



CITY MANAGER'S AGENDA REPORT
REGULAR MEETING OF JULY 27, 2010

Item No. 8 - Ordinance No. 2010-13 (Z-2010-1153AD/FOC-2010-01) Zoning Code Amendments

This item was postponed by staff at the June 22 Council meeting. This ordinance might require further adjustments based on Council action regarding the Daily Bread (Item No. 12).

Recommend postponement until the August 24, 2010 Council meeting.

Item No. 9 - Ordinance No. 2010-38 and Ordinance No. 2010-42, Term Limits for Elected Officials

This item was postponed at the July 13 meeting. Item a. is the second reading of an ordinance amending the City Charter by expanding term limits for the Mayor and City Council Members from two consecutive terms of four years each to three consecutive terms of four years each.

The ordinance is attached and includes both the text of the proposed Charter amendment and the ballot language. According to the attached memorandum from City Attorney Paul Gougelman, the proposal meets State statutory requirements.

At the July 13 meeting, Council Member Molly Tasker distributed a draft ordinance (Item b.) outlining changes that she would like Council to consider, providing for true term limits rather than a break in service. Both the original ordinance (second reading) and a new ordinance with Mrs. Tasker's recommendations have been provided for Council consideration.

- a. **Approval of Ordinance No. 2010-38.**
- b. **Approval of Ordinance No. 2010-42 (First Reading).**

Item No. 10 - Ordinance No. 2010-40 (A&V No. 330)

This is the second reading of an ordinance to abandon and vacate a portion of the Academy Drive right-of-way located north of Lund Circle on Lot 6, Block "K", Bowe Gardens Section "B" Subdivision.

The applicant is the owner of Lot 1, Block 14 located at 410 Lund Circle. There is a 60-foot wide unimproved right-of-way along the east lot line. Lot 1, Block 14 is currently designated as a corner lot and as such has a 25-foot building setback from this east lot line. The owner wishes to build a swimming pool and cannot with the current setback. If this portion of unimproved Academy Drive is abandoned and vacated, the lot will be classified as an internal lot which only has seven-foot side setbacks and will allow for a pool to be constructed.



Since there are utilities located within the right-of-way, an easement over the entire area to be abandoned and vacated is required. The easement documents will be obtained prior to the final reading of the Ordinance.

Recommend approval of Ordinance No. 2010-40.

Item No. 11 - Ordinance No. 2010-41, Peddlers

This is the second reading of an ordinance amending the definition of “peddler” to make it consistent with its application in the City.

The current definition of peddler in Chapter 26 of the City Code implies that activities of a peddler are prohibited in the City. For information, peddlers and solicitors may operate in the City after obtaining a business tax receipt. The attached ordinance clarifies the definition of “peddler” to make it consistent with its application.

Recommend approval of Ordinance No. 2010-41.

Item No. 12 - Resolution of Litigation with Florida Recyclers and Relocation Assistance to Daily Bread, Inc.

Mayor Goode has requested that Council consider delaying this item until the August 10, 2010 meeting in light of the expected absence of Council Member Mike Nowlin.

Recommend postponement until August 10, 2010.

Item No. 13 - Consent Agenda

- a. Supplement No. F097 to the Continuing Consultant's Contract for engineering services to provide for surveying of Space Coast Area Transit bus stop locations, Project No. 18210, Frazier Engineering, Inc., Melbourne, FL - \$29,500.
- b. Change Order No. 1 to the contract for 2009 Miscellaneous Waterline Replacements to provide for replacement of an existing waterline on Hillside Court, Project No. 30209, Young's Communication Company, Inc., Melbourne, FL - \$32,739.50.
- c. Contract award for the purchase of sodium hypochlorite, Odyssey Manufacturing Co. Inc., Tampa, FL - \$0.78/gallon; estimated annual cost of \$125,463.
- d. Approval of a \$700 appropriation from the Law Enforcement Trust Fund to provide financial assistance to the Powell Subdivision Neighborhood Watch Program for the National Night Out and Back to School Blast event on August 3, 2010.
- e. Approval of a Memorandum of Understanding with the International Association of Firefighters providing for contract extension.



- f. **Resolution No. 3147:** A resolution providing for adoption of the U.S. Department of Homeland Security National Incident Management System.

Item No. 14 - Items Removed from the Consent Agenda

At this time Council will address any items that are removed from the Consent Agenda.

Item No. 15 - Ordinance No. 2010-43, Conveyance of City-owned Property on Church Street to Macedonia Community Development Corporation of South Brevard

At its May 25, 2010 meeting, City Council declared the subject property to be surplus property and City Council authorized staff to proceed with preparation of an ordinance conveying a 0.12-acre vacant lot on Church Street to Macedonia Community Development Corporation of South Brevard provided the property be used for affordable housing.

The agenda materials include a report from Housing and Community Development Director Melinda Thomas on the proposed conveyance of the property.

Because Macedonia is a not-for-profit organization and will use the land to construct a duplex to provide low-income housing to the community, staff recommends that the property be conveyed to Macedonia Community Development Corporation of South Brevard.

Recommend approval of Ordinance No. 2010-43.

Item No. 16 - Ordinance No. 2010-44 Charter Amendment

At the July 13 City Council meeting, the City Council considered the issue of salary adjustments for the Mayor and City Council. The Council directed that an ordinance be prepared that would amend the City Charter to provide that salary increases for the Mayor and Council Members would be at the same rate as raises for non-union City employees, and that the raises would be effective at the same time as raises for non-union City employees.

The City Attorney has drafted the appropriate ordinance. Because the ordinance amends the City Charter, if the ordinance is adopted by the City Council, the Charter change can not become effective until approval by the electorate at the November 2010 election.

Recommend approval of Ordinance No. 2010-44.

Item No. 17 - Approval of Work Order No. 00061.06J with Land Design Innovations for Development of Mobility Strategies and Establishment of Transportation Concurrency Exception Areas

This is a request for approval of a scope of services (Work Order No. 00061.06J) with Land Design Innovations (LDI) to develop alternative transportation strategies to use in



place of traditional transportation concurrency. LDI is the City's Continuing Planning Consultant for planning studies.

In 2009, the State Legislature passed Senate Bill 360, which requires the City to adopt mobility strategies by July 2011. These mobility strategies will be applied in specific areas called Transportation Concurrency Exception Areas (TCEAs) where new development and redevelopment projects will be exempt from traditional transportation concurrency requirements.

The City of Melbourne contains two downtown core areas, multiple employment centers, and a regional mall. All of these uses generate and attract large numbers of vehicular traffic from outside the City; businesses and employment within the City will continue to increase, and the City is forecast to grow by approximately 20,000 residents over the next 15 years. All these factors indicate that roadway conditions will likely worsen in the future. Because traditional transportation concurrency looks exclusively at roadway capacity and does not consider the impacts of alternative modes of transportation, development and redevelopment projects could be halted or delayed in various parts of the City if roadway volume standards are exceeded. Many of these affected roadways can no longer be widened to provide more roadway capacity. The new mobility strategies will allow development/redevelopment to continue by making improvements to other modes of transportation such as transit, sidewalks, park and ride facilities, etc.

Five areas have been identified where mobility strategies could be utilized in place of traditional transportation concurrency standards. These areas include the Melbourne International Airport and surrounding areas, South Babcock Street (including the Florida Institute of Technology), the downtown core areas including the U.S. Highway 1 corridor, West Eau Gallie Boulevard, and North Wickham Road.

Within the five TCEAs referenced above, both new development and redevelopment projects will be required to implement mobility improvements instead of relying upon traditional transportation concurrency methods. This strategy will help the City plan for future development and redevelopment while promoting alternative modes of transportation. The strategies will be presented in the next major Comprehensive Plan amendment cycle at the beginning of 2011.

Recommend approval of Work Order 00061.06J in the amount of \$49,450 plus reimbursable expenses not to exceed \$2,472.50 for a total amount not to exceed \$51,922.50.