

Charter Review Committee (CRC) December 19, 2019

Members Present: ALL - Marie Bushey, Terry Dallas, Marty Danaher, Christine Elnitsky, Sally Gillespie, Lisa Martin, Eric Preston, Marvel Richards, Patricia "Trish" Tudeen, Kenneth Bohannon, Kirk Jones. Facilitator: Marilyn Crotty. The City Attorney, Carrie Avallone, was not present. City Commissioners Hartman and McGuirk were also in attendance.

IV. Review of Guidelines

- Start and end on time
- Meeting will have a set time of two hours: 5:30-7:30
- Facilitated Process; No Chair
- Consensus Decision: Support of at least 8 members
- Dissenting Opinions may be written on any issue and are encouraged so they can be shared with the City Commission and public
- Public Comment: Allow 10 minutes at the beginning and end of each meeting for public participation giving 3 minutes per speaker
- Issues may be brought back at any time for consideration

V. Charter Discussion

Each member had been provided with numerous versions of NSB's current City Charter and a "Model Charter". Ms. Crothy pointed out the sequencing of our current Charter and how disjointed it had become as it was amended over the years (It has "Chapters" and 225 sections, numbered sequentially.). She suggested that the model charter be used as a template for organizing the new Charter. The new Charter would be organized by **Article** and will allow further organization by section and subsections. It was unanimously agreed that this was a major improvement to the City's existing Charter and would be a priority for the Committee.

Further, the 2014 version of the City's Charter would be the "working" copy. Each agenda will attempt to "match" the "Chapters" and associated amendments in the existing Charter for discussion of each related **article** of the model charter.

Ms. Crothy pointed out that, after reading through the City's current Charter, she noticed that there is language included that either contradicts or restates issues controlled at either the state or County levels. Those passages should be removed and changed to reference the guiding laws or rules. There were questions from the Committee on the County Charter and what, exclusive of annexation and beaches, sections are covered by the County Charter. Ms. Crothy said she would research for future discussions on specifically affected sections.

All agreed that the language in the Charter should be "gender neutral". Ms. Crothy committed to make those changes as she edits the Charter.

Marty Danaher raised the topic of public participation, feeling that 10 minutes at the start and end of each meeting might not be sufficient for the public comment anticipated. Discussed were scheduling entire meetings for public comment and adding additional time within regularly scheduled meetings. It was decided that the January 23rd and one meeting in April would allow for one full hour of public comment, if needed. Additional meetings can be scheduled if there appears to be more interest on the part of the public. Possible locations for those and future meetings will be researched and well publicized.

A. Preamble:

All of the Committee members agreed that a Preamble was desirable. Ms. Crothy provided sample preambles from other Florida City Charters. Everyone was encouraged to write a Preamble by January 2 so they can be shared with the Committee members prior to the January 9 meeting.

B. Establishment of Powers: (Article 1 – Chapter 2 of current Charter)

Ms. Crothy encouraged simplifying the powers. The Coity can do anything not specifically prohibited by state statute. All agreed to use the language from the model charter.

There followed a short discussion on **Annexation** as this issue is largely or wholly controlled by the County Charter. Both Ms. Crothy and the City attorney will research and report back to the committee at the January meeting covering their research on the issue. It was pointed out during the discussion that some of the “specifics” surrounding annexation (like zoning) should be covered by local ordinance, not included in the Charter.

The City Commission is a separate Chapter in the current Charter and will now be a section under Article.

There was much discussion on the terms of office. Currently the mayor serves a 2 year term and each Commissioner four years. Also, the current Charter does NOT include term limits. Should term limits be added and, if so, what should they be?

Our commissioners currently serve by “Zone”. It is presumed that there will be changes to “zone boundaries following the results of the 2020 Census. Should we continue to call our city partitions “zones” or something else? There was minority support for increasing the number of commissioners. Lisa Martin suggested that the committee consider changing the frequent use of the word “citizen” to the word “resident”.

Public Comment:

Three people thanked the Committee for their service.

There was a suggestion that the Committee research alternative locations for their meetings. This one was held in the Charter Oak Center and the acoustics are not the best. It was agreed that they would try to procure the Commission Chambers for future meetings.

One citizen asked about the process and what, exactly, would the voters be asked to vote on in November. Answer: The Committee is acting in an advisory role to the City Commission. The Commission will review and vote on the recommendations made by the Committee and will communicate with the public and will craft the wording for the ballot in November.

Further information and to download a copy of the City’s current Charter:

[New Smyrna Beach City Charter \(2014\)](#)