



## CITY OF COCONUT CREEK CHARTER REVIEW BOARD MEETING MINUTES

Jeffrey Barker, Chairperson  
Heidi Thorman, Vice Chairperson  
Ann Fantell  
Connie Finley  
Steven Hall

Government Center  
4800 West Copans Road  
Coconut Creek, FL 33063

Date: February 10, 2020  
Time: 5:00 p.m.  
Location: Public Meeting Room

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### 1. CALL TO ORDER

The fourth meeting of the 2020 Charter Review Board (CRB) was called to order by Chair Jeffrey Barker at 5 p.m.

### 2. ROLL CALL

Jeffrey Barker – District C  
Ann Fantell - District B  
Steven Hall – District E

**EXCUSED:** Heidi Thorman – District A and Connie Finley - District D

**ALSO PRESENT:** City Attorney Terrill Pyburn, Deputy City Attorney Kathryn Mehaffey, City Manager Karen Brooks, and City Clerk Leslie Wallace May.

### 3. APPROVAL OF MINUTES

A motion to approve the minutes of the February 3, 2020, Charter Review Board Meeting was made by Ms. Fantell and seconded by Mr. Hall. There was a unanimous voice vote to approve the minutes.

*While the Board waited for the time certain of 5:15 p.m., discussion ensued regarding upcoming meeting dates and information requested at the previous meeting.*

Ms. Fantell noted for the record that she would not be available to attend Charter Review Board meetings during the March 30 – April 11 time frame. Mr. Barker stated that he was not available on Monday, March 23, and Ms. May noted that she would also not be available that day. Discussion ensued about looking at those dates as they get closer. The following dates were discussed, where presenters were already scheduled: Commissioner Belvedere on February 18, Vice Mayor Sarbone on February 24, and Finance Director Peta-Gay Lake on March 2.

Deputy City Attorney Kathy Mehaffey distributed information on population by commission district requested at the February 3 meeting. She summarized that the estimated buildout population is 64,885, which is an estimated increase of about 5,700 people. It is anticipated that most of that development will occur in District D and at that time, there would most likely be another re-districting effort. Brief discussion ensued regarding the Re-Districting Board calculations, and City Attorney Pyburn explained the many intricacies that are considered by a consultant from Florida Atlantic University who is hired by the City. She also noted the Regional Activity Center in District D within the MainStreet area and where there were some specific entitlements approved about 12 or more years ago, noting that it is difficult to speculate when that area would be developed. Mr. Barker asked about the unincorporated areas on the northern portion of the city limits.

Discussion ensued regarding the County's requirements to have all areas annexed by a certain year, which had been delayed.

#### **4. DISCUSSION BY COMMISSIONER RYDELL (Time Certain 5:15 p.m.)**

Commissioner Rydell joined the meeting at 5:15 p.m., and greeted each of the Board members. He commented on the unincorporated area on the north end of the City and noted that the County had stopped the movement to annex the area. He said the County had even brought in water and sewer utilities to that area a few years ago and the residents in the area were displeased. Commissioner Rydell made the following recommendations for Charter changes:

##### Elected Mayor

Commissioner Rydell recommended having an elected mayor, but not a strong mayor. He suggested that there could be four voting districts and a Mayor seat that is elected at large or, if the Board preferred to instead remove the prohibition of consecutive terms for the mayor. He explained that currently, the Mayor can only serve for one year. He stated that an elected mayor would be significant to attracting new businesses to the area. Mr. Hall asked how the elected mayor position would be different from the other commission seats. Commissioner Rydell explained that cities with elected mayors use the position as a conduit for business. Discussion ensued regarding keeping the rotation of mayor, but removing the cap of one year.

##### November Elections (Charter Section 706)

Commissioner Rydell commented that moving the elections to November should be debated. Chair Barker explained that the Board had previously discussed this topic and there were concerns with the City's election getting lost on the large sized ballots. He mentioned that the Board had discussed looking into moving the elections from March of odd-numbered years to March of even-numbered years to save money by coinciding with a primary election. City Clerk May noted that the cost savings would take place only when there is a Presidential Preference Primary Election. It was noted that there could be approximately a \$44,000 cost savings every other election cycle. Discussion ensued regarding the pros and cons of moving the elections to March of even-numbered years.

##### Term Limits

Commissioner Rydell asked the Board to consider term limits for the city commission seats. He noted that the Broward County Commission and the School Board of Broward County have term limits. Mr. Hall asked Commissioner Rydell what he thought the term limit should be and Commissioner Rydell stated that it should be three consecutive 4-year terms. Discussion ensued about how other cities handle term limits with commission seats and elected mayor seats.

Chair Barker asked how the referendum questions would be worded to avoid conflicting topics. City Attorney Pyburn and Deputy City Attorney Mehaffey explained that the questions would be structured in a way that the entire issue would either be approved or it would fail. Deputy City Attorney Mehaffey further clarified that any topic that is utterly dependent on something else would be tied together into one question. Discussion ensued.

#### Article IV – City Manager

Commissioner Rydell stated that the provision in Section 401 requiring the City Manager to be a resident of the City should be removed. He noted that he spoke with the City Attorney regarding Section 405, which provides for removal of the City Manager and that it is addressed by statute and contract. Deputy City Attorney Mehaffey explained that research was being done on that section. He proposed for discussion by the Board, the concept of making the Chief of Police a Charter Officer who is appointed by and reports to the City Commission instead of the City Manager, making it more transparent. Discussion ensued and the Board concluded without further information or a pressing future issue that it should be left alone.

#### Article VII – Registration and Elections

Commissioner Rydell suggested that the Board discuss the petition process, which allows residents a way to access government. City Attorney Pyburn further explained that it is the process for a situation where a citizen wanted to change the code in a way that the City Commission was not in agreement and that it is not a process that is used all of the time. Chair Barker asked if there was a deficiency in the current charter language relating to the petition process. City Attorney Pyburn explained that the language was convoluted and could be simplified. She noted that research was being done to see if there was a particular reason for the time frame referenced therein regarding the Supervisor of Elections. Commissioner Rydell reiterated that the section should be reviewed to see if it could be simplified.

#### Ability for any Commissioner to add an item to the Commission Agenda

Commissioner Rydell stated that currently, only the Mayor can add an item to the commission meeting agenda and he recommended that it be changed to allow for any of the commissioners to have the ability to add an item to the agenda. Discussion ensued regarding conflicting language in the Charter on who could place items on the agenda. City Attorney Pyburn read Charter subsection “402.i.”

“The City Manager shall have the exclusive authority to place matters on the City Commission agenda, except in those instances where a majority of the Commission members at a regular meeting, special meeting, or workshop agree to place a matter on the City Commission agenda.”

She then read Charter subsection “309.a.”

“ . . . Special or emergency meetings, or workshops, may be held on the call of the Mayor, the City Manager or three (3) or more members of the City Commission, and, whenever practicable, upon no less than twenty-four (24) hours' notice to each member . . . “

Commissioner Rydell explained that if he wanted to place an item on an agenda, he has to do so at a commission meeting. Commissioner Rydell stated that this was not technically the right way to do it. He noted that he has been able to meet with the City Manager to place items on an agenda, but he had concerns with this not working out in the future in the event

of animosity. Discussion ensued regarding allowing commissioners the ability to place an item on an agenda, but to limit it to motions or resolutions and not ordinances. Commissioner Rydell asked City Manager Brooks if she agreed. City Manager Brooks did not agree because it would inject policy into the day-to-day operations of the City. She further stated that keeping it within the City Manager's purview, leaves the day-to-day operations with the City Manager. She stated that if the City Commission as a whole does not like what a City Manager is doing, the Commission has a means to address that matter. Mr. Hall agreed with City Manager Brooks.

#### Vacancy on the City Commission

Commissioner Rydell asked City Attorney Pyburn to mention an issue concerning the vacancy language. Deputy City Attorney Mehaffey distributed a document that contained a "Running Issue List" of everything that was presented to or discussed by the Board to date. City Attorney Pyburn referred to page two of the list that contained Charter subsection "305c.1." She noted that, in follow-up to the last meeting, the list showed proposed language, with two options:

- "c. *Filling of Vacancies.* A vacancy on the Commission shall be filled in one of the following ways:
1. If a vacancy occurs three hundred and sixty-five (365) or fewer calendar days before the expiration of the term of the former Commissioner, the Commission, by majority vote of the remaining members, shall appoint a qualified person to fill the vacancy within thirty (30) days of its occurrence, unless there is an election scheduled within [ninety (90) / one hundred eighty (180)] days in which case the Commission may provide for the vacancy to be filled in the next election. Said appointee shall serve until the next regular City election and be a resident qualified voter of the same district in which the vacancy has occurred. Said appointee shall fulfill the requirements of Section 301b."

Discussion ensued regarding different scenarios that would trigger a vacancy and whether to go forward with the 90 days or 180 days before an election language, or instead to change the need to appoint someone from 30 to 90 days. City Attorney Pyburn explained the flexibility with the 180 days language.

#### Article V – Establishment of Required Boards and Committees

Chair Barker referred to Charter Article V and noted that it only mentions the Planning and Zoning Board, the Civil Service Board, and that the Commission may establish other advisory boards and committees by ordinance. He asked if the Charter should mention the boards to which the Charter gives direction. Commissioner Rydell stated that he originally thought the Charter should speak to all of the boards, but after conversations with the former City Manager and the City Attorney he realized that the Charter was not the right place and that it should be done by ordinance.

#### Charter Section 501 Organization of Boards and Committees

Ms. Fantell referenced Charter Section 501 and noted that it does not mention that board members should reside within the City. Commissioner Rydell reiterated why it should not be mandated in the Charter, but should be done by ordinance. Mr. Hall inquired about setting term limits for board members. City Manager Brooks mentioned that it is good to have continuity on the boards. Discussion ensued.

**5. DISCUSSION BY BOARD MEMBERS**

Chair Barker asked if there was anything left to discuss and City Attorney Pyburn referred to the "Running Issue List" previously distributed and suggested that the Board could continue with discussing the list or wait until the next meeting. Chair Barker stated that since there were two board members who were not present that it was best to discuss the list at the next meeting.

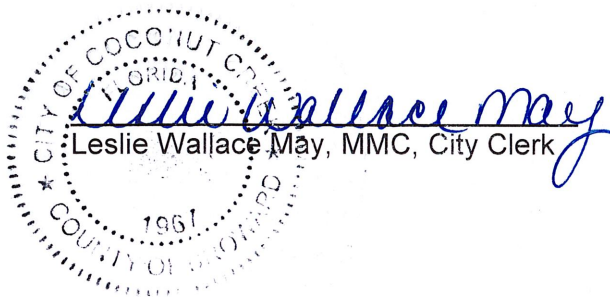
**6. CONFIRM NEXT MEETING DATE OF 2/18/2020 AT 4:30 PM**

Chair Barker reiterated the upcoming meeting dates and times through March 2.

**8. ADJOURNMENT**

The meeting was adjourned at 6:31 p.m.

Transcribed by: Leslie Wallace May



2/18/2020  
Date