

**City of DeBary**  
**Charter Review Commission Meeting**  
**MONDAY**  
**August 29, 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, Chairman Don Smith, Vice-Chairman Rusty Asble, and John Rokop

Also Present: City Attorney Kurt Ardaman, Finance Administrator Jimmie Seelbinder, City Manager Maryann Courson, and City Clerk Stacy Tebo

**3. Public Participation**

Neil Coppens, 19 Rosedown Boulevard, said he had two items he wished to discuss under Article Eleven Section Three, but he would wait until later in the meeting when the Commission discussed the section.

**4. Minutes**

Chairman Smith asked for approval of the minutes of June 20, 2005. The Commission members had no objection to the minutes, and they were unanimously approved.

**5. City Attorney Discussion of Previous Items from Meeting of June 20<sup>th</sup>**

Prior to the City Attorney discussion, Mr. Likakis made a motion to change the wording in Section 1.02, Purpose of the Charter to read “providing the framework within which a municipal corporation....” Mr. Erickson seconded the motion. Chairman Smith said he did not feel that it should be changed. The motion carried 3-2, with Chairman Smith and Vice-Chairman Asble dissenting.

Mr. Likakis discussed Section 4.04 and suggested that language should be added to prohibit family members of elected officials from working for the City. Chairman Smith asked if there is

existing State law dealing with nepotism. Mr. Ardaman answered that he would take the proposed language recommended by Mr. Likakis, compare it to the State Statutes, and bring it back to the next meeting for discussion.

Mr. Erickson suggested adding in a prohibition of eminent domain for a private purpose in Article Three. Chairman Smith agreed with the addition, but suggested it might be placed in Article Ten. Mr. Erickson also discussed Section 4.11, Meetings and his desire for the meetings to be managed effectively and the matters that affect the public the most to be addressed first, rather than last.

Gene Stump, 106 Birkwood Court, stated his desire for the Council meetings to move swiftly and end at a decent hour.

#### **Section 4.10 Audit Completion Date**

The Commission discussed a specific completion date for the audit. Mr. Ardaman stated that the Statutes require the independent financial audit to be completed within twelve months after the end of the fiscal year. Mr. Seelbinder stated that the City could lose State revenue sharing if the audit is not completed within the statutory time limit. He said it is better to have the flexibility rather than the City imposing a shortened time limit for completion.

Neil Coppens, 19 Rosedown Boulevard, said that other cities completed their audits several months earlier than DeBary.

#### **Section 5.01 Elections, Editor's Note (5.01c)**

Mr. Ardaman said that he was not prepared to discuss it and would have it ready for the next meeting.

#### **Section 5.07 Runoff Elections**

Chairman Smith asked Mr. Ardaman if there were changes at the State level in regards to runoff elections. Mr. Ardaman answered that the legislature did make some changes, but they did not affect the City, and the Charter would not need to be modified in any way.

#### **Section 5.08 Recall**

Mr. Ardaman said there is a state process for recall of elected officials. He briefly explained the process to the Commission.

### **6. Tabled Item from 6/20/05 – Section 5.03 Terms of Office**

The Commission discussed if a Council Member should be out of office for more than one year before he or she could run again. Mr. Likakis made a motion to extend the period to two years. Mr. Erickson seconded. Chairman Smith asked for a vote on the motion, and it failed 3-2.

## **7. Discussion of Charter, Articles Six through Eleven**

- **Article 11 Financial Procedures**

The Commission chose to discuss Article 11 first because two speakers with Kirkpatrick Pettis, the City's Financial Advisor, were present to speak to the group. Bill Spivey, investment banker, addressed the Commission and outlined traditional municipal capital financing options.

Jeff Larson, Senior Vice President of Kirkpatrick Pettis, spoke to the Commission regarding debt capacity and project fund analysis.

Chairman Smith asked the Commission if the Council should be able to borrow in excess of 60 months as mandated in Section 11.03(b). Mrs. Courson stressed that the needs of the community are not being met because the Charter limits the borrowing power of the City Council. The Commission discussed his question and decided that they would like to leave it at 60 months.

Mac McShea, 71 Alano Road, suggested that impact fees might be used for parks and recreation.

Mr. Erickson asked the meaning of "fiscally responsible reserve" in Section 11.05(a). Mr. Seelbinder answered that historically, municipalities strive to ensure that twenty percent goes into reserve each fiscal year. Chairman Smith asked if a specific number should be added. Mr. Seelbinder answered no.

- **Article 6 City Manager**

Chairman Smith said he would like to see a super majority of four votes instead of three to remove the City Manager. Mr. Erickson made a motion that Section 6.02 be amended to require a four-fifths vote of the Council to remove the City Manager. Mr. Likakis seconded. The motion carried unanimously.

- **Article 7 City Clerk**

The Commission did not recommend any changes.

- **Article 8 City Attorney**

The Commission did not recommend any changes.

- **Article 9 Administrative Departments**

Mr. Likakis recommended that the City have a Planning & Zoning Board. Mr. Ardaman said that the Council would have to decide that by ordinance or resolution.

- **Article 10 Ordinances and Resolutions**

Mr. Erickson made a motion to table Article 10 until the next meeting. Vice-Chair Asble seconded. The motion carried unanimously.

**8. Set Date for Next Meeting & Select Articles for Discussion**

The Commission set the date for their next meeting on Monday, September 26<sup>th</sup> at 7:00 p.m. They decided to discuss Article Ten and Articles Twelve through Fifteen. Chairman Smith asked Mr. Ardaman to bring back language to the next meeting prohibiting eminent domain in cases of taking private land for private use.

**9. Adjournment**

The meeting adjourned at 9:05 p.m.

**APPROVED September 26, 2005  
CITY OF DeBARY  
Charter Review Commission**

**Don Smith, Chair**