

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
AUGUST 22, 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. Council Member Pat Poole 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
	Peggy Braz	Planning and Zoning Administrator

4. PROCLAMATIONS AND PRESENTATIONS

Mayor Buckley proclaimed the week of August 27 through September 2, 2000 as "Melbourne Fire Fighters Appreciation Week. The proclamation was accepted by Deputy Chief Tom Flamm, Melbourne Fire Department and Mia Whidmar, Muscular Dystrophy Association.

5. APPROVAL OF MINUTES – August 1, 2000 Budget Workshop
August 3, 2000 Budget Workshop

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

6. CITY MANAGER'S REPORT

Mayor Buckley announced that Items 17 and 25 have a recommendation for postponement.

Moved by Poole/Walker to grant the City Attorney's request for leave (requested in the City Manager's Report). Motion carried unanimously.

7. PUBLIC COMMENTS

John Mutschler, 4565 Grand Meadows Boulevard, questioned how the drainage system for Baymeadows Subdivision was approved.

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UNFINISHED BUSINESS

8. ORDINANCE NO. 2000-50: (Public Hearing/Second Reading) A proposed amendment to Ordinance No. 84-45 governing Water and Sewer Bonds. (First Reading 8/8/00)

Attorney Gougelman read Ordinance No. 2000-50 by title. There were no comments from the public.

Moved by Poole/Hand for approval of Ordinance No. 2000-50. The roll call vote was:

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

Nay: None

Motion carried unanimously.

9. ORDINANCE NO. 2000-51: (Public Hearing/Second Reading) A proposed ordinance amending Chapter 14 of the Code of Ordinances entitled "Garbage and Refuse," providing rates for the collection of garbage and trash. (First Reading 8/8/00)

Attorney Gougelman read Ordinance No. 2000-51 by title. There were no comments from the public.

Moved by E. Palmer/Hand for approval of Ordinance No. 2000-51. The roll call vote was:

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

Nay: None

Motion carried unanimously.

10. ORDINANCE NO. 2000-52: (Public Hearing/Second Reading) A proposed ordinance amending Chapter 11, Elections, in accordance with the City Code Review Committee's recommendations. (First Reading 8/8/00)

The attorney read Ordinance No. 2000-52 by title. There were no comments from the public.

Moved by Poole/Walker for approval of Ordinance No. 2000-52. The roll call vote was:

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

Nay: None

Motion carried unanimously.

11. ORDINANCE NO. 2000-53: (Public Hearing/Second Reading) A proposed ordinance

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amending Chapter 15, Health and Sanitation, in accordance with the City Code Review Committee's recommendations. (First Reading 8/8/00)

Attorney Gougelman read Ordinance No. 2000-53 by title. There were no comments from the public.

Moved by Walker/C. Palmer for approval of Ordinance No. 2000-53.

Mr. Palmer referenced the section on toilet facilities in food related buildings. He asked if we have considered requiring operations such as labor forces to provide a certain number of restroom facilities. Mr. Hill said that is not contemplated in this change; however, staff is reviewing whether the zoning requirements for daily labor operations should be addressed.

The question was called. The roll call vote was:

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

Nay: None

Motion carried unanimously.

NEW BUSINESS

12. COUNCIL ACTION RE: Simon Road 12" Waterline, Project No. 00319, Derrico Construction Corporation, Melbourne, FL - \$161,967.50.

Mr. Hill briefed Council. This is a proposed construction contract to extend a 12-inch waterline south on Simon Road, which is located west of I-95 and runs south from its intersection with U.S. 192. Bids for the project were opened on August 10 and the low bid of \$161,967.50 was submitted by Derrico Construction Corporation. Derrico is located in Melbourne and has installed many utility lines under contract with the city in the past.

The project consists of installing a 12-inch waterline along Simon Road beginning at U.S. 192 and running southward for approximately 5,100 feet. Installation of the line will put us in a position to provide water service availability to virtually all the likely developable area west of I-95 and south of U.S. 192.

All standard contract requirements will apply to this project. The contractor will have 120 calendar days to complete the work. Liquidated damages will be \$200 per day if the schedule is not met.

Moved by Hand/E. Palmer for approval of the contract with Derrico Construction Corporation in the amount of \$161,967.50. Motion carried unanimously.

13. COUNCIL ACTION RE: Consent Agenda

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Moved by E. Palmer/Contreras for approval of 13 (a) through (g) as recommended.

Mr. Hill responded to questions; however, there were no items removed from the consent agenda.

The question was called. Motion carried unanimously.

Mrs. Hand and Mrs. Poole voted for the motion; however, they are opposed to item “d”.

The consent agenda was approved as follows:

- a. Replacement of two air conditioning units for Annex 1 (\$11,000 ea.) including duct work, Able Air, Inc., Melbourne, FL - \$35,050.00.
 - b. An Agreement with Brevard County and other local municipalities for disbursement of E-911 funds.
 - c. Resolution No. 1652: A proposed resolution calling for a general municipal election to be held November 7, 2000 to elect a Mayor and Council Members from Districts 1, 3 and 5.
 - d. Resolution No. 1653: A resolution establishing the annual salary of the Mayor and City Council.
 - e. Short-term contract for the servicing of the remaining 714 beach fire hydrants, Mueller Service Company, Pompano Beach, FL - \$35,700.00.
 - f. 48-Month lease/purchase of 140 Club Car DS Electric Golf Carts, Club Car, Inc., Orlando, FL - \$252,028.00.
 - g. Reupholster 478 Auditorium chairs, Contract Solution, Englewood, FL - \$20,078.00.
14. ORDINANCE NOS. 2000-54, 2000-55, AND 2000-56 (CPA-2000-06/Z-2000-899, CU-2000-05): (Public Hearings/First Readings) Requests for approval of a minor Comprehensive Plan Amendment to change the future land use from Mixed Commercial/Medium Density Residential to Commercial; to change the zoning from C-1 (Neighborhood Commercial) to C-2 (General Commercial); and, a conditional use to allow an automotive service station (convenience store with gas pumps) on property located on a 1.71-acre parcel on the southwest corner of Babcock Street and Florida Avenue. (Owner/ Applicant/Representative – Elizabeth Athanasakos/Amerada Hess Corp./Rodney Honeycutt) (P&Z 8/10/00)
- a. Ordinance No. 2000-54: A proposed ordinance to implement a minor Comprehensive Plan Amendment (CPA-2000-06).
 - b. Ordinance No. 2000-55: A proposed ordinance to implement rezoning from C-1 to C-2 (Z-2000-899).

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- c. Ordinance No. 2000-56: A proposed ordinance to implement a conditional use to allow an automotive service station (convenience store with gas pumps) (CU-2000-05).

Attorney Gougelman read each ordinance by title.

Mrs. Braz reviewed the agenda report. The property, which was annexed in 1988, is currently vacant. The existing land use and zoning were established at that time. Arch Creek Run Apartments, zoned R-2 (Cap 10), is located across Florida Avenue to the north. Properties to the west and south are zoned C-1. Melbourne Central Catholic School (zoned I-1) is located diagonally across the intersection of Florida Avenue and Babcock Street, and the still vacant property previously proposed for a Hess station is located across Babcock Street to the east. A community park is located approximately one-quarter mile west of the site.

The applicant desires to change the future land use because the mixed use Commercial/Medium Density Residential land use only allows low intensity commercial type uses or residential uses and an automobile service station is not considered a low intensity commercial use. The proposed land use change should not have a substantial impact on the area since this property is less than two acres and the property has commercial characteristics by its designation as mixed use.

This change will not significantly diminish the operating level of service of either street; adversely impact the environment on this or surrounding properties; will favorably effect the city's budget and economy; promote the public health, safety, and economic order; provide compatibility with the neighborhood; will not affect the ability of citizens to find housing; and is internally consistent with the Comprehensive Plan.

The Planning and Zoning Board and staff recommended approval of CPA-2000-06, Z-2000-899 with the findings listed in the agenda package, and approval of CU-2000-05, subject to the findings listed in the agenda package and the following stipulations:

1. The conditional use and the proposed plan of development shall be consistent with the one-page site plan prepared for Amerada Hess Corp. by Honeycutt and Associates, Inc., of Titusville, Florida, with Job Number 20542, dated 7/20/00 and signed and sealed on August 4, 2000.

Any change to the site plan will require reevaluation of the site plan by the City Engineering and Planning and Zoning Departments. Any substantial change to the site plan will require review and approval by the Planning and Zoning Board, Local Planning Agency, and City Council. A substantial change includes, but is not limited to: a) a decrease of 5% or more of open space or vegetative areas on the site; b) any increase in the number of access points shown on the site plan; or c) a 10% or more increase in building size or an increase in the number of pump islands.

2. Provide cross-access with easement to the property to the south, which will permit a joint driveway for the property to the south along Babcock Street.

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3. Provide landscaped screening along the Florida Avenue frontage and supplement the Code-required landscaping with extensive ground cover and a concentration of the Code-required trees within this area so as to create a nearly opaque vegetative screen between the street (Florida Avenue) and the parking lot and building of the site in order to protect the apartment complex on the north side of Florida Avenue from visual, noise and light intrusion. (Such landscape area shall comply with City Code, Appendix B, Article XVIII (7)).

Mrs. Poole asked if we are recommending this change because we previously turned Hess down on another location. Mrs. Braz stated that the station is more logical at this location because it provides a neighborhood service area, walking access to the apartment complex, and is located on an arterial and collector street.

Mrs. Braz confirmed for Mrs. Poole that the trees located in the right-of-way at Florida Avenue/Babcock Street will not be disturbed.

Mrs. Palmer asked for an explanation of “internally consistent with the Comprehensive Plan.” Mrs. Braz replied that there are no policies within our Comprehensive Plan that conflict with this development.

Rodney Honeycutt, representing the applicant, discussed the request and noted that the 1.7-acre site allows for a large buffer, particularly on the north side. He reviewed the findings listed in the package and agreed with the stipulations. He discussed the measures they are taking in order to save as many trees on the site as possible and stated that they will be able to leave one-third of the site pervious. Additionally, Mr. Honeycutt confirmed that they will be able to save the trees on the corner referenced by Mrs. Poole.

Moved by Hand/Contreras for approval of Ordinance No. 2000-54. Motion carried unanimously.

Moved by C. Palmer/Walker for approval of Ordinance No. 2000-55. Motion carried unanimously.

Moved by Walker/Contreras for approval of Ordinance No. 2000-56. Motion carried unanimously.

15. ORDINANCE NO. 2000-57 (CU-2000-04): (Public Hearing/ First Reading) A request for approval of a conditional use for a church on a 3.92-acre parcel located east of Babcock Street, south of University Boulevard. (Owner/Applicant/Representative – Shiloh Christian Center/ David T. Menzel) (P&Z 8/10/00)

Attorney Gougelman read Ordinance No. 2000-57 by title.

Mrs. Braz briefed Council. The vacant property has a future land use of High Density Residential (25 units per acre) and is zoned R-3 (Multiple-Family Dwelling). The church

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previously received a conditional use for property at the intersection of University Boulevard and Main Street; however, part of the property is tied up in probate and the church may not receive it. As a result, the church wishes to utilize this property, which they have purchased.

The proposed plan of development consists of a 9,800 s.f. building with 169 parking spaces. Eighty-six spaces will be paved and 83 will be unpaved as permitted by code. Two dry retention ponds will accommodate stormwater on the site. Access will be to/from University Boulevard with a single driveway. The property to the west consists of the Melbourne Fire Department Station Number 5 and a portion of the Sugar Mill Apartment complex, while the property to the south and east consist of the Lakewood Mobile Home Park. The church building will be located a significant distance from each of these uses.

The applicants provided an Environmental Impact Assessment report. The report indicates that gopher tortoises inhabit the property. Permits will be required in order to take or relocate the tortoises.

The Planning and Zoning Board and staff recommended approval with the findings listed in the agenda package and the following conditions:

- a. The conditional use shall be developed to substantially comply with the one-page site plan for a Community Center, prepared by MAI Architects Engineers with Project Number 2296.00, dated July 6, 2000.
- b. Any change to the site plan shall be reviewed and approved by the City Planning and Zoning Department and the Engineering Department. The Planning and Zoning Board and City Council shall review any substantial change to the plan. A substantial change consists of: 1) a 25 percent or more increase in the building size or seating capacity; 2) an increase of 25 percent or more in the amount of impervious area; or 3) the addition of a driveway with access to University Boulevard.
- c. Prior to commencing construction on the site, the owner/applicant shall conduct a complete gopher tortoise evaluation of the property and obtain appropriate permits from the Florida Fish and Wildlife Conservation Commission to take or relocate gopher tortoises found on the property.

Ben Smith, representing Pastor Gordon, thanked Council for its support and agreed with the stipulations.

Moved by Poole/E. Palmer for approval of Ordinance No. 2000-57. Motion carried unanimously.

16. ORDINANCE NO. 2000-58 (Z-2000-900): (Public Hearing/First Reading) A request for rezoning of a 2.98-acre parcel from C-1A (Professional Offices and Services) to C-2 (General Commercial) located on the south side of Hibiscus Boulevard, east of the entrance to the Melbourne Square Mall. (Owner/Applicant/Representative – Granite Properties, Mike

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Lawley, David Menzel, Sam Henderson, John Futchko and Jerry Trachtman) (P&Z 8/10/00)

Attorney Gougelman read Ordinance No. 2000-58 by title.

Ms. Braz briefed Council. The applicant is requesting the rezoning of the 2.98-acre parcel from C-1A (Professional Offices and Services) to C-2 (General Commercial) zoning. This request is consistent with the existing Commercial future land use. The zoning to the north, across Hibiscus Boulevard is C-2, and beyond this property, M-1 (Light Industrial). The property to the south is zoned C-P (Commercial Parkway) and is the site of the Melbourne Square Mall. The property to the west is zoned C-1A and includes a doctors office, an ACLF, and a professional office building. The property immediately to the east is in the City of West Melbourne.

The property was annexed into the city and zoned as part of the Development of Regional Impact for the Melbourne Square Mall in 1980. The Commercial future land use was established on the mall property and this area to the north of the canal in 1980. The zoning has been C-1A since the property was annexed.

The applicant would like to have the opportunity to utilize all or part of his existing building and proposed building for electronic assembly. The Zoning Code does not permit electronic assembly in the C-1A zoning district but does permit this use in the C-2 district. In order to do this they will need a zoning change. Most of the area north of this property (including property zoned for both commercial and industrial) has developed uses frequently associated with research, design and light production facilities. Most electronic assembly type operations comply with these professional uses. The property adjacent to this site in West Melbourne is zoned R-3. There is no intent to change the approved site plan.

The Planning and Zoning Board and staff recommended approval with the findings listed in the package and the following condition:

- a. No automotive uses will be permitted on the property.

Council Members asked several questions about the operation, type of assembly, and whether there would be sewer discharge. Mrs. Braz stated that the applicant would be able to provide answers. Mayor Buckley asked the applicant to step forward. The applicant was not present.

Moved by Hand/Contreras for approval of Ordinance No. 2000-58.

Council continued asking specific questions about the operation.

Moved by Poole/Walker to postpone this item until the September 12 meeting to allow the applicant an opportunity to be present. Motion carried unanimously.

17. ORDINANCE NO. 2000-59 (Z-2000-901): (Public Hearing/First Reading) A request for

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rezoning of a .48 acre portion of a .636-acre parcel from C-2 (General Commercial) to R-2 (Cap 6) (One-, Two-, and Multi-Family Residential with a cap of six units per acre) located on the south side of Young Street, east of U. S. 1 in Houston's Addition Subdivision. (Owner/Applicant - F. Michael and Patricia R. Henry) (P&Z 8/10/00)

Mayor Buckley referenced the request from Patricia R. Henry dated August 22 asking that this item be postponed until mid November because of a serious illness in the family.

Moved by Walker/E. Palmer to postpone this item until November 14. Motion carried unanimously.

18. SITE PLAN APPROVAL (SP-2000-03): (Public Hearing) A request for site plan approval to construct 200 multi-family residential units (Princeton Apartments) on property zoned R-2 (Cap 10) (One-, Two-, and Multi-Family Residential with a cap of 10 units per acre), located on a 20.005-acre parcel west of Dairy Road and north of Palm Bay Road. (Owner/Applicant/Representative – Frank Brockerman, Trustee/Palm Bay Developers L.L.C./Lee Engineering) (P&Z 8/10/00)

Mrs. Braz briefed Council. The property, along with property to the south, was recently annexed into the city. The established future land use is Medium Density Residential with a limitation of 10 units per acre. The site is completely surrounded by undeveloped property. The property to the south and east is located in the city and is zoned C-1. The properties located to the west and north are located in the county and are zoned GU (General Use).

The proposed plan of development provides for a 23-building complex with a total of 200 units on the 20-acre site with 435 parking spaces and on-site retention. All buildings will be two-story. The main access will be a private driveway and will connect with Dairy Road approximately one-third mile north of Palm Bay Road. The units will be located approximately 300 feet west of Dairy Road. The apartment complex site retention also will provide retention/stormwater treatment for the commercially zoned parcel located east (north one-half) of the site.

An Environment Impact Assessment report was provided with the application. There is a .08-acre wetland on the site. No special permitting is required to take this wetland. There are approximately 16 gopher tortoises on the site. A Florida Fish and Wildlife Conservation permit will be required to relocate or take these tortoises prior to any development.

The Planning and Zoning Board and staff recommended approval of the site plan for Princeton Apartments, consisting of a two-page plan prepared by Lee Engineering, Inc., of Satellite Beach, Florida, with Job No. 0212-02, dated August 4, 2000, with the findings outlined in the package and the following conditions:

- a. Any change to the site plan will require its reevaluation by the City's Planning and Zoning Department. A substantial change to the site plan will require review and approval by the Planning and Zoning Board and the City Council. A substantial

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change includes, but is not limited to: a) a decrease of 5% or more of the open space or vegetative areas on the site; b) a 5% or more increase in gross square footage of the floor area of any structure on site; or c) any increase in density.

- b. All trees over 4" in diameter shall be preserved unless located in a roadway, parking area, drainage facility, or building pad. Trees in the footprint of proposed improvements shall be removed only in conjunction with a building permit. All trees to be preserved must be protected by barricades at the drip line during construction.
- c. Prior to any development on the property, provide clearance letters or an approved mitigation plan from the Florida Fish and Wildlife Conservation Commission for the relocation/protection of the gopher tortoises found on the property. Should the developer discover that endangered or threatened species, for which a permit has not been granted, are found on site after plan approval and prior to the completion of construction, construction will be suspended until adequate permits are acquired or the appropriate jurisdictional agency provides approval to proceed with development.

Mrs. Palmer asked if this is subsidized housing. Mrs. Braz replied that the applicant did not ask for affordable housing credits. The housing is considered affordable to a degree; however, it is not a subsidized affordability.

Rob Lee, Lee Engineering, explained the layout of the site and noted that the developer has indicated that this is not subsidized housing. He agreed with the stipulations.

David Kipper, representing the developer, listed the amenities proposed for this development.

Mr. Lee explained the retention areas for Mrs. Palmer and noted that the retention area at this site will also handle the retention for the commercial site. Additionally, he pointed out the grassy areas that will be located between the units and stated they are decent sized areas.

Moved by Hand/Contreras for approval of the site plan for the Princeton Apartments subject to the conditions proposed by the Planning and Zoning Board and staff. Motion carried. (Mrs. Poole voted nay.)

Regarding the next item, Mrs. Palmer noted that a lot of information was distributed to Council at the request of Mrs. Poole. She added that if Mrs. Poole believes the information should be considered, then the item should be postponed. Mrs. Poole stated that the information is comprehensive and there is no way to work through it at this meeting.

Moved by C. Palmer/Poole to postpone this item until the next Council meeting. Motion carried. (Council Member Hand and Mayor Buckley voted nay.)

Mr. Hill stated that action makes the item moot because the applicant's grant deadline is August

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25.

Following a brief discussion, moved by C. Palmer/Walker to reconsider the vote. Motion carried. (Mrs. Poole voted nay.)

At this point, Mayor Buckley called for a recess.

Recessed: 8:55 p.m.

Reconvened: 9:05 p.m.

The Attorney explained that since the motion to reconsider passed, the motion to postpone is back on the floor.

The question was called on the motion to postpone. Motion failed. (Mrs. Poole voted aye.)

Council proceeded with Item 19.

19. COUNCIL ACTION RE: A request for consideration of a non-substantial change determination for Z-1996-752. (Requested by the Salvation Army)

Ms. Braz briefed Council. This is a request by the Salvation Army for consideration of a non-substantial change determination for Z-1996-752. On March 12, 1996, Council approved Institutional Zoning (Ordinance No. 96-07) allowing a homeless shelter on the Salvation Army property at 1080 S. Hickory Street. The plan allowed for a 40-bed area for men and a 20-bed area for women to be constructed in an existing facility. This was never done. In lieu of that proposed development, the Salvation Army has requested to construct a facility for 40 women and children. Since this is a less intense use of the property it would not normally be considered a substantial change. However, because back in 1996 Council indicated a number of concerns with regard to the rezoning, it seemed appropriate to allow Council to determine if they consider the proposed use to be a substantial change.

If this proposal is not considered a substantial change and the Salvation Army moves forward with the project, they would be precluded from developing the original proposal without additional Council approval. It would also require that Condition 2 (to pursue development in locations outside of the city) be addressed prior to any additional construction.

The Salvation Army is seeking a \$208,161.84 grant to develop this shelter and their deadline is August 25. In order to apply, they need the city to complete a form that indicates that they have an approved plan. In order to help meet their deadline they have revised the Security Plan to refer to a women and children's shelter.

Staff believes that this proposal is preferable and a less intense use than the one previously approved and therefore should be considered a non-substantial change.

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Captain Allen Johnson, Salvation Army, stated that he arrived at this facility in July. He reviewed the request to provide an emergency shelter for women and children and stated the Salvation Army would like to help at risk people in the community. They are seeking approval from the city to construct the building and are seeking a grant from the federal government to provide the furnishings. He noted that many of these folks are residents of the area. Mr. Johnson asked for approval and pointed out the grant deadline.

Mrs. Poole asked why the request was made so close to the grant deadline. Mr. Johnson apologized and explained that he inherited the grant application when he arrived in July and the one item that was overlooked was appearing before Council for this approval.

In response to Council, Mr. Johnson explained that the proposed square footage of the building is 6,500 s.f.; the set up will allow for a woman to stay in a room by herself with her children; rooms with 5 – 8 beds will house single women; there will be a dining facility; and life skills classes will be offered including budgeting, computer classes, resume preparation, housekeeping, etc.

Mr. Contreras asked what would happen to a person who has reached the maximum stay, has gained sufficient skills, but is not employed. Mr. Johnson replied that the maximum stay is 90 days. In this case, they would try to move the person to a transitional housing facility.

Vice Mayor Palmer and Council Member Contreras commended Mr. Johnson for this plan. Council Member Palmer added that she is glad that the facility changed to accommodate women and children. She added that she does not believe this will draw people who are not already in the area.

In response to Mrs. Walker, Mr. Johnson explained their security plan and noted that night supervisors will be employees of the Salvation Army.

Mrs. Poole discussed previous plans submitted by the Salvation Army that never came to light. She stated that she supports this idea; however, she does not believe there has been enough planning.

Mr. Johnson discussed his background and accomplishments and assured Council that he will ensure that this project is completed in a speedy timeframe.

Ron Caprilla, advisory board member, Salvation Army, explained that they changed the request in order to be compatible with the community and the needs of the Salvation Army. He stressed that this does not mean there aren't 40 men sleeping in the woods and on the streets. He briefly discussed the request and noted the deadline for the grant.

A brief discussion followed. Council Member Walker commended Mr. Caprilla and Mr. Johnson for their efforts.

Moved by Hand/C. Palmer for approval of the new plan as a non-substantial change.

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Mrs. Poole restated that she does not feel enough planning has gone into this. She referenced the original rezoning in 1996 which required the applicant to “immediately pursue the development of other locations outside the city, which provide the social service needs...” She noted that the request that appeared before the Planning and Zoning Board at that time did not indicate that this was for a homeless shelter. Mrs. Poole questioned how we can say there is not a substantial change when there is nothing to indicate that the applicant complied with the rezoning ordinance. She stressed that the plans are different and this is a substantial change. She added that she believes this is an attempt to use the Salvation Army facility for a transitional housing program and recommended that the item be delayed to allow for careful study.

The question was called. Motion carried. (Mrs. Poole voted nay.)

20. COUNCIL ACTION RE: A request for a Pre-annexation Agreement on approximately 86 acres located west of I-95, south of Eau Gallie Boulevard to utilize city sanitary sewer without being in the city.

Mr. Hill reviewed the agenda report. This is a request for a pre-annexation agreement to allow sewer service on approximately 86 acres located to the west of I-95, south of Eau Gallie Boulevard. The property is located in the unincorporated area and is not contiguous to the city. However, the property owner owns other property in the area that may be contiguous to the city. It is in the city’s interest to provide sanitary sewer to this interchange area and to annex the area into the city.

The proposed development on the property would be the “Melbourne Raceway”, a large multi-track race and sports facility. The development will utilize the county-owned three-inch line that runs to the Humane Society until a larger pipe can be designed and constructed. The Marine Institute and Bayrock (Exxon) are also on this line. This project could be developed on septic tank and the developers have indicated that they will proceed with septic should the city not allow the sewer connection.

It is the intent of the owner/developer to develop an office/industrial park on the property contiguous to the city in the vicinity of the raceway. At that time he will construct the required sanitary sewer line. The city will continue with pre-annexation agreements as necessary until property is contiguous and at that time will annex all of it. The plans for the area also include a hotel.

In response to Mr. Palmer, Charles Julian, developer of Interchange Commerce Park, stated that it will take three – five years total to complete the development. He confirmed that the intermediary property is under the ownership of the same organization. The developer will construct the sanitary sewer line and the connection will be along Eau Gallie Boulevard.

Mrs. Palmer asked how the site will be drained. Mr. Julian replied that there will be a basin, which will then drain or be pumped in the surrounding channels. The plan will have to be approved by Brevard County and the St. Johns River Water Management District.

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Mrs. Hand asked about noise abatement. Mr. Julian said Brevard County is scrutinizing that aspect of the development. The project is set west of I-95 and the location is ideal for this type of amusement. Brevard County staff will ensure they meet all codes.

Mr. Contreras asked the distance from the proposed development to the Humane Society and the Marine Institute. Mr. Hill said at least 2,000'. Mr. Contreras asked if those two organizations are aware of the planned development. Mr. Julian replied that he has not had any discussions with those groups.

Mrs. Palmer asked who would be responsible for roadway improvements to West Eau Gallie Boulevard. Mr. Hill replied that he is not sure whether there will be a requirement for the developer to put in a roadway or participate in a transportation impact fee. Mr. Julian added that the initial projects don't trigger traffic issues; however, they will eventually trigger those requirements and be responsible for upgrades.

Moved by C. Palmer/Hand for approval of the Pre-Annexation Agreement for property located west of I-95 and south of Eau Gallie Boulevard. Motion carried unanimously.

21. COUNCIL ACTION RE: A presentation by the city's consultant, Rochelle Lawandales, regarding the Redevelopment Plan for the Booker T. Washington Neighborhood.

From the agenda report: This is a presentation of the Neighborhood Revitalization Strategic Plan for the Booker T. Washington Neighborhood Association of Eau Gallie. Rochelle Lawandales of Lawandales Planning Affiliates, a city consultant, will review the Revitalization Plan with Council.

The Booker T. Washington Neighborhood is located in the Eau Gallie area and is bordered by Lake Washington Road to the north, Sunwood Subdivision to the west, the Florida East Coast Railway to the east, and Aurora Road to the south. Property owners within this area have requested the city's participation in the revitalization of their neighborhood through Council's support of the following items:

- Authorize the plan to be advertised for public hearing pursuant to the established HUD Citizen Participation process, which requires a recommendation by the Citizens' Advisory Board and a public hearing and adoption by the City Council.
- Consideration of/authorization to make application to the State Department of Community Affairs for an Urban Infill and Redevelopment Implementation Grant for either \$50,000 non-matching grant or over \$50,000 matching grant for infrastructure improvements and the neighborhood economic development center.

If Council is satisfied with the Revitalization Plan, the next step would be to authorize staff to advertise for a public hearing and seek adoption by the Council, as well as make application to the State Department of Community Affairs for an Urban Infill and Redevelopment Implementation Grant.

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Diane Key, 1126 Coleman Street, President of the Booker T. Washington Neighborhood Association, thanked Mayor and Council for the opportunity to present this plan. She noted that the citizens have worked very hard with staff to develop, reclaim, revitalize and restore their community to one that is a pleasant and safe place to live.

Mayor Buckley noted that he spoke with Patrick Hadley from the Governor's office and Mr. Hadley indicated that he was very interested in this project as a Front Porch Florida Community.

Rochelle Lawandales, city consultant, reviewed the Revitalization Plan.

Mrs. Hand stated that she was excited when she read the report and she believes this is a marvelous plan. She asked how we go about cleaning up the rear properties of businesses, homes, behind fences, etc.

Ms. Lawandales replied that it starts with an active Code Enforcement program. Some areas have begun to be improved; new fences, buffers, and screening have been installed. At some point, changes in land use need to be evaluated. Additionally, there is an opportunity for the auto salvage facility to participate in the state's Brownfield Program.

Mrs. Palmer asked if any of the business owners have been contacted to solicit cooperation. Ms. Lawandales said yes. A few business owners attended meetings, but not many. Mrs. Palmer asked if there was a sense of support from the businesses or if they are going to be an obstacle. Ms. Lawandales replied both. Many will be supportive of change; they have sponsored block parties, trash bashes and summer youth programs. Others will be resistant to any form of change.

Mrs. Poole asked for more information about the Brownfield Program. Ms. Lawandales said the state has a program where a community can declare an area that they suspect may have the qualities of a Brownfield. Once a municipality declares that, there are certain steps that can be taken to receive money to participate in clean-up. Some of the funds are matching and some are not.

Mr. Contreras stated that the master plan is very thorough and detailed. He added that he looks forward to supporting this effort.

Mr. Hill noted that this is an overall set of strategies that could be pursued; some of the projects should definitely be tackled. Some of the projects may require additional analysis. Overall, this is a good working concept for making improvements and targeting the improvements that would be a benefit.

Mrs. Poole asked if the city would be applying for the matching or non-matching grants. Mr. Hill replied that at this point, that has not been determined. Mayor Buckley reported that there are 47 applications for the Front Porch Florida Community designation and the state is going to select five.

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Mr. Palmer stated that he supports this 100%. He asked what the first priority is. Ms. Lawandales said that if Council authorizes the plan to move forward, a final document will be prepared listing the priorities. Some of the initial priorities will be street lights, fire hydrants, signs, and sidewalks. These are the items that can be done immediately and that will be visible.

Moved by Hand/Contreras to authorize staff to advertise for public hearing and make application to the State Department of Community Affairs for an Urban Infill and Redevelopment Implementation Grant.

Kim Gabriel, President, South Brevard Habitat for Humanity, spoke in support of the program and stated that she has never seen a more dedicated group working together. She noted that this is a phenomenal opportunity.

The question was called. Motion carried unanimously.

22. COUNCIL ACTION RE: A request for an amendment to the agreement between the city and the Community Housing Initiative, Inc., dated August 24, 1999, increasing the total SHIP award by \$150,000 for the implementation of the Purchase Assistance Program.

Mr. Hill reviewed the agenda report. On July 25, 2000, Council approved policy revisions to the city's Purchase Assistance Program, expanding the program to include new construction. On August 9, 2000, staff received a letter from Community Housing Initiative, Inc. (CHI) requesting an increase in its award of State Housing Initiatives Partnership (SHIP) Program funds to continue implementing the Purchase Assistance Program on behalf of the city. Council's action on policy revisions and the organization's letter combined to initiate this request for an amendment to the current agreement between CHI and the city, dated August 24, 1999.

To date, \$171,284.32 of CHI's original award of \$338,725 has been expended. The balance of the funds is committed to an additional 12 households that are in the various stages of home purchase, such as mortgage financing, bid solicitation for repair work, and closing. Another 14 applicants are on a waiting list for assistance. In order to continue providing uninterrupted service to applicants interested in participating in the program, CHI needs additional funding.

The city's FY 1999-2000 SHIP allocation of \$150,000 for the Purchase Assistance Program is currently unencumbered and available for this purpose. Per SHIP regulations, these funds were advertised last summer and CHI's request has been the only one received. By increasing CHI's award by \$150,000, from \$338,725 to \$488,725, CHI can begin processing applicants on the waiting list. Any future SHIP funding for the organization is subject to the city advertising FY 2000-2001 SHIP Program fund availability and the competitive award process.

Moved by E. Palmer/Walker for approval of an amendment to the agreement between the City of Melbourne and Community Housing Initiative, Inc. dated August 24, 1999 increasing the total SHIP award to Community Housing Initiative, Inc. by \$150,000 and authorization

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for the City Manager to execute the amendment to the agreement. Motion carried unanimously.

23. RESOLUTION NO. 1654: A resolution authorizing issuance of the Water and Sewer Improvement Revenue Bonds, Series 2000.

Attorney Gougelman read Resolution No. 1654 by title.

Mr. Hill briefed Council. This is a resolution authorizing the issuance of water and sewer bonds in an amount not to exceed \$40,000,000 to finance various improvements to the Water and Sewer System, primarily the new Surface Water Treatment Plant and Phase III improvements to the D.B. Lee and Grant St. Wastewater Treatment Plants.

The proposed resolution and certain exhibits to the resolution have been prepared by bond counsel, Holland & Knight. Other exhibits to the resolution were prepared by due diligence counsel, Bryant, Miller & Olive, and city staff. The resolution declares the need for the improvements; authorizes the issuance of the bonds; authorizes the City Manager to approve certain documents necessary for the issuance of the bonds, particularly the Bond Purchase Agreement; authorizes The Bank of New York to serve as authorized depository, paying agent, and registrar; makes certain covenants with Financial Guaranty Insurance Company (FGIC), the Bond Insurer and Reserve insurance policy provider; authorizes amendments to the Bond Ordinance (No. 84-45, as amended); and authorizes the Mayor, City Manager, and city staff to take the necessary steps to complete the sale and delivery of the bonds.

The underwriters, which were previously approved by Council to purchase the bonds, are William R. Hough & Co. and Salomon Smith Barney. Once the resolution is approved the Preliminary Official Statement will be printed and distributed. Staff expects to price the bonds during the first week of September. Once the pricing is complete and the city accepts the offer by executing the Bond Purchase Agreement, the closing and delivery of the bonds will occur the week of September 18.

Moved by E. Palmer/Poole for approval of Resolution No. 1654. Motion carried unanimously.

24. COUNCIL ACTION RE: Consideration of Melbourne/National Fire and Safety Education Systems, Inc. (NFSES) Joint Training Project.

This is a request for consideration of developing a joint project with National Fire and Safety Education System, Inc. (NFSES) for a training facility. This is a proposal for a joint multi-purpose training facility to upgrade our training grounds to a primary facility and at the same time create a revenue source that would help fund the training division budget. The estimated cost is \$150,000 to be funded by revenues to be received for training classes held on the property.

If Council is favorable to the concept, a contractual agreement between NFSES and the city would be returned for approval. The agreement will establish the amount the city

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would receive from NFSES classes and seminars. The city would also receive an agreed upon number of slots that would enable our personnel to receive this specialized training. Currently the cost is between \$50-\$100 per student.

NFSES would fund the additional classroom space, LPG training sites, and the flammable liquid burn area in the amount of \$10,000. The city would construct the training building, the repaving of the roadway and the parking lot, at an approximate cost of \$150,000.

There are several direct benefits to the city including:

- Live fire exercises (“hot drills”). The training tower/burn room would enable us to meet ISO requirements for two hot drills per year. If we cannot conduct these drills at our facility, we would have to send the crews to Central Florida Emergency Services Institute in Orlando to receive the training at a cost of \$828 per day, plus overtime.
- The proposed building is a two story design with an attic. The interior configuration can be framed and dry-walled to replicate a residential structure with various rooms. This design is ideal for search and rescue when looking for trapped victims.
- During training exercises, stations train together to sharpen their teamwork skills and tactical ability. Having drills at our training grounds allows engine companies to train together while still being available to respond to calls.
- Fire Departments in other jurisdictions (beachside communities and Palm Bay) have indicated a preference to pay to use our facility if we are able to make the upgrades rather than send their employees out of the county.

It is anticipated the city would be able to pay for the facility within five years from the training revenues. The city would seek to borrow the cost of the building and improvements at an interest rate that would allow us to pay back the costs annually within the revenues we would receive. We have a reasonable assurance that we would be able to obtain revenues necessary to pay for the cost of facility.

In response to Mr. Contreras, Chief Chamberlin reviewed their current training program and explained the benefits of having this facility located in Melbourne. The Chief elaborated on this being a revenue opportunity as well as a plus for training our own firefighters.

Mr. Palmer asked where the closest facility is located. Chief Chamberlin responded Orlando; this would be the first for Brevard County. Mr. Hill added that the Chiefs’ Association has been disappointed that BCC or some other agency has not stepped forward to provide a local facility. The Chief added that he could only send one person at a time out of town on an overtime basis. That allowed for no training as a crew. Melbourne has an opportunity to be the forerunner with this facility.

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Mr. Palmer asked where the facility would be located. Chief Chamberlin replied on the present training site on Electronics Drive. A brief discussion followed about the condition of the existing tower at the training facility and use of the facility by other cities.

Mr. Scott Schein said the training schedule has not been finalized. The building will probably be controlled by Melbourne during the period it is not being used (40 – 50% of the time). The Melbourne Fire Department will be assured of a certain usage.

A brief discussion followed regarding usage. Mr. Hill added that free slots by Melbourne means we are not receiving revenue; we need to ensure the entire program works to our advantage.

Moved by Poole/E. Palmer to proceed with the Melbourne NFSES Joint Training Project. Motion carried unanimously.

25. COUNCIL ACTION RE: Purchase of Harbor City Volunteer Ambulance Squad (HCVAS) property which is contiguous to the land which is under litigation with the Harbor City Volunteer Ambulance Squad.

Mayor Buckley referenced the August 22 memorandum from the City Manager recommending the item be withdrawn due to on-going litigation.

Moved by Poole/E. Palmer to withdraw the item. Motion carried unanimously.

26. COUNCIL ACTION RE: Appointment of one regular member to the Golf Courses Advisory Board.

Mayor Buckley called for nominations. Mrs. Poole nominated Albert Mongeau and Mr. Palmer nominated Winston Sarver.

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

The roll call vote was:

Mongeau: Poole, Walker, C. Palmer, and Buckley

Sarver: Contreras, Hand, and E. Palmer

Appointed: Albert Mongeau (Unexpired term ending November 8, 2002)

27. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mayor Buckley referenced the study the city, airport and the Tourist Development Council jointly participated in for a convention center. He said it appears the TDC would like for it to be located in the Cocoa Beach Area. The decision has not been finalized yet and County Commissioner Helen Voltz asked for additional information.

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28. ADJOURNMENT

Moved by E. Palmer/Contreras to adjourn. Motion carried unanimously.

The meeting adjourned at 11:11 p.m.

City Clerk – 9/4/00

Approved by Council _____