

CITY OF PALM BAY, FLORIDA

SPECIAL COUNCIL MEETING 2024-13

Held on Tuesday, the 25th day of June 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 6:00 P.M.

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
DEPUTY CITY CLERK:	Terri Lefler	Present

Councilman Foster attended the meeting via teleconference.

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Juliet Misconi, Deputy City Manager.

PROCLAMATIONS AND RECOGNITIONS:

The proclamations were read.

- 1. Proclamation: Juneteenth Celebration – June 19, 2024. (Mayor Medina)**
- 2. Proclamation: Code Enforcement Appreciation Week – June 3-7, 2024.**
- 3. Proclamation: Parks and Recreation Month – July 2024.**

PUBLIC HEARINGS:

- 1. Ordinance 2024-25, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 1107, Port Malabar Unit 23 (Case VE-4-2024, Sherry Denise Pollard), 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 2024-25. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

2. Ordinance 2024-26, rezoning property located west of and adjacent to Cogan Drive, in the vicinity north of Melbourne-Tillman Water Control District Canal 42, from GU (General Use Holding District) to CC (Community Commercial District) (3.00 acres) (Case Z23-00015, Kathleen Jones Trustee; PSP of Brevard, LLC; and RRLC, 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. Jake Wise, of CEG, LLC, and representative for the applicant, presented the request to Council.

Individuals made general comments.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2024-26. Deputy Mayor Felix said he did not support the request.

Motion carried with members voting as follows:

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

3. Resolution 2024-19, granting a conditional use to allow for a proposed self-storage facility in GU (General Use Holding District) zoning, on property located west of and adjacent to Cogan Drive, in the vicinity north of Melbourne-Tillman Water Control District Canal 42 (3.00 acres) (Case CU23-00019, Kathleen Jones Trustee; PSP of Brevard, LLC; and RRLC, LLC). (Quasi-Judicial Proceeding)

Ms. Sherman advised that applicant had requested this item be considered in conjunction with the final reading of the rezoning ordinance, scheduled for the July 11, 2024, Regular Council Meeting.

Motion by Mr. Johnson, seconded by Councilman Foster, to continue Resolution 2024-19 to the July 11, 2024, regular Council Meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

4. Request by Palm Bay StorNow, LLC, for preliminary subdivision plan approval for a proposed two-lot commercial subdivision to be known as 'Palm Bay StorNow', which property is located north of and adjacent to Malabar Road, in the vicinity west of St. Johns Heritage Parkway, in CC (Community Commercial District) zoning (9.75 acres) (Case PS24-00002). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

The public hearing was opened. Kenneth Ludwa, of B.S.E. Consultants, Inc., 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.

5. Request by Palm Bay StorNow, LLC, for final subdivision plan/final plat approval to allow for a proposed two-lot commercial subdivision to be known as 'Palm Bay StorNow', which property is located north of and adjacent to Malabar Road, in the vicinity west of St. Johns Heritage Parkway, in CC (Community Commercial District) zoning (9.75 acres) (Case FS24-00003). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

The public hearing was opened. Kenneth Ludwa, of B.S.E. Consultants, Inc., 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.

6. Request by Grapefruit League Land Group LLC for a variance to allow a proposed parking area to encroach 9.5 feet into the 25-foot rear parking setback,

as established by Section 185.042(F)(7)(d), Palm Bay Code of Ordinances (9.18 acres) (V24-00003). (CONTINUED TO 07/16/24 P&Z AND 07/18/24 RCM)

7. Request by Grapefruit League Land Group LLC for a variance to allow a proposed 30-foot-high structure to exceed the 25-foot maximum height requirement by five (5) feet, as established by Section 185.042(F)(6), Palm Bay Code of Ordinances (9.18 acres) (V24-00004). (CONTINUED TO 07/16/24 P&Z AND 07/18/24 RCM)

BUSINESS:

1. Resolution 2024-20, extending the commencement period for a conditional use granted for retail automotive gas/fuel sales in CC (Community Commercial District) zoning, on property located at the northeast corner of St. Johns Heritage Parkway and Emerson Drive NW (2.15 acres) (Case CU23-00005, Ascot Palm Bay Holdings, LLC).

Staff Recommendation: Approve the resolution amending Resolution 2023-19, Section 3, authorizing an extension to the conditional use through July 5, 2025.

The City Attorney read the ordinance in caption only.

Mayor Medina requested that the extension be granted for six (6) months instead of one year. Karlo Bazdan, of Pursuit Development and representative for the applicant, stated that one (1) year would be better as the applicant had been unable to obtain site plan approval, but would accept six (6) months with the opportunity to come back if an additional six (6) months was needed. Council concurred to a nine (9) month extension period.

An individual made a general comment.

Motion by Mr. Johnson, seconded by Mayor Medina, to adopt Resolution 2024-20, with a nine (9) month extension. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

2. Ordinance 2024-27, amending the Code of Ordinances, Chapter 53, State of Emergency, Declaration, Subchapter 'Natural, Manmade or Technological Emergency or Disaster', by modifying provisions contained therein, first reading.

Staff Recommendation: Approve the amended ordinance for termination of State of Local Emergency.

The City Attorney read the ordinance in caption only.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2024-27. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

3. Consideration of allocating General Fund Undesignated Fund Balance for the purchase of surplus vehicles from the Building Department (\$66,130).

Staff Recommendation: Approve the allocation of \$66,130 from the Undesignated Fund Balance to reimburse the Building Department for the value of the four (4) vehicles.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the allocation of \$66,130 from the Undesignated Fund Balance to reimburse the Building Department for the value of four (4) vehicles. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

4. Acknowledgment of the City's monthly financial report for March 2024 (Unaudited).

Staff Recommendation: Acknowledge receipt of the March 2024 Financial Report.

Motion by Deputy Mayor Felix, seconded by Councilman Foster, to acknowledge the March 2024 Financial Report. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

5. Acknowledgment of the City's Budget Monitoring Report for the second quarter of Fiscal Year 2024 (Unaudited).

Staff Recommendation: Acknowledge receipt of the City's Budget Monitoring Report for the second quarter of Fiscal Year 2024.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to acknowledge the City's Budget Monitoring Report for the second quarter of Fiscal Year 2024. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

6. Consideration of a Release and Settlement Agreement with Community Asphalt Corp.

Staff Recommendation: Approve the settlement agreement and authorize the City Manager to execute the agreement.

Bill Battin, resident, asked if staff was satisfied with the outcome of the agreement and if the City was still doing business with Community Asphalt Corporation. Ms. Sherman stated that staff was satisfied with the agreement and confirmed that Community Asphalt Corporation was not currently doing any business with the City.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the settlement agreement and authorize the City Manager to execute the agreement. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

7. Consideration of scheduling budget workshop meetings for July and August 2024.

Council concurred to schedule two (2) budget workshop meetings for Tuesday, July 9, 2024, at 6:00 p.m. (mid-year review for Fiscal Year 2023-2024 and data for Fiscal Year 2024-2025) and Tuesday, August 6, 2024, at 6:00 P.M. (Fiscal Year 2024-2025 data, if needed).

ADMINISTRATIVE REPORTS:

1. Ms. Sherman made the following reports:

A. Requested a special Council Meeting on Thursday, August 8, 2024, at 6:00 P.M., to discuss amendments to the Land Development Code. Council concurred.

B. Requested that Danielle Crofts be appointed to the Economic Development Commission's Ad Valorem Tax Abatement Council. Council concurred.

2. Ms. Smith requested an Executive Session on Thursday, June 27, 2024, at 5:30 P.M., to discuss settlement negotiations pertaining to Donovan Davis v. City of Palm Bay, Case 05-2024-CA-208081, on Thursday, June 27, 2024, at 5:30 P.M. She said the session would last approximately thirty (30) minutes and announced the individuals that would be in attendance. Council concurred.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 8:02 P.M.

Rob Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK