

TOWN OF GRANT VALKARIA
CHARTER REVIEW COMMITTEE
MEETING MINUTES OF TUESDAY, NOVEMBER 10, 2009 AT 7:00 P.M.
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949

The Charter Review Committee Meeting of November 10, 2009 was called to order at 7:00 p.m. by Vice Chairperson Tonti, followed by the Pledge of Allegiance, and roll call to the Committee Members with the following present:

Jim Tonti, Vice Chairperson	Town Administrator Richard Hood
Joe Mullins	Town Clerk Susanne Krueger
Denni Burr	
Dave Folts	
Linda Landrum	

It was noted for the record that Tom Sammon called to state that he would not be able to attend due to his wife being ill.

APPROVAL OF MINUTES

- 1) Charter Review Committee Minutes of September 8, 2009

Motions by Member Landrum, second by Member Mullins, and vote unanimous to approve the minutes of September 8, 2009 with Section 6.10 Initiative and Referendum Proceedings be changed to read that it was deferred for discussion and Section 6.11 Results of Initiative or Referendum be changed to read that it was deferred for discussion.

CHANGES TO AGENDA

Member Burr requested adding discussion of items that the committee did not approve and brought up if committee members discussed something that staff or council member wanted changed can we bring to council attention why we did not change it. It was committee consensus to stay till 9:00 p.m. tonight.

CONTINUED DISCUSSION OF CHARTER

Continued discussion started at Article V - Finances with Committee Member comments as follows:

- Article V - Finances
 - Section 5.07 - Annual Budget
 - Section 5.07 (c) (2) - committee members discussed using the words “ department, office, or agency” in this section as being the appropriate terminology; Town Administrator Hood stated that it is not identical to what the general financing manual states but the language is acceptable because we do not have all the departments and that additional wordage is not needed. It was Committee consensus not to take state recommendations; therefore, they recommend no change.
 - Section 5.08 - Taxation and Revenue
 - Town Administrator Hood stated that he checked with Town Attorney Bohne as to the language in the charter in this section and stated that the wordage is fine. Mr. Hood explained that in the referendum the town has to explain what areas are covered by special assessment and as the City of Palm Bay as an example the chances of a roadway referendum passing is nill. Vice Chairperson Tonti asked

where does the county get the money to repair roads; Mr. Hood responded that it is through MSTUs for road and bridge, general fund and borrowing money. Member Mullins asked about the railroad spur at Cemax where it crosses Old Dixie Highway; Mr. Hood responded that he is checking with Florida East Coast Railways (FEC) to see if ~~Cemax~~ Cemex owns it.

- Article X- Transition
 - Section 10.09 - State Shared Revenues
 - Town Administrator Hood stated that when the town incorporated the feasibility study used fire MSTU and police MSTU, and met the 3 mill equivalency test and everyone in Tallahassee accepted it except Department of Revenue (DOR) who stated that it is not specifically referenced by law. Mr. Hood stated that to meet the 3 mill equivalency the town will have to raise mills to 2.5 mills which would raise \$750,000 more to get the \$250,000 lost from the state. He stated that he spoke to the legislative committee with intergovernmental relations and they suggested contacting our representative to adopt a local bill to amend our charter in a two-part bill as 1) one year extension on exemption, 2) allow inclusion of county MSTU in calculating 3 mill equivalency. Mr. Hood stated that there were some towns that had no expiration date; he stated that the town council was informed by the county that if we charge MSTU on our ad valorem MSTU it would be higher. Member Burr asked if the town needs to put something in somewhere else in the charter regarding Section 10.09; Mr. Hood responded no. It was committee consensus that no change is recommended in this section.
- Article VI - Town Elections
 - Section 6.10 - Initiative and Referendum Proceedings
 - Member ~~Foltz~~ Folts asked if there is an interdependency between this and the effective date of ordinances; Town Administrator Hood responded that Town Attorney Bohne does not see any problem with this.
 - Section 6.10 (e) - It was committee consensus to change from “after adoption by town council of the ordinance sought to be reconsidered” and to “after the effective date”. Town Administrator Hood stated that according to Town Attorney Bohne the intent that anytime one can come in to have council reconsider it they are given a 30 day window and that taking the 30 day window out of this section does not change the section because once the ordinance become effective you can challenge it. Mr. Hood stated that according to Mr. Bohne that once the initiative and referendum proceedings have been submitted and approved, at that point the ordinance is suspended and put on hold.

It was Committee consensus to have each committee member talk to the Council person that appointed them, get their view and bring back to the December 8th meeting. It was Committee consensus to email a copy of Dave Folts’ email to the rest of the committee members. It was Committee consensus to revisit Sections 10.09, 6.10 and 6.11 with options and to discuss these with their sponsors.

- Article VII - General Provisions
 - Section 7.01 - Conduct of Officials in Office

- It was Committee consensus that this section should stay the same and to bring a question to Council if an ordinance was passed where this section of the charter refers to.
- Section 7.02 - Prohibitions
 - No change
- Section 7.03 - Appointments and Removals
 - No change
- Section 7.04 - Interference with Administration
 - No change
- Section 7.05 - Campaign Finance
 - Committee members questioned if the town still needs to adopt an ordinance and should the town be doing this. It was recommended to Council to adopt ordinance.
- Section 7.06 - Long-Range Plan
 - Town Administrator Hood stated that it was Council's desire to have this item as a workshop item this year.
- Section 7.07 - Five-Year Plan
 - No change
- Section 7.08 - Emergency Plan
 - Town Administrator Hood stated that we have a plan and will be having a workshop on this after January 2010.
- Section 7.09 - Dissolution
 - No change

There were no public comments.

Motions by Member Burr, second by Member Landrum, and vote unanimous to adjourn the meeting at 8:05 p.m.

(signature on file)

ATTEST:

Jim Tonti, Vice Chairperson

(signature on file)

Susanne Krueger, Town Clerk