

CITY OF MELBOURNE, FLORIDA
SUMMARY OF ACTION – REGULAR CITY COUNCIL MEETING
FEBRUARY 13, 2018



A. OPENING

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

6. City Manager's Report

City Manager Mike McNees stated that during this year's grants-in-aid process, the City Council awarded The Masters Workshop \$2,500 to help with fence repair. Subsequently, the organization advised the city that Lowe's agreed to repair the fence at no cost. As a result, the organization would like to use funding from the city towards another project, such as a playground or new computers. Staff's response was that the discretion is left to City Council; therefore, the organization must make its request directly to Council.

7. Public Comments

The following spoke in opposition to the mural painted by deconstructive pop artist Matt Gondek on the east side of the Cross Fit Rise Above building on Eau Gallie Boulevard: Patricia Nichols, Marsha Drabik, Jim Nichols, Lisa Elaine, and Amberlee Hamiel. The mural depicts exploding cartoon characters such as Felix the Cat, Homer Simpson, Daffy Duck and Spongebob Squarepants.

Following discussion, Council unanimously voted to direct the City Manager to (file an appeal of the Historic and Architectural Review Board's decision as it relates to the referenced mural. The appeal will be heard by the Planning and Zoning Board. If the Planning and Zoning Board's decision is appealed, the appeal will be heard by the Circuit Court).

B. UNFINISHED BUSINESS

8. ORDINANCE NO. 2018-02 (A&V NO. 376): (Second Reading/Public Hearing) An ordinance vacating a 50-foot unimproved right-of-way know as Mosley Road located between Lots 56 and 57 of Indian River Groves and Gardens as recorded in Plat Book 6, Page 87, Public Records of Brevard County, Florida. (First Reading - 1/23/18)

Approved.

9. ORDINANCE NO. 2018-03 ADMINISTRATIVE ZONING CODE AMENDMENT (Z-2017-1267AD) BAT HOUSES: (Second Reading/Public Hearing) An ordinance amending City Code, Appendix B, Article II, Definitions, and Article VII, Accessory and Temporary Uses and Structures, by classifying bat/bird houses as a garden amenity in the zoning regulations. (Applicant – City of Melbourne) (First Reading – 1/23/18)

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Following a request by a public speaker, City Council postponed the item until the February 27 meeting and requested that staff invite the expert on bat houses to discuss changing the height allowance from 15 feet to 20 feet and allowing bat houses to be installed on a fence line.

10. ORDINANCE NO. 2018-04, ZONING CODE TEXT AMENDMENT (Z-2017- 1268AD) AND LAND DEVELOPMENT REGULATIONS (LDR-2017-03) SIDEWALK WAIVER PROCESS: (Second Reading/Public Hearing) An ordinance amending City Code, Appendix B, Article IX, Section 8, Administrative Waivers; and Appendix D, Chapter 8, Subdivision and Platting, Section 8.6(b), Required Improvements; and Chapter 9, Article VII, Standards for Sidewalks, Pedways and Bicycle Facilities, to create a waiver process for infill single-family residential lots that meet certain criteria. (Applicant/Representative – City of Melbourne) (First Reading – 1/23/18)

Approved.

11. ORDINANCE NO. 2018-05: (Second Reading/Public Hearing) An ordinance amending the City Code, Chapter 22, Elections, by altering the description of City Council District Three to include an annexation ordinance adopted in 2017. (First Reading - 1/23/18)

Approved.

C. NEW BUSINESS

12. City Hall 4th Floor Improvements, Project No. 90112
- a. Contract award to Reynolds General Contractors, Inc.; Melbourne, FL - \$646,456.
 - b. Resolution No. 3715: A budget resolution to appropriate Public Facilities Impact Fee Funding in the amount of \$692,000 into the project budget.

Approved.

13. Contract award for the Hibiscus Boulevard & Dairy Road Mast Arm Improvements, Project No. 64117, Florida Safety Contractors, Inc., Thonotosassa, FL - \$321,617.

Approved.

14. Contract Award for the Lift Station No. 40 (Crown Boulevard) Force Main Relocation, Project No. 32113, Young's Communications Co., Inc.; Melbourne, FL - \$324,465.

Approved.

15. Approval of land conveyances from the City of Melbourne to the Florida Department of Transportation for the St. Johns Heritage Parkway/Ellis Interchange project.

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- a. Resolution No. 3713: (Public Hearing) A resolution approving the donation of the Interchange South Site parcel to FDOT and authorizing the City Manager to execute, accept, and record related documents.
- b. Resolution No. 3714: (Public Hearing) A resolution approving the donation of the Interchange North Site parcel to FDOT and authorizing the City Manager to execute, accept, and record related documents.

Approved.

16. CONSENT AGENDA:

- a. Professional Engineering Services Selection for the Miscellaneous Design Contract for FDOT Local Agency Program (LAP) Projects - Country Club Road Sidewalk Improvements, Pineapple Avenue and Front Street Complete Streets with CPH, Inc., Sanford, FL.
- b. Approval of a Grant Funding Agreement with Steadytown, Inc. in the amount of \$50,000.

Approved.

17. ITEMS REMOVED FROM THE CONSENT AGENDA

18. Approval of renewal of employee health insurance and other benefits.

Approved.

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

19. Approval of the First Amendment to the Master Redevelopment Agreement for the Highline Redevelopment Project.
- a. Resolution No. 3716: A joint resolution approving and authorizing execution of a First Amendment to Master Redevelopment Agreement (Highline Redevelopment Project) between the City Council of the City of Melbourne, the Melbourne Downtown Community Redevelopment Agency and Highline Apartments, LLC.

Approved.

Council reconvened for the remaining items.

- b. Resolution No. 3716: A joint resolution approving and authorizing execution of a First Amendment to Master Redevelopment Agreement (Highline Redevelopment

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Project) between the City Council of the City of Melbourne, the Melbourne Downtown Community Redevelopment Agency and Highline Apartments, LLC.

Approved.

20. ORDINANCE NO. 2018-06 (CPA-2017-09) AND ORDINANCE NO. 2018-07 (Z-2017-1266) EAU GALLIE HARBOUR CLUB CONDOMINIUMS: Ordinances providing for a Comprehensive Plan Amendment and Rezoning on 1.31± acres located on the east side of North Harbor City Boulevard, north of Sarno Road and south of Spiller Street. (Owner/Applicant - Eau Gallie Harbour Club Condominium Association) (Representative - Richard Wagner) (P&Z - 1/18/18)

- a. Ordinance No. 2018-06/CPA-2017-09: (First Reading/Public Hearing) An ordinance changing the existing future land use from Mixed Use to High Density Residential.
- b. Ordinance No. 2018-07/Z-2017-1266: (First Reading/Public Hearing) An ordinance changing the existing zoning from C-R-3(17), Multiple-Family Dwelling High Density District with a cap of 17 units per acre) to C-R-3(20) (Multiple-Family Dwelling High Density District with a cap of 20 units per acre).

Approved. The second readings/public hearings will be advertised for the February 27 meeting.

21. ORDINANCE NO. 2018-08 (CU-2017-13/SP-2017-13) KENEMUTH MINI-STORAGE: (First Reading/Public Hearing) An ordinance granting a conditional use for a mini-storage use, along with site plan approval for 20 units along with a Phase 2, 1,980± square foot office addition, on a 0.82±-acre partially developed property zoned C-2 (General Commercial), located at the northeast corner of Babcock Street and Lincoln Avenue. (Owner/Applicant - SAVA Properties, LLC/Michael Kenemuth) (Representative - Vaheed Teimouri, P.E.) (P&Z Board - 1/18/18)

Approved. The second reading/public hearing will be advertised for the February 27 meeting.

22. ORDINANCE NO. 2018-09 CAPITAL IMPROVEMENTS ELEMENT: (First Reading/Public Hearing) An ordinance amending Appendix D, Chapter 4, Section 4.04 of the City Code; amending Chapter X of the Comprehensive Plan entitled "Capital Improvements Element" to reflect the annual update of the Capital Improvements Schedule. (Applicant - City of Melbourne)

Approved. The second reading/public hearing will be advertised for the February 27 meeting.

23. Board Appointments:

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- a. Appointment of five regular members and two alternate members to the Beautification and Energy Efficiency Board.

The following were appointed:

Regular Members:

Joy Morris	February 13, 2018 – February 12, 2021 (three-year term)
Randall Parkinson	February 13, 2018 – February 12, 2021 (three-year term)
Bo Platt	February 13, 2018 – February 12, 2021 (three-year term)
Jon Shepherd	February 13, 2018 – February 12, 2020 (two-year term)
Dan Woltering	February 13, 2018 – February 12, 2020 (two-year term)

Alternate Members:

John Windsor	February 13, 2018 – February 12, 2019 (one-year term)
Don DiFrisco	February 13, 2018 – February 12, 2019 (one-year term)

- b. Appointment of three regular members to the Melbourne Downtown Community Redevelopment Agency Advisory Committee.

Council reappointed Patricia Nichols, LeAnn Smithson, and Dan Porsi (February 23, 2018 through February 22, 2021).

24. Discussion of City Council ethics policy. (Requested by Council Member Alfrey)

Council directed the City Attorney to survey ethics policies adopted by other cities, explore a disclosure process for members who sit on outside boards that may receive money from the city, and return with a discussion item.

D. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Council Member Tim Thomas indicated that he will not be able to turn in the evaluations of the City Manager and City Attorney by the due date (February 22) until the following issues are resolved: the investigation into Honor America and the adoption of a new airport travel policy. Following discussion, Mayor Meehan recommended that Council proceed with the initial plan of submitting the completed evaluations by February 22 to the City Clerk.

E. ADJOURNMENT

The meeting adjourned at 9:11 p.m.