

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
MAY 8, 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. Council Member Joanne Corby gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

Present:	Harry C. Goode, Jr.	Mayor
	Mark LaRusso	Vice Mayor, District 2
	Richard Contreras	Council Member, District 1
	Kathy Meehan	Council Member, District 3
	John Thomas	Council Member, District 4
	Joanne Corby	Council Member, District 6
	Jack M. Schluckebier, Ph.D.	City Manager
	Suzanne Crockett	Assistant City Attorney
	Cathy L. Baker	Assistant 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

4. Proclamations and Presentations

Mayor Goode presented the following proclamations:

“National Safe Boating Week”, May 19-25, 2007; accepted by Dave Pike, Vice Commander, U.S. Coast Guard Auxiliary, South Brevard Flotilla 42.

Emergency Management Services Week, May 20-26, 2007; accepted by Joe Sunday, Assistant Fire Chief, and firefighters from Station 74, Melbourne Fire Department.

5. Approval of Minutes – April 24, 2007 Regular Meeting

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

6. City Manager’s Report

Mr. Schluckebier reported on the following:

- Code Enforcement staff looked at the School Board building on Pineapple Avenue. It is in disrepair and probably approaching blight. Unless Council directs staff to answer the superintendent’s offer for the City to share in the costs for improvement, staff will treat this as any other building in a similar condition. This should occur in the next few weeks.

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Mr. LaRusso referenced the communication from Code Enforcement recommending that the plywood placed on the windows of the School Board building on Pineapple Avenue can remain if painted. He asked if plywood over windows is an acceptable practice in our Code or a special consideration to the School Board.

Mr. Schluckebier responded he is not sure; he will find out. However, the School Board will be treated in the same manner as any other Code violation.

Mr. LaRusso agrees with this. He said he does not want the City to cost share with the County, it is not our responsibility. This area did not become blighted over night. He challenged any School Board member to buy a house in this area and commented that if this building were in Viera it would not look like this.

- Staff asked Council to withdraw item 9 “b” pertaining to the Melbourne Auditorium until Council has reviewed the feasibility study completed by Bob Gray, Strategic Planning Initiatives. The consultant will be scheduled on a future Council Agenda (June 12).
- Mayor Goode has asked Council to comment on a draft communication to be sent to City employees and board members regarding the governor and legislators’ property tax reform that encourages them to contact the governor and local delegation members in opposition of these tax reform measures.

Staff will be presenting the City’s budget to Council in the next six weeks and an assumption must be made as to what the legislature might do.

Ms. Elliott provided a brief synopsis of the issue. The legislature ended its session without making a decision on the property tax reform; holding off until June when they may or may not take action. The three scenarios of action the legislature could take are:

- 1) Make no change, decide to wait and let the Taxing Reform Committee do its job. However, the information in the paper leads her to believe the legislature probably will take some action.
- 2) The Senate proposal, which would have less impact on the City’s budget, would freeze taxes at the current level of property tax \$20 million per year.
- 3) The House proposal, which is the worst case scenario for the City’s budget, would roll back taxes to the 2002 rate as adjusted for growth and a little bit of inflation. It could mean a reduction of as much as \$3.6 million from our current revenue.

Continuing, Ms. Elliott stated that the City’s contractual commitment for annual salary increases is about \$2 million per year. That is status quo – not adding anything new – nothing different. The City needs increasing tax levels each year. A decrease puts pressure on us.

We may be able to find alternate revenue sources; however, it’s basic math, expenditures must be reduced. It would take a combination of reduction in capital improvement,

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employees, programs, etc. No decisions have been made; however, staff wanted Council and employees to be aware of this issue that we are wrestling with.

Mr. Schluckebier stated that in his 25 - 30 years experience in Florida government this is the first time the Florida legislature has seriously proposed a major cutback in local government revenue. It is a unique experience and we are trying to do the right thing.

Mayor Goode said that he, the City Manager and Council Member Meehan met with the legislators in Tallahassee last month. This is real - it is clear that the legislature is going to take some action. His thought is it will cost the City between \$3 - \$4 million. The City's budget last year was \$64 million. Approximately \$42 million is hard cost for salaries that, based on contracts, can't be reduced; health insurance costs; gasoline for fire trucks, police vehicles and other City vehicles; and insurance for major equipment. These five items can't be reduced. That leaves less than \$20 million for cuts. Once the legislature takes action the City will have very short notice to prepare a budget. He noted that the State legislature is not giving up anything – cities and counties will be impacted. City staff has kept Melbourne's budget under a 10 mil cap over the last 20 years; always under a 10% increase. The average city tax increase in Florida is 18.6%. The City has been frugal, doing the right thing for its citizens, and will suffer for that.

The Mayor said he was part of the legislature for a long time and he has some concern that the legislature will close the door on any alternatives for revenue sources.

Mr. Schluckebier reported that staff will have about one week after the legislature adjourns to get the budget to Council. Council then has 30 days before the public hearings. This is a major issue facing this Council and a lot of other Councils across the state. Over the next four weeks staff will be asking Council to provide increasingly more defined direction as we move forward. Mr. Schluckebier stated he would like to see the legislature craft some exceptions for those local governments that rolled back or stayed within certain defined limits so they are not penalized in the same way as those that behaved poorly with regard to property tax.

Mr. LaRusso stated he appreciates this information; however, it is an opinion and he is on the other side. He would rather be proactive. He will call his lawmakers and if need be go to Tallahassee to make his voice known and help craft common sense tax and insurance reform for our general populace. He agrees this is coming; but calling the governor and asking him to oppose it is not proactive, it is sticking your head in the sand. As far as sending the letter to employees and board members – he does not agree that it is an appropriate use of tax dollars. If the information is sent it should be sent to every resident in Melbourne.

Mayor Goode offered to personally pay the postage to send the letter to employees, they have a right to know.

Mr. LaRusso commented that he is trying to be respectful; however, he does not think it is a proper use of power to lobby employees and City board members in this way.

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Mr. Contreras discussed the restructuring of his company; rumors spread and employees became concerned. The leadership team sent a communication to all employees advising them of budget shortfalls and the company's situation. The issue is not exactly the same; however, keeping all employees informed of a situation does not necessarily put them at ease, but lets them know what is happening. He would support sending the communication.

Mrs. Corby agreed that employees should be informed about what we are facing. Each department should be challenged to come up with cutbacks to reduce costs. She reported that Southwest Airlines did this several years ago and employees stepped up to the plate and delivered quite substantially. She said Southwest is doing well today.

Mr. LaRusso commented that we are talking private industry vs. government and he sees the line where maybe others don't. Communication is a key factor here, but the memo to employees does not ask for suggestions for cuts.

Mr. Contreras discussed some of the measures the City has taken to cut back, he believes staff has been constantly prudent. However, a proactive approach is needed. He agreed the communication could include the additional factors of due-diligence. In addition over the past four years he has talked with Dr. Schluckebier about a process-improvement type individual or team that looks at process mapping and efficiencies. They look at exactly what you are doing and weed out potential waste. Perhaps the time has come to look at this. His company used an industrial engineer; however, there are other professionals that do this sort of business. Mr. LaRusso agreed whole-heartedly. He said he does not want us to throw our arms up because the train is coming.

Mr. Thomas agreed communicating the situation to employees and board members; however, providing lobbying information seems to be pushing them to contact legislators.

7. Public Comments

None.

7.1 Presentation To Council: Advancement Via Individual Determination (AVID) Program - Eau Gallie High School students. (Requested by Council Member Joanne Corby)

Council Member Corby introduced the members of AVID. She said that part of the role of Council member is to help students learn about the government process. Mrs. Corby distributed a list of the names/addresses of the presenters. She said that the presentation is interactive and asked that they be allowed to make the presentation in its entirety.

Betsy Armstrong, 1400 Commodore Boulevard, EGHS Avid coordinator, provided a packet of information to Council that included a flyer explaining AVID, the names of the speakers, copies of power point material, a map of the City of Melbourne where skateboarding is prohibited, and a petition supporting development of a skate park in Melbourne. She reported that AVID began in California 27 years ago and has worked its

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way across the United States. It has been in Brevard County and at Eau Gallie High School for six years. It is an elective class with a rigorous curriculum that is a college prep course, designed to prepare students to be more successful in high school and prepared for college. Students must be active in the community; providing 10 community service hours each semester (20 per school year). Ms. Armstrong stated that she is very pleased and proud of the students here tonight.

Vanessa Romano, 2182 Woodfield Circle, noted she has been in AVID for five years. The typical AVID student has a 2.0 to 3.5 GPA, must be enrolled in AP (Advanced Placement) and Honors classes, and has a determination to go to college and succeed. She noted she will attend Flagler College to study elementary education. Being in the program pushes students to study harder and get their work in on time.

Samantha Redburn, 2620 Lorna Drive, Senior, reported she has been in AVID for six years. One benefit AVID provided her is the opportunity to visit different colleges. This year's AVID seniors have received acceptance letters to the colleges of their choice.

There was a brief skit about skateboarding being illegal in Melbourne presented by three students and Officer Chip Wiebe, Melbourne Police Department.

Officer Wiebe reported that the skit represents a typical daily call for Melbourne Police officers. The Melbourne Police Department (MPD) responded to over 400 skateboarding calls last year and that number is probably two to three times lower than the actual number because many calls are listed as disturbances or trespasses. The Police Department spends approximately \$10,000 a year answering skateboarding calls. This does not include times when officers happen upon skateboarders and stop to advise them that they must move on before the owner calls the Police. These instances are not logged or documented. He said skateboarding is not permitted anywhere in the City of Melbourne except on private property.

Chelsea Ayeras, 3210 River Winds Court, Melbourne Beach, noted she has been in AVID two years. She is going to college to study international business. Skateboarding is the third largest growing sport in the world. Melbourne is the only City in Brevard County that does not have a skate park.

C. J. Dorer, 2152 Lucille Lane, said he has been in AVID for two years and a skateboarder for four years. Melbourne is populated with skateboarders of all ages; however, locations are limited. He said soccer and football players have fields for their sports; however, skateboarders only have their driveways. An ideal skate park would be partially covered; cutting down on maintenance and damage due to the weather. A skate park would provide a cool, clean, drug-free environment for Melbourne's youth. He displayed photos of an indoor and outdoor skate park.

Latreese Millar, 4645 Grand Meadows Boulevard, said she has been in AVID for two years. The average price of a skate park is \$20 – \$30 per square foot, depending on indoor vs. outdoor park and wood vs. concrete construction. Satellite Beach only spent \$100,000 for its outdoor park. They applied for Florida Recreational Development

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Assistance Program (FRDAP) funding and were awarded \$150,000. She reported that Melbourne is eligible to apply for this grant.

Jessie Melton, 1218 Sun Circle, East, said she was born and raised in Melbourne. She talked to a Council Member about locations for a future skate park in Melbourne. Good locations include Crane Field (Mosswood Boulevard/Aurora Road) and Jimmy Moore Park (Wickham/Sarno Roads) because they are safe, very active and familiar to most residents in Melbourne.

Andrew Walker, 1607 Sweetwood Drive, reported he has been in AVID for two years and lived in Melbourne most of his life. He told Council he is tired of having to leave his City to skateboard legally at skate parks in Satellite Beach and Merritt Island. This is a perfect opportunity for him to use the skills learned in AVID to improve his public speaking. He asked the members of the audience to stand in support of a skate park in Melbourne. (Most of the audience stood.)

This concluded the students' presentation. Mrs. Corby said she is proud of the students, they did a great job.

Mr. Thomas commented that it was an excellent presentation and noted that he was a skateboarder at one time.

Mr. LaRusso commented he was too old to be a skateboarder. He asked if the students recommend the City seek FRDAP grant funding. Referencing Council's earlier discussion about property tax reform and the challenges facing the City – he asked them to be proactive and make a recommendation as to how to obtain government and private participation. Mr. LaRusso pointed out that the City made a proposal to all high schools in Melbourne to have junior/senior students participate on any non-quasi-judicial City board as a non-voting participant. The City didn't receive one response. He said the invitation remains open and encouraged the students to participate in the government.

Mrs. Meehan commented that the students are awesome and the presentations were great. She asked if Palm Bay had an active skate park. One of the students confirmed that Palm Bay had an outdoor skate park that was recently remodeled.

Mayor Goode complimented the class and said AVID is an admirable program. He noted that he spent time at skateboard parks in other cities when his son was a skateboarder. He said that with what the legislature is doing to the budget this year the City's wish list will be tight; however, we will look at this. He would be interested in the state agencies that can assist with funding. He would like the City's grant people to take a look at this.

Mrs. Corby stated that she spoke with Carey Storms, Satellite Beach Director of Recreation, who was instrumental in bringing Satellite Beach's park to fruition. There are differences in prices. Satellite Beach received \$150,000 from FRDAP and built the park for \$100,000. Melbourne is in a better position for the grant; we are eligible and would probably score higher on points required to obtain this grant based on our bike paths,

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picnic areas, walking trails, etc. She closed by thanking the students for their hard work and the City Council for allowing the students the opportunity to make the presentation.

Moved by Corby/Meehan to direct staff to move forward on a skate park design and build RFP for potential providers so that Council can look at solid numbers on pricing and size.

Mr. Contreras asked if the motion is for indoor and outdoor parks. Noting that the City has golf courses, tennis courts, pools, etc., charging a fee for use, he asked if any skate parks charge fees.

Mrs. Corby responded yes; some parks are staffed by a city's recreation department and others have a dual partnership with private business. That could be worked out either way; however, to move forward staff needs to be directed to find all those answers and make a presentation to Council.

Mr. Contreras asked about sponsors for a skate park. Mrs. Corby stated that some private parks sell banner space. Also, she has talked with shops that cater to this sport that have indicated a willingness to join a partnership; however, these details need to be worked out through our Parks and Recreation Department. It is up to Council to direct staff to move forward and garner that information.

The question was called. Motion carried unanimously.

NEW BUSINESS

8. COUNCIL DISCUSSION RE: (Public Hearing) Country Club Road sidewalks. (Requested by Council - 2/27/07)

Mr. Schluckebier discussed the history of this item. There is some difficulty because this is a long established neighborhood. The road is fairly well traveled. There is a conflict between those that want sidewalks and the residents. The petitioners for the sidewalk are largely those who do not live on the street. He reported that the January 2007 town meeting was attended by people 4 to 1 in favor of the City moving forward with something. Council wanted to hear for themselves how people wanted to proceed.

Mr. Thomas noted that during the January public hearing there were valid arguments on both sides; the long-standing residents have concerns with losing a portion of what has long been consider their yards. But there is a serious safety concern. Although he does not live on Country Club, he lives in the area and travels Country Club Road daily. The vehicle, pedestrian and jogging traffic is increasing. There have been several suggestions as to how to alleviate the problems. This deserves Council's investigation. Mr. Thomas said he will make a motion to move forward with \$50,000 in the 2007/2008 budget for an initial study to determine the hard numbers. He is sensitive to the fact that the City is entering some serious budget constraints with regards to property taxes; however, this is a safety issue and something that needs to be looked at seriously.

Mayor Goode opened the public hearing.

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Pat Poole, 805 E. Palmetto Avenue, said she has a lot of friends that live on Country Club Road so she felt it necessary to speak. When she was on Council, Country Club Road and Melbourne Avenue were designated as historical roads and would not be widened. This is an historical area, an upper class subdivision built in 1925. The residents on Country Club have lived there a long time and want to preserve its heritage. Because the road has become active is no reason to put in sidewalks and take the residents' front yards; there are other places to jog and ride. She has not always been an advocate of property rights, but this is one time it applies.

Ashley Vogl, 311 Amherst Avenue, said she supports sidewalks on Country Club. She has lived in the neighborhood her entire life; her mom still lives in the area and she bought a home close to Country Club. She is a former Florida Tech student and students walk Country Club on a daily basis. Two cars and a biker or pedestrian don't fit on Country Club at the same time. It is not safe for pedestrians or drivers. She commented that she rode her bicycle down Country Club and Melbourne Avenue; however, she will never do it again. If there were sidewalks she could ride her bike or walk to Downtown events.

Allison McGinty-Strants, 311 Edgewood Drive, stated that Country Club Road desperately needs a sidewalk. Country Club was once an upscale residential area, but times have changed, the population has increased and it is now a community road. The community needs a safe road for both cars and people. She understands the concerns of the Country Club residents, some of them have lived in their homes since they were built and maintained beautiful lawns, trees and shrubs. With proper planning, many of the trees won't have to be cut down and shrubs can be moved, providing a beautiful meandering pathway. A sidewalk will increase the value of their homes. Ms. Strants stated that some of the residents' complaints are not grounded in fact. Sidewalks don't encourage undesirables; in fact most studies show that increased foot traffic actually deters such activity. She does not believe sidewalks will increase trash or pet waste. She said the fact remains that the right-of-way on Country Club Road belongs to the City of Melbourne, not the homeowners. She noted that her great-grandmother, Blanche Hopkins, worked to beautify Melbourne. We have an obligation to continue this endeavor. She concluded by stating that she wants Melbourne to be a biker/pedestrian friendly City.

David Lindemann, 2100 Country Club Road, thanked Council for the opportunity to discuss sidewalks on Country Club Road. It is a collector road to get to work, school, church, shopping, and recreation; the lifeline for all the citizens in this neighborhood. Unfortunately, when walking down this road you put your life on the line. Everyone agrees that there is a serious safety problem on Country Club Road. The general public in the surrounding neighborhoods is in support of sidewalks. The City of Melbourne Comprehensive Plan supports sidewalks. He said when he purchased his home in 2004, he looked at the Comprehensive Plan maps drawn in 2000 and was relieved to find that pedestrian infrastructure was planned for this busy road. Sidewalks are a logical choice. Mr. Lindemann commented that more enforcement of traffic rules would be great; but, the Police Department has done a good job of traffic enforcement on Country Club. In the past five years, 995 police reports were filed; 949 citations and 46 accidents. The bottom line is that pedestrians need to be separated from traffic and a sidewalk is the

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best solution. He said there is enough right-of-way to build a sidewalk. On average, 19 feet of right-of-way exists on each side of Country Club Road. The sidewalk can be designed with minimal impact to existing trees and landscaping. Mr. Lindemann asked Council to accept the request for funding to build a sidewalk.

Mr. Contreras asked if Mr. Lindemann is advocating for sidewalks on both sides of the street. Mr. Lindemann commented that would be nice; however, if he had to pick one side, the west side would be best because it provides fewer traffic crossing point.

Responding to Mrs. Corby, Mr. Lindemann stated when standing at the edge of the road there is 19 feet of green space. A sidewalk is typically five feet and the City's Engineering Department has requested five additional feet of green space to separate the sidewalk from the road. If there is less than five feet of green space curbing is required so that cars can't interact with the sidewalk. On this road curbing could create drainage problems. He believes if there is a specific tree to save, a small piece of curbing could be placed and the sidewalk moved closer to the road. He confirmed that ten feet of green space would be taken for the sidewalks; however, this is only about one-half of the existing right-of-way.

Mr. Contreras referenced Mr. Lindemann's discussion about curbing. Information Council received from staff is that because of the circa 1925 design of the road, there is no drainage, water naturally percolates to the edges of the yards and therefore curbing is not an option. He asked Mr. Schluckebier if this is correct.

Mr. Schluckebier commented that the road dimensions vary and those circumstances would be part of the feasibility report and survey information to be attained by the engineer. We are not currently at liberty to say which side of the road would be best for a sidewalk.

Mayor Goode commented that to envision what it would look like – look at Melbourne Avenue east of Babcock Street; it has the same dimensions.

Mr. Contreras said testimony is being given and the word curbing has been used bringing up a host of other issues, such as drainage. He wants it mentioned for the record.

Mr. Schluckebier said a sidewalk can be constructed for far less than \$500,000. The estimate takes into consideration that there will be drainage issues. No matter which side of the street is used, there will be curbing and drainage issues. But that is staff's ball park guess without survey work and detailed information. It is far more than a simple sidewalk would cost to install.

Mr. Thomas commented that drainage issues, whether there is a sidewalk or not, are a safety concern. Regarding curbing he asked if it would only be in select spots where there is a tree to be saved.

Mr. Lindemann said trees could be saved with a minimal amount of curbing in specific areas based on the sidewalk being closer than five feet to the road. A sidewalk five feet from the road is an engineering standard allowable separation of cars and people.

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Mr. Contreras stated he concurs with using curbing as a traffic calming device.

John Workman, 401 Amherst Avenue, reported he has lived in Melbourne since 2000. He is a homeowner, business owner, and a City of Melbourne board member. He has a vested interest in Melbourne and wants to see it grow. One thing we need is sidewalks. The only green space to be lost is the five feet for the sidewalk; there would still be five feet of green space between the street and the sidewalk. He asked those in the audience in support to stand. He said this shows that a large amount of people have an interest. It affects more than just the residents on the street. He asked that Council put this in the budget. If it can't be done this next year – he asked that it be voted on so it can happen when funds are available. He asked that it not be allowed to slip through the cracks.

Lisa Wilt, 3108 Country Club Road, stated she supports the sidewalk project. She has two young children; ages eight and four. Her family bicycles south of University Boulevard to the church Downtown. They walk on Country Club Road and jog the loop around Ruffner Park. This is their neighborhood and it is their privilege and right to use that road. However, she feels it is a hazard. They don't travel north of Ruffner Road because it is too dangerous. There is a sidewalk on Country Club to the Central Baptist Church and another strip to Ruffner Park; however, there is nothing to the north. She said now is the time to put in sidewalks for the families raising their children to enjoy Country Club Road to its fullest.

Beatrice Dickens, 2300 Country Club Road, said drainage is needed on Country Club Road for the safety of those traveling on the road and for property owners trying to exit their property. That should be done before construction of a sidewalk. The entire road is a hazard and is unsafe for children or anybody riding a bicycle. She commented that a sidewalk won't help bicyclists because it is against the law to ride on sidewalks. She said she has lived on the road since 1960 and she did not let her children ride in the street then. The traffic is terrible – it sometimes takes her 10 minutes to get out of the driveway. Motorcycles drag race after dark and people throw garbage in the yards. She would like to see the road improved and maybe stop bumps to slow traffic. She said the residents need help; however, she does not think sidewalks are the solution to the problem.

There was a discussion regarding a sidewalk vs. pedestrian/bikeway. Mr. Ralls reported the width of a sidewalk is five feet and a bike path is eight feet. Mr. Contreras commented to alleviate future complaints about bicyclists using sidewalks, consideration should be for a pedestrian/bikeway.

Oscar Unger, 2903 Vasser, said he has lived here since 1965. He said there is too much traffic when he walks his dog at 7:00 a.m. University Park students cut through Ruffner Park to get to school. To avoid the street students walk between the guardrail on Country Club and the edge of creek. This is a safety hazard. He is concerned that someone is going to fall in the creek and noted the City will be liable. Another problem is the bridge that crossed the creek has been removed because it fell apart and this has isolated the park.

Danielle Kyle, 2512 Pinehurst Circle, commented that she is new to the area. Her family moved to this neighborhood because it's a beautiful, established neighborhood that they could afford. She respects the elderly and younger residents who want to maintain their

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yards and the beauty of the neighborhood. However, there are extreme safety issues.

Margo Pierce, 210 Amherst, commented that her street abuts Country Club Road at the college. She does not allow her 17 year old daughter to bicycle or walk on Country Club; traffic is too heavy and the speed is very fast. She referenced the curve in the road and stated that anybody trying to turn onto Country Club from Melbourne Avenue has to work hard to get out. She said sidewalks are needed; she is sorry it will affect the beautiful landscaping; however, she wouldn't want to trade the landscaping for a life.

Ann Beck, 2111 Country Club Road, said she has lived here 52 years. She agreed the road is dangerous; however, nothing has been said about the older homes that were built before the present zoning code. They will have a sidewalk almost at their front door taking away any privacy. Strict enforcement of the speed limit is what is needed. She noted that Riverside Drive has a speed limit sign indicating the penalty for speeds traveled over the limit and there are no cars racing there. She commented that Edgewood Drive was designed to go through to Babcock Street. It could be used to get to Babcock Street and alleviate some Country Club Road traffic. A sidewalk over the creek could be provided with the road. She asked that the money be used to complete Edgewood Drive and suggested placement of a pedestrian crossing or traffic light at the three-way stop at Edgewood Drive and Country Club Road with a boardwalk across the creek. She thanked Council for listening.

Stanley Smith, 401 Niblick Street, commented that he was born and raised in Golf Club Estates and added that sidewalks in this area are a no brainer. He passes elementary school kids daily walking in the roadway because there are no sidewalks. This is a hazard that needs to be addressed. He asked the City to consider adding Melbourne Avenue to the project to tie the community together. He also commented that the City is in a position to piggyback a County project.

Mrs. Corby asked Mr. Smith to explain his comment about Melbourne Avenue. Mr. Smith responded that there is a ¼ mile stretch of Melbourne Avenue from Country Club Road to Babcock Street that needs sidewalks to complete the entire pedestrian corridor.

Mayor Goode closed the public hearing.

Mr. Thomas commented that he will address reducing the speed limit on Country Club Road; however, for now he wants to deal with the sidewalk issue.

Moved by Thomas/Meehan to budget \$50,000 in the 2007/2008 budget for an initial study for sidewalks on Country Club Road.

Mr. Contreras referenced the earlier discussion about sidewalk vs. bike/pedway; ten feet is needed for a sidewalk; 13 feet for a bikeway. Most of the speakers have discussed biking. The neighbors are passionate about this issue and he fears this could pit neighbor against neighbor; homeowners asking that tickets be issued for bicycling on the sidewalk. He would support a bike/pedestrian facility for Country Club Road to include Melbourne Avenue. He said we should finish the job.

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Mr. LaRusso commented that Ann Beck raised concern about the closeness of the sidewalk to certain homes along Country Club. He said he did not hear any footage, and asked if information was available about the closest home affected.

Mr. Ralls commented there is 19 feet from the edge of the road to the property line and the setback is about 25 feet. No data exists and in looking at the aerials the distance can't really be determined. The closest house is probably 20 – 25 feet. He commented that there were no code requirements when these homes were built in the early 1900s.

The maker/seconder amended the motion to change sidewalk to a bike/pedway.

Mrs. Corby asked the speed limit on Country Club Road. Mrs. Lamb responded that the current speed limit in the City of Melbourne is 30 MPH; however, staff has drafted an ordinance to be brought to Council that reduces the speed limit to 25 MPH.

Mrs. Corby stated that it appears that safety is not the only concern; drainage is also a problem. Based on recent hurricanes this needs to be addressed. Mrs. Corby said a plan exists for the extension of Edgewood Drive to Babcock Street and a potential to look at how to filter automobile, walking, and biking traffic to the Downtown area. We are missing an opportunity. She can't support the motion to spend \$50,000 on a sidewalk. She would support spending the money on a study that would encompass all of these issues; bikeway, drainage, bridge, etc. At the beginning of the meeting Council discussed wasting money and smart government. We can be smart with this one; spend money doing a study – not just for Country Club, but encompass all of the safety issues of this community.

Mayor Goode asked if the motion includes the piece of Melbourne Avenue from Country Club Road to Babcock Street and this has become a major issue. That area of Melbourne Avenue floods.

Discussion followed regarding an estimate for additional survey work to include Melbourne Avenue from Country Club Road to Babcock Street. Mrs. Lamb said she will contact the consultant to see if it can be included. She needs to look at the exact dollar amount of the proposal. She can't promise anything, but she thinks it could be encompassed in the cost. The consultant will survey the entire area – not just elevations, but also landscaping and trees in the right-of-way to determine the impact on vegetation.

Mr. LaRusso referenced the ordinance changing speed limits from 30 MPH to 25 MPH and asked if this is on collector roads. Mrs. Lamb commented that the ordinance changes the Code to be consistent with the Florida Statutes.

The maker/seconder amended the motion to include that the initial survey and design work include Melbourne Avenue from Country Club Road to Babcock Street.

There was a brief discussion about concerns that Melbourne Avenue residents were not noticed about the meeting.

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Mrs. Corby commented that she would like the consultant to look at the whole area; address the existing traffic and drainage problems, the concerns of the longstanding homeowners who will give up a portion of their property, include what the area will look like, and the possibilities of directing bike, foot, dog walking traffic another way. She said the whole area has several issues and problems.

Ms. Lamb commented that the supplement will be survey and preliminary engineering for bikepath/pedway. The traffic issues can be done separate of this issue.

Mrs. Corby responded she is not referring to driving traffic, but reducing pedestrian traffic in the area. Ms. Lamb answered that she would have to look at the scope of the study for incorporation of that. She asked for clarification that Mrs. Corby is asking about the number of walkers, bicycles, etc. who utilize the area.

Mrs. Corby referenced Celebration as an example. They looked at the potential possibilities, pros and cons, of the existing neighborhood. She asked why the City couldn't use a creative mind to look at all the issues to be addressed and look at the path of least resistance. There are a lot of issues, most important is safety and then drainage. We should look at fixing this. Ms. Lamb stated the study can look at whether the bikeway goes over the canal to the park and encompass Melbourne Avenue, and if this is not the best place – explore other options.

Mr. Thomas asked if Council moves forward whether the public hearing on the budget would be sufficient notice for those residents on Melbourne Avenue.

Attorney Crockett responded that due process of the notice of this public hearing was adequately met. Council can move forward with the motion that stands right now. Council action approves funding for a study – not construction of the sidewalk. Approving money for a study is different than moving forward with a sidewalk.

Mayor Goode recommended that Council Members look at Melbourne Avenue between Country Club Road and Babcock Street. He does not believe that the garages in that area are back 10 feet off the road right now.

Discussion continued regarding whether the motion was in order.

The question was called on the motion as amended. Motion carried unanimously.

9. CONSENT AGENDA:

By consensus Council withdrew item 'b' from the consent agenda (See item #6).

Moved by Meehan/Thomas for approval of 9 'a' and 'c' – 'g' as recommended. Motion carried unanimously.

- a. Change Order No. One to the Front Street Park Improvements contract to provide for seven turf-block parking spaces at the Eau Gallie Square Park, Project No.

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11105, The Watauga Company, Titusville, FL - \$25,270 and transfer of \$25,270 from the Eau Gallie CRA Reserve for Future Projects to fund this expanded project budget.

Item 'b' was removed at the request of staff.

- b. Supplement No. 324 to the Continuing Consultants Contract to provide professional services for a Site and Facility Study for the Melbourne Auditorium, Project No. 10406, Frazier Engineering, Inc., Melbourne, FL - \$24,000 and transfer of \$24,000 from Project No. 10202 to establish the Phase II project budget.
- c. Approval to proceed with a grant application to the Department of Homeland Security's Office of Domestic Preparedness for Assistance to Firefighters Grant Program funding in the amount of \$292,800 to purchase vehicle exhaust filters for emergency vehicles with diesel engines and to purchase a replacement fire boat; and approval of the required 20% matching funds in the amount of \$73,200 to be provided from the General Fund Contingency if the grant is awarded.
- d. Approval of a five-year lease agreement between the City of Melbourne and Coral Viejo, Inc. for surface parking at an annual rate of \$2,500 at 702 New Haven Avenue, located south of Strawbridge Avenue, east of Livingston Street, and west of Waverly Place; and authorization for the City Manager to execute the agreement.
- e. Contract award for the purchase of Anhydrous Ammonia for the treatment of surface water, Airgas Specialty Products, Inc., Duluth, GA - \$800/ton; anticipated annual cost of \$44,600.
- f. Resolution No. 2036: A resolution implementing FY 2006-2007 Second Quarter Budget Review recommendations.
- g. Purchase of 450 copies of Microsoft Office 2007, standard edition, Software House International, Somerset, NJ - \$60,790.60/year.

10. ITEMS REMOVED FROM THE CONSENT AGENDA

None.

Recess: 8:32 p.m.

Reconvene: 8:42 p.m.

11. COUNCIL ACTION RE: Approval of a lease agreement between the City of Melbourne and the Greater Melbourne Police Athletic League, Inc. for the sole use of Carver Community Center.

Mary Ann Bowman, Leisure Services Director, stated that a lease agreement with PAL would allow a more effective use of this underutilized facility and provide an increased police presence in the community. The lease agreement is similar to the lease the City

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has for use of the Brothers Park Community Center and the Girl Scout Building at Front Street Park. The terms of this agreement require the lessee to be responsible for the utilities and maintenance.

The Melbourne Police Athletic League recommended a lease agreement with terms different from the City's other lease agreements. PAL asks that the City be responsible for utilities and maintenance. The annual budgeted cost for utilities (water and electric) is \$8,683 and repair and maintenance is \$4,608 (\$13,291 total). PAL indicated it is not in a position to be responsible for the utilities. Their funding is spent on programs.

Staff recommends approval of a multi-year lease for sole use of Carver Community Center by PAL. Council needs to select either Option A (PAL is responsible) or Option B (the City is responsible) for the utilities and maintenance of the building. If Council selects Option B, staff recommends the cost of utilities and repairs be provided to PAL in the form of a grant.

Mr. Thomas noted that PAL currently uses the Grant Street Community Center and does not pay for utilities and maintenance.

Mayor Goode noted that Michael Williams, PAL representative, is present.

Moved by Thomas/Contreras to allow Michael Williams to speak. Motion carried unanimously.

Michael Williams, PAL representative, stated that PAL would like to utilize Carver Park's field and recreation center for programs already in place. He has a letter of support from the Booker T. Washington Neighborhood Association. Melbourne PAL asks Council to support Option B. He referenced Council's earlier discussion about upcoming budget cuts, and stated Melbourne PAL proposes to take over the Carver Park Recreation Center saving the City \$135,000 a year. The PAL Board has agreed to make an investment in the community once Council supports Option B.

Mrs. Corby asked, based on PAL's additional activities creating more wear and tear on the facility, whether PAL would be willing to agree to pay for maintenance. Mr. Williams responded that the utilities and maintenance run \$13,000 – \$14,000 per year and PAL will not create any large increase.

Mr. LaRusso referenced Mr. Thomas' original proposal and asked if this was his vision. Mr. Thomas stated that he supports Option B. PAL is tied to the City more than the average non-profit. The history is that PAL has utilized Grant Street Community Center without paying utilities or maintenance. This agreement relieves Leisure Services from providing the service at Carver. This is a \$15,000 investment by the City to take care of the building. He noted that PAL will conduct daily maintenance; however, if an air conditioner breaks, the roof leaks, etc., the City will be responsible. The City would still enjoy use of the facility for the community meetings currently held at Carver. Mr. Thomas said that the increased police presence is a huge benefit for the community. The money that the City invests into the building for maintenance and utilities will be money PAL will put into the community.

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Mr. Contreras referenced the PAL letter dated April 30 indicating the City will save an estimated \$150,000. Mr. Williams stated that savings was based on the City not providing the utilities and maintenance.

Regarding the indication that Leisure Services would be relieved of manning the facility – Mr. Contreras asked about the impact to personnel. Mrs. Bowman responded that Leisure Services kept vacancies open to allow the transfer of Carver staff to other recreation centers. Mr. Schluckebier commented that approximately \$70,000 of the savings to the City is based on fewer employees. Although there is no layoff, there would be a position reduction in the upcoming budget as a result.

Moved by Thomas/Corby for approval of Item 11, that the City be responsible for utilities and maintenance; however, not in the form of a grant.

Mr. LaRusso asked why staff recommended a grant for the utilities and maintenance. Mr. Schluckebier responded that Council directed that PAL's contract be comparable to other leases. The City does not have this kind of arrangement with any other organization; however, the idea of a separate grant is consistent with the leases of other organizations. The concern is other organizations may take exception to the fact that the City is providing utilities and maintenance to PAL.

Mrs. Corby asked if the City could run a program or conduct an event (at Carver) around the existing PAL programs. Mr. Schluckebier responded that PAL will accommodate the Police Community Relations Council meetings.

Mayor Goode commented that he would be more apt to vote for this if the funding (for the utilities and maintenance) was in the form of a grant.

Mr. Thomas said he is aware of the relationship between PAL and the City; PAL is part of the City. This unique relationship makes PAL different than the average 501C3.

Mr. Schluckebier commented the relationship has a two way, high-level of support. PAL certainly provides extra help in areas of the City where needed and the City provides a full-time police officer to PAL. He added this issue is not a deal breaker for staff – it was a suggestion that Council may want to treat the utilities and maintenance as a grant. Staff will work with any decision made by Council.

Mr. Thomas asked whether funding would come from funds that PAL would otherwise receive. Mr. Schluckebier stated that Council grants \$110,000 to about a dozen non-profit agencies each summer. This grant would add \$12,000 a year to that. It would simply be additional funding rather than running the electric and repairs at Carver through the Leisure Services budget.

Mr. Thomas asked if the City would be bound to the grant if Council approved the grant through the lease. Mr. Schluckebier responded that the grant would be subject to seven votes each year. Mr. Thomas responded his original motion stands.

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Mr. Contreras stated that the DAV (Disabled American Veterans) has a lease with the City. They pay one dollar annually; however, DAV has full responsibility for utilities and maintenance, as do the Jaycees on Post Road. With this proposed action, these organizations could ask the City to pay their utilities and maintenance. Whereas, with a grant, PAL receives funding that can be used to offset the utilities and maintenance.

Mr. Schluckebier confirmed that the amount for the utilities and maintenance would be added to the budget for organizational grants; increasing the cap allotment.

Discussion followed regarding PAL's current relationship at Grant Street Community Center. Mrs. Bowman confirmed that PAL does not have a lease at this facility. The City operates Grant Street Community Center and PAL provides programs at the center.

Mr. Contreras reported that the DAV has contacted him and approached the City on more than one occasion to ask why the City doesn't provide maintenance and other services, most recently with their lease renewal. He supports PAL; however, from an accounting standpoint it would be prudent for the City to segregate the lease and the funding for utilities and maintenance.

Mr. LaRusso asked if Option A was the original request. Mr. Thomas replied he originally brought the request forward similar to Option B. However, as staff developed the lease it came under the same umbrella of other non-profits. He again stated PAL has a special relationship with the City. He questioned whether the money could be taken from the Police Department budget as opposed to Leisure Services. Mr. Schluckebier responded that could give the appearance that funding is at the expense of other public safety.

Mrs. Corby asked whether Mr. Thomas would be willing to amend the motion for Option B as recommended by staff.

Mr. Thomas asked for Mr. Williams' opinion of a grant. Mr. Williams asked whether Club Esteem pays utilities in its lease of Brothers Park. Mrs. Bowman responded that Club Esteem built the addition at Brothers Park and the City's agreement with them provides that we cover the utilities because we did not provide any funding for the addition.

Mr. Thomas stated PAL is saving the City \$135,000. The City will spend \$15,000 to improve the services to the youth in that area. This is arguing a moot point. He asked if the grant could be recurring.

Mr. Schluckebier commented that Council would make that determination each year whether the funding is through a grant or any budgeted expense.

Mr. Thomas commented that next year the funding could dry up and PAL would spend \$15,000 a year for utilities and maintenance. He said PAL is not somebody off the street.

Mr. Contreras stated he understands Mr. Thomas' concern. However, this City Council and previous Councils with relationships with organizations such as Honor America and the

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Melbourne Municipal Band have earmarked grant funding for specific groups. The remaining grant funding allocation is based on applications submitted by other non-profit organizations. If Council wants to fashion a grant to PAL to protect their investment in the neighborhood, it could be set up in this fashion.

Maker/seconded amended the motion to approve Option B with the funding to be in the form of an annual grant for utilities and maintenance. Motion carried unanimously.

12. COUNCIL ACTION RE: Approval of updated Auditor Selection Procedures by Council as the Auditor Selection Committee.

Michele Ennis, Finance Director, stated the City's multi-year contract with Hoyman, Dobson & Company for annual audit services ended with the completion of the September 30, 2006 financial report. To facilitate the auditor selection process, the Auditor Selection Procedures adopted in 1997 have been updated to reflect the most recent authoritative guidance in Chapter 218.39, Florida Statutes. Since the City Council acts as the Auditor Selection Committee, it is necessary for these updated procedures to be approved by the Committee.

Included in the agenda package is a Request for Proposal (RFP) - Annual Independent Audit Services prepared by staff. Upon approval of the procedures, the RFP will be mailed on May 9, 2007. Proposals are due June 11, 2007. Staff will review the proposals to determine if they are responsive and will forward the proposals to the Auditor Selection Committee (City Council) on June 15, 2007. The proposed schedule calls for the selection of the short list of firms at the July 10, 2007 Council meeting, followed by oral presentations for final selection at the July 24, 2007 Council meeting. In the event there are three firms or less that submit responsive proposals, it is recommended that the Committee interview the firms and make a final selection at the July 10, 2007 meeting.

Moved by Contreras/LaRusso for approval of updated Auditor Selection Procedures by the City Council as the Auditor Selection Committee. Motion carried unanimously.

13. ORDINANCE NO. 2007-27 (CU-2007-04/SP-2007-06) TUMBLEWEEDS: (First Reading/Public Hearing) An ordinance granting a conditional use with site plan approval to allow a gymnasium and two office buildings on a 3.37±-acre parcel zoned C-1 (Neighborhood Commercial), located on the south side of Parkway Drive, west of the intersection of Parkway Drive and Wickham Road. (Owner/Applicant - Tumbleweeds Gymnastic, Inc.) (Representative - Jake Wise, P.E., Construction Engineering Group) (P&Z Board - 4/19/07)

Attorney Crockett read Ordinance No. 2007-27 by title.

Mrs. Dittmer briefed Council. The site plan proposes a 19,992 square foot gymnasium and two office buildings with a total of 5,500 square feet. A total of 57 parking spaces is required, and a total of 100 spaces is provided. The site will provide a wetland buffer area on the south side, abutting a multiple-family development. The maximum building

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height is 25 feet, four inches. Mrs. Dittmer noted that the applicant has asked to discuss a proposed change to condition “g.”

The Planning and Zoning Board voted unanimously to recommend approval of this request.

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

Jack Wise, 2651 W. Eau Gallie Boulevard, provided a handout to Council regarding condition “g” requiring a turn lane for Phase 2 construction. The Planning and Zoning Board included that stipulation based on the current requirements in the Land Development Code, which requires that if there are 300 trips per day to a site, it must have a turn lane. He provided a handout that summarized the site with a proposal for a single drive onto Parkway Drive with a second access point that is a shared easement that was previously approved for Wickham Executive Center. Wickham Executive Center has an agreement with CVS for direct access to both Parkway Drive and Wickham Road. All of this is very smart master planning, to keep traffic off the roads and keep people moving. His request is that condition “g” be changed to state that the applicant will comply with the Land Development Code in effect at the time of the Phase 2 development.

Mr. Wise said there is anticipation that the Land Development Code may change based on staff’s opinion of the wording and peculiarities that have arisen with various site developments. He said this site and the way the Land Development Code is written don’t consider that 90% of the traffic will be coming from the east not the west. The required right decel lane will only accommodate ingress traffic from the west.

Mr. Wise discussed construction of a decel lane, including DOT standards. The Land Development Code does not consider the fact that this site has multiple access points. It doesn’t consider the constructability and cost. A quick cost estimate determined that the right decel lane to accommodate maybe 10% of the ingress only traffic would be over \$300,000. Mr. Wise said the only change they are asking is to modify stipulation “g” to allow construction of Phase 2 to be subject to the Land Development Regulations in effect at the time of construction.

Mr. Contreras stated that the City has been consciously including the requirement for right turn lanes; however, in looking at this layout, he agrees it is not the right location. He referenced the two out buildings and asked about the need. There is a strip building perpendicular to this development that is mostly vacant.

Mr. Wise stated that the cost of the leasable space versus saleable space with that facility is much higher than in other areas. That may contribute to the vacancies; it depends on marketability and types of uses. The applicant feels there is a demand for additional office space in this area. The two small pads the applicant proposes will have exposure to Wickham Road; however, he is not aware of the specifics of whether it will be for lease or sold. He does not think the applicant is prepared at this time to make that decision. The applicant had a need for the 19,900 s.f. Tumbleweeds facility and wanted

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to have the ability, based on the expense of impact fees, site development, etc., for a chance to have a little return in the future with those two potential buildings.

Mr. Contreras referenced the rendering of the Tumbleweed facility and asked about the material to be used. He said it almost has the perspective of a tin shed.

Don Siebert, Certified General Contractors, discussed the construction and features of the building. It is a Butler Metal building that will have efface on the front and the side exposed to Parkway Drive. He commented that the Harbor Gymnastics located just down the road has the same type of facility and it fits well in the neighborhood.

Mayor Goode closed the public hearing. He stated that he assumes the approval of Ordinance No. 2007-27 includes Mr. Wise's revision to stipulation "g".

Mr. Schluckebier asked Mrs. Dittmer to comment on the revision.

Mrs. Dittmer stated that the Land Development Regulations were changed about two years ago to requiring site plans that generate 300+ trips to install a deceleration lane. What we are now finding is that there are cases like this project where 90% of the trips won't use the required decel lane. This doesn't make sense. That is the applicant's point and staff agrees there is a disconnect. Staff needs to amend the Code to address directionality of deceleration lanes with trips and multiple access points.

Mrs. Dittmer pointed out that the Tumbleweed's facility will not generate 300 trips; however, Phase 2 will. Condition "g" took that into account. The applicant would like to be able to follow whatever Code is in place at the time they move into Phase 2. If the Code is changed, they would likely not be required to provide the decel lane.

Moved by Contreras/Thomas for approval Ordinance No. 2007-27, based upon the findings and conditions contained in the Planning and Zoning Board memorandum with an amendment to condition 'g' to delete the second sentence relative to Phase 2. Phase 2 construction will be subject to the Code requirements applicable at the time of construction.

Mr. Contreras recommended that staff move forward and return with a recommendation for an amendment to prevent this type of situation from happening again.

The question was called. Motion carried unanimously.

14. ORDINANCE NO. 2007-28 (CPA-2007-02) AND ORDINANCE NO. 2007-29 (Z-2007-1105) GLEN MOLIN: Ordinances providing for a Comprehensive Plan Amendment and a zoning change on a 1.6±-acre site, located on the west side of Avocado Avenue, south of Aurora Road, and north of Law Street. (Owners - Glen Molin/Herbert L. Pittman/Allen Newman/Wayne Swank & James Goodrich/William F. Ford, III/Donald Morton) (Applicant/ Representative - Glen Molin) (P&Z Board - 4/19/07)
 - a. Ordinance No. 2007-28/CPA-2007-02: (First Reading/Public Hearing) An ordinance

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providing for a Comprehensive Plan Amendment changing the Future Land Use from Low Density Residential to Commercial/Medium Density Residential on six lots totaling 1.6± acres.

- b. Ordinance No. 2007-29/Z-2007-1105: (First Reading/Public Hearing) An ordinance providing for a zoning change from R-2 (6) (One-, Two-, and Multiple-Family Medium Density Residential with a cap of six units per acre) to C-1 (10) (Neighborhood Commercial with a cap of 10 units per acre) on six lots totaling 1.6± acres.

Mrs. Crockett read the ordinances by title.

Mrs. Dittmer briefed Council. The area is surrounded by commercial uses to the west and north, and by multiple-family uses to the east and south. Many of the surrounding properties zoned R-2 (6) exceed the permitted six units per acre. The applicant desires to develop a low intensity mixed-use development with live/work studios accommodating a residential use and retail/studio use. The Eau Gallie CRA Advisory Committee has been working on an artist district overlay in the area, which includes the subject properties. Avocado Avenue will continue to act as a buffer between any proposed commercial and/or residential uses for the existing residential units to the east.

Both the Olde Eau Gallie CRA Advisory Committee and the Planning and Zoning Board voted unanimously to recommend approval of these requests.

There were no disclosures by Council.

Glen Molin, 1694 Avocado Avenue, requested approval. He noted that he intends to build a commercial building with residential on the second level for a business owner.

Moved by LaRusso/Corby for approval of Ordinance No. 2007-28 based upon the findings contained in the Planning and Zoning Board Agenda Memorandum. Motion carried unanimously.

Moved by Contreras/Meehan for approval of Ordinance No. 2007-29 based upon the findings contained in the Planning and Zoning Board Agenda Memorandum. Motion carried unanimously.

15. ORDINANCE NO. 2007-30 (AR-2007-215), ORDINANCE NO. 2007-31 (CPA-2007-03), AND ORDINANCE NO. 2007-32 (Z-2007-1109) ROSS PROPERTY: Ordinances providing for annexation, a Comprehensive Plan Amendment, and zoning designation on a 1.88-acre parcel, located on the east side of the undeveloped Turtle Mound Road right-of-way, south of Aurora Road. (Owner - Gerald Ross) (Applicant/Representative - Scott D. Wideman, Esq.) (P&Z Board - 4/19/07)
- a. Ordinance No. 2007-30/AR-2007-215: (First Reading/Public Hearing) An ordinance providing for annexation of 1.88 acres.
- b. Ordinance No. 2007-31/CPA-2007-03: (First Reading/Public Hearing) An ordinance

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providing for a Comprehensive Plan Amendment designating a Future Land Use of Suburban Estate Residential on 1.88 acres.

- c. Ordinance No. 2007-32/Z-2007-1109: (First Reading/Public Hearing) An ordinance providing for zoning designation of R-1AAA (Single-Family Low Density Residential) on 1.88 acres.

The attorney read all three ordinances by title.

Mrs. Dittmer briefed Council. The proposed R-1AAA zoning will require minimum 100-foot by 120-foot lots (.275 acres). The property will have water and sewer extended to the property line by the adjacent developer of Veranda Park. The proposed zoning is also consistent with the existing zoning to the south and east.

During the public hearing portion of the Planning and Zoning Board meeting, one resident spoke against the designation of R-1AAA zoning, as all lots along Burton Lane are approximately one acre in size. City staff reported that two of the proposed lots will front Burton Lane and two lots will front the Turtle Mound Road extension.

The Planning and Zoning Board voted unanimously to recommend approval of this request.

Council made no disclosures. Mayor Goode opened the public hearing.

Mark Malek, applicant's representative, was present.

Michael Baltz, 1659 Burton Lane, said that most of the properties on Burton Lane are in the County with an existing zoning that provides properties are an acre or more in size with a single-family home.

Mr. Goode commented that the City's policy has been that any time we propose an annexation of County land into the City we've brought that neighborhood in with a comparable zoning. We don't rezone and restrict.

Mr. Baltz commented that the applicant is asking for R-1AAA zoning, which could allow the applicant to reduce the property to less than ½ acre lots. He said he believes there is an existing house on the property. The setbacks on the south side of the house are less and the square footage of the house is smaller than what is required in R-1AAA zoning. He asked that Council implement responsible zoning and building limitations to protect the rural setting of the properties that represent the Burton Lane neighborhood.

Frank Rothery, 1740 Burton Lane, agreed with Mr. Baltz. He noted that Hurricane Erin left two inches of water on his property. With this request for zoning he expects three additional residences immediately to the south of him. To do this the grade would have to be raised more than 24 inches, causing runoff onto his property. He discussed drainage issues in the area. He is concerned with drainage and additional flooding to his property.

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Paul Ingram, 1699 Burton Lane, stated he lives across from the subject property. When this appeared before the Planning and Zoning Board the applicant spoke about how this is concurrent with the Veranda development. It abuts Veranda, but to get to Veranda, it is 2.5 miles. His property is zoned RR1 and is a full acre lot. The surrounding houses are one acre or larger. He would like to keep the properties along Burton Lane one acre. He discussed perceived difficulties in running water and sewer to this area.

Mark Malek, applicant's representative, pointed out that the property currently has a Brevard County future land use of 15 units per acre and when annexed into the City the lots will be a little over one-half acre. Each lot will be required to be a minimum of 100' x 120'. He does not think that flooding of other properties will be a problem. They are not building something that will flood other properties.

Referencing his remark that Council places zoning compatible with what is in the area, Mayor Goode said if everything in the area is one unit to the acre and the applicant is requesting R-1AAA at 100' x 120' how that is compatible.

Mrs. Dittmer explained that this is a voluntary annexation; the applicant requested the zoning. This is not an instance where staff has gone out and asked someone to annex. The current zoning on the property is County AU and the future land use designation is Res-15, which allows 15 units per acre. She said the majority of the properties are one acre; however, the land use is 15 units per acre.

Discussion followed regarding what could be built on the property if it did not annex into the City. Mrs. Dittmer confirmed that a zoning change would be required to build 15 units per acre.

Mrs. Corby asked if the City is equipped to provide the services and prepared to fix the drainage. Property in that area experienced flooding during the hurricanes.

Mrs. Dittmer clarified that water and sewer will be brought to the southwestern edge of the property. No utilities are proposed down Burton Lane. There is no change to the road or drainage in that area. Any development of the property would require proper permitting through St. Johns and City review. Staff would not allow someone to build a single-family home to drain on adjacent properties.

Mayor Goode closed the public hearing.

Moved by Meehan/Thomas for approval of Ordinance No. 2007-30 based upon the findings contained in the Planning and Zoning Board memorandum. The roll call vote was:

Aye: Contreras, Meehan and Thomas

Nay: Corby, LaRusso and Goode

Motion failed (3-3 tie).

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Mr. Contreras commented that this ordinance affects the annexation only. Council needs to mentally and physically look at what is before us. If the issue is the 15 units per acre – that is a separate ordinance.

Mrs. Crockett confirmed that based on the failure of the annexation ordinance it is a moot point to vote on the other two ordinances.

Mr. Schluckebier commented that Council should consider the zoning separate from the annexation. In not allowing this landowner to join the City you may not get the opportunity to do that again anytime soon.

Mayor Goode commented that since Council is short a member he would move to reconsider and leave pending. Council Member Corby offered a second.

NOTE: This item will return on the May 22 Council agenda with the motion to reconsider on the floor.

16. ORDINANCE NO. 2007-33 (Z-2007-1108AD/LDR-2007-01/FOC-2007-02) STREET LIGHTS: (First Reading/Public Hearing) An ordinance amending Appendix B of the City Code, entitled Zoning, Article II and Article IX, and Appendix D, Chapter 8, by adding a definition of residential street lights and revising the definition of improvements to include lighting. (Applicant - City of Melbourne) (P&Z Board - 4/19/07)

Mr. Contreras pointed out that the people who spoke on the previous item might be confused by Council's action. Mayor Goode explained that Council's vote on the item ended in a tie vote so the motion failed. In fairness to the applicant Council has provided him an opportunity to have his item return at the next meeting to be heard by a full Council.

Attorney Crockett read Ordinance No. 2007-33 by title.

Mrs. Dittmer briefed Council. Currently the requirement for street lighting is only contained within the subdivision regulations of the City Code and does not provide for approval of any proposed street lighting system by the City. The proposed amendment requires conformance with the National Electrical Code and City of Melbourne standard and also requires installation of street lighting prior to issuance of a certificate of completion by the Engineering Department. This was not previously required until permits were approved for more than 50% of the proposed buildings.

Both the Planning and Zoning Board and the Building and Construction Advisory Committee voted unanimously to recommend approval of this request.

There were no public comments.

Moved by Thomas/Contreras for approval of Ordinance No. 2007-33 based upon the findings contained in the Planning and Zoning Board Memorandum. Motion carried unanimously.

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17. COUNCIL DISCUSSION RE: Discussion regarding the City Code as it relates to the hours of sale of alcohol. (Requested by Council - 4/10/07)

Mayor Goode stated at the last meeting a Brevard County business owner spoke in opposition to annexing into the City because his current County zoning allows alcohol sales on Sunday morning. The Mayor proposed that Council direct staff to draft an ordinance that would allow the sale of alcohol on Sunday mornings starting at 10:00 a.m. That is a little earlier than the current Code; however, is a reasonable compromise.

Mrs. Crockett asked for clarification whether the proposal is for on premise consumption only. Mayor Goode responded no. Mr. LaRusso recommended that alcohol sales be allowed at 7:00 a.m.

Moved by Goode/LaRusso to have staff return in two weeks with an ordinance changing the City Code to allow alcohol sales from 7:00 a.m. to 2:00 a.m. Monday through Sunday. Motion carried unanimously.

18. COUNCIL ACTION RE: Appointment of one member to the Golf Courses Advisory Board.

Mrs. Corby nominated Paul Murray and Mr. Contreras nominated Alice Emerson.

Moved by Corby/Contreras close nominations. Motion carried unanimously. The vote was:

Murray: Thomas, Corby and Goode

Emerson: Contreras, Meehan and LaRusso

By consensus, Council agreed to postpone this appointment to allow a full Council consideration at the May 22 Council meeting.

19. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Bill Cole, 2284 Royal Poinciana Boulevard, discussed speeding problems on his street and Melbourne in general, and the lack of enforcement by the Melbourne Police Department. He discussed actions of police officers to address the issue; correspondence with Chief Carey, Officer Kenneth Favero, and the City Manager; and what he perceives as a lack of customer service. Mr. Cole said customer service is poor and speeding needs to be confronted and controlled. He concluded stating that he deserves protection not harassment.

Mayor Goode asked that the Police Chief be at the next meeting to discuss this issue. Mr. Schluckebier stated he would provide Council the correspondence and a history of this situation. The Police Department communications differ from Mr. Cole's comments.

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Mrs. Corby stated the reports might show something different; however, she has a real concern with customer service issues. She has heard several complaints about the way people have been treated. We are not in a position to be rude to citizens.

Mr. Schuckebier commented he could not agree more; however, Mr. Cole has had on-going dialogue with the City that is less than friendly. Mr. Cole began his first pieces of correspondence without any identification.

Mrs. Meehan agreed with Dr. Schluckebier, noting that copies [of correspondence with Mr. Cole] have been provided to Council.

Mrs. Corby stated that Mr. Cole's comments bother her. We have a wonderful City and great staff; however, when we hear these comments more than once it needs to be looked into.

Mr. Contreras discussed the Downtown Melbourne parking problems. Referencing the recent work of the Golf Courses Advisory Board to improve the golf courses, he suggested that the Downtown Redevelopment Committee work to develop a two-year "get well" plan to improve the parking situation. It appears that some Downtown business owners and employees are aiding and abetting the problem. Mr. Contreras applauded the Downtown property owner whose tenant lease included a provision that employees must park off the street. Mrs. Meehan agreed that the situation is getting worse and noted that the critical hours are between 11 a.m. and 2:00 p.m. She suggested that the Redevelopment Committee's parking subcommittee take a look at this.

Mr. Thomas asked the status of the employee satisfaction survey. He is not sure why the survey was connected with the employee review process. The City would be well served to have an independent agency conduct the survey across all City departments. He believes the survey is important and would be a great boost to morale about things that need to be improved and things that are going right. He said it is beneficial to move forward. There is no reason to put it off six months.

Mrs. Corby agreed. She said the point in putting the two together (employee survey and employee evaluations) was to speed up the process. It shouldn't take more than a week or two to put it together if there is a desire to get it done.

Mr. Thomas stated that he spoke with Marilyn Crotty. The independent people she recommended have been contacted by the Deputy City Manager. He does not think it's anything real involved – it's just making it happen. It would send a message to the employees; they can say the good – say the bad and the City will be better off.

Mrs. Corby objected to using Marilyn Crotty in any capacity.

Ms. Elliott stated there is a misconception or misunderstanding with this issue. Staff is not putting off survey. Personnel staff has been extremely busy with open enrollment, insurance renewal, etc. Information has been gathered from other cities that conducted employee surveys and from the Florida League of Cities regarding various types of

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surveys. She said upfront planning is required to conduct a good, valid survey, with the right types of questions to receive meaningful data. The Personnel Director keeps her apprised of the status and staff is almost finished gathering the information.

Mrs. Corby commented that staff could tap into the resources of Council. Council has a lot of areas of expertise ready to provide help; however, that's not happening. She reiterated it shouldn't take this long to put a survey together. She agreed we don't want a canned survey that does not address all our needs, our area, and our issues. She believes we would be spinning our wheels if the City doesn't have a customized survey.

Mr. Contreras commented that the citizen opinion survey required preliminary groundwork and was completed in this same manner. The result was a customized survey that ensured the right questions were asked. He believes the same approach is being used and the customization will be there.

Ms. Elliott stated staff is customizing the survey as best we can. We are looking at asking the right kinds of questions. We are also asking other cities if their results were effective. We are still in the fact gathering stage – we have never done this type of survey and want to make sure we have good information.

Mr. Thomas stated he appreciates that staff has other items on their plate, he was not aware of everything going on. However, he does think this is important. He asked if the 6-8 month window had closed any. Mr. Schluckebier stated that staff will work to get something underway in the next 60 – 90 days. He also noted that staff is dealing with the unusual budget circumstances, opening of police negotiations, the holdover fire negotiations, and is trying to move forward to get to everybody's priorities.

20. ADJOURNMENT

Moved by Contreras/Meehan to adjourn. Motion carried unanimously.

The meeting adjourned at 10:33 p.m.



Assistant City Clerk – 5/17/2007

Approved by Council: _____