

CITY OF PALM BAY, FLORIDA

SPECIAL COUNCIL MEETING 2024-18

Held on Thursday, the 8th day of August 2024, 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 6:04 P.M.

ROLL CALL:

MAYOR:	Rob Medina	Present
DEPUTY MAYOR:	Donny Felix	Present
COUNCILMEMBER:	Kenny Johnson	Present
COUNCILMEMBER:	Vacant	
COUNCILMEMBER:	Vacant	
CITY MANAGER:	Suzanne Sherman	Present
CHIEF DEPUTY CITY ATTORNEY:	Michael Rodriguez	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Lisa Frazier, Growth Management Director.

Ms. Sherman asked that Item 2, under Public Hearings, be considered prior to Item 1, under Public Hearings.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to consider Item 2, under Public Hearings, prior to Item 1. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

BUSINESS:

1. Appointment of one (1) resident to fill the vacancy for City Council Seat 3; administering the Oath of Office to appointed individual for City Council Seat 3.

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 City Council.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to appoint Phil Weinberg, to fill the vacancy for City Council Seat 3.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Felix	Yea
Councilman Johnson	Yea

Chief Deputy City Attorney, Michael Rodriguez, administered the Oath of Office for City Council Seat 3 to Mr. Weinberg.

Item 2, under Public Hearings, was considered at this time.

2. Ordinance 2024-33, amending the Code of Ordinances, by creating Title XVII, Land Development Code, to provide for the governance and regulation of the City of Palm Bay Land Development Regulations including zoning, accessory uses, subdivision requirements, signs, natural resources, streets, parking, building design, and development review procedures (Case T24-00004, City of Palm Bay), first reading.

The Planning and Zoning Board recommended approval of the request.

The Chief Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman mentioned that Council may want to consider tabling Items 1 and 2, under Public Hearings, to allow for more input from the public and stakeholders.

Mrs. Junkala-Brown presented the request to Council. Patricia Tyjeski, Principal with Inspire Placemaking Collective (City's consultant), provided an overview of the updated Land Development Code (LDC). The LDC was updated to comply with the City's Comprehensive Plan which was adopted in 2023. Ms. Tyjeski answered questions posed by Council.

Mr. Weinberg suggested delaying approval until a full Council was in place in November and had time to review the proposed LDC. Councilmembers agreed.

Mr. Rodriguez explained that the LDC had to be adopted within one year of the adopted Comprehensive Plan and prolonging the adoption could lead to projects being inconsistent with the Comprehensive Plan. He added that if Council wanted to delay

approval to November, an Economic Impact Statement would have to be prepared detailing the effect of amending the entire LDC as it related to the entire City.

Mayor Medina wanted language for a convention center incorporated into the LDC and requested workshops with community stakeholders.

Mr. Weinberg asked if it would be feasible to deny any new projects unless they were consistent with the new Comprehensive Plan until the new LDC was adopted. Mr. Rodriguez said it depended on the situation but could cause legal ramifications if something was overlooked.

Mr. Johnson asked if the LDC had been reviewed by all departments and received verification for same. He provided examples of what he wanted included into the LDC.

Councilmembers continued to discuss various ideas of what they wanted included in the LDC. Mr. Rodriguez and Ms. Tyjeski advised Council of what could and could not be added to the LDC.

Individuals made general comments.

Ruth Kaufhold, resident, said she did not like the ideology of cluster homes and felt that affordable housing in Palm Bay was not affordable. She wanted to see more penalties given to builders and developers if they did not follow through with what they said they were going to do and suggested that the City receive impact fees through each part of project process.

Bill Battin, resident, did not agree with cluster homes being a part of the LDC and felt that it defeated the purpose and would be a step backwards. He wanted to see more penalties for removing trees on lots before being evaluated as possible signature trees. Mr. Battin asked how the City was going to accomplish constructing sidewalks on both sides of the streets pursuant to Chapter 176 and said it would be hard to accomplish.

Katherine Booth, resident, shared ideas that she felt were needed to protect the Indian River Lagoon, the native ground covers and the canopy trees. Mayor Medina asked staff to note Ms. Booth's comments and advise how the City could improve upon the ideas as mentioned by Ms. Booth.

Susan Connelly, resident, wanted to see more innovative and futuristic buildings and codes worked into the LDC.

Ken Farley, resident, asked how the City could focus on growth when it could not keep up with the infrastructure and asked about the process. Ms. Sherman explained the reasons and process of the Comprehensive Plan and the LDC. She stated that a lot of the issues in the past were due to the ordinances not keeping up with the changes.

Roger Adams, resident, expressed concern with evacuation routes from certain neighborhoods throughout the city.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to continue Ordinance 2024-33 to a special Council meeting on August 29, 2024. There was discussion on tabling the items to the August 22nd. Deputy Mayor Felix withdrew his second to the motion.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix to continue Ordinance 2024-33 to a special Council meeting on August 22, 2024. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

Council resumed consideration of items as shown on the agenda.

PUBLIC HEARINGS:

1. Ordinance 2024-32, amending the Code of Ordinances, Title XVII, Land Development Code, by repealing the Land Development Code in its entirety (Case T24-00003, City of Palm Bay), first reading.

The Planning and Zoning Board recommended approval of the request.

Motion by Mr. Johnson, seconded by Mr. Weinberg, to continue Ordinance 2024-32 to a special Council meeting on August 22, 2024. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

2. Ordinance 2024-33, amending the Code of Ordinances, by creating Title XVII, Land Development Code, to provide for the governance and regulation of the City of Palm Bay Land Development Regulations including zoning, accessory uses,

subdivision requirements, signs, natural resources, streets, parking, building design, and development review procedures (Case T24-00004, City of Palm Bay), first reading.

The item was considered earlier in the meeting prior to Item 1, under Public Hearings.

BUSINESS:

1. Ordinance 2024-35, amending the Code of Ordinances, Chapter 33, Fire Department, by creating a new Subchapter 'Fire Prevention and Protection; Buildings and Structures', first reading.

Staff Recommendation: Approve the ordinance.

Motion by Mr. Johnson, seconded by Mr. Weinberg, to approve Ordinance 2024-35. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

2. Ordinance 2024-36, amending the Code of Ordinances, Chapter 74, Stopping, Standing, and Parking, Subchapter 'Parking Regulation', by including provisions for vehicles in residential areas, first reading.

Staff Recommendation: Approve the ordinance.

Jeff Shine, resident, said the ordinance prohibited more than two (2) vehicles to be parked in the driveway and said this restriction was unworkable. He said that most residences in his neighborhood had 3-4 vehicles parked at each residence. Ms. Sherman explained that there were no changes to the language and that the language in the current Code was being shifted to another section of the Code. Staff would communicate with Mr. Shine.

Ruth Kaufhold, resident, was concerned that the City was turning into a homeowner's association with the number of regulations being imposed. She said it was unacceptable that the ordinances had not been cleaned up in years.

Mr. Rodriguez explained that language stated that no vehicle shall be parked in front of a residence except within a paved driveway. The two (2) vehicle prohibition was related to operable vehicles on the side of the driveway. This language was in the existing Code and no new language was created; it was only moved to different chapter.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2024-36. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

3. Ordinance 2024-37, amending the Code of Ordinances, Title VII, Traffic and Vehicles, by creating Chapter 75, Golf Carts, first reading.

Staff Recommendation: Approve the ordinance.

Motion by Mr. Johnson, seconded by Mr. Weinberg, to approve Ordinance 2024-37. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

4. Ordinance 2024-38, amending the Code of Ordinances, Title IX, General Regulations, by creating Chapter 102, Public Nudity, first reading.

Staff Recommendation: Approve the ordinance.

Motion by Mr. Johnson, seconded by Mr. Weinberg, to approve Ordinance 2024-38. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

5. Ordinance 2024-39, amending the Code of Ordinances, Title IX, General Regulations, by creating Chapter 103, Closure and Abandonment of Easements and Drainage Rights-of-Way, first reading.

Staff Recommendation: Approve the ordinance.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve Ordinance 2024-39. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

6. Ordinance 2024-40, amending the Code of Ordinances, by creating Title X, Impact Fees, first reading.

Staff Recommendation: Approve the ordinance.

Bill Battin, resident, asked how the priorities would be set with the impact fees as to where they would be allocated. He felt that more should be placed towards public safety. Ms.

Sherman provided a brief history on the impact fees and the study that was performed in 2018. She explained that the current language in the Code was placed into the new chapter, but there was also new language included stating that no police, park, or fire impact fees shall be imposed, charged or assessed on government property.

Motion by Deputy Mayor Felix, seconded by Mr. Weinberg, to approve Ordinance 2024-40. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

7. Ordinance 2024-41, amending the Code of Ordinances, Chapter 201, Sewer Use, Subchapter 'Private Lift Stations', by including provisions related to emergency power and pumping equipment for residential and multiple family developments, first reading.

Staff Recommendation: Approve the ordinance.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2024-41. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

8. Ordinance 2024-42, amending the Code of Ordinances, Title XX, Utilities Code, by creating Chapter 204, Stormwater Management Utility, first reading.

Staff Recommendation: Approve the ordinance.

Motion by Mr. Weinberg, seconded by Mr. Johnson, to approve Ordinance 2024-42. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

9. Ordinance 2024-43, amending the Code of Ordinances, Title XX, Utilities Code, by creating Chapter 205, Water Shortage Emergency, first reading.

Staff Recommendation: Approve the ordinance.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2024-43. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 8:53 P.M.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK