

City of Palm Bay, Florida
CHARTER REVIEW COMMISSION
Meeting 2022-02

Held on Tuesday, the 25th day of January, at the Palm Bay City Hall Council Chambers, 120 Malabar Road, Palm Bay, Florida.

The meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, 120 Malabar Road, SE, Palm Bay, Florida. The minutes are not a verbatim transcript, but a brief summary of the discussions and actions taken at the meeting.

The meeting was called to order by Chair Capote at 6:03 P.M.

Vice-Chair Weinberg led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIR:	William Capote	Present
VICE-CHAIR:	Phil Weinberg	Present
MEMBER:	Ken Delgado	Present
MEMBER:	David Myers	Present
MEMBER:	Jeffrey McLeod	Present (Late)
MEMBER:	Phil Moore	Present
MEMBER:	David Jones	Absent
MEMBER:	Jordin Chandler	Present
MEMBER:	Aaron Parr	Absent
MEMBER:	Kay Maragh	Present

ALSO PRESENT:

Patricia Smith, City Attorney; Suzanne Sherman, City Manager; Terese Jones, City Clerk.

ADOPTION OF MINUTES:

1. Meeting 2022-01; January 11, 2022.

Motion by Mr. Chandler, seconded by Mr. Moore, to adopt the minutes as presented.
Motion carried unanimously.

PUBLIC COMMENTS:

Bill Battin, resident, asked if a matter could be reconsidered by the Commission after being voted on at a previous meeting. Mrs. Jones confirmed same.

Mr. McLeod joined the meeting at this time.

Mr. Delgado asked if public comments would only be heard under the Public Comments section on the agenda. Mrs. Jones responded that individuals could speak on any Charter related issues under the Public Comments section and could also speak under specific agenda items as shown on the agenda prior to be considered by the Commission.

NEW BUSINESS:

1. Review and discussion of the City Charter.

Note: Article I, Creation, Powers, and Definitions; and Article II, Boundaries, would remain as is and required no discussion.

a. Article III, Legislative

Except as noted below, there were no other proposed revisions to this Article.

Section 3.03 Compensation.

Mr. Moore said he had compared Palm Bay to other cities in population, such as Clearwater, Lehigh Acres and Del Ray Beach. He proposed to increase the compensation as follows: "Mayor shall be at a rate of 20 >>25<< cents per capita and the salary for the office of Councilmember shall be set at the rate of 40 >>20<< cents per capita."

There was further discussion as to the average hours per week councilmembers dedicated to the positions. Mr. Delgado felt that an appropriate increase was 30 cents for the Mayor and 15 cents for councilmembers. Mr. Chandler felt councilmembers should receive 20 cents. Mrs. Jones clarified that the salaries were initially set in 2016 and were based on a per capita rate but Council received annual increases based on the Consumer Price Index.

Vice-Chair Weinberg supported including language stating that the salaries shall be compatible with salaries as portrayed by the Florida League of Municipalities for cities of

comparable size. Mr. Delgado asked the current salary of City Council. He also felt utilizing the Florida League of Municipalities would cause an issue as there were so many variables, such as the cost of living, median income, etc. Mrs. Jones said the current salary was \$23,982.51 for the Mayor and \$11,991.25 for each councilmember.

Mr. Chandler asked if staff could come up with comparisons based on that model. Mrs. Jones said it would be presented at the next meeting under Old Business.

Bill Battin, resident, suggested comparing the percentage of ad valorem taxes instead of population. Mr. Chandler said the Florida League of Municipalities also incorporated the ad valorem taxes as part of the study.

Mr. Myers said that he may be unable to attend the next meeting but supported the consensus of the Commission to whatever increase was approved.

Subsection 3.053 Holding other office.

Vice-Chair Weinberg said that subparagraphs (a) and (b) should reflect “>>current or<< former elected city official”. Ms. Maragh questioned how it would apply to someone that had an existing contract with the city, was seeking employment with the city or was currently running for office. Ms. Smith said the language would have to be tailored but anyone currently employed would be grandfathered in. She said that language could be placed in the Charter and then ordinances would be implemented as well which would provide further detail. Vice-Chair Weinberg said the purpose was to eliminate any appearance of impropriety. Ms. Smith would provide some additional language at the next meeting.

Subsection 3.062 Filling of vacancies.

Mr. Moore proposed the following language: “When a vacancy occurs on council as a result of death, resignation, illness, disability, written court order, forfeiture of office, or other lawful written order or action, such vacancy shall be filled ~~in accordance with the procedures prescribed by ordinance~~ >>by appointment of the majority of the remaining members. All vacancy elections will run concurrent with the regularly scheduled city elections. Appointments will be to serve the remainder of the term until the next regular election cycle. If there are less than six (6) months remaining in the unexpired term, the term will extend to the next regularly scheduled city election.<<

Mr. Delgado did not agree with the proposed language. He said this occurrence did not happen often and he wanted representation by vote, not by appointment. Regardless of the cost of an election, it would get budgeted. The people should elect by representation unless the remainder of the term was so short that it would become irrelevant. Mr. Delgado supported what was currently in the Code of Ordinances, which was to hold a special election if there was more than one year remaining in the term.

Mr. Chandler was against reverting back to the language prior to 2012 and did not feel it would be stealing the people's vote and hoped that the people would trust the elected officials to make the right decision in the best interests of the city. Ms. Maragh felt the proposed language was clear and concise and supported same.

Mr. Moore said that the Governor recently appointed two officials in Broward County without an election. He said appointments occurred all the time and sometimes were for longer than one year.

Subsection 3.081 Meetings.

There was discussion of mirroring Brevard County's process of having no meetings annually during the month of June to allow staff and elected officials to have a break, take vacations, etc. The Charter Officers commented they had no preference as to the timeframe of when the break would occur. Ms. Maragh felt it should mirror Brevard County.

Motion by Vice-Chair Weinberg, seconded by Mr. Moore, to amend Section 3.081 to read that City Council shall have regular Council meetings at least twice each month, except for the month of June, where City council would not have any meetings. Motion carried unanimously.

Subsection 3.092 Petitions.

Mr. Delgado felt that the last sentence of subparagraph (1) should read as follows: "Petitions to propose or repeal ordinances must be signed by at least ~~five percent (5%)~~ **>>ten percent (10%)<<** of the registered electors as of the last preceding municipal general election." He felt it should be consistent between changing the Charter and changing an ordinance.

Mr. McLeod asked if the premise of the existing language was because modifying the Charter was more significant than changing an ordinance. Vice-Chair Weinberg confirmed same.

Motion by Vice-Chair Weinberg, seconded by Mr. Delgado, to approve the revised language as presented.

Motion carried with members voting as follows:

Chair Capote	Yea
Vice-Chair Weinberg	Yea
Mr. Delgado	Yea
Mr. Myers	Yea
Mr. McLeod	Nay
Mr. Moore	Yea
Mr. Chandler	Yea
Ms. Maragh	Yea

b. Article IV, Administrative

Except as noted below, there were no other proposed revisions to this Article.

Subsection 4.011 Appointment.

Mr. Myers suggested that the last sentence read as follows: “However, should the manager change residency subsequent to his >>or her<< appointment, the manager shall reside within the city during his >>or her<< tenure.”

Motion by Mr. Myers, seconded by Vice-Chair Weinberg, to approve the revised language as presented. Motion carried unanimously.

Subsection 4.014 Bond.

Mr. Delgado asked the purpose of the language. Ms. Smith said the language could be eliminated as the Charter Officers were covered by insurance through the Risk Management Division.

Motion by Vice-Chair Weinberg, seconded by Ms. Maragh, to repeal Subsection 4.014 in its entirety. Motion carried unanimously.

c. Article V, Qualifications and Elections

Bill Battin, resident, commented on flyers being distributed by candidates stating that they were being supported by or literature being paid for by a specific party organization. Ms. Smith advised that the city could not prevent other groups from exercising their First Amendment rights as to which candidate they supported or endorsed.

Except as noted below, there were no other proposed revisions to this Article.

Subsection 5.041 Councilmembers.

Vice-Chair Weinberg suggested that the third sentence read as follows: "In the event of a tie vote in a special or regular election in which two (2) or more candidates are seeking the same designated seat on the council, a run-off election will only be held if ~~breaking the tie would~~ **>>to<<** determine the successful candidate.

Motion by Vice-Chair Weinberg, seconded by Mr. Chandler, to approve the revised language as presented. Motion carried unanimously.

The next meeting would be held on Tuesday, February 8, 2022, at 6:00 P.M. The items for review would be as follows: Article VIII, Public Safety; Article IX, Miscellaneous Provisions; and Article X, Transition Schedule.

ADJOURNMENT:

The meeting adjourned at approximately 8:01 P.M.

William Capote, Chair

ATTEST:

Terese M. Jones, City Clerk