

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
FEBRUARY 10, 2004



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.

1. Pastor Ronald Greene, Higher Praise Family Worship Center, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

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| Present: | John A. Buckley | Mayor |
| | Richard Contreras | Council Member, District 1 |
| | Ed Palmer | Council Member, District 2 |
| | Pat Poole | Council Member, District 3 |
| | Grace Walker | Council Member, District 4 |
| | Cheryl Palmer | Vice-Mayor, 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 |
| | Cindy Dittmer | Planning & Economic Development Director |

4. Proclamations and Presentations

Mayor Buckley reported that the Florida Safety Council has presented the City two awards for safety achievement. This is the fourth year that the City has received awards for excellence in its safety program. The Mayor presented the awards to Risk Manager Ken Gray and Safety Training Coordinator Roosevelt Solomon. Mr. Gray said that the credit goes to City employees for making this outstanding achievement possible.

5. Approval of Minutes – January 27, 2004 Regular Meeting

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

6. City Manager's Report

Mayor Buckley referenced the memorandum regarding the addition of Item 16.1 to the agenda.

Moved by Contreras/Walker to add Item 16.1 to the agenda. Motion carried unanimously.

7. Public Comments

None.

UNFINISHED BUSINESS

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8. ORDINANCE NO. 2004-09 (Z-2003-965) AND PRELIMINARY PLAT APPROVAL (SD-2003-07) CALICO HEIGHTS SUBDIVISION: (Second Reading/Public Hearing) An ordinance rezoning eight parcels consisting of 16.96 acres from C-1 (Neighborhood Commercial) and R-2 (10) (One-, Two-, and Multiple-Family with a cap of 10 units per acre) to R-1B (Single-Family Residential) and preliminary plat approval of 52 lots, located on the east side of Croton Road, south of Post Road, immediately north of the Eastwood Park Subdivision. (Owner – Norman S. Rosen) (Applicant – Tim McWilliams) (Representative – Jake T. Wise, PE) (Planning & Zoning Board – 1/8/2004)

From the agenda report: This is the second reading of an ordinance providing for the rezoning of 16.96 acres. This item also includes a request for preliminary plat approval for the same property. The recommendation is for approval of the preliminary plat for Calico Heights Subdivision, prepared by John W. Walker of Grusenmeyer, Scott, and Walker, Rockledge, Florida, which corresponds to a preliminary subdivision layout prepared by Jake Wise of Construction Engineering Group, Melbourne, Florida, Project Number 03-CIV-PO1, dated November 5, 2003, subject to the following conditions:

- a. Any change to the preliminary plat will require its re-evaluation 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.
- b. 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.
- c. Grade changes will be kept to a minimum and all invasive species of vegetation will be removed from all development and conservation areas.
- d. The developer will enter into a satisfactory agreement with the City of Melbourne that clearly defines the rights and responsibilities for the City owned wetland property located immediately east of the project site and included in the project development plans.
- e. A storm water management study and system design must be approved by the City of Melbourne Engineering Department prior to final plat approval. This study will include an analysis of any potential drainage needs to ensure no adverse impact on the existing neighborhood to the south.

City Attorney Paul Gougelman read Ordinance No. 2004-09 by title. There were no disclosures by Council and no comments from the public.

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Moved by Contreras/E. Palmer for approval of Ordinance No. 2004-09.

Council Member Pat Poole said she is opposed to this change because R-1B zoning provides for 50-foot lots.

Mayor Buckley said that the motion on the floor is for approval of the ordinance and the preliminary plat, subject to the conditions noted. The roll call vote was:

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

Nay: Poole

Motion carried.

NEW BUSINESS

9. CONSENT AGENDA:

Moved by Hand/Walker for approval of the consent agenda, items “a – e.” Motion carried unanimously.

The consent agenda was approved as follows:

- a. Contract award for the printing and processing of the “Melbourne Messenger,” Digital Graphics Printing, Malabar, FL - \$18,685.
- b. Purchase of a Detroit diesel standby electric generator, Model 100DSEJB, Florida Detroit Diesel-Allison, Inc., Orlando, FL - \$17,536; and transfer of \$17,536 from the General Fund Capital Construction Reserve to the Fire Station Project (No. 761132).
- c. Purchase of magnetic flow meters, converters, and communicator, System Tech & Tech Engineering Services, Deltona, FL - \$24,135.
- d. Purchase of Warren Model WRDT-2228-02-SS steel dump trailer, General Truck Equipment & Trailer Sales, Inc., Jacksonville, FL - \$23,990.
- e. Resolution No. 1864: A resolution authorizing submittal of an application to the U.S. Department of Justice for Bulletproof Vest Partnership Grant Program funds in the amount of \$10,030 towards the purchase of 40 vests and authorization for the City Manager to execute any documents related to the grant.

10. ORDINANCE NO. 2004-10 (A&V NO. 271): (First Reading/Public Hearing) An ordinance to abandon and vacate a 5-foot wide public utility and drainage easement located at 2505 Fenton Street.

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Attorney Gougelman read Ordinance No. 2004-10 by title. City Engineer Howard Ralls reviewed the agenda report. There were no disclosures by Council and no comments from the public.

Moved by Poole/E. Palmer for approval of Ordinance No. 2004-10. Motion carried unanimously.

11. ORDINANCE NO. 2004-11 (Z-2003-971) THE RICHMAN GROUP: (First Reading/Public Hearing) An ordinance changing the zoning from R-A (Residential Holding) to R-2 (One-Two-, and Multiple-Family Residential) on 14.73 acres, located on the southeast corner of Wickham Road and Parkway Drive. (Owner – Steven Schiff, Melbourne Plaza) (Applicant/Representative – Philip F. Nohrr) (Planning & Zoning Board – 1/22/2004)

Attorney Gougelman read the ordinance by title. Planning & Economic Development Director Cindy Dittmer briefed Council. The Planning and Zoning Board unanimously recommended approval of this request.

In response to Mrs. Poole, Mrs. Dittmer said she believes that the future land use designation has been on this property for over six years.

Mayor Buckley called for disclosures. Council Member Richard Contreras said he met with Attorney Nohrr on January 30. They discussed the rezoning and the possible use of tax credits for development of this property.

Mayor Buckley opened the public hearing.

Phil Nohrr, attorney representing the applicant, said that to his knowledge the land use designation has been on this property in excess of 10 years. He reviewed the request and described the surrounding zoning. Mr. Nohrr reported that the Richman Group is the 18th largest developer of apartments in the United States. It is in the business of owning and managing developments. The group owns the nearby Rivercrest development; therefore, he believes that Richman has a proven track record.

Continuing, Mr. Nohrr said that they are not yet ready to submit a site plan. He distributed a conceptual plan to Council entitled “Wickham Park Apartments” along with a building elevation and clubhouse elevation. The clubhouse will be a minimum of 4,000 s.f. The complex will have full amenities, including tot lot, pool and volleyball court. He noted that he believes the apartment complex will be compatible with the neighborhood, especially since it will front Wickham Road. To date, no concerns have been raised by nearby residents.

The project will be financed by tax-exempt bonds issued by the State of Florida. To that extent, there is a public connection; however, this will not be a subsidized rent project. They plan to construct two- and three-bedroom units. The rates will be market rates found in the community.

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Mr. Nohrr said that they are far enough along in the plan to note that to the east no buildings will be within 85' of the property line. This area will also have landscaping and additional buffering. He commented that during his discussion with Mr. Contreras, Mr. Contreras raised the concern about a nearby single-family home. Mr. Nohrr said that they will provide additional buffering in that area.

Council Member Ed Palmer asked if the state has approved the tax exempt bonds. Mr. Nohrr said that is scheduled for next month. He confirmed that if the bonds are not approved, they will proceed with conventional financing.

A brief discussion followed regarding the size of the units, number of apartment buildings, layout, and height.

Mrs. Poole stated that she is concerned about the schools. She asked Mr. Nohrr if he has discussed this development with the County and the School Board. Mr. Nohrr said no.

Moved by Hand/Contreras for approval of Ordinance No. 2004-11.

Mrs. Poole said she cannot vote for this because of the impact it will have on schools.

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

12. ORDINANCE NO. 2004-12 (CU-2003-20) PALMER PROPERTY: (First Reading/Public Hearing) An ordinance granting a conditional use to allow an automotive service/repair station on two lots totaling 0.16 acres in a C-2 (General Commercial) zoning district, located on the southwest corner of U.S. 1 and Aurora Road. (Owner – Ora Lee Palmer) (Applicant/Representative – G. Ed Palmer) (Planning & Zoning Board – 1/22/2004)

Attorney Gougelman read the ordinance by title. Mrs. Dittmer briefed Council. The Planning and Zoning Board unanimously recommended approval of this request.

There were no disclosures by Council. Mr. Palmer declared a conflict of interest because his wife is the property owner and he is the applicant.

There were no comments from the public.

Moved by Poole/Walker for approval of Ordinance No. 2004-12. Motion carried unanimously (six votes). Mr. Palmer abstained from voting.

13. PRELIMINARY PLAT APPROVAL (SD-2003-13) EAGLE LAKE NORTH SUBDIVISION: (Public Hearing) Preliminary plat approval on a 33.17±-acre parcel, zoned PUD (Planned Unit Development), located on the south side of Pirate Lane, west of Lipscomb Street, between Crown Heights Subdivision and Lakeside Subdivision. (Owner – Scott Gold, Esquire, and Nancy Rossman, Esquire) (Applicant – Eagle Lake North) (Representative – Joseph W. Mayer, P.E. Bussen-Mayer Engineering Group) (P&Z Board – 1/22/04)

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Mrs. Dittmer reviewed the agenda report. The Planning and Zoning Board unanimously recommended approval of this request subject to 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) an increase of more than 10 lots; 2) a decrease in the size of tracts intended to provide open space requirement; or 3) any additional roadway access onto Pirate Lane.

- b. The owner/developer shall provide the City with a copy of the formal executed agreement between Eagle Lake North and the Lakeside PUD owners (with regard to the modifications to the drainage system), prior to final plat approval.
- c. Appropriate permits from the U. S. Army Corps of Engineers and/or St. Johns River Water Management District must be provided during construction plan review.
- d. A permit for the relocation/mitigation of gopher tortoises on site is required from the Florida Fish and Wildlife commission.

Max Bosso, 1682 West Hibiscus Boulevard, responded to Council Member Pat Poole's general questions about the development as follows: they do not own the property across Pirate Lane; the subject property has not been cleared; 222 homes have been built in Eagle Lake East and 126 homes are proposed for this development; and if the four gopher tortoises on site are healthy, they will be relocated.

Robert Brown, 432 Crown Boulevard, distributed a map of the property. He referenced Tract H located at the southwest corner of the development and asked if it can remain in its natural state. He noted that the previous development is built higher, which has caused flooding in the area. The residents do not want further disruption to this area. That is why they would like for Tract H to remain natural.

Mrs. Poole asked the City Attorney to address the prior development causing flooding. Attorney Gougelman said that St. Johns River Water Management District and our City staff approve site planning as it relates to drainage. There is also the common law rule of drainage. If significant changes are made to land, which causes another area to flood, that is a problem.

Mr. Bosso agreed with Tract H remaining open space or in its natural condition. He pointed out that this is the only place where the proposed subdivision abuts Crown Heights.

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In response to Vice Mayor Cheryl Palmer, Mr. Bosso said that they are planning to re-route the drainage through a series of ponds. This will solve any drainage issues in the area.

Attorney Gougelman said that if the applicant is amenable, the plat note should indicate that Tract H will remain a conservation easement so that it is left in its natural state. Mr. Bosso agreed to designate it as a conservation easement or open space.

Council Member Grace Walker asked how much fill will be required for the proposed development. Mr. Bosso said he expects approximately two feet. Mrs. Poole added that none of the trees will survive this much fill.

Mrs. Poole asked if playground equipment is proposed. Mr. Bosso said they have not proposed any playground equipment; however, adding this would not be a problem.

Moved by C. Palmer/Hand for approval of the preliminary plat subject to the conditions noted, plus a new condition requiring Tract H to be designated as a conservation area. Motion carried. Mrs. Poole voted nay because of the devastation to the environment.

14. COUNCIL ACTION RE: Request for an off premise directional sign to be placed at the southeast corner of Wickham Road and Lansing Street. (Requested by Lansing Ridge Subdivision)

Mrs. Dittmer reviewed the agenda report. The recommendation is for approval of the request with the reduction in the size of the proposed sign to no more than 25 square feet.

The applicant was not present.

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

15. COUNCIL DISCUSSION RE: Expansion of the Olde Eau Gallie redevelopment area boundaries. (Requested by the Olde Eau Gallie Riverfront Community Redevelopment Agency Advisory Committee)

Mrs. Dittmer briefed Council.

Mrs. Hand said that expanding the district would greatly improve the area of Ramshur Towers. Mrs. Dittmer said that the area would be improved, but this does not correlate to the expansion of the district. Private development in the area will increase the assessed valuation.

Mr. Palmer asked the rationale for the recommendation to delay the issue of expansion until 2005. Mrs. Dittmer said the projects associated with the grants the area has

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received will take time to come to fruition. The area will start to see improvements and at that point, the private sector and the public will see that we are focused on the Eau Gallie area and making improvements. That is what starts generating private investment.

Mr. Palmer said that he would like someone from the advisory committee to comment.

Gene Davis and George Alexander, Olde Eau Gallie Riverfront Community Redevelopment Agency Advisory Committee, addressed Council.

Mr. Davis referenced the January 30 letter to the Olde Eau Gallie Riverfront Merchants Association from Planning and Economic Development Director Cindy Dittmer. He said that the letter indicates that the advisory committee had not presented a solid reason for the expansion of the redevelopment area, other than the capturing of future tax increments. Mr. Davis said he takes exception to that statement and added that staff may have missed reading the minutes of the advisory committee, particularly in November 2002 and summer 2003.

Several workshops and public meetings were held on the subject of expansion and those who attended the meetings were in favor. Everyone understood that the initial focus would be on the area surrounding the Eau Gallie Square. It was suggested at meetings that the area should be expanded north to the point where Pineapple Avenue joins U. S. 1, west to the railroad tracks, south to the Harbor and east to the Indian River. The advisory committee, in subsequent sessions, reduced the area (north to Coleman Street, south to the Eau Gallie River, east to the Indian River Lagoon and west to the railroad tracks).

Continuing, Mr. Davis said the following reasons were expressed for expansion: it would provide natural boundaries encompassing the old Eau Gallie area; it would form a cohesive, identifiable neighborhood; would incorporate the old school house that could be transformed into an art academy or artist factory; provide potential for development as mixed use residential/commercial and public areas; define and develop the area with good streets, street light treatment, sidewalks, etc.; provide a strong neighborhood identity; and counter unfavorable elements that tend to heighten crime and promote blight in the area. And, there is no question that it would provide tax increment funding to the area.

Mr. Davis reported that the citizens felt that funding in the area would compensate for a perceived lack of support for Eau Gallie in the past. The expansion would assist cultural, historical preservation efforts, especially south of Montreal. This is in line with Council's historical preservation effort. The Eau Gallie Urban Infill and Community Redevelopment Plan, approved by Council, recommends expanding the area south and north to include the historical residential areas and commercial areas along U. S. 1.

Several people have told committee members that expansion would give them a sense of belonging, making them more willing to contribute and participate in the ongoing efforts

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for redevelopment. Expansion now would eliminate the incremental approach. Finally, it would insure that incremental tax money is spent in the area.

Mr. Davis distributed a list of goals/objectives for expansion of the Olde Eau Gallie Redevelopment Area that was discussed by the advisory committee. Mr. Davis concluded by saying that failure to expand the area sufficiently will lead to failure of the redevelopment effort and disillusionment on the part of the public and the advisory members. He recommended expansion as soon as possible.

Mr. Palmer asked the current acreage and proposed acreage in the redevelopment area. Mr. Davis said the area currently has 93 acres and the proposal is to expand to 386 acres.

Mr. Palmer said he has been told that prostitution is down in the Eau Gallie area and the drug trade remains unchanged. Mr. Alexander said that is correct.

Mrs. Walker asked what the old school house is used for at the present time. Mr. Davis said part of it is used by the school district and the other part is boarded up. The committee members would like to promote the area as an artists' neighborhood. To support that, they thought about having an art academy at the school. Mrs. Walker asked if the members had any information about the condition of the building. Mr. Palmer replied that he was part of the team that inspected the buildings. One building has been abandoned, the windows are boarded up, the roof leaks and it has major electrical and plumbing problems. The building is a blight on the neighborhood. The building to the south is used by the School Board and PREVENT. It has been painted and is in first class condition.

Mayor Buckley said he has difficulty describing the property east of Pineapple Avenue as "blight." Mr. Alexander agreed that most of that area is well maintained; however, one piece of property across from the school building is in an abandoned state.

Mrs. Poole asked how many people usually attend advisory committee meetings. Mr. Alexander said it averages around 10.

Mrs. Poole said she received many calls from people south of Montreal who felt they had not been included in the decision to expand. Mr. Alexander reported that three public meetings were held over a year ago and there was no opposition. At least 30 – 40 people attended those meetings. Mr. Davis added that one gentleman spoke against expansion.

Mrs. Palmer said that she understands expanding the area north of the current CRA; however, she doesn't understand expanding to the south. She noted that she is in this area all the time. Activity at the Rossetter house has begun, homes are being renovated and a lot of improvements are taking place. People in the area are happy with their narrow streets.

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Continuing, Mrs. Palmer said that the reasons for expansion that have been outlined include words like “perception”, “thought”, “idea” and “sense”. She questioned where the perception/sense is coming from. She added that Council has been very cooperative with the activities in this area. People in these districts use police, fire and other services. If the idea is to grasp all the tax money possible, the citizens in the rest of the City are saying enough is enough. There needs to be a concrete reason for expansion so she can explain to the other people in the City why this area gets to hang onto its tax money.

Mr. Alexander said that when the process of expansion started two years ago, there was a different City Manager and different Planning and Economic Development Director. The members were told at that time that they needed to expand the area. Mrs. Palmer asked who gave that direction. Mr. Alexander said (former Planning Director) Peggy Braz. Mrs. Palmer said she has not seen this direction in the minutes. Mr. Alexander said that was his interpretation of the direction given.

Continuing, Mr. Alexander pointed out that the area being presented for expansion has been shrunk quite a bit. He added that this is not a fight and the members are looking for Council’s guidance.

Mrs. Palmer said that when members say “there is a perception”, that sounds like a fight. Mr. Davis said that is what the old-timers in the area believe. He added that his choice of words was not intended to be provocative. People feel money should be spent in this area and his personal belief is that the area is too small to be successful.

A brief discussion followed regarding the public meetings held about expansion. Mr. Palmer asked for additional information on the meeting held with folks who live south of Montreal.

Dennis Walker, 1296 Houston Street, member of the CRA advisory committee, said he was initially opposed to expansion south of Montreal. He has lived in this area eight years and takes pride in his house. He noted that the decision was based on the value to the community. Although the term blight is used, there are 17 different criteria used in the statute. The southern area has an historical nature and adds to the entire redevelopment being a cohesive package.

Regarding the meetings that were conducted, Mr. Walker said three expansion meetings were held – one overall meeting, one for people in the northern section and one for residents in the southern section. Approximately 60 people attended the southern expansion meeting and there was no opposition.

Chuck Baird, Eau Gallie Yacht Basin, stated that he attended the meetings and talked to representatives from the City. He said that he thought this was a done deal because everyone was so enthusiastic. Including the southern area would incorporate the historic area. He noted that he always thought the yacht basin should have been included in the redevelopment area. He asked Council to consider expansion.

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Mrs. Hand said that years ago when redevelopment started, Eau Gallie was to be included. A lot of misinformation was given to merchants at that time, so the Eau Gallie area pulled out. Redevelopment in Eau Gallie has been revived and she would like to see the enthusiasm continue. She concluded by saying she is in full support of the expansion.

A brief discussion followed about who in the southern area is opposed to the expansion.

Mrs. Palmer asked Dennis Walker what persuaded him to change his mind about expansion south. Mr. Walker replied that the main reason he was initially opposed was because the vote was taken while he was not in attendance at the meeting. The benefit he sees is to the community as a whole. The residents want improved lighting, sidewalks and road maintenance. The historical essence of the south will also enhance overall grant opportunities.

Betty Moore, 2552 Pineapple Avenue, President of the Eau Gallie Crime Watch, expressed support for expanding into the area west of Pineapple Avenue. She elaborated on the positive effect the crime watch group has had on the reduction of crime. She stressed that the people who live on the west side of Pineapple want and need to be included in the expansion.

Frank Schrader, property owner in the current redevelopment area and proposed expansion area, expressed support for the expansion. He said that more area is needed for the overall development of the Eau Gallie area.

Rick Hester, 617 Eau Gallie Boulevard, said that the members of the advisory board worked hard to ensure no one was left out of the process; numerous meetings were held. The homeowners, business owners, and land owners to the north and the south would like to be included in the redevelopment area. He pointed out that the expansion is part of the original vision of the adopted redevelopment plan. The area cannot meet its goals without increasing its current size. It would be hard to do with only 93 acres.

Mr. Hester said that this also involves money – the money some people want for the General Fund so the entire City can benefit and the money the Eau Gallie people want so they can be brought up to speed. He asked Council to vote for the expansion.

Mr. Alexander said that if Council does not agree with the expansion as outlined, he would like guidance on what to do for the future.

Mrs. Palmer said she would be more comfortable with expanding north and possibly west; however, she is very concerned with including the southern historical area. She is concerned about keeping this area, which is a jewel, intact. She added that the north area would probably fulfill the requirements for a redevelopment area.

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Mr. Palmer said that delaying expansion will hurt the redevelopment area. He added that the City Council has always supported the three redevelopment areas, which has allowed these areas to progress and improve the quality of life for our citizens.

Mrs. Poole stated that it is questionable if the proposed expansion area – going from 93 acres to 386 acres – would meet the criteria in the state statutes for being a blighted area. Most important, the advisory committee has not proposed projects or improvements to justify the expansion. Staff has repeatedly said that expansion, if not well justified, would require the redevelopment district to focus on a larger area without any additional funding.

Mrs. Poole read from past minutes of the advisory committee where this issue was discussed. In May 2003 the former Planning and Economic Development Director stated her concern that "...the County as well as the City may object to such a large expansion..." Also, Mrs. Braz previously noted that because of the Highland Street property purchase and the proposed projects in the current area, there would be no money to fund any improvements to an expanded area for a long time.

Continuing, she noted that in July 2003 City Manager Schluckebier expressed to the committee his concerns over the size of the expansion. She stressed that expanding the district will not make up for 20 years of not participating in the original proposed redevelopment. She pointed out that staff members are the experts and the advisory committee needs to work with them if the redevelopment is to succeed.

Mayor Buckley clarified that a lot of the discussion in previous advisory board minutes relates to a time when they were talking about expanding all the way up to Parkway Drive.

Mrs. Walker said that Mrs. Palmer expressed her opinion; she has a problem including the southern area in this expansion.

Attorney Gougelman, at the request of Mrs. Poole, read information prepared by staff on the money that has been spent in the Eau Gallie redevelopment area.

Moved by Hand/E. Palmer to expand the Olde Eau Gallie Community Redevelopment Area to 386 acres to include north to Coleman Street, south to the Eau Gallie River, east to the Indian River Lagoon and west to the railroad tracks.

Mr. Contreras said there has been a lot of discussion about the three community redevelopment areas. He said he would like for the City Manager to review all three areas and determine a time certain when these areas will come to an end.

In reference to this expansion, he said there have been mixed signals. The redevelopment plan contains a provision for expansion. He noted that he is amazed how the community, especially in the south portion, is energized and enthusiastic. To squelch this would be a disservice to the citizens. They want redevelopment and, in some cases, they need it.

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Mr. Palmer said that this action will cement the relationship between Downtown Melbourne and Downtown Eau Gallie.

The question was called. The roll call vote was:

Aye: Contreras, E. Palmer, Hand and Buckley

Nay: Poole, Walker and C. Palmer

Motion carried.

Mrs. Walker and Mrs. Palmer said they would have been okay with this if the south portion had been removed. Mayor Buckley said that he decided to support this after learning how many people from the southern portion attended the meeting and were in support.

The following discussion occurred under the agenda item, Petitions, Remonstrances, and Communications:

Mr. Contreras asked for confirmation that the City Manager will review all three redevelopment areas to determine the time certain for ending. Mr. Schluckebier said that for each area he will report the existing value, summary the plan and when it is set to expire. Mr. Schluckebier said that the action taken by Council at this meeting will set in motion a blight study. This should be finalized in the next six months. The outcome of the blight study will determine whether the area ultimately expands.

Recessed: 8:56 p.m.

Reconvened: 9:07 p.m.

16. COUNCIL DISCUSSION RE: Mayor and Council salaries.

From the agenda report: This item was discussed at the December 9, 2003 Council meeting. At that time there was a consensus that the proposed increase was higher than an amount Council felt comfortable about; therefore, staff was directed to bring back this item for further discussion in early 2004.

The Charter provides that Council salaries shall be set by ordinance; salaries should be compatible with comparable cities; and changes have a delayed effect and begin only after the next regular election (every two years).

The City Code currently states that these salaries will be reviewed every five years and fixed by a vote of the Council. The last adjustment was in November 2000, which provided an increase from \$7,200 to \$9,000 for the Mayor and an increase from \$5,200 to \$6,500 for the Council Members. The former salaries were in place since at least 1973. While an improvement, the November 2000 adjustment did not address the effects of inflation.

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In the agenda package is a memo, which provides some comparative and historical information as well as remedies to address this issue squarely in the future. The options for consideration include:

1. Provide the Mayor and Council the same percentage cost of living and step increases afforded general employees from November 2000 to November 2004, with automatic updates every two years.
2. Provide the Mayor and Council the same percentage cost of living increase afforded general employees from November 2000 to November 2004, with automatic updates every two years.
3. Provide the Mayor and Council the same percentage cost of living and step increases afforded the general employees for only the most recent adjustment prior to November 2004, with automatic updates every two years.
4. No change.

The recommendation is for Council to establish updated baseline salaries to be effective with the commencement of terms of members elected at the next election (November 2004) and provide for ongoing automatic increases based on similar increases as are provided to general employees, however made effective pursuant to the timing set out in the Charter. Such an adjustment can be accomplished by an amendment to the City Code.

Mrs. Poole said that Mayor and Council's salary should not be based on employees' salaries. Mayor and Council are elected officials and she hopes that no one now or in the past has run for the salary. She noted that for many years, Mayor and Council received no pay. Members wanted to serve because they were dedicated and cared.

Mrs. Poole read from past minutes on this item where it was stated that an increase in salaries would result in attracting qualified members. She commented that this implies that the current members are not qualified. Continuing, Mrs. Poole questioned if the motive of the increase is to provide some members who are not up for reelection or who are not term limited a two-year increase and an increase in retirement.

The fact that salaries did not increase from 1973 to 2000 speaks for the dedication of our elected officials. Elected officials in Melbourne are the highest paid in Brevard County. She recommended that the City Code be amended so that the citizens can decide by vote whether Council deserves a raise.

A brief discussion continued.

Mayor Buckley said that the average salaries for Mayor and Council from cities with populations of 50,000 – 90,000 as reported by the Florida League of Cities are \$18,474

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for mayor and \$17,041 for council. Mrs. Poole asked for a list of the cities in Florida that have adopted the “average salaries” for its elected officials.

Mrs. Walker said it is good business to consider compensation. She added that she would like for Council to consider proposal number two or three. And, she added that it could provide motive for some people to run for office.

Moved by Walker/C. Palmer to consider proposal #2.

Mrs. Palmer said that even if she is not reelected in November, she still feels this is the right thing to do.

Mr. Palmer asked for the annual impact on going with option #2. Mr. Schluckebier referenced the memorandum prepared by Assistant City Manager Amy Elliott, which states, “...this would provide an estimated increase of 10.5% in November 2004 and would bring the Mayor’s salary to \$9,945 and Council’s salary to \$7,183.

The question was called. The roll call vote was:

Aye: Walker, Hand, C. Palmer and Buckley

Nay: Contreras, E. Palmer and Poole

Motion carried.

Added to the Agenda:

- 16.1 RESOLUTION NO. 1865: A resolution nominating City Attorney Paul Gougelman as the Florida League of Cities City Attorney of the Year.

The City Attorney read Resolution No. 1865 by title.

Moved by Poole/Walker to approve Resolution No. 1865. Motion carried unanimously.

17. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

City Engineer Howard Ralls updated Council on the progress of the Auditorium roof replacement project.

The City Manager reported on the following items:

- The “Town Hall” meeting is scheduled for March 2 at 6:30 p.m. Marilyn Crotty from the Institute of Government will be the facilitator. Staff is currently working on advertisement material to maximize public participation. A draft agenda will be provided to City Council within the next 10 days.

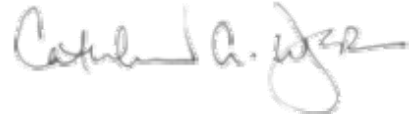
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- Staff is pursuing capacity information from the Brevard County School Board. Our intention is to provide a quarterly report to Mayor & Council. Mr. Palmer said he would like to know if any other cities have included school concurrency in their Comprehensive Plans.
- Annexation discussions are continuing with properties located on the City's northern border.
- The eye medical facility, which owns the parking lot located on the north side of Strawbridge Avenue, plans to construct a fence around the property.
- Staff tentatively plans on placing the Parkway Drive annexation ordinance on the February 24 agenda. The ordinance provides for a mail ballot referendum.

18. ADJOURNMENT

Moved by Contreras/Walker to adjourn. Motion carried unanimously.

The meeting adjourned at 9:53 p.m.



City Clerk – 2/19/2004

Approved by Council 2/24/2004

Attachment to official minutes: Memorandum of Voting Conflict Form for Ed Palmer (reference Item #12)