

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
APRIL 11, 2006



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 Darice Dawson, Florida Tech, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

Present:	Harry C. Goode, Jr.	Mayor
	Richard Contreras	Council Member, District 1
	Mark LaRusso	Council Member, District 2
	Kathy Meehan	Council Member, District 3
	Cheryl Palmer	Council Member, District 5
	Loretta Isenberg-Hand	Vice Mayor, District 6
	Jack M. Schluckebier, Ph.D.	City Manager
	Paul R. Gougelman, III	City Attorney
	Cathy L. Baker	Assistant City Clerk
	Amy W. Elliott	Deputy City Manager
	Howard Ralls	Deputy City Manager
	Cindy Dittmer	Planning & Economic Development Director

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

4. Proclamations and Presentations

Mayor Goode presented a five-year service pin to board member Tom Urquhart, Melbourne Library Board.

Mayor Goode also presented the following proclamations:

“Fair Housing Month,” April 2006; accepted by David Baade, Executive Director of the Fair Housing Continuum, Inc.

“National Telecommunicators’ Week,” April 9-15, 2006; accepted by Cary Sargent and Ray Desmaris, Communications Supervisors, Melbourne Police Department.

5. Approval of Minutes – March 28, 2006 Regular Meeting

Moved by Hand/LaRusso for approval. Motion carried unanimously.

6. City Manager’s Report

City Manager Jack Schluckebier commented on item #7 regarding the condition of Lake Washington. The dam is in need of repair due to damage to the embankment. Staff is working with the St. Johns River Water Management District and the Corps of Engineers for permitting. He stated that the City is not in imminent threat of emergency; but water levels have subsided lower than normal.

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Mr. Ralls reported that last March the water level was at 14' – 15' elevation and this year the level is in the 12' – 13' range. The City Code contains a conservation provision for declaring a water emergency when the water level falls to 11'. The City is currently one foot above that; however, is still able to withdraw and treat 16 million gallons per day. He reiterated that staff is working with the St. Johns River Water Management District to get the breach in the embankment repaired.

Mayor Goode referenced item #11 and noted that Council scheduled a public hearing for a renaming to honor Dr. Martin Luther King during the April 25 regular Council meeting. He stated that the item should be heard at a special meeting. By consensus Council agreed to schedule the first readings/public hearings of ordinances to rename Airport Boulevard and the Melbourne Auditorium at a special meeting on Monday, April 17 at 6:30 p.m.

7. Public Comments

None.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2006-21 (CU-2006-03) DOWNTOWN SALON: (Second Reading/Public Hearing) An ordinance granting a conditional use to allow a beauty salon in an R-P (Residential Professional) zoning district on a 0.18-acre lot, located on the north side of Seminole Avenue, east of Airport Boulevard. (Owner - Sylvia Cobb Trustee) (Applicant/Representative - Renee Lettiere) (First Reading - 3/28/06)

Attorney Gougelman read Ordinance No. 2006-21 by title. Council made no disclosures and there were no public comments.

Renee Lettiere, applicant, was present.

Moved by Palmer/Hand for approval of Ordinance No. 2006-21. The roll call vote was:

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

Motion carried unanimously.

9. ORDINANCE NO. 2006-22 (ED-2006-01) LANIER WORLDWIDE, INC: (Second Reading/ Public Hearing) An ordinance granting an Ad Valorem Tax Exemption for a period of five years totaling an estimated \$107,560.95. (First Reading - 3/28/06)

The attorney read the ordinance by title. The applicant was present.

Moved by Contreras/Meehan for approval of Ordinance No. 2006-22. The roll call vote was:

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

Motion carried unanimously.

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10. ORDINANCE NO. 2006-23 (FOC-2006-01) HISTORIC DOWNTOWN MELBOURNE REDEVELOPMENT PLAN: (First Reading/Public Hearing) An ordinance amending Chapter 10, Article IV, Section 10-101, by adopting a new Historic Downtown Melbourne Redevelopment Plan, which modifies the boundaries of the CRA district and recommends capital improvement projects. (Postponed - 3/28/06)

Attorney Gougelman read the ordinance by title.

Mrs. Dittmer briefed Council. The new redevelopment plan updates the current plan, last amended in 2003, and extends the “sunset” date of the CRA from November 6, 2033 to April 25, 2046.

Included in the staff report and on Page 36 of the Plan, is a list of future public improvement projects for the CRA. These projects are sorted by sub areas of the district and may be considered in the future by the Advisory Committee and the CRA as funding becomes available.

The Downtown Melbourne Community Redevelopment Agency Advisory Committee recommended approval of the new plan on November 4, 2005, and the Planning and Zoning Board voted 6 to 1 to recommend approval of the plan based upon a Finding of Consistency with the Comprehensive Plan on March 2, 2006.

Mrs. Dittmer advised that staff met with Council Member Palmer regarding changes to the timeframe for the life of the existing boundaries and the expanded boundaries, and the possibility of directing revenues back to the General Fund once the taxable property valuation for the existing boundaries increases by ten times the original base year valuation.

Vice Mayor Loretta Hand asked if the plan proposes to close Melbourne Avenue to through-traffic or merely provides a traffic-calming situation.

Mrs. Dittmer advised that the plan is a type of guidebook that contains a number of projects and ideas that require further study. If the study determines that traffic calming is warranted on Melbourne Avenue the issue would go before both the CRA and the City Council.

Mayor Goode opened the public hearing.

Robert Hynes, 2200 Front Street, recommended that Council adopt this strategic plan. The consultant talked with the people in the area, worked with staff, and came up with this plan. The plan is basically the people of Melbourne talking to Council about their desires for Downtown Melbourne. The consultant had a focus of bringing the “Harbor City” back to Melbourne. He discussed various projects in the plan and stated this is not a rubber stamp of plans done for other cities, the methodology is unique to Melbourne. Mr. Hynes recommended that Council adopt the plan.

Michael Melhado, Melbourne Downtown Redevelopment Agency Advisory Committee, stated that the board unanimously supported the plan. A lot of time, effort and thought went into this. Expanding to the south provides a gateway to the City and the redevelopment area, and brings synergy from developers. He noted that redevelopment thrives through private investment and establishing Tax Increment Financing (TIF) in this area encumbers County tax money. Left alone, the area presents a drain on the City; an undeveloped area that strips the cost for City

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services. He added that a portion of the tax dollars goes to the General Fund. The core district has always used TIF money to support the Downtown Parks employees, maintenance in the redevelopment area, etc., that comes from the General Fund. The plan is unique and goes a long way to push the redevelopment area along. Mr. Melhado urged Council to support the proposed plan.

Rita LoPresti, Melbourne Downtown Redevelopment Agency Advisory Committee member, noted that Mr. Melhado covered a lot of her comments. She said that the entire committee supports the proposed redevelopment plan. It addresses the Downtown needs in a more timely manner, expanding projects in the CRA district. She discussed the parking problems and the need for public restrooms in the area. Ms. LoPresti concluded by stating that Downtown Melbourne has been discovered and a “diamond in the rough” has begun to shine through. She stated that the Downtown business and property owners ask for Council’s support.

Joanne Davis, 2801 S. Harbor City Boulevard, Melbourne Main Street co-design lead, spoke in support of the plan. She has seen the design committee grow from a few members to over 14 active members; architects, engineers, business owners, concerned citizens interested in seeing Melbourne grow. She concluded by requesting Council’s approval of the plan.

Dano LoPresti, 1002 E. New Haven Avenue, asked Council to vote for the plan.

Pat Poole, 805 E. Palmetto Avenue, stated as one of the few residents living in Downtown Melbourne, she is concerned with what is happening Downtown. There are a few things in the plan that bother her. Each project needs to be looked at individually so that the people know what is going on. She has a problem with not so much keeping the core areas at three-four stories; but with the inter-dispersed, higher density residential developments. She discussed concerns with the proposal for Front Street Park, the recommendation for the City to purchase the liquor store at Prospect/U.S.1, and City improvements to Riverview Park. She recommended a pilot project, and stated it is called “Historic Downtown” and we should be preserve the history that is there.

Jim Nichols, 331 Arcadia Court, property owner of 1900 S. Harbor City Boulevard, said that his biggest problem with the plan is the closing of Melbourne Avenue. There is no reason to ever close a throughway – especially one that passes under the railroad bridge.

Mayor Goode stated the Melbourne Avenue closing to through-traffic is an idea in the plan, not something written in stone. Mr. Schluckebier clarified that Council accepted the consultant’s report that outlines a number of ideas. He confirmed that adopting this ordinance will not specifically take any action on the ideas contained the plan.

Continuing, Mr. Nichols noted that the Advisory Committee approval was not unanimous, the vote was 6 to 1.

Lisa Dutcher-Herendeen, 802 W. Whitmire Drive, property owner in the Downtown area, encouraged Council to vote for the plan. She pointed out the efforts of the volunteers in reviewing the information to make Council’s job easier. The Committee worked hard and it has taken two years to get to this point. Noting it is challenging to maintain old buildings with strict requirements, she stated the proposed changes could help encourage historic preservation.

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Ms. Dutcher-Herendeen said there are no major changes in the plan that would occur without coming to Council again. She encouraged Council to support the plan.

Mark Herendeen, 802 W. Whitmire Drive, standing member of the Melbourne Main Street Design Committee, asked council to vote yes on the plan and continue to support projects now and in the future. These are action-oriented projects by Main Street volunteers to improve the look of Downtown Melbourne, adding to its charisma and charm.

Wendy Brandon, Melbourne Downtown Redevelopment Advisory Committee member, stated she is has been an investor in the Downtown area since 1980. Folks have always thought the distribution of funds to this area was unfair, and these same people are still talking about it despite the success of the Downtown area. She is glad the area is expanding south. The main reason it is necessary for the City to improve the common maintenance areas is because private enterprise can't put in streetscaping, landscaping, parks, etc., which makes investors want to invest in the area. The City has been committed to this partnership. When private development works with the City it is best for everyone.

Laird Gann, Executive Director, Melbourne Main Street, summarized and stated that the plan before Council is a visionary update of the original 1982 redevelopment plan. A lot of hard work went into this plan. The first two pages of the 54-page document are very good reading. Downtown Melbourne should be perceived as a village that will grow and be connected to the two waterfronts with a sense of place; an area where the public can gather. A strong residential mixed use needs to be established. If this is achieved it will become the shining star of the County. The plan contains a lot of specifics, not recommendations. It is a vision the residents would like for Downtown Melbourne to become in the years ahead. Nothing in the plan is cast in stone and actual projects will be determined along the way. This is a long-range plan that requires a lot of vision.

Mayor Goode closed the public hearing.

Moved by Meehan/Hand for approval of Ordinance No. 2006-23 subject to the findings, with the addition of public restrooms to the capital improvement projects.

Council Member Palmer noted that she has been a supporter of all three of the City's community redevelopment areas and believes in the redevelopment concept. The Downtown area has come alive; everything is positive so far. However, redevelopment areas are created for blighted, depressed areas the idea is to bring in private investment and do something with the TIF. The City has multi-million dollar projects on the books for this area and more will probably follow. This is not something you normally see. Mrs. Palmer stated this has been a long time coming, 23 years; but now that it is here it is skyrocketing. And, the rest of the City is deteriorating and could probably fall under the definition of a blighted area. We are bringing in high-density, multi-family residential development projects and the drain on City services for projects of this magnitude is incredible.

Continuing, Mrs. Palmer stated she asked staff for some parameters for the new sunset for the TIF money. She read the memo from Cindy Dittmer outlining options to designate a timeframe for the life of the existing CRA boundaries and the proposed boundaries along South U.S. 1, and a provision that 50% of the revenues be directed back into the General Fund at the point

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that the taxable property valuation for the existing boundaries has increased by ten times the original base year valuation of \$23,595,020.

Mrs. Palmer stated that the rest of the City residents are stakeholders that are not part of the committee and are not in this process. She does not want to strain an already strained system. She believes these proposed options are a way to continue with the development areas and make it happen - to see this plan come to fruition and improve the rest of the City as well. She said she is asking Council to add this amendment to the motion.

Council Member Meehan stated she does not want to add the amendment. Downtown Melbourne has become awesome over the last 20 years, but growth has been slow. There have never been any changes in South Melbourne and very few updates. She supports moving forward with the ordinance as is.

Vice Mayor Hand stated she would like more information from staff on Mrs. Palmer's proposed options. This information has just been thrown at Council. She added that the program has worked in all the time it has been in effect.

Mr. Schluckebier reported that, at this point, staff was not in a position to make a recommendation to Council. This information was in response to a request from Council Member Palmer to outline two questions: 1) at what point the total value growth of the TIF valuation might be considered and how to define numerically when success is achieved; and 2) whether the City has the authority and ability to run the CRA into perpetuity and whether that is a good policy. He noted that staff was only able to put this information together in the last 24 hours based on required meetings and gathering specific criteria.

Mrs. Hand stated the City has brought a lot more tax dollars in through annexations and continues to annex. She is having difficulty going along with the revision.

Mayor Goode reported that City staff was still meeting with Council Member Palmer at 2:30 today working on this information. He stated that Mrs. Palmer has come up with an idea she thinks is worthy of Council consideration and it is up to the maker/seconded whether to add her proposal.

Mrs. Palmer stated that even though Downtown is experiencing new growth and new revenue, it is not new retail stores; hundreds of new residents are being brought in that will use the City's streets, water/sewer, fire employees, etc. She is not suggesting that the City immediately stop the CRA process. This plan would allow the threshold to be 10 times the original valuation or \$230 million in valuation, at which time 50% of that would go back into the General Fund. She agreed that everyone has worked very hard on this plan; however, she noted that many of the people that own property in Downtown Melbourne don't live in Melbourne. She said she appreciates the plan, is excited about the plan, but there is a cost to the people of this City and there should be benefits to them in the near future; something on the horizon. This is one way to do that.

Mayor Goode noted that the maker of the motion is not willing to accept the revision. The question was called. The vote was:

Aye: LaRusso, Meehan and Hand

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Nay: Contreras, Palmer and Goode

Motion failed.

Moved by Palmer/Contreras for approval of Ordinance No. 2006-23 with the revisions proposed by Mrs. Palmer. (Note: Motion later withdrawn.)

Mrs. Meehan asked the City Attorney whether this follows the requirements of Florida Statutes.

Mr. Gougelman responded there is no good answer. Council is setting a date for the CRA to go out of existence. What is proposed is a bifurcated termination date, which means the CRA as we know it now will go out of existence in 2022 and the expanded boundaries of the CRA, whose existence is dependent on the original CRA, goes out in 2031. He has a concern that at some point he may be required to opine as to the legality of the end date. It is likely that the proposed revision is legal; however, he is not prepared to clearly state that. He suggested that a uniform termination date for the CRA would clearly be legal. However, he cautioned Council to carefully select the termination date, because once the termination date is set he believes it can't be changed.

Mayor Goode stated that the City's newer redevelopment areas are covered by the 25-year rule. Mr. Gougelman confirmed that is correct and stated the Downtown CRA is an anomaly.

Mayor Goode stated that Mrs. Palmer is suggesting that once the CRA gets to a certain money amount, the City can declare enough is enough. He agrees with that and noted that voting for her proposal does not shut anything down.

Mrs. Hand stated that there is a lot of confusion and she would support postponing action based on the additional information provided by the City Attorney. She has not had time to review all of this and is not comfortable voting on the issue.

Mrs. Meehan agreed.

Mrs. Palmer apologized for the lateness of the submission, however, this is what staff presented to her today.

Mr. Contreras withdrew his second to the motion.

Mr. Schluckebier explained that he had spoken with Council Member Palmer. He typically does not like changes of this nature at the last minutes; however, based on Mrs. Palmer's concerns and opinions, he felt it was appropriate to raise these concerns in a timely fashion.

Moved Hand/Meehan to postpone until there is a full Council present for consideration (April 25, 2006).

Mrs. Palmer advised that she is not trying to kill the CRA.

The question was called. Motion carried unanimously.

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NEW BUSINESS

11. COUNCIL ACTION RE: Contract award for professional services to design, manufacture, install, and test a raw wastewater mechanical screen system at the Grant Street Wastewater Treatment Facility, Project, No. 32104, Hydro-Dyne Engineering, Inc., Clearwater, FL - not to exceed \$275,000; and a transfer of \$130,800 from the Canova Beach Chemical Feed System, Project No. 30305, to this project budget.

City Engineer Jenni Lamb briefed Council.

Moved by LaRusso/Contreras for approval as recommended. Motion carried unanimously.

12. COUNCIL ACTION RE: Contract award for reconstruction of basketball courts at Brothers Park, Project No. 06205, and Lipscomb Park, Project No. 00104, L.A. Construction of Merritt Island, FL - \$119,000; and transfers from CDBG Reserve for Future Projects in the amounts of \$29,938 to the Brothers Park Improvement Project No. 06205 and \$5,234 to Lipscomb Park Phase 1 Improvements Project No. 00104.

Ms. Lamb briefed Council.

Moved by Hand/Contreras for approval as recommended. Motion carried unanimously.

13. CONSENT AGENDA:

Moved by Hand/Meehan for approval of Item 13 'a' through 'o' as recommended. Motion carried unanimously.

- a. Change Order No. 1 to the contract with CEM Enterprises, Inc., Apopka, FL, for Front Street seawall replacement, Project No. 14205 - \$14,997.75; and transfer of \$1,000 from the Pineapple Shoreline Restoration Project No. 11005 to this project budget.
- b. Memorandum of Understanding with the St. Johns River Water Management District regarding the dredging of Crane Creek.
- c. Purchase of five Detroit Diesel-Allison standby electric generators, Florida Detroit Diesel-Allison, Orlando, FL - \$151,406.
- d. Approval of blanket purchase orders for tires, Gatto's Tire & Auto Service, Melbourne, FL – not to exceed \$60,000; Boulevard Tire Center, Cocoa, FL – not to exceed \$44,000; and Glenn's Tire, Melbourne, FL – not to exceed \$13,000; total estimated expenditure for contract term - \$117,000.
- e. Purchase and installation of replacement fencing at Fee Avenue and Jimmy Moore tennis courts, including the removal of old fencing, Aabot Fence, Inc., Orlando, FL - \$85,716.40.
- f. Purchase of automotive parts, supplies, and filters, Central Auto Parts, Inc., Melbourne, FL - \$40,000.

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- g. Purchase of a 2006 Ford Crown Victoria police vehicle, Duval Ford, Jacksonville, FL - \$19,552.
 - h. Contract award for the resurfacing of four hard tennis courts at the Jimmy Moore Tennis Complex, Lancelot Tennis, Inc., Port St. Lucie, FL - \$15,900.
 - i. Approval of the City of Melbourne's continued participation in the Brevard County HOME Consortium for the period of October 1, 2006 through September 30, 2009.
 - j. Approval of a request from the Coalition for the Hungry and Homeless of Brevard County, Inc. for release from a requirement to pay City Ad Valorem taxes on properties located at 306 Herring Street and 1895 Garner Avenue; and authorization for the City Manager to execute an amendment to each of the related agreements.
 - k. Approval of a contract between the City of Melbourne and the City of Cocoa Beach to provide sewer billing services to the water customers located in the former South Patrick housing area at the rate of \$3 per account per month.
 - l. Resolution No. 1975: A resolution authorizing the City Manager to submit a grant application to the U.S. Department of Justice for Bulletproof Vest Partnership Grant Program for funding in the amount of \$10,528 for 40 bulletproof vests total projection of \$21,056.
 - m. Resolution No. 1976: A resolution supporting the elimination of the cap on the Housing Trust Funds beginning in FY 2007-2008 and supporting full funding from the Housing Trust Funds of \$939.5 million for housing in the State FY 2005-2007 budget.
 - n. Resolution No. 1977: A resolution authorizing the City Manager to submit a grant application to Florida Communities Trust Forever Florida Program for funding in the amount of \$990,000 for the purchase of a 22.15-acre site, located west of Magnolia Avenue, east of the Florida East Coast railway, and south of Laurie Street.
 - o. Resolution No. 1978: A resolution endorsing the City's collaboration with the Trust for Public Land for the acquisition and preservation of a 22.15-acre parcel of property located west of Magnolia Avenue, east of the Florida East Coast railway, and south of Laurie Street.
14. ITEMS REMOVED FROM THE CONSENT AGENDA
- None.
15. COUNCIL DISCUSSION RE: Annual report to City Council from City Boards.
- a. Golf Courses Advisory Board

Chairman Rin Troast recognized the members of the Golf Courses Advisory Board. He said that the Board was created in October 1993. Since that time, the City has experienced a large population growth. The City's golf courses have been placed in a competitive situation with the

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addition of new golf courses in the area. The Board has made a number of difficult decisions over the past few years, and has been hampered by a lack of funds due to reduced play. Expenditures were reduced due to less income. The Board and golf management personnel reviewed the rates and raised the fees to attempt to provide additional funding. A consultant was hired to provide a municipal market analysis. A new look at the Golf Courses funding availability determined that funds could be released for required maintenance that would greatly improve the marketability of the City's golf courses, attract additional play, and ultimately provide some additional funding for additional improvements.

He noted that the Board expressed concern that the administrative fees paid by the Golf Courses Fund to the General Fund for services received were excessive. A review was completed and adjustments have been made; however, additional adjustments can be instituted that would provide additional funds for continued refurbishment of the golf courses. Mr. Troast concluded, stating that it is important to remember that the City's golf courses are a self-supporting business that receives no tax funds to operate.

Council thanked the members for their work.

b. Library Board

Chairman Janet Sullivan recognized the members of the Library Board, noting that all the members and the three librarians are present. The members attend monthly meetings and familiarize themselves with library issues. Members keep apprised of other functions and happenings in the City that might have an impact on the libraries. The Board assists with everyday problems for the libraries. Mrs. Sullivan noted that the libraries have 40,000 patrons, 560,000 visitors annually, and process 1,600,000 check in/check outs. Board members attend seminars and workshops to further their knowledge and usefulness to the libraries and staff.

Council thanked the Board for its service.

c. Melbourne Housing Authority

Ron Sellers, Chief Executive Officer, Brevard Family of Housing, offered greetings from the board. He noted that none of the Melbourne Housing Authority board members were present. He presented an annual report along with his business card and asked Council to contact him if with any questions. Mr. Sellers commented that this is an exciting time for the Housing Authority attempting to meet the needs of low and very, low-income residents. HUD mandates drive the way the Housing Authority does business. He said 40% of the people served by the Authority fall in the extremely low-income category (30% of the area median income in Brevard County). The Authority has continuing challenges based on the reduction in subsidies and utilizes an in-house construction crew to avoid incurring costs for contractual work. Mr. Sellers thanked the City Manager, Planning and Economic Development and the Housing and Community Development staff for assistance that allows the Brevard Family of Housing to do a lot of positive things for Melbourne constituents.

The Mayor thanked Mr. Sellers for his presentation.

16. PRESENTATION TO COUNCIL: Comprehensive Annual Financial Report from Hoyman, Dobson, and Company.

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Chas Hoyman, Hoyman, Dobson, & Company, the City's external auditing firm, provided a summary of the City's Comprehensive Annual Finance Report. He stated that the City has a report that is a qualified, clean opinion, which is the best that can be received from a CPA.

Mr. Hoyman reported that the City's undesignated fund has increased from \$7.6 million to \$10 million; however, the fund balance is still slight because it should be 25% of the General Fund expenditures.

Noting that the financial statement is 150 pages, Mr. Hoyman offered to meet individually with any Council Member to discuss it in detail.

17. COUNCIL ACTION RE: (Public Hearing) Approval of proposed projects and activities for FY 2006 CDBG funding and the 2006-2007 CDBG Action Plan, authorization for the City Manager to submit the plan for inclusion in the Brevard County HOME Consortium's Consolidated Action Plan for 2006-2007 and to execute all necessary documents pertaining thereto.

Melinda Thomas, Housing & Community Development Director, briefed Council.

The full text of the completed 2006-2007 Action Plan was previously provided to Council under separate cover. The projects and activities proposed for CDBG funding and for inclusion in the final 2006-2007 Action Plan to be submitted to HUD are contained in the Council package.

Mayor Goode opened the public hearing. There were no comments from the public.

Moved by LaRusso/Hand for approval of the proposed projects and activities for FY 2006 CDBG funding and the 2006-2007 CDBG 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 2006-2007 and to execute all necessary documents pertaining thereto. Motion carried unanimously.

18. COUNCIL ACTION RE: (Public Hearing) Approval of proposed activities for federal FY 2006 HOME funds, authorization for their inclusion in the Brevard County HOME Consortium Action Plan for 2006-2007, and authorization for the City Manager to execute all necessary documents pertaining thereto.

Ms. Thomas briefed Council. The Brevard County HOME Consortium will receive \$1,527,809 in FY 2006 HOME funds from the U.S. Department of HUD. Melbourne's share of the FY 2006 HOME funds is \$253,616 for the 2006-2007 program year that begins on October 1, 2006. The proposed use of FY 2006 HOME funds is included in the agenda package.

Mayor Goode opened the public hearing. There were no comments from the public.

Moved by Contreras/Palmer for approval of the proposed activities for FY 2006 HOME funds and authorization for the City Manager to submit them for inclusion in the Brevard County HOME Consortium's Consolidated Action Plan for 2006-2007 and to execute all necessary documents pertaining thereto. Motion carried unanimously.

19. SITE PLAN APPROVAL (SP-2005-33) PROVIDENCE COMMONS APARTMENTS: (Public

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Hearing) A request for site plan approval to develop a 192-unit, multiple-family apartment project on a 13.94±-acre parcel zoned R-2 (One-, Two-, and Multiple-Family Residential), located on the southeast corner of Line Street and Leonard Weaver Boulevard. (Owner - Robert M. Suplee) (Applicant/Representative - Tom Person, Providence Group, Inc.) (P&Z Board - 3/16/06)

Mrs. Dittmer briefed Council. The Planning and Zoning Board voted unanimously to recommend approval of the site plan consisting of a single-sheet plan prepared by Cantelou Powell, Inc., with a signed and sealed date of March 3, 2006, subject to the findings contained in the agenda package and the following conditions:

- a. Any change to the site plan will require reevaluation by the Engineering Department and Planning and Economic Development Department.

Any substantial change to the site plan as outlined in Appendix B, Article IX, Section 6 (E), will require review and approval by either City staff, the Planning and Zoning Board, Local Planning Agency, and/or the City Council.
- b. The applicant shall construct the necessary roadway from Leonard Weaver Boulevard and make other roadway improvements/modifications, as determined by the Engineering Department during the construction plan review process.
- c. The applicant shall provide a right-turn/taper into the project, as determined by the Engineering Department during the construction plan review process.
- d. Appropriate environmental permits must be obtained as part of the construction plan review process.
- e. All hardwood trees and scrub oaks located outside of the building footprint and parking driveway aisles shall be preserved. Buildings and parking/drive aisles shall be shifted where possible to preserve hardwood trees or scrub oaks, as determined during construction plan review.
- f. A six-foot high masonry wall shall be constructed along the south and east property lines.
- g. The proposed building shall be substantially consistent with the rendering submitted by the applicant.

There were no disclosures and no comments from the public.

Cliff Repperger, applicant's representative, was present.

Moved by Hand/Meehan for approval of SP-2005-33 subject to the conditions as noted. Motion carried unanimously.

20. ORDINANCE NO. 2006-24 (AR-2006-193) HARLOCK ROAD AND COUNTRY ROAD ANNEXATION: (First Reading/Public Hearing) An ordinance providing for a special mail ballot annexation referendum to be held on June 6, 2006; providing for the annexation of certain lands located on the south side of Post Road, west of Turtle Mound Road and Harlock Road, including Thomas Place and Country Road, north of Deerwood Trail.

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Attorney Gougelman read Ordinance No. 2006-24 by title.

Mrs. Dittmer briefed Council. She referenced a letter submitted on April 4, 2006 from three property owners along Post Road asking to be removed from the proposed annexation area. Due to their location along the northern edge of the area, it is possible to remove the properties without detriment to the proposed annexation area.

Mr. Schluckebier said that the request was received at about the same time that the City was required to provide notice to Brevard County and place the required advertisements.

Mayor Goode said the recommendation is to remove the properties of Don and Vicki Chase, Joe and Amy Ambrose, and Roger and Cindy Skinner.

Moved by Goode/Palmer to remove these properties from the ordinance.

The City Manager confirmed for Mr. LaRusso that these property owners would be required to annex in the future if they desired to obtain City water.

The question was called. Motion carried unanimously.

Council Member Contreras asked if removal of these properties would create an enclave. Mr. Schluckebier responded no because the area to the north is entirely unincorporated.

Mayor Goode opened the public hearing.

Nancy Lane, 4429 Country Road, stated she is definitely in favor of annexation.

Tina Shepherd, 4443 Country Road, also spoke in favor of annexation. She stated the residents want fire hydrants and water pressure.

Mayor Goode closed the public hearing.

Moved by LaRusso/Contreras for approval of Ordinance No. 2006-24 as amended. Motion carried unanimously.

21. ORDINANCE NO. 2006-25 (AR-2006-196) POST ROAD AND TURTLE MOUND ROAD ANNEXATION: (First Reading/Public Hearing) An ordinance providing for a special mail ballot annexation referendum to be held on June 6, 2006; providing for the annexation of certain lands located on the north and east sides of Turtle Mound Road, between Pine Cone Road and Post Road, and on the south side of Post Road, east of Turtle Mound Road and west of Crane Place.

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

Moved by Hand/Meehan for approval of Ordinance No. 2006-25. Motion carried unanimously.

22. ORDINANCE NO. 2006-26 (AR-2006-192), ORDINANCE NO. 2006-27 (CPA-2006-06), AND ORDINANCE NO. 2006-28 (Z-2006-1061) SPACE COAST EARLY INTERVENTION CENTER: (First Reading/Public Hearing) Ordinances providing for annexation, a Comprehensive Plan

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Amendment, and zoning on a 2.5-acre parcel to allow the development of a child care facility, located on the west side of Dairy Road, south of Florida Avenue. (Owner/Applicant – Space Coast Early Intervention Center) (Representative – Vaheed Teimouri) (P&Z Board – 3/16/06)

- a. Ordinance No. 2006-26/AR-2006-192: (First Reading/Public Hearing) An ordinance providing for annexation of a 2.5±-acre parcel.
- b. Ordinance No. 2006-27/CPA-2006-06: (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Commercial/Low Density Residential on a 2.5-acre parcel.
- c. Ordinance No. 2006-28/Z-2006-1061: (First Reading/Public Hearing) An ordinance providing for a zoning designation of C-1 (Neighborhood Commercial) on a 2.5-acre parcel.

Mr. Gougelman read the ordinances by title.

Mrs. Dittmer briefed Council. The Planning and Zoning Board voted unanimously to recommend approval of the requests.

Mayor Goode opened the public hearing for the requests.

Tony Masone, applicant's representative, was present and available for questions.

Moved by LaRusso/Meehan for approval of Ordinance No. 2006-26. Motion carried unanimously.

Moved by Hand/Meehan for approval of Ordinance No. 2006-27. Motion carried unanimously.

Moved by Contreras/Palmer for approval of Ordinance No. 2006-28. Motion carried unanimously.

Recessed: 8:20 p.m.
Reconvened: 8:26 p.m.

23. ORDINANCE NO. 2006-29 (ED-2006-02) MEDSOLUTIONS: (First Reading/Public Hearing) An ordinance granting an Ad Valorem Tax Exemption for a period of four years totaling an estimated \$35,428.48.

Attorney Gougelman read Ordinance No. 2006-29 by title.

From the agenda report: MedSolutions, Inc., currently employs 102 employees and provides management services for radiology benefits for major insurance carriers, employer groups, and managed health care organizations. The company was granted a tax exemption in April 2005 for improvements related to the original relocation to this site. At this time, the company is considering expansion in Melbourne, or in Tennessee at their headquarters.

MedSolutions is proposing to add 190 employees at an average wage of \$39,730. The company anticipates a real property investment of \$1,402,500, and new personal property value of approximately \$465,500 by renovating additional space within Florida Marketplace.

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John Chestnut, applicant's representative, was present.

Responding to Mrs. Palmer, Mr. Chestnut reported that the company plans to hire locally. The company has operations in Franklin, Tennessee that they must continue to staff.

Moved by Palmer/Hand for approval of Ordinance No. 2006-29. Motion carried unanimously.

24. ORDINANCE NO. 2006-30 HISTORIC PRESERVATION: (First Reading/Public Hearing) An Ordinance amending Chapter 10 of the City Code by creating Sections 10-223 through 10-232; providing for the adoption of an Historic Preservation Code. (P&Z Board 4/6/2006)

Attorney Gougelman read the ordinance by title.

Melinda Thomas briefed Council. The Planning and Zoning Board met on April 6 and made a finding of consistency and suggested some minor changes to a few definitions and punctuation.

Mr. Schluckebier stated that the Planning and Zoning Board recommendations were intended for consistency and were not substantive.

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

Moved by Hand/Palmer for approval of Ordinance No. 2006-30. Motion carried unanimously.

25. ORDINANCE NO. 2006-31 AD VALOREM TAX EXEMPTION FOR HISTORIC PROPERTIES: (First Reading/Public Hearing) An ordinance amending Chapter 30, "Taxation," providing for an Ad Valorem Tax Exemption for historic properties.

Attorney Gougelman read the ordinance by title.

Melinda Thomas briefed Council. This ordinance is a companion ordinance to the proposed Historic Preservation ordinance and provides economic incentives to encourage owners to preserve historic properties. It allows an exemption from City *Ad Valorem* taxes on 100% of the assessed value of improvements to a qualified historic property for a period of 10 years.

The Historic Preservation Advisory Committee considered and unanimously approved the proposed ordinance on October 25, 2005.

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

Moved by Contreras/Meehan for approval of Ordinance No. 2006-31. Motion carried unanimously.

26. ORDINANCE NO. 2006-32: (First Reading) An ordinance relating to elections; amending Section 11-4 of the City Code by revising the City's candidate qualifying period.

Mr. Gougelman read the ordinance by title.

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Mr. Schluckebier explained that this change is at the request of the Brevard County Supervisor of Elections. Because the City has had the same qualify period for a long time staff will take every opportunity to get the information out about the revised qualifying period.

Mr. LaRusso commented that people who have picked up Council packages for the 2006 election have been informed of this change.

Moved by Palmer/LaRusso for approval of Ordinance No. 2006-32. Motion carried unanimously.

27. COUNCIL ACTION RE: Contract award for consulting services to provide City Hall design criteria package and construction administration services, Project No. 10504, BRPH, Inc., Melbourne, FL - \$106,350.

Ms. Lamb briefed Council. A design criteria package must be developed prior to bidding the design-build. The scope of the design criteria package will include departmental space allocations, conceptual drawings of floor plans and building exterior, conceptual layout of parking and utilities, written narrative of all engineering systems, and selection of proposed exterior and interior finishes. The construction administration services included in the contract are for review of construction plans/documents for compliance with criteria package and site visits to assure compliance with the criteria package.

The design criteria portion of the contract will be completed within three months. The construction administration will coincide with the 14-month construction contract. Funding is available in the existing City Hall project budget, Project No. 10504.

There was a brief discussion regarding construction administration and the timeframe. Mrs. Lamb explained that administration does not include a full-time inspector; however, provides for monthly inspections and meetings and additional inspections as requested. She said the Engineering Department will manage the construction with the assistance of BRPH.

Moved by Contreras/LaRusso for approval of the consulting services contract with BRPH, Inc. in the amount of \$106,350 for City Hall design criteria package and construction administration services. Motion carried unanimously.

28. COUNCIL ACTION RE: Board appointments

- a. One member-at-large to the Beautification and Environmental Advisory Committee.

Mrs. Meehan nominated Celeste Henry, based on the recommendation of the board chairman.

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

Moved by Hand/Contreras to appoint Celeste Henry. Motion carried unanimously.

Term: April 11, 2006 - November 9, 2008; unexpired 3-year term

- b. One member to the Building and Construction Advisory Committee.

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Mrs. Hand nominated Molly Tasker.

Moved by Contreras/Goode that nominations be closed. Motion carried unanimously.

Moved by Goode/Contreras to appoint Molly Tasker. Motion carried unanimously.

Term: April 11, 2006 - August 8, 2009; unexpired term, plus full 3-year term

c. One alternate member to the Citizens' Advisory Board.

Mr. LaRusso nominated Jennifer Woodard and Mrs. Hand nominated Patricia Williams

Moved by Goode/Contreras to close the nominations. Motion carried unanimously.

The roll call vote was:

Woodard: Contreras, LaRusso, Palmer and Goode

Williams: Meehan and Hand

Appointed: Jennifer Woodard (April 11, 2006 - November 11, 2007; unexpired 3-year term)

d. One alternate member to the Zoning Board of Adjustment.

Mrs. Hand nominated John Workman.

Moved by Palmer/Contreras to close the nominations:

Moved by Goode/Palmer to appoint John Workman. Motion carried unanimously.

Term: April 11, 2006 - December 26, 2007; unexpired 3-year term

29. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

None.

30. ADJOURNMENT

Moved by Palmer/LaRusso to adjourn. Motion carried unanimously.

The meeting adjourned at 8:48 p.m.



Assistant City Clerk – 4/19/2006

Approved by Council: _____