

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2023-20

Held on Thursday, the 17th day of August 2023, 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 6:03 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:	Donny Felix	Present
COUNCILMEMBER:	Kenny Johnson	Present
COUNCILMEMBER:	Randy Foster	Present
COUNCILMEMBER:	Vacant	
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

Councilman Foster attended the meeting via teleconference.

CITY STAFF: Juliet Misconi, Deputy City Manager; Jesse Anderson, Acting Growth Management Director.

ANNOUNCEMENTS:

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

1. **One (1) term expiring on the Melbourne-Tillman Water Control District Board.+**

AGENDA REVISION(S):

1. Ms. Sherman announced the following revisions:

A. The representative for the applicant for Item 14, under Public Hearings, requested that the case be considered after the first Public Comments section.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to consider Item 14, under Public Hearings, after Public Comments. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster; Yea.

B. The representative to the applicants for Items 7, 8, 9, 10, 11, and 12, under Public Hearings, requested that the cases be continued to the second regular Council meeting in September.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to continue Items 7, 8, 9, 10, 11, and 12, under Public Hearings, to the second regular Council meeting in September. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster; Yea.

C. Consideration of an auditor selection committee was added as Item 2, under New Business.

D. Consideration of utilizing fire impact fees for various equipment was added as Item 3, under New Business.

E. At the request of Mayor Medina, consideration of submitting an application for the Tourist Development Council Facilities Grant for the Sacrifice Park Memorial was added as Item 4, under New Business.

PROCLAMATIONS AND RECOGNITIONS:

The proclamation was read.

1. Proclamation: Florida Water Professionals Month - August 2023.

PRESENTATIONS:

1. Nancy Peltonen, President and CEO, Greater Palm Bay Chamber of Commerce – semi-annual update.

Ms. Peltonen provided an overview of the Brevard Prosperity Initiative

2. Adam Burghdoff, Principal Engineer, and Daniel Torre, Senior Engineer, Kittelson & Associates – northwest and southeast pre and post traffic study update.

Messrs. Burghdoff and Torre provided project status findings through an independent traffic analysis in the Northeast, Northwest and Southeast Quadrants. They reviewed development cumulatively and its impacts on transportation roadway systems and identified some improvements that were needed in the areas associated with development.

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

Individuals made general comments.

1. Charles Tims, resident, requested more options for solid waste services. He suggested once a week pick-up at a discounted rate.

5. Laura Revels, a resident, commented on the traffic issues at Pineapple Cove Classical Academy on Emerson Drive in the Lockmar area. She said the school was still able to add eighth grade even though the traffic issues had not been resolved.

Mayor Medina responded that staff had been looking into the traffic concerns and were actively working to find solutions. He said the previously approved 300 foot turn lane into the school may not be sufficient as recently advised and suggested that Ms. Revels speak with the City Engineer.

Butch Orend, resident, said the sidewalks between Brevard Avenue and Turner Elementary School were constantly flooded; commented on the excessive traffic at the intersection of Minton Road and Jupiter Boulevard.

Derick Nathan, resident, said he owned a small trailer used for his small business, but he was being cited for parking the trailer in his driveway. He requested a hardship as he used the trailer daily.

14. Resolution 2023-24, amending Resolution 2019-48, Section 2, Exhibit 'A', by granting a modification to the site plan for the conditional use to allow for the addition of a third story to the structure in CC (Community Commercial District) zoning, on property located south of and adjacent to Malabar Road, in the vicinity east of Cassia Avenue (4.90 acres) (Case CU23-00010, Construction Engineering Group, LLC). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, subject to the applicant complying with the following:

- A. Modification shall be in accordance with the site plan;

- B. The Land Development Division Staff Report;
- C. A cross-access and shared parking agreement with the owner of the adjacent parcel, located at 930 Malabar Road SE (Malabar Pharmacy) shall be submitted for staff review. Upon staff approval, the agreement shall be recorded in the Brevard County Public Records;
- D. A traffic study and access management plan shall be provided during the administrative site plan review process;
- E. The applicant, at their expense, shall be required to design, permit, install, inspect, and test water and sewer systems of adequate size for connection to the City's Utility system;
- F. No door openings for any storage unit, with the exception of emergency egress doors, shall be constructed facing residentially-zoned property;
- G. The submitted conditional use site plan shall include a landscape plan;
- H. Interior traffic lanes shall be wide enough to accommodate loading and unloading as well as through and/or emergency traffic;
- I. The maximum storage unit size shall be limited to three hundred (300) square feet;
- J. There shall be no outside storage at the site;
- K. There shall be no storage of hazardous or flammable chemicals;
- L. Such facilities shall only be utilized for storage; occupancy for any other use is prohibited;
- M. Applicant shall erect an eight (8) foot tall wood fence along the west property line of the subject property, adjacent to the residential lots on Cassia Avenue SE; and
- N. All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes

The City Attorney read the resolution 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 Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2023-24. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

PUBLIC HEARING(S):

1. Ordinance 2023-56, vacating a portion of the rear public utility and drainage easement located within Lot 1, Block 489, Port Malabar Unit 12 (Case VE-7-2023, Luis Roberto Viera and Luz Eneida Roman Viera), final reading.

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

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-56. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

2. Ordinance 2023-70, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by modifying provisions related to accessory structures (Case T23-00006, City of Palm Bay), final reading.

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

Bill Battin, resident, said that a 12-foot high metal structure would not accommodate a tall trailer or recreation vehicle (RV). He felt there should be some leeway on coverage to protect equipment.

Mr. Anderson said the language for metal structures had not changed and were allowed up to the twelve (12) feet in height and no more than three hundred (300) square feet. He said that metal structures could be addressed in the future, if desired by Council. Council concurred.

John Newton, real estate developer, suggested that Council consider architecturally pleasing metal buildings, which could be designed in any shape, designed to have windstorm tolerances much greater than wood structures, and the products were made in America and supplies would be readily available.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-70. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

3. Ordinance 2023-71, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'General Provisions', by modifying provisions related to the site plan review process (Case T23-00009, 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 Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-71. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

4. Ordinance 2023-72, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by including provisions for outdoor dining (Case T23-00016, City of Palm Bay), final reading.

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

Individuals commented to what types of establishments the amendment was related.

The public hearing was closed.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to adopt Ordinance 2023-72. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

5. Ordinance 2023-73, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Citizens' Budget Advisory Board', by repealing the subchapter in its entirety, thereby dissolving the Citizens' Budget Advisory Board, final reading. (Councilman Foster)

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

Individuals spoke against the dissolution of the Citizens' Budget Advisory Board (CBAB).

Susan Connolly, resident and member of the CBAB, read the duties and purpose of the CBAB. She felt it was important to keep the CBAB and asked that Council discuss how the CBAB could continue to serve the city.

Don Jordan, resident, did not understand why Council wanted to dissolve the CBAB. He said Council could accept or reject their recommendations and felt it may need restructuring.

Nathan White, resident and member of the CBAB, said the dissolution of the CBAB was not about the board, but about the petition that he was circulating to amend the City Charter. He said City Council had authority to remove him from the CBAB, if desired.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-73.

Mr. Johnson said that comments were made about First Amendment rights being violated. He advised that every citizen had an opportunity to speak at each regular meeting under Public Comments, once at the beginning of the meeting and again at the end. He wanted citizens to be engaged with the City but did not feel the CBAB was doing that at this time.

Deputy Mayor Felix did not see how the CBAB made a difference as to how City business was conducted. There was complete transparency about the City's finances and the Finance Director had an open-door policy.

Mr. Foster said that since he had served on City Council, no member of the CBAB provided any recommendations to him on the budget. He supported dissolving the board.

Mayor Medina said the CBAB never received any direction from Council. He felt the CBAB should be kept and have an accountant as a member to bring value to the board.

Motion carried with members voting as follows:

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

6. Ordinance 2023-68, vacating a portion of the side public utility and drainage easement located within Lot 5, Block 674, Port Malabar Unit 15 (Case VE-10-2023, David Jr. and Evelyn Daniels), first reading. (CONTINUED FROM 08/03/23 RCM, FIRST OCCURRENCE)

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

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-68. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

7. Ordinance 2023-38, providing for the annexation of certain real property located west of and adjacent to Minton Road, in the vicinities north of Palm Bay Road and south of Hield Road, into the City (2.11 acres) (Case A23-00002, Bruce Coffman/Affordable Trailer Service and Supply, Inc.), first reading. (CONTINUED FROM 07/20/23 RCM)

This item, addressed under Agenda Revisions, was continued to the September 19, 2023, regular Council meeting.

Note: The rescheduling of the regular Council meeting was discussed under Item 1, under New Business.

8. Ordinance 2023-60, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Minton Road, in the vicinities north of Palm Bay Road and south of Hield Road, from Community Commercial Use (Brevard County) to Commercial Use (City of Palm Bay) (2.11 acres) (CP23-00013, Bruce Coffman/Affordable Trailer Service and Supply, Inc.), only one reading required. (CONTINUED FROM 07/20/23 RCM)

This item, addressed under Agenda Revisions, was continued to the September 19, 2023, regular Council meeting.

Note: The rescheduling of the regular Council meeting was discussed under Item 1, under New Business.

9. Ordinance 2023-61, rezoning property located west of and adjacent to Minton Road, in the vicinities north of Palm Bay Road and south of Hield Road, from BU-1 (General Retail Commercial) (Brevard County) to CC (Community Commercial District) (City of Palm Bay) (2.11 acres) (Case CPZ23-00007, Bruce Coffman/Affordable Trailer Service and Supply, Inc.), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 07/20/23 RCM)

This item, addressed under Agenda Revisions, was continued to the September 19, 2023, regular Council meeting.

Note: The rescheduling of the regular Council meeting was discussed under Item 1, under New Business.

10. Ordinance 2023-37, providing for the annexation of certain real property located at the southwest corner of Hield Road and Minton Road, into the City (4.58 acres) (Case A23-00001, Cole Oliver/West Malabar Properties, LLC), first reading. (CONTINUED FROM 07/20/23 RCM)

This item, addressed under Agenda Revisions, was continued to the September 19, 2023, regular Council meeting.

Note: The rescheduling of the regular Council meeting was discussed under Item 1, under New Business.

11. Ordinance 2023-63, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located at the southwest corner of Hield Road and Minton Road from Residential 2 Use (Brevard County) to Commercial Use (City of Palm Bay) (4.58 acres) (Case CP23-00010, Cole Oliver/West Malabar Properties, LLC), only one reading required. (CONTINUED FROM 07/20/23 RCM)

This item, addressed under Agenda Revisions, was continued to the September 19, 2023, regular Council meeting.

Note: The rescheduling of the regular Council meeting was discussed under Item 1, under New Business.

12. Ordinance 2023-64, rezoning property located at the southwest corner of Hield Road and Minton Road from RP (Resident Professional) (Brevard County) and AU (Agricultural Residential) (Brevard County) to CC (Community Commercial District) (City of Palm Bay) (4.58 acres) (Case CP23-00006, Cole Oliver/West Malabar Properties, LLC), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 07/20/23 RCM)

This item, addressed under Agenda Revisions, was continued to the September 19, 2023, regular Council meeting.

Note: The rescheduling of the regular Council meeting was discussed under Item 1, under New Business.

13. Resolution 2023-23, granting a conditional use to allow for automotive fuel, propane, and natural gas dispensaries and refueling stations in LI (Light Industrial and Warehousing District) zoning on property located east of and adjacent to Transom Circle, in the vicinity between Robert J. Conlan Boulevard and Kirby Circle (4.86 acres) (Case CU23-00001, Equipmentsshare.com Inc.). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, subject to the applicant complying with the following:

- A. Constructing the structures relevant to automotive fuel, propane, and natural gas dispensaries and refueling stations in accordance with the site plan.
- B. The Land Development Division Staff Report.
- C. All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.
- D. No retail fuels sales permitted with the installation of fueling stations.
- E. The owner/developer shall be responsible for extending utility service to the site in accordance with current City regulations.
- F. A Lot Combination filed with Brevard County shall be required prior to Site Plan approval.

The City Attorney read the resolution in caption only. The public hearing was opened. Samantha Bischoff, Kimley-Horn and Associates and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2023-23. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

14. Resolution 2023-24, amending Resolution 2019-48, Section 2, Exhibit 'A', by granting a modification to the site plan for the conditional use to allow for the addition of a third story to the structure in CC (Community Commercial District) zoning, on property located south of and adjacent to Malabar Road, in the vicinity east of Cassia Avenue (4.90 acres) (Case CU23-00010, Construction Engineering Group, LLC). (Quasi-Judicial Proceeding)

The item was considered earlier in the meeting after Public Comments.

15. Request by Heritage Square Partners, LLC, for a final subdivision plat to be known as 'Commercial at Heritage Square' in PMU (Parkway Mixed Use District) zoning (15.00 acres) (Case FS23-00006). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

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

16. Request by Diocese of Orlando for preliminary subdivision approval of a proposed development consisting of 88 townhomes units and 35 single-family residential units, to be known as ‘Bayside Landings’, which property is located south of and adjacent to Osmosis Drive and west of and adjacent to Cogan Drive, in PUD (Planned Unit Development) zoning (21.00 acres) (Case PS23-00006). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

The public hearing was opened. David Bassford, MBV Engineering and representative for the applicant, presented the request to Council.

Alan Jurison, resident, said the applicant agreed to keep some as greenspace. He wanted to make sure it was noted.

Robert Stise, resident, expressed concern that this development would add to existing traffic issues. He wanted to know when infrastructure would catch up to the new developments.

Mr. Bassford said the tract of land mentioned by Mr. Jurison was designated as open space landscape drainage and utility.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the request.

Mayor Medina wanted the property to remain as Institutional Use District zoning. He said a church would not have affected the traffic as much as a PUD.

Motion carried with members voting as follows:

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

17. Ordinance 2023-74, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located at the southwest corner of Hiawatha Avenue and Dixie Highway from Commercial Use and High Density Residential Use to Commercial Use (1.06 acres) (Case CP23-00008, Tara Williamson and Ronald Chabot), 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. Ronald Chabot, applicant, and Kelly Nyvonen, representative, presented the request to Council. It was requested that the accompanying item, Item 24, under Public Hearings, be considered after this item.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-74. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Council concurred to consider Item 24, under Public Hearings, at this time.

24. Ordinance 2023-81, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter ‘District Regulations’, by including brew pubs or other drinking establishments as permitted uses in HC (Highway Commercial District) zoning (Case T23-00015, City of Palm Bay), first reading.

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ronald Chabot, applicant for Item 17, under Public Hearings, and Kelly Nyvonen, representative, presented the request to Council. The public hearing was closed.

Mayor Medina asked if other liquor would be served. Mr. Chabot explained that the establishment would be similar to the Intracoastal Brewing Company in Melbourne, but would include cider, beer, spirits and wine.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-81.

Motion carried with members voting as follows:

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

18. Ordinance 2023-75, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Malabar Road, in the vicinity west of Greenacre Drive, from Public/Semi-Public Use to Commercial Use (6.43 acres) (Case CP23-00015, Merritt Island Holdings, 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. John Newton, representative for the applicant, presented the request to Council.

Bill Battin, resident, said the entrance and exit would cause a crisscrossing of traffic. He questioned if backed up traffic from the new coffee shop would affect entering and leaving this business. Mr. Newton responded that the site layout was similar to the Rockledge location and was located near a grocery store. He had not observed any issues at that location.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-75. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

19. Ordinance 2023-76, rezoning property located south of and adjacent to Malabar Road, in the vicinity west of Greenacre Drive, from IU (Institutional Use District) to RC (Restricted Commercial District) (6.43 acres) (Case CPZ23-00008, Merritt Island Holdings, LLC), first reading. (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, subject to the condition that ingress/egress shall not be allowed on Waterman Lane.

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

Melanie Carter, resident, compared this location to the Thrifty Produce located on Palm Bay Road. She said this location was three (3) times the size of the Palm Bay Road site, which completed an average of 800-1,000 transactions per day, as well as receiving 10-15 delivery trucks per day, Monday thru Friday. She expressed concern with the amount of traffic, truck deliveries and noise. She did not feel that the eight-foot (8') wall would provide much sound protection from neighboring properties. Ms. Carter suggested a 5.5-acre commercial lot near the intersection of Minton and Malabar Roads as it would be less impactful to surrounding neighborhoods.

Roger Carter, resident, spoke against the request. He also suggested the commercial lot at Minton and Malabar Roads as a better location for this request. He was concerned this request would have a negative impact on the existing residential area and asked that the request be denied.

Mr. Newton responded to the comments. He said the project would only directly affect five (5) neighboring properties but creation of visual barrier through landscaping would be taken into consideration as well as providing minimal impact from both sound and vision.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-76, subject to the condition that ingress/egress shall not be allowed on Waterman Lane. Councilmembers spoke in support of the request. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

20. Ordinance 2023-77, rezoning property located at the northeast corner of Palm Bay Road and Skippers Way from IU (Institutional Use District) to CC (Community Commercial District) (4.08 acres) (Case Z23-00011, 1611 Meridian, 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. Attorney Kim Rezanka, representative for the applicant, presented the request to Council.

Mr. Johnson asked if the conference center would be eliminated to allow for more units and the cost per unit. William Frometa, representative for the applicant, confirmed that the conference room would be removed. The rental cost would be between \$750-\$1,100 per month. There would be a selection process based on income. Mr. Fromenta answered further questions posed by councilmembers.

Bill Battin, resident, said this was a good use of stagnated property and assisted with the City's affordable housing problems.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-77. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

21. Ordinance 2023-78, rezoning property located at the southwest corner of Malabar Road and Greenacre Drive from IU (Institutional Use District) to RC (Restricted Commercial District) (0.9 acres) (Case Z23-00012, Lawrence Kramer), 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. The applicant presented the request to Council. The public hearing was closed.

Bill Battin, resident, thought the project was going to be a coffee shop, but now was being presented as a potential doctor's office. He supported the project if there was a guarantee that traffic would remain on the site and not back up onto Malabar Road. Mr. Kramer advised that he provided examples of what could be at the site, but nothing was definitive.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-78. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

22. Ordinance 2023-79, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'Supplementary District Regulations', by modifying provisions related to parking within residential districts (Case T23-00013, City of Palm Bay), first reading. (AGENDA REVISION)

The Planning and Zoning Board recommended approval of the request.

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

Mr. Johnson wanted to ensure that the public was educated on these changes via the City's website or other social media avenues.

Mayor Medina asked about the different types of trailers. Mr. Anderson said that could be addressed by staff at a future date as trailers fell under the recreational vehicles.

Ms. Sherman suggested removing Section 185.123(A)(2)(b), which reads as follows: “(b) Trailers shall be parked in an enclosed structure or behind a 6-foot opaque fencing.”

Bill Battin, resident, questioned if Planned Unit Developments (PUD) would be included with this request as most of the PUD’s were single family homes but still on city streets. He said that most PUDs had limited side easements which would make it impossible to park a trailer in the backyard, thereby making the owners park trailers in the driveway and placing additional vehicles in the street. Mr. Battin added that this could also cause a hardship for residents if they were required to construct a special garage for trailers.

Ms. Smith explained that PUDs had its own parking regulations and the internal streets within the PUD’s were private.

Robert Stise, resident, asked about boats on elevated platforms that were backed up to the garages as well as large boats. He wanted to know how these changes would be enforced.

Derek Nathan, resident, understood that the amendment would address unsafe vehicles and the like but said he used his trailer daily. He felt there should be some leeway for trailers that were moved regularly versus those just sitting with rotted tires.

Mr. Anderson clarified that Ski-Doos, boats, etc. would fall under the classification of recreational vehicles.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Mr. Foster, to approve Ordinance 2023-79, with the removal of Section 185.123(A)(2)(b). Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

23. Ordinance 2023-80, amending the Code of Ordinances, Chapter 184, Subdivisions, by including provisions for simple lot splits/lot reconfiguration (Case T23-00014, City of Palm Bay), first reading.

The Planning and Zoning Board recommended approval of the request.

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 Felix, seconded by Mr. Johnson, to approve Ordinance 2023-80. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

24. Ordinance 2023-81, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter ‘District Regulations’, by including brew pubs or other drinking establishments as permitted uses in HC (Highway Commercial District) zoning (Case T23-00015, City of Palm Bay), first reading.

The item was considered earlier in the meeting after Item 17, under Public Hearings.

25. Ordinance 2023-82, amending the Code of Ordinances, Chapter 178, Signs, by modifying provisions related to setback requirements for interchange signs (Case T23-00017, All Digital All Day, LLC), first reading.

The Planning and Zoning Board recommended approval of the request.

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

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-82.

Mr. Johnson felt 1,500 feet was too loose, but he would support 1,000 feet or leave as is. Deputy Mayor Felix felt 500 feet was plenty of space and did not support the request. Mr. Foster agreed with 1,000-1,500 feet. Mayor Medina supported 1,000 feet.

Motion by Mr. Johnson, seconded by Mr. Foster, to approve Ordinance 2023-82, with the amendment to the distance requirement from 1,500 feet to 1,000 feet.

Motion carried with members voting as follows:

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

26. Ordinance 2023-83, amending the Code of Ordinances, Chapter 184, Subdivisions, by modifying provisions related to the construction of model homes prior to a subdivision receiving a certificate of completion (Case T23-00019, City of Palm Bay), first reading.

The Planning and Zoning Board recommended approval of the request.

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 Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-83. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to extend the meeting until 11:30 P.M. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

27. Ordinance 2023-84, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapters ‘Building Code’ and ‘Fire Protection and Alarm Systems’, by repealing the subchapters in their entirety (Case T23-00020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended approval of the request.

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 Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-84. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

28. Request by KEW, LLC, to amend the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Eldron Boulevard and south of and adjacent to Devonwood Court, from Low Density Residential Use to Commercial Use (7.43 acres) (Case CP23-00014). (CONTINUED TO 09/05/23 P&Z)

CONSENT AGENDA:

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

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, that the Consent Agenda be approved as presented with the removal of Items 8, 9, and 15, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

1. Adoption of Minutes: Meeting 2023-17; July 20, 2023.

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

2. Adoption of Minutes: Meeting 2023-18; August 3, 2023.

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

3. Adoption of Minutes: Meeting 2023-19; August 3, 2023.

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

4. Miscellaneous: Liquid caustic soda (Martin County contract) - Utilities Department (Brenntag Mid-South, Inc., - \$150,000 annually).

Staff Recommendation: Approve the piggyback purchase of liquid caustic soda from the Martin County contract with Brenntag Mid-South, Inc., in the estimated annual amount of \$150,000.

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

5. Contract: Engineering Services During Construction, South Regional Water Reclamation Facility – TO 20-05, Amendment 3 – RFQ 68-0-2007/SB – Utilities Department (Wade Trim - \$811,315)

Staff Recommendation: Approve Task Order 20-05, Amendment 3, for the South Regional Water Reclamation Facility engineering services during construction with Wade Trim, in the amount of \$811,315.

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

6. Ordinance 2023-85, amending the Code of Ordinances, by creating a new Chapter 96, to be titled 'Florida Building Code', first reading.

The City Attorney read the ordinance in caption only.

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

7. Consideration of a standardization contract of access control and security camera equipment.

Staff Recommendation: Approve the award of a standardization contract of access control and security camera equipment, in the amount of \$46,774.98.

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

8. Consideration of submitting an application for Edward Byrne Memorial Justice Assistance Grant funds for Police Department equipment.

Staff Recommendation: Approve the application for the Bureau of Justice Assistance Fiscal Year 2023 Byrne Memorial Justice Assistance Grant (JAG) – Local Solicitation; and authorize the Mayor or Deputy Mayor to sign the Fiscal Year 2023 Local JAG CE Certification form.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve submitting an application for Edward Byrne Memorial Justice Assistance Grant funds for Police Department equipment. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

9. Consideration of implementing traffic calming measures on Brickell Street at Ellington Avenue.

Staff Recommendation: Approve the installation of an all-way stop on Brickell Street at Ellington Avenue as a Traffic Calming solution, in the estimated amount of \$603.66.

Bill Battin, resident, commented that traffic calming measures were implemented along Gaynor Drive, but were later removed by City Council. He hoped that the same would not occur in this instance.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve traffic calming measures on Brickell Street at Ellington Avenue. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

10. Consideration of appointing Michael Rodriguez as Chief Deputy City Attorney.

Staff Recommendation: Approve the recommendation to hire Michael Rodriguez as Chief Deputy City Attorney at \$153,558, subject to successful completion of a background check.

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

11. Consideration of travel and training for specified City Employees (Fire Rescue Department).

Staff Recommendation: Approve the travel and training as specified.

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

12. Consideration of travel and training for specified City employees (Parks and Facilities Department).

Staff Recommendation: Approve the travel and training as specified.

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

13. Acknowledgement of the City's Budget Monitoring Report for the third quarter of Fiscal Year 2023 (Unaudited).

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

14. Acknowledgement of the City's monthly financial report for June 2023 (Unaudited).

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

15. Acknowledgement of the August 2023 GO Road Bond Paving Report.

Bill Battin, resident, was concerned about the large bump on DeGroot Road. He questioned if it was still under warranty.

Mr. Watanabe advised that Mr. Battin was referring to a directional board installed by the Utilities Department which had caused the roadway to raise slightly. It was a City error, not the contractor, and was not under warranty.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson to acknowledge the August 2023 GO Road Bond Paving Report. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

UNFINISHED AND OLD BUSINESS:

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

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to appoint Samantha Kervin to the 'at-large student member' position on the Youth Advisory Board. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

NEW BUSINESS:

1. Consideration of councilmembers attending the Congressional Black Caucus Foundation's' 52nd Annual Legislative Conference in Washington, DC, September 19-25, 2023; consideration of rescheduling the second regular meeting September.

Deputy Mayor Felix would attend the conference.

Motion by Deputy Mayor Felix, seconded by Mr. Foster, to reschedule the second regular Council meeting in September to Tuesday, September 19, 2023. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

The motion and the second were withdrawn as there were public comments.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to reschedule the second regular Council meeting in September to Tuesday, September 19, 2023. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Mayor Medina announced that Items 7-12, under Public Hearings, had been continued to September 19, 2023, at 6:00 P.M.

2. Consideration of an Auditor Selection Committee and appointing one (1) member of City Council to serve on the Committee. (AGENDA REVISION)

Staff Recommendation: Approve the Auditor Selection Committee and appoint one (1) member of Council to serve as the Committee Chair for the Auditor Selection Committee; and appoint one (1) reserve member, in case the primary selection was unable to serve.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve the Auditor Selection Committee and appoint Mayor Medina as the Committee Chair. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Motion by Mr. Johnson, seconded by Mr. Foster, to appoint Deputy Mayor Felix as the reserve member. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

3. Consideration of utilizing Fire Impact Fees for Squad 2 equipment (\$59,850) and installation of an extractor at Station 3 (\$4,700). (AGENDA REVISION)

Staff Recommendation: Approve the use of Fire Impact Fees for the purchase ALS equipment for Squad 2 in the amount of \$59,850; and installation of an extractor at Station 3 in the amount of \$4,700.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the use of Fire Impact Fees for the purchase ALS equipment for Squad 2 in the amount of \$59,850 and installation of an extractor at Station 3 in the amount of \$4,700. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

4. Consideration of submitting an application for the Tourist Development Council Facilities Grant for the Sacrifice Park memorial. (Mayor Medina) (AGENDA REVISION)

Mayor Medina presented the item to Council. Ms. Sherman advised that staff had confirmed that the minimum application amount was \$250,000, not \$100,000.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve submitting an application for the Tourist Development Council Facilities Grant for the Sacrifice Park memorial in the amount of \$250,000. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

COMMITTEE AND COUNCIL REPORTS:

Councilmembers addressed various subject matters.

ADMINISTRATIVE AND LEGAL REPORTS:

There were no reports.

PUBLIC COMMENTS/RESPONSES:

A resident made a general comment.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:00 P.M.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK