans) (Postponed - 9/09/03)
- a. Ordinance No. 2003-71 (CPA-2003-02): (Second Reading/Public Hearing) An ordinance changing the land use from Commercial to Low Density Residential. (First Reading - 8/26/03)
 - b. Ordinance No. 2003-72 (Z-2003-962): (Second Reading/Public Hearing) An ordinance changing the zoning from C-P (Commercial Parkway) to R-2 (6) (One-, Two-, and Multiple-Family Residential with a cap of 6 units per acre). (First Reading - 8/26/03)
 - c. Preliminary Plat Approval: (Public Hearing) Preliminary Plat approval to develop the properties for single-family residential use.

From the agenda report: This item was postponed at the September 9 Council meeting to allow the City Attorney time to review the changes to the conditions requested by the applicants' representative. The conditions in Ordinance No. 2003-72 have been revised

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to assist in protecting homes in Magnolia Lakes and to outline the provisions agreed upon between Eagle Harbor and Magnolia Lakes Subdivisions.

The Planning and Zoning Board and staff recommended approval of CPA-2003-02, approval of Z-2003-962, and approval of SD-2003-04, Preliminary Plat for Eagle Harbor Subdivision, consisting of a four-sheet plan prepared by William Mott Land Surveying, Inc., of Melbourne, Florida, with revised comments dated 7/29/2003, with 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; or 2) an increase of more than two lots.

- b. The owner/developer shall provide a permit to disturb or remove wetlands on site, if determined to qualify, from the St Johns River Water Management District.
- c. 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.
- d. Provide a warranty deed for the east 25 feet of the parcel overlaying the FDOT drainage easement for additional right-of-way for the proposed Turtle Mound Road extension.
- e. The 67-foot wide right-of-way to the north of the property will not be used for ingress or egress for development proposed on the property.
- f. A 10-foot wide drainage tract must be provided along the western property line for Lots 11-22 and must be maintained by the homeowners' association.
- g. A note that the homeowners' association will maintain private drainage easements must be added to the plat.

Vice Mayor Contreras called for disclosures. There were none. Attorney Gougelman read Ordinance No. 2003-71 and 2003-72 by title.

Mike Evans, applicant, referenced the changes to the conditions in Ordinance No. 2003-72. He reported that he met with the neighbors and everyone is in agreement with the stipulations.

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Mrs. Poole said she cannot support the request because the amount of fill required has resulted in the removal of trees. She added that she is concerned about the loss of habitat.

In response to Mrs. Palmer, Attorney Gougelman pointed out the stipulations in the ordinance which address dust, dirt, etc. during the construction phase.

Vice Mayor Contreras opened the public hearing.

Marshall Potter, 1159 White Oak Circle (Magnolia Lakes), stated that he read and agrees with the conditions in the ordinance. He asked Council to move forward.

Responding to Mrs. Poole, Mr. Potter said he represents the majority of the residents on White Oak Circle who are adjacent to Eagle Harbor.

Moved by Hand/Walker for approval of Ordinance No. 2003-71. The roll call vote was:

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

Nay: Poole

Motion carried.

Moved by Walker/E. Palmer for approval of Ordinance No. 2003-72, including the revisions to Section 2, which have been underscored. The roll call vote was:

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

Nay: Poole

Motion carried.

Moved by Hand/E. Palmer for approval of SD-2003-04, Preliminary Plat for Eagle Harbor subject to the proposed conditions. Motion carried. (Mrs. Poole voted nay.)

10. ORDINANCE NO. 2003-75 (CPA-2003-06), ORDINANCE NO. 2003-76 (Z-2003-958), AND SITE PLAN APPROVAL (SP-2003-17A/SP-2003-17B) WAL-MART: Ordinances providing for a comprehensive plan amendment, rezoning, and conditional use for 1.03 acres and site plan approval on two parcels, consisting of 10.0± acres, located on the west side of Babcock Street, south of Florida Avenue. (Owner - Elisabeth Athanasakos) (Applicant/ Representative - Kimley-Horn & Associates, Inc.)
 - a. Ordinance No. 2003-75 (CPA-2003-06): (Second Reading/Public Hearing) An ordinance changing the land use from Commercial/Medium Density Residential to Commercial. (First Reading - 9/09/03)

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- b. Ordinance No. 2003-76 (Z-2003-958): (Second Reading/Public Hearing) An ordinance changing the zoning from C-1 (Neighborhood Commercial) to C-2 (General Commercial). (First Reading - 9/09/03)
- c. Ordinance No. 2003-77 (CU-2003-07/SP-2003-17A): An ordinance granting a conditional use and site plan approval for an automotive service station. (Denied - 9/09/03)
- d. Site Plan Approval (SP-2003-17B): (Public Hearing) Site plan approval to develop a Wal-Mart grocery store on a 10-acre parcel.

The Planning and Zoning Board and staff recommended approval of SP-2003-17(B), subject to the following conditions:

- a. The site plan shall be consistent with the two-page plan prepared by Kimley-Horn and Associates of Vero Beach, Florida, with Project Number 047253351, dated *9/12/2003. 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 5 percent of the open space or vegetative areas on site; 2) an increase of more than 5 percent in the building square footage proposed; 3) any increase in the number of fueling pumps proposed; or 4) the addition of a driveway.

*Note: A memorandum was distributed to Mayor and Council from the City Manager indicating that the site plan date referenced in condition "a" in the agenda package should be September 12.

- 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 hardwood trees. Initially, trees shall only be removed for driveways, drainage facilities, and structures. Trees 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.
- c. All proposed roadway improvements along Florida Avenue shall be approved by the City of Melbourne Engineering Department.
- d. Driveway access improvements, deceleration lanes, and proposed median cuts shall be provided as required by the Florida Department of Transportation within the Babcock Street right-of-way.

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- e. Outdoor sales shall not be permitted on site as noted on the site plan.
- f. The proposed building shall be consistent with the rendering presented by the applicant.
- *g. The operation of the liquor store shall comply with the requirements of Section 3-1.1, City Code.

*Note: Same memorandum from the City Manager references the addition of condition "g."

Vice Mayor Contreras called for disclosures.

Council Member Grace Walker said she spoke with Attorney Susan Motley on September 18. Ms. Motley indicated that the liquor store would not be open 24 hours and that there would be some revisions.

Mrs. Palmer said she spoke with Susan Motley on September 19. Ms. Motley said that if the conditional use for the gas station was denied, they would still move forward. Additionally, she noted that the liquor store would not be a 24-hour operation.

Mrs. Hand said she also spoke with Ms. Motley about the same issue.

Mrs. Poole said she received a call from Ms. Motley's secretary; she informed her that she would rather not speak to Ms. Motley.

Mr. Palmer said he talked to the attorney, too, about the comments mentioned.

Vice Mayor Contreras referenced the calls he received from Ms. Motley's secretary in an attempt to arrange a meeting. He finally spoke with Ms. Motley after September 18 about the site plan being resubmitted without the gas station and the potential for reconsideration of the first plan with the gas station.

The Vice Mayor asked the City Attorney to explain the impact of the previously denied Ordinance No. 2003-77 and available options.

Attorney Gougelman read Ordinance Nos. 2003-75 and 2003-76 by title. He explained the following: At the last meeting there were four items on the agenda. Items "a" (Comprehensive Plan Amendment) and "b" (zoning) relate only to the land proposed to be used for an automotive service station. Those two ordinances passed on first reading. Item "c" (conditional use) relates only to the property proposed to be used for an automotive service station. At the last meeting it was unanimously denied. It appears on the agenda because Wal Mart has advised us that they may seek to have Council resurrect that ordinance.

At this point, Attorney Gougelman referenced the memorandum he distributed to Council on this item, which outlines various parliamentary procedures. In order to resurrect the

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conditional use ordinance, the only motion available would be a motion to rescind the denial of Ordinance No. 2003-77. Any member can make that motion and it requires a two-thirds vote. Although no action is required (because the ordinance has been denied) it has been placed on the agenda out of an abundance of caution.

Continuing, Attorney Gougelman said that item “d” is the site plan and covers the entire site. Since Council denied the conditional use, the site plan was not acted on since it included the service station. Item “d” on this agenda is a revised site plan prepared by Wal Mart, without the gas station.

Mr. Gougelman referenced the site plan date in the agenda report, which should reflect September 12. Additionally, as a result of Mayor Buckley’s concern about the hours of operation for the liquor store, stipulation “g” has been proposed. That stipulation has the effect of alerting Wal Mart that the City does not allow alcohol to be sold 24 hours per day.

There are many options at this point; however, Wal Mart is ultimately looking for approval of their site plan. It is Council’s choice whether to approve the gas station. And, the only way to resurrect the conditional use for the gas station will be to rescind the denial of Ordinance No. 2003-77. Additionally, the argument can be made that if Council is not prepared to approve the conditional use, then the land use and zoning changes are not necessary.

Vice Mayor Contreras opened the public hearing.

Susan Motley, attorney representing Wal Mart, Ft. Lauderdale, asked Council to rescind the denial of the conditional use ordinance. She pointed out that Council approved the land use and zoning for the gas station and then proceeded to deny the conditional use. Ms. Motley referenced the City Code, which states that “no conditional use shall be recommended by the Planning and Zoning Board, nor granted by the City Council, unless a determination has been made that the use requested will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the general...In making this determination, the board and the City Council shall take into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity...”

Ms. Motley displayed an aerial that shows an existing gas station (Hess Express) on the corner of Babcock Street and Florida Avenue. She said that this illustrates that a determination has previously been made by Council that a gas station would be appropriate in this location. She cited Florida law and noted that in proceedings where an applicant has complied with the conditions set forth, the burden is on the authority to demonstrate by substantial competent evidence that approval of the special exception or conditional use would be adverse to the public interest. She added that there is nothing in the record to reflect that the proposed gas station, located next to an existing gas station, would create anything different in terms of use and would be contrary to the public interest.

Attorney Motley pointed to a second aerial, which depicts various locations around the City where there are gas stations in close proximity to each other. She asked Council to rescind the denial of the conditional use ordinance and said that is the only fair and equitable thing

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to do.

Continuing, Ms. Motley made the staff report, minutes, City file and all exhibits a part of the record. She added that the land use amendment was recommended for approval by the Planning and Zoning Board and staff; it is consistent with the Land Use Plan and Code requirements.

Ms. Motley concluded by displaying the “alternative” site plan because the conditional use was turned down. And, should Council decide to revisit that decision, the site plan with the gas station is also on display and on file. She called Angie May, Project Engineer, Kimley-Horn, to the podium.

Angie May, Kimley-Horn, Vero Beach, explained her educational background, civil engineering experience, and employment history. In response to Ms. Motley, she briefly explained the site plan and stated that the plan meets the City’s requirements.

Dick Mercer, project traffic consultant, Kimley-Horn, Orlando, cited his educational background and experience. Responding to Ms. Motley, he explained the traffic analysis Kimley-Horn performed on this site and the process used. He stated that none of the roadway segments adjacent to this project would violate the City’s concurrency requirements. The proposed neighborhood market site plan meets the traffic concurrency and all traffic related requirements. He added that it also offers a benefit to the system as a whole. The development will provide an opportunity for residents in the area to go to a new destination, which will be presumably shorter than the route followed now.

Ms. Motley explained the concept of a neighborhood market. The site plan was prepared based on City staff review, the Planning and Zoning Board review and consultants who worked closely with staff to meet the requirements of the City Code. It is consistent with the land use plan, zoning and land development regulations. With regard to the liquor store, it will not be a 24-hour operation. They are considering 9:00 a.m. – 10:00 p.m. Monday through Thursday, 9:00 a.m. – 11:00 p.m. Friday and Saturday and 1:00 p.m. – 10:00 p.m. on Sunday.

The development will provide additional taxes for the City. They are required to preserve as many of the trees as possible on the site. And, it will provide for approximately 80 new jobs. Regarding the vacant Wal Mart site on Babcock Street, Ms. Motley said that Wal Mart was not able to fit the super center on that site. That is why it moved to West Melbourne. She stated that she was astounded at the action Council took on the gas station. However, Wal Mart has made a decision to proceed.

Mrs. Poole said she has a problem with changing the land use and zoning. She added that she has no confidence that Wal Mart won’t return and request a gas station at this site.

Mrs. Palmer stated that she can’t find a legitimate reason to deny the gas station. She added that the City has enough business to support two gas stations at this location.

Moved by C. Palmer/Walker to rescind the denial of CU-2003-07 (Ordinance No. 2003-77).

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Mrs. Walker stated that there was a lot of confusion at the last meeting. She said she feels that the comments made were inappropriate, especially since City Council approved the Hess station at this location. Wal Mart is not asking for anything different.

Mrs. Poole referenced the aerial displayed by Ms. Motley, and pointed out that the gas stations identified are not located side by side.

The question was called. The roll call vote was:

Aye: Walker, C. Palmer and Contreras

Nay: E. Palmer, Poole and Hand

Motion failed.

Mr. Contreras asked the City Attorney to comment on condition “g” – liquor store hours. Attorney Gougelman said that this essentially mirrors the City Code requirements. The practical effect is to put the applicant on notice that we don’t have 24-hour liquor sales.

Ms. Motely responded that the liquor store will be walled in with a separate entrance. She acknowledged stipulation “g.”

Attorney Gougelman explained the problems that would occur if Council imposed different hours (other than that allowed by the Code) on the liquor store. Mr. Schluckebier added that it would create an enforcement problem.

Ms. Motely concluded by saying she agrees with all conditions, including the new condition “g.”

Joan Chapkin, 4826-3 Lake Waterford Way, said that the residents who purchased property in the Florida Avenue area did so with the understanding that the existing zoning plan would provide a residential environment with little commercial development. People in the neighborhood believe that the current zoning plan effectively meets their needs and desires. She added that this development will adversely impact the surrounding properties.

William Habermann, 4585 Lake Waterford Way, referenced the aerial that shows gas stations in close proximity to each other and pointed out that one of the stations is no longer in business next to the Wal Mart Super Center. This shows that being in close proximity does have an effect on surrounding businesses. Regarding the 80 jobs, he asked if they would be full time with benefits and a pension plan.

That concluded comments from the public.

Ms. Motley pointed out that in terms of this site plan, the land use and zoning are appropriate for the neighborhood market. The neighborhood market site does not require a change in zoning. Therefore, the City has planned retail in this area. She added that most

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of the jobs will be full time and Wal Mart does provide its employees with benefits.

Mrs. Poole agreed that Council does not have to change the Comprehensive Plan and zoning in order for the market to be developed. Ms. Motley said that the change would mean that some day, Wal Mart could return and seek conditional use approval for a gas station. Mrs. Poole objected to making a change for a future request.

A brief discussion followed.

Moved by Poole/E. Palmer for denial of Ordinance No. 2003-75. The roll call vote was:

Aye: E. Palmer, Poole and Hand

Nay: Walker, C. Palmer and Contreras

Motion failed.

Attorney Gougelman said that since the motion for “denial” was denied, Council has incomplete action on this item.

Moved by Poole/C. Palmer to postpone this item until the next meeting. The roll call vote was:

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

Nay: Hand

Motion carried.

Moved by E. Palmer/Poole to postpone Ordinance No. 2003-76 until the next meeting. The roll call vote was:

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

Nay: Hand

Motion carried.

Moved by C. Palmer/Walker for approval of SP-2003-17B, dated September 12, with the inclusion of condition “g.” Motion carried unanimously.

Recessed: 9:28 p.m.

Reconvened: 9:40 p.m.

11. ORDINANCE NO. 2003-78 (Z-2003-945/SP-2003-05) SONESTA WALK SUBDIVISION: (Second Reading/Public Hearing) An ordinance changing the zoning from R-2 (Cap 6) (One-, Two-, and Multiple-Family Residential with a cap of six units per acre) to P.U.D.

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(Planned Unit Development) and site plan approval on a 55.15-acre parcel, located on the east side of Dairy Road, between Eber Boulevard and Palm Bay Road. (Owner/Applicant/Representative - Dairy Towns Community Developers, Inc.) (First Reading - 9/09/03)

There were no disclosures by Council. Mr. Gougelman read Ordinance No. 2003-78 by title. There were no comments from the public.

Moved by Hand/Walker for approval of Ordinance No. 2003-78.

Mrs. Poole expressed concern that the applicant plans on returning with a request for a variance to allow a block length greater than 1,500'. Additionally, she noted that Council asked for pictures of the garages, yet this is not what the applicant submitted. Mrs. Dittmer said that the applicant provided a lot layout that shows garages and driveways. She added that it was her understanding this is what Council requested.

The question was called. The roll call vote was:

Aye: E. Palmer, Walker, Hand and Contreras

Nay: Poole and C. Palmer

Motion carried.

12. ORDINANCE NO. 2003-79: (Second Reading/Public Hearing) An ordinance amending Chapter 11, Elections, providing for procedures and the filling of vacancies in candidacy for City Council. (First Reading - 9/09/03)

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

Moved by Poole/E. Palmer for approval of Ordinance No. 2003-79. The roll call vote was:

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

Nay: None

Motion carried unanimously.

NEW BUSINESS

13. CONSENT AGENDA:

Vice Mayor Contreras asked members if they wished to remove and vote on any item separately. Mrs. Hand said she had a question on Item "i."

Moved by Hand/E. Palmer for approval of 13 'a' through 'j' as recommended.

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Mrs. Hand discussed the need for protected bus benches and asked if SCAT had any plans to provide this. Mr. Schluckebier said he would investigate and return with a response.

Mr. Palmer briefly discussed Item “j” and staff responded to questions regarding the difference in premiums.

The question was called. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Supplement No. 159 to the continuing consultant’s contract for engineering services to provide for improvements to the Booker T. Washington Neighborhood, Project No. CD0266, Frazier Engineering - \$29,740.
 - b. Purchase of five Gemini Plus Headliner video systems, Decatur Electronics, Cape Coral, FL - \$17,975.
 - c. Purchase of automotive parts, supplies, and filters, Central Auto Parts, Inc., Melbourne, FL - \$40,000.
 - d. Purchase of new pumps and electro-mechanical modifications at the Grant Street Wastewater Treatment Facility, Ellis K. Phelps & Co., Apopka, FL - \$19,459.
 - e. Purchase of a Toro 4500 Groundsmaster rotary mower, Wesco Turf Supply, Inc., Lake Mary, FL - \$40,741.05.
 - f. Purchase of a Detroit 150DSEGB standby electric generator, Florida Detroit Diesel, Orlando, FL - \$24,000.
 - g. Annual contract for the purchase of 2,500 5/8” x 3/4” and 200 1” cold water meters, Badger Meter, Inc., Milwaukee, WI - \$74,820.
 - h. Contract award to furnish and install new and replacement chainlink fencing, East Coast Fence & Guardrail, Cocoa, FL - \$20,000.
 - i. Approval of the agreement between Space Coast Area Transit and the City of Melbourne for FY 2003-2004 - \$26,083.
 - j. Renewal of property and casualty insurance coverage, various providers, total cost of \$1,632,974.50.
14. COUNCIL ACTION RE: (Public Hearing) Amendment to the FY 2000 Home Program to cancel the “Land Acquisition for Affordable Housing” activity and transfer its \$33,000 budget to the “Owner-Occupied Housing Rehabilitation” activity budget

Housing and Community Development Administrator Melinda Thomas reviewed the agenda report. There were no comments from the public.

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Moved by E. Palmer/Hand for approval of the advertised amendment to the FY 2000 HOME Program to cancel the “Land Acquisition for Affordable Housing” activity and transfer its \$33,000 budget to the “Owner-Occupied Housing Rehabilitation” activity as proposed. Motion carried unanimously.

15. FINAL PLAT APPROVAL (SD-2002-07) BELLE TERRACE SUBDIVISION: (Public Hearing) Final plat approval for Belle Terrace Subdivision on a 15.11-acre parcel, zoned R-1B (Single-Family Residential), located on the southwest corner of Eber Road and Stack Boulevard. (Owner/Applicant - Belle Terrace, LLC) (Representative - Bussen-Mayer Engineering Group, Inc.) (P&Z Board - 9/04/03)

Mrs. Hand disclosed that she drives by this site a couple of times per week.

Mrs. Dittmer reviewed the agenda report. The Planning and Zoning Board and staff recommended approval of the final plat, consisting of a two-sheet plan, prepared by Bussen-Mayer Engineering Group, Inc., of Merritt Island, Florida, with Project Number 325802, with the following conditions:

- a. Any change to the final plat will require its re-evaluation by the Planning and Economic Development Department and Engineering Department.

Any substantial change to the final plat will require review and approval by the Planning and Zoning Board, Local Planning Agency, and City Council. A substantial change in the Final Plat includes, but is not limited to: 1) any increase in the number of lots; or 2) any change in the street network or retention pond location.

- b. The applicant shall provide a form of surety equal to 110 percent of the construction cost as required by City Code, Chapter 29, Section 29-5 (c) (4) c. Such surety shall be in form acceptable to the City Manager and City Attorney.
- c. Provide a recent signed original title opinion in accordance with City Code, Chapter 29, Section 29-5 (c) (4) d.
- d. Provide warranty deeds conveying the tracts to the homeowners' association.
- e. Provide a Bill of Sale for the water and sewer lines and an easement for the water and sewer lines within the rights-of-way.

Mrs. Dittmer confirmed for Mrs. Poole that the site was cleared because of the amount of fill required to elevate the site.

Don Simms, Falcon Development, managing partner of Belle Terrace, said that they paid for wetland mitigation to offset the removal of trees. He stated that he met with adjacent homeowners who were at the first hearing and reviewed the plat. He added that he believes they have satisfied the homeowners' concerns. A fence will be installed along

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the west property line and they are adding swales to correct the adjacent property's drainage problems.

Mrs. Poole referenced the clearing on the site. Mr. Simms said the builder has agreed to install a streetscape of oak trees between the sidewalk and curb in addition to the required landscaping. Also, he explained that many of the Bayberry residents' fences encroach on this property. Belle Terrace is not requiring Bayberry residents to remove their fences. The Belle Terrace fence will parallel the Bayberry fences.

A brief discussion followed regarding the fence. Mr. Simms agreed with the proposed conditions.

Moved by Hand/E. Palmer for approval of SD-2002-07, subject to the proposed conditions. Motion carried. Mrs. Poole voted nay.

Mrs. Poole voted nay because the property has been clear-cut and filled.

16. ORDINANCE NO. 2003-80 (CU-2003-10) AND ORDINANCE NO. 2003-81 (Z-2003-963) RIVER PALMS: (First Reading/Public Hearing) Ordinances providing for a conditional use to allow a marina facility on residential property and to rezone the front .92 acres from R-3 (15) (Multiple-Family Dwelling District with a cap of 15 units per acre) to R-P (Residential Professional), located on the east side of North Harbor City Boulevard, at the intersection of Post Road. (Owner - Charles Boyd Construction Corporation) (Applicant - Coastal Technology Corporation/Charles Boyd Construction Company) (P&Z Board - 9/04/03)

Vice Mayor Contreras asked for disclosures; there were none. Attorney Gougelman read Ordinance No. 2003-80 and Ordinance No. 2003-81 by title.

Mrs. Dittmer reviewed the agenda report. The Planning and Zoning Board and staff recommended approval subject to the following stipulations:

- a. The conditional use shall be consistent with the site plan for River Palms Condominiums consisting of a three-page plan prepared by Coastal Tech, with Job No. 22315, dated 5/9/03.

Any change to the site plan will require revaluation by the Planning and Economic Development and Engineering Departments.

- b. The proposed boat slips will be solely utilized by the residents of River Palms Condominiums, and sub-leasing of slips to outside parties will be prohibited.

- c. Additional marina services or live aboard vessels will not be permitted.

Mrs. Poole asked how condition "c" will be enforced. Mrs. Dittmer replied through Code Enforcement. She added that she does not foresee someone buying a condominium and then allowing someone to live on a boat behind their property.

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Mrs. Dittmer said that the applicant's representative, Attorney Jim Reinman, is out of town.

Moved by C. Palmer/E. Palmer to postpone this item until the next meeting to allow a full Council and the applicant to be present. Motion carried unanimously.

17. ORDINANCE NO. 2003-82 (CU-2003-09/SP-2003-28) TOYOTA/LEXUS PRUITT EXPANSION: An ordinance granting a conditional use and site plan approval to build an accessory vehicle storage lot on property zoned R-P (Residential Professional), located on the north side of Brevard Drive, east of Babcock Street, and west of Highway U.S. 1 and a storage use agreement. (Owner/Applicant - Buchanan Farms, Inc. and 198, Inc.) (Applicant - John Tosch) (Representative - BSE Consultants, Inc., Scott and Ana Glaubitz)
- a. Ordinance No. 2003-82 (CU-2003-09/SP-2003-28): (First Reading/Public Hearing) An ordinance granting a conditional use and site plan approval to build an accessory vehicle storage lot. (P&Z Board - 9/04/03)
- b. Council Action Re: Storage use agreement for Toyota-Lexus of Melbourne.

Mr. Contreras asked for disclosures. Mrs. Hand stated that Tanya Pruitt called her and discussed the property. Mrs. Poole said that she visited the site yesterday and took photographs. There is a large oak tree on the corner of the property; heavy equipment is parked on the root system, which will kill the tree.

Mr. Gougelman read Ordinance No. 2003-82 by title.

Mrs. Dittmer reviewed the agenda report. The Planning and Zoning Board forwarded the item to Council without a recommendation. The Planning and Economic Development Department recommended approval with the following conditions:

- a. The conditional use shall be consistent with the one-page site plan for Toyota/Lexus of Melbourne Storage Lot (Pruitt Expansion), prepared by B.S.E. Consultants, Inc., having Project Number 10388.11, dated 07/16/03.

Any change to the site plan will require re-evaluation 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, the 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 change in the size (width) of the buffers provided along the property boundaries.

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- b. The chain link fence between the street and the storage lot shall be set back 10 feet from the property line and the required hedge and trees shall be located between the sidewalk and the fence.
- c. The accessory lot shall be used for parking of operable, “untagged” vehicles that are not awaiting repair.
- d. The accessory lot shall not be used for employee or customer parking and shall not be opened to the public.
- e. The owner/developer shall execute a recordable agreement indicating that the facility will be used as an accessory storage lot and not as a parking lot. If changed, interior landscaping will be required.

Mrs. Poole asked what will happen to the oak trees on the perimeter of the property. Mrs. Dittmer replied that the majority of the center will be cleared; however, the hardwood trees on the perimeter will be preserved.

Mr. Palmer asked where an accessory lot is authorized in the Code. Mrs. Dittmer explained that staff interpreted the request for the lot as being an accessory use to the main use of auto sales. The site plan includes perimeter landscaping and buffering for the adjacent properties.

Mrs. Poole objected to the lot not having aisles and interior landscaping, which allows for green area and percolation.

Mrs. Hand asked where vehicles will be unloaded. Mrs. Dittmer said that there is an access from an existing internal lot.

Phil Nohrr, attorney representing the applicant, submitted photographs showing the employee lots, the storage lot and the subject property. He reported that the property is the old Pruitt homestead on Brevard Drive. Mr. and Mrs. Pruitt have passed away and the estate is liquidating the property. Every hardwood tree, except for one, will be saved. Regarding the comment about the oak tree, Mr. Nohrr said that they will look into this immediately and correct the problem.

Mr. Nohrr pointed out the location of the dealership on U. S. 1/Brevard Drive in the photographs. Immediately west on Brevard Drive is an accessory storage lot. A special area has been provided on that lot for delivery trucks to enter and off load vehicles. There are occasions when truck drivers don't use that space; however, all the transport companies have been told to use this area. The dealership enforces this and the majority complies. The next property west is the old Davis Funeral Home and construction of an employee parking lot is underway. Farther west is the Pruitt homestead and then commercial property on Babcock Street.

Continuing, Mr. Nohrr said that the Pruitt property is neither conducive to single-family nor marketable as single-family. Also, the Police reports and the Code complaints do not

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substantiate the comments made at the Planning and Zoning Board meeting about speeding vehicles and noise. He elaborated on possible sources of speeding vehicles and described upgrades to the dealership sound system.

Mr. Nohrr explained that the lot will have landscaping in the front and will be fenced. There will not be ingress/egress from Brevard Drive to the site; therefore, this facility will not add trips to Brevard Drive. There will be 31% more landscaping than what is required by Code.

Mr. Nohrr said that it is not logical to say that the Pruitt house can remain sandwiched between commercial uses and parking lots. The applicant wishes to utilize the property in a way that is consistent with what is happening in the area. Commercial uses already exist in the area.

Mr. Nohrr agreed with the staff findings and conditions. He said that they are willing to enter into a recorded agreement that states the allowed use of the lot is for parking/storage of vehicles only. It also contains a requirement to add interior landscaping if it is converted to a parking lot for any other use. In closing, Mr. Nohrr said that the request is compatible with the neighborhood. They will be good neighbors, save trees, provide an opaque fence and will not negatively impact the surrounding properties.

Mr. Nohrr referenced the letter previously distributed to Council from Elizabeth L. George, 27 Dale Avenue. She owns the property that abuts the north side of the subject property and she has no objection to the request.

Mrs. Palmer asked what hours cars load/unload and how the dealership can ensure the street is not blocked. Mr. Nohrr said the drivers have to be checked in, regardless of what time they arrive. Dealership employees direct them to pull off the street. He added that he is not aware of any recent complaints since the new procedure began.

Don Carroll, Toyota Lexus, elaborated on the vehicle unloading process. He responded to questions and noted the following: carriers are not permitted to stack and block Brevard Drive; employees will not sign for any vehicles dropped off on the roadway; they average a couple of deliveries per day; and there are no deliveries on Sunday – most are Monday through Friday.

Dennis Drake, 2621 Chaparral Drive, said that he is a former tenant of 28 Brevard Drive (Pruitt property). He reported that the home is in need of repairs, upgrades, etc. He added that while he was a tenant, he never heard noise from the dealership. He concluded by saying he is in favor of the request.

Mike Krasny, Indialantic, said that Jim Pruitt was the first person he met in Brevard County. He informed Council that when the Pruitt house was built, it was in the boondocks on the edge of Eau Gallie. The town surrounded that house and most of the area is now commercial; it doesn't lend itself to residential. He summarized by saying he is addressing Council as a friend of the Pruitt family.

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Tanya Pruitt Herbert, owner of the subject property, said that she was born here and grew up in this house. She added that this decision was not easy; however, the area has changed. The house is in disrepair and she can't keep up. Ms. Herbert stated that Toyota has been a good neighbor. She asked Council for its support.

Moved by E. Palmer/Walker for approval of Ordinance No. 2003-82. Motion carried.
Mrs. Poole voted nay.

Moved by Hand/C. Palmer for approval of the Storage Use Agreement for Toyota-Lexus of Melbourne.

Mrs. Poole stated that the car dealership continues to expand. They already have two employee lots and one storage lot. The subject property is the historical Pruitt home. It is a beautiful house with a gorgeous lawn. She said she is sure someone would love to live in this house. Mrs. Poole stressed that perimeter landscaping is not enough. At a minimum, the large tree in the center of the property should be preserved. The request does not consider the needs of the neighbors. There are complaints about noise generated by trucks unloading vehicles, and there is no way to assure that the transport drivers will do what they are supposed to.

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

18. ORDINANCE NO. 2003-83 (CU-2003-11/SP-2003-21) HISTORIC ROSSETTER FOUNDATION: (First Reading/Public Hearing) An ordinance providing for the repeal of Ordinance No. 93-48 (CU-93-02/Roesch House) and Ordinance No. 2003-32 (CU-2001-17/Rossetter House) and granting a conditional use and site plan approval to permit a museum with a restroom facility to be utilized by the Rossetter Museum, located on the south side of Hector Street, east and west of Highland Avenue, west of Houston Street, and north of Old Oak Street. (Owner - Caroline P. Rossetter Trust) (Applicant - Florida Historical Society) (Representative - Nick Wynne) (P&Z Board - 9/04/03)

Vice Mayor Contreras called for disclosures. There were none. Attorney Gougelman read the ordinance by title.

Mrs. Dittmer reviewed the agenda report. The Planning and Zoning Board and staff recommended approval of the request to repeal the existing conditional uses on the property and approve this conditional use request, subject to the following conditions:

- a. The conditional use shall be consistent with the site plan for the Rossetter House, consisting of a one-page plan prepared by Renker Eich Parks Architects, with Project Number 003, dated 07/16/03.
- b. The right-of way for Hector Street shall not be included.
- c. There shall be no parking on the cemetery site.

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- d. Outdoor events shall be limited to six per year. Any outdoor event at this location shall require a special activity permit.
- e. A minimum of five regular parking spaces and one handicapped parking space must be provided within 500 feet of the site.
- f. The applicant must successfully obtain a variance from the Board of Adjustments to permit parking without the required landscape buffer for the yard area adjacent to Hector Street.

Phil Nohrr, attorney representing the applicant, reviewed the request and said that the neighbors understand the request. He asked Council to approve the revised site plan.

Mrs. Poole asked about parking for the six special events per year. City Clerk Cathy Wysor explained that the applicant will be required to identify available parking when they apply for a special activity permit.

Mr. Nohrr agreed with the conditions. There were no comments from the public.

Moved by Poole/Walker for approval of Ordinance No. 2003-83 subject to the proposed conditions. Motion carried unanimously.

19. COUNCIL ACTION RE: Request by Harris Sanitation, Inc. for an increase in solid waste collection rates.
- a. Ordinance No. 2003-84: (First Reading) An ordinance amending Chapter 14 of the Code of Ordinances entitled "Garbage and Refuse," providing rates for the collection of garbage and trash.
 - b. Proposed contract modification agreement with Harris Sanitation, Inc.

Attorney Gougelman read Ordinance No. 2003-84 by title. The City Manager briefed Council. He referenced the number of complaints received and stated that staff will talk to Harris about yard trash complaints.

Moved by E. Palmer/Poole for approval of Ordinance No. 2003-84 and the contract modification agreement. Motion carried unanimously.

20. COUNCIL ACTION RE: Salary Adjustments For Non-Union Employees

Mr. Schluckebier reviewed the agenda report. Funding is provided in the City's FY 2003-2004 Budget for salary improvements for non-union employees. The following adjustments are proposed:

- a. Increase salaries and wages 3.0% across-the-board for regular part-time and full-time employees effective October 1, 2003. In accordance with the City's Step Pay Plan, all non-union employees who have worked with the City for at least six full

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months will be eligible to participate in this program. Step raises will be processed on October 1, 2003 for those eligible employees who meet performance standards.

- b. Increase the special pay positions of Maintenance Worker I (part-time), Custodian (part-time), and Equipment Operator I (part-time) to equal the pay of their counterpart full-time positions found in the LIU pay schedule.
- c. Correct inequity in Grades 54 to 59 to a step plan consistent with all the other grades.
- d. Add three steps to the non-union classification plan - steps U, V, and W. This is consistent with the three steps recently added to the IAFF pay plan.
- e. Provide a 2% increase to the fixed rate of pay for the temporary position of Golf Course Attendant.

With respect to the Charter positions of City Manager and City Attorney it is proposed that these positions receive similar comparable increases in Step of 2.2% and COLA of 3.0%. The Council may choose to add meritorious or further competitive adjustments. In the case of the City Manager no further increase is sought or requested, although Council retains the right to add further merit adjustment. In the case of the City Attorney, Council is requested to look carefully at the comparative City Attorney salary data previously presented in Fiscal Year 2002 and at the Fiscal Year 2003 Budget Workshop.

Mrs. Walker said she had asked the City Manager about the salary of Council Members and whether adjustments should be considered.

Mr. Schluckebier commented that, in general, city councils get themselves into trouble by not regularly adjusting their salaries. He recommended Council treat itself in the same way that employees are treated. It is a reasonable concept and provides that this issue does not have to be addressed over and over. If Council does not address its own salary and act routinely, the rate will continue to fall behind.

Mrs. Walker said that if our City employees are entitled, then Council should be entitled to an increase. No one serves on Council because of the pay. Additionally, members do more than just attend Council meetings. Mrs. Hand said she likes the idea of treating Council Members in the same manner as employees are treated. She asked that this be reviewed.

Mr. Schluckebier said that he would be happy to research any Code requirements and return at a future meeting with information.

Mrs. Poole stated that she is totally opposed to an increase in Council's salary. She added that elected officials should accept the responsibilities and pointed out that our board members volunteer their time. Mrs. Poole stated that our employees deserve increases.

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Mrs. Hand said that the workload has greatly increased. Some members serve on the Airport Authority, Metropolitan Planning Organization, etc., which takes time.

Mrs. Palmer said that she is perfectly happy with the current salary. However, since it is becoming increasingly difficult to get people to run for Melbourne City Council, an increase in pay should be considered if it would provide incentive.

Mr. Contreras asked City staff to review the possibilities and return with a recommendation.

Mrs. Palmer addressed the City Attorney salary. She said one factor is that our City Attorney is allowed to represent other clients outside of his City of Melbourne position. She would like to know if this occurs in other cities where the attorney receives a higher salary.

Mr. Schluckebier said that Council has agreed with this situation and it is his understanding that the City Attorney does not do other work on City time. The salary is set; however, the City Attorney rarely receives that salary.

Mrs. Poole stated that there is a real advantage to having an in house attorney. Mr. Schluckebier agreed.

At this point, Council agreed, by consensus, to continue the meeting until 12:15 a.m.

Mr. Contreras said that in comparison with other cities, he believes the salary we pay our City Attorney is low. He recommended that Council take action to bring his salary comparable with the fair market value. Mr. Contreras said he recommends a 10% increase. Mr. Schluckebier said that can be reflected in the first quarter budget review.

A brief discussion followed regarding the percentage increase. Mr. Contreras said that his intent is to have an end salary of \$121,344. The City Manager recommended that Council take action on the derived result rather than trying to determine the actual percentages.

Moved by Contreras/Hand to increase the City Attorney's salary to \$121,344.

Mrs. Palmer said she is crazy about our City Attorney; however, as a representative of the citizens, she believes this is too large of an increase.

Mrs. Hand pointed out that the previous City Manager walked. She said she would hate to see our City Attorney leave and added that the City should pay both what they are worth.

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

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Moved by C. Palmer/E. Palmer for approval of 3.0% across-the-board increases for non-union regular part-time and full-time employees effective October 1, 2003, including addition of three steps to non-union classification plan, correction of inequity in Grades 54 to 59, increase in the special pay positions, 2.0% increase in temporary Golf Course Attendant position, and increase in City Manager and City Attorney salaries consistent with other non-union employees, subject to adoption of the 2003-2004 Budget. Motion carried unanimously.

21. COUNCIL ACTION RE: A proposed Legislative Position Paper to be presented to the Brevard Legislative Delegation for action during the 2004 legislative session.

Mr. Schluckebier referenced agenda report. The Brevard Legislative Delegation plans to meet on October 8, 2003 to hear local legislative requests. The proposed legislative priorities statement requests the Delegation to assist the City of Melbourne by sponsoring and supporting legislation to:

1. Provide for the annexation of Melbourne's water treatment plants into the City of Melbourne.
2. Provide that actionable enclaves be increased from 10 acres to 50 acres for municipalities to annex by ordinance.
3. Amend general annexation law consistent with CS/SB 490 and 1042 presented during the 2003 legislative session.
4. Provide matching funds for waterway improvements and historic preservation to assist municipalities in these efforts.
5. Provide funding to expedite construction of MPO identified transportation priorities affecting Melbourne.
6. Requiring actuarial studies clearly stating the financial impact of pension plan changes and providing a State-funding source for changes approved by the legislature.
7. Repeal Chapter 2002-236, Laws of Florida, which provided workers' compensation benefits to police officers for incidents not directly related to their municipal employment.
8. Support the Florida League of Cities initiatives as identified in their 2003 Legislative Policy Statement, as it may be amended by 2004 Legislative Policy Statement.

Additionally, the time has arrived to engage an outside consultant to advocate Melbourne's legislative interests. Mr. Jerry Sansom, who represents Rockledge and Cocoa, would provide such service at the rate of \$100 per hour. It is estimated that the total cost of such service would be \$8,000 - \$12,000. If Council approves engagement of

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this consultant, funding would be provided from General Fund Contingency at the first quarter budget review next fiscal year.

Mrs. Palmer asked what kind of lobbying effort we receive from the Florida League of Cities. Mr. Schluckebier explained that the league lobbies in general but not for our specific issues. They concentrate on killing bad ideas.

Mrs. Poole said that the Florida League of Cities does a great job. She added that she would hate to see us waste \$8,000 - \$12,000.

Moved by E. Palmer/Hand for approval of the legislative priorities and transmittal to the Brevard Legislative Delegation and approval to retain Jerry Sansom to assist with legislative efforts at a fee not to exceed \$12,000.

Mrs. Palmer asked if this can be reevaluated at a future date. Mr. Schluckebier said that the City was just notified about the Delegation meeting date. Our information had to be assembled in short order. He added that the City will address this issue again next August or September.

Mrs. Poole complimented the City Manager on the content of the list.

The question was called. Motion carried unanimously.

22. COUNCIL DISCUSSION RE: The role of the Internal Auditor position

Moved by E. Palmer/Poole to postpone this item until the next meeting. Motion carried unanimously.

23. COUNCIL ACTION RE: Board Appointments

a. Architectural Review Board - Appointment of one regular member

Moved by E. Palmer/Poole to reappoint Randy Thron. Motion carried unanimously. (10/1/2003 – 9/30/2006, 3-year term)

b. Melbourne Housing Authority - Appointment of two members

Moved by E. Palmer/Hand to confirm the Mayor's reappointment of Bettye Murray as a regular member and appointment of Martha Introvigne as the public housing tenant member. Motion carried unanimously. Bettye Murray (12/13/2003 – 12/12/2007, 4-year term) Martha Introvigne (9/23/2003 – 12/8/2005, unexpired 4-year term)

c. Zoning Board of Adjustment - Appointment of two regular members and one alternate member

Moved by C. Palmer/Walker to reappoint Charles Jackson (regular member). Motion carried unanimously. (12/3/2003 – 12/2/2006, 3-year term)

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Moved by Hand/C. Palmer to reappoint Jamie McKeever (regular member). Motion carried unanimously. (12/3/2003 – 12/2/2006, 3-year term)

Vice Mayor Contreras called for nominations for the alternate member seat. Mrs. Palmer nominated Christa Vermillera and Mrs. Walker nominated Glenn Morris.

Moved by E. Palmer/Hand to close the nominations. Motion carried unanimously. The vote was:

Vermillera: E. Palmer, C. Palmer and Hand

Morris: Poole, Walker and Contreras

Tie vote.

Moved by E. Palmer/Poole to postpone this item until the next meeting. Motion carried unanimously.

24. COUNCIL ACTION RE: Request by Council Members Ed Palmer and Pat Poole for travel authorization to attend the October 10 Florida League of Cities Intergovernmental Relations and Environmental Quality Policy Committee Meetings in Tampa, Florida.

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

25. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

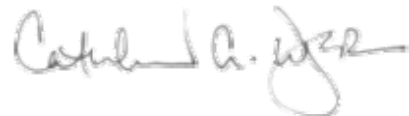
Mrs. Palmer reported that she spoke with a person who sat on a Brevard Tomorrow proposed future land use committee. She learned that there is a plan to set aside areas that will not be developed. In exchange, developers will be allowed higher intensity development on buildable areas.

Mrs. Wysor reported that two members resigned from the Historic Preservation Advisory Committee today – Sushila Renfro and Elaine Murray Stone. The appointment of new members will appear on the next agenda.

26. ADJOURNMENT

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

The meeting adjourned at 12:18 a.m.



City Clerk – 10/2/2003

Approved by Council October 14, 2003