

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
FEBRUARY 27, 2001

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 A. Buckley.

1. The invocation was given by Pastor Bruno Malara, Lighthouse Assembly of God.
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
	Richard Contreras	Council Member, District 1
	Ed Palmer	Council Member, District 2
	Pat Poole	Council Member, District 3
	Cheryl Palmer	Vice Mayor, District 5
	Loretta Isenberg-Hand	Council Member, District 6
	Henry J. Hill	City Manager
	Paul Gougelman	City Attorney
	Cathleen A. Wysor	City Clerk
	Bud Emerson	Assistant City Manager
	Peggy Braz	Planning and Zoning Administrator

Absent: Grace Walker Council Member, District 4 (ill)

4. PROCLAMATIONS AND PRESENTATIONS

The Government Finance Officers Association awarded the Certificate of Achievement for Excellence in Financial Reporting to the City of Melbourne for its Comprehensive Annual Financial Report for the year ended September 30, 1999. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting. Mayor Buckley presented the award to Amy W. Elliott, Director of Finance. Ms. Elliott credited the Finance Department staff for the award.

5. APPROVAL OF MINUTES - February 13, 2001 regular meeting

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

6. CITY MANAGER'S REPORT

Mr. Hill referenced the report distributed regarding the redevelopment activities that have occurred over the past couple of years in the Babcock Street Redevelopment Area. He noted that the information demonstrates the success of the area.

Mayor Buckley reported that he and the City Manager attended the County Commission meeting to discuss the proposed courthouse expansion for the county. He said it seems that it was a foregone conclusion that the former Wal Mart site on Babcock Street was not a consideration. The site selected will probably be in Palm Bay, perhaps the Bayside Lakes area.

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Mr. Contreras asked if the city had a use for the air conditioner that is being salvaged from the Palms Theater site. Mr. Hill said not at this point; we will hold it in our inventory until an appropriate use is identified.

Mr. Palmer asked if the previous owners have removed their contents from the theater. Mr. Hill said they have removed most of the projectors and sound equipment; however, they will leave a fair amount of seating behind. They had 15 days from the date of closing (February 19) to remove their property. Staff will determine whether we should take proposals for the contents of the building or conduct an on-site auction. At this point it appears the fairest solution will be to have an on-site auction.

Mayor Buckley referenced the memorandum requesting item 27.1 be added to the agenda.

Moved by C. Palmer/Contreras to add item 27.1 to the agenda. Motion carried unanimously.

7. PUBLIC COMMENTS

Michael Fitzgerald, 110 Casseekee Trail, Melbourne Beach, inquired about the progress of renaming University Boulevard after Martin Luther King, Jr.

Mayor Buckley said he and the City Manager met with leaders from the Black community in South Melbourne who proposed several streets (including Babcock Street, Apollo Boulevard, and New Haven Avenue). The Mayor said the requestors were asked to return with a recommendation. At this point, they have not returned. In the meantime, the local head of the NAACP has proposed that the new Palm Bay Beltway be named after Martin Luther King, Jr. That proposal has received a lot of support and will need to be processed through the Metropolitan Planning Organization.

A brief discussion followed.

UNFINISHED BUSINESS

8. COUNCIL ACTION RE: Discussion of potential Code revisions regarding garage requirements for residences) (Postponed by Council 1/23/2001)

Mr. Hill stated that at Council's request, staff reviewed several options regarding the requirement to construct a garage for each single-family, duplex, or triplex unit. The principal concern seems to be for the Habitat for Humanity homes.

Mrs. Braz reviewed the following alternatives:

***As an Affordable Housing Incentive*** – Council could consider the waiver of garages as an affordable housing incentive. The Comprehensive Plan policies (Objective 1, policies f, l and m) support the creation of innovative measures to assist the development of affordable housing.

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The Habitat homes meet the criteria defined in Article XVIII (28) Affordable Housing Project. The possibility to allow affordable housing to be constructed without a garage was considered and rejected by the Melbourne Affordable Housing Advisory Committee, which was established at the time affordable housing was mandated by the state. There have been 17 in-fill homes approved through CDBG during the past several years that have all been constructed with garages.

***As an Overlay District*** – Council could develop an overlay district. An overlay district is not limited to one area but for any area that meets the criteria. Basically, in-fill housing in areas substantially constructed prior to 1984 when the garage requirement was established could be permitted to construct homes without garages. This would not be limited to low income homes.

This would permit new homes in older subdivisions to be constructed without garages. Under the current Code, existing homes in older subdivisions (pre-1984) can enclose a garage or carport and not be considered non-conforming. But, if a house burns down or is destroyed in a storm in one of these subdivisions, the house must be reconstructed with a garage.

An alternative overlay could be to waive garages under certain circumstances such as:

- The lot is a pre-platted, substandard lot with both a substandard lot width and lot depth.
- Lots where a residence without a garage is proposed must have exclusive vehicular access from an open alley and provide a minimum of a 100' s.f. accessory storage shed.

This alternative overlay may not provide the benefit that Habitat seeks for some of the lots they propose to build on in the future.

***Eliminate the requirement for garages*** – This would leave the matter up to the construction trades and marketing. The current trend is to increase garage area. Subdivisions have been constructed with double garages and many are developing with three car garages. These new developments almost exclusively contain deed restrictions requiring a garage.

***Make no change to our Code*** – Essentially this would indicate to Habitat that they should modify their plan to include garages prior to proposing additional homes in the city. (This does not include the 12 that have been approved to go to the Board of Adjustment.) However, if adequate criteria have been developed to demonstrate a hardship before the Board of Adjustment, they could continue to do that. This criteria is outlined in the City Attorney's February 14, 2001 memorandum (the variance is tied to implementing a Comprehensive Plan policy of supporting affordable housing). For information, Council has waived the Board of Adjustment fees for Habitat.

Staff feels that the best approach would be to make no changes in the Code. By following the grounds cited in the City Attorney's memorandum and the affordable

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housing incentive already included in the Code, the Board of Adjustment could grant the waivers on a case by case basis.

Richard Flamm, 1992 Adams Avenue, representing Habitat for Humanity, stated that the Booker T. Washington area is going through a process of “clean-up.” He noted that the Police have done some good; however, what will work will be placing homeowners in the area who have a vested interest in the area. He referenced the additional cost of a garage and asked Council to support Habitat’s effort to build homes in the Booker T. Washington area without garages.

Tom Porcella, 1696 PGA Boulevard, stated that he is in favor of Habitat but opposed to their arm twisting regarding the garage issue. He stated that Habitat should adhere to the city’s ordinances. Further, Mr. Porcella referenced the \$150,000 SHIP grant from the city to Habitat, which would have paid for garages. He stressed that since the funding is available, all future homes should be constructed with garages.

Continuing, Mr. Porcella said that homes without garages stigmatize an area. He recalled that there are 40’ lots in Melbourne, which have garages.

Mayor Buckley clarified that the requirement for garages was added to the SHIP grant by the city, not Habitat. The grant from SHIP did not come with a requirement for garages. Mrs. Poole said the city asked for garages to be part of the grant; however, that condition was removed because Habitat refused to sign the agreement.

Kim Gabriel, President/CEO, South Brevard Habitat for Humanity, commented that Habitat was welcomed as a partner with the City of Melbourne in 1987. When the first variance was granted and first home built in 1987, the precedent was set. This was okay until last year. She stated that Habitat is committed to building 12 homes to revitalize the Booker T. Washington area. When Habitat was informed that the city would no longer support variance requests, Habitat’s Board of Directors recommended a change to the Code in order to protect providers of affordable housing.

Ms. Gabriel distributed a handout and expanded on the alternatives noted in the agenda report as follows:

***As an affordable housing incentive – Add the following: “All units qualifying as affordable housing units not having a garage shall provide an adequate storage shed and a minimum of two off-street spaces per driveway.”***

***As an overlay district – Add the following: “New construction of single-family, duplex, or triplex units within a subdivision where the total number of residential units were 50% or more completed prior to 1984 are exempt from the garage requirement.”***

Continuing, Ms. Gabriel said perhaps it is time to reinstate the Affordable Housing Committee to insure that barriers and impediments that prevent the building of affordable housing are removed. She concluded by asking, and stressed that this is not a threat, if Habitat is truly wanted as a partner.

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Mrs. Palmer asked how much the monthly mortgage would increase as a result of adding a garage. Ms. Gabriel explained that the cost of a garage is \$5,000 and would increase the appraised value of the home by only \$2,000. The garage would add approximately \$15 - \$20 per month to the mortgage. The problem is that the Habitat homeowner barely makes the minimum to cover the mortgage payment (without a garage).

Mrs. Palmer asked how many variances the City of Melbourne has denied. Ms. Gabriel replied none. Mrs. Palmer said that sounds pretty cooperative. Ms. Gabriel said the variances always came with a staff recommendation for approval; however, last year Habitat was told that staff would no longer be recommending approval.

In response to Mrs. Poole, Ms. Gabriel said they are in the process of building their sixtieth home; however, only 10 have been in the City of Melbourne. Ms. Gabriel added that she pulled the variances on the homes constructed in the city and found that all of the lots, except for one, were larger than 60'. She added that the issue relates to incentives for affordable housing. If the house were destroyed, it would have to be rebuilt to Code.

Mr. Palmer stated that the issue is to provide housing for people in the 30% income bracket (those who earn 30% of the county's median income and considered very low income). They are the ones that need housing the most but can least afford it. Habitat for Humanity has provided us the instrument by which we can provide affordable housing. The fact that it has no garage is immaterial to the issue. The city needs affordable housing and the garage is something that can be waived by the city because we think affordable housing is the important issue – not the garage.

Mr. Palmer added that the city should continue waiving the requirement to allow Habitat to build for the very low income. This is the way we can rid the community of drugs, substandard housing, and prostitution. The Booker T. Washington neighborhood is a prime example of how a neighborhood can change overnight.

Mrs. Poole read from the Habitat for Humanity Board of Directors resolution. She asked if the city is going to let a group, whose headquarters are located in another state, change our Zoning Code. She stressed that we have a quality city because of our codes. Additionally, she is concerned that Habitat owners will be discriminated against and identified as poor people because their homes have no garages.

Continuing, Mrs. Poole referenced the letter to the Board of Adjustment. She said she objects to Council telling the members how to vote. The members are appointed by Council and have the ability to make decisions.

Mrs. Hand noted that more homes can be built by Habitat if garages are not a requirement. The more homes that can be built in the Booker T. Washington area or in areas for those less fortunate, the more the community will be upgraded. She encouraged Council to agree to allow Habitat to continue building homes without garages.

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Mrs. Poole said the City Attorney and City Manager have said that we can't make this exception for Habitat only; we would have to make allowances for all providers of affordable housing. Mrs. Hand replied that she has no problem with that.

Mrs. Palmer said she does not believe that anybody on Council would say that Habitat for Humanity isn't doing a wonderful job; it is providing people with homeownership and improving the quality of life. She said her statement in no way disparages Habitat – she is not looking at what is best for Habitat – her concern is for the people who will live in these homes. The problem she has with eliminating the Code requirement for a garage is that it will place a hardship on the people who live in the homes.

Continuing, she said areas without garages have outside storage. She does not want to set the homeowner up for Code Enforcement action. If \$15 per month will keep someone from owning a house, we need to look for other ways to save money. There needs to be a fair and uniform policy. She concluded by saying the city has made every effort to cooperate and variances can still be granted on a case by case basis.

Mayor Buckley commented that the Habitat homes will have a 100 s.f. storage shed. Mrs. Palmer said the Cresthaven, Ixora areas do, too, but items are still stored outside.

Mr. Contreras agreed with Mrs. Palmer's comments. He said that when he was a Code Board member, he saw many cases before the board because engine blocks, etc. were stored outside. Low income or not, he stated that this is not the direction the city wants to go. He said that there should be no change to the Code and variances should be made on a case by case basis.

Mrs. Hand made a motion to postpone this item until a full Council is present. There was no second. Mrs. Palmer said if the motion to postpone had been made before each Council Member gave their opinion, she would have agreed to that.

Mr. Palmer said there is no requirement to change the Code; variances can be granted in situations where housing is being provided to people who earn 30% of the median income.

Mayor Buckley agreed with making no changes to the Code and allowing each variance to be determined on an individual basis. He added that he believes Habitat has done a fantastic job of providing housing to people of low income and the addition of a garage would probably exclude a number of people from owning a house in their lifetime.

Moved by E. Palmer/Hand to continue our support for Habitat for Humanity, continue with the emphasis on low income housing/affordable housing, provide variances to Habitat for Humanity to build houses without garages, and to make no change to the City Code.

Mrs. Palmer asked for clarification of the motion. Attorney Gougelman said he thinks the motion works. The understanding is, based on the earlier discussion, that variances will be entertained on a case by case basis. Based on the concept of affordable housing, a

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variance would be legally permissible. Also, there has to be a showing before the Board of Adjustment that a home with a garage would cost too much and could not be made available to the economically disadvantaged.

A brief discussion followed.

The question was called. The roll call vote was:

Aye: E. Palmer, Hand, and Buckley

Nay: Contreras, Poole, and C. Palmer

Motion failed.

Mrs. Palmer voted nay because she is not clear on the issue of whether the City Council is directing the Board of Adjustment to give every variance request to Habitat for Humanity. If variances are made on a case by case basis, she could support that.

Moved by C. Palmer/Poole that we make no change to the Code and continue supporting the granting of variances on a case by case basis.

Mr. Contreras commented that this is essentially a workaround – identifying the garage issue as an affordable housing incentive. He said variances should be granted on lots that do not meet Code because of irregular size, setbacks, etc.; however, if the lot meets/exceeds Code, then the garage needs to be built.

The question was called. The roll call vote was:

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

Nay: None

Motion carried unanimously.

Recessed: 8:52 p.m.

Reconvened: 9:04 p.m.

9. ORDINANCE NO. 2001-10: (Public Hearing/Second Reading) A proposed ordinance to adopt the changes to Chapter 8, Buildings and Building Regulations, as recommended by the City Code Review Committee, Section 1. (First Reading 2/13/2001)

Attorney Gougelman read Ordinance No. 2001-10 by title. There were no comments from the audience.

Moved by Poole/Contreras for approval of Ordinance No. 2001-10. The roll call vote was:

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

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Nay: None

Motion carried unanimously.

10. ORDINANCE NO. 2001-11: (Public Hearing/Second Reading) A proposed ordinance to adopt the changes to Chapter 10, Community Planning and Development, as recommended by the City Code Review Committee, Section 1. (First Reading 2/13/2001)

Mr. Gougelman read the ordinance by title. There were no comments from the audience.

Moved by E. Palmer/Poole for approval of Ordinance No. 2001-11. The roll call vote was:

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

Nay: None

Motion carried unanimously.

NEW BUSINESS

11. COUNCIL ACTION RE: Highway Contractor Agreement and Memorandum of Agreement, between the city and the Florida Department of Transportation for utility relocations associated with U. S. 1/SR 5 widening from Post Road to Pineda Causeway, Project No. 01306 - estimated cost \$847,935.60.

Mr. Hill reviewed the agenda report. This item is associated with the second phase of FDOT's widening of U. S. 1. The second phase is from Post Road to Pineda Causeway. There are two documents that must be executed in order to include utility work in the FDOT's road construction project:

***Utility Work by Highway Contractor Agreement*** - Previously this was known as a Joint Project Agreement. The agreement provides for the city's utility work to be included in FDOT's bidding and contract documents as part of the road construction project. Including utility work in such contracts has proven to be economical and eliminates the potential for conflict between an FDOT road contractor and a city utility contractor working on the same site. This reduces the potential for contract delays and change orders.

For the widening project between Post Road and Pineda Causeway, the city's utility work will consist of installing about two miles of 12" water main along U. S. 1. Other work includes a six-inch pipe crossing and relocation of a force main serving Mobiland Mobile Home Park.

The basic points of the agreement are:

- The city will prepare plans, specifications, and a cost estimate.

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- The city will provide inspection of the utility work.
- The city may reject the FDOT bids and contract separately.
- The city must provide, as a deposit to the state, the estimated cost of construction plus a 10% contingency, plus a 2% administrative charge no later than 30 days before the project is advertised for bids (January 2002).

The city has previously approved the engineering design contract with Frazier Engineering. Based on the consultant's preliminary design, the estimated amount of the deposit will be \$798,535.60. This project can be defined as a FY 2001/02 CIP with a budget to cover this deposit established as a part of Council's consideration of the FY 2001/02 budget.

***Memorandum of Agreement*** – This agreement addresses the amount of the required deposit and how it will be deposited in an interest bearing escrow account with the Department of Insurance, Division of Treasury, Bureau of Collateral Securities.

The recommendation is for approval of the Utility Work by Highway Contractor Agreement and the Memorandum of Agreement, with FDOT.

Moved by Hand/E. Palmer for approval as recommended.

Mr. Contreras said he had previously asked for change order/error information on engineering contracts. Mr. Hill clarified that Frazier has the agreement to do the work; we are not awarding the work. This item is to approve the agreements with FDOT.

The question was called. Motion carried unanimously.

12. COUNCIL ACTION RE: Contract for Melbourne Golf Course Greens Replacement, Project No. 01400, Total Golf Construction, Vero Beach, FL - \$545,688.98

From the agenda report: This is a proposed project to improve drainage and replace the greens at the Melbourne Golf Course. The drainage improvements on the golf course involve interconnecting five of the seven lakes with pipes and constructing new control structures and outfall pipes for all the lakes. Interconnecting the lakes will allow them to collectively store more water for treatment purposes. The new control structures will maintain lake levels and provide a means to store water during rain events. The outfall pipes are part of the control system.

The project will provide better drainage on the golf course by controlling stormwater and eliminating wet areas. The project also involves reconstructing all 18 greens. The greens will be stripped, regraded and resodded. An underdrain system will be constructed on all the greens to provide proper drainage.

Eleven bids were received for the project and the low bidder at \$545,688.98 is Total Golf Construction, L.C., located in Vero Beach, Florida. The contractor will have 91 calendar days to complete the work.

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City staff will create temporary greens on the fairways for use while the permanent greens are being reconstructed. Eighteen hole play will be maintained on the course throughout the construction schedule.

The total cost of the construction project including a five percent contingency budget is \$572,975. It is proposed that the project be funded by a transfer of \$150,000 from retained earnings, an existing cash balance in the project budget of \$24,091, and a \$400,000 bond issue. When the FY 2000/01 CIP budget for the Melbourne Golf Course was adopted by Council, this project was anticipated to be funded wholly by a bond issue. Since \$150,000 is available in retained earnings, it is recommended these funds be used to reduce the size of the bond issue.

Mr. Hill responded to questions regarding the retention areas.

Moved by Contreras/E. Palmer for approval of the contract with Total Golf Construction, L.C., in the amount of \$545,688.98.

Mayor Buckley asked if this will require an increase in golf rates. Mr. Hill said staff is doing everything possible to avoid an increase.

The question was called. Motion carried unanimously.

13. COUNCIL ACTION RE: Lake Washington Water Treatment Plant Seawall, Project No. 99302, Santa Cruz Construction, Inc., Merritt Island, FL - \$68,983.35.

Mr. Hill briefed Council. This is a proposed contract award for the improvements to the existing seawall at the north intake for the Lake Washington Water Treatment Plant.

There are two raw water intake structures serving the water plant. The northern structure is located on a man-made peninsula projecting out into the lake. The existing concrete seawall was seriously damaged during the 1999 hurricane season. This restoration will involve placing a riprap embankment in front of the seawall. The riprap consists of large pieces of rock or concrete.

Four bids were received for the project and the low bidder at \$68,983.35 is Santa Cruz Construction from Merritt Island. This has been approved as a \$70,000 project by FEMA. Reimbursement from FEMA and the State totals 87.5% of that amount, or \$61,250. The balance of funds for this work is available from the original CIP budget.

Moved by C. Palmer/Poole for award of the contract to Santa Cruz Construction in the amount of \$68,983.35. Motion carried unanimously.

14. COUNCIL ACTION RE: Consent Agenda

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

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The consent agenda was approved as follows:

- a. Resolution No. 1677: A proposed resolution authorizing the City Manager to submit a grant application for \$13,500 to the Florida Inland Navigation District (FIND) 2001-2002 Waterways Assistance Program for replacement of the seawall at Houston Street.
  - b. Resolution No. 1678: A proposed ordinance authorizing the City Manager to apply for Victims of Crime Act (VOCA) funding from the United States Department of Justice for FY 2000-2001 and FY 2001-2002.
  - c. Installation of replacement overhead bay doors at Fire Station #71, Overhead Door, Melbourne (\$18,542), and at Fire Stations #75 and #76, Howard Garage Doors of West Melbourne (\$17,280) - for a total cost of \$35,822.00.
  - d. Purchase of one vehicle and 10 pieces of equipment for the Fleet Management Division, various vendors, \$196,619.75.
15. COUNCIL ACTION RE: (Public Hearing) A request for approval of a proposed amendment to incorporate the Booker T. Washington Neighborhood Revitalization Strategy into the 2000-2005 Consolidated Plan and authorization to advertise the proposed amendment for public comment.

Mr. Hill reviewed the agenda report. This is a proposal for preliminary Council approval for a proposed amendment to the 2000-2005 Consolidated Plan to add the Booker T. Washington (BTW) Neighborhood Revitalization Strategy to the Consolidated Plan. Upon preliminary Council approval, the proposed amendment would be advertised for public comment and a final public hearing.

The HOME Consortium's 2000-2005 Consolidated Plan (governing the CDBG and HOME Programs) approved by the U. S. Department of Housing and Urban Development (HUD) in October 2000 identified the revitalization of the North Target Area as Priority Need #1 under Non-Housing Community Development Need. The Consolidated Plan contemplated the development of a neighborhood revitalization plan for the North Target Area as the primary engine that would drive future actions to address the housing and non-housing needs of this neighborhood.

A comprehensive study launched in November 1999 resulted in a detailed action plan, a plan intended and believed to meet HUD's requirements for *Neighborhood Revitalization Strategies*. The consultant engaged to carry out the study made presentations to the Citizens' Advisory Board on November 6, and December 4, 2000; and to Council on August 22, 2000 and January 9, 2001. Council gave conceptual approval to the planning study entitled "Booker T. Washington Neighborhood's Call for Action" on January 9, 2001. The Citizens' Advisory Board gave its preliminary approval to the proposed amendment on February 5, 2001.

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Mayor Buckley opened the public hearing.

Margie Pressley, 1026 Coleman Street, reported that she grew up in the area, moved away, and has now returned to raise a grandson, who is eight years old. She stated that she is afraid for her grandson to walk down the street. She thanked Council for proceeding with revitalization of the area and said the improvements will make the neighborhood a safe haven.

Terry Ables, 1156 Coleman Street, thanked Council for its support. She stated that she works with the youth in the area and this plan will help inspire them.

Diane Key, 1126 Coleman Street, thanked Council for providing the opportunity to say what needs to be changed in the area. She asked for consideration of this item and said BTW is a vital, strategic area and will impact the youth, elderly, and families.

Moved by E. Palmer/Poole for preliminary approval of the proposed amendment to incorporate the BTW Neighborhood Revitalization Strategy into the 2000-2005 Consolidated Plan and authorization to advertise the proposed amendment for public comment. Motion carried unanimously.

16. COUNCIL ACTION RE: (Public Hearing) A request for approval of proposed amendments to the 1997-98, 1998-99 and 2000-2001 CDBG Action Plan and reallocation of the recaptured funds for street repaving projects (in the amount of \$119,945) and the Carver Park Master Site Plan (in the amount \$15,000).

Mr. Hill reviewed the agenda report. This is a request for preliminary Council approval of proposed amendments to the City's 1997-98, 1998-99 and 2000-01 CDBG Action Plans. At its regular meeting on February 5, 2001, the Citizens' Advisory Board considered and gave preliminary approval to the amendments proposed by staff. The amendments would result in the cancellation of the three projects listed below and would free up \$134,945 to fund higher priority projects in the current fiscal year.

PROJECTS RECOMMENDED FOR CANCELLATION

<u>Action Plan</u>	<u>Activity to be Canceled</u>	<u>Funds Potentially Available for Recapture</u>
1997-98 Action Plan	Housing Replacement Program	\$ 69,945
1998-99 Action Plan	Spain Avenue/FECRR Drainage Pipe Replacement Project	\$ 50,000
2000-01 Action Plan	Reconstruction of Basketball Court at Carver Park	<u>\$ 15,000</u>
	TOTAL	\$134,945

BACKGROUND AND RATIONALE FOR CANCELLATION

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*Housing Replacement Program* – The city's 1997-98 CDBG Action Plan included a \$73,101 appropriation for housing assistance to persons whose homes could not be rehabilitated. Due to its infrequent use (the program has been utilized by two households since its inception in 1995) and because SHIP funds are an excellent and available source, staff believes the Housing Replacement Program would make an ideal housing strategy to include in the next SHIP Plan which is due to the state on May 2, 2001.

*Spain Avenue/FECR Drainage Pipe Replacement* – The city's 1998-1999 CDBG Action Plan included a \$50,000 appropriation for a drainage improvement project entitled Spain Avenue/FECR Drainage Pipe Replacement Project which was intended to alleviate flooding problems in several neighborhoods at the southeast corner of the city. For several years, city staff has been in discussions with City of Palm Bay staff to negotiate a joint project with Melbourne which would be mutually beneficial to residents of both cities. It appears no progress has been made on this joint venture. Further, it now appears that stormwater utility funds and state grants would be available for Melbourne to implement the flood control and water quality improvements contemplated by the stalled Melbourne/Palm Bay joint venture project.

*Reconstruction of Basketball Court at Carver Park* – The city's 2000-2001 CDBG Action Plan includes a \$15,000 appropriation for reconstruction of the basketball court at Carver Park. A master site plan is being recommended for Carver Park in the 2001-2002 CDBG funding budget. Consequently, it seems more prudent to set aside the reconstruction of the basketball court until such time as the master site plan is complete. If after due consideration and public comment this amendment is approved, the city could proceed with the Carver Park Master Site Plan in the current fiscal year.

If the amendments are approved, \$15,000 of the \$134,945 would be redirected to fund the Carver Park Master Site Plan in the current year. The remaining \$119,945 would be redirected to make up a funding shortfall for the Franklin Street, Myles Drive, Lincoln Avenue and Grove Lane Paving Project approved by City Council as part of the 1999-2000 CDBG program. Council recently approved award of a construction contract for Lincoln Avenue and Grove Lane only, due to lack of adequate budget. The additional appropriation in the current year would (a) provide the necessary funds for the two other streets included in this project; (b) expedite completion of this project; and (c) facilitate compliance with HUD's timeliness of expenditure goals.

PROJECTS RECOMMENDED FOR FUNDING FROM RECAPTURED FUNDS

Franklin Street, Grove Lane, Myles Drive, and Lincoln Avenue Paving	\$119,945
Carver Park Master Site Plan	<u>15,000</u>
TOTAL	\$134,945

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

Moved by C. Palmer/Contreras for preliminary approval of the proposed amendments to the 1997-98, 1998-99 and 2000-2001 CDBG Action Plan and reallocation of the recaptured

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funds as indicated and authorization to advertise the proposed amendments for public comment. Motion carried unanimously.

17. COUNCIL ACTION RE: (Public Hearing) A request for preliminary Council approval of projects and activities for inclusion in the 2001-2002 Community Development Block Grant (CDBG) Action Plan and authorization to advertise the proposed amendment for public comment.

Mr. Hill introduced the item and Ms. Thomas provided overview. The U. S. Department of HUD has advised the city that it will receive \$741,000 in federal FY 2001 CDBG entitlement funds, \$25,000 more than the federal FY 2000 CDBG grant. In addition, the city has available \$29,908 in program income generated from the recent sale of city land originally purchased with CDBG funds. The total CDBG funding available for FY 2002 (October 1, 2001 to September 30, 2002) is as follows:

FY 2001-2002 CDBG Entitlement Grant	\$741,000.00
Program Income	<u>29,908.00</u>
 TOTAL	 \$770,908.00

At that funding level, the statutory limits on Public Services and Administration/Planning spending in the CDBG program for 2001-2002 are:

Public Services	\$111,150	(15% of grant)
Administration/Planning	\$148,200	(20% of grant)

Community Development received 22 proposals from 18 different non-profit agencies and neighborhood groups seeking a total of \$2,093,327 in CDBG funds for the fiscal year starting October 1, 2001. Also, several city departments submitted proposals for CDBG funding. The Leisure Services Department submitted recreation improvement projects (\$388,100); the Engineering Department submitted a proposal for paving projects (\$156,737); and the Housing and Community Development Department submitted requests for continued code enforcement activities in the North and South CDBG Target Areas, for operating funds (housing services) for the HOME-funded Tenant Based Rental Assistance (TBRA) program, for demolition and clearance activities and for CDBG general administration (\$248,200). All the proposals for consideration total \$2,886,364.

The Citizens' Advisory Board made the following recommendations for funding:

**PUBLIC SERVICES**

<b>Boys &amp; Girls Club of Brevard, Inc. – Melbourne Unit</b>	
Youth programs	<b>\$15,000</b>
<b>Brevard Alzheimer's Foundation, Inc.</b>	
Scholarships for day care program	<b>\$ 7,000</b>
<b>Child Care Association of Brevard County, Inc.</b>	
Subsidized child care	<b>\$18,000</b>

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<b>City of Melbourne Leisure Services</b>	
Summer camp scholarships	\$ 2,500
<b>City of Melbourne Leisure Services</b>	
Transportation for youth/senior programs	\$ 6,200
<b>Family Counseling Center of Brevard, Inc.</b>	
Counseling to children and their families	\$10,500
<b>Greater Melbourne Police Athletic League, Inc.</b>	
Youth leadership and peer mentoring program	\$12,000
<b>Health First Foundation, Inc.</b>	
Subsidized prescriptions/H.O.P.E. <i>To Go</i>	\$10,000
<b>PREVENT! of Brevard, Inc.</b>	
Transitional housing and supportive services/Robin's Nest	\$12,500
<b>The Salvation Army</b>	
Transitional shelter and supportive services	\$ 5,000
<b>Vietnam Veterans of Brevard, Inc.</b>	
Transitional shelter and supportive services	<u>\$12,450</u>
<i>Subtotal Public Services:</i>	\$111,150

**PUBLIC FACILITIES & IMPROVEMENTS**

<b>Fee Avenue Park Improvements</b>	
Replacement of ballfield lights (north field)	\$40,000
<b>Lipscomb Park Improvements</b>	
Expansion of Lipscomb Park Community Center (partnership project with Junior League of South Brevard, Inc.)	\$50,000
<b>Tradewinds Park Improvements</b>	
Phase II refurbishment	\$10,000
<b>Booker T. Washington Revitalization Project</b>	
Set-aside funding for Phase I	\$298,418
<b>Landscaping &amp; Signage – Booker T. Washington Neighborhood</b>	
Landscaped gateways into Booker T. Washington Neighborhood (partnership project with Brevard Neighborhood Development Coalition)	<u>\$13,140</u>
<i>Subtotal Public Facilities &amp; Improvements:</i>	\$411,558

**ADMINISTRATION**

<b>Program Administration</b>	
General program administration	\$145,700
<b>Fair Housing Continuum, Inc.</b>	
Fair housing outreach and education program	<u>\$2,500</u>
<i>Subtotal Administration:</i>	\$148,200

**OTHER**

<b>Code Enforcement</b>	
Comprehensive proactive code enforcement in North and South CDBG Target Areas	\$65,000
<b>Demolition and Clearance</b>	

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Removal of dilapidated structures and property clearance to eliminate blight	<b>\$15,000</b>
<b>Housing Services</b>	
Activity-delivery for HOME-funded Tenant Based Rental Assistance Program	<b><u>\$20,000</u></b>
	<i>Subtotal Other:</i> <b><u>\$100,000</u></b>
	<b>GRAND TOTAL:</b> <b>\$770,908</b>

The Mayor opened the public hearing.

Sally Lloyd, PREVENT! Of Brevard/Robin's Nest, thanked Council for its past support. She explained that the average cost for a resident for six months is \$3,500. For this amount, they receive housing, substance abuse treatment, child care, transportation, and many more services. She added that this is a real bargain considering that a 28-day resident treatment program cost \$18,000.

Continuing, Ms. Lloyd reported that they have a one-week old boy and a five-week old girl – both born drug free. The mothers have been at the home for some time. She noted that this makes about 30 drug free babies that have been born at the home. In terms of money, she reported that one drug exposed baby could potentially cost hundreds of thousands of dollars during a short period of time. This does not include the lifetime problems the child will have. She said she would be doing a disservice to the program if she did not beg for more money than has been allocated. She concluded by asking for \$20,000 to serve six mothers.

Bobbie Davidson, Child Care Association, thanked Council for its support for the low and moderate income families served by the association.

Leo Roselip, CEO, Boys and Girls Club of Brevard, Inc. thanked Council for its support. He noted that the city has been a partner with the club for as long as the club has been located in Melbourne. He encouraged Council to approve the budget as outlined above.

Deborah Yesowith, HOPE to Go, stated that their program is the only medical safety net for the homeless and those in transition. She listed the sites they visit and said they provide medical care, diagnose, treat, and prescribe on site. Over \$36,000 is required each year just to fund the pharmaceutical supplies. Additionally, over 1,700 Melbourne residents will be served this year.

Pat McDonough, 304 Royal Palm Drive, spoke in support of Hope to Go. She described what she personally witnessed while riding along with the Hope to Go team. She noted that this is definitely a public health service and she encouraged Council to ride along with the medical vehicle.

Phillip Kolodziej, President/CEO, Family Counseling Center, thanked Council for its support, confidence, and commitment. He noted that because of this grant, families and children are served that would not otherwise have access to counseling services. He added that they intend to hire a full time person to work with their clients in order to

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provide continuity and consistency.

Louvanona Simpson, 1037 Swan Street, BTW Neighborhood Association, said that any funding from the city will be appreciated. She said that North Melbourne has come a long way since she moved to the area and added that the residents prefer the name “Booker T. Washington” over the “Target Area.” She reported that she has participated in clean-ups, etc. and stressed that they have a long way to go.

Kim Deffebach, 333 Island Drive, representing the Junior League of South Brevard, thanked Council for its support of the \$50,000 (Public Facilities and Improvements – Expansion of Lipscomb Park Community Center). She noted that the Junior League has committed \$150,000 of its funds and they will be able to accomplish the task for a total of \$200,000. She commented that a lot of sweat equity will go into the renovations.

That concluded the comments from the public.

Moved by Hand/E. Palmer for preliminary approval of the proposed list of projects and activities for inclusion in the 2001-2002 CDBG Action Plan and permission to advertise the Action Plan for public comment. Motion carried unanimously.

18. COUNCIL ACTION RE: (Public Hearing) A request for approval of the proposed activities for FY2001 HOME funds and authorization for inclusion in the Brevard County HOME Consortium Action Plan for 2001-2002.

Mr. Hill briefed Council. Brevard County has advised the city that the Brevard County HOME Consortium will receive \$1,525,000 in FY 2001 HOME funds from the U.S. Department of HUD. Melbourne’s share of the FY 2001 HOME funds is \$276,495.

Staff is recommending that \$7,500 of FY 2000 HOME funds be used for the city’s tenant based rental assistance program (TBRA) program. Combined with current funding available for the program, staff anticipates being able to serve all eligible applicants who apply.

Staff is recommending that a portion of the FY 2001 HOME funds be allocated to the Owner-occupied Housing Rehabilitation Program so that Housing and Community Development can continue to provide uninterrupted services to owner occupants under the Owner-occupied Housing Rehabilitation Program.

Additionally, it is proposed to create an opportunity for rental acquisition and/or rehabilitation projects that can be utilized in conjunction with or instead of the city’s SHIP-funded Rental Rehabilitation Program. This would provide staff flexibility when determining the most suitable funding source for a proposed rental rehabilitation project. Council would need to approve all projects.

Minimum Community Housing Development Organization (CHDO) and maximum administrative set-asides are prescribed by statute. Following is the breakdown that the Citizens’ Advisory Board and staff are recommending for FY 2001 HOME funds:

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Owner-occupied Housing Rehabilitation Program	\$ 50,000
Tenant Based Rental Assistance Program	7,500
Rental Acquisition and Rehabilitation	149,871
CHDO Set-Aside (15%)	41,475
Administration (10%)	<u>27,649</u>
TOTAL	<b>\$276,495</b>

There were no comments from the public.

Moved by E. Palmer/Contreras for approval of the proposed activities for FY 2001 HOME funds and Council authorization for their inclusion in the Brevard County HOME Consortium Action Plan for 2001-2002.

Mrs. Thomas responded to questions regarding the Tenant Based Rental Assistance Program.

The question was called. Motion carried unanimously.

19. COUNCIL ACTION RE: (Public Hearing) A request by the Melbourne Housing Authority for SHIP Rental Rehabilitation Program funds for improvements to Ramshur Towers, a public housing rental development for the elderly and disabled, located at 1279 Houston Street.

Mr. Hill reported that State Housing Initiatives Partnership (SHIP) Rental Rehabilitation Program funds are being requested by the Melbourne Housing Authority (MHA) for the purpose of making code-related improvements to Ramshur Towers, a 10-story public housing rental development for the elderly and disabled located at 1279 Houston Street. Funds are requested for the following:

- Replacement of existing smoke detectors with new heat detectors and the installation of smoke detectors near the sleeping area on 101 units.
- Replacement of exterior doors and door frames on 100 units.

The Melbourne Fire Department has strongly recommended the need for fire safety improvements at Ramshur Towers. The Melbourne Housing Authority has been working with the Fire Department to find ways to alleviate the frequency of unnecessary trips to the complex by the Fire Department while maintaining the safety of the residents. The old smoke detector system was identified as the main deficiency.

Replacement of exterior doors and door frames is needed to prevent water intrusion into the units during more serious storm events. One unit in this 101-unit complex was previously completed and was used as a model for pricing the others.

Staff evaluated the feasibility of this project and its eligibility for SHIP funding and concluded that it is a suitable project, subject to Council approving a technical revision to

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the 1998-2001 SHIP Housing Assistance Plan that would allow Council to make an exception to its 50:50 matching requirement for the Rental Rehabilitation Strategy on a case-by-case basis for public housing agency projects only.

The use and estimated cost of the proposed improvements are as follows:

- |  |                  |
|--|------------------|
| • Fire safety improvements (101 units), including associated electrical work | \$8,282          |
| • Exterior door and frame replacement (100 units) @ \$1,375 per unit         | <u>\$137,500</u> |
| TOTAL REQUEST:   | \$145,782        |

The availability of SHIP funds in 2000-2001 is \$95,514. The gap between funds needed and funds available is \$52,269. Because all doors and frames need to be replaced as soon as possible, staff is recommending that the project be phased, with Phase I as follows (based on 10 units per floor):

Phase I Ramshur Towers Improvements:

- |  |                 |
|--|-----------------|
| • Fire safety improvements (101 units), including associated electrical work | \$8,282         |
| • Exterior door and frame replacement (60 units or six floors)               | <u>\$82,500</u> |
| TOTAL PHASE I:   | \$90,782        |

Once FY 2001-2002 SHIP funds become available on July 1, 2001, staff would return to Council to request that the agreement between the city and the MHA be amended to fund Phase II, exterior door and door frame replacement on the remaining 40 units. While FY 2001-2002 SHIP funds cannot be committed at this time, staff is requesting that Council give an indication of its “conceptual support” for such a request in the future.

The availability of SHIP funds for both phases would be as follows:

- |  |                 |
|--|-----------------|
| • City SHIP Funds (FY 2000-2001) for Phase I                   | \$90,782        |
| • City SHIP Funds (FY 2000-2001 and FY 2001-2002) for Phase II | <u>\$55,000</u> |
|  | \$145,782       |

**Recommendations:**

The Housing and Community Development Department recommends approval of the following:

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- Technical revisions to the Rental Rehabilitation Strategy of the City's 1998-2001 SHIP Housing Assistance Plan as outlined in the agenda package.
- An award of \$90,782 in SHIP Rental Rehabilitation Program funds to be made to the Melbourne Housing Authority for the rehabilitation of rental property located at 1279 Houston Street known as Ramshur Towers for Phase I Improvements (to include fire safety improvements and the door and door frame replacement on 60 units).
- Conceptual support for a future SHIP Rental Rehabilitation Program award in the amount of \$55,000 to the Melbourne Housing Authority for the rehabilitation of rental property located at 1279 Houston Street known as Ramshur Towers for Phase II Improvements (door and door frame replacement on 40 units).
- Council authorization for the City Manager to execute an agreement with the Melbourne Housing Authority for the implementation of the project.

There were no comments from the audience.

Moved by Contreras/C. Palmer for approval of the recommendations. Motion carried unanimously.

20. SITE PLAN APPROVAL (SP-2000-10): (Public Hearing) A request for site plan approval for a 3,500 square foot, one-story masonry office building (Bakolia Office Building) located east of Waverly Place, on the south side of Palmetto Avenue on a .34-acre site in the Downtown Redevelopment District.

Mrs. Braz reviewed the request. The Future Land Use in the area is mixed-use Commercial/High Density Residential on both sides of Palmetto Avenue. The City Hall annex is to the east, with an Institutional Future Land Use. The zoning on the north side of Palmetto is currently C-2, and the zoning to the south and west is C-3.

The proposed development meets the lot size, lot coverage, building height restrictions, off-street-parking provisions, environmental impact assessment requirements, building setback, and other land development regulations of the city. The office/mixed use character of this street (Palmetto Avenue) and area, is well established. There are a number of well-established trees, which the applicant has been advised to retain to the greatest extent possible. In order to accomplish this, the applicant filed for a variance, which if granted, would permit the building to be moved slightly to the east.

This item was before the Planning and Zoning Board on December 14, 2000. The board decided not to take action until variances and Downtown Architectural Review Board (DARB) approval are granted. The applicant applied for an administrative variance but was not able to obtain it because he was unable to get an affidavit from an adjacent property owner.

\*Therefore, the applicant is seeking a regular variance that will be considered on February 26, 2001. The applicant requested returning to the Planning and Zoning Board now

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because he did not want to wait until March.

The variance sought is not actually necessary because the original plan as presented complies with Code; however, a more desirable and perhaps compatible design could be provided if a variance was granted. The DARB approved the plan with the variances included. This approval concerns the materials used to construct the building including the façade, roof-lines, signs, etc. It does not involve code compliance issues. The applicant has applied to the Board of Adjustment for a variance that would permit a narrower drive aisle and parking space length so that the building can be moved to save the trees.

The Planning and Zoning Board and staff recommended approval with the findings outlined in the package and the following stipulations:

- a. Any change to the site plan will require reevaluation of the site plan by the City of Melbourne 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 the City Council. A substantial change includes but is not limited to: 1) a decrease of five percent or more of the open space or vegetative areas on site; 2) a five percent or more increase in the number of parking spaces on the site plan; or 3) a five percent or more increase in the building size.
- b. If the variance is granted to reduce the size of the parking aisle and the parking spaces, the applicant shall move the building an equal distance to the east saving the trees west of the building.

\*Note: the agenda report was corrected at the Council meeting to indicate that the variance will not be considered until March 28. As a result, staff is recommending that stipulation “b” be modified as follows:

- b. Granting of the variances for the reduced drive aisles and parking.

Mrs. Poole disclosed that she has looked at the site.

Vaheed Teimouri, representing the applicant, was present and agreed with the stipulations (including the revised stipulation “b”).

Moved by Hand/E. Palmer for approval subject to stipulation “a” and revised stipulation “b”.

Mrs. Poole declared a conflict of interest and stated that she lives immediately adjacent to this site. (A Memorandum of Voting Conflict form is attached to the official minutes.)

The question was called. Motion carried unanimously. (Mrs. Poole abstained from voting.)

21. ORDINANCE NO. 2001-12 (CU-2000-01): (Public Hearing/First Reading) A proposed

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ordinance for a conditional use for a personal service establishment (Nail Hut) in an R-P (Residential Professional) zoning district on a single lot, located at 2133 Sarno Road, Bowe Gardens Subdivision, Section M-1, on the south side of Sarno Road west of Croton Road. (Owner, applicant, representative: William F. Kurz, Teresa Lynn Kinney, and Frank Kinney) (P&Z 2/15/2001)

Ms. Braz briefed Council. She reported that the applicant is requesting a conditional use for a personal service establishment in the R-P (Residential Professional) zoning district, on a single lot of which is part of two lots combined into a single development parcel. The site was originally developed as two single-family homes in the late 1950's and has since been zoned for the Residential Professional uses. The two homes were combined into a single building when the houses were converted into offices. A variance for parking in the rear of the building was denied in 1976.

The site has an adopted land use of Commercial according to the Comprehensive Plan Future Land Use Map. The property has been zoned R-P since adoption of the City of Melbourne Zoning Code in 1972 (year of the adoption of the zoning code for the combined Cities of Melbourne and Eau Gallie). The properties to the east and west are zoned R-P and are used for residential and professional uses. The property adjacent to this site to the south is zoned R-1A (Single-Family Residential) and contains single-family residences. The property abuts Sarno Road to the north.

The site contains a 3,704 s.f. building with three tenant spaces. This site has some non-conforming conditions including parking and landscaping and perhaps building setbacks. These conditions are thought to have existed prior to the adoption of the current zoning ordinance. A portion of the parking for the businesses within this building is located on the Sarno Road right-of-way and there are no landscaping buffers on the side or front yard. A total of 16 spaces are striped on the property and the right-of-way. The nail/beauty salon requires six parking spaces, two spaces per station, and the remaining office space requires nine spaces. Therefore, 15 spaces total are needed for all the businesses on the property.

The site plan is a rendering of the layout of the building, parking areas and yard although there are 16 rather than 18 spaces as shown on the site plan. As mentioned above the site does not contain landscaping and the county right-of-way is being used as parking. The parking obstructs the sidewalk along the front of the building but could be modified to provide for a walkway across the parking area when cars are parked.

The use itself can be accommodated under the existing site layout. Since this site contains non-conformities no addition to the building can be made that would create greater non-conformities. Should the entire building become vacant for more than 90 days the owner would lose the grandfathered protection and subsequent occupation of the building would require compliance with City Code. The owner may reduce the size of existing non-conformities. The business was issued a business license last fall. As part of the review of that license, a zoning problem was noted and the applicant was told to apply for the conditional use. The use will not be detrimental to the welfare and will be in harmony with the general purposes of the ordinance because it will not result in an

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increase of intensity of the use of the site including traffic, parking or extending any preexisting encroachments into required setbacks.

At the Planning and Zoning hearing, one nearby resident opposed a change in zoning on the property. However, this is not a zoning change. This resident's concern had more to do with existing non-conforming conditions of the property and not the use.

The Planning and Zoning Department and staff recommended approval of the request with the findings noted in the agenda package and the following stipulations:

- a. The proposed use shall be limited to no more than three work stations.
- b. The use of the property shall be consistent with the plot plan for Nail Hut, prepared by Frank Kinney and dated 1/9/2001
- c. A code required handicapped parking space shall be provided on the site, next to the building, within the existing private property parking area.
- d. The parking area shall be re-stripped to provide for a continuous pedestrian walkway across the parking lot.

Mr. Contreras declared that he visited the site, walked the rear of the property, and saw an uneven fence. Additionally, he spoke with Mrs. Ola Corbett, 2124 Laden Road. Mrs. Corbett is concerned about the paved sidewalk, the fence, and the number of parking spaces.

Mr. Palmer said he visited the site, talked with Mrs. Corbett and Mr. Thompson (2136 Laden Road), located next to the proposed site. Both neighbors are concerned about the fence. Mr. Palmer said he understands the concern – the fence is not properly constructed, faces the wrong way, and is propped up with sticks. He added that the fence is substandard in every way and needs to be removed and reconstructed.

Mrs. Poole said she spoke with Mrs. Corbett and looked at the site. Mrs. Poole agreed with Mr. Palmer's comments and added that she is concerned about the landscaping.

Mayor Buckley said he spoke with Mr. & Mrs. Corbett and Mr. Thompson, examined the fence, and noticed that the fence has no center piece and will easily collapse.

Mrs. Palmer said she received a call from Mrs. Corbett, visited the home, and visited the site. Also, she spoke with Mr. Thompson. The neighbors pointed out the condition of the fence and they said there have been additions to the building over the years, which they felt did not meet Code. There is not enough parking in the front and there is no right-of-way for the sidewalk. Mrs. Palmer said she noted that all of this has nothing to do with the applicant for the Nail Hut, rather it is an ongoing bad neighbor relationship with the property owner.

Mrs. Hand said the Corbetts also discussed the situation with her as the other Council Members have expressed. She added that she viewed the site.

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Mrs. Braz reported that Code Enforcement staff said they issued a permit for the fence and a completion for the fence; part of the fence is new and part is old. Regarding the issue raised by the Corbetts that the fence is partly located on Mr. Thompson's property, Mrs. Braz said we don't have a way to know unless there is a survey.

Mayor Buckley said there are survey flags on the property. Mr. Hill added that a survey was submitted with the fence permit and it shows that the fence was constructed in accordance with the survey. The Mayor noted that they hired someone's relative to construct the fence. Mrs. Braz clarified that surveyor's flags could be present from two different surveyors who don't agree; this is a private matter between the property owners. Mr. Palmer disagreed that this is a private matter; it is a matter regarding an unsafe fence.

A brief discussion continued regarding the fence. Mr. Hill said he will follow up with Code Enforcement staff regarding the fence.

Mayor Buckley opened the public hearing. The applicant was not present.

Mr. & Mrs. Corbett, Laden Road, thanked the Council Members for viewing the site and talking with them. They stated that they object to the request; they believe it will set a precedent and they want to keep their neighborhood from deteriorating further.

Mayor Buckley referenced the Corbetts letter in the package, which indicates that they don't object to the Nail Hut. Mrs. Corbett said they don't want the conditional use. They have not been told what other businesses could operate at this location under that conditional use. Mayor Buckley replied that it would be personal service establishments, such as barber shops, beauty parlors, nail salons, etc. Uses that would not require a conditional use would be lawyer, accountant, etc.

Mrs. Corbett asked if a child care facility could operate on the site and Mrs. Braz responded no.

Mrs. Corbett questioned the parking on the site. The Mayor noted that staff has indicated that the parking meets the Code. If other businesses move in, the number of required parking spaces would depend on the type of business.

Mrs. Corbett stated that a sidewalk was once in front; however, it has been paved over.

Mrs. Palmer said the conditional use would remain with the property, so if the Nail Hut moved out, the conditional use would still be in effect. Mrs. Braz explained what would be a permitted use on the property and what would be a conditional use on the property. Mrs. Palmer asked what would stop another conditional use from being granted in the building, especially with only a few parking spaces remaining. Mrs. Braz said any applicant would have to demonstrate that the Code required parking is available.

Mrs. Palmer asked if Council can deny this request because of past practices on the property. Mr. Gougelman said no; the request is for a conditional use. Council needs to

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determine if the applicant has submitted evidence showing the Code requirements for a personal service establishment have been met. If shown, the applicant is entitled to a conditional use. The next step is to determine whether granting the conditional use based on the evidence presented would be adverse to the public interest – and that is a heavy burden.

Mr. Palmer said there should be a stipulation on the conditional use that the fence must be constructed according to Code. Attorney Gougelman said Council has the prerogative to attach conditions of approval, provided they are directly related to the personal service establishment. Mr. Palmer said he believes it is directly related; it is hazardous, shaky, and constructed wrong.

Mayor Buckley said he does not believe this is the fault of the applicant. He added that the fence should be addressed by Code Enforcement.

Mrs. Palmer said she supports adding the requirement for the fence as a stipulation. Mrs. Poole commented that the customers visiting the site should be safe. If a storm blows up, pieces of the fence could create a safety hazard for the customers.

Moved by E. Palmer/Poole to add a stipulation that the fence should be removed and reconstructed according to Code.

Mrs. Palmer asked who will have to comply with this. The Mayor responded that we may be imposing this stipulation on the tenant.

The question was called. Motion carried. (Mayor Buckley voted nay.)

Council viewed pictures that were distributed. Attorney Gougelman asked that the record reflect that Mr. & Mrs. Corbett provided pictures of the site.

Mrs. Palmer expressed concern that the property owner has operated outside of the Code, yet with this request, Council is only allowed to consider the tenant. She stressed that we need to ensure that the property owner brings the property up to Code for the items that are not grandfathered. She concluded by asking why Code Enforcement missed the fence.

Moved by E. Palmer/Hand to deny the conditional use (Ordinance No. 2001-12).

Mrs. Braz pointed out that if this passes, the tenant will have to move out. Because of our process, the Nail Hut is already operating. Mr. Hill explained the city's occupational license process and noted that 99% of the time, businesses are okay. It is better to allow a business to immediately begin operating. Otherwise, there is a several week process where they are held up. He stressed that all applicants sign a waiver on the occupational license form indicating that the license does not exempt them from the city's Code requirements.

Moved by E. Palmer/C. Palmer to postpone this item for two weeks (to allow staff time to investigate the Code violations on the property). Motion carried unanimously.

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22. ORDINANCE NOS. 2001-13, 2001-14, AND 2001-15 (Z-2001-908AD): (Public Hearings/ First Readings) Proposed ordinances to rezone 84 lots in the Downtown Redevelopment Area from C-2 (General Commercial) to C-3 (Central Business District), located on the east and west sides of U.S. 1; to rezone 21 lots abutting the lagoon from C-2 to C-1 (Neighborhood Commercial); and to rezone 60 lots west of the FEC from C-2 to C-1. (Applicant – City of Melbourne) (P&Z 2/15/2001)

Attorney Gougelman read the ordinances by title.

From the agenda report: At the January 9, 2001 Council meeting, Jeanne Sauerland, 816 East Lincoln Avenue, asked the city to consider establishing a zoning on her property that would permit her residence to be considered a conforming use. Her property is zoned C-2 (General Commercial). The city permits residential development in the C-1 (Neighborhood Commercial) zoning district under certain conditions. Residences, other than those considered an accessory use to a commercial development, are not permitted in the C-2 zoning district. At the January 23 meeting, Council asked staff to return to the Planning and Zoning Board and the Downtown Redevelopment Committee for a recommendation on the alternatives.

In 1999 - 2000, staff proposed changing the zoning on property in the area to better fit with the land use and policies of the Comprehensive Plan. The various boards recommended in favor of the proposed changes after a series of meetings. The City Council did not adopt the changes.

The majority of the area proposed for rezoning is within the boundaries of the Downtown Melbourne Redevelopment Area. The properties have maintained their existing zoning for many years including prior to the merger of the Cities of Melbourne and Eau Gallie. Rezoning has taken place in the past in this section of the downtown area to change the zoning on properties over from C-2 to C-1, to allow for residential use.

There are three areas under review for a change in zoning. One area, adjacent to U. S. 1, is proposed for a change from C-2 to C-3 and two others, including the area where Ms. Sauerland's property is located, from C-2 to C-1.

The area on both sides of U.S. 1 is suggested to change from C-2 to C-3. It contains 84 lots on 15.95 acres. A proposed change from C-2 to C-1 is suggested for the 21 lots containing 6.32 acres abutting the lagoon. A second set of properties is proposed for a zoning change from C-2 to C-1 located west of the FEC Railway, between Palmetto and Fee Avenues; this contains 60 lots on 9.08 acres. Mrs. Sauerland's property is within this area. Some of this area is not within the official boundary of the Downtown Redevelopment Area. The Daily Bread and the adjacent mini-storage warehouse properties are not included in the proposal.

The Planning staff originally proposed the change for several reasons. The proposed zoning change will more accurately reflect and implement policies in the Comprehensive Plan, Future Land Use Element, such as Objective 1c which reads:

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*“Encourage mixed uses in downtown activity cores and other suitable areas, using innovative design standards to provide an attractive appearance and offset any negative impacts.”*

Objective 1, Polices a, b, g and j, relate to the regulation of land development and mitigation of negative impacts, promoting best development practices, and the promotion of mixed uses in appropriate areas. Objective 6 of the Future Land Use Element promotes the reduction or prohibition of non-compatible commercial intrusion into residential areas. Most specifically, policies 6e and f read:

*“In areas designated on the Future Land Use Map as mixed commercial and residential uses, commercial development will be limited to low intensity commercial uses with improved access controls and buffering.”*

*“Permit only professional or low intensity commercial development adjacent to residential areas.”*

A Site Specific Policy for the downtown area reads:

*“The Central Business District area can accommodate mixed-use development. Design standards will be used to allow for the development of commercial/office and residential mixes in keeping with the established aesthetic appeal of the area.”*

If the proposed changes are approved on the area west of the railroad tracks, staff would propose that the land use designation on those properties on the north side of Lincoln Avenue be changed from commercial to mixed-use commercial/low or medium density residential to provide greater consistency with the Comprehensive Plan.

Any properties that are now being used for permitted commercial purposes that are not permitted in a C-1 or C-3 zoning district could continue but would become a grandfathered, non-conforming use, provided they remain in business. An area west of U. S. 1 and adjacent to this area was rezoned from M-1 to C-1 on August 24, 1999. This included the renovated Ice House, the former Con’s Motorcycle Shop, and Burger King.

The area proposed for C-3 zoning was originally proposed to be C-1. However, the city received letters of opposition from six property owners. Some of these were concerned about losing the conforming condition of their properties. Four of these owners indicated that they did not oppose a change to C-3 zoning. The rezoning proposal was reevaluated after the initial advertising and the area encompassing these properties was proposed for C-3 zoning. Staff notified all property owners of the proposed change and requested their input at a meeting held on January 18, 2000. The outcome of the meeting with the eight property owners who attended was that they were not uncomfortable with the proposed changes. The Downtown Redevelopment Committee discussed the proposed rezoning at their February 3, 2000 meeting and approved staff’s recommendation. When a second advertisement was sent out proposing the change from C-2 to C-3, the city received no objections from any of the affected property owners.

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Mrs. Poole who owns property located within 500 feet of the area west of the FEC Railway proposed for rezoning, objected at the last Planning and Zoning Board hearing held on March 16, 2000.

On February 15, 2001, the Planning and Zoning Board unanimously recommended approval changing the two areas from C-2 to C-1. The board, consisting of six members, voted not to approve the change from C-2 to C-3. This is a reversal of the action taken last year. The board members made no specific findings why they did not support the change from C-2 to C-3. There was some discussion about creating a zone that would permit eight story buildings (80' high) and that would eliminate the conforming use status of two businesses in the affected area (two car lots).

Only one building greater than 40' in height has been constructed in the Downtown Area since adoption of the Downtown Redevelopment Plan. Staff does not believe that expanding the C-3 zone will have a significant impact on a developer's decision to construct buildings up to 80' in height. However, C-3 zoning will provide greater flexibility in developing these properties and could help in reducing the number of non-compatible uses in the Downtown Area. The C-1 zoning proposed along the east side of Riverview would not permit buildings greater than 40' in height adjacent to the river. The proposal would also allow residential uses to remain in a conforming condition in the area now zoned C-2, particularly those residential units on the west side of Riverview Drive.

C-3 zoning is specifically designated for a Central Business District. It has different standards than the other commercial districts because it promotes commercial, financial, professional and governmental uses that represent the civic core of the city. It discourages uses that could cause friction with the performance of the central functions. These standards are designed to work together to promote an urbanized area that is the heart of the city and promote a unique ambiance that enhances the city core.

The Downtown Redevelopment Committee again reviewed the proposal on February 1, 2001 and endorsed the proposed zoning change. Originally a full Planning and Zoning Board voted in favor of this request, however at the last meeting the board (with only 6 members present) voted against the proposal to change a part of the area from C-2 to C-3 and voted in favor of the two requests from C-2 to C-1. Staff recommended approval of all three changes with the findings outlined in the package.

Mrs. Poole disclosed that she received a call from Michael Craft with the Wells estate who is opposed to a change that would allow high-rise buildings in the area; he recommended the area be zoned C-1.

Timothy Higgins, 1805 Riverview Drive, stated he is affected by the C-2 to C-1 change. He encouraged the change to C-1 in order to permit single-family housing. He added that the C-2 area west of Riverview Drive would probably be more appropriate zoned C-1 (as opposed to C-3). He has seen a lot of development in the area and a lot of run down properties converting to small businesses. The trend seems to be towards small, professional businesses in the area and C-1 would enhance that. Continuing, Mr. Higgins noted that the problem with C-3 is the height allowance. The only advantage to

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that height would be to destroy a lot of the older, historic buildings when, presently, those buildings are being renovated.

Mayor Buckley pointed out that the auto dealers will object. Mr. Higgins said they will be grandfathered. Additionally, the change will be for the greater good.

Diane Barile, 1809 Riverview Drive, said she teaches urban planning and coastal systems planning at Florida Tech. She noted that Melbourne has what many communities are looking for – new urbanism. This is downtown revitalization with mixed uses; it encourages people to walk and provides a habitat for people rather than a business place to simply buy and sell things.

Ms. Barile said the C-1 on the east side of Riverview is wonderful and should be matched by C-1 on the other side. The potential for an 80' structure on one side is not consistent. Additionally, she pointed out that One Harbor Place does not fit in. She asked Council to consider this along with the need for more walking space downtown and connected amenities. The rezoning will be an integral part of this plan.

Mayor Buckley gathered consensus from Council for the adoption of Ordinance Nos. 2001-13 and 2001-14.

Moved by Hand/C. Palmer for approval of Ordinance No. 2001-13. Motion carried unanimously.

Moved by Contreras/E. Palmer for approval of Ordinance No. 2001-14. Motion carried unanimously.

Mr. Palmer said the problem with C-3 is the height. The property should either stay C-2 or change to C-1. Mayor Buckley pointed out the map on page 178, which shows all of the C-3 property immediately south of the property proposed to be rezoned from C-2 to C-3.

Mrs. Poole said the area proposed for C-3 contains some of the last remaining historical structures in the city. She questioned how Council could consider C-3 zoning with 80' height limitation and zero lot lines. Additionally, she pointed out that condominiums and highrises on the west side will cast shadows on the east side. Soon people will be applying for a zoning change along the Indian River Lagoon. She commented on the many reasons the Planning and Zoning Board denied this and stressed that we are not supposed to be encroaching into a residential area.

Mayor Buckley said he feels this is part of the urban core that our Comprehensive Plan refers to; therefore, the area should be C-3.

Moved by Poole/C. Palmer for denial of Ordinance No. 2001-15. Motion carried. (Mayor Buckley voted nay.)

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Attorney Gougelman said essentially this action will provide that the area will remain C-2 and car lots will be a permitted use.

Recessed: 11:24 p.m.  
Reconvened: 11:29 p.m.

Mrs. Poole was absent from the Council Chamber.

Moved by Contreras/E. Palmer to reconsider the action taken on Ordinance No. 2001-15.

Attorney Gougelman said if this vote passes, then Ordinance No. 2001-15 is before Council as presented (changing C-2 to C-3). It would then be appropriate to make a motion to adopt 2001-15 with an amendment changing the zoning from C-2 to C-1.

The Mayor recommended this be brought back as a first reading at the next meeting so that the property owners can be re-noticed.

Mrs. Poole returned to the Council Chamber at 11:32 p.m.

The question was called. Motion carried unanimously.

Moved by Contreras/E. Palmer to amend Ordinance No. 2001-15 by changing the zoning from C-2 to C-1 (as opposed to C-2 to C-3). Motion carried unanimously.

Moved by Contreras/Hand to return Ordinance No. 2001-15 as a first reading ordinance on the next agenda to allow for readvertisement. Motion carried unanimously.

23. COUNCIL ACTION RE: A request for renewal of medical insurance and award of dental insurance coverage for City employees, with Blue Cross/Blue Shield of Florida.

Mr. Hill briefed Council. This item covers the annual renewal of medical and dental insurance coverage. The anniversary date for coverage is April 1, 2001.

The dental plan is no cost to the city as the rates are paid 100% by participating employees. The proposed Blue Cross/Blue Shield Plan rates are less than the current plan. Overall for the current enrollment of 405 employees there will be an estimated annual savings of \$8,390.40. The prepaid plan includes the same dental providers as the current dental plan. The proposed PPO Plan provides higher in network benefits than the current indemnity plan and equivalent out of network benefits as the Delta Dental indemnity plan.

Unfortunately there is a substantial increase (+33%) in the HMO program this year. This follows no increase in the HMO last fiscal year. The PPO plan has a substantial decrease (-19%), which partially offsets the HMO change for the city's net cost. It should be noted that the HMO has only increased 47.81% since 1990 which reflects a 4.35% average increase per year.

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The proposed medical rate changes will increase the current fund requirements for the remainder of Fiscal Year 2000/2001 by \$237,518.

The city's consultant (Sheila Hutcheson) and the Insurance Advisory Committee (with representatives from the unions and non-union employees) reviewed the proposals and recommended renewal of the dental and medical coverages and rates as detailed in the agenda package. The recommendation is for approval of the following:

- a. Contracting with Florida Combined Life Insurance, a subsidiary of Blue Cross/Blue Shield, for dental coverage at an estimated annual cost of \$99,281.76 (to be paid by participating employees).
- b. Acceptance of renewal of current Blue Cross/Blue Shield plans at an estimated total cost to the city and employees of \$4,010,586 (net cost to the city based on current enrollment of \$3,247,710).

Moved by E. Palmer/Poole for approval as recommended. Motion carried unanimously.

24. RESOLUTION NO. 1673: A proposed resolution to implement FY 2000-2001 First Quarter Budget Review recommendations.

Attorney Gougelman read Resolution No. 1673 by title. Mr. Hill reported that following distribution of the first quarter review, Council took action at the February 13, 2001 Council meeting to approve the purchase of the Palms Theater property on Babcock Street. Due to this action, additional recommendations for budgetary changes are included in the resolution. Those changes include:

1. Establish a project to purchase the Palms Theater Property on Babcock Street, the cost not to exceed \$850,000. The Water and Sewer Fund will provide interim financing for the purchase of this property while permanent financing is sought. The Babcock Street Community Redevelopment Agency will repay the loan.
2. Establish a project to construct the new roadway through the former Palms Theater Property to "Realign Babcock Street". Estimated cost for construction of the roadway is \$800,000 with an additional \$75,000 needed for demolition of the building on the property. A project budget of \$900,000 is recommended to allow for a small contingency account. Funding for this project will come from Transportation Impact Fees. The FY 2000-01 budget has project reserves of \$778,000. An appropriation of \$122,000 from fund balance/prior year surplus will be needed to fully fund the project.

Following this appropriation there will be a balance of \$1,191,241 remaining in Zone 1 (north area of city) for future projects.

Additionally, the Airport Authority's first quarter resolution is included. Airport staff has recommended an increase of \$75,505 to various revenue accounts following the first quarter. Also recommended are increases of \$205,971 to expenditure accounts including

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an additional \$50,000 for promotion of the Space Coast in Europe, \$50,000 in attorney fees for assistance in completing the GE-Harris Harmon Railway Lease, and for \$81,711 for consulting fees for execution of a lease agreement. The net change in revenue and expenditures will result in a decrease of \$130,466 to contingency. These changes to the Airport Fund budget were approved at the February 21, 2001 Airport Authority Board Meeting.

The resolution provides for the following:

- A. Grant funds have been received from the FDOT Highway Safety Division to purchase a portable speed detector display unit to augment our existing efforts to provide safer roads and neighborhoods. The unit will allow drivers to see their speeds and make the necessary adjustments. The sign will be purchased out of the Police Patrol Capital Outlay Account. \$18,000
  
- B. Recommend appropriating funds from Data Processing's Retained Earnings to provide for ongoing needs of the DP function. A recent audit of the city's network showed the need for additional Novell software licenses. Also, by purchasing additional MP2 software licenses, additional applications for the software are planned, making it possible to use the system for the purchasing function city-wide. Replacement of failing mainframe printer and replacement of file server and replacement tape drive are recommended while this funding is available. At mid-year the Data Processing budget and function will be moved into the General Fund in preparation of GASB 34. At that time the monies in retained earning would be disbursed back to the user funds. It is more efficient to use these monies to provide for the DP needs than to return the monies only to re-appropriate them during the next budget cycle to provide for these needs. \$132,250
  
- C. Add an Equipment Operator III position to the Water Distribution budget. This position is needed to operate more complex equipment than the Operator II employees are classified to operate under union contract. Should an Operator II be promoted into this position from within the division, the Operator II position will be eliminated. Funding for the position is available from the Non-Departmental Regular Salary Account. \$2,092
  
- D. Move existing Custodian positions in the Grant Street and Recreation budgets to Lipscomb Park and Eau Gallie Civic Center budgets. There is no additional cost associated with moving the positions from one budget to another. \$0
  
- E. Purchase a slope mower attachment. The mower attachment is needed to reach the deeper and wider drainage ditches throughout the city. Funding for the purchase of this additional piece of equipment is available in the Industrial Equipment Account of the Streets and Stormwater Budget. \$22,500
  
- F. Purchase three contoured benches at a cost of \$300 each for the Eau \$900

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Gallie Civic Center. Funding will be provided by the additional revenue identified in the Review.

- G. Provide additional funding for the purchase of fluid reels for the Fleet Management capital project. Funding for the project will come from an appropriation from Fleet Management's Retained Earnings and transferred from the operating budget to the CIP Fund. \$12,000
- H. Following the incident at the Melbourne Square Mall with the armed individual barricaded in a shop, the Police Department is requesting some new equipment, improved technology, and improved training techniques. The list of additional equipment includes: a fiber optic monitoring system, less lethal shotguns, which shoot bean bags, lighting systems for the shotguns, tasers, radio headsets, a training simulator, radio system playback recorders, digital video system with night vision, and other video and audio equipment. The total cost of this equipment will be funded by the Law Enforcement Trust Fund (seized funds). \$93,715

Moved by Hand/Poole for approval of Resolution No. 1673.

Mr. Palmer asked for an explanation in the numerous reductions in the FRS (Florida Retirement System) line items. Mr. Hill said it probably relates to a change in the mix of employees. Employees hired on or after January 1, 1996 participate in the General Employees' Pension Plan. New employees reduce the FRS line items.

Mr. Contreras asked for additional information on the fiber optic monitoring system and training simulator. Chief Chandler explained that the monitoring system is a "fish eye" camera that can be put through a wall to monitor a hostage situation. The training simulator is computerized and teaches shoot/don't shoot scenarios. The city is partnering with the Sheriff and the Titusville Police Department to share the cost of the simulator.

Mrs. Palmer asked about the radio playback system. The Chief responded that it will allow communications staff to immediately play back a 911 tape. The current practice is time consuming and this will provide an immediate response.

The question was called. Motion carried unanimously.

25. RESOLUTION NO. 1679: A proposed resolution regarding funding requests received from various organizations.

Attorney Gougelman read Resolution No. 1679 by title.

From the agenda report: At the September 12, 2000 meeting, Council agreed it would be beneficial to establish an annual amount to be used for "grant" funding various organizations. Council further agreed to review and consider all such requests at one meeting.

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The 2000-2001 budget provides funding for the following organizations:

• AARP	\$ 3,568
• Band/Orchestra	\$21,301
• Brevard Museum of Art & Science	\$10,000
• Honor America	\$11,072
• Humane Society	\$ 2,800
• Henegar Center	\$30,000*
• Seniors at Lunch	<u>\$ 9,815</u>

Total \$88,556\*\*

\* Grant for Henegar Center was identified as “one time only.”

\*\* Not included in the total is \$26,082, which the city pays to Space Coast Area Transit in order to provide free bus service to Melbourne residents.

If Council proceeds with adopting a new policy, it should be effective for the FY 2001-02 requests. The organizations currently being funded would be notified that they must submit a request for funding by May 2001. The funding requests should be considered in July prior to adoption of the 2001-02 Budget.

Council’s current policy provides that “any person or organization requesting funding from the city must provide a written proposal outlining how the funds will be used and what services will be provided in exchange for those funds.” All future requests for funding should, at a minimum, contain this information. A one-page form will be created to provide consistency with the requests.

Council needs to establish an annual funding amount. The resolution contains a blank.

The Mayor asked Council to discuss funding amounts. Council Members Hand, E. Palmer, and Contreras agreed with establishing \$100,000 as the amount. Mayor Buckley, Vice Mayor Palmer, and Council Member Poole recommended \$75,000.

Moved by Hand/Contreras for approval of Resolution No. 1679 with an annual funding amount of \$100,000.

Mrs. Palmer asked about the notification process. Mr. Hill said our intent is to notify people and organizations that might be interested.

The question was called. Motion carried unanimously.

26. RESOLUTION NO. 1680: A proposed resolution for the adoption of building, fence, roofing, electric, plumbing, gas, mechanical, swimming pool, fire protection system, sign, burn, and irrigation system permit fees.

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Attorney Gougelman read Resolution No. 1680 by title.

Moved by Poole/E. Palmer for approval of Resolution No. 1680. Motion carried unanimously.

27. COUNCIL ACTION RE: A request by Council Member Poole to attend the Florida League of Cities' 2001 Legislative Action Day, April 3-4, 2001 in Tallahassee.

From the Agenda: Council Member Poole has requested approval for travel to the Florida League of Cities 2001 Legislative Action Day scheduled for April 3-4 in Tallahassee. Funding in the amount of \$303 is available from the Mayor and Council training and education budget. The cost is estimated at \$303.

Mrs. Hand said she may wish to attend, but has not decided yet.

Moved by E. Palmer/C. Palmer for approval for Mrs. Poole and Mrs. Hand to attend the Legislative Action Day. Motion carried unanimously.

Added to the agenda:

- 27.1 RESOLUTION NO. 1681: A proposed resolution supporting the construction of a convention center at the Melbourne International Airport.

Attorney Gougelman read the resolution by title.

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

28. COUNCIL ACTION RE: Board Appointments

- a. Citizens' Advisory Board – one alternate member

Moved by C. Palmer/Hand to appoint Karrie Boutchia. Motion carried unanimously. (February 27, 2001 through November 11, 2004 – unexpired, three year term plus full, three-year term)

- b. Downtown Redevelopment Committee – one regular member

Moved by E. Palmer/Contreras to appoint Christine Marcelle (currently the first alternate) as a regular member. Motion carried. (Mrs. Poole voted nay.) (February 27, 2001 through February 22, 2003 – unexpired, three-year term)

Moved by Hand/E. Palmer to appoint Michael Melhado as alternate #2. Motion carried unanimously. (February 27, 2001 through July 26, 2002 – unexpired, three-year term)

29. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mrs. Palmer reported on the seniors lunch she attended at Carver Park. She noted that the

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function was money well spent; there was a great sense of community and overall it was a positive experience.

30. ADJOURNMENT

Moved by Poole/Contreras to adjourn. Motion carried unanimously.

The meeting adjourned at 12:00 a.m.

\_\_\_\_\_  
City Clerk – 3/9/01

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

Attachment to official minutes: Memorandum of Voting Conflict form (reference Item 20)