

Charter Review Special Committee
Meeting Minutes
Council Chambers
February 7, 2020

Councilmember R. McKnight opened the meeting at 2:34 p.m.

City Clerk Schrader called the roll. Members present: Councilmember R. McKnight, Councilmember T. Bierbaum, and Citizen Doyle Redwine. Also, in attendance: City Attorney Clay Adkinson, City Manager Mell Smigielski, City Clerk Maryanne Schrader, Mayor Bob Campbell, Planning Director Kelly Schultz and Chief James Hurley.

Chair R. McKnight asked for a motion to approve the minutes.

Motion by Councilmember T. Bierbaum and seconded by citizen D. Redwine to approve the minutes of January 29, 2020.

Vote: Councilmember R. McKnight: aye; Councilmember T. Bierbaum: aye; Citizen Doyle Redwine: aye. All ayes. Motion carried.

Councilmember R. McKnight asked if there were any changes to the agenda. None noted.

Next, Councilmember R. McKnight asked for Citizens Comments. No one came forward.

Councilmember R. McKnight suggested verbiage, that he had seen in other Charters, he would like to avoid in the City Charter. City Attorney Clay Adkinson explained the word, supermajority, refers to as the bare minimum to pass an amendment. He recommended the committee define supermajority as 4 out of 5 members. Regarding the term extra-territorial powers, for example, would be the City Marshal may have powers that extend beyond the city limits.

Councilmember R. McKnight preferred the Charter for North Port, as an excellent example, and went over the pros and cons of placing too much or too little in the City Charter.

Next, City Manager M. Smigielski discussed the City Marshal and City Manager relationship stating he had met with the City Marshal. They agreed the chief and captain should do the daily operations, although the police department requires help with IT, HR and Finance. He explained it becomes a cooperative partnership on whose responsibility the issue would be directed.

In response to Councilmember T. Bierbaum, Chief Hurley replied his goal is for the city policies and the police department personnel policies merge into one document. He added the City Manager and he spoke about accreditation, as they are currently using other agencies. Chief Hurley suggested amending personnel issues by ordinance, or a formal process such as a review Board.

Discussion ensued regarding the votes needed for hiring or firing the City Manager or Finance Director and whether it should be included at Charter level. City Attorney Clay Adkinson suggested being cautious of limitations placed in the Charter. He mentioned placing the terms of employment in the Charter instead.

Councilmember T. Bierbaum said he is supportive of the requirements in the Charter as it relates to the officers as defined in the Charter. Mayor Campbell suggested the Finance Director should be under the City Manager.

Councilmember R. McKnight asked the City Manager and City Marshal to provide a Memo of Understanding with their determinations that would serve as a guide for an elected official that is supervised by an appointed manager. City Marshal Hurley suggested placing the relationship by Ordinance. City Attorney Clay Adkinson said he would prefer a resolution with the caveat that the Ordinance states the relationship is defined by resolution.

Next, City Manager M. Smigielski went over an alternative organizational chart stating the official organizational chart is not as what is depicted. He explained the displayed chart contains the City Charter box, but it is just for reference, as the charter is the City's Constitution. The chart depicted the Council as the elected legislative branch, to the right, the Mayor as the Executive Branch box, the City Manager box shows he is appointed to carry out the day-to-day operations, and the City Marshal as elected in a separate box. He explained the blue section of the chart depicts what is set by Ordinance. The chart depicted lines connecting the police to the city manager, city marshal, and fire department. There were lines to explain the interaction of the City Manager in relation to Finance, HR, IT, Grants, Public Information Officer, and other support functions. He added the City Attorney, Committees and Boards are appointed by the Council.

Mayor Campbell suggested a line between the citizens, mayor and Council. Councilmember T. Bierbaum suggested the box for the Charter should go under the citizen box, the City Marshal should be next to the council and mayor. Councilmember R. McKnight suggested that the box for the Mayor and Council be on opposite sides. Discussion ensued on the Charter level positions being on the same plane. Citizen D. Redwine suggested a line between the mayor and citizens. Councilmember T. Bierbaum suggested the City Marshal box to be placed next to the box for the mayor and liked the clarification of the legends on the side.

Councilmember R. McKnight suggested an initiative for a public service campaign to show the Charter is unmanageable at his current state, so the current Charter should be repealed and replaced.

Councilmember R. McKnight stated an explanation on why the City Clerk is a Charter level position with the roles and responsibilities including Records Management is needed, as well as defining the role and responsibilities of the Mayor.

Councilmember R. McKnight suggested adding the title “Mayor” to the City Manager – Council form of government. City Attorney Clay Adkinson said the role should be clearly defined. He added the city is a hybrid form of government, so we should describe the form of government that accurately describes the role and relationship. He said the mayor has more of a role than just a figure head.

Discussion ensued on the mayor’s role of voting, being a part of the vetting process in hiring, participating in the rankings and the interviewing process. The role of the mayor in the event of Marshal Law, as military law is recognized by the governor to declare states of emergency. Chief Hurley added there is a section in the law that in times of unrest, the mayor takes charge of the Police department, so the governor would regard the mayor as in charge during civil unrest.

Councilmember R. McKnight discussed the use of a Charter outline and text for each session.

Councilmember R. McKnight summarized that the committee has agreed the form of government should be “City Council – City Manager – Mayor” form of government. He went on to say he liked the format of the North Port, Florida Charter and asked the committee to review it.

Discussion ensued on the election process for the Council and City Marshal. City Attorney Clay Adkinson advised the election process should be defined in the Charter. He added that what constitutes a quorum should be defined, as well as the vote needed to enact an Ordinance. City Attorney Clay Adkinson explained that with a five-member Board, you must have three present for a quorum, so if you state you need four, you would have to have four votes. He suggested using Florida Law, as set by the Legislature.

City Attorney Clay Adkinson explained the importance of not placing the Finance and Fire Department in the Charter because a vote to change it would have to be accomplished by a referendum, as opposed to the department being dissolved by a vote of the Council.

Councilmember R. McKnight stated it should read “Shall follow Florida law”. Councilmember T. Bierbaum suggested that the Charter can be amended, as defined by Florida law. City Attorney Clay Adkinson suggested the City Clerk provide a pamphlet and post the Charter outline when completed.

Councilmember R. McKnight said the charge for the next meeting is to read over the North Port Charter before the next meeting.

The committee discussed the next meeting date as February 19th from 1:30 p.m. – 3:30 p.m. The committee also set the following meeting for Tuesday, March 3rd from 1:30 – 3:30 p.m.

The meeting adjourned at 4:07 p.m.

Robert McKnight

Robert McKnight, Chair

Maryanne Schrader

Minutes submitted by,
Maryanne Schrader, City Clerk

