

Charter Review Commission Meeting April 13, 2016

The Charter Review Commission Meeting was held at Charlotte County Administration Building at 18500 Murdock Circle, Room B-106; Port Charlotte, Florida.

The meeting was called to order at 3:00 p.m.

Roll Call

The following Commission Members were present:

William C. Abbatematteo	Paula Hess	Jerry J. O'Halloran
Katherine D. Ariens	John Hitzel	Frank Weikel
Jim M. Brown	Julie Mathis	
William Dryburgh, Chairman	Donald McCormick, Vice Chairman	

Attorney Robert Berntsson was also present.

Members: Thomas P. Conroy III, Thomas J. Rice, W. Kevin Russell, Thomas J. Thornberry and Stephen J. Vieira were not present.

Alternates Raymond A. Corcoran and John M. Davidson were not present.

Citizens:

David Kesselring
Ryan Brunderman

I. Citizens Input

David Kesselring – One of the arguments that I heard against taking into consideration multiple citizen recommendations was why you should consider things that only five or six people brought before the board; yet can be deleted or changed by only one person on the board or if eight people voted an item down there was no discussion. Even if everyone on the board agreed on an issue it still might not be voted on by twelve people. It was said that we the people brought no documentation showing that our ideas have worked better in a majority of other counties. Why should we need to bring that information? What documentation has this board brought showing that our form of government is working in its current structure. If you really want documentation just look at our county. Talk to some of the regular working folks of this county and just listen to what they think of the structure. Input continued as to disagreement about the suggestion by one of the board members that term limits should be three terms. It seems that this is a losing situation for the voters. The full discussion of the decrease for the percentage needed for citizens' referendum was not fully explained at the last meeting. The original five thousand (5000) petitions required was never met in the history of Charlotte County from what I heard. That means that five thousand (5000) petitions is basically impossible in this county. The citizens did not ask for a percentage that might be possible; yet the board still decided to add an additional two percent to an impossible percentage. I looked into which individuals and groups were interviewed for input on this issue; I saw many of them were spokespeople for larger groups but most of them did not poll anyone from their groups and commented on their own behalf and not on the behalf of the organization. This board should put up anything for vote that is reasonable, for the people to decide; you're not here to decide for the people. I urge you to change the percentage for petition back to the original five percent or a smaller possible percentage, add the elected CRC back into your recommendations, change the term limits for CRC members back to the original recommended two terms rather than the order to change to eighteen years, do more research on exempting churches from taxes and the county administrator needs to be picked by the people.

II. Minutes of March 16, 2016 Meeting

Chairman Dryburgh – The minutes were emailed to everyone, are there any corrections or additions? Donald McCormick motioned for approval and John Hitzel seconded. Any discussion?

Chairman Dryburgh – One item that came up by Tom Rice, as to the motion and discussion about how the future CRC would be made up. The discussion was as to five alternates. My recollection as to the five alternates was that this did not pass and we stayed with the original three. Rob, how did you craft the language on that?

Robert Berntsson – I didn't, I just put in the term limit; I didn't put in anything with a new number of alternates.

Chairman Dryburgh – Don, could you make the motion to approve the minutes with a correction of three alternates rather than five?

Donald McCormick – Yes, three is fine.

John Hitzel – Seconded

Chairman Dryburgh – All in favor say I. Everyone said I. Opposed (None)

III. Approval of Expenses

Chairman Dryburgh – You were given a copy of our expense report. I have a motion to approve and William C. Abbatematteo seconded. Any discussion? All in favor say I. Everyone said I. Opposed (None)

IV. Old Business

None

V. New Business

a. Proposed Public Hearing Dates and Locations

Chairman Dryburgh – I would like to thank Paula Hess for speaking today on the Charter Review process and doing an outstanding job.

Paula Hess - Thank you Mr. Chairman for that compliment.

Chairman Dryburgh – The public hearing locations before you are listed as the Port Charlotte Administration Building on April 27th, Tringali Recreation Center on May 4th and the Punta Gorda Event Center on May 11th.

Paula Hess – I was wondering if the time proposed for the public hearings is opportune for working people? I would like to make the suggestion that maybe early evening would be better. The hearing in the events center has been held in the early evening in the past and was successful.

Katherine D. Ariens – I agree with Paula, I think we should do one at night, possibly 5:00 p.m. to 7:00 p.m.

Julie Mathis – I agree, we should have at least one if not two in the early evening. There are people that work and they cannot come earlier.

Katherine D. Ariens – It shows that we truly want to set the hearings so the people can have a voice. I would like to see all of them in the early evening but at least two.

Paula Hess – Parking is very difficult at 3:00 p.m. in the afternoon at the Port Charlotte Administration Building while business is being conducted; parking will be readily available at 5:00 p.m. I would suggest we do at least the Port Charlotte Administration Building and the Punta Gorda Event Center at 5:00 p.m.

It was stated that very few citizens attended the public hearing held at the Tringali Recreation Center in the past while the Charlotte Administration Building and the Punta Gorda Event Center were largely attended.

Chairman Dryburgh – What do you think about 4:00 p.m. to 6:00 p.m. at Tringali?

Robert Berntsson – You need to be careful if you set the time at 4:00 p.m. to 6:00 p.m. If you're there at 4:00 p.m. and at 4:30 p.m. no one is in attendance and you move to adjourn and people then come to the hearing. If you want to say the hearing starts at 4:00 p.m.

The question was posed as to if a public hearing has to have an open and close time?

Robert Berntsson – I think it's better to set a time for the hearing to start and when it ends it ends. If you have a room full of people, I don't think you will be very popular if at seven o'clock the meeting ends without everyone in attendance having had an opportunity to speak. I would suggest you set a start time and allow the hearing to end at whatever time it ends. All of this is subject to the rooms being available at the proposed times.

Paula Hess – We may have to change the day if they aren't available at 5:00 p.m.

Discussion ensued as to the three public hearings being held at 5:00 p.m.

Chairman Dryburgh – Unless there is a problem, the three hearings will be April 27th, May 4th and May 11th starting at 5:00 p.m. at each of the locations.

b. Proposed 2016 Charter Review Ballot Questions

Chairman Dryburgh – Rob do you have information on the proposed 2016 Charter Review Ballot Questions.

Robert Berntsson – The law requires that the ballot title be fifteen words or less. Under Charter Amendment No. 1 for example the "Reduction of percentage of electors needed to initiate county ordinances" would be the title. There is a limit of seventy five words in which you can explain what the amendment is. In this particular case, "Shall Article II, Section 2.2.G. (1) of the Charlotte County Charter be amended to reduce the number of electors needed to initiate county ordinances in order to establish new ordinances or amend or repeal existing ordinances upon petition, from ten (10) percent to seven (7) percent of the number of electors qualified to vote as a whole in the last preceding general election? YES for Approval and NO for Rejection and there is the actual amendment as it would appear in the Charter below it. The County Commission must pass an ordinance that puts these on the agenda and the language is in there to show what the charter amendment will be in the ordinance.

Chairman Dryburgh – Any further questions? Amendment No. 2.

Robert Berntsson – Amendment No. 2 is "Deletion of restriction of reestablishment of MSTU/MSBU Advisory Boards created by petition of electors." Shall Article II, Section 2.2.H. of the Charlotte County Charter be amended to abolish the two (2) year period prohibiting consideration of a petition for the creation of a Municipal Service Taxing or Benefit Unit (MSTU/MSBU) board of advisors upon abolition of a previous board of advisors? YES for Approval and NO for Rejection. Then you see how the language will be amended in the charter itself.

Donald McCormick – This is probably going to need some explanation. Do we have a mechanism with which we can publicize answers to questions that might come up.

Robert Berntsson – We can print informational flyers or something along that nature that can be sent out to the press.

Paula Hess – That is what the public hearings are all about. These proposed amendments will be published and the public will come to ask questions and oppose them or agree.

Robert Berntsson – This is a very fine section of the charter that specifically says that if your advisory committee was created by petition than one can't be one asked for, for two years. Basically, what we are doing is looking at these amendments to make sure these are the four we want to bring forward to public hearing and it is after the public hearing that you will make the formal decision as to whether each one goes forward.

Chairman Dryburgh – Amendment No. 3

Robert Berntsson – “Annual report of MSTU/MSBU advisory boards.” The ballot question will read. Shall Article II, Section 2.2.H. of the Charlotte County Charter be amended to require Municipal Service Taxing or Benefit Unit (MSTU/MSBU) advisory boards to provide an annual report on the unit's activities, objectives and funding requests to the Board of County Commissioners? YES for Approval and NO for Rejection. You can see how that sentence will be added to the section. Basically, 2.2.H. is only one sentence now, we're making sentence one, section I and sentence two a separate section.

Chairman Dryburgh – Amendment No. 4

Robert Berntsson – Charter Amendment No. 4, “Creating term limits for Charter Review Commission members”. Shall Article IV, Section 4.2.C.(1) of the Charlotte County Charter be amended to limit the number of terms a Charter Review Commission member may serve to three (3) full terms as a voting member? YES for Approval and NO for Rejection. This would apply to those that have served one, two or three terms up to this point. It does not grandfather anyone in. Scrivener errors can be pointed out in the report.

Chairman Dryburgh – Anymore question?

William C. Abbatematteo – Question Mr. Chairman as to the protocol for public input. Will they be able to discuss issues beyond these four?

Chairman Dryburgh – Yes, there might be something we missed that someone brings up. We will meet in May and look to see if there is something that we missed, if not then come June I will make the presentation to the County Commission and we will be done.

William C. Abbatematteo – Will this all be documented for our review.

Chairman Dryburgh – Yes, Beth will be along with us.

Paula Hess – What is the deadline.

Robert Berntsson – We have to have it to the County Commission by their last meeting in July, which I believe is July 28th. Unless things change dramatically through the public hearing process we'll be well ahead of that. Last time we made that deadline, we went to the County Commission on the last day. We added six months to this Charter Review Commission's term to give you a little more time to complete business without being rushed.

VI. Discussion

a. Room Set Up for Public Hearings

Chairman Dryburgh – The provided layout is how it was set up in Tringali and Punta Gorda in the past. The only difference would be in Room B-106, it will be a little different here.

Paula Hess – Does this come out of our budget too?

Chairman Dryburgh – Paula, if you would like I will question that.

Julie Mathis – Will the Notice of Public Hearing be a large ad? My recollection is that we paid for a decent sized ad to notice the public hearings in the past. I don't think we need a full page ad just something that can be seen easily.

Paula Hess – The same type of ad that was published last time.

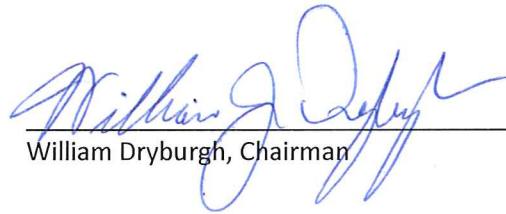
Chairman Dryburgh – I will meet with Beth after the meeting.

VII. Citizens Comment

Bryan Brunderman – I would like the Charter Review Commission to consider changing the Charter so that the County Manager position becomes an elected official. I think the position will then be more accountable to the people and have better ears for what is going on in the general community.

Chairman Dryburgh – Thank you all for coming. Motion to adjourn. So moved and seconded.

Committee adjourned at 3:29 p.m.



William Dryburgh, Chairman