



**CHARTER REVIEW COMMITTEE  
MEETING/PUBLIC HEARING  
AGENDA  
WEDNESDAY, MAY 19, 2021 - 6:00 P.M.  
CITY COUNCIL CHAMBERS  
1225 MAIN STREET, SEBASTIAN, FLORIDA**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes - April 27, 2021 Meeting/Public Hearing
5. Consideration of Dissolution
6. Comments from the Chair
7. Committee Member Comments
8. Adjourn

*NO STENOGRAPHIC RECORD BY A CERTIFIED COURT REPORTER WILL BE MADE OF THE FOREGOING MEETING. ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, THEY WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE HEARD. (F.S.286.0105)*

*IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT (ADA) OF 1990, ANYONE WHO NEEDS A SPECIAL ACCOMMODATION FOR THIS MEETING SHOULD CONTACT THE CITY'S SEATING ADA COORDINATOR AT 388-8226 – ADA@CITYOFSEBASTIAN.ORG AT LEAST 48 HOURS IN ADVANCE OF THIS MEETING.*

## **ZOOM INFORMATION**

Please click the link below to join the webinar: <https://us02web.zoom.us/j/82106521803>

Or One tap mobile: US: +13017158592,,82106521803# or +13126266799,,82106521803#

Or Telephone: Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 821 0652 1803

International numbers available: <https://us02web.zoom.us/j/82106521803>

CITY OF SEBASTIAN  
CHARTER REVIEW COMMITTEE  
MINUTES  
THURSDAY, APRIL 27, 2021 - 6:00 P.M.  
CITY COUNCIL CHAMBERS  
1225 MAIN STREET, SEBASTIAN, FLORIDA

**DRAFT**

1. Chair Mitchell called the Charter Review meeting to order at 6:00 p.m.
2. The Pledge of Allegiance was recited.

3. ROLL CALL

Present:	Beth Mitchell – Chair	Louise Kautenburg – Vice Chair
	Sherrie Matthews	Karen Jordan
	Sharon Herman	Patti Sullivan
	Linda Kinchen	Bruce Hoffman
	Michael Goodfellow (Zoom)	Amber Cerda
	Vicki Drumheller	Grace Reed
	Dave Newhart	John Christino
	Larry Napier	Grace Reed (Zoom)

Absent: Linda Kinchen (excused) Dave Newhart (excused)

Also Present: City Manager Paul Carlisle  
City Attorney Manny Anon, Jr.  
City Clerk Jeanette Williams  
Facilitator Cathy Testa

4. COMMENCE CHARTER REVIEW COMMITTEE MEETING

A. Approval of Minutes – April 8, 2021 Meeting

MOTION by Mr. Napier and SECOND by Ms. Cerda to approve the April 8, 2021 minutes passed with a unanimous voice vote. (13-0)

5. RECESS CHARTER REVIEW COMMITTEE MEETING AND CONVENE THE PUBLIC HEARING

Chair Mitchell stated this was the Committee’s final public hearing, they would meet for the final time in June and she opened the public hearing at 6:02 p.m.

A. **Sec. 1.02 Exterritorial Powers.**

\* \* \* \* \*

*(4) Public utilities. To furnish any and all local public services, including but not limited to communication, electricity, gas, water, lights, or transportation, and to charge and collect necessary fees or charges therefor; to purchase, hire, construct, own, extend, maintain, operate or lease any public utilities, electric light system, telephone and telegraph system, waterworks and plants, ice plants, and works, gas plants and distribution systems, bus or transit systems, radio broadcasting stations, television stations, cablevision rebroadcasting systems, telephone systems, or other public utility; to establish, impose and enforce rates and charges for supplying such services or conveniences by the city to any person, persons, firm or corporation; to furnish any and all local public services to persons, firms, industries, or municipal corporations residing or located outside of the limits of said city. To acquire in any lawful manner in the State of*

*Florida such water, lands and lands under water as the city council may deem necessary for the purpose of providing an adequate water supply for said city and the piping and conducting of the same, to make reasonable rules and regulations for promoting the purity of its said water supply and protecting the same from pollution and for this purpose to exercise full police powers over all lands comprised within the limits of the water shed tributary to any such supply wherever such lands may be located in the State of Florida.*

\* \* \* \* \*

Chair Mitchell announced the title. MOTION by Mr. Napier and SECOND by Mr. Christino to continue moving forward with the changes to Sec. 1.02 Exterritorial Powers.

There was no public input. The motion carried with a unanimous voice vote. (13-0)

**B. Sec. 2.02 Eligibility.**

*No person shall be eligible to hold the office of council member unless he or she is a qualified elector in the city and actually continually resided in the city for a period of one (1) year immediately preceding the final date for qualification as a candidate for said office. Once elected or appointed, council member must maintain continuous physical residency and voter registration in the City of Sebastian throughout their term of office.*

Chair Mitchell announced the title. MOTION by Mr. Napier and SECOND by Ms. Drumheller to continue moving forward with the changes to Sec. 2.02 Eligibility.

There was no public input. The motion carried with a unanimous voice vote. (13-0)

The City Attorney announced for the record there were no Zoom participants for this public hearing.

**C. Sec. 2.06(b) Mayor; vice-mayor**

\* \* \* \* \*

*(b) Mayor—Duties, general. The mayor shall preside at each meeting of the city council, shall have a vote upon matters before the city council, but shall not possess a veto power. The mayor shall have the power to declare a state of local emergency, preserve the peace and order, be recognized as the head of the city government for all ceremonial purposes, and shall be recognized by the governor as the head of the city government for purposes of military law. The mayor shall sign all ordinances, resolutions and proclamations of the city council or other documents as required by law on behalf of the city as directed and authorized by the city council, which shall also be attested by the city clerk.*

\* \* \* \* \*

Chair Mitchell announced the title. MOTION by Mr. Napier and SECOND by Ms. Drumheller to continue moving forward with the changes to Sec. 2.06 (b) Mayor; vice mayor.

There was no public input. The motion carried with a unanimous voice vote. (13-0)

**D. Sec. 2.06(c) Mayor; vice-Mayor**

DRAFT

\* \* \* \* \*

*(c) Vice-mayor—Selection and term. Immediately subsequent to the selection of a mayor, the city council shall elect a vice-mayor from among its members. ~~The term of the vice-mayor shall be for one year or until his or her successor is elected.~~ The vice-mayor shall be elected using the same procedure as for the election of mayor.*

\* \* \* \* \*

Chair Mitchell announced the title. MOTION by Mr. Napier and SECOND by Ms. Drumheller to continue moving forward with the changes to Sec. 2.06 (c) Mayor; vice mayor.

There was no public input. The motion carried with a unanimous voice vote. (13-0)

For the record, the City Attorney stated unless they hear otherwise, there were no Zoom participants for this hearing.

**E. Sec. 2.08(a) Vacancies; forfeiture of office; filling of vacancies.**

*(a) Vacancies. The office of council member or the mayor shall become vacant upon his/her death, resignation, removal from office in any manner authorized by law or forfeiture/suspension of his/her office.*

\* \* \* \* \*

Chair Mitchell announced the title. MOTION by Mr. Napier and SECOND by Ms. Matthews to continue moving forward with the changes to Sec. 2.08 (a) Vacancies; forfeiture of office; filling of vacancies.

There was no public input. The motion carried with a unanimous voice vote. (13-0)

**F. Sec. 2.08(c) Vacancies; forfeiture of office; filling of vacancies.**

*(c) Suspension from office. A council member or the mayor may be suspended from his/her office if he/she is arrested for a felony or for a misdemeanor related to the duties of office.*

\* \* \* \* \*

Chair Mitchell announced the title. MOTION by Mr. Napier and SECOND by Ms. Matthews to continue moving forward with the changes to Sec. 2.08 (c) Vacancies; forfeiture of office; filling of vacancies.

There was no public input. The motion carried with a unanimous voice vote. (13-0)

6:08 pm

**H. Sec. 2.08(e) Vacancies; forfeiture of office; filling of vacancies.**

\* \* \* \* \*

*(e) Filling vacancies. Any vacancy in the office of council member shall be filled in accordance with the provisions of this subsection:*

*(1) If there is a scheduled citywide election within six months of the occurrence of the vacancy, the remaining members of the city council may either (A) permit the vacancy to be filled at that election, or (B) appoint a replacement.*

*(2) If there is no scheduled citywide election within six months of the occurrence of the vacancy, the remaining members of the city council shall appoint a replacement within 45 days.*

*In the event the city council fills a vacancy by appointment, the person chosen to fill the office shall at the time of appointment meet the qualifications for a member of the city council. An appointed city council member shall serve only until the next citywide election or until city council revokes the suspension and restores the council member or mayor to office in accordance with Section 3 below. If the vacancy has occurred in the term of a city council member that extends beyond the next citywide election, the remainder of the unexpired term shall be filled at that election, and the candidate shall run specifically for that seat on the city council.*

\* \* \* \* \*

Chair Mitchell announced the title. MOTION by Ms. Cerda and SECOND by Mr. Napier to continue moving forward with the changes to Sec. 2.08 (e) Vacancies; forfeiture of office; filling of vacancies.

There was no public input. The motion carried with a unanimous voice vote. (13-0)

**G. Sec. 2.08(d) Vacancies; forfeiture of office; filling of vacancies.**

\* \* \* \* \*

*(d) Special Hearing. The City Council, with the advice of the city attorney, will hold a special hearing to consider the vote to remove or suspend a council member or mayor if in violation of Sections (b) or (c).*

\* \* \* \* \*

Chair Mitchell announced the title. MOTION by Mr. Napier and SECOND by Ms. Cerda to continue moving forward with the changes to Sec. 2.08 (d) Vacancies; forfeiture of office; filling of vacancies.

There was no public input. The motion carried with a unanimous voice vote. (13-0)

**I. Sec. 2.08(3) Vacancies; forfeiture of office; filling of vacancies.**

\* \* \* \* \*

*(3) If the council member or mayor is acquitted or found not guilty or is otherwise cleared of the charges which were the basis of the arrest, indictment, or information by reason of which he/she was suspended, under Section (b)-(d) then the city council shall forthwith revoke the suspension and restore the council member or mayor to office. However, any person who pleads not guilty or nolo contendere or is found guilty shall be deemed to have been convicted notwithstanding a suspension of sentence or a withholding of adjudication is considered to be guilty.*

\* \* \* \* \*

Chair Mitchell announced the title. MOTION by Mr. Napier and SECOND by Ms. Drumheller to continue moving forward with the changes to Sec. 2.08 (3) Vacancies; forfeiture of office; filling of vacancies.

There was no public input. Chair Mitchell read the new section in its entirety. The motion passed with a voice vote of 13-0.

**J. Sec. 2.08(d) Vacancies; forfeiture of office; filling of vacancies**

\* \* \* \* \*

~~(d) Filling vacancies in candidacy. In the event that following the close of the official qualifying period set out in Charter Section 4.02(b), the number of legally qualified candidates is fewer than the number of seats open for election, the new city council shall fill the vacancy in office in the same manner described above in paragraph (c) of this section. Move to Sec. 4.02~~

\* \* \* \* \*

Chair Mitchell announced the title. MOTION by Mr. Napier and SECOND by Mr. Christino to continue moving forward with moving Sec. 2.08 (d) Vacancies; forfeiture of office; filling of vacancies to Sec. 4.02.

There was no public input. The motion carried with a unanimous voice vote. (13-0)

6:13 pm

**K. Sec. 2.12 Procedure.**

\* \* \* \* \*

~~(a) Meetings. The city council shall meet regularly at least once a month at such times and places as the city council may prescribe by resolution. Special meetings of the city council may be held on the call of the mayor or any council member limited to one topic. There shall be at least twenty-four (24) hours advance notice of any special council meeting called and said meetings shall only be held after 5 p.m. If a public emergency exists any council member or charter officer may call a special meeting, and the advanced reasonable notice is required. requirement as well as the time restriction shall be waived. All city council meetings shall be public meetings, except as otherwise permitted by law.~~

\* \* \* \* \*

Chair Mitchell announced the title. MOTION by Mr. Napier and SECOND by Ms. Cerda to continue moving forward with the changes to Sec. 2.12 Procedure.

There was no public input. The motion carried with a unanimous voice vote. (13-0)

**L. Sec. 4.02 Filing of candidate's oath; fee.**

\* \* \* \* \*

~~(b) The oath set forth in subsection (a) shall be filed with the city clerk at least eighty-one (81) ~~sixty (60)~~ days, but no more than ninety-six (96) ~~seventy-five (75)~~ days, prior to the day of the election, along with payment of a nonrefundable filing fee in an amount to be set forth by Code.~~

(c) (d) Filling vacancies in candidacy. In the event that following the close of the official qualifying period set out in Charter Section 4.02(b), the number of legally qualified candidates is fewer than the number of seats open for election, the new city council shall fill the vacancy in office in the same manner described above in paragraph (c) of this section.

Chair Mitchell announced the title. MOTION by Mr. Napier and SECOND by Ms. Cerda to continue moving forward with the changes to Sec. 4.02 Filing of candidate's oath; fee.

Ryan Wade asked if the 96 days prior is when someone who wants to run for City Council would file their paperwork. The City Clerk explained the 96-75 day time frame is the qualifying period to turn in all of the paperwork with the last day being the day the ballot goes to be printed.

Mr. Wade stated that moving that time frame earlier might make it too soon for people to decide to run for office. Chair Mitchell explained the recommendation came from Supervisor of Elections Leslie Swan to line up all of the municipal ballots at the same time. The City Clerk offered to provide the qualifying period with the cutoff date to the committee members the following day.

The motion carried with a unanimous voice vote. (13-0)

**M. Sec. 4.12 Election procedures; tie vote.**

\* \* \* \* \*

(b) In the event that at any election there are two (2) or more candidates for the same office and they should receive the same number of votes, the outcome shall be in accordance with Florida law. ~~the question shall be decided by a special run-off election between the tied candidates to be held no later than thirty (30) days after the results of the initial election are declared by city council.~~

Chair Mitchell announced the title. MOTION by Ms. Cerda and SECOND by Mr. Christino to continue moving forward with the changes to Sec. 4.12 Election procedures; tie vote.

There was no public input. The motion carried with a unanimous voice vote. (13-0)

**N. Sec. 4.14 Interim government.**

Should a condition arise where there should ~~not be a majority (3 or more)~~ be no city council serving, either through death, resignation, ~~removal or suspension from office~~ or otherwise, in the interim until a special election can be called to fill such vacancies, the city clerk shall have the power to fill the vacancies until successors are elected, and such city council so appointed shall call a special election as provided by this Charter. In the event of the inability or refusal of the city clerk to serve in such capacity or to fill such vacancies, within five (5) days after such condition arises, the city manager shall do so. In the event of the inability or refusal of the city manager to act within twenty-four (24) hours, the city attorney shall do so.

Chair Mitchell announced the title. MOTION by Mr. Napier and SECOND by Ms. Cerda to continue moving forward with the changes to Sec. 4.14 Interim government.

DRAFT

There was no public input. The motion carried with a unanimous voice vote. (13-0)

Ryan Wade asked if term limits were ever considered by this or a prior Charter Review Committee. Chair Mitchell explained all of the Charter's sections were reviewed earlier in the process which would have been the time to bring up the topic but it was formally considered five years ago and did not get past the committee.

Chair Mitchell closed the public hearing and reopened the meeting at 6:23 p.m.

**8. DISCUSS PRESENTATION TO COUNCIL AT MAY 12, 2021 CITY COUNCIL MEETING**

There was no objection to Chair Mitchell's request to have committee members join her in presenting the proposed changes to Council. Ms. Matthews, Ms. Jordan, Mr. Christino would each present two proposed ballot questions with her presenting the last two questions.

Discussion followed if the members, as individuals, could address City Council. The City Attorney advised that while they have the right to speak to their public officials, they are still perceived as one body making recommendations to City Council until they are dissolved.

Mary McGee stated in the beginning of the process, the meetings were not available on AT&T Universe Channel 99 but thanks to staff, they are now available for anyone interested.

9. Being no further business, Chair Mitchell adjourned the Charter Review Public Hearing at 6:34 p.m.

By: \_\_\_\_\_ Date: \_\_\_\_\_