

**City of DeBary
SPECIAL CITY COUNCIL MEETING**

Wednesday

July 20, 2005

7:00 PM

Florence K. Little Town Hall

12 Colomba Road

DeBary, Florida 32713

MINUTES

I. Call to Order

Mayor Rosamonda called the meeting to order at 7:00 p.m.

II. Roll Call

Members Present: Mayor Carmen Rosamonda, Vice Mayor Richard Gunter, Council Member Christopher Carson, Council Member Patrick Fulton and Council Member Danny Tillis

Others Present: City Manager Maryann Courson, City Clerk Stacy Tebo, and City Attorney Kurt Ardaman

III. Business

1. Letter of Credit, Resolution 05-15 and Bond Counsel Agreement

Mrs. Courson explained that correspondence was included in the agenda packet clarifying the relationship between DBCC and DBCC Foundation as requested at the meeting on July 6th.

Mr. Ardaman read Resolution 05-15 by title. Mayor Rosamonda entertained a motion to approve the resolution. Motion made by Council Member Fulton and seconded by Council Member Tillis. Vice Mayor Gunter questioned the meaning of the phrase "paramount public purpose" in the resolution. Mike Watkins, attorney with Greenberg Traurig, explained to the Council that they could not use their lending power to benefit a private purpose; that it is important to use the word "paramount" for the tax-exempt status; that they will be saving money by financing it at a tax-exempt rate; and that if the City did not use the correct phrasing in the resolution, it could open the City up to challenges that they are benefiting a private party.

Vice Mayor Gunter stated that he did not believe it was a paramount public purpose to the City of DeBary to build the DBCC facility. Mayor Rosamonda asked for a vote on the motion. The motion passed 4-1, with Vice Mayor Gunter dissenting.

2. City Hall and Property Options

Mrs. Courson gave an overview of her recommendation to purchase the Johnson building.

Eugene Stump, 106 Birkwood Court, spoke to the Council regarding his desire for the City to purchase the Johnson building.

Douglas McCain, 61 S. Hwy 17-92, asked the City's plan for obtaining property along 17-92. Mrs. Courson answered that as properties come on the market, the City would purchase them. There was a discussion regarding how far north the City is planning to purchase property.

Mayor Rosamonda asked if the City would be able to purchase both the Johnson building and Rumors. Mrs. Courson answered that staff had budgeted for the purchase of both. Council Member Carson said that he did not believe the purchase of Rumors was necessary.

Jeff Daniels, financial advisor with Kirkpatrick Pettis, gave a synopsis of how the City's repayment for debt service would occur.

Mayor Rosamonda stated he was still unsure of the Rumors purchase because he was afraid the County would not convey their three lots behind Rumors. Council Member Tillis said that he felt the Rumors property could be leased back to the bar for five years to offset the purchase price. Vice Mayor Gunter stated that the transfer of the three lots should occur prior to the purchase of Rumors.

Mr. Daniels suggested that the City put the credit facility in place prior to a due diligence period to investigate the purchase of Rumors.

Mayor Rosamonda recommended that staff seek a contract on the Johnson property, ascertain if the City can acquire a five-year note, negotiate a sales contract for Rumors with a nine-month to one year due diligence period contingent upon the acquisition of the three County lots behind Rumors, and get the total financing in place of \$2.9 million. There was no objection from the other Council Members.

Mr. Ardaman asked for a vote on the Bond Counsel Agreement before the Council adjourned because they had only voted on the resolution earlier in the meeting. Council Member Tillis made a motion to approve the Bond Counsel agreement. Council Member Carson seconded. The motion carried unanimously.

Vice Mayor Gunter said that he believed the FDOT pond was high. Mrs. Courson gave the Council a brief update on the lakes and pumps. Vice Mayor Gunter also requested that staff have someone investigate the sinking pole located at the corner of Plantation Club Drive and DeBary Plantation Boulevard.

IV. Adjournment. The meeting adjourned at 8:35 p.m.

**APPROVED August 3, 2005
CITY OF DeBARY
CITY COUNCIL**

Carmen Rosamonda, Mayor

ATTEST:

Stacy Tebo, City Clerk