

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
SEPTEMBER 16, 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 7:47 p.m. p.m. by Mayor Harry C. Goode, Jr.

1. Vice Mayor Kathy Meehan gave the invocation.
2. The Pledge of Allegiance was recited during the budget public hearing.
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
	Cindy Dittmer	Planning & Economic Development Director

4. Proclamations and Presentations

Mayor Goode presented a proclamation declaring September “Life Insurance Awareness Month” to Marvin Shelton, President, Space Coast Association of Insurance and Financial Advisors.

Mayor Goode introduced District 5 Council Member-Elect Molly Tasker and her husband Richard Curtis.

5. Approval of Minutes – August 26, 2008 regular meeting

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

6. City Manager’s Report

2008 Internet tax sale tax distribution – City Manager Jack Schluckebier referenced the information distributed to Council regarding the Brevard County Tax Collector’s decision to reduce the tax distribution to the City as a result of funds being frozen in the State Board of Administration local government investment pool. Following protests by Melbourne and the City of Palm Bay, the Tax Collector reversed his decision and will be reimbursing the entire amount to all affected taxing authorities. Attorney Gougelman thanked Tax Collector Rod Northcutt for making a difficult but appropriate decision.

City Attorney – *The City Council approved vacation leave for the City Attorney for October*

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6 – 10, 2008.

Activity report – Council Member Joanne Corby referenced the Code Enforcement inspections related to overgrown lots. She asked if there are other items within the activity report or other sources that would relate to abandoned homes or foreclosures. She noted that the Foreclosure Prevention Act of 2008 will provide approximately \$4 billion in funding for communities to purchase and redevelop foreclosed properties. In Florida, Community Development Block Grant entitlement communities would receive direct funding and she would like to be prepared with foreclosure information.

The City Manager explained that the report is a snapshot in time from Code Officers or neighbors making complaints. It doesn't reflect individual situations and whether the properties are in foreclosure. He added that the City is not typically in the foreclosure finance information loop. Mrs. Corby asked if it would take too much effort to show the inspections on a graph. She stated that she is assuming those numbers have increased. Mr. Schluckebier said that a returned notice would provide some indication that the property is abandoned; however, the City is not routinely in the line of information relative to foreclosures.

Attorney Gougelman informed Council that Mr. LaRusso recently asked about properties that have fallen into disrepair because of foreclosures. The City Attorney is working with Code Enforcement on several ideas. More information will follow on this subject.

General Employees' Pension Plan Board of Trustees election – Mrs. Corby informed Council that on August 6 the pension board approved her request to seek the formula used to calculate the purchase of past service by employees. A letter of request was sent to the board's actuary in August.

West Melbourne / Melbourne conflict resolution process – Council Member Mark LaRusso said that he thought the two councils would meet during the mediation process. Mr. Schluckebier said that the meeting held last year between the two councils was a voluntary process. The conflict resolution process established by the Florida Statutes calls for the chief executive officers of the two entities to meet first. He added that the West Melbourne City Manager sent an email today indicating they are interested in having our consultants appear before their council to answer questions.

Mr. LaRusso said that West Melbourne is obviously growing, and our consultants tell us that their growth is at the expense of Melbourne citizens. After repeatedly advising West Melbourne that we must take into account the best interest of the whole utility system, they still are attempting to take advantage. It is clear that West Melbourne does not fully understand the implications of their actions. And, it doesn't seem clear that West Melbourne's ratepayers and taxpayers share in the general direction of their city or fully understand what is going on.

Continuing, Mr. LaRusso said that West Melbourne officials have decided to sue us because they would like different answers or the ability to go independently into the water supply business. Mr. LaRusso asked if the citizens of West Melbourne really want to

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abandon peace and harmony that we have enjoyed for the past 50 years. Before Melbourne agrees to cut 25 years on a perfectly good contract with West Melbourne as West Melbourne has suggested, they need to show us that is what their voters want. He questioned if the citizens of West Melbourne have been asked about getting into the water production business at a price, which looks to be about two to three times what they are paying now.

Mr. LaRusso informed Council that over the next several meetings he plans to lay out basic options that are worthy of more consideration. He recalled the history of Melbourne and Eau Gallie and said there came a time when it made sense for the two communities to merge and serve the citizens far better as one city than as adjacent neighbors. Mr. LaRusso concluded by saying his question to the voters is, "Could we be better off if our two cities were combined."

7. Public Comments

None.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2008-21 (Z-2006-1080) AND ORDINANCE NO. 2008-22 (CU-2006-11) DAILY BREAD: Ordinances providing for a change in zoning on 0.37± acres and a conditional use with site plan approval to allow the development of a 9,193± square foot soup kitchen on 0.76± acres, located on the south side of Fee Avenue, east of Waverly Place, and west of Florida East Coast Railroad right-of-way. (Owner/Applicant - Daily Bread, Inc.) (Representative - Matt Soyka, Soyka Engineering, Inc.)

- a. Ordinance No. 2008-21/Z-2006-1080: An ordinance changing the zoning from C-1 (Neighborhood Commercial) to C-2 (General Commercial) on a 0.37±-acre parcel. (Denied - 5/19/08; motion to reconsider left pending; Postponed - 7/22/08)
- b. Ordinance No. 2008-22/CU-2006-11: An ordinance granting a conditional use with site plan approval to allow the development of a 9,193± square foot soup kitchen on 0.76± acres.

Mayor Goode said that a couple of months ago, he made a motion to postpone this item. The applicant has now requested that postponement continue. The Mayor stated that without objection the item is postponed. Mrs. Corby stated that she objects.

The Mayor asked for all those in favor of postponing to say aye. Mr. LaRusso and Mr. Contreras asked for clarification on the date of postponement. Mrs. Palmer asked if the applicant gave a reason and the Mayor replied that the information is in the package. Attorney Gougelman asked Council to give a specific date of postponement. Mayor Goode said that the applicant requested 60 days; therefore, the item would be postponed until November 25.

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The Mayor stated that the motion is to postpone the item until November 25. Motion carried. Mrs. Corby voted nay.

Mrs. Corby pointed out that the applicant is present. She would like for him to indicate the reason for postponement. Mayor Goode pointed out that the item is postponed. Mrs. Corby informed the Mayor that it is his job to control the Council meeting, not the Council Members. The Mayor said his job is to maintain decorum and the rules. Council just voted to postpone this item and it's over. Mrs. Corby said she didn't hear who seconded the motion. Mr. Contreras stated that he seconded the motion. The Mayor added that the vote was 6-1 or 5-2.

9. RESOLUTION NO. 3016: (Second Public Hearing) A resolution adopting an Interlocal Agreement between the Brevard County Board of County Commissioners and the cities and towns of Cape Canaveral, Cocoa, Cocoa Beach, Indialantic, Indian Harbour Beach, Malabar, Melbourne, Melbourne Beach, Palm Bay, Palm Shores, Rockledge, Satellite Beach, Titusville, West Melbourne, and the School Board of Brevard County, relating to school facility planning and school concurrency matters. (First Public Hearing - 8/26/08)

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

Moved by Contreras/LaRusso for approval of Resolution No. 3016 based upon the findings contained in the Planning and Zoning Board memorandum. Motion carried unanimously.

10. ORDINANCE NO. 2008-50 (CPA-2007-12/CPA-2007-13) SCHOOL CONCURRENCY: (Second Reading/Public Hearing) An ordinance providing for text amendments to the Comprehensive Plan by adding a Public School Facilities Element, and amending the Intergovernmental Coordination Element and the Capital Improvements Element, required components in the formation of a school concurrency management system per Florida Statutes. (Applicant - City of Melbourne) (First Reading - 8/26/08)

Attorney Gougelman read Ordinance No. 2008-50 by its title. There were no comments from the audience during the public hearing.

Moved by Thomas/Palmer for approval of Ordinance 2008-50, 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.

11. SITE PLAN APPROVAL (SP-2007-18) FLORIDA INSTITUTE OF TECHNOLOGY, SOUTH CAMPUS, PHASE 2: (Public Hearing) A request for site plan approval to allow for Phase 2 upgrades on a 13±-acre portion of a 57.657±-acre campus zoned I-1 (Institutional), located on the west side of Babcock Street, south of University Boulevard, and north of Florida Avenue. (Owner/Applicant - Florida Institute of Technology) (Representative - Vaheed Teimouri, Teimouri and Associates) (Postponed - 8/26/08)

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Mrs. Dittmer reviewed the agenda report. The Planning and Zoning Board voted unanimously to recommend approval of the substantial change to the site plan, as depicted on a four-sheet plan prepared by Teimouri and Associates, Inc., of Melbourne, Florida, Project Number 2006-123, with a signed and sealed date of July 15, 2008, subject to the following conditions:

- a. Changes to the site plan will require reevaluation by the Engineering Department and Planning and Economic Development Department.

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

- b. Appropriate environmental permits must be obtained as part of the construction plan review process.
- c. All hardwood trees and scrub oaks located outside of the building footprints and parking driveway aisles shall be preserved. Buildings and parking/drive aisles shall be shifted where possible to preserve hardwood trees or scrub oaks, as determined during construction plan review.
- d. The proposed buildings shall be substantially consistent with the renderings submitted by the applicant.
- e. The staging of construction for all buildings in this phase shall provide adequate code complying parking at all times.
- f. The owner/developer paid the capacity reservation fee (10%) in the amount of \$4,860 for water and sewer with the previous approval on September 18, 2007. Therefore, no additional capacity reservation fee is required.
- g. No additional vehicular access from Country Club Road shall be permitted other than the emergency/maintenance access that currently exists per Ordinance 95-12.

Council Member John Thomas declared a conflict of interest and stated that Florida Institute of Technology is his employer.

Vice Mayor Kathy Meehan disclosed that on September 15 Carey Gleason from Florida Tech contacted her to see if she had any questions about the site plan. There were no further disclosures.

The public hearing was opened and closed with no comments.

Moved by LaRusso/Meehan for approval of SP-2007-18 based upon the findings and conditions contained in the Planning and Zoning Board memorandum. Motion carried unanimously. Mr. Thomas abstained from voting.

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12. ORDINANCE NO. 2008-49 (Z-2008-1137AD) DOWNTOWN MELBOURNE EXPANSION AREA, PHASE 1, WEST SIDE: (Second Reading/Public Hearing) An ordinance changing the zoning from C-1 (Neighborhood Commercial) (0.89± acres) and C-2 (General Commercial) (13.59± acres) to C-3 (Central Business District) on 72 parcels totaling 14.48± acres, located south of Crane Creek and north of Line Street, between Lipscomb Street and the Florida East Coast Railway. (Applicant - Melbourne Downtown Community Redevelopment Agency Advisory Committee and the City of Melbourne) (First Reading - 8/26/08)

Attorney Gougelman read Ordinance No. 2008-49 by title. There were no disclosures from Council. The Mayor opened the public hearing.

Mark Herendeen, 1309 South Babcock Street, Melbourne Main Street Design Committee, spoke in support of the item and asked for Council's approval.

Moved by Meehan/Contreras for approval of Ordinance No. 2008-49 based upon the findings contained in the Planning and Zoning Board memorandum.

Mrs. Palmer stated that she won't support this item because it is a blanket change of zoning to allow 80-foot height, 100% lot coverage and no setbacks. This is not a change she supports for the entire area.

In response to Mrs. Corby, Planning and Economic Development Director Cindy Dittmer explained that the passage of Item 12 would have no affect on Item 13. She confirmed that the area covered by this agenda item is already included in Item 13.

The question was called. The roll call vote was:

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

Nay: Palmer

Motion carried.

13. RESOLUTION NO. 3017: (Second Public Hearing) A resolution establishing the Melbourne Economic Enhancement District (MEED), designating the MEED as a Brownfield Area, and making a Finding of Consistency with the Comprehensive Plan. (Applicant - City of Melbourne) (First Public Hearing - 8/26/08)

There were no comments from the public during the public hearing.

Moved by Meehan/LaRusso for approval of Resolution No. 3017.

Mrs. Corby stated that she will not support this item. She reported that Brownfield areas were originally created to clean up abandoned commercial and industrial areas that were perceived to have environmental hazards. This designation would be attached to the

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Quality Target Industry, which is simply a tax program to help create jobs. She noted that she totally supports the creation of jobs along with cleaning up the environment; however, this provides for the designation of an entire area. The City is saying that one-quarter to one-third of the City is perceived to be contaminated, and that's just not the case.

Following brief discussion, Mrs. Dittmer confirmed that staff has an overall master list of the properties that asked to be added and removed. A map will be attached to the resolution.

Mrs. Palmer stated that this item has a negative perception and it provides for an official designation on the majority of the City. It's a blanket move to enhance economic development, although it's not an enhancement for residential property owners.

A brief discussion continued.

The question was called. Motion carried. Mrs. Palmer and Mrs. Corby voted nay.

14. ORDINANCE NO. 2008-51 (CPA-2008-01), ORDINANCE NO. 2008-52 (CPA-2008-10), AND ORDINANCE NO. 2008-53 (Z-2008-1128AD) OLDE EAU GALLIE RIVERFRONT COMMUNITY REDEVELOPMENT AREA ART DISTRICT OVERLAY: Ordinances providing for Comprehensive Plan Amendments and rezoning on 30.86± acres, located west of Pineapple Avenue, east of Avocado Avenue, north of Creel Street, and south of McClendon Street. (Applicant - Olde Eau Gallie Riverfront Community Redevelopment Agency Advisory Committee and the City of Melbourne) (P&Z Board - 2/21/08)
- a. Ordinance No. 2008-51/CPA-2008-01: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment changing the Future Land Use from Low Density Residential to Commercial/Low Density Residential on 30.86± acres. (First Reading - 8/26/08)
 - b. Ordinance No. 2008-52/CPA-2008-10: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment, adding a site-specific policy for Planning Area I, detailing the development restrictions within the overlay zone on 30.86± acres. (First Reading - 8/26/08)
 - c. Ordinance No. 2008-53/Z-2008-1128AD: (Second Reading/Public Hearing) An ordinance changing the zoning from R-2 (One-, Two-, and Multiple-Family Residential) on 4.44± acres and R-2 (6) (One-, Two-, and Multiple-Family Residential with a cap of six units per acre) on 26.42± acres to C-1 (Neighborhood Commercial). (First Reading - 8/26/08)

Attorney Gougelman read the ordinances by title. There were no disclosures from Council. Mayor Goode opened the public hearing.

Shellie Williams, Brevard Cultural Alliance, informed Council that she hopes to be a future resident of the art district. As a point of information, she noted that an article in the September issue of Florida Trend magazine names Melbourne as one of the top ten

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areas for the creative class in the nation. She referenced the hard work and effort by the work group and expressed appreciation to all who have been a part of this.

Moved by Thomas/Palmer for approval of Ordinance No. 2008-51 based on 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. 2008-52 based on 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 LaRusso/Meehan for approval of Ordinance No. 2008-53 based on 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

15. CONSENT AGENDA:

Moved by Contreras/LaRusso for approval of the consent agenda. Motion carried unanimously.

- a. Contract award for the emergency repair of a water main on Florida Avenue, Don Luchetti Construction, Inc., Melbourne, FL - \$49,109; an appropriation of \$6,139 from State FEMA funds; an appropriation of \$36,831 from Federal FEMA funds, and a transfer of \$6,139 from Water & Sewer Contingency to establish a budget in the Water Distribution Division for this repair.
- b. Contract award for the emergency repair of a storm drain pipe in the Weston Park Subdivision, Insituform Technologies, Jacksonville, FL - \$23,345.50; an appropriation of \$2,918 from State FEMA funds; an appropriation of \$17,510 from Federal FEMA funds, and a transfer of \$2,918 from General Fund Contingency to establish a budget in the Streets Management Division for this repair.
- c. Approval of a "Permission to Enter Property" agreement between the City of Melbourne and Harbor Marine of Brevard, Inc. to allow for the installation and

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sampling of groundwater monitoring wells at Claude Edge Front Street Park, located at 2205 Front Street.

- d. Renewal of property, inland marine floater, general liability, police liability, public officials errors & omissions, automobile liability, auto physical damage coverage, workers' compensation, and police & firefighters AD&D, Florida Municipal Insurance Trust - annual premium of \$1,965,069; renewal of the Melbourne Airport's E&O coverage, Florida Municipal Insurance Trust, underwritten by National Union Fire Insurance Company - annual cost of \$19,691; renewal of third party claims administration, Johns Eastern Company, Inc. - estimated annual cost of \$7,103; and renewal of third party workers' compensation claims administration, Professional Administrators, Inc. - annual cost of \$42,250.
- e. Approval of a blanket purchase order for gasoline and diesel fuel, Glover Oil Company, Melbourne, FL - \$776,239; and Mansfield Oil Company, Gainesville, GA - \$398,431; and fuel card purchases, TransMontaigne Product Services, Denver, CO - \$376,242; total estimated six-month cost of \$1,550,912.
- f. Approval of blanket purchase orders for tire purchases, Gatto's Tire & Auto Service, Melbourne, FL - \$60,000; Boulevard Tire Center, Cocoa, FL - \$20,000; and Glenn's Tire, Melbourne, FL - \$8,000.
- g. Purchase of equipment for softball field lighting replacement at Sherwood Park, Musco Sports Lightings, LLC, High Point, NC - \$36,000; and installation, M. Gay Constructors, Inc., Jacksonville, FL - \$42,400; total project cost of \$78,400.
- h. Purchase of a Total Organic Carbon Analyzer with extended warranty for Water Production, Teledyne Tekmar Company, Mason, OH - \$33,624.68.
- i. Approval of 36-month leasing of two e-Studio 3530 digital copier systems for Financial Services, Toshiba Business Solutions, Orlando, FL - \$8,397.36 annually for a total three-year lease cost of \$25,192.08.
- j. Authorization for the City Manager to execute Project Agreements with the United States Department of Agriculture Natural Resources Conservation Service for the Emergency Watershed Protection Program grant funding to perform the Edgewood Drive ditch stabilization project, the Dartmouth ditch at Country Club Road box culvert project, and the North-South Terminal Canal stabilization project.
- k. Resolution No. 3020: A resolution authorizing the City Manager to submit a grant application to the Florida Department of Environmental Protection for \$200,000 in grant funding through the Florida Recreation Development Assistance Program for improvements at Pineapple Park with a local match of \$200,000 if the grant is awarded.
- l. Resolution No. 3021: A resolution authorizing the City Manager to submit a grant application to the Florida Department of Transportation for grant funding in the

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amount of \$24,423 for the purchase of 12 radar laser speed detectors for the Police Department with a match of \$344 from Federal Asset Sharing Funds if the grant is awarded.

16. ITEMS REMOVED FROM THE CONSENT AGENDA

None.

17. COUNCIL ACTION RE: Approval to transfer \$540,000 in SHIP funding for the SHIP Disaster Relief Strategy for provide up to \$15,000 to owner-occupants for home repairs related to Tropical Storm Fay and approval of related budget adjustments.

Housing and Community Development Director Melinda Thomas was available for questions.

Moved by LaRusso/Meehan for approval to transfer \$540,000 in SHIP funding for the SHIP Disaster Relief Strategy to provide financial assistance to homeowners for home repairs and approval of related budget adjustments. Motion carried unanimously.

18. RESOLUTION NO. 3022: (Public Hearing) A resolution authorizing transmittal to the Department of Community Affairs the Comprehensive Plan Amendment CPA-2008-09, amending the text of the Infrastructure, Future Land Use, Conservation, Intergovernmental Coordination, and Capital Improvements Elements of the Comprehensive Plan, adding required components relating to the implementation of the City of Melbourne's 10-Year Water Supply Facilities Work Plan per Florida Statutes.

Mrs. Dittmer reviewed the agenda report and stated that the Planning and Zoning Board voted unanimously to recommend approval at its September 4 meeting. There were no comments during the public hearing.

Moved by Contreras/Thomas for approval of Resolution No. 3022. Motion carried unanimously.

Mrs. Palmer asked how this relates to our dispute with West Melbourne. The City Manager replied that Melbourne will continue to rely on the contracts and master plans that are in place.

19. RESOLUTION NO. 3023: A resolution approving the Second Amendment to Amended and Restated Easement and License Agreement for Causeway Center between Towne Hynes of Melbourne LLC and the City of Melbourne for property located east of U.S. 1, south of Highway 192, and north of New Haven Avenue; and authorization for the City Manager to execute the agreement.

Mrs. Dittmer reviewed the agenda report. Mayor Goode pointed out that the applicant's representative, Ken Ward, is available for questions.

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Moved by Meehan/Contreras for approval of Resolution No. 3023. Motion carried unanimously.

20. COUNCIL ACTION RE: Approval of an Interlocal Agreement between the Board of County Commissioners of Brevard County and the City of Melbourne authorizing transfer of \$500,000 in Transportation Impact Fee revenues to Brevard County for the NASA Boulevard/Ellis Road Realignment Project to allow Brevard County to utilize available funding for the milling and resurfacing of Croton Road; authorization for the City Manager to execute the agreement; and an appropriation of \$500,000 from Transportation Impact Fees to fund this project.

Deputy City Manager Howard Ralls briefed Council and said that the proposed arrangement is:

- The City will transfer \$500,000 of impact fee revenues to Brevard County for the NASA/Ellis realignment project.
- Brevard County will transfer \$500,000 from the NASA/Ellis realignment project to reconstruct Croton Road from Sarno to Aurora Road.
- The County will initiate the milling and resurfacing of Croton Road in no less than 60 days.

Mrs. Palmer said she is looking for assurance about the quality of the repaving, especially with protruding manholes. She'd like assurance that the final product will be a smooth surface. Mr. Ralls agreed that will be a part of this effort.

Moved by Palmer/Corby for approval of the Interlocal Agreement between the Board of County Commissioners of Brevard County and the City of Melbourne authorizing transfer of \$500,000 in Transportation Impact Fee revenues to Brevard County for the NASA Boulevard/Ellis Road Realignment Project to allow Brevard County to utilize available funding for the milling and resurfacing of Croton Road; authorization for the City Manager to execute the agreement; and an appropriation of \$500,000 from Transportation Impact Fees to fund this project.

In response to Mrs. Corby, Mr. Ralls elaborated on the arrangement with Brevard County. Mrs. Corby pointed out that Croton Road is a County roadway that Melbourne is taking responsibility for. She asked what assurance the City has that the \$500,000 will come back to us. Following brief discussion, the City Manager noted that we are simply trading funding sources. Following this, the County will owe the City nothing and the City will owe the County nothing.

The question was called. Motion carried unanimously.

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

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Council reviewed and made no changes to the following policies:

46. If an agenda item relates to the reversal or discussion of an advisory board's decision – or if the issue is controversial – a representative from that board will be asked to attend the Council meeting to answer questions. (11/23/2004, Item #23)
47. Waiver of the City's open container ordinance (for special events) shall end at midnight with a condition that the streets be cleared by 12:30 a.m. Applicants wishing to have open container beyond midnight will be required to submit a request in the form of an agenda item to Council at least two months before the scheduled event. With regard to "gated" events, an applicant may not fence an area prior to 3:00 p.m. and may not begin charging a gate fee prior to 6:00 p.m. (2/22/2005, Item #19)
48. Council adopted the following procedures for all City boards (9/13/2005, Item #6):

- Each year boards should conduct a self-evaluation. Board members should discuss how they are functioning, attendance, participation, etc. And, they should also look at their composition and determine if the group is diverse and represents the community as a whole. If not, the board should make a recommendation to City Council to strive for a person with a particular background to be appointed during the next vacancy.
- The Chairman of each board should annually make a brief presentation to City Council (three to five minutes). The other board members should be present in the audience. This would provide an opportunity for the board to review its accomplishments, highlights and challenges with City Council and answer any questions.

(Note: On April 25, 2006, Item #20, Council approved a less intensive reporting schedule for the boards that meet less frequently. Staff will schedule boards that meet monthly to make an annual report; all other boards will be scheduled to make a biennial report.)

- Every board should have a "job description" – preferably written by the board members. This helps applicants determine whether they are interested in making application for a particular board.
 - Although orientation is conducted with new members, staff should strive to conduct a periodic orientation with each board to review the basic laws plus any new ordinances, regulations, procedures, etc.
49. Surrounding property owners will be notified about a site plan request in instances where other actions by the City have taken place through a quasi-judicial board (Zoning Board of Adjustment, Code Enforcement Board, etc.). Additionally, surrounding property owners will be notified when a change is made to a site plan

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that is tied to a conditional use or zoning/rezoning that triggers review by Council. (1/10/2006, Item #26)

50. Staff recommendations to Council regarding additional building height requested through the conditional use process may only go 50% above the allowable height limits. If the zoning category allows 40', staff may only recommend 60', and if the zoning category allows 80', staff may only recommend 120'. (3/28/2006, Item #8)

22. COUNCIL ACTION RE: Board appointments.

- a. Appointment of two regular members to the Architectural Review Board.

Moved by Palmer/LaRusso to reappoint David Corbin and David Bogenrief. Motion carried unanimously.

- b. Appointment of two members to the Firefighters' Pension Plan Board of Trustees.

Moved by Corby/Thomas to reappoint Gary Ford and Douglas Taylor. Motion carried unanimously.

- c. Appointment of two members to the Police Officers' Retirement Trust Fund Board of Trustees.

Moved by Corby/LaRusso to reappoint Scott Olson and Joseph Downs. Motion carried unanimously. The motion was repeated: Moved by LaRusso/Palmer to reappoint Scott Olson and Joseph Downs. Motion carried unanimously.

23. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Pat Poole, 805 E. Palmetto Avenue, stated that the problems the residents have experienced with Daily Bread for the past 20 years continue. She discussed the history of Daily Bread and how it reached its current location. Mrs. Poole stated that Daily Bread is not following its current conditional use; therefore, it should be revoked. She concluded by encouraging Council not to consider any further extensions on their conditional use request.

Mrs. Corby commented that from the beginning it has been her belief that Daily Bread is being used for a political tit for tat. Dodging the question does not fix the problem. She encouraged everyone to stop delaying this item and address the issue.

Mrs. Palmer said as she passed by the Daily Bread today, it looked like a drug deal was happening on the corner. She said that if Daily Bread receives the conditional use, representatives have indicated they will install cameras and cooperate with the City in keeping down criminal activity in the area. During this 60-day delay, she recommended Daily Bread make a good faith effort to implement the strategies they have promised – regardless of whether they receive their conditional use.

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Discussion continued. Mr. Contreras called a point of order based on the Daily Bread item being postponed. Mayor Goode agreed and said the item being discussed has been postponed.

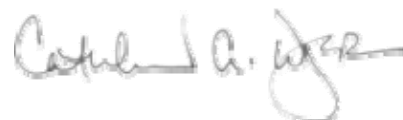
Council Member Cheryl Palmer commended Bob Klapproth for his service throughout the year. She said that he never fails to solve constituents' problems. Additionally, she commended the Public Works employees for going above and beyond the call of duty during Tropical Storm Fay.

Council Member Richard Contreras agreed and pointed out that the Public Works staff saved about 98% of the homes in Weston Park. Management had to make tough decisions on where to locate assets to save homes. The Public Works crews worked non-stop without complaint, which is a testament to Bob Klapproth and his department.

24. ADJOURNMENT

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

The meeting adjourned at 9:11 p.m.



City Clerk – 9/25/2008

Approved by Council: _____

Attachment to official minutes: Memorandum of Voting Conflict (reference Item #11)