

CHARTER REVIEW COMMITTEE (CRC)

January 23, 2020

Members Present: Marie Bushey, Terry Dallas, Marty Danaher, Christine Elnitsky, Sally Gillespie, Eric Preston, Marvel Richards, Patricia “Trish” Tudeen, Kirk Jones. Members Absent with Excuse: Kenneth Bohannon, Lisa Martin. Facilitator: Marilyn Crotty and City Attorney Carrie Avallone were also present.

Public Comment: A member of the Historic NSB Preservation Committee suggested that the following be included in the proposed Charter:

- Update the definition of historic
- Expand the Coronado Historic and Mainland Historic Districts
- Streamlining the tax exemption process for renovating historic properties
- Rewrite Chapter 50 Article III to clarify confusing and contradictory requirements.

A second public speaker spoke to removal of election officials who are convicted felons; adding P&Z committee to the charter and several other issues. *It was later clarified by the facilitator that several of the issues brought up by both speakers were not City Charter issues but were either Comprehensive Plan or Ordinance issues.*

CLARIFICATIONS BY CONSULTANT

Ms. Crotty provide some clarifications that had been previously covered. The Charter will be discussed by section and the consultant will write a report of the recommended changes for submission to the City Commission. Members of the Committee are free to write a minority opinion to the City Commission on any matter not included in the Consultant’s report.

Ms. Richards requested a return to discussion on term limits. Several committee members said they had spoken to friends and neighbors who favored term limits. Two members had spoken to Mayor Owen and some Commissioners who also favor term limits. Mr. Jones stated that he opposed term limits as voters can remove elected officials during any election. Other members of the committee stated it made no difference to them if term limits were included or not. After lengthy discussion Ms. Crotty determined there was no consensus on term limits and, therefore, the section addressing that matter would not change and no term limit language would be in her report.

The committee consensus was that “Zones” in the Charter would not be changed to “Districts” with attention being paid to avoid the word “rezoning” which has a different connotation. Language from the Model Charter will be added to the City Charter.....*If the Commissioners cannot agree on redrawing Zones six months after a census the redrawing requirement will move to the Circuit Court.....*

Ms. Crotty read her preamble to the charter and one provided by Marie Bushey. The committee members chose to add Ms. Crotty’s Preamble to the Charter with some minor changes.

Section 10 – Limitations, Powers and Duties of Commission will be changed to reflect wording in the Model Charter adding that Commissioners must comply with the City Charter and Commissioners cannot interfere with the daily business of the City. Additional language will be added to enhance the Commissioners’ ability to instruct and communicate with city staff.

Ms. Gillespie mentioned that looking at other city charters was a learning experience. Ms. Crotty uses the website municode.com for research on Florida and other State and City Charters.

Section 12 – Canvass by Candidates for Commission will be moved to the Charter’s Election Section and discussed at that time

Section 13 – Judge of its Own Election was amended with language from the Model Charter to include specific processes that must be followed for forfeiture of office.

Section 15 – Forfeiture of Office – after discussion it was decided that Model Charter language would be used to include removal for failing residency requirement, non-compliance with Charter and certain types of moral turpitude. Also, Forfeiture of Office would occur if an elected official missed three (3) unexcused consecutive meetings.

Section 16 – Filling Vacancies in Commission – The consensus was that if a vacancy occurred 4 months prior to an election the Commissioners would appoint a replacement.

There being no other public participation Ms. Crotty announced that there would be time for committee members to discuss items they would like to add to the Charter. Ms. Crothy will assess and report on where the Committee stands and may suggest adding an hour to future meetings to ensure the committee achieves its objectives.

Ms. Crotty also advised that due to a religious holiday she is requesting that the April 9, 2020 meeting be changed. The City Clerk will look at availability of dates and facilities and advise members of the new April meeting date.

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