

**City of DeBary**  
**CITY COUNCIL MEETING**  
**Wednesday**  
**March 17, 2010**  
**7:00 PM**  
City Council Chambers  
16 Colomba Road  
DeBary, Florida 32713

**MINUTES**

**I. Call to Order**

Mayor Garcia called the meeting to order at 7:02 p.m.

**II. Roll Call**

**Members Present:** Mayor Bob Garcia, Vice Mayor Norman Erickson (late), Council Member Jack Lenzen, and Council Member Leonard Marks

**Others Present:** City Manager Dan Parrott, City Clerk Stacy Tebo, Safety Coordinator Alan Williamson and City Attorney Kurt Ardaman

**III. Committee Reports**

1. Update on Economic Development Advisory Committee by Chair Sid Vihlen, Jr.

Chair Vihlen updated the Council on the two recent meetings of the Committee.

Council Member Marks thanked the Committee for their work on the brochure and asked if there was any progress made with regards to the business association.

Mayor Garcia said he would be hosting a roundtable the following day with a number of DeBary businesses.

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

None.

**V. Approval of Minutes .**

1. Special City Council Meeting held August 24, 2009.
2. City Council Workshop held August 26, 2009.
3. Regular City Council Meeting held September 2, 2009.

Council Member Marks made a motion for approval of all sets of minutes as presented, and Council Member Lenzen seconded. The motion passed 3-0.

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

Mayor Garcia stated that the City received a letter of resignation from Council Member Conoley, and they would need to add it as item one under New Business. Vice Mayor Erickson made a

motion to approve the addition, and Council Member Marks seconded. The motion passed unanimously.

## **VII. Presentations**

1. Proclamation Declaring March as Women's History Month.

Mayor Garcia read the proclamation aloud and presented it to a representative of the Daughters of the American Revolution.

2. Certificate of Recognition to DeBary Elementary School Spelling Bee Winner Daniel Rodriguez.

Mayor Garcia congratulated Daniel on his win and read the certificate aloud.

## **VIII. 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.

## **IX. 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:*

1. Resolution #10-12 – Adopting the Volusia County Local Mitigation Strategy (LMS).

Mr. Ardaman read Resolution #10-12 aloud by title.

Safety Coordinator Alan Williamson explained the importance of adopting the LMS so that the City would become eligible for disaster funding.

Vice Mayor Erickson made a motion to approve Resolution #10-12, and Council Member Marks seconded. The motion passed unanimously.

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

1. Final Site Plan for Missionaries of Hope File #GAI-08-12-FSP.

Mr. Parrott briefly explained the final site plan application and noted that the project does not trigger the Gateway Corridor Architectural Standards.

Vice Mayor Erickson made a motion to approve the application, and Council Member Lenzen seconded. The motion passed unanimously.

2. Request from Peter Klich for an Extension to the Final Site Plan Development Order for Omega Research.

Mr. Parrott gave a brief summary of the extension request from Mr. Klich.

Vice Mayor Erickson made a motion to approve the request, and Council Member Lenzen

seconded. The motion passed unanimously

## **XI. Old Business**

1. Proposal from Pegasus Engineering for Miscellaneous Stormwater-Related Engineering Services.

Mayor Garcia entertained a motion for approval of the rate schedule for a total amount not to exceed \$25,000. Motion made by Vice Mayor Erickson and seconded by Council Member Marks. The motion passed unanimously.

## **XII. New Business**

1. Discussion Regarding Council Member Conoley's Resignation.

Mr. Ardaman stated that the Charter requires Council to appoint a replacement that would serve until the next regular election; that he prepared an ordinance for Council's consideration to give clarity to the process; and that the person elected in November would serve through the remainder of Council Member Conoley's term.

There was consensus to hold first reading of the ordinance on April 7<sup>th</sup> and to accept names of interested persons until March 31<sup>st</sup>.

2. Change Order Number Four for the West Side Emergency Flood Management System.

Construction engineer Kevin Hare stated that utility equipment modifications by EMBARQ and other utilities require re-alignment of the force main piping of the West Side Emergency Flood Management System (WSEFMS); that following execution of the construction contract for the WSEFMS, extensive changes and additions were made by EMBARQ to its utility equipment installed on DeBary Plantation Boulevard near Lower Lake; that they looked at numerous alternatives, and the best alternative is to relocate to the north to go around the installation of the utilities; and that he recommends approval of the change order in the amount of \$11,108, which would be allocated from the contingency reserve.

Council Member Marks asked if the change order would alter the completion date for the project. Mr. Parrott responded that it would not delay the project, and staff has worked with the contractor to keep the project moving.

Vice Mayor Erickson made a motion to approve the change order, and Council Member Marks seconded. The motion passed unanimously.

3. Discussion of City Manager Updates by Council Member Marks.

Council Member Marks thanked Mr. Parrott for his updates and said he has never been so informed. He asked the Council members if they wished to have a Council workshop an hour before the meeting to ask questions on the manager's update. There was consensus to hold a 6:00 p.m. workshop prior to the second meeting of the month for city manager update discussion.

4. Update of Financial Statements.

Mr. Parrott stated that he planned to send out monthly financial statements at the second meeting of each month. He said he could send out the entire packet, or he could condense it at the Council's discretion.

He directed the Council's attention to the cash flow analysis and fully explained it to the members. He also clarified the unencumbered funds.

5. Discussion and Action Regarding In-House Planning Services and Development Review.

Mr. Parrott said he completed an analysis and report based on expected costs. He recommended that the Council authorize two additional positions of a Planner III and a Planner I, and that they approve a department budget of \$131,538 from April 1<sup>st</sup> through September 30<sup>th</sup>. He added that the needs of the City would be better served as they would be able to more effectively and efficiently accomplish the City's planning responsibilities.

Council Member Marks made a motion to accept the recommendation of the city manager to authorize the addition of two positions, to approve a department budget of \$131,538 from April 1<sup>st</sup> until September 30<sup>th</sup> of 2010, and to utilize GAI as a transition until the in-house department is operational. Vice Mayor Erickson seconded. The motion passed unanimously.

### **XIII. Council Member/Committee/Staff Reports**

1. Board / Committee Appointments  
Streetscape Advisory Committee  
Regular Member  
Council Member Marks

Council Member Marks made a motion to appoint John Meyers. Vice Mayor Erickson seconded, and the motion passed unanimously.

- Code Enforcement Board  
Gail Prysok  
Council Member Lenzen

Council Member Lenzen made a motion to reappoint Gail Prysok. Vice Mayor Erickson seconded, and the motion passed unanimously

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

Mayor Garcia urged everyone to complete their census questionnaires.

Mayor Garcia said that he and Council Member Marks had volunteered for the dunking booth at DeBary Elementary the next Saturday and invited the public to attend.

- B. City Manager

Mr. Parrott informed the Council that VCOG would be sponsoring a smart growth workshop on Saturday, April 10<sup>th</sup> and Wednesday, April 14<sup>th</sup>.

- C. City Attorney

Mr. Ardaman informed the Council that the City received an \$11,000 check for settlement of the code enforcement lien at 9 Smyrna Drive.

Mr. Ardaman said that the DiTaranto lawsuit has been removed to a federal court. He added that as soon as it becomes necessary, he would ask Council for an executive session.

**XIV. Adjournment**

The meeting adjourned at 9:00 p.m.

**APPROVED  
CITY OF DeBARY  
CITY COUNCIL**

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**Bob Garcia, Mayor**

**ATTEST:**

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**Stacy Tebo, City Clerk**