

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-32

Held on Thursday, the 17th day of September 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 Planning and Economic Development.

ANNOUNCEMENT(S):

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

- 1. Three (3) vacancies on the Disaster Relief Committee.++**
- 2. One (1) vacancy on the Business Improvement District Board (represents 'bank or financial institution' position).++**

AGENDA REVISION(S):

1. Ms. Sherman announced that Item 6, under Public Hearings, relating to establishing a temporary moratorium for conditional use applications in NC zoning, had been withdrawn from the agenda.
2. Mrs. Jones stated that consideration of scheduling a special meeting in October had been added as Item 2, under New Business.

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 3, 5, 6, 13, 14, 15, 16 and 20, 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 2020-27; September 3, 2020.

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

2. Adoption of Minutes: Special Council Meeting 2020-28; September 3, 2020.

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

3. Award of Bid: Road bond paving, Emerson Drive – IFB 70-0-2020 – Public Works Department (Asphalt Paving System, Inc. - \$1,233,308).

Staff Recommendation: Approve the award for road bond paving, Emerson Drive, to Asphalt Paving System, Inc., in the amount of \$1,233,307.82.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the award for road bond paving as requested.

Mr. Bailey expressed concern with repaving parts of Emerson Drive where it was a single lane which would eventually have to be widened. He said it may not be a good time to consider the roadway near Emerson Drive/Minton Road, but the section near Emerson Drive/Malabar Road should be reviewed. He wanted to widen roads utilizing Impact Fees, not Road Bond funding.

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

4. Miscellaneous: Clarifier valve replacement – additional expenditure, North Regional Wastewater Treatment Plant (emergency purchase) – Utilities Department (L7 Construction, Inc. - \$5,230).

Staff Recommendation: Approve the appropriation of funds for the additional expenditure for the North Regional Wastewater Treatment Plant clarifier valve replacement to L7 Construction, Inc., in the amount of \$5,230.

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

5. Resolution 2020-39, authorizing the issuance of a Special Obligation Revenue Refunding Note with JPMorgan Chase Bank, N.A., to refund the City's Outstanding Special Obligation Bonds, Series 2010.

The City Attorney read the resolution in caption only.

Bill Battin, resident, said this was good savings for the City.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Resolution 2020-39.

Mr. Bailey added that not only did it save money, but it reduced five (5) years of the debt.

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

6. Resolution 2020-40, supplementing Resolution 98-44, authorizing the issuance of the City Utility System Revenue Note, Series 2020, with JPMorgan Chase Bank, N.A.

The City Attorney read the resolution in caption only.

Bill Battin, resident, asked the percentage of General Fund used for the annual debt service. Ms. Sherman said this was a loan to expand the Utilities Plant and would not affect the General Fund.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Resolution 2020-40.

Motion carried with members voting as follows:

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

7. Resolution 2020-41, amending Resolution 2020-30, which established procedures by which public virtual meetings shall be held for City advisory boards pursuant to Executive Order 20-69.

The City Attorney read the resolution in caption only.

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

8. Resolution 2020-42, amending Resolution 2019-38, adopting the Five-Year Capital Improvements Program for Fiscal Years 2019-2020 through 2023-2024 (fourth amendment).

The City Attorney read the resolution in caption only.

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

9. Ordinance 2020-63, amending the Code of Ordinances, Chapter 37, Growth Management Department, by removing references related to the Building Division, first reading.

The City Attorney read the ordinance in caption only.

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

10. Ordinance 2020-64, amending the Code of Ordinances, by creating Chapter 40, to be titled "Building Department", first reading.

The City Attorney read the ordinance in caption only.

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

11. Consideration of an agreement with Florida Department of Transportation for the Title VI Nondiscrimination Assurance.

Staff Recommendation: Approve the agreement with Florida Department of Transportation for the Title VI Nondiscrimination Assurance.

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

12. Consideration of an interlocal agreement with Brevard County for automatic aid, E-911 dispatch services and facility use.

Staff Recommendation: Approve the interlocal agreement with Brevard County for automatic aid, E-911 dispatch services and facility use.

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

13. Consideration of a technical revision to the State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan (LHAP) for Fiscal Years 2017-2018, 2018-2019 and 2019-2020, to include amendments to the purchase assistance with rehabilitation, emergency repair and disaster assistance strategies.

Staff Recommendation: Approve the technical revisions to the State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan (LHAP) for Fiscal Years 2017-2018, 2018-2019 and 2019-2020, to include amendments to the purchase assistance with rehabilitation, emergency repair and disaster assistance strategies.

Bill Battin, resident, asked how many applicants could receive assistance based on the maximum draw of funds. Mrs. Junkala-Brown said that under the SHIP Program, it would be dependent upon the individual strategy. For example, if the Down Payment Assistance Program had funding available for \$60,000, with a \$30,000 maximum per household, then only two households would receive funding.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the technical revisions to SHIP LHAP as requested.

Mr. Bailey said that he was concerned with the revision being geared towards repairs as a way of combatting blight in the community. He hoped that staff would review the percentages of what was being given to rehabilitation homes versus regular homes, and that Council would consider adjusting it in the future, if needed.

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

14. Consideration of a lease agreement for off-site office space for the Building Department.

Staff Recommendation: Approve a lease agreement for off-site office space for the Building Department.

Bill Battin, resident, said that if staff could remain as is then the monies to be used for the lease payment could offset the costs for the new building. He asked for information regarding the construction of the new building. Ms. Sherman advised that plans had not been developed as yet but would require final approval from City Council. She said that consultants had been hired to fill the gaps of unfilled positions, but as those positions were filled, more space would be a necessity.

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

15. Consideration of co-sponsorship of the STEAM event to be held at Fred Poppe Regional Park by waiving fees and advertising event (\$150) (Deputy Mayor Johnson).

Staff Recommendation: Approve the co-sponsorship of the STEAM event to be held at Fred Poppe Regional Park by waiving fees and advertising event, in the amount of \$150.

Bill Battin, resident, said he understood the purpose but did not agree with providing tax breaks when it could be revenue to the City.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve co-sponsorship of the event as requested.

Motion carried with members voting as follows:

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

16. Consideration of utilizing Parks Impact Fees (\$997,473), Tourist Development Council grant funds (\$1,700,000), and Fund Balance Reserves (\$558,492) for Phase I construction of the Fred Poppe Regional Park campground.

Staff Recommendation: Approve the utilization of Parks Impact Fees (\$997,473), Tourist Development Council (TDC) grant funds (\$1,700,000), and Fund Balance Reserves (\$558,492) for Phase I construction of the Fred Poppe Regional Park campground.

Bill Battin, resident, asked for information regarding Phase 2 of the project and the funding source for same.

Thomas Gaume, resident, asked if residents had been surveyed as to what amenities they wanted to see in Parks and Recreation. If so, he questioned where campgrounds ranked on the list and how this would be good for business when the City would be taking away from the local hotels and private rentals. Mr. Gaume asked further questions, including if there was a business plan, how security would be addressed, economic sustainability, annual personnel costs, if residents would have priority over tourists, etc. He questioned if the \$1.7 million grant funds were still available.

Randy Foster, resident, said that tourists stay at hotels for various reasons. He said that Air B&Bs and the like were an alternative to a hotel but camping and utilizing recreational vehicles (RV) was a way of life. He said that if tourists traveled to Palm Bay, then their money would be spent in Palm Bay. He added that as a member of the City's Recreation Advisory Board (RAB), the RAB fully supported this project.

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to utilize the specified funds as requested.

Mr. Anderson did not feel it would affect hotels and Air B&Bs as it was different subset of consumers. He said the grant funds were still available and if the City did not take advantage of those monies, it would be allocated to another project in Brevard County. He said the connecting road would be paid for with impact fees received from developers.

Deputy Mayor Johnson questioned if the proposed revenue figures were pre- or post-COVID. Ms. Sherman said it was pre-COVID.

Mr. Santiago said this was a great project and was excited to see it move forward. He said that when he had served on the TDC, a survey was performed and one of the items he noted was a rise in the use of RVs. He noted that there would be an expansion of the City's infrastructure for that area as well. He said that the use of RVs, hotels, Air B&Bs, etc. were all different sectors of the tourism industry.

Mr. Bailey had always felt that the money should either be returned or find a better use for the grant funds. He felt that Council was a little negligent in that there should be a complete plan presented and nothing was included in the agenda packet. He received an updated revenue report, but it conflicted with the original proposal to the TDC from three years ago. He said another issue was that personnel costs were not included in the expenses on the income statement. He felt it should be made clear to the public and there should be a presentation prior to Council voting on the item. He would never consider using General Funds for this project and the impact fees in the amount of approximately \$1 million would be wiped out for the zip codes in that area. He would support using the grants for a splash pad at City Hall or construction of an amphitheater.

Deputy Mayor Johnson asked if the motion had to be amended in order to have a presentation. Ms. Sherman answered in the negative. A presentation could be provided at the next regular Council meeting.

Motion carried with members voting as follows:

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

17. Consideration of utilizing Fire Impact Fees to purchase a vehicle for the development of a training division within the Fire Department (\$43,740).

Staff Recommendation: Approve the utilization of Fire Impact Fees to purchase a vehicle for the development of a training division within the Fire Department, in the amount of \$43,740.

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

18. Consideration of utilizing Fire Impact Fees to build a high-water rescue vehicle (\$12,502).

Staff Recommendation: Approve the utilization of Fire Impact Fees to build a high-water rescue vehicle, in the amount of \$12,502.

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

19. Consideration of the appropriation of funds for meter services additional expenditure (\$113,400) and recognition of installation fees revenue (\$189,228), with the remainder funds going into Reserves (\$75,828).

Staff Recommendation: Approve the appropriation of funds for meter services additional expenditure (\$113,400) and recognition of installation fees revenue (\$189,228), with the remainder funds going into Reserves (\$75,828).

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

20. Consideration of a budget amendment from City Manager's Office to Parks and Recreation to cover costs associated with the purchase of bracket kits for the Military Banner Program (\$3,618).

Staff Recommendation: Approve a budget amendment from City Manager's Office to Parks and Recreation to cover costs associated with the purchase of bracket kits for the Military Banner Program, in the amount of \$3,618.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve the budget amendment as requested.

Mr. Bailey said there should be an effort to recover the funds. He suggested adding an additional cost to the price of the banner to cover same. He said that after speaking with a representative from Florida Power and Light (FP&L), another option was that FP&L could donate old utility poles to be used by the City for this project.

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

21. Consideration of a budget amendment from City Manager’s Office to Public Works to cover costs associated with the City Hall Complex directional signage project (\$769).

Staff Recommendation: Approve a budget amendment from City Manager’s Office to Public Works to cover costs associated with the City Hall Complex directional signage project, in the amount of \$769.

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

22. Acknowledgement of the City's monthly financial report for July 2020.

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

PRESENTATION(S):

1. Sarah Kraum, Space Coast Transportation Planning Organization - school routes analysis.

Ms. Kraum and Mr. Aditya Inamdar, of Kittleson & Associates, provided an overview of the Safe Routes to School projects. Major recommendations from the Technical Committee included new sidewalks and the potential for multi-use trails to create safe, walkable paths to Lockmar Elementary School; traffic calming and increased lighting along the sidewalk leading to the back of Riviera Elementary School; maintenance of crosswalk markings, new sidewalks and the potential for multi-use trails to create safe, walkable paths to John F. Turner Elementary and Southwest Middle Schools; and evaluate school zone, adjust speed limit per guidance in Florida Department of Transportation Speed Zoning Manual for Odyssey Charter School, and improve the intersection at Eldron Boulevard and Raleigh Road. Mr. Inamdar advised of the next steps to implement the recommendations.

2. Joanne Stanley, Municipal Service Manager, and Trey Richardson, General Manager, Republic Services - update.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to allow public comments under this item with a three (3) minute time limit. Mayor Capote said that public comments were not heard under presentations. Ms. Smith advised that it was Council’s discretion to allow public comments.

Mr. Santiago said it would set a dangerous precedent to open up discussion for any presenter, not only for tonight but in the future, for presenters to answer questions directly

from the public. He said that any presenter was dealing with the City through the governing body and if any members of the public had questions or concerns, it should come through the governing body who would then give to staff for a response. He added that there were two (2) public comment sections on the agenda which allowed more than enough time for questions to be asked.

Deputy Mayor Johnson suggested that residents contact Republic Services directly should they have any questions. He thought that since Republic was on the agenda, it would be the best time for questions from the public.

Mayor Capote said this was not the proper way to handle public comments. If there were questions received by a councilmember from a resident, then the councilmember should ask those questions.

Mr. Anderson had no problem if it was just questions, but he did not want public comments to turn into an attack against Republic Services.

Mr. Bailey felt it was important to have as many questions answered in the public as possible. Allowing comments tonight did not legally bind the Council to have to allow them in the future.

Mr. Santiago called a Point of Order as there was currently a motion on the floor. Deputy Mayor Johnson withdrew his second to the motion. The motion died for lack of a second.

Ms. Stanley provided an update on Republic Services' personnel, equipment and customer notifications. Cart set out instructions had been sent out to residents which reflected the days of the week for trash collection, recycling collection and yard waste/bulk collection. Ms. Stanley reviewed the customer brochure of what should and should not be placed in the recycling container, as well as items that were considered hazardous waste. She advised of how to exchange carts and select cart sizes.

Mr. Bailey asked if customers could change their cart size multiple times during the 90-day period. Mr. Richardson advised that Republic would use the latest date of selection. Mr. Bailey asked if the routes were the same in the transition plan. Mr. Richardson confirmed same. Mr. Bailey questioned the turnaround time for pick-up of bulk waste going from three (3) days to seven (7) days. Mr. Richardson said that trucks would go out and tag large piles, such as move-out piles, which would be picked up within three (3) days after tagging. There was no need for an on-call service as drivers would be sweeping the streets and tagging the piles. Normal sized bulk waste would be picked up according to the customer's regularly scheduled pick-up day.

Deputy Mayor Johnson said that he had received comments and concerns regarding the location of the facility and the odor that may be generated from the site. Mr. Richardson said that Republic would do everything to keep the site clean with no offsite odor and to make sure there were no environmental problems. He said that wind screens would be placed along the north portion of the property so that the facilities would be out of view as well.

Mr. Anderson asked why glass was not being recycled. Mr. Richardson said that analysis had been performed on the City's recycling stream and approximately forty percent (40%) was contaminated, and approximately seventy-five percent (75%) of U.S. glass ended up in a landfill. Once glass was placed in a truck and compacted with other materials, the glass would ruin the other recycled materials.

Mr. Santiago expressed concern about the facility being adjacent to a residential area. He asked why that location was chosen, how long Republic would be located at the site, and if there was any chance of relocating. Ms. Stanley said that many of the Republic sites were next to residential areas. She said that when selecting a site, they would look for the bare minimum area in order to park and repair trucks, have administration offices, etc. She said there were not many options, but they wanted to have the site within the City. The lease was for ten (10) years.

Mr. Bailey said that a County Commissioner had mentioned that Republic would be taking waste outside of Brevard County and paying fees which would contribute to extra costs to the City. He asked if Republic was paying any tipping fees outside of Brevard County. Ms. Stanley answered in the negative.

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

Individuals made general virtual comments.

1. Connie McClary, resident, expressed concern about the location of Republic Services, the potential off-site odor and the close proximity to residential properties.
2. Camille Hadley, resident and Program Director of Little Grower's, Inc., said that Council had approved a lease agreement earlier this year for Little Growers, Inc. and, to date, a lease had yet to be signed. She said that the City had been putting up blocks and preventing them from moving forward. She asked Council to direct staff to execute the agreement and to remove the felony conviction provision under Section 4(1). Numerous individuals spoke in support of the organization and amendment to the lease agreement.

Ms. Sherman advised that the agenda item for Little Growers, Inc. would be presented to Council for consideration on October 1st.

Mr. Bailey said he was not aware of the location for Republic Service and did not believe it came to Council for a vote. He said he did not support the contract as it was presented and he expected a higher level of service under this new contract.

PUBLIC HEARING(S):

1. Ordinance 2020-52, vacating a portion of the rear public utility and drainage easement located within Lot 35, Block 2745, Port Malabar Unit 50 (Case VE-10-2020, Brian and Joellyn Daniels), final reading.

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

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Ordinance 2020-52. 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 2020-55, amending the Code of Ordinances, Chapter 92, Noise, by repealing the chapter in its entirety, 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 2020-55. 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 2020-56, amending the Code of Ordinances, by creating Chapter 92, to be titled "Noise", 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, asked if police officers would carry decibel meters, if the ordinance would be enforced by Code Compliance and how long would someone have to be in violation before being cited. Ms. Sherman answered that Police Department supervisors

would have the decibel meters and would not be worn by police officers; majority of enforcement would be done by the Police Department; and necessary actions would be taken if someone was found in violation.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-56. 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 2020-57, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (fourth budget amendment), final reading.

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

Bill Battin, resident, expressed concern with moving Unit 49 to Phase 3 of the Road Paving Program. He wanted to ensure there was a funding source ready to start with the stormwater in that area.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-57. 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 2020-65, vacating a portion of the rear public utility and drainage easement located within Lots 8 and 9, Block 2063, Port Malabar Unit 46 (Case VE-12-2020, Ronald Giscombe), first reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The representative for the applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-65. 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 2020-66, establishing a temporary moratorium of 180 days prohibiting the acceptance, processing, and consideration of applications for conditional uses within NC (Neighborhood Commercial District) zoning in order to review the current list of uses and requirements, and allow for the development of new regulations, first reading. (Deputy Mayor Johnson)

The item, announced under Agenda Revisions, was withdrawn.

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) member to the Melbourne-Tillman Water Control District.

The individuals were rated by the City Council due to the number of applications exceeding the number of vacant positions. No. 1 represented the first choice of each councilmember and so on. The individual(s) receiving the lowest number(s) to the position(s) were considered for appointment to the board.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to appoint Don Jordan to the Melbourne-Tillman Water Control District. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

2. Appointment of one (1) member to the Community Development Advisory Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to appoint Alvin Payne to the Community Development 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.

3. Appointment of one (1) member to the Disaster Relief Committee.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to appoint Susan Lee Walberg to the Disaster Relief Committee. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

COMMITTEE AND COUNCIL REPORT(S):

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

1. Mr. Bailey reiterated his comment regarding Council direction to staff to consider widening portions of Emerson Drive, specifically at the intersection of Malabar Road, and the cost for same. He said that impact fees could be used, along with Road Bond funds for the existing lanes.

Mayor Capote recalled that the Public Works Director had mentioned the widening of Emerson Drive, from Minton Road to Malabar Road, to four lanes. He was unsure of what happened with that plan. Council concurred for Councilman Bailey to research the specifics and advise Council of same.

2. Mr. Bailey requested a detailed business plan of the campground project, as well as a presentation from staff, preferably in October. Council concurred.

3. Mr. Santiago asked that a comparison of other campgrounds be added with the staff presentation, including how others have operated, pros and cons, etc.

NEW BUSINESS:

1. Request to reconsider an amendment to the Code of Ordinances, Chapter 178, Sign Code. (Councilman Bailey)

Councilman Bailey presented the request to Council.

Mayor Capote felt he directly benefited from this item as he was a candidate campaigning in the next election and should abstain from voting. He said this item should have come to Council first for approval prior to any other action being done, such as scheduling a Planning and Zoning Board (P&Z) meeting. He said it was too close to the election to make such a substantial change and it should be presented to the next Council for consideration. Ms. Smith advised there was no legal reason for Mayor Capote to abstain from voting. Mayor Capote concurred.

Deputy Mayor Johnson did not support the request. He said that P&Z was told that staff recommended scheduling the special P&Z meeting, but that was not the case. He said that people needed to adhere to the current ordinance as is.

Mr. Anderson said that the Brevard County site on Cogan Drive was still currently covered in signs. He did not agree with changing the ordinance so close to the election and did not see a reason to change it at all.

Mr. Santiago did not support amendments at this time and felt changes should be presented to new Council.

Mr. Bailey said that when he had brought up the issue under Council Reports, Deputy Mayor Johnson should have voiced his objections at that time. He said the only reason this item was on the agenda was because the proper procedure was caught by staff after he had notified Council of his intent to amend the ordinance. He added that the current ordinance was costing staff time by having to pick up signs daily, and he had no problem doing nothing at all about the ordinance, but it was a burden on staff. However, voters expected to see campaign signs at the polling locations on election day and for early voting.

No action was taken on this item.

2. Consideration of scheduling a special meeting in October 2020.

Council concurred to schedule a special Council meeting to reconsider the second and final hearing of CP-10-2019 and CPZ-10-2019, submitted by MLEF2-1, on Tuesday, October 6, 2020, at 6:00 P.M.

ADMINISTRATIVE AND LEGAL REPORTS:

There were no reports.

PUBLIC COMMENTS/RESPONSES:

There were no public comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:09 p.m.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK