

# CHARTER REVIEW COMMITTEE MEETING MINUTES

April 22, 2014

The Charter Review Committee meeting was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on April 22, 2014 at 6:00 p.m.

**Members Present:** George “Mackie” McCabe, Chair; Danielle Daugherty, Vice Chair; Steven Steve” W. Fussell, and Ray Lewis

**Members Absent:** Pam Washburn

**Also Present:** City Attorney Scott Gerken, City Manager Gary La Venia, Mayor Chris Bell, Commissioners Chris Cheshire, John Gunter, and Sharon Kelly, Community Development Director Charlie Rector, and City Clerk Esther B. Coulson.

## 1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:00 p.m. and the chair led in the Pledge of Allegiance to the flag.

## 2. ROLL CALL

The chair declared a quorum present.

## 3. APPROVAL OF MEETING MINUTES

**On motion of Mr. Fussell, seconded by Mr. Lewis and unanimously carried, the committee approved the April 8, 2014 minutes as corrected.**

## 4. CHARTER SECTIONS

The chair highlighted the committee’s review of the charter at its April 8, 2014 meeting as shown below and addressed the intent to prepare a script for consideration for the May 20, 2014 public hearing,

### - ARTICLE III, LEGISLATIVE

With respect to districting, the chair stated that depending upon the committee’s direction, the related charter provisions would have to be changed and recognized the effects of redistricting under the following subsections:

**Subsection 3.01., City Commission: Powers and Composition**

**Subsection 3.03., Election and Terms**

**Subsection 3.07., Mayor**

**Subsection 3.16.(b), Certification and Recording: Codification; Printing**

The chair mentioned updating the charter to the current period and how records could be accessible by the general public.

- **ARTICLE IV., ADMINISTRATIVE**

The chair referred to the job descriptions for the city clerk and city treasurer, copies of which were submitted for the record and filed with the supplemental papers to the minutes of this meeting. He recognized that both positions are under the direction of the city commission and the city manager and explained that as a result, no changes to the charter are required as they relate to the following subsections shown below:

**Subsection 4.03., Appointment and Term of Office of City Treasurer, City Clerk and City Attorney**

**Subsection 4.06.(b), Powers and Duties of the City Manager**

**Subsection 4.07., Supervision of Departments**

- **ARTICLE VII., PLANNING AND ZONING**

In response to the chair's remarks on the Planning and Zoning Board's composition affected by redistricting, Mr. Gerken addressed the balance representation of the board which could be submitted as a recommendation by resolution to the commission.

After discussion, the committee agreed to leave the language as it is.

- **ARTICLE VI., FINANCIAL PROCEDURES**

**Subsection 6.07, Amendments After Adoption**

The chair suggested that a resolution addressing amendments after adoption could be presented to the city commission and the charter language ought to be left as it is.

- **ARTICLE VIII., NOMINATIONS AND ELECTIONS**

The chair referred to the scenarios on the redistricting plan presented by Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., at the April 8, 2014 meeting.

After extensive deliberations, and **on motion of Mr. Fussell, seconded by Mr. Lewis and unanimously carried, the committee recommended to the city commission the division of the City of Fruitland Park into five single member districts with each commissioner living within the district.**

**Subsection 8.01., City Elections**

The chair recognized that the city elections is the city commission's issue which would need its consideration.

**Subsection 8.02., Nominations**

Following further deliberations, Mr. La Venia discussed with the committee the commission chair as the honorary position of the mayor and the selection of the position among five district commissioners which ought to be rotated annually to be the city commission's issue.

**Subsection 8.03., Form of Ballots**

The chair explained that the form of ballots is the city commission's issue.

**Subsection 8.04., Elections**

The committee discussed the period of the run-off election and agreed that the city commission ought to determine same.

After extensive discussions, **a motion was made by Mr. Lewis that the committee recommend that the city commission elect from the five single member district commissioners a mayor to serve as the commission's presiding officer on an annual basis.**

**The chair passed the gavel to Vice Chair Daugherty and stepped down to second the motion.**

At this time, Ms. Daugherty assumed the chair.

Following continuing deliberations, **Ms. Daugherty called for a vote on the motion and declared the motion unanimously carried.**

At this time, Mr. McCabe resumed the chair.

- **ARTICLE IX., INITIATIVE AND REFERENDUM**

No action was taken on the following subsections; however, with respect to subsection 9.09., Fee for Validation, Mr. Gerken concurred with the suggestion that it could be addressed by ordinance:

**Subsection 9.05(a), Certificate of Clerk**

**Subsection 9.06., Referendum Petitions; Suspension of Effect of Ordinance,**

**Subsection 9.09., Fee for Validation**

- **ARTICLE X, MISCELLANEOUS PROVISIONS**

No action was taken on the following subsections:

**Subsection 10.03.(a), Activities Prohibited**

**Subsection 10.03.(b), Prohibitions**

**5. REDISTRICTING PLAN DISCUSSION**

**Redistricting Plan – Five Districts Scenarios**

Earlier in the meeting, Mr. Gerken recognized the majority of voters that can amend and overturn the charter and addressed the ability to put safeguards in place as it relates to districts by including as a charter provision the supermajority of the voters in the districts to approve a charter amendment as a requirement to overturn the district.

Mr. Gerken concurred with the chair request to review same and provide more information at a future meeting.

**6. COMMITTEE MEMBER QUESTIONS/COMMENTS**

Mr. Fussell referred to a telephone call received from a citizen regarding the distribution of flyers door-to-door within the city over the weekend urging residents to attend the next city commission meeting. He explained that one of the residences visited was entertaining guests which included a law enforcement officer who advised Mr. Myron Waye, Lake County resident, of the requirement to have a city permit under Special Events Policy Ordinance 2008-001.

Mr. Fussell expressed concerns on individuals requiring a permit when it involves residents to be engaged in local government.

In response, Mr. Gerken noted anti-solicitation ordinances that have been overturned in the past. He recalled municipal ordinances recognizing that such issues are not affected as they included provisions for residents being able to post “no solicitation” signs; thus, preventing solicitors from approaching their properties.

After discussion, Mr. Waye gave an account of his approach to a home whereby a local law enforcement officer was on call; his admittance that he was not selling anything, and his response to the officer’s question that he did not have a permit and in addition, the officer’s answer to a question posed by the homeowner that churches are exempt. Mr. Waye relayed the officer’s advice for him to see the city’s public works help desk to obtain a permit.

In response and although not in the jurisdiction of the committee, Mr. Gerken agreed to review the matter.

**7. STAFF COMMENTS**

Mr. Gerken referred to the committee’s action earlier at this meeting on the recommendation to elect five single member district commissioners.

Following extensive discussions and **on motion of Mr. Lewis, seconded by Mr. Fussell and unanimously carried, the committee recommended that the city commissioners be elected by the voters districtwide and not at-large.**

**8. PUBLIC COMMENTS**

There was no public comments at this time.

**9. NEW BUSINESS**

There was no new business to come before the committee at this time.

**10. UNFINISHED BUSINESS**

There was no unfinished business to come before the committee at this time.

**11. DATE OF NEXT MEETING**

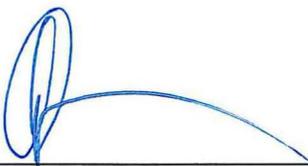
Earlier in the meeting, Mr. Gerken explained that the committee has one more meeting before the public, consensus as to what you want to do tonight as a final recommendation for the next meeting. Draft a report or proposals before the commission for consideration.

The committee discussed the process on the proposed amendments before being placed on the ballot.

The date of the next meeting will be held on Tuesday, May 6, 2014

**12. ADJOURNMENT**

**On motion made, seconded and unanimously carried, the meeting adjourned at 8:02 p.m.**

Signed   
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Esther B. Coulson, City Clerk

Signed   
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George "Mackie" McCabe, Chair