

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
APRIL 24, 2007



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. Chaplain Terry Highland, Melbourne Police Department, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

|          |                             |  |
|----------|-----------------------------|--|
| Present: | Harry C. Goode, Jr.         | Mayor  |
|          | Richard Contreras           | Council Member, District 1 (arrived 6:50 p.m.) |
|          | Kathy Meehan                | Council Member, District 3                     |
|          | John Thomas                 | Council Member, District 4                     |
|          | Cheryl Palmer               | Council Member, District 5                     |
|          | Joanne Corby                | Council Member, District 6                     |
|          | Jack M. Schluckebier, Ph.D. | City Manager                                   |
|          | Paul R. Gougelman, III      | City Attorney                                  |
|          | Cathleen A. Wysor           | City Clerk                                     |
|          | Amy W. Elliott              | Deputy City Manager                            |
|          | Howard Ralls                | Deputy City Manager                            |
|          | Cindy Dittmer               | Planning & Economic Development Director       |

Absent: Mark LaRusso Vice Mayor, District 2 (out of town)

4. Proclamations and Presentations

Mayor Goode issued two proclamations:

“Beta Sigma Phi Day,” April 30, 2007; accepted by a representative of the South Brevard City Council of Beta Sigma Phi.

“National Drinking Water Week,” May 6 – 12; accepted by Jennifer Wilster, City of Melbourne Environmental Community Outreach Manager. The Mayor and Ms. Wilster presented certificates to the first place winners of the City of Melbourne Water Conservation Program poster contest: Vanessa Valentine, Central Middle School; Mary Robin Wilmeth, West Shore Junior/Senior High School, and Jessica Holanda, Hoover Middle School (also placed second in the state competition).

5. Approval of Minutes – April 10, 2007 Regular Meeting

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

Mayor Goode announced that the applicant for Item 21 (Ordinance No. 2007-26) has withdrawn his request.

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6. City Manager's Report

City Attorney Paul Gougelman introduced the City's new Assistant City Attorney, Alison Dawley.

Council Member Joanne Corby asked if there are any Council absences scheduled for the May 8 meeting. The City Manager and City Clerk replied that they are not aware of any planned absences.

Mrs. Corby thanked staff for providing the Action Plan for the CDBG and HOME Programs and Projects, and the Greenways, Blueways and Trails Plan in advance of the agenda package. She asked why one was included on the regular agenda and the other included on the consent agenda.

City Manager Jack Schluckebier explained that the Action Plan requires a public hearing. He confirmed that the Greenways document is a general plan and does not yet rise to the level of being a blueprint. Mayor Goode added that there will be further discussion and input if the City wishes to enact portions of the plan.

7. Public Comments

None.

7.1 Presentation To Council: Annual report to City Council from City Boards.

**a. Historic Preservation Board**

Chairman Peter Flotz reported that this is the board's first annual report. The City adopted the Historic Preservation Ordinance, solicited for members, and then appointed the first board last year. The board has conducted organizational meetings and is in the process of adopting its rules and regulations. The board is currently working on its Certified Local Government application.

Mr. Flotz discussed the composition of the board, which includes a builder, developer, historians, community activists, architect, lawyer, teacher and an archaeologist. The members bring multiple perspectives about preservation, feasibility and impacts. The mission statement of the Historic Preservation Board is "preserving and protecting properties of historical, cultural, archaeological, aesthetic and architectural merit."

Mr. Flotz informed Council that the board's operating rules and regulations will appear on an upcoming Council agenda for approval. He concluded by saying that the members intend to work hard to convince folks that significant properties are worth preserving. Their upcoming agendas will include demonstration projects, outreach, workshops and community interaction.

Mayor Goode recognized board members Diane Barile and Betty Preece in the audience.

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**b. Planning & Zoning Board**

Chairman Alan King noted that member Ed Coruzzi is also in attendance. He reported on the number of meetings conducted last year and stated that they heard between 70 and 100 items. Mr. King pointed out that the board agreed with the City Council on all but four items. Last year the board spent its time on implementing changes to the Zoning Code. He recalled for Council that the City's Zoning Code went through a major overhaul two years ago.

Mr. King stated that in the future the board plans to make a number of proposals to address traffic. They will be looking at deceleration lanes, shared access, overlay districts and stronger architectural standards for conditional uses. He concluded by saying the board supports growth where sites have already been developed as opposed to encouraging growth to the west.

Richard Contreras arrived at 6:50 p.m.

**c. Zoning Board of Adjustment**

Chairman Brenda Burgener discussed the composition of the board and asked the members in the audience to stand. She discussed board statistics, including the category of requests and the number of requests considered, approved and denied. Ms. Burgener said that the board would like to receive sworn testimony at its meetings to discourage "memory lapses" or misrepresentation. Members would like a mechanism to communicate with Council and an opportunity to review the draft Sign Code. She stated that the board unanimously supports televising Council meetings.

Additionally, Ms. Burgener stated that the board is concerned about the deterioration of single-family areas. Members would like for parking in single-family areas to be permitted on approved surfaces only or limited to a certain percentage of the yard. And, the members would like to see a minimum square footage requirement per person for sleeping space.

Mayor Goode recognized the City's longest serving board member (31-plus years), Charlie Jackson, who is a member on this board.

UNFINISHED BUSINESS

8. COUNCIL DISCUSSION RE: C-3 Zoning Issues. (Postponed - 3/27/07)

Mayor Goode said that the condominium under construction in Old Eau Gallie brought the C-3 zoning regulations to his attention. He noted that he does not want to see buildings start at the sidewalk with no green area. If there are no objections, the Mayor said he would like to refer this item to the Planning and Zoning Board for study.

Council Member Kathy Meehan agreed that the Planning and Zoning Board should review

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this issue.

The City Manager asked Mrs. Dittmer to review the options outlined in the agenda package. He noted that as this item is returned to the Planning and Zoning Board for review, perhaps the issue could be a little more in focus.

Planning and Economic Development Director Cindy Dittmer referenced the memorandum in the backup material that outlines the issues along with alternatives. She said that there may be particular areas where there should be setbacks; staff has noted its concerns about going with a full-scale setback. Both historic downtown areas have their building lines at the zero foot setback. If that is completely eliminated, we will eliminate the ability for a non-conforming building to continue.

Mrs. Dittmer reviewed options “a” through “e.”

Mayor Goode said he is not proposing that buildings in Downtown Melbourne and Downtown Eau Gallie be torn down and built with new setbacks. He stated that he is talking about future construction. With regard to the options, he said that he likes “c:”

- c. Do not require an additional setback for the building but require a minimum setback of 15 to 20 feet from the edge of the roadway that includes a minimum of an eight-foot sidewalk and landscape area. This would provide the visual perception of a setback with the added benefit of requiring wider sidewalks to enhance the pedestrian/street level.

Mrs. Palmer referenced “c” and asked how much property from the edge of the roadway belongs to the City. Mrs. Dittmer said it varies. There could be 10 to 20 feet of right-of-way.

Mrs. Palmer referenced “e” and said that the “reduction” sounds small:

- e. During consideration of additional building height through the conditional use process, require a 2% reduction of building coverage that must be utilized for open space, for every 10 feet in additional height over the permitted building height. This alternative would reduce the allowed 100% building coverage that is currently permitted and would provide necessary pedestrian amenities through the provision of open space.

Mrs. Dittmer used a visual to explain the concept. Mrs. Palmer noted that she likes all options, although she is not too sure about the figures in each.

Mrs. Corby asked if, during this process, the definition of “building height” could be addressed so that people have a better understanding. She noted that height beyond the permitted height is allowed for certain items. Mrs. Dittmer replied that the definition is currently included in the Zoning Code. It defines how building height is measured and excludes architectural and mechanical features from the permitted height.

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A brief discussion followed regarding the state-wide building Code that the City follows. Mrs. Dittmer confirmed that developers are aware at the onset about the definition of height – what is allowed and what is excluded.

There were no objections to the Mayor's request to refer this item to the Melbourne Downtown and Olde Eau Gallie Community Redevelopment Agency Advisory Committees and the Planning and Zoning Board.

9. ORDINANCE NO. 2007-21 LOGOS: (Second Reading/Public Hearing) An ordinance amending Chapter 2 of the City Code, entitled Administration, by adding a new section, which provides for the adoption of the City's official logos. (First Reading - 4/10/07)

Attorney Gougelman read Ordinance No. 2007-21 by title. Mayor Goode opened and closed the public hearing with no comments.

Moved by Contreras/Meehan for approval of Ordinance No. 2007-21. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby and Goode

Motion carried unanimously.

10. ORDINANCE NO. 2007-22 (ANNEXATION AREA A): (Second Reading/Public Hearing) An ordinance calling for a special election for an annexation referendum, as authorized by Special Act, for property located north and south of Aurora Road, east of Wickham Road and west of Croton Road. (First Reading - 4/10/07)

Attorney Gougelman read Ordinance No. 2007-22 by title. The Mayor referenced the e-mail dated April 24 from Jackie and Mike Bandish, property owners of 2103 Aurora Road, opposing the ordinance.

The Mayor opened the public hearing.

Jackie Bandish, Careywood Drive and property owner of 2103 Aurora Road, asked Council to vote no on this ordinance. She stated that they are concerned about taxes and area residents are worried about codes and compliance.

The Mayor closed the public hearing.

Moved by Thomas/Meehan for approval of Ordinance No. 2007-22.

Mrs. Corby asked if there are zoning or code problems with this property. Mr. Schluckebier replied that he is not aware of any; however, he does not know if any comparison has been made. It's possible that people have made general, speculative conclusions without comparisons.

Mrs. Dittmer said it is her understanding that the property doesn't have current problems.

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With regard to meeting the City Code, she said that staff has not looked at each property on a site by site basis. She added that properties would be grandfathered and given zoning similar to the County's zoning.

Mrs. Corby asked Mrs. Dittmer to elaborate on the "grandfathering" concept. Mrs. Dittmer explained that under our Code, property is grandfathered if it existed prior to a new code or change in code. A property remains grandfathered and may continue in a non-conforming way until it ceases to continue for a period of 90 days.

Mrs. Corby asked what will happen with this specific property if it doesn't meet Code. Mrs. Dittmer shared an aerial photograph of the site and said that it appears as if the car lot is not paved. That condition may continue until the business ceases for a period of 90 days.

Mrs. Palmer stated that although annexation would be a great benefit to the citizens in this area with regard to service delivery, she has a problem with a simple majority deciding whether property is annexed.

The question was called. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Corby and Goode

Nay: Palmer

Motion carried.

11. ORDINANCE NO. 2007-23 (ANNEXATION AREA B): (Second Reading/Public Hearing) An ordinance calling for a special election for an annexation referendum, as authorized by Special Act, for property located north and south of Aurora Road, east of Wickham Road and west of Croton Road. (First Reading - 4/10/07)

From the agenda report: Kipp Cooper, a property owner within the area, spoke during the first public hearing. He had a concern that if one of his many mobile homes had a failing septic system, he would be required to connect the one unit to the City's sewer system if annexed into the City. Although Mr. Cooper did not provide any further written documentation regarding site plan or placement of units on his property, City staff reviewed this issue and verified that the City Code requires connection to sewer if a property is located within 100 feet of a sewer line. In this specific case, Mr. Cooper would not be required to connect to the existing force main located in the Aurora Road right-of-way until such time as the property is significantly redeveloped into a use other than the mobile home park.

Attorney Gougelman read Ordinance No. 2007-23 by title. The Mayor referenced the e-mail dated April 24 from Ronald Fashano, Fishy's Pub, Inc., asking Council to deny the special election. Mr. Fashano notes in his correspondence that this annexation effort has been tried many times in the past, including last year, and he feels it is time to stop addressing the same issue over and over.

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Mayor Goode opened the public hearing.

Ron Fashano, 521 Palmetto Drive, Melbourne, stated that if he is annexed into the City, his pub would lose 24 hours of operation per month (due to Sunday hours of alcohol sales in Melbourne). Mr. Fashano stated that this annexation effort has been tried over and over again.

In response to the Mayor, Mr. Schluckebier stated that he does not believe an annexation election has ever been conducted in this neighborhood. Until two years ago, the City was not authorized by state law to conduct an election in this area. The City sought and received special dispensation from the Legislature to conduct an election (less than 30% of the area is owned by registered resident electors).

Mr. Fashano replied that this is what he has been told; however, he could be wrong. Continuing, he noted that this area contains low-income trailer parks and he doesn't know what makes this area so popular for the City to annex.

The Mayor explained that this property is an enclave in the middle of the City. Our police enforce laws on one corner but not on the other. It's a matter of continuity. We are trying to equalize services and make it simpler on emergency services.

With regard to the hours of sale of alcohol, the Mayor said he is working towards changing Melbourne's hours to match the County's. Mr. Fashano replied that won't help him because it will give his competitors (businesses located in Melbourne) the same edge.

That concluded comments and the Mayor closed the public hearing.

Moved by Meehan/Contreras for approval of Ordinance No. 2007-23.

Mrs. Corby said she would like for Mr. Fashano to be aware that this ordinance allows him the privilege to vote; it does not annex property.

Additionally, Mrs. Corby expressed concern about the City being able to provide the same levels of service. She stated that quality services need to be provided for new residents without taking away from our current residents.

Mr. Schluckebier said that is the case and the City has affirmed that in its urban service report. He pointed out that the City is currently providing fire service in these three areas under an agreement with the County; therefore, that service should remain unchanged. With respect to police, staff has reviewed the Sheriff's records and is fully confident that equal – if not better – service can be provided.

The question was called. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Corby and Goode

Nay: Palmer

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Motion carried.

12. ORDINANCE NO. 2007-24 (ANNEXATION AREA C): (Second Reading/Public Hearing) An ordinance calling for a special election for an annexation referendum, as authorized by Chapter 171, Florida Statutes, for property located north of Aurora Road on Helen Street, Lewis Street, Thomas Drive and Linda Lane. (First Reading - 4/10/07)

Attorney Gougelman read Ordinance No. 2007-24 by title. Mayor Goode opened the public hearing. There were no comments. The public hearing was closed.

Moved by Meehan/Thomas for approval of Ordinance No. 2007-24. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Corby and Goode

Nay: Palmer

Motion carried.

13. ORDINANCE NO. 2007-25 (CU-2007-01/SP-2007-01) LANSING SQUARE, PHASE 2 REVISED: (Second Reading/Public Hearing) An ordinance repealing Ordinance No. 2006-42 (CU-2005-16/SP-2005-21) and granting a conditional use with site plan approval to allow a mini-storage facility on a 4.66±-acre portion of an 11.32±-acre parcel zoned C-2 (General Commercial), located on the east side of Wickham Road, north of Lansing Street, and south of Lake Washington Road. (Owner/Applicant - Laws Hall Partnership) (Representative - Ryan J. Rusnak, FMDC) (First Reading - 4/10/07)

The City Attorney read the ordinance by title. There were no disclosures by Council. Ryan Rusnak, representing the applicant, was present and available for questions. There were no comments from the audience and the public hearing was closed.

Moved by Contreras/Palmer for approval of Ordinance No. 2007-25 based on the findings and conditions contained in the Planning and Zoning Board memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby and Goode

Motion carried unanimously.

NEW BUSINESS

14. COUNCIL ACTION RE: Contract award to complete the rehabilitation and renovation of the sewer system in the Florida Tech and Leonard Weaver Boulevard area, Project No. 30707, professional Cured-In-Place lining services, Insituform Technologies, Ponte Vedra Beach, FL - \$1,600,000; rehabilitation of sewer manholes, Dallas 1 Construction & Development, Inc., Thonotosassa, FL - \$427,800; and interim financing through an

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appropriation of \$2,027,800 from Water & Sewer Prior Year Surplus to fund this project budget with permanent financing provided by the Water & Sewer Bonds, Series 2007B.

Assistant Public Works/Utilities Director Harold Nantz briefed Council. Mayor Goode asked the average depth of the lines. Mr. Nantz replied approximately 20 to 25 feet. The City Manager added that the repair costs appear to be expensive; however, there are very few firms that can operate safely at that depth. This is work that the City is not able to perform. Additionally, Mr. Schluckebier referenced the following from the agenda report:

Additional funding to complete the remaining sewer rehabilitation work was included in the list of projects to be funded by the Water and Sewer Improvement Revenue Bonds, Series 2007B, to be issued this calendar year. Interim financing is recommended through an appropriation from Water and Sewer Prior Year Surplus.

Mrs. Palmer thanked the department for being proactive, which will eventually save the City a great deal of money.

Moved by Palmer/Corby for approval of \$1,600,000 to Insituform Technologies and \$427,800 to Dallas 1 Construction and Development for the rehabilitation and renovation of the remaining Florida Tech and Leonard Weaver Boulevard sewer system areas and the appropriation in the amount of \$2,027,800 from Water & Sewer Prior Year Surplus to provide the interim funding for this project. Motion carried unanimously.

15. COUNCIL ACTION RE: Contract award for the Eau Gallie Civic Center roof replacement, Project No. 10906, Sun Sky Roofing, LLC, Vero Beach, FL - \$308,442.

City Engineer Jenni Lamb briefed Council. She noted that the City's consultant engineer was tasked with investigating bid irregularities. Based upon the consultant's findings, the three low bids will be disqualified. The first low bidder withdrew their bid, the second low bidder did not comply with the technical bid documents, and the third low bidder did not meet the 50 percent prime contractor threshold. The apparent qualified low bidder is Sun Sky Roofing, Vero Beach, Florida, in the amount of \$308,442. And, this amount is consistent with the consultant's original estimate of \$305,000.

Mr. Thomas commended staff for its review and extra effort on this item.

Moved by Thomas/Corby for approval of the construction contract with Sun Sky Roofing, LLC, of Vero Beach, FL, in the amount of \$308,442 for the Eau Gallie Civic Center Roof Replacement. Motion carried unanimously.

16. COUNCIL ACTION RE: Approval of a Utility Upgrade Agreement between the City of Melbourne and BEC, LLC; Vaughn Development, LLC; WDCC, LLC; Coastal Pipe Fab, LLC; and Melbourne Fire Extinguisher Company, Inc. to reimburse these property owners for the installation of a sanitary sewer system on West Drive and East Drive in the amount of \$293,455.39, Project No. 31907; and transfers of \$250,000 from Aurora Road

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- Unincorporated - Study for Sewer Lines and \$43,456 from Water and Sewer Miscellaneous Projects to establish this project budget.

Mrs. Lamb briefed Council. This is a proposed agreement with the property owners of five development projects located on West Drive and East Drive for reimbursement for the installation of a sanitary sewer system. During the construction plan review process, staff required the proposed design be consistent with the City's overall plan to extend gravity sanitary sewer mains south to Ellis Road. To meet this requirement, the developers must install the gravity sewer main at greater depths to accommodate future gravity flows. Providing a more regional sewer collection system significantly increases the cost of construction.

Staff is proposing a two-part solution to provide adequate sanitary sewer service in the East/West Drive areas: 1) Staff recommends that the City reimburse the developers for the total construction costs associated with installing the sewer main. 2) The City will recoup the cost of the sewer main by imposing supplementary regulations to allow for equitable payments to the City for the construction costs. This will be accomplished through a Code revision/ordinance that will be brought to Council at a later date.

Moved by Palmer/Corby for approval of the Utility Upgrade Agreement for West Drive Master Sanitary Sewer System with BEC, LLC; Vaughn Development, LLC; WDCC, LLC; Coastal Pipe Fab, LLC; and Melbourne Fire Extinguisher Company, Inc, for \$293,455.39 and transfers of \$250,000 from Aurora Road - Unincorporated - Study for Sewer Lines and \$43,456 from Water and Sewer Miscellaneous Projects to establish this project budget. Motion carried unanimously.

17. CONSENT AGENDA:

The Mayor referenced the memorandum from staff on Item "c", which indicates that this item is subject to ratification vote by the union.

Additionally, the Mayor noted that Resolution No. 2035 is being added to the agenda as part of Item "o." The resolution was sent to Council at the same time as the agenda materials.

Without objection, Council added Resolution No. 2035 as part of Item "o."

Moved by Contreras/Meehan for approval of the consent agenda, including Resolution No. 2035. Motion carried unanimously.

- a. Approval of an agreement between the City of Melbourne and the Board of County Commissioners of Brevard County to provide First Responder Advance Life Support medical care and authorization for the City Manager to execute the agreement.
- b. Approval of an interlocal agreement between the City of Melbourne and the Board of County Commissioners of Brevard County to supplement funding in the amount

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of \$500,000 for the installation of intelligent traffic system improvements on Wickham Road between Sarno Road and the Pineda Causeway; and authorization for the City Manager to execute the agreement.

- c. Approval of a Memorandum of Understanding between the City of Melbourne and the International Association of Firefighters to include the current Training Coordinator position in the bargaining unit and re-title the position to Training Captain. (Subject to ratification vote by the union.)
- d. Approval of a 48-month agreement with Toro Financing for the lease/purchase of Golf Course maintenance equipment, Wesco Turf Supply, Inc., Lake Mary, FL - \$202,676.
- e. Contract award for temporary employment services, MSS Staffing, Melbourne, FL - estimated annual cost of \$140,000.
- f. Approval of a 60-month lease agreement for a DM800 WOW/Shape Based Rating 180 mailing machine, Pitney Bowes, Altamonte Springs, FL - \$536/month; total lease cost of \$32,160.
- g. Contract award for elevator maintenance/repairs, ThyssenKrupp Elevator, Vero Beach, FL - estimated annual cost of \$18,300.
- h. Approval of a 36-month lease agreement for a Canon IR C4080, color, multi-function copier for the Engineering Department, Ikon Office Solutions, Melbourne, FL - \$457/month; total lease cost of \$16,452.
- i. Purchase of a dispatch console for the Police Department Communications Center, Communications International, Inc., Vero Beach, FL - \$29,800 and approval of an appropriation of \$29,800 from the Law Enforcement Trust Fund.
- j. Contract award for the Melbourne Auditorium food concession, Denver Cline Sales, Melbourne, FL - \$3,420 estimated sales commission based on concessionaire annual projected sales of \$18,000, plus the potential for additional income for non-concession catering referrals.
- k. Approval of a proposed Memorandum of Understanding between the Marine Resources Council of East Florida, Inc. and the City of Melbourne for the benefit and advancement of the Melbourne Riverwalk Project.
- l. Adoption of the proposed City of Melbourne Greenways, Blueways, and Trails Plan.
- m. Resolution No. 2033: A resolution authorizing the City Manager to submit an application to the Florida Communities Trust for grant funding from the Florida Forever Program to acquire land located between U.S. Highway 1 and the Indian

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River Lagoon, south of Laurie Street, and authorization for the City Manager to execute all documents related to the grant.

- n. Resolution No. 2034: A resolution approving a Covenant of Purpose, Use and Ownership in favor of the U.S. Department of Commerce, Economic Development Administration relating to property located adjacent to NASA Boulevard at the Melbourne International Airport, restricting the sale of the property for 20 years and restricting the use of the property to use as a business incubator; and authorization for the City Manager to execute the document.
- o. Authorization to proceed with litigation against Hesse and the City of West Melbourne concerning breach of contract actions and contested annexation.

The following resolution was added to the agenda as part of Item “o:”

Resolution No. 2035: Providing findings of an emergency and the certain loss of significant legal rights of the City if a suit is not filed to defend its service area; stating an intention to initiate the conflict resolution procedures contained in Chapter 164, Florida Statutes, so long as the effort to resolve the conflict with the City of West Melbourne does not lead to the loss of significant legal rights of the City of Melbourne; authorizing special legal counsel and City staff to take all actions necessary.

18. ITEMS REMOVED FROM THE CONSENT AGENDA

None.

19. COUNCIL ACTION RE: (Public Hearing) Approval of the proposed projects and activities for FY 2007 CDBG funding, the 2007-2008 CDBG Action Plan, a pre-award proposal to facilitate implementation of the Carver Park Community Center Restroom Improvement Project in 2007-2008; and authorization for the City Manager to submit the plan for inclusion in the Brevard County HOME Consortium’s Consolidated Action Plan for 2007-2008 and to execute all necessary documents pertaining thereto.

Housing and Community Development Director Melinda Thomas reviewed the agenda report. The newest element in the plan is to use CDBG pre-award funds not to exceed \$300,000 in 2007-2008 to facilitate construction of new restrooms and Code-related improvements at Carver Park Community Center. This project was first established and partially funded in the 2006-2007 Action Plan. The use of funds on a pre-award basis is authorized in the CDBG regulations and will reduce the amount of entitlement funds that would otherwise be available to the City in 2008-2009 and 2009-2010 to fund new projects and activities.

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Projects and activities proposed for CDBG funding and for inclusion in the finalized 2007-2008 Action Plan to be submitted to HUD are:

FY 2007-2008 CDBG PROGRAM

**PUBLIC SERVICES**

|   |                 |
|---|-----------------|
| <b>Child Care Association of Brevard County, Inc.</b>                   |                 |
| Subsidized child care for children from low-income households           | \$23,000        |
| <b>City of Melbourne Housing &amp; Community Development Department</b> |                 |
| Booker T. Washington Youth Initiative                                   | 14,000          |
| <b>City of Melbourne Leisure Services</b>                               |                 |
| Scholarships for low-income youth to attend summer camp                 | 11,688          |
| <b>Club Esteem</b>  |                 |
| After school program  | 7,800           |
| <b>Greater Melbourne Police Athletic League (PAL)</b>                   |                 |
| Youth leadership and peer mentoring program                             | 5,000           |
| <b>PREVENT! of Brevard</b>  |                 |
| Transitional housing and supportive services/Sally's House              | 12,584          |
| <b>The Salvation Army, Inc.</b>   |                 |
| Emergency shelter services  | <u>12,437</u>   |
| <b>Subtotal Public Services:</b>  | <b>\$86,509</b> |

**PUBLIC FACILITIES & IMPROVEMENTS**

|  |                  |
|--|------------------|
| <b>Lipscomb Park Improvements, Phases I and II</b>                           |                  |
| Funding for construction of Phases I and II of Master Site Plan Improvements | <u>276,876</u>   |
| <b>Subtotal Public Facilities &amp; Improvements:</b>                        | <b>\$276,876</b> |

**ADMINISTRATION**

|                                 |                  |
|---------------------------------|------------------|
| <b>Program Administration</b>   |                  |
| General program administration  | \$112,846        |
| <b>Fair Housing</b>             |                  |
| Fair housing activities         | <u>2,500</u>     |
| <b>Subtotal Administration:</b> | <b>\$115,346</b> |

**OTHER**

|   |                      |
|---|----------------------|
| <b>Code Enforcement</b>   |                      |
| Comprehensive proactive code enforcement in North and South CDBG Target Areas | \$ 75,000            |
| <b>Demolition and Clearance Program</b>                                       | 10,000               |
| Demolition and clearance activities for North and South CDBG Target Areas     |                      |
| <b>Housing Services</b>   |                      |
| Activity-delivery for HOME-funded Tenant Based Rental Assistance Program      | 13,000               |
| <b>Subtotal Other:</b>  | <u><b>98,000</b></u> |
| <b>GRAND TOTAL:</b>   | <b>\$576,731</b>     |

Mayor Goode opened public hearing.

Kay Heimmer, President of Prevent of Brevard, distributed a picture of a newborn that is

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healthy and drug-free as a result of Sally's House. She boasted that this is the 64<sup>th</sup> healthy baby born to a mother participating in Prevent's program. Ms. Heimmer stated that the City of Melbourne has been a long time, critically important partner in this program. She elaborated on the baby's mother and the services provided and thanked Council for its continued support. Ms. Heimmer concluded by stressing that City staff ensures that the City's money is well spent.

Mrs. Palmer expressed appreciation for the good feedback on this program.

Eddie Taylor, 1500 Woodlake Drive, Palm Bay, thanked Council for the temporary restroom facilities at Carver Park and expressed support for the project to construct permanent restroom facilities.

That concluded comments from the public and the Mayor closed the public hearing.

Moved by Thomas/Meehan for approval of the proposed projects and activities for FY 2007 CDBG funding, the 2007-2008 CDBG Action Plan, and the pre-award proposal to facilitate implementation of the Carver Park Community Center Restroom Improvement Project in 2007-2008, and authorization for the City Manager to submit the Plan for inclusion in the Brevard County HOME Consortium's Consolidated Action Plan for 2007-2008 and to execute all necessary documents. Motion carried unanimously.

20. COUNCIL ACTION RE: (Public Hearing) Approval of the proposed activities for FY 2007 HOME funds and authorization for the City Manager to submit the plan for inclusion in the Brevard County HOME Consortium's Consolidated Action Plan for 2007-2008 and to execute all necessary documents pertaining thereto.

Mrs. Thomas reviewed the agenda report. The proposed use of FY 2007 HOME funds is as follows:

|   |                  |
|---|------------------|
| Owner-occupied Housing Rehabilitation Program | \$ 70,396        |
| Tenant Based Rental Assistance Program        | 10,000           |
| Rental Housing Development                    | 105,211          |
| CHDO Set-Aside (15%)*                         | 37,121           |
| Administration (10%)*                         | <u>24,748</u>    |
| <b>TOTAL</b>                                  | <b>\$247,476</b> |

*\*Minimum CHDO and maximum administrative set-asides are prescribed by statute.*

Mayor Goode opened and closed the public hearing with no comments.

Moved by Contreras/Meehan for approval of the proposed activities for FY 2007 HOME funds and authorization for the City Manager to submit them for inclusion in the Brevard County HOME Consortium's Consolidated Action Plan for 2007-2008 and to execute all necessary documents. Motion carried unanimously.

21. ORDINANCE NO. 2007-26 (CU-2007-03/SP-2007-04) WATER WHIRLED: (First Reading/

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Public Hearing) An ordinance granting a conditional use with site plan approval to allow a 2,103 square foot car wash on an existing developed 0.69±-acre parcel zoned C-2 (General Commercial), located on the west side of Wickham Road, south of Lake Washington Road, and north of Lansing Street. (Owner - A.K. Property Management, LLC) (Applicant - Micah Savell) (Representative - Richard J. Kern) (P&Z Board - 4/05/07)

Micah Savell, Managing Member, Water Whirled Car Wash, faxed a letter to the City dated April 24, 2007 indicating, "...I have decided that it would be in everyone's best interest to completely withdraw the application for the conditional use and the variance at this time."

Without objection, Council withdrew the item.

22. COUNCIL ACTION RE: Review of the proposed elevations and site plan for the design/build of City Hall, Project No. 10504 and authorization to proceed with final design and permitting.

Mrs. Lamb reviewed the plan and stated that this is Council's opportunity to provide input on the proposed building elevations and the site configuration prior to the Certified General Contractors, Inc. proceeding with final design and permitting. Building elevations and the site plan have been submitted to the City for review. Internal floor layouts are still being designed and should be complete within the next couple of weeks. The provided elevations and site plan are not yet finalized, but closely represent the anticipated final design.

Additionally, she informed Council that staff met with representatives from St. Johns River Water Management District. As a result, a dry retention area will be provided where there was parking. All stormwater will be retained on site, above ground. The change means there won't be parking in an area previously proposed behind the parking garage. This is a better option with regard to safety and lighting.

In response to Mrs. Corby, Mrs. Lamb said that the pond will be "dry" and will be designed to meet SJRWMD requirements rather than being provided as a beautification element.

Mrs. Lamb used the layout to show the location of seven trees in front of City Hall that will not be removed. She added that the parking garage will be set back so it does not obstruct the view of City Hall.

Mr. Schluckebier said that Vice Mayor LaRusso phoned and made two comments. First, he would like to ensure that the Council Chamber can be compartmentalized to provide security for the remainder of the building during evening meetings. Responding, Mrs. Lamb replied that can be done.

Additionally, Mr. LaRusso would like to have a visible clock feature over the main City Hall. Apparently, this was a feature in one of the other designs submitted during the process.

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Following a brief discussion there were no objections from Council to adding a clock feature to the design of City Hall.

Mrs. Meehan said she believes this is an awesome design. Mrs. Lamb said that the architect, Dave Nagrotsky, is in the audience.

Mr. Thomas asked how many existing trees will be removed. Mrs. Lamb said a few trees in front will be removed. She noted that there is no way to save the podocarpus. A few palms in the back will be saved. Staff is evaluating whether some of the palms can be transplanted. And, there are one or two oak trees located where the parking garage will be constructed.

The City Manager remarked that, at this point, Council is wearing its “owner” hat. During the next review – review of the site plan – Council will be wearing its “regulator” hat.

Attorney Gougelman asked if there is an elevation available for the parking garage. Ms. Lamb said the design of the parking garage is on schedule, and it will have similar architectural features as City Hall.

Mrs. Meehan asked if we are going to meet the time schedule. Mrs. Lamb replied that we are running close to the original schedule submitted.

Moved by Meehan/Contreras to approve the design and authorize staff to proceed with the City Hall Design-Build as outlined in the agenda package. Motion carried unanimously.

23. COUNCIL DISCUSSION RE: Budget and Fiscal Issues.

From the agenda report: This report is to advise Council of issues that will be coming up in the summer for discussion as staff prepares the 2007-2008 budget and to set the schedule for various budget workshops and hearings.

**Current and Near-Term Fiscal Scenario**

Generally, staff is proposing status quo operating budgets with regard to service levels provided to the citizens by each department. All operating budgets will require increases to provide salary and benefit increases for existing staff in accordance with union contracts and at comparable rates for non-union employees. Funds must be provided for increased staffing previously authorized for which the full year's cost has not yet been budgeted. Further, additional resources will be needed for increased health insurance premiums and additional staff required as a result of growth in the community. Typically, these increases are funded through property taxes, user fees such as Golf Courses and Utilities and other miscellaneous fees.

It is still premature to make specific recommendations as to how the City will respond to possible revenue limitations because several scenarios are under discussion by the Legislature. Staff continues to monitor the proposals and will make recommendations

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once final legislation is approved. It is likely that voters may choose a scenario to freeze or reduce use of property taxes as a resource available to meet ongoing operating and project needs, however, neither the options nor the timing of options impact is known at this time.

The current year (2006-2007) is the last year of the adopted five percent rate increases in the Water and Sewer Fund. The bond issue scheduled for later this year will provide funding for major projects in 2006-07 and 2007-08. A rate study is currently under way to determine the level of future water and sewer rates to provide for the operating, debt service, and capital expenditures for the next five-year period within Utilities.

General capital improvement projects create greater challenges in identifying funding resources. In this category, as identified in the August 2005 special workshop, approximately \$4 - \$5 million of CIP projects per year in the five-year cycle also remain unfunded, assuming that some of the projects will be funded through debt issuance. Depending on what happens in the State Legislature this session, alternative revenue sources may need to be considered to replace property tax revenue.

**2007-08 Budget Schedule**

Listed below are the key dates for completion of the 2007-2008 Budget. Tentative dates identified for Council discussion and action on the Proposed Budget are:

- |  |                                  |
|--|----------------------------------|
| ▪ Proposed budget delivered to Council   | July 6, 2007                     |
| ▪ Individual meetings with City Manager, budget staff, and Council Members       | July 16-18, 2007                 |
| ▪ Council workshop to review proposed budget and establish proposed millage rate | July 23, 2007<br>(proposed date) |
| ▪ First public hearing on the budget and adoption of tentative millage rate      | September 11, 2007               |
| ▪ Second public hearing on the budget and adoption of final millage rate         | September 25, 2007               |

**Consideration of Minor Process Change**

For the past several years Council has made determination on small fiscal grants to various groups and organizations at the July workshop based on applications received. Typically, these groups have not had opportunity to provide input at that time because no public input is taken at the July workshop. This sometimes results in later modification at the September public hearings and the need for some of the groups to attend at that time. Council may wish to invite applicants to attend the July workshop to resolve or

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clarify any such proposals, thereby avoiding the holdover of these requests until the September hearings.

The recommendations are: a) adopt the Summer 2007 schedule for budget review as presented; and b) invite local funding grant applicants to the July budget workshop rather than waiting until the September public hearings.

Deputy City Manager Amy Elliott reviewed the agenda report. Regarding recommendation “b”, the City Manager said that the intent is not to have each group make a presentation, but rather invite them to be in attendance in the event that Council has questions.

Mrs. Corby asked what percent of our budget comes from property taxes. Mrs. Elliott replied that 10% of the total and less than one-third of the General Fund. Mr. Schluckebier added that it is approximately \$21 million out of a \$164 million budget.

Mrs. Corby asked if we have any idea what is in surplus in the Water and Sewer Fund. The City Manager replied that our bond consultants have asked us to move our operating reserves to a level of 50% of annual costs; currently we are at about 35 to 40%. However, that does fluctuate. We have been trying to reach that level in accordance with direction from our bond consultants so our system can withstand anything that may happen.

Moved by Corby/Thomas for approval of the Summer 2007 schedule for budget review as noted. Motion carried unanimously.

Council briefly discussed the grants-in-aid process. Mrs. Corby asked if there is an application process in advance of the Council workshop meeting. Mayor Goode replied yes.

Mrs. Elliott clarified that staff is not proposing that applicants make presentations. Staff is proposing to invite the applicants in case Council has questions. She confirmed for Mrs. Corby that the applications completed by the applicants will be part of the agenda package.

Mrs. Palmer said that in addition to the applications, she would also like to receive a copy of Council’s rules for awarding grants as a reminder.

Moved by Contreras/Palmer to invite local funding grant applicants to the July budget workshop meeting (to be available for questions). Motion carried unanimously.

24. COUNCIL ACTION RE: Board Appointments

- a. Appointment of four regular members and two alternate members to the Babcock Street Community Redevelopment Agency Advisory Committee.

Moved by Corby/Meehan to reappoint the four regular members and the two alternate

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members. Motion carried unanimously.

Reappointed as regular members: Ken Allen, Karen Harshaw, Robert Jensen and Nancy Garmer (5/4/2007 – 5/3/2009). Reappointed as alternate members: Larry Wuensch and Neil Long (6/8/2007 – 6/7/2009).

b. Appointment of one regular member and one alternate member to the Planning & Zoning Board.

Mr. Thomas nominated Joshua Norcross. Moved by Palmer/Goode to close the nominations. Moved by Goode/Contreras to appoint Joshua Norcross (as a regular member). Motion carried unanimously.

Mrs. Palmer nominated Lisa Dutcher as an alternate member. Moved by Contreras/Corby to close the nominations. Moved by Contreras/Corby to appoint Lisa Dutcher. Motion carried unanimously.

Appointed as a regular member: Joshua Norcross (4/24/2007 – 12/12/2010, unexpired term, plus full three-year term). Appointed as an alternate member: Lisa Dutcher (4/24/2007 – 1/24/2009, unexpired three-year term).

25. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Pat Poole, 805 East Palmetto Avenue, reported that the site of a new storage facility located south of the David B. Lee Plant has been clear-cut. She asked Council to take steps to ensure that trees are being saved.

Mrs. Corby informed Council that she has been working with students at Eau Gallie High School that are in the AVID (Advancement Via Individual Determination) program. One of the projects they have been working on is a skateboard park. The students would like to make a presentation to City Council.

Mayor Goode asked if there is any current litigation with regard to injuries occurring on publicly owned skateboard parks. Attorney Gougelman said that Satellite Beach might be a good example to examine. He added that he is unaware of any litigation. Additionally, he recommended that we ask our liability insurers for their take. The City should determine whether a park could be insured.

Mrs. Corby said that the kids have done their homework and are prepared to make a presentation. Mayor Goode replied that he would like for the City Attorney to check with Satellite Beach before a presentation is scheduled. The City Manager said that it sounds like the kids would like to bring forward ideas. If Council directs, staff will schedule a 15-minute presentation.

Mayor Goode stated that he is not against the project; however, he is concerned that after the students make their presentation the City will receive (negative) legal and insurance reports. At that point it will be hard to explain to the students.

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Mrs. Corby said it sounds like the Mayor is making a decision before the idea has been proposed. The Mayor replied that in a way he is because he doesn't want to get the students' hearts set on an idea and then find out that we can't make it work.

Mrs. Corby noted that the insurance for a skateboard park would be the same for any other recreational facility.

Following a brief discussion, Council agreed to have a 15-minute presentation by the students scheduled for the May 8 Council meeting.

Mrs. Corby discussed her desire to prioritize the extension of Apollo Boulevard (from Sarno Road to Eau Gallie Boulevard). This project has been on the plate for approximately 20 years.

The City Manager reported that Deputy City Manager Howard Ralls is working to get the construction of this project placed in the Florida Department of Transportation five-year transportation improvement program. This would allow the project to be eligible for advance reimbursement.

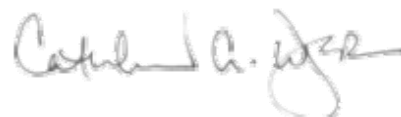
Additionally, Mr. Schluckebier clarified that the portion in our budget reflects 12 ½% of the project. That project is much more significant than reflected in our budget – it will be at least a \$25 million project when the land is acquired and the structure is built. And, that number reflects current dollars.

Mrs. Corby added that this project would remove 20,000 cars per day from U. S. 1, Sarno Road and Wickham Road. As a member of the Metropolitan Planning Organization, she said it is nice to know that this project has Council's support.

26. ADJOURNMENT

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

The meeting adjourned at 8:47 p.m.



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City Clerk – 5/3/2007

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