

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
OCTOBER 10, 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 Grace Walker 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
	Henry J. Hill	City Manager
	Paul R. Gougelman, III	City Attorney
	Cathy L. Baker	Assistant City Clerk
	Bud Emerson	Assistant City Manager
	Peggy Braz	Planning and Zoning Administrator
Absent:	Loretta Isenberg-Hand	Council Member, District 6 (out-of-town)

4. PROCLAMATIONS AND PRESENTATIONS

Mayor Buckley read and presented the following proclamations:

“Energy Awareness Month”, October 2000; accepted by Bess Severance, Melbourne Woman’s Club.

“National Arts and Humanities Month”; October 2000; accepted by Steven Wolf, Creative Artist, Phoenix Theater.

5. APPROVAL OF MINUTES - September 20, 2000 Budget Public Hearing and September 26, 2000 Regular Meeting.

Moved by Walker/E. Palmer for approval of the September 20 and September 26 minutes. Motion carried unanimously.

6. CITY MANAGER’S REPORT

Mr. Hill referenced the City’s Dove Street Water Quality Enhancement Project grant award. This award is due largely to the cooperation with Brevard County and is an indication of the success of the program.

Mr. Hill reported that Ron Jones, Director, Brevard County Surface Water Improvement, notified the city that our combined regional Storm Water Utility received the U.S. Environmental Protection Agency “2000 National Pollution Discharge Elimination System Program for Storm Water Control Excellence Award” for an outstanding storm water management program in the municipal category.

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Mr. Hill commented that the award is due in large part to the success of the program over the last nine years and the city's direct involvement over the last year and a half. It is recognition that we have a good storm water utility program.

Mrs. Poole discussed the number of "bucket drops" (non-profit solicitations) being conducted at the intersection of NASA Boulevard/Babcock Street. The activity creates a dangerous situation - participants step into the street before traffic has stopped. She asked whether this activity could be controlled so that an organization can only solicit once a year.

Mr. Hill responded that the informal policy is that an organization is permitted to solicit twice a year and stated unfortunately this activity is a popular fundraiser. He stated that he would investigate whether a more formal policy is needed.

Mayor Buckley reported that on Friday, October 6, he met with the Romanian Police Officers visiting Melbourne.

7. PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2000-61 (CU-2000-06): (Public Hearing/ Second Reading) A proposed ordinance for a conditional use for a monopole of 165 feet in height, within the C-P (Commercial Parkway) zoning district, located on the east side of Babcock Street, south of Apollo Boulevard, on a 0.055-acre area at the rear of the Police Communications site. (Owner/Applicant/Representative – City of Melbourne/Nextel Communications) (First Reading 9/26/00)

Attorney Gougelman read Ordinance No. 2000-61 by title. There were no comments from the public.

Moved by Poole/Contreras for approval of Ordinance No. 2000-61. The roll call vote was:

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

Nay: None

Motion carried unanimously.

NEW BUSINESS

9. COUNCIL ACTION RE: Award of contract to construct a new parking lot at Fee Avenue Park, Project No. CD00007, William Turnbaugh Construction, Inc., West Melbourne, FL - \$118,931.00.

From the Agenda Report: This is a proposed contract to construct a paved parking lot in the southwest corner of Fee Avenue Park near the intersection of Fee Avenue/Babcock Street. The project is being funded by Community Development Block Grant funds.

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This new parking lot, adjacent to the little league ballfields, will contain 46 parking spaces. It includes handicapped accessible parking and is designed for access to the restroom/concession stand currently under construction. The project also includes a stormwater treatment system and landscaping.

Four bids ranging from \$118,931.00 to \$183,587.60 were received and opened on September 21, 2000. The low bid was submitted by William Turnbaugh Construction, Inc. The city's standard contractual requirements apply to this project. The contractor will have 120 calendar days to complete the project. Liquidated damages will be \$200 per day.

Moved by E. Palmer/Poole for approval of the contract with William Turnbaugh Construction, Inc. in the amount of \$118,931.00. Motion carried unanimously.

10. COUNCIL ACTION RE: Award of contract for waterline replacements in Bowe Gardens, Riverview Estates, Vista Grande Subdivision, Grandview Shores, and Ixora Park No. 6, Project No. C99322, Don Luchetti Construction, Inc., Melbourne, FL - \$351,057.00.

From the Agenda Report: This project involves the installation of 9,280 linear feet of 6-inch PVC waterline and 189 copper service lines, all with associated appurtenances and site restoration.

Three bids ranging from \$351,057.00 to \$560,347.00 were received and opened on September 21, 2000. The low bid was submitted by Don Luchetti Construction, Inc.

The city's standard contractual requirements will apply to this project. The construction must be completed within 180 calendar days. Liquidated damages are \$200 per day.

Moved by Walker/Contreras for approval of the contract with Don Luchetti Construction, Inc. in the amount of \$351,057.00. Motion carried unanimously.

11. COUNCIL ACTION RE: Consent Agenda

Moved by E. Palmer/C. Palmer for approval of 11(a) through (d).

Mr. Hill responded to questions; no items were removed from the agenda.

The question was called. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Supplement No. 49 to Continuing Consultant's Contract for Engineering Services for Utility Relocation to Support Widening of U.S. 1 from Post Road to Pineda Causeway, Project No. C01306, Frazier Engineering, Inc., Melbourne, FL - \$49,400.00.
- b. Resolution No. 1662: A resolution authorizing application to the St. Johns River Water Management District (SJWMD) Water Advisory Panel for Surface Water Restoration grant funds in the amount of \$40,000 for the purchase and installation of four baffle boxes throughout the city.

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- c. Purchase of 18 Panasonic Toughbook PIII-450 laptop computers for Police vehicles, Computer Tech, St. Petersburg, Florida – \$43,938.00.
- d. Purchase of seven major equipment/vehicle items for the Fleet Management Division, various vendors – \$778,357.00.

12. COUNCIL ACTION RE: A request for consideration of waiver of application fees for variances for Habitat for Humanity to construct single-family homes. (Requested by Zoning Board of Adjustment.)

From the Agenda Report: On September 25, 2000, the Board of Adjustment unanimously voted to request that the city waive the \$165 fee for variances for Habitat for Humanity to construct single-family homes in the North Target Area. Many times these homes are on substandard lots and need variances for setbacks. The small lots also limit the ability to locate garages on the property. City staff does not believe that there is any other option but to continue to request variances since each site must be considered on a site-by-site basis.

In addition to our efforts to improve the Booker T. Washington neighborhood, staff believes this is a reasonable request to aid Habitat for Humanity's efforts to build homes in the city. Habitat currently has four homes in the North Target Area under construction and is planning to construct eight additional homes over the next year. This is the first new residential construction in the Booker T. Washington area in many years. Additionally, waiving the fees will allow the city to receive points on our application for an Urban Infill Implementation Grant.

Mayor Buckley commented that a garage adds \$4,000 to the cost of the house. The added cost stops some people from qualifying for housing.

Moved by Poole/C. Palmer to waive the application fees for variances for Habitat for Humanity to construct single-family homes (in the North Target Area). Motion carried unanimously.

13. ORDINANCE NO. 2000-62: (Public Hearing/First Reading) A proposed ordinance to implement changes to the Comprehensive Plan for the designation of urban infill areas and realignment of NASA Boulevard.

Attorney Gougelman read Ordinance No. 2000-62 by title.

Mrs. Braz briefed Council. This is an ordinance to implement the changes to the Comprehensive Plan that provide for the designation of the Urban Infill Areas and the realignment of NASA Boulevard. The changes were approved for transmittal on September 12, 2000.

We have been in contact with DCA and they have no objections and will not review the amendments. However, they have indicated that to designate an Urban Infill Area we must demonstrate that the area meets DCA's minimum criteria. As a result we have deleted the infill designations for the Babcock and Melbourne Redevelopment Areas at this time. However, we should move quickly with the adoption of other Comprehensive Plan Amendments so that we can apply for the Urban Infill Implementation Grant for the Booker T.

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Washington Neighborhood and further the efforts regarding Old Eau Gallie and NASA Boulevard.

The \$50,000 Infill Grant does not require any matching money and must be submitted by November 15, 2000.

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

Moved by E. Palmer/Buckley for approval of Ordinance No. 2000-62. Motion carried unanimously.

14. COUNCIL ACTION RE: A request for authorization to prepare an ordinance and schedule a public hearing for a proposed street name change of Almond Boulevard to Reverend Johnie Scott Boulevard.

Mr. Hill reported that Council previously denied a request to rename both Pecan Street and Almond Boulevard to Reverend Johnie Scott Boulevard after property owners on Pecan Street objected to the name change. However, at that time there were no objections from property owners on Almond Boulevard. This new petition addresses renaming only Almond Boulevard. The petition represents owners having greater than 50 percent of the front footage abutting Almond Street, so it meets the standard for proceeding with an ordinance.

Moved by Poole/C. Palmer to change the name of Almond Boulevard to Reverend Johnie Scott Boulevard and direct staff to prepare an ordinance for the renaming. Motion carried unanimously.

15. COUNCIL ACTION RE: A request for an amendment to the Greater Melbourne Police Athletic League's (PAL) CDBG program description to include funding for a variety of youth athletic programs.

Mr. Hill briefed Council. Council approved a grant of \$12,500 to the Greater Melbourne PAL for its Basketball Youth Leadership Program in April 2000.

Since then, PAL has received additional grant funds from the State of Florida Department of Juvenile Justice (DJJ) which comes with various requirements and stipulations regarding the expenditure of funds. Some of the costs disallowed by the DJJ grant would be allowable CDBG expenses.

PAL requests to expand its CDBG grant to fund a variety of its athletic programs, including basketball, cheerleading, football, baseball, and softball. Expanding the scope of its program description to include a variety of athletic programs will give PAL greater flexibility in expending grant funds and will enable them to serve a significantly higher number of children. However, the program approved by Council in April was specifically a basketball program. Council would need to approve an amendment to the program description in order for PAL to expend CDBG funds on any activity other than a basketball leadership program. This would not change the funding amount of \$12,500.

The amended program description for Youth Athletic Programs will read: *Funding for a variety of youth athletic programs, including basketball, cheerleading, football, baseball, and*

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softball. The program is centered in a low-income neighborhood and operates out of the Grant Street Community Center.

Moved by C. Palmer/Contreras for approval of this amendment to the Greater Melbourne Police Athletic League's CDBG program description to include funding for a variety of youth athletic programs.

Mrs. Palmer agreed that more children will be able to participate in the program with the change. Mayor Buckley commented that PAL has money to use for an operating program. He noted that they are looking for a building. Mrs. Poole commented that adding more sports allows more children to participate.

Mrs. Walker pointed out that Dr. Bryan, who is involved with PAL, is present and asked whether he wanted to comment.

Dr. Glenn Bryan, 5505 Sand Lake Drive, Melbourne, President of Melbourne PAL, discussed PAL's activities and thanked Council for looking at their request favorably. He recognized Officer Jeff VanGilder, the executive director of PAL, and thanked the Melbourne Police Department for allowing Officer VanGilder to work with PAL.

The question was called. Motion carried unanimously.

16. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

None.

17. ADJOURNMENT

Moved by Buckley/Contreras to adjourn. Motion carried (Vice Mayor Palmer voted nay).

The meeting adjourned at 8:08 p.m.

Assistant City Clerk – 4/17/2007

Approved by Council _____