



CITY MANAGER'S AGENDA REPORT
REGULAR MEETING OF MARCH 9, 2010

Item No. 7.1 - Annual Report to City Council from City Boards

- a. Affordable Housing Advisory Committee
- b. Architectural Review Board
- c. Beautification and Environmental Advisory Committee

Item No. 8 - Lease Agreement Between the City of Melbourne and National Fire Safety Education Systems, Inc. (NFSES)

This item was postponed by Council at the February 9 meeting and again on February 23 to allow time for City Attorney staff to negotiate a new lease and resolution of the rent due.

The subject NFSES lease has expired and the tenant has not vacated the premises. Tenant has been advised of such expiration and notified of rent due based upon records currently held by the City. The tenant and the City Attorney's office are negotiating a settlement of past due rent as well as a license agreement for the continued use of the property. Resolution of the matter will be subject to Council approval.

Recommend postponement of this item until April 13, 2010.

Item No. 9 - Preliminary Approval of the Proposed List of Projects for Inclusion in the FY 2010-2011 CDBG Action Plan

At its February 23, 2010 meeting, City Council postponed action on this item pending further examination by staff of the Technological Research and Development Authority's (TRDA) request for \$73,426.09 in CDBG funds for a job creation economic development program. TRDA would use CDBG funds to pay part of the salary and benefits (\$60,304.07) for an existing TRDA employee to implement the program and for other direct program costs totaling \$13,119.02. The program promises to create or retain five jobs for low/moderate income persons.

Since Council's meeting, staff reviewed the proposal again and consulted with our U. S. Department of Housing & Urban Development representative (Sherry Norton), met with TRDA staff Dave Kershaw and Bonnie O'Regan, and sought further input from the Citizens' Advisory Board (CAB).

While all agree that the proposed project is a CDBG-eligible project, both staff and the CAB (expressed in a motion approved at its regular meeting on March 1, 2010) believe that the City's interests would be best served by bringing the existing CDBG job creation contract with TRDA to a close before awarding any additional CDBG funds to TRDA.



Not all jobs created as a result of TRDA's incubation activities can be counted towards the CDBG job creation goal for low/moderate income persons and staff is working with TRDA to determine which and how many of the jobs created thus far meet CDBG requirements. Much work remains to be done to document the eligibility of jobs that can be counted. Consequently, while the \$250,000 has been spent, HUD's review of the project will not take place until after the project is closed and reported in the City's CDBG annual report for fiscal year ending September 30, 2011. If the project meets all CDBG requirements and is successfully closed, TRDA could reapply to the City as early as December 2010 for CDBG funds that would become available on October 1, 2011.

The original recommendation approved by the CAB and submitted to City Council was designed to minimize (to the extent possible) General Fund support for Housing and Community Development staff working on the CDBG Program, meet CDBG timeliness of expenditure requirements and provide funding to the greatest number of non-profits serving the needs of low/moderate income residents.

In light of the foregoing, staff is proposing no change to the original recommendation.

Recommend preliminary Council approval of the proposed list of projects and activities totaling \$561,885 for inclusion in the FY 2010-2011 CDBG Action Plan, authorization to amend the proposed list to include one or more of the additional priority projects listed above and adjust funding levels proposed as necessary to equal the actual FY 2010-2011 CDBG award as described in Attachment A, and authorization to advertise the Action Plan for public comment and a final public hearing upon completion.

Item No. 10 - Ordinance No. 2010-09 (A&V No. 328)

This is the second reading of an ordinance to abandon and vacate a portion of an easement located on Lot 6, Block "K", Bowe Gardens Section "B" Subdivision.

The applicants are the owners of Lot 6 located at 1857 Jackson Avenue. There is a 10-foot wide public utilities and drainage easement along the rear lot line. An existing swimming pool encroaches into the easement. The owners have a contract for the sale of this property; however, the title company will not release title until the encroachment is rectified.

The vacation action does not have an adverse impact on the public health, safety, welfare and interest of the public as outlined in City Code, Section 28-16.

Recommend approval of Ordinance No. 2010-09.

Item No. 11 - Ordinance No. 2010-10 (CPA-2010-01AD) and Ordinance No. 2010-11 (Z-2010-1152AD) Aurora Village



These are the second readings of ordinances providing for the designation of a Medium Density Residential Future Land Use, and designation of R-2 (10) (One-, Two-, and Multiple-Family Dwelling Medium Density District with a cap of 10 units per acre) zoning, on two parcels totaling 5.3± acres, located on the south side of Aurora Road, west of Williamsburg Way, and east of Easy Street.

The property was recently voluntarily annexed into the City of Melbourne, along with other properties in the surrounding area. The two parcels make up a multi-family condominium development known as Aurora Village, which was approved by the County in 2007. Currently, 12 units have been constructed, along with the necessary infrastructure, and the approved site plan allows for the development of 44 units total. In order to allow the development previously planned and approved, the City is recommending a Medium Density Land Use and R-2 (10) zoning. The proposed future land use is consistent with the current Brevard County Land Use, which allows up to 15 units per acre. The proposed zoning is consistent with the current Brevard County zoning; however, the approved site plan will limit the development to 8.3 units per acre.

The Planning and Zoning Board voted unanimously to recommend approval of this request at its February 4, 2010 meeting.

Recommend approval of Ordinance No. 2010-10 and Ordinance No. 2010-11, based upon the findings and condition contained in the Planning and Zoning Board memorandum.

Item No. 12 - Consent Agenda

- a. Approval of an appropriation from the Law Enforcement Trust Fund in the amount of \$1,000 for the Powell Subdivision Neighborhood Watch Program "Neighborhood Unity Day" on March 20, 2010.
- b. Approval of a Locally Funded Agreement (Matching Share) between the State of Florida Department of Transportation and the City of Melbourne; and Memorandum of Agreement between the State of Florida, Department of Transportation, State of Florida, Department of Financial Services, Division of Treasury, and the City of Melbourne providing for the City's local share contribution totaling \$812,522 for the Apollo Boulevard Extension Project; and authorization for the City Manager to execute the agreements.
- c. **Resolution No. 3114:** A resolution adopting First Quarter Budget Review Recommendations.
- d. **Resolution No. 3115:** Acknowledging and commending the South Brevard Sharing Center for providing Melbourne and South Brevard residents with basic emergency assistance and urging the United Way of Brevard to consider funding the three Brevard County sharing centers with a degree of parity based on population and demand. (Requested by Council Member John Thomas)



Item No. 13 - Items Removed from the Consent Agenda

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

Item No. 14 - Comprehensive Annual Financial Report

Chas Hoyman, Managing Director and Debbie Goode, Audit Director with Hoyman Dobson, the City's external auditing firm, will be providing a presentation to the City Council on the 2009 Comprehensive Annual Financial Report (CAFR). They will also be available for any questions Council might have. This review is intended to be brief (10-15 minutes). Digital copies of the CAFR were distributed in advance to allow Council members adequate time for review, with bound copies of the CAFR being distributed March 5, 2010 to Council. A copy of the CAFR has been attached for your convenience.

Item No. 15 - Resolution No. 3116, License Agreement with Melbourne High School Rowing Association, Inc. for Use of Ballard Park

The Melbourne High School Rowing Association, Inc., a non-profit corporation has requested to use a small portion of Ballard Park for the purpose of storing non-motorized rowing boats and equipment utilized by the MHS Crew students and coaches while participating in the sport of rowing. The MHS Rowing Association would enter into a License Agreement with the City to utilize 0.17 acres of Ballard Park for a period of five years and agree to the specific terms and conditions set for in the License Agreement for the Licensed Premises.

Recommend approval of Resolution No. 3116.

Item No. 16 - Resolution No. 3117, Referendum on the November 2, 2010 Ballot Regarding Renewal of the Economic Development Ad Valorem Tax Exemption Program

This is a request for approval of a resolution calling for a referendum to be held in conjunction with this November's general election, asking the Melbourne voters to approve/deny the renewal of the Ad Valorem Tax Exemption Program.

The City's Ad Valorem Tax Exemption Program was approved by Melbourne voters in November 2000, and the program and guidelines were approved by City Council in 2001. The program, in accordance with Florida Statute Chapter 196.1995, will sunset on November 6, 2010, ten years after its enactment. The Melbourne Regional Chamber has requested that City Council consider placing the renewal of the program on the November ballot for reconsideration by Melbourne voters.

The staff memorandum provides a history of the exemption approvals that have occurred over the ten year period.

Recommend approval of Resolution No. 3117.



Item No. 17 - Ordinance No. 2010-12, Garbage and Solid Waste

City Code, Chapter 14, which deals with Garbage and Refuse, does not reference biohazardous waste. The objective of this amendment is to protect City staff, waste haulers, and the general public from risks associated with potentially infectious biomedical waste.

The amendment will require generators of any biohazardous waste to dispose of it properly and if not, give the City the authority to cite any unauthorized/unlawful disposal of such waste.

Recommend approval of Ordinance No. 2010-12.

Item No. 18 - Ordinance No. 2010-13 (Z-2010-1153AD/FOC-2010-01) Zoning Code Amendments

This is the first reading of an ordinance amending Appendix B, Zoning Code, to provide: revised and new definitions of uses; new criteria for lots with multiple zoning districts and the aggregation of parcels; corrections to the table of uses; new standards for a “daily needs center” use; and additional conditional use criteria.

City staff identified changes that need to be addressed, creating a list of specific issues that need amendments. The majority of the changes are necessary to clarify various categories of uses and definitions. Several sections add new content regarding aggregation of parcels, daily needs centers, homeless shelters and soup kitchens.

The changes to the Code include:

- Amending and adding definitions for “accessory use”, “lot”, “restaurant”, “service use”, “shelter”, “daily needs center” and “tax parcel”;
- Adding a new section to identify the criteria regarding the aggregation of parcels of land;
- Amending a section describing how regulations will apply to a lot with multiple zoning designations;
- Amending the table of uses;
- Amending use standards to establish a new subsection describing a minimum distance separation between new residential uses and existing daily needs centers, homeless shelters or soup kitchens;



- Adding standards for a daily needs center use (a use providing basic services, primarily to the homeless, including such things as social and hygiene services, employment or life skills, training, mail and clothing services.);
- Amending the existing standards for homeless shelters and soup kitchens to incorporate the new formatting consistent with the daily needs center; and
- Adding a new subsection, which limits the location of conditional uses on a lot so that a conditional use may not expand onto an adjacent lot without the correct zoning, and process for such conditional use.

The Planning and Zoning Board voted unanimously to recommend approval of this request at its February 18, 2010 meeting.

The changes proposed within this ordinance will not have any bearing on the current, pending legal proceedings with Daily Bread's proposal on Fee Avenue.

Recommend approval of Ordinance No. 2010-13, based upon the findings contained in the Planning and Zoning Board memorandum.

Council will convene as the Olde Eau Gallie Riverfront Community Redevelopment Agency for this item:

Item No. 19 - Funding Assistance to the Olde Eau Gallie Merchants' Association for Five District Signs

This is a request to approve funding assistance not to exceed \$4,500 to the Olde Eau Gallie Merchants' Association for the purchase of the code required sign frames used in the Art District Overlay Zone. It is intended that the signs would be readily available through the Eau Gallie Merchants' Association, for purchase by new businesses opening in the Art District Overlay Zone.

At its regular meeting in February, the Olde Eau Gallie Riverfront Community Redevelopment Agency (CRA) Advisory Committee recommended approval of CRA funding assistance not to exceed \$4,500 to the Eau Gallie Merchants Association. This initial CRA funding will provide for the bulk purchase of the first five district signs. The proceeds from the sale of the signs are intended to be revolving for successive bulk purchases; therefore, the signs would continually be in stock for new businesses entering the district. Funding is available within the 2009-2010 Eau Gallie CRA Budget.

Recommend approval of funding assistance not to exceed \$4,500 to the Olde Eau Gallie Merchants' Association and transfer of \$4,500 from Reserve Future Projects.

Council will reconvene for the remaining agenda items.