

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JULY 8, 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. Pastor Dr. Larry Bazer, First Baptist Church of Melbourne, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

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
	Cheryl Dean	Planning & Zoning Administrator

4. Proclamations and Presentations

Jim Voltaire, President of “Rolling Thunder,” an organization that advocates for our troops, veterans and prisoners of war/missing in action, presented the City with a POW/MIA flag, which will be flown at City Hall on the six national observances specified by Congress. Mayor Goode accepted the flag on behalf of the City.

Mr. Voltaire asked if the City would also consider flying the POW/MIA flag over the police and fire stations.

5. Approval of Minutes - Regular Meeting, June 24, 2008

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

6. City Manager’s Report

November 11 City Council Meeting – Following brief discussion, there were no objections to rescheduling the November 11 City Council meeting to Wednesday, November 12. (A resolution will appear on the next agenda providing for a change in the meeting date and revising Resolution No. 1906, which established the terms of the Mayor and the Council Members from Districts One, Three and Five. The end of the members’ terms will be changed from November 11 to November 12. This action would be consistent with the Charter provision that Council Members shall take office at the first regular meeting following the municipal election.)

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July 9 Utility Service Workshop Agenda – There were no objections to adding a discussion about West Melbourne’s plans to annex the Dworkin/Samuels Group/Ferrell property.

Employee Satisfaction Survey – Council Member John Thomas asked for an update on action being taken with regard to low morale in the Police Department. City Manager Jack Schluckebier said that the focus groups and follow up on the surveys are being wrapped up this month; reports should be available in the next 30 days. The consultant will provide summaries of issues and results from the focus groups. Council Member Joanne Corby asked for confirmation that we have not received a report from the consultant tasked with the focus groups. The City Manager replied that is his understanding.

7. Public Comments

Nancy Kensinger, 2856 Zephyr Lane, provided a packet of information regarding wind turbines. She informed Council that she and her neighbors are concerned with the high cost of fuel and electricity and would like to consider alternative energy sources. Ms. Kensinger said that City regulations consider a wind turbine to be an accessory structure, which can be no taller than 12 feet. She elaborated on how a wind turbine functions and asked Council to consider changing the regulations.

Several Council Members thanked Ms. Kensinger for the information, expressed support for review of the regulations, and suggested that a permit fee not be charged for homeowners wishing to pursue this alternative energy source.

Moved by Palmer/Meehan to direct staff to review the Code and permitting procedures relating to residential use of wind turbines.

Council Member Mark LaRusso said he would like Council to consider working with our architects to place wind turbines on top of the new City Hall.

The question was called. Motion carried unanimously.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2008-34 (A&V No. 303): (Second Reading/Public Hearing) An ordinance vacating a 50-foot wide unimproved, platted right-of-way, except the easterly 15 feet, lying east of Eau Gallie Boulevard and abutting the south lines of Lots 31 and 32; and the north lines of Lots 33 and 34 of Indian River Groves and Gardens. (Applicant - Turtlemound Pointe, LLC) (First Reading - 6/24/08)

City Attorney Paul Gougelman read Ordinance No. 2008-34 by title. There were no Council disclosures and no comments during the public hearing.

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Moved by Meehan/Thomas for approval of Ordinance No. 2008-34. The roll call vote was:

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

Motion carried unanimously.

9. ORDINANCE NO. 2008-35 (A&V No. 315): (Second Reading/Public Hearing) An ordinance vacating a 15-foot wide drainage easement located north of Wright Avenue, east of Wickham Road, and west of the Crane Creek Drainage Canal. (Applicant - MAI Architects Engineers, Inc.) (First Reading - 6/24/08)

The City Attorney read Ordinance No. 2008-35 by title. There were no disclosures by Council and the public hearing was opened and closed with no comments.

Moved by Palmer/Contreras for approval of Ordinance No. 2008-35. The roll call vote was:

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

Motion carried unanimously.

10. ORDINANCE NO. 2008-36 (AR-2008-222), ORDINANCE NO. 2008-37 (CPA-2008-05), AND ORDINANCE NO. 2008-38 (Z-2008-1133) HIDDEN LAKES PLACE: Ordinances providing for annexation of 5.25± acres and a Comprehensive Plan Amendment and zoning designation for 4.52± acres, located on the south side of Hidden Lakes Place, east of Harlock Road, and south of Parkway Drive. (Applicant - Alfred & Venice Van Dyke, Ronald D. Lloyd, Frances Leonard, Jeffrey Robb, and Jack Gokoolsingh) (Applicant - City of Melbourne)

a. Ordinance No. 2008-36/AR-2008-222: (Second Reading/Public Hearing) An ordinance providing for annexation of 4.52± acres of property and 0.73± acres of right-of-way. (First Reading - 6/24/08)

b. Ordinance No. 2008-37/CPA-2008-05: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Suburban Estate Residential on 4.52± acres of property. (First Reading - 6/24/08)

c. Ordinance No. 2008-38/Z-2008-1133: (Second Reading/Public Hearing) An ordinance establishing an REU (Rural Estate Use, Single-Family Residential) zoning designation on 4.52± acres of property. (First Reading - 6/24/08)

The City Attorney read each ordinance by title. Council made no disclosures and there were no public comments. Staff responded to Mrs. Corby's general questions about the ordinances.

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Moved by LaRusso/Meehan for approval of Ordinance No. 2008-36 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/Thomas for approval of Ordinance No. 2008-37 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 Thomas/LaRusso for approval of Ordinance No. 2008-38 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.

NEW BUSINESS

11. CONSENT AGENDA:

Mayor Goode noted that Mrs. Corby removed Items “b” and “f” from the consent agenda.

Moved by Contreras/LaRusso for approval of the consent agenda, with the exception of Items “b” and “f.” Motion carried unanimously.

- a. Supplement No. F028 to the Continuing Consultant’s Contract for engineering services to provide survey and preliminary engineering for Babcock Street Phase III Improvements, Project No. 14108, Frazier Engineering, Inc., Melbourne, FL - \$38, 250.
- b. Purchase of four video detection hardware units for traffic signals, Naztec, Inc., Sugarland, TX - \$67,850. (See next agenda item for action.)
- c. Approval of repairs to the Indialantic water tower, Utility Service Co., Inc., Perry, GA - \$16,975.
- d. Authorization for staff to administratively approve temporary placement of art and/or signage to be installed at various locations in cooperation with the Astronaut Scholarship Program.

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- e. Approval of a continuation of services to provide utility management consulting, engineering, and other related services associated with Melbourne/West Melbourne utility matters on an as requested basis, GAI Consultants, Orlando, FL - at an hourly rate, not to exceed \$25,000; and transfer of \$25,000 from Water and Sewer Fund Contingency to Other Professional Services.
- f. Approval of a transfer of \$199,000 from the Police Operations Machinery and Equipment account to the Police Services Auto Fuel account to provide additional funding for fuel purchases for the Police Department. (See next agenda item for action.)
- g. Approval of a Right-of-Way Use Agreement between the City of Melbourne, the Melbourne Housing Authority, and Silver Sands Melbourne, LP for construction of a private sanitary sewer force main in the Sun Lakes Road/Tarpon Way right-of-way and construction of a driveway on Sun Lakes Road to serve a multi-family senior housing development in the City of Palm Bay; and authorization for the City Manager to execute the agreement.
- h. Lien Rescissions CE-054-02/CE066-01: A request for lien rescissions totaling \$305 for property located at 305 East Strawbridge Avenue. (Applicant - City of Melbourne)

12. ITEMS REMOVED FROM THE CONSENT AGENDA

- b. Purchase of four video detection hardware units for traffic signals, Naztec, Inc., Sugarland, TX - \$67,850.

In response to Mrs. Corby, City Engineer Jenni Lamb said that two of the units will be used at Hickory Street/Sheridan Road and NASA Boulevard/Woody Burke Road. They will replace the loops at these intersections, which are failing. The remaining units will be assigned to other intersections that have failing loops.

Mrs. Corby said that she is trying to determine if this is a need or a desire, especially in light of our budget situation. Mrs. Lamb explained that this was a budgeted project and the intent was to replace failing loops with video detection units.

Moved by Corby/Palmer to approve Item “b.” Motion carried unanimously.

- f. Approval of a transfer of \$199,000 from the Police Operations Machinery and Equipment account to the Police Services Auto Fuel account to provide additional funding for fuel purchases for the Police Department.

Mrs. Corby referenced the additional material distributed to Council on this item, which identifies capital items that are being forfeited to make this transfer. She acknowledged that the price of gasoline is the culprit; however, she would like to ensure that the City

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has taken the initiative to put a gas savings plan into place. She stated that simply moving one pot of money to another isn't a solution.

The City Manager replied that most of the City's rolling stock is set to the requirements of the job. For example, a Toyota Prius can't be used for a police patrol car. He referenced the following actions that have occurred in response to the price of fuel: Earlier this year a communication was sent to staff instructing that all future vehicle purchases be downsized to the lowest equipment that can still accomplish the task; other internal communications have been sent regarding idle time; heavy equipment is being repositioned during the week to eliminate unnecessary mobility of that equipment; the City purchased a hybrid vehicle in the Public Works/Utilities Department; and Department Directors are establishing a take home vehicle policy. He concluded by saying that the City is taking steps to effect savings.

Mrs. Corby pointed out that several items on the capital list being deferred in the Police Department relate to safety equipment. That's a concern; safety of our workforce is important. She stressed that we have to look at other ways to save money, which may mean changing programs and focusing on the way we operate.

Mr. LaRusso said that the fuel increase has been going on for four years. Much to the credit of the previous Council, Impalas versus Crown Victorias were purchased for police vehicles. He pointed out that no one could have anticipated this kind of jump. The City can probably do more work towards fuel-efficient cars. Additionally, other cost saving ideas, including eliminating duplication of work, need to be identified.

Council Member Cheryl Palmer discussed the need for police cars to be turned off when officers are away from their vehicles. Following brief discussion, Police Chief Don Carey confirmed that unmanned vehicles are turned off.

Moved by Corby/Meehan to approve Item "f. Motion carried unanimously.

13. RESOLUTION NO. 3008: (Public Hearing) A resolution designating 105 East Avenue B (HD-2008-04) as an historic resource.

Planning and Zoning Administrator Cheryl Dean reviewed the agenda report. Mayor Goode opened the public hearing. There were no comments from the audience.

Moved by Meehan/Palmer for approval of Resolution No. 3008. Motion carried unanimously.

14. ORDINANCE NO. 2008-39 (A&V NO. 316): (First Reading/Public Hearing) An ordinance vacating a six-foot wide public utility and drainage easement, located north of Sarno Road, south of Eau Gallie Boulevard, and west of Harbor City Boulevard.

Attorney Gougelman read Ordinance No. 2008-39 by title. Mrs. Lamb was available for questions. There were no disclosures by Council and the public hearing was opened and closed with no comments.

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Moved by Contreras/Thomas for approval of Ordinance No. 2008-39. Motion carried unanimously.

15. ORDINANCE NO. 2008-40 (AR-2008-223), ORDINANCE NO. 2008-41 (CPA-2008-06), AND ORDINANCE NO. 2008-42 (Z-2008-1134) SUNG AND HYUN CHUNG (DAIRY ROAD): Ordinances providing for annexation, a Comprehensive Plan Amendment, and zoning designation on a 4.39±-acre parcel, located on the west side of Dairy Road, north of Eber Boulevard, and south of Florida Avenue. (Owner/Applicant/Representative - Sung Wuk Chung and Hyun Sook Chung) (P&Z Board - 6/19/08)
- a. Ordinance No. 2008-40/AR-2008-223): (First Reading/Public Hearing) An ordinance providing for annexation of a 4.39±-acre parcel.
 - b. Ordinance No. 2008-41/CPA-2008-06: (First Reading/Public Hearing) An ordinance establishing a Future Land Use of Commercial on a 4.39±-acre parcel.
 - c. Ordinance No. 2008-42/Z-2008-1134: (First Reading/Public Hearing) An ordinance establishing C-1 (Neighborhood Commercial) zoning on a 4.39±-acre parcel.

The City Attorney read each ordinance by its title. Mrs. Dean located the property on the map and reviewed the agenda report. The Planning and Zoning Board voted unanimously to recommend approval at its June 19, 2008 meeting. There were no disclosures by Council and no comments during the public hearing.

Moved by LaRusso/Meehan for approval of Ordinance No. 2008-40 based upon the findings contained in the Planning and Zoning Board memorandum.

The City Manager confirmed for Council Member Corby that water and fire hydrants are adjacent to the property.

The question was called. Motion carried unanimously.

Moved by Contreras/Thomas for approval of Ordinance No. 2008-41 based upon the findings contained in the Planning and Zoning Board memorandum. Motion carried unanimously.

Moved by Thomas/Meehan for approval of Ordinance No. 2008-42 based upon the findings contained in the Planning and Zoning Board memorandum. Motion carried unanimously.

16. ORDINANCE NO. 2008-43 (AR-2008-224), ORDINANCE NO. 2008-44 (CPA-2008-07), AND ORDINANCE NO. 2008-45 (Z-2008-1135) GARY OLNEY - DOW ROAD: Ordinances providing for annexation, a Comprehensive Plan Amendment, and zoning designation on a 1.9±-acre parcel, located on the south side of Dow Road, east of John

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Rodes Boulevard, and west of West Drive. (Owner - Melbourne Properties) (Applicant/ Representative - Gary Olney) (P&Z Board - 6/19/08)

- a. Ordinance No. 2008-43/AR-2008-224: (First Reading/Public Hearing) An ordinance providing for annexation of a 1.9±-acre parcel.
- b. Ordinance No. 2008-44/CPA-2008-07: (First Reading/Public Hearing) An ordinance establishing a Future Land Use of Industrial on a 1.9±-acre parcel.
- c. Ordinance No. 2008-45/Z-2008-1135: (First Reading/Public Hearing) An ordinance establishing M-1 (Light Industrial) zoning on a 1.9±-acre parcel.

Attorney Gougelman read Ordinance Nos. 2008-43, 2008-44 and 2008-45 by title. Mrs. Dean briefed Council and noted that the Planning and Zoning Board voted unanimously to recommend approval at its June 19, 2008 meeting.

In response to Council Member Palmer, Mrs. Dean confirmed that the current County zoning of IU is comparable to the proposed City zoning of M-1.

There were no Council disclosures and no public comments.

Moved by Contreras/Meehan for approval of Ordinance No. 2008-43 based upon the findings contained in the Planning and Zoning Board memorandum.

The City Manager confirmed for Mrs. Corby that water and hydrants are in the vicinity; this property poses no extraordinary service circumstances.

The question was called. Motion carried unanimously.

Moved by Meehan/Thomas for approval of Ordinance No. 2008-44 based upon the findings contained in the Planning and Zoning Board memorandum. Motion carried unanimously.

Moved by LaRusso/Contreras for approval of approval of Ordinance No. 2008-45 based upon the findings contained in the Planning and Zoning Board memorandum. Motion carried unanimously.

Without objection, Council convened as the Olde Eau Gallie Riverfront Community Redevelopment Agency for this item:

17. COUNCIL ACTION RE: Approval of a grant funding agreement between the Olde Eau Gallie Riverfront Community Redevelopment Agency (CRA) and the Old Eau Gallie Merchants Association for program coordination services within the Eau Gallie CRA; approval of grant funding of \$38,000 for FY 2008/2009; and an appropriation of \$9,000 from the CRA Reserve for Future Projects to establish this position/project within the current fiscal year.

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Mrs. Dean was available for questions. The following is an excerpt from the agenda report:

This is a request from the Old Eau Gallie Merchants Association, for the CRA Board/City Council to approve the establishment of an Eau Gallie District Program and Position, to assist with the economic, redevelopment, organizational and marketing efforts within the Eau Gallie CRA area. One of the eventual goals of the program/position is to obtain a Main Street Designation through the Florida Department of State.

The Eau Gallie Merchants are requesting initial funding from this budget year to establish and hire a coordinator who will work within the district, and be accessible to the community. They are also requesting that the CRA Board approve an annual program agreement between the Eau Gallie Merchants and the CRA. Funding for the agreement will be programmed into the 2008-2009 Eau Gallie CRA Budget.

Moved by LaRusso/Meehan for approval of a grant funding agreement between the Old Eau Gallie Riverfront Community Redevelopment Agency (CRA) and the Old Eau Gallie Merchants Association for program coordination services within the Eau Gallie CRA; approval of grant funding of \$38,000 for FY 2008/2009; and an appropriation of \$9,000 from the CRA Reserve for Future Projects to establish this position/project within the current fiscal year. Motion carried unanimously.

Council reconvened for the remaining items:

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

30. Ground storage tanks painted after May 8, 2001 will be painted one color without striping. (5/8/2001, Item #14f)

No change.

31. Resolution No. 1727 – Policy regarding funding requests received from non-profit persons and organizations. (12/11/2001) Council approved a motion not to exceed \$10,000 for any one organization. (7/25/2005)

No change.

32. Council adopted a policy to allow barricaded street events. (Due to litigation between the Florida Cannabis Action Network and the City of Gainesville, Council was advised that the City should allow either all or none with regard to street events.) (5/14/2002, Item #21)

No change.

33. Resolution No. 1785 – Investment of Surplus Funds Policy. (9/24/2002)

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No change.

34. Resolution No. 1826 – Designating the Mayor as the standing voting delegate at the Florida League of Cities Annual Conference. (5/27/2003)

No change.

19. COUNCIL ACTION RE: Appointment of two regular members and one alternate member to the Code Enforcement Board.

Moved by Corby/Palmer to reappoint James Teele, Karen Garavaglia, and Ralph Durham. Motion carried unanimously.

Reappointed as regular members: James Teele and Karen Garavaglia (October 15, 2008 through October 14, 2011). Reappointed as an alternate member: Ralph Durham (July 9, 2008 through July 8, 2011).

20. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Council Member Richard Contreras referenced the request by Rolling Thunder to fly the POW/MIA flag over the police and fire stations. Mayor Goode said that it would be labor intensive to accommodate the request. The City Manager reported that staff indicated to Rolling Thunder that it would be appropriate to start at City Hall and evaluate the process. Mr. Contreras asked staff to provide details on what this would entail before Council decides to proceed with flying the flag at other facilities.

Mrs. Palmer said that on Monday she saw a Parks employee hand weeding the medians on Apollo Boulevard. She stated that it is too labor intensive and we must not plant landscape material that requires hand weeding.

Mrs. Corby asked Council to consider moving the budget workshop meeting from July 21 to either July 28 or July 29. Several Council Members and the City Manager indicated that they would not be available on those dates. Mrs. Corby said she would try her best to be here on July 21; however, she believes she will be traveling.

Mrs. Corby asked if the City requires a permit for the installation of a generator. The City Manager replied that it depends on the size and nature of the generator. Mrs. Corby discussed a specific case and said she would provide the City Manager with details.

Mrs. Corby distributed a letter dated July 7 from her to the Attorney General requesting an opinion on whether the formula used by a private actuarial firm to calculate and determine a pension buy-back price is considered proprietary information.

Council Member Mark LaRusso complimented staff for its efforts in eliminating duplicate work as it relates to properties that have been cited by Code Enforcement prior to going into foreclosure. Staff is working to ensure that once the property has gone through the

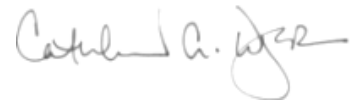
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Code Board process, that it does not have to start over again when the bank takes control of the property.

21. ADJOURNMENT

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

The meeting adjourned at 7:42 p.m.



City Clerk – 7/16/2008

Approved by Council: _____