

Minutes
Charter Review Commission
The City of Daytona Beach, Florida

April 28, 2014

Minutes of the Charter Review Commission of The City of Daytona Beach, Florida, held on Monday, April 28, 2014 at 6:00 p.m., City Hall, City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

Attendance.

Members

Gary Libby	Present
Blaine Lansberry	Present
Kelly Kwiatek	Absent
Thomas Leek	Present
Willie Kimmons	Present
L. Roland Blossom	Present
Glenn S. Ritchey, Chairman	Present

Alternate members

Ruth Trager	Present
Ed Savard	Present
Dan Bolerjack	Absent
Jill Pennington	Present
Christi McGee	Absent
Tony Barhoo	Absent
John Huger	Absent

Also Present:

Marie Hartman, City Attorney
Ron McLemore, Deputy City Manager/Operations
Jennifer L. Thomas, City Clerk

1. Welcome

Glenn S. Ritchey, Chairman, called the Charter Review Commission (CRC) meeting to order and asked for a roll call.

Gary Libby moved to excuse the absence of Kelly Kwiatek. Seconded by Dr. Willie Kimmons. The motion passed unanimously.

2. Discussion – Charter Review Commission

Mr. Ritchey stated they are going to continue the charter discussion and begin with the announcement of only having a few more meetings before bringing this to the Commission. Let's see if we can come up with three or four items to agree upon tonight and move forward for a vote. This will also allow the residents to see the direction we are heading in. A chart has been created from the comments that were made by this Commission's individual members. The City Attorney, Marie Hartman had been instructed to give a reference as to where you can find the certain items in the charter.

Dr. Willie Kimmons, Vice Chair, asked if they discussed the items on the proposed revised draft.

Mr. Ritchey stated we went over them one by one. We voted on the ones that were not going to be added because they were identified as out of compliance with either state or federal law or had absolutely no control over. We did not vote to add to or detract from any item on the charter at that meeting.

Marie Hartman, City Attorney, stated that is one of the handouts you received and does state on it in the lower left part of the document - accepted revisions as of April 14, 2014.

Dr. Kimmons stated these are the second drafts.

Ms. Hartman stated these are the ones you actually voted on to accept at your last meeting.

Mr. Ritchey stated this is the accepted one.

Ms. Hartman stated prior to that I had given you some language for the others you had talked about.

Mr. Libby stated we have not been able to review the language until tonight and the language is critical.

Dr. Kimmons stated that concurs with my comments.

It was moved by Dr. Kimmons to accept the working draft revisions. Seconded by Gary Libby. The motion passed unanimously.

Thomas G. Leek stated earlier she had given them proposed revisions as of April 1, 2014 and they accepted that one. He asked if there was significant difference between the two.

Ms. Hartman stated the first draft contains the items they wanted changed to conform to State Law. They also talked about a number of possible revisions and she drafted language to interpret what she believed they meant. Then at the last meeting, they went over this draft and voted only on those that were "housekeeping".

Mr. Leek stated Ms. Hartman gave them an original draft with all the comments in blue and then she gave them one on April 1, 2014 and now another on April 15, 2014. He asked if much changed from April 1, 2014 to April 15, 2014.

Ms. Hartman stated the April 15, 2014 only has the ones they voted on at the on the 15th. It does not have the changes that she had drafted that they have not talked about yet. This is the working accepted draft.

Mr. Libby stated the last one is not cumulative; it does not include everything. It only includes those items that either didn't conform to State Law or the eminent domain question.

Ms. Hartman stated it includes only the changes they actually took a vote on at their last meeting.

Mr. Ritchey stated he would like to see in the future a document that eliminates all of the language that is superseded by the vote. We will know then what has been voted in and what has changed.

Ms. Hartman stated that will be the way they will come forward in the future. They want the strikethrough and underline format.

Mr. Libby asked if it would be possible to present another piece of paper that will have the draft language changes only so that they can see the exact way she has interpreted the intention of the Commission.

Ms. Hartman stated that language is in this document.

Mr. Libby stated they don't know what the original content was ...

Ms. Hartman stated it is in strikethrough and underline format. Look down in the left hand corner it states "accepted revisions on 4-15". The document has the deleted and added language to it.

Mr. Ritchey stated they need to address the form of government first, bring it to closure and move on.

Mr. Libby asked if Mr. Ritchey wanted them move forward in the form of a motion to get this to discussion. He stated he wanted the caveat that there are additional items after number one. He moved to continue the Manager – Commission form of government. Seconded by Mr. Blossom.

Dr. Willie Kimmons, Vice Chair, stated he would like to discuss why they are for or against.

Glenn S. Ritchey, Chairman, stated that opportunity is right now. He would like to start with the Zone 1 representative.

Blaine Lansberry stated she supported the item as stated with the understanding they would discuss other items that may impact it. She stated she agreed with Mr. Leek, you don't change a position because you are disappointed with a person.

Mr. Libby stated knowing that they can't bring twenty four changes to the Commission and the voters; he wanted to pick the top priorities. He stated he wanted to see shared agenda power and Commissioner set zone priorities in the creation of the budget. He understands the Commission receives the draft budget and then discusses that. He believes they should be more involved on the front end. He thinks the Commission should have the power to moved discussion items on the City agenda. Those two issues would be tweaks on the current form of government.

Mr. Ritchey stated there are several issues that have been brought forward that can be changed by Ordinance or Resolution without changing the Charter. He would like to hear from Marie from time to time about those kinds of things. They all understand the importance of flexibility. He asked Mr. McLemore and Ms. Hartman to weigh in when it is an Ordinance issue versus a Charter issue.

Mr. Libby stated these two areas play to that dramatically.

Mr. Ritchey stated he agrees.

L. Roland Blossom asked if they had to wait until their turn to respond to another commissioner's comments.

Mr. Ritchey stated he would like to see if go through the rounds first, whatever the commission would prefer.

Dr. Kimmons stated he would like to respond at the time.

Mr. Blossom stated he doesn't mind waiting until the end; he just wanted to make sure they come back to that.

Mr. Ritchey stated absolutely.

Jill Pennington stated she is going to take a lot of notes for Ms. Kwiatek. She is in agreement about the shared agenda and the issue of Ordinance versus Charter issues.

Thomas G. Leek stated he feels the current form of government they have is the way to go, especially for a City their size. He agrees with the agenda powers issue but he doesn't feel that is a Charter issue.

Mr. Blossom stated he supports the current form of government. He has seen it work well and it is a better form of government to subside corruption. If there is an abuse of power now, the Commission has the authority to address it immediately.

Dr. Kimmons stated he doesn't agree with his collages. He thinks the form of government should be modified and expanded. The power should be solely in the hands of the elected officials. He cited examples of other city governments. He believes it is the only way the elected officials are held accountable to the Citizens. He believes they should also have term limits. The perception is that the City Manager runs the City. He stated that people can't be managed through fear. People are afraid they will lose their jobs. People are afraid to talk to the City Commission. He appreciates the other commissioner's opinion but he feels that City Hall can't be run through fear. He stated his comments have always been the same, he feels the form of government should be modified and the duties and the responsibilities in the hands of the elected.

Mr. Ritchey stated he supports the current form of government. He asked if there were any more comments.

Mr. Blossom stated he wants to make sure the motion didn't mean that to maintain the current form of government there were conditions. This should be a stand-alone vote.

Mr. Libby stated he could only support the current form of government if we can tweak some of the areas that cause problems; but no it is not conditional. The motion is to support the current form of government.

Mr. Ritchey stated this motion is to support the current form of government and any amendments that might come forward later would have to be voted on.

Mr. Libby stated he wanted to show his perspective for the record.

Mr. Leek asked if the tweaks they discussed could be passed on to the City Commission in the form of proposals for Ordinances or Resolutions.

Mr. Libby stated they could be.

Mr. Ritchey stated they did have a motion and second and he called the vote. The motion passed 6-to-1 with Dr. Kimmons voting "Nay".

Mr. Ritchey stated that fair share allocation was next and he asked Mr. McLemore to give input.

Ron McLemore gave a brief overview of his career and qualifications. He performed a lot of Charter work as a consultant. He has trouble with this particular issue. He is not sure who to do it. He tried to think through how one would move from a needs based allocation to a shared allocation. He cautioned them on going this way. The people who would lose would be in Zone 5 and Zone 6. A disproportionate share goes to those zones because that is where the need is. The majority of Police, Fire and EMS are in those zones. They can't say they are only going to do so many service calls a day and then stop. He asked if they would be a fire station in each zone. There is a science that is applied to the number and location of the fire stations based on need and building characteristics. He doesn't know how to do it and address the needs of the people. They could identify service levels and set standards. You guarantee levels of service. That may be a way to get at it. He doesn't know how to do it on a dollar allocation. He doesn't think it is doable. They can't spend redevelopment funds equally in every zone because every zone doesn't need them.

Dr. Kimmons stated there are City services not being appropriated in certain zones when they are in other zones. He owns property all over the place and he sees the disparity. There are certain areas of Zones 5 and 6 that flood more than the rest of the zones. The services are important and he knows there are areas that garbage isn't picked up on a regular basis in Zone 5. There aren't any gated communities in Zone 5 or 6. He stated he has a nephew considering moving here, but the nephew would prefer Zone 1, 2, 3, or 4. It is difficult to find functioning schools for children in Zones 5 and 6. He stated you have lots of businesses in Zone 5 and 6 and there are a lot of run down businesses. He spoke about drug use in the zones and the number of times he has called the police and code enforcement. Members of those zones actively involved in who lives in the houses. He is concerned with services. He lives in Zone 5 because he wants to make the community better. There are certain areas that he doesn't feel comfortable. Some of the residents are afraid. His houses in Zone 5 and Zone 6 have been broken into and it is prevalent in those zones. They can see the police reports by zones. He is concerned about the services.

Ron McLemore, Deputy City Manager/Operations, stated they try to place the services where the need is and that is generally how it is done. Some areas are more difficult than others, but as a City they try to place our services where the need is.

Glenn S. Ritchey, Chair, stated he wanted to clarify that you cannot intermingle CRA funds. They all received the handout that showed how money was distributed in the zones. Zone 5 and 6 got more money than the other zones, but the money went where it was needed. They have funds going into Orange Avenue. Any seated Commission should have the ability to meet the need. They need to attract businesses to those areas. They've been tainted over the last several years because of the economy. They are starting to see the economy turn around. He's not sure how to approach this fair allocation piece in the Charter. They should never place conditions on property owners that they wouldn't adhere to themselves.

Gary Libby, stated this item doesn't even have a motion. It was just up for discussion. He checked his notes and the item to be discussed was equal share allocation, that each zone would have an equal share. He asked if that was correct.

L. Roland Blossom, stated no. That wasn't the intent. He stated that Mr. McLemore was introduced as an expert to share information. He stated this item was important to him. He stated Mr. Libby was talking in terms of fair reporting allocation. He piggybacked on that language. His intent was not to divide a dollar amount equally between each of the six zones. He understands that there are services that have to be provided City wide. The majority of our resources are going to be spent that way. He suggested it was participation in the budget process. Each Commissioner should be allowed to prioritize those items within that zone where people are clamoring for help. He recognizing that Zone 5 and Zone 6 has received the bulk of those resources for infrastructure, etc., over the last few years. However, that was because those zones were playing catch-up. For years those areas were neglected. He thinks it important that even though the Commission represents the entire City, that each of the Commissioners also have a special view coming from the District or Zone where they are elected. He thinks that could be done during the budgeting process. The City Manager would be required to put a certain percentage of funds in part of the zones; it at least give the Commissioner an opportunity to say this is what the people need and this is what they want in the budget. He's not sure how to make that happen but he believes it is important. We need to make sure our zones are fairly represented in the budgeting process.

Mr. Libby asked if Mr. Blossom cared to amend the language so it might be friendlier to the Commission.

Mr. Blossom stated when they get to a put that a motion is needed he would try.

Mr. McLemore stated that Mr. Blossom's information was helpful. He wanted them to know for informational purposes, the City is moving to year-round budgeting. They have Strategic Planning Meetings outside of the formal budgeting process where they are doing exactly what you are talking about. They identify priorities and there is movement toward what you have talked about.

Mr. Blossom stated the language in the Charter has to be interpreted in many cases by Ordinance.

Dr. Kimmons stated you have to purify the data. One can't put data out there without purifying it. He questioned whether the funds spent in Zone 5 and 6 were for services or for replacing buildings. He asked if these investments would create jobs. He stated the Midtown Center replaced the old PAL Center. That could account for half of the money spent. The Yvonne Scarlet-Golden Cultural and Educational Center (YSG) replaced the Y.M.C.A. on Derbyshire. That is what he means when he says we have to purify the data.

Mr. Ritchey stated to him it moves past that question. It gives the kids places to go. They had a building that needed to be torn down and they have a wonderful building there now. It is not always about dollars and cents as it goes to infrastructure it is about the children and how they benefit. They are beginning to see return on that. They do see some jobs with that.

Dr. Kimmons stated Mr. Ritchey's point is valid, but if one gives these numbers to the average lay person they aren't going to interpret the data that way. He stated they shouldn't put data out there without it being purified.

Thomas G. Leek, stated that the self-assessment report that was put out by the City Manager clearly states projects those capital funds were spent on. He stated in Zone 1 they spent \$550,000. Zone 2 they spent \$278,000. Zone 3 they spent \$2,029,000. Zone 4 they spent \$998,000. Zone 5 they spent \$6,065,000 and Zone 6, \$6,400,000. He doesn't think this is a charter issue. There are many unintended consequences of trying to take a calculator and divide an equal amount in each zone. He stated one can say that the YSG center doesn't 'count' because I replace something else...but it counts. It is a lot of money. They could say that in every single zone. He feels it is an invalid argument. He thinks the solution is not trying to divide funds or a portion of funds through the City and spend.

Dr. Kimmons stated he agrees with Mr. Leek, but he was talking about services that were needed. They needed to clarify the numbers.

Mr. Leek stated he can give him the numbers.

Dr. Kimmons stated he was speaking for the Citizens. The average Citizen could not interpret this.

Mr. Leek stated they won't if they look at just that one page. If they look at the attachment it outlines every single project that makes up these numbers. On the subsequent page it talks about how much future money will go to those projects. There is one project in Zone 6, which has another 21 million committed to it. These are capital expenditures, and it is money that is budgeted to be spent by the needs of zones. He is concerned we are discussing putting something in the Charter that doesn't belong there.

Dr. Kimmons stated he thinks Mr. Leek has missed his point. He stated that if you make a presentation to the general public you need to clarify.

Mr. Ritchey stated Mr. Blossom capsulated it by saying the Commissioner should be the advocate for that zone. They want what is best for every zone. He believes it is not a Charter issue, but something the City Commission should have the flexibility to address those issues on an as-needed basis. He understands the intent but he doesn't know how they would execute it.

Mr. Blossom stated he doesn't want to micro address an issue but he wants to make sure the City Commissioners have to be responded to. He would like it to be mandatory that during the budgeting process, each Commissioner has the right to put forth priorities to the City Manager to be placed in the budget for their particular zone that doesn't conflict with the need for general City-wide services.

Mr. Ritchey clarified that each Commissioner would bring forth budget issues for their zone and be given consideration by the Commission, to be voted on by the Commission during that budget process.

Mr. Libby stated mandatory and consideration are two different things.

Mr. Ritchey stated it would be mandatory that they would discuss it for their final approval. That rests with the City Commission.

Mr. Libby stated that if that is satisfactory to Mr. Blossom, that would go a long way to moving this forward.

Mr. Leek stated he would agree with that. He asked him to draft some language to do that.

Mr. Ritchey stated this is really good conversation and has identified the intent of this item. They can agree that it needs to be done, but it is still up to the Commission to decide. They cannot put a burden on the City Commission to do anything.

Mr. Leek clarified that this would make it mandatory for each City Commissioner to make a priority list of projects as part of the budgeting process.

Dr. Kimmons stated he just wants to make sure this item is addressed.

Mr. Ritchey asked Mr. Blossom to make a motion.

It was moved by Mr. Blossom to make it a mandatory requirement during the annual budgeting process that each Commissioner bring forward prioritized items that are necessary or beneficial to their particular zone to be considered by the City Commission. Dr. Kimmons seconded the motion. The motion passed unanimously 7-to-0.

Mr. Ritchey stated it was little after seven and asked if they wanted to take on another one. He stated they should take on number four; the Mayor's state of the City Message.

It was moved by Mr. Libby to adopt. Seconded by Mr. Kimmons.

Mr. Ritchey stated they have a motion and a second and they could have discussion now.

Mr. Leek asked what the specific language on that is. The only discussion that he has is that they make sure that there is some sort quarterly finance reporting.

Mr. Ritchey stated they had a motion and a second. The motion carried unanimously.

3. CITIZEN COMMENTS

Weegie Kuendig, 718 North Wild Olive, Daytona Beach, stated Save Our Neighborhoods (SON) went through it one more time and she would just like to go over what is their final draft. The first group are the 12 items that they support. Commission Meeting agenda power should be shared by the City manager and the commission and each member of the commission should be able to request an item and it should appear on the agenda within 30 days. The City manager and senior staff shall reside in the City within 90 days as a condition of employment, with current employees grandfathered in. It should be a simple majority of the commission to terminate the employment of the City manager.

Mr. Ritchey stated he doesn't think that it needs to spell out the City Manager. He thinks it should say that anyone under contract for employment should use the simple majority.

Ms. Kuendig stated any charter hire would be fine. They would like to see quarterly fair share reporting presented to the commission by the City manager, finance director but separated from the (CRA) Community Redevelopment Agency reporting because you can't spend CRA's money anywhere you want. Members of the commission if on the ballot shall not be a member of the canvassing board. Delete all language requiring any affidavit of the circulator. City shall follow code standards and maintenance standards. Third party financial disclosures including individual contributors shall be identified during the election or the election process. Removing all laws which is already done from our charter that supersede or conflict with the state law and strengthen the basic authority of the citizen boards. They would like all members of citizen boards to be residents. Internal auditor for the City should be independent and any contracts of employment or otherwise cannot supersede any rules of the charter.

Mr. Kimmons asked when you say all member of citizen boards should be residents, is it residents in their respective zones or residents of the City.

Ms. Kuendig stated residents of the City because different boards have different requirements but they should be at least residents. They don't want elected officials to serve longer than eight consecutive years.

Mr. Ritchey asked why one would want to vote them out of office if they were really great and they're doing a great job.

Ms. Kuendig stated because we would have term limits.

Mr. Ritchey asked why one would have term limits.

Mr. Libby stated it would give the opportunity for others to participate in the process.

Ms. Kuendig stated to give the citizens a chance to speak to see whether everybody thinks they have been doing a good job or not.

Mr. Kimmons stated if the elected official is good he or she can be reelected again once they stay out.

Ms. Kuendig stated the time requirement for a special election of a Commissioner due to a vacancy shall be reduced from 12 months to 6 months. They want the commission to ratify the employment of all the department heads. They would like Citizens to have the right to ask for items be pulled from the Consent Agenda. They want vacant senior staff position filled within 120 days and they want bond issues supported by property taxes, including CRA bonds, to be voted on in the next scheduled election or in a special election.

Mr. Ritchey commented this is an outstanding list.

Neil Harrington, 101 Grand Oaks Circle, Daytona Beach, asked what happens to all the boards that have business owners on it that aren't City residents.

Mr. Ritchey stated if it's voted up by this board and recommended by the City Commission and they have it adopted then the citizen's community adopt it...

Mr. Harrington stated he was in 100 percent favor of that. He is concerned with non-resident business owners on the boards.

4. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 7:23 p.m.


JENNIFER L. THOMAS
City Clerk

Attested/Certified: City Clerk

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the City Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a tape of the meeting for \$2.00 at the City Clerk's office. Copies of tapes are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.

STATE OF FLORIDA)

COUNTY OF VOLUSIA)

I, JENNIFER L. THOMAS, City Clerk and custodian of the official records of The City of Daytona Beach, Florida, do hereby certify that the attached is a true and correct original record of **Charter Review Commission's (CRC) minutes** for the meeting dated **April 28, 2014**, as it appears in the files and records of The City of Daytona Beach.

IN WITNESS WHEREOF, I have hereunto set my hand as such City Clerk and affixed hereto the official seal of The City of Daytona Beach, Florida, on this 1st day of September, 2014.


JENNIFER L. THOMAS
CITY CLERK