

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
NOVEMBER 18, 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 6:30 p.m. by Mayor John A. Buckley. Mayor Buckley recognized the cadets from Florida Air Academy in the audience.

1. Reverend Darice Dawson 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
	Suzanne A. Novak	Assistant City Attorney
	Cathleen A. Wysor	City Clerk
	Amy W. Elliott	Assistant City Manager
	Cindy Dittmer	Planning & Economic Development Director

4. PROCLAMATIONS AND PRESENTATIONS

Mayor Buckley presented a proclamation for “Native American Heritage Month,” November 2003, to Jackie Westphal, Vice President, Native Heritage Gathering, Inc.

Mrs. Paul Scott accepted a Beautification Award for Associated Endodontists of Melbourne, 1114 East Palmetto Avenue.

The Mayor displayed the award the City received from the Chamber of Commerce naming the City as 2003 Business of the Year – Municipality Category.

Mayor Buckley presented a five-year service pin to Council Member Cheryl Palmer and a 25-year service pin to Council Member Loretta Isenberg-Hand.

5. APPROVAL OF MINUTES – October 28, 2003 Regular Meeting.

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

6. CITY MANAGER’S REPORT

Fire Chief Walt Chamberlin made a brief presentation on the City’s traffic signal preemption program. He noted that the system allows the Fire Department to maintain a

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quick response time. The fire crews have confirmed that the system works; it clears traffic.

Chief Chamberlin described how Melbourne's system is unique, which protects us from folks who purchased pirated transmitters. Without the exact code, a pirated transmitter won't work. The Chief concluded by responding to Council's questions about the phasing of the program.

7. PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2003-89 (A&V#273): (Second Reading/Public Hearing) An ordinance to abandon and vacate a 46.5-foot segment of a 10-foot wide easement for public right-of-way on Holmes Regional Medical Center property adjacent to Hickory Street. (First Reading – 10/28/03)

There were no disclosures by Council.

Council Member Loretta Hand declared a conflict of interest because she is employed as a nurse by health First Corporate Partners, which is affiliated with Holmes Regional Medical Center.

Assistant City Attorney Suzanne Novak read the ordinance by title.

Philip Nohrr, attorney representing the applicant, distributed revised renderings dated November 18, 2003. (See next agenda item for clarification by City Manager.) Mr. Nohrr said that the new renderings clearly show the work planned in phase two. He pointed out representatives from Holmes Regional in the audience and encouraged approval of the request.

There were no other comments from the audience.

Moved by Contreras/Walker for approval of Ordinance No. 2003-89. The roll call vote was:

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

Nay: None

Mrs. Hand abstained from voting.

Motion carried unanimously.

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9. ORDINANCE NO. 2003-90 (CU-2003-02/SP-2003-08) HOLMES REGIONAL MEDICAL CENTER: (Second Reading/Public Hearing) An ordinance granting a conditional use and site plan approval for additional building height in the C-1 (Neighborhood Commercial) zoning district, with site plan approval to expand and redevelop portions of the hospital property, located on the north side of Hibiscus Boulevard, east and west of Hickory Street, and south of NASA Boulevard. (Owner/Applicant – Holmes Regional Medical Center) (First Reading – 10/28/03)

The Assistant City Attorney read the ordinance by title.

Mrs. Hand declared a conflict of interest because she is employed as a nurse by health First Corporate Partners, which is affiliated with Holmes Regional Medical Center.

There were no disclosures by Council and no comments from the audience.

Moved by Poole/C. Palmer for approval of Ordinance No. 2003-90. The roll call vote was:

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

Nay: None

Mrs. Hand abstained from voting.

Motion carried unanimously.

City Manager Jack Schluckebier clarified that the revised renderings distributed by Mr. Nohrr show the complete development as required by Code. (The previous renderings showed some of the development as hatch marks. The new renderings dated November 18 will be the renderings referenced in and attached to the ordinance.)

NEW BUSINESS

10. COUNCIL ACTION RE: Rio Lindo Canal Dredging Project
- a. Interlocal agreement with Brevard County for County MSBU funds to provide partial financing of the Rio Lindo Dredge Project.
 - b. Contract to dredge canals in the Rio Lindo Subdivision, Second and Third Additions, Project No. 01612, Shaw Environmental, Inc., Jacksonville, FL - \$457,289 and transfer of \$73,000 in Local Option Gas Tax funds to this project to supplement Brevard County MSBU funding.

City Engineer Howard Ralls briefed Council. This is a two-part agenda item associated with dredging canals in Rio Lindo, Second and Third Addition Subdivisions. The first part

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is an Interlocal Agreement with Brevard County that will provide County MSBU funding for the project. The second part is the contract award for the dredging project.

Mr. Ralls responded to general questions from Council about the project. He confirmed that each of the 47 property owners will pay the same assessment; the dredging will go to a depth of five feet, which the State has permitted; the original dredging was probably “v-shaped”, but the proposed project will result in a flat bottom; and the results of the dredging should be good for about 20 years.

Moved by E. Palmer/Contreras to approve the Interlocal Agreement with Brevard County and authorize the City Manager to execute the agreement. Motion carried unanimously.

Moved by Hand/Walker for approval of the dredging contract with Shaw Environmental, Inc. in the amount not to exceed \$457,289 and transfer of \$73,000 from Local Option Gas Tax Miscellaneous Projects to this project budget to supplement the County’s MSBU funding. Motion carried unanimously.

11. COUNCIL ACTION RE: Bid award for construction of Lift Station 80 – East Bay Plantation, Project No. C03319, Jobear/Warden Construction, Palm Bay, FL - \$62,300.

Mr. Ralls reviewed the agenda report.

Moved by E. Palmer/Poole for approval of the contract with Jobear/Warden Construction in the amount of \$62,300. Motion carried unanimously.

12. COUNCIL ACTION RE: Task Order No. 5 for Wickham Road Ground Storage Tank and Booster Pump Station Design, Project No. C02305, Hazen and Sawyer, P.C. - \$173,500.

Mr. Ralls briefed Council on the project. Mr. Contreras asked about the timeframe for construction. Following a brief discussion, the City Manager said he would return with an answer.

Mrs. Palmer asked why the City decided to lease the property. Mr. Ralls said that the Florida Inland Navigation District would not sell the property to the City. The City went through an extensive effort to find property large enough and in the right zoning district. Mr. Schluckebier confirmed that the lease with FIND is for 30 years with an additional 30-year renewal clause.

A brief discussion followed regarding construction activities at Wickham Park (corner of Croton Road and Parkway Drive).

Moved by Walker/E. Palmer for approval of Task Order No. 5 to the Hazen and Sawyer, P.C. contract in the amount of \$173,500. Motion carried unanimously.

13. CONSENT AGENDA:

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Council Member Pat Poole asked for item “j” to be removed and Council Member Cheryl Palmer asked for item “g” to be removed.

Moved by Hand/C. Palmer to approve items “a – f”, “h” and “i”. Motion carried unanimously.

Regarding item “g”, Mayor Buckley reported that the resolution is from the Florida League of Cities International Relations Committee. The resolution states that if a Free Trade Area of the Americas is established, then it should be located in Miami.

Mrs. Palmer said she is opposed to the trade agreement because it will take away jobs. And, the sugar and orange growers have severe problems with the agreement. She added that although the resolution supports Miami as the location, she is opposed to the entire trade agreement.

Mayor Buckley referenced correspondence from Michael Moakley, 808 Wisteria Drive. Mr. Moakley indicates that he is opposed to the resolution and that the Free Trade Area of the Americas is counter to the City’s best interests.

Moved by Buckley/E. Palmer for approval of item “g.” Motion carried. Mrs. Palmer voted nay.

Mrs. Poole referenced item “j” and asked how the City can be completely left out of proceeds from the foreclosure with regard to our Code Enforcement liens.

Attorney Novak said that she represented the City in that foreclosure action. The mortgage was recorded first in time, which means first in right. Anything recorded subsequent is inferior, which is the law. The court decided that the lien holder was entitled to be satisfied first from the proceeds of the foreclosure sale. It is common for the City’s Code Enforcement liens to be extinguished in foreclosure actions. The item on the agenda will simply clear the title so that the purchaser can obtain title insurance.

Ms. Novak clarified that the release of liens document is crafted in such a way that the City will release its interest only as to this property. The lien will remain in the public records and attach to any other property owned by (Roy Dixon).

A brief discussion followed regarding Code Enforcement liens in general. The City Manager informed Council that a recent court decision provides that the authority to release Code Enforcement liens rests with the governing body. A discussion item will return on a future agenda.

Council Member Grace Walker asked if there is anything the City can do in the future to ensure that its liens have priority. Ms. Novak replied “absolutely nothing.”

Moved by Hand/Contreras for approval of item “j.” Motion carried unanimously.

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The consent agenda was approved as follows:

- a. Blanket purchase order for 2,080 hours of victim advocate services, Exchange Club/Yellow Umbrella, Inc., Melbourne, FL - \$40,060.80.
 - b. Annual contract for computer software/maintenance for the Police Department, Tiburon, Inc., Pasadena, CA - \$68,400.
 - c. Annual contract for the purchase of traffic materials and assorted aluminum sign blanks, Universal Signs & Accessories, Ft. Pierce, FL - \$47,916.90.
 - d. Annual contract for computer software maintenance and support services for payroll and human resources, Cyborg Systems, Chicago, IL - \$29,308.60.
 - e. Resolution No. 1846: A resolution supporting the MPO's decision to maintain its current membership apportionment.
 - f. Resolution No. 1847: A resolution authorizing submittal of an application to the Emergency Medical Services (EMS) Matching Grant Program from the Florida Department of Health for FY 2003-2004 to support the Fire Department's purchase of six capnography monitoring.
 - g. Resolution No. 1848: A resolution supporting the Florida Free Trade Area of the Americas efforts to promote the Miami-Dade area as the natural location for the permanent Secretariat of the Free Trade Area of the Americas.
 - h. Resolution No. 1849: A resolution renewing the lease agreement with Girl Scouts of Citrus Council, Inc. for the Melbourne Scout House at Front Street Park.
 - i. Resolution No. 1850: A resolution approving the second addendum to the lease agreement with Robert Scott Harrell for property located at 912 East Palmetto Avenue.
 - j. Resolution No. 1851: A resolution approving release of certain Code Enforcement liens on condominium units within the Village Green Condominium complex relating to a foreclosure sale.
14. COUNCIL DISCUSSION RE: Stewart Lane Water Line Petition – Brevard County Enclave Area.

From the agenda report: The agenda package includes a petition from seven residents on Stewart Lane requesting water service from Melbourne without annexation into the City. This area is part of the Aurora Road enclave. Staff has been studying the issue of enclaves and urban reserve areas and is developing a policy. The Utilities/Public Works and Planning staff recommended Council endorse a policy of "no municipal water service and extension of water lines to urban reserve areas or enclaves without annexation or pre-development annexation agreements." A Code change implementing this policy will appear on the November 25 agenda.

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Jerome Padrnos, 1686 Stewart Lane, stated that Section 32-45 of the City Code allows extension of water outside the corporate limits and is still in effect today. He explained that he was told the requirement to annex was a verbal policy; however, the residents on Stewart Lane do not believe a verbal policy should override the City Code. Mr. Padrnos commented that in recent months other areas outside the City limits have been provided water without being required to annex. And, unless the residents are convinced otherwise, they don't see the advantage or benefit to annexing into the City, other than receiving water. He added that water is not the driving factor.

Mrs. Palmer asked Mr. Padrnos if there is some reason he is opposed to annexing. Mr. Padrnos said because of higher taxes and different Codes. He added that it is ironic that the City's water system is located in the County.

Mayor Buckley said that Stewart Lane is located in an enclave in the City and that is why he views this differently than extensions that have been made in the past. He stressed that the enclave should be in the City. Also, he said that the taxes are probably about the same.

Mr. Padrnos replied that the tax rate in the City is about one mill higher.

Council Member Ed Palmer pointed out that it is illegal to establish an enclave today. Throughout the State of Florida, there are plans to annex enclaves into the cities. Enclaves utilize City benefits, road networks, etc. He commented that a person using the City's facilities and infrastructure should pay a fair share. If everything is done on a fair and equal basis, the City can be cost effective in providing services. The benefit for people living in the Aurora Road enclave to annex would be garbage rates, water, sewer, fire, police, etc. He concluded by saying it is common sense to require annexation in return for City water.

Mr. Padrnos pointed out that the City provides water to the residents of Satellite Beach. Mr. Palmer said that they pay 10% more and Mr. Padrnos replied that he would also have to pay 10% more. Mr. Palmer said the difference is that he is located in an enclave in the City. And, the only way we have to entice annexation is to provide services in a cost-effective manner.

Mrs. Poole said that due to the use of septic tanks and wells for drinking water, it would be best for the residents on Stewart Lane to have City water for health and safety reasons. Since this area is located in the middle of the City, there would be advantages and benefits to annexing.

Vice Mayor Richard Contreras pointed out that one of the advantages to annexing would be the quality of water. He added that Mr. Padrnos travels on City roads; therefore, he already receives the benefits of other taxpayers. Mr. Contreras stated that the reality is the enclave is receiving benefits.

Moved by Buckley/Contreras to deny the request.

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Mrs. Walker said that she shares the feelings that have been expressed. She added that she is concerned about the location of septic tanks and the possibility of contaminated well water.

Mr. Padrnos said if the residents are not allowed to have City water, they intend to upgrade their water systems rather than putting money into impact fees and extension costs.

The question was called. Motion carried unanimously.

15. ORDINANCE NO. 2003-91 (A&V#268): (First Reading/Public Hearing) An ordinance to abandon and vacate the north 0.5 feet of a 25-foot wide public right-of-way along the south (rear) lot lines of Lots 1 and 2, Block G, Indian River Bluff Subdivision, 203 East Avenue B.

Ms. Novak read the ordinance by title and Mr. Ralls briefed Council.

Mrs. Palmer asked why the area to be abandoned and vacated isn't extended the entire length, instead of six inches, so we end up with a straight property line.

Following a brief discussion, Ms. Novak said the normal policy is to vacate what is needed/requested rather than the entire length. Staff is supporting only the area needed to bring the property into compliance.

There were no disclosures by Council and no comments from the public.

Moved by E. Palmer/Poole for approval of Ordinance No. 2003-91. Motion carried unanimously.

Recessed: 7:58 p.m.
Reconvened: 8:12 p.m.

16. ORDINANCE NO. 2003-92 (A&V#269): (First Reading/Public Hearing) An ordinance to abandon and vacate a 15-foot wide canal maintenance easement on Lot 28 in the Rio Lindo Subdivision, 3rd Addition, 2294 Riverside Drive.

The Assistant City Attorney read the ordinance by title. Mr. Ralls reviewed the agenda report.

Mr. Palmer asked the size of the encroachment and Mr. Ralls said approximately 1 ½ feet. Mr. Palmer asked why we are vacating the entire 15'. Mr. Ralls explained that abandoning an easement (this agenda item), which will never be needed, is different than right-of-way (previous agenda item). Also, the request was made for the 15'.

There were no disclosures by Council and no comments from the public.

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Moved by Walker/Hand for approval of Ordinance No. 2003-92. Motion carried unanimously.

17. ORDINANCE NO. 2003-93 (CU-2003-14/SP-2003-25) UNIVERSITY VILLAGE AT MELBOURNE: (First Reading/Public Hearing) An ordinance granting conditional use and site plan approval to develop property zoned C-1 (Neighborhood Commercial) for multi-family use on a 10.4-acre parcel, located on the south side of Florida Avenue, west of Babcock Street, and east of Dairy Road. (Owner – University Village at Melbourne, LLC) (Applicant/Representative – Mr. Guy Poux) (P&Z Board – October 16, 2003)

Ms. Novak read the ordinance by title. Planning and Economic Development Director Cindy Dittmer briefed Council. The proposed development will consist of nine buildings, containing 156 units, and several other accessory buildings on site. The development will be gated and modifications to Florida Avenue to accommodate traffic flows will be required during construction plan review.

The Planning and Zoning Board unanimously recommended approval of this request subject to the following conditions:

- a. The conditional use shall be consistent with the one-sheet plan prepared by Honeycutt & Associates, Inc., of Titusville, Florida, Project Number 1266, Job Number 21944, dated 06-27-03, with a stamped and sealed date of 10-03-03.

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

Any substantial change to the site plan will require review and approval by the Planning and Zoning Board, Local Planning Agency, and the City Council. A substantial change includes, but is not limited to: 1) a decrease of five percent of the open space or vegetative areas on site; 2) an increase of five percent or more in the building size or number of parking spaces; or 3) any increase in the number of units.

- b. Should any 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.
- c. The applicant/developer shall take measures necessary to save as much natural native vegetation as possible. Buildings, retention and parking spaces shall be placed in locations to permit for the maximum preservation of trees and other native vegetation, when possible.
- d. Provide acceleration, deceleration, and possibly a center turn lane onto Florida Avenue as required by the Engineering Department.
- e. Building design shall be substantially consistent with the renderings submitted by the applicant, labeled Exhibit "A" University Village at Melbourne Building Type I and Exhibit "B" University Village at Melbourne Building Type II.

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Mrs. Poole said that this is scrub jay/gopher tortoise habitat area. She questioned that no jays or tortoises were found on the site.

Mrs. Dittmer responded to Council Member Poole's questions – Environmental Services, Inc. performed the Environmental Impact Assessment; the density is 15 units per acre, which is dictated by the Future Land Use; and the handicapped parking spaces are included in the 312 total required spaces.

Mrs. Poole said that this development will produce additional trips; automobiles will produce carbon monoxide; and trees and vegetation will be lost. She asked how this will promote the public health, safety, welfare, etc.

There were no disclosures from Council. Mayor Buckley opened the public hearing.

Phil Nohrr, attorney representing the applicant, briefly reviewed the project and the surrounding uses/zoning. The property is located on Florida Avenue, adjacent and to the west of the proposed Wal Mart. Southwest Park is on the west and a multi-family apartment complex is on the south. Multi-family is to the north. He stressed that this use is every bit in keeping with the neighborhood. And, they anticipate having two entrances.

Mr. Nohrr reported that the traffic consultant, Rhonda Pieper-Schmitz, found no significant issues. Ms. Schmitz determined that 2,796 new daily trips would result if the property were developed commercial as opposed to 1,043 trips under the proposed multi-family development.

Mr. Nohrr said the Environmental Impact Assessment was performed by a well respected environmental engineer who has done work in Brevard County for a long time. The site visit was conducted on July 23; however, a final gopher tortoise survey/inspection can be done. He stated that there will be a further assessment of the property. Also, Mr. Nohrr said there may be a few hardwood trees on the site. However, they will follow the City's regulations and do their best to preserve trees.

Attorney Nohrr displayed a diagram, which shows the entrances, layout of buildings, amenities, etc. The required parking will be provided and they will meet/exceed all Code requirements. The development will be gated and on the upscale side – in the \$800 - \$1,100 range. This is a \$13 million project, which should be viewed as an in-fill project.

Mr. Nohrr concluded by asking Council to approve the recommendation of staff and the Planning and Zoning Board. In response to the Mayor, he agreed with the conditions.

Mrs. Poole pointed out that one of the notes on the plan indicates that the plan is for the conditional use and not intended for construction or final design. Therefore, she said she hopes that roadways, buildings, etc. will be adjusted so that trees can be preserved.

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Mr. Nohrr said that the developer and the architect are sitting in the audience and are listening to the comments. He added that they do not have a problem with this.

Mrs. Palmer said that she hopes the development looks like the site plan that has been presented. She noted that the buildings on the interior of the site with the driveways on the perimeter provide buffer. The plan provides extensive park like areas and nice amenities.

Mayor Buckley asked if there were any other public comments.

Patrick Murphy, 3372 Meadowridge Drive, stated that he is against the request because it is not in keeping with the character of the neighborhood. This three-quarter mile section of Florida Avenue contains single-family development. There are eight full service driveways from his subdivision to Babcock Street yet Florida Avenue is not a four-lane road; it is a two-lane road in disrepair. Mr. Murphy discussed the difficulties the area residents experience when trying to turn left on Babcock Street off of Florida Avenue.

Mr. Murphy said if this project is approved, the road needs to be paved. He asked Council to consider conditions – including a limitation for one driveway and provision of opaque screening on the west side to break up the mass of buildings. He concluded by saying the two- and three-story proposed development is not in keeping with the character of the surrounding area.

A brief discussion followed regarding the site plan submitted with the conditional use request. Mrs. Dittmer confirmed that this is formal site plan approval. The actual plan is called “conceptual” because it does not include detailed engineering drawings – that is the next stage. Any changes to the site plan as submitted are subject to the conditions listed in the ordinance. This is the same process that is always followed.

Moved by Hand/Contreras for approval of Ordinance No. 2003-93, subject to the findings in the Planning and Zoning Board memorandum and the conditions listed in the ordinance.

Mr. Contreras asked if staff can investigate increased signalization by providing a left turn signal from Florida Avenue onto Babcock Street. Mr. Schluckebier said staff will look into the issue; however, he is not sure that this project will push the signal over the threshold.

Mr. Palmer referenced the recreation and concurrency memo and asked how this project qualifies for an impact fee credit. Mrs. Dittmer replied that is an error – this project is not eligible for on site impact fee credit.

Mrs. Poole asked what steps will be taken to save trees. Mrs. Dittmer said that staff will look at groups of trees, required fill, etc. and determine what buildings, parking areas, and driveways can be shifted.

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

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18. COUNCIL ACTION RE: Council Appointments

- a. Appointment of Vice Mayor to serve 2003-2004

Mrs. Walker nominated Cheryl Palmer and Mrs. Hand nominated Ed Palmer.

Moved by Walker/Contreras to close the nominations. Motion carried unanimously. The vote was:

Ed Palmer: E. Palmer, Poole and Hand

Cheryl Palmer: Walker, C. Palmer, Contreras and Buckley

Appointed: Cheryl Palmer

- b. Appointment of three Council Members to serve on the Airport Authority

Moved by Poole/E. Palmer to reappoint the three members to the Airport Authority. Motion carried unanimously.

Reappointed: John Buckley, Ed Palmer and Loretta Hand

19. COUNCIL ACTION RE: Planning & Zoning Board – appointment of four regular members

Mayor Buckley called for nominations for Glen Outlaw's seat. Moved by C. Palmer/Walker to reappoint Glen Outlaw. Mrs. Poole said she has a problem with realtors and developers monopolizing the Planning and Zoning Board. The question was called. Motion carried. Mrs. Poole voted nay. (Term: 12/3/2003 – 12/2/2006)

Mayor Buckley called for nominations for Don Laird's seat. Moved by E. Palmer/Walker to reappoint Donald Laird. Motion carried unanimously. (Term: 12/3/2003 – 12/2/2006)

Mayor Buckley called for nominations for Nathaniel Clement's seat. Moved by Contreras/Hand to reappoint Nathaniel Clement. Motion carried unanimously. (Term: 12/3/2003 – 12/2/2006)

Mayor Buckley called for nominations for Scott Lamb's seat (who recently resigned because he moved outside the City). Moved by Poole/E. Palmer to move Mr. Lauritsen (first alternate) to a regular member seat. Mrs. Palmer said she had occasion to meet Mr. Lauritsen and he stated to her that he will vote nay on everything that comes before him on the Planning and Zoning Board. Mrs. Palmer noted that this is illegal; the board needs someone who is impartial. The question was called and the vote was:

Aye: E. Palmer, Poole and Hand

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Nay: Walker, C. Palmer, Contreras and Buckley

Motion failed.

Mayor Buckley reopened nominations for Scott Lamb's seat. Moved by C. Palmer/Hand to appoint Christa Vermillera. Mrs. Palmer pointed out that Ms. Vermillera is not a realtor or developer. The question was called. Motion carried. Mrs. Poole voted nay. (Term: 11/18/2003 – 12/12/2004)

20. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

The City Manager reported that there are a number of items that will be brought to Council for discussion and direction, including:

- Requests for forgiveness of Code Enforcement liens.
- Prioritization and discussion of capital items that were on the one-cent sales tax list.
- Determination of what action to take with operators of slot machines who are describing their machines as games of skill when they are really games of chance.
- Sign Code as it relates to banners, flags, signs in rights-of-way, etc.

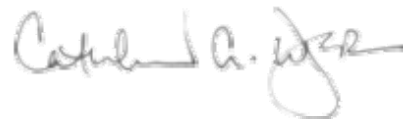
A brief discussion followed regarding banners, messages on banners, murals, etc.

In response to Mrs. Poole, Mr. Schluckebier said he would determine if Space Coast Area Transit has changed its routes and schedule.

21. ADJOURNMENT

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

The meeting adjourned at 9:23 p.m.



City Clerk – 11/25/2003

Approved by Council 11/25/2003

Attachment to official minutes: Memorandum of Voting Conflict forms for Loretta Isenberg-Hand (reference Items 8 and 9)

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