

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2021-24

Held on Thursday, the 16th day of September 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 7:07 P.M.

Pastor Caleb Phelps, Faith Baptist Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	Rob Medina	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Randy Foster	Present
COUNCILMEMBER:	Donny Felix	Present
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Christopher Little, Utilities Director; Nancy Bunt, Community and Economic Development Director; Patrick Murphy, Acting Growth Management 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', 'for-profit provider' or 'not-for profit provider' positions).++**
- 3. Two (2) vacancies on the Youth Advisory Board (represents 'at-large- student member positions).++**
- 4. One (1) vacancy on the Youth Advisory Board (represents 'adult member, 30 years and older' position).++**

AGENDA REVISION(S):

1. Ms. Sherman noted that on Item 2, under Consent Agenda, relating to the award of proposal for commercial real estate brokerage services, the company name had changed from National Realty of Brevard, Inc. to One Sotheby's International Realty due to a merger; however, the same employees would be working with the City, and this did not affect staff's recommendation.

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. Foster, that the Consent Agenda be approved as presented with the removal of Items 3, 7, 10, 12, and 15 from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

1. Award of Proposal: Bus bench and bus shelter advertising - RFP 49-0-2021 – Public Works Department (Fuel Media Holdings - \$38,100 in estimated revenue).

Staff Recommendation: Approve the award for bus bench and bus shelter advertising with Fuel Media Holdings (Ponte Vedra), with an anticipated revenue of \$38,100.

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

2. Award of Proposal: Commercial real estate brokerage services - RFP 59-0-2021 – Community and Economic Development Department (National Realty of Brevard, Inc. - commissions paid from proceeds of sales).

Staff Recommendation: Approve the award for commercial real estate brokerage services with National Realty of Brevard, Inc. (Melbourne), with commissions paid to the commercial broker from the proceeds of each sale.

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

3. Contract: South Regional Water Reclamation Facility construction, Change Order 3 (IFB-39-0-2020) – Utilities Department (RJ Sullivan - \$350,466).

Staff Recommendation: Approve Change Order 3 for the South Regional Water Reclamation Facility construction with RJ Sullivan Corporation (Pompano Beach), in the amount of \$350,465.82.

Bill Battin, resident, said this request saved money for the city but also relinquished any tax revenue that would have come to the city. Mr. Little explained that the tax savings was for state sales tax.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Change Order 3 with RJ Sullivan Corporation (Pompano Beach) for construction of the South Regional Water Reclamation Facility in the amount of \$350,465.82. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

4. Resolution 2021-44, amending Resolution 2020-49, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (fourth amendment).

The City Attorney read the resolution in caption only.

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

5. Resolution 2021-45, amending Resolution 2020-50, adopting the Five-Year Capital Improvements Program for Fiscal Years 2020-2021 through 2024-2025 (fourth amendment).

The City Attorney read the resolution in caption only.

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

6. Consideration of an Interlocal Agreement with the City of Melbourne for the Florida Avenue Paving Project.

Staff Recommendation: Approve the Interlocal Agreement with the City of Melbourne for the Florida Avenue Paving Project, with the City of Palm Bay's cost-share of sixty-five percent (65%) of the estimated project cost of \$96,128.62.

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

7. Consideration of terminating the grant agreements with the Florida Division of Emergency Management and the Florida Department of Economic Opportunity for the Voluntary Home Buyout Program due to lack of eligible households to participate in the program.

Staff Recommendation: Approve the termination of the grant agreements with the Florida Division of Emergency Management and the Florida Department of Economic Opportunity for the Voluntary Home Buyout Program.

Bill Battin, resident, said he had previously questioned what would happen if the program failed and was advised by previous management that there was a back-up plan. He questioned what was going to happen to the homes that should have been in the program and if this affected the bridge at Ferguson Street that had yet to be constructed.

Ms. Sherman said she was unaware of any back-up plans and advised that the Ferguson bridge project was still ongoing. Mrs. Bunt explained there were thirteen (13) homeowners that were interested in the program. The City received over \$2 million in grant funds and as there was a match requirement, the owners had to be 70% low-to-moderate income. Eventually, there were only five (5) owners that were interested, and all were over the income limits. Staff tried various resources and different ways to match the funds but were unable to assist any of the households due to their income levels.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to terminate the grant agreements with the Florida Division of Emergency Management and the Florida Department of Economic Opportunity for the Voluntary Home Buyout Program.

Mr. Foster asked if there was any way that the five (5) homeowners would still be eligible and be relocated. Ms. Sherman said that once the program was terminated, no one would be able to participate. She clarified that the five (5) homeowners did not actually qualify for the program due to their being over the income limits. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

8. Consideration of a purchase offer for City-owned surplus real estate located at 1942 Agora Circle SE to buyer BHA Land Investments, LLC (\$45,000).

Staff Recommendation: Authorize the City Manager to execute the purchase contract for City-owned surplus real estate, located at 1942 Agora Circle SE, with buyer BHA Land Investment, LLC, with sales proceeds in the amount of \$45,000.

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

9. Consideration of a purchase offer for City-owned surplus real estate located at 1956 Agora Circle SE to buyer BHA Land Investments, LLC (\$45,000).

Staff Recommendation: Authorize the City Manager to execute the purchase contract for City-owned surplus real estate, located at 1956 Agora Circle SE, with buyer BHA Land Investment, LLC, with sale proceeds in the amount of \$45,000.

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

10. Consideration of a purchase offer for City-owned surplus real estate (Tax ID 2839297, in the vicinity of 320 Chaska Street NE) to buyers Randy and Tammy Holliday (\$26,000).

Staff Recommendation: Authorize the City Manager to execute the purchase contract for City-owned surplus real estate, located in the vicinity of 320 Chaska Street NE (Tax ID 2839297), with buyers Randy and Tammy Holliday, with sale proceeds in the amount of \$26,000.

Mr. Felix did not feel this was a fair market price. The property was landlocked as there were no streets and no entrance but felt the sale price was too low for the size of the property. He said the item should be withdrawn. Deputy Mayor Johnson agreed. Mr. Foster asked if the property was appraised and if there was an offer. Mrs. Junkala-Brown said a Comparative Market Analysis was performed. Appraisals would be required for residential properties less than ten (10) acres that could not be developed as commercial. Mrs. Bunt said an offer of \$26,000 had been received from the Hollidays but Council could counteroffer or hold off on the property sale. Mr. Foster said the city had no use for the property and if Council rejected the offer, the property would just sit there. Mr. Felix felt that \$50,000 would be a fair counteroffer or have staff solicit the surrounding neighbors for interest.

Motion by Mr. Felix, seconded by Deputy Mayor Johnson, to extend a counteroffer of \$50,000 to buyers Randy and Tammy Holliday. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

11. Consideration of amending the Planning and Zoning Board By-laws by including provisions for attendance by boardmembers.

Staff Recommendation: Approve an amendment to the Planning and Zoning Board By-laws by including provisions for attendance by boardmembers.

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

12. Consideration of adopting the Sustainability Action Plan.

Staff Recommendation: Adopt the Sustainability Action Plan.

Bill Battin, resident, said that when Planned Unit Developments (PUD) were constructed, they were required to have water and sewer. However, also within those PUDs, wells were installed for irrigation purposes which pulled from the water table and negatively affected the surrounding area that may not have city utilities. He did not see this issue addressed in the Sustainability Action Plan. Ms. Sherman said she would discuss with staff.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt the Sustainability Action Plan. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

13. Consideration of a new position and job description titled ‘Records Supervisor’ within the Police Department.

Staff Recommendation: Approve a new position and job description titled ‘Records Supervisor’ within the Police Department.

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

14. Consideration of utilizing Police Impact Fees for the conversion of a marked patrol vehicle to a marked K9 unit (\$6,175).

Staff Recommendation: Approve the utilization of Police Impact Fees for the conversion of a marked patrol vehicle to a marked K9 unit, in the amount of \$6,175.

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

15. Consideration of appropriating funds from the Undesignated Fund Balance to the Solid Waste Fund to cover the September 2021 invoice balance for Republic Services (\$230,000).

Staff Recommendation: Approve the appropriation of funds from the Undesignated Fund Balance to the Solid Waste Fund to cover the September 2021 invoice balance for Republic Services, in the amount of \$230,000.

Randall Olszewski, resident, asked how this deficit occurred. Ms. Sherman explained that projected revenues were based on when residents paid their bills and, typically, were not based on 100% collection as not all customers paid their bills. This budget was based on all customers paying on time every month so a budget transfer was needed to make the number whole.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to appropriate funds from the Undesignated Fund Balance to the Solid Waste Fund to cover the September 2021 invoice balance for Republic Services in the amount of \$230,000. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

RECOGNITIONS AND PROCLAMATION:

The proclamation was read and individuals were recognized.

- 1. Recognizing five (5) years of service as a City boardmember on the Planning and Zoning Board - Leeta Jordan; Kay Maragh; Rainer Warner.**
- 2. Recognizing five (5) years of service as a City boardmember on the Utilities Advisory Board - Richard Dexter; Robert Grassman.**
- 3. Esther Theological Seminary - 1st Inauguration, September 2021. (Councilman Foster)**

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

- Randall Olszewski, resident, felt that a board should be established to address long-term and/or high dollar contracts before final approval by Council. Specifically, he suggested a board for solid waste services and the Republic Services contract.

2. Bill Battin, resident, felt that having the Bayfront Community Redevelopment Agency (BCRA) meetings immediately prior to the regular Council meeting caused a strain for residents to submit comment cards on time for the Council meeting.

3. Mayor Paul Alfrey, City of Melbourne, stated that the Melbourne Council unanimously voted to allocate \$2.5 million of CARES Act funding to provide a center for outreach for homelessness. He asked that the staffs of Palm Bay and Melbourne work together and discuss ways to collaborate in the effort. Mayor Alfrey said he had a proposed plan involving Daily Bread becoming a 24-hour facility to serve Melbourne and Palm Bay.

4. Jeff Njus, Daily Bread, said the organization had transformed from a soup kitchen to focusing on housing and homelessness outreach. He said the organization needed to move in order to meet the needs of the community.

Mayor Medina asked if a site had been selected. Mr. Njus responded in the negative. Deputy Mayor Johnson asked if staff had met regarding this issue. Ms. Sherman confirmed same and said there had been open discussions with the City Manager of Melbourne. There were no details or recommendations from staff at this time. Mayor Alfrey said that as the largest city, Palm Bay was his first stop, but he would be reaching out to other entities. Councilmembers expressed their support.

Deputy Mayor Johnson asked that ideas not be limited to just having a facility. He wanted various options to be brought to the table. Ms. Sherman said that staff would meet with the other municipalities and bring further information to Council for discussion in the future. Mayor Medina suggested a workshop with Melbourne and West Melbourne to discuss ideas and options.

Ms. Sherman responded to the other public comments: staff would be meeting with Republic Services to provide a performance review and to discuss amendments to the contract; she noted the transition time between the BCRA and regular Council meetings and would discuss with staff.

PUBLIC HEARING(S):

1. Ordinance 2021-45, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations' by modifying provisions of the BMU - Bayfront Mixed Use District (Case T-8-2021, City of Palm Bay), 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. Foster, to adopt Ordinance 2021-45. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Ordinance 2021-51, amending Ordinance 2020-17, which established the Everlands Community Development District (CDD), by expanding the designated land area for which the CDD would exercise special powers related thereto, final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Attorney Ginger Wald, 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 2021-51. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Ordinance 2021-55, amending the Fiscal Year 2020-2021 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 and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2021-55. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

4. Ordinance 2021-56, vacating portions of the rear and side public utility and drainage easements located within Lots 16, 17, and 18, Block 1983, Port Malabar Unit 40 (Case VE-5-2021, Azzurri Property Holdings Inc.), 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 Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-56. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

5. Ordinance 2021-57, vacating a portion of the side public utility and drainage easement located within Tract “D”, Port Malabar Unit 42 (Case VE-6-2021, Massimiliano “Max” Delli), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant was not in attendance. The public hearing was closed.

Bill Battin, resident, asked if the 10-foot driveway width would still allow city access for emergencies. Mr. Murphy responded that emergency staff usually stayed near the property line and would access by foot but would do what was necessary to handle the emergency.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-57. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

6. Ordinance 2021-58, vacating a portion of the rear public utility and drainage easement located within Lot 4, Block 2507, Port Malabar Unit 48 (Case VE-7-2021, Robert and Heather Whitmire), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant was not in attendance. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-58. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

7. Ordinance 2021-59, vacating a portion of the rear public utility and drainage easement located within Lot 27, Block 2668, Port Malabar Unit 50 (Case VE-8-2021, Brian and Michelle Mallonn), final reading.

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

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-59. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

8. Ordinance 2021-60, vacating a portion of the rear public utility and drainage easement located within Lot 11, Block 193, Port Malabar Unit 7 (Case VE-9-2021, Jose Santana), 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 Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-60. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

9. Ordinance 2021-65, granting approval of a Final Development Plan for a Planned Unit Development of a proposed residential subdivision to be known as ‘Cypress Bay West Phase II’ on property located west of and adjacent to Babcock Street, in the vicinities south of Mara Loma Boulevard and north of Davis Lane (185.747 acres) (Case FD-30-2021, Waterstone Holdings, LLC; Waterstone Farms, LLC; and, Forestar (USA) Real Estate Group), first reading. (Quasi-Judicial Proceeding)

Staff recommended the following conditions be addressed upon submission of the administrative construction plans:

- Fully engineered construction drawings;
- A Subdivision Plat meeting Chapter 177 of the Florida State Statutes and a title opinion;
- The technical comments generated by the Development Review Staff, hereby incorporated as Exhibit ‘D’, shall be observed and incorporated into the engineered construction drawings;
- Mara Loma Boulevard and Journey Drive right-of-way shall not be accepted by the City of Palm Bay for operation and maintenance, until and unless the Developer requests acceptance through the process promulgated in Chapter 182 of the Palm Bay Code of Ordinances. Upon commencement of said process, staff shall determine if acceptance of these roadways will provide a public benefit and that current City of Palm Bay construction standards are met; and
- An updated traffic study including traffic counts for Cypress Bay West Phase II shall be provided. This is to facilitate the determination of the Proportionate Fair Share contribution that may be due from the Developer towards the traffic impact improvements at associated segments along Babcock Street. These were previously recommended in the 2017 Waterstone Traffic Impact Study for the 2025 build-out.

The Planning and Zoning Board recommended approval of the request, subject to the comments in the Staff Report.

The City Attorney read the ordinance in caption only. The public hearing was opened. Chris Tyree, Forestar Real Estate Group and representative for the applicant, presented the request to Council.

Bill Battin, resident, asked when commercial would be developed or if the residential portion had to be completed first. He said there was only one egress from the site onto Babcock Street and felt another should be added to the north, possibly at Lowry Boulevard. He said it was mentioned that St. Johns Heritage Parkway (Parkway) would be used as an exit point but it may never get completed.

Mr. Tyree said he was a residential developer and was unsure of the commercial component but explained how commercial development was typically added based on the number of homes being built. He added that this project would have direct connection to the Parkway through Journey Drive, and Mara Loma Boulevard would also be extended to connect to Journey Drive.

Deputy Mayor Johnson requested an update on the Parkway project in the future.

Mr. Murphy addressed the comment regarding Lowry Boulevard and stated that the roadway did not connect into this property. He said that the Parkway project was still in the stages of determining the alignment and may take years to be completed. Mr. Murphy concurred with Mr. Tyree's statement regarding commercial development, and he was hopeful that applications for the commercial pieces would be received soon.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2021-65. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

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. Number 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. Foster, to appoint Philip Weinberg to the Melbourne-Tillman Water Control District. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, 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. *Space Coast Transportation Planning Organization (TPO)*. Mr. Foster said there was discussion regarding widening Babcock Street between Palm Bay Road and New Haven Avenue, as well as constructing roundabouts, for the purpose of slowing traffic. He was not in support of roundabouts and felt it would create major traffic issues. Mayor Medina suggested that staff send a letter to the TPO stating that Palm Bay was opposed to roundabouts in that area. Ms. Sherman said a preliminary study for the portion of Babcock Street south of Malabar Road also included roundabouts and she would address that in the letter as well, if desired by Council. Council concurred.
2. Deputy Mayor Johnson said that over the past few years, he, along with volunteers in the community, would assist the elderly and disabled with installing shutters for hurricane season. Former members of the Youth Advisory Board agreed to partner with a non-profit organization, Brevard Volunteer Organizations Active in Disaster (VOAD). Residents had to have their own shutters as VOAD did not provide shutters or plywood. They could be reached at 352-340-3202 or shuttersbrevard@gmail.com.
3. Mayor Medina said that back in the 1990's, the city had a "vision board" that consisted of residents. Citizens had a five (5) or ten (10) year plan on what and how they envisioned the city from different aspects, such as public works, parks and recreation, first responders, etc. He wanted to implement a visioning board and wanted citizen input on how the city grew in the future.
4. Mayor Medina mentioned the Mayor's Ball and said he wanted to have the event held within the city. He asked to send a letter to L3 Harris requesting their hosting of the event and use of their facility. Council concurred.
5. Mr. Foster appointed Christian Hamilton to the Youth Advisory Board.

NEW BUSINESS:

1. Consideration of co-sponsorship and waiver of the fee for the mobile stage for Pushback 2020's Community Immunity event on September 18, 2021 (valued at \$924.78)

Staff Recommendation: Approve the co-sponsorship and waive the fee for the mobile stage and cost of staff time, valued at \$924.78, for Pushback 2020's Community Immunity event on September 18, 2021.

Ms. Sherman presented the request to Council. She mentioned that the new co-sponsorship policy was to be implemented as of October 1, 2021. There were three (3) criteria to qualify: free/open to general public; planned and conducted by a non-profit organization; and the event would be held on city-owned property. Request would have to be submitted at least ninety (90) days prior to the event. Ms. Sherman requested input from Council on the criteria and submission deadline.

Mayor Medina did not want staff to be handcuffed with a deadline or having it on city property. Staff should be given discretion regarding the time frame. Deputy Mayor Johnson agreed. Mr. Felix wanted to be sure the location met certain criteria as it related to liability. Mr. Foster agreed and said it should be within the city limits and not necessarily on city property.

Ms. Sherman said that as these requests would be presented to Council, a time frame should be included as part of the application process. Deputy Mayor Johnson suggested 30-45 days. Ms. Sherman said she was considering forty-five (45) days. Council concurred.

Bill Battin, resident, said that rules should be established and followed, and Council should not pick and choose which organizations would receive waivers and which would pay.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the co-sponsorship and waive the fee for the mobile stage as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Consideration of remuneration for Assistant City Attorneys.

Staff Recommendation: Approve additional salary to Rodney Edwards; and approve the creation of additional positions for the City Attorney's Office.

Ms. Smith presented the request to Council. She asked that Council only consider Mr. Edwards' salary at this time. She would present a departmental reorganization at a later date. Ms. Smith said she performed a salary survey of other municipalities of similar size throughout the state and Mr. Edwards was the lowest paid attorney.

Dr. Doreatha Fields, resident, spoke in support of Mr. Edwards and the request.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to promote Rodney Edwards to Deputy City Attorney GE-AP at the base salary of \$85,194.

Mr. Foster said that Mr. Edwards had been at the same salary since January 27, 2017. He felt that the salary should be the same as the other non-board-certified Deputy Attorneys. Mr. Felix supported Councilman Foster's comments. There was discussion on the work history of Mr. Edwards to which Ms. Smith provided clarification. Mr. Foster said that Mr. Edwards was hired as an attorney and should be paid equal to Erich Messenger, Deputy City Attorney. Mayor Medina supported the motion as is. He did not agree with approving anything above what was recommended by Ms. Smith.

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

3. Consideration of councilmembers attending the Institute for Elected Municipal Officials 1 (IEMO 1) from October 8-10, 2021, in Kissimmee.

Deputy Mayor Johnson and Councilman Felix would attend the conference. Mayor Medina had to check his schedule and would notify staff if he was able to attend. Council concurred.

4. Consideration of councilmembers attending the Florida League of Cities 2021 Legislative Conference from November 3-5, 2021, in Kissimmee.

Deputy Mayor Johnson and Councilmembers Foster and Felix would attend the conference and would drive back for the Council meeting. Mayor Medina had to check his schedule and would notify staff if he was able to attend. Council concurred.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman made the following reports:

a. Funding for a strategic planning session had been included in the budget for Fiscal Year 2022;

b. A Council workshop was tentatively scheduled for review of the building permit process. It would be held on Tuesday, October 26th, at 6:00 P.M., at the Tony Rosa Community Center; and

c. Staff would be scheduling a meeting with Council in the near future to discuss union negotiations.

PUBLIC COMMENTS/RESPONSES:

There were no comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:15 P.M.

Rob Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK