

City of Palm Bay, Florida

**CHARTER REVIEW COMMISSION
Meeting No. 2012-09**

Held on Monday, the 11th day of June 2012, at the Palm Bay City Hall Council Chambers, 120 Malabar Road, Palm Bay, Florida.

The meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, 120 Malabar Road, SE, Palm Bay, Florida.

The meeting was called to order by Chairman Rettinger at 6:32 P.M.

ROLL CALL:

CHAIRMAN:	William Rettinger	Present
VICE CHAIR:	Tres' Holton	Present
MEMBER:	Mary Ellen Pryor	Present
MEMBER:	Christopher Robinson	Present
MEMBER:	Vicki Northrup	Present
MEMBER:	Mary Greene	Present
MEMBER:	Raymond Myers	Present
MEMBER:	Frances Speegle	Present
MEMBER:	Harry Santiago	Present
MEMBER:	Scott Cuthbert	Present

ALSO PRESENT:

Alice Passmore, City Clerk; Nick Tsamoutales, City Attorney Emeritus; Chad Shoultz, Deputy City Manager.

PLEDGE OF ALLEGIANCE:

The Commission pledged allegiance to the flag.

ADOPTION OF MINUTES:

1. Meeting No. 2012-08; May 14, 2012.

Motion by Ms. Pryor, seconded by Mrs. Greene, to adopt the minutes. Motion carried with members voting as follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Holton, Yea.

PUBLIC COMMENTS:

There were no public comments.

REPORTS:

1. **Chairperson.** There were no reports.
2. **City staff.** There were no reports.
3. **Commission members.** There were no reports.

NEW BUSINESS:

1. Review of recommended revisions to the Charter; determining revisions to be submitted to the City Council.

The purpose of the meeting was to review the sections and subsections with proposed changes and vote on those to be submitted to the City Council. A supermajority vote by the members was required to submit a revision to the City Council.

The chairman reviewed each proposed revision and submitted it to a vote of the membership.

a) Section 1.01, Creation, Powers, and Definitions. Added the word “councilmember(s)” to definition.

Motion by Ms. Northrup, seconded by Mr. Holton, to approve passing through the change to the section to the City Council. Motion carried with members voting as follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Holton, Yea.

b) Section 3.03, Compensation. Revised entire section to base salaries on Florida League of Cities statistics for ten (10) other cities comparable in size.

Motion by Mrs. Greene, seconded by Mr. Cuthbert, to approve passing through the change to the section to the City Council. Motion carried with members voting as follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Holton, Yea.

c) Section 3.06, Vacancies. Corrected sentence grammatically; included words “stating cause” after “by resolution”.

Motion by Ms. Northrup, seconded by Mr. Cuthbert, to approve passing through the change to the section to the City Council. Motion carried with members voting as follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Holton, Yea.

d) Subsection 3.062, Filling of Vacancies. New language for filling vacancies in mayor and council seat; directs reader to ordinance for process.

Motion by Mrs. Greene, seconded by Ms. Pryor, to approve passing through the change to the subsection to the City Council. Motion carried with members voting as follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Holton, Yea.

e) Subsection 3.063, Absenteeism. Included paragraph to cover illness, disability, suspension, lawful written order to allow absences up to one (1) year; and

Subsection 3.064, Extraordinary Vacancies. Relocated language from subsection 3.062 that provided if a majority of council was reduced to less than a quorum, members to be appointed pursuant to the subsection 3.062.

Motion by Mrs. Greene, seconded by Mrs. Speegle, to approve passing through the changes to the subsections to the City Council. Motion carried with members voting as follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Holton, Yea.

f) Section 3.09, Petitions to amend city charter, adopt or repeal ordinances. Special election included in paragraphs (2) and (3); revised paragraph (4) to include process to be subject to other governmental agencies' requirement that may affect the section.

Motion by Mr. Cuthbert, seconded by Mrs. Greene, to approve passing through the changes to the section to the City Council. Motion carried with members voting as follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Holton, Yea.

g) Subsection 3.091, Commencement of proceedings. Revised time frame for submission of petitions.

Motion by Mrs. Greene, seconded by Ms. Northrup, to approve passing through the change to the subsection to the City Council. Motion carried with members voting as follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Holton, Yea.

h) Subsection 3.095, Submission to electors. Revised time frame for scheduling a special election or placing referendum on a regular election.

Motion by Mr. Cuthbert, seconded by Mrs. Greene, to approve passing through the change to the subsection to the City Council. Motion carried with members voting as

follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Holton, Yea.

i) Subsections 3.111, Appointment or employment; 3.113(a)(b), Duties; 3.114, Remuneration. Deleted the words “and such assistant attorney(s)”.

Motion by Mrs. Northrup, seconded by Mr. Robinson, to approve passing through the changes to the subsections to the City Council. Motion carried with members voting as follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Holton, Yea.

j) Subsection 3.112, Qualifications. Included language clarifying qualifications, practice and experience.

Motion by Mrs. Greene, seconded by Mr. Cuthbert, to approve passing through the change to the subsection to the City Council. Motion carried with members voting as follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Holton, Yea.

k) Subsection 4.013, City Manager. Revised compensation to read like subsection 3.114, remuneration for city attorney.

Motion by Mr. Myers, seconded by Mrs. Greene, to approve passing through the changes to the subsection to the City Council. Motion carried with members voting as follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Holton, Yea.

l) Section 5.02, Qualifications. Revised to include that qualifications extended into term of office - resident, elector.

Motion by Mrs. Greene, seconded by Mr. Myers, to approve passing through the change to the section to the City Council. Motion carried with members voting as follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Holton, Yea.

m) Section 5.03, Form of ballots. Cleaned up language to reflect ballot to be in form required by state law; initiative petition issues presented for voting as prescribed by state law and city charter.

Motion by Mr. Myers, seconded by Mrs. Greene, to approve passing through the change to the section to the City Council. Motion carried with members voting as follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Mrs. Speegle, Yea.

n) Section 5.044, Election returns. Meeting to certify results to be scheduled three (3) working days after receipt of results from supervisor of elections' office.

Motion by Ms. Northrup, seconded by Mr. Myers, to approve passing through the change to the section to the City Council. Motion carried with members voting as follows: Rettinger, Yea; Pryor, Yea; Robinson, Yea; Northrup, Yea; Greene, Yea; Myers, Yea; Speegle, Yea; Cuthbert, Yea; Santiago, Yea; Holton, Yea.

o) Section 6.02, Special assessments. Removed 50 property owners; increased project expenditure; expenditure may be increased every five (5) years by 4/5's vote by council.

There was a lengthy discussion by members on the proposed changes. Concerns were expressed over some of the verbiage and what was meant by same.

Motion by Mrs. Speegle, seconded by Ms. Northrup, to delete the last sentence of the section as proposed. Motion carried with members voting as follows:

Ms. Pryor	Yea
Mr. Robinson	Yea
Ms. Northrup	Yea
Mr. Holton	Yea
Mr. Myers	Nay
Mrs. Greene	Yea
Mr. Rettinger	Yea
Mr. Santiago	Yea
Mrs. Speegle	Yea
Mr. Cuthbert	Yea

Motion by Mrs. Greene, seconded by Mrs. Speegle, to approve passing through the change to the section, as revised, to the City Council. Motion failed with members voting as follows:

Ms. Pryor	Yea
Mr. Robinson	Nay
Ms. Northrup	Yea
Mr. Holton	Nay
Mr. Myers	Nay
Mrs. Greene	Yea
Mr. Rettinger	Yea
Mr. Santiago	Nay
Mrs. Speegle	Yea
Mr. Cuthbert	Nay

2. Announcement of the Commission's next meeting.

The Charter Review Commission had concluded its purpose and Chairman Rettinger announced no further meetings would be scheduled by the Commission.

The City Clerk would broach the City Council on scheduling a workshop since several revisions were proposed, as Council had already said it would consider proposed revisions at a regular Council meeting.

Ms. Passmore would also ask Council when it intended to dissolve the Commission. She would advise the Commission of same.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 7:41 P.M.

William Rettinger, Chairman

ATTEST:

Alice Passmore, City Clerk