

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
SEPTEMBER 12, 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. Reverend Bruno Malara 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

The Blanche Hopkins Award was presented to the Melbourne Garden Club along with a \$100 check. The club's accomplishments include landscaping of the "Welcome to Melbourne" signs, donation of the Arbor Day trees, and donation of a bench at the entrance to the Front Street Civic Center.

Mayor Buckley presented "Constitution Week", September 17 – 23, to Jeanne Roach, Regent, and Nell Mussler, Vice Regent, Abigail Wright Chamberlin Chapter, National Society Daughters of American Revolution.

The Reflections Office Building, 1499 South Harbor City Boulevard, was the recipient of the August 2000 Beautification Award. The Mayor presented the award to Scott Marschang, Property Manager, Coy Clark Company.

5. APPROVAL OF MINUTES - August 8, 2000 Regular Meeting, August 15, 2000 Special Meeting, and August 22, 2000 Regular Meeting.

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

6. CITY MANAGER'S REPORT

Mr. Hill mentioned that on Friday he spoke with the county facilities maintenance director who advised that the location of a court facility in Melbourne may still be an open issue. They are viewing as an alternative locating a facility in the former Wal-Mart building on

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Babcock Street. The property on North Babcock Street (offered by Mr. Nance) has been eliminated from consideration.

7. PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

8. ORDINANCE NOS. 2000-54, 2000-55, AND 2000-56 (CPA-2000-06/Z-2000-899, CU-2000-05): (Public Hearings/Second Readings) Ordinances approving a minor Comprehensive Plan Amendment to change the future land use from Mixed Commercial/Medium Density Residential to Commercial; changing the zoning from C-1 (Neighborhood Commercial) to C-2 (General Commercial); and granting 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) (First Readings 8/22/00)

Attorney Gougelman read each ordinance by title. Mayor Buckley opened the public hearing. There were no comments from the audience.

Moved by Hand/C. Palmer for approval of Ordinance No. 2000-54. The roll call vote was:

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

Nay: None

Motion carried unanimously.

Moved by Poole/C. Palmer for approval of Ordinance No. 2000-55. The roll call vote was:

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

Nay: None

Motion carried unanimously.

Moved by Walker/E. Palmer for approval of Ordinance No. 2000-56. The roll call vote was:

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

Nay: None

Motion carried unanimously.

9. ORDINANCE NO. 2000-57 (CU-2000-04): (Public Hearing/Second Reading) An ordinance granting a conditional use for a church on a 3.92-acre parcel located east of Babcock

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Street, south of University Boulevard. (Owner/Applicant/Representative – Shiloh Christian Center/ David T. Menzel) (First Reading 8/22/00)

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

Moved by Poole/C. Palmer for approval of Ordinance No. 2000-57. The roll call vote was:

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

Nay: None

Motion carried unanimously.

10. ORDINANCE NO. 2000-58 (Z-2000-900): (Public Hearing/First Reading) An ordinance rezoning 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 Lawley, David Menzel, Sam Henderson, John Futchko and Jerry Trachtman) (Postponed by Council 8/22/00)

Attorney Gougelman read the ordinance by title. Mrs. Poole disclosed that she looked at the site.

Dave Menzel, representing the applicant stated that Internet-type companies are looking at the building. They provide software and hardware in a research and development environment. He noted that there are no chemicals involved and they would stipulate that. The rezoning has been requested so that they won't run into problems with long-term leases after the facility receives its certificate of occupancy.

Mr. Contreras asked if the hardware would be manufactured on site and Mr. Menzel replied no. He added that it falls into an area considered assembly. There will be no soldering, dip tanks, etc. Mr. Menzel stressed that at the rates that will be charged for this space, they will not attract manufacturing.

In response to Mrs. Poole, Mr. Menzel stated that they will save every tree on the site.

Mrs. Palmer asked Mr. Menzel his role with the project. Mr. Menzel explained that his firm provided the civil engineering and architecture; he is representing the owners.

Mike Lawley, 1735 Hibiscus Boulevard, stated that they are not aware of the use of chemicals; however, from time to time chemicals are used in a laboratory setting. He cited acid as an example. In that regard, he stated that he would not want to be limited beyond that of the C-2 zoning across the street. He stressed that they would adhere to all EPA requirements, rules, and restrictions. Mr. Lawley said he is very sensitive about the environment.

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Responding to Mrs. Poole, Mr. Lawley said that he is positive the EPA would not allow any dumping into Crane Creek. He pointed out that zoning does not preclude violations of the law. As a landlord, he said he would ensure that precautions are placed in the lease and that uses would be in accordance with the lease.

Mr. Lawley stated that he agreed with the stipulation proposed in the ordinance.

Mayor Buckley referenced the following motion on the floor from the last meeting: Moved by Hand/Contreras for approval of Ordinance No. 2000-58.

Mrs. Poole read the differences between the C-1A and C-2 zoning categories. She expressed concern about what would prohibit a more intense operation from moving into this site if the current owners move/sell.

Mrs. Palmer stated that the rental is way too high for this property to support some of the uses listed by Mrs. Poole. Mayor Buckley agreed and added this is prime property and he has no fear that it will be used for anything other than the use being considered.

The question was called. Motion carried unanimously.

NEW BUSINESS

11. COUNCIL ACTION RE: An agreement to participate with the developer in the cost of construction to upgrade a waterline for Grand Haven Subdivision located west of Wickham Road at the Pineda Causeway in the amount of \$199,971.

Mr. Hill reviewed the agenda report. This is a proposed agreement with Pineda Partners, LLC, developers of the Grand Haven Subdivision, for the city to share in the cost of an upsized waterline by paying the difference in cost between the larger pipe and that required by the subdivision.

Grand Haven Subdivision is an 806-lot residential subdivision located west of Wickham Road near the Pineda Causeway. Construction of the subdivision has just begun. Water service is available to the subdivision through three small lines serving adjacent subdivisions or by a new line off the existing 20" main in Wickham Road.

The City Code provides that the City Engineer determines the pipe layout and pipe sizes. The City Engineer and Utilities Director believe that the subdivision must be served by a new line off the 20" line in Wickham Road in order to ensure water quality and to improve pressures within the system. This is more costly to the developer than the three-connection layout originally proposed. Further, staff thinks that the waterline should be a 12" pipe rather than the 10" and 8" pipes needed just to serve the subdivision.

Upsizing the line is consistent with the recommendations outlined in a draft of the water distribution system master plan currently being finalized by consultants Hazen & Sawyer as well as previous master plans. Improving water quality and pressure in the north service area has been a defined goal for several years. A scheduled \$700,000 capital

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improvement piping extension was intended to make a connection between lines out of the water plant and the Wickham Road main. This upgraded line can serve as part of that connection.

The developer's initial plan would have cost \$187,155. Staff's proposal to utilize this as part of an overall system loop will cost \$448,696. The difference is \$261,541. Based on estimated unit prices and quantities, a fair breakdown of the benefit received by the city's system is \$199,971 while the developer's cost will increase by \$61,570. Unit prices submitted by the developer are competitive or lower than those achieved by the city in bidding capital improvement projects.

The proposed agreement provides that the developer will install the waterline. City staff will inspect the construction and upon completion and acceptance by the city, the city will pay to the developer an amount not to exceed \$199,971.

The recommendation is for approval of the agreement with Pineda Partners, LLC and authorization for the City Manager to execute the agreement.

Mr. Ralls displayed a map and gave a brief explanation of the city's water lines. He noted that the ideal situation is when a closed loop is created; there is no loop in the north end. Mr. Hill said the loop system is the strength of our system. When lines are down, we can isolate different segments and stay in operation.

A brief discussion followed. Pat Fleming, Assistant Utilities Director, commented on the chlorine residuals within the system.

Mrs. Hand referenced the funding for this project (taken from other projects) and asked when those other projects will occur. Mr. Hill said they will be rescheduled.

Discussion followed about the city's service area.

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

12. COUNCIL ACTION RE: Contract for clearing and grubbing of 12.5 acres in the southeast corner of Southwest Park, Frank-Lin Excavating, Inc., Melbourne, FL - \$77,987.00.

Mr. Hill briefed Council. This is a proposed contract related to the development of Southwest Park. This contract provides for the clearing and grubbing of 12.5 acres in the southeast corner of the 40-acre park property.

Bids for the clearing and grubbing operation were opened on August 31, 2000 and the low bid was submitted by Frank-Lin Excavating, Inc., located in Melbourne.

This is the first of two steps to construct soccer fields and a large lake in the park. It is necessary to clear the trees (none are specimen) and undergrowth to construct the soccer fields and dig the 4.0-acre lake that will be used for stormwater treatment and as a

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recreational feature. In the second step, bids will be taken to construct the fields by using material excavated from the lake. The second project will also include installing the irrigation system and sodding the fields.

Previously, bids had been taken for all the improvements in the park. The bids far exceeded the budget, in part because the amount of available fill material for leveling the soccer fields was undetermined. Clearing and grubbing the densely overgrown area will enable staff to survey it and determine if adequate material is available on-site or if the contractor will have to haul in material. Clearing and grubbing is also a specialty sub-contractor's work that would typically be marked up by a general contractor. There should be savings in the overall cost by breaking this project into two steps.

All standard construction contract requirements will apply to this project. The contractor will have 60 calendar days to complete the work. The recommendation is for approval of the contract with Frank-Lin Excavating, Inc. in the amount of \$77,987.00.

Mr. Contreras asked how many soccer fields are planned. Mr. Hill said he believes at least two large fields and some practice area.

Moved by Walker/Poole for approval of the recommendation.

Mr. Palmer stated that he spoke with some local clearing companies in Melbourne and they were not aware of this project. He asked that local companies be included on the bidding list in the future. Mr. Hill explained the process the city follows and said every company in the phone book should have received an invitation; he will follow-up.

The question was called. Motion carried unanimously.

13. COUNCIL ACTION RE: Consent Agenda

Moved by Hand/Walker for approval of the consent agenda, items "a – d."

Mr. Contreras discussed item "a"; however, the item was not removed from the consent agenda.

The question was called. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Purchase of bulk gasoline and diesel fuel for city vehicles for the period October 1, 2000 through September 30, 2001, BP Oil Company, Cleveland OH and Coastal Refining and Marketing, Miami, FL - \$415,000.00.
- b. Three year contract for Employee Assistance Program (EAP) services, UniPsych Benefits of Florida, Hollywood, FL - \$45, 254.00.
- c. Purchase of 2,500 5/8" x 3/4" and 200 1" cold water meters from Badger Meter, Inc.,

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Milwaukee, WI, \$72,575.00 (less credit for scrap meter exchange.)

- d. Purchase of a John Deere ROPS 2WD Model 6310 tractor with 50” rotary deck, Alamo Industrial, Lutz, FL - \$51,245.66.

14. ORDINANCE NO. 2000-60 (Z-2000-902): (Public Hearing/First Reading) An ordinance rezoning property located on the south side of New Haven Avenue south and west of the intersection with Livingston Street on a portion of two platted lots from I-1 (Institutional) to C-3 (Central Business District). (Owner/Applicant/Representative – Henegar Center/Jerry Brees/City of Melbourne) (P&Z 8/24/00)

Attorney Gougelman read Ordinance No. 2000-60 by title. Mrs. Braz reviewed the agenda report. The property is currently used as an arts/performing arts center and contains administrative offices for these uses and other cultural related offices. The current zoning was established on the property in 1988.

The site is surrounded on the east and to the north by property within the C-3 zoning district. The property to the south consists of the Senior Center and Trinity Towers South, an elderly residential apartment development, zoned I-1. The Post Office is located across the street. The subject property is located within the Downtown Redevelopment Area and has benefited from redevelopment and historical preservation funds. The 2.50-acre property contains two buildings. The Henegar Center is the larger of the two and is used for the arts center and offices. The old Melbourne High School has been renovated on the exterior, but the interior must be renovated prior to occupying the building. Plans are to renovate this building for cultural/office uses.

The applicant wishes to have the flexibility to use the building for uses other than those traditionally permitted in the Institutional zoning district although the building is primarily used for “cultural and social groups”. It is important to retain cash flow in order to stay in operation and they would like to have the flexibility to lease to uses that are permitted in C-3 districts, as do other businesses in the area. If approved, the property could be used for other less restrictive uses such as commercial-retail, offices, or restaurants.

The proposal will not adversely affect the historic structures on the property and may provide opportunities to accelerate the redevelopment and rehabilitation of the structures and site consistent with Downtown Redevelopment efforts and with specific policies of the Future Land Use Element of the Comprehensive Plan, including Objective 5d.

The Planning and Zoning Board and staff recommended approval of Z-2000-902, with the findings listed in the agenda package.

The majority of Council disclosed that they met with Mr. Brees at the Henegar Center; however, it was not to discuss the rezoning request.

Mrs. Poole said she had a problem with this at first because of how hard the city worked to get the different areas zoned Institutional. However, she noted that this will be beneficial and she knows it will be monitored.

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Mrs. Palmer agreed that this will expand the desirable uses in the Downtown Area. The change will also assist the Henegar Center in becoming self-sufficient.

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

Moved by C. Palmer/Hand for approval of Ordinance No. 2000-60. Motion carried unanimously.

15. RESOLUTION NO. 1656: A resolution transmitting Comprehensive Plan Amendment 2000-07 (related to NASA Boulevard realignment) and Comprehensive Plan Amendment 2000-08 (related to redevelopment areas) to the Florida Department of Community Affairs.

The City Attorney read Resolution No. 1656 by title. Mrs. Braz briefed Council. This is a resolution to transmit two Comprehensive Plan Amendments to the Department of Community Affairs. The transmittal will include CPA-2000-07, an amendment to the Transportation Element related to NASA Boulevard realignment, and CPA 2000-08, an amendment to the Future Land Use Element (redevelopment policies and text).

The segment of NASA Boulevard affected by the proposed change is located between Airport Boulevard and Harris Road. The request by the Airport Authority is to realign NASA Boulevard between Airport Boulevard and Harris Road to remove the curve in front of the terminal so that the Airport can develop the property for a convention center. The changes proposed to the Future Land Use Element are primarily to meet the criteria of various grant applications and to update the plan.

The roadway has been in the present alignment for many years. The roadway in front of the terminal is a state (FDOT) maintained highway east of Eddie Allen Road. The road curves to the northwest just west of Airport Boulevard. This was created because years ago a railroad spur existed from the FEC mainline to the area of the Nokia building. The curve was created to allow NASA to cross the railroad track at roughly a 90-degree angle.

The proposed realignment would require the removal/relocation of many pads of the Land Yacht Port-O-Call airstream trailer park and the FAR MAC building. The relocated roadway would require the reconstruction of other streets in the immediate vicinity or the elimination of streets and intersections. The Airport Authority owns all the property where the roadway would be constructed and leases to the current users. The Port-O-Call lease expires in the next few years.

As part of the realignment project, the Airport hopes to modify the access driveways to the terminal and construct fly-overs to enter and exit the site. The area of the old NASA alignment would be used for parking and retention for a proposed hotel and convention center to be connected to the terminal.

The project could result in the elimination of at least one traffic signal. Traffic impacts within Trailer Haven may change as a result of this construction. The project would

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require several businesses to relocate, including FAR MAC Plating, and the car rental businesses. The project is consistent with policies in the plan. The land around the corridor has substantially been developed and pursuing the project will not affect environmentally sensitive areas. This realignment would not be considered a high priority as far as meeting goals for mobility as it is a necessity to implement development goals of the airport and other airport owned properties. With the realignment access improvements could be constructed that would better regulate driveway and signal spacing, which could result in improvements to a future level of service. The new alignment could be considered to further Objective 4q and 5b and i of the Transportation Element. FDOT approval of the project is required in order to plan, design, and construct the project.

The existing Future Land Use policies were adopted in the revised Comprehensive Plan in 1998. Since this time the city has created the Babcock Redevelopment Area and is proposing to create a new redevelopment area in the old downtown Eau Gallie area. The city is also preparing plans to reinvest and redevelop the north target area and possibly create a neighborhood improvement district in the north Eau Gallie area along Pineapple Avenue.

The revised language and modification to the policies are needed to reflect the changing pace of development and redevelopment efforts in the city and will enhance the city's ability to apply for grants and assistance in preparing plans and funding improvements within the designated areas

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

Regarding the change to the Future Land Use element, Mrs. Poole asked which areas are being designated as urban infill. Mrs. Braz replied Pineapple Improvement Area, Booker T. Washington Neighborhood Association, Olde Eau Gallie Riverfront, Babcock Street Redevelopment, and Downtown Redevelopment. This is merely a designation in the Comprehensive Plan and before any plans are finalized, Council will have review.

Mrs. Poole asked if Council has heard about the Pineapple Improvement Area. Mr. Hill said he has been reporting regularly to Council about this area for the past two years. He noted that the next step is to get into a position to qualify for grants; therefore, these areas have to be identified in the Comprehensive Plan as areas of concern needing special focus.

Mr. Contreras asked when the Port-O-Call lease will expire. Mrs. Braz replied 2003. Mr. Hill said the Airport Authority has put the Port-O-Call managers on notice that they do not intend to renew the lease. Mayor Buckley added that the lease is being extended on a year to year basis.

Mrs. Poole reported that Port-O-Call has brought many people into our area and contributed to the local economy for years. She stated that this change will be a disaster and that the people of Melbourne will be upset. This is one of the few places remaining

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where people can come in with trailers. She noted her opposition to the alignment and questioned whether this is the ideal place for a convention center and hotel.

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

Moved by Hand/E. Palmer for approval of Resolution No. 1656. Motion carried unanimously.

Mrs. Poole voted for the motion; however, she stated that she is opposed to the realignment of NASA Boulevard.

Recessed: 9:01 p.m.
Reconvened: 9:12 p.m.

16. RESOLUTION NO. 1657: A resolution finding that a blighted area exists within the downtown Eau Gallie area and declaring that the rehabilitation, conservation, redevelopment or combination thereof is necessary in the interest of public health, safety and welfare and establishing a community redevelopment agency to carry out the redevelopment purposes.

The Attorney read the resolution by title. Mrs. Braz briefed Council. This is the resolution, which finds that the area designated by the Eau Gallie Riverfront Redevelopment Study is a blighted area in accordance with State Statute requirements and is in need of rehabilitation, conservation and redevelopment. The area is generally described as being located west of the Indian River Lagoon, north of and including all lots fronting on Montreal Avenue, south of Creel Street and east of the FECR.

City Council gave permission to request the Brevard County Commission allow the creation of a redevelopment area in this location. The Commissioners granted that permission on August 29, 2000 by County Resolution No. 2000-249. The next step is for the local government to approve the resolution of necessity. This resolution defines the area, makes a finding that the area is blighted, and declares that the City Council will be the Community Redevelopment Agency.

Mrs. Braz added that once the district is created, a plan will have to be adopted by ordinance. She does not expect that to happen until February or March. It will take several months to hire someone; a total evaluation of all alternatives is necessary and she would like someone from the outside to take a fresh look.

Moved by E. Palmer/Hand for approval of Resolution No. 1657.

Mrs. Poole reported that she compared the county resolution with the city's and expected them to be the same. She questioned why a statute reference (163.335) was in ours and not in the county's.

Following discussion, Attorney Gougelman stated that Section 163.335, Florida Statutes, is a finding that the Legislature made when it adopted the Community Redevelopment

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Act. For the city's purposes, this is one of a number of steps – to make a finding of necessity that there is a slum or blighted area. If Council finds that either exists in the Eau Gallie area, then a determination can be made to create the Community Redevelopment Agency. He cautioned that the definition of slum and blight is not necessarily what most of us think. For example, he noted that the definition of blighted area references parking problems, crazy "quilt" street network, etc.

Mrs. Poole referenced the ordinance previously sent to the county, which provides that the Board of County Commission reserves the right to designate themselves as the CRA. Attorney Gougelman explained the history of this and noted that it is a new requirement since Brevard County became a charter county. The county is unwilling to delegate authority unless that provision is included. He stated that he understands why it would make Mrs. Poole feel uneasy; however, unfortunately that is the way it is.

Mr. Palmer said it is similar to the federal government giving the city money with strings attached. Mrs. Palmer said the city has a good track record and she does not think this extra measure of accountability will cause us problems.

The question was called. Motion carried unanimously.

17. COUNCIL ACTION RE: A request for exceptions to the Owner-occupied Housing Rehabilitation Program for the benefit of Becky and Larry McCormack during the SHIP rehabilitation project at 1949 Jefferson Avenue.

From the agenda report: Becky and Larry McCormack, 1949 Jefferson Avenue, homeowners/customers of the Owner-occupied Housing Rehabilitation Program, are currently experiencing an unusual emergency situation and, as a result, staff is seeking three exceptions to the policies on their behalf.

Mr. and Mrs. McCormack engaged the services of a local contractor of their own choosing, J. F. Meyers, a licensed Building Contractor, to perform their SHIP-funded housing rehabilitation. Unfortunately, the relationship between the contractor and the homeowner deteriorated mid-rehabilitation to the point that the contract was "terminated for convenience" by both the contractor and the homeowner. Currently, the McCormack home is in disarray with incomplete construction and the quality of the work performed to date is in question (e.g. new drywall sheeting hides electrical work yet to be inspected). The family cannot use their kitchen, creating unsafe and unsanitary conditions.

The maximum award under the Owner-occupied Housing Rehabilitation Program is \$25,000. Together with the homeowner's contribution (in this case, \$2,500), there was \$27,500 originally available to perform the work. \$6,536.70 was paid to the contractor for his first draw. There is concern that the remaining available funds may not be enough to complete the job, particularly when some of the work may have to be redone. Staff is requesting, on the McCormacks' behalf, that the city assist the family, if necessary, all the way up to the lifetime maximum award of \$30,000. Also, staff is requesting that Council consider treating any assistance beyond the original \$25,000 award as a grant (as opposed to a deferred payment loan secured by a 15-year lien against the property). The

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Florida Housing Finance Corporation, the funding source for the job, has approved both of these exceptions.

Finally, the Owner-occupied Housing Rehabilitation Program is a voluntary one, and the city does not include relocation as an eligible expense in its Owner-occupied Housing Rehabilitation Program. Staff wanted to make the option of temporary relocation available to the McCormack household due to their lack of kitchen facilities, and sought and received approval from the Florida Housing Finance Corporation and the City Manager (who made the decision on an emergency basis) to do so. While the family has, to this point, elected not to make use of this opportunity, staff is seeking Council's approval of such an exception should the family change its mind.

Temporary relocation will provide the family with the option of safe and sanitary living conditions. Council approval of an increased award will allow for relocation costs and provide additional funds that may be necessary to bring the McCormacks' home up to code without increasing the amount of debt secured by the property.

The recommendation is for approval of the following exceptions to the Owner-occupied Housing Rehabilitation Program in the case of the Becky and Larry McCormack family:

- a. That the McCormack family be assisted, if necessary, up to the city's lifetime maximum award of \$30,000 (which is \$5,000 beyond the program's maximum award).
- b. That temporary relocation costs be permitted as an eligible expense under the Owner-occupied Housing Rehabilitation Program, in the case of the McCormack family only.
- c. That any funds used to assist the McCormack family beyond the original lien amount of \$25,000 be treated as a grant.

Discussion followed regarding the condition of the home and the patience exhibited by the homeowners. Mrs. Walker asked for additional information about the contractor being selected by the McCormack's. Mr. Hill explained that the city is the funding entity, but the arrangements are between the homeowner and the contractor. Mrs. Palmer asked if we can take any steps to assist in the selection of a contractor and if anything can be done to ensure we don't use the same contractor again.

Mrs. Thomas explained that previously the process provided that the contractor was selected through the city's bid process; however, the contract was between the owner and the contractor. To alleviate that "disconnect", the selection of the contractor was placed under the owner's control. The city prepares the specifications and provides a list of contractors who have done this type of work.

Mrs. Palmer asked how we can ensure this won't happen again. Mrs. Thomas said the contractor pulls permits through the Building Division and in this instance, the work advanced without inspections being called for. She confirmed that this contractor does not

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have any more jobs and Mr. Hill added that we will look seriously before providing this contractor's name in the future.

Moved by E. Palmer/Contreras for approval of the recommendation and the exceptions (noted above). Motion carried unanimously.

18. COUNCIL ACTION RE: A request to amend the current agreement with the South Brevard Sharing Center, Inc. increasing the total SHIP award for the Tenant Assistance Program from \$40,350 to \$65,000.

Mr. Hill briefed Council. On December 14, 1999 the City entered into its most recent agreement with the South Brevard Sharing Center, Inc. to administer its State Housing Initiatives Partnership (SHIP) funded Tenant Assistance Program (TAP), a security and utility deposit program for very low-income renters. The funding amount covered by that agreement, \$40,350, will soon be exhausted.

With Council's approval of third quarter budget adjustments to FY 1999-2000 SHIP allocations, there will be an additional \$24,650 available for the Tenant Assistance Program. Staff is seeking Council's approval to amend the current agreement with the South Brevard Sharing Center, Inc. to increase the award from \$40,350 to \$65,000.

The recommendation is for approval of the amendment to the current agreement with the South Brevard Sharing Center, Inc., increasing the total award for the Tenant Assistance Program to \$65,000, and authorization for the City Manager to execute the amendment.

Moved by C. Palmer/E. Palmer for approval of the recommendation. Motion carried unanimously.

19. COUNCIL ACTION RE: A request to amend the agreement with the Community Housing Initiative, Inc. to add improvements to the expansion and renovation of Robin's Nest resulting in an increased award amount from \$126,382 to \$159,232.

Mr. Hill reviewed the agenda report. Community Housing Initiative, Inc. (CHI), as project developer and on behalf of PREVENT! of Brevard, Inc. as project owner, is requesting additional funding to enlarge the scope of its expansion and renovation of Robin's Nest, a 15-bed transitional housing facility for women (and their small children) recovering from substance abuse. Specifically, they are requesting \$32,850 to level the floor of the facility, to use ceramic tile flooring instead of vinyl, as originally planned, to add metal fascia on the perimeter of the entire roof, and to construct a 400 square foot, frame Florida room. Construction of the Florida room will include the removal of an abandoned septic system on site.

The improvements will increase the total contribution of HOME Investment Partnership Program (HOME) dollars from \$126,382 to \$159,232. For its part, PREVENT! of Brevard, Inc. purchased the building, raised \$15,018 in corporate and individual donations, and used its \$40,000 line of credit from Sun Bank in its role as a partner with the City of Melbourne in this project. As CHDO (Community Housing Development

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Organization) developer of the project, CHI will not receive any additional funds for developer fees, despite the expanded scope of work.

At the end of July 2000, the city closed-out the long-standing Infill Housing Project agreement it had with CHI. At the time of closeout, the following CHDO funds remained unexpended:

1995 HOME FUNDS

CHDO Operating Expenses	\$ 1,600.00
CHDO Infill Project	<u>\$33,377.41</u>
TOTAL:	\$34,977.41

As Council is aware, 15% of each year's allocation of HOME funds from the U.S. Department of Housing and Urban Development is required to be set-aside for CHDO projects. Therefore the 1995 HOME funds set-aside for CHI must be expended on another CHDO project. The Robin's Nest Project meets that requirement. Additionally, September 30, 2000 is the deadline for expenditure of the 1995 HOME funds. Increasing CHI's award by \$32,850, along with some associated budget adjustments, would make it possible for the city to meet its statutory deadline for the expenditure of the 1995 HOME funds.

The recommendation is for approval of the amendment to the agreement with Community Housing Initiative, Inc. for the purpose of additional improvements to Robin's Nest, increasing the award amount from \$126,382 to \$159,232, and authorization for the City Manager to approve and execute associated budget adjustments and legal documents.

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

20. COUNCIL ACTION RE: A request by the Melbourne Community Orchestra for funding in the amount of \$5,000 to be used toward the salary of Maestro Dobrzynski.

This is a request by the Melbourne Community Orchestra for funding by the City of Melbourne. A similar request was presented last year and granted. The Orchestra is requesting \$5,000 for continuing support of the salary of their conductor.

Should Council desire to make a contribution to the orchestra, a budget change will be required at the September 20, 2000 budget public hearing.

Mayor Buckley briefed Council and stated that Witold Dobrzynski has done a fantastic job; the Melbourne Community Orchestra has definitely improved.

Moved by Buckley/E. Palmer to make a \$5,000 donation to the Melbourne Community Orchestra to support the salary of the conductor. Motion carried unanimously.

Following a brief discussion, Council agreed to establish an annual amount to be used for

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funding the various organizations with the requests to be reviewed and considered at the same time. Staff will return with an agenda item for consideration.

21. RESOLUTION NOS. 1655 AND 1658:

- a. Resolution No. 1655: (Public Hearing) A resolution to adopt an annual stormwater utility budget for the fiscal year beginning October 1, 2000.
- b. Resolution No. 1658: A resolution to certify the Stormwater Utility Assessment Roll.

Attorney Gougelman read Resolution Nos. 1655 and 1658 by title. Mr. Hill noted that regarding the assessment roll, the city's certification is basically asserting that as far as we know, the roll is free of errors and omissions. The city is not actually adopting a rate resolution since there is no change in the proposed rates or the use of the funds.

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

Moved by Hand/Walker for approval of Resolution No. 1655. Motion carried unanimously.

Moved by Walker/E. Palmer for approval of Resolution No. 1658. Motion carried unanimously.

Mr. Palmer referenced the city's payment to the county (\$250,000) for the Parkway treatment pond. He asked the total cost of this pond. Ron Jones, Brevard County Surface Water Management, stated that the entire project is about one million dollars and the pond component is \$650,000 of that.

The question was called. Motion carried unanimously.

22. COUNCIL ACTON RE: A request to purchase property located at 1035 Garfield Street at a cost of \$55,000, for the purpose of drainage improvements.

From the agenda report: This area has been subjected to flooding and drainage problems for a number of years. The property is a single story, three-bedroom house with a dedicated drainage easement on its northern boundary. In that easement is a 30" outfall pipe that has to carry a significant amount of runoff from the Bowe Gardens Subdivision. The amount of runoff during heavy storm events has often overloaded the pipe, causing water to overflow the curb and sidewalk and flow through the neighbors' yards and houses to the Garfield Street ditch behind them. In fact, the rain in the aftermath of Hurricane Erin caused this pipe to collapse. A resident's camper trailer fell into the hole and a large void was washed out under the carport.

The house has been vacant for quite some time and recently was sold to a Mr. and Mrs. Robert Poindexter as a VA foreclosure. In the hope that we might be able to purchase the house, we established a project in the FY 2000-2001 budget to purchase the house, demolish it, and install larger drainage pipes to correct the problem. There is physically

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no way to increase the size of the existing pipe in the easement because of its depth and the proximity of the houses on either side.

Mr. Poindexter contacted the city after the house had closed. They had bought it as an investment and had planned to make major renovations but were willing to discuss selling to the city. We hired Tuttle-Armfield-Wagner to perform an appraisal, which came in at \$61,000. After some negotiation, the Poindexters agreed to sell the house for \$55,000.

It will be difficult to solve the drainage problem without purchasing this property. The portion of Bowe Gardens called Presidential Section was built in late 1950. It is bordered by Sarno Road to the south, Croton Road to the west and Eau Gallie Boulevard to the north. All of the storm water runoff for this subdivision flows east in the street gutters to Garfield Street. There are only three outfalls on Garfield Street to carry the water to the Garfield ditch. One of those outfalls at Jackson Street is a very large pipe on a vacant lot owned by the city and works extremely well. That is what we are trying to duplicate at this site.

The recommendation is for the city to purchase property at the agreed price of \$55,000 and authorize the City Attorney's office to take the necessary action to execute the purchase.

Mr. Contreras asked how much usable land will remain after the drainage structure is installed. Mr. Hill said it will not be suitable for reconstruction. It will basically be an open lot that the city has to maintain.

Mr. Jones with Brevard County added that there is a potential for this to be a water quality improvement project and they may try to take advantage of that in terms of providing a shallow detention/retention pond.

Mrs. Palmer stated that she supports the purchase; however, she questioned why we didn't move to obtain the property before the Poindexter's and how much more we had to pay for the property. Mr. Hill replied that he is not sure how we missed this - our price is \$20,000 more as a result.

A brief discussion followed regarding the use of other vacant property on this street. Mr. Ralls said this is a better lot; using the other property would require digging up the street.

Moved by Walker/Hand for approval of the recommendation. Motion carried unanimously.

23. RESOLUTION NO. 1659: A resolution to implement FY 1999-2000 Third Quarter Budget Review recommendations.

Attorney Gougelman read Resolution No. 1659 by title. Mayor Buckley referenced the memorandum distributed, which makes editorial changes to the resolution.

Moved by E. Palmer/Contreras for approval of Resolution No. 1659.

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Mr. Hill responded to general questions.

The question was called. Motion carried unanimously.

24. COUNCIL ACTION RE: Pay and benefit adjustments for non-union employees for Fiscal Year 2000-2001.

Mr. Hill reviewed the agenda item. The following adjustments are proposed:

- a. Increase salaries and wages by 3% across-the-board for employees at steps A-T effective October 1, 2000.

In addition, all non-union employees who have worked with the city for at least six full months will be eligible to participate in the Step Pay Plan. Step raises will be processed on October 1 for those employees who meet performance standards and have worked at the city for six full months. Step raises average approximately 2.15% and can range up to 2.47%.

- b. Increase the special pay positions of Non-Union Maintenance Worker I (part-time), Custodian (part-time), and Equipment Operator I (part-time) to equal the pay of their counterpart full-time position found in the Laborers International Union pay schedule.
- c. The City Manager and City Attorney pay rates are not included in the regular salary ranges and step movement. However, it is desirable to provide a salary increase for the City Manager and City Attorney equivalent to that provided to city employees. It is suggested that a total 5% increase in pay for both would approximate the increases other employees will receive. This would result in the City Manager's salary going from \$97,584 to \$102,463 and the City Attorney's from \$90,000 to \$94,500.

Moved by Hand/Walker for approval of the recommendation. Motion carried unanimously.

Mrs. Palmer asked for these items to be separated in the future so that they can be voted on separately.

Mrs. Poole referenced the cost of living increase and asked if we automatically raise the pay each year. Mr. Hill replied that he believes the employees appreciate the pay increase. Mayor Buckley reported that the Police, Fire, and LIU unions negotiate increases for their employees. He added that if we want to keep salaried people, we are going to have to provide comparable pay. Mr. Hill agreed and noted that we try to make it so there is no advantage to being in a union.

Mrs. Palmer said the argument could be made that the unions are basically bargaining for all employees. Mr. Hill pointed out that the LIU is getting a little less than the across the

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board increase for the non-union employees, the firefighters are getting slightly less, and the police basically the same. We try to make it comparable and if we didn't, it would encourage unionization among the non-union employees.

Mrs. Palmer asked how these raises compare with similar jobs in the private sector. Mr. Hill said it is often difficult to compare with the private sector because of different pay structures and the nature of the duties. With secretarial and maintenance positions, our rates of pay are comparable and perhaps a little higher. Managerial and supervisory positions are paid worse at the city than in the private sector. The bottom line is, you get what you pay for. We have to be sensitive to the fact that tax payers are supporting this; however, if we have a turnover in positions, are not able to attract better people, or can't retain people with skills and abilities, we will pay for that in the long run.

Mrs. Palmer said her questions were for discussion purposes only. These are questions that citizens ask; they compare their raises with the raises given to city employees.

A brief discussion continued.

25. COUNCIL ACTION RE: Appointment of three regular members (realtor, contractor, and member-at-large) to the Code Enforcement Board.

Moved by Poole/C. Palmer to reappoint Bruce Mochwart, Joan Needelman, and Kathleen Rosenberg to the Code Enforcement Board. Motion carried unanimously.

Mochwart (three-year term through August 27, 2003). Needelman and Rosenberg (three-year terms through October 14, 2003).

26. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mrs. Poole asked the City Manager to work towards providing landscaping in Charlie Tharrington Park.

Mrs. Palmer asked staff to investigate why the HCVAS property on Hickory Street has not been mowed/maintained.

27. ADJOURNMENT

Moved by Walker/Contreras for adjournment. Motion carried unanimously.

The meeting adjourned at 10:43 p.m.

City Clerk – 9/19/00

Approved by Council _____