

**City of DeBary**  
**REGULAR CITY COUNCIL MEETING**  
**Wednesday**  
**August 4, 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 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, 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.

Denice Crawford, 11 Lilac Drive, spoke about the problem of residents leaving their trash out for multiple days creating a mess in the neighborhood.

John Sheppard, 445 Quail Meadow Court, introduced himself to the Council, and said he is on the DeBary Plantation Homeowner's Association.

Jack Starr, representative of Traders Cove Homeowner's Association, spoke about a code enforcement issue in Traders Cove. Mayor Garcia suggested that he contact Mr. Parrott for an appointment to discuss his concerns regarding the maintenance of the lots.

Mark Meister, 146 Pine Tree Drive, said he was dismayed with the media coverage and felt that it was an embarrassment to the City.

Ryan Rinaldo, 161 W. Highbanks Road, said that as of August 18<sup>th</sup> there would be partnerships between Stetson University, University High School, and the City of DeBary. He said they would be having leadership classes for the youth to understand city government. Mayor Garcia said he already sent his email in volunteering to be a guest speaker at University High School.

Bill Fillbaum, 243 Eldorado Drive, thanked the Council for addressing the speed limit on West Highbanks Road and asked for an update. Mayor Garcia said there was an initial survey completed, but there is another to be done in October when school is in session.

Angie Dobies, 43 Smyrna Drive, voiced dissatisfaction that the Mayor cannot meet with the citizens in a roundtable setting. She said the Council is tying Mr. Parrott's hands by limiting him to three types of meetings. Vice Mayor Erickson said that Mr. Parrott can go to any meetings, and all he was talking about was legally noticed meetings of the Council which include regular meetings, special meetings, and workshops.

Millie Murray, 219 Valencia Road, thanked the audience for attending the meeting and said it would be nice if there was such a large turnout at every Council meeting. She urged everyone to get out and vote.

**V. Approval of Minutes**

1. Regular City Council Meeting held May 5, 2010.
2. City Council Workshop held May 19, 2010.
3. Regular City Council Meeting held May 19, 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**

None.

**VII. Presentations**

None.

**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 – Second Reading – Amending Section 2-187 of the Code of Ordinances Regarding Responsible Bidders.

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

Ms. Blissett said the ordinance amends the existing code to better define the City's discretionary authority to award a contract to the lowest responsible and responsive bidder during the procurement process.

Vice Mayor Erickson moved to approve Ordinance #07-10 on second and final hearing. Council Member Marks seconded. The motion passed unanimously.

2. Ordinance #08-10 – Second 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.

Vice Mayor Erickson moved to approve Ordinance #08-10 on second and final reading. Council Member Marks seconded.

Vice Mayor Erickson referenced Section 26-52 of the ordinance and suggested that it read “the City Council may adopt emergency ordinances or resolutions in accordance with §10.02 and §10.03 of the City Charter”, rather than just mentioning §10.02. Mr. Ardaman said it was a good point. Vice Mayor Erickson amended his motion to include the addition. Council Member Marks amended his second to include the addition.

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

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

None.

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

1. Resolution #10-20 – Prohibiting the Establishment of Permanent Physical Offices and Workstations in City Hall for Council Members.

Mr. Ardaman read Resolution #10-20 aloud by title.

Vice Mayor Erickson made a motion to approve Resolution #10-20, and Council Member Lenzen seconded.

Ann Batson, 488 W. Highbanks Road, voiced her disapproval of the resolution, and read an excerpt of the Council minutes from 2007, which concerned the addition of a Mayor’s office in the new city hall.

Nick Koval, 296 Adelaide Street, expressed dismay with the proposed resolution and referenced the City Charter. He asked Vice Mayor Erickson to withdraw his motion to approve the resolution.

Angie Dobies, 43 Smyrna Drive, said she had a petition with signatures for the Mayor to have his office returned to him, and she is prepared to move forward with the petition to have it placed on the ballot.

Alan Gochal, 15 Cosmos Lane, said DeBary has become the laughingstock of Central Florida. He said he placed a sign-up sheet in his restaurant, DeBary Diner, and he had about 200 signatures of people supporting the Mayor getting his office back.

Joe Luiz, 150 Margarita Road, said it is an asset to have a Mayor working for DeBary, and it is an embarrassment to see this issue on the news.

David Chapman, 13 Palmetto Drive, spoke in favor of a physical office for the Mayor, and said he was disgusted with personal attacks.

Sid Vihlen, Jr., 418 River Drive, voiced the importance of accessibility for the constituents to meet with their elected officials. He urged the Council to provide a space for each Council member, not only the Mayor.

Thomas S. Marshall, Sr., 301 Glen Club Drive, said the Council must do what is right for the citizens, and something is amiss if they do not believe the citizens should have access to the Council.

Mark Meister, 146 Pine Tree Drive, said 83 percent of the people who voted in the poll on the Orlando Sentinel website supported an office for the Mayor.

Vice Mayor Erickson read aloud what he submitted to Mr. Parrott that was included in the Council's agenda packet for the July 21<sup>st</sup> meeting. He stressed that he wished to protect the Council-Manager form of government, and his position is based on the principle that office space should not be dedicated to elected officials, no matter who the person happens to be.

Steven Jacob, 109 Pine Valley Court, asked the Council to vote in the interest of the citizens and said the perception of the office of the Mayor is important to the people.

Council Member Handy-Peters said her vote on July 21<sup>st</sup> was never intended to remove the Mayor from office, but rather to open a dialogue about the Charter and DeBary's form of government. She suggested a compromise, which would be a designated office in the building that any of the Council members could use.

Council Member Lenzen said he does not have a problem with the Mayor meeting with the citizens, and the issue to him was the form of government and the mingling with staff.

Mr. Parrott stated that the Council has not interfered in day to day operations; that his job is the daily administration of the City; that he would not allow anyone to micromanage the City; and that he is responsible for upholding the ICMA code of ethics. He encouraged the Council to come to an understanding on their respective roles.

Mayor Garcia said that the number one problem today is that government is disconnected from its people, and he was only interested in serving the people.

John Wilson, 114 Pine Valley Court, asked the Council to do the right thing and listen to everyone that spoke during the meeting.

Vice Mayor Erickson stated that debating DeBary's form of government and protecting it is not a waste of time.

Council Member Lenzen asked that they not vote on the resolution until they have had a discussion on the role of the Mayor. He made a motion to lay the resolution on the table, and Council Member Marks seconded. The motion failed 2-3, with Mayor Garcia, Vice Mayor Erickson, and Council Member Handy-Peters dissenting.

Mayor Garcia asked for a vote on the motion to approve Resolution #10-20. The resolution passed 3-2, with Council Member Handy-Peters and Mayor Garcia dissenting.

The Council took a break at 9:07 and resumed the meeting at 9:15.

**XIII. New Business**

None.

**XIII. Council Member/Staff Reports**

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

Vice Mayor Erickson thanked Mr. Parrott and staff for getting caught up with the minutes. He also thanked staff for the information on the website regarding the elections.

Council Member Marks asked Mr. Parrott to write a letter to the County regarding the culverts on Dirksen Drive to thank them for their prompt response.

Council Member Handy-Peters thanked the fire department for the outstanding job they did recently to reach a patient who was 100 feet up in the air at Florida Power and Light. She also thanked Captain Osowski and Lt. Williams for the wellness call they made after she had been contacted from a concerned relative in the United Kingdom.

Council Member Lenzen thanked staff for the well-attended TOD workshop and the good job they did answering questions.

Mayor Garcia said he would be taking a vacation for two weeks.

- B. City Manager

Mr. Parrott said there was no longer a need to hold the August 17<sup>th</sup> meeting, and he would be contacting the Council for rescheduling.

- C. City Attorney

Mr. Ardaman had nothing to report.

**XIV. Adjournment**

The meeting was adjourned at 9:21 p.m.

**APPROVED  
CITY OF DeBARY  
CITY COUNCIL**

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**Bob Garcia, Mayor**

**ATTEST:**

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**Stacy Tebo, City Clerk**