



City of Bunnell, Florida

Agenda Item No. H.2.

Document Date: 9/18/2018 Amount: N/A
Department: City Clerk Account #: N/A
Subject: Report of Charter Review Advisory Committee's Recommended Charter Amendments and Ballot Questions for the March 5, 2019 Election
Agenda Section: New Business:
Goal/Priority: Efficiencies

ATTACHMENTS:

Description	Type
Proposed Ballot Questions	Exhibit
Charter Review Adviosry Committee Minutes	Exhibit

Summary/Highlights:

Resolution 2018-07 established the Charter Review Advisory Committee and assigned duties and a time lime to members of the committee.

On July 9, 2018, the City Commission appointed the following citizens to serve on the Charter Review Advisory Committee:

- Mark Langelo (business owner)
- Scott Sowers (Bunnell elector)
- Tanya Gordon (Bunnell elector)
- Michelle Woodin (Bunnell elector)
- Bonita Robinson (Bunnell elector)
- Deen Wall (Flagler County registered voter; living in Bunnell)
- David Williams (Bunnell elector)

Background:

As required by Resolution 2018-07, an advertised Public Workshop was held by the Charter Review Advisory Committee on August 8, 2018.

The Charter Review Advisory Committee met on the following dates in noticed public meetings:

- August 21, 2018
- August 27, 2018
- September 5, 2018
- September 10, 2018
- September 17, 2018

The Charter Review Advisory Committee reviewed the entire City Charter, section by section.

Through research, discussion, analysis and with direction from City staff, the attached Charter Review Amendment Questions were drafted and are the recommendations from the committee.

The Charter Review Advisory Committee also recommends the City Commission remove Article V (Transition Schedule) from the Charter via resolution from the City Charter, pursuant to the authority granted by Sec. 5.05.

Staff Recommendation:

Provide direction to staff concerning preparation of an ordinance placing one or more charter amendments on the ballot for the March 5, 2019 Municipal Election.

Provide direction to staff concerning preparation of a resolution based upon the CRC's recommendation to remove Article V (Transition Schedule) from the Charter via resolution.

City Attorney Review:

City Attorney prepared all proposed ballot titles, ballot summaries, and charter language at the CRC's direction, and I will be glad to explain the legal effect of the proposed amendments. Reviewed and approved as to form.

Finance Department Review/Recommendation:

QUESTION #1

Ballot Proposal: The ballot title and ballot summary for Question #1 are as follows:

**CITY CHARTER AMENDMENT
LIMITING COMMISSION SALARY INCREASES**

Shall the Bunnell City Charter be amended to provide that any increase in annual salaries for City Commission members may not exceed the average percentage salary increase that was awarded to City employees for the current budget year, unless a greater increase is approved by the voters at a regular City election?

Yes
 No

Text Revisions: Upon approval of this question at referendum, the foregoing portions of Section 3.05 of the Bunnell City Charter are amended to read as follows:

Sec. 3.05. - Compensation and expenses.

The Commission shall determine the annual salary of Commission members and the Mayor by resolution. Except as provided herein, any increase in such annual salaries may not exceed the average percentage salary increase that was awarded to City employees for the current budget year. The aforementioned percentage shall be calculated by summing the salaries of all employee positions that existed in both the previous and current budget year (excluding the salaries of the Mayor, Commission members, and City Manager), and dividing the sum for the current budget year by the sum for the previous budget year. Any increase to the annual salary of the Commission members and the Mayor exceeding the foregoing limitation may only be approved by a majority of the electors of the City voting in a referendum, called for that purpose and specifying the amount of the increase, to be held during a regular municipal election. No resolution increasing the annual ~~such~~ salary of the Commission members and the Mayor shall become effective until after the first regular election after the adoption of the resolution ordinance.

QUESTION #2

Ballot Proposal: The ballot title and ballot summary for Question #2 are as follows:

**CITY CHARTER AMENDMENT PROVIDING FOR
FORFEITURE OF OFFICE AND SUSPENSION
FROM OFFICE FOR CERTAIN OFFENSES**

Shall the Bunnell City Charter be amended to provide for forfeiture of the office of Commission member or Mayor upon conviction of certain crimes, finding of certain ethics violations, or unexcused absenteeism from regular Commission meetings, to provide for suspension from office upon indictment for certain crimes, and to provide procedures to determine such forfeiture or suspension?

Yes
 No

Text Revisions: Upon approval of this question at referendum, the foregoing portions of Section 3.07 of the Bunnell City Charter are amended to read as follows:

Sec. 3.07. - Vacancies; forfeiture of office; filling of vacancies.

- A. Vacancies. The Office of a Commission member or Mayor shall become vacant upon the death, resignation, and removal from office in any manner authorized by law or forfeiture of the office of the member, such forfeiture to be declared by a majority of the remaining members of the commission.

- B. Forfeiture of Office.
 - (1) A Commission member or Mayor shall forfeit that office if that member:
 - a. Lacks, at any time during that term of office, any qualification for the office prescribed by this charter or by law;

 - b. Is convicted of a felony, or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication of guilt has been withheld;

 - c. Is convicted of a first degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld;

- d. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
- e. Is absent from three consecutive regular Commission meetings or from one-third of the regular Commission meetings during any 12-month period without being excused by the Commission.

If any of these events should occur, then upon request of any Commission member or the Mayor, a hearing shall be conducted at the next regularly scheduled Commission meeting, and the Commission member or Mayor in question may be declared to have forfeited office by majority vote of the entire City Commission, excluding the Commission member or Mayor in question.

- (2) The City Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Commission member's or Mayor's office, including whether good cause for absence has been or may be established. The City Commission shall have the power to set additional written standards of conduct for its members beyond those specified in this charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths, and require the production of evidence.

C. Suspension from office. The Mayor or any other Commission member shall be suspended from office by the Commission acting as a body (excluding the Commission member or Mayor in question) upon return of an indictment or issuance of an information charging the Commission member or Mayor with any crime which is punishable as a felony or with any crime arising out of his/her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:

- (1) During the period of suspension, the Mayor or the Commission member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
- (2) If the Mayor or the Commission member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Commission, and the Commission member or Mayor shall be entitled to receive full back

allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.

D €. Filling of Vacancies. A vacancy of the Commission shall be filled by the Commission. The Commission shall appoint the successor(s) to fill the vacancies until a special election can be held simultaneous to the next regular election. A vacancy of the position of Mayor shall be filled by the Vice Mayor until the next regular election.

E Đ. Extraordinary Vacancies.

- (1) Notwithstanding any quorum requirements established herein, if at any time the members of the Commission are reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members to the shortest unexpired term to obtain a quorum for the purpose of filling vacancies under section 3.07.C.
- (2) In the event that all members of the Commission and Mayor are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim Commission that shall call a special election.

QUESTION #3

Ballot Proposal: The ballot title and ballot summary for Question #3 are as follows:

**CITY CHARTER AMENDMENT CLARIFYING
COMMISSIONERS' AND MAYOR'S AUTHORITY
TO MAKE INQUIRIES OF CITY STAFF**

Shall the Bunnell City Charter be amended to clarify that inquiries and requests for information to City officers or employees by individual City Commissioners or the Mayor do not violate the charter prohibition on giving orders to City officers or employees?

Yes
 No

Text Revisions: Upon approval of this question at referendum, the foregoing portions of Section 3.09 of the Bunnell City Charter are amended to read as follows:

Sec. 3.09. - Prohibitions.

...

- B. Interfering with Administration. Except for the purpose of inquiry and information, Neither individual City Commissioners nor the Mayor shall give orders to any officer or City employee, either publicly or privately, except as provided in section 3.06.

QUESTION #4

Ballot Proposal: The ballot title and ballot summary for Question #4 are as follows:

**CITY CHARTER AMENDMENT
PROVIDING FOR ANNUAL SELECTION OF VICE MAYOR**

Shall the Bunnell City Charter be amended to provide that the City Commission's selection of a Vice Mayor shall occur each year, rather than only in years in which an election is held?

Yes
 No

Text Revisions: Upon approval of this question at referendum, the foregoing portions of Section 3.06 of the Bunnell City Charter are amended to read as follows:

Sec. 3.06. - Mayor.

...

- F. The Commission shall elect from among its members a Vice Mayor who shall preside at City Commission meetings in the absence of the Mayor. Election of the Vice Mayor shall be performed annually at the first regular Commission meeting in April ~~after the City election.~~

QUESTION #5

Ballot Proposal: The ballot title and ballot summary for Question #5 are as follows:

**CITY CHARTER AMENDMENT CONCERNING
SELECTION AND RESIDENCY OF CITY MANAGER**

Shall the Bunnell City Charter be amended to clarify that the appointment, termination, compensation, and job description of the City Manager shall be subject to a majority vote of the entire City Commission, and to change the City Manager residency requirement to require residency within Flagler County, rather than within the City or a 40 mile radius outside city limits?

Yes
 No

Text Revisions: Upon approval of this question at referendum, the foregoing portions of Section 4.02 of the Bunnell City Charter are amended to read as follows:

Sec. 4.02. - Qualifications, appointment, termination, compensation.

- A. The City Manager shall be selected on the basis of experience, education, expertise and management ability as they pertain to running municipal government.
- B. Appointment. The City Commission shall appoint a City Manager for an indefinite term by a majority vote of the entire City Commission. The appointment shall be secured with a contract for employment, which must contain the City Manager's Job Description developed by the City Commission and adopted by a majority vote of the entire City Commission. The City Manager's Job Description shall be a binding portion of the contract for employment. A provision of every City Manager's employment contract shall state that any portion of the City Manager's Job Description may be changed at any time by a majority vote of the entire City Commission.
- C. Although the City Manager need not be a resident of Flagler County ~~the City~~ at the time of appointment, within six (6) months after such appointment he or she shall establish and maintain residency within Flagler County ~~the City, or within a 40-mile radius of corporate limits of the City.~~
- D. Termination. The City Commission may terminate the City Manager by a majority vote of the entire City Commission.

- E. Compensations. The compensation of the City Manager shall be fixed by a majority vote of the entire City Commission and shall not be reduced during that tenure.

QUESTION #6

Ballot Proposal: The ballot title and ballot summary for Question #6 are as follows:

**CITY CHARTER AMENDMENT CLARIFYING
CHARTER REVIEW COMMITTEE MEMBERSHIP REQUIREMENTS**

Shall the Bunnell City Charter be amended to clarify that the membership of the Charter Review Committee may include non-resident owners of businesses within the City?

Yes
 No

Text Revisions: Upon approval of this question at referendum, the foregoing portions of Section 6.01 of the Bunnell City Charter are amended to read as follows:

Sec. 6.01. - Establishment of Charter Review Committee and procedures.

The City Charter shall be reviewed by a Charter Review Committee. Charter reviews shall be accomplished at least every five (5) years. The City Commission shall establish the membership, timeline and procedures for the Charter Review Committee, provided that, without limitation, non-resident owners of businesses within the City may be members of the Charter Review Committee.

QUESTION #7

Ballot Proposal: The ballot title and ballot summary for Question #7 are as follows:

**CITY CHARTER AMENDMENT
CLARIFYING CITY COMMISSION CONTRACT AUTHORITY**

Shall the Bunnell City Charter be amended to clarify that the City Commission exercises the contractual powers of the City, that professional planning services and other similar professional or consulting services shall be selected by and secured by a contract with the City Commission; and that upon approval by the City Commission, the Mayor shall promptly sign contractual agreements on behalf of the City Commission?

Yes
 No

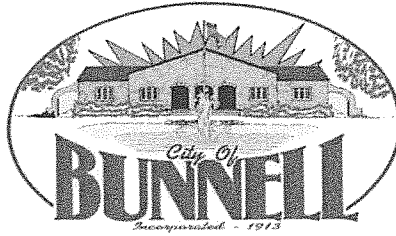
Text Revisions: Upon approval of this question at referendum, the foregoing portions of Section 3.01 of the Bunnell City Charter are amended to read as follows:

Sec. 3.01. - City Commission; powers and composition.

- A. There shall be a City Commission with all long-term and short-term planning responsibilities, ~~limited~~ contractual powers, and legislative powers of the City vested therein consisting of four (4) at large members and the Mayor, who shall all be electors of the City.
- B. The city shall have an elected Mayor, who shall be an elector of the City. This position will retain all of the enumerated responsibilities and duties as stated in paragraph A. of this section.
- C. The City Commission may appoint such boards, pursuant to Florida Statutes, commissions, and advisory committees as may be necessary. Any boards, commissions or committees appointed pursuant to this section shall be established by resolution of a majority vote of the City Commission. Considerations by the City Commission may include but are not limited to setting forth the purpose of the boards, commissions or committees, the number of regular and/or alternate members, qualifications of members, terms of office, and procedure for appointment.
- D. The City Commission shall be empowered to encumber City funds and enter into contractual agreements for purposes of securing professional services for the City Commission. Examples of the types of professional services shall include but are not limited to planning, fiscal, legal, and consultation. Specifically, the City Attorney/legal service for the City shall

be selected by the City Commission and secured by contract with the City Commission; City fiscal auditing services shall be selected by the City Commission and secured by contract with the City Commission; professional planning services shall ~~may~~ be selected by the City Commission and secured by contract with the City Commission; and other similar professional services or consulting ~~consolatory~~ services shall ~~may~~ be selected by the City Commission and secured by contract with the City Commission. All contractual agreements entered into by the City of Bunnell shall be approved by a majority vote of the City Commission. The City Commission shall not approve any contract whose terms violate any Ordinance of the City of Bunnell. When such majority approval of the City Commission is recorded, the Mayor or designee shall promptly ~~be empowered to~~ sign the contractual agreement(s) on behalf of the City Commission.

- E. Members of the City Commission may place items on the next agenda only with ample prior public notice, unless the matter is such an extreme emergency that if not heard, it will cause irreparable harm to the city or its citizens, property owners, or interests. In such an emergency circumstance, the new agenda item shall be placed as the first item of business on the agenda.
- F. Duties of City Commissioners. Members of the City Commission have the duty to attend all City Commission meetings, to abide by all laws, procedures, and actions of the council, to act with the best interest of the citizens on all votes and actions, to review and familiarize themselves with all items on the agenda and backup, and to represent the City in a professional and positive manner both at meetings and in public.



Crossroads of Flagler County
BUNNELL CHARTER REVIEW
ADVISORY COMMITTEE MINUTES
Wednesday, August 8, 2018
5:30 PM
201 West Moody Boulevard,
City Commission Chambers - Building 3
Bunnell, FL 32110

A. Call Meeting to Order and Pledge Allegiance to the Flag

City Attorney Wade Vose called the meeting to order at 5:37 pm and led the Pledge of Allegiance to the Flag.

B. Roll Call

Present: Tonya Gordon, Mark Langelo, Bonita Robinson, Scott Sowers, Deen Wall (arrived 5:41), David Williams, Michelle Woodin, City Attorney Vose, City Clerk Kristen Bates, Deputy City Clerk Donnie Wines

C. Charter Discussion & Input from the Public

C.1. Recommended changes or considerations for the City Charter

City Attorney Vose opened nominations for a Chair of the Charter Review Committee. Mark Langelo nominated himself. No additional nominations were received. Mark Langelo appointed as Chair.

City Attorney Vose passed the gavel to Mr. Langelo who administered the election of Vice Chair. Tonya Gordon nominated Scott Sowers, seconded by Bonita Robinson. No additional nominees. Vice Chair Sowers appointed unanimously.

City Attorney Vose provided information on the purpose of the City Charter and the Charter Review Committee.

Public Comments: None

Committee members introduced themselves to the committee and provided information on their past experiences serving on committees or volunteer boards.

City Attorney Vose provided information on the Florida Sunshine Law and Public Records.

D. Discussion of Meeting Schedule and Announcement of Next Meeting

City Clerk Bates provided information on the normal meeting schedule for the City Commission, Code Board, and Planning Zoning and Appeals Board. Discussion ensued on good and bad days and times for the Charter Review Committee.

Consensus for the next meeting to be held August 21st at 4:30 pm with a stop time of 5:30 pm as the PZA Board meets at 6:00 pm the same day.

City Clerk Bates provided information on the distribution of agenda packages.

E. Call for Adjournment:


Motion: Adjourn

Motion By: David Williams

Seconded By: Bonita Robinson

Vote: Motion carried unanimously.


Meeting adjourned at 6:28 pm.



Mark Langelo, Chair

8/21/18

Date



Kristen Bates, City Clerk

8/21/18

Date



**BUNNELL CHARTER REVIEW
ADVISORY COMMITTEE MINUTES**

Tuesday, August 21, 2018

4:30 PM

201 West Moody Boulevard,
City Commission Chambers - Building 3
Bunnell, FL 32110

- A. Call Meeting to Order and Pledge Allegiance to the Flag**
Chair Langello called the meeting to order at 4:27 pm and led the Pledge of Allegiance
- B. Roll Call**
Present: Chair Mark Langello, Vice Chair Scott Sowers, Tonya Gordon, Michelle Woodin, Deen Wall (arrived 5:41), David Williams, City Attorney Wade Vose, City Clerk Kristen Bates, Deputy City Clerk Donnie Wines.
Excused: Bonita Robinson
- C. Approval of Minutes**
C.1. August 8, 2018 Charter Review Advisory Committee Workshop minutes
Motion: Motion to approve the minutes.
Motion by: Scott Sowers
Seconded by: David Wall
Vote: Motion carried unanimously.
- D. Discussion**
D.1. Review and Discussion of the City Charter
Section 3.01(A)
Scott Sowers asked for clarification of limited contractual powers. After conversation with City Attorney Vose suggested removing the word limited.
- Section 3.01(D)
Mark Langello asked the Attorney about "services may be selected". Conversation with City Attorney Vose, suggested changing "may be" to shall.
- Section 3.01(D)
Mark Langello asked about the wording "shall be empowered" to execute contracts. It doesn't say when. Chair Langello said this has come up before. Suggested language was to change the verbiage to "shall promptly sign agreements".

Section 3.03

Deen Wall asked if someone is elected, then moves out, can they still be an elected official. City Attorney Vose indicated no, further down it specifies they must maintain their qualifications.

Mark Langelo asked the Committee if the 1-year qualification was sufficient. The committee discussed the year and decided to come back to this item.

City Clerk Bates suggested a change to this section from staff on the qualification period. The committee will circle back to this item when Mrs. Robinson can attend. Suggestion by the City Attorney may be that the qualification period can be done by ordinance rather than adding specific language to the Charter.

Section 3.04

Deen Wall asked why the term is 3 years. City Clerk Bates stated at one time they were 2-year terms. Chair Langelo pointed out Palm Coast changed their terms to mimic the presidential and congressional terms. Bonita Robinson has comments for this section and the committee will revisit this when she is available.

Section 3.05

Mark Langelo asked if anyone had a problem with the Board's compensation. Discussion on placing a cap on the compensation for the Board.

E. Discussion of Meeting Schedule and Announcement of Next Meeting

Consensus of the Committee next meeting Monday August 27, 2018 at 4:30.

The Committee advised staff not to re-print/publish the Charter with every agenda, just include the minutes as they all plan to utilize the one copy they have all made notes on.

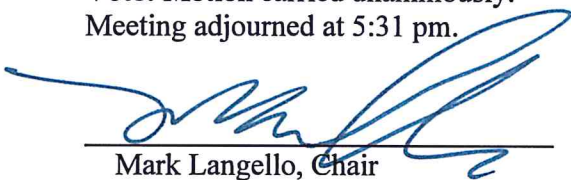
F. Call for Adjournment

Motion: Move to adjourn the meeting.

Motion by: Scott Sowers

Vote: Motion carried unanimously.

Meeting adjourned at 5:31 pm.



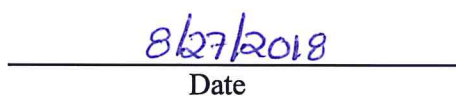
Mark Langelo, Chair



Kristen Bates, City Clerk



Date



Date



Crossroads of Flagler County
**BUNNELL CHARTER REVIEW
ADVISORY COMMITTEE MINUTES**
Monday, August 27, 2018
4:30 PM
201 West Moody Boulevard,
City Commission Chambers - Building 3
Bunnell, FL 32110

- A. Call Meeting to Order and Pledge Allegiance to the Flag**
Vice Chair Sowers called the meeting to order at 4:33 pm and led the Pledge of Allegiance to the Flag.
- B. Roll Call**
Present: Chair Mark Langelo (arrived at 4:56pm); Vice Chair Scott Sowers; Tonya Gordon; Bonita Robinson; Michelle Woodin; Deen Wall; David Williams; City Attorney Wade Vose; City Clerk Kristen Bates; Deputy City Clerk Donnie Wines.
- C. Approval of Minutes**
C.1. August 21, 2018 Charter Review Advisory Committee Meeting minutes
Motion: Motion to approve the minutes of the August 21, 2018 Charter Review Advisory Committee meeting.
Motion by: Michelle Woodin
Seconded by: Deen Wall
Vote: Motion carried unanimously.
- D. Charter Discussion**
D.1. Review and Discussion of the City Charter
Section 3.03
Bonita Robinson would like to change the way the election is run. One thing she had in mind was voting districts for the City to guarantee equal representation of all citizens; however, the Mayor would be an at large seat.
- City Clerk Bates provided some information from the Supervisor of Elections on district elections and the results of the last election for the City.
- City Attorney Vose described redistricting by population and described possible options. In districts, the candidate must reside in the district. Then, it becomes a question of who votes for the candidates- do just the voters that live in that district vote or do citizens city wide vote for all district seats?

Deen Wall pointed out that the annexed land to the west could provide another problem or issue for districts at this time.

Michelle Woodin asked if districts would affect the cost of the election. City Clerk Bates indicated it would according to the preliminary discussions with the Supervisor of Elections office, but the cost could not be quoted without knowing more information.

City Attorney Vose indicated the changes to the Charter would have to include language on what to do in the event of a plurality.

Discussion about the City population, growth, equal representation, when districts could be used, using Census data to create districts and several other issues that would need to be looked at occurred.

Section 3.05

Mark Langelo suggested capping raises for Commissioners without a public vote. There was discussion about how the Commission approves raises for themselves. City Attorney Vose will have his staff gather additional information from other jurisdictions for the Committee to review and consider.

Section 3.06

Scott Sowers asked for clarification on a couple of statements in this section.

Section 3.06(F)

Mark Langelo suggested election of the Vice Mayor occur annually and not following only elections. There was discussion about rotating the position of Vice Mayor to Commission member based on seniority. The Committee feels the removal of the phrase "after the City elections" will clean up this language.

Section 3.07

Scott Sowers asked if there was a limit to the number of meetings a Commissioner could miss and whether there was a means to administer a "punishment" for not attending. Mark Langelo also questioned this. There was discussion about excused vs. unexcused absences and possible sanctions or punishments that could be imposed on a member of the Commission. City Attorney Vose to have his staff gather additional information on this topic for the Committee to review and consider.

Section 3.08

Mark Langelo asked what happens if a Commissioner is arrested for a felony? City Attorney Wade talked the group through it. Discussion on this section halted until the next meeting as time had expired for this meeting.

D.2. Suggestions for the Charter Review Advisory Committee to Consider

Information from a Bunnell citizen was provided regarding voting districts. It was reviewed by the Committee during the discussion of Section 3.03.

E. Announcement of Next Meeting

Next meeting will be Wednesday, September 5, 2018, at 4:30 pm in the Commission Chambers.

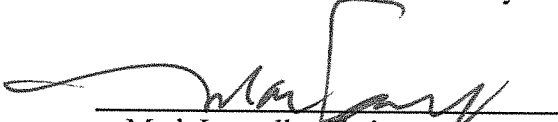
F. Call for Adjournment

Motion: Motion to adjourn

Motion by: Bonita Robinson

Seconded by: David Williams


Vote: Motion carried unanimously



Mark Langelle, Chair

9/5/2018

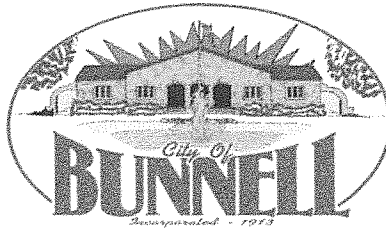
Date



Kristen Bates, City Clerk

9/5/2018

Date



Crossroads of Flagler County

**BUNNELL CHARTER REVIEW
ADVISORY COMMITTEE MINUTES**

Wednesday, September 5, 2018

4:30 PM

201 West Moody Boulevard,
City Commission Chambers - Building 3
Bunnell, FL 32110

A. Call Meeting to Order and Pledge Allegiance to the Flag

Chair Langello called the meeting to order at 4:38 pm and led the Pledge of Allegiance of the Flag.

B. Roll Call

Present: Chair Mark Langello; Vice Chair Scott Sowers (arrived at 4:43 pm); Tonya Gordon; Bonita Robinson; Michelle Woodin; Deen Wall; David Williams; City Attorney Wade Vose; City Clerk Kristen Bates; Deputy City Clerk Donnie Wines.

C. Approval of Minutes

C.1. August 27, 2018 Charter Review Advisory Committee Meeting minutes

Motion: Approve the minutes of the August 27, 2018 Charter Review Advisory Committee meeting.

Motion by: Tonya Gordon

Seconded by: Michelle Woodin

Vote: Motion carried unanimously.

D. Charter Discussion

D.1. Review and Discussion of the City Charter

City Attorney Vose provided a packet of information on the research he had done at the request of the committee. He gave an overview of the information.

Revisit of Section 3.07

There was discussion on the ramifications on enforcing commissioner attendance at meetings and penalties for identifiable items. Chair Langello suggested the possibility of “adding teeth” to quantifiable violations.

Section 3.09

Scott Sowers asked if there were any penalties for this section or anywhere in the Charter. City Attorney Vose indicated this section could probably use a little tuning up and read a passage from the City of Deltona that could be mirrored.

Section 3.09(B)

Michelle Woodin suggested to replace this language with the passage City Attorney Vose read from the City of Deltona. Consensus of the Committee was to make that change. There was discussion regarding the possibility of penalties and Scott Sowers asked City Attorney Vose to draft suggestions. City Attorney Vose said that would be a perfect example.

Section 4.02

Bonita Robinson stated she didn't know where it should go, but she feels the City Manager should be more involved in the hiring process for Police Officers. Chair Langello indicated technically it is in the City Manager's purview. City Attorney Vose provided some context to Chair Langello's statement. Chair Langello asked Mrs. Robinson to explain her concerns. She indicated the Chief has the sole discretion of one person, but she feels more than one person needs to look at the applications. City Clerk Bates explained the Police Department does have a policy regarding hiring, which is done through a panel and the City Human Resources Administrator does assist too.

Section 4.02(B)

Chair Langello suggested changing majority of the Commission to majority of the full Commission as a decision regarding the City Manager could be made by 2 of the 3 elected Board members if only a quorum (3) is met. City Attorney Vose indicated he has some stock language that can address this concern and clear up the language.

Section 4.02(C)

Chair Langello asked about the requirement the City Manager living within 40 miles of the City. In some cases, a City Manager living in and adjacent county may get back to the City faster than someone living in the far boundary of Flagler County. Also, there would be concerns about appropriate, available housing being available for a City Manager who would have to move to be a Bunnell resident or even a Flagler County resident. Deen Wall said he thinks they should be within the City but suggested within the County. Michelle Woodin stated she thinks the thought process for this section is locating someone with passionate for Bunnell and having the spirit of Bunnell which may only be true if they live in or near Bunnell. David Williams stated they need to be a resident of the County so that they really understand the community. Discussion ensued. Consensus of the Committee was to change the language to a Flagler County resident.

Section 4.02(E)

Compensation Chair Langello wanted some further information on this section and the contract. Indicated there should be a mechanism to reduce salary if all parties agree because the City falls on hard times and needs to make cuts. Employees shouldn't be the only ones taking cuts if the City Manager doesn't.

Section 4.03

There was discussion about appointments of Acting and Interim City Managers from Department Heads and whether the City Commission should be involved in the appointment of an Acting City Manager with the City Manager is on leave. City Clerk advised that the Commission approves all department heads, that the City Manager approves leave for department heads and knows who from that pool would be available to be Acting City Manager when needed, and that the City Manager does notify the Commissioners who is in charge when an Acting City Manager is appointed.

Section 4.04(B)

Deen Wall asked a question about the last sentence and asked staff for clarification that department heads are appointed by the City Commission. Staff confirmed this for the Committee.

4.04(C)

David Williams questioned the items listed may not be in the qualification of the City Manager. City Clerk Bates asked some clarifying questions. City Attorney Vose indicated these are subject matter areas and not departments that are directly run by the City Manager; they are suggested topics and areas to be addressed in the City Manager contract or job description.

City Attorney Vose does not have any recommendations on additions to this list.
Consensus to leave alone.

Section 5.01

Chair Langello asked City Attorney Vose to explain this section. City Attorney Vose indicated this was from years ago in reaction to a special act of the state legislature. City Attorney Vose said if the commission had a burning desire to remove it 5.01 and 5.02 in its entirety.

Consensus to leave alone.

Upon further review of this Article, City Attorney Vose indicated Commissions have been empowered to remove sections of Section 5 without going to a ballot. There was consensus to recommend to the Board to review and remove this section.

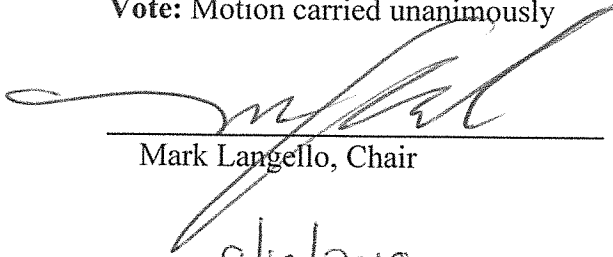
Section 6.01

Chair Langello suggested the Review Board be made up of electors and business owners. The Commission can come up with the ratio. There was discussion about membership for the Charter Review Committee. There was consensus that businesses should be represented on the Charter Review Advisory Committee and to recommend a language change.

E. Announcement of Next Meeting

Next meeting will be Monday, September 10, 2018, at 4:30 pm in the Commission Chambers. The meeting will end by 6:00 PM to allow staff time to change over the room for the First Public Budget Hearing starting at 6:30 PM.

F. Call for Adjournment
Motion: Adjourn
Motion by: Bonita Robinson
Seconded by: Tonya Gordon
Vote: Motion carried unanimously



Mark Langelo, Chair

9/10/2018

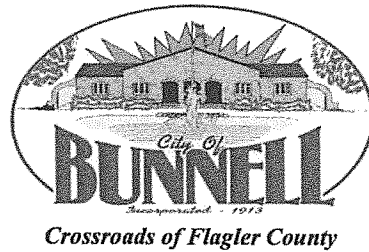
Date



Kristen Bates, City Clerk

9/10/2018

Date



**BUNNELL CHARTER REVIEW
ADVISORY COMMITTEE MINUTES
Monday, September 10, 2018
4:30 PM
201 West Moody Boulevard,
City Commission Chambers - Building 3
Bunnell, FL 32110**

- A. Call Meeting to Order and Pledge Allegiance to the Flag**
Chair Langelo called the meeting to order at 4:28 pm and led the Pledge of Allegiance of the Flag.
- B. Roll Call**
Present: Chair Mark Langelo; Vice Chair Scott Sowers; Tonya Gordon; Bonita Robinson; Michelle Woodin; Deen Wall; David Williams; City Attorney Wade Vose; City Clerk Kristen Bates; Deputy City Clerk Donnie Wines.
- C. Approval of Minutes**
C.1. September 5, 2018 Charter Review Advisory Committee Meeting minutes
Motion: Approve the minutes of the September 5, 2018 Charter Review Advisory Committee meeting.
Motion by: Michelle Woodin
Seconded by: Tonya Gordon
Vote: Motion carried unanimously.
- D. Charter Discussion**
D.1. Review and Discussion of the City Charter
Chair Langelo reviewed the work and discussion to date. The items identified for further discussion were identified.

Section 3.03 - Qualifying Period

The 1 year residency requirement was an item identified for further discussion. Chair Langelo stated he believes it used to be 6 months. There was discussion about candidates knowing their community to be able to better represent the citizens. City Attorney Vose advised that most charters have a residency requirement of either 6 months or 1 year; up to 2 years is also legal but questionable. There was consensus to leave the residency requirement to qualify at 1 year.

Section 3.03 – Voting Districts

There had been a suggestion from Ms. Robinson and a member of the public to create voting districts. Ms. Robinson feels very strongly that citizens may not be represented if there is not a citizen from their neighborhood voting for their needs and representing their needs on the Commission. There was discussion on voting districts. Some of the concerns identified were the population of Bunnell, lack of voter turnout in elections, a Commission seat in essence could be won with less than 5 votes, fairly creating voting districts to be equal in population as required by law, when the districts are drawn they may not be the representation the Committee is seeking, the cost to print the ballots and have elections, and limiting representation from a neighborhood because only 1 person could win for the district.

Motion: Add voting districts to the Charter effective in 2022.

Motion by: Bonita Robinson

Seconded by: Dean Wall

Vote: Motion failed 5 to 2.

Section 3.04 – Changing election dates and extending term to 4 years

There had been discussion about changing the term from 3 years to 4 years and whether to change the election from March to align with the general elections. The Committee discussed terms and voter turnout with presidential elections and general elections occurring at the same time. There was consensus to leave the terms and election dates as is.

Section 3.05 -- Commissioner compensation

Previous discussion was to cap or find a way to allow for an increase in Commissioner salaries. The examples provided by the City Attorney were reviewed and discussed. This section was identified for a recommended change using portions of the language in the examples reviewed. The consensus was Commissioners should not increase their wages any more than the percentage awarded to non-union employee's in a fiscal year and if they were to vote to award themselves an increase over the percentage given to non-union employees that the citizens would have to go to a vote on the increase through an election.

Sections 3.07, 3.08 and 3.09 -- Discussion on forfeiture and suspension of office and penalties.

Throughout the review of the Charter, the Committee had repeated discussion about strengthening the language about forfeiture of office, suspension from office and having identifiable penalties for express prohibitions as identified in the Charter. The examples from other Charters provided by the City Attorney were reviewed and discussed. There was consensus to utilize language from Palm Coast and Satellite Beach, but use the procedure identified in the Indian Town Charter.

City Attorney Vose advised he will draft the language for the changes to be recommended to the City Commission as identified by the Committee. While this may

not be published with the next agenda, the City Attorney/staff will try to get this to all committee members prior to the next meeting.

E. Announcement of Next Meeting

Next meeting will be Monday, September 17, 2018, at 4:30 pm in the Commission Chambers.

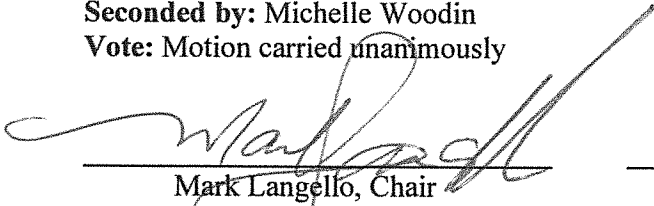
F. Call for Adjournment

Motion: Adjourn

Motion by: Scott Sowers

Seconded by: Michelle Woodin

Vote: Motion carried unanimously



Mark Langelo, Chair



Kristen Bates, City Clerk



Date



Date



City of Bunnell, Florida

Agenda Item No. H.3.

Document Date: 9/26/2018 Amount: N/A
Department: Community Development Account #: N/A
Subject: Request to Appeal the Decision of the Planning, Zoning and Appeals Board issued September 18, 2018 regarding the granting of a special exception to use shipping containers as permanent buildings at 3360 Steel Rail Dr.
Agenda Section: New Business:

ATTACHMENTS:

Description	Type
Written Appeal Request	Exhibit
Location Map & Concept Sketch	Location Map(s)
Denial Letter to Applicant	Exhibit
Information presented to the PZA Board	Exhibit
Documents from Public Provided at PZA hearing	Exhibit

Summary/Highlights:

This is a request from Spectrum Sales to appeal a decision issued by the Planning, Zoning and Appeals Board at its September 18, 2018 meeting.

The applicant, Spectrum Sales, had requested special exception approval to use four shipping containers as permanent buildings on property they are currently developing in the Steel Rail Industrial Park.

As shipping containers are not defined as permanent buildings by the Land Development Code, nor the Florida Building Code, the applicant needs special exception permission to use these in the development of the property.

Special exception permission is permission for a use that generally may not be appropriate for a zoning district without additional restrictions being imposed so as not to adversely affect the public health, safety, comfort, good order, appearance, convenience, morals or general welfare of the area around the subject property. Special exception permission is granted to the applicant, not the property, and is not transferable to anyone else.

At the September 18, 2018 Planning, Zoning and Appeals Board meeting, the Board denied the applicants special exception request.

On September 26, 2018, the applicant requested an appeal of the Planning, Zoning and Appeals Board decision.

From the Land Development Code:
Sec. 2-86. - Appeals from decision.

Any person aggrieved by any decision of the planning, zoning and appeals board made pursuant to the provisions of this article may appeal the decision to the city commission by filing a written request for such an appeal with the city clerk. The request must specify the decision appealed and be filed within 30 days of the decision. The city commission may after a public hearing reverse, modify or affirm the decision on appeal.

Background:

The applicant is in the process of developing a lot in the Steel Rail Industrial Park. This lot is located at 3360 Steel Rail Drive.

There is a code enforcement case on this property for operating a business without a business tax receipt, zoning violations, grass/weeds, and developing the property without an approved site plan and building permits. At its August 8, 2018 meeting, the Code Enforcement Board imposed a fine of \$250.00 per day until compliance is achieved.

The special exception request was one of the steps the applicant was taking to try to come into compliance. The applicant is still in the site plan approval process which is the first step needed to achieve compliance for all violations except the grass and weeds violation.

Since the Planning, Zoning and Appeals Board heard this request, the applicant has decided to modify their special exception request slightly. The applicant proposes the use of two shipping containers as temporary structures for up to 24 months pending their ability to save up funds for a larger, permanent metal building.

The Steel Rail Industrial Park has recorded deed restrictions for development. Among those are the requirement that all buildings and structures fronting the road have architectural finishes or features to mask the appearance of a metal building or structure.

To address this deed restriction requirement, the applicant is proposing to enhance the appearance of the shipping containers to be used with an architectural façade (example provided in attachments). Staff has shared the proposed façade treatment example with the Steel Rail Association who needs to approve development plans and they have stated the proposed treatment would be approved by the Association. This treatment is also a modification of the original request.

A number of members of the AMVETS club that is developing the lot to the immediate north came to the Planning Board meeting and spoke against the request.

Staff did not recommend approval of the request to the Planning Board based on a number of concerns listed in the PZA staff report and agenda item attachments.

The applicant can further explain their request and answer any questions.

Staff Recommendation:

Per the Commission.

City Attorney Review:

Reviewed and approved as to form.

Finance Department Review/Recommendation: