

Charlotte County Charter Review Commission
Public Hearing
May 25, 2016

The Charter Review Commission Public Hearing was held at the Tringali Recreation Center located at 3460 North Access Road, Englewood Florida.

The Charter Review Commission Public Hearing was called to order at 5:00 p.m.

Roll Call:

The following Commission Members were present:

William C. Abbatematteo	Donald McCormick, Vice Chairman	Thomas J. Rice
William Dryburgh, Chairman	Jerry J. O'Halloran	W. Kevin Russell

Attorney Robert Berntsson was also present.

Members Katherine D. Ariens, Jim M. Brown, Thomas P. Conroy III, Paula Hess, John Hitzel, Julie Mathis, Thomas J. Thornberry, Stephen J. Vieira and Frank Weikel were not present.

Alternates Raymond A. Corcoran and John M. Davidson were not present.

Citizens:

I. Introduction and overview of proposed Amendments under consideration, as attached:

Chairman Dryburgh – As we do not have a quorum today, we cannot take action on items that come before us but we can take testimony. Counsel, will you please go over the proposed amendments.

Robert Berntsson – We have four proposed Charter Amendments that are being considered by the Charter Review Commission. We will be taking testimony on those amendments; as we don't have a quorum we cannot take any particular action but we can listen to the testimony and that will be made available to the members who are not here. I will go over the four proposed Charter Amendments. Charter Amendment No. 1, "Reduction of percentage of electors needed to initiate county ordinances." The ballot question would read, "Shall Article II, Section 2.2.G. (1) of the Charlotte County Charter be amended to reduce the number of electors needed to initiate county ordinances in order to establish new ordinances or amend or repeal existing ordinances upon petition, from ten (10) percent to seven (7) percent of the number of electors qualified to vote as a whole in the last preceding general election?" Yes for Approval, No for Rejection. Section 2.2.G. (1) would be amended by changing ten (10) percent to seven (7) percent.

Proposed ballot question for Charter Amendment No. 2 relates to the "Deletion of restriction of reestablishment of MSTU/MSBU Advisory Boards created by petition of electors." The ballot question would read "Shall Article II, Section 2.2.H. of the Charlotte County Charter be amended to abolish the two (2) year period prohibiting consideration of a petition for the creation of a Municipal Service Taxing or Benefit Unit (MSTU/MSBU) board of advisors upon abolition of a previous board of advisors?" Yes for Approval and No for Rejection. Section 2.2.H. if approved would be amended by deleting the language that reads, "and upon abolition of the board of advisors, no new petition for the creation of a board of advisors, shall be considered for a period of two (2) years."

Proposed ballot question for Charter Amendment No. 3 deals with the "Annual report of MSTU/MSBU advisory boards." The ballot question would read, " Shall Article II, Section 2.2.H. of the Charlotte County Charter be amended

to require Municipal Service Taxing or Benefit Unit (MSTU/MSBU) advisory boards to provide an annual report on the unit's activities, objectives, work programs and funding requests to the Board of County Commissioners by March 1st of each year?" Yes for Approval and No for Rejection. If that is approved, existing Section 2.2.H. would be renumbered to 2.2.H. (1) and adding a new Section 2.2.H.(2) to read, "Each MSTU or MSBU advisory board shall submit an annual report to the board of county commissioners on the MSTU's or MSBU's activities, objectives, work programs and funding requests by March 1st of each year."

Charter Amendment No. 4, "Creating term limits for Charter Review Commission members." The ballot question would read, "Shall Article IV, Section 4.2.C. (1) of the Charlotte County Charter be amended to limit the number of terms a Charter review Commission member may serve to three (3) full terms as a voting member?" Yes for Approval and No for Rejection. If approved the existing 4.2.C. (1) would be amended by adding "No elected officer shall be a member of the charter review commission, and no member may be appointed who has served three (3) full terms as a voting member of the charter review commission."

Those are the four amendments we will be taking testimony on this evening.

Chairman Dryburgh – Thank you Rob, for that explanation.

II. Citizens Input:

Chairman Dryburgh – Citizens Input: Remarks shall be related to the Charter, be limited to five (5) minutes and shall be addressed to the Commission as a body, not individual members. There will be no discussion. Is there anyone who would like to address this Commission? Please state your name.

David Kesselring – First, I would like to talk about the proposed amendment that relates to changes to ordinances initiated by citizen petition that is being amended from ten (10) percent to seven (7) percent. The history behind this, for those who are not familiar, began with the percentage at ten percent (10) which is about 12,000 signatures; it was recommended by the citizens to reduce the percentage to five (5) percent, which would still be difficult. The board has proposed seven (7) percent, possibly as a compromise. I'd like to give a couple examples of ordinances that need to be changed. I met with an older lady that grew vegetables in pots and kept a walker in her carport; Code Enforcement advised her that the pots with vegetables would need to be removed in case of a hurricane and her walker could not be stored in the carport. There are some laws that need to be changed. Also, there are areas in Parkside that have feral chickens that run loose and a resident was told by Code Enforcement that he could be fined \$500.00 per day if the chickens were not removed. There are laws that need to be changed. I am going to ask one more time, that you reconsider the percentage of signatures needed and go down to five (5) percent. I made the suggestion of three (3) percent; to be reasonable it would have to be three (3) percent. As to term limits, I have never heard of a term limit of three terms. I don't know if anyone here has. Two terms were recommended by citizens, which is the norm. Three terms seems like a long period of time, especially when people have control of the Charter. Other recommendations that were made by citizens and turned down by the Charter Review Commission include term limits for County Commissioners and the County Administrator being an elected position. With the County Administrator being one of the most powerful positions in the County, it was suggested that this should be an elected position. You need to exempt churches from taxation, which most other counties do. MSTU/MSBU's should only be formed with the consent of those that are effected thru a vote. I would go so far as recommending that they be abolished. They divide the county up, pick on small groups of people and charge outlandish taxes.

Michael Zarzano – Can anyone explain to me why it should be a burden for the people to tell their government what to do? To require a people in Charlotte County to collect 12,000 signatures is a burden, a hurdle that should not be. This is our government, you work for us. If we want something to be changed and placed on the ballot so the people can democratically vote for it, we should not have to jump a hurdle that is difficult. I agree there will be cases where the system could be abused by petty issues but that is not the rule it is the exception. Churches should not be taxed, this is unheard of in most other counties in this state. The fact that you opened the meeting up by telling the people

there will be no discussion, do you realize how absurd that is? Telling the people that they cannot inquire of you on an individual basis is totally un-American. At a previous meeting in regard to the tax exemption of churches, your lawyer discussed the disputable matter as to possible preferential treatment for churches. It has been a long held practice in America to not tax churches. Reconsider this rule about not having dialogue with your boss, we the people.

Chairman Dryburgh – Is there anyone else who would like to address this Commission?

Susan Hutt – I have not been to previous meetings, as afternoons are not very good for me. I live in Port Charlotte and agree with everything that has been expressed thus far. Absolutely, advisory boards must give reports. I can't believe that it's not a requirement or that they wouldn't want to have them. We have recently checked on the Ackerman Waterway MSBU and they have not submitted a report in five years. The board doesn't know if they are still in existence, they haven't met for that long. They don't know how much money they have or don't have and who has their money. As to term limits, I think three term limits is quite lengthy especially when you have six year terms as it is. I agree, the term limits need to have some carry over so that you have commission members with some history. I think that two terms is plenty for anyone. There is nothing written about people coming back to the board for another two terms. Seems something has been left out of the rules for the future; this might mean more meetings, more presentations to the public and more response from the public to the Charter Review Commission but I think this is necessary. I too believe that we need to have a county administrator who is elected. The county administrator is there to represent what the people need. I agree you need to reduce the number of signatures needed, however you have to keep in mind that the population is growing and the bar should not be set so high that it makes getting signatures a burden on the citizens. There should be an attainable goal for citizens, if there are changes they want to make. I absolutely agree with no special taxes for the churches. The county is getting away with taxing them by calling them MSBU/MSTU's. They are special assessments no matter what you want to call them. The people of Spring Lake were asked in a poll by Charlotte County Utilities (CCU) if they wanted sewers; 900 some said no and 200 some said yes; the sewers were still put in. The people need to decide. Thank you for your time and attention and I think it's a shame we can't have a conversation about it.

Chairman Dryburgh – Is there anyone else who would like to address this Commission?

Peter Gerhardt – I plan on staying directly to the issues of these amendments and nothing else. I believe the amendments are reasonable under the circumstances; I believe that this Commission has done a great job in taking positive steps in a good direction. Whether anyone believes it or not is irrelevant, your work is for the people of this County and for the good of those people and the government that we all share. There is a system in place for public speaking and there is a public decorum that should be always maintained. I think you gentlemen and ladies have been more than tolerant with very ungrateful and unruly constituents. I am here to say one thing, thank you for the good work that you've done. I for one am grateful, it's a step in a positive direction. Sometimes, a lot of people don't understand you can't take huge steps in government you have to take small steps. Again, I just want to say thank you.

Chairman Dryburgh – Is there anyone else who would like to address this Commission?

Cindy Cusso – I am newer to the area and realize we can't have discussion. Our area is trying to establish an MSBU but there have been multiple delays in getting a Board together. I feel we currently have taxation without representation because our area doesn't have an MSBU Board and there have been delays in forming it.

Chairman Dryburgh – Is there anyone else who would like to address this Commission?

Robert Berntsson – Mr. Chairman and Members of the Board, because we don't have a quorum this evening, my suggestion is to continue this public hearing to the next regularly scheduled Charter Review Commission meeting on June 15th at 3:00pm. That way, we will hold the meeting open. We can take no action; all the comments that were made tonight will be part of the record. We will continue the public hearing; if anyone wishes to speak at the next

meeting that will conclude our third hearing and then the business of the body can move forward. My suggestion would be for a motion to continue this hearing to the June 15th meeting.

Chairman Dryburgh – We have a Motion to continue this public hearing to the June 15th Charter Review Commission meeting and a second to approve. Any discussion? All in favor say I. Everyone said I. Opposed (None)

III. Approval of the May 11, 2016 Charter Review Commission Public Hearing Minutes:

Robert Berntsson – With that, we will have to stand adjourned because we do not have a quorum to take any further action.

IV. Commission Comments:

None

V. Adjournment:

Chairman Dryburgh – We are adjourned.
Committee adjourned at 5:26 p.m.



William Dryburgh, Chairman