

**City of DeBary
SPECIAL CITY COUNCIL MEETING**

Wednesday

September 30, 2009

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 7:05 p.m.

II. Roll Call

Members Present: Mayor Garcia, Vice Mayor Erickson, Council Member Van Conoley, Council Member Jack Lenzen, and Council Member Leonard Marks

Others Present: Interim City Manager Kassandra Blissett, City Clerk Stacy Tebo, and City Attorney Kurt Ardaman

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

Danny Allen, 140 Fort Florida Road, spoke briefly about VGMC and said there was a packet regarding their rule changes mailed to all the cities.

Jack Wilson, 114 Pine Valley Court, spoke about the code enforcement lien at 488 Highbanks Road and said the City did not recover enough money for the code violations.

David Chapman, 13 Palmetto Drive, reminded the Council of Article Four in the City Charter and said the Council's job is to do what the citizens wanted done.

Eugene Stump, 106 Birkwood Court, said he agreed with Mr. Chapman and asked the Council to consider what is best for the City.

Millie Murray, 219 Valencia Road, thanked the staff for fixing the drainage near her home and asked if they would come back to cut the grass. Ms. Blissett said she would look into it.

IV. Approval of Minutes

1. City Council Workshop held May 18, 2009.

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

V. Additions, Deletions, or Amendments to the Agenda

Ms. Blissett asked that that Council postpone item three under Public Hearings to amend the budget until the October 21st meeting. She said she would have more detail at that time.

VI. Presentations

1. Certificate of Recognition to Recreation Coordinator Michelle Leach.

Mayor Garcia read the certificate aloud and said Ms. Leach is an asset to the City. Ms. Leach thanked the Council for the opportunity to improve her skills.

2. Annual Independent Audit for FY 2007/2008 – Alex Kish, CPA.

Mr. Kish stated that his firm audited the financial statements and did not find any inconsistencies. He summarized the high points in the audit for the Council and audience.

Council Member Conoley asked Mr. Kish to discuss control mechanisms and possible improvements. Mr. Kish said there is not a lot of oversight in the finance department because the staff is so small. He said there may be ways to break up responsibilities so there is oversight and suggested using the receptionist or other staff to perform certain duties.

Council Member Conoley voiced concern that almost nothing has been done to correct the trouble areas that have been identified by the auditor repeatedly over the last few years.

Ms. Blissett said that DeBary was not unique to other small cities in its challenges.

Mr. Kish noted the importance of developing policies and procedures.

Mr. Kish suggested the City be more aggressive in accounting for pool cash. He said that 2008 was not a bad year, and the City had a surplus of two million dollars.

Mayor Garcia said it was difficult to make decisions when he did not know how much money would be available. He said they need to find ways to bring in more revenue; otherwise, they would have to cut services.

Mr. Kish said he would be available to speak to any of the Council who would like to meet with him privately.

Vice Mayor Erickson asked when the Council would receive another audit. Mr. Kish responded that Council could receive the 2009 audit by January 15, 2010. Vice Mayor Erickson suggested they leave a copy of the audit with notes of what the Council wants to have done for the next city manager.

Council Member Marks said the Council inherited problems, and he wanted to learn from their mistakes and move forward.

David Chapman, 13 Palmetto Drive, said he did not like using both an auditor and a forensic auditor that gave two different recommendations. He said he did not think the changes suggested were necessary, and it was not the auditors' fault that the Council did not make good decisions.

VII. 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.

VIII. 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 #09-17 – Adopting a Final Ad Valorem Millage Rate for FY 2009/2010 – Second and Final Public Hearing.

Mr. Ardaman read Resolution #09-17 aloud by title and stated that the City planned to adopt a millage rate of 2.57279 for fiscal year 2009/2010 to start on October 1, 2009 and end on September 30, 2010 on all property within the City. He added that the millage rate is 11.29 percent less than the roll back rate.

Vice Mayor Erickson made a motion to approve Resolution #09-17. Council Member Lenzen seconded the motion.

Ms. Blissett said she received certification from the property appraiser that showed a decrease in property value within the City by approximately thirty million dollars.

Eugene Stump, 106 Birkwood Court, asked for clarification regarding the millage rate. Mayor Garcia explained that the Council was voting to leave the millage rate the same as it was the previous year.

David Chapman, 13 Palmetto Drive, said he agreed that it would be unforgivable to raise taxes.

Mayor Garcia asked for a vote on Vice Mayor Erickson's motion. The motion passed unanimously.

2. Resolution #09-18 – Adopting a Final Annual Operating Budget for FY 2009/2010 – Second and Final Public Hearing.

Mr. Ardaman read Resolution #09-18 aloud by title.

Council Member Lenzen made a motion to adopt the final budget, and Council Member Marks seconded.

Council Member Lenzen said that Council would have to amend the budget during the year to handle storm water, accounting software, etc., however, he was ready to vote.

Ms. Blissett said she was aware there would be amendments to the budget, however, she could work with it until that time.

Vice Mayor Erickson said he did not like the budget, but he would vote for it.

Mayor Garcia asked for a vote on the motion to approve the budget. The motion was passed 4-1, with Council Member Conoley dissenting.

3. Resolution #09-19 – Amending Budget for FY 2008/2009.

This item was postponed to October 21, 2009.

IX. Growth Management and Development Review

None.

X. Old Business

1. Addendum to Extend the Fire Services Portion of the 2008-2009 Volusia County Contract with the City of DeBary.

Mr. Ardaman stated that the addendum would extend Volusia County fire services from October 1, 2009 to 7:00 a.m. November 6th; that the cost is prorated in the amount is \$107,686.85; that the addendum would change the agreement by adding a page to the contract and changing the page numbers from four to five; and that if there would be any delay, Ms. Blissett would bring it before the Council again.

Ms. Blissett said Volusia County Fire planned to provide continuous coverage to DeBary.

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

XI. New Business

1. Discussion Regarding Staff by Council Member Conoley.

Council Member Conoley said he felt he had been lied to regarding the ability for Council to change the preliminary and tentative millage rate. He noted the importance of receiving accurate information.

XII. Council Member/Committee/Staff Reports

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

Mayor Garcia said they would probably be setting up a meeting in the Spring for the restoration of the DeBary Bayou. He also reminded everyone that the West Volusia Summit would be held at DeBary City Hall October 10, 2009.

Mayor Garcia said he received a letter stating that the Water Authority of Volusia County is dissolved.

Council Member Marks thanked Ms. Blissett for the information she provided. He asked if Council would vote on the resolutions from the Florida League of Cities. Mayor Garcia said they would put the resolutions on a future agenda.

Council Member Lenzen said he is proud that the Council did not increase the millage rate. He said Ms. Blissett was doing a great job. Mayor Garcia agreed.

- B. City Attorney

Mr. Ardaman had nothing to report.

C. City Manager – Schedule Special Meeting for Stormwater.

Ms. Blissett asked to set up a special meeting for stormwater. The Council agreed to schedule it for October 12th at 4 p.m.

Ms. Blissett said she would put an item on the next agenda to discuss the search for a new permanent city manager.

XIII. Adjournment

The meeting was adjourned at 10:07 p.m.

**APPROVED April 7, 2010
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk