

CITY OF MELBOURNE, FLORIDA  
SUMMARY OF ACTION – REGULAR CITY COUNCIL MEETING  
SEPTEMBER 20, 2017



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 McNeese reported on and discussed the following emergency purchases that he authorized under provisions of City Code following declaration of a local state of emergency:

i) The debris removal and debris management and monitoring services contracts with Ceres Environmental Services (estimate of \$1.5 million) and Tetra-Tech (estimate of \$400,000) have been activated; and ii) purchase order in the amount of \$86,500 issued to D. H. Griffin Wrecking Company, Inc. to stabilize and dismantle the dry storage boat facility on the city-owned property located north of NASA Boulevard, east of U. S. 1 at Cherry Street, and west of the Indian River Lagoon. (See regular minutes for full discussion.)

Additionally, the City Manager commented on language in the public safety collective bargaining agreements relating to emergency pay. The agreements state that the emergency pay policies do not apply on weekends or holidays when City Hall is normally closed. The city's declaration of a state of emergency went into effect prior to the weekend and extended after the weekend. Following a meeting with representatives from the police and fire bargaining units, he noted that he made a broad interpretation that people who did emergency work should receive emergency pay. It's a generous solution that the employees are not entitled to under their contracts. The cost estimate for this interpretation is \$206,496.

There were no objections from City Council regarding the City Manager's interpretation of the contract language. (See regular minutes for full discussion.)

The Mayor and City Council members expressed appreciation to the City Manager and city employees for their hard work during Hurricane Irma.

7. Public Comments

Council Member Betty Moore requested Council's consideration of a new policy that would require Council Members to wait prior to taking action on items not listed on the agenda that arise during Public Comments or Petitions, Remonstrances and Communications. Following discussion, City Council agreed to make this a discussion item on the October 10 agenda.

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UNFINISHED BUSINESS

8. ORDINANCE NO. 2017-38 (A&V NO. 368): (Second Reading/Public Hearing) An ordinance vacating a portion of a 15-foot wide alley located south of W.H. Jackson Street, east of the Florida East Coast Railway and west of South Harbor City Boulevard, adjacent to lots 4, 5, and 7 of the J.S. Stone's Addition to South Melbourne, as recorded in Plat Book 1, Page 60. (First Reading – 8/22/17)

Approved.

9. ORDINANCE NO. 2017-39 (CU-2017-07/SP-2017-08) STORAGE DEPOT 2: (Second Reading/Public Hearing) An ordinance granting a conditional use to allow mini-storage on 2.13± acres with site plan approval to construct a three-story, 500-unit, mini-storage building, a new single-story, 9,787± square foot, office building and an 849± square-foot outdoor dining area addition at an existing restaurant on 8.6± acres all zoned C-P (Commercial Parkway), located on the south side of East Eau Gallie Boulevard, west of Unity Drive, and east of Riverside Drive. (Owner/Applicant – James M. Kaufman, Trustee) (Representative – Richard Kern, RK Engineering and Associates) (First Reading – 8/22/17)

Approved.

10. ORDINANCE NO. 2017-40, ZONING CODE TEXT AMENDMENT (Z-2017-1258AD) AND LAND DEVELOPMENT REGULATIONS (LDR-2017-02) SIGN CODE AMENDMENT: (Second Reading/Public Hearing) An ordinance amending City Code Part III, Appendix B and Appendix D to allow nonconforming signs damaged or destroyed by Acts of God or accidents to be rebuilt. (Applicant/Representative – City of Melbourne). (First Reading – 8/22/17)

Approved.

NEW BUSINESS

11. COUNCIL ACTION RE: Contract award for the design of the Pirate Lane Widening and Realignment, Project No. 64012, Bussen-Mayer Engineering Group, Inc.; Merritt Island, FL - \$607,260.

Approved.

12. ORDINANCE NO. 2017-42 (A&V NO. 364): (First 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.

Approved. The second reading/public hearing will be advertised for the October 10 meeting.

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13. ORDINANCE NO. 2017-43 (A&V NO. 367): (First 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.

Approved. The second reading/public hearing will be advertised for the October 10 meeting.

14. ORDINANCE NO. 2017-44 (A&V NO. 372): (First 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.

Approved. The second reading/public hearing will be advertised for the October 10 meeting.

15. CONSENT AGENDA:

- a. Purchase of cellular services for the Public Works & Utilities Department, Verizon Wireless, Laurel, MD – estimated annual amount \$87,060.
- b. Resolution No. 3670: A resolution approving a lease agreement with the Melbourne Housing Authority, on property located at 1440 Mosswood Drive (previously Crane Community Center).
- c. Resolution No. 3671: A resolution adopting third quarter budget review recommendations.
- d. Resolution No. 3672: A resolution providing for CPI adjustments to solid waste service rates as required by the Waste Management franchise agreement effective October 1, 2017 and authorized by Section 48-53(d) of the City Code.

Item 'b' was removed from the consent agenda, and the remaining items were approved as recommended.

16. ITEMS REMOVED FROM THE CONSENT AGENDA

- b. Resolution No. 3670: A resolution approving a lease agreement with the Melbourne Housing Authority, on property located at 1440 Mosswood Drive (previously Crane Community Center).

Approved. Parks and Recreation Director Kevin Briski will obtain additional information from the Housing Authority for City Council regarding the fees it intends to charge.

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17. COUNCIL ACTION RE: Approval of a Facilities Rental Service Agreement with Florida Power & Light Company (FPL) for the installation of two transformers, maintenance and rental fees at the Reverse Osmosis Water Treatment Plant located at 6055 Lake Washington Road, for a one-time payment of \$169,907.63.

Approved.

18. COUNCIL ACTION RE: Purchase of bulk gasoline and diesel fuel, Glover Oil Company, Inc.; Melbourne, FL; and fuel card purchases, Wright Express (WEX Bank), South Portland, ME - total cost \$614,000.

Approved.

19. ORDINANCE NO. 2017-45 UTILITY RATES: (First Reading) 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.

Approved. The second reading/public hearing will be advertised for the October 10 meeting.

20. ORDINANCE NO. 2017-46 FIRE PENSION: (First Reading) 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.

Approved with the following revision: Sections 1 and 2 of the ordinance will be revised by changing the effective date from September 28, 2017 to October 10, 2017. The second reading/public hearing will be advertised for the October 10 meeting.

21. ORDINANCE NO. 2017-41 ADMINISTRATIVE ZONING CODE AMENDMENT (Z-2017-1259AD) MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES – PROHIBITING DISPENSING FACILITIES: (First 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) (P&Z Board – 8/17/17)

Approved 6-1 (Council Member Alfrey voted nay). The second reading/public hearing will be advertised for the October 10 meeting.

22. RESOLUTION NO. 3669: (Public Hearing) A resolution authorizing the disposition of real property located east of U.S. Highway 1 and west of the Indian River Lagoon (705-707 South Harbor City Boulevard); approving the contract for sale and purchase; and authorizing the City Manager to execute, accept and record related documents.

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Approved.

23. COUNCIL ACTION RE: Appointment of two alternate members to the Melbourne Downtown Community Redevelopment Agency Advisory Committee.

Council reappointed Lisa Herendeen and John Lucas.

24. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Council Member Paul Alfrey discussed the work he has done to secure private funding from the business community for the Melbourne Light Parade.

Vice Mayor Debbie Thomas commented that jurisdictional issues need to be resolved quickly in areas of the city that experienced flooding.

Council Member Yvonne Minus announced that the Melbourne Police Community Relations Council annual community forum with representatives from law enforcement and the judicial system will be held on October 12 at the Joseph N. Davis Community Center.

Additionally, Ms. Minus announced that she is being recognized as a recipient of the Leadership Award by Sheriff Wayne Ivey at the Space Coast Public Service Awards and Hall of Fame Ceremony at the King Center for Performing Arts on Saturday, September 23 at 7:00 p.m.

25. ADJOURNMENT

The meeting adjourned at 9:39 p.m.