

**City of DeBary**  
**REGULAR CITY COUNCIL MEETING**  
**Wednesday**  
**November 18, 2009**  
**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 Van Conoley, Council Member Jack Lenzen, and Council Member Leonard Marks

**Others Present:** Interim City Manager Kassandra Blissett, City Clerk Stacy Tebo, Neighborhood Improvement Officer Dave Hooker, and City Attorney Kurt Ardaman

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

Sharon Pertler, President of the DeBary Civic Association, thanked the Council and Jerry Lombardi for recommending the Civic Center as a historic site. She requested the Council's assistance with a sign issue. Mayor Garcia asked that Ms. Pertler schedule a meeting with Ms. Blissett to resolve the issue.

Donald McGrath, 116 Lower Lake Court, asked the Council grant a sum of \$150,000 to be divided between the residents of the fifty homes on Lower Lake that were flooded.

Eugene Stump, 106 Birkwood Court, said he thought the Council should rise above petty disagreements and work together.

**IV. Approval of Minutes**

None.

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

Vice Mayor Erickson added Citizens and the City Charter under New Business.

Ms. Blissett asked to postpone items one and two on the Consent Agenda until the next meeting. She also requested that item three from the Consent Agenda be removed.

**VI. Presentations**

1. Certificate of Recognition to the Deltona High School Student Government Association.

Mayor Garcia presented the Certificate of Recognition to Ryan Rinaldo for the work the students did on the food drive.

2. Presentation by Bernadette Britz-Parker, Chairman of Volusia Honor Air Flight

Ms. Britz-Parker explained the Volusia Honor Air Flight and said their mission is to take as many World War II veterans as possible to the World War II Memorial in Washington D.C., at no cost to the veterans. She said that to date, the group had had four flights and taken 414 veterans to the Memorial. She added that they had taken eighteen veterans from the City of DeBary. She informed the Council that the fifth flight was scheduled for May 8<sup>th</sup>. She showed a brief video from the third flight.

Council Member Marks said he had visited the Memorial and thought it was beautiful. He asked how he could be a part of the welcoming committee. Ms. Britz-Parker answered that anyone could show up at the Daytona Beach airport at 4:15 a.m. to send them off. She added that anyone wishing to welcome them home could also show up at the airport around 8:00 p.m. She noted that the exact schedule is posted on their website, which is [www.volusiahonorair.org](http://www.volusiahonorair.org).

3. Introduction of New Economic Development Advisory Committee Chair and Vice Chair.

Chair Sid Vihlen, Jr. introduced himself and said the members of the Committee were well qualified and ready to follow Council's orders.

Vice Chair Val Emerson introduced herself and suggested that the Council give the Committee assignments to research so they can help Council. She said it would be helpful to the Committee if Council members did not address the committee individually, or privately. She asked that Council collectively agree on direction before addressing the Committee.

County Council Member Pat Northey said that Volusia County has an active Economic Development Department funded by tax dollars that is available to assist DeBary.

Council Member Conoley said with high rates of unemployment in the community, he hoped the Committee could help bring in new jobs.

Vice Mayor Erickson said that communication was the most important thing between the Council and the committees. He said the communication could go both ways; however, he expected direction to come from Council.

Mayor Garcia said the committee came up with some good ideas; however, they wanted to ask the Council before acting on them.

Ms. Blissett suggested the Committee could start working on identifying the list of vacant commercial properties in the City.

## **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.*

1. Wetland Mitigation for the Pine Valley Court Drainage Improvement Project (CIP #07).

Mayor Garcia entertained a motion for approval. A motion was made by Vice Mayor Erickson and seconded by Council Member Marks. The motion passed unanimously.

## **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. Ordinance #06-09 – First Reading – Establishing Fees for Fire Department Inspections and Reviews.

Mr. Ardaman read Ordinance #06-09 aloud by title.

Vice Mayor Erickson motioned to approve Ordinance #06-09, and Council Member Conoley seconded. The motion passed unanimously.

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

1. Consideration of Request from Dennis Schepker to Abate CEB Lien on Property at 203 Margarita Road.

Neighborhood Improvement Officer Dave Hooker summarized the case regarding abandoned property, high grass, and an inoperable vehicle. He stated that the Code Enforcement Board (CEB) recommended a reduction of the lien to \$3,750. He noted that Mr. Schepker was present at the CEB hearing and had moved to New Jersey. He explained that \$3,750 was the amount the CEB estimated it would have cost for a lawn service to maintain the property.

Council Member Marks made a motion to reduce the fine to ten percent of the total fine for an amount of \$1,735, plus the administrative cost of \$750, for a total of \$2,485, payable within sixty days, and if not paid in that time the fine would revert to the full amount. The motion was seconded by Council Member Lenzen. The motion passed 4 – 1, with Council Member Conoley dissenting.

## **X. Old Business**

1. Discussion of City Manager Selection Criteria and Process.

Vice Mayor Erickson provided his short list to the Council and Mr. Ardaman.

Council Member Conoley said he thought Ms. Blissett had done an excellent job and asked why she had not put her application in for the position. Ms. Blissett answered that she was currently

pursuing her bachelor's degree and did not feel she could work ten to twelve hours a day and attend school.

Council Member Lenzen asked that when each Council member provided his list to the Council, he give his reasons for choosing the person.

Council Member Marks stated that they were not under a deadline to hire a new city manager, and they could take all the time they needed to make the right decision.

Ms. Blissett suggested that Council have public conference calls with the candidates at a meeting before flying them in to meet in person.

Mayor Garcia suggested Council come up with eight names.

Ms. Blissett said she would schedule a special meeting. She asked if Council wanted the Range Rider representative to provide a short list. There was consensus that Council would like to see a list, but did not need a presentation.

## 2. Discussion Regarding Property Owned by Tino Farjad at 45 Alicante Road.

Ms. Blissett said she had sent a letter of appreciation to Mr. Farjad for the use of his property.

Stormwater engineer David Hamstra stated that the City had been asked by the St. Johns River Water Management District not to take No Name Lake into Gem Lake. He said they asked that No Name Lake be taken directly into the DeBary Bayou. He added that there would not be a need to purchase Mr. Farjad's property in the future.

Ms. Blissett said Mr. Farjad expected compensation for the inconvenience to his family and use of his property for fifteen months. She said Mr. Farjad suggested \$50 per day for the fifteen months, for an approximate total of \$22,500. She asked the Council if they wished her to negotiate for compensation.

Mayor Garcia said Mr. Farjad brought up the issue of compensation because he found out another citizen had received compensation.

Council Member Lenzen said the previous compensation had not been brought to the Council; that he felt it was a bad precedent; that many residents cooperated with the City's efforts without compensation; and that by compensating the resident, the previous city manager had put the Council in an awkward position.

There was consensus to continue with the landscaping and restoration on Mr. Farjad's property.

## **XI. New Business**

### 1. Consideration of Agreement for Interim Stormwater Engineering Services.

Ms. Blissett informed the Council that Mr. Hamstra had taken a new position with Pegasus Engineering; that the City's contract with PEC was still in effect until the City terminated it; that she consulted with Mr. Ardaman regarding an interim contract for Mr. Hamstra's continued

service to the City; and that they could have an interim contract not to exceed \$25,000 for up to ninety days. Mr. Ardaman concurred.

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

2. Authorization of City Manager to Enter Into Contract with City of Orange City for Public Works General Maintenance Services.

Ms. Blissett stated that the City had issued a Request for Proposals (RFP) for general maintenance services for roads and bridges; that the County of Volusia had previously performed the services; that the contract had expired on September 30, 2009, and the County had agreed to extend their services; that the City also contracted with Orange City for fire services; that Orange City has a similar level of service and understands the community; and that she recommends the contract be approved.

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

Mayor Garcia asked about renewing the contract after one year. Mr. Ardaman answered that the contract was for two years with the option to renew it.

3. Financing Options for Fire Truck.

Ms. Blissett said she did not have all the financing documents with her because the banks had not gotten back to her. She said she had signed the purchase order, for \$240,000, for the truck.

Council Member Conoley asked what the percentage rates were. Ms. Blissett responded that the rate she hoped to get was 2.64-percent with Cal First for five years, and the second option was through Tax Exempt Leasing Corporation with a five-year term at 3.84-percent.

4. Citizens and the City Charter.

Vice Mayor Erickson said he had witnessed incredible statements by citizens. He said he had raised his voice and been critical; however, he had not called names or threatened anyone. He said he thought Council Member Conoley had been treated unfairly. He said it was inappropriate for Mr. Meister to read an anonymous letter regarding Council Member Conoley into the public record. He asked that in the future, Council not allow anonymous letters to be read into the public record.

Vice Mayor Erickson said that the citizens should be as courteous as they demand Council to be.

Vice Mayor Erickson said Mayor Garcia said he had Mr. Seelbinder concentrate all his time on getting reimbursed by FEMA. Vice Mayor Erickson said he thought it was an overstepping of his position.

Vice Mayor Erickson made a motion to hold a public hearing regarding Mayor Garcia's comments to see if he had violated the charter. Council Member Conoley seconded the motion.

Mayor Garcia stated that he had not directed anyone to do anything; that he corrected himself because he thought the comment made it appear that he did; that he was aware that he did not have rights to direct anyone; that he misspoke and corrected himself immediately; and that he did not violate the charter.

Council Member Lenzen said he had a cordial relationship with the staff, and he expected that staff would bring it up if the Mayor was overstepping his bounds.

Vice Mayor Erickson re-read his motion to hold a public hearing regarding possible violations of the charter by Mayor Garcia. A vote was taken, and the motion passed 4-1, with Mayor Garcia dissenting.

Mr. Ardaman informed the Council of their authority to subpoena witnesses for the hearing. He said it was better to name those to be subpoenaed for notice at least one week before the hearing.

There was Council consensus to call Mr. Seelbinder and to place the advertisement of the hearing in one newspaper.

## **XII. Council Member/Committee/Staff Reports**

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

Council Member Marks spoke about a permit issue and said that the planning and code enforcement staff should look at building permits before they are issued. Ms. Blissett said she would follow up on it.

Council Member Lenzen said he was receiving emails about signage that looked bad around the city.

Mayor Garcia asked about getting a sign or signal in front of the fire station. Ms. Blissett said she would research the issue.

Ms. Blissett said there was only one entry in the Christmas lighting contest and asked the Council members to serve as judges.

Ms. Blissett said the staff and Council were dedicated and professional. She said it had been a pleasure to work with staff and Council and felt the Council members worked well together and had gotten a great deal accomplished.

- B. City Manager – Fire Truck Decals and Update on FEMA Buyouts.

Ms. Blissett said she had brought a visual presentation to show Council regarding the fire truck decals. She suggested the City have an open house for citizens to visit the fire station.

Ms. Blissett updated the Council regarding the FEMA buyouts for demolition reimbursements. She said that after the City received the insurance check they would disburse checks to residents who had insurance.

- Discussion Regarding Payment of Dues for Glen Abbey Community Association.

Ms. Blissett said the City had received a bill for dues and asked the Council for approval to meet with the association to ask them to waive the fees. She said the fees were \$200 per home for a total of \$1,600 per year for the lots that were purchased with the FEMA buyout program. The Council agreed.

- Promotional Signs

Ms. Blissett said she had staff inventory the existing sign permits. She said she would move forward at Council's direction.

C. City Attorney

Mr. Ardaman had nothing to report.

### **XIII. Adjournment**

The meeting was adjourned at 10:46 p.m.

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

**Bob Garcia, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**