

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-24

Held on Thursday, the 16th day of July 2020, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting was conducted via communications media technology (teleconference/video conference).

The meeting was called to order at the hour of 7:00 P.M.

Councilman Santiago gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	William Capote	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Harry Santiago, Jr.	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Brian Anderson	Present
ACTING CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Present was Joan Junkala-Brown, Director of Community and Economic Development; Laurence Bradley, Growth Management Director.

ANNOUNCEMENT(S):

Deputy Mayor Johnson announced the following vacancies and solicited applications for same:

- 1. One (1) vacancy on the Community Development Advisory Board (can represent one of the following: 'for-profit provider', 'actively engaged in home building', 'employer within the City', or 'advocate for low-income persons').++**
- 2. One (1) vacancy on the Youth Advisory Board (represents youth board member 'at-large' position).++**

- 3. Four (4) vacancies on the Disaster Relief Committee.++**
- 4. One (1) vacancy on the Citizens' Budget Advisory Committee (represents 'at-large' position).++**
- 5. One (1) vacancy on the Police and Firefighters Retirement Pension Plan, Board of Trustees**
- 6. One (1) vacancy on the Youth Advisory Board (represents 'adult member, 30 years and older' position).+**

AGENDA REVISION(S):

1. Ms. Sherman announced the following revisions:
 - a.) There was a scrivener's error on the agenda to Item 2, under Consent Agenda. The bid number for equipment rental should reflect IFB 45-0-2020, not IFB 14-0-2020; and
 - b.) Item 11, under Consent Agenda, had been withdrawn from the agenda.

CONSENT AGENDA:

All items listed under Consent Agenda were considered and enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, that the Consent Agenda be approved with the removal of Items 5, 6, 7, 8, 9 and 10, from consent. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

1. Adoption of Minutes: Regular Council Meeting 2020-22; June 18, 2020.

The minutes, considered under Consent Agenda, were approved as presented.

2. Award of Bid: 'Cooperative Purchase', Equipment rental - IFB 14-0-2020 - various departments (EP Rents, LLC; HERC Rentals Inc.; NESCO, LLC; Ring Power Corporation; Sunbelt Rentals, Inc.; Florida BC Holdings, LLC dba Synergy Rents; Trekker Tractor, LLC; and United Rentals (North America), Inc. - estimated annual amount of \$107,317).

Staff Recommendation: Approve the ‘Cooperative Purchase’ award for equipment rental to EP Rents, LLC; HERC Rentals Inc.; NESCO, LLC; Ring Power Corporation; Sunbelt Rentals, Inc.; Florida BC Holdings, LLC dba Synergy Rents; Trekker Tractor, LLC; and United Rentals (North America), Inc., in the estimated annual amount of \$107,317.

The item, considered under Consent Agenda, was approved as recommended by City staff.

3. Award of Proposal: Automated Chest Compression (CPR) devices and accessories – RFP 53-0-2020 – Fire Department (Stryker Medical Sales - \$116,627).

Staff Recommendation: Approve the award for Automated Chest Compression (CPR) devices and accessories to Stryker Medical Sales, in the amount of \$116,626.70.

The item, considered under Consent Agenda, was approved as recommended by City staff.

4. Resolution 2020-32, amending Resolution 2019-37, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (third amendment).

The City Attorney read the ordinance in caption only. The resolution was approved under Consent Agenda.

5. Resolution 2020-33, amending Resolution 2019-38, adopting the Five-Year Capital Improvements Program for Fiscal Years 2019-2020 through 2023-2024 (third amendment).

The City Attorney read the ordinance in caption only.

Bill Battin, resident, said the residents had paid enough for the St. Johns Heritage Parkway and the eastern portion still had to be completed. He said it was not the responsibility of the residents to fund the developers.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Resolution 2020-33. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

6. Consideration of the proposed budget for the Bayfront Community Redevelopment Agency for Fiscal Year 2021.

Staff Recommendation: Approve the proposed budget for the Bayfront Community Redevelopment Agency for Fiscal Year 2021.

Bill Battin, resident, wanted to ensure that the developers for projects such as Northshore did not receive tax breaks in the future, but residents were not receiving the same tax breaks.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the proposed budget for the Bayfront Community Redevelopment Agency for Fiscal Year 2021.

Mr. Bailey said he had the same concerns as Mr. Battin, but Council had made obligations and Brevard County supported same. He felt the budget had been completed based on the Interlocal Agreement with Brevard County.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

7. Consideration of Letter of Intent with Jimson Hospitality Group, LLC, for Pelican Harbor Marina parcels; and engage in discussions with the buyer to bring an offer back to Council for future consideration.

Staff Recommendation: Authorize the Acting City Manager to execute the Letter of Intent from Jimson Hospitality Group, LLC; and to engage in further discussions with the buyer to bring back an offer to Council for future consideration.

Bill Battin, resident, said the property was appraised at \$2.4 million but the offer submitted was \$1.8 million.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve the Letter of Intent as requested.

Mr. Bailey asked staff to address the comment. Ms. Sherman said the main reason for the price reduction was to keep the public access to the waterfront at the time of sale and for perpetuity on the property. Mr. Bailey wanted to see if it could be negotiated for a better price but said it was a fair price than to sit unused. Mr. Santiago said the appraised value came in at its highest and best use, but it came in lower due to the conditions of the sale.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

8. Consideration of exceeding the \$50,000 maximum award for SHIP Owner-Occupied Rehabilitation by \$25,000 under the approved LHAP for 2980 Garden Terrace.

Staff Recommendation: Authorize exceeding the \$50,000 maximum award for SHIP Owner-Occupied Rehabilitation by \$25,000 under the approved LHAP for 2980 Garden Terrace.

Bill Battin, resident, said that Council passed an ordinance that limited the amount of funds that could be invested in other people's homes to \$50,000. He did not want to see additional funding going towards one individual and said those monies could aid the homeless. He asked the repercussion should the owner sell the property. Mrs. Junkala-Brown advised that pursuant to the Local Housing Assistance Plan adopted by Council, the City Manager had the authority to exceed the maximum award. She said a clause was included in the mortgage note that the loan must be repaid should the owner sell, refinance or alter the loan. Mr. Bailey asked the length of the lien and if it went to the beneficiary should the owner pass away. Mrs. Junkala-Brown answered ten (10) years and confirmed that the lien would pass on to the beneficiary, but the beneficiary would have to qualify; otherwise, the loan would have to be repaid.

Motion by Mr. Bailey to deny the request. The motion died for lack of a second.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the request.

Councilmembers supported the request stating there was the opportunity to recoup the funds if the property was sold, refinanced, etc. Mr. Anderson said that this area was in the older part of Palm Bay and needed a lot of work to ensure the homes were inhabitable.

Mr. Bailey did not agree with Council or the City Manager deciding who received the extra funding. He suggested that if \$50,000 was not enough to meet the needs of the program as adopted, then the program needed to be revised. He could not support the request when it could mean that one or two other homeowners would not get approved at all. Mr. Santiago supported a revision to the plan, if needed. Mr. Bailey clarified that he had no problem with the process, but he had an issue with exceptions to the process. He said if staff wanted to change the guidelines and recommend a \$75,000 maximum, then that should be the maximum with no exceptions. Mr. Santiago said he wanted to ensure that Council always had the opportunity to review and consider these items.

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

9. Consideration of exceeding the \$50,000 maximum award for SHIP Owner-Occupied Rehabilitation by \$50,000 under the approved LHAP for 2215 Williams Street.

Staff Recommendation: Authorize exceeding the \$50,000 maximum award for SHIP Owner-Occupied Rehabilitation by \$50,000 under the approved LHAP for 2215 Williams Street.

Bill Battin asked how many people were not approved due to exceeding the \$50,000 maximum. Mrs. Junkala-Brown said there was a wait list and it was based on a first-come, first-serve basis. The wait list was currently closed as there were no funding allocations for Fiscal Year 2020-2021. If someone was not income eligible, staff would move on to the next applicant.

Mr. Bailey asked if any applications had been denied by staff that exceeded the \$50,000 maximum. Mrs. Junkala-Brown said she had not seen any since she began overseeing the program but believed that no one had been denied.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the request.

Mr. Bailey did not like the applications being considered on an individual basis but supported this request as the individual was very low income, the home was almost a reconstruction and she had been on the waiting list since 2018.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

10. Consideration of a grant agreement with the Office of Community Oriented Policing Services for the Fiscal Year 2020 Cops Hiring Program (CHP) grant award.

Staff Recommendation: 1) Approve the grant agreement between the City of Palm Bay and the Office of Community Oriented Policing Services; 2) Authorize the Acting City Manager and Police Chief to execute the grant agreement; and 3) Authorize the Police

and Finance Departments to proceed with funding the local match starting with Fiscal Year 2021 budget preparation.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the request.

Mr. Santiago said he would support the request, but hoped that any police officers and necessary equipment would be budgeted in future years.

Mr. Bailey asked if the City was obligated to hire the six (6) officers or could Council decide on less. Ms. Sherman said the grant was for the full six (6) officers and a lesser number could not be chosen. Mr. Bailey said he would support the request, but hoped for a more flexible option during the budget process.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

11. Consideration of appropriation of Fire Impact Fees (\$78,410) and General Fund Undesignated Fund Balance (\$45,710) to complete the Construction of Fire Station 5.

The item, announced under Agenda Revisions, was withdrawn from the agenda.

12. Consideration of travel and training for specified City employees (Police Department).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

13. Consideration of travel and training for specified City employees (Utilities Department).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

14. Acknowledgement of the City's monthly financial report for May 2020.

The item, considered under Consent Agenda, was acknowledged by the City Council.

PRESENTATION(S):

1. Frank Watanabe, Public Works Director - Road Maintenance. Mr. Watanabe provided an overview of the program, pavement management, rejuvenation, preservation and pavement matrix plan.

Mr. Bailey asked if it was possible to get all the roads completed within the \$150 million and, if so, by how much. Mr. Watanabe confirmed same and said it was dependent upon moving forward and reviewing the streets during the process to see if they needed less or more than what was originally evaluated.

Mr. Santiago asked that the presentation be shared with the Infrastructure Advisory and Oversight Board and the Citizens' Budget Advisory Board.

PUBLIC COMMENTS/RESPONSES: (Non-agenda Items Only)

There were no public comments.

PUBLIC HEARING(S):

1. Ordinance 2020-40, amending the Code of Ordinances, Chapter 200, Utilities Code, by modifying abbreviations and definitions contained therein, final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-40. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

2. Ordinance 2020-41, amending the Code of Ordinances, Chapter 201, Sewer Use, Subchapter 'Pretreatment of Wastewater', by including provisions related to the dental amalgam program, final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-41. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

3. Ordinance 2020-42, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (third budget amendment), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-42. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

4. Ordinance 2020-43, amending the Code of Ordinances, Chapter 184, Subdivisions, by removing the requirement for recordation of the subdivision plat prior to the issuance of building permits for model homes and developer owner/builder homes (Case T-13-2020, City of Palm Bay), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council.

Bill Battin, resident, did not agree with a developer building up to twenty-five (25) homes prior to submitting any plans to the City.

Mr. Bradley explained that staff would receive the plat and approve it, but it would no longer be required to be recorded as it was only for the model homes, not for the entire development or subdivision.

Jake Wise, CEG Engineering, said that a few of his clients brought this item forward and explained the benefits of approving the request for both the City and the developers.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-43. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

5. Ordinance 2020-44, amending the Code of Ordinances, Chapter 70, General Provisions, Subchapter 'General Provisions', by revising provisions related to parking of vehicles in residential areas (Case T-7-2020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Mr. Santiago, seconded by Mr. Anderson, to approve Ordinance 2020-44.

Mr. Santiago said his comments applied to Items 5, 6 and 7. He said it was important to improve the aesthetics of the neighborhood which improved the environment as well in residential areas.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

6. Ordinance 2020-45, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions', by revising provisions related to parking of vehicles in residential areas (Case T-7-2020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Mr. Santiago, seconded by Mr. Bailey, to approve Ordinance 2020-45. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

7. Ordinance 2020-46, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'Supplementary District Regulations', by revising provisions related to parking of vehicles in residential areas (Case T-7-2020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved, subject to the condition that the restriction to park vehicles on improved surfaces in the side yards be eliminated.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-46.

Mr. Bailey said that this ordinance was the meat of the actual changes being made regarding residential parking. He was unsure if the language under Section 185.123(B)(2) which stated that a maximum of two (2) vehicles were permitted to be parked on the sides of the residence was necessary. Mr. Bradley responded that the language was based on discussions with the City Manager and City Attorney where they wanted the clarification of the number of vehicles on the sides of the property. It could be two (2) on one side or one on each side. Mr. Bailey still did not feel it was necessary.

Mr. Bailey thought that the City was not going to include improved surfaces next to the driveway as addressed under Section 185.123(B)(1)(a). Mr. Bradley understood from the workshop that the language was to remain as is, but it was at Council's discretion to modify. Mr. Bailey said that if it was not required on the side of the house, it should not be required next to the driveway.

Mr. Bailey asked staff to clarify Section 185.123(D) which stated that no vehicle shall be parked or stored upon an unimproved parcel of land, etc. He said if he bought the lot next to him, he would consider that his side yard. Mr. Bradley said if the lots were married or if it was an oversized lot, it would be considered improved. If it was a separate lot as recognized by the Property Appraiser and had no structures on it, it would be considered an unimproved parcel. Mr. Bailey asked if a parcel that he owned across the street could be used. Mr. Bradley said you could not have a parcel that crossed a right-of-way.

Mr. Santiago said he would agree to remove Section 185.123(B)(1)(a) to make it consistent with the sides of the property.

Mr. Santiago withdrew his motion. Deputy Mayor Johnson withdrew his second to the motion.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-46 with removal of Section 185.123(B)(1)(a). Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

8. Request by the Rook at Palm Bay, LLC, for preliminary subdivision approval of a proposed development, consisting of four (4) commercial lots and one (1) multi-family residential lot, to be known as ‘Crowne Square’, which property is located south of and adjacent to Malabar Road, in the vicinity east of Cassia Avenue and West of Corporate Circle, in CC (Community Commercial District) and RM-20 (Multiple-Family Residential District) zonings (21.0 acres) (Case PS-2-2020) (Quasi-Judicial Proceeding).

The Planning and Zoning Board recommended approval of the request, subject to Items A through E of the staff report being submitted with the Final Subdivision application as recommended by staff.

The public hearing was opened. Jake Wise, representative for the applicant, presented the request to Council.

Mayor Capote asked about the request made by the American Legion regarding a fence buffer. Mr. Wise said the applicant already planned on surrounding the perimeter with a six-foot high opaque fence. Mr. Bailey asked for clarification regarding the fence as the Planning and Zoning Board minutes reflected that the American Legion requested that the fence be replaced with a taller wall as a safety measure. Mr. Wise said that the Planning and Zoning Board approved the fence and he did meet with the American Legion representative afterwards and they supported the request.

Bill Battin, resident, commented on Items 8 and 9. He said the developer requested a variance so he could place more on the designated acreage. He suggested that the developer plan a new project to fit within the acreage.

Peter Filiberto, resident, asked if the parking would connect to the driveway next to Sonny’s BBQ.

Mr. Wise said that Walmart, Sonny’s and the carwash all connected to the same driveway. He said he attempted to work out an agreement with the property owner with no success, so the only access point was off the Malabar Road with the installation of a traffic signal. He added that a commitment was made to staff that no Certificate of Occupancy would be obtained until the traffic signal was open and in use.

Mr. Bailey asked if there was another way of not having an additional traffic light due to existing lights at Emerson Drive and Corporate Circle. Mr. Wise said it was a vigorous process to receive approval for a traffic light. Based on the number of anticipated trips in and out of the site, the number of turning movements, and as a safety protocol, a traffic light was necessary. The project would not be successful without the traffic signal and staff has supported same. Mr. Watanabe said the intersection met the signal warrant analysis and requires a traffic signal. He added that none of the traffic signals in the City were connected. This would be the first system to do so. There would be a master control that would operate all three (3) signals so if there was no demand at one of the traffic lights, it would give a green light.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the request.

Mr. Bailey encouraged the applicant to consider some type of buffering adjacent to the American Legion.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

9. Request by Rook at Palm Bay, LLC, for a variance to encroach the front parking setback of a proposed apartment building clubhouse; encroach the rear building setback of a proposed grocery store; and encroach the rear parking setback in two (2) separate commercial locations (21.0 acres) (V-12-2020) (Quasi-Judicial Proceeding).

The Planning and Zoning Board recommended that the request be approved.

The public hearing was opened. Jake Wise, representative for the applicant, presented the request to Council.

Peter Filiberto, resident, said that being able to connect to the Walmart-Sonny's driveway would alleviate traffic from Malabar Road and eliminate the need for the traffic light. Mr. Wise said their request to connect to the roadway was denied by the property owner.

Mr. Bailey asked if connecting to the roadway could be a condition. Ms. Smith said that Council could not mandate that other properties allow this project to connect to their roadway.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the request. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

10. Request by Chaparral Subdivision Phase II for Final Development Plan approval of a proposed single-family residential Planned Unit Development (PUD) to be known as 'Chaparral Phase II' on property located south of Malabar Road and west of Brentwood Lakes Subdivision (82.14 acres) (Case FD-10-2020). (RESCHEDULED TO P&Z – 08/05/20)

COMMITTEE AND COUNCIL REPORT(S):

Councilmembers provided updates on activities of various agencies and boards on which they served as members.

1. Mr. Anderson said a roundtable was recently held regarding the homeless. He advised that Beverly Squire-Wiggins agreed to host the meetings. Approximately twenty (20) individuals were in attendance. Mr. Anderson detailed the discussions of the meeting. A monthly report would be provided to Council. Another meeting would be held in two (2) weeks to further discuss a service center and resource guide.
2. Mr. Bailey said he would address decorum issues at a future meeting related to the discussion of the City Manager at the last meeting.

NEW BUSINESS:

1. Consideration of implementing a Military Banner Program.

Staff Recommendation: Approve the implementation of a Military Banner Program.

Joseph Stokes, member of the Youth Advisory Board, provided an overview of the program.

Mayor Capote asked if light poles were used for holiday displays. Ms. Suzanne said they were not currently use for same, but any decorations would be removed as needed. Mayor Capote said that someone may think that if this program was for one year and if they paid for the banner, it would mean the military banner would remain in place for the full 365 days. Ms. Sherman said that, if approved, staff would work out the details with other items that needed to be defined, such as locations.

Mr. Bailey asked what happened if the individual wanted to renew, if a new banner was issued and the old banner was given to the individual and where was the renewal money distributed. Mr. Stokes said monies would go to the company and it was undecided as to what would happen with the banners after the one year. Mr. Bailey said it was a great idea and suggested displaying on every other pole and along corridors. He asked if the City was required to go through the procurement process. Ms. Sherman said it did not require procurement, but protocols would need to be established for the purchasing of the banners, ensuring that City policies were followed, etc. Councilmembers supported the request. Mr. Bailey said this could be the City's program to fund the Veterans Day Parade.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the Military Banner Program. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

2. Consideration of Fiscal Years 2018 and 2019 reimbursements from Bayfront Community Redevelopment Agency to the City's General Fund (\$566,525) and Brevard County's General Fund (\$270,185).

Staff Recommendation: Approve Fiscal Years 2018 and 2019 reimbursements from Bayfront Community Redevelopment Agency to the City's General Fund in the amount of \$566,525, and Brevard County's General Fund in the amount of \$270,185.

Motion by Mr. Bailey, seconded by Mr. Santiago, to approve the reimbursements to the specified funds as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

3. Consideration of appropriation from General Fund Undesignated Fund Balance for a Disaster Recovery Solution (\$624,300).

Staff Recommendation: Approve the appropriation from General Fund Undesignated Fund Balance for a Disaster Recovery Solution \$624,300.

Motion by Mr. Bailey, seconded by Mr. Anderson, to approve the appropriation of funds for a disaster recovery solution as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

4. Consideration of 2020 Certification of Taxable Value; 2021 proposed Operating Millage Rate; 2021 proposed Debt Millage Rate; and scheduling dates for budget public hearings.

Staff Recommendation: Authorize the Acting City Manager to advertise a Fiscal Year 2021 proposed operating millage of up to 8.1379; authorize the City Manager to advertise a Fiscal Year 2021 proposed voted debt millage of 0.7516; and to schedule the first public hearing date for Wednesday, September 9, 2020 at 6:00 p.m., and the second public hearing date for Wednesday, September 23, 2020 at 6:00 p.m.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the advertisement, proposed operating millage rate, proposed debt millage rate and budget public hearing dates as recommended by staff.

Mr. Santiago said it was prudent to keep the current millage rate and keep putting monies away for emergencies.

Mr. Bailey preferred the three percent (3%) rate of 7.8378, with a goal of trying to have a budget based on the rollback rate.

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

5. Consideration of an Employment Contract for Suzanne Sherman, Acting City Manager.

Deputy Mayor Johnson presented the item to Council. The requested salary was \$170,000, with a ten (10) week severance clause. He advised that Ms. Sherman would not be appointing an Acting Deputy City Manager at this time.

Peter Filiberto, resident, cited the definition of acting city manager per the City Charter. He said a contract went against the Charter. He also cited the revocation clause in the Charter. He felt it was a waste of taxpayer dollars.

Bill Battin, resident, questioned what would happen if Ms. Sherman was unable to perform her duties as acting manager with no acting deputy.

Santa Isabel Wright, resident, felt Mrs. Morrell did a phenomenal job and said that she should be asked to come back until the new Council was elected.

Ms. Smith advised that the Charter provision referred to a temporary absence or disability, not a vacancy. Mayor Capote said that if Ms. Sherman was unable to perform as City Manager, with no Deputy City Manager, then the same process would occur and Council would appoint an individual.

Mr. Bailey said that Deputy Mayor Johnson mentioned a six-month minimum of serving in this capacity. The Palm Bay Code of Ordinances (Code) and the City's Administrative Code both state that the vacancy should be filled within one hundred and eighty (180) days. He said the Code also stated that during the temporary absence or disability, the City Manager shall designate a fill-in, which would be the Deputy City Manager, Ms. Sherman. Council spoke of protections for Ms. Sherman which was not needed. If Council removed her from the acting position, she would automatically return to her position as Deputy City Manager. The proposed contract did not give more protection, just more money, which was already defined through the Administrative Code. If adhering to the Administrative Code, Ms. Sherman would receive a five percent (5%) increase above her current salary. Mr. Bailey felt that \$170,000 was a lot and it was slightly more than the salary of Mrs. Morrell. He also did not agree with providing ten (10) weeks of severance pay. He did not feel it was appropriate to have a contract when rules were already in place to address the positions of acting. He suggested withdrawing the contract and allowing Ms. Sherman to be the Acting City Manager for the next six (6) months.

Mayor Capote said that Council agreed that the next Council would perform the vetting for City Manager which may not be until March or April of 2021.

Mr. Bailey asked for clarification of the Code with regard to limitations of serving in the acting position. Ms. Smith said the Code states that the position should be filled within one hundred eighty (180) days. She opined that Council should do everything in its power to fill the position within that time.

Mr. Bailey said that if the salary being presented today was approved, then Council should just appoint Ms. Sherman as City Manager.

Mr. Santiago would not support the proposed salary. He preferred what was outlined in the Administrative Code to include an escalator severance clause. He suggested the contract mirror that of former Acting City Manager, Chad Shultz. Mayor Capote suggested that Deputy Mayor Johnson continue negotiations with Ms. Sherman.

Mr. Anderson said the City would save money by not having a Deputy City Manager. It

was a high stressed, demanding position and the average salary would be \$200,000 based on the City's size. He suggested starting the search process for City Manager so that new Council could narrow down the candidates and make its selection. He said Ms. Sherman came with experience and Mrs. Morrell was given \$165,000 with no experience.

Mr. Santiago said he was concerned about not having an Acting Deputy City Manager but felt the Administrative Code should be followed. He agreed with having a search process.

Mr. Bailey said a severance clause was not needed because Council could not fire Ms. Sherman. Council only had the authority to remove Ms. Sherman from the acting position.

Mayor Capote felt that a salary between \$160,000-\$165,000 should be a starting point. Mr. Anderson agreed with \$165,000.

Deputy Mayor Johnson asked about the severance clause and if it was needed. Ms. Smith said that if Ms. Sherman was removed from acting, then she would automatically return to the position of Deputy City Manager.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the Employment Contract for Suzanne Sherman, Acting City Manager, with the salary of \$165,000 and removal of the severance clause.

Mr. Anderson would support a five-week severance. Deputy Mayor Johnson agreed.

Motion Deputy Mayor Johnson, seconded by Mr. Anderson, to amend the motion to include five-week severance clause.

Mr. Santiago would not support the contract but fully supported Ms. Sherman. He just wanted to remain consistent. He said the Code needed to be revisited so that these discussions did not occur in the future and there were clear expectations.

Mr. Bailey felt it may be perceived that if Ms. Sherman could do the job with no Deputy, then why keep the Deputy position. Then the permanent City Manager should not need a Deputy and if one was hired, then both positions should make less money. He said that not having a Deputy also reduced the professional growth of lower level supervisors. If a director was appointed as Deputy, then that director would appoint someone to serve as the department's acting director and so on. Mr. Santiago hoped that Ms. Sherman would appoint one of the directors as the Acting Deputy City Manager but knew that it was her decision to make.

Mr. Anderson asked Ms. Sherman if she agreed with the proposed salary and severance. Ms. Sherman confirmed same.

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Nay
Councilman Bailey	Nay
Councilman Anderson	Yea

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman asked Council about mask policies and whether to encourage or mandate same. The City currently encouraged the use of the masks. Mayor Capote said that any public access areas, such as City Hall or other City facilities, should require the public to wear masks. It would be very hard to enforce any other areas if the City did not receive support from other levels of government. Mr. Santiago was not comfortable with mandatory masks for the public, especially with the inability to enforce it but supported having employees wear masks. Mr. Anderson said the City should continue to encourage but not force it. Deputy Mayor Johnson and Mr. Bailey agreed.

PUBLIC COMMENTS/RESPONSES:

Residents made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:02 p.m.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK