

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2021-18

Held on Thursday, the 15th day of July 2021, 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 7:00 P.M.

Bishop Merton Clark, Truth Revealed Ministries, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	Robert Medina	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Randy Foster	Present
COUNCILMEMBER:	Donny Felix	Present
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Present was Leslie Hoog, Fire Chief; Angelica Collins, Fiscal Manager.

ANNOUNCEMENT(S):

Deputy Mayor Johnson announced the following vacancies and solicited applications for same:

- 1. One (1) vacancy on the Business Improvement District Board (represents 'at-large' member who owns a commercial property or operates a business within the District).++**
- 2. Two (2) vacancies on the Community Development Advisory Board (represents 'residential home builder', 'actively engaged in home building', 'employer within the City', 'for-profit provider' or 'not-for-profit provider' positions).++**
- 3. Three (3) vacancies on the Youth Advisory Board (represents 'at-large' student member positions).++**

AGENDA REVISION(S):

Motion by Mr. Bailey, seconded by Mr. Felix, to move Item 2, under New Business, after Proclamations and Recognitions.

Motion carried with members voting as follows:

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

CONSENT AGENDA:

All items of business under the 'Consent Agenda' heading were enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, that the Consent Agenda be approved as presented with the removal of 3, 5, 9 and 15 from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

1. Miscellaneous: Continuing consultant services, engineering services for Public Works (multi-discipline) – RFQ 47-0-2021 – Public Works Department (CONSOR Engineers, LLC; Bentley Architects and Engineers, Inc.; Bowman Consulting Group, LTD.); and authorize staff to negotiate Master Consultant Agreements.

Staff Recommendation: Approve the award for Continuing Consultant Services with CONSOR Engineers, LLC (Sebastian), Bentley Architects and Engineers, Inc. (Longwood), and Bowman Consulting Group, LTD. (Melbourne); and authorize staff to negotiate Master Consultant Agreements and establish hourly rate schedules for each for a one-year term contract, renewable by the Procurement Department for four (4) additional one-year terms.

The item, considered under Consent Agenda, was approved as recommended by City staff.

2. Ordinance 2021-49, amending the Code of Ordinances, Chapter 61, Suspension and/or Removal of City Boardmember, by including provisions for attendance by boardmembers, first reading.

The City Attorney read the ordinance in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

3. Resolution 2021-35, amending Resolution 2020-49, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (third amendment).

The City Attorney read the resolution in caption only.

Randall Olszewski, resident, questioned why a maintenance worker position was being eliminated from the Public Works Department and those funds were to be used to fund the City Engineer position. Ms. Sherman explained that the dual position of the Public Works Director/City Engineer was being separated. The intent was to fully fund all of the vacant positions in the next fiscal year and the maintenance worker position would be reinstated.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2021-35.

Motion carried with members voting as follows:

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

4. Resolution 2021-36, amending Resolution 2020-50, adopting the Five-Year Capital Improvements Program for Fiscal Years 2020-2021 through 2024-2025 (third amendment).

The City Attorney read the resolution in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

5. Consideration of an amendment to the Interlocal Agreement with Brevard County regarding the St. Johns Heritage Parkway and Babcock Street intersection for an extension to the right-of-way acquisition.

Staff Recommendation: Approve the amendment to Interlocal Agreement with Brevard County regarding the St. Johns Heritage Parkway and Babcock Street intersection for an extension to the right-of-way acquisition; and execute the amendment, following Brevard County Board of County Commissioners approval.

Bill Battin, resident, commented that the contracts related to the Parkway were an issue on the audit report due to lack of documentation and appropriate funding and yet this was another item being approved that was related to the Parkway. He said that Babcock Street improvements were supposed to be paid for with Tax-Increment Financing (TIF) funding. He questioned how the City would generate the funds to pay for the road if tax credits were given to the developers for donating land, etc. Mr. Battin said the City was still making commitments to proceed with the improvements without contracts from the developers.

Ms. Sherman said this was related to an existing agreement that the City had with Brevard County to build a four-lane intersection at Babcock Street and the Parkway. The request was for an extension to the timelines within the agreement. She said there were no current contracts yet for future developments, but staff was currently working on Development Agreements to address same.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the amendment to the Interlocal Agreement as requested.

Mr. Bailey said he had always been against the contract from the beginning and felt that Palm Bay taxpayers were ripped off because of the contract. However, he supported the amendment as it provided flexibility for the city but agreed with Mr. Battin's comments.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

6. Consideration of the Fiscal Year 2021-2022 HOME Disbursement Agreement with Brevard County (\$612,609 (allocation) and \$299,213 (carry forward)).

Staff Recommendation: Approve the Fiscal Year 2021-2022 HOME Disbursement Agreement between the City of Palm Bay and Brevard County in the amount of

\$612,609.02, plus \$299,213.00 of Program Income on-hand; and authorize the City Manager to execute the agreement.

The item, considered under Consent Agenda, was approved as recommended by City staff.

7. Consideration of appropriating funds from the Stormwater Utility Fund Undesignated Fund Balance for construction funding of the Port Malabar Unit 48 culvert pipe replacement (estimated \$631,666).

Staff Recommendation: Approve the appropriation of \$631,666 (estimated), from the Stormwater Utility Fund Undesignated Fund Balance, for construction funding of the Port Malabar Unit 48 culvert pipe replacement.

The item, considered under Consent Agenda, was approved as recommended by City staff.

8. Consideration of a Budget Amendment to transfer funds from the Code Compliance Nuisance Revenue Account into the Code Compliance Nuisance Operating Account to cover the increase in nuisance vegetation cases (\$25,000).

Staff Recommendation: Approve a Budget Amendment to transfer \$25,000 from the Code Compliance Nuisance Revenue Account to the Code Compliance Nuisance Expense Account to cover the increase in nuisance vegetation cases.

The item, considered under Consent Agenda, was approved as recommended by City staff.

9. Consideration of utilizing Fire Impact Fees for a fire training center facility at Station 5 (\$516,000).

Staff Recommendation: Approve the appropriation of \$516,000.00, utilizing Fire Impact Fees, for the purchase and installation of a training facility at Fire Station 5.

Bill Battin, resident, said that a training facility was already being utilized and although it may not fit the desired training by staff, he would rather see these funds used for the purchase of apparatus.

Ms. Sherman responded that as part of next year's budget, staff would continue to address outstanding equipment needs and growing the Capital Improvements Plan focus in order to prioritize equipment replacements. Developing a training facility at Station 5

allowed for more room than at the other traditional fire stations and would also provide more in-house training opportunities. Insurance costs would also decrease in the long-run due to the in-house training.

Mayor Medina asked if there were issues utilizing the college campus for training. Ms. Sherman said it was challenging as the days for use were very limited.

Chief Hoog said that the Fire Impact Fees could not be used for the purchase of equipment unless it was new equipment tied to growth. The City never had a training facility due to the growth of the City. Training was limited to Fridays during the summer hours only at the college and the City paid \$10,000 plus instructors and fuel, and if it was rained out, that training session would be missed. Staff was also limited to train with one engine at a time.

Mr. Bailey asked if there would be enough funding in impact fees for future growth of fire departments in that area. Chief Hoog confirmed same and answered further questions from councilmembers.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve utilization of Fire Impact Fees for a fire training facility as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

10. Consideration of appropriating funds from the Undesignated Fund Balance to hire three (3) previously unfunded Firefighter Positions (\$53,817.15).

Staff Recommendation: Approve the appropriation of \$53,817.15 from the Undesignated Fund Balance (001-0000-392-1001) to hire three re-funded firefighter positions of the five fully funded positions in the 2022 fiscal budget.

The item, considered under Consent Agenda, was approved as recommended by City staff.

11. Consideration of travel and training for specified City employees (City Manager's Office).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

12. Consideration of travel and training for specified City employees (Police Department).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

13. Consideration of travel and training for specified City employees (Public Works Department).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

14. Consideration of travel and training for specified City employees (Recreation Department; Parks and Facilities Department).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

15. Acknowledgement of the City's monthly financial report for May 2021.

Randall Olszewski, resident, questioned the Undesignated Fund Balance as it was not reflected in the report. He asked how much was in the fund now and the amount anticipated by the end of the fiscal year. Ms. Sherman would provide the information to Council and Mr. Olszewski once obtained from the Finance Department.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to acknowledge the City's monthly financial report as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

RECOGNITIONS AND PROCLAMATION:

The proclamation was read and the individuals were recognized.

1. Recognizing Former Palm Bay Police Chief Robert Rossman. (Mayor Medina)

- 2. Recognizing one (1) year of service as a City boardmember on the Bayfront Community Redevelopment Agency - Peter Filiberto.**
- 3. Recognizing one (1) year of service as a City boardmember on the Citizens' Budget Advisory Board - Jane Beauchamp.**
- 4. Recognizing one (1) year of service as a City boardmember on the Melbourne-Tillman Water Control District - Joseph Hale.**
- 5. Recognizing one (1) year of service as a City boardmember on the Planning and Zoning Board - Richard Hill.**

Item 2, under New Business, was considered at this time.

- 2. Ordinance 2021-50, amending the Code of Ordinances, Chapter 50, Elections, by updating provisions contained therein, first reading.**

Mrs. Jones presented the request to Council. The request was to amend Chapter 50 to remove the twelve-month timeframe to either appoint an individual to fill a vacancy on City Council or hold a special election. Council would have the authority to utilize either process as it deemed fit.

Numerous individuals spoke against the request stating that their rights were being violated and money should not be reason to change the ordinance. Council should hold a special election and an interim appointment to Council should not be made.

Mr. Foster called a Point of Order due to Mayor Medina interjecting during the public comments and asked that the Mayor stay within the protocol and allow the public to speak. Mayor Medina ruled that the Point of Order was not well taken and resumed business of the meeting.

Public comments continued.

A brief recess was taken after which time the meeting resumed.

Mayor Medina said that the people had the right to vote, and Council should not even consider an alternative, regardless of the cost. He said the proposed ordinance was unpatriotic and un-American.

Motion by Mr. Foster, seconded by Deputy Mayor Johnson, to approve Ordinance 2021-50.

Mr. Foster agreed that everyone had the right to vote. He said that Councilman Bailey had tentatively vacated his seat and was not fulfilling his full four-year term. He said the

people would make the decision on who would fill his seat in 2022. Mr. Foster presented a slide which reflected that over sixty percent (60%) of the voters approved to amend the Charter in 2012 which gave Council authority to fill vacancies by ordinance and it was Council's right to modify that authority. He felt the language should have remained in the Charter. Regardless, the ordinance stated that Council had the right to appoint an individual to the seat if there were less than twelve (12) months remaining in the term. He said that language did not take away the people's right to vote. The ordinance also stated that if there was more than twelve (12) months remaining in the term, a special election had to be held within 90 to 180 days after the vacancy occurred. If there was a special election, there would only be four members of Council until the election results were certified. He expressed concern with the potential for tie votes on important issues. Mr. Foster said he wanted to change the ordinance, but the language should be placed back into the Charter in the future. He said that other cities had the same language, and it did not take away the rights of their citizens. The President and the Governor had authority to appoint individuals to positions as well.

Deputy Mayor Johnson agreed that money was not an issue and also agreed that the vacancy should be filled until the election. He did not want growth or development to be hindered by possible tie votes on an issue. He said that making a statement that someone was unpatriotic or un-American could be offensive not only to staff, but to the other municipalities that already have this language in place. He cited Senate Bill 90 that recently passed which repealed the requirement that a resignation from an elective office must be filled by an election.

Mr. Bailey did not feel this was the right time to present this request and it should be tasked to the next Charter Review Commission. He said that if three out of four councilmembers could not agree on an agenda item, then the item should not pass anyway.

Mayor Medina stood by his comment regarding this being unpatriotic and un-American. He addressed his communications with the media.

Mr. Felix understood the importance of the right to vote and said that no one was trying to take the votes away. He came to the meeting with his mind set and the comments touched him. He questioned what could happen with just having four members of Council on the dais.

Mayor Medina said that each councilmember would really have to do his research on the agenda items.

Ms. Smith said if there was a tie vote on any land use cases, the issue failed and the same or similar issue could not be considered by Council for at least one year.

Mr. Bailey suggested reducing the time frame from 90 to 180 days to 75 to 180 days as it may reduce the cost of the special election as Palm Bay's election could run concurrently with other municipal elections throughout the county. He asked about the other changes in the ordinance. Ms. Smith said that the only portion in which Council could modify was language related to the vacancy. The other language either conflicted with state law or the City Charter.

Deputy Mayor Johnson asked if Council could modify the ordinance to include filling the vacancy by appointment until the special election. Ms. Smith confirmed same and said that was how the Charter read prior to it being amended in 2012. Mayor Medina felt Council could still manage with four members. Mr. Foster concurred with having the special election and appointing an individual until the special election. Mr. Felix agreed as well.

Mayor Medina asked if it could be required that the appointed individual would be unable to run for office in the special election. It was noted that this could not be an option.

There was further discussion on including language to appoint until the special election and concerns with a tie vote. Mayor Medina did not agree with appointing someone and that person should be elected. Mr. Felix said that if Councilman Bailey had resigned in November, the current ordinance language allowed for Council to appoint an individual if there was twelve (12) months or less remaining in the term. Mayor Medina said the current ordinance provided provisions if it was over a year. Mr. Felix said he wanted to honor the current ordinance and hold a special election as required. The proposal was to include language to appoint until the special election. Mayor Medina did not agree.

Mr. Foster clarified that this could change at any time as Councilman Bailey had not officially resigned and he had every right to retract his verbal resignation, if desired.

Deputy Mayor Johnson withdrew his second to the motion. The motion died for lack of a second.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to appoint a qualified individual until the special election.

Mr. Bailey asked that the language regarding when the special election would be held be modified from 90 to 180 days to 75 to 180 days.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to appoint a qualified individual until the special election and to modify the language to hold the special election within 75 to 180 days.

Motion carried with members voting as follows:

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

A brief recess was taken after which time the meeting resumed.

PRESENTATION:

1. Sunrise Consulting Group - 2021-2022 Legislative Session Review. Shawn Foster, Lobbyist, provided an overview of the bills proposed by members of the Senate and House of Representatives during the Florida Legislative session and how the city would be affected by those bills that passed. Appropriations for the City included \$300,000 for baffle boxes. Mr. Foster answered questions posed by councilmembers.

PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)

Residents made general comments.

PUBLIC HEARING(S):

1. Consideration of the Fiscal Year 2021-2022 Annual Action Plan and Recommendations of Programs and Activities to be funded by CDBG and HOME, final hearing.

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

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve the Fiscal Year 2021-2022 Annual Action Plan and Recommendations of Programs and Activities to be funded by CDBG and HOME. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Ordinance 2021-46, amending the Fiscal Year 2020-2021 budget by appropriating and allocating certain monies (third budget amendment), 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 Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-46. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Ordinance 2021-48, amending the Code of Ordinances, Chapter 179, Streets and Other Rights-of-Way, by creating a new subchapter titled 'Golf Carts' (Case T-19-2021, Emerald Investment Holdings, LLC), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering and representative for the applicant, presented the request to Council.

Bill Battin, resident, questioned if the pedestrian or the golf cart had the right-of-way on the sidewalk.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-48.

Mr. Bailey said he had safety concerns with the golf carts crossing the City's rights-of-ways but had no issue with private community roadways. Mayor Medina said there were tunnel-type paths used in Viera.

The public hearing was reopened to allow the applicant to respond to Council's comments.

Brenda Yates, representative for the applicant, said that the developer was already looking into various options for the overpasses and would probably be proposed prior to the next phase. Mayor Medina said it would be a great safety feature. Ms. Yates mentioned that the entertainment district of the development would be done first and the

multi-use sidewalk would be twelve-feet wide which would allow enough room for people and golf carts. Mr. Bailey hoped that the developer would take the opportunity to make a landmark entrance into the community district.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-48.

Motion carried with members voting as follows:

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

4. Request by the City of Palm Bay to amend the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by modifying provisions within GC (General Commercial District) zoning to allow for indoor recreation (T-28-2021). (Rescheduled to P&Z and RCM – TBD)

PROCUREMENT:

1. Miscellaneous: 'Cooperative Purchase', body cameras and related equipment (Sourcewell contract) - Police Department (AXON Enterprises, Inc. - \$1,634,730).

Staff Recommendation: Approve the purchase of body cameras and related equipment, utilizing the cooperative Sourcewell Contract 010720-AXN, with AXON Enterprises, Inc., in the amount of \$1,634,730.36; and authorize the use of the City's American Rescue Plan Act Revenue Loss funds for the first two years of funding.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the cooperative purchase of body cameras and related equipment utilizing American Rescue Plan Act Revenue Loss funds in the amount of \$1,634,730.36.

Mr. Bailey asked if funding sources for Years 3 to 5 could be revisited. Ms. Sherman confirmed same and said that Year 1 only was being approved at this time at a cost of \$321,504.36.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

COMMITTEE AND COUNCIL REPORTS:

Councilmembers addressed various subject matters and provided updates on activities of agencies and boards on which they served as members.

NEW BUSINESS:

1. Resolution 2021-37, designating a portion of Emerald Lakes West Phase II development as a 'Golf Cart Community'.

The City Attorney read the resolution in caption only.

Jake Wise, CEG Engineering and representative for the developer, advised of the following changes to the Notes section on the Golf Cart Access Exhibit:

- Emerald Lakes will apply for FDOT permit to allow golf carts to cross Interstate 95 within the 12-foot multi-use path on St. Johns Heritage Parkway.
- ~~Golf carts should only be used on the multi-use path on the north side of St. Johns Heritage Parkway. Golf carts are not allowed on the roadway pavement of St. Johns Heritage Parkway.~~ >> Golf carts are allowed to use the multi-use path located north of the St. Johns Heritage Parkway in the right-of-way, approved crossings at signalized intersections across the St. Johns Heritage Parkway, and within the Emerald Lakes project street network.<<
- ~~Golf carts will not be allowed to cross at non-signalized intersections.~~ >> Golf carts will not be allowed to cross the St. Johns Heritage Parkway at non-signalized intersections.<<

Staff concurred with the exhibit changes.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Resolution 2021-37, with the modifications to the exhibit. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Ordinance 2021-50, amending the Code of Ordinances, Chapter 50, Elections, by updating provisions contained therein, first reading.

The item was considered earlier in the meeting after Recognitions and Proclamation.

3. Consideration of 2021 Certification of Taxable Value; Fiscal Year 2022 proposed Operating Millage Rate; Fiscal Year 2022 proposed Debt Millage Rate; and scheduling dates for the budget public hearings.

Staff Recommendation: Authorize the City Manager to advertise a Fiscal Year 2022 proposed operating millage rate of up to 7.8378; authorize the City Manager to advertise a Fiscal Year 2022 proposed voted debt millage rate of 1.3424; and to schedule the first public hearing date for Tuesday, September 7, 2021 at 6:00 p.m., and the second public hearing date for Wednesday, September 22, 2021 at 6:00 p.m.

Randall Olszewski, resident and member of the Citizens' Budget Advisory Board (CBAB) did not support exceeding the three percent (3%) cap. He commented that should Council desire to exceed the cap, it required a supermajority vote. If the proposed ordinance change to appoint an individual to Council until the special election was approved, he felt it may make the appointed individual feel obligated to approve exceeding the cap.

Susan Connolly, resident and member of the CBAB, felt that the three percent (3%) cap limited the city. She said that by exceeding the cap, it would only mean an increase of \$26 per individual taxpayer which would equate to \$1 million of extra funding in the budget.

Sophia Patterson, Brevard County resident, felt that if Council could not agree on issues now, then a lot of business would not get done in the future.

Aaron Parr, resident and Chairman of the CBAB, said the Board recommended that Council approve maintaining the current millage rate for the following reason: the growth of the city's needs and population would exceed what the three percent (3%) could fund and forces the city to continually choose which items the city chose to fund over many other services that were so direly needed such as police, fire, information technology, fleet, road maintenance, etc.

Mr. Bailey asked for clarification that the CBAB had recommended to exceed the cap. Mr. Parr confirmed same and said it was recommended to exceed the cap and maintain the current millage rate. Mr. Parr answered questions posed by councilmembers. Mr. Bailey said that with additional revenues coming to the City, such as the relief funding, and the fact that the City was seeing the large amount of growth in a single year over the

past decade, he questioned why the CBAB would want to still exceed the cap. Mr. Parr said the City had to increase its services to meet the needs of the growth. Mr. Bailey said it would be a ten percent (10%) tax increase. Mr. Parr said it would be approximately \$29 per year, per taxpayer to generate \$1.2 million for the City.

Ms. Collins said that at the three percent (3%) cap rate, which was 7.5995, the revenue brought to the City would be \$37,913,418. If the millage was set at the current rate of 7.8378, revenue would be \$39,102,281, which would be an increase of \$1,180,863. If rollback rate of 7.4142 was used, \$36,988,723 in revenue would be generated and based on the proposed millage, the ad valorem revenue would be reduced by \$924,695.

Deputy Mayor Johnson asked if Councilman Bailey had a solution. Mr. Bailey said it was simply a matter of controlling the spending and explained his reasons.

Deputy Mayor Johnson said the request was for advertising and not to set the millage rate. He had announced previously and reiterated that he had no intention of going above the three percent (3%) cap. Mayor Medina agreed and said that the advertisement should be at the cap. Mr. Foster said the cap handicapped Council and although he did not agree with the advertising rate, he would go with staff's recommendation. Mr. Felix supported the request.

Mayor Medina asked why the rate could not be advertised at the three percent (3%) cap of 7.5995 since the budget was built around that rate. Ms. Sherman said the higher rate gave Council a little flexibility, if needed, before final approval in September. Council would not be locked into a lower rate if any issues arose prior to final adoption of the millage rate. Ms. Smith clarified that an emergency or critical need would be warranted, along with a supermajority vote of Council, in order to exceed the cap. Councilmembers announced that they did not want to exceed the cap.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the advertisement, proposed operating millage rate, proposed debt millage rate and budget public hearing dates as recommended by staff.

Mr. Bailey clarified his previous comments and stated that if the rate was advertised at the three percent (3%) cap, it would take away any discussions of the supermajority vote. He said the stabilization fund was there if the City was affected by a hurricane.

Motion carried with members voting as follows:

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

4. Consideration of Councilmembers attending a breakfast meeting for the Florida Black Caucus of Local Elected Officials in conjunction with the Florida League of Cities 2021 Annual Conference.

Sophia Patterson, Brevard County resident, felt that the Florida League of Cities was a political action committee and residents should not be paying for councilmembers to attend such an event. It should be paid at the expense of the councilmember.

Deputy Mayor Johnson and Councilmembers Foster and Felix would attend the breakfast and pay the cost from their personal funds. Council concurred.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman requested a Comprehensive Plan Visioning workshop on October 19, 2021, at 6:00 P.M. Council concurred.

PUBLIC COMMENTS/RESPONSES:

There were no public comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 1:29 A.M. on Friday, July 16, 2021.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (**>> <<**). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.