

City Council Meeting
April 24, 2017

Action Item _____
Information Only X

BUSINESS ITEM 3

Charter Revision Update

Issue:

The City Charter (Title XI) requires that the City conduct a review of the Charter document every five years. Council last reviewed the Charter in 2012, with changes voted upon in 2013.

Background:

In 2012-2013, City Council agreed to incorporate the position of vice president of council into the Charter and to extend terms of office for council members and the mayor from 2 to 3 years. Voters approved those items.

Attachments:

I am attaching the following items:

1. Charter Title XI
2. Special council meeting minutes from June 4, 2012, discussing possible charter revisions
3. Ordinance 1193-13, establishing voter referendum/council memo
4. Minutes of April 15, 2013 – Accept Canvassing of Vote

Staff Recommendation:

Due to the requirement for a charter review, I recommend that City Council schedule a workshop to review the Charter and discuss possible changes or additions. In addition, you may want to consider a Charter Review Committee if we find there are a number of issues to review and recommend to voters.

TITLE XI. CHARTER AMENDMENT

This Charter may be amended in accordance with Section 166.031, Florida Statutes, as amended and shall be formally reviewed by City Council every five years.
(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)
to any action being taken.

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on June 4, 2012 at 5:30 p.m. in the Robert H. Johnson Council Chambers of the Municipal Building.

President Compton called the meeting to order. Roll call was taken. Present were members Ken Burgess, Kenneth Compton, Charlie Proctor, Lance Smith, Jodi Wilkeson and Mayor Steve Van Gorden. City Manager James Drumm and City Attorney Joseph Poblick were also present.

Staff present: Finance Director Stacie Poppell, Director of Planning Todd Vande Berg, and City Clerk Linda Boan.

A Moment of Silence was observed. The Pledge of Allegiance followed.

BUSINESS ITEMS**1. Discuss Letter from Attorney Diane Watson regarding the Property Dispute with Acme and Their New Offer to Finance the Property**

Mr. Drumm advised Council of a letter sent from attorney Diane Watson regarding trading properties at the airport industrial park with Acme. He said they are potentially offering alternative suggestions where the City would purchase their property outright and finance the property at 5%.

President Compton said the action that would be taken today would be to accept or reject their proposal.

Attorney Diane Watson, 3201 W. Palmira Avenue, Tampa, was present and addressed Council on behalf of her client, Acme.

President Compton said there will need to be another meeting with a more thorough presentation from the City for options that would be acceptable to Acme; and then a list of options from Acme that would be acceptable to the City.

President Compton said he is open to negotiations but the paper presented tonight is not the final resolution and he was inclined if someone made a motion to reject this one. He suggested having another meeting with more details being provided.

Lance Smith moved no action be taken on the offer presented. Seconded by Ken Burgess. Motion passed 4-1 with Jodi Wilkeson voting against the motion.

Council concurred to hold another meeting on June 28, 2012 at 5:30 p.m. President Compton said they will have an education aspect and then action will be taken at the next meeting. He recommended part 1 will be the Council hearing the presentation and listening to audios and becoming better acquainted with all of the background information regarding the subject. Then part 2 will be the negotiations with Acme. He said the staff recommendation with the possible list of proposals will all be on the City's web site with the agenda material. He requested Acme contact Mr. Poblick or Mr. Drumm if they have a particular item they would like to have addressed.

2. Review of City Charter and Discuss Potential Amendments

President Compton said the Charter was amended in 2006 and requires a formal review every five years. In 2006 a committee was appointed by City Council, a facilitator was hired, and the end result was recommendations that went to City Council for their review, additions, deletions, and/or corrections. He said he would like for Council to discuss potential amendments and Mayor Van Gorden provided options he would like for Council to consider.

Mayor Van Gorden suggested the following discussion points for technical and conceptual changes:

Title 1 – Chapter 1 – Section 11.02 – legal description updates

Title 2 – Chapter 1 – Section 21.06 – committees – discussion regarding committee appointments and terms to coincide with City Council terms

Title 2 – Chapter 1 – Section 21.031 – election and terms – discussion regarding extending elected officials terms

Section 21.05 -- discussion regarding who should preside over Council meetings

Title 3 – Chapter 1 – Section 32.01 – duties and powers – discussion regarding duties and powers of the Mayor including the right to vote

Section 32.03 – discussion regarding the extension of the term of the Mayor

Chapter 5 – Section 35.01 – discussion regarding the authority to hire and terminate the Chief of Police and Fire Chief

Section 36.01 – discussion regarding the City Clerk serving at the will of the City Council or City Manager

Title 5 – Section 51.05 – discussion regarding moving the City elections to November

President Compton said there is a pro and con to doing anything to the Charter.

R.J. Morgan, member of the Charter committee in 2005, provided insight and comments to Council.

Mr. Drumm said the Vice President of Council is not mentioned in the Charter and he would like that added under 21.05.

The consensus of Council was this meeting was the formal review of the Charter.

Lance Smith moved the City Manager prepare a thorough synopsis in the form of a draft Ordinance for Council and possible language for the referendum before Council decides if they want to proceed with three year terms for elected officials. Seconded by Ken Burgess. Motion passed unanimously.

Jodi Wilkeson moved the City Manager create a proposed draft ordinance adding Vice President language in the Charter as discussed in accordance with the recommendation of Mr. Drumm. Seconded by Charlie Proctor. Motion passed unanimously.

Meeting adjourned 8:02 p.m.

ORDINANCE NO. 1193-13

AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, CALLING FOR A REFERENDUM TO BE HELD OF APRIL 9, 2013, PROPOSING TO THE ELECTORATE OF THE CITY THAT SECTIONS 21.031, 21.05, AND 32.03 OF THE CITY CHARTER BE AMENDED; PROVIDING THAT THESE AMENDMENTS SHALL BE SUBMITTED TO THE ELECTORS OF THE CITY IN THE FORM OF THREE PROPOSITION ON THE REFERENDUM BALLOT; FIRST PROPOSITION BEING, SHALL CITY COUNCIL MEMBERS BE ELECTED TO A TERM OF THREE YEARS AS SET FORTH IN SECTION 1 OF THIS ORDINANCE BE ADOPTED; SECOND PROPOSITION BEING SHALL THE VICE PRESIDENT PRESIDE OVER MEETINGS IN THE PRESIDENT'S ABSENCE AS SET FORTH IN SECTION 2 OF THIS ORDINANCE BE ADOPTED; THIRD PROPOSITION BEING SHALL THE MAYOR BE ELECTED TO A TERM OF THREE YEARS; SETTING FORTH THE FORM OF THE QUESTIONS TO BE VOTED UPON AT SUCH ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Zephyrhills has reviewed the City Charter and has determined that it would be in the best interest of the City of Zephyrhills to amend the City Charter, as set forth in this Ordinance; and

WHEREAS, The City Council of the City of Zephyrhills deems approval of this Ordinance to be in the best interests of the health, safety, and welfare of the residents and citizens of the City of Zephyrhills and the public at large.

WHEREAS, two public hearings were held by the City Council on this Ordinance on

The 14th of January 2013; and
The 28th of February 2013;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, AS FOLLOWS:

Section 1. Section 21.031, of the City Charter shall be amended to read as follows:

(1)

At the regular municipal election of April 9th, 2013, a Council Member shall be elected for a term of three (3) years and at the regular municipal election each three (3) years thereafter and two City Council Members shall be elected for a term of two (2) years. The candidate with the highest number of votes shall receive the three (3) year term. In the event that the candidates are unopposed or there is a tie, the Councilmembers receiving the two (2) year terms shall be determined by drawing straws. Or in the alternative, a Councilmember(s) may volunteer for the two-year term(s).

(2)

At the regular municipal election of April 14th, 2014, one City Council Member shall be elected for a term of three (3) years and one City Council Member shall be elected for term of two (2) years. The lowest vote getter will serve the

two-year term. In the event that the candidates are unopposed, the Councilmember receiving the one (1) year term shall be determined by drawing straws. Or in the alternative, a Councilmember may volunteer for the one-year term

(3)

Commencing with the regular municipal election of April 13th, 2015, and at the regular municipal election each three (3) years thereafter, two City Council Members shall be elected for terms of three (3) years

(4)

Commencing with the regular municipal election of April 11th, 2016, two City Council Members shall be elected for a term of three (3) years and at the regular municipal election each three (3) years thereafter.

(5)

Commencing with the regular municipal election of April 10th, 2017, and at the regular municipal election each three (3) years thereafter, one City Council Member shall be elected for terms of three (3) years

Said Amendment shall be submitted to the electors of the City for approval or disapproval at the same time, form and manner as set forth in herein of this Ordinance and shall be placed on the ballot in the form of the following proposition.

CITY OF ZEPHYRHILLS REFERENDUM PROPOSITION NO. 1.
"PROPOSITION ONE"

SHALL SECTION 21.05 OF THE CHARTER OF THE CITY OF ZEPHYRHILLS, FLORIDA, BE AMENDED AS SET FORTH IN SECTION 1 OF ORDINANCE NO. 1193-13 OF THE CITY OF ZEPHYRHILLS, TO PROVIDE FOR THREE YEAR TERMS OF OFFICE FOR CITY COUNCIL MEMBERS.

_____ YES - In favor of adopting amendment to the City Charter

_____ NO - Not in favor of adopting amendment to the City Charter

Section 3. Section 21.05, Presiding Officer, of the City Charter shall be amended to read as follows:

They shall elect annually one of their members to be their presiding officer, who shall be designated president of the City Council, and another one of their number to preside in the absence of the president, who shall be designated the vice president of the City Council. It is further provided that the presiding officer as provided for above shall at all times be privileged to vote on all matters before the City Council.

Said Amendment shall be submitted to the electors of the City for approval or disapproval at the same time, form and manner as set forth in herein of this Ordinance and shall be placed on the ballot in the form of the following proposition.

CITY OF ZEPHYRHILLS REFERENDUM PROPOSITION NO. 2.
"PROPOSITION TWO"

SHALL SECTION 21.05 OF THE CHARTER OF THE CITY OF ZEPHYRHILLS, FLORIDA, BE AMENDED AS SET FORTH IN SECTION 3 OF ORDINANCE NO. 1193-13 OF THE CITY OF ZEPHYRHILLS, TO PROVIDE FOR THE VICE PRESIDENT OF THE CITY COUNCIL TO PRESIDE OVER MEETING IN THE PRESIDENT'S ABSENCE?

_____ YES - In favor of adopting amendment to the City Charter
_____ NO - Not in favor of adopting amendment to the City Charter

Section 4. Section 32.03 shall be amended to read as follows:

At the regular municipal election of April 2014 the Mayor shall be elected by the qualified voters of the city for a term of three (3) years and at the regular municipal election every three years thereafter, the mayor shall be elected for a term of three (3) years.

Said Amendment shall be submitted to the electors of the City for approval or disapproval at the same time, form and manner as set forth in herein of this Ordinance and shall be placed on the ballot in the form of the following proposition.

CITY OF ZEPHYRHILLS REFERENDUM PROPOSITION NO. 3.
"PROPOSITION THREE"

SHALL SECTION 32.03 OF THE CHARTER OF THE CITY OF ZEPHYRHILLS, FLORIDA, BE AMENDED AS SET FORTH IN SECTION 4 OF ORDINANCE NO. 1193-13 OF THE CITY OF ZEPHYRHILLS, TO PROVIDE FOR THREE YEAR TERMS OF OFFICE FOR MAYOR.

_____ YES - In favor of adopting amendment to the City Charter
_____ NO - Not in favor of adopting amendment to the City Charter

Section 5. The City Clerk shall cause of notice of this election called for the purpose of presenting the subject of Charter revision to a vote of the electorate to be published in accordance with the provisions of Section 100.342, Florida Statutes, at least twice, once in the fifth week and once in the third week prior to the week in which the referendum is to be held; provided that the first publication shall take place at least thirty (30) days before the date fixed for the referendum and shall be published in a newspaper of general circulation within the City.

Section 6. All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 7. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance

Section 8. Specific authority is hereby given to codify this Ordinance

Section 9. This Ordinance shall become effective immediately upon adoption. The amended section of the Charter as set forth in Section 1 and Section 2 hereinabove shall become effective upon certification of the election, if the question to be voted upon provided hereinabove receives an affirmative vote of the majority of the votes cast at the election held on April 9, 2013.

The foregoing Ordinance No. 1193-13 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 14th day of January, 2013.

Attest:

Linda Boan, City Clerk

Kenneth V. Compton, Council President

The foregoing Ordinance No. 1193-13 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 28th day of January, 2013.

Attest:

Linda Boan, City Clerk

Kenneth V. Compton, Council President

Kenneth V. Compton
assuming the duties of Mayor in his absence

Approved as to legal form and legal content
for the sole reliance of the City of Zephyrhills

Joseph A. Poblick, City Attorney

City Council Meeting
January 14, 2013

Action Item X
Information Only

Business Item 10

Consider First Reading Ordinance #1193-13 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, CALLING FOR A REFERENDUM TO BE HELD OF APRIL 9, 2013, PROPOSING TO THE ELECTORATE OF THE CITY THAT SECTIONS 21.031, 21.05, AND 32.03 OF THE CITY CHARTER BE AMENDED; PROVIDING THAT THESE AMENDMENTS SHALL BE SUBMITTED TO THE ELECTORS OF THE CITY IN THE FORM OF THREE PROPOSITION ON THE REFERENDUM BALLOT; FIRST PROPOSITION BEING, SHALL CITY COUNCIL MEMBERS BE ELECTED TO A TERM OF THREE YEARS AS SET FORTH IN SECTION 1 OF THIS ORDINANCE BE ADOPTED; SECOND PROPOSITION BEING SHALL THE VICE PRESIDENT PRESIDE OVER MEETINGS IN THE PRESIDENT’S ABSENCE AS SET FORTH IN SECTION 2 OF THIS ORDINANCE BE ADOPTED; THIRD PROPOSITION BEING SHALL THE MAYOR BE ELECTED TO A TERM OF THREE YEARS; SETTING FORTH THE FORM OF THE QUESTIONS TO BE VOTED UPON AT SUCH ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; AND PROVIDING FOR AN EFFECTIVE DATE.

Issue: City Council will consider Ordinance #1193-13 establishing a referendum question to amend the Charter

Attachment: Copy of Ordinance #1193-13

Analysis: At the June 4, 2012 meeting City Council voted to request an ordinance be drafted to establish a referendum question to amend the City Charter. The three issues were: 1) establish the office of the City Council Vice President providing powers of the President in his/her absence; 2) extend the term of City Council members from 2 years to 3 years so to not have a full City Council majority up for election at one time; 3) extend the term of the Mayor from 2 years to 3 years. Details of how a transition would be conducted are in the Ordinance and will be discussed Monday night. Passage of the ordinance will give to voters the decision to make these proposed changes.

Staff Recommendation:

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on April 15, 2013 at 5:00 p.m. in the Robert H. Johnson Council Chambers of the Municipal Building.

President Compton called the meeting to order. Roll call was taken. Present were members Ken Burgess, Kenneth Compton, Lance Smith, and Charlie Proctor. Jodi Wilkeson was absent. City Manager James Drumm and City Attorney Joseph Poblick were also present.

Staff present: Police Chief David Shears, Utilities Director David Henderson, Building Official Bill Burgess, Interim Director of Administrative Services Larry Strickland, Finance Director Stacie Poppell, Airport Manager Mike Handrahan and City Clerk Linda Boan.

The Pledge of Allegiance followed.

BUSINESS ITEM

1. Accept the Canvassing of the Vote

President Compton said there were 888 votes for the Councilperson for Seat 1. Manny Funes received 280 votes and Lance Smith received 608 votes. There were 881 votes cast for Councilperson for Seat 3. Kent Compton received 566 votes and Rose M. Hale received 315 votes.

President Compton said for Referendum Proposition 1; yes votes 552; no votes 334. For Referendum Proposition 2; yes votes 781; no votes 104. For Referendum Proposition 3; yes votes 562; no votes 323.

Charlie Proctor moved the certificate from the County Canvassing Board be accepted. Seconded by Lance Smith. Motion passed unanimously.

2. Administer the Oath of Office for:

- Mayor – Daniel W. Burgess, Jr.
- City Council Seat 1 – Lance Smith
- City Council Seat 3 – Kenneth Compton
- City Council Seat 5 – Charlie Proctor

City Clerk Linda Boan administered the oath of office to Daniel W. Burgess for Mayor; Lance Smith for City Council Seat 1; Kenneth Compton for City Council Seat 3; and Charlie Proctor for City Council Seat 5.

3. Reorganization of Council Officers

Charlie Proctor moved Lance Smith be appointed as President of Council. Seconded by Ken Burgess. Motion passed unanimously.

Kenneth Compton moved Charlie Proctor be appointed Vice President of Council. Seconded by Ken Burgess. Motion passed unanimously.

With the passing of the referendum propositions on the ballot the three elected Councilpersons will draw straws to see who will receive the three year term. City Attorney Poblick held the straws as Councilmen Compton, Smith, and Proctor drew according to their tenure on City Council. Councilman Smith drew the longest straw and was awarded the three year term which will expire in 2016. The term of Councilmen Compton and Proctor will expire in 2015.

4. Renewal of Environmental Engineering Services Contract with McKim and Creed PA for Six Months

~~Mr. Drumm requested Council consider extending a contract with McKim and Creed for six months to allow time for the completion of the Request for Proposals for new engineers. As part of the original agreement with the Florida Rural Water Association they would supply the engineering for the Lake Dorothea project. They are now unable to do that but they prefer the~~