

# CITY OF PALM BAY, FLORIDA

## SPECIAL COUNCIL MEETING 2020-35

Held on Tuesday, the 6<sup>th</sup> day of October 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 6:00 P.M.

### ROLL CALL:

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

### PUBLIC HEARING(S):

**1. Ordinance 2019-43, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from Industrial Use and Commercial Use to Bayfront Mixed Use (21.83 acres)(Case CP-10-2019, MLEF2-1, LLC), final reading. (REHEARING)**

The City Attorney read the ordinance in caption only.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to table the items to Monday, November 9, 2020, due to amount of documentation submitted as evidence over the past few days by both parties. He asked that the parties be permitted to comment on the request to continue.

Mr. Santiago agreed with a continuance and requested that a deadline be placed on the submission of items as evidence. Mayor Capote had no issue with the continuance but felt that the last-minute evidence was a delay tactic. He said that the new Council would be in office by November 9<sup>th</sup>. Deputy Mayor Johnson also agreed that there should be a deadline to submit items as it caused the cases to be prolonged. Evidence should not be submitted at the last minute.

Mr. Santiago asked if the meeting could be held sooner, possibly within October. Mrs. Jones advised that available dates in October were the Tuesday the 27<sup>th</sup> or Thursday the 29<sup>th</sup>. She clarified that the election results would most likely take at least two (2) weeks to be received from the Supervisor of Elections. Mr. Bailey had no issue with continuing the cases to October and asked that the parties be able to provide comment. Mayor Capote said there was typically no comment once Council made its decision. Ms. Smith felt it was appropriate to allow both parties to speak and to allow for public comment prior to Council making its decision.

Mr. Bailey withdrew his motion. Deputy Mayor Johnson withdrew his second.

Attorney Keith Poliakoff, representative for the applicant, said the records provided via hard copy and digitally were documents previously given to Council. He said that representatives of FAR Chemical Research (FAR) waited until the last minute to provide additional documents. The continuances were costing his client thousands of dollars and asked that Council allow the hearing to proceed.

Attorney Cecilia Bonifay, representative for FAR, did not appreciate being accused of last-minute tactics. She said that until FAR reviewed the information submitted by MLEF2-1, it was not known what information had already been provided. Her client had no objection to the continuance.

There were no public comments.

Mr. Bailey asked if it was legally permissible to establish a deadline for submission of evidence. Ms. Smith confirmed same.

Motion by Mr. Bailey, seconded by Mr. Santiago, to table the items to Monday, November 9<sup>th</sup>, at 6:00 P.M. Mr. Santiago preferred to have the meeting sooner, such as October 27<sup>th</sup> or 29<sup>th</sup>.

Motion by Mr. Bailey to amend the motion to continue the items to Thursday, October 29<sup>th</sup>, at 6:00 P.M., with a deadline of October 23<sup>rd</sup> to submit evidence. Ms. Smith asked that the deadline be October 22<sup>nd</sup>.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to amend the motion to continue the items to Thursday, October 29<sup>th</sup>, at 6:00 P.M., with a deadline of October 22<sup>nd</sup> to submit evidence. 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 2019-44, rezoning property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from HC (Highway Commercial District) and HI (Heaving Industrial District) to BMU (Bayfront Mixed Use District) (21.83 acres)(Case CPZ-10-2019, MLEF2-1, LLC), final reading. (Quasi-Judicial Proceeding) (REHEARING)**

The item, discussed under Item 1, was continued to Thursday, October 29<sup>th</sup>, at 6:00 P.M.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 6:22 p.m.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK