



# City of Daytona Beach Shores

*"Life is Better Here"*

*"A Premier, Friendly Place to Be"*

## **AGENDA CHARTER REVIEW COMMITTEE MARCH 12, 2008**

**1:30 p.m., Community Center, 3048 S. Atlantic Ave.  
Daytona Beach Shores, FL 32118**

Upon being recognized, a member of the public shall proceed to the podium and give his or her name and address and may, thereafter, speak for a maximum of three minutes on any matter relevant to a specific agenda item. In accordance with Section 2-2, during periods set aside for public discussion of any nature, any person desiring to speak shall secure the permission of the presiding officer by first silently raising his hand and being recognized. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section. It shall be the duty of the Director of Public Safety, upon the order of the presiding officer at any such meeting, to forcibly, if necessary, evict any person violating the provisions of this section from the Council Meeting Hall. Any such violation shall subject the offender, upon conviction thereof, to a fine and/or imprisonment as prescribed by Section 1-8.

CALL TO ORDER:

APPROVAL OF MINUTES:

REVIEW OF CITY CHARTER

ADJOURNMENT:

Notice is hereby given to all interested parties that if a person should decide to appeal any decision made at the aforementioned meeting of the City Council, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Please be advised that all City Council Meetings are tape recorded.

Note: Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the Office of the City Clerk at the address and telephone number noted at least seven working days prior to the meeting.

**MINUTES**  
**CHARTER REVIEW COMMITTEE**  
**March 12, 2008**  
**2990 S. Atlantic Ave. Daytona Beach Shores, FL 32118**

**CALL TO ORDER:** The meeting was called to order at 1:30 p.m. by Chairman John Ersland. Committee members present: John Ersland, Bill Dryer, Marilyn Wheeler, Marian Fasick and Anne DiGaetano. Staff present: Sandra Ambrose, City Attorney, Michael Booker, Steve Whitmer and Cheri Schwab.

**Ms. Wheeler moved, seconded by Ms. Fasick to approve the minutes of February 27, 2008. The motion passed unanimously by a roll call vote.**

No one from the audience wished to make any public comment at the start of the meeting.

2.06 Extraordinary vacancies.

The City Attorney informed the committee that this section is not required by Florida Statute. After a brief discussion, the committee decided not to make any changes in the paragraph.

2.15 Minutes and records.

The City Attorney stated the one change needed to comply with the current state statute is the word “may arrange for the electronic recording....”to shall arrange for the electronic recording of those proceedings.

**Ms. Wheeler moved, seconded by Ms. Fasick to change the word from “may” to “shall arrange for the electronic recording of those proceedings” as stated by the City Attorney. The motion passed unanimously by a roll call vote.**

2.18 Ordinances, resolutions, and motions.

Finance Director Steve Whitmer would like (d) (7) changed or deleted. He explained that the state now allows municipalities to pass their budget by resolution. He further stated that any budget amendments could be placed on the consent agenda. This would save time and money in placing ads for public hearings. This would not change the council role at all. He proposed any budget transfers could be approved by the City Manager as these are policy issues and do not change the amount of the budget. Attorney Ambrose was only concerned that transfers should stay at the council level. Audience member Paul deMange felt the whole consent agenda issue would soon become a big issue for municipalities. The City Attorney stated that the consent agenda is not in the charter and therefore a mute issue. After some discussion the committee decided it could delete (d)(7). **Ms. Wheeler moved, seconded by Ms.**

**DiGaetano to delete in its entirety Section 2.18 (d)(7) thereby renumbering (8). The motion passed unanimously by a roll call vote.**

2.19 Authentication, codification and publication of ordinances and resolutions.

The City Attorney presented to the committee a new sentence that would replace the entire section and comply with the state statute.

**Mr. Dryer moved, seconded by Ms. Wheeler that Section 2.19 be replaced in its entirety with the following: The Mayor, City Manager, City Attorney and the City Clerk shall authenticate by their signatures all ordinances and resolutions adopted by the city council and the City Clerk shall record in full in a properly indexed book kept for that purpose all such ordinances and resolutions. The motion passed unanimously by a roll call vote.**

Sections 3.01, 3.03, 3.04, 3.05, 3.06 and 3.09 do not need to be addressed.

3.02 Appointment and removal of the city manager.

Audience member Paul deMange would like to include the words “as provided in the contract” to this section and to strike out the words sixty days. The committee discussed this and felt in today’s climate a contract would provide for any relief in the event of a sudden removal from office. **Ms. Wheeler moved, seconded by Ms. Fasick to strike the words “subject to at least sixty-days’ notice or sixty-days’ severance pay” and add “subject to contract provisions”. The motion passed unanimously by a roll call vote.**

3.07 Departments of the city.

The committee discussed the various departments in the city and what the original intention of this paragraph could be. The City Attorney advised that the first sentence could end with stating the departments by name and delete the remaining words. The remaining portion of the paragraph is acceptable. The word administration should be changed to executive in all instances. The City Attorney will bring back wording on this at the next meeting.

Section 3.08 will be reviewed at the next meeting.

Section 4.01 will be reviewed at the next meeting.

Sections 4.02 and 4.03 do not need to be reviewed.

Article V. Civil Service

Staff had asked the committee to consider removing this article from the charter as it is more a policy issue that the City Manager handles. The City Attorney will look at other charters to see whether they include a section on employment policy. Chairman Ermland would like to invite employees to the next meeting for their point of view.

The next meeting will be on March 26, 2008.

**ADJOURNMENT** - The committee meeting ended at 3:05 p.m.

**ATTEST: CITY OF DAYTONA BEACH SHORES**

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Cheri Schwab, Recording Secretary

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John Ersland, Chairman