

Charter Review Special Committee  
Special Meeting Minutes  
Council Chambers  
January 22, 2020

Members present: Councilmember R. McKnight, Councilmember T. Bierbaum, City Attorney Clay Adkinson, Citizen Doyle Redwine. Also, in attendance: Mayor Bob Campbell, City Manager Mell Smigielski, and City Clerk Maryanne Schrader.

Mayor Campbell opened the meeting at 1:30 p.m.

Councilmember R. McKnight asked that the decision of the committee be on a consensus basis. City Attorney Clay Adkinson agreed that it is appropriate to make a decision by consensus for the draft until the final document is completed.

**Motion** by Councilmember T. Bierbaum and seconded by Mr. D. Redwine to nominate Councilmember R. McKnight as chair. Mayor Campbell called for the vote. All ayes. Motion carried.

Councilmember R. McKnight asked to rearrange the agenda. He stated that the Council had a special meeting last week and briefly went over the draft minutes of that meeting. He detailed the motion from page 5 of the draft stating the Council approved to form a subcommittee of the Council composed of himself, Councilmember T. Bierbaum and a member of the community appointed by the Mayor for the purpose of making necessary revisions of the Charter. He reiterated that is what the committee is charged to do.

Councilmember McKnight read the cover letter from Mr. Owen and asked that it be read into the record. The general comments from Mr. Jack Owen: "During the last Council meeting, I saw little interest in changing the City Marshal's election to appointment or addressing term limits. Consequently, in the interest of ballot simplicity, I see no reason to include these amendments on the referendum ballot. Regarding the Mayor's right to vote, the Council and the Mayor seem to be in lock step to eliminate this privilege. If this provision is stricken from the Charter language and the above amendments are removed from the ballot, that brings us back to the mandate of the Council issued to the Committee to provide the Council with a single document for an up or down vote at referendum. That will greatly simplify the voting process. However, the Council will have to initiate a public awareness campaign to assure the voters that the Mayor and Council are in favor of passing the Charter, as presented. Also, you will have to deal with the "Let the people decide" element. The comments provided herein are strictly my views and do not represent those of the Committee as a whole or the members individually."

Councilmember R. McKnight said citizen comments will be limited to three minutes each.

Resident, Sharon Grenet, said she wanted the City Marshal duties to be listed, as the person should have qualifications for the job. She asked that the City Marshal position should be included in the Charter as either elected or appointed. She added she does not think the Mayor needs to vote. The other item was changing compensation, as she does not think the Council compensation should change until the next election.

Mayor Campbell agreed that the City Marshal qualifications should be established, but believed the consensus was for the position to remain elected. He added, we need qualifications as the position oversees a two-million-dollar budget.

City Attorney Clay Adkinson said you can place a line in the Charter that says the City Marshal should be subject to the qualifications set force by Ordinance. He added the committee may wish to add the person must have an active FDLE qualification. The City Clerk should decide that qualifications exist. Mayor Campbell added the Ordinance will clean it up, and the Charter will give us authority to enforce it. Currently, there is no statutory language that governs the qualifications for the City Marshal.

Mr. D. Redwine asked about the hiring of the position, but the consensus of the citizens at the last meeting was that they wanted it to remain an elected position. City Attorney Clay Adkinson replied that at the last meeting, Mr. Hillard was the only one who spoke up wanting the position appointed.

Discussion ensued on whether to start addressing comments from Mr. Owen's document or start with the draft. Councilmember R. McKnight suggested starting with the characteristics and ensure the document has clear language that is concurrent with State law, and that it needs to be understandable to the average person. He added that the Charter should be amendable with clear guidelines on how to amend it, as it is a constitution that sets the tone of permanence. He said the Charter should be so reasonable that it will pass, as well as being brief.

The committee agreed it should be brief, relevant and understandable that the average person can read it. Mr. D. Redwine added that part of the challenge is that the general feeling in the community is that they are not being represented.

Resident, Sharon Grenet, came forward and she will go door to door to help spread the word.

The committee clarified repealed law in the current Charter. City Attorney Clay Adkinson said the city was incorporated in 1901 and officially recognized at the State level in 1903. The Charter states it may function as a municipality. Home Rule was not in effect at that time. There are outdated references and the codifier, Municode, which used discretion on what should be included or not.

City Attorney Clay Adkinson mentioned that when the initial Charter committee was started, during Phase 1, they reviewed Florida laws, and discovered in the codification, Municode missed the part of electing five council members. In Phase 2, the committee created some drafting

hurdles and they chose a process where the public emailed suggestions on changes. Thus, the committee decided to take what the public presented, and the structure was to follow the list of amendments given to them from the public. They had been taking pieces of the document to the Council who then asked the initial Charter committee to submit one full document. The problem presented now is that the final document is a hodgepodge of over seventy years of referendums and language. The document is not readable or comprehensible. He suggested to view the document to avoid redundancies or inconsistencies.

City Attorney Clay Adkinson suggested the committee review the Charter that the City of Crestview recently adopted. He said the language does not totally pertain to our city as our form of government mirrors what we see in the legislature. We have an executive branch, with the City Marshal and City Clerk position being arguable. The committee should address the form of government. He suggested a preamble with seven articles and a closing argument. He encouraged the committee not to feel bound by the document they were presented by the initial Charter committee.

In reply to Councilmember T. Bierbaum, City Attorney Clay Adkinson replied that the initial Charter committee used the Municode document as justification for the references using the codification. However, he was unsure why Municode referenced it.

Councilmember R. McKnight raised the question: The Council has two options which are to make the necessary revisions by revising the current Charter or rescind the current Charter and create a clean document.

The committee discussed whether the best approach is rescinding the current Charter and craft a new Charter in terms of brevity and clarity. City Attorney Clay Adkinson mentioned the amount of revision is going to necessitate the same outcome.

The committee discussed reviewing the Charter recently enacted by Crestview that changed their government to a City Manager form of government, and Councilmember R. McKnight said the ballot language was very simple.

City Attorney Clay Adkinson said the question can consist of about fifteen words on the ballot and mentioned the North Port ballot stated, "Shall the proposed 2018 City Charter as set forth in Ordinance No. 2018-28 be adopted to replace the current City Charter in its entirety?" He added "the objective of the North Port City Charter is to give general guidelines for how the City of North Port Government will operate. It helps City leaders and staff be responsive to citizens and the community as promptly and economically as possible". He added the adopted version was presented to the public for approval.

City Manager M. Smigielski said if the city wants the manager to run the City, a Council-Manager form of government should be added to the Charter language.

Councilmember R. McKnight added the responsibilities of the Mayor should be outlined in the document, as well as the Councilmember's responsibilities. He stressed one of the prerequisites is to include Rules of Procedure.

The committee also discussed whether the City Marshal has the authority to hire or fire employees of the police department? City Manager M. Smigielski added there is still a struggle with the Council in the day-to-day operations.

Discussion ensued about the time needed to create a new document versus reviewing the overall document line by line, word by word to decide what the Charter should look like.

In response to resident D. Redwine, City Attorney Clay Adkinson replied the former Council did not think the current Charter needed to be changed, so the initial committee placed suggestions from the public into a matrix and only focused on those suggestions. Councilmember T. Bierbaum added whether the committee will edit or start fresh, it does not change the final product.

Discussion ensued about rescinding the old document and replace it with a document that is concise, brief and easy to understand.

City Attorney Clay Adkinson offered to send the Crestview and North Port Charters to the committee for review. Councilmember R. McKnight said he will place it in an outline and place the form of government, the mayoral and council duties by starting with the Crestview Charter outline. He would like to add the preamble, general power of the city, elected positions, Mayor and Council, City Manager, City Attorney, City Clerk, Boards and Committees.

Councilmember T. Bierbaum announced the committee has come to a consensus by agreeing on including a preamble and reviewing the headings of the nine articles of the Crestview Charter. The committee discussed the need for a preamble, article on Officers of the City – Council, Mayor, City Clerk, City Manager, and City Marshal. Article 1 may be form of the city (how the city came into existence, boundaries, form of government, with the officers of the city), Article 2 may be the officers of the city, Article 3 may be the executive branch – Mayor and City Manager.

In response to the question from Mayor Campbell, City Attorney Clay Adkinson said that it is not necessary to have an article on Ordinances, as we have Home Rule authority. He mentioned the idea of the responsibilities contained in the executive branch with the manager and the Council authority in separate sections.

Councilmember R. McKnight suggested he meet with the city attorney to go over the outline and articles and asked the committee to bring back their suggestions. He added the Council was generally in favor of removing the mayor's right to vote.

Councilmember R. McKnight added the responsibilities of the Mayor should be outlined in the document, as well as the Councilmember's responsibilities. He stressed one of the prerequisites is to include knowledge and intent to follow Rules of Procedure.

The committee also discussed whether the City Marshal has the authority to hire or fire employees of the police department? City Manager M. Smigielski added there is still a struggle with the Council in the day-to-day operations.

Discussion ensued about the time needed to create a new document versus reviewing the overall document line by line, word by word to decide what the Charter should look like.

In response to resident D. Redwine, City Attorney Clay Adkinson replied the former Council did not think the current Charter needed to be changed, so the initial committee placed suggestions from the public into a matrix and only focused on those suggestions. Councilmember T. Bierbaum added whether the committee will edit or start fresh, it does not change the final product.

Discussion ensued about rescinding the old document and replace it with a document that is concise, brief and easy to understand.

City Attorney Clay Adkinson offered to send the Crestview and North Port Charters to the committee for review. Councilmember R. McKnight said he will place it in an outline and place the form of government, the mayoral and council duties by starting with the Crestview Charter outline. He would like to add the preamble, general power of the city, elected positions, Mayor and Council, City Manager, City Attorney, City Clerk, Boards and Committees.

Councilmember T. Bierbaum announced the committee has come to a consensus by agreeing on including a preamble and reviewing the headings of the nine articles of the Crestview Charter. The committee discussed the need for a preamble, article on Officers of the City – Council, Mayor, City Clerk, City Manager, and City Marshal. Article 1 may be form of the city (how the city came into existence, boundaries, form of government, with the officers of the city), Article 2 may be the officers of the city, Article 3 may be the executive branch – Mayor and City Manager.

In response to the question from Mayor Campbell, City Attorney Clay Adkinson said that it is not necessary to have an article on Ordinances, as we have Home Rule authority. He mentioned the idea of the responsibilities contained in the executive branch with the manager and the Council authority in separate sections.

Councilmember R. McKnight suggested he meet with the city attorney to go over the outline and articles and asked the committee to bring back their suggestions. He added the Council was generally in favor of removing the mayor's right to vote.

City Attorney Clay Adkinson added amendment language should not be included in the Charter, as it should be in with the review of the Charter every ten years or so.

Councilmember R. McKnight said the mayor should stay in the executive branch with no legislative voting powers and suggested getting a list of responsibilities that are greater than what they are now, if he no longer votes to break a tie.

The committee set the next meeting for January 29<sup>th</sup> from 11:30 – 1:00 to go over a clean and comprehensive Charter.

The meeting adjourned at 3:40 p.m.



Robert McKnight, Chair



Minutes submitted by,  
Maryanne Schrader  
City Clerk

