

## CHARTER REVIEW COMMITTEE (CRC)

April 30, 2020

All Committee Members Participated in a virtual “Zoom” meeting online: Marie Bushey, Marty Danaher, Christine Elnitsky, Eric Preston, Patricia “Trish” Tudeen, Terry Dallas, Kirk Jones, Sally Gillespie, Marvel Richards, and Lisa Martin. Facilitator, Marilyn Crotty, City Clerk, Kelly McQuillen and City Attorney, Carrie Avallone also participated.

An attorney and municipal utility issues expert spoke briefly to the committee concerning [last meeting's](#) decision to bypass discussion and possible amendment on Chapter 15 of the current City Charter addressing the New Smyrna Beach Utilities Commission. He had advised the City Attorney to bypass Chapter 15 at this time. The UC is allowed “operational autonomy” and this committee might not have the time to obtain the expertise necessary to delve into what can and cannot be changed in the current language. It was pointed out that recent changes in the management of the UC and changes on the City Commission seem to have improved cooperation and communication among the two agencies and the public.

Marty Danaher reiterated his discomfort with the lack of specific language dealing with the sale of assets and/or lands owned by the public but agreed this chapter could be reviewed over the coming years and possibly be amended when the Charter is next reviewed.

The facilitator reviewed the preliminary recommendations agreed to at the March 12 meeting. There were no corrections voiced by the committee. Ms. Crotty then brought up an omission from the last meeting covering independent financial audits. The City currently undergoes annual independent audits, so there were no objections to adding the language from the model charter to cover this topic as new section 5.11.

Adding the above section completed the committee’s review of the current City Charter. Three members of the committee had forwarded suggestions for additions and or clarifications to the proposed charter. Their submissions follow.

Committee member Sally Gillespie proposed that three issues be inserted into the Charter to protect the fragile and unique character of our city. She read the City Charters for other small cities, among them Sanibel, Vero Beach, Naples, Coral Gables, Stuart and Savannah, Ga. She found specific language in many of them that ensured the cities would retain the unique character and quality of life that their citizens valued. She cited specific references to their charters on the topics she thought were crucial in an email to each committee member.

She also consulted a prominent Florida attorney and Land Use expert for advice on the issues she was proposing. The three issues brought forth follow in abbreviated form.

- 1) **Environmental Stewardship**, specifically:
  - a) Tree protection
  - b) Water run-off requirements (require “Class 2” water quality)

- c) Limitations on the use of impervious materials
- d) Disallowance of new septic tanks
- e) Incentives to remove existing septic tanks
- f) Design standards for building or rebuilding in flood-prone areas

Lisa Martin objected to specifying “Class 2” for water run-off treatment, in favor of using “the most stringent class”. Kirk Jones addressed the challenge of dealing with removal of existing septic tanks but agrees their existence should be limited. Consensus was this topic SHOULD be included in the City Charter.

## 2) **Zoning Goals**

- a) Preserve the scale and character of city neighborhoods
- b) Maintain the tree canopy and green spaces
- c) Create standards that preserve the public welfare and protect against flooding
- d) Include Sustainability requirements in new PUDs

## 3) **Historic Preservation**, including

- a) An update to the definition of “historic”
- b) Examine and possibly expand our existing historic districts
- c) Create a preservation property tax exemption
- d) Allow code enforcement to leverage existing grant sources, when indicated

Christine Elnitsky pointed out that many of the issues above are currently included in our city’s ordinances and might be better handled as ordinances, individually. Ms. Crotty agreed that these were usually handled by ordinance or are included in the City’s Comprehensive Plan. Marty Danaher pointed out that ordinances can be changed and “come and go” with relative ease. He felt it important that specific language be included in the Charter on these issues as the Charter can only be amended by voters. He feels including it here is the desire of NSB voters, as evidenced by the results of the last elections.

There was overwhelming support for including the language proposed by Ms. Gillespie in the proposed City Charter. Ms. Crotty will add each, deciding where best to insert them.

Marty Danaher proposed adding:

1. specific language to the Charter requiring annual Strategic planning, including facilities for tracking and implementation strategies.
2. formal creation of a Charter Compliance Board to ensure compliance with the language included in the Charter.
3. Changes to the proposed language concerning the function and operation of City advisory committees and boards.
4. Requirements to ensure that details included in Master Development Agreements and their PUDs are followed.

After discussion on each point, suggestion number one concerning Strategic planning will be added. There was no consensus for adding the remaining three suggestions.

Ms. Gillespie then proposed adding a new article covering the purchase and sale of Public lands. She proposed that no land, including marshland and structures owned by the City may be sold, leased, traded or gifted without approval of a majority vote of the electors. After discussion, this proposal was accepted and will be added to the Charter.

Lisa Martin had done an extensive review of the changes made to date and suggested several clarifications and corrections for consistency, including:

1. All titles for city management and elected officials should be capitalized for consistency
2. "SEC" will be used to reference sections of the charter in lieu of spelling "section"
3. Change the word "salary" to "compensation"
4. In a reference to "construction", it should be clarified by expanding to "construction of the Charter."

The next meeting is scheduled for May 14. The facilitator will forward her report, along with the suggested Charter to all committee members one week prior to that meeting for their complete review and comment at the May 14 meeting. The meeting on May 14 will be "virtual" and its primary purpose will be for the Committee to vote on the proposed Charter. The recommended Charter, along with the facilitator's report, will then be submitted to the City Commission at a joint meeting between the Charter Review Committee and the City Commission, scheduled for May 28.

The City Commission will schedule public meetings to present the recommended Charter during the coming months and approving the new Charter will be on the ballot in November.

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