

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
OCTOBER 12, 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 6:38 p.m. by Mayor John A. Buckley.

1. Reverend Bob Llewellyn, Love Inc. of Brevard, gave the invocation.
2. Pledge of Allegiance
3. Roll Call.

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
	Amy W. Elliott	Assistant City Manager
	Cindy Dittmer	Planning & Economic Development Director

4. Proclamations and Presentations

The Mayor presented a proclamation recognizing “Gift of Water” for its work in providing purified drinking water to developing countries to Phil Harwick, President, and Barbara Warwick, Secretary, co-founders of Gift of Water, Inc.

Michael Scott, 404 Crescent Drive, presented the Melbourne Fire Department with a framed newspaper article about the evacuation of Sherwood Elementary during Hurricane Jeanne. (Sherwood Elementary, a special needs shelter, lost its roof during the height of the storm. Members of the Fire Department, along with others, evacuated folks from the shelter to Brevard Community College.)

5. Approval of Minutes - September 16, 2004 Special meeting  
- September 28, 2004 Budget meeting  
- September 28, 2004 Regular meeting

Moved by Walker/Hand for approval of the minutes. Motion carried unanimously.

6. City Manager’s Report

City Manager Jack Schluckebier reported on the following items:

- The City used the CodeRED “reverse 911” system during the recent storms. Thousands of telephone calls were made in a very short period of time. The City

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
OCTOBER 12, 2004

used all of its contracted minutes and we expect to be reimbursed by the federal government. Overall, the system was very effective.

- After Hurricane Jeanne, the City received assistance from the National Guard, which were housed at Grant Street Community Center. Additionally, we received assistance from the Cities of Davie and Miami Springs, the Florida Department of Law Enforcement and the Fish and Wildlife Commission.
- The City Manager's Report contains a memorandum from the City Clerk outlining the steps various departments have been taking in order to work with our residents and customers who are facing unusual circumstances following the storm. The idea is to provide assistance in an orderly way while maintaining some sense of permitting and processing. Mr. Schluckebier noted that a future Code amendment will be proposed to authorize such waivers to the City Code. Assistance includes the waiver of building permit fees for any storm damage and allowing people to reside on their property, on a short term basis, in a recreational vehicle, trailer, etc. while repairs are being made to the primary residence.
- The October 26 agenda will have a voluminous set of materials related to the next utility bond issuance. That material will be provided in advance of the agenda package.

Council Member Pat Poole asked for the following: a written report from the City Manager outlining the discussion with Airport staff about whether the 200 National Guardsmen who arrived following Hurricane Frances could stay at the Airport; a copy of the Melbourne International Airport's written policies and procedures outlining use of the terminal following a disaster; and a written response from the Airport Director as to why he refused to allow the National Guardsmen to stay in the terminal.

Mayor Buckley noted that the Guardsmen wanted to locate in the international terminal – an area that must remain open for international flights. They were offered the Trailer Haven auditorium. Subsequent to that, the roof on the auditorium leaked and the members moved into the Eau Gallie Civic Center.

A brief discussion followed. Mrs. Hand commented that Airport Director Jim Johnson discussed this issue at the last board meeting and she believes that he totally answered all questions.

Regarding the temporary waivers to the City Code to assist people in recovering from the storm, Council Member Loretta Hand expressed concern about pools not being properly fenced.

The City Manager confirmed for Vice Mayor Cheryl Palmer that although permit fees are being waived, building permits are still required. Additionally, he confirmed for Council Member Ed Palmer that an emergency repair does not require a permit.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
OCTOBER 12, 2004

7. Public Comments

None.

Moved by Hand/E. Palmer to convene as the Babcock Street Community Redevelopment Agency for the following item. Motion carried unanimously.

8. COUNCIL ACTION RE: Approval of final contract with Babcock Palms, LLC for the sale of the Palms 8 Theater property and authorization for the Chairman of the CRA Board (the Mayor) to execute the contract.

Mr. Schluckebier reported that there are a few points that have not yet been resolved. One is the disagreement over the applicability of the brokerage fee and the other relates to impact fee credits. Staff hopes to be able to meet with Mr. Clark and resolve these issues prior to the next meeting.

Council Member Grace Walker asked if a meeting has been scheduled with Mr. Clark. Mr. Schluckebier said that there is not a scheduled meeting at this point; however, he will phone Mr. Clark and request a meeting at his earliest opportunity.

Mrs. Poole asked why Mr. Clark believes the City will change its policy, which was also recommended by the Babcock Advisory Committee. She said that changing the policy now would send a message to other developers that our policies are not enforced.

Mrs. Poole made a motion that the “contract stand as is and be brought back to Council at the next Council meeting, minus the brokerage fee.”

Vice Mayor Cheryl Palmer asked Planning and Economic Development Director Cindy Dittmer to provide a reason why Council should violate the policy and pay \$54,000 to Coy Clark Realty. Mrs. Dittmer said she cannot provide a reason why Council should change its policy.

At this point, Mrs. Palmer seconded the motion. Moved by Poole/C. Palmer for the contract to stand as is and be brought back to Council at the next Council meeting, minus the brokerage fee.

Attorney Gougelman stated that two of the three outstanding issues have been worked out; however, they have not yet been engrossed into the contract. He said that he assumes Council would like the additional language included in the contract. Continuing, Mr. Gougelman explained that the City Manager has been working with Mr. Clark and he (Attorney Gougelman) has been working with Mr. Clark’s attorney. He asked Council to allow the negotiation process on the remaining issue to move forward.

Following a brief discussion, the maker/seconded clarified that the additional language (regarding the two issues that have been resolved) may be added to the contract.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
OCTOBER 12, 2004

Mayor Buckley stated that he can't go along with the brokerage fee since it was never mentioned during the negotiations, and Mr. Clark never said a word about this issue when he appeared before City Council.

Mayor Buckley said that the motion on the floor is that Council not accept the \$54,000 brokerage fee. The question was called. Motion carried unanimously.

Moved by E. Palmer/Walker to reconvene as the City Council. Motion carried unanimously.

9. ORDINANCE NO. 2004-73: (Second Reading/Public Hearing) An ordinance amending Chapter 28, by changing the name of Gemaire Drive (located west of Wickham Road, east of East Drive, and running northward from Ellis Road) to Distribution Drive. (First Reading - 9/28/04)

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

Moved by Poole/E. Palmer for approval of Ordinance No. 2004-73. The roll call vote was:

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

Nay: None

Motion carried unanimously.

10. ORDINANCE NO. 2004-74 (FOC-2004-05/LDR-2004-05): (Second Reading/Public Hearing) An ordinance amending Chapter 29, Subdivisions, by adopting the revisions recommended by the City Code Review Committee, Section 2, transferring the Subdivision regulations to Appendix D, Chapter 8. (Applicant - City of Melbourne) (First Reading - 9/28/04)

The City Attorney read Ordinance No. 2004-74 by title. Mayor Buckley opened the public hearing. There were no comments.

Moved by Hand/E. Palmer for approval of Ordinance No. 2004-74. The roll call vote was:

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

Nay: None

Motion carried unanimously.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
OCTOBER 12, 2004

11. ORDINANCE NO. 2004-75: (Second Reading/Public Hearing) An ordinance amending Chapter 19 by implementing Section 550.105, Florida Statutes, providing for a pari-mutuel wagering tax. (First Reading - 9/28/04)

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

Moved by Poole/Walker for approval of Ordinance No. 2004-75. The roll call vote was:

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

Nay: None

Motion carried unanimously.

12. ORDINANCE NO. 2004-76: (Second Reading/Public Hearing) An ordinance amending Chapter 20, Offenses, as it relates to noise by exempting the use of generators during emergency conditions or extraordinary circumstances. (First Reading - 9/28/04)

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

Moved by Walker/Contreras for approval of Ordinance No. 2004-76. The roll call vote was:

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

Nay: None

Motion carried unanimously.

NEW BUSINESS

13. COUNCIL ACTION RE: Contract award for Sherwood Park drainage improvements, Project No. 02902, J.P. Donovan Construction, Inc., Titusville, FL - \$358,285 and transfer of \$3,645 from the Swift Street Drainage Project and \$21,500 from the Stormwater Utility Reserve for Future Projects into this project budget.

City Engineer Howard Ralls reviewed the agenda report. The recommendation is for approval of the contract with J.P. Donovan Construction, Inc. in the amount of \$358,285 and transfer of \$3,645 from the Swift Street Drainage project and \$21,500 from the Stormwater Utility Reserve for Future Projects to this project's budget.

Mr. Ralls responded to general questions about the contract.

Moved by Contreras/E. Palmer for approval of the recommendation.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
OCTOBER 12, 2004

Mrs. Walker asked what the balance of the Stormwater Utility Reserve Fund will be after this transfer has been made. Mr. Ralls replied that he is not sure.

The question was called. Motion carried unanimously.

14. CONSENT AGENDA:

Moved by Hand/Contreras to approve the consent agenda, Items “a through f”. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Change Order No. 2 to the contract for painting at Lake Washington Water Treatment Plant, Project No. C03304, Universal Painting Corporation, Lakeland, FL - \$18,940.
- b. Consultant selection to provide design services for the Downtown Lighting and Streetscape Project, Phase III, Baskerville-Donovan, Inc., Melbourne, FL, and authorization for the City Manager to negotiate a contract.
- c. Contract award for basic software maintenance for the Police Department, Tiburon, Inc., Fremont, CA - \$71,820.
- d. Approval of \$300,000 in SHIP funding for the SHIP Natural Disaster Recovery Strategy in order to provide financial assistance to homeowners for home repairs and related budget transfers.
- e. Approval of a Disaster Relief Funding Agreement (Hurricane Charley) between the State of Florida Department of Community Affairs and the City of Melbourne and authorization for the City Manager to execute the agreement and other documents pertaining thereto.
- f. Approval of a Potable Water Supply Agreement for Pelican Coast with Patrick Family Housing, LLC; approval of a Potable Water Supply Agreement for Coronado at Pelican Coast with Phoenix Community Developers, Inc.; authorization for the City Manager to execute the agreements; and authorization for the City Manager and City Attorney to conclude negotiations with Phoenix Community Developers, Inc., and make minor changes to the agreements.

15. SITE PLAN APPROVAL (SP-2004-18) LEGACY APARTMENTS: (Public Hearing) A request for site plan approval to develop a 218-unit multiple-family gated apartment project on a 14.61-acre parcel, located on the north side of Hibiscus Boulevard, east of Airport Boulevard. (Owner/Applicant - Melbourne Apartment Associates I, LLC) (Representative - Harry Newkirk, P.E., Upham, Inc.) (P&Z Board - 9/16/04)

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
OCTOBER 12, 2004

Mrs. Dittmer briefed Council. The recommendation is for approval of SP-2004-18, for a 218-unit apartment development, on a single-page site plan prepared by Upham, Inc., W.O. No. 040624, signed, sealed and dated September 9, 2004, subject to the findings outlined in the agenda package and the following conditions:

- a. Any change to the site plan will require reevaluation of the site plan by the Engineering Department and Planning and Economic Development Department.
- b. 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, or 2) an increase in more than one unit.
- c. Appropriate environmental permits must be obtained as part of the construction plan review process.
- d. All hardwood trees and scrub oaks located outside of the building footprint and parking driveway aisles shall be preserved, and buildings and parking/drive aisles shall be shifted when possible to preserve hardwood trees or scrub oaks, as determined during construction plan review.
- e. The proposed building shall be substantially consistent with the rendering submitted by the applicant.
- f. The applicant must obtain Architectural Review Board approval prior to site development.
- g. A deceleration lane/right turn lane will be required northbound on Airport Boulevard into the project, at the intersection with Eddie Allen Road.

Mrs. Dittmer reported that the Planning and Zoning Board during its review of this item added condition "g".

Mr. Palmer said that he does not understand why the School Board is not commenting on development projects. Mrs. Dittmer said that the City has not heard from the School Board for quite some time; however, she does not believe their position has changed. Mr. Schluckebier said that the School Board has not been commenting on site plans at all. Their policy is to comment or raise a concern on issues where there is a higher density proposed rather than commenting on status quo density settings.

Mrs. Poole said that the surrounding area is commercial, including the former Airstream park. She commented that the site plan provides for the construction of 218

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
OCTOBER 12, 2004

residential units on commercial property, which will have a negative impact on the schools.

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

Philip Nohrr, 1800 West Hibiscus Boulevard, attorney representing the applicant, stated that the site plan meets all of the objective criteria outlined in the City Code. He added that they are not asking for any variances. Mr. Nohrr displayed a rendering and gave an overview of the project. The development will be a gated community with sidewalks around the retention area. The construction plans have been submitted to the City for review.

Continuing, Mr. Nohrr referenced condition “g” and said that this was not in the initial staff report. During the Planning and Zoning Board meeting, one board member asked for a deceleration lane. Since that time, they have submitted a report from Ronald Jaques, Traffic Planning and Design, Inc., that shows the decel lane is not warranted and not required. However, Mr. Nohrr noted that the decel lane won’t make or break the project.

Mr. Nohrr reported that this project will produce 136 peak hour trips; the roadway has a Level of Service “A”; and if the site were developed commercial, the amount of trips would far exceed a residential development. Mr. Nohrr added that their traffic consultant has indicated that unless 300 vehicles per hour use the right turn lane and 300 vehicles per hour use the through lane, a decel lane is not called for. He pointed out that this development will produce a right turn volume of 19 vehicles per hour and there are only 287 vehicles per hour on the adjacent roadway. This is far under the DOT criteria for a deceleration lane.

Mr. Nohrr briefly addressed the School Board issue and said that the School Board’s policy is to object to any increase in density. Following a brief discussion, he said that the time to address the school issue would have been during the rezoning of the property, not during the site plan review. Mr. Palmer clarified that his concern relates to communication between the School Board and the City – not this site plan.

In response to the Mayor, Mr. Nohrr said he agrees with the conditions; however, he would like Council to consider eliminating the requirement for a deceleration lane.

Mrs. Palmer said she voted against rezoning this parcel because she believes this is the wrong place for an apartment community. However, Council did rezone with the expectation of having this type of development. It is a good site plan and the traffic consultant has demonstrated that a decel lane is not required.

Mayor Buckley asked the applicant’s traffic engineer to address this issue.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
OCTOBER 12, 2004

Ron Jaques, Traffic Planning and Design, Inc., discussed his background and said that he performed the calculations, which show a deceleration lane is not required. He reported that he reviewed his findings with the City's Traffic Engineer.

Mrs. Poole said she does not understand how 218 units will generate only 19 trips per hour. She added that decel lanes are for safety and they help move the traffic. Mr. Jaques elaborated on how he performed the calculation.

Mrs. Walker asked if the development will be rental or condominiums. Mr. Nohrr replied rental. Mrs. Walker said that she shares the concern about the number of trips and the impact the development will have on the school system.

Mrs. Hand stated that she is glad to see some rental units being developed. The hurricanes destroyed a lot of properties and people are having a hard time finding a place to stay.

Moved by C. Palmer/Hand to approve the site plan with the elimination of the requirement for the deceleration lane (condition "g"). The roll call vote was:

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

Nay: Poole

Motion carried.

Recessed: 7:55 p.m.

Reconvened: 8:06 p.m.

16. ORDINANCE NO. 2004-77 (Z-2004-1003) PALM BAY DEVELOPERS, LLC: (First Reading/Public Hearing) An ordinance changing the zoning from C-1 (Neighborhood Commercial) to R-2 (One-, Two-, and Multiple-Family Residential) on a 9.62±-acre portion of a 48.04-acre parcel, located on the north side of Palm Bay Road, east of Dairy Road, and west of Stack Boulevard. (Owner/Applicant – Palm Bay Developers, LLC) (Representative - Clayton A. Bennett, P.E., Fleis & Bennett Engineering, Inc.) (P&Z Board - 9/16/04)

Attorney Gougelman read Ordinance No. 2004-77 by title. Mrs. Dittmer reviewed the agenda report. The Planning and Zoning Board unanimously recommended approval of the request.

Mrs. Dittmer confirmed for Mrs. Poole that although the land use is mixed use, the current zoning is commercial.

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

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
OCTOBER 12, 2004

Clayton Bennett, representing the applicant, noted that they are proposing the southern 265' as commercial. The current plan is to develop out parcels to be used for commercial. If that plan changed and they wanted to develop the out parcels as residential, they would have to return and obtain approval from City Council.

Mr. Bennett agreed with the condition.

Mr. Palmer asked about ingress/egress to the property. Mr. Bennett explained that there is a signalized intersection at Palm Bay Road where it meets Port Malabar Boulevard. Access would be through the Harvard Apartments development. The property is under one ownership so they have the easements.

Moved by Hand/Contreras for approval of Ordinance No. 2004-77. Motion carried. Council Member Poole and Vice Mayor Palmer voted nay.

17. ORDINANCE NO. 2004-78 (CU-2004-16) SKOL MARTINI BAR: (First Reading/Public Hearing) An ordinance granting a conditional use to allow the sale of alcoholic beverages on a 0.10±-acre parcel zoned C-3 (Central Business District), located on the north side of East New Haven Avenue, west of Municipal Lane, and east of Waverly Place. (Owner/Applicant - Primp by Appointment Only, Inc.) (Representative – David T. Menzel, President, MAI, Inc.) (P&Z Board - 9/16/04)

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

Mayor Buckley called for disclosures. Mrs. Poole said that at the Planning and Zoning Board meeting David Menzel met her in the hallway and showed her pictures of what they were planning for this site.

Dave Menzel, MAI, Inc., representing the applicant, stated that the building is about 1,400 s.f. They will have approximately 30 seats. Although the bar has been emphasized, it will really be a gallery for the selling/displaying of art. The courtyard will remain confined and private. The owner plans to spend about \$100,000 in improvements and the property will complement the Downtown area.

Kimberly Dutton, owner, said that her business will be called Lotus Gallery. The emphasis will be on the selling of art and they will feature a martini bar. She added that this will be a place to relax after dinner rather than a party scene. She discussed the garden located outside and stated that she has invested a lot of money in this property.

In response to Mrs. Poole, Ms. Dutton confirmed that she has received her liquor license.

Moved by E. Palmer/Walker for approval of Ordinance No. 2004-78. Motion carried unanimously.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
OCTOBER 12, 2004

18. RESOLUTION NO. 1903: A resolution relating to the approval of a quit-claim deed to Holmes Regional Medical Center, Inc. in association with the purchase of the Red Cross property, rescission of the City's reverter clause, and authorization for the City Manager to execute documents. (Requested by Holmes Regional Medical Center)

The City Attorney read Resolution No. 1903 by title. Mr. Schluckebier reviewed the agenda report. The recommendation is for approval of the Resolution and acceptance of 50% of the appraised value for transfer of the Red Cross property.

Philip Nohrr, on behalf of Holmes Regional Medical Center, reported that the hospital is in the process of negotiating a purchase of the Red Cross facility. One of the issues is the reverter clause. An appraisal was done on the property in August of this year and it is their proposal to pay 50% of that amount to the City. Mr. Nohrr noted that any amount above that would be an economic disincentive to sell.

Continuing, Mr. Nohrr said that it is not the hospital's desire nor is it the intent of the Red Cross to abandon the Melbourne area. They have a number of other facilities and this purchase will allow them the opportunity to move to a larger facility. The sale will also enhance the hospital's service and vital need in our community.

Jan Bryant, Executive Director/CEO, American Red Cross, Space Coast Chapter, stated that this building is the headquarters building. Many people do not realize that they are at this location. The chapter serves the entire Brevard County area and it is important for them to relocate so they can better serve the entire County.

Ms. Bryant detailed the classes that are provided by the Red Cross at local facilities. She stressed that they are not leaving Melbourne. Holmes Regional has been a phenomenal partner and her hope is that the City Council sees this as a win/win situation. She added that they will not be using donor dollars to expand their service in the community.

In response to Mr. Palmer, Ms. Bryant elaborated on the services the Red Cross provides to the military.

Mrs. Hand said her concern was that the City would lose the Red Cross; however, she is glad that they will still be offering classes in the Melbourne area.

David Schechter, Chairman of the Board of Directors, Red Cross, said that this move will provide the Red Cross an opportunity. He asked the City Council to support the request.

Mayor Buckley agreed that the building does not offer the Red Cross much in the way of office space.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
OCTOBER 12, 2004

Mayor Buckley disclosed that he along with the City Council talked individually with hospital representatives about this item.

Mrs. Hand declared a conflict of interest because she is an employee of Health First working as a per diem registered nurse. She noted that she is in full support of this item.

Moved by E. Palmer/Walker for approval of Resolution No. 1903.

Mr. Contreras asked the maker/seconded to amend the motion to earmark the funds towards the cost of a new fire station in South Melbourne. Mayor Buckley recommended that the motion be voted on and that the allocation be brought up in the future.

The question was called. Motion carried unanimously. Mrs. Hand abstained from voting.

19. COUNCIL ACTION RE: Pay adjustments for non-union employees

From the agenda report: Funding is provided in the City's FY 2004-2005 Budget for salary improvements for non-union employees. The following adjustments are proposed:

- a. Increase salaries and wages 2.8% across-the-board for regular, part-time and full-time employees effective October 1, 2004. In accordance with the City's Step Pay Plan, all non-union employees who have worked with the City for at least six full months will be eligible to participate in this program. Step raises will be processed effective October 1, 2004 for those eligible employees who meet performance standards. Step raises average 2.1%, so combined with the 2.8% cost of living allowance, the total salary increase proposed is 4.9%.
- b. Increase the special pay positions of Maintenance Worker I (part-time), Custodian (part-time), and Equipment Operator I (part-time) to equal the pay of their counterpart full-time positions found in the LIU pay schedule.

With respect to the Charter positions of City Manager and City Attorney it is proposed that these positions receive similar comparable increases in Step of 2.1% and COLA of 2.8%. The Council may choose to add meritorious or further competitive adjustments.

The recommendation is for approval of 2.8% across-the-board increases for non-union regular, part-time and full-time employees effective October 1, 2004, including the increases in the special pay positions, step increases in accordance with Step Pay Plan, and increase in City Manager and City Attorney salaries consistent with other non-union employees.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
OCTOBER 12, 2004

Moved by C. Palmer/Poole for approval of the recommendation. Motion carried unanimously.

20. COUNCIL ACTION RE: Proposed resolution naming the surface water treatment plant the “John A. Buckley Surface Water Treatment Plant.”

From the agenda report: Council Member Richard Contreras has requested that a draft resolution be prepared naming the Melbourne Surface Water Treatment Plant the “John A. Buckley Surface Water Treatment Plant.” This is in recognition of Mayor Buckley’s 18 years of public service. Mayor Buckley has served with representatives of other communities on the Brevard County Water Supply Board since 1996 and has served as Chairman of the Melbourne Water System Advisory Board during that same period. If Council concurs with this resolution, the item will return on the October 26 agenda for action.

Council Member Contreras stated that he proposed this item in recognition of Mayor Buckley’s outstanding public service to the citizens of the City of Melbourne.

Moved by Contreras/Walker to rename the surface water treatment plant the John A. Buckley Surface Water Treatment Plant.

Mrs. Poole discussed the history of the water plant and said this change could have far reach affects. The name of the plant has historical meaning, including its location on the banks of Lake Washington. She added that all aspects of the name change should be considered; a report should be prepared by the Water Department; questions need to be asked; and contracts would need to be changed. Mrs. Poole agreed that Mayor Buckley has been dedicated. However, she recommended that Council consider naming a road or park after the Mayor.

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

21. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mr. Schluckebier reported on the following:

- Debris removal following Hurrricanes Frances and Jeanne. A notice has been advertised in the newspaper along with a press release encouraging people to place their debris on the street by October 13. A final pass of the City will begin.
- The President of the United States has sent a letter to the Governor of Florida announcing that federal assistance following the recent storms will be funded at the 90% level instead of the 75% level. Additionally, staff has received a report from the Florida Department of Environmental Protection noting that it will allow fast track permitting for people to rebuild their waterfront properties.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
OCTOBER 12, 2004

- The Melbourne Housing Authority reported that they did not receive any bidders for the Ramshur Towers property last week. Apparently bad information was circulated on bid day that the City would not allow rezoning of the property. The Housing Authority has now secured an opinion from the City, which notes that a rezoning would be considered with final approval by City Council. This information will be shared with potential bidders. The Authority believes that it will receive a large number of bidders.

Council Member Ed Palmer asked the City Manager to confirm the date of the next bid.

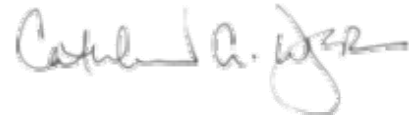
- The Leisure Services Department and School Board Member Janice Kershaw have been working with an artist who has developed a mosaic for the Sherwood pool. The project is complete and dedication information will be forwarded to Council.

Vice Mayor Palmer asked about the status of allowing the County to use a 30-acre site as a debris staging area (south end of Sarno Landfill facility). Mr. Schluckebier said that Public Works and Utilities Director Bob Klaproth addressed this issue following a written request from the Chairman of the Board of County Commissioners. The City has given the County permission to use the site on a temporary basis with the understanding that the site would be cleaned up to its previous condition.

22. ADJOURNMENT

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

The meeting adjourned at 9:06 p.m.



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City Clerk – 10/21/2004

Approved by Council: October 26, 2004

Attachment (to the official minutes): Memorandum of Voting Conflict Form for Council Member Loretta Hand (reference Item #18)