

CITY OF MELBOURNE, FLORIDA
SUMMARY OF MINUTES – REGULAR CITY COUNCIL MEETING
NOVEMBER 10, 2009



1. Invocation
2. Pledge of Allegiance
3. Roll Call
4. Proclamations and Presentations
5. Approval of Minutes

6. City Manager's Report

Mr. Schluckebier introduced Ralph Reigelsperger, the City's new Public Works & Utilities Director.

Mr. Schluckebier reported that City of Melbourne employees donated \$46,095 to the United Way this year. This is about 3% lower than last year; but our employment level is about 9% lower than last year. Given the number of employees, with frozen positions and attrition, per employee it is an increase. Based on the economy he is very pleased the level of giving has held up.

Regarding Item #2, Council Member Corby asked the factors used to locate the Police substation in the South Melbourne area. Mr. Schluckebier stated this was based on continuing requests through Police Community Relations meetings. He noted that the Police Department would like to have a substation in the north end of the City as well; however, determining factors were a one time grant from Florida Power and Light to assist in paying utilities and an offer by the Housing Authority for a free rental unit.

Mrs. Corby asked what factors were used to determine that a substation was needed in that area. Mr. Schluckebier said he did not have that at this time; however, he can provide the information to Council.

Item #3, Mrs. Corby asked if there will be no recurring allocations of the grant from the Law Enforcement Trust Fund (LETF) account that can be used for School Resource Officers. Mr. Schluckebier stated the LETF could be used to defray the cost of a first time SRO, but not a recurring expense. Any expense that has previously been budgeted that reoccurs year after year, LETF can not be used. Mrs. Corby asked if the funds could be used for an event that would reoccur year after year. Mr. Schluckebier stated to the extent that it has been budgeted previously, they would not. The funds can be used for unique, one time events. The fund is intended to be for crime prevention activities and equipment.

Item #4, Lansing Ridge sidewalk complaint, Mrs. Corby asked if there is a timeframe for the (repair/replacement of) sidewalks indicated. Mr. Schluckebier stated he can provide this to Council.

Item #5, automatic teller machines, Mrs. Corby asked if a business service category will be added to the Code. Mr. Schluckebier stated that the Finance Director recommended leaving the current rates in place as adopted by Council. The business service category already exists and no other category is needed.

CITY OF MELBOURNE, FLORIDA
SUMMARY OF MINUTES – REGULAR CITY COUNCIL MEETING
NOVEMBER 10, 2009

Item #6, costs for parades, Mrs. Corby said she understands the information presented; however, she asked for a standard process to determine the cost for the different events. It doesn't appear there is a process in place. Mr. Schluckebier stated the process is a City-wide department review of the particulars of each event. Generally speaking, each event has different configurations. The same review process is applied; but because events are different, there will be different results for each one. Mrs. Corby asked if standard guidelines can't be established so that all events receive the same treatment. Mr. Schluckebier stated yes, to the extent that standards can be applied to uneven things. Mrs. Corby offered to assist if help or suggestions are needed.

Council Member Meehan said she would like to discuss Meg-o-Ween issues under item #23 (Petitions, Remonstrances & Communications).

Council Member LaRusso referenced item #4. He noted some homeowners associations stipulate that residents are responsible for maintenance of the sidewalk in front of the home. He asked if this community (Lansing Ridge) is under homeowners' association documentation and if staff reviewed the issue. Jenni Lamb, City Engineer, responded that staff has not reviewed those documents; however, they will. In this particular case, the City is addressing the problems because the sidewalks are in the City right-of-way. She suspects that the cases where homeowners are responsible for maintenance are neighborhoods with private streets. She commented staff will double-check before any work is done; if it is not the City's responsibility she will notify Council.

Council Member Tasker asked who originally put in the sidewalks. Mrs. Lamb stated in this case she believes all the sidewalks are in and were put in by the home builders.

Mrs. Tasker asked if standards are in place, if inspections are done and if the City is responsible for repairs. Mrs. Lamb responded yes (to all three questions).

A brief discussion followed regarding causes of damage to sidewalks. Mrs. Lamb confirmed that there is a Code in place at this time that prevents the planting of trees in City rights-of-way.

7. Public Comments

None.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2009-37 (AR-2009-229AD), ORDINANCE NO. 2009-38 (CPA-2009-05AD), AND ORDINANCE NO. 2009-39 (Z-2009-1150AD) BOWERS ROAD: Ordinances providing for annexation of 2.46± acres, a Comprehensive Plan Amendment and zoning designation on 2.2± acres, located on the east and west sides of Bowers Road, south of Aurora Road, and west of Croton Road. (Owners - Brenda & Cary Stella) (Applicant - City of Melbourne) (First Reading – 10/27/09)

CITY OF MELBOURNE, FLORIDA
SUMMARY OF MINUTES – REGULAR CITY COUNCIL MEETING
NOVEMBER 10, 2009

- a. Ordinance No. 2009-37/AR-2009-229AD: (Second Reading/Public Hearing) An ordinance providing for annexation of 2.2± acres of private property and 0.26± acres of right-of-way.
- b. Ordinance No. 2009-38/CPA-2009-05AD: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment to designate a Future Land Use of Low Density Residential on 2.2± acres.
- c. Ordinance No. 2009-39/Z-2009-1150AD: (Second Reading/Public Hearing) An ordinance providing for a zoning designation of R-2 (6) (One-, Two-, and Multiple-Family Residential Medium Density with a cap of six units per acre) on 2.2± acres.

Approved.

- 9. ORDINANCE NO. 2009-40 (A&V No. 327): (Second Reading/Public Hearing) An ordinance vacating a 7.5 foot portion of an existing 15 foot wide public utilities and drainage easement located at 363 Peregrine Drive. (Applicant - Gary and Deborah Davis) (First Reading – 10/27/09)

Approved.

- 10. ORDINANCE NO. 2009-41 (CU-2009-06/SP-2009-06) BREVARD COUNTY SARNO LANDFILL EXPANSION: (Second Reading/Public Hearing) An ordinance granting a conditional use with site plan approval to allow for a 9.8±-acre expansion of an existing Solid Waste Class III Landfill zoned M-1 (Light Industrial) on an 80.90-acre site, located south of Sarno Road, east of North Drive, and west of Wickham Road. (Owner - Brevard County Board of County Commissioners) (Applicant/Representative - Brevard County Solid Waste Management Department) (First Reading - 10/27/09)

Approved as revised (condition 2. "f") to provide that the final decision on any height variance requests would come to Council for approval.

- 11. ORDINANCE NO. 2009-42 (CU-2009-08/SP-2009-08) SONATA AT MELBOURNE ASSISTED LIVING FACILITY (ALF): (Second Reading/Public Hearing) An ordinance granting a conditional use with site plan approval to allow an assisted living facility and an additional one-foot building height for a total of 41 feet on an 8.15±-acre parcel zoned C-R-2 (One-, Two-, and Multiple-Family Medium Density District with a conditional use for condominiums with 67 feet, 8 inches of height), located on the west side of North Harbor City Boulevard, north of Parkway Drive. (Owner - Rivercrest II Corporation) (Applicant - Sonata Health Care, LLC) (Representative - Vaheed Teimouri, P.E., Teimouri & Associates, Inc.) (First Reading - 10/27/09)

Approved.

- 12. ORDINANCE NO. 2009-43 (CU-2009-12/SP-2009-10) 4855 WICKHAM CENTER: (Second Reading/Public Hearing) An ordinance granting a conditional use and amending site plan approval to allow one four-story mini-storage building and three single-story

CITY OF MELBOURNE, FLORIDA
SUMMARY OF MINUTES – REGULAR CITY COUNCIL MEETING
NOVEMBER 10, 2009

office buildings on a 6.05±-acre parcel zoned C-C-2 (General Commercial with a conditional use to allow a mini-storage building), located east of Wickham Rod and south of Mariah Drive. (Owner/Applicant - Boozer Properties, LLC) (Representative - Jake Wise, P.E., CEG, Inc.) (First Reading - 10/27/09)

Postponed until the November 24 Council meeting at the request of the applicant's representative to allow consideration by a full Council.

13. ORDINANCE NO. 2009-44 (AR-2009-230AD) TRIMBLE ROAD: (Second Reading/Public Hearing) An ordinance providing for voluntary annexation of 40.24± acres (including 5.53± acres of right-of-way) consisting of 37 parcels and lots in five areas, located south of Aurora Road, west of Wickham Road, along Trimble Road, Lytton Road, Baker Road, and Easy Street. (Owner/Applicant/Representative - City of Melbourne at the request of numerous property owners) (First Reading - 10/27/09)

Approved.

NEW BUSINESS

14. COUNCIL ACTION RE: Appointment of Vice-Mayor for 2009-2010.

Appointed Council Member Mark LaRusso.

15. COUNCIL ACTION RE: Appointment of three Council Members to the Melbourne Airport Authority.

Reappointed Mayor Goode and Council Members Thomas and Tasker (Term: 12/12/2009 – 12/11/2011).

16. COUNCIL ACTION RE: Contract award for the D.B. Lee Reclamation Facility deep injection well plug and abandonment, Project No. 35808, Youngquist Brothers, Inc., Fort Myers, FL - \$222,587 and approval to establish a construction contingency in the amount of \$22,250.

Approved.

17. CONSENT AGENDA:

Item "i" was removed at the request of Council Member Nowlin; the remainder of the consent agenda was approved.

- a. Approval of continued Historic Preservation Services, Land Design Innovations, Inc., Winter Park, FL - not to exceed \$25,000; and authorization for the City Manager to execute the agreement.
- b. Contract award for Lake Washington Water Treatment Plant sludge storage area road paving and road shoulder stabilization, Project No. 31409, W. M. Turnbaugh

CITY OF MELBOURNE, FLORIDA
SUMMARY OF MINUTES – REGULAR CITY COUNCIL MEETING
NOVEMBER 10, 2009

Construction, Inc., West Melbourne, FL - \$41,358.50 and approval to establish a construction contingency in the amount of \$4,135.

- c. Continuation of the 800 MHz equipment maintenance contract for two-way radio communications systems and other electronic equipment for the Police Department, Communications International, Vero Beach, FL - \$76,398.24.
- d. Purchase of 564 golf cart batteries, Jeffrey Allen, Inc., Bradenton, FL - \$37,224.
- e. Purchase of pavement striping, Fausnight Stripe & Line, Inc., Longwood, FL – at unit pricing; total estimated cost through August 20, 2010 of \$25,000.
- f. Blanket purchase of dumpster hauling and disposal fees for grit and screenings generated at the water reclamation facilities, Waste Management, West Melbourne, FL - \$21,099.
- g. Purchase of 12 sets of Janesville Isodri V-Force coats and bunker pants for firefighters, Municipal Equipment Company, LLC, Orlando, FL - \$20,435.40.
- h. Approval of two-year extensions of HOME Tenant Based Rental Assistance benefits for Patricia Cavanaugh, Marilyn Mone, Dottie Mansell, and Cynthia Thompson.
- i. Resolution No. 3098: A resolution ratifying agreements between Florida Power and Light (FPL) and the City of Melbourne for street lighting and authorizing the City Manager to execute this and all future street lighting agreements with FPL. (See Item 18 for action.)
- j. Resolution No. 3099: A resolution delegating authority to the City Manager to negotiate, accept, and execute easements in favor of the City of Melbourne.
- k. Resolution No. 3100: A resolution implementing Fourth Quarter Budget Review recommendations.

18. ITEMS REMOVED FROM THE CONSENT AGENDA

- i. Resolution No. 3098: A resolution ratifying agreements between Florida Power and Light (FPL) and the City of Melbourne for street lighting and authorizing the City Manager to execute this and all future street lighting agreements with FPL.

Approved (Council Member Nowlin abstained, he is employed by FPL.).

19. COUNCIL ACTION RE: Authorization for the City to consider an offer for the release of Federal Aviation Administration deed restrictions on three properties used for City utilities in exchange for \$1,280,079, paid over 11 years, thereby transferring control of the properties to the City, and authorizing the City Manager to execute appropriate documentation to implement same.

CITY OF MELBOURNE, FLORIDA
SUMMARY OF MINUTES – REGULAR CITY COUNCIL MEETING
NOVEMBER 10, 2009

Approval failed with a 3-2 vote. Council directed this item be placed on the November 24 Council agenda.

Council convened as the Olde Eau Gallie Riverfront Community Redevelopment Agency for this item:

20. COUNCIL ACTION RE: Contract award for conceptual design services for Eau Gallie streetscape improvements, Project No. 14209, Land Design Innovations, Inc., Winter Park, FL - \$31,995; and authorization for the City Manager to execute the agreement.

Approved.

Council reconvened for the remaining items:

21. COUNCIL ACTION RE: Review of Council's policy, which provides that a Council Member may speak no more than 10 minutes on any one item. (Requested by Council Member Joanne Corby - 10/13/09)

Postponed until the November 24 Council meeting at the request of Council Member Thomas to allow discussion/consideration by a full Council.

22. COUNCIL ACTION RE: Board appointments

- a. Appointment of one regular member to the Babcock Street Community Redevelopment Agency Advisory Committee.

Appointed alternate Carl Beneduci (11/10/2009 – 5/3/2010; unexpired 2-year term) as the regular member and Kenneth Levesque (11/10/2009 – 6/7/2011; unexpired 2-year term) as an alternate member.

- b. Appointment of one member to the Police Officers' Retirement Trust Fund Board of Trustees.

Appointed Diane Mortellaro (11/10/2009 – 9/30/2010; unexpired 2-year term).

23. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mrs. Meehan referenced the Meg-o-Ween event. She recommended that the City's proceeds from this event be used to replace the broken windows at the Henegar Center, provide a barrier in the alleyway between the Henegar Center and the condo behind it, and a one time donation to the Melbourne Light Parade. She said the numbers aren't available yet; however, she would like staff and Council to consider these changes.

Discussion followed regarding the amount. Mr. Schluckebier explained that the (Gated Street Event) policy provides that the City receives 20% of the gate fee. Meg O'Malley's is currently amassing its reports and intends to comply with the City's requirements of

CITY OF MELBOURNE, FLORIDA
SUMMARY OF MINUTES – REGULAR CITY COUNCIL MEETING
NOVEMBER 10, 2009

payment and recovery of costs. It is expected that the proceeds above and beyond recovery of costs will be in the \$11,000 - \$12,000 range.

Mrs. Corby commented if there is a process in place for these types of events, it could include disbursement of proceeds, time frame for collecting proceeds, etc. Mr. Schluckebier stated this can certainly be brought back at the next meeting. He said there is no policy from Council regarding use of these proceeds; they are placed into the General Fund miscellaneous revenue account.

There was a brief discussion regarding the Meg-o-Ween event. Mr. Schluckebier confirmed that staff will return with recommendations as to future gated street events. Mr. LaRusso recommended it be included in the City Manager's Report.

Mrs. Corby shared with Council that she attended the South Brevard Historical Society "Tour of the Past" event, which was very informative of the history of our community.

Staff confirmed for Mrs. Corby that the antique fire truck will be available for Council Members to ride in the Veterans Day Parade.

Council Member Nowlin reported that nothing has been done with the sign being worked on at Post Road/U.S. 1. He asked about the status. He said a hole has been dug for the foundation and a pile of dirt has been placed on the plantings there. Mr. Schluckebier responded there was a 7-10 day delay because there was disagreement in the City Engineer's office on the shop drawings. Mrs. Lamb reported that the shop drawings have been approved and construction has started. She doesn't know the production time; however, she can forward that information through the City Manager. She confirmed that the contract provides that the contractor is responsible to replace any damaged plants.

Mr. Nowlin referenced the Police Officer's accident on the segway. Officer Jim will be okay; however, the Risk Manager set aside \$25,000 for that incident.

Attorney Gougelman reported that he had the pleasure of swearing in Council Member Kathy Meehan as the President of the Space Coast League of Cities.

24. ADJOURNMENT

The meeting adjourned at 9:01 p.m.