

City of DeBary
REGULAR CITY COUNCIL MEETING
Wednesday
October 7, 2009
7 PM

City Council Chambers
16 Colomba Road
DeBary, Florida 32713

MINUTES

I. Call To Order

Mr. Ardaman called the meeting to order at 7:03 p.m.

II. Roll Call

Members Present: Council Member Van Conoley, Council Member Jack Lenzen, and Council Member Leonard Marks

Members Absent: Mayor Bob Garcia (excused), Vice Mayor Norm Erickson (excused)

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

Council Member Lenzen made a motion for Council Member Marks to chair the meeting. Council Member Conoley seconded, and the motion passed unanimously.

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

Don McGrath, 116 Lower Lake Court, thanked the Council for lowering the water level of Lower Lake and asked if the pumps would be removed when the leases expired. Council Member Marks answered that they would leave the pumps in the critical areas.

Jim Gangitano, 309 La Creek Court, advocated the City doing the Westside and Lakeside projects together. He added that it would save the City \$200,000 and eliminate the need for five pumps.

David Chapman, 13 Palmetto Drive, said he was concerned that Council Member Conoley had violated the City Charter. He said if Council Member Conoley felt there was a problem with staff, he should have gone to Ms. Blissett with that information instead of bringing it up in a Council meeting. He added that Mr. Ardaman recommended he bring the issue to the Council if he wished to have it put on the agenda.

Council Member Lenzen asked if a citizen could put an item on the agenda. Mr. Ardaman responded that the citizen can ask for it to be put on the agenda, but it is the Council's decision.

Eugene Stump, 106 Birkwood Court, said he did not think Council Member Conoley intended to act wrongly towards any person.

IV. Approval of Minutes

None.

V. Additions, Deletions, or Amendments to the Agenda

Council Member Conoley said he had spoken to Mr. Ardaman regarding stormwater and felt the City had spent money pumping due to the negligence of other people. He requested that the issue be added under New Business.

Ms. Blissett asked that she have a chance to confer with Mr. Ardaman before discussing item one under New Business regarding the FEMA buyout insurance reimbursements.

VI. Presentations

1. Certificate of Appreciation to David Hamstra from FEMA Buyout Participants.

Mr. and Mrs. Main spoke on behalf of the flood victims of Tropical Storm Fay and presented the certificate of appreciation to David Hamstra for his hard work and professionalism.

2. Census 2010 Presentation by Colleen Chamberlain and Interim City Manager Kassandra Blissett.

Ms. Blissett said that Ms. Chamberlain was unable to attend the meeting. She stated that Ms. Chamberlain had done a great job volunteering for the census; that the census has a direct correlation to grants and funding opportunities for the City; and that other cities have paid their census workers, however Ms. Chamberlain has worked as a volunteer.

Council Member Marks said he would volunteer his time to help.

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

1. Resolution #09-20 – Amending the Section 401(a) Money Purchase Government Retirement Plan to Exclude Contractual City Manager.

Mr. Ardaman read Resolution #09-20 aloud by title.

Council Member Conoley made a motion to approve the resolution, and Council Member Lenzen seconded. The motion passed unanimously.

IX. Growth Management and Development Review

None.

X. Old Business

1. Discussion of Advertising for City Manager Position.

Mark Meister, 146 Pine Tree Drive, said he would like to see if Ms. Blissett wanted to be considered for the job.

Council Member Lenzen stated that he was impressed with Ms. Blissett's performance as interim city manager; that he would like to see Ms. Blissett continue in the position for two more months; and that the Council could then consider if they would like to offer her the permanent job or search for a new candidate.

Council Member Conoley said he was concerned that citizens would gather misinformation from the internet. He suggested they let the city attorney research the candidate or use a private investigator for the background check.

Council Member Conoley said the advertisement should be simplified, and he would consider lowering the qualification from a bachelor's degree to a two-year degree.

Council Member Marks recommended that they leave the salary amount the same as it was during the previous search. Ms. Blissett suggested that the salary could be made dependent on qualifications.

Ms. Blissett asked for clarification on which websites the Council wished to advertise and recommended ICMA. Council Member Marks agreed with her recommendation and said they should also utilize the free websites.

XI. New Business

1. Discussion Regarding FEMA Buyout Insurance Reimbursements for Demolition.

This item was postponed.

2. Discussion by Council Member Conoley Regarding Stormwater Pumping.

Council Member Conoley asked if Council could bring legal action against the St. Johns River Water Management District, and/or Volusia County, and/or the State of Florida because the City has spent money on pumping, which is due to the negligence of others.

Mr. Ardaman stated that the City had spent substantial amounts of money; however, it would require a case by case evaluation to determine what could be done; that even if it could be proven there was liability or negligence, there would be problems with the statute of limitations; that perhaps the more recent problems could be pursued; that the Council could approach the individuals to negotiate with them instead of filing lawsuits; that Council might also consider mediation or negotiation; that money would need to be spent on engineers and lawyers in order to have an effective case; and that many of the responsible parties are out of business.

Council Member Conoley said the Lakeside issue was more recent and might be among the cases Council should pursue. Mr. Ardaman said he would consult with the city engineer and Mr. Gangitano to better understand the situation. He asked for Council's approval before moving forward.

Ms. Blissett said Council should ask for an estimate to determine costs to review the case. Mr. Ardaman estimated it would take ten to fifteen hours for initial review.

Council Member Lenzen said the Lakeside area was designed to take ten inches of rain, not twenty.

Council Member Marks said that it would be appropriate to bring the issue back during the stormwater meeting the following week.

XII. Council Member/Committee/Staff Reports

1. Board / Committee Appointments
Public Safety Advisory Committee
Marlee Grein
Regular Member

Council Member Conoley
Vice Mayor Erickson

Council Member Conoley said he would like to thank Marlee Grein for her service, and he would like to appoint Bobby Christian to the position.

Ms. Blissett informed the Council that Vice Mayor Erickson nominated Louis Morales via email.

Council Member Conoley made a motion to approve the nominations for Bobby Christian and Louis Morales. Council Member Lenzen seconded, and the motion passed unanimously.

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

Council Member Lenzen informed everyone of a commuter rail meeting on Friday, October 16th.

Council Member Marks reminded everyone of the upcoming West Volusia Summit on Saturday at 8:30 in the morning and stated that the public is invited to attend. He added that the main topics would be water and growth.

- B. City Attorney

Mr. Ardaman had nothing to report.

- C. City Manager

Ms. Blissett said that Mr. Hamstra asked if Council could change the stormwater meeting from October 12th to the 19th. The tentative date was set for October 15th at 4 p.m., dependent on the Mayor's and Vice Mayor's availability.

Ms. Blissett stated that a 400 pound bear had been trapped and transported out of DeBary. She said she spoke with Mike Orlando, the bear expert in the area, and he suggested ways to educate the community, such as utilizing bear-resistant garbage cans.

Ms. Blissett asked Council to collectively suggest a grand marshal and three judges for the Christmas Parade prior to the next meeting.

XIII. Adjournment

The meeting adjourned at 8:50 p.m.

**APPROVED April 21, 2010
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk