

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JANUARY 23, 2007



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 Vice-Mayor Mark LaRusso.

1. Pastor Father Bill Hanley, Our Lady of Lourdes Church, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

Present:	Mark LaRusso	Vice Mayor, District 2
	Richard Contreras	Council Member, District 1
	Kathy Meehan	Council Member, District 3
	John Thomas	Council Member, District 4
	Cheryl Palmer	Council Member, District 5
	Joanne Corby	Council Member, District 6
	Jack M. Schluckebier, Ph.D.	City Manager
	Cathleen A. Wysor	City Clerk
	Suzanne Crockett	Assistant City Attorney
	Amy W. Elliott	Deputy City Manager
	Howard Ralls	Deputy City Manager
	Cindy Dittmer	Planning & Economic Development Director

Absent: Harry C. Goode, Jr. Mayor (out-of-town)

4. Proclamations and Presentations

None.

5. Approval of Minutes – January 9, 2007 Regular Meeting

Moved by Meehan/Thomas for approval. Motion carried unanimously.

6. City Manager's Report

- City Manager Jack Schluckebier referenced the report about the City hiring a new planner. He advised Council that the planner's current employer offered him a substantial pay increase; therefore, he won't be joining the City of Melbourne.
- Mr. Schluckebier provided a status report on the federal investigation involving the Brevard Family of Housing Authorities. The Melbourne Housing Authority is part of that group. Approximately three months ago the Chief Executive Officer (Ron Sellers) initiated an investigation by the U.S. Department of Housing and Urban Development. The circumstances involving that investigation have been obscure; the City has asked for additional information.

Today, the Board of County Commissioners has an item on their agenda to declare a "vote of no confidence" concerning the operation of the Brevard Family of Housing

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Authorities and to ask the Governor to freeze their assets. In concert with the actions taken by the County, staff believes it would be appropriate for the City Council to take action with respect to the Melbourne Housing Authority. This is based on the sale of a Melbourne Housing Authority asset (Ramshur Towers) and a promise made by the Authority to City Council that the residents of Ramshur Towers would be offered relief.

Housing and Community Development Director Melinda Thomas reported that she met with Ron Sellers yesterday to discuss the Melbourne Housing Authority's alternate plans for housing for the Ramshur Tower residents when the current lease expires in October 2007. Mr. Sellers assured her that plans are afoot for relocation. He is exploring an extension of the lease, and he is scheduled to meet with HUD staff in Miami to explore transitional vouchers for the residents. As a result of the loss of the Authority's development partner, they are now in the process of seeking a new developer. Yesterday was the deadline for the Request for Qualifications; that process will take time.

Mrs. Thomas confirmed that the Board of County Commissioners voted unanimously today to approve the recommendations proposed by the County's Housing and Human Services Director. She stated that at this time, she is offering the following recommendations for Council's consideration:

1. Request from the Board of the Melbourne Housing Authority a report providing specific information on:
 - a. Provisions in place or under consideration to assure the welfare of all public housing residents and the Ramshur Towers residents in particular.
 - b. Any real property asset proposed for disposition.
 - c. Proceeds from the Ramshur Towers sale that are still available for the proposed Silver Palms and Silver Sands developments.
2. Request the Board of the Melbourne Housing Authority provide monthly updates to City Council on progress with alternate arrangements for Ramshur Towers residents.
3. Authorize City staff to send a letter to HUD requesting that City Council be informed of the outcome and findings with respect to the current investigation by HUD.
4. Authorize staff to withdraw (without prejudice) the tentative offer of the \$250,000 HOME subsidy approved by City Council on February 28, 2006 for the Silver Palms project in order to facilitate the timely expenditure of these funds on another project or projects. At such time as the Melbourne Housing Authority is ready to move forward on the Silver Palms project, the

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City would be willing to entertain a new request for funds that may be available at that time.

Attorney Gougelman pointed out that Council does not usually deal with Housing Authority matters. He explained that there are three Authorities – Cocoa, Melbourne and Brevard. All three are separate entities that formed the Brevard Family of Housing Authorities; they are all jointly administered. The County Attorney's office advised the City that the County staff is concerned with the Brevard Family of Housing Authorities. Based on the County Commission's action today, the Governor will be asked to direct the Authority to cease and desist from selling its assets. The Governor is being asked to take this action because he makes appointments to the Brevard Authority. In Melbourne, the Mayor appoints members to the Melbourne Housing Authority with approval by the City Council.

Following a brief discussion, moved by Contreras/Thomas to undertake and approve all four recommendations proposed. Motion carried unanimously.

Vice Mayor LaRusso said he is very concerned that the Ramshur Towers residents will be asked to leave by October although they don't have any place to go. He thanked Mrs. Thomas for her report and recommendations.

Ron Sellers, Chief Executive Officer, Brevard Family of Housing Authorities and the Melbourne Housing Authority, said that the details provided by the City Manager and City Attorney are accurate. He explained that the federal investigators have not shared a lot of information. He added that he has complied with all requests from the investigators.

Mr. Sellers informed Council that under the three Authorities, a non-profit group was established to expand affordable housing. William Deatrick (former Housing Authority employee) was the contact between the Housing Authority and the non-profit group. Mr. Sellers said that he determined that Mr. Deatrick was providing different information to the different groups.

Continuing, Mr. Sellers said they are actively seeking a new developer for their affordable housing projects.

The Vice Mayor asked for a status report on the extension of the lease and the HUD vouchers. Mr. Sellers said they are actively negotiating for an extension of the Ramshur Towers lease. With regard to the vouchers, he expects to meet with HUD in Miami in the next two weeks.

Mrs. Palmer asked what alternative housing is available for the residents if they receive vouchers. Mr. Sellers replied that if they can negotiate a voucher rental with the current property owner, the residents will be able to "voucher in place." Vouchers are also mobile and can be taken wherever vouchers are accepted. He stressed that their first choice is to negotiate an extension of the lease and they plan to do everything within their power to make that happen.

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Mrs. Palmer said if negotiating an extension is not possible, she is concerned that there is not enough local housing that would accept those vouchers. Mr. Sellers said some of the residents can be absorbed through other Housing Authority units. Also, they have a sign up list for transfers from Ramshur Towers to The Gardens property.

Mr. Sellers confirmed for Mrs. Palmer that the Housing Authority is continuing to maintain Ramshur Towers.

Discussion continued. Mr. Sellers noted that approximately 91 people will be displaced from Ramshur Towers – 80 elderly and 11 non-elderly.

Mr. Sellers confirmed for Mr. Gougelman that the federal investigators have indicated that they expect this to go to a grand jury indictment. He stated that this has been a difficult process and thanked the City Council and staff for their cooperation and understanding.

- The City Manager apprised Council that the Teamsters Union had presented a petition on behalf of about 30 employees in the Police Department indicating its desire to conduct an election and possibly form a new bargaining unit. According to our labor attorney, that petition has been withdrawn and the case has been dismissed.
- Mr. LaRusso referenced the memorandum from staff requesting that Resolution No. 2021 be added to the consent agenda as part of Item 15 “c.”

Moved by Thomas/Meehan to add Resolution No. 2021 to the agenda as part of Item 15 “c.” Motion carried unanimously.

7. Public Comments

None.

UNFINISHED BUSINESS

8. COUNCIL ACTION RE: Conceptual approval of a lease agreement between the City of Melbourne and the Melbourne Police Athletic League (PAL) for the sole use of Carver Community Center and authorization to conduct a neighborhood meeting. (Postponed - 12/19/06)

Leisure Services Director Mary Ann Bowman reported that this is a request to consider entering into a lease agreement with the Melbourne Police Athletic League for the sole use of Carver Community Center. This would be subject to neighborhood input before finalizing and entering into a multi-year lease. Mrs. Bowman stated that PAL has a need for additional space and, more importantly, this will increase police presence in the community. Carver Community Center is an under-utilized facility; therefore, this is a win/win situation.

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If Council authorizes this, staff would conduct a neighborhood meeting and then return at a future Council meeting for final approval of the agreement. The terms would be similar to the Brothers Park/Delta lease.

Council Member John Thomas referenced the agenda material, which indicates “PAL would be responsible for insurance, maintenance and utilities for the building.” He asked if this is negotiable. Mrs. Bowman replied that staff would discuss this with PAL and come to agreement prior to returning to Council.

Mrs. Palmer asked what the cost would be. Mrs. Bowman noted that the Brothers Park facility is leased to Delta for one dollar per year. Delta is responsible for operation and maintenance of the facility. Additionally, Mrs. Bowman confirmed for Mrs. Palmer that any activities currently at Carver would be moved to the Eau Gallie Civic Center or Crane Community Center.

Council Member Joanne Corby asked the estimated cost for operating Carver. Mrs. Bowman said that the operation cost, which includes staffing and equipment, is \$150,000 per year. The existing staff would be transferred to vacant positions; positions have been left vacant in anticipation of this item.

Moved by Meehan/Corby to approve entering into a multi-year lease agreement with the Melbourne Police Athletic League for the sole use of Carver Community Center and authorize staff to conduct a neighborhood meeting. Motion carried unanimously.

9. COUNCIL DISCUSSION RE: Proposal to settle controversy regarding Brookfield Village Adult Congregate Living Facility project. (Postponed - 1/09/07)

By consensus, Council postponed this item until the February 13 meeting at the request of the property owner, Craig Hesse.

10. ORDINANCE NO. 2007-01 PLANNING & ZONING BOARD: (Second Reading/Public Hearing) An ordinance amending Chapter 2 of the Code of Ordinances, entitled “Administration” as it relates to appeals of decisions made by the Planning and Zoning Board; providing for procedures. (First Reading - 1/09/07)

Attorney Gougelman read Ordinance No. 2007-01 by title. There were no comments from the public.

Moved by Contreras/Corby for approval of Ordinance No. 2007-01. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby and LaRusso

Motion carried unanimously.

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11. COUNCIL ACTION RE: Contract award for the Harlock Road water main extension, Project No. 31104, Atlantic Development of Cocoa, Inc., Cocoa, FL - \$2,032,022.82 and interim financing in the amount of \$695,817 through an appropriation from Water and Sewer Prior Year Surplus.

City Engineer Jenni Lamb reviewed the agenda report.

Moved by Corby/Thomas for approval, as recommended. Motion carried unanimously.

NEW BUSINESS

12. COUNCIL ACTION RE: Contract award for mechanical upgrades to Pump Stations 1, 2, and 3 at the Joe Mullins Reverse Osmosis Treatment Plant, Project No. 31406, HM² Mechanical, Titusville, FL - \$629,750; approval of interim financing in the amount of \$350,000 through an appropriation from Water and Sewer Prior Year Surplus and a transfer of \$342,725 from Project No. 30202, Ground Storage Tank Replacement - Post Road, to this project budget.

Mrs. Lamb briefed Council.

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

Moved by Palmer/Thomas to convene as the Melbourne Downtown Community Redevelopment Agency for Items 13 and 14. Motion carried unanimously.

13. COUNCIL ACTION RE: Change Order No. 4 to the contract for Downtown Streetscaping Phase III, Project No. 14204, Burkhardt Construction, Inc., West Palm Beach, FL - \$89,672.25 and transfer of \$89,672.25 from the Downtown CRA Future Projects account to establish a budget for this project.

The City Manager pointed out that the City Council will also need to approve this item. It has been included on the consent agenda (Item 15 "a").

Mrs. Lamb briefed Council.

Moved by Meehan/Palmer for approval, as recommended.

14. COUNCIL ACTION RE: Approval to proceed with an amendment to the Downtown Redevelopment Plan to include a Downtown Community Policing Program and authorization for funding in the amount of \$50,000 from the 2006-2007 Downtown Community Redevelopment Agency budget.

Planning and Economic Development Director Cindy Dittmer briefed Council. The following is an excerpt from the agenda report: This program would provide a full time officer, 40 hours per week assigned to the Downtown CRA area. This additional

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community policing initiative does not replace the current downtown patrol zone; it is a separate program in addition to the customary coverage.

Funding for the program is available in the 2006-2007 Downtown CRA budget. The Melbourne Downtown CRA Advisory Committee voted unanimously to recommend that the Redevelopment Plan be amended to include the program and the necessary funding from the Downtown CRA Budget.

The City Council will be required to approve this item in the future when the amendment to the Redevelopment Plan returns in the form of an ordinance.

Mrs. Palmer asked if this item entails hiring another police officer. Mr. Schluckebier said he does not believe so. He added that it envisions assignment of existing staff to this program.

Police Chief Don Carey explained that there are two ways to approach this program. One would be the use of overtime without the addition of personnel. That method has the disadvantage of the Downtown area not having consistent coverage. Overtime, by union rules, is based on "first come, first served." The better approach would be to hire one officer and use the resources within the department to have the same people working the Downtown area all the time. With the current 12-hour scheduling, three or four officers would be appointed. They would establish relationships with the Downtown merchants and would provide an over-arching environment.

Mrs. Palmer asked what the \$50,000 would cover. Mr. Carey replied that it would cover salary, benefits and the lease of a vehicle for one year.

Mrs. Palmer asked if this would be a one year only commitment. Mr. Schluckebier responded that if Council approves the concept along with an ordinance amending the Redevelopment Plan, it would be on a continuing basis rather than a one year commitment.

The Vice Mayor noted that several people have asked to speak on this item.

Kevin Aplin, 905 East New Haven Avenue, stated that something needs to be done about crime in Downtown Melbourne. He made the following comments: the lock on his office has been tampered; his business has been vandalized; planters have been destroyed; and graffiti has been painted. He said that all of these things happen between midnight and dawn; therefore, the program should focus on these hours. He concluded by saying he would like to know more about community policing and whether we need to spend more on social services.

Richard Richmond, business owner, 720 East New Haven Avenue, reported that in the last 22 days he has been burglarized four times and had two, 10' x 13' windows broken. He elaborated on the difficulty and cost involved in replacing the windows. Mr. Richmond continued and said that people have run into his store and grabbed equipment. In

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December someone threw a brick through his girlfriend's car window and stole electronics.

Mr. Richmond described his personal contacts with police officers and said he has determined that Melbourne's officers are competent, educated and articulate. He noted that in his opinion, this is not a police issue. Therefore, he came to the conclusion that this must be the result of the homeless and the Daily Bread.

Mr. LaRusso informed Mr. Richmond that he was out of time. Moved by Corby/Palmer to extend Mr. Richmond's time by five minutes. Motion carried unanimously.

Continuing, Mr. Richmond said that he investigated the Daily Bread and its clients and learned that about 60 – 65% of the Daily Bread clients are from the local community. They are employed at low wages or are unemployed. About 30% are transients who are being arrested for petty crimes, like open container. Mr. Richmond said he expected to find a large, criminal element. Instead he learned that the homeless are here because this is where the services are located. And, until we deal with the issues of why they are here, they will remain here.

Mr. LaRusso asked Mr. Richmond to focus on the agenda item.

Mr. Richmond said it is his belief that one officer Downtown for 40 hours will have no measurable impact; it won't cut the crime rate. He said it will result in a proportionate number of arrests for petty crimes. He concluded by saying that someone will be killed Downtown unless we deal with the social problems.

Mrs. Corby asked Mr. Richmond if he had any recommendations. Mr. Richmond replied that people have to take more responsibility. He elaborated on the surveillance system he recently purchased. Additionally, he said that there seems to be a lot of social services in the County without any sense of coordination. He recommended that the City take the \$50,000 and hire a social services coordinator.

Laird Gann, Executive Director, Melbourne Main Street, said that he is representing all of the merchants in Downtown Melbourne who are in favor of adding a full time officer Downtown. He added that although this program won't end all of the crime, police presence in the Downtown area on a fluctuating basis will deter some of the criminal activities. This program comes at a time when many of the merchants are fearful. There has been a change in the homeless in the Downtown area. People are becoming more aggressive and "in your face." The merchants are thankful that the CRA Advisory Committee recommended that a full time officer be hired.

Mrs. Palmer asked Mr. Gann if he thought the officer should work between dusk and dawn. Mr. Gann said that a time period was not decided during the advisory committee meeting. He commented that obviously merchants and visitors are being harassed and violence is occurring late evening or early morning.

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Pat Poole, 805 East Palmetto Avenue, stated that she will be ready to speak and present facts to Council when an ordinance returns on this item.

Responding to Council's questions, Chief Carey said he believes the police can make a tremendous difference Downtown. The officers will get to know the people involved; photos will be taken of bad guys; criminal histories will be run; portfolios will be developed and a combination of foot and bike patrol will deter criminal activity.

Moved by Meehan/Thomas for approval of the recommendation. Motion carried unanimously.

Moved by Corby/Contreras to reconvene as the City Council for the remaining agenda items. Motion carried unanimously.

15. CONSENT AGENDA:

Moved by Contreras/Meehan for approval of the consent agenda, including Resolution No. 2021 added to the agenda. Motion carried unanimously.

- a. Change Order No. 4 to the contract for Downtown Streetscaping Phase III, Project No. 14204, Burkhardt Construction, Inc., West Palm Beach, FL - \$89,672.25 and transfer of \$89,672.25 from the Downtown CRA Future Projects account to establish a budget for this project (reference Item No. 13).
- b. Supplement No. 315 to the Continuing Consultants Contract for engineering services to provide for soccer field lighting at Southwest Park, Project No. 70007, Frazier Engineering, Inc., Melbourne, FL - \$24,000.
- c. Interlocal agreement between the cities of Palm Bay, Melbourne, West Melbourne, and Brevard County providing for reimbursement of the Palm Bay Road widening project in the amount of \$375,000; authorization for the City Manager to execute the agreement.

Added to the agenda:

Resolution No. 2021: Relating to the approval of an interlocal agreement providing for the funding, reconstruction and widening of Palm Bay Road from Robert J. Conlan Boulevard to Minton Road; authorizing the City Manager to execute the interlocal agreement.

- d. Amendment to the agreement between the U.S. Economic Development Administration (EDA), the Melbourne Airport Authority (MAA), and the Technological Research and Development Authority (TRDA) for a \$1 million grant award for a business incubation center making the City of Melbourne a party to the EDA grant agreement previously executed in November 2004; making the City liable for compliance with all federal requirements and fulfillment of project goals and objectives; and authorizing the City Manager to execute the amendment subject to execution of the proposed agreement between the TRDA and MAA for development of a mixed-use incubator and the legal documents approved by Council on September 5, 2006 and subsequently modified at the TRDA's request.

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- e. Purchase of fire hydrant refurbishment and valve replacement, Mueller Services Company, Tamarac, FL - amount not to exceed \$170,000.
- f. Purchase/installation of 41 MAHG-S8MXX M100 mobile radios and accessories for the Police Department, Communications International, Inc. (CII), Vero Beach, FL - \$147,282.
- g. Contract award for installation of grout-filled fabric-formed revetments in the stormwater drainage system, Terra Firma Environmental, Brooksville, FL - at various units price for an annual total of \$87,592.05.
- h. Purchase of 39 Panasonic Toughbook 51 laptop computers for police vehicles, Insight Public Sector, Inc., Tallahassee, FL - \$70,434.
- i. Approval of traffic signal repair at Florida Avenue and Lipscomb Street, Signal Technology, Inc., Davie, FL - \$47,433.10.
- j. Purchase of six Scott Air-Pak Fifty SCBA self-contained breathing apparatus for the Fire Department, Fisher Fire and Emergency Services, Suwanee, GA - \$22,870.26.
- k. Contract award for lube oils, Palmdale Oil Company, Inc., Fort Pierce, FL – at various units prices; estimated six-month cost of \$21,000.
- l. Purchase of two Evolution 5200 thermal imaging cameras with chargers, Ten-8 Fire Equipment, Inc., Bradenton, FL - \$17,838.
- m. Approval of a \$5,000 award to the Fair Housing Continuum, Inc. to continue to provide testing services, and authorization for the City Manager to execute the agreement and adjust the Hurricane Housing Recovery Program budget accordingly.
- n. Approval of a 12-month extension to the contract for federal lobbyist services, Alcalde & Fay, Washington, D.C. in the amount of \$37,500.
- o. Resolution No. 2020: A resolution adopting names for private streets in the Emerald Palms Condominium complex.

16. ITEMS REMOVED FROM THE CONSENT AGENDA

None.

Recessed: 7:55 p.m.
Reconvened: 8:04 p.m.

17. SITE PLAN APPROVAL (SP-2006-19) CINNAMON COVE II: (Public Hearing) A request for site plan approval to allow a 160-unit apartment complex at a density of 5.85± units per acre on an 18.19-acre portion of a 38.5±-acre parcel zoned R-2 (6) (One-, Two-, and Multiple-Family Medium Density with a cap of six units per acre), located west of Babcock Street, north of Lake in the Woods Drive, and south of Cinnamon Cove Circle. (Owner/Applicant - Michael Maiorani) (Representative - Noel Droor, P.E., Droor and Associates, Inc.) (P&Z Board - 11/16/06)

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Mrs. Dittmer reviewed the agenda report. The Planning and Zoning Board voted unanimously to recommend approval of the site plan as depicted on a single-sheet plan prepared by Droor & Associates, Inc., of Melbourne, Florida, Project No. 2006-19, with a signed and sealed date of November 1, 2006, subject to 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 City staff, the Planning and Zoning Board, Local Planning Agency, and/or the City Council.

- b. All hardwood trees and scrub oaks located outside of the building footprint and parking driveway aisles shall be preserved, and buildings and parking/drive aisles shall be shifted when possible to preserve hardwood trees or scrub oaks, as determined during construction plan review.
- c. Prior to construction plan approval, the applicant shall dedicate a 20-foot wide strip along the southern boundary of the property for the Lake in the Woods right-of-way. Transportation impact fee credits will be considered by the City Engineer, as determined during the construction plan review process.
- d. The applicant shall construct and dedicate the extension of Cinnamon Cove Drive, south to Lake in the Woods Drive prior to any Certificate of Occupancy being issued for the project. Transportation impact fee credits will be considered by the City Engineer, as determined during the construction plan review process.
- e. The entrance to the project onto the extension of Cinnamon Cove Drive shall include a right-turn/deceleration lane and a northbound left-turn lane, to be designed during the construction plan review process.
- f. Pursuant to Appendix D, Chapter 9, Article III, the applicant shall provide a minimum six-foot opaque fence along the boundaries of the project where adjacent to single-family zoning districts.
- g. Prior to construction plan approval, the applicant shall submit a letter of permission from Florida Power and Light regarding the development proposed within the FPL easement.
- h. Appropriate environmental permits, including permitting for the gopher tortoises, must be obtained as part of the construction plan review process.
- i. The applicant is obligated to contribute a proportionate fair share of the traffic signal cost to be located at the intersection of Lake in the Woods Drive and Babcock Street. Details of the signal shall be coordinated during the construction plan review process through the Engineering Department with approval from the FDOT.

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Note: See discussion and motion for change to condition “i.”

- j. The multiple-family owner/management shall be responsible for maintaining the existing stormwater pond serving the single-family development. (This stormwater pond consists of a 4.08±-acre parcel indicated as “Retention Area” on the Cinnamon cove Subdivision Plat as recorded in Plat Book 31, Page 62, Public Records of Brevard County, Florida.

Note: See discussion and motion for change to condition “j.”

- k. The proposed buildings shall be substantially consistent with the rendering submitted by the applicant.
- l. The applicant shall provide an eight-foot wide sidewalk along both new rights-of-way, in lieu of a five-foot sidewalk.
- m. The applicant shall provide a stub-out access point on the west end of the proposed project south to Lake in the Woods Drive.
- n. As required by Chapter 10, Appendix D, and Chapter 32, Melbourne City Code, to reserve capacity, the Owner/Developer shall be required to pay the capacity reservation fee in the amount of \$75,195 for transportation, water and sewer impact fees. Payment must be received by the City of Melbourne within ten (10) business days of the date of rendition of this Development Order by the City Council. This Development Order shall not become effective until payment of the capacity reservation fee has been made payable to and received by the City of Melbourne.

Mrs. Dittmer referenced the memorandum from staff, which revises condition “i.” The change will allow an alternate location for the traffic signal subject to FDOT approval and would not require reapproval by City Council.

- i. The applicant is obligated to contribute a proportionate fair share of the traffic signal cost to be located at either the intersection of Lake in the Woods Drive and Babcock Street or the intersection of Cinnamon Lake Circle and Babcock Street. Details of the signal shall be coordinated during the construction plan review process through the Engineering Department with approval from the FDOT.

Additionally, staff revised condition “j” to address concerns related to the maintenance of the existing stormwater pond.

- j. The Owner/Developer of Cinnamon Cove II, the “Project,” shall obtain title to the area designated at the “Retention Area” on the Cinnamon Cove Subdivision Plat as recorded in Plat Book 31, Page 62, Public Records of Brevard County, Florida. The Owner/Developer shall convey an easement for drainage and ingress/egress for maintenance to the City of Melbourne for public rights-of-way within Cinnamon

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Cove Subdivision and to all lots within Cinnamon Cove Subdivision. The Owner of the "Project" shall be solely responsible for maintaining the "Retention Area" as a stormwater treatment pond serving Cinnamon Cove II and the platted Cinnamon Cove Subdivision. Maintenance shall include assuring that vegetation does not become overgrown in violation of City Code.

The Vice Mayor called for disclosures. Mrs. Meehan reported that she met with Jacie Stivers, Commercial Investment Real Estate, at her office. Mrs. Stivers is in favor of revised condition "i."

The public hearing was opened.

Noel Droor, representing the applicant, agreed with the conditions.

Moved by Contreras/Meehan for approval of the site plan based upon the findings and conditions contained in the Planning and Zoning Board memorandum, including revised conditions "i" and "j." Motion carried unanimously.

18. FINAL PLAT APPROVAL (SD-2003-11) HAMMOCK TRACE PRESERVE, PHASE I SUBDIVISION: (Public Hearing) A request for final plat approval to allow a single-family development consisting of 110 lots at a density of 2.9 units per acre on a 78.85±-acre parcel zoned R-1B (Single-Family Low Density Residential), located on the east side of John Rodes Boulevard, south of Eau Gallie Boulevard, and north of Ellis Road. (Owner/Applicant/Representative - Hammock Trace Preserve Development Company) (P&Z Board - 1/04/07)

Mrs. Dittmer reviewed the agenda report. The Planning and Zoning Board voted unanimously to recommend approval of the final plat, as depicted on a five-sheet plan prepared by AAL Land Surveying Services, Inc., with a signed and sealed date of December 20, 2006, subject to the following conditions:

- a. The applicant shall not be entitled to record the final plat until all subdivision improvements are constructed to the satisfaction of the City, or an improvement guarantee of at least 110% is provided to the City to ensure the completion of the improvements.
- b. The applicant shall provide the additional required documents, pursuant to Appendix D, Chapter 8, Section 8.5 (c) (4) prior to recordation of the final plat.
- c. The applicant shall provide the additional required information and certificates as required by F.S. 177.071 and 177.081 prior to recordation of the final plat.
- d. Only one building permit may be issued on any portion of the plat prior to recordation of the final plat.

There were no disclosures by Council. William Alcock, representing the applicant, was present and available for questions.

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Moved by Corby/Thomas to approve the final plat based upon the findings and conditions contained in the Planning and Zoning Board memorandum. Motion carried unanimously.

19. ORDINANCE NO. 2007-02 (A&V NO. 277): (First Reading/Public Hearing) An ordinance vacating a utility easement located at 705 South Harbor City Boulevard. (Applicant - Melbourne Realty Investments, LLC)

Attorney Gougelman read Ordinance No. 2007-02 by title. There were no disclosures by Council. Mrs. Lamb provided an overview of the request. She noted that Chris Romandetti, representing the applicant, has agreed to the conditions.

Moved by Thomas/Meehan for approval of Ordinance No. 2007-02. Motion carried unanimously.

20. COUNCIL ACTION RE: Policy consideration regarding the paving of dirt streets and cost-share with property owners.

Mr. Schluckebier introduced the item and said that written information has been provided based on a specific request staff received from a property owner on Colonial Drive.

Deputy City Manager Howard Ralls reviewed the agenda report.

There are approximately 2.1 miles of unpaved streets in the City. Funding to pave these streets has typically come from assessing the abutting property owners the entire cost. Due to today's high cost of construction, it is unlikely that owners will be interested in participating in a paving project unless the City provides some of the funds. The City will have to contribute to the cost of construction to get these last streets paved.

With Colonial Drive as an example, the estimated cost to an abutting property owner would be \$8,500 (based on square foot lot frontage) even with a 50% match by the City. That cost can be reduced to approximately \$6,600 if the City were to pay 60% of the cost.

Some streets also lack sewer (the abutting development is on septic tank systems). The most practical and economical way to get these properties on the public sewer system would be to construct sewer in conjunction with paving the streets.

In the newly annexed areas of the City, the City provided waterlines at about one-third of the cost. Staff recommends this same offer be made when new sewer is part of a new pavement project. The cost to property owners (for sewer extensions portion) would be approximately \$20 per front foot.

Staff is requesting Council input on this matter because property owners are typically polled to determine their interest in an assessment project. The estimated cost is an important factor in making that decision. Council action would be required to move forward on any project after the owners are polled.

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Mr. Ralls outlined the process that would be followed once Council determines the City's level of participation. Property owners would be polled and if there is a positive response, staff would return to Council for approval of a capital project. Once the project is designed, the City would bid to determine the costs. A preliminary assessment roll would return to Council and a public hearing would be scheduled. The road would be built, the costs finalized and a final assessment roll and public hearing would be placed on the agenda. Property owners would be able to pay the entire amount or finance the cost with a lien filed against the property. The City has historically provided 10 years to pay. Interest rates may not exceed one percent above the borrowing rate; therefore, a good rate would be offered.

Mr. Ralls confirmed for Mr. LaRusso that the estimated cost for paving only – not sewer – is \$170 per front foot of property.

Mr. LaRusso pointed out that the unpaved roads are located in older neighborhoods where we have elderly residents. He said he is having a hard time approving a lien being placed against property because 51% of the property owners said "yes."

A brief discussion followed regarding liens and the satisfaction of lien process.

Mrs. Corby asked if the residents on the unpaved streets want their streets paved. Mr. Ralls replied that generally they want their streets paved; however, the question is whether they are willing to participate in an assessment project. That is why he needs to determine the percentage the residents would be required to pay.

Mrs. Corby recommended that the residents be surveyed to determine if they want their road paved and if they are willing to participate in an assessment process. Mr. Ralls reviewed the process that would be followed.

Mrs. Corby asked if there is a benefit to paving the roads. Mr. Schluckebier informed Council that dirt roads have about three times the maintenance costs of paved roads. Additionally, there are environmental considerations; drainage can be improved. In this case we are responding to a request from people on Colonial Drive and we will rely on their opinion as to whether the street should be paved. Staff is asking for direction prior to the survey being conducted so we can provide the residents with an idea of the cost.

Mr. Ralls added that the total cost would be approximately \$450,000. If the City, for example, offers to provide 50% our share would be \$225,000. He added that the City has this amount available. The City Manager informed Council that a few years ago the City began to budget funds annually with the intent of offering a match. Currently, \$300,000 is available.

Mrs. Palmer said she believes it would be beneficial to offer a 60% match with no more than \$20 per front foot for sewer. She stressed that she has a problem with 51% of the property owners making this decision. She would rather see a higher level of consensus.

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The City Manager advised that in the past the County used a “75% rule.” Recently with a project in Melbourne, they reduced that threshold to 66%.

Mr. Thomas said he would like to see 75% of the residents approve an assessment project. He reported that he has heard from people on Hyde Parkway and Greenway Drive. There may be savings if all three streets, which are in the vicinity, are paved at the same time.

The City Manager said there would probably be savings; however, the amount the City has set aside may not be sufficient to handle the matching funds for all three streets.

Mr. Thomas recommended that the residents on all three streets be polled without a commitment from the City.

Following a brief discussion, the City Manager said he would determine for Council Member Meehan if Hoag Avenue is scheduled to be paved as part of a future development plan.

Mrs. Meehan stated that she supports a 60% match by the City.

Mr. Contreras said he agrees with a 60% match by the City and the sewer cost capped at \$20 per front foot. Additionally, he is opposed to 51% as the threshold and is more inclined to support 65%. He stated that a 75% threshold would probably never happen.

Mr. LaRusso said he supports the 60% match with a \$20 cap per front foot on sewer. He asked Council to make a motion on the percentage of residents required to approve the assessment project.

Moved by Palmer/LaRusso to require 70% of the property owners to approve the special assessment; the City will contribute 60% towards the cost of paving; and the cost to property owners for sewer extension would be no more than \$20 per front foot.

Mrs. Palmer added that it is her intent that staff proceed with Colonial Drive only.

Attorney Gougelman asked if the intent is for 70% of the number of property owners or 70% of the property owners by front foot. Mrs. Palmer clarified that the motion is for 70% of the total number of property owners.

Following a brief discussion, staff agreed that the residents on Colonial Drive will be advised that the estimated cost may decrease if there is interest by residents on adjacent streets (Hyde Parkway and Greenway Drive) to pave. Mrs. Palmer cautioned that the City needs to be prepared with the funds. That is why we should address one street at a time.

The question was called. Motion carried unanimously.

21. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

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Mrs. Meehan reported that Yvonne Minus has been installed as the president of the Police Community Relations Council.

Council Member John Thomas distributed a request to City Council from him and West Melbourne Council Member Bill Mettrick. They would like for the Melbourne and West Melbourne City Councils and the Board of County Commissioners to meet in a joint workshop to open dialogue regarding the service and boundary adjustment issues.

Vice Mayor LaRusso asked the Council to hold its discussion until the next meeting to allow for a full Council to be present. By consensus, Council agreed to consider this item on February 13.

Vice Mayor LaRusso asked for Council support to direct staff to contact Brevard County and the School Board to determine if the boarded up School Board property on Pineapple Avenue could possibly house the senior center. There were no objections from Council and the City Manager said he would inquire of the County and the School Board as to what opportunities may exist.

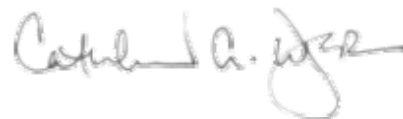
In response to Council Member Cheryl Palmer, the City Manager said staff would look at the Leisure Services inventory of facilities to determine if the City has a suitable site for the senior center.

Several Council Members expressed support for the Melbourne Auditorium study to include a component on whether that would be a suitable location for the senior center.

22. ADJOURNMENT

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

The meeting adjourned at 9:07 p.m.



City Clerk – 1/31/2007

Approved by Council: _____