

City of DeBary
Charter Review Commission Meeting
MONDAY
September 26, 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 Clerk Stacy Tebo

3. Public Participation

Leonard Marks, 32 Wisteria Drive, spoke to the Commission regarding his desire for a prohibition against eminent domain to be placed in the Charter to provide property protection for the citizens. He also said he would like the City to reduce the time limit for debt repayment from five years to three years. Mr. Erickson said he would also like it changed to three years.

Gretchen Ganas, 444 Quail Meadow Court, asked if the Charter places a cap on expenditures and if anything additional would be brought to referendum. Chairman Smith responded that it would have to go to the voters if the City wished to borrow for any period longer than five years. She also said she was concerned with the Council functioning as the Land Planning Agency. Chairman Smith answered that the statute allows the Council to do it themselves or appoint a separate board. Ms. Ganas questioned if the wording "Is convicted of a felony or criminal misdemeanor" in Section 4.07, Forfeiture of Office means before holding office or while holding office.

Neil Coppens, 19 Rosedown Blvd., said he was concerned with the City Manager's ability to transfer appropriations as outlined in Section 11.05 (d).

4. Minutes

Chairman Smith asked for approval of the minutes of August 29, 2005. Mr. Erickson asked for a change to page two, paragraph two, to read "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." The Commission members had no objection to the minutes as amended by Mr. Erickson, and they were unanimously approved.

5. City Attorney Discussion of Previous Items from Meeting of August 29th

Discussion of Eminent Domain

Chairman Smith said that he would like to discuss the issue even though the City Attorney was not present. Mr. Erickson said it might be appropriate to place the subject of eminent domain in Article Three. Chairman Smith suggested it could be labeled Section 3.03. He recommended that the new section read, “the Council is prohibited from utilizing eminent domain in any context other than the strictest interpretation of public use. It will not be used to enhance the tax base or as a vehicle to transfer ownership from one individual to another.” Mr. Erickson made a motion to approve Chairman Smith’s language regarding eminent domain to be inserted in the Charter. Mr. Likakis seconded the motion. The motion carried unanimously.

Section 4.04 Prohibitions

This was tabled until the next meeting when the City Attorney would be present.

Section 5.01 Elections, Editor’s Note (5.01c)

This was tabled until the next meeting when the City Attorney would be present.

Chairman Smith asked the other members if they would like to revisit Section 11-03 (b). Mr. Erickson made a motion to reduce the City’s time limit for debt repayment from five years to three years. Mr. Likakis seconded the motion. Vice-Chairman Asble questioned what the real difference would be between three years and five years. The motion carried 4-1, with Vice-Chairman Asble dissenting.

6. Tabled Item from 8/29/05 – Article Ten Ordinances and Resolutions

The Commission did not recommend any changes to Article Ten.

7. Discussion of Charter, Articles Twelve through Fifteen

Article 12 Initiative and Referendum

The Commission did not recommend any changes to Article Twelve.

Article 13 Charter Amendments

The Commission did not recommend any changes to Article Thirteen.

Article 14 Severability

The Commission did not recommend any changes to Article Fourteen.

Article 15 Transition

Chairman Smith questioned if Section 15-02 is still necessary to include in the Charter and asked Ms. Tebo to check with the City Attorney.

Chairman Smith suggested that in Section 15-03, the City should be strongly encouraged to contract out for services. He proposed that a sentence should be added to the end of the first paragraph that reads, “It is strongly recommended the Council utilize cost efficient contractual

services whenever possible. Mr. Erickson made a motion to adopt the proposed language, and Vice-Chairman Asble seconded. The motion carried unanimously.

Mr. Likakis discussed the second paragraph in Section 15-03. Chairman Smith asked Ms. Tebo to check with the City Attorney on the editor's notes.

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

The Commission set the date for their next meeting for Monday, November 28th at 7:00 p.m. Chairman Smith asked Ms. Tebo to bring a separate list of the Commission's recommendations and a new copy of the Charter with the proposed changes to the next meeting.

9. Adjournment

The meeting adjourned at 8:20 p.m.

**APPROVED November 28, 2005
CITY OF DeBARY
Charter Review Commission**

Don Smith, Chair