

**City of Longwood**  
**2019 Charter Advisory Committee**

Longwood City Commission Chambers  
175 West Warren Avenue  
Longwood, Florida 32750

**MINUTES**  
**November 14, 2019**  
**6:00 P.M.**

**Present:** Chair Matthew McMillan  
Vice-Chair Johnnie Richardson  
Member Deborah Poulalion  
Member Rex Anderson Sr.  
Member Kate Crockett  
Dan Langley, City Attorney  
Michelle Longo, City Clerk  
David Dowda, Police Chief  
Mike Peters, Fire Chief  
Chris Kintner, Community Development

**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 – October 24, 2019**

Member Anderson moved to approve the minutes of October 24, 2019, as presented. Seconded by Vice-Chair Richardson and carried by a unanimous voice vote.

3. **PUBLIC PARTICIPATION.** None.

4. **OLD BUSINESS**

A. **Review the list of potential recommendations made by Members.**

Article XII. Public Safety, Section 12.03 – Members

*The police department shall consist of not less than two and two-tenths (2.2) officers per thousand (1,000) population or such other members as shall be determined by the City Commission.*

The Police Chief was asked about the ratio and said they are currently operating above that number. Some discussion ensued on the portion that states “or such other members as shall be determined by the City Commission”, and it was decided to add this to the list and bring back for further discussion on changing the language.

Discussion ensued on the language in the first part of this section.

Member Poulalion asked if changing the word *or* to *and* would accomplish the objective of clarifying the first part of this section.

Mr. Langley suggested ending the sentence with population and removing the rest of the wording.

Chair McMillan moved on to the second part related to the fire department.

*The fire department shall consist of no fewer firefighters than existed on November 4, 1997.*

There were questions regarding this language and additional information on what the population was at that time was researched. The following is what was provided by the Fire Chief: Just prior to 11/4/97 the possibility of consolidation of our department with Seminole County was explored. After investigation it was determined consolidation was not financially feasible or politically desired. To demonstrate the desire to maintain our own department in the future we were placed in the charter with the current staffing at the time of 27. The population in Longwood according to the Census was 13,316 in 1990 and in 2000 it was 13,657.

Chair McMillan addressed the second part of the section and read an email clarifying the number of firefighters on November 4, 1997, was 27.

Chief Peters said after that point, we have changed over the years and that was prior to us being an emergency transporting agency. We added ambulances and personnel came afterward. In 2017 we added additional personnel per shift to help offset overtime costs. The number today would be 42 and we view 27 as a minimum. He noted the Commission does review their staffing during the budget process.

Discussion ensued on firefighter staffing and a question was raised regarding looking at staffing based on a ratio.

Chief Peters advised it would be difficult to reflect members in the fire department on a ratio because their staffing is not indicated by population levels, but rather by development and what type of development is going on in the City. It would be more accurate to compare it to the Insurance Service Office recommendations. However, in doing so, it would be cost prohibited for the City because their recommendations would exceed our current staffing. We would probably want to look at our resources and what we are capable of doing.

Discussion ensued on how to change the language of the second sentence. Chief Peters suggested changing the number to today's staffing, which is 42. He also clarified that their current staffing is 43, which includes one administrative position and that position is not a certified firefighter.

Member Crockett moved to change the language of the second part to say *"The fire department shall consist of no fewer firefighters than 42"*. Seconded by Member Anderson.

Chief Dowda addressed the section related to police, that officers and members are two different things. He said he would not want administrative staff to be considered in the ratio for sworn officers.

Discussion ensued on amending the motion, adding the changes in the wording for the police department and staffing in the police department. A question was raised with the wording related to *"or such other members as shall be determined by the City Commission"* and the City Commission should not be involved in determining the members in the Police Department, and this should be removed to keep the department in charge of determining its own staffing needs.

Mr. Langley clarified staffing is a budgetary issue and the Commission approves the budget. He noted these provisions, related to staffing levels, are not mandated to be in the Charter. It is a protection and restriction on the authority of the Commission by establishing these minimums to make sure that in the budget process they are meeting these minimums.

Further discussion ensued on the wording for the police department.

Member Crockett withdrew her motion and Member Anderson withdrew his second on the initial motion made by Member Crockett.

Member Crockett restated her motion and moved to remove the word *"or"* to *"and"* in the first sentence for the police department leaving the rest of the sentence as is, and change the second sentence for the fire department to say, *"The fire department shall consist of no fewer firefighters than 42, and such other members as shall be determined by the City Commission."* Seconded by Member Poulalion and carried by a unanimous voice vote.

#### Article VII. Land Planning, Section 7.02

*Section 7.02 – Board of adjustment.*

*The City Commission shall by ordinance establish a Board of Adjustment and shall provide standards and procedures for such board to hear and*

*determine appeals from administrative decisions, petitions for variances in the case of particular and unusual circumstances which would prevent the reasonable use of land and such other matters as may be required by the City Commission or by law. The Board of Adjustment shall consist of five (5) members appointed by the City Commission for terms of three (3) years from among the qualified voters of the City. Members of the Board of Adjustment shall hold no other City office or employment.*

Mr. Kintner, Community Development Director, said the Board of Adjustment has not met since April 25, 2012. He reviewed the things that lead up to this happening. In March of 2011, the City Commission added language to the Development Code that required variances that were approved over staff's exception to be automatically appealed to the City Commission. In September of 2012, the City Commission adopted Ordinance No. 12-1992 which included a special exception procedure. Special Exceptions are very similar to variances. He said variances only look at hardships while special exceptions do not necessarily have to prove a hardship, but can provide an alternative to the Code that still meets its intent and there are still six criteria City Commission needs to look at to do that. Consequently, two types of variances were seen before 2012; the smaller issues were taken care of as administrative labors which is usually a 20% to 25% waiver to a numeric standard; other larger issues passed as Special Exceptions. With these two paths existing there have not been any variance applications. You can still apply for a variance, but very few people would take that path having the special exception path being available to them.

Mr. Langley said the Board of Adjustment is not a State Law Committee. It is unusual to see both the Land Planning Agency and the Board of Adjustments in the Charter since they are not needed to be in the Charter. He did reiterate the Land Planning Agency is a state requirement for a City to have. He clarified that removing Section 7.02 out of the Charter does not eliminate the Board. The Commission would still have to remove the Board from the City Code in order for the Board to go away.

Chair McMillan suggested a change in the language of this section by changing "*shall*" to "*may*".

Mr. Langley advised the purpose of the Charter is to set up a framework of government for the City and to restrict the authority of the Commission to do things. Different Boards are functions of a Code and the elimination of the Board in the Charter does not prohibit the City Commission from establishing the Board, but its existence in the Charter is mandating the Board be created. Allowing flexibility in the Charter is an act that is not needed because the Commission has the authority to do it anyway. What the Charter provision does is bind the hands of the

Commission to have an ordinance that establishes this Board with certain functions that the Commission may decide is not the most efficient way of handling certain things. He suggests removing Section 7.02 as it does not need to be in the Charter, to begin with.

Vice-Chair Richardson moved to remove Section 7.02 - Board of Adjustments from the Charter in its entirety. Seconded by Member Crockett and carried by a unanimous voice vote.

Chair McMillan moved to the language for modifying grammar and overall use of pronouns in the Charter.

Member Crockett moved to update the antiquated language and wording making the Charter gender-neutral in its use of pronouns. Seconded by Vice-Chair Richardson carried by a unanimous voice vote.

Article III. Section 3.01 (c)(2) Geographical commission districts

*Section 3.01 (c)(2) Geographical commission districts.*

*(2) The boundaries of such districts shall be defined by said ordinance and shall be amended from time to time as necessary to maintain said districts in as nearly equal population as practicable.*

Discussion ensued on the changes previously made, which were to consider changing Section 3.01 (C)(2) to indicate the boundaries of such districts shall be reviewed no less than every ten years in a period of time reasonable after the release of the United States Census results and any district changes would be in effect for the next election cycle.

Mr. Langley requested some time to work on language and bring it back for consideration at the next meeting. He did express some concern with restricted language because of when elections may fall.

Discussion ensued on the Census, general elections, and redistricting.

Article IV. Section 4.06. – Temporary/Acting City Manager

*Section 4.06. – Temporary/acting City Manager.*

*(1) Temporary City Manager. The City Commission shall designate who shall act as temporary City Manager during temporary absences.*

*(a) The term temporary absence shall be construed to mean vacation; out-of-town official business, holidays, and weekends; and being temporarily incapacitated by illness of not more than sixty (60) days.*

Discussion ensued on the language of this section. No recommendations were made.

## Article VI. Financial Procedures

Chair McMillian said this section has already had a motion to include staff's suggestions in the Board's recommendations to the Commission.

### Article VIII. Section 8.02 (b) - Qualifying fee

*(b) Qualifying fee. A non-refundable qualifying fee equal to five (5) percent of the annual compensation shall be required of each candidate, or, if such candidate is unable to pay the qualifying fee, then the candidate shall be required to qualify in accordance with F.S. § 99.095.*

Discussion ensued on the recommendation of changing the language in this section, removing "unable to pay" and let it be a candidates decision to pay or get petitions.

Member Poulalion moved to strike out "if such candidate is unable to pay the qualifying fee" and have it read "A non-refundable qualifying fee equal to five (5) percent of the annual compensation shall be required of each candidate, or, the candidate shall be required to qualify in accordance with F.S. § 99.095." Seconded by Vice-Chair Richardson and carried by a unanimous voice vote.

### Article VIII. Section 8.03. - Form of ballots.

*A Charter amendment to be voted on by the City shall be presented for voting by ballot title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Immediately below such question shall appear, in the following order, the word "Yes" and also the word "No" with a sufficient blank space thereafter for the placing of the symbol "X" to indicate the voter's choice or with a lever opposite "Yes" or "No" if voting machines are used.*

Chair McMillian said this section has already had a motion to strike out election information and replacing it to reflect "shall be consistent with state law" and included in the Board's recommendations.

### Article X. Section 10.03 (a)(4) - Prohibitions

*No person shall orally, by letter or otherwise, solicit or assist in soliciting any assessment, subscription, or contribution for any municipal political purpose whatever from any person holding any compensated appointive City position.*

Chair McMillian said this section has already had a motion to remove this language and include in the Board's recommendations. Member Anderson noted he has since changed his position and is in agreement with this recommendation which he previously voted against at the last meeting.



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