

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
MAY 27, 2008



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. Minister George Walker, Greater Allen Chapel AME Church, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

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| Present: | Harry C. Goode, Jr. | Mayor |
| | Kathy Meehan | Vice Mayor, District 3 |
| | Richard Contreras | Council Member, District 1 |
| | Mark LaRusso | Council Member, District 2 |
| | 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 Elliott | Deputy City Manager |
| | Howard Ralls | Deputy City Manager |
| | Cindy Dittmer | Planning & Economic Development Director |

4. Mayor Goode read and presented the following proclamations:

“Eau Gallie High School Odyssey of the Mind Team” recognizing the team’s accomplishments at the local and regional levels and wishing them success in the World Final competition to be held at the University of Maryland May 31-June 3. The proclamation was accepted by Odyssey of the Mind team members Cooper Gaudiosi, Phillip Justice, Shane McKibben, Neill Peterson, Adrienne Showman and David Wallace.

“Management Week,” June 1-7, 2008; accepted by Patty Fisher, Florida Space Coast Council of the National Management Association.

“Mr. Diabetes Day”, May 27, 2008; accepted by Andy Mandell (“Mr. Diabetes”), Executive Director of the Defeat Diabetes Foundation.

5. Approval of Minutes - May 13, 2008 Regular Meeting

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

6. City Manager’s Report

City Manager Jack Schluckebier reported that Council Member Contreras brought to his attention that the primary election scheduled for August 26 is on the same day as a regular Council meeting. Mr. Contreras (School Board candidate) and Council Member Cheryl Palmer (Brevard County Commission candidate) will both be participating in this

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election; therefore they will not be in attendance at the Council meeting. Although neither has asked to reschedule the regular meeting, Council may wish to discuss. Mayor Goode stated that, without objection, Council will discuss this as Item 19 “a.”

City’s bargaining team plans to meet with Fraternal Order of Police representatives in late May to attempt to resolve holdover contract issues – Council Member Joanne Corby asked if Council will conduct a shade meeting on this issue. Mr. Schluckebier replied that the City has received the cost information from the actuary on the FOP’s proposals. If it appears we are close to agreement after the next meeting with FOP, a shade meeting would probably not be scheduled. Mrs. Corby asked for a copy of the information provided by the actuary.

Police, Fire and Public Works/Utilities reports regarding assistance the City provided to surrounding communities during the recent fire emergencies – Mrs. Corby thanked everyone in the City who assisted with this effort. She noted that everyone stepped up to the plate. Mrs. Corby pointed out that the Police and Public Works/Utilities reports provide staff hours but not the actual cost. She expressed appreciation for the detail provided in the Fire report and noted that she is looking for the same level of detail from the other two departments. The City Manager said the intention was to let Council know that we had provided a significant amount of manpower. Staff will attempt to estimate the cost and provide that information from Police and Public Works/Utilities.

7. Public Comments

Chris Hill, Lipscomb Park Baseball League, thanked the City for the beautiful facilities at Lipscomb Park. He reported that they had a great season this year.

Several youth from the baseball and softball programs presented Mayor and Council with a thank you card.

Eddie Taylor, Lipscomb Street Park Association, also expressed appreciation for the facilities. He noted that they wanted Council to see what its investment was doing in the community.

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

a. Building & Construction Advisory Committee

Chairman Shea Shannon reported that the committee met twice last year and considered seven agenda items. She thanked the members of the committee and staff for their support.

b. Firefighters’ Pension Plan Board of Trustees

Tom Flamm, Chairman, informed Council that the board meets quarterly. The last actuarial valuation shows their fund is 87% funded. The board experiences very little turnover. He provided the names of the other board members along with their years of

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service. Mr. Flamm concluded by saying the board has done very well diversifying its fund.

Mr. Flamm responded to Mrs. Corby's questions regarding the purchase of past service and the DROP (deferred retirement option program).

There were no objections to the Mayor's recommendation to consider Item 16 at this point on the agenda. Immediately following Item 16, Council returned to Item 8 on the agenda.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2008-16 (AR-2008-221) MELBOURNE HILTON BEACHSIDE: (Second Reading/Public Hearing) An ordinance providing for annexation of a total of 5.66± acres of property, including one beach access parcel and two parcels that are developed as the Hilton Hotel, located on the east side of North Highway A1A, between Eau Gallie Boulevard and U.S. Highway 192/Fifth Avenue. (Owner - Wilmington Trust Company, Trustee) (Applicant/Representative - City of Melbourne) (First Reading - 5/13/08)

Attorney Gougelman read Ordinance No. 2008-16 by title. There were no comments during the public hearing.

Moved by Palmer/Contreras for approval of Ordinance No. 2008-16 based upon the findings contained in the Planning and Economic Development staff memorandum. The roll call vote was:

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

Motion carried unanimously.

9. ORDINANCE NO. 2008-17 (CPA-2008-02) AND ORDINANCE NO. 2008-18 (Z-2008-1130) GREATER HEIGHTS: Ordinances providing for a Comprehensive Plan Amendment and rezoning for 10 parcels totaling 1.807± acres, located on the north side of Masterson Street, east and west of Kennedy Street. (Owner/Applicant - Brevard Neighborhood Development Coalition) (Representative - Lynn Brockwell-Carey) (P&Z Board - 4/17/08)
- a. Ordinance No. 2008-17/CPA-2008-02: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment changing the Future Land Use from Low Density Residential to Medium Density Residential on ten parcels totaling 1.807± acres. (First Reading - 5/13/08)
- b. Ordinance No. 2008-18/Z-2008-1130: (Second Reading/Public Hearing) An ordinance changing the zoning from R-2 (One-, Two-, and Multiple-Family Residential) to R-2 (10) (One-, Two-, and Multiple-Family Residential with a cap of 10 units per acre) on ten parcels totaling 1.807± acres. (First Reading - 5/13/08)

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

Moved by Thomas/Meehan for approval of Ordinance No. 2008-17 based upon the findings contained in the Planning and Zoning Board memorandum. The roll call vote was:

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

Motion carried unanimously.

Moved by Contreras/LaRusso for approval of Ordinance No. 2008-18 based upon the findings contained in the Planning and Zoning Board memorandum. The roll call vote was:

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

Motion carried unanimously.

10. ORDINANCE NO. 2008-19 (LDR-2008-03/FOC-2008-03) CONCURRENCY: (First Reading/Public Hearing) An ordinance amending Appendix D of the City Code entitled, "Land Development," by amending Section 3.02, definitions; and Section 3.06, concurrency review. (Applicant - City of Melbourne) (Postponed - 5/13/08)

The City Attorney read the ordinance by title. Planning and Economic Development Director Cindy Dittmer reported that at the last meeting the City Attorney proposed several amendments relating to development projects located outside of the City's jurisdiction. She noted that language has been removed from the ordinance.

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

Moved by Meehan/LaRusso for approval of Ordinance No. 2008-19 based upon the findings contained in the Planning and Zoning Board memorandum. Motion carried unanimously.

11. ORDINANCE NO. 2008-20 FIRE PREVENTION AND PROTECTION: (Second Reading/Public Hearing) An ordinance amending Chapter 12 of the City Code, entitled "Fire Prevention and Protection," by eliminating an obsolete fee and clarifying that a "license" is a "business tax receipt." (First Reading - 5/13/08)

Attorney Gougelman read Ordinance No. 2008-20 by title. The public hearing was opened and closed with no comments.

Moved by Contreras/Thomas for approval of Ordinance No. 2008-20. The roll call vote was:

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

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Motion carried unanimously.

NEW BUSINESS

12. CONSENT AGENDA:

Mayor Goode announced that Council Member Corby removed Items “c”, “h”, and “j” from the consent agenda. Moved by Palmer/LaRusso for approval of the consent agenda, with the exception of Items “c”, “h”, and “j.” Motion carried unanimously.

- a. Purchase of three Detroit Diesel Model 60DSEJB 60kw generator sets with automatic transfer switch for three lift stations, Florida Detroit Diesel-Allison, Orlando, FL - \$22,700/each for a total cost of \$68,100.
- b. Approval of contract renewal for aquatic weed control at the golf courses and stormwater sites, June 1, 2008 through May 31, 2010 with the option to renew for one 24-month period, Applied Aquatic Management, Inc., Eagle Lake, FL - at an increase of \$16,623/annually; total annual cost of \$62,568.
- c. Purchase of four 2009 Model Harley-Davidson police vehicles, Motorsports of Orlando, LLC, dba Seminole Harley-Davidson, Sanford, FL - \$54,707; and approval of a 36-month lease, Mears Motor Leasing, Orlando, FL - \$1,607.71/month, total cost of \$57,877.56. (See next agenda item for action.)
- d. Approval of a one-year contract extension for Reverse Osmosis plant concentrate discharge sampling and monitoring services, Flowers Chemical Laboratories, Inc., Altamonte Springs, FL - at per unit prices, total estimated cost of \$41,190.
- e. Approval of a contract for the removal and reinstallation of the fabric roof over the Actiflo building clarifier basin, Span Systems, Inc., Manchester, NH - \$25,125.
- f. Contract award for the removal and replacement of the fire alarm system at Grant Street Community Center, Advanced Detection Systems, Inc., Melbourne, FL - \$21,805.48; and transfer of \$21,806 from the General Fund Miscellaneous Construction Projects to establish this project budget.
- g. Award for purchase of copper wire for installation of a new emergency generator at the Surface Water Treatment Facility Sludge Press Building, Rexel, Melbourne, FL - at listed unit prices; total cost of \$20,517.35; and transfer of \$6,270 from Miscellaneous Water and Sewer Projects to supplement this project budget.
- h. Approval of an appropriation from the Law Enforcement Trust Fund in the amount of \$39,090 for the purchase of one fully marked police vehicle and related equipment. (See next agenda item for action.)

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- i. Approval of a donation of \$1,000 from the Law Enforcement Trust Fund to Palm Bay High School for the Academy of Law & Public Safety Program.
- j. Approval of the Brevard County Metropolitan Planning Organization Transportation Improvement Program priority listing for FY 2009-2013. (See next agenda item for action.)
- k. Approval of adjustments to the 2005-2006 and 2006-2007 SHIP Program budgets and the HHR Program budget and related revisions to affected Housing Delivery Goals Charts.
- l. Lien Rescission CE-07-086: A request for the lien to remain at \$1,400 with authorization for staff to satisfy the lien if \$875.10 is paid within 60 days for property located at 615 Thomas Barbour Drive. (Applicant - Amanda K. Coomber)

13. ITEMS REMOVED FROM THE CONSENT AGENDA

- c. **Purchase of four 2009 Model Harley-Davidson police vehicles, Motorsports of Orlando, LLC, doing business as Seminole Harley-Davidson, Sanford, FL - \$54,707; and approval of a 36-month lease, Mears Motor Leasing, Orlando, FL - \$1,607.71/month, total cost of \$57,877.56.**

Mrs. Corby stated that she will not be voting for this item. She asked if we need to purchase the motorcycles and what's wrong with the motorcycles we have.

Mr. Schluckebier replied that these are replacement motorcycles. The previous motorcycles were through lease arrangement, which expired in January.

Mrs. Corby asked if we are renewing the lease. The City Manager replied no and stated that the City completely re-bid this item. Staff was not satisfied with the pricing offered from the previous vendor. By competitively bidding this item, we effected a substantial savings.

Mrs. Corby asked the amount of the savings. Council Member Cheryl Palmer replied \$4,781 per year.

Moved by Contreras/Meehan for approval of Item "c." Motion carried. Mrs. Corby voted nay.

- h. **Approval of an appropriation from the Law Enforcement Trust Fund in the amount of \$39,090 for the purchase of one fully marked police vehicle and related equipment.**

Mrs. Corby asked what type of car we are purchasing and Mr. Schluckebier replied that it is a standard Impala patrol car. Mrs. Corby said that this is a large amount for one vehicle. She noted that state price for one of these vehicles is \$15,000 - \$20,000. Police Chief Don Carey explained that the City purchases its cars off of state contract. The

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amount listed includes all of the electronics, computer, lights, in-car camera system, etc. The City Manager added that the purchase price for one of these vehicles, without the equipment, is \$23,000 - \$24,000.

Mrs. Corby asked why we are purchasing one car. The Police Chief explained that the Law Enforcement Trust Fund is made up of seized assets. Next year we anticipate not being able to buy any new cars; we will only be replacing cars. Funds seized from drug dealers and other people will be used to put a car on the road.

Mr. Thomas asked if the funds from the trust fund have to be expended within a certain amount of time. Chief Carey said he doesn't believe there is a time limit; however, the State Statutes require the City to spend 15% on crime prevention. The remainder may not be used to supplant our budget. The City may only use the money to buy new equipment, and that's what is being proposed with this item.

Mr. LaRusso asked the Chief to confirm that the Law Enforcement Trust Fund is "bad guy" money, not taxpayer money. Chief Carey said that is a phrase he coined several meetings ago. He confirmed this fund is not taxpayer money. The fund is made up of seized assets from criminal proceedings and federal procedures; it is basically "bad guy" money.

Moved by LaRusso/Thomas for approval of Item "h." Motion carried unanimously.

j. Approval of the Brevard County Metropolitan Planning Organization Transportation Improvement Program priority listing for FY 2009-2013.

Mrs. Corby referenced the condition of Croton Road between Eau Gallie Boulevard and Sarno Road, and asked what can be done to get that road on the list.

Following brief discussion, the City Manager said that staff can separately communicate with the county the need to focus on this section of Croton Road. The list associated with this agenda item is primarily for the coordination of state and federal funding; it doesn't relate to local resurfacing. Mrs. Palmer added that she would like to see us communicate strongly with the county about the need to repair this roadway, especially the right hand, southbound lanes of Croton Road between Aurora Road and Sarno Road.

Moved by Palmer/Corby for approval of Item "j." Motion carried unanimously.

14. RESOLUTION NO. 3001: (Public Hearing) A resolution authorizing the City Manager to execute an interlocal agreement between the Jacksonville Economic Development Commission (JEDC) and City of Melbourne relating to the issuance of special facility airport revenue bonds in an aggregate principal amount not to exceed \$3,255,000 for the purpose of providing funds to make loan(s) to Sheltair Melbourne, Inc. to finance the costs of the acquisition, construction, renovation, expansion, improvement, and equipping of general aviation facilities at Melbourne International Airport.

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Attorney Gougelman read Resolution No. 3001 by title. He introduced for the record the proof of publication for this public hearing, which is an attachment to the resolution. The following is an excerpt from the agenda report:

This transaction is similar to a transaction approved by the City Council in 2005. Holland Sheltair Aviation Group is proposing to build additional hangars and maintenance facilities at Melbourne International Airport. Sheltair is headquartered in Jacksonville, and they are working with the Jacksonville Economic Development Commission (JEDC) in an effort to move forward with this project.

Specifically, the JEDC, which is a public agency, will issue industrial development bonds on behalf of Sheltair. The proceeds of the bonds will be used exclusively to improve facilities at the airport, thereby benefiting both the City and the Airport Authority. The City plays no role in the issuance of the bonds other than by executing an interlocal agreement to approve issuance of the bonds by JEDC. The City is not liable for the payment of the bonds and Sheltair, as a condition of the City's approval of the bond issuance, will indemnify the City against any liability.

The City Attorney and our bond counsel have reviewed this transaction. The Airport Authority has been consulted by the bond issuer's counsel. The City's bond counsel, having undertaken a virtual mirror image transaction in 2005 on behalf of the City, was able to minimize the time spent in reviewing the documents and waived their fee in this matter. Director of Aviation Richard Ennis advised the City Attorney that the Airport Authority has no objection to this proposal moving forward and receiving City Council approval.

Mrs. Corby asked if Sheltair is a property management company or a fixed base operator (FBO).

Todd Anderson, Sheltair Aviation, replied that Sheltair is an FBO and has an FBO lease with the Airport. Sheltair builds and leases hangars as part of its services; it has been on the Airport for 20-plus years; it has in excess of 200,000 square feet; and it is expanding with new additional investment at the Airport.

Mrs. Palmer asked Mr. Anderson if Sheltair is building any helicopter hangars, and Mr. Anderson replied no.

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

Moved by Contreras/Meehan for approval of Resolution No. 3001.

With regard to Sheltair being an FBO, Mrs. Corby asked if there has been an annual review process. Following brief discussion, Mayor Goode recommended that Mrs. Corby check with the Airport Director's office.

The question was called. Motion carried unanimously.

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15. ORDINANCE NO. 2008-23 (A&V NO. 314): (First Reading/Public Hearing) An ordinance vacating a 3.5' x 48.10' portion of a public utility and drainage easement located at 2634 Bernice Court. (Applicant - Russell Norfleet)

Attorney Gougelman read Ordinance No. 2008-23 by title. There were no public comments and no disclosures from Council.

City Engineer Jenni Lamb briefed Council. A five-foot wide public utility and drainage easement is located along the north property line. The applicant has an existing pool and is planning to install a screen enclosure. All utilities and City departments were notified of the request, and no objections were received.

Moved by LaRusso/Palmer for approval of Ordinance No. 2008-23. Motion carried unanimously.

16. COUNCIL ACTION RE: Embraer (ED-2008-01)

- a. Ordinance No. 2008-24/ED-2008-01: (First Reading) An ordinance approving a grant in lieu of an economic development Ad Valorem Tax Exemption to Embraer Aircraft Holdings, Inc., a Delaware Corporation, for location of a new business facility and tangible personal property at the Melbourne International Airport; and authorization for the City Manager to execute the grant agreement between Embraer Aircraft Holdings, Inc. and the City of Melbourne, providing an economic development grant totaling \$786,443 over a period of five years.
- b. Resolution No. 3002: A resolution supporting the State of Florida Qualified Target Industry incentives for Embraer Aircraft Holdings, Inc.
- c. Ratification of a Memorandum of Intent between Embraer Aircraft Holdings, Inc., the State of Florida, Brevard County, the City of Melbourne, and the Melbourne International Airport, providing for additional monetary and non-monetary incentives to Embraer Aircraft Holdings, Inc.

Attorney Gougelman read Ordinance No. 2008-24 and Resolution No. 3002 by title. Planning and Economic Development Director City Dittmer reported that this is a request to approve economic development incentives. Embraer is projected to provide \$41.35 million in new taxable capital investment to the City. The company has committed to provide 200 manufacturing positions by 2011 with an annual average salary of \$50,000. Additionally, the company will employ a sales force within the City. Operations will begin in 2010 on a 16.7-acre site located near General Aviation Drive and Apollo Boulevard.

Under the City of Melbourne's ad valorem tax exemption guidelines, the company is eligible to receive a five-year tax exemption on the new capital investment of \$41.35 million. In lieu of participating in the ad valorem tax exemption program and receiving \$786,443 over five years, the company is seeking the following accelerated economic development incentives from the City of Melbourne:

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- A local match of \$120,000 to the State of Florida's Qualified Target Industry (QTI) program, to be paid over a four-year period.
- Cash grant of \$666,443 to be provided over a two-year distribution period.

The total funding distribution will be provided over a six-year period upon capital investment and employment benchmarks outlined in the agreement. Additionally, the incentives are: site clearing and preparation for development up to \$25,000; expedited permitting of all City of Melbourne permits, requiring no financial obligation; state infrastructure grant facilitation, requiring no financial obligation; Brownfield area designation, requiring no financial obligation; and support for airport and industrial revenue bonds, requiring no financial obligation.

Regarding the ratification of the Memorandum of Intent, Attorney Gougelman pointed out that the agreement attached to the ordinance is not in final form. The City is on a tight timeframe to meet its commitments to Embraer to have everything approved by mid-June. That agreement will be going through some renovation between first and second reading. Additionally, Embraer has requested that some of the other requirements identified in the Memorandum of Intent be included in that agreement.

Mayor Goode discussed the history of incentives being offered to industry in the State of Florida.

The Mayor opened the public hearing.

Gary Spulak, President, Embraer Aircraft Holdings, Inc., Ft. Lauderdale, provided an overview of Embraer and discussed the selection process/project. He displayed models of the Phenom 100 and the Phenom 300 – the aircraft that will be built in Melbourne. During his presentation, Mr. Spulak made the following points:

- Today, there are four commercial aircraft manufacturers in the world. One happens to be Embraer in Brazil making a world-class product that is globally accepted. The company Embraer was established in 1969. It was basically a provider of military aircraft for the Brazilian government. Later, the military products migrated into the commercial sector.
- Embraer is an acronym for Empresa Brasileira de Aeronautica, the Brazilian Aircraft Company. In 1994 the company was successfully privatized. Embraer is based on five pillars of support: high technology, qualified people, global presence, cash intensiveness and flexibility. The company has almost 24,000 employees across the world, and since beginning in 1994 they have experienced steady growth.
- Education background of Embraer's employees: 70% high school diploma, 24% college degree, 4% post graduate work and 2% Ph.D.
- Embraer's business is broken into four areas – commercial aviation, defense, executive aviation, and aviation services. For all their commercial, military and

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executive products, about 70% of the value on average of the aircraft comes from the United States. This includes engines, avionics, wheels, brakes, flight control systems, the interior, etc. Based on these purchases, they create about 7,000 jobs in the United States. This information has been provided by Embraer's suppliers. And, they created approximately \$6 billion in exports over the last five years and anticipate another \$5 billion in the next three years for their products.

- In Ft. Lauderdale, they have an approximately 100,000 square foot facility. Since 1979 they have expanded their business there and added about \$324 million to the local economy in the way of infrastructure, payroll, benefits, taxes, etc.

Mr. Spulak identified the various aircraft produced by Embraer along with their capabilities. He elaborated on the company's economic-financial performance. The majority of their sales go to the commercial aircraft sector; however, a growing sector is the executive aviation sector – much of that has to do with the success of the Phenom 100 and Phenom 300. Continuing, he noted the following:

- The project is unique in many ways. It is both an industrial site to assemble aircraft and a significant customer site. Customers will be coming from all over the world to select their interiors, colors, fabrics, technical aspects of the aircraft, paint scheme, etc. That process usually takes two or three days and while here, customers will rent hotel rooms, visit all the attributes the City has, and take advantage of the community.
- The next step in this process is for Embraer to receive the necessary approvals. They hope to have a groundbreaking within a couple of months. The project will include four buildings and the total investment will be about \$51 million. They have to put money into the company and gear the line in Brazil towards this philosophy. Start up of operations is planned for January 2010 and, by 2011, they plan to have 200 employees earning an average wage of \$50,000 per year.
- All of the U. S. components will be shipped here from their state of origin. There will be interstate commerce as well as international shipments. The structural components of the aircraft – fuselage sections and tail – will be made in Brazil, containerized, and shipped to Port Canaveral. Those parts will be trucked to the Melbourne facility and will join the remainder of the materials coming from the United States and other places. The aircraft will be assembled, flight tested, and delivered to their customers.

Mr. Spulak concluded by showing a video of the first flight of an aircraft. He noted that the first flight is always an exciting time in the company after all the engineering is done.

Mayor Goode commented that Embraer's biggest fan in Florida is Governor Charlie Crist. The governor visited the Embraer facility during an economic hunt to Brazil and made up his mind then that Embraer was going to locate in Florida.

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Mr. Spulak agreed and said that Governor Crist visited Embraer on a trade mission to Brazil. He visited with Embraer's CEO and made a very strong pitch for the State of Florida.

Mayor Goode noted for the record that Chris Appleton, Chief Financial Officer, Embraer Aircraft Holdings, is also available in the audience. Mr. Spulak added that two other key people are present, James Schlette, who will be running the construction project, and Luciano Froes, the liaison who worked with the headquarters in Brazil.

Moved by Contreras/LaRusso for approval of Ordinance No. 2008-24. Motion carried unanimously.

Moved by LaRusso/Meehan for approval of Resolution No. 3002. Motion carried unanimously.

Moved by Thomas/Meehan to ratify the Memorandum of Intent between Embraer Aircraft Holdings, Inc., the State of Florida, Brevard County, the City of Melbourne, and the Melbourne International Airport, providing for additional monetary and non-monetary incentives to Embraer Aircraft Holdings, Inc. Motion carried unanimously.

Mayor Goode thanked Lynda Weatherman, President and CEO, Economic Development Commission of Florida's Space Coast.

Lynda Weatherman, EDC, stated that this is the biggest project going on in the State of Florida. In the current economy it's rare to see a company make a major investment. Ms. Weatherman complimented the City of Melbourne staff, particularly Deputy City Manager Howard Ralls and City Manager Jack Schluckebier. She informed Council that from April 2007 to April 2008 we lost 1,600 jobs in construction. If the supportive measures are approved for Embraer it will be a shot in the arm for the current economy.

17. COUNCIL DISCUSSION/ACTION RE: Review of City Council policies. (Requested by Council - 2/12/08)

Mayor Goode referenced the agenda report and pointed out that the City Clerk's memorandum contains a recommendation that Council consider a policy, which would require at least a one meeting delay before adoption of a new policy. Many of the policies adopted through the years were done so on the fly. If Council agrees that the written language of a proposed policy should be returned at a subsequent meeting, staff will include this in the rules of procedure resolution at the end of the process.

8. Council voted to limit Mayor & Council's discussion to 10 minutes each on any one item. (6/23/1992, Item #20)

Moved by Thomas/Palmer to strike (repeal) this policy. (Motion later withdrawn.)

Mayor Goode asked the rationale. Following discussion, Mr. Thomas said that it is worded in such a way that the total amount of discussion on any one item is limited to 10 minutes.

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Mr. Contreras suggested that the policy be revised to indicate, "...Mayor & Council's individual discussion to 10 minutes..." Mayor Goode said that the policy is clear – "Mayor and Council's discussion is limited to 10 minutes each on any one item.

Mrs. Palmer said that she seconded the motion fully understanding what the policy says. Our residents expect their Council Members to represent them, discuss items and ask questions. Seldom do we see a Council Member "hog the floor" on an item. If a member approaches the 10-minute time limit, it's usually because there is special interest in the item or a lot of questions need to be asked. Mrs. Palmer stated that she does not believe this policy is necessary and it prohibits a Council Member from executing their responsibility to the people they are representing.

Continuing, Mrs. Palmer referenced the Council policy that requires a member to receive permission before reading something lengthy into the record. She pointed out that is what is time consuming. If the policy on this agenda is struck, a member would still need to obtain approval before reading something lengthy at a meeting.

Mrs. Corby said that this policy might be one that can be joined with another policy or eliminated because of the rewording of another policy. It has been pointed out that Council may extend the time for a Council Member and a Council Member must receive permission before reading a lengthy item into the record. She recommended that this policy be reworded and noted that having some guideline is important.

The maker/seconded withdrew the motion.

Moved by Thomas/Palmer to add the word "individual" before the word discussion.

The City Clerk recommended that staff return with wording for this policy at the end of this process rather than developing the policy on the fly.

Mayor Goode said that is what has been discussed; this action will simply give staff the direction to change it (and return with precise wording at a future meeting).

The maker/seconded added that this policy should also include Council being allowed by motion to extend another Council Member's time. Motion carried unanimously.

9. Council voted to prohibit speakers addressing Council from borrowing or assigning time to/from others. (7/28/1992, Item #16) Council will consider granting additional time to a person functioning as a spokesperson for a group. (2/8/2000, Item #15)

Mr. Thomas pointed out that Council occasionally extends time for a speaker not functioning as a spokesperson. He recommended eliminating the words "functioning as a spokesperson for a group" and say that Council will consider granting additional time to a person. Mayor Goode disagreed and said there should be some control. There should be a spokesperson for a group. He confirmed that Council has the privilege at any time to grant additional time for a speaker, whether functioning as a spokesperson or not.

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Mrs. Corby agreed and said that the wording indicates that Council is only able to grant additional time for people acting as a spokesperson. The Mayor said that the policy sends a message that we hope groups would select a spokesperson.

Following brief discussion, Mrs. Palmer pointed out that the two statements that make up this policy work together and relate to a group of speakers. The first part prohibits members from sharing their minutes. When a group comes in, we're not going to allow them to share and pool their minutes for a spokesperson; therefore, Council may consider giving additional time to a spokesperson. Although Council always has the option to extend time for an individual speaker, this policy could be worded better to indicate that it relates to groups.

No action was taken on this policy.

10. Mayor and Council must approve all requests for verbatims by Council.
(2/22/1994)

Mrs. Palmer said it takes a lot of work for staff to produce a verbatim. This policy was developed to stop members from constantly requesting verbatims. She noted that we now have DVDs of meetings; therefore, this policy is obsolete and can be stricken. Mrs. Corby agreed and noted that each Council Member can obtain a copy of the DVD of a regular meeting.

Attorney Gougelman explained that there may be instances when the wording of a specific conversation needs to be written. He recommended that "verbatim" be changed to "verbatim transcripts."

Without objection, Mayor Goode said that the wording will be changed to indicate that "...must approve all requests for ~~verbatim~~ verbatim transcripts by Council."

12. All Council Members will request information through the City Manager, as opposed to staff, allowing ample time for the information to be prepared. The City Manager will have up to five days to provide the information to Council. (9/13/1994, Item #22)

Mrs. Corby said that this policy is in the Charter or the City Code. She asked the City Clerk if she knows the area of the Charter or Code Book where this policy is located. City Clerk Cathy Wysor replied that this policy is not included in the Charter or the Code Book. Mrs. Corby asked again if this policy is included in the Code Book. Mrs. Wysor replied that based on the Council-Manager form of government all Council Members are to request information through the City Manager. Mrs. Corby asked staff to confirm that the Charter and Code Book do not contain a five-day provision. Mrs. Wysor and Mr. Schluckebier replied not that they are aware of.

Mrs. Palmer said that she believes the City Manager provides information to all members when it is requested by one member. She stressed that she would like to see that continue

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because it provides a level playing field. Mr. Schluckebier agreed and said that is done when there is an item of general interest.

Mr. LaRusso pointed out that he has requested information directly from department directors. Mr. Schluckebier replied that the first sentence of this policy is simply enumerating that which is a standard Council-Manager provision – elected officials are primarily meant to send their questions to the manager for distribution. Mr. Schluckebier added that he has adapted a “15-minute rule.” Staff may provide an answer or information if it does not require additional research. If additional research is required, the idea is that the manager will assign it to the best person to provide the answer. It poses a chain of command established by the Charter.

No action was taken on this policy.

18. Council adopted the following policy regarding Public Comments: speakers are limited to three minutes each; there is a total limit of 15 minutes for the item; speakers will be heard in the order their request was received; and speakers will not be permitted to address a specific agenda item under this item. (4/8/1997, Item #11)

Mayor Goode pointed out that Council rarely has more than one or two speakers during public comments at a Council meeting. During the one meeting when he had more than five speakers, Council voted to give each person two minutes in order to hear everyone.

No action was taken on this policy.

18. COUNCIL ACTION RE: Board appointments

- a. Appointment of two regular members and one alternate member to the Building Board of Adjustment and Appeals.

Regular members: Without objection, Council reappointed David Wickham and Len Fallen. (July 28, 2008 – July 27, 2012)

Alternate member: Mr. Thomas nominated Thomas Bergin. Moved by Contreras/LaRusso to close the nominations. Motion carried unanimously. Moved by Goode/LaRusso to appoint Thomas Bergin as an alternate member. Motion carried unanimously. (May 27, 2008 – December 13, 2009; unexpired, two-year term)

- b. Appointment of one alternate member to the Citizens' Advisory Board.

Moved by Contreras/Corby to appoint Eva Mills. Motion carried unanimously. (May 27, 2008 – November 11, 2010; unexpired, three-year term)

- c. Appointment of *one regular member to the Historic Preservation Board.

*Following preparation of the agenda package, an additional member resigned from this committee.

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Moved by Goode/Palmer to appoint Betty Preece as a regular member (to replace Mark Mohler). Motion carried unanimously.

Moved by LaRusso/Contreras to appoint Yolanda Schofield as an alternate member (to replace Betty Preece). Motion carried unanimously.

Moved by Palmer/Thomas to appoint Theresa Bryant as a regular member (to replace James Jackson). Motion carried unanimously.

Moved by Meehan/LaRusso to appoint Thomas Funk as an alternate member (to replace Theresa Bryant). Motion carried unanimously.

All four members will serve unexpired, three-year terms ending September 4, 2009.

- d. Appointment of three regular members and one alternate member to the Olde Eau Gallie Riverfront Community Redevelopment Agency Advisory Committee.

Moved by Meehan/Corby to reappoint Ralph Sanders, Rick Dillen and Finnarr Murphy as regular members and Priscilla Clendenin as an alternate member. Motion carried unanimously.

All four members will serve June 12, 2008 through June 11, 2010.

19. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

- a. Discussion regarding August 26 Council meeting (added to the agenda under Item 6)

Council briefly discussed and took no action. The second regular meeting in August will be held on August 26 at 6:30 p.m.

20. ADJOURNMENT

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

The meeting adjourned at 8:35 p.m.



City Clerk – 6/4/2008

Approved by Council: _____