

City of DeBary
Charter Review Commission Meeting
MONDAY
June 20, 2005
7:00 PM

Florence K. Little Town Hall
12 Colomba Road DeBary, Florida 32713

MINUTES

1. Call to Order

Chairman Smith called the meeting to order at 7:00 P.M.

2. Roll Call

Present: John Likakis, Norm Erickson, Don Smith, Rusty Asble, and John Rokop
Also Present: Assistant City Attorney Dan Langley and City Clerk Stacy Tebo

3. Minutes

Chairman Smith asked for approval of the minutes of June 2, 2005. The Commission members had no objection to the minutes, and they were unanimously approved.

4. Public Participation

George Coleman, 286 Deleon Road, asked the Commission to consider clarifying language in paragraph two of Section 5.07 regarding multiple candidates for each Council seat.

5. Discussion of Charter, Articles One through Five

Article 1 Purpose of the Charter

The Commission did not suggest any changes to Article 1.

Article 2 Territorial Boundaries

Mr. Langley said that statutes prohibit the Commission from changing the boundaries of the City.

Article 3 General Powers of the Municipality

Mr. Likakis questioned the phrase "any power" used in Section 3.01, paragraph one. Mr. Langley explained that a City's municipal powers could be limited by its Charter, the Constitution, and general law.

Article 4 Charter Officers

Mr. Likakis requested that the residency requirement be increased to three years and that specific requirements for recall be added in Section 4.01. Mr. Langley informed the Commission of two

cases in which residency requirements with regards to constitutional offices were challenged in court under the equal protection clause and that anything above the one-year residency requirement has not been upheld by the courts. Mr. Likakis made a motion to change the residency requirement from one year to two years, and Mr. Erickson seconded. The motion passed 4-1, with Mr. Asble dissenting.

The Commission discussed the need to raise the City Council compensation level in Section 4.05(a). Mr. Erickson made a motion to increase the Mayor's salary to \$700 per month and the Council Member's salary to \$600 per month. Mr. Likakis seconded the motion. The motion carried unanimously.

Chairman Smith stated that he believed the original charter provided that if a member missed three total meetings, rather than consecutive, he or she would forfeit his or her office. Mr. Erickson made a motion to amend Section 4.07(d) by striking "consecutive" and adding "during their term" to the end of the same sentence. Mr. Asble seconded, and the motion carried unanimously.

Mr. Likakis said that he would like to have the results of the audit published and to have an audit completion date set in Section 4.10. Mr. Langley said he would research the issue and report back at the next meeting.

The Commission talked about their desire to limit the ending time of City Council meetings. The members decided without objection that meetings shall end no later than 11 p.m. They also considered changing the commencing of meetings from 7 a.m. to 9 a.m. Mr. Erickson made a motion that meetings commence no earlier than 9 a.m. Mr. Likakis seconded, and the motion carried unanimously.

Mr. Erickson asked if the agenda could be reordered and itemized in Section 4.12. Mr. Rokop stated that he did not believe it is in the purview of the Charter Review Commission to mandate agenda changes in the charter.

Article 5 Nominations & Elections; Terms of Office

Chairman Smith asked Mr. Langley to research runoff elections. Mr. Likakis questioned the meaning of the editor's note under 5.01(c). Mr. Langley answered that he would check on it prior to the next meeting.

Mr. Likakis suggested that Section 5.03 be changed so that a candidate is out of office longer than a year before he or she serves again. After discussion, the members decided to table the issue until the next meeting.

Chairman Smith asked Mr. Langley to research state law on municipal recall for the next meeting.

6. Select Articles for Discussion at Next Meeting

The Commission decided to discuss Articles Six through Eleven at the next meeting.

7. Set Date for Next Meeting

The next meeting was scheduled for August 29, 2005, at 7 p.m.

8. Adjournment

The meeting adjourned at 8:51 p.m.

**APPROVED August 29, 2005
CITY OF DeBARY
Charter Review Commission**

Don Smith, Chair