

City of Longwood
2019 Charter Advisory Committee
Longwood City Commission Chambers
175 West Warren Avenue
Longwood, Florida 32750

MINUTES
September 26, 2019
6:00 P.M.

Present: Chair Matthew McMillan
Vice-Chair Johnnie Richardson
Member Deborah Poulalion (arrived at 6:09 p.m.)
Member Rex Anderson Sr.
Member Kate Crockett
Dan Langley, City Attorney
Michelle Longo, City Clerk

Absent: J.D. Cox, City Manager

1. **CALL TO ORDER.** Chair McMillan called the meeting to order at 6:00 p.m.
2. **APPROVAL OF MINUTES – August 22, 2019**

Member Anderson moved to approve the minutes of August 22, 2019, as presented. Seconded by Vice Chair Richardson.

Member Anderson asked if citizens outside the city of Longwood could speak during public participation.

Mr. Langley advised it was up to the Committee to decide.

Discussion ensued on public participation for citizens outside Longwood.

Motion carried by a unanimous voice vote with Member Poulalion absent.

3. **PUBLIC PARTICIPATION.** None.
4. **REVIEW OF CHARTER**
 - A. **ARTICLE VI. FINANCIAL PROCEDURES**

Chair McMillan stated that although the City Manager would be absent for this meeting, he provided a memorandum for a proposed change regarding line item transfers for appropriations and budget amendments.

Mr. Cox would like to present and discuss this with the Committee at the next meeting. Chair McMillan did want to go through Article VI tonight and suggested the Members review the information provided for the next meeting when Mr. Cox would be there.

Section 6.01 – Fiscal year reviewed with no comments or recommendations.

Section 6.02 – Submission of budget and budget message reviewed with no comments or recommendations.

Section 6.03 – Budget

Member Crockett commenting on the time frame given for the reporting budget and asked if this was a sufficient amount of time.

Discussion ensued on the budget process and that you have to follow Florida Statutes. It was noted work on the budget starts in the April and May timeframe if not sooner. There has been no issues meeting the deadlines set by the state and it was suggested to check with Mr. Cox if he had any additional input.

Section 6.04 – Capital program reviewed with no comments or recommendations.

Section 6.05 – Commission action of capital program

Member Poulalion expressed a concern on the publication of public hearings in the newspaper.

Discussion ensued on publications in the newspapers.

Member Poulalion asked about topics they have asked to be added to the list of future discussions and if they are being tracked for future reference.

Ms. Longo noted all the topics which have been noted for future discussions are being compiled so the Committee can address them at a future meeting.

Section 6.06 – Amendments after adoption

Chair McMillan asked how an excess of additional revenue may appear in the budget. He also asked how do you know when these funds are available in the budget.

Mr. Langley said it is possible to have a circumstance where the City collects money on something they did not anticipate. He gave an example and said they would track this as an offsetting expenditure or use it to offset other expenses in the budget.

Discussion ensued on other instances in which additional revenue can appear after the adoption of the budget and what is done with extra money.

Mr. Langley advised that if a department spends less than what they are budgeted for, the Commission can transfer the excess and allocate it for expenditures on line items that exceeded their budgeted amount to offset other things.

Discussion ensued on unencumbered balances.

Section 6.07 – Lapse of appropriations reviewed with no comments or recommendations.

Section 6.10 – Administration of budget

Vice-Chair Richardson asked if the dollar amounts on Section 6.10(B) were a realistic figure in today's economy due to increased inflation. He said he wanted to revisit this topic with the City Manager who could possibly provide further clarification.

Discussion ensued and it was noted this section does not stop you from doing projects of a certain dollar amount just restricts the amount of debt incurred. It was agreed to revisit this topic with the City Manager.

B. ARTICLE VII. LAND PLANNING

Section 7.01 – Land planning agency

Member Poulalion and Member Crockett commented on the selection of the land planning agency members and how Commission appoints each member.

Discussion ensued on how the Commission appoints the members of the land planning agency.

Mr. Langley advised the laws of the State of Florida require a City to have this board and there is an ordinance adopted by the City that governs the details of this particular board. Each Commission district has a person designated for service on the board. Whenever that seat is up for an appointment the Commissioner of that district will nominate a person to

fill that seat. The Commission then appoints the person with the majority vote. He pointed out the City's Code has more information on this board and the appointments of members.

Section 7.02 – Board of adjustment

Mr. Langley advised there is no State law that requires this board. He noted there was a recent code change regarding who hears Special Exceptions, like variances, and they are now heard by the Commission. Therefore this board does not meet that often.

Ms. Longo advised the last time this board met was in April 2012. It is technically an inactive board because they are not meeting. There are no appointed members at this time.

Discussion ensued on what were to happen if a variance came back and if the Board would have to come back.

Ms. Longo recommended considering putting this on the list to bring back and discuss possibly removing this item from the Charter. It was suggested to have the director of Community Development come in to discuss further and give more insight as to how they are addressing this.

Chair McMillan agreed to table this conversation.

Member Anderson asked if the decision to remove this from the Charter would have to go through a referendum.

Mr. Langley said it would. He said taking this board out of the Charter does not eliminate the board, it just takes it out of the requirement to have the board by Charter. The Commission can still decide to have this board again.

Member Anderson suggested adding a Section 7.03 for a Code Enforcement Board. He wants the City to be proactive rather than reactive.

Mr. Langley advised the State law gives the City the ability to have a Citizen's Code Enforcement Board or a lawyer serving as a magistrate executing the same functions as the Code Enforcement Board. The city has a lawyer serving as a magistrate who hears code enforcement cases. The Code Enforcement department staff will prosecute code enforcement violations under the magistrate. The Magistrate will hold a hearing and determine whether the property owner is in violation and will fine them if necessary. We have a process that is not in the Charter but is in the Code.

Discussion ensued about code enforcement in the City. It was noted it is a policy decision for the Commission on how this is to operate and its function is not something that has to be detailed in the Charter.

Member Anderson made a motion to have Commission look at the function of the Code Enforcement and move it back to proactive instead of reactive.

Mr. Langley advised this is not a proper motion within the role of this Committee. The motion has to pertain to a Charter amendment that impacts code enforcement and not a policy decision for the Commission. That would be something to address at a Commission Meeting during Public Participation.

C. ARTICLE VIII. NOMINATIONS AND ELECTIONS

Section 8.01 – City Elections reviewed with no comments or recommendations.

Section 8.02 – Candidate qualifying procedures

Chair McMillan commenting on the threshold fee for those who are unable to pay.

Discussion ensued on qualifying fees, those who are unable to pay this fee, and the language of Section 8.02(B).

Chair McMillan recommended changing the language on this section, perhaps removing “unable to pay” and let it be a candidates decision to pay or get petitions.

Vice-Chair Richardson suggested revisiting Section 8.02(A) and reviewing its language. He said the language is a bit vague and misleading when compared to the language of Section 8.04.

Discussion ensued on what each section is referring to when it is saying district Commissioner in 8.02(A) and Commission District in 8.04(A).

Section 8.03 – Form of ballots

Member Poulalion asked if state law mandates the form of City ballots.

Mr. Langley advised this is a provision that is not needed in the Charter. State law mandates ballot forms and the Supervisor of Elections handles City elections. He was not quite sure if it was completely consistent with

state law and would have to do more research on this. He said we are not the ones printing the ballots, but we do provide the questions on the ballots for Charter amendments.

Chair McMillan suggested striking out conflicting verbiage and changing the language to reflect that ballots shall be consistent with state law.

Member Crockett moved to strike out any election information in Section 8.03 and replacing it to reflect it shall be consistent with state law. Seconded by Member Poulalion and carried by a unanimous voice vote.

Section 8.04 – Elections reviewed with no comments or recommendations.

D. ARTICLE IX. INITIATIVE AND REFERENDUM

Section 9.01 – Initiative reviewed with no comments or recommendations.

Section 9.02 – Referendum reviewed with no comments or recommendations.

Section 9.03 – Commencement of proceedings reviewed with no comments or recommendations.

Section 9.04 – Petitions reviewed with no comments or recommendations.

Section 9.05 – Procedure for filing reviewed with no comments or recommendations.

Section 9.06 – Referendum petitions; suspension of effect of ordinance reviewed with no comments or recommendations.

Section 9.07 – Action on petitions reviewed with no comments or recommendations.

Section 9.08 – Results of election reviewed with no comments or recommendations.

Section 9.09 – Fee for validation reviewed with no comments or recommendations.

Section 9.10 – Recall reviewed with no comments or recommendations.

This Page Left Blank Intentionally.