

City of Melbourne



City Hall • 900 E. Strawbridge Avenue, Melbourne, FL 32901
(321) 608-7200 • Fax (321) 608-7219

CITY COUNCIL AGENDA

July 27, 2010 ♦ 6:30 P.M.

This meeting shall adjourn by 11:00 p.m. Extension of the meeting beyond 11:00 p.m. shall only be authorized by a majority vote of City Council.

In accordance with Council policy, the roll call vote rotates each meeting. During this meeting, the vote will be Districts Five through Four except that the Mayor will vote last as provided by City Code and the Vice Mayor will vote second to last.

1. **Invocation** - Jake Joines, Youth Pastor, First Free Will Baptist Church
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Proclamations and Presentations**
5. **Approval of Minutes** - July 13, 2010 - Regular Meeting
6. **City Manager's Report**
7. **Public Comments**

UNFINISHED BUSINESS

8. **ORDINANCE NO. 2010-13 (Z-2010-1153AD/FOC-2010-01) ZONING CODE AMENDMENTS:** (Second Reading/Public Hearing) An ordinance amending the Zoning Code, Appendix B, by revising the definitions of accessory use, lot, restaurant, service use, and shelter, and adding new definitions for daily needs center and tax parcel; adding a new section relating to the aggregation of parcels of land; describing how regulations will apply to a lot with multiple zoning designations; establishing a new subsection describing minimum distance separation between residential uses and existing daily needs centers, homeless shelters, or soup kitchens; adding standards for daily needs centers; clarifying standards for homeless shelters and soup kitchens and incorporating language consistent with the daily needs center, soup kitchen and homeless shelter categories; and amending the criteria for reviewing conditional uses. (Applicant - City of Melbourne) (Postponed - 6/22/10)
9. **COUNCIL ACTION RE:** Term limits for elected officials.
 - a. **Ordinance No. 2010-38:** (Second Reading/Public Hearing) An ordinance amending Section 2.02 (1)(b) of the City Charter, providing for a referendum election and ballot language, providing that the Mayor or a Council Member may serve not more than three consecutive terms of four years each. (Postponed - 7/13/10)
 - b. **Ordinance No. 2010-42:** (First Reading) An ordinance amending Section 2.02 (1)(b) of the City Charter, providing for a referendum election and ballot language, providing that the Mayor or a Council Member may serve not more than three terms of four years each. (Requested by Council Member Tasker)



10. **ORDINANCE NO. 2010-40 (A&V NO. 330):** (Second Reading/Public Hearing) An ordinance vacating a 60' x 110' portion of an existing unimproved 60-foot wide right-of-way known as Academy Drive, located north of Lund Circle. (Applicant - Margetta Nelson) (First Reading - 7/13/10)
11. **ORDINANCE NO. 2010-41:** (Second Reading/Public Hearing) An ordinance amending Chapter 26 of the City Code, entitled Solicitors, Canvassers, and Peddlers; revising the definition of "peddler" to provide consistency with its application in the City of Melbourne. (First Reading - 7/13/10)
12. **COUNCIL ACTION RE:** Resolution of litigation with Florida Recyclers and relocation assistance to Daily Bread, Inc. (Motion to reconsider and leaving pending - 7/13/10)

NEW BUSINESS

13. **CONSENT AGENDA:**
 - a. Supplement No. F097 to the Continuing Consultant's Contract for engineering services to provide for surveying of Space Coast Area Transit bus stop locations, Project No. 18210, Frazier Engineering, Inc., Melbourne, FL - \$29,500.
 - b. Change Order No. 1 to the contract for 2009 Miscellaneous Waterline Replacements to provide for replacement of an existing waterline on Hillside Court, Project No. 30209, Young's Communication Company, Inc., Melbourne, FL - \$32,739.50.
 - c. Contract award for the purchase of sodium hypochlorite, Odyssey Manufacturing Co. Inc., Tampa, FL - \$0.78/gallon; estimated annual cost of \$125,463.
 - d. Approval of a \$700 appropriation from the Law Enforcement Trust Fund to provide financial assistance to the Powell Subdivision Neighborhood Watch Program for the National Night Out and Back to School Blast event on August 3, 2010.
 - e. Approval of a Memorandum of Understanding with the International Association of Firefighters providing for contract extension.
 - f. **Resolution No. 3147:** A resolution providing for adoption of the U.S. Department of Homeland Security National Incident Management System.
14. **ITEMS REMOVED FROM THE CONSENT AGENDA**
15. **ORDINANCE NO. 2010-43:** (First Reading/Public Hearing) An ordinance authorizing conveyance of a 0.12-acre City-owned, vacant lot located on Church Street to Macedonia Community Development Corporation of South Brevard; authorization for the City Manager to execute the City Quit-Claim Deed and any other closing documents required for title transfer; and authorization for the City Attorney's Office to effect the closing.



16. **ORDINANCE NO. 2010-44:** (First Reading) An ordinance amending Section 2.05, City Charter, providing for a referendum election and ballot language; setting forth a City Charter Amendment providing that the salary increase for Mayor and City Council shall be made by the same rate of change and at the same time as afforded to non-union Melbourne City employees. (Authorized by Council - 7/13/10)
17. **COUNCIL ACTION RE:** Approval of Work Order No. 00061.06J to the Continuing Consultant's Contract for development of mobility strategies and establishment of transportation concurrency exception areas, Land Design Innovations, Winter Park, FL - \$49,450 plus reimbursable expenses not to exceed \$2,472.50.
18. **PETITIONS, REMONSTRANCES AND COMMUNICATIONS**
19. **ADJOURNMENT**

Mayor Goode and Council Members John Thomas and Molly Tasker, as members of the Airport Authority Board, may discuss Airport Authority issues, which may subsequently be addressed by the Airport Authority.

Council Members Kathy Meehan, Mark LaRusso, and Joanne Corby, as members of the Space Coast Transportation Planning Organization (SCTPO), may discuss SCTPO issues, which may subsequently be addressed by the SCTPO.

Pursuant to 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the City Council with respect to any matter considered at its meeting or hearing, he will need a record of the proceedings, and that for such purpose, affected persons may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office (321/608-7222) at least 48 hours prior to the meeting.