

**City of DeBary**  
**REGULAR CITY COUNCIL MEETING**  
**Wednesday**  
**May 5, 2010**  
**7 PM**  
City Council Chambers  
16 Colomba Road  
DeBary, Florida 32713

**MINUTES**

**I. Call To Order**

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

**II. Roll Call**

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

**Others Present:** City Manager Dan Parrott, Assistant City Manager Kassandra Blissett, City Clerk Stacy Tebo, Finance Administrator Jimmie Seelbinder, and City Attorney Kurt Ardaman

**III. Committee Reports**

None.

**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. City Council Workshop held October 15, 2009.
2. Regular City Council Meeting held December 2, 2009.
3. Special City Council Meeting held December 9, 2009.
4. Regular City Council Meeting held December 16, 2009.
5. Regular City Council Meeting held January 6, 2010.
6. City Council Workshop held January 14, 2010.

Vice Mayor Erickson moved to approve all the minutes as presented. Council Member Marks seconded, and the motion passed unanimously.

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

Mr. Ardaman requested that an item be added to discuss the Hazen litigation. Mayor Garcia said they would add the discussion as item three under Old Business.

**VII. Presentations**

1. Presentation of New Medtronic Life-Pak 15 Equipment by Commander Homer Harrel of the Orange City Fire Department.

Orange City Fire Chief Hoffman introduced Commander Harrel. Commander Harrel explained the various functions performed by the new state of the art equipment obtained by grant funding. He provided a demonstration for the Council and said that the monitor would save lives.

### **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 #10-15 – Amendment to the DeBary Corner Business Planned Unit Development Located at the Northeast Corner of U.S. Highway 17-92 and Highbanks Road CONTINUED FROM APRIL 21, 2010.

Vice Mayor Erickson disclosed his ex-parte communications with attorney Mark Watts.

Mr. Ardaman read Resolution #10-15 aloud by title.

Shalene Estes, planner with GAI Consultants presented the request to the Council.

Mark Watts, attorney for the applicant, explained the request for an extension to the development agreement. He said that the resolution would give the applicant until May 1, 2012, to obtain site plan approval.

Vice Mayor Erickson moved to approve Resolution #10-15, and Council Member Lenzen seconded. The motion passed 3-1, with Council Member Marks dissenting.

2. Resolution #10-16 – Amending Fiscal Year Budget 2009/2010.

Mr. Ardaman read Resolution #10-16 aloud by title.

Mr. Parrott highlighted the details of the budget amendment for Council and noted the fund transfers. He recommended nine budget amendments and listed them for the Council.

Mayor Garcia entertained a motion for approval. Vice Mayor Erickson moved to approve Resolution #10-16, and Council Member Marks seconded. The motion passed unanimously.

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

1. Temporary Sign Regulations.

Mr. Parrott stated that he looked at the temporary sign regulations as requested by the DeBary Business Group and Council. He added that he tried to develop a balance between the businesses and the residents.

Vice Mayor Erickson made a motion to approve the temporary sign regulations suggested by Mr. Parrott, and Council Member Marks seconded. The motion passed unanimously.

## **XI. Old Business**

### **1. Appointment of New Council Member to Fill Vacant Council Seat.**

Mark Meister, 146 Pine Tree Drive, stated that if the Council utilized a point system, Val Emerson would be the Council's selection for Seat Three.

Val Emerson, 104 Barclay Court, said that the City faces challenging times, and everyone who volunteered to fill the seat is interested in the good of DeBary. She explained that she had the interest of DeBary in mind when she voted as an Economic Development Advisory Committee member against the staff's recommendation to discontinue participation in Volusia County's CDBG program in order to participate in the small cities grant program.

Mayor Garcia commended the residents that came forward to volunteer their time to serve the City.

Vice Mayor Erickson made a point of order that they did not decide to have a point system, and that they had decided to submit two names each. He stated his two choices were Ryan Rinaldo and Val Emerson.

Council Member Marks said his only choice was Val Emerson.

Council Member Lenzen said his choices were Chris Carson and Carmen Rosamonda.

Mayor Garcia stated his two were Chris Carson and Danny Tillis.

Vice Mayor Erickson made a motion to appoint Val Emerson, and Council Member Marks seconded. The motion did not pass as the vote was 2-2, with Mayor Garcia and Council Member Lenzen voting no.

Vice Mayor Erickson made a motion to appoint Ryan Rinaldo. There was not a second, and the motion died.

Mayor Garcia made a motion to appoint Chris Carson, and Council Member Lenzen seconded. The motion did not pass as the vote was 2-2, with Vice Mayor Erickson and Council Member Marks dissenting.

Council Member Lenzen made a motion to appoint Carmen Rosamonda. There was not a second, and the motion died.

Council Member Lenzen made a motion to appoint Danny Tillis and Mayor Garcia seconded. The motion failed 1-3, with only Mayor Garcia voting in favor of the motion.

Vice Mayor Erickson made a motion to table the item until May 19<sup>th</sup>, and Council Member Marks seconded. The motion passed unanimously.

2. Proposal from Pegasus Engineering to Prepare and Submit a FEMA Hazard Mitigation Grant Program (HMGP) Application and a Volusia County LMS Characterization Application.

Ms. Blissett explained the proposal to the Council and noted that grant money became available due to the withdrawal of the City of Port Orange; that Volusia County staff contacted the City and asked that the City submit grant applications; and that she recommends the Council approve the costs incurred by Pegasus for the submittal of grant applications.

Vice Mayor Erickson made a motion to approve payment of the costs incurred by Pegasus Engineering in the amount of \$12,500.00 to prepare and submit the FEMA Hazard Mitigation Grant Program (HMGP) application for 300 May Place and the Volusia County LMS Characterization application for the Shell Road Drainage Improvements. Council Member Marks seconded.

George Coleman, 286 Deleon Road, said he did not see any reason for the City to purchase 300 May Place.

Mayor Garcia asked for a vote on the motion, and it passed unanimously.

3. Discussion of Hazen Lawsuit by City Attorney Kurt Ardaman.

Mr. Ardaman requested that the City approve a settlement/judgement for the Hazen lawsuit. Vice Mayor Erickson made a motion to offer Hazen Construction a settlement/judgement of \$10,000, and Council Member Lenzen seconded. The motion passed unanimously.

## **XII. New Business**

1. Approval of State Financial Assistance Agreement with the Florida Department of Environmental Protection for Emergency Generators at Lake Susan, Quail Lake and the DeBary Golf & Country Club Entrance Pond.

Mr. Parrott explained the details for the emergency generators, and said if the Council approved, the funds would be budgeted in the next fiscal year.

Vice Mayor Erickson made a motion to authorize the Mayor to execute the State Financial Assistance Agreement with the Florida Department of Environmental Protection to procure partial funding towards the purchase of three emergency generators. Council Member Marks seconded, and the motion passed unanimously.

2. Approval of Contract with Eric Frankton, DBA Computer Wizards, for IT Professional Services.

Finance Administrator Jimmie Seelbinder explained that it had previously been a month to month contact, and he explained that the vendor wished to place it on the Council's agenda for approval of an annual contract. He outlined the services provided by Mr. Frankton.

Council Member Marks made a motion to authorize the Mayor to execute the contract with Eric Frankton, DBA Computer Wizardz, for the annual service contract for the City's computer systems. Vice Mayor Erickson seconded. The motion passed unanimously.

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

1. Board/Committee Appointments  
MPO Citizen Advisory Committee At-Large

Council Member Marks read aloud the three names of the persons that sent emails regarding the opening. The Council asked staff to send the three applicants the volunteer application and schedule the appointment for the next agenda.

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

Council Member Lenzen said that there was an error in a recent newspaper article written regarding The Briar Corporation, and that he was not being critical of them. He said he was thrilled with the work they had done, and he had been critical of the City staff, rather than The Briar Corporation.

Council Member Marks said he received an email from a resident regarding a code violation and asked the status. Mr. Parrott responded that it had been resolved.

Vice Mayor Erickson thanked Ms. Blissett for placing the bookshelf in the upstairs lobby to house the citizens' library.

Vice Mayor Erickson discussed the importance of deadlines.

Mayor Garcia spoke about the status of the Bayou restoration.

Council Member Lenzen talked about the State transportation fund.

- B. City Manager

Mr. Parrott introduced the new Planning Administrator, Rebecca Hammock, to the Council.

He informed the Council that FEMA rejected the grant application for the construction of a new fire station. He said he would like to discuss the Council's budget expectations at the May 19<sup>th</sup> workshop.

Mr. Parrott asked to schedule a meeting regarding development around the train station on May 20<sup>th</sup> at 4:00 p.m.

- C. City Attorney

Mr. Ardaman had nothing to report.

### **XIV. Adjournment**

The meeting was adjourned at 9:44 p.m.

**APPROVED  
CITY OF DeBARY  
CITY COUNCIL**

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**Bob Garcia, Mayor**

**ATTEST:**

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**Stacy Tebo, City Clerk**