

City of DeBary
REGULAR CITY COUNCIL MEETING
Wednesday
May 19, 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 7:05 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, Planning Administrator Rebecca Hammock, and City Attorney Kurt Ardaman

III. Committee Reports

1. Update on Economic Development Advisory Committee (EDAC) by Vice Chair Val Emerson.

Vice Chair Emerson summarized the recent meeting of the Committee and noted the helpfulness of the County Economic Development Department. She said that John Kizer, with County Economic Development, attended their meeting and is willing to help print the brochures.

She stated that EDAC discussed the DeBary business organization including the possibility of a virtual group format as a way for businesses to participate without taking too much of their time. She said that the Committee plans to look at the County list of occupational licenses and try to compile an email list.

Vice Chair Emerson informed the Council that Global Educational Institute is looking to move to DeBary.

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

Van Conoley, 25 Rosedown Boulevard, explained his reasons for resigning from the Council.

David Hamstra, stormwater engineer, provided a FEMA update for the Council and said the disaster recovery fund is scheduled to be replenished with five billion dollars during the session heading into Memorial Day. He said that the City's request for \$1.8 million to FEMA for the West Side System is not in jeopardy due to the temporary shortfall in their budget.

V. Approval of Minutes

1. Regular City Council Meeting held January 20, 2010.
2. Special City Council Meeting held January 27, 2010.
3. Regular City Council Meeting held February 3, 2010.

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

VI. Additions, Deletions, or Amendments to the Agenda

Council Member Marks asked for a discussion of internet cafés under New Business.

Mr. Parrott asked for the code board appointment to be moved to the next agenda.

VII. Presentations

1. Presentation by American Legion Post 259 to Deputy of the Year Greg Seymour.

Members of the American Legion Post 259 presented a plaque and pin to Deputy Greg Seymour.

2. Proclamation for Florida Water Professionals Week.

Mayor Garcia read the proclamation aloud and presented it.

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 item:

1. Summerhaven Professional Centre Variance Application.

Mayor Garcia disclosed his ex-parte communications with the applicant.

Planning Administrator Rebecca Hammock stated that the request is for an after-the-fact variance; that the building was completed in July of 2009; and that it was built with incorrect front and side yard setbacks.

Will Turner, general contractor of the project, addressed the Council and asked that they approve the variance for the future viability of the building.

Mayor Garcia stated that if the variance is not approved, the building would be useless.

There was Council discussion that approval of the variance would not have a detrimental effect on the City.

Vice Mayor Erickson moved to approve the variance, and Council Member Marks seconded.

A neighbor went to the podium to voice his concerns. He said that he owns the building next door, and he has to shovel sand every time it rains.

Mr. Parrott said they would need to look at it and see if there is a code violation. He said we would work with both parties to resolve the issue.

Mr. Turner noted that the setback variance is not related to the neighbor's concerns. He stated that it is the parking and hardscape area that is relative to the concern.

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

X. Growth Management and Development Review

None.

XI. Old Business

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

Chris Carson, 416 Pine Meadow Drive, thanked Council Member Lenzen and Mayor Garcia for submitting his name at the last meeting. He emphasized the importance of the campaign process.

Vice Mayor Erickson spoke about the preferences identified by Council members and noted the difficulty in filling the position.

Council Member Lenzen said that the Council agrees on the big important things, and the Council is not dysfunctional.

Council Member Marks said all they could do is keep trying to appoint someone.

Mayor Garcia asked for a motion.

Council Member Marks made a motion to appoint Val Emerson, and Vice Mayor Erickson seconded. The motion failed 2-2, as Mayor Garcia and Council Member Lenzen voted no.

Vice Mayor Erickson made a motion to table the issue to the next meeting. Council Member Marks seconded. The motion passed unanimously.

XII. New Business

1. West Side Emergency Flood Management System – Change Order No. 9.

Construction Engineer Kevin Hare explained that the change order consists of three items. He stated that item one is additional gate valves for an existing six inch force main; that item two is to modify and enlarge the work platform for pump controls at Pump Station 1; and that item three is the installation of sleeves to connect ductile iron pipe to PVC pipe at two utility easements on West Highbanks Road.

Vice Mayor Erickson moved to approve the West Side Emergency Flood Management System, Change Order No. 9 for the total amount of \$31,314.02. Council Member Lenzen seconded, and the motion passed unanimously.

2. Approval of Additional Contracts for Public Works Activities with Ovation & USA Services.

Ms. Blissett stated that since the City has contracted with the City of Orange City for public works services, staff has learned that Orange City would be unable to provide emergency services. She added that staff recommends entering into several contracts for services to allow the City the most flexibility to mobilize the most effective and efficient manpower necessary to assist the residents.

Vice Mayor Erickson made a motion to authorize the city manager to enter into contracts with Ovation and USA Services for public works general maintenance services. Council Marks seconded, and the motion passed unanimously.

3. FY 2009-2010 Street Overlay Project.

Mr. Parrott said that the Council has budgeted for street repairs, and CPH Engineers analyzed the list of streets selected and developed repair specifications. He added that CPH has developed two options for Council consideration, and Mr. Owens would be providing a presentation of his recommendations to Council.

Jeremy Owens, with CPH Engineers, explained the process he undertook for review of the streets. He presented a brief presentation of the streets and the repairs that are needed.

Mr. Parrott recommended the second option, which would be to only overlay the entire length of the streets where needed and only repair individual sections of the streets where needed.

Vice Mayor Erickson made a motion to approve the second option to only overlay the entire length of the streets where needed and only repair individual sections of the streets where needed at an estimated cost of \$562,921.88. Council Member Lenzen seconded, and the motion passed unanimously.

4. Internet Café Gambling

Council Member Marks stated that over the last two weeks, there are two internet cafes now located in the City of DeBary.

Mr. Parrott said that Council might consider a zoning area where these kind of activities might be located. He suggested that adult entertainment is allowed in light industrial, and that might be an area to locate the internet cafés. He said that currently, internet gaming and tattoo parlors do not have a zoning classification in the City's Land Development Code, and the Council could decide where they are appropriate.

Council Member Marks asked if Mr. Ardaman and Mr. Parrott could bring something back for consideration.

XIII. Council Member/Committee/Staff Reports

1. Code Enforcement Board
Bob Rini

Vice Mayor Erickson

The appointment was moved to the next Council agenda.

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

Mayor Garcia said he thoroughly enjoyed the Little Miss DeBary pageant the past Saturday and thanked the Civic Center for hosting it.

Mayor Garcia spoke briefly about the ORC report received from the Department of Community Affairs.

Vice Mayor Erickson said he wanted to apologize to Mr. Miller from Glen Abbey regarding the flower bed at the entrance. He said there seemed to be no interest from the Council in moving forward. Mr. Parrott explained what he told Mr. Miller.

Vice Mayor Erickson said he wanted to discuss a policy and procedure for due process during public hearings like the Council did at the racetrack hearing. He stated it would bring consistency and fairness to the process. He added that it would protect the City and could be accomplished by a resolution.

There was consensus to have Mr. Ardaman and Mr. Parrott prepare something for use in quasi-judicial hearings and bring it back to Council for approval.

Council Member Marks echoed Mayor Garcia's comments on the Little Miss DeBary pageant, and said Sharon Pertler and her staff did a wonderful job with the event.

Council Member Lenzen said he attended the Volunteer Appreciation Luncheon, and the City has a rich tradition of volunteers that help to run the City. He added that the staff did a good job of recognizing the volunteers and thanking them.

- B. City Manager

Mr. Parrott had nothing to report.

- C. City Attorney

Mr. Ardaman had nothing to report.

XIV. Adjournment

The meeting was adjourned at 9:35 p.m.

**APPROVED
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk