

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
APRIL 10, 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 Jim Ziomek, 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
	Cheryl Palmer	Vice Mayor, District 5
	Richard Contreras	Council Member, District 1
	Ed Palmer	Council Member, District 2
	Pat Poole	Council Member, District 3
	Grace Walker	Council Member, District 4
	Loretta Isenberg-Hand	Council Member, District 6
	Henry J. Hill	City Manager
	Paul R. Gougelman	City Attorney
	Cathleen A. Wysor	City Clerk
	Bud Emerson	Assistant City Manager
	Peggy Braz	Planning and Zoning Administrator

4. PROCLAMATIONS AND PRESENTATIONS

None.

5. APPROVAL OF MINUTES - March 26, 2001 regular meeting

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

6. CITY MANAGER'S REPORT

Mr. Hill reported that the Police Department will conduct a briefing on the new Compserve model on April 12, 8:30 a.m., Babcock Street facility.

Mayor Buckley asked if the city was notified why it was turned down on the Front Porch Florida grant. Mr. Hill said no reason was indicated. Mr. Hill said staff will determine if a modification is needed on our next grant application (the next submittal deadline is June 15).

7. PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2001-15: (Public Hearing/First Reading) A proposed ordinance

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rezoning 84 lots in the Downtown Redevelopment District from C-2 (General Commercial) to C-1 (Neighborhood Commercial), located north of Strawbridge Avenue, west of Riverview Drive and east of the Florida East Coast Railway. (Postponed by Council 3/13/2001)

Attorney Gougelman read the ordinance by title. Ms. Braz reviewed the agenda report. This item was postponed on March 13 to allow staff time to evaluate what could be done to eliminate the possibility of incompatible uses developing in the downtown area while preserving the rights of those who have financial and business interests in the area.

Staff's proposal is to utilize the C-3 zoning, which will not permit incompatible uses and will allow flexibility in the placement of buildings, with an overlay that will limit height, intensity of development, and protect the Riverview Drive frontage.

The proposed overlay would include the following restrictions:

- Height shall be limited to 40 feet with a floor area ratio of 2.0 unless the applicant provides additional open space. For every 5% of the parcel that is not developed an additional 10 feet of building height is permitted, not to exceed 80 feet. Buildings within 60 feet of Riverview Drive shall not exceed 40 feet.
- All construction and redevelopment shall include pedestrian access to the street and may require pedestrian access to adjacent properties.
- Parking should be behind the buildings if possible and screened from public view.
- Mixed uses with retail on the first floor and office or residential development on additional floors are encouraged.
- Rear access should be provided for deliveries and trash pick-up.
- The preservation of historical structures along Riverview Drive shall be encouraged.
- Council may reduce parking requirements, drive aisles, and parking space sizes in this area to enhance the goals of the redevelopment district and preserve the historical character of this area.

This compromise has been discussed with several of the property owners who attended the Council meeting and spoke. There is some agreement, but not concurrence, that what is proposed does address the primary concerns. Ms. Braz added that all site plans in the Downtown Redevelopment Area have to go before Council for approval.

An ordinance changing the zoning to C-1 appeared on the March 13 agenda. The recommendation is to deny that ordinance and proceed with the C-3 zoning with overlay restrictions limiting height. If Council agrees, a new ordinance will need to be drafted.

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Mrs. Palmer referenced the floor area ratio and asked how much of a 100' x 100' parcel would have to remain undeveloped in order for the building height to reach 80'. Mrs. Braz replied 20% and noted that 40' is allowed. From that point, for every 5% of the parcel that is not developed, an additional 10' of building height is permitted, not to exceed 80'.

Mrs. Hand asked about the reduction of parking widths. Mrs. Braz said the idea is to allow flexibility for Council when working with the physical layout of the site. For example, all the parking spaces, except for one, could be 11' and the last space could be 9'. The properties in the Downtown area are compact and this regulation would allow for redevelopment. Mrs. Hand stated she is opposed to reducing the width of parking spaces.

Mr. Palmer asked if these stipulations would only be applicable in the Downtown area that is zoned C-3. Mrs. Braz said they would apply to the area outlined on the map. The ordinance would identify the legal description of the property.

Mrs. Poole referenced the motion from the March 13 meeting which provided direction to staff to determine if there is a way to move the rezoning line in order to protect the established businesses. The answer is clear that there is not a way. Mrs. Braz agreed and added that she does not believe drawing a single line will work. Mr. Hill said staff went beyond the limited reading of the motion because simply drawing a rezoning line does not work. This proposal is based on the best analysis and judgment of the Planning and Zoning staff.

Mr. Contreras said he appreciates the proactive approach in addressing this item along with consulting with the property owners in the area.

Mrs. Poole noted that there are 84 parcels in the area. She asked how many property owners indicated they did not want C-1 zoning. Mrs. Braz said when the first letter was mailed, about six objected. When the proposal was to rezone from C-2 to C-3, there were no objections, although Ms. Barile did attend and speak at the Council meeting.

Mrs. Poole discussed the number of parcels that have Riverview Drive addresses. Mrs. Braz said they may have Riverview Drive addresses, however, the properties face the side streets.

Karl B. Kiser, 551 Young Street, stated that he owns six parcels in the area and he did not write six letters of objection. He added that he supports staff's proposal and believes that C-3 zoning would work. He concluded by stating he is opposed to C-1 zoning.

Mayor Buckley agreed that this is a good compromise. Height has been restricted on Riverview and probably on U. S. 1 unless someone wanted to leave quite a bit of their property undeveloped in order to go higher.

Mr. Palmer said he also thinks the flexibility of this plan is what is needed in the Downtown Redevelopment Area. The proposal has merit; however, his concern relates

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to the height of buildings. We need to stipulate that there will not be 80' buildings in that area unless there is a certain requirement for use of the property.

Mrs. Walker thanked staff for its work on this proposal. She agreed that it provides flexibility; however, she noted that she is also concerned about the height restrictions.

Mrs. Poole read from Mrs. Braz's memorandum in the package, which states "...just drawing a line and dividing the area into two different zoning districts doesn't work very well..." Mrs. Poole disagreed and stated that 19 of the lots have addresses on Riverview on the west side. A change to C-3 is being proposed because the Kisers did not agree. This is the very zoning that the Planning and Zoning Board and Council previously turned down. C-3 zoning is being pushed because it has the most "flexible" standards. However, the standards being proposed allow for an 80' building, which Council said it did not want.

Continuing, Mrs. Poole said this area was supposed to be a village concept; however, what is being proposed would allow for fences, walls, and parking lots abutting one of the oldest, historical areas in Melbourne.

Mayor Buckley's motion to deny Ordinance No. 2001-15 as written did not receive a second. Mrs. Poole's motion to approve Ordinance No. 2001-15 as written did not receive a second.

Mrs. Palmer said her concern with the proposal is that it allows the ability for a building height to reach 80'. Mr. Hill stressed that staff is not trying to push or promote 80' structures. He said the floor area ratio provides extra requirements. Council could simply limit the height to 40' and not have the other elements, or provide for 50' or 60' – whatever is an acceptable limit.

Mrs. Poole said she previously asked the attorney if in the C-3 zoning we could eliminate the 80' height and the answer was that it can't be done. Now we are saying it can be done. She asked for an explanation.

Attorney Gougelman said this is a different proposal. He explained that in residential areas, density is measured by the number of units per acre. There is no measure for commercial areas; however, the concept of floor area ratio provides for that. Other jurisdictions in the state are using floor area ratio. The rules need to be clear and distinct from the beginning of the development process and the concept of an overlay district using floor area ratio is sustainable in court. On the other hand, simply taking C-3 zoning and saying there is a 40' height restriction results in the creation of another zoning district.

Mr. Palmer said use of the floor area ratio could lead to problems. He said he wants to ensure flexibility; however, he does not want 80' buildings in that area.

A brief discussion followed regarding floor area ratio and the height of buildings.

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Moved by Buckley/Contreras to deny Ordinance No. 2001-15. Motion carried. (Mrs. Poole voted nay.)

Mayor Buckley instructed staff to prepare an ordinance providing for C-3 zoning with overlay restrictions that would limit the height of buildings to 40' using the floor area ratio concept. A brief discussion followed.

NEW BUSINESS

9. COUNCIL ACTION RE: Contract for construction of paved streets on Palm Boulevard, Central Boulevard, Poinsettia Boulevard, and Catterton Drive, Project No. 00602, Parmenter Excavating, Inc., Palm Bay, Florida - \$247,584.89 and transfer of \$63,000 from Local Option Gas Tax Miscellaneous Projects.

Mr. Hill reviewed the agenda report. These streets were specified as part of our annual road program to pave previously unpaved streets. The four streets were designed and bid together because they are all in the same subdivision. Additional funding will be needed and additional funds are available from the Local Option Gas Tax revenues.

Five bids were received and the low bidder was Parmenter Excavating. The city's standard construction contract documents will be used. The contractor will have 120 days to complete the project. The recommendation is for approval of the contract with Parmenter Excavating, Inc., Palm Bay, in the amount of \$247,584.89 and transfer of \$63,000 from Local Option Gas Tax Miscellaneous Projects.

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

10. COUNCIL ACTION RE: Consent Agenda

Moved by Hand/Walker for approval of 10 "a" through "i" as recommended.

In response to Mrs. Poole, Mr. Hill elaborated on item "b". The item was not removed from the consent agenda.

The question was called. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Resolution No. 1688: A resolution authorizing the City Manager to apply to the Florida Department of Education, Food and Nutrition Management for funds to sponsor a Summer Food Service Program at Grant Street Community Center, Lipscomb Community Center, Carver Community Center and Crane Community Center.
- b. Resolution No. 1689: A resolution authorizing application to the National Oceanic and Atmospheric Administration through the Florida Department of Community

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Affairs Florida Coastal Management Program for funding of revitalization efforts in the Olde Eau Gallie Riverfront Area.

- c. Purchase and application of Chipco Choice Insect Control System for 48 acres (\$315 per acre) for city golf courses, Aventis Environmental Science, Montvale, New Jersey - \$15,120.00.
  - d. Purchase of Redexim-Charterhouse Verti-Drain 7316 Greens Aerator for Harbor City Golf Course, Lewis Equipment Company, Inc, Winter Haven, Florida - \$17,500.00.
  - e. Blanket purchase order for seven months of monthly cellular digital packaging data for the Police vehicle laptop computers, AT&T, Phoenix, Arizona - \$20,685.00.
  - f. Authorization for the City Manager to execute the Modification to the Consent Order to continue with determining the feasibility of using the D. B. Lee injection well for reverse osmosis potable water by-product disposal.
  - g. Supplement No. 68 to Continuing Consultant Contract for Sarno Service Road Waterline Replacement, Frazier Engineering, Inc., Melbourne, Florida - \$10,250.00.
  - h. Change Order No. 1 to contract for Fee Avenue Pool Parking Lot Improvements, Project No. 9907, William Turnbaugh Construction Inc., West Melbourne, Florida - \$3,800.00.
  - i. Contract for Melbourne Golf Course Driving Range Tee Renovation and Expansion, Total Golf Construction, Vero Beach, Florida - \$7,591.00.
11. COUNCIL ACTION RE: A request for abatement of sewer charges for the filling of a swimming pool at 2168 Majestic Avenue, Melbourne. (Requested by Mr. Robert Berke)

Mr. Hill reviewed the agenda report. Mr. Berke is requesting an adjustment for the additional water consumption used to fill a new swimming pool. He applied for an adjustment but was denied the credit because his account did not meet the criteria for an adjustment as established in Section 32-308(d) of the City Code.

The Code criteria is that the "excessive consumption," which is the consumption above the previous six months average, must exceed the six months average by 100% and a minimum of 10,000 gallons. Mr. Berke's February 2001 bill reported consumption of 31.9 thousand gallons. The previous six months average consumption for the account was 19.1 thousand gallons. While he did meet the minimum of 10,000 gallons test, he did not meet the 100% test. As the Code is currently written, both tests must be met before a sewer adjustment can be granted.

Mr. Berke requests special consideration because of his circumstances where his relatively high average consumption is the result of caring for an ill elderly relative. If an

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adjustment is provided without regard to the 100% criterion, the adjustment would be \$47.48.

A history of the sewer adjustment provision is included in the agenda package. Council has struggled with the issue on several occasions. The difficulty involves charging for sewage treatment services when it can be demonstrated that the water did not enter the sewage collection system.

Should Council wish to provide relief to Mr. Berke, a Code change to modify the 100% criterion, the 10,000 gallon minimum, or to exempt pool fillings would be necessary.

Mr. Palmer asked how many people in the last year have requested an adjustment and if the current practice is workable. Mr. Hill said the city receives requests for adjustments on a regular basis. In the spirit of being as customer friendly as possible, we grant the credit if the customer can provide a reasonable demonstration that the water did not enter the sewer system. This item is on the agenda because there is a specific requirement in the Code regarding pools. Mr. Hill added that it is difficult for us to administer this in a manner that is perceived fair by the customer because of the "100% rule" and the minimum gallonage requirement.

Mr. Palmer stated that the Code needs to be changed. Mrs. Poole disagreed and said that at some point, the pool water enters the sewer system. The Mayor disagreed and said that pools are typically emptied on lawns.

Mrs. Palmer said that the 100% rule is not fair in the case of Mr. Berke because he has high water consumption. She recommended keeping the 12 month rule but dropping the 100% rule.

Mayor Buckley said this is an unfortunate situation; however, he believes the current system should remain in place. Council has hashed this out several times in the past.

Mrs. Hand pointed out that when it rains, pools overflow and enter the sewer system; this is a double standard.

A brief discussion followed.

Moved by Poole/Buckley to make no changes to the City Code. The roll call vote was:

Aye: Poole, Walker, Hand, and Buckley

Nay: Contreras, E. Palmer, and C. Palmer

Motion carried.

Recessed: 9:00 p.m.  
Reconvened: 9:10 p.m.

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12. COUNCIL ACTION RE: A presentation by the city's consultants regarding the Downtown Eau Gallie Redevelopment Project.

From the agenda report: The Downtown Eau Gallie Redevelopment Plan is beginning to take shape based on input from interested parties who live and work in the area. The consultants and city staff have had three public meetings and several steering committee meetings. The draft plan is scheduled to appear on the May 8 City Council agenda.

Brad Smith and Rochelle Lawandales presented an overview of the revitalization effort. They reviewed information gathered at the public meetings and the steering committee meetings.

Mr. Smith reviewed responses from the public surveys, which included transportation improvements, need for a catalyst project (200 room boutique hotel and high-tech conference center), and implementation/funding assistance opportunities.

Following a brief question/answer period, Mr. Hill stressed that the ideas discussed aren't the final plans. They are suggestions that were made during public meetings.

13. COUNCIL ACTION RE: A proposal to design and construct waterlines and finance the cost by creating a pro-rata reimbursement area.

Mr. Hill briefed Council. This is a proposal to design and construct waterlines and finance the cost by creating two new pro-rata reimbursement areas along Dairy Road and Lake Washington Road.

Pro-rata reimbursement arrangements require that any developer connecting to the new water line pay a proportionate share of the line's cost. The city has two pro-rata areas defined in the City Code. Those areas are along Wickham Road north of Post Road and U. S. 192 between John Rodes Boulevard and Brandywine. The additional pro-rata areas under discussion at this time would be defined in an amendment to Chapter 32 of the Code. The amendment would also include the method for calculating the pro-rata cost. The total cost cannot be defined until bids have been received for the waterline installation. For that reason, the Code amendment will not be proposed until all costs are known.

At this time, staff is requesting Council approval of engineering design for two projects that would later be paid for through the pro-rata arrangements, as follows:

- a. The first is a proposed supplement to the Continuing Consultant's Contract for engineering design associated with extending a new 16-inch waterline to serve a developing area near Palm Bay Road and Dairy Road.

Several large projects in that area have recently had site plans approved by Council. They include BJ's Wholesale Club and Princeton Apartments. These projects have

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correspondingly large fire flow demands, as high as 3,500 gpm. The city's water distribution system in that area should be expanded to ensure adequate fire flow.

Pro-rata charges are typically based on front footage or projected average daily usage. Neither work well for this area because there are flag lots and because fire flow demand is the primary factor for sizing the waterline. The recommended approach will be based on the size of the waterline connection to the 16-inch main, whether it be a metered domestic service line or an un-metered fire line. The size of the pipe connection is proportionate to the demand, be it for domestic use or fire flow, so it is an equitable way to define the cost share.

Engineering staff estimates that BJ's will pay approximately 47% of the cost, and that Princeton Apartments will pay approximately 21% of the cost. The preliminary estimated cost is \$400,000. Although the city would initially pay the entire cost for the waterline, these projects are nearly ready to construct and reimbursement of their share of the cost should occur in the near future. The city would recoup the balance (32% or about \$126,000) as other parcels in the area are developed.

Constructing this 16-inch waterline is essential to the development of this area. This will be a fast track job since both BJ's and Princeton are in the permit plan review stage. The consultants will complete the design within 45 calendar days.

Staff will also investigate the potential for a sewer system pro-rata in the area. There are approximately 160 acres south of Eber Road and west of Dairy Road which could be annexed if sewer became available.

- b. The second is a proposed supplement to the Continuing Consultant's Contract for engineering services associated with extending a waterline on Lake Washington Road. A group of citizens owning property along Lake Washington Road, between Turtle mound and Harlock Roads, has indicated that it would participate in the cost of the waterline extension.

The recommended approach to this project is similar to that of the Dairy Road water main extension. The city would fund the engineering and construction costs, and then recoup the cost by collecting a pro-rata share from any property owner connecting to the system.

The estimated cost of the project is \$124,531. Staff recommends that the city finance a pipe size upgrade from 6" to 8", and that the balance of the cost be subject to the pro-rata. There are 15 potential connections from properties abutting Lake Washington Road that would share the estimated \$110,231 balance. The estimated pro-rata cost per connection is \$7,349. A number of owners indicated that they are anxious to connect.

The recommendation is for approval of Supplement No. 67 to Frazier Engineering's Continuing Consultant Contract in the amount of \$39,850 and transfer of \$39,850 from the Miscellaneous Water and Sewer Fund to this project and approval of Supplement No.

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69 to Frazier Engineering's Continuing Consultant Contract in the amount of \$14,000 and transfer of \$14,000 from the Miscellaneous Water and Sewer Fund to this project.

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

14. COUNCIL ACTION RE: Discussion of road paving requirements for Devonshire and Bryan Streets. (Requested by Cliff Singleton)

From the agenda report: Mr. Cliff Singleton has requested clarification from the City Council regarding the road paving requirements for Devonshire and Bryan Streets. He agrees it is his responsibility to pave the road, but due to retention requirements he is unable to provide sidewalks and curbing except on the south side of Devonshire. He has indicated that the alternative would be to create a retention pond on his property and pipe the run-off to the pond. Unfortunately, this would affect the vegetation on the property.

The stipulation states:

*Pave all of Devonshire Drive (to City Standards) east of Babcock Street to Bryan Street and pave Bryan Street (to City standards) from Devonshire Drive to Melbourne Avenue, unless the streets are vacated.*

City standards are generally considered to include curb, gutter and sidewalks on both sides of the street. Mr. Singleton would like relief from this requirement. Staff believes it is important to have pedestrian access from this site, which will primarily be housing for low to moderate elderly, to both Babcock Street and Melbourne Avenue. Our engineers have reviewed the plans and believe that the paving of Bryan Street can be re-engineered to provide a sidewalk without a major impact to the drainage.

The recommendation is that the paving of the roads include sidewalk on one side of the street.

Cliff Singleton, applicant, explained that he is experiencing problems with Bryan Street because it runs downhill to Melbourne Avenue. He noted that if a sidewalk is constructed on Bryan Street, the water will not run up and over into the retention areas. Mr. Singleton also discussed the possibility of leaving Devonshire unpaved, although he has no problem with providing the paving.

Mr. Ralls said he believes a sidewalk should be provided on both sides of the streets. That is his interpretation of the Code and the stipulation and that is why the item is before Council. The recommendation to provide the sidewalk on one side is a compromise. He noted that the plan can be engineered to provide the sidewalk and handle the runoff.

Continuing, Mr. Ralls noted that this will have to go through the SJRWMD permitting process. He concluded by saying it is more a matter of cost than the impossibility of being able to build something.

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Moved by E. Palmer/Hand that the paving of the roads include a sidewalk on one side of the street. Motion carried unanimously.

15. ORDINANCE NO. 2001-18: (Public Hearing/First Reading) A proposed ordinance establishing an application process and guidelines for review of the application for ad valorem tax exemption.

Attorney Gougelman read the ordinance by title and Mr. Hill briefed Council. This is an ordinance to establish the City of Melbourne Economic Development Ad Valorem Tax Exemption Program. On November 7, 2000, city electors voted to establish a program to support economic growth by providing an incentive for employment opportunities. The proposed program would allow new businesses and existing businesses that are expanding to apply for an ad valorem tax exemption for new improvements to a property and all new tangible property.

It was originally drafted to provide that the EDC Ad Valorem Tax Abatement Committee would serve as a review body for applicants. However, the logistics of coordination with the committee precluded such a role. As provided in the proposed ordinance, city staff would provide this review and make recommendations to Council. The review includes analysis of the application and assignment of points in the various categories.

As proposed, the minimum tax exemption would be for 75% of the new value for one year and the maximum tax abatement would be for 100% of the new value for five years. The proposed program is very similar to the Brevard County program with several changes to the guidelines for the point system. Also, the county program extends for 10 years. City staff believes a shorter time frame will serve as a beneficial compliment to the county program.

Mayor Buckley asked if the county has revoked any abatements. Mr. Hill said he believes they have started the process to revoke a couple. Companies have to annually demonstrate that they qualify for the abatement. This is further support for the shorter time period; it will simplify the monitoring.

Mr. Hill confirmed for Mr. Palmer that Council would have to approve and adopt an ordinance for each abatement granted.

Mrs. Poole said it was her understanding that the city did not have to grant any abatements. Mr. Hill said it is within Council's discretion to describe and provide a plan. If a company meets the criteria, the expectation is that they would be deserving of the abatement. If Council chooses not to grant the abatement, the company would probably not argue, rather they would go to the community that is going to provide the incentive.

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

Moved by Hand/E. Palmer for approval of Ordinance No. 2001-18.

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Mrs. Poole quoted from Cindy Dittmer's memorandum which indicates that the program is intended to create jobs in such a way so as not to disadvantage existing businesses. Mrs. Poole stressed that this will disadvantage existing businesses, which received no tax relief. Additionally, she questioned how this will affect the three redevelopment areas that receive funding from tax increment financing. She pointed out that the city will consider an adjustment to a business not meeting the minimum salary guideline if the company is planning to expand or locate in a redevelopment district. This will allow for low paying jobs and she thought the purpose was to have good paying jobs that stimulate the economy.

Continuing, Mrs. Poole stated that taxes pay for services. If taxes are abated, they will have to be paid by other residents. As there is more growth, more environment disappears. She cautioned Council to tread lightly with this program and noted that it is not needed for us to prosper. Businesses that want to locate in a quality city will do so without this program.

Mrs. Palmer said she was glad to see the point system weighted to capital investment so that businesses will not move in and rapidly move out. She stressed that the purpose is to attract companies and jobs that pay well; therefore, she is not happy with allowing points for 80% of the average wage. It looks as if a company can bring in employees to a redevelopment district at a low wage and this was not her intent when she supported the tax abatement program.

Mr. Hill said the categories are not fixed. Council can strike that category and not have that point allocation. The 80% was added at the end to address the concern that in some instances because of the amount of capital investment, we might be willing to offer some inducement.

Mayor Buckley said the 80% average wage is double the minimum wage. He said this is not too bad of a wage for someone who takes telephone calls.

Mr. Palmer said the amount of points allocated to this category is minimum. Mrs. Hand said she does not want to strike it.

Moved by C. Palmer/Poole to strike the "80% of average" under the payroll heading. The roll call vote was:

Aye: Poole and C. Palmer

Nay: Contreras, E. Palmer, Walker, Hand, and Buckley

Motion failed.

The question was called on the main motion. Motion carried. (Mrs. Poole voted nay.)

16. COUNCIL ACTION RE: (Public Hearing) A request for consideration of a Joint Planning Agreement between the City of Melbourne and Brevard County to implement portions of the

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Comprehensive Plan Intergovernmental Coordination Element. (P&Z 3/1/2001)

From the agenda report: The item was advertised for this meeting; however, further legal review is needed. The recommendation is to postpone the item until the April 24 meeting.

Moved by Poole/E. Palmer to postpone action on this item until April 24. Motion carried unanimously.

17. RESOLUTION NO 1690: (Public Hearing) A resolution for approval of proposed 2001-2004 SHIP Housing Assistance Plan.

Attorney Gougelman read Resolution No. 1690 by title.

Mr. Hill briefed Council. The city's current three-year State Housing Initiatives Partnership (SHIP) Program Housing Assistance Plan (HAP) is due to expire on June 30, 2001. In order to continue receiving SHIP funds, the city must adopt and submit a new HAP by May 2, 2001. Florida Statute 420.907 requires a Housing Assistance Plan (HAP) be developed every one to three years. The new HAP prepared by staff will cover state fiscal years 2001-2002, 2002-2003 and 2003-2004.

The proposed HAP details the city's intentions regarding the use of SHIP funds for the next three years. It describes the various housing strategies developed by the city to foster the availability of affordable housing for very low- and low-income persons and details the housing incentives adopted by the City to promote the development of housing affordable for very low- and low-income persons. Together, the housing strategies and housing incentives provide a mechanism for furthering the goals of the Housing Element of the Comprehensive Plan.

Staff has attempted to create a funding plan document that provides a variety of strategies to meet the housing needs of Melbourne's low-income citizens. The proposed 2001-2004 HAP allows for flexibility, offers strategies for renters, homeowners, and homebuyers and specifically addresses the housing needs of persons with special needs. It promotes housing partnerships with both private developers and non-profit organizations as a way to leverage SHIP dollars and to better meet local housing needs.

The Citizens' Advisory Board approved the proposed 2001-2004 SHIP Housing Assistance Plan at its April 2 meeting.

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

Moved by E. Palmer/Hand for approval of Resolution No. 1690 adopting the 2001-2004 SHIP Housing Assistance Plan and authorization for its submittal to the Florida Housing Finance Corporation. Motion carried unanimously.

Recessed: 10:47 p.m.  
Reconvened: 10:52 p.m.

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18. COUNCIL ACTION RE: (Public Hearing) Request for approval of proposed amendments to the 1997-1998, 1998-1999, 2000-2001 CDBG Action Plans.

Mrs. Thomas reviewed the agenda report. The amendments would result in the cancellation of the three projects listed below and would free up \$134,945 to fund high priority projects in the current fiscal year.

**PROJECTS RECOMMENDED FOR CANCELLATION**

<b>Action Plan</b>	<b>Activity to be Canceled</b>	<b>Funds Potentially Available for Recapture</b>
1997-1998 Action Plan	Housing Replacement Program	\$ 69,945
1998-1999 Action Plan	Spain Avenue/FECRR Drainage Pipe Replacement Project	\$ 50,000
2000-2001 Action Plan	Reconstruction of Basketball Court at Carver Park	<u>\$ 15,000</u>
<b>TOTAL</b>		<b>\$134,945</b>

At its regular meeting on February 5, the Citizens' Advisory Board gave preliminary approval to the amendments proposed by staff. City Council subsequently gave preliminary approval to the proposed amendments at its meeting on February 27. The amendments were advertised for public comment for a period of 30 days. No comments have been received to date. Council action is now needed to give final approval of the proposed amendments.

**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>
<b>TOTAL</b>	<b>\$134,945</b>

The recommendation is for approval of the proposed amendments to the 1997-1998, 1998-1999 and 2000-2001 CDBG Action Plans and reallocation of the recaptured funds as shown in the agenda package and authorization for the City Manager to submit the amendments to the U. S Department of Housing and Urban Development (with copies to Brevard County for inclusion in the Brevard County 1997-1998, 1998-1999 and 2000-2001 Brevard County HOME Consortium's Consolidated CDBG Action Plans).

There were no comments from the audience.

Moved by Poole/Walker for approval as recommended.

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Mr. Palmer asked about the cancellation of the “reconstruction of basketball courts at Carver Park” and asked what will happen to the courts. Mrs. Thomas said she does not know; however, staff will return to Council with ideas to better develop the site. It is possible that some facilities in Carver Park will need to be moved around. Mr. Hill added that if the courts are unaffected by the plan, the request for funding would be reinstated.

The question was called. Motion carried unanimously.

19. COUNCIL ACTION RE: (Public Hearing) Request for approval of proposed amendment to 2000-2005 Consolidated Plan to add the Neighborhood Revitalization Strategy for the CDBG North Target Area (Booker T. Washington Neighborhood).

Mrs. Thomas briefed Council. The Citizens’ Advisory Board approved the proposed amendment at its February 5 meeting. The City Council subsequently gave preliminary approval to the amendment on February 27. The proposed amendment was advertised for public comment for a period of 30 days. No comments have been received to date.

Staff developed a formal HUD-ready “Amendment to the 2000-2005 Consolidated Plan: Booker T. Washington Neighborhood Revitalization Strategy” (“Amendment”) which summarizes the “Booker T. Washington Neighborhood’s Call for Action” in language suitable for inclusion in the Brevard County HOME Consortium’s 2000-2005 Consolidated Plan. The “Amendment” addresses only those objectives, proposed accomplishments, and benchmarks that are eligible for CDBG and/or HOME funding. While there are many other objectives outlined in the “BTW Neighborhood’s Call for Action”, these are best addressed by non-HUD sources of funding (e.g. General Fund, state grants, etc.).

There were no comments from the public.

Moved by Hand/Contreras for Council approval of the proposed amendment to incorporate the BTW Neighborhood Revitalization Strategy into the 2000-2005 Consolidated Plan and authorization for the City Manager to submit the proposed amendment to the U. S. Department of Housing and Urban Development (with copies to Brevard County for inclusion in the Brevard County HOME Consortium’s 2000-2005 Consolidated Plan).  
Motion carried unanimously.

20. COUNCIL ACTION RE: (Public Hearing) Request for approval of proposed Action Plan for City CDBG Programs and Projects to be included in the Brevard County HOME Consortium’s FY 2001 Action Plan to be submitted to the U. S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant to the City.

Mrs. Thomas reviewed the agenda report. The Citizen Participation process for the 2001-2002 CDBG program year is nearing completion. Council gave preliminary approval for the projects and activities to be included in the 2001-2002 CDBG Program on February 27. An advertisement outlined the proposed 2001-2002 Action Plan approved by Council and announced a 30-day public comment period and a final public hearing on April 10. The advertised plan reflected the anticipated FY 2001 CDBG

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Entitlement Grant of \$741,000 plus \$29,908 in program income made available through the sale of city property originally purchased with CDBG funds.

The required 30-day public comment period will end on April 10. To date, no written comments have been received from the public. The Action Plan identifies funds that will be available for housing and community development, summarizes projects and activities the city will undertake with FY 2001 CDBG funds and provides supporting narratives on geographic distribution of funds, homeless/special needs activities and other actions the city will undertake to comply with grantor requirements. Programs and projects proposed for inclusion in the final 2001-2002 CDBG Action Plan to be submitted to HUD are:

PROPOSED CDBG PROJECTS AND ACTIVITIES FOR PROGRAM YEAR 2001-2002

**PUBLIC SERVICES**

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

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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>
<b>Subtotal Public Facilities &amp; Improvements:</b>	<b>\$411,558</b>
 <b><u>ADMINISTRATION</u></b>	
<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>
<b>Subtotal Administration:</b>	<b>\$148,200</b>
 <b><u>OTHER</u></b>	
<b>Code Enforcement</b>	
Comprehensive proactive code enforcement in North & South CDBG Target Areas	\$65,000
<b>Demolition and Clearance</b>	
Demolition of dilapidated structures and property clearance to eliminate blight	\$15,000
<b>Housing Services</b>	
Activity-delivery for HOME-funded Tenant Based Rental Assistance Program	<u>\$20,000</u>
<b>Subtotal Other:</b>	<b><u>\$100,000</u></b>
<b>GRAND TOTAL:</b>	<b>\$770,908</b>

The recommendation is for approval of the proposed projects and activities for the FY 2001 CDBG funding, and the 2001-2002 CDBG Action Plan, Council authorization for the City Manager to submit the Plan for inclusion in the Brevard County HOME Consortium's Consolidated Action Plan for 2001-2002 and execute all necessary documents pertaining thereto.

There were no comments from the public.

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

21. COUNCIL ACTION RE: (Public Hearing) Request for approval of FY 2001 HOME Program and Consortium's FY 2001-2002 Consolidated Action Plan.

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.

The Citizens' Advisory Board approved staff's proposal for the use of FY 2001 funds on February 5. Council subsequently gave preliminary approval on February 27. The proposed use of HOME funds was advertised on March 12, 2001 for public comment for a period of thirty (30) days. No comments have been received to date.

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The following is the breakdown that staff is recommending for FY 2001 HOME funds:

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>

All recommendations are made in compliance with the priority needs and objectives cited in the City's 2000-2005 Consolidated Plan.

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

Moved by Hand/Walker for approval of the proposed activities for FY 2001 HOME funds and authorization for their inclusion in the Brevard County HOME Consortium Action Plan for 2001-2001. Motion carried unanimously.

22. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

In response to Mr. Hill, Council agreed to have the auditors make a presentation to Council at the April 24 meeting. Council Members were encouraged to contact the City Manager if they would like to meet with the auditors prior to the meeting.

A discussion followed regarding the need for a special budget meeting. Council agreed to conduct a special meeting on April 24 at 7:00 p.m. to discuss the 2001-2002 budget process. The regular meeting will begin immediately following adjournment of the special meeting.

Mrs. Poole commended the City Manager for his presentation to the Space Coast League of Cities on April 9.

Council Member Richard Contreras commended staff for facilitating the discussion regarding the set-up of the 2002 Spring Art Festival with the Melbourne Art Festival Committee, the Downtown Melbourne Association, and the Downtown Melbourne merchants.

23. ADJOURNMENT

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

The meeting adjourned at 11:21 p.m.

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City Clerk – 4/18/2001

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