

SEMINOLE COUNTY, FLORIDA

COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
32771-1468



Meeting Minutes

Thursday, March 7, 2024

6:00 PM

BCC Chambers

Charter Review Commission

Call to Order/Roll Call**Present**

Sean Barth, Deborah Bauer (late), Scott Culp, Angela Fleming (late), Colleen Hufford, Tom O' Hanlon, Michelle Smith, John Horan, Nicole Martz, Marilyn Crotty, Robin Dehlinger, Russel "Rusty" Roberts, and John Richardson

Absent

Carissa Lawhun and Emily Tallman

Additional Attendees: Special Legal Counsel Attorney David Simmons, Assistant County Manager Meloney Koontz, Assistant County Attorney Robby McHugh, and Deputy Clerk Terri Porter

Pledge of Allegiance

Mr. Culp led the Pledge of Allegiance.

Approval of last meeting minutes

1. Minutes from Charter Review Commission Meeting on 2/15/2024

Motion by John Richardson, seconded by Robin Dehlinger, to approve the February 15, 2024, Charter Review Commission meeting minutes.

All members in attendance voted AYE.

Other Business

2. Verify and approve DSK Law Monthly Invoice.

Motion by Tom O'Hanlon, seconded by Michelle Smith, to approve the DSK Law Monthly Invoice.

All members in attendance voted AYE.

3. Review and Consider Possible Charter Amendments

Section 5.2(B) – Rural Boundary Removal by voters with 50% plus one (simple majority)

and

Section 5.2(C) - Change of Density or Intensity in Rural Areas changed by a super majority vote of the BCC

Motion by Nicole Martz, seconded by Tom O'Hanlon, to table discussion of items Section 5.2(B) and Section 5.2(C) today and bring back at a future meeting.

All members in attendance voted AYE.

Section 2.2(A) – Term Limits

Motion by Michelle Smith, seconded by Tom O’Hanlon to remove from the list Section 2.2(A) – Term Limits.

All members in attendance voted AYE, with the exception of John Richardson, who voted NAY.

Motion passes 12 to 1.

Section 5.4 – Create an Ethics Commission and Ethics Officer

Motion by Tom O’Hanlon, seconded by Michelle Smith, to remove from the list Section 5.4 – Create an ethics commission and ethics officer.

All members in attendance voted AYE, with the exception of Marilyn Crotty, who voted NAY.

Motion passes 12 to 1.

Section 5.1 – Casino Gambling

Motion by Nicole Martz, seconded by Tom O’Hanlon, to remove from the list Section 5.1 – Casino Gambling.

All members in attendance voted AYE.

County-owned Lands (Parks, Trails, and Conservation Areas)

Deborah Bauer stated they have a good ordinance now and she thinks there is a happy medium here. They just need to make it stronger so that it cannot be changed willy-nilly.

Motion by Deborah Bauer, seconded by Nicole Martz, to proceed with the idea of using the current ordinance that is in effect as a model to develop a Charter Amendment to send to the voters.

October 12, 2021 - The BCC approved Ordinance #2021-38 amending Part 3 (Natural Lands) of Chapter 190 Parks and Recreation of the Seminole County Code Section 190.77 to add a definition for supermajority; and adding Section 190.85 Disposition of designated Natural Lands by the Board of County Commissioners.

Under discussion, Mr. Horan clarified that they want to take the ordinance that they have right now and basically concretize it by putting it in the Charter. And the question that was asked by Rusty Roberts was are they now legislating and so forth, and Mr. Horan said that is exactly what they are doing because they are taking a legislative measure and putting it into a foundational document.

Ms. Crotty noted if they use the term “Natural Lands” as it is defined by the County, it seems it would include parks, trails and conservation areas that are owned by the County.

Attorney McHugh advised it would include the land currently in the natural lands inventory or lands that are later added to that inventory.

Attorney Simmons asked Ms. Bauer if her motion was to take the ordinance in verbatim and put it in the Charter. Ms. Bauer responded that she would rely on the County Attorney and County Staff, but the sentiment is to add a protection for their natural lands to the Charter and to do what they have to do to bring back a proposal for advancing a Charter Amendment based on the sentiments in the original ordinance.

Mr. Horan opined he does not want policy issues in a foundational document. Mr. O’Hanlon added there could be a lot of unintended consequences.

Attorney Simmons confirmed this ordinance requires a super majority of the county commissioners. He would like to include within his research, obviously with the County Attorney’s Office and Assistant County Manager Meloney Koontz, this issue of whether this ordinance is simply instructional to the BCC or is it obligatory. While it says this, he knows with respect to legislation, the existing legislature cannot bind the hands of a future legislature by simply saying, “You shall use this number of people to do a vote.” You may have your own rules within each house as to what it is going to take to pass something. Then there are certain constitutional limitations on what it takes, for example 60% to pass a constitutional amendment that is proposed, and then it goes to the voters to vote on, and he does not know with respect to a county ordinance whether it can tie the hands of a future county commission, so that they are limited by a super majority, or can a simple majority of the County Commission simply repeal or amend that ordinance.

Mr. Horan and Ms. Martz pointed out the motion is for drafting language consistent with a super majority ordinance. Ms. Bauer added she would like them to bring it back for discussion.

Attorney Simmons said he believes that they can get this drafted by the next meeting and get it to everyone before the meeting on the 21st.

Ms. Bauer commented she would like to call the question, and Chairman Horan agreed.

All members in attendance voted AYE, with the exception of Mr. Horan and Mr. O’Hanlon, who voted NAY.

Motion passes 11 to 2.

DISCUSSION SUMMARY***The following items were removed from the list:***

- Section 2.2(A) – Term Limits
- Section 5.4 – Create an ethics commission and ethics officer
- Section 5.1 – Casino Gambling

The following items remain on the list:

- Section 5.2(B) – Rural boundary removal by voters with 50% plus one (simple majority)
- Section 5.2(C) – Change of density or intensity in rural areas changed by a super majority vote of the BCC

The following will be brought back at the next meeting:

- Charter Amendment Language in connection with County-owned Natural Lands

Public Comment

None

Next scheduled meeting date

The next meeting will be held on Thursday, March 21, 2024, at 6:00 p.m.

Adjournment

There being no further business to come before the CRC, the Chairman declared the meeting adjourned at 7:52 p.m., this same date.