

**City of DeBary**  
**CITY COUNCIL MEETING**  
**Wednesday**  
**July 21, 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, Council Member Lita Handy-Peters, 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, Planning Administrator Rebecca Hammock, and City Attorney Kurt Ardaman

**III. Committee Reports**

1. Update by Chair Susan Preil of the Streetscape Advisory Committee.

Chair Preil was unable to attend the meeting. Vice Chair Mike Kolba updated the Council on the activities of the Committee. He explained the Committee's progress on the bus shelter and said they have finalized plans for the bus shelter with Spencer Fabrications. He added that they have approached Walgreens in the hopes of obtaining sponsorship funding.

Ms. Blissett clarified that the Committee is currently in the research stage, and they are determining costs prior to bringing the final information to Council for approval.

Council Member Marks thanked the Committee for hanging in during the tough economic times.

Vice Chair Kolba also updated the Council on the Adopt-a-Planter program and said the Committee recommended that artificial plants not be allowed in the planters. Vice Mayor Erickson said he would like to see the recommendation as a regular agenda item. Mr. Parrott said he would bring it back to Council.

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

Chair Vihlen addressed the Council and provided an update on the recent Committee meeting. He stated that the Committee discussed the progress of the City brochure; that the County graphic arts department has volunteered their services to prepare the brochure; and that they would be sending it to Council in a couple weeks for consideration.

Chair Vihlen said the Committee is tracking the list of potential leads on new businesses for the expansion of the tax base.

Mayor Garcia said he wanted to know the Committee's opinion of Team Volusia. There was consensus that the Committee should hear a presentation from Team Volusia and provide their recommendation to Council.

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

Lee Atkins, 283 Constance Road, asked for clarification on the paving of the parking lot at Rob Sullivan Park and said the figures discussed at a previous meeting seemed out of line. Council Member Lenzen explained that there were additional costs because the City would be receiving several thousand dollars in grant funding to make numerous improvements to the park, which were conditions related to the grants. Mayor Garcia further explained that in order to obtain certain grants, the City had to complete additional improvements in order to provide for the parking expansion.

Ryan Rinaldo, 151 W. Highbanks Road, spoke about a recent incident that occurred at Rob Sullivan Park with an ultra glider that crashed. He also voiced concern regarding the times the City allows community service workers at the parks and the safety of the children playing at the parks.

Van Conoley, 25 Rosedown Boulevard, spoke in defense of Vice Mayor Erickson and his DeBary POP website.

**V. Approval of Minutes**

1. Regular City Council Meeting held April 21, 2010.

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

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

Vice Mayor Erickson asked if the Council wished to discuss the Highbanks traffic study. Mr. Ardaman suggested that the City agenda the item prior to discussion. Mayor Garcia asked Mr. Parrott to keep it in mind for a future agenda.

**VII. Presentations**

1. DeBary City Golf Championship by Paul DeSilva.

Mr. DeSilva presented a summary and power point presentation of the DeBary City Golf Championship and asked for the City to sponsor the event for \$800. He said the tournament would be held on September 18<sup>th</sup>.

Mayor Garcia said he supports the effort fully.

Council Member Marks said he did not support donating as they are just getting the City's financial house in order.

Council Member Handy-Peters said she does support the effort, but could not support giving the money. Council Member Lenzen said the City has been frugal, and they do not have a record of handing out taxpayer dollars.

There was consensus not to sponsor the event.

### **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. Ordinance #07-10 – First Reading – Amending Section 2-187 of the Code of Ordinances Regarding Responsible Bidders.

Mr. Ardaman read Ordinance #07-10 aloud by title.

Ms. Blissett briefly explained the purpose of the ordinance to better define the term “responsible bidder” and noted that it would ensure fiscal responsibility of taxpayer dollars.

Vice Mayor Erickson moved to approve Ordinance #07-10 on first reading, and Council Member Lenzen seconded. The motion passed unanimously.

2. Ordinance #08-10 – First Reading – Amending Chapters 2 and 26 of the Code of Ordinances to Provide for Emergency Management Procedures.

Mr. Ardaman read Ordinance #08-10 aloud by title.

Mr. Parrott stated that the City has various ordinances and code sections that address actions to be taken during an emergency; that in order to eliminate confusion, it would be advantageous to codify into one ordinance the procedures for declaring an emergency; that the city attorney has reviewed the ordinance for compliance with State law; and that he recommends approval.

Vice Mayor Erickson made a motion to approve Ordinance #08-10 on first reading, and Council Member Marks seconded. The motion passed unanimously.

3. Resolution #10-18 – Adopting a Preliminary Millage Rate for Fiscal Year 2010-2011.

Mr. Ardaman read Resolution #10-18 aloud by title.

Mr. Parrott said that the current millage rate is 2.5728, and the rollback rate is 2.8707. He clarified that the rollback rate would generate the same property tax revenues as the City has in the current year budget.

Vice Mayor Erickson stated that he would like to get the top three projects identified by Mr. Parrott and discussed at the previous workshop accomplished; that the Council really needs to get the safety items taken care of; and that he is open to suggestions for the millage rate, as he does not have a specific millage rate in mind.

Mayor Garcia made a motion to adopt Resolution #10-18 setting the first budget hearing for September 15, 2010 at 7:00 p.m. and adopting a preliminary millage rate of 2.8707. Council Member Lenzen seconded.

Council Member Handy-Peters said she was not comfortable raising the rate.

Council Member Marks asked how much the City has in reserves. Mr. Parrott answered that the unreserved fund balance as of May 31<sup>st</sup> is \$3,452,461.

Mayor Garcia asked for a vote on the motion, and it passed 4-1, with Council Member Handy-Peters dissenting.

4. Resolution #10-19 – Adopting New Rules Governing City Council Procedures for Quasi-Judicial Proceedings.

Mr. Ardaman read Resolution #10-19 aloud by title.

Mr. Parrott said that at a previous Council workshop, there was discussion regarding adoption of policies to govern public hearing procedures to ensure due process.

Council Member Marks made a motion to approve Resolution #10-19, and Council Member Handy-Peters seconded. The motion passed unanimously.

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

1. Final Site Plan for Auto Zone.

Planning Administrator Rebecca Hammock outlined the request for final site plan approval of an Auto Zone retail store at the northeast corner of Highbanks Road and US Highway 17-92. She stated that the Development Review Committee (DRC) made a recommendation for approval subject to the payment of \$4,500 into the City's Sidewalk Fund at the time of building permit issuance.

Council Member Marks asked Stormwater Engineer David Hamstra to discuss the drainage and stormwater management on the property. He also voiced concern that there would be pollution and oil runoff. Mr. Hamstra said he was comfortable with the stormwater management.

Vice Mayor Erickson made a motion to approve the final site plan, and Council Member Handy-Peters seconded. The motion passed unanimously.

2. Discussion of HUD Sustainability Planning Grant.

Ms. Hammock stated that staff is seeking permission from Council to participate in a region wide grant application to help fund transit and mobility planning. She noted that a twenty percent match is required for requested project funding.

Vice Mayor Erickson made a motion to authorize the city manager or his designee to provide commitment to the East Central Florida Regional Planning Council to participate in region wide grant application to HUD for a Sustainable Communities Grant. Council Member Marks seconded. The motion passed unanimously.

#### **XI. Old Business**

None.

#### **XII. New Business**

1. West Side Emergency Flood Management System – Change Order No. 12 - Completion of Existing Emergency Force Main Piping.

Mr. Parrott said that the dry line would be used to alleviate flooding in Terra Alta, but he does not recommend that they proceed with the change order. He asked Council for permission to leave the line where it is and to remove the item from the agenda. There was no objection from Council.

2. Contract with Orange City for Fire Services for Fiscal Year 2010/2011.

Ms. Blissett stated that the City is going into the second year of the three-year contract with Orange City; that a line-by line budget has been provided to ensure transparency; that the budget reflects the actual costs associated with providing services in the City and has a fourteen percent (14%) administrative fee applied to the total personnel services and operating costs; and that it reflects a reduction from the prior year budget.

Vice Mayor Erickson made a motion for approval of the FY 2010/2011 proposed budget for fire services to be incorporated within the City's general fund budget. Council Member Marks seconded. The motion passed unanimously.

3. Contract with Volusia County for Law Enforcement and Municipal Services for Fiscal Year 2010/2011.

Ms. Blissett stated that as in past years, there are two separate interlocal agreements: one for law enforcement services, and one for the remaining municipal services; that the level of service remains the same for the Sheriff's Department; and that the contract for municipal services includes a proposed budget for animal control, traffic engineering, mosquito control and aquatic spraying.

Vice Mayor Erickson moved to approve the two interlocal agreements for contract services with the Volusia County Sheriff's Department and Volusia County for FY 2010/2011. Council Member Marks seconded, and the motion passed unanimously.

4. Discussion on Mayor's Roundtable Meetings by Vice Mayor Erickson.

Mayor Garcia asked Vice Mayor Erickson to assume the role of chairperson for items four and five.

Vice Mayor Erickson said he would like to direct the city manager to publicly notice only City Council meetings, which are regular meetings, special meetings, and workshops. He said he

does not know the difference between a Council meeting and a roundtable meeting and voiced concern that a roundtable meeting was made public but not legally noticed. He added that unnoticed roundtable meetings that are mentioned in newspapers and/or television news stories preclude other Council members from participating due to possible Sunshine Law violations. He asked the other Council members to consider his suggestion.

Mayor Garcia said that a roundtable is important because it is a discussion and exchange of ideas, which is much less restrictive than a special Council meeting. He added that it is a way for residents to communicate with their elected officials and to hear the citizens' concerns.

Council Member Handy-Peters suggested calling it a Mayor's Roundtable/Workshop.

Vice Mayor Erickson made a motion to direct the city manager to only notice City Council regular meetings, City Council special meetings, and City Council workshops. Council Member Marks seconded. The motion passed 4-1, with Mayor Garcia dissenting.

5. Discussion on Office Space in City Hall by Vice Mayor Erickson.

Vice Mayor Erickson said that since DeBary has a Council-Manager form of government, he believes it is important and appropriate to utilize city hall space for the management of the City, especially as more staff and services are brought in-house. He added that physical offices should not be provided for the current and future elected officials.

Vice Mayor Erickson made a motion to direct the city manager to draft a resolution to eliminate physical offices for Council members. Council Member Marks seconded, and said when he meets with citizens, he uses a conference room.

Council Member Handy-Peters agreed and said it might confuse staff with the chain of command if Council members had offices in city hall.

Mayor Garcia disagreed and said it reduces the traffic that goes to Mr. Parrott's office. He added that citizens like to meet the Mayor or elected officials when they visit city hall.

Vice Mayor Erickson asked for a vote on the motion, and it passed 4-1, with Mayor Garcia dissenting.

**XIII. Council Member/Staff Reports**

- 1. Board/Committee Appointments
  - Public Safety Advisory Committee
  - Regular Member                      Council Member Handy-Peters

Council Member Handy-Peters made a motion to appoint alternate member Marlee Grein to the regular position. Council Member Lenzen seconded, and the motion passed unanimously.

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

Vice Mayor Erickson informed the Council that there is a sixteen million dollar decrease in revenue for the Volusia County School Board, and the next meeting of the School Oversight Committee would probably be in November.

Vice Mayor Erickson spoke about the temporary sign waiver and said that leaving the four by four posts in the ground is not in the spirit of the sign waiver recently approved by Council.

Vice Mayor Erickson mentioned some reading materials he would be placing on the bookshelf located in the second floor lobby.

Council Member Marks said the Reading Edge Academy construction has been at a standstill and asked Mr. Parrott to look into possible code enforcement action.

Council Member Lenzen spoke about Orange City's recent moratorium on internet gaming.

**B. City Manager**

Mr. Parrott said he has noticed that the pain clinics have been making their way north in Florida, and they result in a dramatic increase in the illegal sale of prescription drugs. Mayor Garcia said the Council should address the issue immediately.

Mr. Parrott recommended that the regular Council meeting of August 18<sup>th</sup> be moved to August 17<sup>th</sup> due to the Florida League of Cities Conference. Council Member Marks moved to approve the rescheduling of the Council meeting. Vice Mayor Erickson seconded, and the motion passed unanimously.

Mr. Parrott reminded the Council he would be out of town from Thursday through Monday.

**C. City Attorney**

Mr. Ardaman said he would be speaking to Mr. Parrott regarding placing an item on the next agenda concerning the potential to file a lawsuit against C3 Construction.

**XIV. Adjournment**

The meeting adjourned at 10:25.

**APPROVED  
CITY OF DeBARY  
CITY COUNCIL**

\_\_\_\_\_  
**Bob Garcia, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Stacy Tebo, City Clerk**