



**CHARTER REVIEW COMMITTEE
CITY OF INDIAN ROCKS BEACH
MONDAY, JULY 8, 2024 @ 10:00 A.M.
CITY COMMISSION CHAMBERS
1507 BAY PALM BOULEVARD-INDIAN ROCKS BEACH, FLORIDA 33785
MINUTES**

A Regular Meeting of the Charter Review Committee of the City of Indian Rocks Beach, Florida was convened at 10:03 a.m.

Members Present: Edward Hoofnagle (Chair), Mark Arnold (Vice-Chair), Allie Devore, Kellee Watt, and Elizabeth Flynn (by phone)

Team Members Present: City Manager Gregg Mims, City Clerk Lorin Kornijtschuk, and City Attorney Jay Daigneault.

For continuity, items are listed in agenda order, although not necessarily discussed in that order.

D. APPROVAL OF MINUTES

Motion to approve the June 10, 2024 Charter Review Committee Meeting Minutes by Vice-Chair Arnold seconded by Member DeVore.

E. OLD BUSINESS. None

F. NEW BUSINESS

Chair Hoofnagle suggested a proposal on setting out an agenda for how the committee would go through the Charter. He suggested that the first thing we should do is look for anything that was missing from the Charter. Then address each section from the beginning and see if there are any questions or aspects of it that might need to be addressed.

Chair Hoofnagle asked the Committee if there was something that they thought should be in the Charter but was not.

Member Devore stated the Planning and Zoning Board was mentioned but did not see anything about the Board of Adjustments.

Chair Hoofnagle stated he believes it is meant to be simplified, giving the Commission more flexibility to do an ad hoc committee. He stated when that board is initiated , there would be some rules of engagement in that ordinance, and they would operate according to that.

Attorney Daigneault stated that from a legal standpoint there is not any requirement that a Board of Adjustment or really any other subordinate board be invented or provided for in a Charter.



City Manager Mims stated that in the decade that he has been here, there has never been an issue raised about the Board of Adjustments not being referenced. It is referenced in the Code.

Member Devore asked if there was a way that the Board of Adjustment decisions are heard by the Commission before they vote on a decision.

Chair Hoofnagle stated that the Commission receives the Board of Adjustments minutes and their recommendations. He stated that the Commission does not always agree with the Board of Adjustments, but the Board of Adjustments role is to be a preliminary hearing.

City Manager Mims stated that the normal process for Board of Adjustment cases is that it goes to the Board of Adjustments first in the form of a public meeting. The City Planner reviews it and lays out all the facts. The City does not make recommendations on Board of Adjustment applications. The Board of Adjustment hears from the City Planner, applicant and takes public input. It is then scheduled at the next City Regular City Commission meeting with all the same information. The staff report is updated where it indicates how the Board of Adjustment voted. The Board of Adjustment and the Planning & Zoning Board are recommending bodies.

Chair Hoofnagle stated that nothing requires a recommendation to add that.

Vice-Chair Arnold stated that as long as the Ordinances that create a Board have the processes in place.

Member Watt stated she did not see any regulations about water drainage regulations.

City Manager Mims stated there are other drainage requirements in the City Code and those issues are City Code issues.

Chair Hoofnagle stated that he noticed there is nothing about the City's beach community, environment, or density.

Article I

Vice-Chair Arnold stated that in Section 1.5 he was concerned about the wording, which is set up to protect the City and not necessarily the residents. Be construed as being favored to the City.

Attorney Daigneault stated that it is common language and is consistent with the Florida Constitution.



City Manager Mims stated when the City of Indian Rocks Beach is referenced it is the citizens of the City, which does not mean the governing body.

Article II

Chair Hoofnagle stated that a two-year term is not sufficient. You spend the first year figuring out what to do and the second year you start to get something done and then you are back up for election. He suggested longer terms for the City.

Member Flynn stated she thought that was a good call.

Member Arnold asked if a two-year term was shorter than normal and what is the maximum.

City Attorney Daigneault stated he had not seen anything longer than four years.

City Manager Mims stated that Belleair Beach changed their terms from two to four. If someone would ask about term limits, that is what elections are for. He stated staggered terms are important in the operation of the City. He stated that the population base is dropping, and registered voters are dropping. As the population continues to drop, the pool of people that would run for office is smaller. If a qualified productive elected official is given a two-year limit, it can put a squeeze on things.

Member Watt asked how the Mayor-Commissioner seat is determined.

Chair Hoofnagle replied one has to be nominated and put on the ballot as Mayor-Commissioner.

Chair Hoofnagle asked if it was a three-year term limit is a good recommendation to the City Commission. Unanimous approval.

Member Watt stated that in Section 2.3, publishing legal ads, provisions need to be added such as posting on the City website.

City Manager Mims stated that publishing legal ads is regulated by the state and the City does post its legal ads on the website.

Vice-Chair Arnold stated we need to comply with state law but add a provision that might consider including in the Charter to expand the notification process. Most of us do not pick up a newspaper.

City Attorney Daigneault stated today newspapers are not obsolete. If you put in something else like a website or social media in 10 years those things could be different. He suggested it is a procedural and should be done by an Ordinance.



Chair Hoofnagle stated term limits came up through public comment. He stated he felt that term limits were something that were not required because there is no sort of political parties that force a certain candidate on the ballot.

Vice-Chair Arnold stated he agreed with Chair Hoofnagle. He stated if the committee recommends an extension of the term, that the topic of term limits will surface again.

Member Flynn asked where the term of office would come up.

Chair Hoofnagle replied Section 2.2 (C).

Chair Hoofnagle asked if there were any recommendations about term limits.

Member Watt recommended that no recommendations be made about term limits.

Vice-Chair Arnold stated that when adjustments are made like this even if they are smaller incremental adjustments, we have got to give it little time to play out and see how it works and see if it is necessary.

Consensus was made not to recommend term limits.

Article III

Member Devore stated that the election falls on the second Tuesday in March when it is Spring Break, many families are out of town. Can this be changed.

City Manager Mims stated that Belleair Beach made a Charter amendment where they mirrored the Presidential mid-term election schedule.

Chair Hoofnagle asked if by doing this it would save the City money.
City Manager Mims replied yes.

Vice Chair Arnold stated if we decide on an increase in term to three years there might be a year when it will be a year when it will not line up with a midterm congressional, it would be the off year between presidential and congressional. There are two benefits to doing either in the Fall: It is not too hot, and we avoid school and public holidays. People are already coming to vote, even if it is only every other election. He stated another concern is we do not want what is the most important election in our city to be overshadowed by the state and national election issues.

Member DeVore stated you might get more voter turnout if everyone is coming out.



Chair Hoofnagle asked should we consider recommending the election to be nearer the presidential cycles and if so, would it be better to have a four -year term so that there is no overlap?

Vice-Chair Arnold stated, if we suggest a three-year term, it means that on the alternate years, it will be a City election only, but that is how the city elections are now. He stated it would save a little bit of money.

Member Flynn agreed to all that was stated.

Chair Hoofnagle stated that the Charter Review Committee is requesting that a draft be written to mirror the Presidential Election mid-term cycle.

Article IV

Vice-Chair Arnold stated, in Section 4.2 should we include that the elected officials perform their duties in accordance with the City Charter.

City Attorney Daigneault stated there is a statutory prescriber of the office.

Chair Hoofnagle stated that Section 4.10 was shot down by the voters.

City Manager Mims stated that Section 4.10 is implemented in a different format than how it is strictly written. It is done by the City Commissions supervision and management of the City Manager through annual evaluations, budget process and ordinances.

Member Watt asked what a professional management evaluation is.

Chair Hoofnagle stated that it is the consultant that comes in and says, here is how things can be done differently or better versus the Commission doing it themselves. He stated he could see this being used if it was a weak Commission or overbearing City Manager and they were at odds with each other.

Member Watt stated that the voters did not want this section removed but is there a way to change it to say something that is being done now, where the Commission is set to do this evaluation.

Member DeVore stated that change the wording from "Shall" to "May."

A unanimous consensus to recommend the wording be changed from "Shall" to "May" in Section 4.10.



G. MISCELLANEOUS

Next Meeting Date to be scheduled at a later date.

H. PUBLIC COMMENT

No members of the public either electronically or in person.

I. ADJOURNMENT

Motion to adjourn the meeting by Member Watt and seconded by Vice-Chair Arnold at 11:04 a.m.

Respectfully submitted,

Lorin A. Kornijtschuk

City Clerk

Date Approved: July 22, 2024