

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2021-33

Held on Thursday, the 16th day of December 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 Jim Campbell, Bay West 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
CITY CLERK:	Terese Jones	Present

CITY STAFF: Nancy Bunt, Community and Economic Development Director; Nelson Moya, Police Chief; Mehul Parekh, Public Works Director; Larry Wojciechowski, Finance Director.

ANNOUNCEMENTS:

Deputy Mayor Johnson announced the following vacancy and terms expiring, and solicited applications for same:

- 1. One (1) vacancy on the Youth Advisory Board (represents 'at-large student' member position).++**
- 2. Four (4) terms expiring on the Disaster Relief Committee.++**

AGENDA REVISION(S):

- Ms. Sherman advised that:
 - PowerPoint presentations had been provided for Item 1, under Presentations, and Item 3, under New Business; and

b. the Legislative Memorandum for Item 10, under Consent Agenda, had been revised by removing the request to apply for the grant as funding had already been awarded to the Police Department.

Mayor Tom Price and Councilman Mike Cadore, City of Rockledge, were recognized in the audience. Mayor Price gave holiday greetings to Council, staff and residents.

PROCLAMATIONS AND RECOGNITIONS:

The proclamation was read.

1. Proclamation: Mayor's Business Spotlight Recipient - Myers Landscape Supply.

PRESENTATIONS:

1. Commissioner Jerry Sansom, Florida Inland Navigation District - overview of FIND. (AGENDA REVISION)

Mr. Sansom and Janet Zimmerman, Assistant Executive Director, provided a history of the Inland Waterway and FIND. Ms. Zimmerman explained the various assistance programs and grants that had been provided to Brevard County municipalities, the Waterway Clean-Up Program, and recently completed projects.

2. Nancy Peltonen, President and CEO, Greater Palm Bay Chamber of Commerce – quarterly update.

Ms. Peltonen provided an update on the Chamber's activities. Council concurred that updates would be presented bi-annually.

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

1. Butch Orend, resident, thanked staff for mowing Port Malabar Unit 19, but asked that a schedule be established. He asked the status of the road paving project as he had not seen any construction throughout the city. Lastly, Mr. Orend questioned the new traffic light on Malabar Road near Sonny's BBQ and hoped that it would be properly synced with the other traffic signals.

Ms. Sherman advised that the Public Works Director had done a presentation at the last Council meeting which noted a schedule of upcoming units to be paved. Paving projects

would begin again in 2022. Ms. Sherman advised that there was currently shortage of staff but contractors were being hired to assist with paving the major corridors and would free up staff to address mowing projects.

PUBLIC HEARING(S):

1. Ordinance 2021-78, rezoning property located west of and adjacent to Babcock Street, in the vicinity south of Foundation Park Boulevard, from CC (Community Commercial District) to GC (General Commercial District) (6.28 acres) (Case Z-45-2021, Roth Freedom 2010 LLC and Linda N. Shah), final reading. (Quasi-Judicial Proceeding)

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. Felix, to adopt Ordinance 2021-78. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Ordinance 2021-79, granting approval of a Final Development Plant for a PUD (Planned Unit Development) zoning residential subdivision to be known as 'Gardens at Waterstone Phase III' on property located in the vicinity west of Mara Loma Boulevard and south of Melbourne Tillman Water Control District Canal 38 (47.99 acres) (Case FD-47-2021, Waterstone Farms, LLC), final reading. (Quasi-Judicial Proceeding)

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. Felix, to adopt Ordinance 2021-79, subject to the staff comments contained in the Staff Report. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Ordinance 2021-80, amending the Code of Ordinances, Chapter 64, Business Improvement District, 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. Felix, to adopt Ordinance 2021-80. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

4. Ordinance 2021-81, amending the Code of Ordinances, Chapter 35, Finance Department, 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. Foster, to adopt Ordinance 2021-81. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

5. Ordinance 2021-82, amending the Code of Ordinances by creating Chapter 35, to be titled 'Finance Department', 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 2021-82. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

6. Ordinance 2021-83, vacating a portion of the road right-of-way known as Mercury Avenue SE located within Port Malabar Unit 40 (0.722 acres) (Case VRW-3-2021, Mercury Avenue LLC and Mercury Avenue Too LLC), first reading. (Quasi-Judicial Proceeding)

Staff Recommendation: Authorize the vacating request with the conditions from the Utilities and Public Works Departments as stated in the Staff Report.

The City Attorney read the ordinance in caption only. The public hearing was opened. David Bassford, MBV Engineering and representative for the applicant, presented the request to Council. He answered questions from Council regarding access points, future construction in the area, and affordable housing for this project.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2021-83, subject to the conditions contained in the Staff Report. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

7. Ordinance 2021-84, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located at the northwest corner of Robert J. Conlan Boulevard and Commerce Park Drive, from Industrial Use to Bayfront Mixed Use (7.11 acres) (Case CP-11-2021, NSD Palm Bay IV, LLC), only one reading required.

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Miguel Reynaldos, Northshore Development and representative for the applicant, presented the request to Council. He answered questions posed by councilmembers.

Bill Battin, resident, said that under the BMU (Bayfront Mixed Use District) zoning, at least twenty percent (20%) commercial was required. However, he said that the residential portions have been constructed on the other related project but zero commercial to date.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve Ordinance 2021-84, subject to staff comments. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

8. Ordinance 2021-85, rezoning property located at the northwest corner of Robert J. Conlan Boulevard and Commerce Park Drive, from LI (Light Industrial and Warehousing District) to BMU (Bayfront Mixed Use District) (7.11 acres) (Case CPZ-11-2021, NSD Palm Bay IV, LLC), first reading. (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Miguel Reynaldos, Northshore Development and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve Ordinance 2021-85. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

9. Ordinance 2021-86, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located at the southwest corner of Cogan and Osmosis Drives, from Single Family Residential Use to Multiple Family Residential Use (21.00 acres) (Case CP-17-2021, Diocese of Orlando), only one reading required.

The Planning and Zoning Board recommended approval of the request, subject to the following conditions:

- A) At the time of development plan submittal, the property owner shall submit a traffic impact analysis and Phase One Environmental Study;
- B) The applicant/owner, at their expense, will be required to design, permit, install, inspect, and test water systems of adequate size to accommodate the development and to connect to the City's water and sewer system; and
- C) For the purposes of compatibility and consistency with the Bayside Lakes Community, the land shall have a maximum density of ten (10) units per acre.

The City Attorney read the ordinance in caption only. The public hearing was opened. David Bassford, MBV Engineering and representative for the applicant, presented the request to Council. He provided a revised map which reflected a modification to the recreation area.

Bill Battin, resident, supported the request as the large land mass would now be taxed to bring in revenue to the city.

Nathan White, resident, did not feel the rezoning was consistent with the area and said that the tax dollar may be much of the focus. He said the focus should be smart growth instead of growth as a general concept.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2021-86, subject to the conditions contained in the Staff Report.

Mayor Medina did not feel it was compatible. It would increase traffic and the city was not prepared. He preferred a school or church on the site. Deputy Mayor Johnson

supported the request and did not feel a school would be compatible. Mr. Felix said it was a great plan and worked well with the mixture of single family and townhomes. Mr. Foster said staff was being smart by requesting a traffic study. He said housing was getting more expensive, and the city needed more mixed housing.

Motion carried with members voting as follows:

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

10. Resolution 2021-71, granting approval of a Planned Unit Development (PUD) Preliminary Development Plan for a residential subdivision to be known as ‘The Landings at Bayside PUD’, which property is located at the southwest corner of Cogan and Osmosis Drives (21.00 acres) (Case PD-50-2021, Diocese of Orlando). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, subject to the staff comments and the following items for submittal with a Final PUD application:

- A) A preliminary subdivision plat and Opinion of Title;
- B) Declaration of Covenants and Restrictions establishing development standards and construction drawings;
- C) A Concurrency Determination letter from the School Board of Brevard County;
- D) Submission of an Endangered Species Assessment;
- E) Identification of lighting within the neighborhood;
- F) Compliance with the conditions of CP-17-2021; and
- G) The technical comments generated by the Development Review Staff shall be observed and incorporated into the Final Development Plan.

The City Attorney read the resolution in caption only. The public hearing was opened. David Bassford, MBV Engineering and 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 Resolution 2021-71, subject to the staff comments and conditions contained in the Staff Report.

Motion carried with members voting as follows:

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

11. Ordinance 2021-87, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Malabar Road, in the vicinity west of St. Johns Heritage Parkway, from Parkway Flex Use to Commercial Use (9.75 acres) (Case CP-18-2021, Willard Palmer), only one reading required.

The Planning and Zoning Board recommended approval of the request, subject to the following conditions:

- A) Dedication of additional right-of-way needed for future widening of Malabar Road;
- B) The provision of a six foot (6’) high wall or opaque fence on all sides abutting school property; and
- C) A sidewalk shall be provided along the parcel frontage to continue and connect the existing sidewalk system. This shall be designed and shown on the commercial site plan.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ana Saunders, BSE Consultants and 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 2021-87, subject to the conditions contained in the Staff Report. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

12. Ordinance 2021-88, rezoning property located north of and adjacent to Malabar Road, in the vicinity west of St. Johns Heritage Parkway, from PMU

**(Parkway Mixed Use District) to CC (Community Commercial District) (9.75 acres)
(Case CPZ-18-2021, Willard Palmer), first reading. (Quasi-Judicial Proceeding)**

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ana Saunders, BSE Consultants and 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 2021-88. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

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 2, 3, 8, 11, 12, 13, 14, and 16, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

1. Adoption of Minutes: Regular Council Meeting 2021-30; November 18, 2021.

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

2. Ordinance 2021-89, amending the Code of Ordinances, Chapter 37, Growth Management Department, by removing the Code Compliance Division from the department's composition, first reading.

The City Attorney read the ordinance in caption only.

Ms. Sherman presented the request to Council.

Mayor Medina felt this was creating an opportunity for failure by crossing the Enterprise Fund with the General Fund. He questioned how the Chief Building Official would be paid for overseeing the Code Compliance Division. Ms. Sherman said his additional salary would be paid from the General Fund. Mayor Medina said his increase should come from Enterprise Fund. Ms. Sherman clarified that the Enterprise Fund would not support any

Code Compliance activities, nor would their revenues be funneled into the Enterprise Fund. Mayor Medina felt that if the City Manager wanted to give a raise to the Chief Building Official, then it should be done directly from the Enterprise Fund.

Mr. Felix said he was fully confident that the City Manager would perform the proper checks and balances and supported the request.

Mayor Medina said there was a possibility of pitfalls. He asked if the request was legally permissible. Ms. Smith advised that she had communicated her reservations with the City Manager. She said that the attorney's office was not consulted initially and there was a lot of confusion as to how this would be implemented. She said there could be temptation to mix funds as the Building Department had more than enough money, but legally, having Code Compliance under the Building Department could be done. Mayor Medina reiterated his concerns and would not support the request.

Mr. Foster said the City Manager handled many salaries which were paid from various funds. He said there were hundreds of funds, and anything could get mixed up due to error, but he would never believe that it would be intentional. He trusted that staff would not commingle funds and supported the request.

Ms. Sherman commented that she felt the same about the issues that were concerning to the City Attorney, but she would not put the city in a difficult or illegal situation and would do everything in her power to make sure that everything was done properly.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2021-89.

Motion carried with members voting as follows:

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

3. Ordinance 2021-90, amending the Code of Ordinances, Chapter 40, Building Department, by including the Code Compliance Division under the department's duties and responsibilities, first reading.

The City Attorney read the ordinance in caption only.

Bill Battin, resident, hoped for better outcomes in the process to address code violations.

Ms. Sherman said there were changes and improvements to the code process that would be forthcoming to Council, such as utilizing the Special Magistrate. However, there were some areas of the process that could not be modified due to statutes, but staff was looking at streamlining the process.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2021-90.

Motion carried with members voting as follows:

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

4. Ordinance 2021-91, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by increasing the supplemental benefit amount for police officers separating with vested service or retiring on or after October 1, 2021, first reading.

The City Attorney read the ordinance in caption only.

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

5. Ordinance 2021-92, amending the Code of Ordinances, Chapter 117, Alarm Systems, by repealing provisions which provide for civil penalties for false alarms, first reading.

The City Attorney read the ordinance in caption only.

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

6. Consideration of Emergency Water Supply Interlocal Agreement with the City of Melbourne.

Staff Recommendation: Approve and authorize the City Manager to execute the Emergency Water Supply Interlocal Agreement with the City of Melbourne.

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

7. Consideration of Emergency Water Supply Interlocal Agreement with the City of West Melbourne.

Staff Recommendation: Approve and authorize the City Manager to execute the Emergency Water Supply Interlocal Agreement with the City of West Melbourne.

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

8. Consideration of the installation of a westbound restriction on Colorado Street as a traffic calming measure.

Staff Recommendation: Approve the installation of a westbound restriction on Colorado Street as a traffic calming measure to improve public safety.

Bill Battin, resident, said there was a policy in place for traffic calming measures that were followed by the residents. He did not agree that Council, current or future, could undo the decision to implement the measure. He added that if the calming measure was just going to be a marking on the road, drivers would ignore the markings and continue as is.

Ms. Sherman advised that the restriction would consist of the traffic lane control sticks. She explained the process for implementing traffic calming measures.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve installation of a westbound restriction on Colorado Street. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

9. Consideration of accepting the Florida Department of Transportation’s “Know Your Limits” Aggressive Driving and Speed Initiative grant contract (\$44,000).

Staff Recommendation: Accept the Florida Department of Transportation’s “Know Your Limits” Aggressive Driving and Speed Initiative grant contract, in the amount of \$44,000, and authorize the City Manager to sign the agreement.

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

10. Consideration of accepting the Victims of Crime Act Grant Award for 2021-2022. (AGENDA REVISION)

Staff Recommendation: Authorize the City Manager and Police Chief to execute the Victims of Crime Act grant agreement for 2021-2022, in the total award amount of \$65,259, and any future grant modifications related to this award.

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

11. Consideration of certain City-owned real estate on Northview Street to be designated as surplus property.

Staff Recommendation: Declare City-owned parcels located at 2171, 2173, 2181, 2185, 2189 and 2193 Northview Street NE as surplus and authorize staff to solicit affordable housing development opportunities for the elderly and veterans.

Bill Battin, resident, said he had inquired at a previous meeting if there were any city properties that could be used as a cold night shelter for the homeless. He felt these properties fit the criteria as it had the facilities, electric, water and sewer, then the American Rescue Plan Act (ARPA) funds that Council wanted to utilize for the cold night shelter could be used elsewhere.

Ms. Bunt advised that the properties were originally donated and designated for use in the Neighborhood Stabilization Program. As the buildings were never fully developed, the city had deemed that the buildings needed to be demolished. Staff decided to wait on demolition and see if the buildings could be utilized in some way. In speaking with the neighbors in Driskell Heights, the idea was to redevelop the site for affordable housing for the elderly and veterans. Ms. Sherman said the neighbors stated that they did not want a cold night shelter.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the designation of City-owned real estate on Northview Street as surplus property and authorize staff to solicit affordable housing opportunities for the elderly and veterans. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

12. Consideration of the Stormwater Utility tax exemption list revision, per Resolution 2020-35.

Staff Recommendation: Approve the revised tax exemption list, per Resolution 2020-35, for the institutional tax parcel accounts.

Bill Battin, resident, said he was glad to see individuals were now having to pay for this service that they were receiving for free from the city, as other residents that were already paying the fee had to pay their portion as well.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the revised tax exemption list for institutional tax parcel accounts. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

13. Consideration of utilizing Police Impact Fees to purchase a police outreach vehicle (\$60,000).

Staff Recommendation: Approve the appropriation of Police Impact Fees from the 32905 Nexus on the next budget amendment, in the amount of \$60,000, for the purchase of a police outreach vehicle.

Bill Battin, resident, asked the type of vehicle that was being purchased for \$60,000 and if patrol car could be purchased or leased for the same amount. He felt a pool vehicle should be used for this purpose.

Ms. Sherman advised that the type of vehicle was similar to a large van and would be equipped to serve ice cream as part of the outreach program. The additional outfitting inside the vehicle increased the cost.

Deputy Mayor Johnson questioned if this was the best use of impact fees. Chief Moya explained that the attorney's office was consulted whenever staff wanted to use impact fees as it was often restrictive as to what qualified. The purchase of patrol cars did not qualify as it was not a use that was tied to growth. This opportunity was tied to community outreach on a program that the city was growing in community policing. Chief Moya detailed how the vehicle would be used in the community.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve utilizing police impact fees as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

14. Consideration of a salary increase (11%) for the Chief Building Official.

Staff Recommendation: Approve an eleven percent (11%) salary increase for the Chief Building Official to be funded by General Fund Undesignated Fund Balance for Fiscal Year 2022.

Mayor Medina reiterated his comments from Item 2, under Consent Agenda.

Deputy Mayor Johnson asked why the Enterprise Fund could not pay for the salary increase. Ms. Smith said that as the Chief Building Official would be supervising Code Compliance Division, his salary had to be supplemented by the General Fund as Code Compliance was under the General Fund.

Nathan White, resident, expressed concern with the comparisons provided to support the salary increase. He said that Port St. Lucie was twenty percent (20%) larger, and he did not feel it was an appropriate comparison. He agreed with the City Attorney that these requests could result in a messy situation and urged Council to review it more carefully.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the salary increase for the Chief Building Official as requested.

Motion carried with members voting as follows:

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

15. Consideration of a budget amendment for NSP, HOME, CDBG, and SHIP Programs as part of ongoing housing programs cleanup.

Staff Recommendation: Approve the budget amendment requests to move \$1,533.24 from Fund 123/NSP to 001/General Fund; \$9,017.05 from HOME Fund Balance to SHIP Fund Balance; and \$7,646.66 from HOME Fund Balance to CDBG Fund Balance.

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

16. Consideration of a budget amendment for payment of property taxes for 648 Osmosis Drive SE and 2741 Rhapsody Street NE.

Staff Recommendation: Approve a budget amendment of \$4,205.36 from General Fund Undesignated Fund Balance (001-0000-392-1001) to 001-3411-554-4909 (project 09CD03) for payment of property taxes on 648 Osmosis Drive and 2741 Rhapsody Street NE.

Bill Battin, resident, asked how it was determined as to which properties the city had to or did not have to pay taxes.

Ms. Smith said that even though the property was owned by the city, it was not used for municipal purposes at that time. She said there may be instances in which some individuals that were utilizing grants should not pay taxes and needed to complete the proper exemption forms with the Housing Division.

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

Mr. Foster said that, unfortunately, the Homes for Warriors program failed and now taxpayer dollars were being used to correct that failure. He felt the veterans were taken advantage of and the program was abused and misused.

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

17. Acknowledgement of Budget Monitoring Report – Fiscal Year 2021 Quarter Four (Unaudited).

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

18. Consideration of submitting an application for FEMA's Assistance to Firefighters Grant for the purchase of a quint fire apparatus (\$950,000) and air bottles (\$60,000).

Staff Recommendation: Authorize the Fire Rescue Department to apply for FEMA's Assistance to Firefighters Grant.

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

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) member to the Bayfront Community Redevelopment Agency (represents 'at-large' position).

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to appoint Stephen Hayes to the 'at-large' position on the Bayfront Community Redevelopment Agency. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

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

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to appoint Jeanne Aubin to the Youth Advisory Board representing the 'adult member, 30 years and older' position. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

NEW BUSINESS:

1. Consideration of Councilmembers attending the Florida League of Cities' Legislative Action Days in Tallahassee, February 8-9, 2022.

All members of Council would attend the conference. Council concurred.

2. Discussion of residential development along unimproved roads and request by resident Vernon Densler to develop at 1185 Deerfield Street.

Staff Recommendation: Approve of staff proceeding with one of the following options to be applied to the request from 1185 Deerfield Street and the other roadways similarly situated:

- A) Property owner must pave the road per city ordinance in order to develop;
- B) Allow the property owner to build the driveway connecting to a dirt road (this would allow building on existing dirt roads);
- C) City would pave this segment of dirt road and assess the property owners along the road; or
- D) Add these dirt roads to Road Bond Paving program.

Mr. Parekh provided an overview of the options recommended by staff.

Deputy Mayor Johnson asked the estimated cost to pave the road. Mr. Parekh said it would be approximately \$60,000 to \$80,000 per mile.

Mr. Foster liked option (D) but questioned why funding for road maintenance could not be used for this project. He said if this project was not done until the end of the paving program, costs would be higher. Mr. Parekh confirmed same. Ms. Sherman said that these types of roads may qualify for traffic impact fees as they have never been paved.

Deputy Mayor Johnson said there were many options, but to get it started, Council should at least approve the driveway. Mr. Felix agreed.

Vernon Densler, owner of the property on Deerfield Street, was pleased that there were options, and that Council and staff were trying to address his issue. He said that he was paying the road bond like everyone else and hoped that the road would eventually be paved.

Barry Florin, owner of property on Elliott Street, spoke about his situation that was similar to Mr. Densler's and requested that the road be paved, along with a lift station. Ms. Sherman said that if Council approved the 3.2 miles to be paved, it would address Mr. Florin's issue as well.

Bill Battin, resident, said that Council should allow them to start building their homes while Council decided how it wanted to proceed for the future.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Option (B) for property owners located along the 3.2 miles of dirt road and authorize staff to research other potential funding options.

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

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

3. Discussion of General Fund Undesignated Fund Balance and potential funding items for Fiscal Year 2021-2022. (AGENDA REVISION)

Staff Recommendation: Approve the use of a specified amount of undesignated fund balance, to be determined by City Council.

Mr. Wojciechowski provided a General Fund overview which included revenue funding sources, expenditures per department, debt, unallocated funds, challenges and funding requests.

Ms. Sherman said there was approximately \$2.9 million in funding that was not spent in the last fiscal year and was added back into the Fund Balance. There was now a current total of \$26 million in Fund Balance, of which \$12.5 million was held for the two-month operating plan; \$1 million was held under the Stabilization Fund Concept; and \$12.6 million would then be the balance remaining in the fund. The unfunded capital, personnel and other project priorities for Fiscal Year 2021-2022 totaled \$3,411,400. Mr. Wojciechowski answered questions posed by councilmembers.

Deputy Mayor Johnson said it was unknown as to when funding from the infrastructure bill would make it to the municipal level. He asked if the requested items from staff regarding infrastructure were necessary right now or if it could be on hold until the state funding was received. Ms. Sherman said no information had been distributed regarding the infrastructure bill and she was unsure as to how it would be disseminated. As far as priorities, Ms. Sherman said in the list provided to Council, there were items that she would consider high level or very important, such as the fire truck replacement, Fire Station 3, and police car replacements.

There was discussion on paying off debt early and the penalties for same, potential grant funding options for some of the requests, and the possibility of moving towards hybrid or electric vehicles.

Mr. Felix suggested increasing the \$3.4 million in unfunded requests by another \$2 million, which would address all items on the City Manager's list, as well as streetlights and sidewalks.

Mr. Foster said the \$3.4 million should definitely be increased because Council needed to invest in infrastructure and personnel, along with electric or hybrid vehicles, and solar panels on all city facilities. He wanted to honor the requests proposed by the City Manager and add another \$1 million for solar panels and electric vehicles/charging stations.

Mayor Medina agreed with addressing the city's infrastructure and when he thought of infrastructure, he thought of capacity and how to increase capacity on the City Hall Campus, such as construction of Building E. He said that fifteen percent (15%) of city positions were vacant and there were certain departments that needed extra personnel.

He fully supported charging stations for electric vehicles but also wanted to enhance the first responder aspect.

Deputy Mayor Johnson said that before additional dollars were allocated, he wanted to narrow down the figures. He wanted to look into electric and hybrid vehicles. He expressed concern about buying additional mowing equipment for the Public Works Department when the project had been outsourced and the city was short-staffed, but he was advised by the City Manager that it would take time to get the equipment and the additional city staff. Mr. Parekh provided further details on the mowing and trenching and the need for the equipment.

Residents made general comments.

Mayor Medina wanted to include an additional position to the Public Information team and stated his reasons for same.

Mr. Foster felt there was no support for the solar panels and suggested allocating \$1 million for fire department needs. Mayor Medina said the City Manager would incorporate Council's asks that were above the \$3.4 million and bring it back for Council's consideration.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to use the specified amount of Undesignated Fund Balance to allow the City Manager's Office to reallocate positions as needed in order to include an additional Communications Officer; pursue grant funding for eligible positions; pursue alternative city vehicles; and direct the City Manager's Office to come back with a list of capital needs or areas of improvement regarding solar panels, Fire Department needs, etc. The additional amount to be allocated would be \$2 million, for a total of \$5.4 million.

Ms. Sherman advised she would bring the item back to Council at the January 6th meeting. She clarified that the needs for the Fire Department may be funded by impact fees, but staff would research same.

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. Mr. Foster requested a report on how COVID-19 affected the City of Palm Bay government. He said it should include the number of affected employees; the effect on the work environment; how the personal protective equipment (PPE) worked for employees; the cost to the city; and what could be done in 2022 to protect the city, such as extending the leave policy, the need for additional PPE, and implementation of new rules and regulations.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman made the following reports:

a) Requested consensus from Council for the Mayor to sign a letter of support to the state legislators regarding the National Guard relocating to the Malabar Annex. Mayor Medina asked that the letter be sent to the Space Coast League of Cities as well. Council concurred.

b) Advised that Fire Station 1 located on Palm Bay Road was scheduled to be demolished beginning the week after Christmas and would be the future site for Fire Station 7.

PUBLIC COMMENTS/RESPONSES:

Residents made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:47 P.M.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK