

City of Palm Bay, Florida
CHARTER REVIEW COMMISSION
Meeting 2025-02

Held on Thursday, the 13th day of November, 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 Delgado at 6:01 P.M.

Pastor James E. Burks, Body of Christ Fellowship, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIR:	Ken Delgado	Present
MEMBER:	David Myers	Absent
MEMBER:	Mark Miller	Present
VICE-CHAIR:	Thomas Gaume	Present
MEMBER:	Jonathon Norris	Absent
MEMBER:	Tyler O'Neil	Present
MEMBER:	Eileen Sepp	Present
MEMBER:	Ruth Kaufhold	Present
MEMBER:	Jordin Chandler	Absent
MEMBER:	Phil Weinberg	Present

ALSO PRESENT:

Erich Messenger, Deputy City Attorney; Matthew Morton, City Manager; Terese Jones, City Clerk.

ADOPTION OF MINUTES:

1. Meeting 2025-01; October 20, 2025.

Motion by Ms. Kaufhold, seconded by Mr. Weinberg, to adopt the minutes as presented. Motion carried unanimously.

PUBLIC COMMENTS:

There were no public comments.

NEW BUSINESS:

1. Review and discussion of the City Charter:

a. Article III, Legislative

There was discussion about whether Constitution as reflected in the City Charter referred to the U.S. Constitution or Florida Constitution. Mr. Messenger advised that it most likely meant the Florida Constitution. No modifications were recommended.

Mr. Miller asked about the boundaries and how the Charter was updated. Mrs. Jones explained that when an annexation was approved, she had the authority to present an ordinance to City Council to amend the City's boundaries. Any revisions to the City's boundaries did not require voter approval.

There was discussion on the sections under Article III:

Section 3.01 FORM OF GOVERNMENT.

There were no changes to this section. The item was voted on later in the meeting after discussion of Section 3.02.

Section 3.02 CITY COUNCIL; COMPOSITION.

There was lengthy discussion about increasing the number of council members from five (5) members to seven (7) members or modifying the structure of the current five-member Council. Vice-Chair Gaume, Ms. Kaufhold, Mr. Miller and Ms. Sepp presented their proposals for this section.

Motion by Ms. Kaufhold, seconded by Ms. Sepp, to continue Section 3.02 to the next meeting.

Motion failed with members voting as follows:

Mr. Delgado

Nay

Mr. Miller	Nay
Mr. Gaume	Nay
Mr. O'Neil	Nay
Ms. Sepp	Yea
Ms. Kaufhold	Yea
Mr. Weinberg	Nay

Motion by Vice-Chair Gaume, seconded by Mr. Weinberg, to make no changes to Section 3.01.

Motion carried with members voting as follows:

Mr. Delgado	Yea
Mr. Miller	Yea
Mr. Gaume	Yea
Mr. O'Neil	Yea
Ms. Sepp	Nay
Ms. Kaufhold	Yea
Mr. Weinberg	Yea

Motion by Vice-Chair Gaume, seconded by Mr. Weinberg, to make no changes to Section 3.02.

Motion carried with members voting as follows:

Mr. Delgado	Yea
Mr. Miller	Yea
Mr. Gaume	Yea
Mr. O'Neil	Yea
Ms. Sepp	Nay
Ms. Kaufhold	Yea
Mr. Weinberg	Yea

Section 3.03 COMPENSATION.

Mr. Miller expressed concern with Council being paid per capita. Mrs. Jones explained that the per capita rate was used to establish the baseline for Council's salaries back in 2016. Thereafter, their salaries were fixed, and any increases were based on the annual Consumer Price Index. Mrs. Jones disclosed their annual salaries (Mayor - \$25,443; each council member - \$12,721). In addition, Council received monthly allotments (Mayor - \$500; Deputy Mayor - \$500; each council member - \$400).

Ms. Kaufhold did not agree with an automatic increase for elected officials and felt that any increase should be based on merit. There was discussion on how to implement a merit-based salary.

The Commission concurred that there were no revisions to Section 3.03, Compensation, or Section 3.04, Mayor and Deputy Mayor.

Section 3.04 MAYOR AND DEPUTY MAYOR.

As noted above, there were no changes to this section.

Mr. Miller questioned performance reviews for the Charter Officers. Mrs. Jones responded that provisions for performance evaluations were within each Charter Officer's contract.

Section 3.05 PROHIBITIONS.

Vice-Chair Gaume presented language for a new section to be known as Section 3.055, Standards of Conduct. The language included provisions related to adherence of state law, avoidance of conflicts, prohibition on contracts and doing business, prohibition on lobbying, and post-employment restrictions. He said most of the information was within the Code of Ordinances but felt it should be permanent by placing it within the City Charter. There was discussion regarding proposed and existing language.

There were no changes to this section.

Section 3.06 VACANCIES.

Vice-Chair proposed the following amendment to Subsection 3.062, Filling of Vacancies:

~~“3.062 Filling of vacancies. 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 within sixty (60) days. If the majority of the remaining members of the City Council fail to fill the vacancy through appointment within the sixty-day period, a special election to fill the vacancy shall be called and held in a manner coordinated by the City Clerk with the Supervisor of Elections and adopted by resolution of the City Council. All vacancy elections will run concurrent with the regularly scheduled city elections. Appointments will be to serve until the next general election cycle.~~

>>(1) In the event of a vacancy on council, a special election to fill the vacancy shall be called and held in a manner coordinated by the City Clerk with the Supervisor of Elections and adopted by resolution of the City Council.

(2) The method for filling a vacancy shall be determined by the time remaining in the unexpired term:

(a) If twelve (12) months or less remain in the unexpired term, the vacancy shall be filled by appointment of the majority of the remaining members of the City Council within sixty (60) days of the seat being declared vacant. The appointee shall serve the remainder of the unexpired term or until the next general election, whichever is less.

(b) If more than twelve (12) months remains in the unexpired term, and no general municipal election is scheduled to be held within one year of the vacancy, a special election shall be scheduled to be held no sooner than ninety (90) days or no more than one hundred eighty (180) days following the date of the vacancy. The person so elected shall serve the remainder of the unexpired term. (If a general election is already scheduled within one year, the appointee shall serve until that election.)<<

Motion by Vice-Chair Gaume, seconded by Mr. Weinberg, to approve the amendments to Section 3.062. Motion carried unanimously.

There was discussion regarding Subsection 3.063, Absenteeism, and whether attending by phone should be considered as being present at the meeting, especially with the

growth of Artificial Intelligence (AI) technology. Mr. O’Neil added that if a council member could not be physically present, then they should not be allowed by phone either. Mr. Weinberg had no problem with them participating by phone under certain circumstances, such as medical, out of town, etc. Vice-Chair Gaume proposed that they could participate by phone for medical emergencies covered under the Americans with Disabilities Act (ADA). Mr. Messenger agreed that accommodations had to be made for ADA related issues, as well as military personnel and the like, but other attendance options should be provided, such as TEAMS or Skype, if possible.

Motion by Ms. Kaufhold to amend Subsection 3.063 to read as follows:

“3.063 Absenteeism.

>>(1) A councilmember that is not physically present at a regular meeting shall be considered absent.<<

(4>>2<<) Absence from four (4) consecutive regular meetings of the council, or a total of six (6) within a twelve (12) month period, shall vacate the seat of the member. The city clerk shall notify the council of the third and fourth consecutive absences or the sixth within a twelve (12) month period of any councilmember.”

Motion by Ms. Kaufhold to amend the original motion as follows:

“3.063 Absenteeism.

>>(1) Absenteeism is defined as a councilmember that is not physically present at any scheduled meeting in which a quorum is required.<<

(4>>2<<) Absence from four (4) consecutive regular meetings of the council, or a total of six (6) within a twelve (12) month period, shall vacate the seat of the member. The city clerk shall notify the council of the third and fourth consecutive absences or the sixth within a twelve (12) month period of any councilmember.”

There was further discussion regarding the proposed language. Ms. Kaufhold withdrew her motion.

Mr. Delgado relinquished the Chair to Vice-Chair Gaume and made a motion to amend Section 3.063 to read as follows:

“3.063 Absenteeism.

>>(1) Absenteeism is defined as a councilmember that is not physically present at a meeting.<<

(1)>>2<<) Absence from four (4) consecutive regular meetings of the council, or a total of six (6) within a twelve (12) month period, shall vacate the seat of the member. The city clerk shall notify the council of the third and fourth consecutive absences or the sixth within a twelve (12) month period of any councilmember.”

Ms. Kaufhold seconded the motion. Motion carried unanimously.

Mr. Delgado resumed as the presiding officer.

Motion by Ms. Kaufhold, seconded by Mr. Weinberg, to amend Section 3.063, by revising the former subsection (1) to read as follows:

“3.063 Absenteeism.

* * *

(1)>>2<<) Absence from four (4) >>three (3)<< consecutive regular meetings of the council, or a total of six (6) >>five (5)<< within a twelve (12) month period, shall vacate the seat of the member. The city clerk shall notify the council of the ~~third and fourth~~ >>second and third<< consecutive absences or the ~~sixth~~ >>fourth<< within a twelve (12) month period of any councilmember.”

Motion carried unanimously.

There was discussion related to the former subsection (2), under Section 3.063, regarding the various reasons for absences. The current language reads as follows:

“(2) Absences created by illness, mental or physical disability, written suspension by court order, or other lawful written order or action shall not be considered absences for purposes of this subsection. However, the existence of an illness or mental or physical disability must be established by written medical

evidence setting forth in detail the nature and cause of the illness or mental or physical disability and the prognosis thereof.”

Motion by Mr. Miller, seconded by Vice-Chair Gaume, to include language to excuse absences for official city business. Commissioners discussed the required written medical evidence and how long a councilmember could be absent. Vice-Chair Gaume withdrew his second to the motion.

Motion by Ms. Kaufhold to amend the former subsection (2), under Section 3.063, to read as follows:

“(2) Absences created by illness, mental or physical disability, written suspension by court order, or other lawful written order or action shall not be considered absences for purposes of this subsection. However, the existence of an illness or mental or physical disability must be established by written medical evidence setting forth in detail the nature and cause of the illness or mental or physical disability and the prognosis thereof. Absences as defined under Section 3.063(1) shall be enforced and the absences for official city business shall not be counted as an absence.”

Motion died for lack of a second.

Mr. Delgado suggested that this item be tabled and allow the City Attorney’s Office to bring back language at the next meeting. Motion by Mr. Miller, seconded by Ms. Kaufhold, to table the former subsection (2), under Section 3.063, to the next meeting.

Motion carried with members voting as follows:

Mr. Delgado	Yea
Mr. Miller	Yea
Mr. Gaume	Yea
Mr. O’Neil	Yea
Ms. Sepp	Yea
Ms. Kaufhold	Yea
Mr. Weinberg	Nay

Motion by Vice-Chair Gaume, seconded by Mr. Weinberg, to continue the remaining items on the agenda to the next meeting. Motion carried unanimously.

b. Article IV, Administrative

The item was continued until the next meeting.

ADJOURNMENT:

The meeting adjourned at approximately 9:44 P.M.

Ken Delgado, Chair

ATTEST:

Terese M. Jones, City Clerk