

Charter Review Special Committee
Meeting Minutes
Council Chambers
July 31, 2020
8:00 a.m.

Chair McKnight called the meeting to order at 8:02 a.m.

Deputy City Manager Carisse LeJeune called the roll. Members present: Councilmember R. McKnight, Councilmember T. Bierbaum and Citizen Doyle Redwine. Also, in attendance: City Attorney Clayton Adkinson, and City Manager Mell Smigielski.

Chair R. McKnight stated there were no minutes to review.

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

Chair R. McKnight stated the meeting was on the continuation of the draft ordinance review. The committee agreed to adjourn by 9:20 a.m. and agreed to meet on Tuesday, August 4, 2020 at 1:00 p.m. for the purpose reviewing and signing the submittal letter for the draft ordinance.

Chair R. McKnight turned over to Councilmember T. Bierbaum.

Councilmember T. Bierbaum thanked the Chair and started with page 12 Sect. 8.02, subsection a. Councilmember T. Bierbaum read the section out loud.

The committee suggested time frames for returning resolutions by the Mayor. However, City Manager Smigielski stated that based on his experience and expertise that language needs to be stricken. City Attorney Adkinson agreed with the City Manager.

Chair R. McKnight voiced his concern regarding the success of the referendum partly depending on having additional powers for the Mayor. He added expanding the Mayor's ability to return resolutions would be a compensation for having no voting rights.

City Manager Smigielski responded that the Mayor would have the ability to talk to Council members, if the Charter becomes law. He should have ability to only veto ordinances.

Chair R. McKnight stated that the argument has swayed him not to include the "return of the resolution" power, but they need to have something written if the Mayor refuses to sign, and the resolution needs to be given to the Mayor Pro Tem.

City Attorney Adkinson stated that the Mayor could just reject it and return it. City Attorney Adkinson suggested that the Committee leave it for now and let the City Council decide if it is something they want to put in the Charter. The Committee agreed.

Councilmember T. Bierbaum moved on to Article 9.02, Periodic Review stating the in-subsection a), strike the words, “as to”, regarding amendments.

Councilmember T. Bierbaum moved on to Article 10, Mayor. Chair R. McKnight stated a) and e) needs clarification. Is the Mayor over the City Manager? Are the Mayor’s duties complimentary to the City Manager? The Mayor and City Manager shall collaborate. Under subsection c), does it go both ways? The City Manager shall not interfere with the Mayors duties. The City Manager M. Smigielski stated that the Mayor and City Manager are all of the Executive Branch and there is no head. Chair R. McKnight stated that subsection b) states that the Mayor is recognized by the Governor and the Mayor shall serve in the Executive Branch. The City Attorney stated that the City Manager is hired to run the operation and the Mayor stays as the head of the city government.

City Manager M. Smigielski suggested to avoid using the word “head” is subsection b). Citizen Redwine suggested that they use the language “shall serve” and take out the word “head.” Everyone agreed to make that change.

Councilmember T. Bierbaum summarized the previous actions; subsection a) remains the same, b) remains the same, c) remains the same, d) becomes f), e) becomes d), and f) becomes g). Chair R. McKnight felt this was a good expansion of Mayor’s role, but h) is fuzzy. Citizen Redwine stated that h) does seem ambiguous. Councilmember T. Bierbaum will strike “generally”.

Chair R. McKnight stated that he would like to reemphasize that this paragraph is in conflict with the way people have previously voted. The Mayor’s power is limited to the Executive level of government and the Mayor has no vote, period. He stated that he would like to add a sentence in i) that will remind people why this is being done and that the Mayor shall have no vote but has the power to veto. Councilmember T. Bierbaum stated that they should leave the veto issue for the City Council to discuss. City Manager M. Smigielski stated that resolutions should not be vetoed, but either returned or rejected. Discussion continued and Councilmember T. Bierbaum stated that they will leave as is and make a note to discuss at the City Council level. He then moved on to Section 11.1.(b) regarding ordinances.

Chair R. McKnight stated that as the Chief Law Enforcement Officer for the City, the City Marshal and the City Manager both have the power to see that all of the ordinances of the City are complied with. No changes were made to that section.

Councilmember T. Bierbaum moved on to the City Manager section, on page 15, Article 12. Chair R. McKnight stated that it is reasonable to add that the City Manager shall not impede the Mayor. He added that it might be of some value for purposes of reinforcement and placement to say that within the Executive Branch the City Manager shares responsibilities with the Mayor and City Marshal.

Councilmember T. Bierbaum stated that he was good with that. Citizen Redwine asked if they had discussed changing the 5-affirmative vote to 4. Councilmember T. Bierbaum stated that they did. City Manager M. Smigielski stated that it takes a 4 to 1 vote for fire a City Manager. Chair R. McKnight clarified that it takes a 5 to 0 vote to hire the City Manager. More discussion continues. Councilmember T. Bierbaum stated that there was consensus to leave the language as written and continue.

Councilmember T. Bierbaum stated that he was okay with changes in 12.04 (b). City Manager M. Smigielski questioned the statement in 12.04 (b) that "Any such interim appointment shall not remain in said position greater than six (6) months. There was discussion and Citizen Redwine stated that there needs to be some boundaries without loopholes. Councilmember T. Bierbaum said he will rework (b) for City Council to take action to initiate the hiring process.

Chair R. McKnight asked for language that stated the City Council shall initiate the recruitment process within a certain period of time. There was additional discussion. Councilmember T. Bierbaum suggested that they put something generic in there and move on.

The committee moved on to Section 12.05, Powers and Duties. Chair R. McKnight stated that there is no City Attorney department. Councilmember T. Bierbaum replied that we may someday have an Attorney department with full time staff. City Manager M. Smigielski questions whether the sentence is needed at all. City Attorney Adkinson stated that the City Attorney is not a Charter position. Councilmember T. Bierbaum stated that he will strike the whole sentence.

Chair R. McKnight suggested for (f) to move the frequency at end of the sentence. Councilmember T. Bierbaum stated that he was okay with leaving everything else as is.

Councilmember T. Bierbaum moved on to Article 13, City Clerk. It was agreed that it was okay for the City Clerk not to be a resident of the City, and Powers and Duties will be reordered as Section 13.02 and Disciplinary Action and/or Termination will be reordered to Section 13.03.

Under Section 13.05, Powers and Duties, the language "head of the department of records" will be changed to read "keeper and custodian of official records." Councilmember T. Bierbaum suggested leaving out the additional language proposed for subsection e). Chair McKnight asked for language that would say "coordinating where necessary." There was discussion. City Manager M. Smigielski stated that the word "administer" also means to contact with the County. The additional language will be left out.

The next scheduled meeting will be on Tuesday, August 4, ²⁰²⁰ at 1:00 in the City Council Chambers in City Hall.

There were no public comments.

Chair R. McKnight adjourned at the meeting at 9:25 am.

Approved by:

Robert McKnight
Robert McKnight, Chair

Carisse LeJeune
Notes taken by: Carisse LeJeune, Deputy City Manager

Maryanne Schrader
Minutes Submitted by Maryanne Schrader
Proper notice having been duly given

