

**City of DeBary**  
**SPECIAL CITY COUNCIL MEETING**

**Wednesday**  
**February 15, 2006**  
**7:00 PM**

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

**MINUTES**

**I. Call to Order**

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

1. Invocation
2. Flag Salute

**II. Roll Call**

**Members Present:** Mayor George Coleman, Vice Mayor Patrick Fulton, Council Member Christopher Carson, Council Member Jack Lenzen, and Council Member Danny Tillis

**Others Present:** Assistant City Manager Anthony Gonzalez, City Clerk Stacy Tebo, Planning Administrator Anita Gonzalez, and Assistant City Attorney Dan Langley

**III. Public Hearing**

*Members of the Council should disclose for the record the substance of any ex-parte communication that has occurred before or during the public hearing for the following item:*

1. Ordinance #18-05 – First Reading – Rezoning from A-2, Rural Agriculture, and RC, Resource Corridor, to RPUD, Residential Planned Unit Development and RC, Resource Corridor, File No. D-05-013 – Owner, Empire Cattle, Ltd. CONTINUED FROM JANUARY 4, 2006.

Mayor Coleman voiced the need for the Council to receive information relative to agenda items in sufficient time prior to the meeting. Vice Mayor Fulton echoed the Mayor's sentiment, and stated that his first reaction to receiving information the day of the meeting was to postpone the public hearing until the Council had time to review the new information.

Mr. Langley read the title of the development agreement. Scott Ashley, Volusia County Planning Manager, gave the Council a brief overview of the rezoning request.

Mr. Langley informed the Council that they must have the physical ordinance before them to consider; that the title of the ordinance must be read aloud; that he had read the title of the development agreement only; and that the Council should not proceed with the first public hearing.

Council Member Carson made a motion to table the public hearing until March 15, 2006, at 7:00 PM. Council Member Lenzen seconded the motion. The motion passed unanimously.

#### **IV. Discussion of Charter Review Commission Recommendations**

John Likakis, 38 Seminole Drive, asked the Council to consider including Roberts Rules of Order in the City Charter or passing a resolution that adopts the Rules for conducting public meetings.

Council Member Lenzen asked Mr. Langley what might happen if it was placed in the Charter and the Council did not follow the Rules of Order. Mr. Langley responded that it might be possible for someone to challenge decisions made by the Council. He added that he was currently working on a resolution to establish rules of order for the Council, which is generally based on Roberts Rules of Order with a few exceptions and adjustments.

Van Conoley, 25 Rosedown Boulevard, said he supports the proposed section regarding eminent domain; that he is strongly opposed to the recommendation requiring a four-fifths vote to remove the city manager; and that he supports the recommendation for Council salary increases if the Council would do something more for the people.

Mayor Coleman asked the Council to go through the Charter Review Commission's Recommendations and voice their opinions on each one separately.

- **Section 1.02** Amend by adding “providing the framework within which a municipal corporation....”

There was a general consensus from the Council in support of the rewording.

- **Add 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

The Council discussed eminent domain and was in agreement with the addition of the new section.

- **Section 4.01c** Change the residency requirement from one year to two years.

Mr. Langley informed the Council that he had advised the Charter Review Commission that the two-year residency requirement might be deemed unconstitutional. The Council agreed to follow Mr. Langley's recommendation and leave the residency requirement at one year.

- **Section 4.05a** Amend to increase the Mayor's salary to \$700 per month and the Council Member's salary to \$600 per month.

The Council discussed that they conduct City business on a daily basis, and not just once a month for the regularly scheduled meetings. There was a consensus to leave the Commission's recommendation as proposed.

- **Section 4.07d** Amend by striking “consecutive” and adding “during his or her term” to the end of the same sentence.

The Council discussed the recommendation and agreed to leave it as proposed by the Commission.

- **Section 4.11** Meetings shall end no later than 11 p.m. and commence no earlier than 9 a.m.

Council Member Lenzen stated that he did not like the recommendation and felt that it was too restrictive to place in the Charter. Council Member Carson said that they needed something to prohibit meetings that last until 3 AM. The Council discussed that the meetings should end at a decent hour, but they were leery of setting a time limit, especially if they were in the middle of an important issue such as a rezoning. Mr. Langley voiced his concern that if the Council exceeded a Charter imposed deadline, someone might be able to challenge any Council decisions made after the deadline. He suggested that the time issue could be addressed by the passage of a resolution. The Council concurred that they would like Mr. Langley to incorporate the issue into the resolution regarding rules of order discussed earlier in the meeting.

John Likakis, 38 Seminole Drive, discussed the intent of the Charter Review Commission in making the recommendation.

- **Section 6.02** Amend to require a four-fifths vote of the Council to remove the City Manager.

Council Member Tillis and Mayor Coleman stated that they would like the section to remain the same. Vice Mayor Fulton and Council Member Carson said that they liked the proposed change requiring the four-fifths vote. Council Member Lenzen said he was not ready to make a decision. Mr. Langley suggested that staff draft an ordinance, which proposes the four-fifths vote so that Council has more time to reflect on the proposed change.

John Wilson, 114 Pine Valley Court, said that he believed the Council is underpaid and the salaries should be doubled. He also said that the majority ruling to remove the City Manager is sufficient, and a four-fifths vote should not be required.

- **Section 11-03b** Reduce the City's time limit for debt repayment from five years to three years.

Council Member Tillis stated that he would like the time limit increased to twenty years in order for the Council to complete capital projects. Vice Mayor Fulton stated he would like to keep the five-year time limit and suggested a referendum to address the stormwater issues. Council Member Carson recommended a ten-year time limit for debt repayment. Council Member Lenzen advocated the five-year limit and spoke in favor of a voter referendum for stormwater. Mayor Coleman said that he would like the limit increased to seven years.

Council Member Tillis and Council Member Carson said that they would support the seven-year time limit. Mr. Langley said that staff would prepare an ordinance proposing a seven-year time limit for the Council to consider.

- **Section 15-03** Sentence added to the end of the first paragraph that reads, “Whenever possible, the City Council should utilize cost efficient contractual services.”

Council Member Lenzen voiced his concern regarding the proposed language restricting the Council. Council Member Carson, Vice Mayor Fulton, and Council Member Tillis voiced their support of the additional language.

John Likakis, 38 Seminole Drive, spoke to the Council regarding the Charter Review Commission’s recommendations for Section 11-03b and Section 15-03.

The Council discussed the meaning of cost efficient contractual services. There was a consensus that the Council would like staff to draft an ordinance to include the proposed language in the Charter.

Vice Mayor Fulton updated the Council on the WAV meeting he attended earlier in the day. He said that he was given new information at the meeting, and he was unable to make an educated decision. The Council discussed the need to have sufficient time to digest and comprehend information prior to voting on issues.

Council Member Lenzen said that he had received calls from residents at DeBary Golf and Country Club regarding the buffer area behind Quail Lake Drive being sold. The Council discussed the issue and agreed that it is most likely a civil matter between the homeowners, the developer and the realtor.

Mr. Gonzalez informed the Council that he had spoken with Ms. Courson, and she requested that he ask the Council for a timeframe in which Highbanks Marina can apply for building permits to resolve the code enforcement case. The Council discussed the timeframe and agreed upon a year. The Council asked Mr. Langley to draft a letter which allows Highbanks Marina one full year to obtain building permits and have the work inspected.

Norm Erickson, 15 Azalea Drive, addressed the Council regarding his desire for Council discussions such as the one concerning the Highbanks Marina to be listed on the agenda.

**V. Adjournment.** The meeting adjourned at 10:00 p.m.

**APPROVED April 5, 2006  
CITY OF DeBARY  
CITY COUNCIL**

**George Coleman, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**