

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-25

Held on Thursday, the 6th day of August 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
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Present was Laurence Bradley, Growth Management Director; Traci Hildreth, Business Operations Manager, Public Works Department.

ANNOUNCEMENT(S):

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

- 1. One (1) vacancy on the Youth Advisory Board (represents 'adult member, 30 years and older' position).++**
- 2. One (1) vacancy on the Community Development Advisory Board (represents one of the following: 'for-profit provider', 'actively engaged in home building', 'employer within the City', or 'advocate for low-income persons').++**

3. Four (4) vacancies on the Disaster Relief Committee.++

4. One (1) vacancy on the Citizens' Budget Advisory Board (represents 'at-large' position).++

AGENDA REVISION(S):

1. Ms. Sherman requested that Item 2, under Public Hearings (Ordinance 2020-45), be tabled to the August 20, 2020, regular Council meeting to coincide with the final reading of Item 3, under Public Hearings (Ordinance 2020-46).

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to table Ordinance 2020-45 to the August 20, 2020, regular Council meeting. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

2. The applicant for Items 4 and 5, under Public Hearings (Cases CP-4-2020 and CPZ-4-2020), requested a continuance to a special Council meeting on September 10, 2020.

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to table Cases CP-4-2020 and CPZ-4-2020 to a special Council meeting on September 10, 2020. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

CONSENT AGENDA:

All items of business marked with an asterisk were considered under Consent Agenda and enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, that the Consent Agenda be approved with the removal of Items 5 and 9, under Consent Agenda, 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 2020-23; July 2, 2020.

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

2. Adoption of Minutes: Regular Council Meeting 2020-24; July 16, 2020.

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

3. Contract: GIS software, Small Municipal and County Government Enterprise License Agreement, renewal – Utilities and Public Works Departments (Environmental Systems Research Institute, Inc. (ESRI) - \$294,311 (sole source)).

Staff Recommendation: Approve the three-year term renewal of the Small Municipal and County Government Enterprise License Agreement with Environmental Systems Research Institute, Inc. (ESRI) (Redlands, California), in the amount of \$294,310.96.

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

4. Miscellaneous Procurement: “Cooperative Purchase”, replacement vehicles with lighting and interior modifications (Florida Sheriff’s Association and Broward County Sheriff’s Association contracts) – Police Department (Weston Nissan; Alan Jay Fleet Sales; Strobes-R-U’s; O’Reilly Auto Parts; Space Cost Auto Supply; Arts Window Tinting - \$69,275).

Staff Recommendation: Approve the purchase and outfit of one (1) Nissan Altima and two (2) Chevrolet Equinox vehicles, utilizing the Florida Sheriff’s Association and Broward County Sheriff’s Association contracts, with Weston Nissan; Alan Jay Fleet Sales; Strobes-R-U’s; O’Reilly Auto Parts; Space Cost Auto Supply; Arts Window Tinting, in the amount of \$69,275.

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

5. Miscellaneous Procurement: "Cooperative Purchase", mowers and Sandpros (City of Mesa, Arizona, cooperative contract) – Parks and Recreation Department (Wesco Turf, Inc. - \$182,227); and “Cooperative Purchase”, vehicle replacement (Florida Sheriff’s Association contract) – Parks and Recreation Department (Duval Fleet, Inc. - \$59,585).

Staff Recommendation: Approve the purchase of two (2) Toro 4500D mowers and two (2) Sandpros, utilizing the City of Mesa, Arizona, cooperative contract, with Wesco Turf, Inc. (Sarasota), in the amount of \$182,227.24; and the purchase of a Ford F-550 truck with a dump bed, utilizing the Florida Sheriff’s Association contract, with Duval Fleet, Inc. (Jacksonville); in the amount of \$59,585.

Mr. Bailey said that he had requested an analysis from staff on the equipment being purchased and how it was being utilized compared to the contracted services. He wanted to ensure that monies were being spent in the most effective and efficient manner.

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

6. Miscellaneous Procurement: “Cooperative Purchase”, Disaster Recovery Solution (State of Florida ACS contract; Omnia Partners contract; NCPA (National Cooperative Purchasing Alliance)) – Information Technology Department (World Wide Technology; Software House International (SHI); Empire Computing and Consulting, Inc. - \$387,667).

Staff Recommendation: Approve the purchase of Disaster Recovery Solution products, utilizing the State of Florida ACS contract; Omnia Partners contract; NCPA (National Cooperative Purchasing Alliance), with World Wide Technology; Software House International (SHI); Empire Computing and Consulting, Inc., in the amount of \$387,666.94.

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

7. Resolution 2020-34, appointing members to the City of Palm Bay Business Improvement District.

The City Attorney read the resolution in caption only.

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

8. Consideration of solicitation of a commercial bank loan for the funding to expand and rehabilitate the South Regional Water Treatment Plant.

Staff Recommendation: Authorize staff to pursue the solicitation of a commercial bank loan for the funding to expand and rehabilitate the South Regional Water Treatment Plant.

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

9. Consideration of the Coronavirus Relief Fund Subrecipient Agreement with Florida Housing Finance Corporation for eligible activities related to COVID-19 (\$342,255).

Staff Recommendation: Authorize the Acting City Manager to execute the Coronavirus Relief Fund Subrecipient Agreement with Florida Housing Finance Corporation for eligible activities related to COVID-19 in the amount of \$342,255; and authorize staff to expend such funds prior to the 4th Budget Amendment.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the agreement. 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 appropriation from General Fund Balance (\$73,538) and from Fire Impact Fees Fund 190 Balance (\$120,763) to complete the construction of Fire Station 5.

Staff Recommendation: Approve the appropriation of \$73,538 from General Fund Balance (\$9,550 towards the emergency window exit, \$22,789 towards the generator, \$3,122 towards the motor gate, \$19,455 towards the water line, and \$18,622 for architect and engineering fees) and \$120,763 from Fire Impact Fees Fund 190 Balance (\$71,803 for remodeling and \$48,960 for the water line) for the construction costs of Fire Station 5.

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

PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)

Individuals made general comments.

PUBLIC HEARING(S):

1. 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), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened.

Margaret DeHart, representative of Powell's Subdivision Neighborhood Watch Program, did not feel that current Council was as supportive in meeting the needs of the Police and Code Enforcement which resulted in them being unable to effectively do their jobs, as well as being understaffed. She addressed concerns regarding code enforcement and said the organization did not agree with the proposed ordinance. Ms. DeHart suggested that Council and staff review the ordinances from the City of Sanford before making its final decision.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Mr. Bailey, to adopt Ordinance 2020-44.

Mr. Santiago said that the next Council would be able to review all nuisance ordinances as requested by Ms. DeHart.

Mr. Bailey said he had driven around the neighborhoods and observed the parking issues. He felt this ordinance was a good one, especially for small business owners.

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

The item, announced under Agenda Revisions, was continued to the August 20, 2020, regular Council meeting.

3. 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. At the last regular Council meeting, Council approved to remove Section 185.123(B)(1)(a). Post meeting, staff identified concerns with removing the section and therefore the item was being presented at tonight's meeting for first reading. Mr. Bradley advised that by removing that section, all regulations for front yard parking would be eliminated. He said the language was revised to match with side yard parking and did not allow for unlimited parking in the front yard.

Janice Crisp, resident, said that under the current conditions due to COVID-19, the City would be taking away a person's small business opportunity to repair vehicles at their home. She understood that it should not become a nuisance with junk vehicles, but people should be allowed to provide for themselves on their own property during these times.

The public hearing was closed.

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

Mr. Santiago questioned if the two (2) operable vehicles on the side yard would also include inoperable vehicles if stored temporarily, or if Council could modify to include one (1) inoperable vehicle. Mr. Bradley said inoperable vehicles were allowed on the side of the home, in the driveway and in the rear yard behind the fence. The only area in which it was not permitted was on the side of the driveway on an unimproved surface. Mr. Bradley clarified that a vehicle repair business could not be operated from the home.

Mr. Bailey asked if a homeowner's vacant lot located adjacent to their improved property would be considered part of their yard. Mr. Bradley said there would have to be a unity of the lots in order to comply with the ordinance. Mr. Bailey did not agree with allowing only two (2) vehicles but thanked staff for making the regulations more friendly for the residents. He commented that as Council had approved the first reading, it should have been submitted for second and final reading at tonight's meeting. He felt that Council should make the decision to bring an item back as first reading.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea

Councilman Bailey	Nay
Councilman Anderson	Yea

4. Ordinance 2020-47, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located at the southeast corner of Babcock Street and Plantation Circle from Single Family Residential Use to Commercial Use (3.86 acres)(Case CP-4-2020, West Pointe Babcock, LLC), only one reading required.

The item, announced under Agenda Revisions, was continued to the September 10, 2020, special Council meeting.

5. Ordinance 2020-48, rezoning property located at the southeast corner of Babcock Street and Plantation Circle from RR (Rural Residential District) to CC (Community Commercial District) (3.86 acres) (Case CPZ-4-2020, West Pointe Babcock, LLC), first reading (Quasi-Judicial Proceeding).

The item, announced under Agenda Revisions, was continued to the September 10, 2020, special Council meeting.

6. Ordinance 2020-49, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapter 'Walls and Fences', to eliminate the requirement of building permits for fences and to allow the Growth Management Director to exempt fences over four feet in height in front yards (Case T-15-2020, City of Palm Bay), first reading.

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

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

Mr. Santiago asked for clarification that this request was related to fencing of the front yard only. Mr. Bradley said Section 1 of the ordinance referred to eliminating the requirement for a permit to erect a fence and Section 2 provided provisions for exemptions of fences over four (4) feet in height in the front yard. Section 2 would allow for fences up to six (6) feet. Mr. Santiago asked why the Code of Ordinances (Code) was initially written as four (4) feet. Mr. Bradley said that height limit had been in the Code for a long time and was for aesthetic, safety and Code Enforcement purposes. Mr. Santiago asked if police and fire had been included in the discussions. Mr. Bradley answered in the

negative.

Mr. Bailey said he had brought this item forward and provided further details on the purpose and intent. He said that residents were required to go through a lengthy process just to get a permit for a fence. It was also costly if a survey was needed. He said that a higher front yard fence provided privacy and he felt it was not aesthetically pleasing to transition from four (4) feet to six (6) feet. He added that from the safety standpoint, there was no difference in an officer seeing something occurring in the front yard or the backyard.

Mr. Santiago asked if any neighboring cities allowed a six-foot fence in the front yard. Mr. Bradley said he was not aware of fence height, but there were other cities that did not have the permit requirement. Mr. Bailey advised that the Building Official said the Florida Building Code did not require the provision.

Bill Battin, resident, felt this was a waste of time as permits were still required from the Department of Health if there was an existing well or septic tank.

Tom Gaume, resident, asked if the fence would be on private property or in the right-of-way. He added that homeowners' associations had six (6) foot fences around the perimeter of the subdivision, yet it was not allowed anywhere else.

Peter Filiberto, resident, supported the ordinance but asked that chain-link fences be prohibited for aesthetic purposes.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Santiago, to approve Ordinance 2020-49.

Mr. Bailey said he was less interested in the aesthetic purposes than for safety. He said if you had a corner lot, there were regulations already in place to allow for the line of sight.

Councilmembers responded to the public comments.

Mr. Santiago would not support the request as is and suggested a workshop. Mayor Capote and Deputy Mayor Johnson agreed. Deputy Mayor Johnson wanted to receive input from Police and Fire. Mr. Anderson supported Section 1 of the ordinance but wanted revisions to Section 2. He agreed with tabling the item and added a reminder for residents to call before they dig.

Mr. Bailey asked if the permitting portion (Section 1) could be approved and remove Section 2 and table that portion for a future meeting. Mr. Santiago asked if staff had any concern with the permitting portion. Mr. Bailey asked if it could be added to the zoning review process as well. Mr. Bradley said there would be a zoning review, but the format had yet to be developed. It would require confirmation of permits through the Department of Health, zoning requirements and compliance with any other sections of the Code. Mr. Santiago asked if this would be considered a substantial amendment. Ms. Smith said it was not a substantial change and would not need to be reconsidered by the Planning and Zoning Board.

Mr. Santiago withdrew his second.

Motion by Mr. Bailey, seconded by Mr. Santiago, to approve Ordinance 2020-49, with the removal of Section 2 (Section 170.114) from the ordinance until further consideration in the future. 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 2020-50, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by increasing the maximum number of chickens permitted on single family lots; and including provisions for urban farm animals permitted on developed single family lots (Case T-16-2020, City of Palm Bay), first reading.

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

The City Attorney read the ordinance in caption only. The public hearing was opened. Councilman Bailey presented the request to Council. He said that this was an important part of sustainability should there be a food shortage and also created a healthier lifestyle. Increasing the amount of chickens still allowed a family to have enough to continue producing eggs should a few be slaughtered for food, death by natural causes, or killed by predators. There would not be the immediate need to replenish the chickens. Mr. Bailey said that having two (2) goats or two (2) sheep kept them happier, calmer and quieter.

Mayor Capote asked about areas that were zoned for these types of animals. He was hesitant in allowing chickens and goats throughout the entire City. Mr. Bradley said that in 2013, Council approved an ordinance permitting up to four (4) chickens in almost all of the single-family zoning districts. Goats, sheep and the like were only allowed in RR

(Rural Residential District) and GU (General Use Holding District) zonings.

Individuals submitted virtual comments supporting the request.

Joe Laughlin, resident, said that during the onset of COVID-19, there was a nationwide shortage of supplies, including eggs and meat. He said this ordinance allowed the residents to provide for their families. He said that four (4) chickens typically produced 3-4 eggs per day which was not enough for a family of 3-4 people.

Bill Battin, resident, commented on how expensive it was to feed and care for these animals. He expressed concern if animals were neglected. If there was a six-foot fence, no one would be able to see the condition of the animals. He believed in everyone being able to have livestock, but said it had to be responsibly.

Mr. Bailey asked Mr. Laughlin to address the space requirements and feed concerns. Mr. Laughlin said that if the chickens free-range throughout the backyard, they will eat bugs, lizards, etc. and it would cut down on the cost of feed. If kept in the coop all of the time, a lot more feed would be needed. Sheep would need to be fed with hay as they do not do well with St. Augustine grass.

Mr. Anderson asked if the current ordinance required chickens to be kept in the coop at all times. Mr. Bradley confirmed same and said that language was not amended in this proposed ordinance. Mr. Anderson questioned if the goats and sheep could roam freely. Mr. Bradley said the ordinance did not state that they have to be in a specific area, but that they have to be within a fenced area on the property.

Mr. Santiago asked if goats could jump higher than six (6) feet. Mr. Bradley was unsure. Mr. Santiago said that when the initial ordinance for four (4) chickens was brought forth, a main concern was health. He asked if any research had been done on the effects of a person's health. Mr. Bradley said a previous Growth Management Director had done research on same in 2013 and he would provide the report to Council.

Mayor Capote asked if a community survey had been performed. Mr. Bradley answered in the negative.

Mr. Bailey asked Mr. Laughlin to address the sanitary issues. Mr. Laughlin said that chickens were widely used to provide natural sanitization after cows, sheep and goats were in an area. He said that goats could jump and the rule of thumb was if a golden retriever could jump it, then a goat could do so as well.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Anderson, to approve Ordinance 2020-50.

Due to an additional public comment, the public hearing was reopened. Mr. Bailey withdrew his motion and Mr. Anderson withdrew his second to the motion.

Alfred Agarie, resident, said he had been a farmer for many years and the City did not need this type of situation. He understood the necessity for residents, but a survey was definitely needed. He said the smell was horrible that came with these types of animals.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Anderson, to approve Ordinance 2020-50.

Mr. Bailey said the fertilizer that was created by the chickens was helpful to the environment. He added that the chickens would eat the bugs that would potentially be harmful to a garden. He felt that it may be good option to permit the chickens to roam freely within the fenced area. He said if a survey was done, he wanted to provide as many facts as possible.

Mr. Anderson felt the chickens were not an issue but preferred no more than six (6) or eight (8). However, he said that goats and sheep could become very loud, but felt a rooster should also be permitted. He said that there should be an acreage requirement.

Deputy Mayor Johnson said that the Center for Disease Control (CDC) expressed concern about these types of animals spreading diseases on its website. He asked if anyone had reached out to the CDC for comment. Mr. Anderson said the CDC recently issued a statement advising not to kiss the chickens as it could lead to the spread of disease. Deputy Mayor Johnson asked if any other cities allowed 10-13 chickens, as well as goats and sheep.

Mayor Capote said that back in 2013, there was an immense amount of information provided to Council. He felt that a survey should have gone out to the residents and both the pros and cons be presented to Council. Mr. Santiago felt this was being rushed through without a lot of information. He understood the need to survive, but no one should ever allow the current climate to dictate their lives; it should be the vision of a better life to lead into a more hopeful future.

Mayor Capote asked if Councilman Bailey wanted to table the item or for Council to vote on the motion. Mr. Bailey understood that the goats and sheep were a concern. He asked if Council would agree to separating the issues. Mayor Capote felt it should all be tabled and possibly hold a workshop. Mr. Bailey said he was hoping to at least get the chickens approved tonight but was agreeable to a workshop. He provided further comments on the issue.

Mr. Anderson withdrew his second to the motion.

Mr. Bailey wanted to have a workshop as soon as possible, preferably between September and beginning of October.

Motion by Bailey, seconded by Anderson, to table the item to October 1, 2020. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) student member to the Youth Advisory Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to appoint Emani Williams to the 'at-large student member' position on the Youth Advisory Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

COUNCIL REPORTS:

Councilmembers addressed various subject matters.

1. Mr. Santiago asked if Council desired to initiate the process of searching for a City Manager. Mayor Capote thought Council had agreed for the new Council to perform the search. Mr. Bailey said the acting position could only be for six (6) months. He preferred to have a Citizen Review Committee do all the vetting instead of hiring a search firm. He said that Human Resources could solicit applications. Deputy Mayor Johnson asked if Council wanted to allow Ms. Sherman to go beyond the six (6) months and if there would be a violation to do so. Ms. Smith advised that the provision was within the Code of Ordinances and could be modified at any time by Council. Mr. Bailey asked that the ordinance be modified to allow for longer than six (6) months. Council concurred.

2. Mr. Bailey advised that organizations, such as the various leagues, were charged by the City for the use of lights at the parks. However, lights for basketball, tennis courts, etc. were used at no charge. He asked that those fees be removed during the budget process. Mayor Capote said that those fees were kept as minimal as possible, but there was a cost for same. He suggested that Councilman Bailey speak with staff. Council concurred for the information to be researched and brought back for further discussion.
3. Mr. Bailey asked that staff take all that had been learned from the changes made by Honeywell and apply them to as many facilities as possible with the hopes of driving down costs.
4. Mr. Bailey said he was unaware of the limited amount of dash cameras for the Police Department. He asked that more cameras be considered during the budget process, if possible, or in future budgets.
5. Deputy Mayor Johnson Kenny asked that, for the workshop related to chickens, Councilman Bailey speak with a representative from the CDC, provide any similar ordinances for the amount of chickens requested, effects on farmers and Code Compliance, etc.
6. Mayor Capote appointed Kevin Vacciana Jr. to the Youth Advisory Board.

NEW BUSINESS:

1. **Resolution 2020-35, providing for the computation and imposition of stormwater utility fees to fund the City's provision of stormwater management services within the stormwater management area.**

Staff Recommendation: Approve the stormwater utility fee rate resolution at the proposed rate of \$131.00 per equivalent residential unit (ERU).

Ms. Hildreth provided a presentation to Council with key points of the rate resolution, a three-year summary of 2018-2020, discussion of the budget for 2021 and the annual rate recommendation of \$131.00 per ERU. The method of collection was changing from an assessment to a utility fee. Ms. Hildreth advised that fifteen (15) capital projects were planned for Fiscal Year 2021 at an estimated cost of \$4.357 million.

Bill Battin, resident, commented that the tax-exempt institutions had to pay for water, sewer, electric, etc., but not the stormwater fees. He said that what they did not pay was paid out of the General Fund revenues which was already paid by the residents.

Peter Filiberto, resident, did not feel this was the appropriate time to place fees on the residents when other governmental agencies were providing relief due to COVID-19. He suggested that the item be tabled for consideration by the new Council after the November election.

Tom Gaume, resident, mentioned that the agenda stated that \$8.9 million in revenues would be generated, but the presentation quoted \$9.1 million. He said there was \$11 million in surplus funds, but Council wanted more from its residents. There was unprecedented unemployment and Council should not be placing additional fees on families.

Mr. Santiago asked if some of undesignated fund balance could be used to supplement the capital stormwater projects. Ms. Sherman confirmed same.

Ms. Hildreth responded to Mr. Gaume's comment. She said that the different in numbers was that stormwater produced revenue outside of the stormwater rate, such as recycling of old pipes, residual assessment revenues, grants, etc.

Mr. Bailey asked if the City was still required to make up for the institutional exemptions. Ms. Hildreth answered in the affirmative and said that the General Fund would be responsible for approximately \$273,000 in exemptions.

Ms. Hildreth responded to Mr. Filiberto's comment. She advised that this was not a new fee, but a current fee that residents were paying through their non-ad valorem taxes since 2010.

Mr. Santiago asked if there would be a rate reduction if Council decided to place some of the undesignated fund balance towards capital stormwater projects and if it could be modified during the budget process. Ms. Hildreth said that if approved tonight, the rate for Fiscal Year 2020-2021 would be set at \$131.00. Ms. Smith said that it was not an assessment, but a user fee, and Council could change the rate at any time, if desired.

Mr. Bailey said that the new rate would go into effect on October 1st and asked the absolute deadline if rate changes were made. Ms. Sherman said some of the timing would be related to sending out the bills as some paid monthly, quarterly and annually. The amount of time the City did not bill the residents would affect the amount of revenues received. Mr. Bailey asked if Council would wait until after budget hearings. Ms. Sherman said it was possible, but it would cause a delay in billing and a reduction in revenues. It would also change the budget to be adopted in September.

Mr. Bailey asked the last time the exemptions list had been reviewed by staff. Ms. Hildreth answered that it was reviewed annually by the consultant prior to adoption of the rate.

Motion by Mr. Santiago, seconded by Mr. Anderson, to adopt Resolution 2020-35.

Mr. Santiago hoped that Council would consider utilizing the undesignated fund balance for additional stormwater projects. He said it was unfortunate that the assessment process was overturned, but he supported the user fee.

Deputy Mayor Johnson was hesitant about approving the resolution due to the exemptions. He felt that they benefited from the program and if required to pay, those funds could be dedicated to reducing the rate.

Mr. Anderson said that the governmental agencies were not required to pay the fee and although he did not agree with placing that burden on the taxpayer, the City had no legal standing if that agency did not pay. He did not want to put the Road Bond at risk by not funding the stormwater because it would eventually end.

Mr. Bailey said that Council needed to make hard choices and use the current General Fund balance. He said Council should prevent the problems now instead of having to make drastic decisions in the future.

Motion carried with members voting as follows:

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

ADMINISTRATIVE AND LEGAL REPORTS:

There were no reports.

PUBLIC COMMENTS/RESPONSES:

1. Tom Gaume, resident, suggested that councilmembers be given a speaking limit of five (5) minutes each on agenda items.

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ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:51 p.m.

William Capote, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK