



City of Pensacola

CHARTER REVIEW COMMISSION

Meeting Minutes

June 1, 2022

5:30 P.M.

Hagler/Mason Conference Room

CALL TO ORDER AND WELCOME

CRC Chairperson Horton called the meeting to order at 5:30 P.M.

ROLL CALL AND DETERMINATION OF QUORUM

CRC Members Present: Samuel A. Horton, Clorissi Shoemo (arrived 5:34), David Alexander III, Antonio Bruni, Chris Schwier, Lester Smith (left 6:52), Michael Wiggins, Jack Zoesch

CRC Members Absent: John Trawick

Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

The meeting can also be watched live stream at: [cityofpensacola.com/428/Live-Meeting-Video](https://www.cityofpensacola.com/428/Live-Meeting-Video).

Members of the public may also attend and participate via live stream and/or phone.

To watch the meeting live visit: [cityofpensacola.com/428/Live-Meeting-Video](https://www.cityofpensacola.com/428/Live-Meeting-Video).

To provide input:

- Citizens may submit an online form available on the City's website <https://www.cityofpensacola.com/CRC> beginning at 3:00 P.M., on the day of the meeting until that agenda item has been voted upon to indicate they wish to speak to a specific item on the agenda **and include a phone number. Staff will call the person** at the appropriate time so the citizen can directly address the Districting Commission using a telephone held up to a microphone. **Any form received after an agenda item has been voted upon will not be considered.**
- Open Forum, for items not on the agenda: citizens may submit an online form here <https://www.cityofpensacola.com/CRC> beginning at 3:00 P.M., on the day of the meeting **until 5:30 P.M. only** to indicate they wish to speak during Open Forum **and include a phone number. Staff will call the person** at the appropriate time so the citizen can directly address the Districting Commission using a telephone.

APPROVAL OF MINUTES

1. [22-00636](#) APPROVAL OF MINUTES: CHARTER REVIEW COMMISSION MEETING DATED MAY 18, 2022

A motion to approve was made by CRC Member Smith and seconded by CRC Member Wiggins.

The motion carried by the following vote (with CRC Vice Chairperson Shoemo not yet in attendance):

Yes: 7	Samuel A. Horton, David Alexander III, Antonio Bruni, Chris Schwier, Lester Smith, Michael Wiggins, Jack Zoesch
No: 0	None

PRESENTATIONS

None

ACTION ITEMS

DISCUSSION ITEMS

2. [22-00639](#) DISCUSSION - REVIEW OF CHARTER

Chairperson Horton referenced numerous Charter sections which were postponed for action during previous meetings to provide opportunities for further reflection and receipt of information from staff (as listed in 5/25/22 email from Council Executive Kraher - - on file with background materials). He then opened discussion.

Discussion took place regarding adding language to address public utilities. **CRC Member Zoesch indicated he will abstain from discussion on this subject since the law firm which he is employed represents Florida Power & Light. A motion was made by CRC Member Bruni and seconded by CRC Member Shoemo that the CRC recommends Section 1.04 Public Utilities be added and read as follows: The City shall not renew or enter into a new franchise agreement, contract, lease, purchase agreement, or memorandum of understanding for provision of utility services without securing a study on the feasibility of municipalizing that utility as well as securing a full and independent audit of the prior agreement by a certified public accountant or firm of such accountants who have no direct or indirect interest in the fiscal affairs of the City or any of its officers or elected officials. For municipalized utilities, the City shall secure a study on the feasibility of privatizing that utility no less than once every 30 years. The City shall not create or dispose of any public utility without referendum** (as explained in footnote 2 of the starting point proposed draft and as revised additionally based on prior discussion - - on file with background materials).

DISCUSSION ITEM (CONT'D.)

The motion (to add Section 1.04 Public Utilities) carried by the following vote:

Yes: 6 Samuel A. Horton, Clorissti Shoemo, David Alexander III, Antonio
Bruni, Chris Schwier, Lester Smith
No: 1 Michael Wiggins
Abstained: 1 Jack Zoesch

Discussion took place regarding adding language to address Contracts and Bidding (proposed as Section 1.05 and explained in footnote 3 of the starting point proposed draft and as revised additionally based on prior discussion - - on file with background materials). City Attorney Peppler and Council Executive Kraher provided input. ***There was not an amendment offered to accept adding the proposed language.***

Discussion took place regarding adding language to address Conflicts (proposed as Section 1.06 and explained in footnote 4 of the starting point proposed draft - - on file with background materials). As was previously discussed, it was suggested the proposed language would better relate to Section 9.01 Code of Ethics. City Attorney Peppler and City Clerk Burnett provided input. ***There was not an amendment offered to accept adding the proposed language.***

Discussion took place regarding Section 3.03 Limitations of Terms for Mayor and Council Members; Effective Date. **A motion was made by CRC Vice Chairperson Shoemo and seconded by CRC Member Smith that the CRC recommends Section 3.03 Limitations of Terms for Mayor and City Council Members; Effective Date (a) Mayor be amended and read as follows:** No person shall be elected to serve as Mayor for more than ~~three~~ two consecutive terms. ~~on and after the general election in November 2010~~ (as explained in footnote 8 of the starting point proposed draft - - on file with background materials, but motion deviates from proposed draft in that the word "consecutive" will remain as originally written in the Charter).

The motion carried by the following vote:

Yes: 8 Samuel A. Horton, Clorissti Berine-Shoemo, David Alexander III,
Antonio Bruni, Chris Schwier, Lester Smith, Michael Wiggins, Jack
Zoesch
No: 0 None

DISCUSSION ITEM (CONT'D.)

Discussion continued regarding Section 3.03. Council Executive Kraher provided input. A motion was made by CRC Bruni and seconded by CRC Member Alexander that the CRC recommends Section 3.03 Limitations of Terms for Mayor and City Council Members; Effective Date (b) City Council Members be amended and read as follows: No person shall be elected to serve as a Council Member for ~~districts 1, 3, 5, and 7 for more than three consecutive terms on and after the general election in November 2012. No person shall be elected to serve as a Council Member for districts 2, 4, and 6 for more than three consecutive terms on and after the general election in November 2010~~ (as explained in footnote 9 of the starting point proposed draft - - on file with background materials, but motion deviates from proposed draft in that the word "consecutive" will remain as originally written in the Charter).

Public input was heard from Rhetta Anderson.

The motion carried by the following vote:

Yes: 8	Samuel A. Horton, Clorissti Berine-Shoemo, David Alexander III, Antonio Bruni, Chris Schwier, Lester Smith, Michael Wiggins, Jack Zoesch
No: 0	None

Clarification was made regarding Section 4.01 Mayor (a) Powers and Duties (first sentence) which should read: The Mayor shall be the Chief Executive Officer of the City, ~~to shall~~ exercise the executive powers of the City, and shall be responsible for the administration of all City affairs placed in their charge pursuant to this Charter. The Mayor, who shall serve in a full-time capacity, and shall exemplify good citizenship and exhibit a cooperative spirit, shall have the following powers and duties: (as indicated in draft document compiled by Council Executive Kraher of proposed Charter amendments recommended by the CRC as of the 5/18 meeting - - on file with background materials)

Discussion took place regarding proposed amendments to Section 4.01 Mayor (a) Powers and Duties (8). **A motion was made by CRC Member Bruni and seconded by CRC Member Smith that the CRC recommends Section 4.01 Mayor (a) Powers and Duties (8) be amended and read as follows:** To suspend, discipline, or remove a department head with or without cause. ~~, and without the consent of City Council Members, unless otherwise provided for in this Charter. Said department head may appeal any such action to the City Council who may overturn the action by an affirmative vote of a majority plus one (1) of the City Council Members.~~ (as written in the starting point proposed draft - - on file with background materials with the motion based on second option for the proposed amendments to this section).

DISCUSSION ITEM (CONT'D.)

The motion (to amend Section 4.01 Mayor (a) Powers and Duties (8)) carried by the following vote:

Yes: 6 Samuel A. Horton, Clorissti Berine-Shoemo, David Alexander III,
Antonio Bruni, Chris Schwier, Lester Smith
No: 2 Michael Wiggins, Jack Zoesch

Following the vote, public input was heard from Rhetta Anderson.

Discussion took place regarding proposed amendments to Section 4.01 Mayor (a) Powers and Duties (11). Council Executive Kraher provided input. **A motion was made by CRC Member Zoesch and seconded by CRC Member Alexander that the CRC recommends Section 4.01 Mayor (a) Powers and Duties (11) be amended and read as follows:** To attend, or designated representative to attend, all meetings of the City Council with authority to participate in discussions, but without power to vote.

The motion carried by the following vote (with CRC Member Smith no longer in attendance):

Yes: 6 Clorissti Berine-Shoemo, David Alexander III, Antonio Bruni, Chris
Schwier, Michael Wiggins, Jack Zoesch
No: 1 Samuel A. Horton

Following the vote, brief follow-up discussion took place.

Discussion took place regarding adding language to address negotiation of contracts (proposed as Section 4.01 Mayor (a) Powers and Duties (16) and explained in footnote 15 of the starting point proposed draft - - on file with background materials). CRC Member Bruni pointed out that this would be covered under (proposed) Section 1.05 Contracts and Bidding. ***There was not an amendment offered to accept adding the proposed language.***

Discussion took place regarding adding language to address inquiries (proposed as Section 4.01 Mayor (a) Powers and Duties (17) and explained in footnote 16 of the starting point proposed draft - - on file with background materials). **A motion was made by CRC Member Schwier and seconded by CRC Member Bruni that the CRC recommends Section 4.01 Mayor (a) Powers and Duties (17) be added and read as follows: To cooperate with, and in no way obstruct an inquiry into the conduct or dealings of any municipal office, department, agency or officer as permitted under 4.02(a)(3)** (as explained in footnote 16 of the starting point proposed draft - - on file with background materials, but motion does not include all verbiage from proposed draft).

DISCUSSION ITEM (CONT'D.)

The motion (to add Section 4.01 Mayor (a) Powers and Duties (17)) carried by the following vote (with CRC Member Smith no longer in attendance):

Yes: 5 Samuel A. Horton, Clorissti Berine-Shoemo, David Alexander III,
Antonio Bruni, Chris Schwier
No: 2 Michael Wiggins, Jack Zoesch

Discussion took place regarding a proposed amendment to Section 4.01 Mayor (c) Compensation (as explained in footnote 18 of the starting point proposed draft - - on file with background materials). ***There was not an amendment offered to accept adding the proposed language.***

Discussion took place regarding a proposed amendment to Section 4.02 City Council (a) Powers and Duties (2) related to the annual budget and modification(s) of appropriations (as explained in footnote 20 of the starting point proposed draft - - on file with background materials). Reference was made to previous discussion with Finance Director Lovoy. Council Executive Kraher provided input. **A motion was made by CRC Member Bruni and seconded by CRC Vice Chairperson Shoemo that the CRC recommends Section 4.02 City Council (a) Powers and Duties (2) be amended and read as follows:** To adopt the annual budget and all other appropriations necessary for efficient City government. **Any modification of specific appropriations in the budget by greater than an amount determined by ordinance, including but not limited to reallocating greater than said amount between departments, shall require consent of the City Council by an affirmative vote of a majority of City Council Members** (as explained in footnote 20 of the starting point proposed draft - - on file with background materials, but motion deviates from proposed draft).

The motion carried by the following vote:

Yes: 7 Samuel A. Horton, Clorissti Berine-Shoemo, David Alexander III,
Antonio Bruni, Chris Schwier, Michael Wiggins, Jack Zoesch
No: 0 None

Discussion took place regarding proposed amendments to 4.02 City Council (a) Powers and Duties (3) regarding inquiries (as explained in footnote 23 of the starting point proposed draft - - on file with background materials). Council Executive Kraher and City Attorney Peppler responded accordingly to questions. ***There was not an amendment offered to accept adding the proposed language.***

OPEN FORUM

None

NEXT MEETING

Wednesday, June 15, 2022, beginning at 5:30 P.M.

In reference to remaining Charter sections which were postponed for action (as listed in 5/25/22 email) Council Executive Kraher emphasized that the CRC's review needs to be completed at the next meeting in order to meet timelines in place for proposed amendments to be reviewed by Council and moved forward for referendum at during the November General Election.

CRC Member Zoesch advised that he will be out of town and not able to attend the next meeting.

ADJOURNMENT

7:26 P.M.

Approved: June 15, 2022