

Charter Review Special Committee
Meeting Minutes
Council Chambers
March 11, 2020

Councilmember R. McKnight opened the meeting at 1:37 p.m.

City Clerk M. 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, Mayor Bob Campbell (arrived at 1:39 p.m.) and City Marshal James Hurley.

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

Chair R. McKnight asked for a motion to approve the minutes of February 7, 2020 and February 19, 2020.

Motion by Councilmember T. Bierbaum and seconded by Citizen D. Redwine to approve the minutes of February 7, 2020 and February 19, 2020. All ayes. Motion carried.

Next, Chair R. McKnight asked for Citizens Comments. No one was in attendance.

Discussion ensued on the draft Ordinance that Councilmember T. Bierbaum had distributed and the comments that Chair R. McKnight had distributed.

Chair R. McKnight stated several comments for discussion. He said that one of the duties of the Mayor's office is to present the State of the City, suggested placing the City Clerk under a division called Records and Archives, mentioned the City Marshal works with the City Manager, so some duties should be set by ordinance, and added a review of the simple majority, unanimous and supermajority vote should be reviewed. He also mentioned after putting the Charter together, to review what parts from Jack Owen's committee Charter should be added to the draft.

Councilmember T. Bierbaum mentioned that the portion on the City Marshal could be moved to an ordinance. He explained he used what Mr. Hurley sent with the expectation of editing, if needed.

Councilmember T. Bierbaum mentioned the votes needed for the Council, on hiring and firing, he placed 5 to hire and 4 to fire for the City Manager and City Clerk position. City Attorney Clay Adkinson added it is a majority of the Council to hire and fire. He added the City Manager has the ability to fire, but the Council can overturn by a majority vote.

Regarding the results of Grand Jury Report, Councilmember T. Bierbaum mentioned that the city should consider a deadline to replace the Finance Director position in the case of a vacancy. Mayor Campbell said that once we have a qualified Deputy City Manager; we should be safe. Councilmember T. Bierbaum added that bad events don't make great laws.

In discussion regarding the document from Jack Owen's committee, Councilmember R. McKnight added it is important to create a chart to show the people why something was left in or out to show we went over the document. Citizen D. Redwine added we do not want to replace everything that his committee worked hard to place into their document.

The discussion ensued on the draft document. The preamble was shortened to show the city provides a higher quality of life during the 21st Century by providing a layer of services the County does not provide. The consensus was that Page 2 was reasonable. On Page 3, they agreed that section 1.02 and 1.03 could be collapsed, as it was redundant.

Discussion ensued of whether a referendum was needed for general or revenue bonds. City Attorney Clay Adkinson said you cannot issue a bond without a referendum per law. Councilmember T. Bierbaum said he will remove the red items in the last sentence of Section 1.02 (b).

Discussion ensued on c) regarding police powers. City Attorney Clay Adkinson said police jurisdiction involves the police department. The city has general police powers and the general oversight of the city. It was determined to cut the entire c) paragraph.

Discussion ensued on definitions in Section 1.03, and they chose to remove it.

Chair R. McKnight brought up boundaries in Section 1.04. Councilmember T. Bierbaum said it was a direct copy from the original Charter. City Attorney Clay Adkinson said "as to the extent permitted by law" could be added. He added the second part is redundant, so he will work to shorten it. The City Clerk will maintain an updated map depicting our city boundaries. Chair R. McKnight asked whether the words "metes and bounds" (meaning: a boundary) is needed. City Attorney Clay Adkinson said you have to have it included by Charter, but it can be worded cleaner. He added to focus on the last sentence, "shall be defined by metes and bounds with official records maintained in the form by an illustrated map, only amended as provided by Florida law". He added the map cannot be amended by less than metes and bounds. Chair R. McKnight said it would be helpful to have the map first.

Discussion ensued on the need for the form of government in Section 3.01 should be at the Charter level. Chair R. McKnight emphasized the branches of government. Discussion ensued on calling it a Council-Mayor-City Manager form of government. City Manager M. Smigielski said adding the mayor makes it ambiguous on who is in charge, as it could shift the focus. City Attorney Clay Adkinson added the Florida League of cities has general buckets for forms of government and clearly defined a council-manager form of government, and our form would not be found this in any other area as a form of government.

Discussion ensued on the branches of government to include the executive, legislative, and administrative levels. They discussed administrative officials such as the Fire chief, Police Chief, and Finance Director.

City Attorney Clay Adkinson added the City Marshal is in the executive level. Chair R. McKnight mentioned adding this “form” of government should not be abolished. He suggested telling the citizens what the branches of government are and delineate where they are.

Chair R. McKnight clarified adding 2021 under 3.02. He said the City Marshal should be elected for a term of four years.

City Attorney Clay Adkinson said the mayor, two of the Council at the 2021 election, and the City Marshal and three Council members will be elected in 2023. He explained all three need to be included and added that qualified means at the time you are elected. He confirmed the election is the second Tuesday in April.

Discussion ensued on the drawing of lots in Section 3.02 (f). City Attorney Clay Adkinson explained drawing lots is the anonymous method. The committee agreed the candidates will continue to run at large, which means to run for the whole city.

For the election process, in Section 3.04, City Attorney Clay Adkinson said the county assists the city. The election process should be spelled out with the City Clerk assisting in the process.

Councilmember T. Bierbaum said the said the number of electors is not correct, so it would need to be clarified. City Attorney Clay Adkinson said the Supervisor of Elections sets the number by the registered voters of the election from the number set by the registered voters of the last election. The fee is calculated at 1% of the candidate’s salary.

Regarding the nominated petitions that are filed, City Attorney Clay Adkinson said he will get with the Supervisor of Elections to set the timeframes. The committee decided to remove the bracket area, “for which they are nominated or elected”. The committee also removed f), as the City Marshal is elected.

A placeholder was added for g), as the Mayor said twelve months to re-establish residency may not be reasonable. Councilmember R. McKnight agreed there could be an exemption for extraordinary circumstances by granting another six months.

The committee discussed Section 4.01 and mentioned that b) needs to be consistent on elected officials and residency requirements. For example, if something happens to the mayor, the mayor pro-tem serves as a placeholder, so it is necessary to be consistent for all elected positions and whether physical vacancy is same as vacancy, if you are not able to serve. Regarding an electronic meeting in case of a crisis, City Attorney Clay Adkinson explained the attorney general said it is not lawful. He added there could be a three-stage process. Stage one could be adequate access for the public (In an assembly), Stage two could be going under Martial Law where the Mayor and City Marshal is running the city. He added he will clean up b).

Discussion ensued on the length of time left in a term to determine whether the seat would be appointed or if a special election is required. City Attorney Clay Adkinson read the filling of the

term must be by Charter. City Manager M. Smigielski suggested if it is more of half a term, you could appoint a seat for the remainder of that term. The seat would then have to run for the remainder of the term. City Attorney Clay Adkinson mentioned that would shift the burden to that person to run.

Regarding 4.02, City Attorney Clay Adkinson said it is an unusual occurrence, and if that should happen, a special election would be held in sixty days.

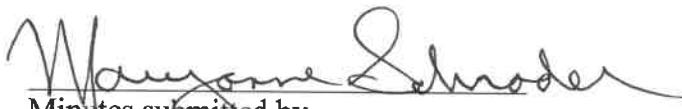
Chair R. McKnight stated the committee would start with Article V, Ethics for the next meeting. Councilmember T. Bierbaum said he will incorporate the updates and bring back the update.

The following meeting was set for March 24th from 6:00 – 8:00 p.m. in the Council Chambers.

Chair R. McKnight adjourned the meeting at 3:24 p.m.



Robert McKnight, Chair



Minutes submitted by,
Maryanne Schrader, City Clerk

