

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
OCTOBER 14, 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. Pastor Bruno Malara, Lighthouse Assembly of God, Melbourne, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

Present:	John A. Buckley	Mayor
	Richard Contreras	Vice Mayor, District 1
	Ed Palmer	Council Member, District 2
	Pat Poole	Council Member, District 3
	Grace Walker	Council Member, District 4
	Cheryl Palmer	Council Member, District 5
	Loretta Isenberg-Hand	Council Member, District 6
	Jack M. Schluckebier, Ph.D.	City Manager
	Paul R. Gougelman, III	City Attorney
	Cathleen A. Wysor	City Clerk
	Amy W. Elliott	Assistant City Manager (arrived during recess)
	Cindy Dittmer	Planning & Economic Development Director

4. PROCLAMATIONS AND PRESENTATIONS

None.

5. APPROVAL OF MINUTES – September 16, 2003 special meeting and September 23, 2003 regular meeting.

Moved by E. Palmer/C. Palmer for approval of the September 16 and September 23 minutes. Motion carried unanimously.

6. CITY MANAGER'S REPORT

City Manager Jack Schluckebier referenced Item #4 – City Board Reception – and confirmed that the reception will begin at 6:00 p.m. on Monday, October 20, at Front Street Civic Center.

7. PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2003-75 (CPA-2003-06) AND ORDINANCE NO. 2003-76 (Z-2003-

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958), WAL-MART: Ordinances providing for a comprehensive plan amendment and rezoning for 1.03 acres, 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 (Owner - Elisabeth Athanasakos) (Applicant/ Representative - Kimley-Horn & Associates, Inc.) The applicant has withdrawn this request.

Mayor Buckley advised that the applicant has withdrawn this request.

9. ORDINANCE NO. 2003-80 (CU-2003-10) AND ORDINANCE NO. 2003-81 (Z-2003-963) RIVER PALMS: Ordinances providing for a conditional use to allow a marina facility on residential property and to rezone property 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)
- a. Ordinance No. 2003-80 (CU-2003-10): (First Reading/Public Hearing) An ordinance granting a conditional use to allow a marina facility on residential property. (Postponed - 9/23/03)
- b. Ordinance No. 2003-81 (Z-2003-963): (First Reading/Public Hearing) An ordinance 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). (Postponed - 9/23/03)

Attorney Gougelman read Ordinance No. 2003-80 and Ordinance No. 2003-81 by title. There were no disclosures by Council and no comments from the public.

Moved by Hand/Contreras for approval of Ordinance No. 2003-80.

Mrs. Poole stated that there have been problems with live-aboards in other areas of Melbourne. She said she is concerned that the residents will rent their boat slips or allow relatives to dock and stay for extended periods. She added that we don't have staff available to patrol this type of activity.

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

Moved by C. Palmer/E. Palmer for approval of Ordinance No. 2003-81. Motion carried. (Mrs. Poole voted nay.)

10. ORDINANCE NO. 2003-82 (CU-2003-09/SP-2003-28) TOYOTA/LEXUS PRUITT EXPANSION: (Second Reading/Public Hearing) 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) (First Reading -

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9/23/03) - The applicant has requested that this item be postponed until the October 28 meeting.

Attorney Gougelman read Ordinance No. 2003-82 by title. Council Member Hand disclosed that she spoke to Tanya Pruitt regarding this property, which is located across from her (Mrs. Hand's) church.

Council Member Ed Palmer said that the applicant's representative, Attorney Phil Nohrr, asked for this item to be continued until October 28.

Moved by Poole/Contreras to postpone this item until the October 28 meeting. Motion carried unanimously.

11. ORDINANCE NO. 2003-83 (CU-2003-11/SP-2003-21) HISTORIC ROSSETTER FOUNDATION: (Second 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) (First Reading - 9/23/03)

The attorney read Ordinance No. 2003-83 by title. There were no disclosures by Council and no comments from the audience.

Moved by E. Palmer/Poole for approval of Ordinance No. 2003-83. The roll call vote was:

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

Nay: None

Motion carried unanimously.

12. ORDINANCE NO. 2003-84: (Second Reading/Public Hearing) An ordinance amending Chapter 14 of the Code of Ordinances entitled "Garbage and Refuse," providing rates for the collection of garbage and trash. (First Reading - 9/23/03)

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

Moved by Poole/Walker for approval of Ordinance No. 2003-84. The roll call vote was:

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

Nay: None

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Motion carried unanimously.

13. COUNCIL DISCUSSION RE: The role of the Internal Auditor position (Postponed by Council - 9/23/03)

Mr. Palmer discussed the role of the Internal Auditor and repeated his concerns with the Fleet Management operation. He noted that he is still hearing rumors about problems in Fleet Management. Mr. Palmer commended the Internal Auditor for his efforts in reviewing the Fleet operation and for saving the City a significant amount of money.

Mrs. Palmer said that she does not have any misgivings about the Fleet operation or any other operation in the City. However, the need for the Internal Auditor function was reinforced when timely changes were made following a review of the Fleet operation by the Internal Auditor. She added that if Council is not going to have the Internal Auditor report directly to Council, she would like to receive a list of the audits performed and, if necessary, place certain ones on a Council agenda for discussion.

A brief discussion followed regarding the internal procedures that govern the Fleet process. Mr. Schluckebier said he is satisfied that our Fleet Management operation has sufficient procedures in place. Additionally, he stressed that staff will review any area if a Council Member is aware of a specific item or wrongdoing.

Mrs. Palmer stated that Council is accountable to the public and she does not believe that staff should be in a defensive posture when the Internal Auditor looks into the operation of a department. Staff should realize that the auditor is simply looking for ways to realize a cost savings. Mr. Schluckebier stated that he is in complete agreement.

Vice Mayor Contreras said that a defensive posture during an audit is typical; however, those are the things that have to be weeded out. He added that he is in favor of one report being distributed to Council. Mr. Contreras added that, from a more global standpoint, there are issues relating to City business that Council should focus on.

Moved by Buckley/Walker that the Internal Auditor position continue as an administrative function.

Mrs. Palmer referenced the information in the package, which provides “following quarterly meetings (between the City Manager and Internal Auditor), a list of completed projects will be provided to the City Council. If individual Council Members wish to review the contents of these reports, he/she may request them from the City Manager.”

Mayor Buckley confirmed that this provision is included in his motion.

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The question was called. Motion carried unanimously.

NEW BUSINESS

14. CONSENT AGENDA:

Moved by E. Palmer/Contreras for approval of 14 'a' through 'i' as recommended.

Staff responded to Mrs. Poole's questions regarding Item "h." Regarding Item "i", Mrs. Palmer said she does not support the one-cent sales tax. However, if the citizens vote for this, then she is in support of an oversight committee.

The question was called. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Lease agreement with Florida Inland Navigation District for Wickham Road Ground Storage Tank, Project No. C02305 - \$45,000.
- b. Development agreement with ABC Liquors, Inc. for a Public Utility Easement, Lift Station 24, Project C02313 - \$33,000.
- c. Right-of-way use agreement with Faye Elizabeth Mustamaa, to allow a fence within a drainage right-of-way at 1808 Buick Avenue.
- d. Purchase of Novell Network and GroupWise support service, Viable Solutions, Inc., Orlando, FL - \$19,775.
- e. Purchase of two Evolution 5000 thermal imaging cameras, 100 volt chargers, and sun shrouds, Ten-8 Fire Equipment, Inc., Bradenton, FL - \$17,969.
- f. Blanket purchase order for annual legal and display advertisements, Cape Publications, Inc., Melbourne, FL - \$20,157.
- g. Leasing of five 2004 Harley-Davidson FLHPI police motorcycles (24 months), Space Coast Harley-Davidson, Melbourne, FL - \$21,000.
- h. Request for supplemental funding to the Junior League of South Brevard for sidewalks, landscaping, irrigation and gutters for Lipscomb Park Community Center Expansion Project (Club Esteem Youth and Family Center) and transfer of *\$14,841 to the Lipscomb Park Project budget.

*Note: Agenda reflected \$14,840; however, correct number in the agenda backup material is \$14,841.

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- i. RESOLUTION NO. 1844: A resolution adopting the interlocal agreement for the one cent infrastructure sales tax accountability/oversight committee provisions between Melbourne and Brevard County.

15. COUNCIL ACTION RE: Request by Belkys Garcia and Parker Brothers for the City to co-sponsor “Festival Sabor!” – A celebration of Hispanic heritage street festival scheduled for October 25 in Downtown Melbourne.

Belkys Garcia, applicant, referenced the information distributed about Festival Sabor!, which outlines the goals of the festival. She added that the event is also a fundraiser for Links of Hope, a non-profit organization that provides English classes for immigrants, GED program, anger management classes, and social services for abused and neglected children.

Ms. Garcia stated that she needs the City to co-sponsor this event. This is the first and they would like for this to be an annual event. She added that she did not realize everything that is involved in putting together a festival like this.

Terry Stone, representing the Main Street Board of Directors, read a letter from Main Street Board President Jack Ryals. In the letter, Mr. Ryals notes that “while events play a very important role in the Main Street program, we hesitate to endorse this project at this time. This particular day is our annual trick or treat day, which has been planned all year. The weekend before is the annual art and craft festival and the weekend following is the annual Meg O’Ween event. Since we know very little about this proposed event, we feel more discussion and planning is necessary.”

Mayor Buckley informed Ms. Garcia that the recommendation from staff is for denial. He agreed that the event probably needs more planning. He recommended that Festival Sabor! work with the Downtown Melbourne merchants and select a date that doesn’t conflict with an existing event.

Ms. Garcia said she would love to work with the Downtown merchants. She commented that the owner of Jessup’s is very excited that Festival Sabor! involves activities for children.

Mr. Palmer said he believes that the event is a good idea; however, it will take more planning and the timing is off.

Ms. Garcia asked about rescheduling for November or December. The Mayor agreed and again recommended that she work with the Downtown merchants and Main Street.

Mr. Contreras said that a September 19 application for an October 25 function is short notice. Ms. Garcia said that the event had been planned a few weeks prior to the application date. Mr. Contreras said that since this event will affect Downtown merchants, more collaboration with the merchants is necessary. He added that the art

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festival went through growing pains and several years ago, the relationship was tenacious.

Mrs. Palmer said she believes that November/December is still too close for this type of activity. She explained that the Mayor and Council have already expended funds available for non-profit groups. She recommended that Ms. Garcia contact the City Clerk to learn more about timeframes and funding.

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

16. COUNCIL ACTION RE: Request by Honor America, Inc. for the City to waive its liability insurance requirements for all Honor America special events, beginning with the November 2003 Veteran's Day Parade (Requested by Council Member Ed Palmer)

Mr. Palmer explained that Honor America is currently doubling the size of the Liberty Bell Memorial Museum and the cost is over \$100,000. This is not being funded by taxpayer money; Honor America Board of Directors and the members of Honor America are raising the money. Because of the expansion program, Honor America does not have the funds to pay for the liability insurance. If the City waives the requirement or pays for the insurance, there will be a parade. If not, the parade will be canceled.

Mrs. Poole pointed out that it cost the City \$668.66 for the Fourth of July parade insurance. Now, Honor America is asking for the same for the Veteran's Day parade. And, this request is on the agenda immediately following an item where Council said it is too late to ask for funds.

Mrs. Poole pointed out that other groups pay the required insurance. Additionally, the St. Patrick's Day parade applicant is looking for a Downtown merchant to fund the insurance cost. She said that the various veterans groups, if approached, would contribute towards the cost of insurance. She concluded by saying she has a problem with the City handing money over to Honor America. Other people pay and it is not fair to make exceptions.

Mrs. Palmer stated that in spite of all the wonderful work Honor America does, it already receives a substantial amount of money from the City's budget. The applicant for the previous item on the agenda was told that funding is over for this type of activity. It is not right to offer Honor America this money; it would show extreme favoritism.

Mayor Buckley said that the request by Honor America is for the City to waive the requirement – not pay for it. He added that Honor America is entitled to special consideration, especially in light of everything that Honor America does for the City.

Following a brief discussion, Attorney Gougelman said that as a general policy, we require the insurance because the City is semi self-insured. There is a huge

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deductible on claims that has to be funded by taxpayers. The requirement to provide the insurance is a matter of policy.

Mrs. Hand asked why the hold harmless and indemnification agreement that Honor America requires parade participants to sign does not offer the City protection. Attorney Gougelman said there is no way of knowing how much money a person has to defend a lawsuit that agrees to sign the form. Most attorneys would say that no matter who signs the form, it is no good.

In response to Mrs. Hand and Mrs. Poole, Mayor Buckley said that the letters requesting donation to fireworks fund next year will include information that donations will also be used to cover liability insurance for the Fourth of July parade.

Mrs. Palmer asked if we know the total the City gave to Honor America in last year's budget. Mr. Palmer replied \$12,000.

Mrs. Palmer stated that she would rather the City pay for the insurance than waive the requirement. Mrs. Hand agreed.

Mrs. Poole pointed out that this will make the donation to Honor America \$12,000 plus an additional \$1,200 (insurance for Fourth of July and Veterans Day parades).

Mrs. Palmer asked if Honor America plans to pay for the insurance next year. Mr. Palmer replied that, without fail, Honor America plans to pay next year. He added that he does not anticipate Honor America returning for reimbursement of insurance costs; this is a one-time deal.

Mr. Schluckebier said that it would be straightforward and within the realm for the fireworks donations to completely cover all expenses related to the Fourth of July celebration – including the insurance.

Moved by Hand/Contreras for the City to pay the insurance cost for the parade this year. Motion carried unanimously.

17. ORDINANCE NO. 2003-85 (CPA-2003-09) AND ORDINANCE NO. 2003-86 (Z-2003-964) BRANDON PROPERTIES RIVERVIEW HEIGHTS: Ordinances providing for a comprehensive plan amendment and rezoning on a 2.40-acre parcel, located south of Line Street, east of South Harbor City Boulevard, west of Melwood Drive, and north of Shenandoah Drive. (Owner - Harry Brandon, Patricia Miller, and Brandon Properties, Inc.) (Applicant - Robert Kodsi) (Representative - Phil Nohrr) (P&Z Board - 9/18/03)
- a. Ordinance No. 2003-85 (CPA-2003-09): (First Reading/Public Hearing) An ordinance granting a comprehensive plan amendment to change the future land use on 1.5 acres on Commercial and 0.9 acres of Medium Density Residential to Mixed-Use Commercial/Medium Density Residential for the entire 2.40-acre parcel.

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- b. Ordinance No. 2003-86 (Z-2003-964): (First Reading/Public Hearing) An ordinance rezoning 1.5 acres of C-2 (General Commercial) and 0.9 acres of R-3 (15) (Multiple-Family Dwelling) to C-1 (Neighborhood Commercial).

Attorney Gougelman read Ordinance No. 2003-85 and Ordinance No. 2003-86 by title. There were no disclosures from Council. Mrs. Dittmer reviewed the agenda report. The Planning and Zoning Board unanimously recommended approval of the Comprehensive Plan Amendment and the zoning change.

Mayor Buckley opened the public hearing.

Jack Kirschenbaum, attorney representing the applicant, said that the applicant wants C-1 mixed-use zoning. It would be difficult to develop half the property under one zoning category and the other half under a different category. The zoning ordinance has the flexibility to permit residential uses with a conditional use. He added that the request complies with the Comprehensive Land Use Plan and would have no adverse impact on the neighborhood. C-1 zoning is far more favorable than the current zoning and development of the parcel under one zoning suits the City's and the developer's needs.

Mr. Kirschenbaum confirmed for Mrs. Poole that condominiums or apartments could be constructed as long as Council approves a conditional use.

Mrs. Poole stated that she has a problem with changing the Comprehensive Plan. She would like for things to remain definite.

Mr. Kirschenbaum said that the change would provide the City greater flexibility to control what will be developed. He added that the Comp Plan has a provision to allow for amendments in the event that conditions change.

Moved by C. Palmer/Hand for approval of Ordinance No. 2003-85. Motion carried unanimously.

Moved by Contreras/Walker for approval of Ordinance No. 2003-86. Motion carried unanimously.

Mrs. Poole said she voted for this since the requested zoning is better than what is currently on the property.

Recessed: 8:52 p.m.
Reconvened: 9:03 p.m.

18. ORDINANCE NO. 2003-87 (CU-2003-13) ARCHAMBEAU EARLY LEARNING CENTER: (First Reading/Public Hearing) An ordinance granting a conditional use to allow a childcare/preschool center on property zoned C-1A (Professional, Offices, and

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Services), located on the south side of Eau Gallie Boulevard, west of Commodore Boulevard, and east of Croton Road. (Owner - Commodore Partnership) (Applicant/Representative - Gidget Archambeau) (P&Z Board - 9/18/03)

Attorney Gougelman read Ordinance No. 2003-87 by title. There were no disclosures from Council. Mrs. Dittmer reviewed the agenda report. The Planning & Zoning Board unanimously recommended approval of the request.

Gidget Archambeau, applicant, responded to Council's general questions regarding operation of the facility. According to the square footage, they will have approximately 70 children – all on the first floor of the facility. The property will be fenced and a professional playground system is planned. The second floor will be accessed from stairs on the north and south sides of the building. Also, an elevator is accessible from the outside. No one will be entering the school area except for parents/authorized persons.

Mrs. Palmer asked about the drop off/pick up area. Ms. Archambeau said that the drive will be expanded and two additional parking spaces provided for drop off/pick up. Mrs. Palmer asked about traffic backing up, especially since there is another school one block away. Ms. Archambeau said that there is a large parking area with 43 spaces behind the building. It is connected to the front by a sidewalk. She said that she does not anticipate having cars backed up on Eau Gallie Boulevard.

A brief discussion followed. Ms. Archambeau discussed her training and background.

Moved by E. Palmer/Walker for approval of Ordinance No. 2003-87. Motion carried unanimously.

19. ORDINANCE NO. 2003-88: (First Reading) An ordinance amending Chapter 2, Section 2-97, City Code as it relates to the composition of the Beautification and Environmental Advisory Committee; designating representatives from various departments and organizations as opposed to specific titles.

Attorney Gougelman read the ordinance by title.

Moved by Hand/E. Palmer for approval of Ordinance No. 2003-88. Motion carried unanimously.

20. COUNCIL DISCUSSION RE: Brevard County Significant Environmental Areas (SEA) draft ordinance (Requested by Council Member Pat Poole)

Mrs. Poole said she requested this item because she would like to see the City move ahead of the County in adopting this ordinance. She asked Mrs. Dittmer to provide an overview.

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Mrs. Dittmer reported that the County is working on a Significant Environmental Areas ordinance. The ordinance as proposed will affect the unincorporated areas and is intended to preserve 50% of sites within the crucial habitat overlay zone; offset required habitat preservation by increasing flexibility in development regulations; allow increase in density; and help the survival of animals and plants that use crucial habitat.

The County expects the development process to be streamlined. The ordinance would affect a small fraction – 3.4% - of the land in Brevard County. A 10% density bonus and transfer of density within the site would be allowed and land clearing and infrastructure costs would be reduced. Site design flexibility would include reduced lot sizes and setbacks, reduced paving widths and reduced number and size of parking spaces.

The County staff anticipates going to the County Commission late this year with an ordinance. Workshop meetings have been scheduled.

Mr. Palmer said he believes the trend is to increase green space and condense the living space. Mrs. Dittmer said that is the policy the County is proposing in its ordinance.

Mrs. Poole said that the County's ordinance will create corridors that certain animals need in order to survive. She added that there are a lot of people that want smaller space and don't mind being crowded. She stated that this is a great idea and she hopes bikeways will be included.

Mayor Buckley referenced the crucial habitat overlay zone map and pointed out that there is no habitat identified west of Wickham Road/Wickham Park.

Mrs. Palmer asked how this would affect the small property owner. Mrs. Dittmer said the ordinance exempts properties under five acres.

Mr. Schluckebier said that the thresholds developed in the ordinance are applicable to the County. He provided an example of development and said that the City would need to determine whether these same thresholds make sense inside the City. The ordinance has a long way to go and it hasn't started through the land planning agency of the County yet.

Mr. Palmer said he anticipates problems with septic tanks – allowing the same density on only 50% of the property. Mr. Schluckebier agreed that in these sensitive areas, potable public water supply would be required. And, if the development is done properly, public sewer should be required.

Mrs. Palmer said she is surprised that Mrs. Poole is okay with smaller parking spaces and narrower streets. Mrs. Poole replied that she is okay with this because it is happening now. This provides an opportunity to save some green area.

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Mr. Contreras stated that he believes this ordinance will have a significant impact on development and he has a problem with the rationale.

That concluded Council's comments. No action was taken.

21. COUNCIL ACTION RE: Request for an off premise directional sign to be placed at the eastern point of the proposed Causeway Center location, between Strawbridge Avenue and New Haven Avenue. (Requested by The Coy Clark Company)

Mrs. Dittmer reviewed the agenda report. Staff recommended approval of the off-premise directional sign subject to the following conditions:

- a. The sign must be removed prior to the issuance of a certificate of occupancy or the erection of another detached sign for the Causeway Center property.
- b. The sign must be landscaped at the base.
- c. Approval must be granted by the Architectural Review Board.
- d. The telephone number on the sign must be removed.

Mrs. Poole asked why staff recommended approval. Mrs. Dittmer said because it meets the criteria outlined in the Code. Also, the sign will be temporary.

Mrs. Dittmer confirmed for Mrs. Poole that the map provided by the applicant shows placement of the sign on FDOT right-of-way. She added that signs cannot be placed in this right-of-way. The actual location is farther to the west on private property.

Mrs. Poole said she has a problem with the request because this is the entrance to the historical Downtown Melbourne area. If Council approves this request, it will start a chain reaction.

Mayor Buckley called for disclosures. Mrs. Poole said she spoke with someone from FDOT who provided her information about signs in the rights-of-way. She said the representative also confirmed that FDOT would remove a sign if placed in FDOT right-of-way.

Charles McCloud, representing Coy Clark, stated that the sign will not be placed in FDOT right-of-way. It will be placed on private property and Mr. Clark has obtained permission from that property owner.

Mr. Palmer asked if a time limit is proposed. Mrs. Dittmer said that the sign may remain until the first certificate of occupancy is issued for the Causeway Center or until the Causeway Center places its sign.

Moved by Hand/Walker for approval subject to the proposed conditions.

Mrs. Poole stated that the sign is not appropriate for this location and she is afraid it will start a series of requests.

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

22. COUNCIL ACTION RE: Board Appointments

- a. Citizens' Advisory Board – Appointment of four regular members and one alternate member

Moved by Contreras/E. Palmer to appoint George Paul, Pat Simpson, and Eugene Lathrop as regular members. Motion carried unanimously. (11/12/2003 – 11/11/2006)

Mrs. Hand nominated Dale Haynes and Mr. Palmer nominated C. Wesley Doyle.

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

Haynes: Walker, C. Palmer, Hand, Contreras and Buckley

Doyle: E. Palmer and Poole

Appointed as a regular member: Dale Haynes (10/14/2003 – 11/11/2004, unexpired 3-year term)

Mayor Buckley called for nominations for the alternate member vacancy (due to Dale Haynes being appointed as a regular member).

Council Member E. Palmer nominated C. Wesley Doyle.

Moved by Contreras/Walker to close the nominations and appoint C. Wesley Doyle as the alternate member. Motion carried unanimously. (10/14/2003 – 11/11/2006, unexpired term plus three-year term)

- b. General Employees Pension Plan Board of Trustees – Appointment of two resident members

Moved by E. Palmer/Contreras to reappoint John Kerekes and Christopher Steele. Motion carried unanimously. (10/22/2003 – 10/21/2005)

- c. Golf Courses Advisory Board – Appointment of three members

Moved by Walker/Hand to reappoint Gubbi Sachidanandan and John Francey. Motion carried unanimously. (11/9/2003 – 11/8/2006)

Mrs. Palmer nominated Joe Davis and Mr. Palmer nominated Samuel Young. By consensus, Council closed the nominations. The vote was:

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Davis: C. Palmer, Hand and Buckley

Young: E. Palmer, Poole, Walker and Contreras

Appointed: Samuel Young (10/14/2003 – 11/8/2006, unexpired term plus three-year term)

d. Historic Preservation Advisory Committee – Appointment of two members

Council Member Hand selected Jamie Nance and Mr. Schluckebier selected T. Russell DeBose.

Moved by Walker/Hand to appoint Jamie Nance and T. Russell DeBose. Motion carried unanimously.

e. Zoning Board of Adjustment – Appointment of one alternate member (Postponed by Council 9/23/2003)

Mrs. Palmer nominated Glenn Morris. Moved by Walker/Hand to close the nominations. Motion carried unanimously. Moved by Poole/E. Palmer to appoint Glenn Morris. Motion carried unanimously. (10/14/2003 – 12/26/2004, unexpired three-year term)

23. COUNCIL ACTION RE: Travel authorization for Council Members to attend the Florida League of Cities (FLC) 43rd Annual Legislative Conference in Orlando, Florida, on November 14-15, 2003 and consideration of travel policy with regard to FLC functions.

Following a brief discussion, Mayor Buckley recommended that Council Members who travel submit a written report following the conference/meeting.

Mr. Schluckebier said it would be helpful if Council would consider adopting a policy, which authorizes Council Members to attend Florida League of Cities scheduled functions (policy committee meetings, Legislative Conference, Annual Conference, Legislative Action Day, etc.) without further action by Council.

Moved by C. Palmer/Contreras to pre-approve travel (approve travel policy for FLC functions). Motion carried unanimously.

24. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mrs. Hand asked for a list of storm water management projects completed in the City of Melbourne.

Mr. Schluckebier pointed out that the City Clerk has distributed the evaluation forms for the City Manager and City Attorney. After the forms have been completed and returned to the City Clerk, a single report will be prepared for Council.

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Mrs. Poole reported that Wal Mart has applied for four variances. The Zoning Board of Adjustment will consider the requests at its October 27 meeting. She briefly discussed her concern with staff recommendations and said she would prefer a pro/con write-up. Mrs. Poole discussed accountability by board members, cited specific examples from past Board of Adjustment minutes and encouraged Council to attend at least one board meeting per year and read all the minutes.

The City Manager explained that we will use outside assistance in re-writing our land development codes. In the meantime, he said he would discuss the idea of a pro-con write-up for conditional use requests with Planning and Zoning.

Discussion followed regarding the start time for Council meetings. Following a brief discussion about schedules, moved by Walker/E. Palmer to start Council meetings at 6:30 p.m. with an ending time of 11:00 p.m.

Several members asked when this would be effective. By consensus, Council agreed that it would be effective with the next meeting.

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

Council Member Cheryl Palmer reported that the “Meg O’Ween” event is scheduled for the end of the month. She referenced the problems that occurred last year as a result of this event. Mr. Schluckebier assured Mrs. Palmer that staff has already taken steps to address this issue. He noted that the number of Police Officers assigned to work the event will be doubled from last year.

25. ADJOURNMENT

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

The meeting adjourned at 10:22 p.m.

City Clerk – 10/23/2003

Approved by Council October 28, 2003