

CITY OF MELBOURNE, FLORIDA
SUMMARY OF MINUTES – REGULAR CITY COUNCIL MEETING
MAY 8, 2012



1. Invocation
2. Pledge of Allegiance
3. Roll Call
4. Proclamations and Presentations
5. Approval of Minutes

6. City Manager's Report

City Manager Jack Schluckebier reported that the following items, previously requested by Council Members, will be appear on future agendas for discussion: mobile vending, panhandling in the commercial areas, and the timing on electronic message boards.

Council Member Kathy Meehan asked for confirmation that Hibiscus Boulevard is open. The City Manager said yes and commended Brevard County for its assistance with this project.

Council Member Mark LaRusso referenced the public information meeting being held by the Florida Department of Transportation on the proposed plan to widen Apollo Boulevard (from Sarno Road to Eau Gallie Boulevard). The meeting will be held at Eau Gallie First Baptist Church, 1501 Eau Gallie Boulevard, on May 17 at 5:00 p.m. Deputy City Manager Howard Ralls confirmed that the City of Melbourne will have a representative at that meeting.

7. Public Comments

7.1 Presentation to Council: Annual reports to City Council

- a. Melbourne Housing Authority
- b. Planning and Zoning Board
- c. Zoning Board of Adjustment

The Chairman of each board gave a brief presentation.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2012-13 (CU-2012-02) LOU'S FILLING STATION: (First Reading/Public Hearing) An ordinance granting a conditional use to allow consumption of alcohol on premises in conjunction with a bar on a 0.3±-acre parcel zoned C-1 (Neighborhood Commercial), located on the southwest corner of New Haven Avenue and Helen Street. (Owner/Applicant/Representative - Louis Cabot) (Postponed - 4/24/12)

Council approved the ordinance with the following revised conditions:

- a. The sale, service, and consumption of alcohol is to be located completely within the interior of the building identified as 411 East New Haven Avenue, except as provided for below. The area for consumption, service, and sale of alcohol ~~does not~~ may include the porté cochere (as depicted on the drawing) ~~or any other area on the subject premises (as depicted on the drawing) that is not fully enclosed with~~

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~~solid walls (windows permitted).~~

- b. The owner/developer must meet all current and applicable building code requirements resulting from a change of use permit for the renovation of any structure on the subject premises and prior to the conversion of the structure to a bar, all as determined by the City Building Official.
- c. Prior to conversion of the premises to a bar, the owner/developer will make the modifications to decrease the parking and landscaping non-conformities on-site.
- d. The owner/developer must receive approval from the City Architectural Review Board for any applicable exterior modifications to the site, prior to issuance of related building code permits.
- e. Outdoor seating, outdoor occupancy, outdoor music and outdoor amplified sound are prohibited on the premises except that in the area on the north one-half of the subject premises in front of the structure depicted on the drawing, outdoor seating, outdoor occupancy, outdoor music or outdoor amplified sound is permitted only with a special activity permit.
- f. In the area described on the drawing as “existing fenced area” on the south one-half of the subject premises, dumpster placement, parking, and deliveries are permitted; provided, that no deliveries will occur after 5:00 p.m. on any day. No outdoor seating or outdoor occupancy will be permitted on the south one-half of the subject premises.
- g. The existing vehicle service use, including outside storage/display, will permanently cease all on-site operations ~~prior to~~ upon the issuance of a certificate of occupancy for a bar.
- ~~h. The facility shall not operate or be open to the public before 10:00 a.m. or after midnight on any day. All other ordinances with regard to time of service, consumption, or sale of alcoholic beverages will be otherwise complied with.~~
- ~~i.~~ h. The sale of alcohol for consumption on premises shall be limited to beer and wine. No service, sale, or consumption of liquor will be permitted on the subject premises.

Prior to second reading, the City Attorney and the Planning and Economic Development Director will resolve the conflict in conditions (“a” and “e”) relating to outdoor seating. The public hearing/second reading will be advertised for the May 22 City Council agenda.

- 9. ORDINANCE NO. 2012-17, POLICE PENSION: (Second Reading/Public Hearing) An ordinance amending Chapter 23, Article VI of the City Code entitled “Police Officers’ Retirement Trust Fund,” by amending benefit amounts and eligibility and the deferred retirement option plan. (First Reading - 4/24/12)

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Without objection, Council postponed this item to allow time for the actuarial impact statement to be finalized.

NEW BUSINESS

10. CONSENT AGENDA:

Approved as recommended.

- a. Revision to Council's policy as it relates to annual report by City Boards (Requested by Council Member Greg Jones - 4/10/12)
- b. Contract award for Melbourne Auditorium food concession, Denver Cline Sales, Melbourne, FL; and authorization for the City Manager to execute the agreement.
- c. Contract award for the purchase of liquid chlorine, DPC Enterprises, LP, Tampa, FL - at unit prices; total estimated annual cost of \$91,750.
- d. Approval of the Fourth Amendment to the Joint Planning Agreement between the City of Melbourne and the Board of County Commissioners of Brevard County; and authorization for the City Manager to execute the agreement.
- e. Confirmation of Council's designation as the Audit Committee and the audit selection procedures.
- f. Approval of the recommendation of the consultant for potable water byproduct disposal discharge permit compliance services; and authorization for staff to negotiate a contract with Reiss Engineering, Inc.
- g. Approval of a 48-month open end lease finance agreement for the purchase of police vehicles, Mears Motor Leasing, Orlando, FL - \$3,223.09/month; total payment amount of \$154,708.32.
- h. Resolution No. 3248: A resolution authorizing the City Manager to submit a grant application to the U.S. Department of Justice, Office of Justice Programs, for 2012 Edward Byrne Memorial Justice Assistance Grant funding in the amount of \$57,726 for the purchase of supplies and processing costs for the continuation of the Local DNA Index System and overtime costs for violent crime initiatives.
- i. Resolution No. 3249: A resolution transferring \$20,000 from Reserve for Future Projects to Downtown Façade Program. (See related agenda Item 16)
- j. Resolution No. 3250: A resolution transferring \$4,500 from Babcock CRA Interconnect Sidewalks Project (No. 14009) to Operating Supplies to provide funding for the purchase of site furnishings. (See related agenda Item 17)

11. ITEMS REMOVED FROM THE CONSENT AGENDA

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12. ORDINANCE NO. 2012-18 (Z-2012-1179AD/FOC-2012-01) ADULT ENTERTAINMENT DISTRICTS: (First Reading/Public Hearing) An ordinance amending Appendix B, Article VI, Section 2(A) of the City Code entitled “Adult Entertainment,” to re-establish inverse distance language. (Applicant - City of Melbourne) (P&Z Board - 4/05/12)

Approved. The public hearing/second reading will be advertised for the May 22 Council meeting.

13. COUNCIL ACTION RE: 2012 Water and Wastewater Rate Study

- a. Acceptance of the 2012 Water and Wastewater Rate Study prepared by Public Resources Management Group.
- b. Ordinance No. 2012-19, Utilities: (First Reading) An ordinance amending Chapter 32 of the City Code entitled “Utilities,” by implementing the recommendations in the 2012 Water and Wastewater Rate Study.

Item “a” was approved unanimously. Item “b” was approved 5-1 (Goode absent and Nowlin nay). The public hearing/second reading will be advertised for the May 22 Council meeting.

14. ORDINANCE NO. 2012-20, GENERAL EMPLOYEES’ AND SPECIAL RISK CLASS EMPLOYEES’ PENSION PLAN: (First Reading) An ordinance amending Chapter 23 of the City Code entitled “Retirement and Pensions” by amending the definition of “salary” and providing for an interest rate of 1.3% for members who enter the Deferred Retirement Option Plan on or after June 1, 2012.

Approved. The public hearing/second reading will be advertised for the May 22 City Council meeting.

Council convened as the Melbourne Downtown Community Redevelopment Agency for the following item:

15. COUNCIL ACTION RE: Approval of a \$20,000 grant award for façade improvements at 812 East New Haven Avenue; and authorization for the City Manager to execute the rebate agreement. (Applicant - Meg O’Malleys) (See related consent agenda Item 11i)

Approved.

Council convened as the Babcock Street Community Redevelopment Agency for the following item:

16. COUNCIL ACTION RE: Approval of the purchase of four new benches with center arms and trash receptacle lids for the Babcock Street Community Redevelopment Area. (See related consent agenda Item 11j)

Approved.

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Council reconvened for the remaining agenda items:

17. COUNCIL ACTION RE: Board appointments

- a. Appointment of three members to the Affordable Housing Advisory Committee.
- b. Resolution No. 3251: A resolution providing for the appointment of three members to the Affordable Housing Advisory Committee; specifying the terms; revising Resolution No. 3180 by correcting the term of a member previously appointed.

Approved. Council appointed Joe Gassman to the not for profit provider of affordable housing seat, Glen Outlaw to the Planning and Zoning Board member seat, and Joan Strandjord to the resident of Melbourne seat.

18. COUNCIL ACTION RE: Approval of a voluntary severance program.

Approved.

19. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

20. ADJOURNMENT

The meeting adjourned at 9:41 p.m.