

Charter Review Special Committee
Meeting Minutes
Council Chambers
July 24, 2020
9:30 a.m.

Chair R. McKnight called the meeting to order at 9:30 a.m.

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

Deputy City Manager Carisse Lejeune also attended.

Chair R. McKnight asked for a motion to approve the minutes of July 6, 2020.

Motion by Councilmember T. Bierbaum and seconded by Citizen D. Redwine to approve the minutes of July 6, 2020.

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 one was present.

Chair R. McKnight stated he shared the draft with six other individuals and provided a draft with suggestions on corrections and inconsistencies to clear up the draft.

Chair R. McKnight went over a revised timeline that he distributed. He mentioned legal advised once the Council has first reading, we should not make any changes. He mentioned that the Charter should be in effect before the first of the year, as there are changes to the submittal of petitions. He mentioned the reveal date as August 8th, on the Council agenda on August 10th, and August 24th being the date for Council to wrap up comments. He requested a special workshop by piggybacking to a budget meeting on August 25th or Tuesday, Sep 1st and suggested first reading on Sept 14th.

City Attorney Clay Adkinson said publication is required ten days prior to the first reading. He said it would depend on how quickly the Council wants to move forward. He suggested August 24th as the first reading but stressed the Charter must be finalized before the first reading. He mentioned not adding it to the budget meeting.

Chair R. McKnight suggested having a public special meeting workshop. However, Councilmember T. Bierbaum said no one has attended from the public except for our first meeting. He said there were less than five people in attendance during the first committee meetings. He added the public has had over a year in a half to provide input. He added there is a large majority of people who just want it done. Committee consensus was to hold one more workshop to gather public input.

City Attorney Clay Adkinson asked if there is something the week of August 17th, where we could bring it to Council by the 24th. He stated the referendum language needs to come from the committee, but it is better for the Supervisor of Elections to give his blessing.

City Attorney Clay Adkinson said the workshop could be on August 24th and going to Council for 2nd reading on September 14th, if it is noticed on August 26th with the latest September 2nd. He mentioned staff should meet with the Supervisor of Elections before confirming either the dates of December 8th or December 15th.

City Attorney Clay Adkinson said it will be similar to the North Port City Charter – “Shall the proposed City Charter be adopted to replace the current City Charter in its entirety?”.

He added the Ordinance will be published by title, which would add the ballot language for adoption of the Charter. The ordinance will state the amendment of the Charter and proposed date of the referendum. He added January 1, 2021 would be the effective date.

Chair R. McKnight said he met with Jack Owen, and Mr. Owen stated the prior committee had worked 83.4 total manhours. He added that Jack Owen said he will sign his name to the transmittal letter to Council. He informed the committee that Jack Owen said we did a good job.

Dr. Melinda Henderson came in about 10:09 a.m. and stated she was happy to provide her comments to Mr. McKnight on the draft charter.

City Attorney Clay Adkinson advised the city cannot, as a body, engage in any campaigning. After 2nd reading, the city can no longer make any comment. However, the city can run an ad about the City Charter and provide the referendum date. He also advised if a group wants to form a PAC, the Council can participate outside the role of City Council provided notice is given regarding a potential quorum. He added the current Charter committee is dissolved after 2nd Reading is approved.

Chair R. McKnight and the committee discussed the marked-up draft agenda and draft organizational chart. The committee decided to display the organizational chart at the Workshop to use as a visual tool for explanation.

City Attorney Clay Adkinson advised the City should adopt the Organizational Chart after January 1st.

Dr. Henderson mentioned calling it a conceptual organizational chart.

The committee discussed whether to use Roman or Arabic numerals in the Charter. The committee agreed to maintain the Roman numerals.

Chair R. McKnight asked the committee to look over Page 5, stating the Section on qualifications “process” vs personal and residency qualifications of the candidate for getting on the ballot should be written cleaner, as it caused confusion with the people reviewing the section.

Chair R. McKnight directed the committee to Page 7, under the Standard of Conduct. The section should be for Charter level positions, not just for the elected. City Attorney Clay Adkinson suggested removing “elected”, as “Standards of Conduct for Officials” is sufficient.

In response to Chair R. McKnight and his question regarding leaving the City Attorney out on page 9, City Attorney Clay Adkinson responded the reason it was included, is any attorney can represent the Council. This refers to the limitation of City Council powers. Councilmember T. Bierbaum said the City Council hires the city attorney, so the whole purpose was to keep Council members from doing certain things.

Regarding the reference to the expense allowance on page 9, City Manager M. Smigielski said it could be taken out.

Chair R. McKnight went to Page 11, regarding the title Mayor Pro-tempore.

City Attorney Clay Adkinson suggested adding it in Article 6, under organizational structure, and state the Council shall on an annual basis, elect one member as *Mayor Pro-tempore*.

Chair R. McKnight stated there were questions regarding words like “codification” and “authentication”, and City Attorney Clay Adkinson replied the words are in Florida Statute and are recognizable terms in government.

Chair R. McKnight referenced the bottom of page 10, stating some readers questioned what would constitute a quorum. He asked if it was everyone in office, but he was questioned if the number for a quorum varies when there is a vacancy. City Manager M. Smigielski said a majority of five is three or more, a majority of three is two. City Attorney Clay Adkinson explained a majority is the number of the entire body of Council (five for us). Councilmember T. Bierbaum said we have defined voting throughout the document.

Chair R. McKnight went to Page 13, said one of the reviewing persons asked about adding in f), “Likewise the city manager cannot exercise interference with the Mayor’s abilities to exercise mayoral duties and responsibilities”. City Attorney Clay Adkinson responded that in b, the Mayor is recognized as the head of government by the Governor – the mayor should serve as in the executive part of government, therefore - it does not take any real authority away.

Chair R. McKnight went on to Page 14, Item i), the Mayor shall have not vote. He suggested the sentence should read “Rather the Mayor shall have the power to veto and return. City Attorney Clay Adkinson suggested dropping “yet” and separate the sentences, as we want to make it clear the Mayor does not have a vote.

Chair R. McKnight went on to item b) under City Marshal stating “All of the Ordinances” is too broad. City Attorney Clay Adkinson responded that it is big and broad on purpose. The local law enforcement head is responsible for and enforces the laws of the city. He added using, “formally and faithfully” instead of “strictly”.

Chair R. McKnight went on to Page 15, suggesting adding “The city manager oversees the day to day duties of the city and shares placement in the Executive Branch with the mayor and city marshal. City Manager M. Smigielski said he will provide a definition.

Chair R. McKnight went on to Page 16, under Item d), stating the City Manager and City Marshal duties overlap. City Attorney Clay Adkinson said technically the city marshal “complies with”, the city manager is “enforcing”. City Attorney Clay Adkinson will amend the city manager duties as enforcing the contracts, etc. and remove “Ordinances”.

Chair R. McKnight went over Item e), asking about “with a voice but not a vote”. After discussion, the committee decided to leave it like it is written.

City Attorney Clay Adkinson asked to set the next meeting, as he had to leave. The committee decided to meet at 1 p.m. on Tuesday, July 28th.

City Attorney Clay Adkinson left at 11:00 a.m.

Ms. Henderson asked about Council’s responsibility for planning regarding affirming policies and strategic planning for the city.

Chair R. McKnight replied that one of the reviewing persons stated the duties of the Council were less defined than other Charter members.

Citizen D. Redwine said he would like to see a strategic plan and vision of the city to be submitted by Council, so the citizens know where they stand.

Chair R. McKnight said the City Council’s role is currently written as limited to ordinances, resolutions, contracts and hiring the city manager in the Charter, but it does not mention advocating to citizen problems or addressing citizen issues. He asked if we should add more.

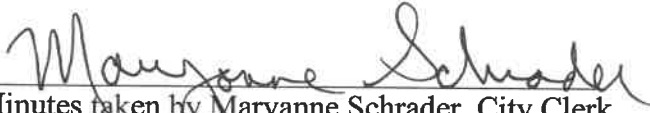
City Manager M. Smigielski said that is more of an ordinance issue and should not be included in the Charter. He added the Charter is not the catchall of every duty. The Charter should have as few words as possible and not put a burden on future Councils that may not think as we do. Chair R. McKnight will write up a sentence to offer to the committee.

Chair R. McKnight adjourned the meeting at 11:09 a.m.

Approved:



Robert McKnight, Chair



Minutes taken by Maryanne Schrader, City Clerk
Proper notice having been duly given

