

**CITY OF PALM BAY, FLORIDA**  
**SPECIAL COUNCIL MEETING 2023-05**

Held on Thursday, the 23<sup>rd</sup> day of February 2023, 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:**

<b>MAYOR:</b>	Rob Medina	Present
<b>DEPUTY MAYOR:</b>	Donny Felix	Present
<b>COUNCILMEMBER:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Randy Foster	Present
<b>COUNCILMEMBER:</b>	Vacant	
<b>CITY MANAGER:</b>	Suzanne Sherman	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>CITY CLERK:</b>	Terese Jones	Present

Councilman Foster attended the meeting via teleconference.

**BUSINESS:**

**1. Resolution 2023-06, declaring the position of Seat 5 on the Palm Bay City Council vacated as of February 17, 2023.**

The City Attorney read the resolution in caption only.

Individuals made general comments.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2023-06. Mayor Medina felt Council should be prudent in its selection for the vacancy and have background checks performed on the applicants, just as was done for city employees. He would address the background checks under Item 2, Business. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**2. Ordinance 2023-10, amending the Code of Ordinances, Chapter 50, Elections, Subchapter 'Filling of Vacancies', by modifying provisions contained therein pursuant to the Palm Bay City Charter, first reading.**

The City Attorney read the ordinance in caption only.

Individuals made general comments about the background checks being considered for a temporary position on Council when the elected members were not required to do so.

Bill Battin, resident, questioned when the term for the temporary ended and how individuals could apply. Mayor Medina responded that the term would end in November 2024 with the general election. Mrs. Jones added that applications would be posted on the City's website upon approval of the first reading of the ordinance at tonight's meeting. The deadline to apply would be Wednesday, March 29<sup>th</sup>, by 5:00 P.M.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-10.

Mayor Medina reiterated his desire to include a background check for those submitting applications. Mr. Johnson had no issue with the background check but was concerned about any related legal issues. Ms. Smith said that to perform the same background check as an employee, it would take approximately thirty (30) days and Council could not afford that much time without triggering a special election. There was an abbreviated test through the Florida Department of Law Enforcement that had a turnaround of approximately two (2) days. Staff would have to create a consent form for same. The approximate cost to perform the background check was \$45.00. Mr. Johnson felt the cost should be borne by the applicant, similar to how candidates had to pay a qualifying fee.

Mr. Johnson withdrew his motion and Deputy Mayor Felix withdrew his second to the motion.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-10, to include a \$45.00 application fee for the background check and if an applicant did not consent to the background check, the individual would be disqualified.

Mr. Foster did not want to change the requirements, especially when Council did not currently have to meet those same requirements. Board members did not have to go through a background check, and he felt the background check should be optional.

Motion carried with members voting as follows:

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

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**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 6:58 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK