



AGENDA

SUSTAINABILITY BOARD

Regular Meeting 2021-04
Wednesday March 24, 2021 – 6:00 P.M.
Council Chambers
120 Malabar Road, SE Palm Bay FL 32907

CALL TO ORDER:

ROLL CALL:

PUBLIC COMMENTS: (Non-agenda items only)

Public Comments on Agenda Items – Individuals wishing to speak on specific agenda items can do so at the time the item is being considered by the Board. The Chairperson will ask if there are any public comments prior to the Board taking action on the item. All speakers will be limited to three (3) minutes each.

ADOPTION OF MINUTES:

1. Special Meeting 2021-01 January 27, 2021
Special Meeting 2021-02 February 08, 2021

NEW BUSINESS:

1. Amendments to Chapter 52, City of Palm Bay Code of Ordinances
2. 2020 Sustainability Action Plan Development Discussion

OTHER BUSINESS:

1. Upcoming meetings/events of interest (INFORMATIONAL)

ADJOURNMENT:

If an individual decides to appeal any decision made by the Sustainability Board with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon

which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Community and Economic Development Department at (321) 409-7187 or Florida Relay System at 711.

CITY OF PALM BAY, FLORIDA

SUSTAINABILITY BOARD SPECIAL MEETING 2021-01

Held on Wednesday, the 27th day of January 2021 at Tony Rose Community Center, 1502 Port Malabar Road, NE 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 minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at the meeting.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting was conducted via communications media technology (teleconference/video conference).

The meeting was called to order at approximately 7:13 P.M.

ROLL CALL:

CHAIRPERSON:	Lesley Byrd	Present
MEMBER:	Phillip Snyder	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Susan Connolly	Present
MEMBER:	Joe Laughlin	Absent
MEMBER:	Shaun McFadden	Absent
MEMBER:	Amy Ford	Present

CITY STAFF: Present was Suzanne Sherman, City Manager; Joan Junkala-Brown, Community and Economic Development Director; Britta Kellner, Special Projects Manager

PRESENTATION:

1. Review of the Sunshine Law – Erich Messenger, Deputy City Attorney
Deputy City Attorney Messenger provided a presentation of the provisions of the Florida Sunshine Statutes as they pertain to the Board's activities/conduct.

ADOPTION OF MINUTES:

1. Meeting 2020-08; September 29, 2020.

Motion by Ms. Ford, seconded by Ms. Maragh, to adopt the minutes as presented. Motion carried unanimously.

PUBLIC COMMENTS:

Kimberly Newton invited the Board to a Mayors' Environmental Discussion Roundtable which will be held virtually on February 25th at 6:30PM.

NEW BUSINESS:

1. Election of Chairperson and Vice Chairperson. Motion by Ms. Ford to nominate Ms. Byrd to the position of Chairperson, seconded by Ms. Connolly. Motion carried unanimously. Motion by Mr. Snyder to nominate Ms. Maragh to the position of Vice Chairperson, seconded by Ms. Ford. Motion carried unanimously.

2. Review of by-laws. Ms. Kellner provided an overview of the purpose of the bylaws and recommended changing the board name from Sustainability Board to Sustainability Advisory Board. The change will be brought forth for Board approval at the next regular meeting. The Board discussed proposed amendments to the bylaws. regarding attendance requirements and quorum concerns.

3. Proposed Sustainability Board Meeting Schedule for 2021 Calendar Year. Motion by Mr. Snyder to accept the 2021 Board meeting schedule, seconded by Ms. Maragh. Motion carried unanimously.

OTHER BUSINESS:

1. Upcoming meetings/events of interest (INFORMATIONAL) Ms. Kellner announced the City's efforts to engage in regional environmental inventory study through the East Central Florida Regional Resiliency Collaborative. The Board will receive updates on the progress of this initiative. ~~ies and will keep the board posted.~~

Ms. Kellner introduced Florida Institute of Technology intern Nicole Barnett who will continue to work with the board on the action plan. Chairperson Byrd provided a historical overview of the draft Sustainability Action Plan. FIT Intern, Nicole Barnett offered an overview of plan draft efforts to date. ~~herself provided and called upon Nicole Barnett to offer an overview of plan draft efforts to date.~~ The Board discussed the need for additional meetings to accomplish tasks to completion. Motion by Mr. Snyder to hold a Special Meeting prior to the February 24, 2021 Regular Meeting in which Ms. Barnett will provide

a plan presentation for the Board. Seconded by Ms. Connolly. Motion carried unanimously. City Manager Sherman reiterated the City's commitment to continue to support the Board's efforts and to establish multi-year goals.

ADJOURNMENT:

The meeting adjourned at approximately 7:44 P.M.

Lesley Byrd, Chairperson

ATTEST:

Terese M. Jones, City Clerk

Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.

CITY OF PALM BAY, FLORIDA

SUSTAINABILITY BOARD SPECIAL MEETING 2021-02

Held on Wednesday, the 08th day of February 2021 at Tony Rose Community Center, 1502 Port Malabar Road, NE 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 minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at the meeting.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting was conducted via communications media technology (teleconference/video conference).

The meeting was called to order at approximately 6:30 P.M.

ROLL CALL:

CHAIRPERSON:	Lesley Byrd	Present
VICE CHAIRPERSON	Khalilah Maragh	Present
MEMBER:	Phillip Snyder	Present
MEMBER:	Susan Connolly	Present
MEMBER:	Vacant	
MEMBER:	Shaun McFadden	Absent
MEMBER:	Amy Ford	Present

CITY STAFF: Present was Joan Junkala-Brown, Community and Economic Development Director

PRESENTATION:

1. Nicole Barnett - Florida Institute of Technology, Palm Bay Sustainability Intern provided an overview of the draft 2020 Sustainability Action Plan which included completed plan sections from other local governments in the region. Ms. Barnett provided an overview of the role of the Board in drafting the Plan, the plan components, sections, and the status and content of each. Ms. Barnett addressed questions and sought further input from the Board..

Chair Byrd confirmed the need for a Mayor's Message inquired about the purpose of the executive summary to which Ms. Barnett replied that the purpose is to discuss the plan itself. Vice Chair Maragh asked that a "Letter to the Residents" be included. Ms. Barnett then proceeded to provide an overview of the five plan elements and their respective goals and objectives. Ms. Barnett recommended that the Board's next steps begin with resuming work on the element sections and then focus on obtaining/creating plan visuals. Finally, Ms. Barnett recommended that the board then return to introductory sections to update and finalize.

NEW BUSINESS:

1. Following Ms. Barnett's final call for questions and comments concerning the presentation, the Board proceeded to discuss draft plan tasks. Ms. Ford inquired about a timeline to completion. Chair Byrd questioned if the education section is adequate and the board consider assigning that section to a member who has interest/knowledge of that topic.

Ms. Barnett recommended further development of education and public engagement. Vice Chair Maragh volunteered for that task and expressed interest in engaging the community in plan images. Ms. Maragh conveyed that she would like to see each section completed in its entirety in sequential order before moving to the next section. Mr. Snyder questioned the need to incorporate images in the short term. Ms. Barnett and Director Junkala-Brown recommended that the inclusions of images prior to plan submittal to Council would be valuable and that staff would assist with procuring imagery. Ms. Connolly would like to see innovation and future-focused concepts included in the plan. Vice-Chair Maragh concurred and added this would be a means to engage younger citizenry.

Mr. Snyder offered to assist with the development of the education section. Chair Byrd made a motion to recognize the assignment of education and public engagement section development to Ms. Maragh and Mr. Snyder. Seconded by Ms. Ford.

Chair Byrd recommended that the Board be prepared to discuss sections one and two at the next Board meeting. Board members will email comments/edits through Ms. Kellner to be sent to Ms. Barnett and incorporated into the document. The document will be available for the board as part of the agenda at the next meeting for work to continue. Agendas will reflect general plan development so that a variety of plan tasks may be undertaken, time permitting, at scheduled meetings. The frequency and purpose of public comment was discussed. Staff will confirm whether not public comment may occur after each business item on the agenda.

PUBLIC COMMENTS: None

OTHER BUSINESS:

1. Upcoming meetings/events of interest (INFORMATIONAL)

Staff informed the Board that Seat 5 is vacant and that Ms. Ford's at-large seat will be vacated as well. Board members expressed the desire to engage the local business community, explore innovative practices, and hear presentations from subject experts.

ADJOURNMENT:

Hearing no further business, Mr. Snyder made a motion to adjourn. Ms. Ford seconded the motion. The meeting adjourned at approximately 7:44 P.M.

Lesley Byrd, Chairperson

ATTEST:

Terese M. Jones, City Clerk

Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Sustainability Board

FROM: Britta Kellner, Special Projects Manager

DATE: March 24, 2021

RE: Amendments to Chapter 52.345 and 52.349 of the Palm Bay Code of Ordinances, modifying the title and quorum of the City of Palm Bay Sustainability Board.

At the Regular Meeting held on January 27, 2021, the Board requested an amendment to the section 52.345 of the by-laws modifying the title of the Board. Further, at the Boards request, staff sought options to address the existing challenges with the Board's ability to obtain a quorum. Staff has amended the section 52.349 to reduce the quorum requirements.

Chapter 52.345 The official addition of the word "Advisory" to the Board name shall serve to codify what has previously been an informal and generally accepted inclusion of the word to the board title.

Chapter 52.349 Since the Board's inception, the quorum of five (5) board members required to be physically present to conduct Board business as originally established by Ordinance 2017-99 has become a challenge to maintain due to persistent absenteeism within the Board's membership. The lack of a regularly occurring quorum has considerably impaired the progress of the work the board is tasked to accomplish. A reduction in Board quorum from five (5) to four (4) members maintains the majority voting requirements for the seven-member board, and will enable ongoing advancement towards the completion of the final draft of the Sustainability Action Plan as the Board's first project as well as any future business the Board may decide to undertake.

RECOMMENDATION:

Adopt an Ordinance providing for modifications to sections 52.345 and 52.349 of the Palm Bay Code of Ordinances, relating to the City's Sustainability Board.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 52, BOARDS, SUBCHAPTER 'COMMUNITY DEVELOPMENT ADVISORY BOARD', BY REVISING A REFERENCED FLORIDA STATUTE IN SECTION 52.193(D)(1); PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 52, Boards, Subchapter 'Community Development Advisory Board', 52.194, Rules of Procedure is hereby amended and shall henceforth read as follows:

“Section 52.194 RULES OF PROCEDURE.

(A) *Meetings:*

(1) Regular meetings shall be held ~~quarterly~~ monthly and on such days and at such times and locations as the Board from time to time determines. Meetings shall be held in public facilities.

(2) Special or workshop meetings may be called by the Chairperson or by at least three (3) members of the Board.

(B) *Quorum:* ~~Six (6)~~ Five (5) board members shall constitute a quorum for the transaction of business at any meeting and the vote of a majority of such quorum shall be sufficient for formal action by the Board.

* * *

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the

provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect on March 18, 2021.

Read in title only at Meeting No. 2021-##, held on March 4, 2021; and read in title only and duly enacted at Meeting No. 2021-##, held on March 18, 2021.

Rob Medina, MAYOR

ATTEST:

Terese Jones, CITY CLERK

Reviewed by CAO: _____

Words ~~stricken~~ through shall be deleted; underscored words shall be included. Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.

SUSTAINABILITY BOARD

§ 52.345 ESTABLISHMENT.

There is hereby established an advisory board to be known as the "Sustainability Advisory Board," hereinafter referred to as the "Board."

(Ord. 2017-99, passed 1-4-18)

§ 52.346 PURPOSE AND INTENT.

The purpose and intent of the Board shall be to advise and assist the City Council, City Manager, and city staff (hereafter collectively the "city") in matters relating to pollution reduction, water quality initiatives, community education and involvement, and assessing local climate risk.

(Ord. 2017-99, passed 1-4-18)

§ 52.347 COMPOSITION; TERMS; VACANCIES.

(A) The Board shall consist of seven (7) members appointed by the City Council.

(B) *Appointment.* One (1) appointment by each councilmember, and (2) at-large appointments by a majority of Council. The members shall be selected by using the City Council's process for filling board positions.

(C) *Terms and term limits.* The initial term, and subsequent terms for the two (2) at-large members shall be four (4) years. The remaining five (5) members shall serve staggered terms coinciding with the term of the councilmember who made the appointment. The initial term shall begin February 1, 2018. The members appointed by Councilmembers in Seats 1, 2 and 3 shall serve until November 2020 when the Mayor and Councilmembers' seats come up for re-election; members appointed by Councilmembers in Seats 4 and 5 shall serve until November 2018 when the Councilmembers' seats come up for re-election. Thereafter, all subsequent terms shall convene with the appointing Councilmember's term of election.

(D) *Residential requirements.* Members must be a resident of or a business owner within the City of Palm Bay for at least one (1) year. Members must remain a City of Palm Bay resident or business owner throughout the term of his/her appointment.

(Ord. 2017-99, passed 1-4-18)

§ 52.348 DUTIES AND RESPONSIBILITIES.

(A) The Board shall identify and make recommendations to the City Council concerning affordable strategies associated with conservation, renewable energy, and energy efficiency. Duties of the Board shall include:

(1) Develop an environmental sustainability plan for city operations with a goal of achieving one hundred percent (100%) clean energy by 2035 in city operations.

(2) Develop an assessment plan to track activities and implementation of the city's environmental sustainability plan. Provide an annual report to the City Council on activities and implementation of the plan.

(3) Review ordinances and policies that have an environmental impact on the city and make recommendations to City Council. Such topics may include standards for recycling, environmental standards, preservation and landscape design, and floodplain management.

(B) Initiatives of the Board may include:

(1) Research, identify, and recommend to the public affordable strategies associated with conservation, renewable energy, and energy efficiency.

(2) Research and recommend to the public financial initiatives and resources that are available to offset costs associated with renewable energy initiatives.

(3) Recognize the efforts of others who contribute to the beautification, environmental protection, and enhancement of the city.

(C) The Board shall perform such additional duties and services as may from time to time be assigned by the City Council.

(Ord. 2017-99, passed 1-4-18)

§ 52.349 RULES OF PROCEDURE.

(A) Meetings shall be held on such days and at such times and locations as the Board from time to time determines. Meetings shall be held in public facilities.

(B) *Quorum.* ~~Five (5)~~ Four (4) members of the Board shall constitute a quorum for the transaction of business at any meeting and the vote of a majority of such quorum shall be sufficient for formal action by the Board.

(C) *Officers.* The Board shall select its own chairperson and vice chairperson and such other officers as it deems

appropriate. The officers shall serve for a term of one (1) year and may succeed themselves.

(D) *By-laws*. The Board may prepare and adopt such by-laws, rules, and regulations for its own guidance as it may deem expedient and not inconsistent with law.

(E) *Absences*. Members who fail to attend three (3) consecutive regular meetings or a total of five (5) meetings of any type within a twelve (12) month period, shall automatically forfeit their appointments. The chairperson shall notify the Office of the City Clerk of any vacancy, at which time the process to fill the vacancy shall be implemented.

(F) *Agendas and minutes*. The Board shall submit to the City Council, within an appropriate time frame, an agenda of the upcoming meeting and the minutes of the previous meeting. The Board shall submit other reports from time to time as directed by the City Council.

(Ord. 2017-99, passed 1-4-18)

§ 52.350 COMPENSATION.

Members shall serve without compensation.

(Ord. 2017-99, passed 1-4-18)