

**City of DeBary**  
**CITY COUNCIL PUBLIC MEETING AND ATTORNEY/CLIENT EXECUTIVE**  
**SESSION AND REGULAR CITY COUNCIL MEETING**

**Wednesday**  
**April 1, 2015**

**6 PM**

City Council Chambers  
16 Colomba Road  
DeBary, Florida 32713

**MINUTES**

Mayor Clint Johnson called the public meeting to order at 6:00 PM. The following members were present on roll call: Mayor Johnson, Vice Mayor Handy-Peters, Council Members, Brady, Carson and Dwyer. Also in attendance were City Manager Dan Parrott, City Attorney's Kurt Ardaman, Richard Geller and Michael Bowling, City Clerk Stacy Tebo and Court Reporter Mary Dobson.

City Attorney, Kurt Ardaman, advised the City Council that he would like to discuss strategy and settlement negotiations related to litigation expenditures concerning the litigation of:

**Case No: 6:15 –CV-35-Orl-37TBS, Skyway Towers, LLC v. City of DeBary**

Mayor Johnson estimated that the attorney-client session would last approximately thirty minutes, with the following people in attendance:

Mayor Johnson, Vice Mayor Handy-Peters, Council Members, Brady, Carson and Dwyer. City Manager Dan Parrott, City Attorneys Kurt Ardaman, Richard Geller and Michael Bowling, and Court Reporter Mary Dobson.

Mayor Johnson announced the commencement of the attorney-client session at the public meeting in accordance with Section 286.011, Florida Statutes at 6:20 PM and the Council adjourned to the 2<sup>nd</sup> floor conference room..

The attorney-client session concluded at 6:55, and Mayor Johnson reopened the public meeting for the purpose of terminating the attorney-client session on Case No: 6:15-CV-35-Orl-37TBS and other public matters.

During the re-opened public meeting, City Attorney, Kurt Ardaman, advised the City Council that he would like to discuss strategy and settlement negotiations related to litigation expenditures concerning the litigation of:

**Case No: 2015-10397-CIDL, Glen Abbey Club Homeowners Associations, Inc. and Concerned Residents Opposing Walmart Development, LLC v. City of DeBary and DeBary Real Investment, LLC.**

Mayor Johnson estimated that the attorney-client session would last approximately thirty minutes, with the following people in attendance:

Mayor Johnson, Vice Mayor Handy-Peters, Council Members, Brady, Carson and Dwyer. City

Manager Dan Parrott, City Attorney Kurt Ardaman, and Court Reporter Mary Dobson.

Mayor Johnson announced the commencement of the attorney-client session at the public meeting in accordance with Section 286.011, Florida Statutes at 7:00 PM and the Council adjourned to the 2<sup>nd</sup> floor conference room.

The attorney-client session concluded at approximately 7:20 PM and Mayor Johnson reopened the public meeting for the purpose of terminating the attorney-client session on Case No.: 2015-10397-CIDL and other public matters.

During the re-opened public meeting, City Attorney, Kurt Ardaman, advised the City Council that he would like to discuss strategy and settlement negotiations related to litigation expenditures concerning the litigation of:

**EEOC-Charge of Discrimination, Kassandra Blissett v. the City of DeBary.**

Mayor Johnson estimated that the attorney-client session would last approximately fifteen minutes, with the following people in attendance:

Mayor Johnson, Vice Mayor Handy-Peters, Council Members, Brady, Carson and Dwyer. City Manager Dan Parrott, City Attorneys Kurt Ardaman and Michael Bowling, and Court Reporter Mary Dobson.

Mayor Johnson announced the commencement of the attorney-client session at the public meeting in accordance with Section 286.011, Florida Statutes at 7:22 PM and the Council adjourned to the 2<sup>nd</sup> floor conference room..

The attorney-client session concluded at approximately 8:05 PM and Mayor Johnson reopened the public meeting for the purpose of terminating the attorney-client session on EEOC-Charge of Discrimination Kassandra Blissett and other public matters.

During the re-opened public meeting, City Attorney, Kurt Ardaman, advised the City Council that he would like to discuss strategy and settlement negotiations related to litigation expenditures concerning the litigation of:

**EEOC-Charge of Discrimination, Stacy Tebo v. City of DeBary**

Mayor Johnson estimated that the attorney-client session would last approximately fifteen minutes, with the following people in attendance:

Mayor Johnson, Vice Mayor Handy-Peters, Council Members, Brady, Carson and Dwyer. City Manager Dan Parrott, City Attorneys Kurt Ardaman and Michael Bowling, and Court Reporter Mary Dobson.

Mayor Johnson announced the commencement of the attorney-client session at the public meeting in accordance with Section 286.011, Florida Statutes at 8:10 PM and the Council adjourned to the 2<sup>nd</sup> floor conference room.

The attorney-client session concluded at 8:38 PM and Mayor Johnson reopened the public

meeting and announced the termination of the attorney-client session on EEOC-Charge of Discrimination Stacy Tebo and other public matters.

### **I. Regular Meeting Call to Order**

Mayor Johnson called the public meeting to order at 8:38 p.m.

**Members Present:** Mayor Clint Johnson, Vice Mayor Lita Handy-Peters, Council Member Mike Brady, Council Member Chris Carson and Council Member Rick Dwyer.

**Others Present:** City Manager Dan Parrott, City Clerk Stacy Tebo, Planning Administrator Matt Boerger, Public Works Administrator Alan Williamson, and City Attorney Kurt Ardaman.

Council Member Dwyer motioned to appoint the City Manager as City Clerk in accordance with the City Charter. Vice Mayor Handy-Peters seconded, and the motion passed unanimously.

### **III. Committee Reports**

None.

**IV. Public Participation For Any Issue Not On the Agenda-** Citizen comments are limited to three minutes per speaker.

Phyllis Butlien, R. Van Conoley, Morton Culligan, Nick Koval, Barry Maguire, Melissa McCullough, Tom Parsonage, and Barbara Sipler addressed the Council.

### **V. Approval of Minutes**

1. Regular City Council Meeting held March 4, 2015.
2. City Council Workshop held March 18, 2015.

Council Member Dwyer moved to approve the March 4, 2015 and March 18, 2015 minutes. Council Member Carson seconded and the motion passed unanimously.

### **VI. Additions, Deletions, or Amendments to the Agenda**

Council Member Dwyer moved to add the City Managers Separation Agreement to New Business.

### **VII. Consent Agenda**

None

### **VIII. Public Hearings**

1. Ordinance #01-15 First Reading and Transmittal Hearing –Amending the City’s Comprehensive Plan Future Land Use Element Text Concerning Plan Policy 5.406 and the SEMUA.  
John MacDonald and Danny Allen addressed the Council. Council Member Dwyer motioned to adopt Ordinance #01-15 with the removal of the minimum FAR .4. Council Member Brady seconded. Discussion followed after which Council Member Dwyer rescinded his motion and Council Member Brady rescinded his second.

2. Ordinance #02-15 First Reading to amend Chapter 3, Article VI, of the City of DeBary Land Development Code regarding regulating plan, administrative procedures, land use and building density, uses, site and building development standards for the SEMUA/TOD Overlay District.  
The Council tabled this item.
3. Special Exception Case # 15-03-SE-Shotz. A Special Exception request to allow for outside service of alcoholic beverages and entertainment on property located at 167 S. US Hwy 17-92, DeBary Fl.  
Alan Gochal and Steven Watson addressed the Council.  
Council Member Dwyer motioned to approve Special Exception Request. Vice Mayor Handy-Peters seconded and the motion passed unanimously.

#### **IX. Growth Management and Development Review**

None.

#### **X. Old Business**

None.

#### **XI. New Business**

1. Fort Florida Roadside Maintenance. Alan Williamson addressed the Council on the recent brush and tree trimming completed on Fort Florida to address vegetative growth both horizontally (brush) and vertically (tree branches). The amount expended for tree trimming exceeded the amount required by the charter for three (3) bids (purchases over \$3,000 up to \$8,000). The Ft. Florida tree trimming is over by \$1,400. Council Member Dwyer motioned to approve the expenditures. Council Member Carson seconded and the motion passed unanimously.
2. Proposal from Pegasus Engineering for Quarterly Lake Monitoring.  
Vice Mayor Handy-Peters motioned to approve the quarterly Lake Monitoring proposal. Council Member Carson seconded and the motion passed unanimously.
3. General Storm Water Services with Pegasus Engineering.  
Morton Culligan addressed the Council.  
Vice Mayor Handy-Peters motioned to approve the proposal. Council Member Carson seconded and the motion passed unanimously.
4. Fourth Amendment to City Manager Employment Agreement.  
Council Member Brady motioned to approve. Council Member Carson seconded and the motion passed unanimously.

#### **XII. Council Member/Staff Reports**

1. Board/Committee Appointments

Vice Mayor Handy-Peters appointed David Butlien to the Public Safety Advisory Committee. There were no objections and Mr. Butlien was appointed by consensus.

**XIII. Date of Upcoming Meeting and/or Workshop**

1. City Council Workshop April 15, 2015.
2. Regular City Council May 6, 2015.

**XIV. Adjournment**

Mayor Johnson adjourned the meeting at 10:34p.m.

**APPROVED  
CITY OF DeBARY  
CITY COUNCIL**

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**Clint Johnson, Mayor**

**ATTEST:**

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**CITY CLERK**