

# City of Melbourne



City Hall • 900 E. Strawbridge Avenue, Melbourne, FL 32901  
(321) 608-7200 • Fax (321) 608-7219

## CITY COUNCIL AGENDA

October 10, 2017 • 6:30 P.M.

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This meeting shall adjourn by 11:00 p.m. Extension of the meeting beyond 11:00 p.m. shall only be authorized by a majority vote of City Council.

In accordance with Council policy, the roll call vote rotates each meeting. During this meeting, the vote will be Districts Five through Four except that the Mayor will vote last as provided by City Code and the Vice Mayor will vote second to last.

1. **Invocation** – Reverend Dr. W. Thomas Pope, St. Paul’s United Methodist Church
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Proclamations and Presentations**
- 4.1 **Presentation of Employee Service Awards**
5. **Approval of Minutes** – September 20, 2017 – Budget Public Hearing  
September 20, 2017 – Regular Meeting  
September 28, 2017 – Budget Public Hearing  
September 28, 2017 – Regular Meeting
6. **City Manager's Report**
7. **Public Comments**

### UNFINISHED BUSINESS

8. **ORDINANCE NO. 2017-42 (A&V NO. 364):** (Second Reading/Public Hearing) An ordinance vacating a portion of a 20-foot wide alley located near the northwest corner of Babcock Street and New Haven Avenue as part of the Brooks and Humphrey’s Business addition to Country Club Colony, by Lots 63 through 71, as recorded in Plat Book 5, Page 45. (First Reading – 9/20/17)
9. **ORDINANCE NO. 2017-43 (A&V NO. 367):** (Second Reading/Public Hearing) An ordinance vacating three-foot wide utility, ingress and egress easements located at the northeast corner of Creel Street and Maple Street, Lots 8-10, and within Block “A” of Bonner Heights Subdivision, as recorded in the Plat Book 6, Page 20. (First Reading – 9/20/17)
10. **ORDINANCE NO. 2017-44 (A&V NO. 372):** (Second Reading/Public Hearing) An ordinance vacating a portion of a five-foot wide public utility easement located east of Dairy Road and north of Eber Boulevard within Lot 47, Pine Meadow Planned Unit Development as recorded in Plat Book 63, Pages 14 through 19. (First Reading – 9/20/17)
11. **ORDINANCE NO. 2017-45 UTILITY RATES:** (Second Reading/Public Hearing) An ordinance deferring the increase to utility rates scheduled for October 1, 2017 until October 1, 2018; amending the City Code, Chapter 58, Utilities; amending Section 58-133, Water Service Rates; amending Section 58-243, Sewer Service Rates; amending section 58-364, Reclaimed Water Service Fees. (First Reading – 9/20/17)



12. **ORDINANCE NO. 2017-46 FIRE PENSION:** (Second Reading/Public Hearing) An ordinance relating to the Firefighters' Pension Plan; amending Chapter 44 of the City Code, entitled "Retirement and Pensions;" amending Section 44-167, Contributions; amending Section 44-168, Benefit Amounts and Eligibility. (First Reading – 9/20/17)
  
13. **ORDINANCE NO. 2017-41 ADMINISTRATIVE ZONING CODE AMENDMENT (Z-2017-1259AD) MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES – PROHIBITING DISPENSING FACILITIES:** (Second Reading/Public Hearing) An ordinance amending the City Code Appendix B, Articles II and V to prohibit Medical Marijuana Treatment Center Dispensing Facilities within the City of Melbourne. (Applicant – City of Melbourne) (First Reading – 9/20/17)
  
14. **ORDINANCE NO. 2017-47 COMPREHENSIVE PLAN AMENDMENT (CPA-2017-04) AND ORDINANCE NO. 2017-48 REZONING REQUEST (Z-2017-1260) UNIVERSITY COMMONS:** Ordinances providing for a Comprehensive Plan Amendment and Rezoning on 3.92± acres located on the south side of University Boulevard, east of Babcock Street and west of Leonard Weaver Boulevard (Owner: Shiloh Christian Center, Inc.) (Applicant - Torbjorn Arnheim, Tarmel Web Partners, Inc.) (Representative - Vaheed Teimouri, P.E., Teimouri & Associates, Inc.)
  - a. **Ordinance No. 2017-47/CPA-2017-04:** (Second Reading/Public Hearing) An ordinance changing the existing future land use from Public/Institutional to High Density Residential. (First Reading – 9/28/17)
  
  - b. **Ordinance No. 2017-48/Z-2017-1260:** (Second Reading/Public Hearing) An ordinance changing the existing zoning from I-1 (Institutional) to R-3 (Multiple Family Dwelling High Density District). (First Reading – 9/28/17)

**NEW BUSINESS**

*Council will convene as the Babcock Street Community Redevelopment Agency for the following item:*

15. **COUNCIL ACTION RE:** Task Order No. BMEG 142 to the Continuing Contract for Engineering Services for the Babcock Street Phase 3B Roadway Improvements, Project No. 10216, Bussen-Mayer Engineering Group, Inc., Merritt Island, FL - \$39,820.

*Council will reconvene for the remaining items.*

16. **COUNCIL ACTION RE:** Pennwood Drive Septic to Sewer conversion project between Bignonia Street and Devonshire Drive, Project No. 32218.
  - a. Creation of Pennwood Septic to Sewer project, transfer of \$25,000 from Stormwater Miscellaneous Unappropriated Budget Savings (20099) into the new project account, approval of Save Our Indian River Lagoon Project Cost-Share Funding Interlocal Agreement between Brevard County, Florida and the City of Melbourne, Florida and authorization for the City Manager to execute the Interlocal Agreement.



- b. **Resolution No. 3682:** A budget resolution to appropriate Save Our Indian River Lagoon Project Cost-Share Funding in the amount of \$40,632 into the new project budget.

17. **CONSENT AGENDA:**

- a. Blanket purchase of carbon dioxide for the Water Production Division, Airgas Specialty Products, Tampa, FL – estimated annual cost \$128,340.
- b. Approval of the Second Amendment to the Stormwater Education and Outreach Interlocal Agreement between the Board of County Commissioners of Brevard County, the City of Melbourne, and other Brevard municipalities for cost sharing in an amount not to exceed \$27,330.80 and authorization for the City Manager to execute the agreement.
- c. Approval of a Scope of Work in the amount of \$55,000 for the City's continuing Planning Consultant, S&ME, Inc. to perform a Cultural Resource Survey for the Kit Homes & Riverfront Gems in Downtown Melbourne project.
- d. **Resolution No. 3683:** A budget resolution to appropriate 2018 Historic Preservation Small Matching Grant funds in the amount of \$50,000 for the Kit Homes & Riverfront Gems in Downtown Melbourne project.
- e. **Lien Rescission 14001594:** Recommended order from the Code Enforcement Board that a code lien in the amount of \$11,650 be rescinded. (Property: 1783 Buick Avenue) (Cited Owner: Marjorie J. Driggers) (Applicant: Richard Small on behalf of current owner Michelle Small Arencibia)

18. **ITEMS REMOVED FROM THE CONSENT AGENDA**

- 19. **COUNCIL ACTION RE:** Approval of an Interlocal Agreement with Board of County Commissioners of Brevard County for utility relocations associated with the Kingsmill Subdivision/Aurora Road Drainage Improvement Project in the amount of \$148,771.68 and authorization for the City Manager to execute the agreement.

20. **COUNCIL ACTION RE:** (Public Hearing) State Housing Initiatives Partnership (SHIP) Rental Development Program - Pirouette Group, LLC

- a. **Resolution No. 3684:** A budget resolution to carry forward and appropriate unused prior year SHIP funds and make budget adjustments necessary to accommodate funding agreement described in (b).
- b. Approval of a funding agreement substantially in the form presented awarding \$350,000 in State Housing Initiatives Partnership (SHIP) funds to Pirouette Group



for the acquisition and rehabilitation of 2421/2423 Stone Street through the City's Rental Development Program.

21. **SITE PLAN APPROVAL REQUEST (SP-2017-10) UNIVERSITY COMMONS:** (Public Hearing) Site Plan approval request to construct a two-phase, 80-unit multi-family residential development on a 3.92±-acre developed property zoned R-3 (Multiple-Family Dwelling High Density District) with a High Density Residential Future Land Use, located on the south side of University Boulevard, east of Babcock Street, and west of Leonard Weaver Boulevard. (Owner - Shiloh Christian Center, Inc.) (Applicant - Torbjorn Arnheim, Tarmel Web Partners, Inc.) (Representative - Vaheed Teimouri, P.E., Teimouri & Associates, Inc.) (P&Z Board– 9/7/17)
22. **ORDINANCE NO. 2017-50 (CU-2017-09/SP-2017-11) VFW POST 4206:** (First Reading/Public Hearing) An ordinance granting a conditional use to allow consumption of alcohol on premises in conjunction with an existing private club, along with site plan approval for a 1,785± sq. ft. addition, on a 4.81±-acre property zoned I-1, located on the east side of Dairy Road, north of Florida Avenue and south of Edgewood Drive. (Owner - VFW of the U.S. Melbourne Post 4206, Inc.) (Applicant - JAG Enterprises & Associates, Inc.) (Representative - Joseph A. Gilletti) (P&Z Board – 9/21/17)
23. **ORDINANCE NO. 2017-51 (CU-2017-11) THE GATHERING TABLE:** (First Reading/Public Hearing) An ordinance granting a conditional use to allow for consumption of alcohol (beer and wine) on premises in conjunction with an existing, non-academic instruction business (cooking classes), in one unit of a 0.36±-acre multi-unit property zoned C-1, located on the north side of East New Haven Avenue, east of Pine Street and west of Oak Street (318 E. New Haven Avenue). (Owner - Silver Glow Productions) (Applicant - Carrie Sullivan) (Representative - Lara Sampson) (P&Z Board – 9/21/17).
24. **COUNCIL ACTION RE:** Purchase of one Sutphen Monarch Level One Custom Pumper for the Fire Department, Sutphen Corporation, Dublin OH - \$442,090.20.
25. **RESOLUTION NO. 3685:** A resolution providing for a 60-day temporary waiver of building permit fees for building permits related to the repair of storm damage caused by Hurricane Irma; providing that the City will issue refunds to any person who pulled a building permit following September 11, 2017 for work related to Hurricane Irma.
26. **COUNCIL DISCUSSION RE:** Standards for Sidewalks, Pedways, and Bicycle Facilities (Requested by Council Member Lopez)
27. **COUNCIL ACTION RE:** Board Appointments
  - a. Appointment of two members to the General Employees' Pension Plan Board of Trustees.
  - b. Appointment of two regular members and one alternate member to the Citizens' Advisory Board.



28. **PETITIONS, REMONSTRANCES, AND COMMUNICATIONS**

29. **ADJOURNMENT**

Mayor Kathy Meehan, Vice Mayor Debbie Thomas, and Council Member Tim Thomas, as members of the Airport Authority Board, may discuss Airport Authority issues, which may subsequently be addressed by the Airport Authority.

Mayor Meehan and Council Members Teresa Lopez, Betty Moore and Paul Alfrey (alternate), as members of the Space Coast Transportation Planning Organization (SCTPO), may discuss SCTPO issues, which may subsequently be addressed by the SCTPO.

Pursuant to 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the City Council with respect to any matter considered at its meeting or hearing, he will need a record of the proceedings, and that for such purpose, affected persons may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office (321/608-7220) at least 48 hours prior to the meeting.