

City of Longwood
2019-2020 Charter Advisory Committee

Longwood City Commission Chambers
175 West Warren Avenue
Longwood, Florida 32750

MINUTES
January 23, 2020
6:00 P.M.

Present: Chair Matthew McMillan
Vice-Chair Johnnie Richardson
Member Deborah Poulalion
Member Rex Anderson Sr.
Dan Langley, City Attorney
Michelle Longo, City Clerk
David Dowda, Police Chief
Mike Peters, Fire Chief
Chris Kintner, Community Development

Absent: J.D. Cox, City Manager
Member Kate Crockett

1. **CALL TO ORDER.** Chair McMillan called the meeting to order at 6:00 p.m.
2. **APPROVAL OF MINUTES – November 14, 2019**

Member Anderson moved to approve the minutes of November 14, 2019, as presented. Seconded by Vice-Chair Richardson and carried by a unanimous voice vote with Member Crockett absent.

3. **PUBLIC PARTICIPATION**
Robert Vogan, 214 Vinewood Drive, Sanford. He said he grew up here and went to school in Longwood. He said he finds it interesting that Longwood does not have a Mayor directly elected by the public. He thinks the Mayor of any city I have ever lived in serves more than an executive function. They also serve at ceremonial functions. Because of that, I feel it is important that the public vote for the Mayor as Mayor on the ballot. He feels this means something to that ceremony and is not something just granted by the other Commissioners.
4. **OLD BUSINESS**
 - A. **ARTICLE III, SECTION 3.03 (a). ELECTION OF MAYOR**
 - B. **Discussion on Single Member Districts**

Chair McMillan said he has a few remarks he would like to make about this particular issue of the Mayor for a while and how to address it. He wanted everyone to hold their questions until he is done because he has put a lot of thought into this. We have done a lot this year going through the Charter and finding good revisions. Along the way, we have touched upon the issue about the Mayor, and in the course of several meetings we have heard the opinions of our fellow committeemen and women, as well as the citizens, mostly outside of the meetings. Today, we are going to spend some time on this issue because I think it deserves some time. We have completed the review of the Charter and voted on other recommendations, and now we can focus on this issue which I think needs our undivided attention because it has many facets, and there are several ways to change if we are going to contemplate changing the Mayor. We have discussed some of them already, but we need to think through this because one simple change in this section of the Charter can affect other areas of the Charter. As an example of why I think what we do is important, I would like to refer to the current controversy. I don't know if you have been following it over amendment 4 and the Florida Constitution and how it was amended. In 2018, Florida voters approved a provision to restore voting rights to convicted felons. The language on the ballot stated it required the completion of all terms of their sentence. Arguments are going on in court, and I am not going to touch on the merits of it because it is not generally known by the public that the sentences include court fees and often restitution orders to pay back for property damage. In order to have all the terms completed, some citizens had completed their terms of incarceration and completed their probation, but had not paid off a debt, and they thought they were going to be able to vote and found out they were going to have to pay off debt before they could vote. They were understandably upset, and some said it was the equivalent of a poll tax. Regardless of how you feel on the issue of amendment 4, we could see how it could have been avoided if whoever was drafting the provision to amend the Constitution like we amend the Charter had simply put in the words that voting rights shall be restored upon completion of incarceration and probation, the restitution and court cost issues would not have been relevant, off to the side, and there would not have been the confusion that there is. That is why I feel it is important for us to take a look at how we look at each of these questions and look at the words, and see how they touch and affect other provisions because we do not want to present a confusing question to the public. The advantage of having a committee draft the review and amendments is that we can take the time to choose the words before we present them. That is what we are here to do. The choice should be clear and without surprises to the public when we present them. So, when we look at the Mayorship, there are several factors to consider.

Some of you may be inclined not to support any change at all. I ask only that you keep an open mind and participate with recommendations in the process, your insights, and criticisms. Ultimately, this decision, as with all our recommendations, resides with the people. I believe there is enough interest to move forward with a proposal. I do not make this suggestion simply so Longwood would be in line with other cities, as I have heard. I believe the time has come for us to change in Longwood, and actually, change is already coming, and we need to respond to it. We have apartment complexes coming, construction of townhomes with more population density, Ronald Reagan Boulevard is being developed, Reiter Park is up and running with all kinds of events coming, UPS just announced their major expansion, and Central Florida is growing and Longwood is growing along with it. Our City has its own vibrant economic activity going on, and we are no longer just a sleepy Orlando bedroom community. He said now is the time, the census is taking place and we will be getting new data within the next couple of years. If there is a time to make a change, I think it would behoove us to take the chance to look at it in this particular meeting of the Committee. What I would like to do right now is to outline what I would like to see in a proposal and make my own suggestions on some of the points. The outline is to break down the multiple questions and then we can revisit. I am open to your input and suggestions on each sub-question because there are multiple questions related to the issue.

1. The Threshold Question. Whether or not we keep the Commission City Manager system, or switch to the Administrative Mayor. We have talked about this considerably. He said he supports the retention of a qualified City Manager to administer the City. Mr. Richardson presented a rather thorough review and submitted it to the committee. In his opinion, he feels we should keep the strong City Manager who is a professional running the City, and the Mayor as the head of the Commission.
2. How is the Mayor Selected? Selected by the Commission as is currently done, or popularly elected by the people. The arguments for having the people directly select who the head of the Commission is, the Mayor is somebody that is selected by the public. When asked how the Mayor got the job, the answer is, he ran for office and the people voted for him. When you have a city where the population is transient, where they are working for the hospital, or UPS and coming from other areas and living here, there is an expectation of that. The second is, when we want to present important questions regarding the direction of the City and the people and to encourage debate, I think having a Mayor's race raises it to the next level and focuses it for the people. I requested data from the Supervisor of Elections in the fall regarding turnout in municipal elections. I wanted to see if

there were more votes for Mayor than Commission when held at the same time. He wanted to see if there was a 20% turnout for Commission and 22% turnout for Mayor. What I found was that often there was not a contest at all. There was so little data, I could not really compare anything, at least in Seminole County. Commissioners are often elected without a vote being cast or even being put on the ballot because only one candidate has filed. This has brought to mind an accountability flaw in the current Commission selection system, I don't pass any judgment on anybody who runs unopposed because they are doing a good job. In 2017, we had three seats, and there were three contested elections. In 2018, there were two Commissioners who filed, there was no opposition, and they were both elected. We have both on the Commission currently. When you have a Commission selection of the Mayor, you can have the Mayor selected by Commissioners who never were on the ballot either. So you could have Commissioners who have never been on the ballot because nobody ever opposed them, and you could have three of them selecting the Mayor, and it still has never been to the people as a question. It is just a matter they were the only ones who happened to be in interest, so the people are sort of doubly cut out. He thinks if you put the Mayor on the ballot, if there is going to be a challenge, the Mayor is most likely to draw an opponent and to get the people involved. He said another part of it is if you have a Mayor elected by the people, and they are voting for their Commissioners, you basically have doubled the representation of every citizen. They have two people that they have political pressure with their vote to whom they can address their grievances, not just the Commissioner that is in their district, but also the Mayor. It doubles up the accountability and responsiveness of the Commission and gives more clarity as to who is more responsible to a particular citizen. You have both the Mayor primarily for the whole City and the City Commissioner for that district with the Mayor as a backup in case you have a vacancy or a Commissioner that is not being very attentive to the needs, and it prevents the territorialism of only taking care of my district. You have the Mayor who is also responsible for all the districts at the same time. So you have two options as a citizen. Those are my thoughts as to why you would want the people to select as opposed to the commission to select.

3. Whether you want the Mayor to be a Commissioner or a separate office. We have seen that in the different Charters, where you would have a co-equal Commissioner, or you could have a potentially non-voting Mayor, who has different powers. He believes we should have a Mayor-Commissioner. He thinks voting that way is the simplest. It is used by several cities. The Mayor is an at-large Commissioner with no particular residency requirement for that particular office. At the

same time, the Mayor, in order to accomplish anything, has to have the support of the Commission. They cannot do anything on their own.

4. If you are going to have a Mayor-Commissioner, how would we add them in? I would propose a minimal change, which would keep the number of the Commissioner the same. There are five Commissioners. One of those seats would become the Mayor's seat, and the remaining four would represent districts. Redistricting is probably going to happen anyway, which is why this is a good time to take a look at this question. You would still have an odd number for the votes, but would still have an even number of districts so there would not be a chance of a tie. How do you add in the Commissioner-Mayor? He thinks one of the two Commission seats set for 2022 would be made the Mayor-Commissioner seat. The staggering of the Mayor elected with the other Commissioners would work. In 2022, there would be two Commission seats up, you would have the Mayor and one of the districts. The other three would be up two years after that. If you elect a Mayor with a Commissioner, the other three Commissioners would immediately be running for re-election or under political pressure. If that Mayor is doing something wrong, there is an immediate opportunity for the public to correct the direction by electing representatives that would not switch back until another Mayor could be elected.
5. The powers of the Mayor. He didn't put too much thought into this question. The most important part is that the Mayor should be the Chairman presiding over their meetings. By having the power of the gavel and controlling the meeting, they can influence the Agenda and be a leader and have the ceremonial function, but at the same time, they would have to have the support of the Commissioners. He does not think the Mayor should have a veto. He would want to see what other cities do. Other questions would be regarding Term Limits. Does the Mayor have separate limits? That might be a question for the City Attorney. If a Commissioner has been a Commissioner for eight years and then runs for Mayor, does it start over so they can run for eight years for Mayor or four years, for a total of twelve years? Another question would be compensation. Would the Mayor or Deputy Mayor be compensated for something other than what the Commissioner is? He said it would depend on how much work it is, whether that is legal and whether you leave that up to the Commission to decide.

Chair McMillian said the other item on the agenda is single-member districts if any of you want to comment on that. He said this is whether you want to go to single-member districts where they only elect by voters

within the district. He was not inclined to make a change and thinks voting at-large is fine.

Chair McMillian said we have already gone through the rest of the Charter, so we have time to review these questions. These were my thoughts, and I will open the floor to anyone who wants to comment.

Member Anderson said he got lost when you started out referencing Amendment 4 and what that has to do the Mayor aspect. He said with what you have gone through, it is unfair for us not to have something we have been able to read and study and come to some conclusion. You expect us to make a decision based on what you read and it would be unfair for us to do it. He said I don't think you should expect us to make a decision based on what you say.

Chair McMillan said, Mr. Anderson, I don't expect you to make the decision based on what I said. The reason I brought Amendment 4 up is that it was an example of when something is not drafted carefully after consideration and review, which is why I want to review and slow this down. Your concern sounds like you think I am trying to drop this on you and expect a vote on this all today. What I am doing is outlining my thoughts in an outline as to how we break down this question because what we don't want to have happen is an Amendment 4 issue where we go real quick and we think everybody knows what this means. It then gets on the ballot, gets voted, and then find out that is not what we meant it meant something else, and now we are in court. That is the reason I brought that up. I want to slow things down, and I want to hear what you have to say, and I am open to other questions that are relevant to this issue to be broken down. I have just given you the five here. One of them is the powers, the term limits, whether the Mayor should be added or a Commissioner, whether the Commissioner should be a separate office and whether they should be elected or not, and whether they should be administrative or not. Those are all different questions we have to go through. We have had discussions on a couple of them, but not all of them. There are also other questions I have not thought of which is why I brought them to you. I am not trying to rush this through. I will be happy to type up something, and you are welcome to type up something, and we can do this over the course of a couple of months. He said I am not calling for a vote on anything tonight. I cannot stop anybody else from making a motion for that, but I would like the question to be open. He asked if anybody else had a question or wants to make a remark.

Member Anderson said this subject was first brought up in July or August, and I suggested you needed to get some pro and cons so we could start looking at. Instead of us being able to look at it over time, we are

confronted with what you have presented, and by the time we get through with it, it will be too late to get it on the ballot.

Chair McMillan replied and stated we have gone through the entire Charter and kept the issue forward because it needed its own time to be the primary focus. We completed the whole Charter in six months and we can go up until June. We have six months, six meetings to finalize this and I do not think it will take six months. As the Chairman, I am setting out an outline of how I would like to conduct this debate going onward. It is up to the members of this Committee to continue to have a discussion, and it will take the members of this Committee to make a motion and seconding whatever the final recommendation is. I have just given a backbone outline structure of where to start. Otherwise, we might be making ad hoc recommendations where we have recommendations that do not fit together. I want to have a conversation and have a nice tight package and we have hit each issue and any issues I might not have thought of. He said I am presenting them for review. We are not going to make a decision on this tonight. I am not springing this on you or anybody. If I had the time and been able to type up everything and printed it out, that still would not have been able to do anything today. I think I have done an analysis of what the major issues are, and then we can decide yes or no on them going through and lead us to a recommendation.

Member Anderson asked Chair McMillan where he got his information from.

Chair McMillan said he read the Charter, he read what has been presented at these meetings, and he pulled data from the Supervisor of Elections and did research on single-member districts online.

Member Anderson asked if he researched cities that have similar forms of government that we have.

Chair McMillan replied yes. Some of that has been presented in past meetings, and has been considered in my analysis and will continue to be as we move forward.

Member Anderson asked what the resident count is on the cities he reviewed.

Chair McMillan said his information is based upon a survey of everything I have read. While reviewing, I saw similarities in cities smaller than we are and cities larger than we are. The reasoning is my own in terms of accountability in having double accountability. He said he presented what he believes and what he thought about while reviewing everything.

I am reacting to the people that are talking to me, including my fellow Committeemen and women.

Vice-Mayor Richardson said Chair McMillan has made a lot of interesting points, but I think a lot of my points this evening will cover some of those if not all of them. Sometimes a directly elected Mayor, and to some extent, district Commission members can easily make deals that benefit their own districts with little or no consideration to the larger issues affecting other districts and become rife with petty politics and public acrimony. Regarding a separately elected Mayor, my perception is that this only works for larger cities and not for smaller ones. Regarding Commission districts, I am also of the belief that electing Commission members to districts give you the added benefit of many mayors instead of just one. I believe that elections of Commissions by districts maintain a stronger sense of a common good. I believe that the City of Longwood should maintain its five-member Commission by districts unless the demographics of the population change whereas creating a need for a new district to become necessary. It is also my belief that if the City of Longwood had a directly elected Mayor, the City Commission members could have difficulties, especially when a minority view is being represented by the Mayor. The dissention among Commission members could become very political, and there is no avenue for the Commission members to remove the Mayor for cause or other reasons without incurring a costly and traumatic recall process. The current Longwood City Manager Commission structure offers a well-balanced management structure because it is the Commission that makes the decisions. With the current City government structure, there is less political influence driving those decisions. If one person is politically influenced, decisions still have to pass the entire Commission. From an operational standpoint, the current management system has the distinct advantage of placing a professional manager who is specifically trained in city management and public administration in charge of the day-to-day operations that can be rather complex, especially for cities where growth is rapid. Another reason for keeping the Longwood City Manager and Commission form of government is that the turnover of its key and support staff is usually lower, so the institutional knowledge is being retained. The result is a tremendous cost saving to the taxpayers and more stability of leadership, as does the fact that in order for the City Manager to leave, he or she must be fired by the Commission. This means that there are fewer changes in that role, unlike the Mayoral role where the role may change with each election. After careful consideration and analysis of both pros and cons of having a Mayoral or a City Manager and Commission form of government, I have concluded that it would be in the best interest of the City of Longwood and its residents, to retain our current City Manager and Commission form of government and that the Longwood City Charter not be changed at this time.

Member Anderson said he agrees with Mr. Richardson 100%. He said after weighing both the pros and cons of an elected Mayor versus the elected Commission and going on record previously supporting an elected Mayor, I have now, after many weeks of research, talking with many residents and the business community, come to the conclusion that I see no reason why the existing commission form of government should be changed for the City of Longwood. I recommend that the current form of Council-Management government remain unchanged. He would like this matter to be reconsidered by the Charter Review Committee once the City of Longwood becomes larger and the population density is over 30,000 residents. He asked Vice-Chair Richardson if that is still his position.

Vice-Chair Richardson replied yes, that is still my position.

Member Poulalion said she thinks we have done a good job thus far of discussing all the opportunities we have with the Charter. She said now that we have come to the one that is the most complicated, I do not want to have a position for or against any part of this at this time. I think what I heard is eight points we could discuss, perhaps in order, without reaching a conclusion, and I hope we would go through that process.

Chair McMillan said the first point he made in the first question was on point with what Mr. Anderson and Mr. Richardson both stated, which was should we have an Administrative Mayor or Commission-Manager system. We need to have a professionally skilled City Administrator running the City. I am in agreement with the two of you on that particular question. What we have right now is the City Commission directing the City Manager to administer the City, as opposed to some other cities, like Apopka or Orlando, that have a Mayor with its own office and staff, directly supervises the Chief of Police, etc. They are generally paid more, it is a fuller, part-time position, and they have to satisfy all the requirements in the Charter to be elected. He does not think we are a big enough City to draw multiple qualified candidates to run for that kind of office.

Member Poulalion said she thinks when we present our position to the City Commission, we state the reasons why it makes sense to us that the City Manager form of government is retained, specifically for Longwood. It is best for Longwood. I have heard several good comments about that.

Mr. Langley said if you are not making a change, I am not sure you present the reasons why you did not make a change. To get a consensus or a unanimous decision on how you would word your reasoning for each potential change is difficult because you all may agree to a change, but

may not necessarily agree on the reasons why you are making the change. It might be complicated, but we could do it.

Chair McMillan said one thing we could do, is go through and do it for our own purposes. We can organize everything, our reasons, pro, and cons summarize those, and use that as a working list and continue to go through the entire process.

Member Anderson said since this Committee does not have the final say if this Committee is in agreement to retain the present language, the Commission is going to have the final say. He suggested to make our decision if we are going to decide to retain the present language, and then you present it to the Commission.

Chair McMillan said this is the process we are doing, working with each other to determine what that will be. Right now, it looks like at least three of us are pretty clear on we do not want to change from a City Administrator-Commission to a City Administrative Mayor. He asked Member Poulalion to summarize the arguments she heard in terms of the City Administrator versus the Administrative Mayor so we can make sure everybody is accounted for.

Member Poulalion said the one I remember the most is if you have to elect your Administrative Mayor from within Longwood, you might not have the right person. That was the strongest argument for me.

Chair McMillan said there is an additional cost and expense, and you would have to transition to a different form as well as find a qualified mayor.

Vice-Chair Richardson said in a City of our size, it would not make sense to try to offer the Mayor position to someone to run for office without some sort of compensation. Unlike our City Commission now, they get paid by the City for a certain amount of hours they work, but they are paid a very small sum for all the work they do in the community and all the events they go to, and the training. Most of them, if not all, still have a full-time job. If you do not have a full-time job and your job is the Mayor, there will definitely be a cost. He said I do not think you could have a Mayor in this small town and a City Manager at the salary range they both command, without going into our budget deeply to come up with the money to support both with full benefits and allowances. I do not think our taxpayers would want us to do that.

Chair McMillan said we have the expense, city size, and talent pool as strikes against the Administrative Mayor position.

Chair McMillan went over the other questions he brought up at the beginning of the meeting to have further discussion at the next meeting. Questions 2, how is the Mayor Selected? Would it be by the majority of the Commission or direct election by the people? Question 3, whether you want the Mayor to be a Commissioner equal to the others or a separate office. Question 4, if you are going to have a Mayor-Commissioner, how would we add them into the rotation of elections, and when? Question 5, what powers will the Mayor have? There would be another discussion on term limits, on creating a new office, and how it relates to current term limits. Also, compensation provisions and interaction with staff. He asked if anyone had any other questions they would like to add to the list for further discussion.

Member Poulalion mentioned duties that were in other city charters and asked this be added as a subsection for further discussion when they go over the Mayor Powers. She does like the structured discussion for each point and feels it adds clarity. She handed out a printout of the Commission Districts to the Committee Members.

C. Review and consider preliminary recommendations of the Charter Advisory Committee.

Mr. Langley stated there were preliminary recommendations presented with specific language with strike-through and cross-outs showing the changes that are being recommended.

Chair McMillian thought they looked fine and would like to keep this on the agenda for additional review and discussion at the next meeting.

5. NEW BUSINESS. None.

6. AGENDA ITEMS FOR THE NEXT MEETING

Ms. Longo wanted to clarify the agenda for the next meeting. She said she is going to format the agenda for the next meeting with the questions as Chair McMillan outlined them. She said she would separate each question for discussion and have the following:

- How is the Mayor Selected? Would it be by the majority of the Commission or direct election by the people?
- Whether the Mayor would be equal to the other Commissioners or a separate office.
- How to add the Mayor into the election rotation and when? Whether you keep five, one Mayor and four Commission Districts. When would we have the Mayor election, with the Presidential Election or Governor Election year?
- What powers and duties will the Mayor have?

