

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
JULY 11, 2000

A regular meeting of the City Council was held in the City Council Chamber, 900 East Strawbridge Avenue, and was called to order at 7:30 p.m. by Mayor John Buckley.

1. Pastor Gordon Strongitharm, Tabernacle Church, gave the invocation.
2. All present gave the Pledge of Allegiance to the Flag of the United States of America.
3. Roll Call.

Present:	John A. Buckley	Mayor
	Ed Palmer	Vice Mayor, District 2
	Richard Contreras	Council Member, District 1
	Priscilla M. Poole	Council Member, District 3
	Grace Walker	Council Member, District 4
	Cheryl Palmer	Council Member, District 5
	Loretta Isenberg-Hand	Council Member, District 6
	Henry J. Hill	City Manager
	Paul R. Gougelman, III	City Attorney
	Cathleen A. Wysor	City Clerk
	Bud Emerson	Assistant City Manager
	Bill McCord	Assistant Planning and Zoning Administrator

4. PROCLAMATIONS AND PRESENTATIONS

Mayor Buckley read and presented a proclamation to Larry Brewer, Program Director for Radio Station WMMB, recognizing him for 15 years with WMMB and his dedication and service to the community.

5. APPROVAL OF MINUTES – June 27, 2000 Regular Meeting

Moved by Hand/E. Palmer for approval. Motion carried unanimously.

6. CITY MANAGER'S REPORT

The FY 2000-20001 preliminary budget was distributed to Council. Workshop meetings are scheduled for August 1 and 3 and public hearings are tentatively scheduled for September 5 and 20. Mr. Hill reminded Council that staff is available for individual meetings prior to the workshop meetings to review the budget and answer questions.

Mr. Hill informed Council that we have received the comprehensive medical consultant's report on Annex I. The doctor has indicated in the report that he doesn't see any problems associated with the lead, asbestos, mold spores, etc. Council Member Poole requested a copy of the report.

Vice Mayor Ed Palmer referenced the narcotics arrests in the City Manager's Report and expressed concern that the number seemed low. Mr. Hill said he would verify the report.

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7. PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2000-36 (A&V 233): (Public Hearing/First Reading) A proposed ordinance to abandon and vacate a 16-foot wide alley between Lots 10 through 14, Block 5, Replat of Outlots 21-23 (2125 and 2155 Avocado Avenue) (Applicants – Allen and Minnie Lindsey and Andrew Egan) (Postponed by Council 6/27/00)

Mayor Buckley referenced the additional material distributed to Council, which indicates that the abutting property owners, Mr. Lindsey and Mr. Cilli have reached an agreement. The petitioner, Mr. Lindsey has withdrawn his request. A right-of-way use agreement will return to Council in the future for action.

9. ORDINANCE NO. 2000-37 (A&V 234): (Public Hearing/Second Reading) A proposed ordinance to abandon and vacate a 4' by 65' section of a 20-foot wide drainage easement along the western property line of Lot 10, the Sanctuary Subdivision, Phase III. (Applicant – Mohsen M. Zakeri) (First Reading 6/27/00)

Attorney Gougelman read the ordinance by title. There were no comments from the public.

Moved by E. Palmer/Walker for approval of Ordinance No. 2000-37. The roll call vote was:

Aye: Contreras, Poole, Walker, C. Palmer, Hand, E. Palmer, and Buckley

Nay: None

Motion carried unanimously.

10. ORDINANCE NOS. 2000-38 AND 2000-39 (CPA-2000-01/Z-2000-894): (Public Hearings/ Second Readings) Proposed ordinances to implement a minor Comprehensive Plan Amendment establishing a Low-Density Residential Future Land Use and zoning on the property from County RU-1-11 (Single-Family Residential) to R-1A (Single-Family Residential) on a 0.21-acre lot located on the west side of Croton Road, north of Aurora Road. (Applicants – Alice S. Denis and City of Melbourne) (First Readings 6/27/00)

Attorney Gougelman read each ordinance by title. There were no comments from the public.

Moved by C. Palmer/Contreras for approval of Ordinance No. 2000-38. The roll call vote was:

Aye: Contreras, Poole, Walker, C. Palmer, Hand, E. Palmer, and Buckley

Nay: None

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Motion carried unanimously.

Moved by Hand/E. Palmer for approval of Ordinance No. 2000-39. The roll call vote was:

Aye: Contreras, Poole, Walker, C. Palmer, Hand, E. Palmer, and Buckley

Nay: None

Motion carried unanimously.

11. ORDINANCE NOS. 2000-40 AND 2000-41 (CPA-2000-02/Z-2000-895): (Public Hearings/ Second Readings) Proposed ordinances to implement a minor Comprehensive Plan Amendment establishing a Low-Density Residential Future Land Use and R-A (Residential Holding District) zoning on three parcels located west of I-95, south of Lake Washington Road, north of Aurora Road (White Pine Drive), and east and west of Jones Road. (Owner/Applicant – J. W. Woodson/B. J. Houze) (First Readings 6/27/00)

Attorney Gougelman read Ordinance Nos. 2000-40 and 2000-41 by title. There were no comments from the public.

Moved by Walker/E. Palmer for approval of Ordinance No. 2000-40. The roll call vote was:

Aye: Contreras, Walker, C. Palmer, Hand, E. Palmer, and Buckley

Nay: Poole.

Motion carried.

Moved by C. Palmer/Walker for approval of Ordinance No. 2000-41. The roll call vote was:

Aye: Contreras, Walker, C. Palmer, Hand, E. Palmer, and Buckley

Nay: Poole.

Motion carried.

Mrs. Poole stated that she couldn't support an item that would result in septic tanks being placed close to our water supply.

12. ORDINANCE NOS. 2000-42 AND 2000-43 (CPA-2000-03/Z-2000-896): (Public Hearings/ Second Readings) Proposed ordinances to implement a minor Comprehensive Plan Amendment establishing an Industrial Future Land Use and M-1 (Light Industrial) zoning on a 9.879-acre property located on the east side of North Drive, south of Sarno Road and north of Dow Road. (Owner/Applicant – Trio Industrial LL.C/City of Melbourne. First Readings 6/27/00)

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The City Attorney read the ordinances by title. There were no comments from the public.

Moved by Hand/Walker for approval of Ordinance No. 2000-42. The roll call vote was:

Aye: Contreras, Poole, Walker, C. Palmer, Hand, E. Palmer, and Buckley

Nay: None

Motion carried unanimously.

Moved by E. Palmer/Hand for approval of Ordinance No. 2000-43. The roll call vote was:

Aye: Contreras, Poole, Walker, C. Palmer, Hand, E. Palmer, and Buckley

Nay: None

Motion carried unanimously.

13. ORDINANCE NO. 2000-44 (LDR 2000-03 AND FOC 2000-04): (Public Hearing/Second Reading) A proposed ordinance making the placement of bus benches subject to city approval and prohibiting their use for advertising. (Applicant – City of Melbourne) (First Reading 6/27/00)

Attorney Gougelman read the ordinance by title. There were no comments from the public.

Moved by Poole/Contreras for approval of Ordinance No. 2000-44. The roll call vote was:

Aye: Contreras, Poole, Walker, C. Palmer, Hand, E. Palmer, and Buckley

Nay: None

Motion carried unanimously.

14. ORDINANCE NO. 2000-45: (Public Hearing/First Reading) A proposed ordinance for a street name change of Almond Boulevard and Pecan Street to “Reverend Johnie Scott Boulevard.” (Applicant – Ms. Della Scott Thomas) (Approved by Council 6/27/00)

Attorney Gougelman read Ordinance No. 2000-45 by title. Mayor Buckley referenced the letter from Lonnie Bacon, 3226 Pecan Street, dated July 10. Mr. Bacon is opposed to renaming Pecan Street for personal and business reasons; however, he is not opposed to renaming Almond Boulevard.

Mayor Buckley opened the public hearing. There were no comments from the audience.

Mrs. Poole asked if Mr. Bacon has the only business located on Pecan Street. Mr. Hill said this is a residential street; however, he will investigate. Mayor Buckley recommended Council proceed on first reading.

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There was a brief discussion regarding the length of the street name (Reverend Johnie Scott Boulevard). Mr. Hill confirmed that portions of the name may have to be abbreviated to fit the sign.

Moved by Hand/Contreras for approval of Ordinance No. 2000-45. Motion carried unanimously.

NEW BUSINESS

15. COUNCIL ACTION RE: Consent Agenda

Moved by Hand/C. Palmer for approval of the consent agenda. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Approval of authorized depository, paying agent and registrar fees for the Water and Sewer Improvement Revenue Bonds, Series 2000, The Bank of New York - \$1,875 annual fee.
- b. Purchase of an HRDT 300 Dump Trailer for Streets Division, Trailer Concepts, Inc., Tampa, FL – \$25,176.00

16. COUNCIL ACTION RE: A request for Council consideration of a donation or a grant to the South Brevard Sharing Center to be used toward the cost of a new building. (Requested by Pat Hansen, Executive Director, South Brevard Sharing Center)

From the agenda report: We have received a request for funding assistance of \$10,000 from the South Brevard Sharing Center. The Sharing Center has operated from property donated by Our Lady of Lourdes Catholic Church, which will no longer be available. They are now trying to raise \$500,000 to purchase and renovate another building and have requested funding assistance in the form of a grant from the city. The proposed new location is 17 East Hibiscus Boulevard.

The Sharing Center has selected this location because it is close to their present site. Public transportation, the Health Department and the hospital are nearby. Their thrift store, which provided 40% of their income last year, will be convenient to clients and customers. The building is approximately twice as large as their present location, which they have outgrown, and their clients increase in number from year to year. Last year 24,747 persons were helped by the Sharing Center, half of them children. They have provided food, clothing, household goods and money for vouchers to buy prescription drugs, prevent utility termination and avoid eviction for the working poor.

Should Council desire to grant the request for assistance, funding could be considered in the third quarter budget review or as a part of the FY 2000-2001 budget adoption.

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Pat Hansen, Executive Director, South Brevard Sharing Center, discussed her request. She reported that the Sharing Center has helped the needy in Melbourne for the past 29 years; she has been with the center for 20 of those years. She explained that the funding would be used towards renovation of the new building or the mortgage. Continuing, she noted that they are trying to raise \$500,000. The cost of the building at 17 East Hibiscus Boulevard is \$595,000 plus closing costs. They plan to renovate the first floor to accommodate clients and the thrift shop. Offices are planned for the second floor. They would also like to provide a community room so that other organizations in the community can use the space to meet with or take care of their clients. The estimated cost for renovations is \$65,000. This will allow them to have a pantry, kitchen, and bathroom. They have received 65% of their funding from donations.

Mrs. Poole pointed out that the center serves people south to the county line. She asked if they have approached Palm Bay for donations. Ms. Hansen replied that they have not; however, they do have a center in Palm Bay.

In response to Mrs. Poole, Ms. Hansen said she would provide a list of people who have donated along with the amount.

Mrs. Poole said she believes the building is very large. She asked why the jump in space requirements. Mrs. Hansen said it was very difficult finding a place with adequate parking. They found property available to lease; however, hardly any parking was available and the cost approached \$32,000 for the lease.

Ms. Hansen continued responding to questions about the operation of the Sharing Center.

Mrs. Palmer asked where funding would be in the budget. Mr. Hill said contingency if Council wished to fund this in the current budget. Or, funding could be budgeted in the upcoming budget.

Mrs. Poole pointed out that the preliminary budget was just distributed at this meeting. She recommended Council review the proposed budget before making a decision. Mr. Palmer stated that the Sharing Center followed the guidelines set forth in the Council policy; they made a proper request. He added that at one time, the city donated \$10,000 to CITA for their building. He concluded by saying this is a worthwhile organization and a tremendous number of citizens have benefited from the services provided by the center.

Moved by Hand/E. Palmer to grant the South Brevard Sharing Center \$10,000 from contingency. The maker/seconders clarified that funding would be provided during the third quarter budget review. Motion carried unanimously.

Mrs. Poole noted that the funding is not definite; it will be considered during third quarter. The Mayor confirmed that the motion provides that funding is definite; the city will grant \$10,000.

17. COUNCIL ACTION RE: A request for a charitable exemption for Granada Bay Apartments from the occupational license requirement. (Requested by Robert Hartnett)

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From the agenda report: This is a request by Mr. Robert C. Hartnett of the Granada Bay Apartments. Mr. Hartnett is seeking a "charitable institution exemption" from the city's occupational license requirement. Chapter 205, Florida Statutes, exempts "charitable institutions" from the occupational license requirement when performing their customary activities. Chapter 205.022 (6) (c) defines charitable institutions as:

*"...non-profit corporations operating physical facilities in this state at which are provided charitable services, a reasonable percentage are without cost to those unable to pay."*

The City Code provides that all exemptions authorized by State Statute will also be granted by the city. Essentially, Mr. Hartnett is appealing the administrative decision not to grant the exemption.

Mr. Hartnett has provided the following to support his claim for a charitable exemption: Form SS-4, application for Employer Identification Number; amended and restated articles of organization of Melbourne Granada, LLC; certificate from the State of Florida identifying Melbourne Granada, LLC as a Limited Liability Company organized under the laws of the State of Florida; certificate from the State of Florida identifying Affordable Housing Institute, Inc. as a corporation organized under the laws of the State of Florida; letter dated January 6, 2000 from the Internal Revenue Service stating that Affordable Housing Institute, Inc. is an organization of the type described in Section 509(a)(2) of the Internal Revenue Code; letter dated January 31, 1995 from the Internal Revenue Service stating that Affordable Housing, Inc. is exempt from federal income tax under Section 501(a) of the Internal Revenue Code as an organization described in Section 501(c)(3) of the Code; and letter dated March 28, 2000 from Mr. Hartnett describing Affordable Housing Institute, Inc. and why he believes it should be granted a charitable exemption based on the requirement that 40% of the housing units must be leased to persons who are described as very low income and 55% of the units are required to be leased to persons of the low income category.

The Finance Director indicated to Mr. Hartnett that it is unclear that Granada Bay Apartments meets the test of a charitable organization. She requested additional information identifying the percentage of services that are provided without cost. Mr. Hartnett replied that he feels the information provided is sufficient.

According to city records, Granada Bay Apartments has 160 units. 42 units are rented at market rates, 64 units are rented to tenants who earn 60% or less of the median family income, and 54 units are rented to tenants who earn 80% or less of the median family income. The rents as of January 5, 2000 are:

1 bedroom	\$495-520
1 bedroom w/den	\$560
2 bedroom	\$600-670

The occupational license tax rate for apartments is \$75.00 plus \$4.00 per unit. There are 160 units, which would equate to a tax of \$715.00. There may be additional license taxes

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for other activities at the apartment complex, such as vending machines for laundry facilities. Staff has been advised that the owners are also seeking a county exemption of property taxes.

While it may be true that the Granada Bay Apartments is a not-for-profit organization and may be engaged in some form of charitable enterprise, It would appear it is not providing services free of charge since the rent is collected for use of the property.

The recommendation is for denial of the "charitable institution exemption" for Granada Bay Apartments.

Robert C. Hartnett, President, Affordable Housing Institute, owner of Granada Bay Apartments, reported that the property was acquired in 1999 through IRS tax exempt bonds. A requirement is that at least 40% of the units must be leased to persons who are described as very low income (60% of the average mean income) and 55% of the units are required to be rented to persons of the low income category. They have converted some units over a period as they have become vacant and as of January 1, the occupancy meets the requirements. Mr. Hartnett added that he does not receive a salary or compensation.

Mayor Buckley summarized staff's report and pointed out that since rent is being accepted, staff believes the waiver should not be granted. He added that we have several other affordable housing units in the city and if we grant this waiver, others would expect the same consideration.

A discussion followed between Mr. Palmer and Mr. Hartnett on the median income in Brevard County. Mr. Hartnett confirmed that they do have people in the extremely low category as defined by HUD. The maximums are listed; however, it doesn't mean that the renter makes the maximum. He confirmed that they accept Section 8. Mr. Palmer added that they are receiving a pretty good income for rent.

Mr. Contreras asked what percentage of housing is provided at no cost. Mr. Hartnett replied none and stated that under the IRS ruling, housing is provided at a reduced cost.

Moved by C. Palmer/E. Palmer for denial of the request.

Mrs. Palmer stated that she moved for denial because the State Statutes provide that a reasonable percentage of the services must be provided at no cost and she believes this gives the city appropriate legal grounds for denial of the request.

The question was called. Motion carried unanimously.

18. ORDINANCE NOS. 2000-46, 2000-47, AND 2000-48 (AR-2000-130/CPA-2000-05/Z-2000-897): (Public Hearings/First Readings) Proposed ordinances for annexation, a minor Comprehensive Plan Amendment to establish Commercial Future Land Use, and C-1 (Neighborhood Commercial) zoning on a 0.38-acre lot located on the south side of Aurora Road, east of Bowers Street. (Owner/Applicant – Lucia and Renato Zeppieri/Renato's

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Bakery) (P&Z 6/15/00)

Attorney Gougelman read Ordinance Nos. 2000-46, 2000-47 and 2000-48 by title. Mr McCord briefed Council. The applicant is seeking annexation into the city, approval for a minor Comprehensive Plan Amendment, and establishment of a city zoning designation on the property. The proposed zoning for the property would be from county (BU-1 General Retail Commercial) zoning to City C-1 (Neighborhood Commercial District) Zoning. The proposed Future Land Use is Commercial and the present county future land use on the property is Mixed Use. The property is part of the unincorporated Aurora Road enclave.

The applicant desires annexation for city services and plans to build a new bakery on the site. Currently the site is vacant and has existing businesses on each side of it on Aurora Road. The county future land use allows commercial uses and a residential density of up to 30 units per acre. The applicant's property is contiguous to the city across Aurora Road.

The reduction of all enclaves by voluntary annexation into the city has been and continues to be a goal of the Comprehensive Plan. The property does not overlay an aquifer recharge area so the possibility of an automotive service station or auto sales lot exists if the property is zoned C-2. These uses are not permitted in the C-1 zoning district and the neighbors have voiced concern that it could be another used car lot or a convenience store with gas pumps. The existing uses along the south side of Aurora Road, west of Croton Road, consist of motor vehicle sales, general offices and retail. The property on the south side of Aurora in the city (to the east of this site) is zoned C-2 and contains an automotive repair/service business.

The property to the south of the subject site is zoned for single-family homes, as are several other properties along Bowers Street. The city's advisory land use, adopted as part of the Future Land Use Element of the Comprehensive Plan, recommends a Commercial/Medium-Density Residential Land Use for this property and surrounding properties.

The property proposed for annexation does not contain the minimum 40,000 square feet required for a zoning district if the zoning is to be different from the abutting city zoning. Attorney Gougelman reviewed this and his opinion is that it is possible in an initial zoning for the property to be zoned differently from the property it abuts, even when it also has less than 40,000 square feet of property.

The Planning and Zoning Board and staff recommended approval subject to the findings listed in the agenda package.

Mayor Buckley pointed out that Ordinance No. 2000-48 provides for C-2 zoning as opposed to the recommended C-1 zoning. Attorney Gougelman explained that notices were sent to adjacent property owners and the item was advertised as C-2 zoning. At the Planning and Zoning Board, the item was delayed and brought back as C-1 zoning.

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Mayor Buckley opened the public hearing.

Lucia Zeppieri, applicant, expressed support for the request and noted that she plans to build a bakery and deli on the site. She stated that she is looking forward to operating in Melbourne.

Moved by Walker/Hand for approval of Ordinance No. 2000-46. Motion carried unanimously.

Moved by E. Palmer/Poole for approval of Ordinance No. 2000-47. Motion carried unanimously.

Moved by Hand/Poole for approval of Ordinance No. 2000-48 with a revision to provide for C-1 zoning. Motion carried unanimously.

19. FINAL PLAT APPROVAL (SD-1999-01B): (Public Hearing) A request for final plat approval for Eagle Lake Two, Phase Two, consisting of three tracts (13.403 acres) zoned P.U.D. (Planned Unit Development) located east of Babcock Street, south of Pirate Lane and west of Lipscomb Street). (Owner/Applicant – Eagle Lake Two Development Company/Tim Jelus for Elizabeth Kennedy) (P&Z 6/29/00)

Mr. McCord briefed Council. The preliminary plat for Eagle Lake Phase Two was approved by Council on April 27, 1999 and included three conditions of approval. Eagle Lake Two (Phase One) was platted on December 23, 1999.

The property is zoned Planned Unit Development with an adopted Future Land Use of Low Density Residential. The property is now under construction. This plat is a replat of Tracts E, F and G of Eagle Lake Two. The subdivision will consist of 71 lots with a street extension of Mt. Carmel Lane from the existing Eagle Lake Two (Phase One) Subdivision from the intersection of Benton Drive to Swanna Drive. Swanna Drive will be extended south to Mt. Carmel Lane. A cul-de-sac, known as Creston Court, is also being provided. The retention pond is located on the central portion of the first plat. Tract A will be reserved for two future lots to be developed upon the applicant completing negotiation of acquisition of the two lots from previous platted but undeveloped lots (Towne's Subdivision). Prior to recording the final plat, an amendment to the stormwater maintenance agreement will be required.

The 20-foot wide strip of property located on the south boundary of the original plat was deeded to the city for needed right-of-way for the extension of Sun Lakes Road. A 10-foot wide strip will be needed from the developer and deeded or platted as right-of-way when the two lots surrounded by Tract "A" are proposed for development or incorporated into this replat. Construction of the road (Sun Lakes Road extension) is not needed at this time.

The applicant still needs to provide a number of subdivision documents for staff review, including an amendment to the homeowners' association documents, an acceptable form of security equal to 110% of the uncompleted and unaccepted subdivision improvements,

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a stormwater maintenance agreement, a title opinion, and a deed conveying the public water and sewer lines to the city. Additionally, the applicant has already amended the legal description of the property; therefore, stipulation “g” is no longer necessary.

The proposed final re-plat is consistent with the City Code. The Planning and Zoning Board and staff recommended approval of SD-1999-01B, Final Plat for Eagle Lake Two, Phase Two, consisting of a two-sheet plan prepared by William Mott Land Surveying, Inc., of Satellite Beach, Florida, with the findings listed in the agenda package and the following conditions:

- a. Prior to recording the plat in the public records of Brevard County, Florida, the owner/applicant shall provide a fresh title opinion per City Code, Chapter 29, Section 29-5 (c)(4) d. Any party having an interest in the plat properties shall be required to join in and consent to the plat. Any joinder shall be identified on the plat and/or included as a separate instrument to be recorded simultaneously with the plat.
- b. Prior to recording the plat in the public records of Brevard County, Florida, the applicant shall provide an acceptable form of security per City Code, Chapter 29, Section 29-5 (c) (4) c. Such security instrument shall be in form and substance acceptable to the City Manager and City Attorney.
- c. Prior to recording the plat in the Public Records of Brevard County, Florida, the applicant shall provide articles of incorporation and deed restriction documents. Such documents shall be in form and substance acceptable to the City Manager and City Attorney.
- d. Prior to recording the Final Plat, the owner/applicant shall execute a City of Melbourne Stormwater Maintenance Agreement amendment in form and substance acceptable to the City Manager and City Attorney.
- e. The owner/developer shall convey, by warranty deed, water and sewer lines and other city maintained public utility lines within the plat in form and substance acceptable to the City Manager and City Attorney.
- f. Should the applicant or applicant’s agents obtain title to the two platted lots surrounded by Tract “A” of this re-plat, prior to any development on these properties and Tract “A”, a 10-foot wide south portion of these lots shall be deeded as public right-of-way. The intent of this condition is to create a contiguous 40-foot wide right-of-way adjacent to or as part of this plat along the south section line of Section 15.
- g. The applicant shall make changes to the legal description of property identifying the properties subject to this plat.

(Note: See presentation by Bill McCord. This stipulation is no longer necessary.)

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Mrs. Poole referenced condition “f” and asked if a substation could be erected on the property. Mr. McCord replied that under the PUD regulations, a conditional use would be required. It is highly unlikely; however, he asked that the applicant comment on any discussions that have taken place with FP&L.

Mr. McCord confirmed for Mrs. Poole that the Code Enforcement Division would enforce the stipulation (from the preliminary plat) regarding the preservation of trees.

Hugh Evans, 1688 W. Hibiscus Boulevard, commented on the success of the eagle’s nest. He noted that beginning in October through mid-May, they are not able to construct within 750’ of the nest. Regarding the question on stipulation “f”, he stated that FP&L wants to sell the lots; the process will take four – five months. He concluded by agreeing with the conditions.

Mr. Contreras asked what is planned for the recreation area. Mr. Evans replied that it would be relatively passive. There will be some gazebos; however, it is planned as a wetland setting. A dock is planned for the lake and will be available to the community.

Moved by C. Palmer/Walker for approval of the Final Plat for Eagle Lake Two Phase Two, subject to stipulations “a – f.” Motion carried unanimously.

Recessed: 8:49 p.m.  
Reconvened: 8:59 p.m.

20. COUNCIL ACTION RE: Presentation by Franck Kaiser, Vice President, Economic Development Commission of Florida’s Space Coast, regarding Ad Valorem Tax Abatement Program.

From the agenda report: This is a presentation by Franck Kaiser, Vice President of the Economic Development Commission of Florida’s Space Coast, on the topic of the Ad Valorem Tax Abatement Program. Last year Council made a number of changes to the City Code that were development related. These included revisions to impact fees. One of the matters still open for discussion is the possibility of the city providing an abatement as an economic development incentive.

Under state law, implementation requires voter approval in a referendum. Mr. Kaiser will explain the possible merits of such a program for Melbourne. He will also offer his perspective on the effectiveness of the various abatements, which have been adopted by Brevard County and several of the other cities in our area. The county program has been in effect since 1994. Since then the Cities of Cocoa, Rockledge, Titusville and Palm Bay have all supported the ad valorem abatement.

Franck Kaiser, Economic Development Commission, provided some general information on the tax abatement program. He stated that under the constitutional amendment passed by Florida voters in 1980, a tax exemption may be granted to new and expanding businesses only after the voters of a city or county vote in a referendum to allow exemptions within that city or county. In 1994 the electors of Brevard County voted in favor of authorizing the

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adoption of the Economic Development Ad Valorem Tax Exemption.

Businesses eligible for exemption include a relocating company that meets the following: new manufacturer employing 10 or more full time employees; new service company employing 25 or more full time employees with 50% of its sales outside the state; new office space owned by a corporation employing 50 or more full time employees; or a new business located in an Enterprise Zone.

Existing industry expansion meeting the following: expanded manufacturer with a net increase of 10 or more full time employees; expanded service company employing 25 or more full time employees with a net increase of 25 or more full time employees and 50% of its sales outside the state; expanded office space owned by a corporation employing 50 or more full time employees with a net increase of 50 or more full time employees; or an expanded business located in an Enterprise Zone.

The program is predicated on the number of employees, payroll, and capital investment. Points are awarded per the program guidelines.

Continuing, Mr. Kaiser reviewed the investment analysis and taxes abated versus taxes paid. He said that since the program began the total revenue from companies that received the abatement is \$2,874,609, yet the total actual taxes abated is \$508,000.

Mr. Kaiser concluded by saying he doesn't have a measurement of the jobs that have gone to those cities with the abatement. However, it is possible that Melbourne lost some companies to Rockledge or Palm Bay.

Mr. Contreras asked what type of information the EDC would be able to provide the average citizen if Council approved this going on a referendum. Mr. Kaiser replied that the EDC would assist in an awareness campaign and provide language for a referendum.

Mrs. Poole stated she does not believe we need to offer this. Most of the (companies) that locate in Melbourne want to be here because we have the best to offer. A program is not needed that would entice more growth.

Mrs. Palmer said it seems as if the tax abatement program would help us pick and choose the businesses that come in. We can select those with the highest salaries and the program would make use of vacant buildings around town that are not presently on the tax rolls.

Mr. Kaiser said it is a public process. The decision would be made during a public hearing on whether the company meets the criteria and if an abatement should be granted.

Mayor Buckley pointed out that the city has benefited from a number of county tax abatements on some of the major companies that have located here.

Mr. Hill reported that while with the EDC, Mr. Kaiser has looked after the interests of the City of Melbourne. He has been diligent and done a terrific job encouraging companies to locate

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in the city using the incentives that do exist. On a number of occasions, the quality of life, services, and impact fee waivers on existing buildings has helped; however, there are many times when it comes down to dollars and cents. Mr. Hill added that while he does not believe that tax abatement is the be all and end all, he has seen where we have been in competition with other states and the abatement may allow us to be more competitive. He confirmed that far more is being collected than is being abated and what is not being shown is the telecommunications and utilities taxes and franchise fees paid by companies. In many instances those would exceed the amount of property tax.

Mrs. Poole asked if we want to see how much we can develop or provide for a sustainable community with green areas. She stated that we have too much traffic on the road and when more people are brought in, more services are needed.

For clarification, Mr. Palmer pointed out that even when some businesses leave, like K-Mart on Apollo Boulevard, the lease payments are still continuing. The city is not losing; however, it is a blighted area and it would be beneficial to fill an area with productive, clean industry. He added that he believes this program has merit. The city can pick and choose and the citizens will have to vote and decide if this program is going to be acceptable.

Mrs. Hand said we have to have vision for the future. The area is going to grow and we have to provide jobs. She recommended we proceed with a referendum and provide the public with all the facts.

The Mayor agreed with conducting a referendum and allowing the citizens an opportunity to express their views.

A brief discussion followed.

Mr. Kaiser stated that the information that will be distributed to the public will contain no opinions or promises. It will simply present the facts in a clear manner that can be understood by everybody.

Attorney Gougelman noted that the city would be restricted in spending its money; we cannot recommend the people vote for or against the referendum – public money can be used purely to educate.

Moved by Hand/Contreras to place the question on Ad Valorem Tax Abatement on a referendum to be considered during the general election. Motion carried unanimously.

Mrs. Poole stated that she is opposed to tax abatement, but she will support conducting a referendum.

21. COUNCIL ACTION RE: Presentation of Eau Gallie Redevelopment Area Blight Study.

Cheryl Campbell, Planner, reviewed the blight study with Council. The “Olde Eau Gallie Riverfront Blight Study” for the Downtown Eau Gallie area was provided separately to Council and was prepared by the Planning and Zoning Department. Property owners

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and merchants in the affected area have requested the city consider establishing a redevelopment area. The study indicates that the area meets the statutory requirements for a redevelopment district. Before the district can be established the following must occur:

- Council must request authorization from the county to proceed with establishing the redevelopment district.
- The county must authorize the creation of the district by resolution.
- Following approval of the county, Council must approve a “Resolution of Necessity”, which indicates that the area is blighted. The Blight Study will be a part of that resolution. The resolution will also include a statement that there is a need for a community redevelopment agency (CRA) and indicate that the Council will be that redevelopment agency unless the Council wishes to set up a separate authority.
- Authorize funding for the development of a redevelopment plan. (It is expected that the development of the plan will take at least three months.)
- Adoption of the redevelopment plan by ordinance following public hearings.
- Establishment of a trust fund to provide funding for improvements to the area. (Tax increment financing.)

Should Council be satisfied with the Blight Study, the next step would be to authorize staff to request that the county delegate to the city the power to establish the Olde Eau Gallie Riverfront Redevelopment Area.

Vice Mayor Palmer commended staff on an excellent, comprehensive report. Mayor Buckley referenced the level of detail, especially with regard to landscaping and parking.

Mrs. Palmer noted that many of the older properties cannot comply with the current standards for parking. She asked what the future holds for those properties and if there are plans to acquire and demolish them.

Ms. Campbell stated there is no intention to do that. For the most part, there are workable solutions other than condemnation. Mr. Hill added that the language is standard in the statute. Staff’s recommendation would be for the City Council to sit as the Community Redevelopment Agency; therefore, Council would have the authority. In the almost 20 years the city has had the Downtown Melbourne redevelopment area, condemnation authority has never been exercised and there is no intention to exercise this authority in any of the redevelopment areas.

Mrs. Palmer said that was her main concern – the taking of private property. She said the study looks pretty good and she understands that the project will enhance property and make it more valuable.

Mr. Palmer agreed that the property values would increase. Regarding condemnation, he pointed out that the city couldn’t condemn without due process of law. Regarding parking, public parking will be the solution. This is similar to what has been done in Downtown Melbourne.

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Mrs. Hand said she is excited about this. She commended staff for preparing a great study and noted that if this had been done years ago, Eau Gallie would have what Downtown Melbourne has.

Mr. Contreras referenced the duration of the district, 25 years, and asked if that is standard. Attorney Gougelman explained that the Babcock Redevelopment Area was the first CRA to be brought into effect after Brevard became a charter county. One of the county commissioners was elected on a platform that no district should be permitted to operate more than 25 years. On Babcock, we acquiesced in order to receive support; however, the county said if there are valid reasons, we can ask for an extension. The 25-year language has been inserted in the Eau Gallie document knowing that is the position of the county commission.

Mr. Contreras said he believes this is a win/win situation for the merchants and the citizens of Melbourne.

George Alexander, owner of Eau Gallie Ace Hardware, stated that he is the President of the Olde Eau Gallie Riverfront Merchants' Association. He reported that he is for this project and all of the merchants in the downtown area are behind this. He discussed the benefits this plan will bring to the area.

Mrs. Poole asked Mr. Alexander why he did not appear before Council to have the name "Olde Eau Gallie Riverfront" designated or at least let Council know prior to this meeting. She said this item came to Council at this meeting without anything from the merchants.

Mr. Alexander replied that this process started a year ago. He spoke with the City Manager and Planning and Zoning Administrator and he did not know that he was required to appear before Council.

Regarding the study, Mrs. Poole said this is one of the best studies she has seen and it did not cost \$50,000 like the Babcock study did.

Mayor Buckley disagreed that Mr. Alexander had to appear before Council for the name designation of their area. The merchants have talked to staff and Council has been informed of the discussions. Mr. Hill added that on several occasions, he reported about working with the Downtown Eau Gallie merchants as they organized. The main thing staff pushed was that the merchants would have to be unified in a desire to create a district. At this point, Council has the blight study and can choose to act or not.

Discussion continued.

Mrs. Walker complimented staff for a job well done and the merchants for working together.

David Wickham, 1770 Highland Avenue, stated that he represents the Eau Gallie Neighborhood Watch Program. He stated that the citizens in the area believe this will have a tremendous effect. Parking, sidewalks and lighting will be improved; it will stimulate

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business growth and be a plus/plus for the community. He thanked staff for its efforts.

Mrs. Poole asked where all the citizens were regarding this plan. Mr. Wickham stated that he represents the largest group in the area; it is a cross section of the entire neighborhood. He added that if he felt there was a need, he would have packed the Chamber. However, because of the response from staff and the community, he didn't think it was necessary.

Moved by Hand/E. Palmer to authorize staff to request that the county delegate to the city the power to establish the "Olde Eau Gallie Riverfront" Redevelopment Area. Motion carried unanimously.

22. COUNCIL ACTION RE: Appointment of three regular members to the Building Board of Adjustment and Appeals.

Moved by Poole/C. Palmer to reappoint David Wickham. Motion carried unanimously. (7/28/00 – 7/27/04)

Moved by Poole/E. Palmer to appoint Len Fallen to the architect seat. Motion carried unanimously. (7/28/00 – 7/27/04)

Moved by C. Palmer/Poole to appoint William Troy to the engineer seat. Motion carried unanimously. (7/11/00 – 7/27/01)

Mayor Buckley noted that the appointment of Len Fallen and William Troy as regular members left the two alternate member seats vacant. Mrs. Walker nominated Carol Marx.

Moved by Contreras/Hand to close the nominations. Motion carried unanimously.

Moved by Hand/Walker to appoint Carol Marx. Motion carried unanimously. (7/11/00 – 12/13/01)

Mrs. Palmer nominated Robert Drummond Murphy.

Moved by Hand/E. Palmer to close the nominations. Motion carried unanimously.

Moved by E. Palmer/C. Palmer to appoint Robert Drummond Murphy. Motion carried unanimously. (7/11/00 – 12/13/01)

23. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mr. Palmer reported that he has been in contact with several members of the Melbourne Housing Authority and he still plans to visit Ramshur Towers and investigate the concerns raised by a tenant.

Vice Mayor Palmer was commended for an outstanding job coordinating the Fourth of July parade for Honor America.

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Mrs. Hand asked the City Manager to determine if a flashing light can be installed on Strawbridge Avenue at Municipal Lane for pedestrian safety.

24. ADJOURNMENT

Moved by Hand/E. Palmer for adjournment. Motion carried unanimously.

The meeting adjourned at 10:21 p.m.

\_\_\_\_\_  
City Clerk - 7/21/00

Approved by Council \_\_\_\_\_