

# CITY OF PALM BAY, FLORIDA

## SPECIAL COUNCIL MEETING 2020-33

Held on Wednesday, the 23<sup>rd</sup> day of September 2020, 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.

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 the hour of 6:00 P.M.

### ROLL CALL:

<b>MAYOR:</b>	William Capote	Present
<b>DEPUTY MAYOR:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Harry Santiago, Jr.	Present
<b>COUNCILMEMBER:</b>	Jeff Bailey	Present
<b>COUNCILMEMBER:</b>	Brian Anderson	Present
<b>ACTING CITY MANAGER:</b>	Suzanne Sherman	Present
<b>DEPUTY CITY ATTORNEY:</b>	Jennifer Cockcroft	Present
<b>CITY CLERK:</b>	Terese Jones	Present

### PUBLIC HEARING:

#### 1. Discussion of tax rate, millage rate and final budget for Fiscal Year 2020-2021 - City Manager.

The public hearing was opened.

Ms. Sherman stated the proposed tax millage rate was 7.8378, which was a 2.57% increase over the rollback rate of 7.6415. The percentage increase being above the three percent (3%) cap was caused by new construction being excluded from the three percent (3%) cap. Contributing to the operating millage rate increase over the rollback rate were: actuarial requirements to increased Police and Fire pensions; increased debt service payments; funding of high priority and critical needs, including contractual requirements with Johnson Controls, Honeywell, Florida Power and Light street lights and solar programs, burglar alarm monitoring, septic and sewer pump-outs, and temporary employment services; one Housing Development full-time employee (FTE) position;

Road Maintenance funding; and transfer of personnel service expenditures, including five (5) engineering and administration FTE positions and eight (8) mowing staff FTE positions, along with associated operating expenditures from the Stormwater Utility Fund to the General Fund.

Ms. Sherman advised that the City had adopted a tentative debt millage rate of 0.7516 for the next fiscal year. The debt millage rate would generate estimated revenues of \$3,527,298 based on the gross taxable value certified by the Brevard County Property Appraiser. These revenues were restricted and designated for the payment of the General Obligation Bonds, Series 2019, debt service payment of \$3,527,750 due in the Fiscal Year 2021 budget year.

The public hearing was closed.

**PUBLIC COMMENTS: (Will be heard under the items of business.)**

Public comments were heard under the items of business.

**BUSINESS:**

**1. Resolution 2020-43, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title III, Administration, Chapter 33, Fire Department.**

The Deputy City Attorney read the resolution in caption only.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Resolution 2020-43. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**2. Resolution 2020-44, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title III, Administration, Chapter 36, Parks and Recreation.**

The Deputy City Attorney read the resolution in caption only.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Resolution 2020-44. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**3. Resolution 2020-45, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title XI, Business Regulations, Chapter 117, Alarm Systems.**

The Deputy City Attorney read the resolution in caption only.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Resolution 2020-45. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**4. Resolution 2020-46, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title XVII, Land Development Code.**

The Deputy City Attorney read the resolution in caption only.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Resolution 2020-46.

Mr. Bailey said there were increases to permits and as the Building Fund was healthy, he would not support the proposed increases.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Nay
Councilman Bailey	Nay
Councilman Anderson	Yea

**5. Resolution 2020-47, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title XVII, Land Development Code, Chapter 171, Fair Share Impact Fees.**

The Deputy City Attorney read the resolution in caption only.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Resolution 2020-47.

Mr. Bailey said he was not in favor of the large increases that were enacted previously and would not support the request.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

**6. Resolution 2020-48, establishing fees, rates, and charges pursuant to the Code of Ordinances, for specified chapters and sections therein.**

The Deputy City Attorney read the resolution in caption only.

Bill Battin, resident, said the stormwater utility rate had increased from \$4.47 to \$10.92. He questioned the large increase. Ms. Sherman said the \$4.47 was from 2017 and was the utility fee that was in place prior to the assessment.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Resolution 2020-48.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

**7. Resolution 2020-49, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay.**

The Deputy City Attorney read the resolution in caption only.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Resolution 2020-49. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**8. Resolution 2020-50, adopting the Five-Year Capital Improvement Plan for Fiscal Years 2020-2021 through 2024-2025.**

The Deputy City Attorney read the resolution in caption only.

Don Jordan, resident, said he did not see culvert replacements for Unit 49 in the plan. Ms. Sherman said it was not included as yet and, based on Council's direction, Unit 49 would be considered by the Infrastructure Advisory and Oversight Board to move up to Year 3 in the Road Program. If approved, then related budget amendments would be handled accordingly.

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to adopt Resolution 2020-50. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**9. Resolution 2020-51, approving the millage rate and debt millage rate for Fiscal Year 2020-2021.**

The Deputy City Attorney read the resolution in caption only.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Resolution 2020-51.

Mr. Bailey provided information of each municipality in Brevard County reflecting tax increases above the rollback rate from 2016 to date. He said that Palm Bay was the second highest in the County. There were four (4) municipalities that were going back to the rollback rate. He hoped that Council would be more conservative in the future, but he did not support the millage rate as presented. He added that when the City exceeded the three percent (3%) cap, any leftover funds should not be included in the following year's budget.

Mr. Santiago provided a breakdown of how much it would cost per household to fix one mile of roadway. In comparison to the other cities, Palm Bay was the lowest. He said in reviewing how much Palm Bay received in revenue compared to the scope of the City and the fact that Palm Bay was a full-service City, he said there had to be a balance with a higher millage rate.

Mr. Anderson said that during his term on Council, the millage rate averaged at 8.45 and now it was proposed at 7.8. He said roads were being fixed and even with major hurricanes, the City was still moving in the right direction. There was further discussion on the city comparisons.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

**PUBLIC HEARINGS:**

**1. Ordinance 2020-59, amending the Code of Ordinances, Chapter 200, Utilities Code, by adjusting the rates, fees, and charges for the City’s utilities system and services, final reading.**

The Deputy City Attorney read the ordinance in caption only.

The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Ordinance 2020-59.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Nay
Councilman Bailey	Nay
Councilman Anderson	Yea

**2. Ordinance 2020-60, amending the Code of Ordinances, Chapter 201, Sewer Use, Subchapter ‘Miscellaneous Provisions’, by adjusting the permit fees and other charges related to the City’s utilities wastewater system, final reading.**

The Deputy City Attorney read the ordinance in caption only.

The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Ordinance 2020-60.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Nay
Councilman Bailey	Nay
Councilman Anderson	Yea

**3. Ordinance 2020-61, amending the Code of Ordinances, Chapter 202, Reclaimed Water, by adjusting the rates, fees, and charges for reclaimed water, final reading.**

The Deputy City Attorney read the ordinance in caption only.

The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Ordinance 2020-61.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Nay
Councilman Bailey	Nay
Councilman Anderson	Yea

**4. Ordinance 2020-62, adopting the final budget for Fiscal Year 2020-2021, final reading.**

The Deputy City Attorney read the ordinance in caption only.

The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Ordinance 2020-62.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

There being no further business, the meeting adjourned at the hour of 6:56 P.M.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK