

**City of DeBary**  
**Charter Review Commission Meeting**  
**MONDAY**  
**November 28, 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 and Assistant City Attorney Dan Langley

**3. Public Participation**

None.

**4. Minutes**

Chairman Smith asked for approval of the minutes of September 26, 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 September 26<sup>th</sup>**

• **Section 4.04 Prohibitions**

Mr. Langley discussed the Florida Statute regarding nepotism with the Commission. Chairman Smith said that he believed the Statute covered the issue, and there was no need to put it into the Charter. The Commission discussed the statute and agreed that Section 4.04 should not be changed.

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

Mr. Langley explained the Editor's Note to the Commission. He stated that it exempts the City from the schedule of elections.

• **Eminent Domain**

Mr. Langley proposed a variation to clarify the language approved by the Commission at the previous meeting. The language would read as follows:

### Section 3.03 Eminent Domain

The City is prohibited from exercising its power of eminent domain for the sole purpose of:

- (a) Conferring a private benefit on a particular private party; or
- (b) Transferring private property to another private party

Mr. Rokop made a motion to adopt the language as suggested by Mr. Langley. Vice-Chairman Asble seconded the motion. The motion carried unanimously.

- **Section 15.02 Transitional Ordinances and Resolutions**

Chairman Smith asked if this section should be removed. Mr. Langley answered that it should be left as is.

- **Section 15.03 Contractual Services and Facilities**

Mr. Langley suggested rewording the Commission's prior recommendation from the last meeting. He said the sentence should read "whenever possible, the City Council should utilize cost efficient contractual services." Mr. Erickson made a motion to adopt the proposed language. Vice-Chairman Asble seconded. The motion carried unanimously.

### **6. Discussion of Proposed Charter Revisions**

Chairman Smith said he was satisfied with all of the revisions that the Commission had made. Mr. Langley recommended that the Commission's proposed change to Section 4.11 "Meetings shall end no later than 11 p.m. and commence no earlier than 9 a.m.", should be changed to allow flexibility to extend the time in cases of quasi-judicial matters such as re-zonings. The Commission discussed the possibility and agreed to leave it as previously voted upon.

### **7. Set Date for Next Meeting & Select Items for Discussion**

The Commission agreed that they were satisfied with the changes and did not need to meet again. Chairman Smith entertained a motion to send all of the Commission's recommendations to the City Council, including the changes discussed at this meeting. Mr. Erickson made the motion, and Vice-Chairman Asble seconded. The motion carried unanimously.

Chairman Smith thanked the Commission and staff for their hard work.

### **8. Adjournment**

The meeting adjourned at 8:05 p.m.