

CHARTER REVIEW COMMITTEE (CRC)

February 13, 2020

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

Public Comment: A resident of the North Causeway thanked the Committee for its time and service and urged a Charter that is easily readable and includes language addressing issues that are important to the residents like density, zoning and the sunset of variances. She also feels it should be clear that the Charter represents a mandate for the Commission to follow.

Mayor Russ Owen also thanked the committee and noted that the Commissioners are looking at the review of the Charter and the discussion it provokes as a lens into the concerns of the public. He reminded everyone that he plans to deliver the *first* State of the City address on Thursday, February 20, at the Brannon Center (5:30PM) and invited everyone to attend. He encouraged everyone to bring their neighbors and friends. He said he will recognize leaders in the community who are working to preserve the quality of life we enjoy in New Smyrna Beach.

The facilitator reviewed the preliminary recommendations agreed to at the January 23 meeting. She clarified that the “Charter Officers” in the City were those hired and supervised directly by the City Commission – the City Manager, the City Attorney and the City Clerk. The committee agreed that annual performance reviews be required of the City Commission on the Charter Officers.

Section 18 - Language was added charging the mayor to deliver a State of the City message annually at a public meeting.

Compensation: The language in the current charter will be retained for the mayor and the Commissioners. The formula is tied to the compensation of the Volusia County Commissioners.

Investigations: There was much discussion on granting powers to the City Commission to conduct investigations. The decision was made to insert one sentence from the model charter on this issue, with modifications.

Procedure:

- There are three kinds of meetings delineated in our ordinances to describe meetings held by the City Commission – Emergency, Special and Regular. Special meetings can currently be called with only 12 hours’ notice. The consensus was that 12 hours is not enough time for an announcement of a special meeting. Since the language is included in an ordinance and not included in the Charter, the committee recommended that the timing be reviewed and amended to 72 hours’ notice by the City Commission. Ms. Avallone made note of the recommendation.

➤ The current Charter addresses voting in several sections using three different descriptions for a required vote:

- **A majority of the Commission** (5 voting members, hence majority=3)
- **A majority** without stipulating whether members in attendance or full Commission (so, if two members absent, a motion could be passed with a majority of 2)
- **3 votes** required for passage.

The consensus was that the language should be consistent throughout the Charter to require 3 votes or a majority of the entire Commission to avoid motions being carried by yes votes from only 2 Commissioners.

City Manager: Language was amended and added concerning the residency requirement for the City Manager. Based on the discussion held at the January 23 meeting on interference with the day to day operations of the City and given the fact that the City Manager works under contract with the City, most of the language included in sections 28 - 30 of the current charter will remain unchanged.

Commissioner Randy Hartman spoke against adding language concerning the power of investigation. He feels the Commission has the power to trigger an investigation, but that they would assign the investigation to professionals who have the power to issue subpoenas and interview. Investigatory powers could be considered interference and investigations are best left to the experts.

A resident thought it important to extend the current 6-month probationary period to one year as he thought a manager should be allowed to work through an entire annual cycle. He commended the committee for adding language on annual performance reviews. He feels there should be explicit language against hiring known felons.

There was a general discussion on timing and completing the review by May. The City Clerk suggested limiting committee member comment on a single topic. The facilitator asked committee members to be mindful on the time being spent on an individual issue. She noted that many issues have a significant number of the committee members being ambivalent on an issue and suggested that voicing an opinion for or against a given issue would speed the goal of gaining a consensus thereby allowing the process to continue. Once consensus is reached, the committee can move on to the next issue.

There being no other public participation Ms. Crotty announced that the next meeting would be extended to three hours and would be held February 27 in the City Hall Chambers.

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