

**CITY OF WINTER GARDEN  
CHARTER REVIEW ADVISORY COMMITTEE  
MEETING MINUTES  
August 22, 2006**

The meeting of the Winter Garden Charter Review Advisory Committee Meeting was called to order by Facilitator Marilyn Crotty at 6:30 p.m. at City Hall, 251 West Plant Street, Winter Garden, Florida

**ATTENDANCE/ROLL CALL**

**MEMBERS PRESENT:**

Derek Blakeslee  
Ed Lynch  
Bert Valdes  
Don Miller  
Richard Napotnik  
Pamella Stewart

**MEMBERS ABSENT:**

Erma Dennard  
Blair Johnson  
Barbara Muzeni

**Facilitator:** Marilyn Crotty

**ALSO PRESENT:**

Assistant City Attorney, Dan Langley  
City Manager, Michael Bollhoefer  
Director of Human Resources, Frank Gilbert  
Assistant City Clerk, Angee Grimmage

1. **WELCOME**

2. **APPROVAL OF MINUTES - AUGUST 8, 2006**

Corrections to Erma Dennard's name and to include a notation that a consensus is the agreement of at least 70% of the members attending the meeting.

It was the **consensus** of the committee to approve the minutes as corrected.

3. **PUBLIC COMMENTS**

*(The public was given the opportunity to speak later in the meeting.)*

4. **REVIEW OF DRAFT RECOMMENDATIONS**

Ms. Crotty suggested looking at the items added from the last meeting which start on Section 51- the Canvassing Board.

Section 14, Page 3, line 4 should read "and neither the commission nor its members," replacing the word "not".

There was discussion on the criteria or methods used for redistricting.

*Note: Consensus means at least 70% of the committee in attendance.*

Mr. Lynch suggested that most of the language from the Model City Charter Section 6.02, pages 42-44 be substituted for the language in the draft recommendations. The criteria that the Commission would use are quite different. It discusses how you decide who is on the redistricting committee. It was stated that the Commission is ultimately responsible for any districting changes. There was discussion on how the redistricting is guided and some of the triggers.

The committee agreed to basically maintain the language in the draft and Ms. Crotty said she would move some of the model language into the draft for the committee to review.

### **ARTICLE III, CITY MANAGER**

There was discussion on the model charter language on page 24 concerning the City Manager's choice to decline resigning. It was stated that the employment contract should cover specifics of termination. There was some discussion about leaving the language the way it is.

It was the **consensus** of the committee to leave the language the way it is written in the draft recommendations.

### **5. ISSUES FOR SPECIAL ELECTION**

Mr. Bollhoefer updated the committee on the Commission's decision concerning moving forward with a special election in December. He stated the Commission was concerned with the election process this year created by the current Charter. The Commission thought there were so many significant problems with the election process that it needed to be addressed before the next election. Mr. Bollhoefer suggested that the Committee present their findings, thus far, to the Commission on Thursday, August 24, at the City Commission meeting. He stated that the City Clerk Kathy Golden has drafted a summary of all of the Committee's recommendations, thus far, regarding elections that could be submitted to the Commission. Ms. Crotty requested and received a copy of the summarization for the committee.

There was discussion concerning the cost of a special referendum election and its timing. There was discussion on having the part of the Charter voted on as opposed to having the whole charter on the ballot at a later date. Also discussed was the concern of having a mail-in ballot election rather than the normal process, and also the additional costs incurred for this process.

It was the **consensus** of the committee to recommend to the City Commission that they allow the Charter Review process to continue as planned and oppose any portion being put on a December ballot.

There was discussion by the committee being available at the City Commission meeting next Thursday, at 6:30 p.m., to discuss their views as follows:

- Need to present a completed product
- Cost and voter turnout are a concern
- The Committee's recommendations should not go through two different processes - mail ballot and regular election
- It may be perceived as a manipulation or some other agenda if a portion is pulled out to vote on in December
- It may be good to investigate response percentages of mail ballots versus regular poll voting
- Charter changes have not yet been legally reviewed
- The charter has worked for 30 years, so why the rush?
- This may be an interference with the mission of the Charter Review Committee in its policy development
- Potential political candidates are assuming this charter is in place through March
- Concerns about mail ballots and their validity
- Not enough time for contemplation, discussion and review by the committee

The committee designated Derek Blakeslee as the spokesperson to express the committee's opposition to the special charter election.

Ms. Crotty stated that she has never been faced with this situation where the City Commission wants to act on changing part of the Charter before the Committee's review is completed. She stated that she would be willing to address the issue at the Commission meeting.

Assistant City Clerk Grimmage was asked to contact the absent members to invite them to Thursday's meeting and to fill them in on the issue.

Mr. Bollhoefer stated that the Commission listens to what people have to say and are willing to compromise.

- *(Public Comments were addressed at this point in the meeting)*

Lee Craft, stated this was his first meeting and now because of the new location he plans to return as often as possible.

Jerry Carris stated that he appreciates the committee's work and approves of what they are doing.

It was suggested and the **consensus** of the committee that the public comments be allowed at the beginning and at the end of each meeting.

There was discussion on Section 29. In the City Manager's absence, who is to fill in as Acting City Manager?

There was brief discussion on whether individual items should go on the ballot or present the entire Charter's changes for a vote. Ms. Crotty mentioned the possibility of grouping like things together so that they come out as one question on the ballot.

It was the **consensus** of the Committee that the City Manager "shall" file a letter to indicate who replaces him in the case of a temporary absence which replaces the word "may" in the current charter.

## 6. **ARTICLE IV. CITY DEPARTMENTS AND OFFICERS**

### **Section 33, City Clerk.**

Currently the City Clerk is appointed by the City Manager, with the approval of the City Commission. It was stated that in the Municipal Code markup, all of the powers and duties were stricken because they do not belong in the charter.

There was discussion on conflicting language in the current Charter with reference to the City Clerk. Under the powers of the City Commission as noted on page 16 in Article II, Section 13, item 8 states the City Commission appoints the City Clerk. Ms. Crotty stated that either this language should be removed or change the language as it appears under the section that deals with City Clerk. It was determined that the committee has already stricken the language in the powers and duties of the City Commission and proceeded to review the language written under the City Clerk. Ms. Crotty gave scenarios of pros and cons for the Committee's consideration.

It was suggested that the language be added that the City Manager appoints and terminates the City Clerk with confirmation by the City Commission. There was a suggestion to use the language of the model charter which is very clean and short. Ms. Crotty suggested that the language "with confirmation by the City Commission" still be added.

It was suggested to continue to use the first line of the current charter "*the City Manager shall appoint a City Clerk*" and then use the model charter's language with a change to say appointed by the "City Manager" as opposed to an "officer of the city."

It was suggested to include that the City Clerk report to the City Manager. Ms. Crotty stated that she would modify the language to include some of the old charter language with some of the model charter language.

The meeting was **adjourned** at 8:34 p.m.