

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
APRIL 12, 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 Larry Bazer, First Baptist Church of Melbourne, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

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

4. Proclamations and Presentations

Mayor Goode read and presented the following proclamations:

- “National Volunteer Month” April 2005; accepted by Kathy Guy, President, Melbourne Woman’s Club.
- “National Telecommunicators’ Week”, April 10-16, 2005; accepted by Chief Don Carey, Commander Joe Hellebrand, and Communications Officer Ashley Pierce, Melbourne Police Department.
- “Water Conservation Month” April 2005; accepted by Jennifer Wilster, City of Melbourne Environmental Community Outreach Manager.

5. Approval of Minutes - March 22, 2005 Regular Meeting

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

6. City Manager’s Report

City Manager Jack Schluckebier reported the following:

Home Depot (North Wickham Road) – County Commissioner Carlson asked that the Home Depot item be removed from the City’s Planning and Zoning Board agenda last

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
APRIL 12, 2005

Thursday; however, the item remained on the agenda since it was properly in front of the board. (The County had previously issued a letter indicating that concurrency had been met for the project and that permits for the driveway curb cuts would be issued.) The day after the Planning & Zoning Board meeting, the County revised its opinion and stated that the wrong office had issued the initial opinion. It is apparent that the County is in the process of changing its mind with regard to the traffic concurrency. In light of the recent developments, this item may not appear on the April 26 Council agenda for consideration.

Disaster Recovery Initiative Grant Application – The City does not agree with the changes the County has made to the allocation of the additional Community Development Block Grant Funds. The tentative agreement called for the allocation to be roughly the same as the distribution to the entitlement cities of Melbourne, Palm Bay and Titusville. The County and the cities oversubscribed on the amount available and the County is now indicating that Melbourne, Palm Bay and Titusville would be given equal shares as all other cities in the County. This means that the City would receive funding in the \$250,000 range as opposed to the \$700 - \$800,000 range. A letter has been sent to County Manager Peggy Busacca and City staff hopes that this issue will be resolved quickly.

Consulting Architect Randy Thron from BRPH provided Council with an overview of the City Hall renovations project.

Vice Mayor Richard Contreras asked if the plaza area in front of the new addition will have a fountain. Mr. Thron replied that he is not sure because of the cost plus continuing maintenance. The plaza will either have a fountain or planted area.

Mr. Contreras asked if the Council Chamber will have stadium style seating. Mr. Thron elaborated on the set up of the Council Chamber and said that stadium seating has not been planned; however, the design will provide for an intimate seating arrangement.

Mr. Thron confirmed for Mr. Contreras that they plan to place the projection screen where it will be easily viewed by the audience.

Council Member Loretta Hand asked about the plans for a sound system. Mr. Thron said they have a good sound consultant and the sound system and acoustics will be professionally designed.

Council Member Kathy Meehan asked if the attraction board in front of City Hall will remain and/or if there are any plans to upgrade the sign to be computer operated. Mr. Thron displayed where the sign will be moved on the plan. He added that the budget does not allow for a computer operated sign.

Council Member Mark LaRusso asked the expected completion date. Mr. Thron said that the project would probably start at the beginning of 2006 and run through 2008.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
APRIL 12, 2005

Mr. LaRusso asked if an elevation is available. Mr. Thron explained that they are currently in the process of a schematic design. They are looking at materials that are durable and provide for low maintenance. The style will probably have a contemporary feeling. He concluded by saying he would be happy to return later with an elevation to share with Council.

7. Public Comments

None.

Mayor Goode asked Council to consider moving Item 10 up on the agenda because the attorney representing the applicant has another meeting to attend. There were no objections and Item 10 was considered at this point.

UNFINISHED BUSINESS

8. 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.

- a. Approval of \$74,000 funding assistance to the Henegar Center with \$54,000 for building repairs and \$20,000 for capital improvements.
- b. Transfer of \$74,000 from the Downtown Parking Lot Resurfacing & Restriping project budget to the Henegar Center contribution budget. (Postponed - 3/22/05)

Moved by Contreras/LaRusso to convene as the Melbourne Downtown Community Redevelopment Agency. Motion carried unanimously.

Council Member Cheryl Palmer referenced the agenda report, which indicates that Wendy Brandon, on behalf of the Henegar Center, has requested that this item be postponed until the April 26 meeting.

Moved by Palmer/Contreras to postpone this item until the April 26 Council meeting. Motion carried unanimously.

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

9. ORDINANCE NO. 2005-16 (CU-2004-20/SP-2004-32) HR UNITED, INC.: (Second 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

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
APRIL 12, 2005

United, Inc.) (Applicant - ME Construction, Inc.) (Representative - Luke Miorelli, P.E.) (P&Z Board - 3/03/05) (First Reading - 3/22/05)

City Attorney Paul Gougelman read Ordinance No. 2005-16 by title. There were no disclosures by Council and no comments from the public.

Planning and Economic Development Director Cindy Dittmer confirmed for Mr. LaRusso that construction will only occur on the northern portion of the property.

Luke Miorelli, representing the applicant, was present and available for questions.

Moved by Contreras/Walker for approval of Ordinance No. 2005-16. The roll call vote was:

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

Nay: None

Motion carried unanimously.

10. 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: (Second 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. (First Reading - 3/22/05)
 - b. Ordinance No. 2005-18/Z-2005-1021: (Second 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). (First Reading - 3/22/05)

This item was considered immediately after Item 7.

The City Attorney read Ordinance Nos. 2005-17 and 2005-18 by title. There were no disclosures from Council and no comments from the audience. Attorney Phil Nohrr, representing the applicant, was present and available for questions.

Moved by Palmer/LaRusso for approval of Ordinance No. 2005-17. The roll call vote was:

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
APRIL 12, 2005

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

Nay: None

Motion carried unanimously.

Moved by Hand/Meehan for approval of Ordinance No. 2005-18. The roll call vote was:

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

Nay: None

Motion carried unanimously.

11. ORDINANCE NO. 2005-19 (ED-2005-02): (Second Reading/Public Hearing) An ordinance granting an Ad Valorem Tax Exemption for a period of four years totaling \$19,878.24. (Owner/Applicant - MedSolutions, Inc.) (First Reading - 3/22/05)

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

Moved by Meehan/LaRusso for approval of Ordinance No. 2005-19. The roll call vote was:

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

Nay: None

Motion carried unanimously.

NEW BUSINESS

12. CONSENT AGENDA:

Moved by Meehan/Hand for approval of the consent agenda. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Supplement No. 173 to the Continuing Consultants Contract for replacement of Lift Station No. 55, Project No. 05331, Frazier Engineering, Inc., Melbourne, FL - \$32,000.
- b. Supplement No. 241 to the Continuing Consultants Contract for engineering services to provide preliminary engineering for proposed improvements at the

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
APRIL 12, 2005

intersection of Florida Avenue and Lipscomb Street, Project No. I05608, Frazier Engineering, Inc., Melbourne, FL - \$19,200.

- c. Approval of a Termination of the Joint Participation Agreement between the City of Melbourne and the Florida Department of Transportation and authorization for the City Manager to execute document.
- d. Purchase of sodium hydroxide (50% rayon grade), Allied Universal Corporation, Ft. Pierce, FL - \$514.80/dry ton; estimated total cost of \$514,800 for the contract term.
- e. Purchase of fire tools and equipment for fire ladder truck, Ten-8 Fire Equipment, Inc., Bradenton, FL - \$13,684.78 and emergency response equipment, Fisher Safety, Tampa, FL - \$21,084.30.
- f. Purchase of Allen Bradley spare programmable logic controller modules, Rexel Consolidated Electrical Supply, West Melbourne, FL - \$27,475.44.
- g. Approval of a 60-month lease of a Toshiba E Studio 350 Digital Copier System, Toshiba Business Systems, Deerfield Beach, FL - \$379/month, plus maintenance/ supply cost of \$0.009/copy; an estimated total cost of \$26,340.
- h. Purchase of thirty Optiplex GX280 Minitower microcomputers for various department/division locations, Dell Computer Systems, Round Rock, TX - \$754.98/each; for a total cost of \$22,649.40.
- i. Lien Rescission CE-04-108: Approval of request for lien reduction from \$4,050 to \$326.25. (Ranier Warner – 209 Prince Avenue)
- j. Resolution No. 1929: A resolution granting approval of an easement agreement to convey a 40 x 33.33-foot perpetual easement to the Florida Department of Transportation and authorization for the City Manager to execute document.

13. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the consent agenda.

14. COUNCIL ACTION RE: Establish a project budget for Eau Gallie Square improvements required in association with the Florida Community Trust Grant agreement and approval of the naming of the property.

Moved by LaRusso/Palmer to convene as the Olde Eau Gallie Riverfront Community Redevelopment Agency for Item 14 “a.” Motion carried unanimously.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
APRIL 12, 2005

- a. Establish a project budget of \$183,825 for the Olde Eau Gallie Riverfront Redevelopment Eau Gallie Square improvements project.

Mrs. Dittmer briefed Council.

Moved by LaRusso/Walker to establish a project budget as outlined in Item “a.”
Motion carried unanimously.

Moved by Palmer/Walker to reconvene as the City Council for the remaining agenda
items. Motion carried unanimously.

- b. Establish a project budget of \$183,825 for the Olde Eau Gallie Riverfront Redevelopment Eau Gallie Square improvements project.
- c. Resolution No. 1930: A resolution adopting the name “Eau Gallie Square” for the property located at the northeast corner of Highland Avenue and Eau Gallie Boulevard.

Moved by LaRusso/Meehan for approval of Item “b.” Motion carried unanimously.

Moved by Palmer/Hand for approval of Resolution No. 1930 as outlined in Item “c.”
Motion carried unanimously.

Vice Mayor Contreras asked whether staff will contact the new owner of Conchy Joe’s restaurant to determine whether he/she would be willing to grant an easement for the proposed boardwalk. Attorney Gougelman confirmed that the property has been sold and that Planning & Economic Development staff should contact the new owner to determine if the easement proposal can be resurrected.

15. ORDINANCE NO. 2005-20 (A&V # 279): (First Reading/Public Hearing) An ordinance vacating the northern 1.5-feet of a 10-foot wide public utility and drainage easement along the south lot line of the property located at 2851 Chartres Avenue West. (Applicant - Larry & Jessica Shaffer)

Attorney Gougelman read Ordinance No. 2005-20 by title. The applicant, Larry Shaffer, was present and available for questions. There were no comments from the audience.

Mrs. Palmer disclosed that she spoke to the applicant and it is her understanding that they were not aware of the pool encroachment. This ordinance will correct the problem.

Moved by Palmer/Contreras for approval of Ordinance No. 2005-20. Motion carried
unanimously.

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
APRIL 12, 2005

16. ORDINANCE NO. 2005-21 (AR-2005-168), ORDINANCE NO. 2005-22 (CPA-2005-05), AND ORDINANCE NO. 2005-23 (Z-2005-1022) DARLA M. & FREDRICK A. TRENNER: Ordinances providing for annexation, a Comprehensive Plan Amendment, and a zoning designation for a 0.19-acre parcel, located at 321 Live Oak Lane, north of Post Road, west of U.S. Highway 1, east of the Florida East Coast Railroad right-of-way. (Owner/Applicant/Representative - Darla M. & Fredrick A. Trenner) (P&Z Board - 3/17/05)
- a. Ordinance No. 2005-21/AR-2005-168: (First Reading/Public Hearing) An ordinance providing for annexation of 0.19-acre parcel.
 - b. Ordinance No. 2005-22/CPA-2005-05: (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment establishing a Low Density Residential land use on a 0.19-acre parcel.
 - c. Ordinance No. 2005-23/Z-2005-1022: (First Reading/Public Hearing) An ordinance establishing an R-1A (Single-Family Residential) zoning district on a 0.19-acre parcel.

The City Attorney read each ordinance by title. Mrs. Dittmer briefed Council. There were no disclosures by Council. The applicant, Darla Trenner, was present and available for questions. There were no comments from the public.

Moved by Contreras/Meehan for approval of Ordinance No. 2005-21. Motion carried unanimously.

Moved by LaRusso/Meehan for approval of Ordinance No. 2005-22. Motion carried unanimously.

Moved by Walker/Hand for approval of Ordinance No. 2005-23. Motion carried unanimously.

17. COUNCIL ACTION RE: Contract approval of a resident opinion survey - The National Citizen Survey - \$9,000.

Assistant City Manager Amy Elliott briefed Council.

Moved by Hand/Contreras to authorize staff to contract with The National Citizen Survey for a resident opinion survey by mail at a cost of \$9,000. Motion carried unanimously.

18. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Attorney Gougelman referenced the North Wickham Road Home Depot traffic concurrency issue (discussed under Item #6). He said that the County Commission decided to send this issue to the Metropolitan Planning Organization for discussion.

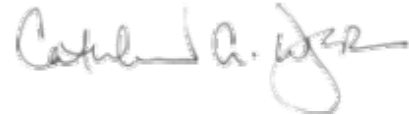
CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
APRIL 12, 2005

Attorney Gougelman encouraged the City's MPO members to attend to determine where this issue is going.

19. ADJOURNMENT

Moved by LaRusso/Goode to adjourn. Motion carried unanimously.

The meeting adjourned at 7:24 p.m.



City Clerk – 4/20/2005

Approved by Council: April 26, 2005