

**CHARTER REVIEW COMMISSION  
VOLUSIA COUNTY, FLORIDA**

**MINUTES OF THE MEETING OF  
APRIL 11, 2016**

**CALL TO ORDER**

Chair Brown called the meeting to order at 5:32 p.m. in the Dennis R. McGee Room at the Daytona Beach International Airport, 700 Catalina Drive, Daytona Beach, Florida.

**ROLL CALL**

Members present included Chair Hyatt Brown, Frank Bruno Jr., Frank Darden, Patricia Drago, Ambassador Stanley Escudero, Dr. Phillip Fleuchaus, David Haas, Peter Heebner, Glenn Ritchey Sr., Derek Triplett, Mark Watts and Lisa Ford Williams. Dr. Bailey attended via conference line and Patricia Northey arrived after roll had been taken. Also present were County Attorney Dan Eckert, County Manager Jim Dinneen, county support staff and members of the public. Chair Brown informed the Commission that Jim Morris would not be attending.

**PUBLIC PARTICIPATION**

Chair Brown opened the floor to public participation and there was none.

Chair Brown made reference to an editorial that was published in the News Journal regarding the Volusia Growth Management Commission.

**APPROVAL OF MINUTES**

David Haas made a motion to approve the minutes of the March 14, 2016 meeting and the minutes of the March 7, 2016 Charter Review Commission Subcommittee meeting. The motion was seconded by Frank Bruno, Jr. The motion was approved unanimously.

**VOLUSIA GROWTH MANAGEMENT COMMISSION REPORT OF POP COMMITTEE**

Heather Ramos, Attorney gave a report to the Commission on the Volusia Growth Management Commission's POP Committee. Ms. Ramos stated that the POP Committee approved the version of the rules that would go with the no charter amendment during their April 7<sup>th</sup> meeting. She advised that the full commission's meeting will be held on April 13, 2016 at 7:00 p.m. in Deland. Ms. Ramos added that she anticipates that the Volusia Growth Management Commission (VGMC) will approve the same version of the rules. Once approved by the full VGMC, she states that the recommendation will then be forwarded to the Volusia County Council.

Chair Brown asked Ms. Ramos whether or not there was a unanimous vote of the no charter amendment by the POP Committee. Ms. Ramos affirmed.

## **COUNCIL MEMBER AT-LARGE TO BE VICE CHAIR OF COUNTY COUNCIL AMENDMENT**

Before further discussion, Chair Brown acknowledged Dan Eckert, County Attorney and asked him to speak to the Commission about the provision of designating the at-large member as county council vice chair.

Mr. Eckert began by stating that he drafted a ballot question similar to the proposed amendment ten years ago.

Mr. Eckert referenced Section 307.1 of the charter and made mention of the duties of the chair and methods of selection. He stated that the textual changes to make the at-large member serve state “at large member shall serve as vice chair of the county council and shall preside in the temporary absence, disqualification or disability of the county chair at county council meetings and perform other duties assigned by the county chair.”

Mr. Eckert stated that he hoped the Commission would find the amendment to be clear and concise. He also stated that the proposal is a full text amendment and that it would be published for voters at least thirty days in advance.

Frank Bruno Jr. asked Mr. Eckert if it is necessary to have at the end of the question, “instead of the annual election by the county council of one of its members?” Mr. Eckert advised that the task of the ballot summary is to indicate the chief purpose of measure and to explain how it varies. Mr. Bruno asked Mr. Eckert if the proposed language needs to be on everything that the Commission is asking for a vote on. Mr. Eckert clarified by stating that the questions have been designed to do so.

Chair Brown opened the floor for discussion and discussion ensued amongst members of the Commission.

Mr. Eckert stated that charter amendments, unless otherwise specified, become effective upon approval by the voters.

Dr. Fleuchaus asked Mr. Eckert if the wording on the proposed amendment is identical to the ballot question ten years ago. Mr. Eckert advised that the wording was not identical and been changed slightly. Mr. Eckert stated that he hoped the revisions were clearer than they were in the past. Dr. Fleuchaus stated that the amendment did not pass ten years ago. Mr. Eckert stated that the question was clear ten years ago and does not believe that was why the amendment did not pass.

Mr. Bruno stated that it has always been used for everyone to be given an opportunity to gain additional experience and take on leadership positions. He added that in this particular case, because the at-large member does not make any additional money, the request made by council member Joyce Cusack merits the request.

Pat Northey stated that she does not believe any council member serves on county council for the money or status. Mr. Bruno concurred.

Ambassador Escudero asked Chair Brown if they would be voting on the proposed amendment at this time. Chair Brown stated that the Commission would take straw votes on all of the proposed amendments because the intent was to approve the straw votes so that the recommendations can be forwarded to county council. Ambassador Escudero made a motion to approve the straw vote as presented. The motion was seconded by Glenn Ritchey. Pat Northey opposed.

## **REVIEW OF CHARTER REVISIONS TO BE CONSIDERED FOR FINAL APPROVAL IN MAY MEETING**

Chair Brown opened the floor for discussion on the clean-up of Charter amendments, expense reimbursement and the VGMC.

Dan Eckert began by referencing page 80 of the Charter Review Commission agenda packet. He stated that at a previous Commission meeting, Glenn Ritchey requested a word insertion to Section 304 that should read "prescribed by state law." Mr. Eckert reassured the Commission that he has not forgotten about the request and would provide the change at the next meeting. Chair Brown asked Mr. Eckert for clarification. Mr. Eckert clarified that the word "state" would be added to the third sentence of Section 304. He also stated that Jim Morris asked whether or not the word insertion would affect the ballot question. Mr. Eckert does not believe that the word insertion would affect the ballot question.

Lisa Ford Williams asked if the word "state" should also be inserted in the first line of Section 304. Mr. Eckert confirmed that the word "state" should be inserted in the first line of Section 304.

Dr. Fleuchaus referenced pages 76 and 77 of the Charter Review Commission agenda packet. He asked Mr. Eckert why obsolete provisions have to be voted on and not just omitted when there is language that states that the district shall cease to exist on the effective date of the charter and said act is hereby repealed. Mr. Eckert stated that it was the desire of the Commission and he wanted to create any possible inference of revival by implications. Dr. Fleuchaus asked whether or not this would be a separate question on the ballot. Mr. Eckert confirmed that it would be a separate question on the ballot. Mr. Eckert referred to page 77 of the Charter Review Commission agenda packet and stated that it summarizes the major effect of the specified provisions.

Mr. Eckert advised that State law states that the ballot title is limited to fifteen words and seventy five words to describe the amendment. He mentioned that the footnotes will not be on the ballot. He suggested that as the Commission begins to prepare the final report, it may be desirable for members to consider the order in which the questions should appear on the ballot.

Dr. Fleuchaus referenced page 77 of the Charter Review Commission agenda packet. He asked why the Halifax Advertising Tax District had been crossed out. Mr. Eckert advised that the County is not authorized by reason of state law to levy the tax in that district any longer. At a previous Commission meeting, Mr. Eckert suggested that it be eliminated from the county charter because it was no longer necessary to preserve that district.

Mr. Eckert reemphasized that the amendment contains footnotes as an FYI to the Commission and will not appear in the final report or on the ballot.

Chair Brown stated that the rules in which the Commission approved has been approved unanimously by the POP Committee and will go before the full VGMC on Wednesday, April 13<sup>th</sup>. Assuming that the VGMC approve the rules, Chair Brown advised that the rules would then go before county council. Chair Brown asked Heather Ramos to discuss the procedure for bringing the recommendation to county council.

Chair Brown mentioned that the Commission cannot have the vote prior to May 5<sup>th</sup>. Mr. Eckert confirmed.

Chair Brown asked if this proposal and meeting had to be advertised and if it becomes an ordinance. Mr. Eckert replied by saying that the ballot question will be advertised to summarize the main purpose of the ordinance. He added that the public notice would have to appear no less than 10 days before the county council considers the recommendation.

Chair Brown asked Ms. Ramos if the VGMC would be responsible for getting the document to county council. Ms. Ramos confirmed that they would be responsible for getting the document to county council.

Mr. Eckert advised that Ms. Ramos would be responsible for getting the rules approved and his responsibility to draft the ordinance and present it to county council. Chair Brown reiterated what Mr. Eckert stated and asked how long it would take to get the rules approved and draft the ordinance. Mr. Eckert advised that they will be ready to present the information to county council by May 5<sup>th</sup>. He explained the procedure of presenting a county ordinance.

Chair Brown summarized Mr. Eckert's explanation and asked if there was any reason that county staff would not meet the deadline. Mr. Eckert reassured Chair Brown that staff would have all of the information needed by the deadline.

## **DISCUSSION OF MATTERS NOT ON THE AGENDA**

Chair Brown opened the floor for the discussion of matters not on the agenda.

Dr. Fleuchaus asked how many amendments would be presented on the ballot. Mr. Eckert advised that based upon the straw vote taken today, there would be three amendments on the ballot and if the Commission decided on the VGMC amendment, that would make four.

Glenn Ritchey stated that the editorial published in the News Journal regarding a VGMC compromise was well written and very comprehensive.

Chair Brown advised that since there were no obvious concerns regarding the amendments, staff suggested that the Commission make a final vote. Chair Brown asked if anyone objected to taking a final vote on the amendments presented. With no objections, Chair Brown proceeded with the votes.

Glenn Ritchey made a motion to move the clean-up Charter language. The motion was seconded by Pete Heebner. The motion passed unanimously.

Frank Bruno made a motion to approve the expense reimbursement. The motion was seconded by Glenn Ritchey. The motion passed unanimously.

Frank Bruno made a motion to approve the council member At-Large to be Vice Chair of the county council. The motion was seconded by Ambassador Stanley Escudero. Pat Northey opposed.

Chair Brown advised that the three amendments will be presented on the ballot. He also stated that the only thing left to vote on is VGMC.

Dona D. Butler, Community Services Director and Charter Review Commission Staff Support, discussed the final report and expectations of the Commission. Ms. Butler advised that the final report documents everything that happened during the Commission members' term. Typically the final report is presented to the Commission prior to signing the final document; however, there is a decision that will impact that. Ms. Butler advised that staff will have everything finalized in the final report with the exception of the VGMC report. Chair Brown summarized the information provided by Ms. Butler and asked if he would submit the final report to county council. Ms. Butler confirmed.

Without objection from members of the Commission, Chair Brown asked staff to prepare the final report for the next meeting. Ms. Butler stated that staff would have two versions of the final report prepared for the next meeting to reflect the outcome of VGMC.

## **ADJOURNMENT**

There being no further business for discussion, Chair Brown adjourned the meeting at 5:55 p.m. The next meeting will take place on May 9, 2016 at 5:30 p.m. in the Dennis R. McGee Room at the Daytona Beach International Airport, 700 Catalina Drive, Daytona Beach, Florida.