

CITY OF PALM BAY, FLORIDA
SPECIAL COUNCIL MEETING 2023-24

Held on Wednesday, the 20th day of September 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 6:01 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: Present was Angelica Collins, Fiscal Manager; John Pearson, Chief Building Official; Chris Little, Utilities Director.

PUBLIC HEARING:

1. Discussion of tax rate, millage rate and final budget for Fiscal Year 2023-2024 - City Manager.

The public hearing was opened.

Ms. Sherman announced that the City had tentatively adopted an operating millage rate of 7.0171 for the fiscal year beginning October 1, 2023, and ending September 30, 2024, which exceeded the Truth in Millage (TRIM) current year aggregate rolled-back rate of 6.8183 by 2.92%. 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 rolled-back rate was:

- \$2.1 million in high priority funding needs including contractual obligations requiring payment.

- \$3.7 million capital funding needs for vehicle replacements, public safety equipment, including required radio replacements, information technology investments and funding toward the construction of Fire Station 7.
- \$2.75 million toward Road Maintenance Fund investments.
- Funding required for police and fire pension contribution obligations of \$6.7 million resulting in a 38.2% increase from the previous fiscal year.
- \$2.3 million in personnel adjustments including nine (9) additional firefighters and eight (8) additional police officers.

The City had also tentatively adopted a debt millage rate of 0.9084 for the fiscal year beginning October 1, 2023, and ending September 30, 2024. The tentative debt millage rate shall generate estimated revenues totaling \$6,972,219 based on the gross taxable value certified by the Property Appraiser's Office assuming an estimated 96% collection rate. These revenues were restricted and were designated for payment of the General Obligation Bonds, Series 2019 debt service payment totaling \$3,526,250, and the General Obligation Bonds, Series 2021 debt service payment totaling \$3,446,150, both due in the Fiscal Year 2024 budget year.

The public hearing was closed.

BUSINESS:

1. Resolution 2023-29, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title III, Administration, Chapter 33, Fire Department.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2023-29. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

2. Resolution 2023-30, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title III, Administration, Chapter 36, Recreation Department.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council and advised of the fee amendments.

Deputy Mayor Felix asked if the fee schedules would vary based on location or per organization, such as churches. Ms. Sherman responded that there were specific nonprofit rates which were lower than a typical rental.

Bill Battin, resident, asked the total percentage of the General Fund that was for recreation only. He commented that special treatment should not be given for certain people organizations. Ms. Collins advised that the General Fund percentage for recreation was approximately 2.5% or \$2.6 million.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2023-30. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

3. Resolution 2023-31, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title IX, General Regulations, Chapter 96, Florida Building Code.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council. Mr. Pearson responded to questions posed by councilmembers.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2023-31. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

4. Resolution 2023-32, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title XVII, Land Development Code.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council.

Bill Battin, resident, asked for clarification on how it was determined when impact fees could be waived. Ms. Sherman noted that this question applied to Item 5, under Business, and explained that calculations for Fair Share Impact Fees were based on what was being done at the site. Outside of those calculations, there were calculations related to impacts beyond the specific site and beyond the core impact fees which involved a lot of engineering assessment. Ms. Sherman said that impact fee credits were given when developers made contributions that were over and above what was specifically required for the site, but each situation was different. For example, if a developer was going to

build a park that would be publicly accessible that met or exceeded the value of the Parks Impact Fees, then the developer would not have to pay those impact fees.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2023-32. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

5. Resolution 2023-33, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title XVII, Land Development Code, Chapter 171, Fair Share Impact Fees.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council. No changes.

Mayor Medina asked about the next impact fee study. Ms. Sherman said studies would be performed in December 2023 into January 2024.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2023-33. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

6. Resolution 2023-34, establishing fees, rates, and charges pursuant to the Code of Ordinances, for specified chapters and sections therein.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2023-34. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

7. Resolution 2023-35, adopting the Classification and Pay Plans, and Position Control Plan for employees of the City of Palm Bay for Fiscal Year 2023-2024.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2023-35. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

8. Resolution 2023-36, adopting the Five-Year Capital Improvements Program (CIP) for Fiscal Years 2023-2024 through 2027-2028.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2023-36. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

9. Resolution 2023-37, approving the Ad Valorem Operating Millage Rate and Voted Debt Millage Rate for Fiscal Year 2023-2024.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council.

Motion by Mr. Johnson, seconded by Mr. Foster, to adopt Resolution 2023-37. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

10. Consideration of departmental travel and training for Fiscal Year 2023-2024.

Ms. Sherman presented the request to Council. She asked if Council wanted to continue to receive quarterly reports or just approved annually with the budget and only adjustments/additions would be presented throughout the year. Council concurred to receive semi-annual reports.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve departmental travel and training for Fiscal Year 2023-2024, with semi-annual reports to Council.

Motion carried with members voting as follows:

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

PUBLIC HEARINGS:

1. Ordinance 2023-86, 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 City Attorney read the ordinance in caption only.

The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-86. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

2. Ordinance 2023-87, 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 City Attorney read the ordinance in caption only.

The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-87. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

3. Ordinance 2023-88, amending the Code of Ordinances, Chapter 202, Reclaimed Water, by adjusting the rates, fees, and charges for reclaimed water, final reading.

The City Attorney read the ordinance in caption only.

The public hearing was opened. Ms. Sherman presented the request to Council.

Bill Battin, resident, was concerned that Palm Bay had such a low number of reclaimed water users. He asked if it could be used in another manner as he felt the City was losing this natural resource.

Mr. Little provided an overview of reclaimed water. He said it was a challenge to find users for the reclaimed water. Water quality was also an issue. Deputy Mayor Felix agreed with Mr. Battin and suggested offering incentives to the community or improving the water quality to acceptable standards.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-88. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

4. Ordinance 2023-89, adopting the final budget for Fiscal Year 2023-2024, final reading.

The City Attorney read the ordinance in caption only.

The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-89. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

There being no further business, the meeting adjourned at the hour of 7:05 P.M.

Rob Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK