



120 Malabar Road, SE - Palm Bay, FL 32907 (321-952-3400)
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Mayor
WILLIAM CAPOTE
Deputy Mayor
HARRY SANTIAGO, JR.
Councilmembers
TRES HOLTON
JEFF BAILEY
BRIAN ANDERSON

AGENDA

REGULAR COUNCIL MEETING NO. 2017-07

THURSDAY

March 16, 2017 - 7:00 P.M.
City Hall Council Chambers

CALL TO ORDER:

INVOCATION:

Pastor Monica Washington, Cornerstone Assembly of God, Palm Bay

PLEDGE OF ALLEGIANCE:

ROLL CALL:

AGENDA REVISIONS:

CONSENT AGENDA:

There will be no separate discussion on those items listed under Consent Agenda (indicated with asterisks(*)). They will be enacted by the City Council on one motion. If discussion is desired by the City Council, that item will be removed from the Consent Agenda by Council and will be considered in the order that it appears on the agenda.

RECOGNITIONS AND PROCLAMATION:

1. Recognizing City boardmembers – one (1) to ten (10) years of service as a volunteer.
2. Purchasing Month – March 2017.

PRESENTATION:

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

ADOPTION OF MINUTES:

- * 1. Regular Council Meeting No. 2017-06; March 2, 2017.

PUBLIC COMMENTS/RESPONSES: (Non-agenda Items Only)

Public comments will be heard by the City Council on non-agenda issues. Speakers must complete 'Public Comment Cards' (orange) and are limited to 3 minutes each.

THIS MEETING IS BROADCAST LIVE ON THE CITY'S WEBSITE AND
TELEVIEWED ON THE SPACE COAST GOVERNMENT TV CHANNEL.

PUBLIC HEARINGS:

1. Ordinance No. 2017-21, amending the Code of Ordinances, Chapter 70, General Provisions, in order to revise certain provisions related to solicitation on rights-of-way, final reading.
2. Ordinance No. 2017-22, amending the Fiscal Year 2016-2017 budget by appropriating and allocating certain monies (second budget amendment), final reading.
3. Ordinance No. 2017-12, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Cascade Avenue, in the vicinity south of Malabar Road, from Single Family Residential Use to Commercial Use (0.48 acres)(Case No. CP-1-2017, Emerson Development Partners, LLC), only one reading required.
- ♣4. Ordinance No. 2017-13, rezoning property located south of and adjacent to Malabar Road, in the vicinity between Emerson Drive and Cascade Avenue, from RS-1 (Single-Family Residential District) and RC (Restricted Commercial District) to CC (Community Commercial District) (2.05 acres)(Case No. CPZ-1-2017, Emerson Development Partners, LLC), first reading.
5. Resolution No. 2017-02, granting a conditional use for retail automotive gas/fuel sales in CC (Community Commercial District) zoning (2.05 acres)(Case No. CU-1-2017, Emerson Development Partners, LLC) **(RESCHEDULED TO RCM 04/06/17)**.
6. Ordinance No. 2017-23, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to the intersection of Ainsley and Sea Horse Circles from Recreation and Open Space Use to Single Family Residential Use (4.18 acres)(Case No. CP-3-2017, City of Palm Bay), only one reading required.
7. Ordinance No. 2017-24, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located in the vicinity north of and adjacent to Lanack Road, between Godfrey Road and Alexis Terrace, from Recreation and Open Space Use to Single Family Residential Use (2.31 acres)(Case No. CP-4-2017, City of Palm Bay), only one reading required.
8. Ordinance No. 2017-25, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located between Sturbridge Terrace and Raleigh Road from Recreation and Open Space Use to Single Family Residential Use (5.29 acres)(Case No. CP-5-2017, City of Palm Bay), only one reading required.
9. Ordinance No. 2017-26, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located between Sauders Road and Antique Terrace from Recreation and Open Space Use to Single Family Residential Use (3.87 acres)(Case No. CP-6-2017, City of Palm Bay), only one reading required.
10. Ordinance No. 2017-27, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located between Teal and Campbell Streets, in the vicinity west of Emerson Drive, from Recreation and Open Space Use to Single Family Residential Use (3.82 acres)(Case No. CP-7-2017, City of Palm Bay), only one reading required.

11. Ordinance No. 2017-28, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Biarritz Street, in the vicinity north of Malabar Road, from Public/Semi-Public Use to Single Family Residential Use (40.47 acres)(Case No. CP-11-2017, City of Palm Bay), first reading.
- ♣12. Resolution No. 2017-05, amending Resolution No. 2016-53, by modifying the conditional use granted for a planned industrial development (business park) in LI (Light Industrial and Warehousing District) zoning by including churches as an additional use (5.20 acres)(Case No. CU-28-2016, The Hady Family Limited Partnership).
- ♣13. Request by Eddie and Melissa Edwards for a variance to allow a proposed pool to encroach the 10-foot rear accessory structure setback by a maximum of 3.5 feet in RE (Estate Residential District) zoning (0.38 acres)(Case No. V-7-2017).
14. Request by Cypress Bay Farms, LLC for a preliminary multi-use Planned Unit Development (PUD) to be known as Cypress Bay at Waterstone PUD, which property is located east of and adjacent to Babcock Street, north and south of the proposed St. Johns Heritage Parkway (268.0 acres)(Case No. PUD-12-2017).
15. Request by the City of Palm Bay to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of property located in the vicinity of Stadt Road and Beacon Street, from Recreation and Open Space Use to Single Family Residential Use (3.71 acres)(Case No. CP-8-2017, City of Palm Bay), only one reading required **(WITHDRAWN)**.
16. Request by the City of Palm Bay to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of property located in the vicinity of Tower Street from Recreation and Open Space Use to Single Family Residential Use (3.27 acres)(Case No. CP-9-2017, City of Palm Bay), only one reading required **(WITHDRAWN)**.
17. Request by the City of Palm Bay to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of property located in the vicinity of Stadt Road and Beacon Street from Recreation and Open Space Use to Single Family Residential Use (3.77 acres)(Case No. CP-9-2017, City of Palm Bay), only one reading required **(WITHDRAWN)**.

COMMITTEE AND COUNCIL REPORTS:

NEW BUSINESS: (Ordinance is for first reading.)

- * 1. Resolution No. 2017-06, amending Resolution No. 2016-42, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay.
- * 2. Resolution No. 2017-07, amending Resolution No. 2016-43, adopting the Five-Year Capital Improvements Program for Fiscal Years 2016-2017 through 2020-2021.
- * 3. Ordinance No. 2017-29, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by creating a new section establishing a police share plan.
- * 4. Consideration of modifying the Administrative Assistant position within the Economic Development and External Affairs Department; creating a part-time Secretary position for the Bayfront Community Redevelopment Agency.
- * 5. Consideration of utilizing Parks Impact Fees for additional linkage for the bleacher seating replacement project at Tony Rosa Community Center (\$6,184).

- * 6. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$1,450).
- * 7. Acknowledgement of the City's monthly financial report for January 2017.
- 8. Consideration of scheduling a workshop for March 2017.

ADMINISTRATIVE AND LEGAL REPORTS:

PUBLIC COMMENTS/RESPONSES: Speakers are limited to 3 minutes.

ADJOURNMENT:

♣Quasi-judicial proceeding.

Councilmembers who are members of the Space Coast Transportation Planning Organization (TPO) may discuss TPO issues which may subsequently be addressed by the TPO.

If an individual decides to appeal any decision made by the City Council 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.

Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the City Clerk which notice shall, at a minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the Clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (§ 59.03, Palm Bay Code of Ordinances).

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 Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.