

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
MARCH 22, 2005



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 Harry Goode.

1. Pastor Steven Rossi, God's Grace Fellowship, gave the invocation.
2. Pledge of Allegiance
3. Roll Call.

Present:	Harry C. Goode, Jr.	Mayor
	Richard Contreras	Vice Mayor, District 1
	Mark LaRusso	Council Member, District 2
	Kathy Meehan	Council Member, District 3
	Grace Walker	Council Member, District 4
	Cheryl Palmer	Council Member, District 5
	Loretta Isenberg-Hand	Council Member, District 6
	Jack M. Schluckebier, Ph.D.	City Manager
	Paul R. Gougelman, III	City Attorney
	Cathleen A. Wysor	City Clerk
	Cindy Dittmer	Planning & Economic Development Director

4. Proclamations and Presentations

Mayor Goode read and presented the following proclamations:

- “National Fair Housing Month”, April 2005; accepted by C. J. Miles, Fair Housing Continuum.
- Recognizing “Florida Air Academy” Falcons Basketball Team for winning their fourth State basketball championship; accepted by Head Coach Aubin Goporo and members of the 2004-2005 Florida Air Academy Falcons Basketball Team.

Marguerita Engel, Intergovernmental Coordinator, St. Johns River Water Management District, presented the City with a ceremonial check in the amount of \$75,000, representing the City’s award for the Grant Street/D.B. Lee Reclaimed Water Interconnect project. Mayor Goode and Public Works/Utilities Director Robert Klapproth accepted the check on behalf of the City.

Additionally, Ms. Engel updated Council on several issues related to the SJRWMD.

The City of Melbourne received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for its Comprehensive Annual Financial Report ending September 30, 2003. Mayor Goode and City Manager Jack Schluckebier presented the award to Director of Finance Michele Ennis and Assistant Director Sondra D’Angelo.

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5. Approval of Minutes - March 8, 2005 Regular Meeting

Moved by Walker/Hand for approval. Motion carried unanimously.

6. City Manager's Report

City Manager Jack Schluckebier referenced the County's inquiry about adding approximately 300 acres of developable property in South Melbourne to the Environmentally Endangered Lands Program (EELS) possible purchase list. He noted that staff is inclined to tell the County to keep the property off the list.

Council Member Mark LaRusso pointed out the recommendation from staff that the vacant land abutting the Indian River Lagoon, east of U. S. 1 and north of Hibiscus Boulevard, be substituted for the property identified in South Melbourne. He asked if staff will be bringing forward additional suggestions.

Mr. Schluckebier replied that staff could; however, the property along the river came to mind because it is an easy sell. He added that neither that property nor the property identified by the County in South Melbourne were on the map previously provided by the County.

(Note: See petitions, remonstrances, and communications for additional discussion on this item.)

7. Public Comments

None.

Mayor Goode stated that the applicants for Item #15 have asked for their item to be considered first. One of the presenters has an injured ankle and is not able to sit/stand for any length of time.

Moved by LaRusso/Contreras to consider Item #15 next. Motion carried unanimously.

At this point, Item #15 was considered (see page 10).

UNFINISHED BUSINESS

8. ORDINANCE NO. 2005-10 (A&V # 280): (Second Reading/Public Hearing) An ordinance to abandon and vacate a portion of Mosley Road, a 50-foot public right-of-way in the Peachtree Landing subdivision. (Applicant - John J. Melita, President of the Peachtree Homeowners' Association) (First Reading - 3/08/05)

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City Attorney Paul Gougelman read the ordinance by title. There were no disclosures by Council and no comments from the audience. The applicant, John Melita, was present and available for questions.

Moved by Contreras/Palmer for approval of Ordinance No. 2005-10. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Hand, Contreras and Goode

Nay: None

Motion carried unanimously.

Moved by Palmer/Walker for approval of the public utility and drainage easements and the pedestrian/bikeway access easements. Motion carried unanimously.

9. ORDINANCE NO. 2005-11 (CPA-2005-01) AND ORDINANCE NO. 2005-12 (Z-2005-1018) JOHN M. & JOYCE A. COTE: Ordinances providing for a Comprehensive Plan Amendment and zoning change on a 0.96±-acre parcel in order to develop eight single-family units in a 4-duplex configuration, located on the south side of Masterson Street, west of Southland Avenue. (Owner/Applicant/Representative - John M. & Joyce A. Cote) (P&Z Board - 2/17/05)
- a. Ordinance No. 2005-11/CPA-2005-01: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment changing the Future Land Use from Low Density Residential to Medium Density Residential. (First Reading - 3/08/05)
  - b. Ordinance No. 2005-12/Z-2005-1018: (Second Reading/Public Hearing) An ordinance changing the zoning from R-2 (6) (One-, Two-, and Multiple-Family Dwelling with a cap of six units per acre) to R-2 (9) (One-, Two-, and Multiple-Family Dwelling with a cap of nine units per acre). (First Reading - 3/08/05)

Attorney Gougelman read Ordinance Nos. 2005-11 and 2005-12 by title. Council Member Cheryl Palmer disclosed that she spoke with Joe Gassman, President, Habitat for Humanity; Beth Head, Habitat Board Member; and Past Habitat President Kim Gabriel who expressed their displeasure with this development.

Mayor Goode opened the public hearing. There were no comments from the audience. The applicant was not present.

Moved by Hand/Meehan for approval of Ordinance No. 2005-11.

Mrs. Palmer stated that Habitat for Humanity and other groups are working to improve the Booker T. Washington area through homeownership. She added that the folks at Habitat for Humanity see rental units as a step backwards in that process.

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Council Member Grace Walker agreed.

Council Member Loretta Hand said no one contacted her; this is the first time she has heard this.

Mrs. Palmer said that the representatives from Habitat had not heard about this development until she contacted them. She added that Mr. Gassman was not able to attend this meeting; however, she did inform him that she would express Habitat's opinion to Council.

The question was called. The roll call vote was:

Aye: Hand and Contreras

Nay: LaRusso, Meehan, Walker, Palmer and Goode

Motion failed.

Attorney Gougelman confirmed that the effect is that the ordinance is denied. Additionally, Ordinance No. 2005-12 becomes a moot point because it can't be adopted without the Comprehensive Plan amendment.

Moved by LaRusso/Walker to deny Ordinance No. 2005-12. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Hand and Goode

Nay: Contreras

Motion carried.

10. ORDINANCE NO. 2005-13 (AR-2005-167), ORDINANCE NO. 2005-14 (CPA-2005-02), AND ORDINANCE NO. 2005-15 (Z-2005-1019) PERFORMANCE AUTOMOTIVE: Ordinances providing for annexation, a Comprehensive Plan Amendment, and zoning designation on a 5.15-acre parcel, located on the south side of Dow Road, west of the intersection of Dow Road and West Drive, and east of John Rodes Boulevard. (Owner/Applicant – Richard T. Small, Performance Automotive) (P&Z Board - 2/17/05)
- a. Ordinance No. 2005-13/AR-2005-167: (Second Reading/Public Hearing) An ordinance providing for annexation of a 5.15-acre parcel. (First Reading - 3/08/05)
  - b. Ordinance No. 2005-14/CPA-2005-02: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Industrial on a 5.15-acre parcel. (First Reading - 3/08/05)

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- c. Ordinance No. 2005-15/Z-2005-1019: (Second Reading/Public Hearing) An ordinance designating M-1 (Light Industrial) zoning on a 5.15-acre parcel. (First Reading - 3/08/05)

The City Attorney read each ordinance by title. There were no disclosures by Council. Mayor Goode opened the public hearing. There were no comments from the audience. The applicant, Richard Small, was present and available for questions.

Moved by Palmer/LaRusso for approval of Ordinance No. 2005-13. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Hand, Contreras and Goode

Nay: None

Motion carried unanimously.

Moved by Hand/Walker for approval of Ordinance No. 2005-14. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Hand, Contreras and Goode

Nay: None

Motion carried unanimously.

Moved by LaRusso/Contreras for approval of Ordinance No. 2005-15. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Hand, Contreras and Goode

Nay: None

Motion carried unanimously.

NEW BUSINESS

11. CONSENT AGENDA:

Moved by Contreras/LaRusso for approval of the consent agenda. Motion carried.  
Mrs. Palmer voted nay.

Mrs. Palmer stated that she meant to call ahead and ask for Item "g" to be removed from the consent agenda. This is why she voted nay on the consent agenda.

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Mayor Goode asked that the record reflect that Mrs. Palmer supports the consent agenda, with the exception of Item “g.”

The consent agenda was approved as follows:

- a. Contract award to provide labor, supervision, materials, tools, and equipment to remove and replace 63 hurricane damaged streetlights along a portion of U.S. Highway 1, PAH Constructors, Inc., Indialantic, FL - \$197,000.
- b. Approval of blanket purchase orders for tires from various vendors - \$99,000.
- c. Contract award for aquatic weed control, Future Horizons, Inc., Riviera Beach, FL - \$41,197.
- d. Purchase of a RIB13 dive boat with deep-vee hull, Yamaha 80 HP jet-drive powerplant, galvanized trailer, and accessories, Nautica International, Inc., Pembroke Pines, FL - \$22,565.
- e. Purchase of an LP12 Lifepak defibrillator/monitor ADAPTIV Biphasic unit with two NiCd batteries, carrying case, and accessories, Medtronic Emergency Response Systems, Redmond, WA - \$19,353.15.
- f. Purchase of an instaALERT® portable message sign with software, ATS trailer, and solar package, All Traffic Solutions, State College, PA - \$16,290.
- g. Resolution No. 1926: A resolution authorizing the City Manager to submit a grant application in the amount of \$80,986 to the U.S. Department of Justice for a Justice Assistance Grant to purchase hand-held IPAQ ticket writers at a total project cost of \$89,985.
- h. Resolution No. 1927: A resolution authorizing the City Manager to submit a grant application in the amount of \$320,000 to the Department of Homeland Security for the Assistance to Firefighters grant program for fire sprinkler systems, fire alarm systems, and generators for six fire stations at a total project cost of \$400,000.
- i. Resolution No. 1928: A resolution authorizing the City Manager to submit a grant application to the Florida Department of Community Affairs for Community Development Block Grant Disaster Recovery Initiative funds in the amount of \$875,000 to support eligible relief funding for both City and non-profit projects and authorization for the City Manager to execute all documents related to the grant.

12. ITEMS REMOVED FROM THE CONSENT AGENDA

None.

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13. COUNCIL ACTION RE: Approval of documents relating to the sale of the Palms 8 Theatre property.

Moved by Walker/Palmer to convene as the Babcock Street Community Redevelopment Agency (CRA) for Items “a” through “c.” Motion carried unanimously.

- a. Resolution No. 2005-01: A resolution authorizing the Chairman of the Community Redevelopment Agency governing board to execute the warranty deed.

Attorney Gougelman read Resolution No. 2005-01 by title.

Moved by Contreras/Meehan for approval. Motion carried unanimously.

- b. Approval of an amendment to the contract for purchase to allow the option to obtain from the City of Melbourne a stormwater drainage easement over property located on the east side of Babcock Street.

Mrs. Palmer asked for an explanation on Item “b.” Mr. Gougelman said that, when Council approved the purchase from Coy Clark, one of the provisions in the contract was that the retention pond constructed by the City on the east side of Babcock Street would be available for drainage from Mr. Clark’s property. St. Johns River Water Management District would have to approve and engineering documents would have to be provided indicating that the pond could handle runoff from Babcock Street and this property. The easement allows for a pipe to be installed under Babcock Street and provides the right to drain into that pond.

Continuing, Mr. Gougelman said that subsequently Mr. Clark has said that he is 99% sure that he will not need that easement. However, he would like to keep that option open. Mr. LaRusso asked if the option will be released if the engineering data indicates that the drainage will be handled entirely on Mr. Clark’s property. Mr. Gougelman replied yes.

Moved by Meehan/LaRusso for approval of Item “b” as recommended. Motion carried.  
Council Members Walker and Palmer voted nay.

Mrs. Palmer said she has never heard of the City granting this kind of right to a private property owner.

- c. Approval of covenants and restrictions over the Palms 8 Theater property.

Attorney Gougelman advised Council that this agreement provides the following: The property will be restricted to the site plan that has already been approved; certain noxious uses will be prohibited on the property; and the developer has agreed not to request any type of tax abatement, credit or exemption.

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Moved by Hand/LaRusso for approval of Item “c” as recommended. Motion carried unanimously.

Moved by LaRusso/Hand to reconvene as the City Council for Items “d” through “f.” Motion carried unanimously.

- d. Approval of an amendment to the contract for purchase to allow the option to obtain from the City of Melbourne a stormwater drainage easement over property located on the east side of Babcock Street.

Attorney Gougelman said that it is a legal formality that the City Council must now approve this contract.

Moved by Hand/Meehan for approval of Item “d” as recommended. The roll call vote was:

Aye: LaRusso, Meehan, Hand, Contreras and Goode

Nay: Walker and Palmer

Motion carried.

- e. Approval of covenants and restrictions over the Palms 8 Theatre property.

Moved by Palmer/Contreras for approval of Item “e” as recommended. Motion carried unanimously.

- f. Approval of receipt of drainage easements in the southeast corner of and along the east side of the Palms 8 Theatre property.

Attorney Gougelman said that this is a drainage easement that the City will be receiving from Mr. Clark along the eastern portion of Mr. Clark’s property. This will benefit the City.

Moved by Meehan/Hand for approval of Item “f” as recommended. Motion carried unanimously.

Mrs. Hand asked when street lighting will be installed in this area. Mr. Schluckebier said he would investigate and return with an answer.

14. COUNCIL ACTION RE: Request for approval of \$74,000 funding assistance for the Henegar Center for building repairs and capital improvements to the primary building.

Dave Negrodsky, President, Henegar Center Board of Directors, was present and available for questions.

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Moved by Contreras/Hand to convene as the Melbourne Downtown Community Redevelopment Agency for the following item. Motion carried unanimously.

- a. Approval of \$74,000 funding assistance to the Henegar Center with \$54,000 for building repairs and \$20,000 for capital improvements.

Moved by Hand/Meehan for approval of Item “a” as recommended. Motion carried unanimously.

Moved by Contreras/LaRusso to convene as the City Council for the remaining agenda items. Motion carried unanimously.

- b. Transfer of \$74,000 from the Downtown Parking Lot Resurfacing & Restriping project budget to the Henegar Center contribution budget.

Pat Poole, 805 East Palmetto Avenue, said she is opposed to using parking lot money for this project when no parking improvements are planned this year. Additionally, she distributed a summary sheet of the funds the City has contributed to the Henegar Center over the last 17 years. She also referenced a copy of the Henegar Center deed that she distributed. She reported that the County sold this property to the Brevard Regional Arts Group (BRAG) in 1990. She explained that the transfer of property contained certain conditions that BRAG must meet or the property would revert to the County. The conditions include expenditure of a certain amount of funds and certain improvements. Mrs. Poole added that the County is currently reviewing its files to determine if the conditions were met. She asked the City Council to delay this item until the County has determined whether all the conditions were met.

Mrs. Walker said that it would be prudent to postpone action until the information is received.

Moved by Walker/Goode to postpone this item for two weeks (until the April 12 meeting) to allow time to review the information from the County. The roll call vote was:

Aye: Meehan, Walker, Palmer and Goode

Nay: LaRusso, Hand and Contreras

Motion carried.

Mr. Negrodsky discussed the renovations that have been made along with their fundraising activities. He noted that the process is on-going.

15. COUNCIL ACTION RE: Request for an oversized public mural to be placed on the pillars of the Harbor City Boulevard overpass on Melbourne Avenue. (Requested by Striving to Achieve Results (S.T.A.R.) with Teens)

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From the agenda report: The recommendation is for approval of the request with a condition that the applicant obtain appropriate permits from FDOT prior to painting the murals.

Mary Wilson, applicant, and Mark Herendeen, Melbourne Main Street Design Committee, were present.

Mr. Herendeen displayed a model showing what the columns will look like after they have been painted.

Mrs. Palmer asked if the murals will be maintained.

Mr. Herendeen stated that a durable paint will be used. Additionally, the murals will in part be maintained by FDOT.

Ms. Wilson elaborated on the teen painting program and confirmed that the murals will be “graffiti proofed.”

Moved by Meehan/LaRusso for approval of the request with the condition that the applicant obtain appropriate permits from FDOT. Motion carried unanimously.

16. SITE PLAN APPROVAL (SP-2005-02) SOUTH POINTE COMMERCIAL CENTER: (Public Hearing) A request for site plan approval to develop six commercial buildings on a 4.25-acre parcel zoned C-1 (Neighborhood Commercial) with a mixed Commercial/Medium Density Residential land use classification, located on the west side of Dairy Road, south of Madison Avenue, and north of Palm Bay Road. (Owner/Applicant/Representative - William Benson) (P&Z Board - 3/03/05)

Mrs. Dittmer briefed Council and reviewed the agenda report. The Planning and Zoning Board voted unanimously to recommend approval of the site plan, consisting of a single-sheet plan prepared by Lamb and Associates, Inc., Project Number 04-1101, with a stamped and sealed date of February 17, 2005, subject to the following conditions:

- a. Any change to the site plan will require reevaluation by the Engineering Department and the 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) an increase of five percent of the open space or vegetative areas on site; 2) an increase of more than 10% building square footage; or 3) the addition of a driveway.

- b. The buildings shall be substantially consistent with the rendering submitted by the applicant.

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There were no disclosures by Council. Mayor Goode opened the public hearing. There were no comments from the audience. The applicant was present and available for questions.

Moved by Meehan/Contreras for approval of the site plan as recommended. Motion carried unanimously.

17. ORDINANCE NO. 2005-16 (CU-2004-20/SP-2004-32) HR UNITED, INC.: (First Reading/Public Hearing) An ordinance granting a conditional use with site plan approval for an automobile service station to redevelop a convenience store with gas pumps on a 1.514-acre parcel zoned C-P (Commercial Parkway), located on the northwest corner of John Rodes Boulevard and Eau Gallie Boulevard. (Owner - HR United, Inc.) (Applicant - ME Construction, Inc.) (Representative - Luke Miorelli, P.E.) (P&Z Board - 3/03/05)

Attorney Gougelman read Ordinance No. 2005-16 by title. Mrs. Dittmer briefed Council. The Planning and Zoning Board voted unanimously to recommend approval of this request.

Attorney Gougelman said that the site plan appears to have a retention pond that is partially on the property and partially off.

Luke Miorelli, representing the applicant, said that the applicant owns all of the properties that are involved. The entire property will eventually be developed and this will be the master retention for the entire development.

Moved by Hand/Walker for approval of Ordinance No. 2005-16. Motion carried unanimously.

18. ORDINANCE NO. 2005-17 (CPA-2005-04) AND ORDINANCE NO. 2005-18 (Z-2005-1021) TOLLEY DEVELOPMENTS: Ordinances providing for a Comprehensive Plan Amendment and zoning change on a 2.4±-acre parcel, located on the south side of Eau Gallie Boulevard, west of Commodore Boulevard. (Owner/Applicant - Tolley Developments, LLC) (Representative - Philip F. Nohrr, Gray/Robinson P.A.) (P&Z Board - 3/03/05)

a. Ordinance No. 2005-17/CPA-2005-04: (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment changing the Future Land Use from Commercial/Low Density Residential to Commercial/Medium Density Residential.

b. Ordinance No. 2005-18/Z-2005-1021: (First Reading/Public Hearing) An ordinance providing for a zoning change from C-1A (Office and Professional Services) to R-2 (10) (One-, Two-, and Multiple-Family Residential with a cap of 10 units per acre).

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The City Attorney read both ordinances by title. Mrs. Dittmer briefed Council. The Planning and Zoning Board voted unanimously to recommend approval of this request.

Mayor Goode opened the public hearing.

Phil Nohrr, attorney representing the applicant, stated that they plan to build 22 townhomes that will be approximately 2,000 s.f. each. This will be an upscale, infill project and the units will sell for \$300,000, plus or minus.

Mr. Nohrr said that the City owns the property to the immediate west and he believes that there may be plans to build a park, passive or otherwise. He stated that the applicant would be willing to participate in the development of the park by providing land clearing should the City desire to proceed.

Mr. Nohrr concluded by saying this development is compatible with the surrounding area and agreeing with the conditions.

Mr. Contreras asked Mr. Nohrr to ensure that his site superintendent is mindful of the clearing regulations and protection of trees, etc. Mr. Nohrr said that they intend to comply with all the City's ordinances.

James Teele, Empire Avenue, asked where the future extension of Apollo Boulevard will cross.

Mrs. Dittmer displayed the general area on the map.

Moved by Palmer/LaRusso for approval of Ordinance No. 2005-17. Motion carried unanimously.

Moved by LaRusso/Meehan for approval of Ordinance No. 2005-18. Motion carried unanimously.

19. ORDINANCE NO. 2005-19 (ED-2005-02): (First Reading) An ordinance granting an Ad Valorem Tax Exemption for a period of four years totaling \$19,878.24. (Owner/Applicant - MedSolutions, Inc.)

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

Moved by Hand/Contreras for approval of Ordinance No. 2005-19. Motion carried unanimously.

20. COUNCIL ACTION RE: A presentation to Council regarding Instant Run-Off Voting. (Requested by the Green Party of Brevard)

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No one from the Green Party of Brevard was present. No discussion.

21. COUNCIL DISCUSSION RE: Review of City Board Survey; discussion regarding attendance standards and term limits; review of existing policy as it relates to board appointments; and possible direction to staff regarding same. (Requested by City Council 12/14/2004)

The City Manager briefed Council. Staff conducted a survey of all current board members regarding attendance standards and term limits. He noted that he was pleased with the level of response – over half the members took time to answer the specific questions and many went beyond and provided their own ideas. The results of the survey were previously sent to Council and any main topics/themes were identified.

Continuing, Mr. Schluckebier informed Council that as a corollary to this, a recommendation for two additional boards will be made in the future. This City will need to have an historic preservation advisory committee and a committee should be structured as a broad based recreation or parks planning group.

The recommendations outlined in the agenda report include:

- Council may wish to revise the current attendance standard to reflect that a board member may not miss more than “X percent” of meetings in a one year period as opposed to the current standard in the Code.
- Council may wish to clarify that the Council policy, “to fill vacancies one seat at a time,” applies to seats for which there is no incumbent. This would enable Council to make one motion to reappoint several members to a board, providing that the incumbents are not in violation of the attendance standard.
- If there is any further direction Council wishes with regard to attendance, term limits, or suggestions/comments made by board members, staff should be so directed.

Regarding the current Council policy on filling vacancies, Mayor Goode said he would prefer to fill vacancies one seat at a time.

Continuing, the Mayor apologized for perhaps going too fast on board appointments at a previous meeting. There was confusion during the appointment process, and when it was all said and done a person who should have been appointed was overlooked. He added that he has asked the City Clerk to point out any special issues related to board appointments in the future.

Mrs. Walker said Council should consider increasing the number of members on each board. She said that it is a shame not to consider new people; however, many times she has no desire to get rid of someone who is serving.

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Mr. LaRusso said that with the four quasi-judicial boards, he would recommend that one member per quarter rotate to another board. This will allow members to share all of the knowledge gained on the quasi-judicial boards. Additionally, everyone should be given an opportunity to serve as chair; a chairman should not simply be reappointed year after year.

Attorney Gougelman said that the rotation may pose a problem with the boards that have certain membership (established by statute) with fixed terms. If this passes, he said that he would address that in drafting the ordinance.

Mr. LaRusso said he would drop the rotation idea because he does not want to make staff work harder.

Moved by LaRusso/Contreras that the chairman step down after one year and that the vice chairman move into the chair on the four quasi-judicial boards. (Note: see substitute motion below.)

Mr. Contreras noted that the intent is to have all members cycle through the chair, rather than having the chairman who is stepping down appointed as vice chairman so he/she can serve as chair again.

Mr. Schluckebier said that some of the chairs are selected because they have seat time and have amassed a set of skills necessary to chair a meeting. It would be a harsh move for Council to say that irrespective of what you have done, you may chair one year and then you are out. He added that Council might want to consider allowing someone to chair for two years. Especially since it takes time to develop chairman/leadership skills. A specific time for a chair to sit out – possibly one year – could be established. Mr. Schluckebier pointed out that not all people want to be the chair.

Mr. LaRusso said that this is not meant to punish chair members. He agreed that Council should consider allowing a chair to serve multiple years. If the person next in line declines the chair, it should be passed on to the next person. Mr. LaRusso stressed that the idea is for the boards to have new thoughts and decision making.

Mr. Contreras suggested that the City provide training opportunities for those who desire to chair a meeting. Mr. Schluckebier agreed and said that process could be contracted.

Mrs. Meehan asked for clarification on the motion. The maker/seconded made the following substitute motion:

Moved by LaRusso/Contreras that the chairman will be limited to serving two years; following two years, the vice-chairman would move up as the chairman; that this process would continue through the ranks unless a member declines to pursue the

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role of chair; that this apply to the four quasi-judicial boards (Building Board of Adjustment and Appeals, Code Enforcement Board, Planning & Zoning Board and Zoning Board of Adjustment); and that staff make available training for the chairman/vice-chairman through an appropriate agency.

Mayor Goode said he can't support the motion. Mrs. Hand pointed out that if a person is not reappointed to a board, it may interrupt the flow of vice-chair/chair. Mrs. Palmer asked that staff and the City Attorney craft an ordinance that supports the spirit of what Council is trying to accomplish.

The question was called (on the substitute motion). The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Hand and Contreras

Nay: Goode

Motion carried.

Mr. LaRusso confirmed for Mrs. Palmer that he will not pursue the idea of "rotation among the four quasi-judicial boards."

Mr. Schluckebier reported that attendance will be relatively easy to monitor because staff already prepares an annual report. With respect to regular members, 25% or 50% attendance seems reasonable. If there is a question about keeping an incumbent, it might be worth asking the respective board for input.

Mrs. Walker referenced the current standard (member is in violation of standard if he/she fails to attend three consecutive regular meetings or any three of five consecutive regular meetings unless he/she has been excused by the chair).

Mr. Schluckebier said that a member hardly ever misses three in a row. And, our process does not result in automatic removal. Our volunteer board members are provided due process rights.

Mayor Goode stated that the four quasi-judicial boards need members who attend regularly. If a member is not attending, then Council needs input.

Mr. LaRusso added that an excused absence simply takes a phone call. However, he added that he doesn't know the definition of excused versus unexcused.

Mayor Goode stated that in his opinion an absence is an absence.

No further action was taken.

22. COUNCIL ACTION RE: Board Appointments

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
MARCH 22, 2005

a. Golf Courses Advisory Board - Appointment of one member

Council Member Meehan nominated Jack Bryant. Moved by Palmer/Walker to close the nominations. Motion carried unanimously. Moved by Contreras/Meehan to appoint Jack Bryant. Motion carried unanimously. (3/22/2005 – 11/8/2006, unexpired three-year term)

Mayor Goode referenced several anonymous letters he has received about the condition of the golf courses. Mr. Schluckebier said that the letters were written by the same person and, based on the tone, possibly a former employee who has spite for current employees.

Continuing, the Mayor said that the Leisure Services Director previously reported about golf course revenues being down due to the hurricanes. He asked for information outlining the rates between residents and non-residents.

b. Olde Eau Gallie Riverfront Community Redevelopment Agency Advisory Committee - Appointment of four regular members and two alternate members

Mr. LaRusso nominated George Alexander. Moved by Hand/Walker to close the nominations. Motion carried unanimously. Moved by Hand/LaRusso to appoint George Alexander. Motion carried unanimously.

Mrs. Hand nominated Bobby Bechtel. Moved by Walker/Palmer to close the nominations. Motion carried unanimously. Moved by Goode/Walker to appoint Bobby Bechtel. Motion carried unanimously.

Mrs. Palmer nominated Gene Davis. Moved by Contreras/LaRusso to close the nominations. Motion carried unanimously. By consensus, Council appointed Mr. Davis.

Moved by Meehan/Palmer to appoint Link Johnsten. Motion carried unanimously.

(Term of the four regular members noted above: June 12, 2005 – June 11, 2007)

Mayor Goode called for nominations for the alternate member seats.

Mayor Goode nominated Frank Schrader as the first alternate. Moved by Contreras/Palmer to close the nominations. Motion carried unanimously. Moved by Contreras/Palmer to appoint Frank Schrader as the first alternate. Motion carried unanimously. (June 12, 2005 – June 11, 2007)

Mrs. Palmer nominated Finnbar Murphy. Moved by LaRusso/Palmer to close the nominations. Motion carried unanimously. Moved by Palmer/Contreras to appoint Finnbar Murphy as the second alternate. Motion carried unanimously. (March 22, 2005 – June 11, 2006, unexpired two year term)

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
MARCH 22, 2005

23. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

The City Manager displayed a flier, which he described as demagoguery, circulated by the Coastal Police Benevolent Association. He noted that the flier intentionally attacks the City Manager and is the result of misguided rabble-rousing advice from the PBA. The communication is filled with false assertions and is intended to be disrespectful and petty. And, unfortunately it accomplishes both those objectives.

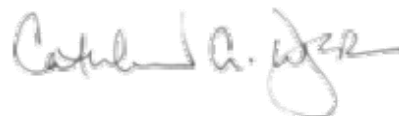
Mrs. Palmer asked about the installation of new power lines on Apollo Boulevard that cut over to South Magnolia Avenue. Mrs. Dittmer said that there is an informal site plan for a substation in that area to be located on property between Apollo Boulevard and the railroad tracks.

Mr. LaRusso referenced the EELS discussion that occurred under Item #6. He asked if other properties will be brought to Council before a recommendation is made to the County. Mr. Schluckebier said he would not propose any property beyond the property discussed (located along the river) without returning to Council. He added that staff would determine if there are any other properties that should be included.

24. ADJOURNMENT

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

The meeting adjourned at 8:29 p.m.



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City Clerk – 3/31/2005

Approved by Council: April 12, 2005