

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



**A. OPENING**

1. Invocation
2. Pledge of Allegiance
3. Roll Call
4. Proclamations and Presentations
5. Approval of Minutes - February 27, 2018 Regular Meeting
  
6. City Manager's Report
  
7. Public Comments

Deloris Favors, The Master's Workshop, referenced the recent grant in the amount of \$2,500 to The Master's Workshop from the city for a replacement fence. She reported that the fence has been repaired by volunteers. The organization would like to use the grant funding for replacement playground equipment because it is not safe; the need is great; and the existing equipment cannot be used.

Following a discussion on the type of equipment, Council Member Lopez asked if city staff can look at the existing equipment to determine what type of repairs are needed.

Mr. McNees recalled the grants-in-aid application process where the Master's Workshop was not funded; the application was determined to be incomplete. The organization made an appeal to City Council and Council agreed to provide funds for a fence. Now a request is being made to use the money for playground equipment based on the fence repair being donated. The request is not clear with regard to the amount and type of equipment. Mr. McNees suggested that the Master's Workshop submit an application for grants-in-aid funding for the next fiscal year. Alternatively, staff can look at the playground equipment and attempt to get a handle on exactly what the organization needs.

Mayor Meehan said that she would like for staff to evaluate the existing equipment, get a handle on the request, and return the item to City Council.

Vice Mayor Minus and Ms. Favors briefly discussed who was involved in the fence repair.

Steven Mitchell, 1248 Highland Avenue, thanked Council Member Lopez for asking him to speak. He referenced the recent article in the newspaper regarding the county's consideration of term limits for advisory committees. Mr. Mitchell stated that he strongly believes there should be term limits for advisory committees based on the Olde Eau Gallie Community Redevelopment Agency Advisory Committee. He discussed his interest in the area and his concerns that the CRA is only representing the business community rather than the entire area.

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Mayor Meehan asked Mr. Mitchell to confirm whether he is requesting term limits for city boards, and Mr. Mitchell replied yes. The Mayor commented that such action would require a regular agenda item with proper advertisement. Council Member Lopez said that she advises all residents who have an issue to attend Council meetings and speak under public comments. She expressed support for a discussion item on term limits and noted that all residents should have the opportunity to serve on a board.

Council Member Tim Thomas said that after meeting with Mr. Mitchell in November or December, he shared Mr. Mitchell's concerns with the City Manager and Community Development. He noted that there are residences located in the CRA that don't receive any type of money. Many houses are dilapidated and have been cited by code enforcement. The CRA needs to consider the residential areas that are truly blighted, which is the whole intent of a CRA. Mr. Thomas closed by stating that he agrees with term limits on advisory committees.

Council Member Paul Alfrey pointed out that the city does not receive a lot of applications for certain boards; therefore, there may not be enough volunteers. Mr. Alfrey stated that it should be up to City Council to remove members that are not doing their jobs.

Council Member Debbie Thomas said that although she does not disagree with term limits, she is concerned that there would not be enough volunteers to cover all of the board positions. She asked Mrs. Wysor to comment.

City Clerk Cathy Wysor suggested that future board appointments include the length of service of members seeking reappointment. If there are outside applicants, this would prompt Council to determine whether another person has the appropriate background and should be considered to replace a current member. In this process, City Council would not be removing a member, rather Council would not be reappointing a member whose term has ended.

The Mayor and Council Members expressed agreement with this direction. Mayor Meehan echoed her concern that there are not enough volunteers. She cited Charles Jackson's 40-plus years of service on the Zoning Board of Adjustment and pointed out that with term limits, we would not have his experience and knowledge. The Mayor recommended that Council tread lightly.

In response to Vice Mayor Minus, Mrs. Wysor confirmed that there are board openings now in the city; solicitation is ongoing. Vice Mayor Minus stated that she can't support term limits.

Council Member Lopez asked if this means that the reappointment of members won't be automatic and that Council will have an opportunity to discuss applicants. The Mayor replied yes.

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Eric Ellebracht, 1948 Tyler Avenue, asked the status of the Honor America investigation. Additionally, he referenced the recent shooting in Parkland, Florida and stated that a certified law enforcement officer ran in the other direction. He discussed the level of security that he would like to see in schools and closed by commenting on the recent Florida gun legislation.

- 7.1 Presentation to Council: The City of Melbourne Comprehensive Annual Financial Report from Carr, Riggs & Ingram

**B. UNFINISHED BUSINESS**

8. 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) (Postponed - 2/13/18 and 2/27/18)

City Council unanimously denied the ordinance. Council approved a motion to direct staff to return with an ordinance that provides that bat and bird houses will not be regulated. Staff will conduct research regarding an appropriate size that would determine that such houses would not be considered accessory structures.

**C. NEW BUSINESS**

9. Contract award for the Quail Trail Road Reconstruction and Drainage Improvements, Project No. 64213, to Don Luchetti Construction, Inc., Melbourne, FL - \$669,624.

Approved.

10. Contract award for the University Boulevard and Pineapple Avenue Bus Shelters, Project No. 32113, to Parkit Construction, Inc., West Melbourne, FL - \$58,528.

Approved.

11. CONSENT AGENDA:

- a. Approval of Second Amendment to Contract for Sale and Purchase between the City of Melbourne and River Walk Marina Partners, LLC to extend the closing date for property located at 705-707 S. Harbor City Boulevard.
- b. Approval of the Official Estimate for Utility Work by Highway Contractor Agreement with the Florida Department of Transportation for the St. Johns

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Heritage Parkway/Ellis Road Utility Improvements, Project No. 34617 increasing the project cost by \$56,336 for a total amount of \$1,596,336.

- c. Professional Engineering Services Selection for the Traffic Signal Retiming Program and authorization to negotiate a contract with Albeck Gerken, Inc., Tampa, FL.
- d. Award of Secondary Reserve Contractor for City-wide Concrete Work at unit pricing and optional pricing as needed, Palm Bay Concrete and Materials, Inc.; Melbourne, FL - amount not to exceed \$135,500 per year.
- e. Approval to Utilize the City's Horizontal Directional Drilling Services Contract with Young's Communication Company, Inc. (Contract No. 03- 021-0-2017/LT) for the Sunset Drive Lift Station No. 8 Force Main Replacement - \$48,198.85.
- f. Purchase of one Ottawa T2 4x2 Off Road Yard Truck for the Water Reclamation Division, Lilly Company, Memphis, TN - \$97,500.
- g. Recommendation for the Continuing Planning Consultant and authorization to negotiate a contract with S&ME, Inc., of Orlando, FL.
- h. Resolution No. 3719: A resolution approving the agreement between the State of Florida Department of Transportation and the City of Melbourne for subordination of a utility easement located directly east of and adjacent to Interstate 95, and south of Ellis Road, associated with construction of the St. Johns Heritage Parkway / Ellis Road Extension Project, Federal Project No. 426905-3; and authorization for the City Manager to execute the agreement.

Approved.

12. ITEMS REMOVED FROM THE CONSENT AGENDA

- 13. Award of amendment to contract with Tyler Technologies, Inc.; Yarmouth, ME for Municipal Development Tracking System (EnerGov) software and implementation services - \$471,258.

Approved.

- 14. ORDINANCE NO. 2018-10, CONDITIONAL USE (CU-2017-15) WITH SITE PLAN APPROVAL REQUEST (SP-2017-16) 4855 WICKHAM STORAGE: (First Reading/Public Hearing) An ordinance providing for the repeal of Ordinance No. 2009-43; amending the official zoning map, as it relates to the General Zoning Ordinance No. 2005-120, by granting a conditional use to allow a mini-storage use on a 6.05±-acre partially developed property zoned C-2 (General Commercial), located at the

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southeast corner of the intersection of Wickham Road and Mariah Drive; and approving the site plan for a three-story building with 460 mini-storage units on property, located on the southeast corner of North Wickham Road and Mariah Drive. (Owner/Applicant - Boozer Properties, LLC) (Representative - Vaheed Teimouri, P.E.)

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

15. ORDINANCE NO. 2018-11, CONDITIONAL USE (CU-2018-01) EXECUTIVE CIGAR SHOP: (First Reading/Public Hearing) An ordinance granting a conditional use to allow the consumption of beer and wine on premises, accessory to a bar/tavern use, in a 4,032+ square foot unit of an overall 0.23+- acre developed site zoned C-3 (Central Business District), located on the south side of New Haven Avenue, approximately 135 feet east of Vernon Place (843 East New Haven Avenue). (Owner - Melodica, LLC) (Applicant/Representative - Anthony P. Nardone) (P&Z Board - 2/15/18)

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

**D. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS**

Eric Ellebracht, 1948 Tyler Avenue, referenced the item on this agenda relating to bus shelters and asked why the city is spending its grant money on the county. Additionally, he briefly discussed the City Council meeting sign-up sheets and recommended that the Mayor read everything that speakers write on the sheets.

Council Member Alfrey commended firefighters from Station 72 who recently picked up an incredible amount of trash at Sarno Road and Wickham Road.

Council Member Moore referenced the Blue Star Memorial marker that is missing from the old ice house property on U.S. 1. She asked that anyone who knows where the marker is located to contact City Hall.

Vice Mayor Minus referenced the annual trash bash scheduled for April 7. There are various pickup points located around the city. Additionally, she thanked everyone for their support following the loss of her daughter.

Council Member Debbie Thomas stated that the recent Melbourne Police Department awards ceremony was a terrific event. She suggested that the event be opened to the community in the future to allow citizens to recognize and thank the members of the Police Department.

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Mayor Meehan announced that the next Space Coast Honor Flight will be held March 17 at 1:30 a.m.

**E. ADJOURNMENT**

The meeting adjourned at 8:45 p.m.