

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2021-12

Held on Thursday, the 20th day of May 2021, 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.

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

Pastor Tom Walker, Centerpointe Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	Robert Medina	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Randy Foster	Present
COUNCILMEMBER:	Donny Felix	Present
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

Mr. Bailey participated in the meeting via teleconference.

CITY STAFF: Present was John Pearson, Deputy Building Official; Christopher Little, Utilities Director;

ANNOUNCEMENT(S):

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

- 1. One (1) vacancy on the Business Improvement District Board (represents 'at-large' member who owns a commercial property or operates a business within the District).++**
- 2. One (1) vacancy on the Community Development Advisory Board (represents 'residential home builder', 'actively engaged in home building', 'employer within the City', or 'for-profit provider' positions).++**
- 3. Three (3) vacancies on the Youth Advisory Board (represents 'at-large' student member positions).++**

- 4. One (1) vacancy on the Sustainability Advisory Board (represents 'at-large' position).++**
- 5. One (1) term expiring on the Community Development Advisory Board (represents 'resident of the City' position).+**
- 6. One (1) vacancy on the Community Development Advisory Board (represents the 'not-for-profit provider' position).+**

AGENDA REVISION(S):

1. Ms. Sherman announced the following:
 - a. A revised Legislative Memorandum had been provided for Item 2, under Consent Agenda, for the Brevard Caribbean American Sports and Cultural Association co-sponsorship;
 - b. A revised Legislative Memorandum had been provided for Item 2, under New Business, regarding the Pelican Harbor Marina parcels; and
 - c. Exhibits 'B' and 'C' were revised for Item 3, under Public Hearings, related to Cypress Bay West Phase 1 PUD.
2. Ms. Smith advised that an update on the opioid litigation was added to the agenda as Item 1, under Presentations.

CONSENT AGENDA:

All items of business under the 'Consent Agenda' heading were enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, that the Consent Agenda be approved as presented with removal of Item 2, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

1. Adoption of Minutes: Regular Council Meeting 2021-10; April 15, 2021.

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

2. Consideration of co-sponsorship of three (3) events for the Brevard Caribbean American Sports and Cultural Association's (BCASCA) celebration of Caribbean American Heritage Month.

Staff Recommendation: Approve the co-sponsorship of three (3) events and waive fees in the amount of \$14,776 associated with the events for city resources.

Mr. Bailey asked if electricity was covered and if the City was to receive any payments from the requester under the proposal. Ms. Sherman confirmed that electrical services were paid by the City and no other payments were to be received from BCASCA.

Bill Battin, resident, questioned how it was determined who received free services and who paid for same. He felt it would be fair that each organization at least pay for the man-hour expenses related to their event as those costs were paid by the taxpayers. Ms. Sherman advised that a co-sponsorship policy would be presented to Council at the next meeting for discussion.

Kay Maragh, resident and member of BCASCA, spoke in favor of the request. She said the partnership with the City was more than dollars, it was about community. Other members of BCASCA spoke in support of the request and asked for Council's approval of same.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve co-sponsorship and waiver of fees as requested.

Deputy Mayor Johnson agreed that standards needed to be in place but was glad that staff was drafting a policy. He supported the request.

Mr. Felix said that all events were not created equal, and this was the type of event that brought value to the City. He fully supported the request.

Mr. Foster said a policy was needed but supported the value that the event would bring to the City. He felt it would have a great economic impact on the City as well.

Mr. Bailey said a policy was supposed to have been presented to Council in December of last year and was brought up during the audit through the Joint Legislative Audit Committee. He said that although these were previously handled through Management, requests were now being brought to Council for approval. However, he felt that Management should refrain from recommending any co-sponsorship requests until the City Manager has provided a policy. He said if Council wants to continue entertaining these requests and giving away taxpayer resources to private organizations, then Council should take responsibility for making these decisions without having policy. Mr. Bailey said there was also a timing issue. The agenda item was being presented less than thirty (30) days prior to the events. There was a policy in place for special events that stated a

deposit was required at least thirty (30) days prior to the event. He added that there was no stated public purpose for the event. This was a series of events for a specific organization. Lastly, there was already a policy in place in which the City gave a twenty-five percent (25%) discount to non-profit organizations for special events, with which he was in full agreement as it applied equitably to all organizations doing business in the City. He had no issue with BCASCA and felt it was a positive part of Palm Bay, but Council acted as the guardians of taxpayers' resources, and he did not feel this was the correct way of handling those resources.

Mayor Medina agreed there should be a policy but did not feel it was a fair assessment to the City Manager as she had many other priorities from December to now and did not have an Assistant City Manager. He said the cost for the Christmas Family Extravaganza exceeded \$20,000 each year and that was given to the community with volunteer assistance, no one was being paid for their services. The enormous amount of time and dedication leading up to the event must be considered as well. The gifts and activities were not even part of the costs for the Extravaganza. Mayor Medina commended BCASCA on their events and felt that Juneteenth should be part of the celebration.

Mr. Bailey clarified that he had no issue with the delay in establishing a policy but did not agree with items being presented until a policy was in place.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Johnson	Yea
Councilman Bailey	Nay
Councilman Foster	Yea
Councilman Felix	Yea

3. Consideration of unfreezing two (2) Communications Officer Trainee positions for the remainder of Fiscal Year 2020-2021.

Staff Recommendation: Approve unfreezing two (2) Communications Officer Trainee positions for the remainder of Fiscal Year 2021; and approve the appropriation of General Fund Undesignated Fund Balance in the amount of \$66,408 for personnel expenditures on the next scheduled budget amendment.

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

4. Consideration of appropriating General Fund Undesignated Fund Balance (\$32,348) for an Administrative Secretary position within the Information Technology Department.

Staff Recommendation: Approve a budget amendment allocating \$32,348 in Fiscal Year 2021 to fund the position of Administrative Secretary within the Information Technology Department.

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

5. Consideration of appropriating General Fund Undesignated Fund Balance (\$36,705) for a Mobile Device Support Specialist position within the Information Technology Department in Fiscal Year 2020-2021.

Staff Recommendation: Approve a budget amendment allocating \$36,705 to fund the position of Mobile Device Support Specialist within the Information Technology Department.

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

6. Consideration of relocating unspent funding in the Fleet Capital account (\$40,000) to Fleet Operating account for FASTER Window to FASTER Web software upgrade (\$90,000 total cost, plus \$5,000 for contingency).

Staff Recommendation: Approve the relocation of unspent funding in the Fleet Capital account (\$40,000) to Fleet Operating account for FASTER Window to FASTER Web software upgrade (\$90,000 total cost, plus \$5,000 for contingency).

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

7. Consideration of relocating unspent funding in Fleet Operating account to Fleet Capital account to replace a forklift, utilizing the Florida Sheriffs contract (\$62,496).

Staff Recommendation: Approve the relocation of unspent funding in Fleet Operating account to Fleet Capital account to replace a forklift, utilizing the Florida Sheriffs contract (\$62,496).

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

8. Consideration of appropriating funds from the Building Department Undesignated Fund Balance to Building Department Operating account to cover the cost of utilizing contracted Building Services-Inspection, Permit Technician, and Plan Review (\$300,000).

Staff Recommendation: Approve the appropriation of funds from the Building Department Undesignated Fund Balance to Building Department Operating account to cover the cost of utilizing contracted Building Services-Inspection, Permit Technician, and Plan Review (\$300,000).

Bill Battin, resident, requested clarification as he thought that City staff had already been hired for these positions.

John Pearson, Deputy Building Official, explained that based on current trends and due to the increase in building activity within the city, the appropriation to use outside contracting was needed until all necessary vacant positions within the Department were filled. The goal was to reduce reliance on outside sources and have everything done in-house.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the appropriation of funds from the Building Department Undesignated Fund Balance to Building Department Operating account as requested.

Mr. Bailey wanted to make sure that in-house employees were utilized and for staff to look at ways to incentivize developers to use their own resources and external reviewers and engineers. He believed there was currently a twenty-five percent (25%) discount given from the City but suggested a temporary higher waiver whenever developers paid for those services themselves. Mr. Pearson clarified that the discount was fifty percent (50%) of the building permit fee and fifty percent (50%) of the plan review fee if done by the developer; however, it cost the developers more money to use an outside service.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

9. Consideration of appropriating General Fund Undesignated Fund Balance (\$26,995) to Legislative Operating account to cover the cost of audio/visual and live streaming services from 142 Productions during the Council Chambers renovation.

Staff Recommendation: Approve the appropriation of General Fund Undesignated Fund Balance (\$26,995) to Legislative Operating account to cover the cost of audio/visual and live streaming services from 142 Productions during the Council Chambers renovation.

Bill Battin, resident, suggested that staff should investigate hiring in-house for these circumstances.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the appropriation of funds from the General Fund Undesignated Fund Balance to Legislative Department Operating account as requested.

Deputy Mayor Johnson asked staff to explore the option of utilizing in-house employees to provide the services.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

10. Consideration of the lift station telemetry solar panel project and the appropriation of funds on the next scheduled Budget Amendment (\$20,130).

Staff Recommendation: Approve the lift station telemetry solar panel project and the appropriation of funds on the next scheduled Budget Amendment in the amount of \$20,130.

Randall Olszewski, resident, asked if the City was still within its rights to bill the company for the invoice of approximately \$4,000 if the City proceeded with this project in lieu of paying the fine; where the lift stations were located; and how many sites were left that could benefit from the retrofits; and if a lift station in the area fitted in this manner would have prevented raw sewage from going into Turkey Creek and the Indian River Lagoon (IRL).

Ms. Sherman said the overflow would not have been prevented as the contractor hit the City's line while digging. She added that the contractor immediately took ownership and would be paying the maximum recovery.

Mr. Little said the project locations were along U.S. Highway 1. These locations were selected as they would have the most impact to Turkey Creek and IRL if a spill occurred. He explained the benefits of the project.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the lift station telemetry solar panel project and the appropriation of funds as requested. Motion carried

with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

11. Consideration of travel and training for specified City employees (Public Works Department).

Staff Recommendation: Approve the travel and training as specified.

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

12. Acknowledgement of Investment Performance Review Report, prepared by PFM Asset Management, LLC, for the quarter ended March 31, 2021.

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

A brief recess was taken after which time the meeting resumed.

RECOGNITIONS AND PROCLAMATIONS:

The proclamations were read.

- 1. Memorial Day - May 31, 2021. (Mayor Medina)**
- 2. Small Business Month - May 2021. (Deputy Mayor Johnson)**
- 3. National Safe Boating Week - May 22-28, 2021.**

PRESENTATION:

1. Attorneys Michael Kahn and John Romano - Opioid Litigation Update. Mr. Romano provided a status of the ongoing negotiations with the Florida Attorney General in the National Prescription Opiate Litigation. Counsel had been working to negotiate an allocation agreement with the State. There was currently no agreement or Memorandum of Understanding. The final settlement would be monies for abatement of the opioid crisis and the drug problem in America. There was a draft list of approved priorities, known as the core strategies, with hundreds of items as to what the money would go towards by the managing entities. It was determined by the court that as part of the settlement, monies would be given to cities and counties even if they were not part of the litigation. Mr. Romano explained the process for the allocation of funds and fifteen percent (15%) of the funds would be for cities and counties.

Deputy Mayor Johnson asked if Palm Bay would receive a larger sum as it was one of the first cities involved in the litigation. Mr. Romano said it was a great possibility, but the final outcome was unknown. It was tentatively set to be an eighteen (18) year payout. He answered further questions posed by councilmembers.

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

1. Randall Olszewski, resident, said that staff and Council needed to be transparent when it came to making decisions at public meetings. He said there were instances in which it was perceived that there were discussions behind the scenes with staff and then finalized at the Council meetings, such as scheduling special meetings.

2. Bill Battin, resident, commented that due to compliance with the Americans with Disabilities Act (ADA), documents that were typically posted online were no longer available. He said the City needed to find a way to provide these documents to the public instead of him asking for it from staff.

PUBLIC HEARING(S):

1. Ordinance 2021-25, amending the Code of Ordinances, Chapter 51, Public Hearings, by including provisions for establishing time limits for land use public hearings held before the City Council, final reading.

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

Bill Battin, resident, commented on what criteria constituted an aggrieved or adversely affected person. He researched Florida Statutes and cited the definition for same. He said it made almost anyone eligible for the thirty (30) minute time limit instead of three (3) minutes.

Ms. Smith read the remainder of the statute which was applicable to this ordinance and said it would not apply to a person in the community at-large. The individual had to have standing that someone's request on the adjacent property was doing something that affected them.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-25. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Ordinance 2021-26, amending the Code of Ordinances, Chapter 178, Signs, by establishing provisions for wayfinding signs and modifying language for wall signs (Case T-14-2021, 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. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2021-26. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Ordinance 2021-27, granting approval of a Final Development Plan for a Planned Unit Development of a proposed single-family residential subdivision to be known as ‘Cypress Bay West Phase 1 PUD’ on property located in the vicinities south of Mara Loma Boulevard and west of Babcock Street (77.52 acres) (Case FD-11-2021, Waterstone Farms, LLC) (Quasi-Judicial Proceeding), final reading.

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

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-27. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

4. Ordinance 2021-28, granting approval of a Final Development Plan for a Planned Unit Development of a proposed single-family residential subdivision to be known as ‘Chaparral Phase 3’ on property located west of and adjacent to Flying U Lane, in the vicinities south of Malabar Road and east of Allison Drive (68.82 acres) (Case FD-12-2021, Chaparral Properties, LLC) (Quasi-Judicial Proceeding), final reading.

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

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-28. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

5. Ordinance 2021-29, amending the Code of Ordinance, Chapter 34, Human Resources, Subchapter 'Whistle-Blower's Ordinance', by modifying provisions related to the audit committee, final reading. (Deputy Mayor Johnson)

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. Foster, to adopt Ordinance 2021-29. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

6. Ordinance 2021-30, amending the Code of Ordinances, by creating Chapter 62, Fraud Investigation Committee, final reading. (Councilman Bailey)

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

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Ordinance 2021-30.

Mr. Foster said he was initially opposed to the ordinance, but now supported it. He hoped it would never be needed. Mr. Bailey said the next step would be to consider a resolution which would be presented at the next meeting. Mr. Felix said he was against the ordinance as well, but now that he fully understood the purpose, he supported the request.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

7. Resolution 2021-19, granting approval of a Planned Unit Development (PUD) Preliminary Development Plan for a single-family residential subdivision to be known as 'Richmond Cove PUD', which property is located west of and adjacent to Gaynor Drive, in the vicinity north of Ocean Spray Street (60.22 acres) (Case PD-13-2021, Joseph Cleo/Josiah King, Inc./RFK Residential Development Properties, LLC) (Quasi-Judicial Proceeding). (CONTINUED FROM RCM - 05/06/21)

The Planning and Zoning Board recommended that the request be denied. Staff recommended approval subject to staff comments contained in the Staff Report and the following items being submitted with the Final PUD application: a preliminary subdivision plat and a boundary and title opinion; deed restrictions establishing development standards; an amenity center with a pool; a School Capacity Determination Letter from Brevard County Schools; the technical comments generated by the Development Review Staff shall be observed and incorporated into the Final Development Plan, and construction drawings.

The City Attorney read the resolution in caption only. The public hearing was opened. Bruce Moia, representative for the applicant, presented the request to Council.

Mr. Mark Fahl, resident at Gaynor Road, spoke against the request. He stated that he purchased his RR (Rural Residential) property three (3) years ago and this project would surround his property on three (3) sides. He built his home last year, which would now be impacted by small lots and a lift station. He was also concerned about his pond being used by the residents in the development and the impact to evacuate during hurricane season.

Bill Battin, resident, spoke against the request. He stated that eighty percent (80%) of the residents on the three (3) properties in the subject area resided on RR zoning with livestock or agriculture. The proposed development with 50-foot-wide lots would be incompatible with the existing RR properties. He wanted all construction vehicles and materials contained on the subject site and not on his street. He noted the RR property surrounded by the development that a resident had purchased three years ago and would now be surrounded by small lots instead of the assumed acreages. He presented photos to the board to demonstrate the overgrown vegetation and narrowness of Gaynor Drive, and the construction vehicles parked on the side streets. The speeding construction vehicles were a problem in the area. He compared the existing one unit per acre allowed by the RR district with the minimum units per acre for an RS-2 (Single Family Residential District) and the requested PUD. He noted that the plans for the development did not indicate the required swimming pool for a PUD. He wanted to know who would be paying the back taxes on the property, and stated how property purchased, owned, held, and sold as RR should be developed as RR.

Eddie Rivera, resident, said he bought property in the area because of the RR zoning. He said that Council should put themselves in the place of the residents and question if they would want something like this built around their home.

Mr. Bradley clarified that this was not a land use change as the land use was Single Family Residential. RR was the zoning category and not the land use. He added that if there were any substantial changes to the preliminary PUD, the applicant would have to come back before Council.

Mr. Foster asked if a traffic study had been performed. Mr. Bradley responded that a preliminary traffic report had been provided which reflected average daily trips of 1,407. Mr. Foster asked if the road could support the proposed traffic counts. The City Engineer confirmed same. Mr. Foster asked if it would be required to widen the road or add an extra turn lane. Mr. Bradley said that was a possibility due to the lack of right-of-way and the needed roadway would come from the project property.

Deputy Mayor Johnson said there were limited areas that were RR and this area also had a lot of wildlife. He asked how many RR areas would remain if this was approved. Mr. Bradley said there were 605 residential lots within the City, totaling 2,837 acres or 6.1% of the total land area of the City.

In response to the public comments, Mr. Moia said the biggest concern was compatibility. He stated that there were RS-2 zoned properties to the north, east, and south of the site and only a small enclave of RR properties. The area was predominantly RS-2. He remarked that construction was cumbersome, but site superintendents and the City would hopefully ensure that the existing neighborhood was not unduly impacted.

Mr. Foster asked if the applicant planned to build anything on the wetlands or up to Mr. Fahl's property line. Mr. Moia said there was no intention of either.

Mr. Felix supported the request and asked if streetlights would be installed. Mr. Moia was unsure at this time as the project was still in its early stages. Mr. Felix hoped the applicant would consider a turn lane and streetlights.

Mayor Medina felt that the RR should be preserved in that area. He did not want potential residents moving to other areas such as Grant-Valkaria because they wanted larger lots. Mr. Moia did not believe that RR would be compatible with the adjacent industrial zoning.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2021-19.

Mayor Medina did not feel it was compatible with the area and wanted to preserve the rural residential area. He said the applicant purchased the property as RR and said it should be kept that way or should build one-acre lots. He hoped that residents would be

heavily involved in the process of updating the Comprehensive Plan and helping to preserve Palm Bay.

Deputy Mayor Johnson agreed with Mayor Medina but did not see how Council could deny the request. The applicant had addressed all criteria of the Staff Report.

Mr. Felix said that Council needed to look at the facts. He agreed with staff's recommendation and felt the project was compatible with the area. He did not feel that Mr. Fahl's property would be directly impacted by the project.

Mr. Bailey preferred RR which had larger lots, less people, and less intensity. He urged Council to consider competent and substantial evidence only when making its decision. He said that single-family already existed directly across the street from Mr. Fahl's property. As it was a quasi-judicial proceeding, he found no reason to deny the request.

Mr. Foster said that Council had to support the evidence in front of it. He said there would be no development on wetlands surrounding Mr. Fahl's property and the applicant took his property into consideration. Unfortunately, the City did not have a good Comprehensive Plan and the number of RR properties should not be considered as part of Council's decision. He could find no reason to vote against it.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Bailey	Yea
Councilman Foster	Yea
Councilman Felix	Yea

8. Ordinance 2021-31, vacating a portion of the road right-of-way of an existing cul-de-sac on property located at the northwest corner of Forest Knoll Drive and Tree Ridge Lane, within the Pinehurst Subdivision (0.32 acres) (Case VRW-1-2021, E&S and Sons, Inc.) (Quasi-Judicial Proceeding), first reading.

Staff recommended approval of the request with conditions.

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

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2021-31. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

9. Consideration of a CARES Act Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan, first hearing.

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. Felix, to approve a CARES Act Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

COMMITTEE AND COUNCIL REPORTS:

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

1. Deputy Mayor Johnson said that Council had received a request from Bruce Moia, MBV Engineering, to reconsider Ordinances 2021-22 and 2021-23 (Cases CP-1-2021 and CPZ-1-2021 (respectively), Sachs Capital Group, LP). The items were denied by City Council on April 1, 2021. He asked if Council wanted to reconsider the request. Ms. Smith explained why the request was legally insufficient, but it was Council's decision on whether to reconsider the cases. Council concurred that the items would not be reconsidered.

2. Mayor Medina asked if a cost analysis had been performed regarding permeable concrete. He felt it was relevant when addressing water runoff and preserving the Indian River Lagoon. Ms. Sherman would research same.

NEW BUSINESS:

1. Consideration of membership in Sister Cities International (\$1,030 annually). (Councilman Foster)

Staff Recommendation: Authorize the City to become a member of Sister Cities International.

Councilman Foster presented the item to Council. Councilmembers spoke in favor of the request.

Motion by Mr. Foster, seconded by Mr. Felix, to become a member of Sister Cities International.

Mr. Bailey asked that Council keep an eye on the fiscal impact as outlined in the Legislative Memorandum as it stated that staff may request consideration of additional investments in the program as may be appropriate from time to time.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Consideration of purchase offers for three (3) parcels known as Pelican Harbor Marina.

Staff Recommendation: Accept the recommendation of the Bayfront Community Redevelopment Agency (BCRA) and authorize the City Manager to execute the purchase contract with Space Coast Marinas, LLC.

Randall Olszewski, resident, said that policing would be needed along the waters once the project was built out. The Police Department would need a boat.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to accept the recommendation of the BCRA and execute the purchase contract with Space Coast Marinas, LLC. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman provided general updates, including the following:

a. Upcoming stakeholder meeting to be held on Tuesday, June 8th, at 8:00 A.M. in Council Chambers, regarding the City's Comprehensive Plan.

PUBLIC COMMENTS/RESPONSES:

1. Bill Battin, resident, commented on the traffic threshold and issues that could occur related to Item 7, under Public Hearings (Resolution 2021-19).

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:28 P.M.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK