

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

December 2, 2019

4:00 PM

Gainesville Regional Utilities Multi-Purpose Room

Charter Review Commission

Walter Barry (Member)
Richard Blount (Member)
Susan Bottcher (Member)
Jorge Campos (Member)
Cynthia Chestnut (Member)
Robert Cohen (Member)
Crystal Goodison (Vice-Chair)
Scherwin Henry (Member)
Mary Lou Hildreth (Chair)
Jeremiah Tattersall (Member)
Donna Waller (Member)

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CALL TO ORDER - 4:08 PM

ROLL CALL

Alternates Nick Gonzalez and Bryan Eastman were absent.

Present 10 - Member Henry, Member Bottcher, Member Barry, Member Goodison, Member Blount, Member Cohen, Member Waller, Member Campos, Member Tattersall, and Member Hildreth

Absent 1 - Member Chestnut

ADOPTION OF THE AGENDA

A motion was made by Member Bottcher, seconded by Member Tattersall, that this Matter be Adopted. The motion carried by the following vote:

Aye: 9 - Member Bottcher, Member Barry, Member Goodison, Member Blount, Member Cohen, Member Waller, Member Campos, Member Tattersall, and Member Hildreth

Absent: 2 - Member Henry, and Member Chestnut

APPROVAL OF MINUTES

[190665.](#)

Approval of Minutes (B)

RECOMMENDATION *The Charter Review Commission approve the November 4, 2019 minutes.*

A motion was made by Member Bottcher, seconded by Member Barry, that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 9 - Member Bottcher, Member Barry, Member Goodison, Member Blount, Member Cohen, Member Waller, Member Campos, Member Tattersall, and Member Hildreth

Absent: 2 - Member Henry, and Member Chestnut

BUSINESS DISCUSSION ITEMS

[190103](#)

Workplan - Article II (B)

Member Campos spoke about the recommendation. Referred members to the table with salary calculations/implementation figures provided to members at the meeting (Page 1 contains figures for the Mayor; page 2 refers to the Commissioner salary). Discussed the term "stipend" for the \$10,000 for the Mayor. Asking CRC input on the implementation of the additional increment for the Mayor.

*Chair Hildreth asked a question. Member Campos responded.
Member Barry asked a question. Member Campos responded.*

Chair Hildreth agreed with spreading out the implementation. Campos reiterated that the numbers can be modified.

Member Tattersall commented about the \$10,000 additional for the Mayor. Discussed the calculations. Chair Hildreth commented.

Member Henry arrived at 4:16 PM.

Member Campos commented on p. 2.

Member Bottcher asked for clarification on the recommendation, requested a motion.

Motion by Member Tattersall, seconded by Member Bottcher: Staff to return with language to the effect of: "Each member of the City Commission shall receive an annual salary based on the City of Gainesville population as indicated in FL statutes 145.031 and 145.19. The Mayor shall receive an additional amount equal to \$10,000 that of the base salary. Shall be implemented evenly over a five-year period beginning October 1, 2021." Motion passed 10-0. Member Chestnut absent.

Chair Hildreth commented in favor of the recommendation to phase in the increase.

Member Campos discussed a revision to the formula calculation for the Mayor salary. Chair Hildreth commented. Member Henry commented on the subcommittee's discussion to phase in the increase.

Member Tattersall commented to remove page 1 information from the recommendation, focus on page 2. Member Campos commented on the figures. Member Tattersall spoke to the Mayor's increase, commented that City staff can work on the calculations.

Vice-Chair Goodison and Member Waller spoke in support of the concept. Member Campos reviewed the numbers.

Chair Hildreth reviewed the numbers.

Member Blount asked whether the CRC would put forth official ballot language? Chair Hildreth responded. Member Barry responded. Member Blount commented that language should note the intention to expand opportunity for candidates to run for the Commission. Member Barry and Chair Hildreth commented.

RECOMMENDATION

The Charter Review Commission discuss and take action deemed necessary.

**Note: Sub-committee to present formula options for phasing in proposed Mayor and Commission compensation increases.*

Approved, as shown above

[190594.](#)

Workplan - Article IV (NB)

Chair Hildreth introduced discussion for the article.

Member Barry asked if changes should be considered to the City Plan Board. Member Bottcher suggested asking Member Cohen.

Member Barry spoke about two issues with the CPB: Whether to change member qualifications? What authority should the CPB retain? The Commission may change other issues.

Chair Hildreth asked if Commission could address qualifications.

Member Blount asked for Ms. Goodison's feedback. Commented about suggesting relevant professional seats on the Board. Member Barry commented. Chair Hildreth commented that Commission can make decisions about qualifications. Member Barry commented against limiting the authority of the Commission to appoint members.

Member Bottcher commented that the charter does not specify qualifications for any other board. Supports Commission retaining authority regarding appointment processes. Member Barry agreed.

Vice-Chair Goodison commented about the importance of member knowledge and expertise. Chair Hildreth commented, Member Cohen responded. Member Bottcher noted that the Commission is capable of

reviewing and appointing board members; would require reviewing all board qualifications. Chair Hildreth commented that this does not fall under the CRC's charge.

Member Henry asked drafting recommendations regarding points discussed to share comments of the CRC with the Commission.

Member Bottcher commented that the CRC can include additional observations and comments when presenting its formal recommendations to the Commission. The Clerk responded that the CRC meeting minutes and work plan notes reflect these discussions. Also noted that the Clerk's Office will be reviewing the ordinances related to City Boards and Committees in the coming year.

Member Barry commented that the City uses a service (Municode) to review the code for legal validity and style.

RECOMMENDATION

The Charter Review Commission discuss and take action deemed necessary.

Discussed

[190663.](#)

Workplan - Article V (NB)

Chair Hildreth introduced Article V.

Member Tattersall responded that the recommendation related to referendums and initiatives would be added to 5.01. Member Henry commented.

Chair Hildreth asked Attorney Dan Nee if the 15% requirement for signatures for a petition would be included in 5.01. Member Tattersall spoke to the matter.

Dan Nee responded that would be part of the charter amendment.

Member Bottcher commented that the items could not be lumped together, they would need to be separate items.

Member Henry asked if the 4/5 vote of the Commission would change since there are 7 Commission members. Member Barry responded that it means a super-majority. Member Tattersall noted that it would need to be changed to super-majority.

Chair Hildreth commented. Member Barry commented. Vice-Chair Goodison commented that the CRC should address this point. Member Bottcher commented that the numbers could be changed to 5-7. Dan Nee responded, noted that 4/5 requires 6 votes, but could be changed to 5/7.

Member Barry commented in favor of leaving it as is.

Vice-Chair Goodison asked if Bottcher (as a former Commissioner) would prefer it to be clarified. She responded yes.

Members Cohen, Waller and Blount commented. Chair Hildreth commented about the definition of supermajority. Dan Nee spoke to the matter.

Member Campos asked about external documents such as Robert's Rules. Dan Nee responded, noted that Robert's Rules are included in the Commission Rules. Member Barry commented. Dan Nee commented.

Vice-Chair Goodison asked if they should consider 2/3 majority? Chair Hildreth confirmed that they will stay with 4/5 as the majority requirement.

Member Bottcher introduced discussion on 5.04. Disagrees with the phrase "so as to materially reduced the capacity of the city to produce or distribute electrical energy or water..". Proposed striking the phrase, requiring a vote by the electors for any related action.

Member Henry asked for further explanation. Member Bottcher responded about concerns over utility purchases by private companies.

Member Campos proposes an amendment to the motion to include additional utility services/assets. Spoke about the City's interest in the utility, economic impact of selling pieces. Amendment to list all GRU services, including future advances in technology. To dispose of any of the City utility's holdings, physical and intellectual (need legal analysis) assets.

Member Tattersall asked a question about sale of other City assets (e.g., property). Chair Hildreth and Member Barry responded no. Member Campos commented. Member Tattersall agreed.

Member Henry commented about the "as to materially" phrase. Member Blount responded that he finds "materially" to mean any asset that can be monetized. Member Tattersall commented about the importance of removing the word.

Member Bottcher in favor of clarifying the language by removing the term "materially".

Member Campos restated motion: Strike phrase AND add language to be inclusive of any sub-component of the utility, physical and intellectual. May need to clarify the definition. Suggested modifying motion to request legal analysis.

"The Commission may not, in any manner, dispose of or agree to dispose of the city's...to produce or distribute electric, water, wastewater, reclaimed water, GRUCOM or future utility-related enterprises or intellectual processes."

Member Henry left the meeting at 5:09 PM.

Member Cohen asked the question, what if the City's utility department wants to sell a right-of-way. Member Campos responded that an ordinance would be required. Ask staff for legal analysis. Dan Nee recommended that the CRC should hear from the utility - will refer to GRU staff. Members Campos and Barry agreed to amended motion.

Motion by Member Bottcher, seconded by Member Barry to amend the section to the following: "The Commission may not, in any manner, dispose of or agree to dispose of the city's electrical, water, wastewater, reclaimed water production or distribution facilities or GRUCOM or future utility-related enterprises or intellectual processes, or any part thereof so as to materially reduce the capacity of the city to provide unless the commission does so by ordinance with the prior approval of a majority vote of the qualified electors of the city voting at an election for the purpose of approving the ordinance." Motion Passed 9 -0. Members Henry and Chestnut absent.

Member Tattersall asked to discuss section 5.05. Member Campos asked if state statute prohibits striking. Dan Nee said no, suggested asking GPD. The section does not have to be in the charter, but it may have importance to GPD.

Member Bottcher responded that items in the charter are more difficult to change. Supports retaining the language. Member Barry commented. Member Campos commented about state law. No action taken.

5.06: Member Cohen motion to strike 5.06; seconded by Vice-Chair Goodison. Member Blount requested that the minutes reflect the reasoning for the motion. Member Cohen explained reasoning for removing the section of the charter - does not reflect the values of the City of Gainesville, should not be part of the charter. Member Barry commented about the section's intent to discriminate. Member Tattersall commented about the intent to keep black people out of certain areas.

Member Waller commented that the provision was passed by citizen initiative. Chair Hildreth responded that staff will analyze the language, recommendations will go to the City Commission and to the voters. Member Bottcher spoke about additional reasons for striking the section, provided back-up documentation from City's recreation master plan and priorities related to bike and trailways. Member Blount commented. Vote passed: 8 - 0. Campos abstained. Members Henry and Chestnut absent.

5.07: Member Campos motioned to table the item until the next meeting to allow for additional members to comment (add to next agenda).

5.09: Member Barry commented. Member Bottcher commented about the wording of the section (5/7 vote). No action.

RECOMMENDATION

The Charter Review Commission discuss and take action deemed necessary.

Approved, as shown above

WORKPLAN REVIEW

[190358.](#)

Workplan Review (B)

Next agenda - 5.07 discussion and Article VI.

January meeting - review recommendations. Need staff analysis.

The Clerk commented that direction is needed for specific staff/departments to provide analysis.

Member Campos suggested sending items for GG to City Manager, utility items to GRU Manager. They decide which staff to provide analysis. They will send out, attempt to have analysis back by January/February. Clerk will create a consolidated action plan.

Member Barry commented that CRC should produce recommendations to present. Chair Hildreth responded that staff will provide information.

Member Bottcher commented in favor of receiving analysis. Member Blount responded that staff analysis will assist with eventually presenting items to the Commission.

RECOMMENDATION

The Charter Review Commission discuss and take action deemed necessary.

Discussed

MEMBER COMMENT

Member Cohen will be absent during January meeting for medical reasons.

Member Campos has done additional calculations on mayor salary, sent to Clerk with direction to send to members.

Member Blount invited members to jazz on 12/11/19 at the Cotton Club.

PUBLIC COMMENT

NEXT MEETING DATE - January 6, 2020

ADJOURNMENT 5:22 PM

Motion by Member Bottcher, seconded by Member Barry to adjourn

the meeting. Motion passed 9-0. Members Henry and Chestnut absent.