

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
MAY 10, 2005



A regular meeting of the City Council was held in the City Council Chamber, 900 East Strawbridge Avenue, and was called to order at 6:30 p.m. by Mayor Harry C. Goode, Jr.

1. Reverend Linda Howard, The Special Gathering, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

Present:	Harry C. Goode, Jr.	Mayor
	Mark LaRusso	Council Member, District 2
	Kathy Meehan	Council Member, District 3
	Grace Walker	Council Member, District 4
	Cheryl Palmer	Council Member, District 5
	Loretta Isenberg-Hand	Council Member, District 6
	Jack M. Schluckebier, Ph.D.	City Manager
	Paul R. Gougelman, III	City Attorney
	Cathy Baker	Assistant City Clerk
	Amy W. Elliott	Assistant City Manager
	Cindy Dittmer	Planning & Economic Development Director

Absent: Richard Contreras Vice Mayor, District 1 (Vacation)

4. Proclamations and Presentations

Mayor Goode presented the following proclamations:

“National Safe Boating Week,” May 21 – 27, 2005; accepted by Jim McGuinness, Flotilla Commander and Public Affairs Officer, U.S. Coast Guard Auxiliary, South Brevard Flotilla 42.

“VFW Buddy Poppies Days,” May 20 - 23, 2005; accepted by Chris Pilger, Quarter Master, VFW Post 3991.

5. Approval of Minutes - April 26, 2005 Regular Meeting

Moved by Hand/LaRusso for approval.

Council Member Cheryl Palmer referenced Council action on Home Depot, Item #17. She said that she feels information has been left out of the minutes. Although she has seen the verbatim prepared by the City Clerk’s Office, she is still not sure what she said. Therefore, she has concerns about approving the minutes.

Mayor Goode stated that based on concerns raised by Mrs. Palmer, a verbatim was prepared of the Council discussion portion of that item. He stated that the verbatim could

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be included in the minutes. Mrs. Palmer replied that she has not had a chance to read the verbatim.

Mayor Goode asked Assistant City Clerk Cathy Baker to explain the verbatim. Mrs. Baker replied that she listened to the tape on this item and typed exactly what was said from the close of the public hearing through Council's motion and approval of the item.

Following a brief discussion, Mrs. Palmer said that she will accept the minutes; however, she would like the issue regarding the berm to return to Council. Mayor Goode said that would be a future agenda item rather than being part of the approval of minutes.

The maker/seconded agreed to include the verbatim with the minutes. The question was called. Motion carried unanimously.

6. City Manager's Report

No additions/no discussion.

7. Public Comments

David Schill, 3208 Lago Vista Drive, questioned the action Council just took regarding Home Depot.

Mayor Goode replied that Council approved the site plan for Home Depot at the April 26 meeting. After a concern was raised by a Council Member about the action that was taken, a verbatim of Council's action was prepared. The verbatim, which includes the Council discussion on the berm, will be attached to the minutes.

At this point, Mrs. Palmer asked that the discussion on the berm return to Council and that the neighboring residents be noticed of the meeting.

John Panik, 3202 Lago Vista Drive, discussed the conversations he had with several Council Members regarding this item. Additionally, Mr. Panik discussed a conversation that he overheard in the hallway of City Hall regarding a non-profit donation.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2005-25 (AR-2005-169), ORDINANCE NO. 2005-26 (CPA-2005-06), AND ORDINANCE NO. 2005-27 (Z-2004-1024) LARSON, LLC: Ordinances providing for annexation, a Comprehensive Plan Amendment, and establishing zoning on a 1.02-acre parcel, located on the east side of West Drive, south of the intersection of West Drive and Dow Road, and south of the Crane Creek Drainage District M-1 Canal. (Owner/Applicant - Larson, LLC) (Representative - Van and Stacey Jackson) (P&Z Board - 4/07/05)

- a. Ordinance No. 2005-25/AR-2005-169: (Second Reading/Public Hearing) An ordinance providing for annexation of a 1.02-acre parcel. (First Reading - 04/26/05)

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- b. Ordinance No. 2005-26/CPA-2005-06: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Industrial. (First Reading - 04/26/05)
- c. Ordinance No. 2005-27/Z-2005-1024: (Second Reading/Public Hearing) An ordinance designating M-1 (Light Industrial) zoning on a 1.02-acre parcel. (First Reading - 04/26/05)

Attorney Gougelman read each ordinance by title. There were no disclosures by Council and no public comments.

Moved by LaRusso/Walker for approval of Ordinance No. 2005-25. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Hand and Goode

Nay: None

Motion carried unanimously.

Moved by Hand/Meehan for approval of Ordinance No. 2005-26. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Hand and Goode

Nay: None

Motion carried unanimously.

Moved by Palmer/Meehan for approval of Ordinance No. 2005-27. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Hand and Goode

Nay: None

Motion carried unanimously.

- 9. ORDINANCE NO. 2005-28 (Z-2004-993) AND ORDINANCE NO. 2005-29 (CU-2004-15/SP-2004-13) INTRACOASTAL MARINA: Ordinances providing for a zoning change and a conditional use with site plan approval on a 6.32-acre portion of a 6.5-acre parcel, located on the east side of South Harbor City Boulevard, south of Cherry Street, and north of NASA Boulevard. (Owner - Intracoastal Marina of Melbourne) (Applicant/Representative - David T. Menzel, MAI Architects Engineers) (P&Z Board - 04/07/05)

- a. Ordinance No. 2005-28/Z-2004-933: (Second Reading/Public Hearing) An ordinance changing the zoning from C-2 (General Commercial) and C-C-2

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(Conditional Use approval for height) to C-1 (Neighborhood Commercial). (First Reading - 04/26/05)

- b. Ordinance No. 2005-29/CU-2004-15/SP-2004-13: (Second Reading/Public Hearing) An ordinance granting a conditional use with site plan approval to allow an additional building height of 89 feet, 8 inches and to allow the development of 170 residential condominiums in a C-1 zoning district. (First Reading - 04/26/05)

Mr. Gougelman read Ordinance No. 2005-28 and Ordinance No. 2005-29 by title.

Mayor Goode reported that he had previously met with Mr. Romandetti regarding the project.

Chris Romandetti, applicant, was present and available to answer questions or provide additional information. Prior to the public hearing being closed, Mr. Romandetti agreed with the conditions in the ordinance, “a – m.”

Pat Poole, 805 E. Palmetto Avenue, commented that this is the first high-rise development that she has ever supported. She commented that this proposal is better than what could be built on the property. Additionally, she discussed the numerous improvements that will be provided, including a marina that will be 90% open to the public, a walkway that will eventually connect with the causeways, benches, and green space.

Richard Richmond, 2012 Vernon Place, stated that this project does not fit the characteristics of the area. He added that 170 units (with a land value of \$175,000 per unit) based on a zoning variance results in a \$12.75 million profit to Mr. Romandetti before anything is built. Mr. Richmond said that there is no economic justification for this development and it is “piggery” to build 170 units in that location. He asked Council to determine if it is part of the City’s plan to allow a 130-foot building along the riverfront.

Mayor Goode closed the public hearing.

Moved by Meehan/Walker for approval of Ordinance No. 2005-28.

Mrs. Palmer stated that at the last meeting Council saw a model of what the applicant could build on the site without a conditional use – a structure that would block the view of the river along the entire length of the property. This project impacts the entire community. Although she doesn’t really like the project, it does provide a view of the river and it is better than what could be constructed at this time.

Council Member LaRusso commented that the City currently has Trinity Towers at 170 and 140 feet and One Harbor Place at over 100 feet. There are a number of other projects in the works requesting higher building height. As far as future plans and economic growth, the City can work with developers on conditions. He commended Mr. Romandetti for his efforts in working with the community.

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The question was called. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Hand and Goode

Nay: None

Motion carried unanimously.

Moved by LaRusso/Hand for approval of ordinance No. 2005-29. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Hand and Goode

Nay: None

Motion carried unanimously.

10. ORDINANCE NO. 2005-30, GOLF COURSES ADVISORY BOARD: (Second Reading/Public Hearing) An ordinance amending Chapter 2, Administration, Division 9 relating to the Golf Courses Advisory Board secretary and scheduled meetings. (First Reading - 04/26/05)

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

Moved by Palmer/Meehan for approval of Ordinance No. 2005-30. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Hand and Goode

Nay: None

Motion carried unanimously.

NEW BUSINESS

11. COUNCIL ACTION RE: Contract award for the Turtle Mound North Waterline Extension, Project No. C04326, Maxwell Contracting, Inc., Cocoa, FL - \$471,200 and transfer of \$511,200 from the Harlock Road Waterline Extension into this project budget.

Assistant City Engineer Martha Campbell briefed Council.

Moved by Hand/LaRusso for approval of the construction contract with Maxwell Contracting, Inc. in the amount of \$471,200 for Turtle Mound North Waterline Extension and transfer of \$511,200 from Harlock Road Watermain Project. Motion carried unanimously.

12. COUNCIL ACTION RE: Contact award for replacement of the Laurie Street Culvert, Project No. I05618, RKT Constructors, Inc., Titusville, FL - \$363,510 and transfer of

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\$349,250 from the Local Option Gas Tax Miscellaneous Projects and \$50,750 from Water and Sewer Contingency into this project budget.

Assistant City Engineer Jenni Lamb reviewed the agenda report.

Moved by Walker/Meehan for approval of the contract with RKT Constructors, Inc. in the amount of \$363,510 and transfers of \$349,250 from the Local Option Gas Tax Reserve Account (LOGT - Fund 316) and \$50,750 from the Water and Sewer Contingency Account to this project's budget. Motion carried unanimously.

13. CONSENT AGENDA:

Mr. Schluckebier asked that item "k" be withdrawn from the agenda to obtain additional input from the Police Chiefs' Association of Brevard County. It will be brought back in two weeks.

Moved by Hand/Meehan for approval of 13 "a" through "j". Motion carried unanimously.

The consent agenda was approved as follows:

- a. Supplement No. 245 to the Continuing Consultant's Contract for engineering services to provide traffic signal retiming on U.S. Highway 192 from Country Club Road to U.S. Highway 1 and SR-507 from Melbourne Avenue to Fee Avenue, Project No. E05612, Frazier Engineering, Inc., Melbourne, FL - \$29,658.
- b. Supplement No. 246 to the Continuing Consultant's Contract for engineering services to provide traffic signal retiming on U.S. Highway 1 from Hibiscus Boulevard to Line Street, Project No. E05612, Frazier Engineering, Inc., Melbourne, FL - \$24,376.
- c. Approval to exercise option to extend for an additional two years at current year rates the contract to perform Annual Independent Audit Services for years ending September 30, 2005 and 2006, Hoyman, Dobson, & Company, Melbourne, FL - \$81,500/year, including out-of-pocket expenses.
- d. Purchase and installation of six Detroit Diesel Spectrum 30 DSEJB generators, weather enclosures, 160-gallon fuel tanks, and transfer switches for lift stations, Florida Detroit Diesel-Allison, Orlando, FL - \$94,950.
- e. Purchase of GameTime® playground equipment for four City parks, Dominica Recreation Products, Longwood, FL - \$20,645.48.
- f. Purchase and installation of enhanced security equipment at Police facilities, Morse Communications, Inc., Melbourne, FL - \$16,400.
- g. Award of \$70,000 in SHIP Rental Rehabilitation Program funds to the Melbourne Housing Authority for the rehabilitation of rental property located at 905 and 909

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Hickory Street (Tucker Heights), approval of budget adjustments to provide funding, and authorization for the City Manager to execute an agreement with the Melbourne Housing Authority for implementation of the project.

- h. Request for approval of a revised Residential Anti-Displacement and Relocation Plan.
- i. Resolution No. 1932: A resolution supplementing Resolution No. 1431, ratifying the election to include Passenger Facility charges within the definition of gross revenues or revenues.
- j. Resolution No. 1933: A resolution adopting street names for private streets located in the Cypress Springs Condominium complex.

Note: Item “k” was withdrawn at the request of the City Manager and will return on the May 24 agenda.

- k. Request for authorization to provide a letter of support from the Mayor to the Florida Department of Law Enforcement Office of Criminal Justice Grants in support of a Byrne Grant proposal from the Brevard County Sheriff’s Office for prisoner transportation/booking improvement and consumer fraud unit.

14. ITEMS REMOVED FROM THE CONSENT AGENDA

None.

15. COUNCIL ACTION RE: Acceptance of a Water and Wastewater Impact Fees and Miscellaneous Service Fee Study prepared by Public Resources Management Group, Inc. and authorization to prepare ordinance adopting recommended fee increases.

Director of Finance Michele Ennis briefed Council. The City contracted with Public Resources Management Group, Inc. (PRMG) to perform a review of water and wastewater impact fees and other service fees and charges. She introduced Rob Ori, President of PRMG

Mr. Ori discussed the recommendations, including increasing the water impact fees from \$805 to \$1,340 and increasing the sewer impact fees from \$1,451 to \$1,900 for a standard 3/4" meter. An additional review of the impact fees charged to the City of West Melbourne was included in the study and the current fee of \$444 is recommended to increase to \$1,072 to recover the pro rata capital costs associated with the water production and treatment components of providing service.

Miscellaneous service charges were reviewed and implementation of a service initiation fee of \$20 is recommended to recover the cost of establishing service at a new location. The turn-off for non-payment fee is recommended to increase from \$29 to \$30. Current service calls to turn meters on or off and to check service are currently \$29 and the recommended charge is reduced to \$20.

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The City currently charges 1.5% for late fees. The recommendation, which is common in the utility industry, is to establish a minimum fee of \$5.00 or 1.5%, whichever is greater. The City is experiencing a significant amount of delinquent bills and the minimum is intended to encourage customers to pay by the due date.

The City currently retains all customer deposits until that account is closed. The recommendation is to refund all residential customer deposits after 12 months of good payment history. This also corresponds to prevailing utility practices.

Several utilities in the State have a guaranteed revenue charge to recover the cost of carrying utility investment on behalf of customers that have reserved capacity but have either not connected to the system or have vacated property for a significant period of time. The recommendation is to accrue a proposed guaranteed revenue charge after 12 months of service termination. At any time, the customer will be given the option to relinquish capacity and would, in that event, need to pay new impact fees if service were to be re-established at the vacant location.

Mrs. Palmer asked for clarification regarding the guaranteed revenue charge.

Mr. Ori explained that this charge is only when the service has been turned off and the account is inactive. He noted that two conditions cause a guaranteed revenue charge. One is a new development that reserves water capacity – they bought into the system and the cost to carry begins because that reserve can't be sold to anyone else. The other is an existing development that has had service; however, the service is terminated and no one utilizes the property for 12 months. The pipes are there and maintained, the service is available; however, it is an inactive customer. He stated this is a good, fair program with regard to recovering costs.

It has been over 10 years since the City has reviewed the impact fees and miscellaneous charges for water and wastewater.

Mr. Schluckebier made two clarifications. The guaranteed revenue charge is not an item for a current customer paying a monthly bill. It is for people leaving properties vacant that are not contributing to the on-going cost of our utilities. They are using a reserve that cannot be used anywhere else. Second – these are recommendations from PRMG as a result of working with our Utility and Finance Divisions. Council is being asked to accept the report and prepare for subsequent action. These changes can only be approved by ordinance.

Discussion followed regarding the previous rate study. Mrs. Palmer asked whether any of these fees were factored in when the decision was made that we need periodic rate increases.

Mr. Ori responded that capacity fees remain the driver of dollars and are not reflected in these analyses. Only one or two years remain in the phased water increases. Council does not want to adopt anymore and it was felt that 5% was a needed adjustment.

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Mr. Schluckebier noted that Mr. Ori had nothing to do with the 2002 rate assessment. He has gotten the City \$20 million of new bonds without promising any future rate increase. He is good at what he does.

Mrs. Palmer stated that the rate increases were not simply to guarantee a bond – it was what we needed to pay for creating and delivering the water supply. This is a substantial amount of money that we hadn't been receiving while preparing and delivering water.

Mr. Ori stated that the rate increase was needed for securing the bond. Technologies are advanced and regulations are getting greater. The key is we know this exists; if we can garner new dollars from new development it helps the existing rate payers.

Mrs. Palmer stated that she would love to see no future rate increases to existing customers.

Mr. LaRusso referenced the increase to a minimum of \$5 for late payments. He stated it may seem insignificant to some; however, there are some tax payers who would find this significant. He asked whether a study was conducted to determine if the fee really encourages customers to pay on time.

Mr. Ori stated that he did not personally do a study. His firm looked at what other utilities were charging. He said a 40¢ late fee is not much incentive to pay on time.

Mr. LaRusso asked about the service initiation. Mr. Ori explained that there is a cost involved when a new customer comes into the system. An account must be created, the meter read and information obtained. This fee would apply when someone initiates a new water service.

Mr. LaRusso questioned how founded on fact this is. He asked whether the City is not charging enough in the rates to cover the service initiation fee.

Mr. Ori responded that the City's financial health is on track and where it needs to be; however, the rate increase was needed for the bond issue. There are capital improvement projects; the pipes are old and need replaced, the City has a "mature" utility, etc. The costs are going to rise and the growth is going to slow down. We want to shift dollars from monthly rates. He said it is better to avoid a rate adjustment in the future by getting the revenue sources elsewhere.

Mr. Schluckebier stated that the guaranteed rate increases are built in the previous ordinance. The question is when those increases run out, instead of continuing a 5% rate increase ad infinitum, this would add an opportunity to capture other revenue sources to allow those increases to be lower in the future. We could even take a year off from rate increase now and then.

Moved by Hand/Meehan for approval of the water and sewer impact fee and miscellaneous charges adjustment as recommended by PRMG in the April 15, 2005

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study, that the appropriate ordinance be prepared, and direction for staff to provide notice to the City of West Melbourne. The roll call vote was:

Aye: Meehan, Walker, Hand and Goode

Nay: LaRusso and Palmer

Motion carried.

16. COUNCIL ACTION RE: (Public Hearing) Request for approval of the proposed projects and activities for FY 2005 CDBG funding and the 2005-2006 Action Plan, and authorization for the City Manager to submit the Plan for inclusion in the Brevard County HOME Consortium's Consolidated Action Plan for 2005-2006 and to execute all necessary documents pertaining thereto.

Melinda Thomas, Housing & Community Development Director, briefed Council on Agenda Items 16, 17 and 18.

The advertised Action Plan reflects an anticipated FY 2005 CDBG Entitlement Award of \$641,232. Projects and activities proposed for CDBG funding and for inclusion in the final 2005-2006 Action Plan to be submitted to HUD are:

**FUNDING RECOMMENDATIONS FOR THE 2005-2006 CDBG PROGRAM**

**PUBLIC SERVICES**

**Child Care Association of Brevard County, Inc.**

Subsidized child care for children from low-income households \$23,000

**City of Melbourne**

**Housing & Community Development Department**

Booker T. Washington Youth Initiative 16,000

**City of Melbourne Leisure Services**

Scholarships for low-income youth to attend summer camp 12,684

**Club Esteem**

After-school program 11,000

**Coalition for the Hungry and Homeless of Brevard, Inc. – WIN Program**

Transitional housing and supportive services 9,000

**PREVENT! of Brevard, Inc.**

Transitional housing and supportive services/Sally's House 14,500

**The Salvation Army, Inc.**

Emergency shelter services 10,000

**Subtotal Public Services:** **\$96,184**

**PUBLIC FACILITIES & IMPROVEMENTS**

**Booker T. Washington Revitalization Project, Phase V**

Installation of additional street lights \$ 75,000

**Brevard Neighborhood Development Coalition**

Construction of BNDC Outreach Center on Masterson Street 50,000

**Lipscomb Park Improvements, Phase I**

Construction of Phase I of Master Site Plan Improvements 151,802

**Subtotal Public Facilities & Improvements:** **\$276,802**

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**ADMINISTRATION**

**Program Administration**

General program administration \$125,746

**Fair Housing**

Fair housing activities 2,500

**Subtotal Administration:** **\$128,246**

**OTHER**

**Code Enforcement**

Comprehensive proactive code enforcement in North & South CDBG Target Areas \$ 75,000

**Demolition & Clearance Program**

Demolition & clearance activities for North & South CDBG Target Areas 13,000

**Habitat for Humanity of South Brevard, Inc.**

Vacant apartment demolition (Kennedy Street) 21,000

**Housing Services**

Activity-delivery for HOME-funded Tenant Based Rental Assistance Program 12,000

**Space Coast Center for Independent Living**

Handicap accessibility program 19,000

**Subtotal Other:** **\$140,000**

**GRAND TOTAL:** **\$641,232**

Paul Halperin, Club Esteem, 3316 S. Monroe Street, thanked Council and CDBG for on-going support of Club Esteem. He elaborated on their program and distributed brochures regarding Club Esteem.

Eddie Taylor, 1500 Woodlake Drive, stated he has been associated with the Lipscomb Street Park Association since 1967. Mr. Taylor encouraged Council to support items 16 through 18 and added that the Housing & Community Development is doing a wonderful job of assisting the community.

Mayor Goode closed public hearing.

Moved by Palmer/Meehan to approve the proposed projects and activities for FY 2005 CDBG funding and the 2005-2006 Action Plan, authorize the City Manager to submit the Plan for inclusion in the Brevard County HOME Consortium's Consolidated Action Plan for 2005-2006, and to execute all necessary documents pertaining thereto. Motion carried unanimously.

17. COUNCIL ACTION RE: (Public Hearing) Request for approval of proposed activities for Federal FY 2005 HOME funds and authorization for inclusion in the Brevard County HOME Consortium Action Plan for 2005-2006.

The proposed use of FY 2005 HOME funds is as follows:

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Owner-occupied Housing Rehabilitation Program	\$142,464
Tenant Based Rental Assistance Program	10,000
Rental Housing Development	50,000
CHDO Set-Aside (15%)*	40,493
Administration (10%)*	<u>26,995</u>
TOTAL	\$269,952

\*Minimum Community Housing Development Organization (CHDO) and maximum administrative set-asides are prescribed by statute.

All projects and activities are in compliance with the priority needs and objectives cited in the Proposed 2005-2010 Consolidated Plan.

Moved by LaRusso/Palmer for approval of the proposed activities for Federal FY 2005 HOME funds and authorization for their inclusion in the Brevard County HOME Consortium Action Plan for 2005-2006. Motion carried unanimously.

18. COUNCIL ACTION RE: (Public Hearing) Request for approval of the proposed 2005-2010 Consolidated Plan and authorization for inclusion in the Brevard County HOME Consortium's Consolidated Plan for 2005-2010.

From the agenda report: Upon City Council's final approval, the 2005-2010 Consolidated Plan, a planning document mandated by the U.S. Department of Housing and Urban Development, will provide marching orders for staff, the Citizens' Advisory Board, and Council in the allocation of funding for the City's Community Development Block Grant and its HOME Investment Partnership Program for the next five years.

The complete proposed 2005-2010 Consolidated Plan was previously submitted to Council.

Moved by Hand/Meehan for approval of the proposed 2005-2010 Consolidated Plan and authorization for the City Manager to submit the 2005-2010 Consolidated Plan for inclusion in the Brevard County HOME Consortium's Consolidated Plan for 2005-2010. Motion carried unanimously.

19. ORDINANCE NO. 2005-32 (A&V No. 281): (First Reading/Public Hearing) An ordinance vacating the southerly two feet of a 10-foot wide public utility and drainage easement along the north lot line of property located at 412 Rio Casa Boulevard. (Applicant - Dan & Lisa Cutler)

Attorney Gougelman read the ordinance by title. There were no disclosures by Council and no public comments.

Moved by Palmer/Walker for approval of Ordinance No. 2005-32.

Mayor Goode asked how someone was permitted to build two feet over the easement.

Assistant City Engineer Jenni Lamb explained that this happens frequently. The pool contractor inadvertently shifted placement of the pool by several inches.

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The question was called. Motion carried unanimously.

20. ORDINANCE NO. 2005-33 (AR-2005-171), ORDINANCE NO. 2005-34 (CPA-2005-09), AND ORDINANCE NO. 2005-35 (Z-2005-1028) EAST COAST REVIVAL CENTER CHURCH OF GOD: Ordinances providing for annexation, a Comprehensive Plan Amendment, and zoning designation on a 4.8-acre parcel, located on the north side of Eau Gallie Boulevard, west of Wickham Road, and east of the intersection with Sarno Road. (Owner/Applicant - East Coast Revival Center Church of God) (Representative - Pastor Ken Hite) (P&Z Board - 4/21/05)
- a. Ordinance No. 2005-33/AR-2005-171: (First Reading/Public Hearing) An ordinance providing for annexation of a 4.8-acre parcel.
  - b. Ordinance No. 2005-34/CPA-2005-09: (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Commercial/Low Density Residential on a 4.8-acre parcel.
  - c. Ordinance No. 2005-35/Z-2005-1028: (First Reading/Public Hearing) An ordinance providing for a zoning designation of R-P (Neighborhood Commercial) on a 4.8-acre parcel.

Attorney Gougelman read Ordinance Nos. 2005-33, 2005-34 and 2005-35 by title. Planning & Economic Development Director Cindy Dittmer briefed Council. The Planning and Zoning Board voted unanimously to recommend approval.

Ken Hite, applicant, was present.

Mrs. Palmer asked if the applicant anticipates constructing a church school. Mr. Hite responded it is a possibility; however, it is not something that has been incorporated. He added that it would more than likely be a nursery rather than a school.

Michael Amicucci, 275 Baker Road, noted that his property is about 200 feet to the northeast of the north side of this property. He agrees that R-P zoning is best for the property; however, the land use concerns him. His biggest concern is the after hours activity. This is a residential neighborhood. He asked for examples of what would be allowed in Commercial/Low Density Residential.

Mrs. Dittmer responded that even though the future land use is Commercial/Low Density Residential, the zoning would dictate the use. Additional Council action would be necessary to have commercial uses.

Frances Baker, 277 Baker Road, discussed the zoning. The R-P zoning provides a transitional area between the commercial and residential uses; a buffer between residential and non-residential areas.

Mayor Goode closed the public hearing.

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Moved by Hand/Meehan for approval of Ordinance No. 2005-33. Motion carried unanimously.

Moved by LaRusso/Walker for approval of Ordinance No. 2005-34. Motion carried unanimously.

Moved by Palmer/Hand for approval of Ordinance No. 2005-35. Motion carried unanimously.

21. ORDINANCE NO. 2005-36 (AR-2005-172), ORDINANCE NO. 2005-37 (CPA-2005-10), AND ORDINANCE NO. 2005-38 (Z-2005-1029) VENETIAN VILLAGE PHASE TWO: Ordinances providing for annexation, a Comprehensive Plan Amendment, and zoning designation on a 9.86-acre parcel, located on the south side of Madison Avenue, west of Dairy Road, and north of Palm Bay Road. (Owner - Group Four Investments, LLC) (Applicant - Venetian Village, LLC) (Representative - Jake T. Wise, P.E. or Ken Welsh)
- a. Ordinance No. 2005-36/AR-2005-172: (First Reading/Public Hearing) An ordinance providing for annexation of a 9.86-acre parcel.
  - b. Ordinance No. 2005-37/CPA-2005-10: (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Medium Density Residential on a 9.86-acre parcel.
  - c. Ordinance No. 2005-38/Z-2005-1029: (First Reading/Public Hearing) An ordinance providing for a zoning designation of R-2 (10) (One-, Two-, and Multiple-Family Residential) on a 9.86-acre parcel.

Mr. Gougelman read Ordinance No. 2005-36, Ordinance No. 2005-37, and Ordinance No. 2005-38 by title. Mrs. Dittmer briefed Council. The Planning and Zoning Board voted unanimously to recommend approval. There were no disclosures from Council.

Attorney Phil Nohrr, applicant's representative, stated this is a continuation of the Venetian Village project located on Dairy Road. He displayed a map of the land uses and densities in the area. This project will wrap around the Princeton Apartments, which are developed at 10 units per acre. He discussed the surrounding properties and land uses and noted that this type of development has already been established in the area.

Mr. Nohrr provided a letter from Scott Berman, adjacent property owner, supporting the request. He added that although it is not in writing, Mr. McNulty, the owner of the AU and GU parcels adjacent to this property, has no objection to the R-2 (10) designation.

Continuing, Mr. Nohrr discussed the overall road plan that will hopefully provide some relief for Hollywood Boulevard and a better traffic flow to the area. Mr. Nohrr displayed a concept plan of the proposed development. The main ingress/egress will be off Madison Avenue and will eventually hook into the existing Phase 1 at Venetian Drive and out to Dairy Road. He noted that he was not present at the Planning and Zoning Board meeting

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so he does not know what occurred. When this was presented to the P&Z Board the retention was located on the east side closest to Princeton and the development was oriented more toward the west side. As a result of the concerns of the neighbors, the developer has reoriented so that the retention is on the west side and there will be a distance of 61 feet from the corner of the western building to the property line of this development.

Continuing, Mr. Nohrr reminded Council that the AU property owned by Mr. McNulty is located next to this development. That property is approximately 150 feet wide. The RR1 property where the owners have expressed concern is well over 200 feet away. The developer has also offered, in addition to fencing along the west boundary line, to heavily landscape to further ensure privacy for the neighbors to the west.

Mr. Nohrr offered that these are significant townhomes that will be no higher than 32 feet; the townhomes will be no more than two stories; this is not the type of housing project that will be intrusive to a neighborhood; the density in the area is already established; and most of the neighbors have written letters of support. He added that the developers would like to have the support of the RR1 neighbor, unfortunately it does not appear we can. Mr. Nohrr respectfully requested Council's favorable consideration.

Mrs. Walker asked if the units are attached to each other. Mr. Nohrr confirmed that the units are attached.

Keri Donald, 4655 Little Grey Lane, West Melbourne, stated she is not in favor of this request. Many of the rural benefits they had when they first purchased their home about 18 months ago have already declined. They do not see gopher tortoises and rabbits any more and the construction and the children from the Princeton Apartments generate noise.

Ms. Donald commented that the neighbor who supports this has informed her that he has sold the property to the west and is looking to sell the lot to the east; he stands to benefit financially. She is concerned that allowing this rezoning will open the door to allow the same thing to happen on the buffering lot next to them. The Planning and Zoning Board said that they approved Phase 1 because it was on the already busy Dairy Road. They were not in favor with continuing Phase 2 because it begins to encroach into what is currently a rural type area. She asked about the height of the fences and trees that the applicant would put in.

Mr. LaRusso asked Ms. Donald what she would like to see developed there. Ms. Donald stated she would prefer houses, a neighborhood, not something that is going to be so overwhelming as far as being cluttered.

Mr. Nohrr stated that the trees would be 12 to 14 feet in height and at maturity would reach as much as 30' in height. There are already trees in existence along the west property line. Between the two, they should be able to provide a nice buffer to screen them from the development.

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In response to Mrs. Walker, the applicant stated from the audience that they would follow the City's landscape ordinance, which outlines the requirements and specifics for trees. Mr. Nohrr added that he will get the specifics from the ordinance and get with the landscape experts to ensure the requirements are met. He does not want to mislead Council regarding what in addition to oaks may be available.

Mayor Goode closed the public hearing.

Moved by Palmer/Hand for approval of Ordinance No. 2005-36. Motion carried unanimously.

Moved by Hand/Walker for approval of Ordinance No. 2005-37. Motion carried unanimously.

Moved by Hand/Meehan for approval of Ordinance No. 2005-38. Motion carried.  
(Council Member LaRusso voted nay.)

22. ORDINANCE NO. 2005-39 (ED-2003-03) EDAK, INCORPORATED: (First Reading) An ordinance granting an Ad Valorem Tax Exemption for a three-year period totaling \$17,208.06.

Attorney Gougelman read Ordinance No. 2005-39 by title.

Moved by LaRusso/Meehan for approval of Ordinance No. 2005-39. Motion carried unanimously.

23. COUNCIL ACTION RE: Board appointments

- a. Appointment of two members to the Building and Construction Advisory Committee

Moved by Meehan/Palmer to reappoint Richard Levine and James Mahoney. Motion carried unanimously.

Term: 5/27/2005 – 5/26/2008; three-year term

- b. Appointment of one alternate member to the Planning & Zoning Board

Mrs. Hand nominated Oscar Hotusing and Mr. LaRusso nominated Kathy Chambers.

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

There was a brief discussion regarding whether anyone was familiar with either applicant. Mr. Gougelman stated although he does not personally know Kathy Chambers, she is employed by Harris. Harris is one of the largest employers in the area. Mrs. Meehan added that Ms. Chambers is the Harris facilities manager and would be a strong member.

The question was called. The roll call vote was:

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Hotusing: Walker and Hand

Chambers: LaRusso, Meehan, Palmer and Goode

Appointed: Kathy Chambers  
5/10/2005 – 1/24/2006; unexpired three-year term.

24. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Council Member LaRusso asked that Council Members finalize their nominees for appointment to the Martin Luther King naming opportunities committee. Mr. Schluckebier confirmed that this will appear on the May 24 agenda.

Council Member LaRusso notified Council that he tendered his resignation from the Melbourne Airport Authority Board this afternoon. His resignation is based on his work commitments not allowing him to attend the meetings. He noted that positive changes are happening at the Airport and the Authority needs members to attend every meeting. He recommended that appointment of a Council Member to replace him appear on the May 24 Council agenda to allow a full Council to vote.

There was a brief discussion regarding whether Vice Mayor Contreras could/should serve on the Airport Authority since Alan Doshier with Northrop Grumman is already on the Board.

Mr. Schluckebier reported on the following:

- The City received notice that the County Commission will hold a public hearing on Tuesday, July 12 regarding the County's charges for EMS fees and municipal service benefit unit fees. The County has received scrutiny and criticism regarding these charges and has developed an ordinance to establish a back up plan in the event that someone is successful in eliminating the process they use to accrue EMS fees. Staff comments will be forthcoming.
- Disaster Recovery Initiative Grant Application. At the April 12 meeting, Council authorized staff to proceed with resolving the issue with the County's tentative agreement for the allocation of the Community Development Grant Funds. The County indicated that all cities would be given equal shares (approximately \$270,000) no matter their size. Staff worked with the County on a revision and the Cities of Melbourne, Palm Bay and Titusville will receive \$437,000. This is an improvement over the initial proposed \$273,000; however, it is certainly not the \$800,000 we had anticipated.
- The Airport Authority released info concerning the European Aeronautic Defence and Space Company (EADS). This is a partnership of a number of firms seeking a location to assemble/convert Airbus jets to refueling tankers for the U.S. Air Force and includes a major aerospace engineering center for the support of Airbus operations in

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the U.S. Melbourne International Airport has been selected in the final four locations. At its May 9 meeting, the Space Coast League of Cities unanimously supported doing whatever is necessary to compete for this type of project. It would provide a tremendous taxable value, an economic impact, and aeronautical jobs that are high-tech, long-term jobs. We need to get our legislative delegation to engage with the governor to assist with making a proposal. Funds are available at the State level for economic incentive packages. The City Manager, the Mayor and the Interim Airport Director spent the last several business days working toward bringing the EADS to Melbourne. The time frame to take us from the final four to where we hope to be is less than two weeks.

- Regarding Patrick Air Force Base, Mr. Schluckebier advised that information regarding whether PAFB is on the list for closure would hopefully be known by late Wednesday.
- The City Manager will be in Tampa May 11 – 13 attending the FCCMA annual conference.

25. ADJOURNMENT

Moved by Walker/Meehan to adjourn. Motion carried unanimously.

The meeting adjourned at 8:42 p.m.



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Assistant City Clerk – 5/18/2005

Approved by Council: May 24, 2005