

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
FEBRUARY 28, 2006



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 C. Goode, Jr.

1. Reverend Peter Inman, Lighthouse Assembly Church of God, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

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

Absent: Cheryl Palmer Council Member, District 5 (vacation)

4. Proclamations and Presentations

Mayor Goode read and presented the “Irish-American Heritage Month” (March 2006) proclamation to Patrick Moynihan, President, Ancient Order of Hibernians.

5. Approval of Minutes – February 14, 2006 Regular Meeting.

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

6. City Manager’s Report

City Manager Jack Schluckebier presented the Certificate of Achievement for Excellence in Financial Reporting, issued by the Government Finance Officers Association, to Director of Finance Michele Ennis and Assistant Director Sondra D’Angelo. The award was issued for the City’s Comprehensive Annual Financial Report for fiscal year ending September 30, 2004. This marks the 18th year that the City has received this award.

Leisure Services Director Mary Ann Bowman briefed Council on the discussions staff has been having with the Brevard County Parks and Recreation Department about Canova Beach Park. The County owns and operates this park and is considering entering into a lease agreement with the City to operate Canova. This would be similar to the agreements the County has with the City of Satellite Beach for Hightower and Pelican Beach Parks.

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The public park consists of a parking lot, outdoor restroom, entranceway and three crossovers. The County is constructing a community center on the adjacent property, which is the former Patsy's Shell Shop site, and has expressed an interest in including that center as part of the Canova Beach lease.

Vice Mayor Loretta Hand said she believes this is a great idea and would like to see the City move forward. She asked who would be responsible for beach erosion/maintenance if we enter into this agreement. Mrs. Bowman replied that the County would retain responsibility for beach erosion.

Council Member Richard Contreras asked what type of community center is planned on the property to the north. Mrs. Bowman said they have a design, which has gone out to bid, for a 2,000 s.f. "cracker" style house, including a picnic and playground area. She added that this will be a nice addition to Canova Park.

7. Public Comments

None.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2005-138 (CU-2005-11/SP-2005-20) HARBOR CITY MIXED USE (FKA CAUSEWAY CENTER, VUES): An ordinance repealing Ordinance No. 2002-63 (CU-2002-15) and Ordinance No. 2003-43; and granting a conditional use with site plan approval to allow a building height of 159'4" for a mixed use retail and multiple family residential condominium project on three parcels comprising approximately 2.31± acres zoned C-3 (Central Business District), located on the south side of Strawbridge Avenue, on the north side of New Haven Avenue and east of U.S. Highway 1. (Owner – Hynes Properties, LLC) (Applicant/Representative – David T. Menzel, P.E., MAI Engineering, Inc.)
- a. Ordinance No. 2005-138 (CU-2005-11/SP-2005-20): (Second Reading/Public Hearing) An ordinance repealing Ordinance No. 2002-63 (CU-2002-15) and Ordinance No. 2003-43; and granting a conditional use with site plan approval to allow a building height of 159'4" for a mixed use retail and multiple family residential condominium project on three parcels comprising approximately 2.31± acres zoned C-3 (Central Business District) (First Reading - 2/14/06)
- b. Resolution No. 1969: A resolution approving an amended and restated license and easement agreement and authorizing the City Manager to execute the agreement.

City Attorney Paul Gougelman read Ordinance No. 2005-138 and Resolution No. 1969 by title. There were no new disclosures by Council. (Reference February 14, 2006 minutes for initial disclosures.) Mayor Goode opened the public hearing.

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Ken Ward with Homes by Towne, representing the applicant, thanked the City Attorney for drafting the easement and license agreement. He said that he is available for questions and would like the opportunity to address any comments made during the public hearing.

Earl Harper, 1142 Eddie Allen Road, questioned why this request, which was originally denied, has now been approved. He said he has no qualms about growth and progress; however, he does have a problem with cutting off people who live on the beach because of traffic congestion. Mr. Harper added that he has a feeling this development will bring a drastic change to the Downtown area and will probably run a lot of people in the Downtown area out of business.

Pat Poole, 805 East Palmetto Avenue, said that this dream plan has now materialized into twin towers, which will be the highest, most expensive buildings in the City of Melbourne. This will be the beginning of a skyline, which the people of Melbourne do not want. Mrs. Poole explained that other cities are considering amending their Code to require a referendum vote on tall buildings. She asked Melbourne to consider the same and delay the second reading on this item.

Diane Barile, 1809 Riverview Drive, stated that she is not here to oppose the development. She said she would like for the City Council to remember this neighborhood. Riverview Drive – one of the first paved streets in the City – contains some of the oldest homes. She referenced a project her students conducted several years ago on the Downtown area and asked the Council to accept the recommendations made by her students. Ms. Barile stated that she would like the area designated as “Riverview Village” and that the character of the area be maintained. She concluded by pleading with Council to begin some type of recognition and protection for Riverview Village.

Mr. Contreras asked Ms. Barile if she has interfaced with the Community Redevelopment Agency Advisory Committee. Ms. Barile said she has been ill and has not been in the loop. She thought that this public hearing would provide the opportune time to bring the idea forward.

Mr. Contreras asked staff to comment. Mr. Schluckebier replied that staff would review the concept. He added that there may also be opportunities for historic designation of the area after the Historic Preservation Ordinance is adopted by Council. And, that item should return to Council in the next 60 – 90 days.

Mayor Goode asked Mr. Ward if he had any additional comments and Mr. Ward replied no. The Mayor closed the public hearing.

Council Member Mark LaRusso referenced Mrs. Poole’s comment that this will be the tallest building in Melbourne. He said it was his understanding that Trinity Towers will remain the tallest building in Melbourne. Mr. Schluckebier said that understanding is correct.

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Moved by Meehan/Hand for approval of Ordinance No. 2005-138.

Council Member Grace Walker said she voted for the initial plan when it had a reasonable height and at that time indicated she would not vote for anything higher than that. She said she admires people who want progress, but she does not want Melbourne to become another Ft. Lauderdale.

The question was called. The roll call vote was:

Aye: Contreras, LaRusso, Meehan, Hand and Goode

Nay: Walker

Motion carried.

Attorney Gougelman referenced the memorandum distributed to Council outlining minor revisions to the amended and restated easement and license agreement.

Moved by Hand/Meehan for approval of Resolution No. 1969 with the revisions outlined by the City Attorney. The roll call vote was:

Aye: Contreras, LaRusso, Meehan, Hand and Goode

Nay: Walker

Motion carried.

9. ORDINANCE NO. 2006-09 (Z-2005-1055) STACEY DUNN: (Second Reading/Public Hearing) An ordinance changing the zoning from C-2 (General Commercial) to R-1A (Single Family Residential) on a 0.22±-acre lot, located on the south side of Kingston Lane, east of Wickham Road. (Owner/Applicant/Representative - Stacey Dunn) (First Reading - 2/14/06)

Attorney Gougelman read the ordinance by title. There were no disclosures by Council, and the applicant, Stacey Dunn, was present.

Moved by Contreras/Walker for approval of Ordinance No. 2006-09. The roll call vote was:

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

Motion carried unanimously.

10. ORDINANCE NO. 2006-10 (AR-2005-185) AURORA ASSOCIATES, LLC: (Second Reading/Public Hearing) An ordinance providing for annexation of an existing 2.75-acre mobile home park, located on the north side of Aurora Road, west of Lansing Street and

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east of Wickham Road. (Owner/Applicant - Aurora Associates) (Representative - William Binnicker) (First Reading - 2/14/06)

The City Attorney read Ordinance No. 2006-10 by title. There were no comments from the public.

Moved by LaRusso/Hand for approval of Ordinance No. 2006-10. The roll call vote was:

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

Motion carried unanimously.

11. ORDINANCE NO. 2006-11 (AR-2005-187) JAMES & BARBARA EASTER: (Second Reading/Public Hearing) An ordinance providing for annexation of a 0.75-acre property, located at 2460 Aurora Road, east of Lansing Street. (Owner/Applicant/Representative - James & Barbara Easter) (First Reading - 2/14/06)

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

Moved by Contreras/Meehan for approval of Ordinance No. 2006-11. The roll call vote was:

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

Motion carried unanimously.

12. ORDINANCE NO. 2006-12 (AR-2005-188) DANIEL BARNETT STATE FARM: (Second Reading/Public Hearing) An ordinance providing for annexation of a 0.24-acre property, located at 515 East Eau Gallie Boulevard, on the southeast corner of the intersection of Unity Drive and Eau Gallie Boulevard, east of South Patrick/Riverside Drive. (Owners - Larua D. Barnett and Daniel L. Barnett, Co-Trustee) (Applicant - Daniel Barnett State Farm) (Representative - Dan Barnett) (First Reading - 2/14/06)

Attorney Gougelman read Ordinance No. 2006-12 by title. Mayor Goode opened the public hearing.

Gwen Burley, 710 Unity Drive, Indian Harbour Beach, said that she lives directly behind the State Farm property. She referenced the petition she submitted signed by every homeowner on the street opposed to the annexation. She encouraged Council not to annex the property without any consideration for how the neighbors feel.

In response to Mayor Goode, Ms. Burley said that Unity Drive is a County enclave. That is why the neighbors object. She added that the City is setting a precedent that will allow anyone else on the street to be annexed.

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Mayor Goode said that state law allows any property owner who abuts a municipality and is not part of another city to request annexation. He noted that the City of Melbourne does annex larger parcels but only when requested by the majority of residents in that area.

Ms. Burley said she objects to her community being chopped up, whether the annexation was requested or not.

A brief discussion followed regarding the development on the adjacent property on Eau Gallie Boulevard.

Moved by Contreras/Meehan for approval of Ordinance No. 2006-12. The roll call vote was:

Aye: Contreras, LaRusso, Meehan, Hand and Goode

Nay: Walker

Motion carried.

13. ORDINANCE NO. 2006-13 (AR-2005-189) AURORA WOODS: (Second Reading/Public Hearing) An ordinance providing for annexation of a 24-acre subdivision located on the south side of Aurora Road, west of Easy Street. (Applicant/Representative - City of Melbourne) (First Reading - 2/14/06)

The City Attorney read the ordinance by title. Mayor Goode opened the public hearing. There were no comments.

Moved by Hand/Meehan for approval of Ordinance No. 2006-13. The roll call vote was:

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

Motion carried unanimously.

14. ORDINANCE NO. 2006-14: (Second Reading/Public Hearing) An ordinance amending Chapter 23, Retirement and Pensions, Article VI, Police Officers' Pension Plan, providing definitions for "credited service" and "retirement;" and amendments relating to the Board of Trustees, vesting, benefits, distributions, deferred retirement options, and reemployment after retirement. (First Reading - 2/14/06)

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

Moved by Walker/Contreras for approval of Ordinance No. 2006-14. The roll call vote was:

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

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Motion carried unanimously.

NEW BUSINESS

15. COUNCIL ACTION RE: Continuing annual contract award for professional Cured-In-Place Pipe rehabilitation services for Wastewater Collection, Wastewater Treatment, and Streets & Stormwater projects, Insituform Technologies, Inc., Jacksonville, FL – Contract Term No. 1 not to exceed \$2,145,143.

City Engineer Jenni Lamb briefed Council. She explained that this type of rehabilitation will restore the structural integrity of our sewer and storm systems, reduce infiltration, increase the flow capacity of aging pipes and eliminate leaking joints. There are 11 projects that will be included in the first year of the annual contract and funding has been approved in the fiscal year 2004-2005 and fiscal year 2005-2006 CIP budgets.

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

16. CONSENT AGENDA:

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

- a. Supplement No. 274 to the Continuing Consultant's Contract for Engineering Services to provide for Melbourne Avenue drainage improvements at Pennwood Drive, Project No. 20106, Frazier Engineering, Inc., Melbourne, FL - \$23,000.
- b. Amendment to the Blanket License Agreement with the Florida East Coast Railway, LLC for 67 utility crossings in the amount of \$29,752.80 and authorization for the City Manager to execute the document.
- c. Approval of an agreement between the Board of County Commissioners of Brevard County and the City of Melbourne for the purpose of securing auto-aid first response fire protection and rescue service by each of the parties and authorization for the City Manager to execute the document.
- d. Purchase of Lifepak® defibrillator/monitors and upgrade components, Medtronic Emergency Response Systems, Redmond, WA - \$34,469.95.
- e. Approval of a \$250,000 HOME Investment Partnership Program award to National Church Residences of Silver Palms Housing, Inc.; authorization for the City Manager to execute the agreement, contingent upon the developers' receipt of housing credits from the Florida Housing Finance Corporation in the 2006 Universal Cycle; and approval of various budget adjustments totaling \$250,000.
- f. Resolution No. 1970: A resolution authorizing the City Manager to submit a grant application to the Florida Inland Navigation District for grant funding in the amount

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of \$261,537 (with matching funds of \$389,463) through the Waterways Assistance Program for improvements at Eau Gallie Pier at Pineapple Park.

- g. Resolution No. 1971: A resolution authorizing the City Manager to submit a grant application to the U.S. Department of Justice, Office of Justice Programs, for the FY 2006-2007 Justice Assistance grant to fund a Marine Patrol Officer in the amount of \$48,264.
- h. Resolution No. 1972: A resolution authorizing the City Manager to submit a grant application to the Department of Homeland Security for the Assistance to Firefighters Grant Program in the amount of \$333,310 (with matching funds of \$99,993) for Fire Sprinkler Systems and Fire Alarm Systems for six Fire Stations.

17. ITEMS REMOVED FROM THE CONSENT AGENDA

None.

18. COUNCIL DISCUSSION RE: A briefing from Police Chief Don Carey regarding patrol zone addition and reconfiguration.

Police Chief Don Carey presented a brief overview of the change from nine patrol zones to the proposed configuration of 10 patrol zones. He noted that Council recently approved staffing – five new officers – to provide for a tenth patrol district. The Chief reviewed the 12-hour patrol schedule implemented in August 2005. That new schedule has resulted in an increase in the average number of officers on day shift and night shift. Additionally, he noted that since he has been Chief, eight positions have been returned to uniform at little or not cost to the City.

Continuing, Chief Carey said that changes have contributed to the response time in January 2005 of 4.44 minutes decreasing to 4.16 minutes. As a guide, the International Association of Police Chiefs recommends a five-minute response time. And, the City of Melbourne is doing much better than that.

The Chief reviewed a geographic boundary of the current patrol areas and the proposed patrol areas. The boundaries will be changed so that main thoroughfares comprise the boundary lines. This will allow for cars to be more visible as they pass through other patrol districts. The patrol zones will be oriented in an east/west manner rather than north/south. In Melbourne it is far easier to travel east/west during rush hour than north/south. This will enable officers to move through their districts quicker.

Chief Carey stated that the new configuration will be implemented April 1. Additionally, a full time officer will be positioned beachside, cars will be assigned to each area, and there will be assigned cover cars. He stressed that the bottom line is that we are adequately staffed to protect the City with regard to crime and accidents. The Department is looking towards the future.

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Mr. LaRusso thanked the Chief for taking a proactive approach to what was becoming a challenging environment in the City.

That concluded comments from Council. No action taken/required.

19. COUNCIL ACTION RE: (Public Hearing) Preliminary approval of proposed activities for Federal FY 2006 HOME Investment Partnership funds and authorization for their inclusion in the Brevard County HOME Consortium Action Plan for 2006-2007.

From the agenda report: The Citizens' Advisory Board reviewed 2006-2007 HOME funding requests during its February 6, 2006 meeting and approved the following staff recommendations as proposed:

Owner-occupied Housing Rehabilitation Program	\$75,000
Tenant Based Rental Assistance Program	55,000
Rental Housing Development	60,211
CHDO Set-Aside (15%)	38,043
Administration (10%)	<u>25,362</u>
TOTAL	\$253,616

The recommendation is for preliminary approval of the proposed activities for federal fiscal year 2006 HOME funds and authorization for their inclusion in the Brevard County HOME Consortium Action Plan for 2006-2007.

Housing and Community Development Director Melinda Thomas was available for questions.

Mayor Goode opened the public hearing. There were no comments.

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

20. COUNCIL ACTION RE: (Public Hearing) Preliminary approval of proposed list of projects and activities for inclusion in the 2006-2007 proposed CDBG Action Plan and authorization to advertise the Action Plan for public comment upon completion.

From the agenda report: The U. S. Department of HUD has advised the City that it will receive \$576,808 in federal fiscal year 2006 Community Development Block Grant (CDBG) entitlement funds, \$64,424 less than the federal fiscal year CDBG award. At the \$576,808 funding level, the statutory limits on Public Services and Administration/Planning spending in the CDBG program for 2006-2007 are:

Public Services	(15% of grant)	\$86,521
Administration/Planning	(20% of grant)	\$115,361

Housing and Community Development received seven proposals totaling \$327,071 from seven different non-profit agencies seeking CDBG funds for the fiscal year starting October 1, 2006. Lipscomb Park Association, Delta Sigma Theta Sorority, Inc. and

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Booker T. Washington Neighborhood Association also submitted letters requesting consideration of a number of projects without specifying dollar amounts for projects. Their requests for funding are being addressed under the City of Melbourne’s Housing & Community Development Department funding recommendations. Also, two City departments submitted proposals for funding.

The Citizens’ Advisory Board reviewed the funding requests during its February 6, 2006 meeting and approved the following staff recommendations as proposed:

PUBLIC SERVICES

Child Care Association of Brevard County, Inc.	
Subsidized child care for children from low-income households	\$23,000
City of Melbourne Housing & Community Development Department	
Booker T. Washington Youth Initiative	19,000
City of Melbourne Leisure Services	
Scholarships for low-income youth to attend summer camp	12,500
Club Esteem	
After-school program	8,800
Greater Melbourne Police Athletic League (PAL)	
Youth leadership & peer mentoring program	7,500
Links of Hope, Inc.	
Mini job links & teen life skills program	<u>14,176</u>
Subtotal Public Services:	\$84,976

PUBLIC FACILITIES & IMPROVEMENTS

Booker T. Washington Revitalization Project, Phase VI	
Set-aside funding for Phase VI (Carver Park Community Center renovation & fencing for Dove Street retention pond)	\$ 100,000
Gramling Park Subdivision Paving & Drainage	
Supplemental funding for paving & drainage improvements (Gainey Drive, Lawrence Drive & Colbert Circle)	100,000
Lipscomb Park Improvements, Phase I	
Supplemental funding for construction of Phase I of Master Site Plan Improvements	<u>54,471</u>
Subtotal Public Facilities & Improvements:	\$254,471

ADMINISTRATION

Program Administration	
General program administration	\$112,861
Fair Housing	
Fair housing activities	<u>2,500</u>
Subtotal Administration:	\$115,361

OTHER

Code Enforcement	
Comprehensive proactive code enforcement in North & South CDBG Target Areas	\$ 75,000
Demolition & Clearance Program	
Demolition & clearance activities for North & South CDBG Target Areas	15,000
Housing Services	

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Activity-delivery for HOME-funded Tenant Based Rental Assistance Program	13,000
Space Coast Center for Independent Living	
Handicap accessibility program	19,000
	<i>Subtotal Other:</i>
	<u>122,000</u>
	GRAND TOTAL:
	\$576,808

The recommendation is for preliminary approval of the proposed list of projects and activities shown for inclusion in the 2006-2007 CDBG Action Plan and authorization to advertise the Action Plan for public comment upon completion.

Housing and Community Development Director Melinda Thomas reviewed the agenda report and noted that Council will have another opportunity to review and act on this item.

Mayor Goode opened the public hearing.

Otis Childs, representing the Salvation Army, said that he is seeking consideration for funding for the Salvation Army. Mr. Childs explained that they submitted a proposal; however, that proposal arrived late. They are requesting funding for a center for homeless women and children (Sue M. Pridmore Center). This is an important program that serves the entire County and provides much needed services in our community. Mr. Childs elaborated on the facility and its program.

Continuing, Mr. Childs said there are two reasons that the proposal was late. First, December is the busiest time of year for the Salvation Army. Putting any type of proposal together during that time is extremely hard. The second reason relates to their internal approval process. The Salvation Army requires any grant proposal or contract to be signed by corporate headquarters in Atlanta, Georgia. That presents a challenge. He displayed a Fed Ex routing slip that shows the package, which was due December 16, arrived in the City at approximately 2:03 p.m. on that day. The courier left minutes before and the proposal was not delivered in time to meet the City's deadline.

Mr. Childs stated that the Salvation Army has been a part of the community for a long time. They have partnered with the City on these types of programs and they spend the funds as designated and required by the CDBG guidelines.

Paul Halpern, Executive Director, Club Esteem, thanked Council for its past and continuing support. He elaborated on the after school program in South Melbourne and said that they are forever improving the program.

Mayor Goode asked the process if Council wished to consider the Salvation Army in the funding.

Ms. Thomas said that Council has the prerogative to direct staff. She said that they get into a conundrum when all of the other organizations submitted their applications on time. She added that staff enjoys working with the Salvation Army; it has been a recipient of funds in the past, and is not new to the process.

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Mrs. Hand said she would like for Council to consider funding the Salvation Army. Mayor Goode asked that any motion include where the money is coming from. Public Services has a set amount (\$84,976), which cannot change.

Mr. Contreras asked if the corporate headquarters/structure of the Salvation Army has been a problem in the past. Ms. Thomas replied that the Salvation Army could have submitted an unsigned version; the application is developed locally.

Mayor Goode asked the requested funding level and Ms. Thomas replied \$10,000.

Mr. Contreras stated that the Salvation Army does wonderful work with the Sue Pridmore Center and he is disappointed that they are not on the list for funding. Ms. Thomas agreed that is a great program.

Mr. LaRusso asked if the Code Enforcement activity listed at \$75,000 is for one individual. Ms. Thomas said it is one Code Officer plus clerical support dedicated to the target areas.

A brief discussion followed on how to adjust funding for the other organizations in order to accommodate this request. Ms. Thomas said if that is Council's direction, Council could reduce funding for the Links of Hope, Inc. They have three separate elements in their request. A reduction of one of the elements would free up \$5,488. And, with the exception of the Child Care Association, the other organizations could be reduced by \$1,000 each. This would provide \$9,488 for the Salvation Army.

Moved by Hand/Walker to give preliminary approval of the proposed list of projects and activities along with permission to advertise the Action Plan for public comment, with the following change to the "Public Services" category: Reduce funding for the Links of Hope, Inc. by \$5,488, reduce funding for all other organizations, with the exception of the Child Care Association of Brevard County, by \$1,000 each, and provide \$9,488 to fund the Salvation Army, Sue M. Pridmore Center for Women and Children. Motion carried unanimously.

Mayor Goode recommended that the Salvation Army submit its applications on time in the future.

21. ORDINANCE NO. 2006-15 (A&V NO. 128A): (First Reading/Public Hearing) An ordinance providing for the repeal of Ordinance No. 91-46, which vacated a 40-foot public utility easement; providing for the vacation of a 42-foot easement described as the east 42' of the west 92.5' of the north 4' of the south 10' public utility and drainage easement along the rear property line of 417 Oriole Lane. (Applicants - William J. and Lee S. Kananack)

Attorney Gougelman read Ordinance No. 2006-15 by title. There were no disclosures by Council and no comments from the audience.

Moved by LaRusso/Contreras for approval of Ordinance No. 2006-15. Motion carried unanimously.

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22. ORDINANCE NO. 2006-16 (Z-2005-1058) JAMES MAHONEY: (First Reading/Public Hearing) An ordinance changing the zoning from R-2 (One-, Two-, and Multiple-Family Residential) to R-P (6) (Residential Professional with a cap of six units per acre) on a 0.8±-acre parcel, located on the northeast corner of Avenue D and Audubon Drive. (Owner/Applicant - James Mahoney) (Representative - Scott Glaubitz BSE Consultants, Inc.) (P&Z Board - 2/02/06)

The City Attorney read the ordinance by title and Planning and Economic Development Director Cindy Dittmer briefed Council. The Planning and Zoning Board voted unanimously to recommend approval of this request.

There were no disclosures by Council. The Mayor opened the public hearing and there were no comments.

Moved by Hand/Meehan for approval of Ordinance No. 2006-16. Motion carried unanimously.

23. ORDINANCE NO. 2006-17 (Z-2005-1057) BREVARD COUNTY SCHOOL BOARD: (First Reading/Public Hearing) An ordinance changing the zoning from R-1A (Single-Family Residential) to C-1A (Professional Offices & Services) on a 0.92±-acre parcel, located on the north side of Avenue D, east of Herring Street, and west of Butler Street. (Owner - Brevard County School Board) (Applicant/Representative - Ed Curry) (P&Z Board - 2/02/06)

The City Attorney read the ordinance by title and 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 comments from the audience.

Moved by Contreras/Meehan for approval of Ordinance No. 2006-17. Motion carried unanimously.

24. ORDINANCE NO. 2006-18 (CPA-2005-21) AND ORDINANCE NO. 2006-19 (Z-2005-1048) WICKHAM CORPORATE, LLC: Ordinances providing for a Comprehensive Plan Amendment and zoning designation on a 0.583-acre parcel, located on the north side of Parkway Drive, west of Wickham Road. (Owner/Applicant – Wickham Corporate, LLC) (Representative – Philip Nohrr, Esq.) (P&Z Board – 2/02/06)

a. Ordinance No. 2006-18/CPA-2005-21: (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Commercial/Medium Density Residential on a 0.583-acre parcel.

b. Ordinance No. 2006-19/Z-2005-1048: (First Reading/Public Hearing) An ordinance providing for a zoning designation of R-2 (One-, Two-, and Multiple-Family Residential) on the western 155 feet (0.116 acres) and C-P (Commercial Parkway) on the remaining 625 feet (0.467 acres).

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The City Attorney read the ordinances by title and 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 comments from the audience.

Moved by Contreras/Meehan for approval of Ordinance No. 2006-18. Motion carried unanimously.

Moved by Hand/Contreras for approval of Ordinance No. 2006-19. Motion carried unanimously.

Recessed: 7:59 p.m.

Reconvened: 8:05 p.m.

Mr. LaRusso was not feeling well and left the meeting. Mrs. Walker was out of the Chamber when Council reconvened.

25. COUNCIL ACTION RE: Contract award for a Continuing Planning Consultant to provide professional assistance with long range planning and concurrency issues, Land Design Innovations, Inc., Winter Park , FL.

From the agenda report: The continuing consultant will be utilized for various planning and redevelopment related studies including assistance with the Evaluation and Appraisal Report and other growth management related requirements. The contract is for an initial period of two years and is renewable for two additional two-year periods for a total contract period of six years.

Moved by Hand/Contreras for approval as recommended. Motion carried unanimously (four votes).

Mrs. Walker returned to the Council Chamber.

26. COUNCIL ACTION RE: Approval of a change to the on-street parking time limits in Historic Downtown Melbourne from three to two hours.

From the agenda report: This is a request from the Downtown Melbourne CRA Advisory Committee and the Parking Advisory Committee (PAC) to change the current Downtown on-street parking time limit from three hours to two hours. The PAC has met with Police Chief Don Carey and coordinated an enhanced parking enforcement program, which began in mid January. The program has been well received by most of the Downtown merchants, and the PAC would now like to change the allowed parking time frame.

This change would be beneficial to the Downtown businesses by allowing customers easy in/out access and increased turn around times for the parking spaces. The parking study recommended the change as well, and the Police Department concurs that it will allow for more effective enforcement. This will also tend to increase street parking by customers and decrease street parking by merchants and employees.

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Council Member Kathy Meehan asked if the owners of spas or salons have expressed concern that a two-hour time limit may not be long enough for some of their customers. Main Street Director Laird Gann said that this has not been brought up in any of the Parking Advisory Committee meetings. The Committee will meet again on Friday and he will mention this concern.

Moved by Meehan/Hand for approval of the request to change the on-street parking time limit from three hours to two hours effective with re-signage of applicable streets.

Mayor Goode said that it seems like some streets are posted and some are not. For example, he said that a large motor home has been parked on Vernon Place for weeks. Mrs. Dittmer replied that staff will ensure that signage is posted appropriately and in line with what the Parking Advisory Committee intended.

The question was called. Motion carried unanimously.

27. COUNCIL ACTION RE: Approval of employee health and other insurance benefits.

Renewal date for the employee insurance benefits is April 1, 2006. This is the fourth year of a five-year term that the City Council approved for the various vendors of the Employee Benefits Program. Renewal is subject to acceptable renewal rates, terms, and service. The recommendation is to approve the employee insurance benefits package effective April 1, 2006:

	<u>City Cost</u>	<u>Employee Cost</u>	<u>Total Cost</u>
Flex Plan Adm.	\$3,900.00		\$3,900.00
Basic Life	85,374.00	*\$14,673.24	100,047.24
Supplemental Life		147,607.00	147,607.00
Dependent Life		30,029.04	30,029.04
Short Term Disability		102,153.84	102,153.84
Long Term Disability		101,053.20	101,053.20
Dental		275,903.71	275,903.71
Medical Insurance	5,334,035.86	**2,011,406.52	7,345,442.38
Total Cost	\$5,423,309.86	\$2,682,826.55	\$8,106,136.41

* Retiree cost ** Includes retiree cost of \$618,897.18

Risk Manager Ken Gray noted that this is a 13.98% increase, which is a good renewal. He pointed out that all of the factors indicated that our increase should have been closer to 16%.

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

28. COUNCIL ACTION RE: Acceptance of the Melbourne Resident Opinion Survey report.

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Deputy City Manager Amy Elliott briefed Council. The National Research Center (NRC) conducted the survey. The report consists of three component reports: 1) Report of Results; 2) Report of Normative Comparisons; and 3) Report of Geographic Sub-Group Comparisons.

The actual survey questions and responses are presented in the appendices to the Report of Results. There were 16 opinion questions and 18 respondent characteristic questions. The survey was conducted in December and was mailed to 1,200 residents. There was a 38% response rate, which is good since typical response rates are from 25% to 40%. NRC employs many techniques to ensure survey validity and reports a 95% confidence level with the main survey results. Because of the smaller number of responses in the sub-geographic areas (report 2) they are not as reliable.

The survey responses present opinions of 427 people, which are believed to be representative of the larger citywide population. NRC also provides normative comparisons for a number of the opinion questions, which is useful to compare the relative ratings of Melbourne residents as compared to residents of other jurisdictions that were asked the same survey question. These normative comparisons add another dimension to the evaluation process. Generally, Melbourne's ratings were similar to the norm for most categories. Areas of concern were traffic, streets, crime, and growth, while favorable perspectives were that Melbourne is a good value for the taxes, has better quality of service than the federal or state government, is a good place to retire, and has courteous, knowledgeable employees.

As part of the survey, three local policy questions were asked. 49% of respondents support increasing a **sales tax** for safety and capacity improvements to roads, while only 37% of respondents support an increase in **property taxes** for the same purpose. 67% of respondents support renovation and expansion of the Melbourne Auditorium to function as a convention center.

This survey was completed to learn residents' opinions about various issues. It provides a benchmark against which future surveys can be evaluated as well as a helpful (point-in-time) snapshot of a representative set of opinions and perceptions. It is recommended that another survey be completed in the 2008-2009 fiscal year, and that the survey base be expanded from 1,200 to 3,000 to improve the survey validity, particularly in regard to the geographic sub-group comparisons.

Moved by Hand/Walker to accept the survey report as presented. Motion carried unanimously.

29. COUNCIL DISCUSSION RE: Additional building height.

Without objection, Council postponed this item to allow a full Council to be present for discussion.

30. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

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Pat Poole, 805 East Palmetto Avenue, clarified a statement that she made under Agenda Item #8. She said that she realizes that Trinity Towers is higher than the proposed Hynes/Towne buildings; however, she was quoting from a newspaper article during the public hearing on this item.

The City Manager said that the Hometown News recently reported that Melbourne receives approximately \$2 million in traffic citation revenue. This figure is incorrect and staff has asked for a correction to the article. Melbourne's traffic citation revenue has been declining and last year it was approximately \$500,000.

Additionally, Mr. Schluckebier said that the City is working with Cherbo Publishing on development of a community profile. The profile would be an 80 – 120 page book listing what our City has to offer. These types of books are typically placed in area hotel rooms. Cherbo would develop the book at no expense to the City.

Deputy City Manager Howard Ralls briefed Council on a situation with our water agreement with West Melbourne. The issue came about after we received a request from a property owner in West Melbourne for City of Melbourne water. The 1978 agreement states that Melbourne will sell all the water, which West Melbourne may require. As everyone is aware, West Melbourne has grown tremendously and the number of master meters has increased from four to 13.

Melbourne is concerned with its water production, permit issues, R/O concentrate discharge, etc. Additionally, the Growth Management Act requires us to show that we can provide water. And, if we can't, we have to provide for a capital project within a three-year period. Mr. Ralls noted that we have to honor our agreement with West Melbourne; however, we do not have to extend our own system to a remote area of West Melbourne.

Mr. Ralls explained that if we were to run a water line to accommodate the request, it would give West Melbourne an opportunity to use water service as an annexation tool. And, if they annexed in this area, it would block our ability to grow westward. He pointed out that we have had municipal services in this area for 20 years; our sewer system is in the area as well. The City has had some discussion with the property owner and that owner may seek to de-annex from West Melbourne in order to obtain Melbourne water.

Mr. Ralls concluded by saying that we can participate in a waterline extension and provide sewer service, but in such a way that the entire area can be served rather than just one property owner. It would be beneficial to provide services using a planned approach.

Mayor Goode said it is his understanding under State law that if a municipality annexes property, it should be able to provide services. He questioned if the properties located west of the Interstate were legally annexed into West Melbourne. Mr. Schluckebier said there are tests in the State law and that property probably did not meet those tests.

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In response to the Mayor, the City Manager said we sell approximately one and one-half to two million gallons of water per day to West Melbourne. Mayor Goode said that the City of Melbourne is responsible for the indebtedness of the water plants. If West Melbourne were to provide its own system, Melbourne would be left with that debt.

The City Manager added for information that the original agreement pre-dates the Melbourne and Eau Gallie merger. Eau Gallie sold West Melbourne water. The City of Melbourne inherited that agreement and has honored it.

Mr. Contreras said that this will bleed out our system at some point in time. The new growth management law requires us to invest in capital to provide water in perpetuity. He noted that this situation is totally wrong.

Mr. Schluckebier said he wanted Council to be aware of this because it could be an awkward issue in the near future.

31. ADJOURNMENT

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

The meeting adjourned at 8:37 p.m.



City Clerk – 3/7/2006

Approved by Council: _____