

**City of DeBary**  
**CITY COUNCIL MEETING**  
**Wednesday**  
**January 7, 2009**  
**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. He performed the invocation and led the pledge of allegiance. Mayor Coleman stated that the swearing in ceremonies would be held at this time.

**VI. Presentations**

1. Swearing In of Mayor Bob Garcia, Seat 5, by City Clerk Stacy Tebo.

Ms. Tebo swore in Mayor Garcia.

2. Swearing In of Council Member Van Conoley, Seat 3, by City Clerk Stacy Tebo.

Pastor Jack Owen swore in Council Member Conoley.

3. Swearing In of Council Member Jack Lenzen, Seat 4, by City Clerk Stacy Tebo.

Ms. Tebo swore in Council Member Lenzen.

4. Farewell to Outgoing Mayor Coleman and Vice Mayor Carson.

Mayor Garcia presented a gavel to Mr. Coleman and thanked him for his many years of service to the City of DeBary. Mr. Coleman stated it was his pleasure to sit on the Council, and DeBary would remain the best city in Volusia County.

Mayor Garcia presented an engraved timer to Mr. Carson and thanked him for his service to the community. Mr. Carson thanked his parents, Bill and Marcia Carson, for supporting him and asked them to join him at the podium. He wished everyone good luck and stated that City Manager Maryann Courson and Assistant City Manager Anthony Gonzalez are excellent employees and are an asset to the City.

Before the rest of the agenda was considered, Council Member Conoley made a motion that every vote be a roll-call vote. Council Member Marks seconded. Council Member Erickson suggested that instead of the City Clerk calling the roll, they could vote in the same order individually each time a vote is required. Council Member Conoley amended his motion to reflect Council Member Erickson's suggestion. Mayor Garcia called for a vote on the motion, and it passed unanimously.

5. Election of Vice Mayor.

Mayor Garcia asked for a nomination. Council Member Marks nominated Council Member Erickson for Vice Mayor. Council Member Conoley seconded. The motion passed unanimously.

**II. Roll Call**

**Members Present:** Mayor Bob Garcia, Vice Mayor Norman Erickson, Council Member Van Conoley, Council Member Jack Lenzen, and Council Member Leonard Marks

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

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

Sandra Wilson, 27 Keeble Avenue, invited the Council and audience to the grand opening of the Gateway Center for the Arts on January 31<sup>st</sup> from 10:00 a.m. to 4:00 p.m.

John Likakis, 38 Seminole Drive, urged the Council to improve what the City already has and listed various ideas for enhancement.

Pat Northey, Volusia County Council Member, thanked George Coleman and Chris Carson for their service to the community and offered her assistance to the Council.

**IV. Approval of Minutes**

1. City Council Workshop held September 18, 2008.

Mayor Garcia entertained a motion for approval. Motion made by Vice Mayor Erickson and seconded by Council Member Lenzen. The motion passed unanimously.

**V. Additions, Deletions, or Amendments to the Agenda**

Council Member Conoley said that he had a few questions to ask the City Manager and City Attorney and suggested that he discuss it under New Business. Mayor Garcia recommended that the discussion occur under Item 12, Member Reports and Communications.

Mayor Garcia made a statement to the audience and stressed the need for a clear vision for the future of DeBary.

**VI. Presentations**

6. Stormwater Update by David Hamstra of Professional Engineering Consultants (PEC) and Scheduling of Stormwater Workshop.

Mr. Hamstra informed the Council that they are down to one pump, and if the City experiences an above average rainy season, there is a good chance the pumps would be needed again. He added that the emergency-pumping permit is valid through October 2009.

Council Member Marks said he believed many of the lakes are at a critical elevation, and the St. Johns River Water Management District should reevaluate the pump-on elevation.

The Council agreed to hold the stormwater workshop on January 28<sup>th</sup> at 6:00 p.m.

Mr. Hamstra updated the Council on the Hazard Mitigation Grant, the Local Mitigation Strategy Committee process, the NRCS application awarded to Glen Abbey Club and DeBary Villas, and the letters he sent to Hampton Hills Estates and Saxon Woods regarding their retention ponds.

#### **VII. Consent Agenda**

*Agenda items marked with \* are considered routine matters or have been previously discussed by the City Council. All items are considered by one motion unless removed from the Consent Agenda by a member of the City Council.*

None.

#### **VIII. Public Hearings**

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

None.

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

None.

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

1. Professional Engineering Consultants' Proposal to Prepare and Submit to FEMA a City-Wide Letter of Map Amendment.

Mr. Hamstra stated that he revised his prior letter of map revision proposal to a letter of map amendment to reduce costs. He clarified that they would not be doing any modeling or establishing 100-year flood elevations; that the amendment would redefine flood plain limits throughout the City; that it would provide public notification of official flood zones; and that FEMA would officially adopt the maps provided by PEC.

Mayor Garcia entertained a motion for approval. Motion made by Vice Mayor Erickson and seconded by Council Member Lenzen. The motion passed 4-1, with Council Member Conoley dissenting.

2. Discussion of New City Manager Search.

Vice Mayor Erickson asked Ms. Courson for an update on the sale of her home. She responded that she would notify the Council immediately when her husband is ready to move; that she would provide at least sixty days notice; and that the housing market is currently not very favorable for sellers.

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

1. Award of the Valencia/Plumosa Stormwater Capital Improvement Project, Bid No. 08-08.

Kevin Hare, construction engineer with GAI Consultants, explained the project and bidding process to the Council and recommended award of the bid to CWB Contractors, Inc.

Council Member Conoley said he would like to see an overall systems approach and a city-wide blueprint to address the stormwater problems in the City.

Vice Mayor Erickson suggested waiting until after the stormwater workshop to award the bid.

Frank Dragoun, 230 River Village Drive, said that since the issue was postponed, he would be present to comment at the next meeting when the bid award was considered.

2. Set Date for Land Development Code Workshop.

Ms. Courson suggested that prior to the next meeting, the assistant city attorney review the proposed revisions at a 6:00 p.m. workshop. The Council agreed to hold a workshop at 6:00 p.m. on January 21, 2009.

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

1. Member Reports/Communications  
A. Mayor and Council Members

Council Member Lenzen said that MPO has been discussing President Obama's stimulus package, and they have asked the cities if they have any permitted, designed, and shovel-ready road projects to submit. Ms. Courson suggested that the City submit the Highbanks turn lane project.

Mayor Garcia said he has been speaking with County Council Member Pat Northey on a variety of projects and issues that affect the City. He also distributed copies of Roberts Rules of Order to the other Council members. He suggested a new layout for the newsletter and asked the members if they wished to continue including the Council photos. The Council agreed and also requested the addition of Ms. Courson's picture.

Council Member Conoley read aloud a letter he sent to Ms. Courson regarding the public records law. Ms. Courson stated that the City has recently installed a new computer server to address his concerns regarding emails.

Council Member Conoley spoke about his concern regarding the opening of mail by City staff that is addressed to Council members and stated that the issue is really more a matter of courtesy than anything else. He questioned Mr. Ardaman on an email sent by Mayor Garcia that was copied by Ms. Courson as it relates to the Sunshine Law. Mr. Ardaman explained the Sunshine Law as it relates to the Council and the city manager and the Law's definition of a conduit. Mr. Ardaman said he would need to look at the letter before giving his opinion in public.

Council Member Conoley asked if there is any chance of recovering money from the grant writer. Mr. Ardaman responded that he would need to look at the contract to determine the answer and said he would be happy to do so at the direction of the Council.

Council Member Marks spoke about an email he received regarding billing. Ms. Courson stated that she has resolved the issue with GAI. He stated he would like to revisit the standard operating procedures for emergencies and possibly form a committee to do so. Mr. Ardaman said such a committee would be subject to the Sunshine Law. Vice Mayor Erickson made a

motion to approve the creation of an Emergency Management Study Committee. Council Member Lenzen seconded. The motion passed unanimously.

Council Member Marks said he felt that the WAV Committee does not address growth, and stated that if people want to conserve water, then they need to consider growth and development in the equation.

Vice Mayor Erickson thanked Mayor Coleman for his long service to the City and said he had a lot of fun with him in the Christmas parade.

B. City Attorney

Mr. Ardaman had nothing to report.

C. City Manager

Ms. Courson had nothing to report.

### **XIII. Adjournment**

The meeting adjourned at 10:45 p.m.

**APPROVED  
CITY OF DeBARY  
CITY COUNCIL**

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**Bob Garcia, Mayor**

**ATTEST:**

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**Stacy Tebo, City Clerk**