

Charter Review Special Committee  
Meeting Minutes – Communications Media Technology  
May 6, 2020

Councilmember R. McKnight called the meeting to order at 12:33 p.m. using Communications Media Technology Via Zoom. City Manager M. Smigielski called the roll and Councilmember R. McKnight, Councilmember T. Bierbaum, and citizen Doyle Redwine at 12:34 p.m. were present for the Zoom session.

Those present in Chamber: City Manager Mell Smigielski, City Clerk Maryanne Schrader and IT Administrator J. Deckard. Also, in attendance remotely: City Attorney Clay Adkinson.

Chair R. McKnight asked for a motion to approve the minutes of April 30, 2020.

**Motion** by Citizen D. Redwine and seconded by Councilmember T. Bierbaum to approve the minutes of April 30, 2020.

**Roll Call Vote:** Councilmember R. McKnight, aye; Councilmember T. Bierbaum, aye; and citizen Doyle Redwine, aye. All ayes. Motion carried.

Next, Chair R. McKnight asked for Citizens Comments. No comments were noted.

Chair McKnight began with Article VIII, Resolutions starting with Section 8.02 a).

Discussion ensued on the Mayor having authority to return and reconsider a resolution that he may deem was improper.

City Attorney Clay Adkinson explained the process is similar to the veto process. If the mayor did not agree with the governing body's related matters, he could return it for further consideration. The mayor's job as the presiding officer at our meetings, is to keep discussion moving forward. He recommended expanding the mayor veto power, if we are eliminating his right to vote in the event of a tie.

In response to Councilmember T. Bierbaum, he will get back to him on the definition wording for return of a resolution. Councilmember T. Bierbaum added he thought resolution is an expression of administrative and matters of policy – without the second part of the sentence. They also discussed the difference between a resolution and a proclamation.

After discussion ensued on what the term "matters of administration" meant, City Manager M. Smigielski said legal will bring back language to clean it up.

Chair R. McKnight moved on to section 9.01 a), and the committee determined the wording would be - Amendments of this Charter shall be done in accordance with State Law.

Chair R. McKnight went on to Section 9.02 a) on periodic review of the Charter. He mentioned since this will go to vote in 2021, he would prefer the date be changed. The committee agreed to change the periodic review date to begin in 2030.

The committee agreed to keep Part b) as written.

Chair R. McKnight went on to Article X, Mayor. For Section 10.1, After consideration on residency requirements, the committee concurred that the minimum should be one year.

Chair R. McKnight mentioned the vacancy in part a) is clear. The committee discussed the definition of supermajority. City Attorney Clay Adkinson said approval would require four affirmative votes of the Council. He added the section should be written "as for any reason whatsoever regarding a vacancy".

Discussion ensued on whether the Mayor Pro-tem should be added under a part c). Regarding the Mayor Pro-tem, City Attorney Clay Adkinson replied the definition and requirements would go under the Council heading.

Chair R. McKnight moved to the Powers and Duties of the Mayor. He contrasted its' brevity and length to powers and duties of the City Marshal presented in the draft. What he sees is a hodgepodge with no connectivity in the way the duties of the Mayor are currently drafted.

Mayor Campbell spoke up (in Zoom platform) and said he is involved in investigations and contacts with developers. He has information on opportunities or problems that he cannot share unless he is in a public meeting. He would like to share information with each Councilman that would eliminate some frustration.

Councilmember T. Bierbaum clarified the wording was taken directly from the City Charter.

Discussion ensued on the merits of the Mayor as a central communications link for the Council, public, city manager, and coordinator, as well as the Mayor's role as a member of the Council. Under part a) Chair R. McKnight said if the mayor does not vote to break ties, he is not a member. Rather, his boundaries are only in the executive branch of city government. There was a strong consensus that the committee did not want the executive to vote to break ties, as they preferred the Mayor run the meeting impartially.

Chair R. McKnight stated that e) as being reasonable.

Under part d), City Attorney Clay Adkinson said the mayor cannot break a tie on an ordinance. However, the mayor has a relationship with the Council as one with coordination and communication.

The committee discussed that the role of the mayor should be stronger without the tie breaking vote option. The Mayor can then talk and coordinate with the Council. The Committee suggested removing the seldom used power of the Mayor to vote on ties of certain Council votes.

The Mayor is currently prohibited from voting to break a tie vote when the issue is an Ordinance approved or disapproved.

City Manager M. Smigielski said you cannot legislate communication with his position and the Mayor through Charter and words.

The committee discussed whether the mayor should preside at meetings or rotate between members.

Mayor Campbell added he thinks that the expectation of the public is the mayor would be unbiased normally. If he was biased, the Council could eliminate his control over chairing the meetings.

Chair R. McKnight said the mayor is the center of communications and is the link to the public. The mayor will have the source credibility as being "mayor". The role is communication, knowing what is going on, and he would like to see it listed for duties of the Mayor. The mayor will be the one who will call for military law.

Citizen D. Redwine agreed and said the mayor is the face of the city. He added he would like the mayor to be able to discuss issues with the Council. The Sunshine law has weaknesses for discussion behind the scene. He said limiting the role of the Mayor is not to the advantage of the city.

The committee agreed that the Mayor is the central figure. Councilmember T. Bierbaum said he would submit wording and send to the committee before the next meeting.

City Manager M. Smigielski said he has never known a municipality that a mayor does not preside over the meetings, so he is opposed to any changes that would not place the mayor as the presider of the meetings.

Mayor Campbell said he believed the citizens would be opposed to someone other than the Mayor chairing the Council meeting.

Chair R. McKnight voiced concern that it would be an impediment to passage of the Charter, if the Mayor did not function as presiding officer of the Council meeting.

Councilmember T. Bierbaum called for a Point of Order to call for public comment.

Chair R. McKnight closed citizen comments after hearing none.

Chair R. McKnight confirmed with the Committee and scheduled the next meeting for Thursday, May 14<sup>th</sup> from 10 a.m. to 12 p.m. and will pick up on the Mayor and City Marshal section.

Chair R. McKnight adjourned the meeting at 1:58 p.m.

Approved:



Robert McKnight, Chair



Minutes submitted by,  
Maryanne Schrader, City Clerk

