

**CHARTER REVIEW COMMITTEE MINUTES
MONDAY, AUGUST 23, 2021 9:30 A.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Nancy Cook, Chairman; Ken Daige, Vice Chairman; Members: Linda Hillman, Jeff Stassi and Peter Benedict **Also Present:** John Turner, City Attorney and Tammy Bursick, City Clerk

Excused Absence: Mr. Mark Mucher, Alternate Member

1. CALL TO ORDER

Chairman Cook called the meeting to order at 9:30 a.m. and today's meeting resumed.

2. PLEDGE OF ALLEGIANCE

Chairman Cook led the Committee in the Pledge of Allegiance to the Flag.

3. APPROVAL OF MINUTES

A) August 12, 2021

Mr. Daige made a motion to adopt the August 12, 2021 minutes. Mrs. Hillman seconded the motion and it passed unanimously.

4. PUBLIC COMMENT

5. NEW BUSINESS

Mr. Daige reported that he met with the City Manager and the Public Work's Director at Edgewood Addition regarding the Park property that he would like to have put in the Charter under protected properties. He said that while they were meeting they spoke to the neighbor adjacent to this piece of property and there was some concerns about having a Park that close to their property. The neighbors will be meeting to discuss the possibility of putting this piece of property into the Charter and he will report back to the Committee.

Chairman Cook commented that the Charter Review Committee's purview is only to make recommendations. The Committee needs to decide if they want to put this piece of property into the Charter. She said whoever maintains this piece of property is not part of their purview.

Mr. Daige requested holding off until their next meeting to decide on this because it will give the neighbors time to meet and he will report back at that meeting.

Chairman Cook asked the Committee if this is something as a group that they want to do (put it in the Charter) or do they want to pass on it.

Mrs. Hillman suggested deciding if they want to recommend it to City Council and then move forward.

6. OLD BUSINESS

A) Finalize Charter Review Commission Recommendations being sent to the City Council

Chairman Cook requested that the Committee go back and review all the recommendations that they have made since their review of the Charter first started and then add anything that they would like to see in the Charter.

Mrs. Hillman mentioned that she wrote down at their last meeting that they were going to ask the City surveyor how much green space is left in the City.

Chairman Cook reported that the City has 27 Parks located within the City limits and 44% of those Parks have been taken off of the tax rolls for one (1) reason or another. She wondered how much percentage of property is allowed to be taken off the tax rolls.

Mr. Stassi commented that they have discussed a lot of the different properties and there are some small slivers here and there that could be put up for sale. He said maybe the neighbors would purchase them and it would bring in some additional revenue for the City.

Chairman Cook looked at the list of surplus property that they were provided with by the City surveyor and said that most of it looks like abandoned easements.

Mr. Stassi commented that if the City is mowing and maintaining these pieces of properties it would be worth it for them to look at selling them. He said that the maintenance of these properties is costing the City \$2 million a year.

Mr. Daige explained the \$2 million is for the entire maintenance package and the on-going costs to maintain bathrooms at their Parks, roofs, Leisure Square, etc. He said they can go through and pick what they want to sell off. He said if they think some of the protected Parks are too big and they want to get rid of some of the land associated with the Parks they could look at doing that also.

Mrs. Hillman brought up the 1.2 acres given to Florida Power and Light (FPL) to build their substation. She asked if there was some additional land remaining at this postal annex property that could be sold.

Mr. John Turner, City Attorney, explained that this property was going to be declared surplus and sold. The City will first obtain an appraisal and then go out for proposals.

Chairman Cook asked if they should be suggesting to Council what pieces of surplus properties should be sold.

Mr. Turner said no. He said that they just needed to stick to reviewing the Charter.

Chairman Cook asked what about the pieces of property that are listed in the Charter and have been declared surplus property.

Mr. Daige explained that the Parks that are in the Charter are protected pieces of property and have not been declared surplus.

Mr. Turner said there is no surplus property that he is aware of other than the two (2) pieces of property located on the Three Corners site.

Mr. Stassi commented that because the Charter is only reviewed every 10 years this would be the time to put everything on the table that they would either like added to the Charter or removed from the Charter.

Mr. Turner explained the purpose of having a Charter Review Committee is for them to review the Charter in the context of updating the Charter. He said that is what the City Council has instructed them to do. He said as far as surplus property that is handled by Ordinance.

Mrs. Hillman said since they are supposed to be discussing the Charter that they start from the beginning and go through it and comment on everything that they have previously discussed so that the Council can see it as part of the record.

Chairman Cook did not feel that they needed to go through the whole Charter again. She said lets discuss the things that they have previously voted on.

Mr. Daige agreed with going over the highlights that they have discussed and if there is something on the list that they need to talk about again that they could do that.

Chairman Cook agreed to going through their recommendations one (1) at a time. She said the big change for the City is that now they don't have the electric utility to rely on for revenue anymore. She said they may want to recommend additional items to the Charter with regards to tax free property in the City because that is their income source.

Mr. Daige suggested looking at the properties in the Charter that are protected and see if there are any properties that they would like to take out of the Charter.

Chairman Cook said that generally speaking there is a large amount of property that has been taken off the tax rolls already.

Mr. Daige added that there are a few nonprofit organizations using City Parks that are on protected property so there is no revenue coming in for those properties.

Chairman Cook suggested looking at more properties to take off the tax rolls and limiting the amount of property that the City allows to be taken off the tax rolls.

Mr. Stassi felt that was up to the City Manager to review those on a regular basis and determine what is surplus and can get it back on the tax roll.

Mr. Daige recalled if they go back in history they had some Councils' concerned about the budget and they did look at surplus property and there wasn't much that made a difference as to whether they kept it or sold it. He said they may want to have a discussion going forward on whether or not the City should lease out property to nonprofit organizations.

Mr. Stassi said that would be up to staff. He said if it was up to him he would have a rate for nonprofits and a rate for profits, but not lease property for a dollar a year.

Chairman Cook reiterated that 44% of properties inside the City limits are off the tax rolls.

Mr. Daige said they could do a breakout of that 44% and see what they are. He said that some of this 44% is submerged lands, schools, churches, etc. He said there is not really that much to sell off. He agreed that there are budget restraints and they are trying to generate more revenue for the City, but that is not up to this Committee. It would be up to the sitting City Council on how to bring in more revenue.

At this time, the Committee went through the items outlined on the July 14, 2021, memorandum that they previously voted on.

1. Issue to be addressed pursuant to Council directive: **Compensation for City Councilmembers.**

A motion was made that the Mayor's salary be increased to \$1,300 a month and that the City Councilmember's salary be increased to \$1,075 a month. That they should get the CPI index increase for the last year or what the employees received last year, which was 3%. Then whatever is given to the City employees going forward should also be given to the City Council. The motion passed unanimously.

Mr. Stassi commented that if they don't make a change now to the City Councilmember's salaries then it could be another 20 years before they are given an increase. He said that they have looked at what other cities are paying their Councils and they are not out of line with this recommendation. The Council needs to have a salary that would entice a younger person to run for City Council or someone that doesn't make a lot of money where they work and needs the additional income to participate as a Councilmember. He said the National League of Cities (NLOC) states that the average City Councilmember in a city of their size works about 20 hours a week and makes up to \$20,000 a year. He reiterated that nothing that they have recommended is out of line.

Mrs. Hillman commented that at the present time they may have some members serving on Council that don't have to depend on this income. But, as a whole everyone in the City has urged young people to get involved and younger people have to depend on their income and they should have some incentives to run for City Council. She agrees with moving forward and recommending this raise. This gives people a chance to run for City Council and have some money to depend on when they give up their income to attend City meetings.

Mr. Benedict commented that they needed to make sure that this amendment would not be a "budget buster." He would support the motion as it is.

Mr. Daige agreed that what they came up with is very modest and it is up to the City Council if they want to approve it or not.

Chairman Cook also agreed that it is very modest and helps cover the extra cost for someone thinking about being on the Council and not having them to essentially pay to be on the Council.

Mr. Turner reminded the Committee that the Council was looking for the pros and cons for each of their recommendations. He said that the pros would be that this is a modest increase and is reasonable based upon the amount of time that Council spent preparing for agenda items. It shows respect for people who volunteer to take the position of City Councilmember because it makes it more attractive. One (1) of the cons could be that it would have an impact on the budget.

Mr. Daige commented that if City Council allows this item to go on the ballot and when the voter looks at it and considers it they will not think that it is a huge increase and will vote for it. He said it is not something that will shock the voter.

Mr. Benedict wanted to make it clear that they were approving this recommendation, but this would not be the language that appears on the ballot.

Mr. Daige said that was correct. The language is up to the City Attorney.

2. Issue to be addressed pursuant to Council directive: **Process of selecting the Mayor**

The motion made was that the Mayor will be an elected separate office for four (4) years. The motion passed 3-2 with Mr. Mucher voting yes, Mr. Daige no, Mr. Stassi yes, Mrs. Hillman yes, and Chairman Cook no.

Chairman Cook stated that she still stands by the way she voted before and that is no. She said they have a strong City Manager run government, which works out very well for this City and having the electors choose the Mayor would not be in the best interest of the City Council.

Mr. Benedict wanted to hear the pros and cons.

Mr. Stassi commented that ICMA shows that 50% of Mayors are elected for a four (4) year term and these cities have a City Manager form of government. He said having longer terms for Mayor allows the Mayor and the City Council to see some projects through completion. He felt that it was better to have longer terms for the Mayor. He said by not allowing the Mayor to be selected by the voters they could be infringing on people's democratic process. The Mayor would be more responsive to the people that elected him rather than the City Council.

Mr. Benedict wanted to make it clear that through the election process someone would run specifically for Mayor. He was not in support of having the Mayor elected because they could have qualified candidates who might have run for City Council, but chose to run for Mayor because the seat was open. He said that this seems like it would work better for a bigger City.

Mr. Daige liked the way that the City handles this now and that is the City Council nominates the Mayor. He said that the Mayor sets the tone of the meeting. If during the term of office there is a need for a different Mayor then the Council is able to do that.

Mrs. Hillman looked at the wall in the back of the Council Chambers and counted how many Mayors that were in office while they were trying to sell the Power Plant. She said that there were seven (7) Mayors. If the Mayor was elected for a four (4) year term the sale probably would have occurred earlier because they wouldn't have had to start over every time a new Mayor came into office. She feels the people should have the opportunity to select the Mayor and is in favor of having an elected Mayor for four (4) years.

Mr. Stassi expressed that the Mayor is one (1) voting member of the Council. He or she has no authority over day to day operations of the City. Selecting a Mayor for four (4) years is better than two (2) years because that is just not enough time. He said that it takes four (4) years to get something done.

Mrs. Hillman added that every single year the Mayor is selected by the Council and it usually takes the Mayor at least a year to learn his or her duties for the City. She doesn't believe that is enough time for him or her to learn all the responsibilities of being Mayor.

Mr. Stassi reiterated that the selection of the Mayor by the voters is a fair democratic process.

Mrs. Hillman made a motion that the citizens elect a separate Mayor for a four (4) year term. Mr. Stassi seconded the motion and it failed 3-2 with Mr. Benedict voting no, Mr. Stassi yes, Mrs. Hillman yes, Mr. Daige no, and Mrs. Cook no.

3. Issue to be addressed pursuant to Council directive: **Terms of office.** The motion was to change the term of Councilmembers from two (2) years to four (4) year terms. The motion passed 4-1 with Mr. Mucher voting yes, Mr. Daige no, Mr. Stassi yes, Mrs. Hillman yes, and Chairman Cook yes.

Everyone on the Committee was in support of increasing the term of office to four (4) years except for Mr. Daige.

The Committee went over the pros and cons.

Mr. Benedict said that one (1) of the pros would be for the Councilmember to have the ability to have more time to get up to speed.

Mr. Daige commented that he has seen many times in the past that a Councilmember would come in with an idea that is not good for the City and the City suffers. This would be a con. If the voters want to put the person back into office after a two (2) year term then they could. He was not changing his vote.

Mr. Benedict asked if this passed how they would work out the terms. He was told that they would need to be staggered over a couple of years.

Mr. Daige mentioned that this matter has been put on the ballot a couple of times and each time it did not pass.

Mr. Stassi said one (1) of the pros is that the cost of the Election would be cheaper.

Mr. Benedict added that another pro would be that the candidate would be able to be more productive without having to campaign every two (2) years.

Mr. Daige commented that the City Council wants to hear the pros and the cons, which is good for them to hear. He said that the word needs to get out for both sides.

4. Issue to be addressed pursuant to Council directive **Charter Review**
The motion passed unanimously that the Charter of the City of Vero Beach should be reviewed every five (5) years.

The Committee all agreed that this recommendation needs to go forward to Council.

Mr. Turner mentioned that it does not necessarily have to be done every five (5) years. He suggested that it be reviewed every eight (8) to 10 years. He said it does take time to form a Charter Review Committee and have the review done. He said if something comes up in the meantime, Council can always send a Charter change to the voters.

Mr. Stassi agreed that the normal time to wait to have a Charter review is 10 years, but he thinks that is too long to wait to review making changes in the Charter for the City government.

Mr. Benedict wondered if they could use like five (5) to eight (8) years and have some flexibility in the language that goes on the ballot.

Mr. Turner would not recommend that.

Chairman Cook felt that this Committee had to meet a lot longer than they should have because the Charter in this case had not been reviewed for such a long time.

Mr. Daige recalled that the Committee had a lot of discussion in making the decision to review the Charter every five (5) years. He said that he was fine with leaving it at five (5) years. The City Council might change that time period, but the Committee's message is that it be reviewed sooner than every 10 to 15 years.

Mr. Stassi recalled that when they were all being interviewed to be on this Committee what he heard from most of the Councilmembers is that they believed 10 years was a long time to wait to review the Charter.

5. Issue to be addressed pursuant to Council directive: **Canvassing Board**

The Charter Committee unanimously agreed to housekeeping measures for Section 4.06 of the Charter to now read: The City Canvassing Board shall be composed of the City Clerk, City Manager, and the City Attorney. An alternate member, if needed for any reason, shall be chosen by the Canvassing Board. The City Attorney shall act as Chairman. The responsibilities of the Canvassing Board shall be to cooperate with the Supervisor of Elections in canvassing the returns of the Election, general supervision of the Election procedures, and any other procedural responsibilities related to the Election appropriate under applicable law. The Canvassing Board shall meet after the Election at the Supervisor of Election's office at a specified time and date and shall proceed to canvass the returns of the Election and shall deliver to City Council at its Organizational meeting a certificate provided by the Supervisor of Elections containing the total number of votes cast for each candidate. The certificate shall be placed on file with the City Clerk.

Mr. Turner stated that it was time to clean up this language that was in the Charter and make it relevant to their situation now.

Chairman Cook noted that this was just a housekeeping measure for the Election process and she does not see any cons to making this change to the Charter.

Chairman Cook went back to the piece of property in the Edgewood Addition and asked the Committee if they wanted to put it in the Charter to be protected.

Mr. Daige requested to wait until they hear back if the neighbors are in agreement to do this. He would prefer that the neighbors decide. He knows that he was the one that was pushing to have this in the Charter, but once everyone met on the property some concerns came up from the neighbors.

Chairman Cook did not see any reason for the Committee to meet again. The Committee agreed with including this piece of property in the Charter.

Mrs. Hillman made a motion to add the piece of Park property located in Edgewood Addition to the Charter under protected properties and that the legal description be included. Mr. Daige seconded the motion and it passed unanimously.

Mrs. Hillman thanked staff for all of their help in getting through this process.

Chairman Cook will present these recommendations to the City Council at their September 21st City Council meeting.

Chairman Cook thanked the Committee for all of their input and said that this has been a very positive experience.

6. ADJOURNMENT

Today's meeting adjourned at 10:34 a.m.

/tb