

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 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 Darice K.W. Dawson, Florida Tech Chapel, provided the invocation.
2. Pledge of Allegiance.
3. Roll Call.

Present:	Harry C. Goode, Jr.	Mayor
	Loretta Hand	Vice Mayor, District 6
	Richard Contreras	Council Member, District 1
	Mark LaRusso	Council Member, District 2
	Kathy Meehan	Council Member, District 3
	Grace Walker	Council Member, District 4
	John Thomas	Council Member-Elect, District 4
	Joanne Corby	Council Member-Elect, 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 (ill)

Mayor Goode announced that the applicant for the “Beeker Street Rezoning Z-1092” withdrew his application following the Planning and Zoning Board meeting; therefore, Council will not consider the item at this meeting.

4. Proclamations and Presentations

None.

5. Approval of Minutes – October 24, 2006 Regular Meeting

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

6. City Manager’s Report

City Manager Jack Schluckebier reported on the following items:

- An executive session has been scheduled for November 28 at 5:30 p.m. to discuss PBA bargaining unit negotiation issues. The meeting will be held in the Planning and Zoning conference room of City Hall.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

- Staff would like to conduct a workshop meeting to discuss negotiations on our water agreement and municipal service area boundary adjustments with West Melbourne, and the Gleason property. Council may want to return to this issue after the new members have been seated. (See petitions, remonstrances and communications for meeting date.)
- At the next meeting, Council will be asked to consider advance refunding of the 2000 utilities bonds. Our outside financial advisors believe the market timing is right and this action would net the City a present value savings of nearly one million dollars. Information on this issue will be voluminous; therefore, any members who wish additional information prior to the Council meeting should contact the City Manager.

Mayor Goode referenced the recent action by the Firefighters' Pension Trust Fund Board of Trustees to select an actuary. He noted that there was a recent newspaper article about the City of Palm Bay using this same company and they are in the hole \$600,000-plus. The Mayor stated that he is concerned that the board has selected a company with this kind of record.

The City Manager agreed and added that the board's attorney advised against hiring this actuary. Mayor Goode concluded by saying that a pension board member resigned over the board's decision to hire this actuary.

Regarding the November 21 meeting that will be held with County staff on the Wickham Road traffic issues, the City Manager will provide Council Member Contreras with the location and time of the meeting.

Council Member Mark LaRusso referenced the information about the increase in Golf Course revenues. He stated that the recovery plan is working. He congratulated Leisure Services Director Mary Ann Bowman, her staff and the Golf Courses Advisory Board for their hard work and effort.

7. Public Comments

Eric Ellebracht, 1948 Tyler Avenue, referenced the recent newspaper article about the staffing shortage in the Melbourne Police Department. Mr. Ellebracht stated that the shortage is simply a perception and that the current staff needs to be properly allocated. Police Officers should be pulled out of the schools and placed back on the road. Also, he recommended that the City work towards having reserve officers. Mr. Ellebracht concluded by saying that wages are not the only reason people leave to work for another department.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2006-106 (CU-2006-04/SP-2006-08) SOUTH CRANE CREEK MIXED USE: An ordinance providing granting a conditional use for additional building height with site plan approval to allow the construction of two buildings, on a 5.84-acre parcel, located south of Crane Creek, west of U.S. Highway 1, and north of Prospect Avenue. (Owner -

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Hynes Properties, LLC) (Applicant/Representative - David T. Menzel, P.E., MAI Engineering, Inc.)

- a. Ordinance No. 2006-106 (CU-2006-04/SP-2006-08): (Second Reading/Public Hearing) An ordinance granting a conditional use with site plan approval to allow the construction of two, 149-foot 4-inch buildings on a 5.84-acre parcel. (Motion for approval failed - 10/24/06, Council reconsideration left pending)
- b. Developer's Agreement. (Postponed - 10/24/06)

Note: On October 24 Council's motion to approve Ordinance No. 2006-106 failed. After the motion to approve failed, the following motion was made: Moved by Goode/Walker to reconsider and leave pending on the minutes.

Mayor Goode called the question on the pending motion. Motion carried unanimously.

Mayor and Council made the following disclosures:

Council Member Richard Contreras said that on October 25 he received a call from Ken Ward. They left messages for each other but did not speak. On November 3 he returned a call to Bonny Hynes, who asked if he had questions.

Council Member Mark LaRusso said that he received a call from Ken Ward on October 25. He (Mr. LaRusso) was not in town. Mr. Ward called again on October 31 and they spoke briefly. On November 3 he received a call from Bonny Hynes; however, he did not return the call.

Council Member Kathy Meehan said that she discussed the project and the Developer's Agreement with Mr. Ward in his office. Bonny Hynes left her a message and they spoke. Dr. Hynes left a message, but she did not return the call.

Council Member Grace Walker said she experienced difficulty with her voice mail. She was finally able to retrieve messages but did not return any telephone calls.

Vice Mayor Hand said she received a telephone call from Ken Ward on October 31 and they discussed the Developer's Agreement. She returned Mrs. Hynes' telephone call; however, they did not speak.

Mayor Goode said that on October 25 Bob Hynes asked him if he was interested in meeting with Dr. Hynes. He said that he was; however, that meeting was not held.

Mayor Goode stated that the public hearings have been held. He previously had concerns and he wanted an opportunity to speak to the applicant.

Moved by Goode/Hand to approve Ordinance No. 2006-106. The roll call vote was:

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

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Motion carried unanimously.

Mayor Goode referenced the following correspondence distributed to Mayor and Council prior to the meeting: Letter dated November 8 from George Shaw, 615 East New Haven Avenue, in support of the project. Letter dated November 14 from Bob Hynes, Hynes Properties, LLC, recalling the action taken by the Planning & Zoning Board on this item.

Moved by Contreras/Hand for approval of the Developer's Agreement as presented in the package. The roll call vote was:

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

Motion carried unanimously.

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

Moved by Hand/Contreras to approve the Developer's Agreement. Motion carried unanimously.

Mayor Goode pointed out that the applicant would have received approval prior to the effective date of the impact fee ordinance (October 25) had this item not been delayed/postponed. Regarding the impact fees, Attorney Gougelman confirmed for Mayor Goode that this project would be grandfathered in under the old rate structure. The new impact fee ordinance contains a provision that recognizes Developer's Agreements.

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

9. ORDINANCE NO. 2006-108 (AR-2006-206), ORDINANCE NO. 2006-109 (CPA-2006-28), AND ORDINANCE NO. 2006-110 (Z-2006-1086) HANNA HOMES (NORTHGATE): Ordinances providing for annexation of a 2.84-acre parcel and 0.22 acres of right-of-way; and a Comprehensive Plan Amendment and zoning designation for 2.84 acres, located north of Aurora Road, west of Wickham Road, and south of the Northgate Street right-of-way. (Owner/Applicant - Hanna Homes Construction, Inc.) (Representatives - Scott Glaubitz, P.E. & Ana Saunders, P.E.)
- a. Ordinance No. 2006-108/AR-2006-206: (First Reading/Public Hearing) An ordinance providing for annexation of a 2.84-acre parcel and 0.22 acres of right-of-way. (Postponed - 10/24/06)
  - b. Ordinance No. 2006-109/CPA-2006-28: (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Low Density Residential on a 2.84-acre parcel. (Postponed - 10/24/06)
  - c. Ordinance No. 2006-110/Z-2006-1086: (First Reading/Public Hearing) An ordinance providing for a designation of R-2 (6) (One-, Two-, and Multiple Family Dwelling

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Medium Density with a cap of six units per acre) zoning on a 2.84-acre parcel.  
(Postponed - 10/24/06)

Attorney Gougelman read the ordinances by title. Mrs. Dittmer briefed Council. The following is an excerpt from the agenda report:

A petition has been submitted against the requested Comprehensive Plan Amendment and the zoning from surrounding property owners. City Code provides that if a petition signed by owners of 20% of the property within 500 feet is submitted, it shall require a 6/7 vote of the City Council for approval of the request at second reading. The petition represents the owners of 20.12% of the surrounding property.

A meeting between the applicant and surrounding property owners was held on November 3, 2006. A letter from the applicant summarizing the meeting is included in the package. At this time, the City has not received any requests to remove names from the petition.

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

Ana Saunders, BSE Consultants, representing the applicant, reported that they met with the residents on November 3 and presented an architectural facade of the project and a preliminary concept plan of the site layout. The concept plan depicts setbacks, roadways, etc. And, they discussed drainage and the drainage pattern. She thanked Council for the opportunity to meet with the residents to hear their concerns. Ms. Saunders concluded by saying they look forward to annexing into the City.

Mayor Goode noted that (23) people have asked to speak on this item. He asked the group to designate a spokesperson, who would be granted additional time. For the record, he noted that all who requested to speak are opposed to the request. (The Mayor determined this by asking if anyone in the audience is in favor of this request.)

Glenn Evers, 3250 Aurora Road, said that he, Gene McCoy and Susan Arnold will make presentations.

Mr. Evers said that the residents continue to be concerned about the Comprehensive Plan change. The current Future Land Use provides a buffer from the encroaching City limits of Melbourne and the commercialization that is traveling their way. The residents believe that their property values would be significantly impacted. The development is not consistent with the Comprehensive Plan. Mr. Evers asked Council to visit the area and look at the surrounding property.

Mr. Evers said that one of the issues involves the lack of a site plan. He stated that he was not able to attend the November 3 meeting. At that meeting, the builder presented a conceptual plan showing townhomes. However, if the property is rezoned, any multi-family development can be built on the site. Mr. Evers reported that he spoke to a real estate broker who said it would be impossible for this project, on that site, to sell. Additionally, a certified property appraiser he talked to stated that buyers would not be able to obtain a mortgage.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Mr. Evers concluded by saying that this project is unacceptable. It would significantly increase the noise and odor; would affect their quality of life; would cause a material reduction in the value of existing abutting property; and it is unacceptable to build multi-family next to rural residential.

Gene McCoy, 1805 Evers Road, clarified a statement he previously made and said that he is located about 130' from the subject property. He reported that he has not been able to trace the flow of stormwater from this property to the river. He asked for information about this at the meeting with the developer; however, an answer was not available. Mr. McCoy said that he is very concerned that his property and the subject property will share a ditch that isn't shared now.

Continuing, Mr. McCoy said when he asked the builder to sign a guarantee that he would build something similar to the concept plan presented, he did not receive a positive answer. Mr. McCoy said it is not his intent to challenge the integrity of the builder. However, projects like this have a way of changing ownership after the zoning is changed. If Council approves this project without a site plan, the last remaining buffer will be a 130' strip of property. That property is probably not really a buffer because it is part of his neighbor's lot. Mr. McCoy asked Council to not approve this "semi-blank check" without a site plan.

Susan Arnold, 3603 Palomino Road, commented that all of the increased commercial development on Wickham Road and in the vicinity magnify the traffic and school congestion. She stated that it is time to stop rezoning that allows more on less. Ms. Arnold said that the residents' concerns focus on compatibility and density. The proposal is not compatible with the surrounding area. The adjacent property contains single-family homes on up to four-acre tracts. Residents bought for the rural atmosphere.

Ms. Arnold noted the following concerns: this is a flood prone area; the proposed density does not attempt to avoid impacts to wildlife species; and there is no binding site plan. The residents would prefer that this property remain as a buffer from the commercial development on Wickham Road. If the property is developed, it should be developed within the existing parameters.

Mayor Goode asked everyone in the audience who agrees with the comments made by Mr. Evers, Mr. McCoy and Ms. Arnold to stand. Approximately 28 – 30 people stood.

Ana Saunders pointed out that a site plan is not required at this point. The concept plan was developed for the residents per the encouragement of Council. The City has numerous Codes and there are various governmental agencies that have restrictions on drainage. All of these items will be addressed in the site plan. There is a small wetland on the site, which will not be impacted in any way. Traffic to this project will enter from Northgate Boulevard. There will not be a crossing or traffic impact to the area residents.

Ms. Saunders concluded by saying they will tie into the County sewer system, which would provide an opportunity for the area residents to have sewer. She said the adjacent property is zoned R-2 (6) and they are trying to be consistent with that.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Mayor Goode closed the public hearing.

Mrs. Meehan's motion for approval of Ordinance No. 2006-108 did not receive a second.

Moved by Goode/Walker to deny Ordinance No. 2006-108.

Mr. LaRusso referenced the number of people directly affected who signed the petition and attended the Council meeting. This project will impact their quality of life and he will honor that.

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

Attorney Gougelman said that since the property is not annexed, no action is required on Ordinance Nos. 2006-109 and 2006-110.

10. ORDINANCE NO. 2006-112 (A&V NO. 265): (First Reading/Public Hearing) An ordinance vacating a 0.11-acre portion of right-of-way at the southeast corner of Circle Avenue South and Shull Avenue. (Applicant - Riverside, LLC) (Postponed - 10/24/06)

Note: Staff requested postponement of this item until early 2007.

The City Manager reported that a similar request was made about three years ago, although the applicant did not move forward. Rather than continuing, staff would like to review this request as a completely new application.

11. ORDINANCE NO. 2006-113 (CPA-2006-30) AND ORDINANCE NO. 2006-114 (Z-2006-1081) VERANDA PARK DEVELOPMENT: Ordinances providing for a Comprehensive Plan Amendment on a 1.96±-acre parcel and a zoning change on 8.57 acres, located north of Eau Gallie Boulevard and east of the Turtle Mound Road. (Owner/Applicant - Veranda Park Development Corp.) (Representative - Robert Robb) (P&Z Board - 10/05/06)

- a. Ordinance No. 2006-113/CPA-2006-30: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment changing the Future Land Use from Suburban Estate Residential to Commercial on a 1.96±-acre parcel. (First Reading - 10/24/06)
- b. Ordinance No. 2006-114/Z-2006-1081: (Second Reading/Public Hearing) An ordinance changing the zoning from R-1AAA (Single-Family Residential) to C-1 (Neighborhood Commercial) on a 1.96±-acre parcel and from M-1 (Light Industrial) to C-1 (Neighborhood Commercial) on an additional 6.61 acres. (First Reading - 10/24/06)

The City Attorney read Ordinance No. 2006-113 and Ordinance No. 2006-114 by title. Council made no disclosures and there were no public comments during the public hearing. Robert Robb, representing the applicant, was present and available for questions.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Moved by Meehan/Hand for approval of Ordinance No. 2006-113.

Mr. LaRusso referenced the comments he made at the last meeting about the City promising not to change the land use on this property. He said he reviewed the record and realized that promise was not part of this annexation. The applicant's intentions were clear on this project from the beginning; therefore, he will vote for approval.

The question was called. The roll call vote was:

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

Motion carried unanimously.

Moved by Contreras/Hand for approval of Ordinance No. 2006-114. The roll call vote was:

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

Motion carried unanimously.

12. ORDINANCE NO. 2006-115 (Z-2006-1090AD/LDR-2005-03/FOC-2005-05): (Second Reading/Public Hearing) An ordinance amending Article VI, Sections 2(A) and 2(L), Appendix B of the City Code, relating to the Adult Entertainment District and distances from establishments selling alcoholic beverages on the premises, providing how distance requirements shall be calculated. (First Reading - 10/24/06)

Attorney Gougelman read the ordinance by title. The public hearing was opened and closed with no comments.

Moved by LaRusso/Hand for approval of Ordinance No. 2006-115. The roll call vote was:

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

Motion carried unanimously.

13. ORDINANCE NO. 2006-116 (CU-2006-18) ZINDERELLA'S NIGHT CLUB: (Second Reading/Public Hearing) An ordinance granting a conditional use to allow the sale and consumption of alcohol within an existing building on a 2.01±-acre parcel zoned M-1 (Light Industrial), located on the east side of Washburn Road, south of Sarno Road. (Owner/Applicant - C&K, LLC) (Representative - The Torpy Group, P.L.) (First Reading - 10/24/06)

Attorney Gougelman read No. 2006-116 by title. Attorney Philip Zies, representing C&K, LLC, was present and available for questions. There were no disclosures by Council and no comments from the public.

Moved by Contreras/Meehan for approval of Ordinance No. 2006-116. The roll call vote was:

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Aye: Contreras, LaRusso, Meehan, Walker and Goode

Nay: Hand

Motion carried.

14. COUNCIL ACTION RE: (Public Hearing) Hearing to consider a request by Leonise Dorlus, Sylvie Pierre, and Marc Accilien for a partial release of lien in the amount of \$8,245.70 on property located at 2521 Pond Street. (Hearing approved by Council -10/10/06)

Mark Accilien, Miramar, Florida, representing Leonise Dorlus (property owner) said he had nothing to add to the request.

A brief discussion followed regarding the tax sale process. It was noted that Ms. Dorlus paid \$26,100 for the property and paid the City \$18,179.29 for lot clearing liens, a 1997 Code Enforcement lien and a portion of the 2000 Code Enforcement lien.

Mr. Contreras said that he feels the applicants, in good faith, paid the City a sizable amount of money. Therefore, he has no issue with accepting the Code Board's recommendation.

Note: The Code Board recommended that the \$8,245.70 be rescinded/released as to the new owner (Leonise Dorlus) of the property at 2521 Pond Street. The lien will remain in the name of the previous owner (Alond J. Pierre) and any property he may own now or in the future.

Moved by Contreras/Hand to accept the Code Board's recommendation. Motion carried unanimously.

Mr. LaRusso asked whether the City should consider a policy on these types of requests. Attorney Gougelman recommended Council handle these requests on a case-by-case basis because the circumstances will be different. That is why the Code Board conducts a hearing and makes a recommendation, although Council ultimately determines whether the lien should be released.

In response to the Mayor, James Teele, Vice Chairman, Code Enforcement Board, summarized the subject request and elaborated on the various liens that were placed against the property and then satisfied.

15. RESOLUTION NO. 2009: A resolution reporting the outcome of the General Municipal Election conducted November 7, 2006, and setting forth the terms of the District 2, District 4, and District 6 Council Members.

Attorney Paul Gougelman read Resolution No. 2009 by title. Moved by Walker/Hand for approval of Resolution No. 2009. Motion carried unanimously.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Vice Mayor Hand made a brief statement regarding her 28 years of service as an elected official. Mrs. Walker agreed with the sentiments expressed.

16. OATH OF OFFICE AND SEATING OF:

- a. Council Member Mark LaRusso, District 2
- b. Council Member John Thomas, District 4
- c. Council Member Joanne Corby, District 6

Attorney Paul Gougelman administered the Oath of Office to Mark LaRusso, John Thomas and Joanne Corby. (The oaths will be attached to the official minutes.)

Council Members John Thomas and Joanne Corby each made a brief statement.

17. TRANSITIONAL RECESS: Recess to allow time for outgoing members to leave the dais and incoming members to take their seats.

Recessed: 7:54 p.m.  
Reconvened: 8:10 p.m.

NEW BUSINESS

18. COUNCIL ACTION RE: Appointment of Vice-Mayor for 2006-2007

Council Member Richard Contreras nominated Kathy Meehan. Council Member John Thomas nominated Mark LaRusso. Moved by Contreras/LaRusso to close the nominations. The roll call vote was:

Meehan: Contreras and Meehan

LaRusso: LaRusso, Thomas, Corby and Goode

Appointed: Mark LaRusso

19. COUNCIL ACTION RE: Appointment of two Council Members to the Brevard Metropolitan Planning Organization to replace Vice Mayor Loretta Hand and Council Member Grace Walker.

Vice Mayor Mark LaRusso nominated Joanne Corby. Moved by Contreras/Goode to close the nominations. Motion carried unanimously. Moved by Goode/LaRusso to appoint Joanne Corby. Motion carried unanimously.

Mr. Contreras nominated Harry Goode. Mayor Goode declined the nomination. Mr. LaRusso nominated Richard Contreras. Mr. Contreras declined the nomination. Council Member Kathy Meehan volunteered to serve.

Moved by Goode/LaRusso to appoint Kathy Meehan. Motion carried unanimously.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Mayor Goode asked the term of each member and City Clerk Cathy Wysor confirmed that it is the term of the members' office.

20. COUNCIL ACTION RE: Front Street Park improvements, Project No. 11105

- a. Contract award for Front Street Park improvements, Project No. 11105, Watauga Company, Titusville, FL - \$269,204; and transfers of \$42,264 from General Construction Miscellaneous Projects into this project budget.
- b. Transfer of \$102,936 from the Downtown CRA Reserve for Future Projects account into this project budget.

City Engineer Jenni Lamb briefed Council. Mayor Goode asked Council to consider Item "b" first (the transfer of funds).

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

Moved by Meehan/Thomas to approve Item "b." Motion carried unanimously.

Moved by LaRusso/Meehan to reconvene as the City Council. Motion carried unanimously.

Moved by Meehan/LaRusso for approval of Item "a." Motion carried unanimously.

21. COUNCIL ACTION RE: Contract award for sanitary sewer manhole rehabilitation, Dallas 1 Construction & Development, Inc., Thonotosassa, FL - at various unit prices totaling \$274,340; and transfers of budget funds of \$4,100 from the Apollo/Hibiscus to 192/Replacement Sewer Line Project; \$29,340 from the Country Club Transmission Line Renovation Project; and \$24,900 from the Croton Road Sewer Line Upgrades Project to this project budget.

Michelle Shoultz, Utilities Engineer, provided a brief overview of the item.

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

22. COUNCIL ACTION RE: Eau Gallie Square Park Sidewalks, Project No. 14504

- a. Change Order No. 1 to the Eau Gallie Pier Improvements construction contract for Eau Gallie Square Park Sidewalks, Project No. 14504, L.A. Construction Services, Inc., Merritt Island, FL - \$94,277.
- b. Transfer of \$40,277 from Eau Gallie CRA Reserve for Future Projects to this project budget.

Ms. Lamb was present and available for questions.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Moved by Meehan/LaRusso to convene as the Olde Eau Gallie Riverfront Community Redevelopment Agency. Motion carried unanimously.

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

Moved by Meehan/Thomas to reconvene as the City Council. Motion carried unanimously.

Moved by LaRusso/Meehan for approval of Item “a.”

City Engineer Jenni Lamb confirmed for Mr. Contreras that the Eau Gallie Pier has parking available on the north, south and west sides of the library. Additionally, overflow parking is available at the Civic Center.

The question was called. Motion carried unanimously.

23. COUNCIL ACTION RE: Supplement No. 307 to the Continuing Consultant’s Contract for the Country Road Waterline Extension, Project No. 30507, Frazier Engineering, Inc., Melbourne, FL - \$46,000; permitting costs of \$15,000; and appropriation of \$61,000 from Water & Sewer Prior Year Surplus Retained Earnings to establish this project budget.

Ms. Lamb was present and available for questions.

Moved by Thomas/Corby for approval as recommended. Motion carried unanimously.

24. CONSENT AGENDA:

Mrs. Corby said she would like to remove Item “h” from the consent agenda. Mayor Goode noted that in the future (by Council policy) members need to ask for an item to be removed by 3:00 p.m. on Monday prior to the meeting.

Moved by Meehan/Thomas for approval of “a” through “p”, with the exception of “h.” Motion carried unanimously.

- a. Amendment No. 6 to the agreement for engineering services for waterline improvements in the Old Eau Gallie Area, Phase II, Project No. 30307, Outlaw & Jones Engineers, Inc., Melbourne, FL - \$41,750.
- b. Supplement No. 308 to the Continuing Consultant’s Contract for engineering services to provide preliminary engineering for Strawbridge Avenue median placement and landscaping, Project No. 14006, Frazier Engineering, Inc., Melbourne, FL - \$28,650.
- c. Supplement No. 309 to the Continuing Consultant’s Contract for engineering services to provide professional consulting services for the design of new restroom facilities at Carver Park Recreation Center, Project No. 00307, Frazier Engineering, Inc., Melbourne, FL - \$28,500.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

- d. Change Order No. 2 to the contract for Lake Washington Surface Water Treatment Plant Phase 2 Improvements, Project No. 02303, Wharton-Smith, Inc., Palm City, FL - net deduction of \$20,790.
- e. Approval of an interlocal agreement between the City of Melbourne, City of West Melbourne, and the City of Palm Bay to provide law enforcement services on Palm Bay Road.
- f. Approval of a memorandum of understanding between the City of Melbourne and the Coastal Florida Police Benevolent Association.
- g. Approval of a reimbursement to Landhandlers of Central Florida, Inc. in the amount of \$20,738.75 for upgraded waterline extension for Eau Gallie Office Park, located on Eau Gallie Boulevard between John Rodes Boulevard and Wickham Road.

Note: See next agenda item for approval of “h.”

- h. Approval of \$713,401 in Hurricane Housing Recovery and State Housing Initiatives Partnership funding awards to Brevard Neighborhood Development Coalition; authorization for the City Manager to execute the agreement; and approval of an exception to the City’s \$15,000 per unit award limit in its Rental Development Program Policy, and SHIP and HHR Housing Assistance Plans to facilitate the acquisition and rehabilitation of the Kennedy Street Apartments.
- i. Approval of a \$287,680.41 increase in 2006-2007 SHIP Revenue and Expenditure budgets based on actual revenues received for the program year ended June 30, 2006.
- j. Contract award for the purchase of water meters and accessories, Badger Meter, Inc., Milwaukee, WI - at various unit prices totaling \$644,260.05
- k. Purchase of 14 replacement vehicles for various City departments, Altec Industries, Inc., West Palm Beach, FL - \$74,615; Champion Chevrolet, Tallahassee, FL - \$61,434; Duval Ford, Jacksonville, FL - \$129,328; Nortrax/Powerplan, Tampa, FL - \$116,865; and Alan Jay Buick Pontiac GMC, Sebring, FL - \$26,699.
- l. Purchase of 32 traffic signal controllers, Naztec, Inc., Sugar Land, TX - \$325,930.
- m. Contract award for a 60-month lease for a hydrogen peroxide storage and feed system, U.S. Peroxide, LLC, Atlanta, GA - \$2,199/month, total lease cost of \$131,940.
- n. Contract award for annual MUNIS software administrative support services and licensing, Tyler Technologies, Inc., Falmouth, ME - \$107,349.69.
- o. Approval of an agreement between Young van Assenderp, P.A. and the City of Melbourne to provide legal services associated with the negotiations and revisions to

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

the electric service franchise agreement between Florida Power & Light and the City of Melbourne, in an amount not to exceed \$50,000 with funding to be provided from General Fund Contingency.

- p. Travel authorization for Mayor Goode to attend the United States Conference of Mayors 75<sup>th</sup> Winter meeting, January 24-26, 2007, Washington, D.C.

25. ITEMS REMOVED FROM THE CONSENT AGENDA

- h. Approval of \$713,401 in Hurricane Housing Recovery and State Housing Initiatives Partnership funding awards to Brevard Neighborhood Development Coalition; authorization for the City Manager to execute the agreement; and approval of an exception to the City's \$15,000 per unit award limit in its Rental Development Program Policy, and SHIP and HHR Housing Assistance Plans to facilitate the acquisition and rehabilitation of the Kennedy Street Apartments.

Housing and Community Development Director Melinda Thomas provided an overview of the item and explained the funding sources.

Moved by Corby/Meehan for approval of Item 25 "h." Motion carried unanimously.

26. COUNCIL ACTION RE: A request for appeal of a final decision by the Planning & Zoning Board regarding SP-2006-17. (Treasure Coast Storage)

Planning & Economic Development Director Cindy Dittmer briefed Council. Excerpt from the agenda report: This is a request for an appeal of a final decision by the Planning and Zoning Board at its September 7, 2006 meeting regarding the approval of a site plan. The board recommended an additional condition providing for a deceleration lane.

On September 20, 2006, the applicant submitted an appeal to the added condition, as it does not meet the thresholds established by City Code for the requirement of a deceleration lane. The applicant is requesting that condition "f" be removed and has included some background information regarding trip generation.

City staff reviewed the project for the number of average daily vehicular trips and found that the estimated traffic impact to Apollo Boulevard to be approximately 245± average daily trips (ADT). This does not meet the minimum 300 ADT threshold required by City Code for staff to condition the construction of a right-turn/deceleration lane with this project. In addition, there is not enough land to accommodate future development of any significant size east of this project to trigger the need for a future deceleration lane.

City staff recommended the removal of condition "f" since the project is a low traffic generator that does not, by City Code, require a right-turn/deceleration lane.

Bruce Watson, Vero Beach, representing Treasure Coast Storage, stated that they are requesting relief with respect to the decel lane, the sidewalk and the traffic count. He noted that national averages are closer to 50 – 70 trips per day.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Mrs. Dittmer confirmed for Council Member Contreras that the appeal is for the deceleration lane only – not the sidewalk.

James Hilliard, Vero Beach, stated that he works for the engineers who are designing the project. He commented that he is available for questions.

Rick Cloutier, representing the Melbourne International Airport, said the Airport owns the property. He stated that the Airport agrees with the recommendation to remove the requirement for a deceleration lane.

Glen Outlaw, Vice Chairman, Planning and Zoning Board, informed Council that the board has promoted deceleration lanes whenever possible to plan for the future rather than having to make retroactive changes. This is really a right hand turn lane because it is a lip intersection versus a deceleration lane. The Airport Authority will be developing the property to the north and the east in the future, and the board is simply trying to get ahead of the curve for once.

Mayor Goode closed the public hearing.

Moved by LaRusso/Thomas to deny the appeal. The vote was:

Aye: Contreras, LaRusso, Thomas and Goode

Nay: Meehan and Corby

Motion carried.

27. COUNCIL ACTION RE: Request by Scott Marathas, Meg O'Malley's, to extend the hours of open container until 1 a.m. for the 2006 New Year's Eve street party.

Moved by Meehan/Contreras for approval of the request.

Mrs. Meehan said she would like to ensure that the applicant will have to meet all requirements, including the provision of police services.

Mrs. Corby asked the City's liability on an event like this. Mayor Goode replied that the applicant will carry his own liability insurance.

Mr. Thomas said he had mentioned public safety concerns to the City Manager. Mr. Schluckebier noted that the Police Department is part of the review process, which is administered by the City Clerk. The applicant understands that he must provide and pay for police services. Regarding street events in general, the City must either allow all or prohibit all – we may not be selective. Street events in the City have typically gone well enough not to subject themselves to prohibition in the future.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Vice Mayor LaRusso recommended that the Meg O'Malley's staff be educated on the process of a gated street event so they fully understand the policies.

The question was called. Motion carried unanimously.

28. COUNCIL ACTION RE: Implementation of an Assigned Vehicle Plan for the Police Department.

From the agenda report: The recommendation is for approval of the assigned vehicle program as specified in the Police Chief's letter and policy; and a transfer of \$273,000 from General Fund Contingency to the Police Operations budget to lease 36 vehicles in the current fiscal year, including associated standard police and electronic equipment for each vehicle.

Police Chief Don Carey stated that he has been advocating for an assigned vehicle plan for over three years and he is grateful to the City Manager for bringing this to fruition. This is an attempt by the Police Department to retain some of our good employees as well as be competitive in the arena of recruiting new employees. Under the retention auspices, we are trying to keep people with us who have been with us a number of years because we are in competition with other agencies in the area. The Sheriff's Department, Palm Bay, Cocoa, Satellite Beach, etc. provide assigned vehicle programs for their police officers as an advantage to their employment. This places Melbourne at a disadvantage when trying to compete with that employment pool.

There are also a number of advantages that accrue to the City of Melbourne and its citizens. We will have faster response times, especially around shift change. Additionally, those officers who are at the station each day for roll call will save at least 20 minutes per shift in transferring gear from a personal vehicle into a police car and the same action when they get off shift. Studies around the nation along with academic research indicate that there will be lower maintenance costs and fewer vehicle crashes. Officers treat their assigned vehicles as their office.

Mr. Contreras referenced the "Assigned Vehicle Policy", Item 2 under "Procedure":

2. Members residing more than five miles outside the city limits who are assigned program vehicles shall be required to reimburse the City \$20.00 bi-weekly to offset additional fuel costs. This may be accomplished through automatic payroll deductions.

He asked if we knew the number of officers who live outside this range. Chief Carey replied that 13 officers live more than five miles outside the city limits.

Council Member John Thomas asked how many more people would be included if this were extended 10 miles. Chief Carey said that nine more people would be included.

Chief Carey confirmed for Mr. Contreras that no Melbourne officers live outside the County.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Council Member Joanne Corby asked if this would cover everyone, except two, if we extended the range to 15 miles. Chief Carey replied yes.

Mayor Goode asked if there is a provision, for those who live an extreme distance, for a gasoline fee to address the equity issue.

Mr. Schluckebier stated that the vehicle program procedures that are recommended from the Police Chief provide a cut-off at the five mile point. Those people would be paying a \$20.00 fee to defray additional transit costs. The question raised is “what is magical about five.” There is nothing magical about five and it is Council’s discretion on how to structure this program.

Mr. Thomas referenced Item 1 under the heading “Procedure”:

1. Members must have successfully completed two years of service as a sworn officer.

He asked if there would be a significant benefit to say “must have successfully completed field training.”

Mr. Carey replied no and explained that the program is scheduled to be phased in over three years. During the first two years, we would only be able to assign enough cars to people with two years of service or more. In the third year, we could provide vehicles to people off probation who have been with us a year or more.

Continuing, he said that once we move into the program and are in the third year, we will amend the policy to bring this down to one year. We want to be competitive with all the other agencies.

Mrs. Corby noted that all other agencies do not have a reimbursement program. She asked how this is being competitive. Chief Carey said it doesn’t matter to him. He would prefer no reimbursement because it would be easier to administer.

Mr. Contreras referenced the language in Item 1 (above) and asked that it be revised so there is no ambiguity about the phasing of the program.

Chief Carey said that would be easy to do. The policy can be amended to clarify that once the plan is fully implemented, individuals who are off probation would receive a car.

Moved by Contreras/Goode to amend the Assigned Vehicle Policy, Eligibility Requirements, paragraph one, to include language that after an officer is no longer on probation they be authorized to have an assigned vehicle.

Mayor Goode asked that we maintain this policy for officers within Brevard County. Mr. Contreras agreed. The City Manager asked if the intent of the motion is to continue with the phasing and Mr. Contreras replied yes.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Mr. Thomas said he would like to amend the mileage to 15 before there is any requirement for reimbursement. Mr. LaRusso said he would like to completely remove the requirement for reimbursement. Attorney Gougelman said that Item 3 in the policy is clear in that “members who reside outside the county are ineligible for the assigned vehicle program.”

The maker/seconded agreed that the motion includes removal of the requirement for reimbursement.

Based on the reimbursement provision being removed, Council amended Item 4 as follows:

4. An annual review of the cost associated with the assigned vehicle program shall be conducted by the Uniform Bureau each December. ~~Should fuel costs escalate dramatically, the offset fee may be adjusted.~~ The results shall be forwarded to the Chief of Police for review and adjustments made as necessary.

The maker/second agreed.

Mr. Contreras noted that initially he was making a motion to amend the eligibility requirements; however, the motion has evolved into approval of the assigned vehicle plan (as recommended above) with the various amendments outlined. Mayor Goode agreed.

The question was called. Motion carried unanimously.

29. SITE PLAN APPROVAL (SP-2006-06) HARBOR VUES CONDOMINIUMS (FKA BRECHT COURT CONDOMINIUMS AND HARBOR CITY TOWERS, SP-03-31): A request for site plan approval to develop an eight-story, 61-unit residential condominium project at a height of 80 feet on a 0.85±-acre parcel zoned C-3 (Central Business District), located on the southwest corner of New Haven Avenue and Brecht Court. (Owners - Hynes Properties, LLC/Melbourne Harbor Condominiums/Seafaring Technology/John Holmes, Trustee) (Applicant - MAI Architects Engineers, Inc.) (Representative - David T. Menzel, PE) (P&Z Board - 9/07/06)

Mrs. Dittmer briefed Council. The Planning and Zoning Board voted five - two to recommend approval of SP-2006-06, as shown on a two-page plan prepared by MAI Engineers Architects, Inc., with a signed and sealed date of May 8, 2006, Project Number 03-274, subject to the following conditions:

- 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 as outlined in Appendix B, Article IX, Section 6 (E), will require review and approval by City staff, the Planning and Zoning Board, Local Planning Agency, and/or the City Council.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

- b. The applicant shall participate in the funding of the Front Street sanitary sewer lift station upgrades based on the number of net new equivalent residential units on the property.
- c. The applicant shall provide for the lighting and sidewalk pavers along Brecht Court, and sidewalk pavers along New Haven Avenue, consistent with the Phase 3 Streetscape and Lighting project for the Melbourne Downtown CRA. These improvements will be coordinated during the construction plan review process, and may require easements from the applicant.
- d. The building shall be substantially consistent with the rendering submitted by the applicant.
- e. The applicant must obtain Architectural Review Board approval prior to any site development.

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

Pat Poole, 805 East Palmetto Avenue, noted that the plan calls for 122 parking spaces, two for each unit. However, 38 of the 122 spaces will be designated for visitor parking. She stated that when you pay the price for a condominium you should have designated parking spaces. Additionally, she pointed out that there are three condominium developments in the Downtown area now, which will demolish historic buildings and increase traffic on Melbourne and New Haven Avenues.

Dave Menzel, representing Hynes Properties, LLC, stated that he is the engineer on this project. The plan meets the parking requirements in the City Code. And, many condominium owners have one car. He concluded by asking for approval.

Mayor Goode closed the public hearing.

Moved by Contreras/Meehan for approval of the site plan subject to the findings and conditions outlined in the agenda package. Motion carried unanimously.

30. ORDINANCE NO. 2006-117 (Z-2006-1083) AND SITE PLAN APPROVAL (SP-2006-25) HOUSE OF POWER: (First Reading/ Public Hearing) An ordinance changing the zoning from C-1 (Neighborhood Commercial) to C-2 (General Commercial) and site plan approval to develop a motorcycle and small recreational vehicles sales and service showroom on a 10.66±-acre parcel, located east of Dairy Road and north of Palm Bay Road. (Owner - DiPrima Holdings, Ltd.) (Applicant - House of Power (Glen Sandler) (Representative - Phil Nohrr) (P&Z Board - 10/19/06)

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 Z-2006-1083, and SP-2006-25 as depicted on a single-sheet plan prepared by Holeman Suman Architects, Inc., of Melbourne, Florida, with a signed and sealed date of September 21, 2006, subject to the following conditions:

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

- 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 as outlined in Appendix B, Article IX, Section 6 (E), will require review and approval by City staff, the Planning and Zoning Board, Local Planning Agency, and/or the City Council.

- b. Appropriate environmental permits, including permitting for the gopher tortoises, as applicable, must be obtained as part of the construction plan review process.
- c. All hardwood trees and scrub oaks located outside of the building footprint and parking driveway aisles shall be preserved, and buildings and parking/drive aisles shall be shifted when possible to preserve hardwood trees or scrub oaks, as determined during construction plan review.
- d. The 25,000 square foot storage building and 40,000 square foot sales/showroom building located adjacent to the eastern property line shall not contain any doors facing the adjacent multiple-family residential properties.
- e. There shall be no outside storage, including crated merchandise permitted on the property.
- f. The applicant shall be required to provide a six-foot opaque fence and applicable landscaping where adjacent to the multiple-family residential uses.
- g. The non-designated display areas in front of the sales/showroom buildings shall be landscaped at a minimum with sod, and should include additional clusters of low growing plants and shrubs, as coordinated with the Code Compliance Division.
- h. The applicant shall provide a deceleration lane into the project from Dairy Road, and at a minimum, a taper, designed to the satisfaction of the Engineering Department, be provided into the project from Palm Bay Road.
- i. The proposed building shall be substantially consistent with the renderings submitted by the applicant.

There were no disclosures by Council.

Phil Nohrr, attorney representing the applicant, said they have tried to orient the project away from the east to be sensitive to their neighbors on the other side. All service will be done indoors. And, they have a sound proof room for test drives. The project will cost about \$8 million and will employ up to 75 people. Attorney Nohrr discussed the surrounding uses and asked Council to favorably consider their request.

Attorney Gougelman asked if the applicant agrees with all conditions and Mr. Nohrr replied yes.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Mayor Goode closed the public hearing.

Moved by LaRusso/Thomas for approval of Ordinance No. 2006-117. Motion carried unanimously.

Moved by Contreras/LaRusso for approval of the site plan, subject to the findings and conditions outlined in the agenda package. Motion carried unanimously.

31. ORDINANCE NO. 2006-118 (CPA-2006-33) AND ORDINANCE NO. 2006-119 (Z-2006-1093) CITY HALL: Ordinances providing for a Comprehensive Plan Amendment and change in zoning on a 2.5±-acre parcel 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 - 10/19/06)
- a. Ordinance No. 2006-118/CPA-2006-33: (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment changing the Future Land Use from Public Land and Institutions to Commercial/Public Land and Institutions on a 2.5±-acre parcel.
  - b. Ordinance No. 2006-119/Z-2006-1093: (First Reading/Public Hearing) An ordinance providing for a change in zoning from I-1 (Institutional) to C-3 (Central Business District) on a 2.5±-acre parcel.

Attorney Gougelman read Ordinance Nos. 2006-118 and 2006-119 by title. Mrs. Dittmer reviewed the agenda report. She noted that Mrs. Pat Poole has submitted a petition, and it appears that the owners of more than 20% of the property within 500 feet are opposed. Staff is receiving requests from people who wish to remove their name from the petition. Names may be removed up to the second reading of the ordinance.

Mayor Goode called for disclosures. Mr. LaRusso said he received a call from Mrs. Poole on November 10 who indicated that she was circulating a petition. She is concerned about retaining the trees in front of City Hall.

Mayor Goode said he would have to make a similar disclosure.

Mrs. Meehan disclosed that Frank Demolfetta (Bella's) and Dano LoPresti (Christmas Cottage) would like their names removed from the petition. Scott Lillycrop (Downtown property owner) is undecided. Rudi Trader is in favor of the request. Mr. Pasquale Troisi (Napoli Imports) signed the petition; however, he is not the owner. Mr. Smrt from the 1900 Building would like his name removed from the petition. And, she spoke with Mike Brownlie and Greg Maxwell, who are still undecided. Mrs. Meehan asked staff to verify that folks who signed the petition are property owners.

Mayor Goode opened the public hearing.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Pat Poole, 805 East Palmetto Avenue, stated that City Hall should remain with Institutional zoning because it is not just another business. Additionally, she stated that it would be a disgrace to remove the trees and green area from the front of City Hall. The C-3 zoning would allow all of this area to be removed.

Moved by Meehan/Contreras for approval of Ordinance No. 2006-118. Motion carried unanimously.

Moved by Meehan/Contreras for approval of Ordinance No. 2006-119.

Mr. LaRusso said that he is also concerned about the trees. He asked staff to make every effort to work around this issue, be proactive and not bulldoze the trees. Mr. Thomas agreed. Mayor Goode said that Council is giving staff direction on this issue. He pointed out that we are already planning to address the C-3 zoning, which allows wall-to-wall structures on property.

The question was called. Motion carried unanimously.

32. ORDINANCE NO. 2006-120 (LDR-2006-04/FOC-2006-06) CONCURRENCY – “PROPORTIONATE FAIR SHARE”: (First Reading) An ordinance amending Appendix D, Chapter 3 of the City Code, Concurrency, by establishing a “Proportionate Fair Share” option that will allow developers to satisfy concurrency requirements through proportionate fair share contributions as required in Chapter 163.3180(16) Florida Statutes.

The City Attorney read the ordinance by title and Mrs. Dittmer reviewed the agenda report.

Moved by Thomas/Meehan for approval of Ordinance No. 2006-120. Motion carried unanimously.

33. ORDINANCE NO. 2006-121 LICENSES: (First Reading) An ordinance amending Chapter 19 of the City Code, currently entitled “Licenses” to “Local Business Tax Receipts” in accordance with Chapter 205 of the Florida Statutes.

The City Attorney read the ordinance by its title and Director of Finance Michele Ennis provided an overview.

Moved by Corby/Contreras for approval of Ordinance No. 2006-121. Motion carried unanimously.

34. COUNCIL ACTION RE: Proposed legislative priorities for the 2007 Legislative Session of the Florida Legislature.

Deputy City Manager Amy Elliott briefed Council. Mr. LaRusso said he does not agree with the entire package; therefore, he would like to take each issue one vote at a time. Mayor Goode advised that the Legislative Delegation will not take this amount of time at its meeting. The members will take the time to read the entire package in their office.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

Mr. LaRusso's motion to take each item individually did not receive a second. Mayor Goode reported that normally he provides our package to the Legislative Delegation. He suggested that Vice Mayor LaRusso present the City's legislative priorities to the Brevard Legislative Delegation at its December 19 meeting.

Moved by Meehan/Contreras to approve the legislative priorities (outlined in the agenda package) and transmit to the Brevard Legislative Delegation. Motion carried unanimously.

35. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Following a brief discussion, moved by Contreras/LaRusso to conduct a workshop meeting on November 27 at 6:30 p.m., Front Street Civic Center, to discuss negotiations on our water agreement and municipal service area boundary adjustments with West Melbourne, and the Gleason property. Motion carried unanimously.

Mr. Contreras said that for the benefit of the new members he would like for the City Attorney to prepare a brief on ad hoc legislation. Moved by Contreras/Meehan to direct the City Attorney to prepare a brief on ad hoc legislation. Motion carried unanimously.

Mr. Contreras said that a week ago he requested information about pending annexations. The City Manager said that there are several voluntary annexations that will appear on the November 28 agenda and there are no referenda pending. He noted that he would prepare a definitive list.

Moved by Contreras/Corby to have a six-month moratorium on future annexations in the City of Melbourne.

Mr. Contreras said we need to review and ensure that we are able to provide police, fire, utilities, etc. He noted that he would like to be assured that we are not putting our citizens in jeopardy.

Mayor Goode referenced the recent negotiations with West Melbourne. Much of the discussion relates to annexation. Council has been apprised along the way and we are close to agreement regarding property west of I-95. He added that Brevard County believes that Melbourne has been annexing in an orderly and concise manner. This is in comparison to our neighbors to the south who are annexing five to ten miles per year.

Mr. Contreras said this is why he would like a report on any annexations that are in the pipeline. He added that he does not have any issue with grandfathering those annexations that are in the pipeline or in discussions with City staff.

Mr. LaRusso said that we have done due diligence in some areas; however, we may be ahead of ourselves in other areas with regard to providing services.

Mrs. Corby said as a newcomer it would be helpful for her to get her arms around annexation or property being considered for annexation. In Council Districts 1, 5 and 6 she is not sure that we have kept up with services and infrastructure.

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

A brief discussion continued. Mr. Schluckebier said he will provide a status report with the November 27 special meeting materials.

Attorney Gougelman said if we go forward with a moratorium, we will have to do so by ordinance. Mr. Contreras said there should be a motion to direct staff to draft an ordinance. Attorney Gougelman added that we will be required to provide quarter page ads prior to first reading and second reading of the ordinance. Additionally, he believes that we would have to grandfather any existing petitions.

Mr. Contreras said he has no problem with that. The maker/second made the following substitute motion: Direct staff to draft an ordinance providing for a six-month moratorium on annexation in the City of Melbourne with a provision that annexation activities in process will be grandfathered.

Mrs. Meehan stated that she would prefer for the workshop meeting to be conducted before an ordinance is prepared.

The question was called. The vote was:

Aye: Contreras, LaRusso, Thomas and Corby

Nay: Meehan and Goode

The City Manager confirmed for Mr. Contreras that executive sessions are for the purpose of pending collective bargaining. Mr. Contreras asked about the possibility of conducting sessions on the LIU and Fire bargaining units. He noted that all of these issues are integrated and relate to the quality of services in the City of Melbourne.

Mr. Schluckebier reported that we plan to open bargaining with LIU in January. The IAFF is in the second year of a three year agreement. There is an open issue with the IAFF; however, it deals solely with a pension issue and is fairly narrow.

Mr. Contreras stated that it is his gut feeling that citizens aren't being provided services or we are running the risk of jeopardizing our services. Therefore, he would like to have a future agenda item to discuss the IAFF and issues associated with the Melbourne Fire Department.

Discussion continued. Mr. Contreras said he will contact the City Manager's office relative to a future agenda item to discuss the Melbourne Fire Department.

Mr. Thomas asked if there have been any discussions about bringing a law enforcement academy to this area. Mr. Schluckebier said he would inquire.

Council briefly discussed conducting a strategic planning meeting. By consensus, Council decided to hold an early evening meeting during the week, beginning at 5:00 or 5:30. Mrs. Corby recommended that each Council Member complete a standardized form prior to the

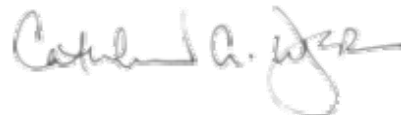
CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
NOVEMBER 14, 2006

meeting for the purpose of data collection. This would allow information to be gathered and would save time prior to members coming to the table to talk about issues.

36. ADJOURNMENT

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

The meeting adjourned at 10:21 p.m.



\_\_\_\_\_  
City Clerk – 11/21/2006

Approved by Council: \_\_\_\_\_

Attachment to official minutes: Oaths of Office for Mark LaRusso, John Thomas and Joanne Corby