

TOWN OF GRANT VALKARIA
CHARTER REVIEW COMMITTEE
MEETING MINUTES OF THURSDAY, MARCH 18, 2010 AT 7:00 P.M.
TOWN HALL BUILDING, 4240 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949

The Charter Review Committee Meeting of March 18, 2010 was called to order at 7:12 p.m. by Chairperson Tonti, followed by the Pledge led by Member Sammon and roll call to the Committee Members with the following present:

Jim Tonti, Chairperson	Town Clerk Susanne Krueger
Denni Burr	Town Administrator Richard Hood
Dave Folts	
Joe Mullins	
Tom Sammon	

Note for the record: Town Clerk Krueger received a call from Member Mullins stating that he would be arriving about 30 minutes late to this meeting.

CHANGES TO AGENDA

There were no changes to the agenda.

APPROVAL OF MINUTES

1) Charter Review Committee Minutes of March 9, 2010

Motions by Member Sammon, second by Member Mullins, and vote unanimous to approve the Charter Review Committee meeting minutes of March 9, 2010 with the following changes:

- Page 1, fifth paragraph, first sentence - change to “Member Burr stated that she was talking to Mayor Yonts during a Saturday Seafood Festival workshop on February ...”
- Page 1, fifth paragraph, third sentence - add “like to” after “they would”
- Page 2, under section 2.03 - change structure on last sentence as “ The vice mayor shall be elected from among Council Members by a majority vote of council members for term of 1 year which term shall commence two weeks after general election and end two weeks after general election”
- Page 3, under section 6.11 - demote section 6.09; sections 6.10 and 6.11 to be a subsection of section 6.09
- Page 4, under high priority - put in numerical order, i.e, 1,2, 3 and 4
- Page 4, under medium priority - put in numerical order, i.e, 1 and 2
- Page 4, under medium priority, under section 2.03 - delete “from council members”
- Page 4, under medium priority, under section 6.01 - add “date” to end of sentence
- Page 4, under low priority - put in numerical order, i.e, 1,2, 3, etc.
- Page 5, under low priority, under section 6.10 - change recommended charter change to be renumbering this section to be a subsection of section 6.09
- Page 5, under low priority, under section 6.11 - change recommended charter change to be renumbering this section to be a subsection of section 6.09

CONTINUED DISCUSSION OF CHARTER

1) Discussion/Action Re: making recommendations to Town Council on proposed Charter changes

It was the consensus of Committee Members to make the following charter change recommendations prioritized, ranked, and reason stated accordingly:

HIGH PRIORITY

1) Section 3.04 Powers and Duties

Recommended Charter Change:

Add new paragraph “(o) signs contracts, interlocal agreements and execute documents as approved by Town Council.

Reason:

This was requested by Town Administrator Hood.

2) Section 5.06 Purchase, Sale, and Lease of Real Property

Recommended Charter Change:

Change last word in paragraph from “rezoning” to “ordinances”.

Reason:

This change would make it less burdensome; it is more appropriate for the type of process than rezoning requirements and in addition it reduces an unnecessary process.

3) Section 8.02 Charter Review

Recommended Charter Change:

Change 4th sentence from “The charter review committee shall be appointed at least 3 months before the next scheduled election and complete its work and present any recommendations for change no later than 90 days before the election” to “The charter review committee shall be appointed at least 9 months before the next scheduled elections and complete its work and present any recommendations for change no later than 180 days before the election”.

Reason:

This change would make it a more realistic time line; the advertisement requirements need to be completed before the 3 months; it allows a more accurate time line for staff and legal review.

4) Section 9.01 Rural Character of the Town

Recommended Charter Change:

Add “1 unit per 1.25 acres maximum density with the intent being to preserve minimum lot size of 1.25 acres to be applied to those low density areas of the future land identified as RR1-1.25”.

Reason:

The rural character was the original intent of the charter; it reinforces density arrived by the Local Planning Agency and Town Council so that future Town Council cannot increase density.

MEDIUM PRIORITY

1) 2.03 Vice Mayor

Recommended Charter Change:

Change from “A Council member shall not serve consecutive terms as vice mayor unless no other council member is willing to serve as vice mayor” to read “The vice mayor shall be elected by majority vote of council members for a term of 1 year. Said term shall commence at last meeting in November.”

Reason:

This change is to clarify selection and term limits of the vice mayor.

2) Section 6.01 Conduct of Elections subsection (c)

Recommended Charter Change:

Reword to “in the event there are less than 3 qualified candidates Council has the right to assign seat number using lowest seat number by earliest qualification date”

Reason:

This change is to clarify assignment of seat numbers when there are not an adequate number of candidates.

LOW PRIORITY

1) Section 2.11 Ordinances in General subsection (d)

Recommended Charter Change:

Add the words “or modify zoning” after “emergency ordinances may not levy taxes”; committee concurred with state recommendation

Reason:

This change was recommended by state review as quoted: “Subsection (d) authorizes the adoption of emergency ordinances by majority vote. It may be appropriate to clarify pursuant to s. 166.041(3) (b), F. S., the emergency ordinances require a two-thirds vote by the commission, and that zoning ordinances cannot be enacted as emergency ordinances.”

2) Section 3.01 Appointment; Qualifications; Compensation

Recommended Charter Change:

Delete portion of last sentence “the elected representatives of the people”

Reason:

This change is because of awkward and redundant wording.

3) Section 4.03 Personnel System subsection (a)

Recommended Charter Change:

Remove the word “primarily” in the first sentence because it implies other methods; committee concurred with state recommendation.

Reason:

This change was recommended by state review as quoted: “subsection a calls for a personnel system under which all personnel appointments and promotions are made “primarily” on the basis of merit and competency. It may be appropriate to either define or delete the qualifier “primarily” in order to avoid misinterpretation.”

4) Section 6.04 Method of Electing Council Members

Recommended Charter Change:

Reword to clarify how seats are assigned in case of a vacancy such that the highest number of votes gets the longest term.

Reason:

This change is to provide clarity in who is assigned a certain seat number.

5) Section 6.07 Candidate Forums

Recommended Charter Change:

Committee recognized that this is not enforceable and will leave up to Council to decide to remove.

Reason:

This change is recommended because per election law the town cannot force candidates to attend forums.

6) Section 6.10 Initiative and Referendum Proceedings

Recommended Charter Change:

Remove time constraint for a referendum; Insert this section into 6.09 and renumber.

Reason:

This change is superseded by Florida State Statute as per Town Attorney Bohne.

7) Section 6.11 Results Initiative or Referendum

Recommended Charter Change:

Insert this section into 6.09 and renumber.

Reason:

This change is for editorial clarification.

8) Section 8.01 Procedure to Amend the Charter

Recommended Charter Change:

Add “per state statute” at the end of paragraph (b); change “special ballot” to “special election”.

Reason:

This change is for editorial clarification.

It was Committee consensus to make the following suggestions to Council regarding the Charter:

1) Section 2.01 Town Council subsection (b)

Refer to Council that they need to draft ordinance to clarify “compel”, prescribe penalties and rules that compel presence of Town Council Members, and if tele-presence would be qualified as being present.

2) Section 7.01 Conduct of Officials in Office subsection (b)

Noted that this section should stay the same and to bring to a question to Council if an ordinance was passed where this section of the charter mentions it.

3) Section 7.05 Campaign Finance

Questioned if the town still needs to adopt an ordinance and should the town be doing this.

4) Article X Transition

It was noted that if this section is left in the charter then they recommend no changes; however, if removal of this section then changes need to made.

It was Committee consensus to have the next meeting on Wednesday, March 31, 2010 at 7:00 p.m. to finalize their recommendations to Town Council. It was Committee consensus to have Town Clerk prepare a list of their recommendations by ranking and to state the reason for the recommendation, and to have Jim Tonti prepare a cover letter for their recommendations. Member Mullins stated that he would not be at the March 31st meeting.

PUBLIC COMMENTS

There were no public comments.

Motions by Member Folts, second by Member Sammon, and vote unanimous to adjourn the meeting at 9:07 p.m.

(signature on file)

Jim Tonti

ATTEST:

(signature on file)

Susanne Krueger, Town Clerk