



MINUTES

CHARTER REVIEW COMMITTEE MEETING
WEDNESDAY, FEBRUARY 14, 2024, AT 6:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

I. CALL TO ORDER

Dr. Dumont called the meeting to order at 6:02 p.m.

II. PLEDGE OF ALLEGIANCE

The Committee recited the Pledge of Allegiance.

III. ROLL CALL

Present: Members Marc Craddock, Margaret England, Jeremiah Mulligan, and Heather Lane Neville, Scott Patrou and Alternates Doug Wiles and Margaret Van Ormer.

Members Kevin Cavanaugh and Edward George were absent.

Also present: Facilitator Dr. Georgette Dumont, City Manager Max Royle, City Clerk Dariana Fitzgerald, and Planner Jennifer Thompson.

IV. INTRODUCTIONS AND RECAP OF PUBLIC PARTICIPATION

Dr. Dumont began a PowerPoint presentation [Exhibit A] and ran through the procedure for the meeting. She noted that the November ballot is starting to fill up and that at the next meeting they will go over all of the recommended changes, and rank in order which ones need to be prioritized, since we'd like to keep it down to a page or two at most.

V. REVIEW CHANGES FROM MEETING 3

1. Commission Limitations

a. Report From City Staff (Definition of Real Property)

Dr. Dumont noted that there is language in the preamble that addresses environmental stewardship, and that will be discussed more at the next meeting.

City Clerk Fitzgerald reported that the City has no separate definition of "real property" other than the accepted legal definition, which is land with a structure attached to it. The City does have a definition of "public space", which is "any real property owned or controlled by a governmental entity which has on it a building that is open to the general public during its hours of operation".

She also reported that she reviewed the conservation agreements the city currently has, and they both have language for what happens to the property in the event of a termination of either the conservation agreement or the sale or donation agreement; each is unique, and the language is decided on by all parties involved in each case.

She commented that it's up to the Committee and the Commission whether that's something they want to formalize in the Charter or something to continue to leave up to individual circumstances.

Dr. Dumont noted that any changes would apply to future agreements, since the current ones are set, and that it could be seen as removing the ability for the donor of the land to have a say in what happens if it's no longer going to be in conservation, which could make some people not want to donate conservation land.

Mr. Craddock commented that adding language to include more than just parks as requiring a four-fifths vote to sell, just adds another layer of protection, but doesn't necessarily override any individual agreements.

The Committee discussed other potential terms to use including real property, parks, conservation easements, vacant land, and donated property.

b. Review 1-16 Changes

Dr. Dumont reviewed the proposed changes to Section 1-16.

Mr. Mulligan commented that keeping an "a" is odd with the "b" being removed. Dr. Dumont stated that she will combine what's left of paragraph "a" into "1".

Mr. Mulligan and Ms. England noted a few typographical errors in paragraph 2.

The Committee agreed with the proposed changes to Section 1-16(b) 1 and 2.

2. Absentee Ballots

Dr. Dumont read the proposed changes.

The Committee agreed with the proposed changes to Section 2-2.

3. Commission Offices Groups and Terms

a. Clean Up Language

Dr. Dumont reviewed the proposed changes to Section 2-3, which just cleans up the language without changing the method of voting.

The Committee agreed with the proposed changes to Section 2-3.

b. Alternative Language

Dr. Dumont reported that she researched the type of voting that was discussed at the prior meeting, and it is referred to as "bloc" or "plurality at-large" voting. She noted that Oregon and Vermont use it, but nowhere in Florida yet. She noted the advantages include increased representation, likelihood of new candidates, and it increases the number of competitive seats. Candidates are running for an office, not directly against each other. She noted that some disadvantages are that it can be confusing to voters, instead of voting for a series of single seats, they are voting for two or three at a time; it can also lessen minority voices and lead to low vote totals.

She read the proposed language for Section 2-3 if the Committee decided to go in that direction. She noted that if this is the option, then Sections 2-4 would no longer be needed, and Section 2-5 would need to be rephrased.

The Committee agreed with the proposed alternate language relating to bloc voting, but agreed whether to propose the change to the Commission should wait until they have had more time to consider.

Dr. Dumont read the proposed language regarding term limits.

The Committee agreed with the proposed language for term limits.

4. Form of Ballot – Removed

Dr. Dumont noted that by removing Section 2-6, Section 2-7 and following sections would be renumbered.

The Committee agreed with the proposed removal of Section 2-6 and renumbering.

VI. REVIEW SECTIONS 2-8 THROUGH SECTION 3-1. TOPICS:

1. Citizen Referendum

Dr. Dumont read Section 2-8.1. She noted that 2-8.2 references both 'initiative' and 'referendum', but 2-8.1 only uses 'referendum'. City Clerk Fitzgerald noted that initiative is also referred to in Section 1-16. The Committee discussed the meaning of the terms, with an 'initiative' being a new ordinance citizens want brought for consideration and 'referendum' being an existing ordinance that citizens want to contest, and whether to include 'initiative' in 2-8.1.

The Committee asked for a second paragraph to be added to Section 2-8.1 to describe 'initiative' in a similar manner to 'referendum'.

Dr. Dumont read Section 2-8.2.

The Committee asked to make sure Section 2-8.2 complies with any added language in Section 2-8.1.

Dr. Dumont read Section 2-8.3. Mr. Wiles noted that it only asks for a signature and address, but it can be difficult to determine a name from a signature. City Clerk Fitzgerald commented that the State's requirements for initiative petitions are signature, name, address, and date of birth or voter registration number.

The Committee asked to add requirement for name and date of birth or voter registration number to Section 2-8.3.b.

Dr. Dumont read Section 2-8.4. For 4.a, the Committee discussed whether twenty days would be enough time to verify the signatures and decided to extend it to thirty days. For 4.c, Mr. Patrou suggested changing "...shall be subject to court review..." to "...may be subject...", to avoid both obligating the court and the belief that it must have court approval.

The Committee asked to change twenty days to thirty days for Section 2-8.4.a. and to change "...shall be subject to court review..." to "...may be subject..." for Section 2-8.4.c.

Dr. Dumont read Section 2-8.5. The Committee discussed the forty-five day limit and the usage of the term 'the City', ultimately clarifying that would be forty-five days after the citizens have voted on the referendum and in event the vote fails, then the ordinance in question would no longer be suspended, since Section 2-8.7 covers the process if the referendum succeeds.

The Committee asked that "vote of the city" be changed to "vote of the electorate" in Sections 2-8.5 and in 2-8.6.

Dr. Dumont read Section 2-8.6. The Commission discussed the timeline of the process to clarify their interpretation. Mr. Wiles expressed concern with 2-8.6.c allowing a few people to withdraw the petition after beginning the process for an election. The Committee discussed the concerns about the withdrawal process, the expense of verifying petition signatures, and the cost of an election. Dr. Dumont stated that she would consult with the Supervisor of Elections on their deadline for elections and consider setting the withdrawal time limit before that deadline.

2. Amendment of Charter

Dr. Dumont read Section 3-1.

The Committee had no changes to Section 3-1.

VII. NEXT MEETING: MARCH 6, 2024. TOPICS:

1. Final Review of Changes
2. Vote On Which To Recommend To the Commission

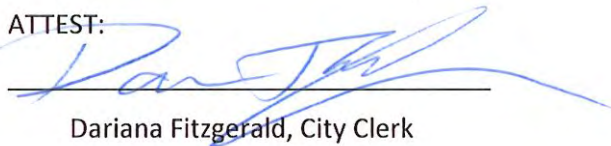
VIII. ADJOURNMENT

Dr. Dumont adjourned the meeting at 7:44 p.m.



Max Royle, City Manager

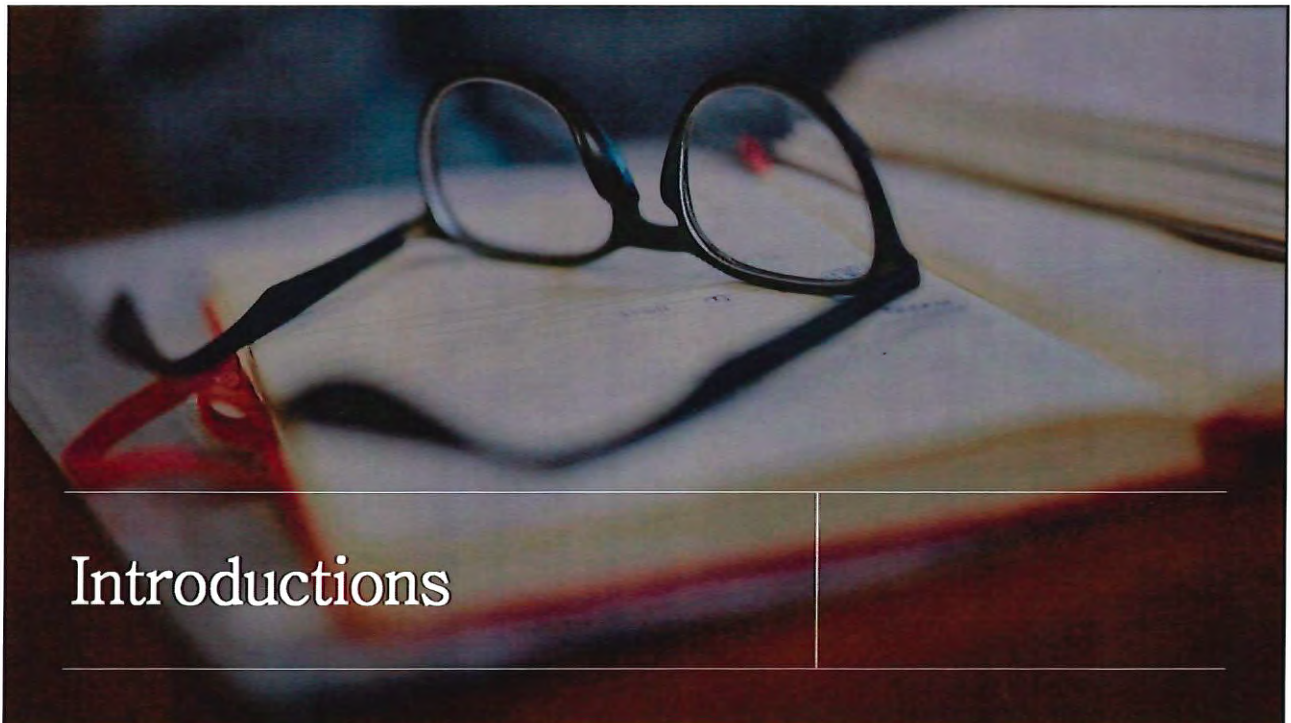
ATTEST:



Dariana Fitzgerald, City Clerk



1



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Exhibit A-1
Date 2-14-2024



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Public Input

- General Comments – beginning of meeting, 3 minutes
- Article-specific comments – immediately preceding commission discussion – 3 minutes
- Note:
 - This is not a conversation; this affords the public to comment on the decision-making process
 - Explicit questions will not be answered, but commission members may answer them in their discussion

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Exhibit A-2

Date 2-14-2024

Public Input

- Any concerns, comments, questions?

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The Review, continued

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Exhibit A-3

Date 2-14-2024

Review Open Topics from Meeting 3

Commission limitations

- i. Report from City Staff (definition of real property)
- ii. Review 1-16 changes

Absentee ballots

Commission offices groups and terms

- i. Clean up language
- ii. Alternative language

Form of ballot - removed

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Sec. 1-16 Limitations

(b) Actions to increase the permitted height of a building or buildings ~~as established in the following ordinances: 07-13, 08-09, 13-08, 13-14,~~ as may be amended to comply with State and Federal Law, may be taken by the city only by ordinance approved by a majority of qualified city electors at the next general election or a special election called for such purpose.

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Exhibit A-4

Date 2-14-2024

Sec. 1-16 Limitations, cont.

1. Buildings and structures within the City of St. Augustine Beach, Florida, shall be limited to a maximum height of thirty-five (35) feet. Height shall be measured in accordance with the provisions of the City's Land Development Regulations.

a. The thirty-five (35) feet height limitation shall not apply to architectural features or any roof structures for housing elevators, stairways, tanks, mechanical equipment, ventilating fans, solar energy collectors, or similar equipment, nor to church spires, steeples, belfries, cupolas, domes, monuments, water towers, skylights, flag poles, vents, or similar structures, which may be erected above the height limit, nor to fire or parapet walls, provided, however that and such features and items shall not extend more than ten (10) feet above the structure as provided and limited by the Land Development Regulations.

b. Items or structural elements required by other state laws or the Federal Telecommunications Act shall not be included in determining building height.

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Sec. 1-16 Limitations, cont.

2. If an existing building over thirty five (35) feet is destroyed or substantially damaged by terrorist attack, accidental fire, or natural and disastrous force, such building may be built back up (reconstructed):

- a. Within its pre-disaster footprint; and
- b. Within the three-dimensional envelope of the area of the pre-disaster building; and
- c. Up to its pre-disaster gross square footage; and
- d. Up to the same number of dwelling units or commercial square footage (or combination thereof) and pre-disaster floor area ratio, but elevated above the base flood elevations required by federal flood regulations, state regulations or City Code; and
- e. Conforming to City Code, the Florida Building Code, other federal and state regulations, and state coastal construction control lines in effect at the time the substantially damaged building is built back (reconstructed).

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Exhibit A-5

Date 2-14-2024

Sec. 1-16 Limitations, cont.

2. Any building built over thirty-five (25) feet that is destroyed or substantially damaged by a terrorist attack, accidental fire, or natural and disastrous for, shall be built rebuilt by conforming to City Code, the Florida Building Code, other federal and state regulations, and state coastal construction control lines in effect at the time the substantially damaged building is built back (reconstructed).

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Sec. 2-2 Absentee ballots

At all municipal elections held in the City of St. Augustine Beach, ballots of absent qualified voters residing within the corporate limits of the City of St. Augustine Beach, shall be cast, canvassed and certified as provided in and by the general laws of the State of Florida, then in force. The canvassing and certification of the ballots cast by absent qualified voters shall be performed by the Supervisor of Elections of St. Johns County or the city manager, and by the county canvassing board or the city commission. ~~For each election, the city commission shall pass a resolution designating who will perform such duties in respect to the absentee ballots.~~

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Exhibit A-6Date 2-14-2024

Sec. 2-3 City commission offices groups, terms

~~In the primary election and in the general election to be held in 1968, and in each primary election and in each general election thereafter, the candidates for city commission shall run~~ in five (5) groups, designated as Groups One, Two, Three, Four and Five, and each voter may vote for one candidate in each group. ~~In the general election in 1968, the successful candidates in Groups One and Two shall be elected for a full term of four (4) years, and the successful candidates in Groups Three, Four and Five shall be elected for a full term of two (2) years. Commencing with the election to be held in 1970, and in elections thereafter, the successful candidates in Groups Three, Four and Five shall be elected for a full term of four (4) years. Commencing with the election to be held in 1972, and in each election thereafter, the~~ All ~~successful candidates in Groups One and Two shall be elected for a full~~ will serve a term of four (4) years.

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Advantages and Disadvantages of bloc voting/ plurality at-large voting

Advantages

- Increased representation
- Increased likelihood of new candidates
- Increase in competitive seats

Disadvantages

- Can be confusing to voters
- Lessens minority voices
- Can be elected with low vote total

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Exhibit A-7Date 2-14-2024

Sec. 2-3 City commission offices groups, terms

Alternate Language - Election

All candidates for city commission shall run in a single pool with all five commission seats being at-large. Seats One and Two will be voted on in Presidential election years. Seats Three, Four, and Five will be voted on in the off-year election cycle. All successful candidates will serve a term of four (4) years.

- Sec. 2-4 Run-off elections; would need to be removed

Primary Elections

Ties in primary elections

- Sec. 2-5 Determining Winners at the general elections, tie votes; would need to be updated

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Sec. 2-3 City commission offices groups, terms

Alternate Language - Election

Sec. 2-5 Determining Winners at the general elections, tie votes; would need to be updated. Suggested Language:

In any ~~general~~ election, the candidates receiving the highest number of votes shall be declared ~~the person elected~~ **the winners for the commission seats being decided that election cycle**. In the event of a tie in any general election, the tie vote shall be decided by lot to be conducted by the city attorney and city manager.

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Exhibit A-8-

Date 2-14-2024

Sec. 2-3 City commission offices groups, terms

Alternate Language - Term Limits

All successful candidates will serve a term of four (4) years and no elected official shall serve more than three consecutive 4-year terms. Any former elected official may be a candidate after having not served on City Commission for two or more years.

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Sec. 2-6 Form of Ballot; renumbering recall

Sec 2-6 Form of ballot

~~The ballot in all respects shall conform as nearly as possible to the form of ballot prescribed by the laws of the State of Florida.~~

Sec. 2-7~~6~~ Recall of elected officials

Recall of elected officials shall be as provided by general law.

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Exhibit A-9
Date 2-14-2024

Meeting 4 Topics

- Citizen Referendum
- Amending the Charter

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Sec. 2-8 General authority for citizen referendum

1. Citizen Referendum. The registered voters of the city shall have power to require reconsideration by the commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, but such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

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Exhibit A-10
Date 2-10-2024

Sec. 2-8 General authority for citizen referendum

2. Commencement of Proceeding; Petitioners' Committee; Affidavit. Any five (5) registered voters may commence initiative or citizen referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

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Sec. 2-8 General authority for citizen referendum

3. Petitions.

a. Number of Signatures. Initiative and citizen referendum petitions must be signed by registered voters of the city equal in number to at least ten percent (10%) of the total number of registered voters at the last regular city election.

b. Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Initiative and citizen referendum petitions shall contain or have attached thereto throughout their circulation, the full text of the ordinance proposed or sought to be reconsidered.

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Exhibit A-11
Date 2-14-2024

Sec. 2-8 General authority for citizen referendum

c. Affidavit of Circulator. Each paper of a petition shall have attached to it when filed, an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

d. Time for Filing Referendum Petitions. Referendum petitions must be filed with the city clerk within forty-five (45) days after adoption by the city commission of the ordinance sought to be reconsidered.

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Sec. 2-8 General authority for citizen referendum

4. Procedure after Filing.

a. Certificate of Clerk; Amendment. Within twenty (20) days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two (2) days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of paragraphs (2) and (3) of Section 2-8 (b.) above, and within five (5) days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request commission review under paragraph (2) of this subsection within the time required, the clerk shall promptly present his or her certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition.

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Exhibit A-12
Date 2-14-2024

Sec. 2-8 General authority for citizen referendum

b. Commission Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commissions' determination shall then be a final determination as to the sufficiency of the petition.

c. Court Review; New Petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

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Sec. 2-8 General authority for citizen referendum

5. Referendum Petitions; Suspension of Effect of Ordinance. When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition or;
- (2) The petitioners' committee withdraws the petition, or;
- (3) The commission repeals the ordinance; or
- (4) Forty-five (45) days have elapsed after a vote of the city on the ordinance.

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Exhibit A-13Date 2-14-2024

Sec. 2-8 General authority for citizen referendum

6. Actions on Petitions.

a. Action by Commission. When referendum petition has been finally determined sufficient, the commission shall promptly reconsider the referred ordinance by voting its repeal. If the commission fails to repeal the referred ordinance within sixty (60) days after the date the petition was finally determined sufficient, it shall submit the referred ordinance to the voters of the city.

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Sec. 2-8 General authority for citizen referendum

b. Submission to Voters of Referred Ordinances. The vote of the city on a referred ordinance shall be held not less than thirty (30) days and not later than one year from the date of the final commission vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the commission shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the commission may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

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Exhibit A-14Date 2-14-2024

Sec. 2-8 General authority for citizen referendum

c. Withdrawal of Petitions. A referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least two-thirds of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

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Sec. 2-8 General authority for citizen referendum

7. Results of Election.

a. Referendum. If a majority of the registered voters on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

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Exhibit A-15
Date 2-14-2024

Article III – Charter Amendment

Sec. 3-1. - Amendment of Charter.

This Charter may be amended as provided by general law. Commencing with the first regular meeting following September 1, 2013, and every ten (10) years thereafter the city commission shall appoint a special committee of seven (7) qualified electors of the city to review the City Charter and make recommendations to the city commission as to amendments hereto. Nothing herein is intended to preclude the city commission from proposing amendments to this Charter at other times or to preclude the city commission from appointing such a special committee at earlier intervals.

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Recap

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Exhibit A-16
Date 2-14-2024

Next Meeting: March 6, 2024

TOPICS:

- Final review of proposed changes
- Vote to move changes to Commission

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Thank you

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Exhibit A-17

Date 2-14-2024