



AGENDA ITEM MEMORADUM

Town Manager

Connie Hoffmann

Department

Department Director

SPECIAL MEETING: TUESDAY, MAY 15TH, 5 PM *

- Presentation Reports Consent Ordinance
- Resolution Quasi-Judicial Old Business New Business

FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: CHARTER REVIEW BOARD RECOMMENDATION REGARDING MAYOR'S TERM LENGTH

EXPLANATION: The Charter Review Board met on May 9TH and recommended by a 6-1 vote (Chairman Wessels dissented) that the Commission place a Charter amendment question on the November general elections ballot to change the term of the Mayor from 2 years to 4 years.

In order to be placed on the November general election ballot, an adopted ordinance containing the actual ballot question language must be provided to the Supervisor of Elections by Friday, June 8th. The Supervisor's office has indicated there will be no exceptions to that deadline.

This means the Commission would have to adopt such an ordinance on first reading at your meeting on May 22 and hold a special meeting to adopt it on 2nd reading on either June 5, 6, or 7. (Because of advertising requirements and ad lead time, June 5th would be the first day you could have 2nd reading.)

Commissioner Dodd will be unable to attend either of those meetings.

In light of the timing constraints, I asked the Town Attorney to begin work on drafting and ordinance and the ballot question.

Commission direction is requested as to whether you wish this matter to be placed on the May 22 agenda as an ordinance for first reading and, if so, if you could provide the Attorney with some direction in developing the ballot question.

**EXHIBITS: Draft minutes for the Charter Board meeting this item.
Charter Review Board Action Summary**

Reviewed by Town Attorney
 Yes No

Town Manager Initials CH

Discussion/Action regarding Charter Review Board's Recommendation Regarding Mayor's Term Length

Ken Kugler made a motion to modify the Mayor's term from 2 to 4 years. Ms. green seconded the motion. The motion carried 6-1. Chairman Wessels voted no. Sandra Green seconded the motion. The motion carried 6 - 1. Chairman Wessels voted no.

Chairman Wessels asked that the minutes of the discussion be transmitted to the Town Commission.

Attorney Trevarthen stated the Board may also want to note in the minutes there were no members of the public present.

Chairman Wessels explained that due to the timeliness of the issue, the decision was made in absence of the public.

Mr. Kugler added that the public would have the opportunity to be heard at the Town Commission meeting.

Vice Chair Delegal noted that at this time the Board had a valid reason to make the exception for this particular issue, and would not be making future recommendations to the Commission in this manner. Before items are sent to the Commission, they will go through the entire process.

Assistant Town Manager Bentley noted there was no mention of urgency in the motion, nor was there any mention of the November election. The Commission will not have the underlying desire of the Charter Review Board. He recommended a second motion to clarify that for the Commission.

In consideration of the time restraints and attempting to have this issue addressed prior to the upcoming election, Mr. Kugler made a second motion to recommend that the Charter amendment to amend the Mayor's term from 2 years to 4 years be placed on the November 2012 ballot, if possible. Sandra Green seconded the motion. The motion carried 6-1. Chairman Wessels voted no.

Mr. Kugler made note this was being proposed to the Commission at this time without having the benefit of public input, knowing that the opportunity will be presented to the public when brought before the Town Commission.

Assistant Town Manager Bentley noted the recommendation will be placed on the May 22, 2012 Town Commission agenda, whereby the Commission will request the Town Attorney to prepare an ordinance.

Mr. Brandt believed the only way this could work structurally, would be for the Commission to see receive an ordinance at the May 22nd Commission meeting, or have 2 special meetings.

Charter Review Board Draft Minutes
May 9, 2012

Assistant Town Manager Bentley stated that if the Commission was to be made aware of the Board's recommendation, they may decide to hold a special meeting prior May 22nd, and make a decision as to whether an ordinance should be drafted for consideration. He also stated that the Commission would have to waive their policy to have the 1st and 2nd reading of the ordinance and the public hearings would be held out of sequence.

Chairman Wessels said the Board will send the recommendation and the Commission will decide whether they wish to follow through. If they reject it, or send it back to the Board, the Board could consider it for the March 2014 Election.

Attorney Trevarthen stated it could be considered either for the March 2014 Municipal Election or there could be a Special Election before that time.

DRAFT

TOWN OF LAUDERDALE-BY-THE-SEA CHARTER REVIEW BOARD ACTION AGENDA

Jarvis Hall
4505 Ocean Drive
Wednesday, May 9, 2012
6:30 P.M.

1. CALL TO ORDER – Chairperson David Wessels

2. ROLL CALL

ALL MEMBERS WERE PRESENT

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. APPROVAL OF MINUTES

a. April 11, 2012

APPROVED 7-0

5. PRESENTATION RE ROLE, PURPOSE AND SCOPE OF CHARTER REVIEW BOARD – Town Attorney Susan Trevarthen

TOWN ATTORNEY GAVE AN OVERVIEW OF THE SUNSHINE LAW, THE PUBLIC RECORDS LAW, THE RULES OF THE CHARTER, AND THE CHARTER AMENDMENT PROCESS, GOVERNED BY CHAPTER 166.031 OF THE FLORIDA STATUTES.

6. OLD BUSINESS

a. Discussion and Approval of Board's Rules and Procedures – Draft Attached.

REVISED AND APPROVED 7-0

b. Discussion of Schedule and Approach to Discussion of Charter Amendment Topics Identified By Town Commission (Grouped Below by Current Charter Article):

Article V. Town Officers and Employees

- Consider broadening qualifications for Town Manager - Section 5.3.

TO BE ADDRESSED AT THE JULY 11, 2012 MEETING

Article VI. - Elections

- Consider modifying length of Mayoral term of office -Section 6.1(1).

MR. KUGLER MADE A MOTION TO MODIFY THE MAYORIAL TERM FROM 2 TO 4 YEARS. MS. GREEN SECONDED THE MOTION. THE MOTION CARRIED 6-1. CHAIRMAN WESSELS VOTED NO.

MR. KUGLER MADE A SECOND MOTION TO RECOMMEND THAT THE CHARTER AMENDMENT TO AMEND THE MAYORIAL TERM FROM 2 YEARS TO 4 YEARS BE PLACED ON THE NOVEMBER 2012 BALLOT, IF POSSIBLE.

THE FOLLOWING ITEMS WILL BE ADDRESSED AT THE JULY 11, 2012 MEETING:

- *Determine whether to sunset residential electoral districts in Section 6.1 in 2018 as previously approved, or on another date. If not, address future redistricting needs to be addressed. Consider changing Section 6.1(5) requirement that university must be used.*
- *Do not specify that the Vice Mayor must be selected on a particular date per Section 6.2.*
- *Add procedure for candidate withdrawal following qualification to Section 6.4, per statute.*
- *Clarify the meaning of the language in Section 6.6(2) (forfeiture of office with regards to ethics) in light of Broward County ethics code.*

Article VII. Planning and Zoning

THE BOARD SCHEDULED FOR THE JUNE 13TH MEETING A STAFF PRESENTATION ON ARTICLE VII.

THE BOARD REQUESTED THE PRESENTATION MATERIALS FROM THE TOWN ATTORNEY ON MAXIMUM HEIGHT AND CECILIA WARD, PLANNING CONSULTANT ON THE CHARTER, COMP PLAN AND CODE THAT WERE DISTRIBUTED PREVIOUSLY TO THE COMMISSION.

- *Clarify the height limit(s) and its measurement in Section 7.1. Consider mapping geographical area within which 3 stories of development over 1 story of parking is legal maximum construction height, and everywhere else is limited to 32 feet.*
- *Review and clarify what it means to “rezone for any other use” in Section 7.1(9).*
- *Review Section 7.1(9) to support Comprehensive Plan goals to support hotels and discourage the conversion of hotels to residential uses. Either remove residential uses from prime hotel areas – or revise language to be clear that Town Commission can remove uses by ordinance, without a referendum.*

- c. Discussion of Schedule and Approach for Board to Review Entire Charter and Identify Any Additional Recommended Changes for Discussion:

Article I. Transition from Abolished Town

Article II. Corporate Powers

Article III. Administration and Legislation

Article IV. Initiative and Referendum

Article V. Town Officers and Employees

Article VI. Elections

Article VII. Planning and Zoning

ADD DISCUSSION OF OVERLAY DISTRICTS TO ARTICLE VII.

Charter Review Board Meeting Action Agenda
May 9, 2012

IT WAS THE CONSENSUS OF THE BOARD THAT A DETERMINATION WILL BE MADE AT THE JUNE 13TH MEETING AS TO WHETHER MORE THAN ONE MEETING PER MONTH WOULD BE NECESSARY.

THE BOARD SET THEIR CALENDAR AS FOLLOWS:

JUNE 13, 2012:

- ARTICLE VII, PLANNING AND ZONING TO INCLUDE DISCUSSION REGARDING OVERLAY DISTRICTS

SHOULD THERE BE A SCHEDULING PROBLEM WITH THE PRESENTATION ON ARTICLE VII THE BOARD WILL DISCUSS:

- ARTICLE I, TRANSITION FROM ABOLISHED TOWN
- ARTICLE II, CORPORATE POWERS
- ARTICLE III, ADMINISTRATION AND LEGISLATION

FUTURE MEETINGS:

- ARTICLES IV, INITIATIVE AND REFERENDUM
- ARTICLE V, TOWN OFFICERS AND EMPLOYEES
- ARTICLE VI, ELECTIONS

7. NEW BUSINESS

8. ADJOURNMENT 8:30 PM