

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
SEPTEMBER 27, 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 6:45 p.m. by Mayor Harry C. Goode, Jr.

1. Council Member Grace Walker 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
	Cathy Baker	Assistant City Clerk
	Amy W. Elliott	Deputy City Manager
	Howard Ralls	Deputy City Manager
	Cindy Dittmer	Planning & Economic Development Director

Mayor Goode announced that the applicant for agenda Item #16 has requested that the item be postponed until the October 11 meeting.

4. Proclamations and Presentations

Mayor Goode read and presented the following proclamations:

“Puerto Rican Heritage Month,” November 2005; accepted by Maria Lopez, United Third Bridge, Inc. Ms. Lopez invited Council to the November 6 Puerto Rican Day Parade.

“Fire Prevention Week,” October 9-15, 2005; accepted by Jim Carey, Deputy Fire Marshal, City of Melbourne. Mr. Carey thanked Council for its support of the fire prevention program.

5. Approval of Minutes - September 13, 2005 Public Hearing  
September 13, 2005 Regular Meeting

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

Moved by Walker/Hand to rescind action of September 13 to solicit bids for a new consultant firm and to return to Council for further action. (Note: The action referenced is the following motion made at the September 13 regular meeting: *Moved by Goode/Contreras to go out and solicit bids to come up with a new consulting engineering firm to work on the Phase II water treatment plant project.*)

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Mrs. Walker stated there was a lot of confusion during the discussion, and she does not believe the action taken was Council's intent. She said the issue has her confused, perplexed, and distressed.

Mr. Schluckebier stated that Council took staff's recommended action. Staff's recommendation remains the same; nothing has come to light that would cause staff to change its recommendation.

Mayor Goode informed Council that a motion to rescind requires a 5/7 vote for approval. The question was called. The roll call vote was:

Aye: Walker, Palmer, Hand and Contreras

Nay: LaRusso, Meehan and Goode

Motion failed (based on the 5/7 vote requirement).

6. City Manager's Report

City Manager Jack Schluckebier reported on the following:

- Council has historically canceled the second meeting in December to allow staff and Council the opportunity to plan for the holiday season.

Moved by Palmer/Walker to cancel the second meeting in December. Motion carried unanimously.

- Brevard County is hosting the third City/County/State/School Board Summit, October 14, 9:00 a.m. – 12:30 p.m., Brevard County Agricultural Center in Cocoa. The summit provides an opportunity for state, county and local elected officials to foster better intergovernmental relationships. Attendance is not required; however, Council Members are encouraged to attend. The City Manager or staff member (either a Deputy City Manager or appropriate department director) will attend.

7. Public Comments

Althea Marc-Ahiakwo, 1103 Gainey Drive, requested a wall be placed between the rear of properties on Gainey Drive and University Boulevard for safety/noise purposes. She also requested additional streetlights in this area.

Mayor Goode advised that construction of a wall would be the financial responsibility of the affected homeowners. An assessment project is possible, where the City would construct the wall and place a lien against each property until the homeowner's portion is reimbursed to the City. He added that staff will investigate the need for additional streetlights in the area.

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UNFINISHED BUSINESS

8. ORDINANCE NO. 2005-102 (A&V NO. 285): (Second Reading/Public Hearing) An ordinance vacating the westerly 1.5 feet of a 10-foot wide easement along the east side lot line at 2800 College View Drive. (Applicants - Donald & Venita Dobbs) (First Reading - 9/13/05)

City Attorney Paul Gougelman read Ordinance No. 2005-102 by title. There were no disclosures from Council and no public comments.

Moved by Contreras/LaRusso for approval of Ordinance No. 2005-102. The roll call vote was:

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

Motion carried unanimously.

9. ORDINANCE NO. 2005-103 (CU-2005-02/SP-2005-07) NEXTEL COMMUNICATIONS: (Second Reading/Public Hearing) An ordinance granting a conditional use with site plan approval to develop a monopole cellular tower on a portion of a 1.81-acre site zoned C-2 (General Commercial), located on the north side of Sarno Road, east of Wickham Road. (Owner - Don Bell Incorporated) (Applicant/Representative - Wid T. Bell, President; Franco Lugo) (First Reading - 9/13/05)

Mr. Gougelman read the ordinance by title. Council made no disclosures and no one from the public came forward to speak.

Moved by Walker/Meehan for approval of Ordinance No. 2005-103.

Council Member Cheryl Palmer said at the last meeting the applicant indicated that “the jury is still out” on health issues related to cell towers in residential areas. She reported that she has driven around the City and noticed that there are no cell towers as close to residential areas as this one; this area is surrounded on two sides by residential. Since the jury is still out, she stated that she will not vote for approval. She asked that the tower be placed somewhere else.

The question was called. The roll call vote was:

Aye: Meehan, Walker, Contreras and Goode

Nay: LaRusso, Palmer and Hand

Motion carried.

10. ORDINANCE NO. 2005-104 (CU-2005-06/SP-2005-12) U.S. #1 TIRE EXPANSION: (Second Reading/Public Hearing) An ordinance granting a conditional use with site plan approval to expand an existing automotive services station on a 0.47±-acre parcel zoned C-

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2 (General Commercial), located on the west side of Harbor City Boulevard, south of Sarno Road. (Owner - Certified General Contractors) (Applicant - Construction Engineering Group) (Representative - Jake Wise, P.E.) (First Reading - 9/13/05)

The City Attorney read Ordinance No. 2005-104. There were no Council disclosures and there were no comments from the public.

Moved by Hand/LaRusso for approval of Ordinance No. 2005-104. The roll call vote was:

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

Motion carried unanimously.

11. ORDINANCE NO. 2005-105 (AR-2005-175), ORDINANCE NO. 2005-106 (CPA-2005-14), ORDINANCE NO. 2005-107 (Z-2005-1039), AND ORDINANCE NO. 2005-108 (CU-2005-14) ANCHEW INVESTORS AND SUNGRACE, INC.: Ordinances providing for annexation, a Comprehensive Plan Amendment, zoning designation, and a conditional use for two properties, located near the northwest corner of the intersection of Aurora Road and Stewart Road. (Owner/Applicant – Anchem Investors)
- a. Ordinance No. 2005-105/AR-2005-175: (Second Reading/Public Hearing) An ordinance providing for annexation of 6.25 acres (5.05 acres plus 1.2 acres of adjacent public right-of-way). (First Reading - 9/13/05)
  - b. Ordinance No. 2005-106/CPA-2005-14: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Commercial/Medium Density Residential on 5.05 acres. (First Reading –9/13/05)
  - c. Ordinance No. 2005-107/Z-2005-1039: (Second Reading/Public Hearing) An ordinance providing for a zoning designation of C-2 (General Commercial) on 2.41 acres and R-2 (10) (One-, Two-, and Multiple-Family Residential with a cap of 10 units per acre) on 2.6 acres. (First Reading – 9/13/05)
  - d. Ordinance No. 2005-108/CU-2005-14: (Second Reading/Public Hearing) An ordinance granting a conditional use to allow an existing automotive service station on a 0.96-acre parcel. (First Reading - 9/13/05)

Note: The agenda package reflects that this property will be located in Council District 2; however, the property will actually be located in Council District 6.

Attorney Gougelman read the ordinances by title. There were no Council disclosures and no public comments.

Moved by LaRusso/Contreras for approval of Ordinance No. 2005-105. The roll call vote was:

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

Motion carried unanimously.

Mrs. Palmer asked if the current County zoning on the surrounding properties is similar to the proposed City zoning. Mrs. Dittmer advised that the requested parcel currently has a County commercial zoning and future land use that would not allow residential. The single-family property surrounding this area has a County Residential (15) zoning. The parcel that wraps around abutting Carlton Drive has a County Community Commercial future land use.

Mrs. Palmer stated Carlton Drive is large half-acre lots with single residences. In the past they opposed multi-family. She has a problem with 10 units per acre for this particular property. Many of these residents don't want to annex into the City based on the additional units per acre. She said she is looking out for the rights of the County residents in our enclaves; at some point we want them to annex into the City.

Mr. Schluckebier stated that this annexation does not involve new residents; it is all vacant property. Regarding zoning issues, Council has listened to concerns as they are presented at the time of a rezoning request.

Mrs. Palmer stated that her concern is with the change in zoning, not the annexation.

Moved by Hand/Meehan for approval of Ordinance No. 2005-106. The roll call vote was:

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

Nay: Palmer

Motion carried.

Moved by Contreras/Walker for approval of Ordinance No. 2005-107. The roll call vote was:

Aye: Meehan, Walker, Hand, Contreras and Goode.

Nay: LaRusso and Palmer

Motion carried.

Moved by Hand/Palmer for approval of Ordinance No. 2005-108. The roll call vote was:

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

Motion carried unanimously.

12. ORDINANCE NO 2005-109, EXPENSE ALLOWANCE: (Second Reading/Public Hearing)  
An ordinance amending Chapter 2 of the City Code, Administration, amending Section 2-16

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as it relates to the expense allowance for Mayor and Council. (First Reading - 9/13/05)

Mr. Gougelman read Ordinance No. 2005-109 by title.

Pat Poole, 805 E. Palmetto Avenue, read a poem in opposition to the increase in Council's salary and travel expense. Mrs. Poole encouraged Council to commit six months of their salary and travel expense to the hurricane ravaged areas.

Mrs. Palmer asked Mrs. Poole if she ever returned or donated any of her Council pay. Mrs. Poole replied that she was never asked to do that in her time on Council.

Vice Mayor Richard Contreras said that this increase is long overdue. And, he would like to address Council's pay because the increase scheduled for November 2006 is insignificant.

Moved by Contreras/Goode to return the issue of Council pay for additional Council consideration. The roll call vote was:

Aye: Meehan, Contreras and Goode

Nay: LaRusso, Walker, Palmer and Hand

Motion failed.

Moved by Contreras/Walker for approval of Ordinance No. 2005-109. The roll call vote was:

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

Motion carried unanimously.

NEW BUSINESS

13. COUNCIL ACTION RE: Authorization for the City Manager to negotiate a Continuing Consultant Contract with L.S. Sims & Associates, Inc. for professional hydrogeologic services.

City Engineer Jenni Lamb briefed Council. The recommendation is for approval of L.S. Sims & Associates, Inc. and authorization for the City Manager to negotiate a Continuing Consultant's Contract with L.S. Sims & Associates, Inc. for hydrogeologic services.

Mr. Schluckebier explained that Council's approval only authorizes him to negotiate a contract with L.S. Sims & Associates. He noted that the previous Council was actively involved in the selection process. This continues the practice of the staff selection process. Staff will return with a contract for Council approval.

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

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14. CONSENT AGENDA:

Mayor Goode stated staff requested that item 14 'g' be removed from consideration. Mr. Schluckebier confirmed that staff requests the item be removed from the agenda entirely.

Moved by Palmer/Goode for approval of 14 'a' through 'f' and 'h' through 'l'. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Amendment No. 9 to the agreement for the D.B. Lee Wastewater Treatment Plant re-rate study and permit modification, Project No. E05340, Hazen and Sawyer, P.C., Ft. Pierce, FL - \$26,750 and transfer of \$9,050 from the Trickling Filter Media Disposal Project (773074) into this project budget.
- b. Purchase of gasoline and diesel fuel, Glover Oil, Melbourne, FL; and Petroleum Traders Corporation, Fort Wayne, IN – total estimated nine months cost of \$887,993.
- c. Contract award for annual maintenance and repair of City-owned air conditioning and refrigeration equipment, Able Air, Melbourne, FL - \$111,737.50.
- d. Blanket purchase order for annual legal and display advertisements, Cape Publications, Inc., Melbourne, FL - \$45,000.
- e. Purchase of fire tools and equipment, Ten-8 Fire Equipment, Inc., Bradenton, FL; Fisher Safety, Tampa, FL; and Municipal Equipment Company, Orlando, FL - \$33,140.75.
- f. Purchase of a Detroit Diesel Spectrum 30DSEJB generator, weather enclosure, fuel tank, and transfer switch, Florida Detroit Diesel-Allison, Orlando, FL - \$15,825.

Note: Item "g" was removed entirely from the agenda.

- g. Purchase of office furnishings for the Public Works Administration Building, Meehans' Office Products, Melbourne, FL - \$28,281.88.
- h. Major/minor roof repairs and/or replacement on 22 City structures, Duffield Homes Improvements, Archer, FL - \$9,820; General Works, LLC, Orange City, FL - \$88,121; and Quality Roofing of Florida, Inc., Tampa, FL - \$789,700.
- i. Renewal of property, inland marine floater, general liability, police liability, public officials errors & omissions, automobile liability, auto physical damage coverage, workers' compensation, and police & firefighters AD&D, Florida Municipal Insurance Trust – annual premium of \$1,340,618; renewal of the Melbourne Airport's E&O coverage, Florida Municipal Insurance Trust, underwritten by National Union Fire Insurance Company – annual cost of \$23,054; renewal of third party claims administration, Johns Eastern Company, Inc. – estimated annual cost of \$22,144;

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and renewal of third party workers' compensation claims administration, Professional Administrators, Inc. – annual cost of \$39,000.

- j. Approval of request for reduction of a special assessment lien from \$5,292 to \$1,650 and rescission of all lot clearing liens and interest in the amount of \$4,014.73. (Gladys Thomas - 1149 Masterson Street)
- k. Transfer of \$15,000 from Fire Operations Budget to the General Capital Projects Fund and establishment of a project for a location study for fire stations.
- l. RESOLUTION NO. 1953: A resolution authorizing the City Manager to submit a grant application to the Florida Department of Transportation for grant funding of \$247,500 through Florida Highway Beautification Council. If awarded, a local match of \$247,500 must be provided.

*Council convened as the Olde Eau Gallie Riverfront Community Redevelopment Agency for the following item:*

- m. Approval of a donation in the amount of \$3,000 to Artworks in support of the ninth annual fine arts festival.

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

*Council reconvened for the remaining agenda items.*

15. ITEMS REMOVED FROM THE CONSENT AGENDA

None.

16. PRELIMINARY PLAT APPROVAL (SD-2005-06) OPPORTUNITY INDUSTRIAL PARK: (Public Hearing) A request for preliminary plat approval to develop the Opportunity Industrial Park on a 39.415±-acre parcel zoned M-1 (Light Industrial), located between John Rodes Boulevard and North Drive, north of Dow Road. (Owner - William C. Potter, Trustee) (Applicant - Roy J. Pence, RJP Development Companies) (Representative - Jake Wise, P.E., Construction Engineering Group) (P&Z Board - 9/01/05)

The applicant requested this item be postponed until the October 11 meeting.

17. ORDINANCE NO. 2005-110 (CU-2005-13) CIGAR BOB'S HAVANA CLUB: (First Reading/Public Hearing) An ordinance granting a conditional use to allow consumption of alcohol on the premises in conjunction with a cigar shop on a 0.43-acre parcel zoned C-1 (Neighborhood Commercial), located on the east side of Babcock Street, south of Avenue D and north of Nieman Avenue. (Owner/Applicant/Representative - Robert Ripoll) (P&Z Board - 9/01/05)

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

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Mr. Contreras disclosed that today he spoke with Randy Voss who is in favor of request.

Antonio Gonzalez, 3515 Big Pine Road, stated he frequented the club at its location on U.S. 1 before hurricane damage forced it to close. He supports the request. He understands the neighbors' concerns, but Mr. Ripoll runs his business professionally. Mr. Gonzalez noted that this area is a HUB zone, which is why Mr. Ripoll moved his business here. The area is an underutilized business zone and the government wants businesses to locate here.

Responding to Council, Mrs. Dittmer stated that a HUB (Historically Underutilized Business) zone is a federally designated zone related to census districts. Areas tend to be lower income in nature with a substantial amount of commercial area. Businesses are given incentives from the federal government to locate here. This area of Babcock Street fits the requirement of a HUB zone.

In response to Council Member Loretta Hand, Mrs. Dittmer responded that the applicant has stated his intention is for beer and wine only.

Robert Ripoll, applicant, confirmed that he will serve beer and wine only. He noted he has had no problems/complaints or police issues. He provides strict security and enforces a dress code.

Mrs. Walker asked about the security provided. Mr. Ripoll responded off duty police officers and others provide the service as a favor to him.

Responding to Council Member Mark LaRusso, Mr. Ripoll confirmed there will be no outdoor sound amplification, no outside drinking and no activity outside the building. The residents won't know there is anything going on. He added he plans to keep empty bottles in covered 55-gallon containers in the evenings and dump them the next morning.

Mr. LaRusso said that residents are concerned with the influx of folks frequenting the bar, consuming alcohol and then leaving. Mr. Ripoll discussed his clientele and noted that County Commissioner Jackie Colon and her husband are customers.

Council Member Kathy Meehan asked the hours of operation. Mr. Ripoll said Tuesday - Friday, 4:00 p.m. to midnight and a little later on Saturday. Last call is one hour before closing.

Responding to Mayor Goode, Mr. Ripoll agreed with the stipulations; however, he said the business owners in the area object to the fencing.

Mr. Ripoll referenced a letter of opposition from a neighbor. He assured the neighborhood and Council that his business will not be a detriment to the area. It will be an enhancement to the community; he is beautifying the building and the sidewalks. All enhancements are in compliance with the City's Architectural Review Board. He commented that beer is already served at several businesses in the vicinity and noted

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that Hooters, just down the street, has a heck of a bike night. Mr. Ripoll commented that indigent persons were in the area before he came here and will be there long after he is gone; however, his business does not provide to that type of clientele.

Mr. Gougelman asked Mr. Ripoll if he would agree to a stipulation of beer and wine only if that is Council's desire. Mr. Ripoll responded that his liquor license application is for beer and wine only. Mr. Gougelman informed Council that the applicant could sell the premise to someone else who could have a full liquor bar. Council could provide a stipulation to limit alcohol to beer and wine only.

Mayor Goode stated that Mrs. Hand has indicated that she will move to allow beer and wine sales only.

Responding to questions, Mr. Ripoll elaborated on the type of music that will be played in his establishment. Additionally, he submitted letters of support from Gregory Sanders, 145 Sedgewood Circle; John Fitzgerald, 2554 Longwood Boulevard; Dr. Ralph Gracia, Satellite Beach; and James Vita, Melbourne.

Tim Swafford, 1073 Pinecrest Lane, said he visited Mr. Ripoll's place of business before the hurricanes. It was so quiet you weren't sure in what facility it was located. Customers played dominoes and talked; it was more aptly categorized as a family type of place. He was there many times and never saw any problems, trouble, or even foul language.

Mike Wesley, 440 Kingston Road, Satellite Beach, echoed Mr. Swafford's comments.

Sherri Sabino, 201 Cherry Street, reported that she lives a block and a half from the proposed site. She agrees with everything that has been said. She visited the previous location and believes this will be a great addition to the neighborhood. She asked Council to approve the request.

Ken Ellis, 428 Grove Lane, resides directly behind the establishment. He commented that he lives in the noisiest corner of Melbourne with the ambulances, trains, and planes; however, they come and go. Constant music and noise will disturb the quiet neighborhood. He said he has heard very positive comments as far as noise and he hopes it is a nice business that is respectful of the neighborhood.

Scott Fee, 2373 Delaware Drive, said he has been to the new establishment and noted there is a six foot concrete wall in the rear that will provide a substantial barrier between the business and the neighborhood. There was a decline in businesses along this area of Babcock and the Historically Underutilized Business Zone designation is helping bring businesses back.

Edmando Burruezo, 6056 Raleigh Street, Orlando, stated he will soon buy a home here. He would like to frequent this type of establishment. He looks forward to having a cigar, a glass of wine and playing some dominoes.

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Mayor Goode closed public hearing.

Moved by Meehan/Palmer for approval of Ordinance No. 2005-110, subject to the stipulations, and an additional stipulation that beer and wine only will be permitted. Motion carried unanimously.

18. ORDINANCE NO. 2005-111 (CPA-2005-03), ORDINANCE NO. 2005-112 (Z-2005-1020), AND ORDINANCE NO. 2005-113 (CU-2005-01/SP-2005-01) EAU GALLIE RIVER CONDOMINIUMS: Ordinances providing for a Comprehensive Plan Amendment, rezoning, and a conditional use with site plan approval to develop a 17-unit condominium development at a density of 10 units per acre on a 1.7±-acre parcel, located on the south side of Sunset Drive, west of Harbor City Boulevard. (Owner/Applicant – Mr. Bernard Alwill, Ms. Petra Alwill, & Ms. Robin Stallman) (Representative – Todd Deratany) (P&Z Board – 9/01/05)
- a. Ordinance No. 2005-111/CPA-2005-03: (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment changing the Future Land Use from Commercial to Commercial/Medium Density Residential.
  - b. Ordinance No. 2005-112/Z-2005-1020: (First Reading/Public Hearing) An ordinance changing the zoning from C-2 (General Commercial) to C-1 (Neighborhood Commercial).
  - b. Ordinance No. 2005-113/CU-2005-01/SP-2005-01: (First Reading/Public Hearing) An ordinance granting a conditional use with site plan approval to develop a 17-unit condominium development.

Attorney Gougelman read each ordinance by title. Mrs. Dittmer reviewed the agenda report. The Planning and Zoning Board voted unanimously to recommend approval of this request. There were no disclosures by Council and no public comments.

Mrs. Hand asked if access would be provided off Sunset Drive or U.S. 1. Mrs. Dittmer responded that the proposed site plan provides an access point onto U.S. 1 and allows ingress only from Sunset Drive – exiting onto Sunset Drive will be prohibited.

Mrs. Meehan asked about trash receptacles. Mrs. Dittmer stated that the site plan originally had trash receptacles at the rear; however, they have proposed moving them to a small compartment with a roll out container.

Clayton Bennett, applicant, was present and thanked staff for working with them. They have a plan that will work for the owner and the adjacent neighbors. There will be an eight-foot wall for a buffer and the building will be equipped with a trash shoot. The condo association will hire a company to empty the dumpsters. Mr. Bennett agreed with the stipulations.

Mrs. Meehan asked about the cost of the units. Mr. Bennett said he was not sure. From the audience, Bernard Alwill, owner, stated the cost would be \$600,000 to \$700,000.

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Later in the discussion, he advised Mrs. Walker that the condos will be 2,500 s.f., three-bedrooms, and 3 ½ bath.

Mr. LaRusso commended the applicant/owner for the eight-foot wall, the 40% breezeway, the reduction in traffic, and the lower density. He encouraged the applicant to seek out recommendations/advice from two other developers that came before Council who afforded citizens an opportunity to access the waterway through their property. Mr. LaRusso noted this development, which is in his district, will be good for the redevelopment area. However, by second reading he would like to see some identification of what could be done to protect the people buying the condos and still provide some sort of public access.

Mr. Contreras stated the plan calls for 17 condominium units with six boat slips. He asked if the slips would be sold to residents. Mr. Alwill replied they would probably be fixed into the price of a condo.

Mayor Goode closed the public hearing.

Moved by Contreras/Meehan for approval of Ordinance No. 2005-111. Motion carried unanimously.

Moved by Hand/Walker for approval of Ordinance No. 2005-112. Motion carried unanimously.

Moved by LaRusso/Meehan for approval of Ordinance No. 2005-113. Motion carried unanimously.

19. ORDINANCE NO. 2005-114 (AR-2005-182) TURTLE MOUND RIGHT-OF-WAY ANNEXATION: (First Reading/ Public Hearing) An ordinance providing for annexation of 1.19 acres of existing roadway right-of-way located north of Eau Gallie Boulevard and south of Aurora Road, between Wickham Road and John Rodes Boulevard. (Applicant – City of Melbourne) (P&Z Board - 9/01/05)

Attorney Gougelman read Ordinance No. 2005-114 by title. There were no public comments.

Mrs. Dittmer briefed Council. She said this action is necessary to provide the future Turtle Mound Road right-of-way to be within the City limits.

Mrs. Palmer commented that this should help with traffic problems in the area.

Moved by Palmer/Meehan for approval of Ordinance No. 2005-114. Motion carried unanimously

20. ORDINANCE NO. 2005-115 GARBAGE AND REFUSE: (First Reading) An ordinance amending Chapter 14, "Garbage and Refuse."

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Attorney Gougelman read the ordinance by title.

Mrs. Hand asked if residents would still be allowed to use 32-gallon capacity trash bags as trash receptacles. Staff confirmed that trash bags could be used as opposed to galvanized/plastic trash containers. Discussion followed regarding abuse of trash containers by garbage men.

Moved by Hand/Contreras for approval of Ordinance No. 2005-115. Motion carried unanimously.

21. SITE PLAN APPROVAL (SP-2005-24) CITY HALL EXPANSION: (Public Hearing) A request for site plan approval for the expansion and renovation to City Hall on 2.5±-acre parcel zoned I-1 (Institutional) and C-3 (Central Business District), located on the north side of Strawbridge Avenue, west of the FEC railroad, and east of Waverly Place. (Owner/Applicant/Representative - City of Melbourne) (P&Z Board - 9/01/05)

Mrs. Dittmer briefed Council. The Planning and Zoning Board unanimously approved SP-2005-24, a single-sheet plan, prepared by BRPH Architects, Engineers, constructors, of Melbourne, Florida, project number 5432.01, with a signed and sealed date of August 24, 2005, subject to the following stipulations:

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

Any substantial change to the site plan will require review and approval by the Planning and Zoning Board, Local Planning Agency, and the City Council. A substantial change includes, but is not limited to: 1) a decrease of 10% of the open space or vegetative areas on site; 2) an increase of 10% or more of total square footage; or 3) the addition of a driveway on Strawbridge Avenue.

- b. The building shall be substantially consistent with the rendering submitted by the applicant.
- c. The project must receive Architectural Review Board approval prior to construction plan approval.

Mr. Contreras asked about locating/relocating employees. Mrs. Lamb replied that is still on the drawing board. Some staff will have to relocate in the beginning and be housed at a different location until the end of the project. The City has a modular building on Harper Road, we lease a building across Palmetto that is not fully utilized, and we are looking at leasing additional space.

Mr. Schluckebier stated that less than a dozen employees will be relocated. These employees won't have a usual home for about 18-20 months. The cost for accommodations will be relatively minor.

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Mrs. Lamb noted that Pat Mandiola, BRPH, is present and available for comments or to answer any questions.

Mayor Goode closed the public hearing.

Mr. Contreras asked about the timeframe. Mrs. Lamb responded it goes out to bid on October 13, bids will be opened on November 22, and we hope to have a recommendation for award to Council by December 13, and no later than the first meeting in January. The contract could be awarded as early as January or February, depending on any problems or protests with the bids. Staff estimates approximately 18 months for completion.

Moved by Contreras/Meehan for approval of SP-2005-24, subject to the stipulations.

Mrs. Hand stated that although she is not happy about this because she wanted a new City Hall, she will support it. Mrs. Palmer agreed that was her exact sentiment.

The question was called. Motion carried unanimously.

22. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

None.

23. ADJOURNMENT

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

The meeting adjourned at 8:28 p.m.



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Assistant City Clerk – 10/5/2005

(Final version) Approved by Council: October 11, 2005