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THE CITY OF SEBASTIAN COUNCIL MEMBERS
REGARDING CHARTER GOVERNMENT
HELD APRIL 12, 2007 AT 7:00 P.M.

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April 12, 2007

**JOINT PUBLIC WORKSHOP BETWEEN THE INDIAN RIVER
COUNTY BOARD OF COUNTY COMMISSIONERS AND THE
CITY OF SEBASTIAN COUNCIL MEMBERS REGARDING
CHARTER GOVERNMENT**

The Board of County Commissioners of Indian River County, Florida, met in a Joint Workshop at the Sebastian City Hall, Council Chambers, 1225 Main Street, Sebastian, Florida, on Thursday, April 12, 2007 to discuss matters pertaining to Home Rule Charter for Indian River County. Present for Indian River County were Chairman Gary C. Wheeler, Vice Chair Sandra L. Bowden, Commissioners Wesley S. Davis, Joseph E. Flescher and Peter D. O'Bryan. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Athena Adams.

1. CALL TO ORDER – 7:00 P.M.

Chairman Gary C. Wheeler, called the meeting to order at 7:01 p.m.

2. PLEDGE OF ALLEGIANCE

Administrator Joseph Baird led the Pledge of Allegiance to the Flag.

3. PRESENTATION ON CHARTER GOVERNMENT IN FLORIDA

KURT SPITZER, KURT SPITZER & ASSOCIATES, INC.

A. DRAFT OF HOME RULE CHARTER – FOR USE AS A DISCUSSION GUIDE

Kurt Spitzer presented an overview of the Draft Home Rule Charter. For the benefit of those who were not in attendance at the first meeting on Charter he explained the meaning of Home Rule.

Through a PowerPoint presentation Mr. Spitzer explained that prior to Home Rule, Cities and Counties in Florida operated under a system known as Dillon’s Rule, which states that a local government has only those powers that are specifically granted by the State. Under Home Rule a local government has all powers of self-government except those that are specifically prohibited or pre-empted by the State. He compared Dillon’s Rule with Home Rule and explained that Home Rule replaced Dillon’s Rule with the 1968 Florida Constitutional revisions, and non-charter counties were granted all powers of self-government as provided by law.

Mr. Spitzer stated that under general provision it is important to remember that Charters are **only** adopted, amended, or repealed by the voters of the county. He outlined the four (4) primary areas that the Charter covers, namely: Legislative/Executive Branch, County Constitutional Officers, City-County Relations, and Powers reserved to the people of the county. He also compared charter and non-charter counties and cities under Home Rule.

Mr. Spitzer then reviewed the “Discussion Draft” of the Charter, explaining in detail all revisions (additions and deletions) as recommended by the Board.

Mr. Spitzer noted several comments and suggestions from this morning's meeting and promised to review and come back to the Board with a version of the Charter that codifies the changes required.

4. BOARD DISCUSSION/COMMENTS

Commissioner O'Bryan, under Section 1.8.1.4, referring to the density of comprehensive land use changes, wanted to see not only density but also intensity of the use of the land and the exemption for municipal public services added to the language.

5. PUBLIC COMMENTS

Louise Kautenburg, Sebastian, could not understand why a change in government was being sought when there was nothing wrong with what we have now. She did not appreciate outsiders telling her how she should conduct her community.

Joseph Scozzari, Sebastian, discussed low percentage of voters and how it would affect Charter government. He suggested that if Charter is adopted voting should be made available for people who work by changing the opening and closing times.

Carol Korum, Sebastian, wondered if the recall in the Charter would be up to the citizens or the Governor to decide, and whether there has to be a specific real reason for a recall.

Mr. Spitzer explained that under the Charter the Governor would retain the ability to suspend but citizens/voters would have the ability to recall.

Chairman Wheeler clarified that the urban service line is the primary focus of this Charter. He explained that it would not affect the business of the cities, and the cities would still act independently of the County, except with land use outside the Urban Service Area where the Charter would control.

Commissioner Davis believed the Charter has the opportunity to affect everyone's life inside the city limits and outside the urban service area. He also expressed his concern for Charter.

Richard Dunlop, Mayor, of Town of Orchid, commented on the last elections in the Town of Orchid where they had over 95% voter turnout. That led him to believe that people do vote when they are concerned about the topic and when they are informed. He agreed that Administrator Baird does not need interference in his duties and believed there was no way Administrator Baird could do his job without political interference under Charter government. He thought it was appropriate to have five (5) at-large representatives and supported the move from every 10 years to every 8 years for the elections. Mayor Dunlop urged the Board to give them a chance to get the Interlocal Agreement (ILA) done and to back off a little on Charter government.

Chairman Wheeler explained his position to back off on Charter if Fellsmere would back off on its plans for annexation.

Attorney Watts addressed concerns of residents. He agreed that under Charter government a county could not take away a city's police department or police chief without dual referendum. Regarding duties of the Administrator, he explained that you have to initially adopt the powers and limitations of the county administrator and of the county commissioners just as they are listed by the Legislature. In his judgment, it was possible to amend the Charter instantly upon its adoption.

Al Minner, City Manager, City of Sebastian, saw two options: (1) ignore growth, or (2) do a major land grab and get as much territory as we could; none of which he thought was right. He believed the County and the Cities could come together and map out a future land use plan showing how the County needs to look.

Mr. Minner responded to questions from Commissioner Davis regarding Charters in other cities he has worked with, and believe they all have advantages and disadvantages. Mr. Minner believed referendum was not the best form of government.

Chuck Levitt, Sebastian, was concerned with the County's ability to dictate where their Fire department could go under the current Charter Proposal. He was opposed to Charter.

Commissioner O'Bryan did not believe that the County could dictate where the building goes. Commissioner Davis questioned whether the ordinance could be changed.

Attorney Watts briefly explained how the Constitution works in that regard.

Cathy Dunlop, Town of Orchid, was concerned that if this Charter form of government takes place it could overturn Orchid's ordinance to prevent dogs from being on the beach.

Damien Gilliams, 1621 US 1, Sebastian, discussed voter turnout was "not big on government by referendum." He favored the ILA.

Ital Veron, 280 Peppertree Drive, discussed government by referendum and Fellsmere's proposed annexations. He urged the Board to "step on the accelerator."

Commissioner Davis was opined that the scariest thing Fellsmere has done in the past five years was to annex 3,000 acres without professional assistance. He did not believe Charter was the best thing for the people right now.

Commissioner Bowden thought they needed to step back and start looking at joint planning agreements.

Chairman Wheeler responded to comments/remarks about scare tactics. He believed this process is important and the Indian River County community should have a right to decide what they want for the County, with or without Charter.

Mayor Dunlop was not in favor of heavy growth but thought that if given a chance they could come up with something a lot better for everyone than Charter government because Charter government has unknowns for the future.

Chairman Wheeler and Mayor Dunlop discussed Fellsmere putting a hold on annexation and the County putting a freeze on Charter government.

Commissioner Davis was not in favor of the Charter.

Cynthia Noonan, Sebastian, did not understand Charter government and asked the Commission to explain to her that Charter will not affect us.

Florence Clause, Vero Lakes Estates, could not understand how a city could annex property and then change the designation of that property.

County Attorney Collins explained that annexation does not immediately change the land use and when property is annexed it is still controlled by the land use designations of the county.

Ms. Kautenburg wanted to know exactly where each Commissioner stood in relation to Charter. She did not understand the urgency for this Charter and asked why it was the only alternative.

Sal Neglia, Vice Mayor, City of Sebastian, commenting on scare tactics, admitted that people are scared of what is happening, they like the way of life they have, and do not want things changed. He was not in favor of Charter government.

Dale Simchick, City of Sebastian Council Member, did not look at Charter as being frightening but something to learn. She thought maybe they could implement a joint planning council, because this requires a joint effort with representatives from each municipality.

Joel Tyson, Fellsmere, explained that Fellsmere had professional help in its annexation of 3500 acres contrary to prior comments. He was adamantly against Charter government and he urged the Board to be careful and slow this down.

Mr. Gilliams commented on voter turnout and why people do not vote. He believed that if Charter government takes over a lot of people could not afford to live here. He thought maybe the way to go was “duplication without taxation”.

Brad White, Sebastian asked if he could get a brief synopsis of Commissioner Wheeler’s “preferred method”, why it was not pursued, and what was wrong with it.

Chairman Wheeler explained how originally we had asked for a Special Act of the Legislator, which would put the urban service line expansion in the hands of the electorate, and how that failed. He also explained the eventual passage of the Bill through the House and now waiting to go through the Senate, which if passed would be voted on in November 2008.

Ms. Korum questioned how much taxes would increase if Fellsmere annexes the 18000 acres.

Ms. Noonan believed Charter was all about control of land and remarked that if it were not so, then the County needed to go slower and educate the people.

Chairman Wheeler confirmed that it was about control of land.

Ms. Noonan begged the Board to take its time, educate the people, and listen to their inputs.

6. CONCLUDING REMARKS

There were no further comments from the Board and Chairman Wheeler thanked the City of Sebastian for hosting the Workshop.

7. ADJOURNMENT

There being no further business the Chairman adjourned the Workshop at 8:53 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Gary C. Wheeler, Chairman

Minutes Approved: _____