

City of DeBary
REGULAR CITY COUNCIL MEETING
Wednesday
December 16, 2009
7 PM
City Council Chambers
16 Colomba Road
DeBary, Florida 32713

MINUTES

I. Call To Order

Vice Mayor Erickson called the meeting to order at 7:00 p.m.

II. Roll Call

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

Members Absent: Mayor Bob Garcia (excused)

Others Present: Interim City Manager Kassandra Blissett, City Clerk Stacy Tebo, and Assistant City Attorney Giffin Chumley

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

Stephen Bacon, 257 Bayou Circle, made a few remarks regarding the national health care plan and made several recommendations.

Steve Costa, 351 Lemon Avenue in Lake Helen, said he attended the Economic Development Advisory Committee meeting and spoke to the members regarding amending the Land Development Code and the pass through ordinance. He requested that Council consider addressing that section of the Code.

IV. Approval of Minutes

None.

V. Additions, Deletions, or Amendments to the Agenda

Council Member Conoley added an item under New Business titled "What the City can do to help the people of DeBary who are unemployed".

Vice Mayor Erickson added the Christmas Lighting Display Winners and the Parade Winners as item one under Presentations.

Ms. Blissett asked to add Mayor Garcia's email regarding a holiday bonus as number four under New Business.

VI. Presentations

1. Winners of the DeBary 2009 Christmas Parade.

Vice Mayor Erickson read the following names aloud, and Ms. Blissett handed out the trophies.

- Adult Civic – 3rd place, Four Towne’s Moose Lodge
2nd place, Mid-Florida Jeep Club
1st place, Fraternal Order of the Orioles
- Adult Youth Civic- 3rd place, VIC Ministries
2nd place, Community United Methodist Church
1st place, The Chapman Family
- Commercial - 3rd place, DeBary Manor
2nd place, Mary Kay
1st place, The Dance Pad
- Youth Civic - 3rd place, West Volusia Wolves
2nd place, Ranch Raiders 4H Club
1st place, Pack 560 Cub Scouts
- School - 3rd place, Reading Edge Academy Cheerleaders
2nd place, Deltona High Blue Brigade Band
1st place, Deltona Senior FFA
- Judges Choice - City of Deltona

Council Member Marks thanked everyone who participated for their hard work. He also thanked John Fletcher and his staff for getting the parade organized.

Christmas Lighting Display Contest Winners

- Northwest Quadrant – 2nd place, 140 Barclay Court
1st place, 505 Quail Hill Drive
- Northeast Quadrant – 3rd place, 536 Soft Shadow Lane
2nd place, 585 Summerhaven Drive
1st place, 640 Bernasek Drive
- Southwest Quadrant – 3rd place, 72 Community Drive
2nd place, 69 Community Drive
1st place, 85 Lake Drive
- Southeast Quadrant - 2nd place, 12 Valencia Road
1st place, 240 Grande Vista Street

Vice Mayor Erickson thanked and congratulated the participants.

2. Comprehensive Plan Amendments Update by Shalene B. Estes.

Ms. Estes updated the Council on her progress with the EAR-Based Amendments. She gave a brief recap of the recently approved Future Land Use Map Amendment for the property owned by Empire Cattle. She stated that she was in the process of generating a report to send to DCA; that the laws of Florida require a data and analysis report; that the typical process takes seven months; that DCA did require a traffic study; that she had requested traffic study proposals from three firms and had gotten two of them back; that both proposals were \$3,000 each; that if they stay on schedule, the traffic studies should be back in two to three weeks; and that the amendments must be transmitted to DCA by March.

Council Member Conoley asked Ms. Estes to discuss the purpose of a traffic study and what information was gained by doing one.

Council Member Marks asked that the project be expedited to ensure the timely transmittal to DCA.

Ms. Estes noted that Sunrail had recently passed, and DeBary's plan does not contain transit rail policies. She said that they could go ahead and transmit the amendments without the new policies.

Council Member Lenzen asked Ms. Estes to discuss the reason for the City to include transit rail policies in their plan. Ms. Estes responded that the City should define any issues around the transit station and decide what the City envisions for the surrounding areas.

Vice Mayor Erickson said Ms. Estes should proceed with transmitting so as not to delay. He said he would like to schedule a workshop to go over it again and suggested it be scheduled in January. Council Member Marks asked that it be scheduled in early January.

Vice Mayor Erickson asked to discuss the development review issue raised by Mr. Costa on January 6th.

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. Traffic Enforcement Agreement for St. John's Woods HOA.
- *2. Traffic Enforcement Agreement for St. John's River Estates HOA.

Vice Mayor Erickson made a motion to approve both items on the consent agenda. Council Member Marks seconded the motion.

Council Member Conoley said he needed direction from Ms. Blissett or the Mayor regarding the items.

Ms. Blissett said the agreements are necessary because they are private streets in private communities, and the Sheriff's Department is unable to enforce traffic laws without agreements.

She added that the Home Owners Associations from the communities asked that a document be drafted allowing law enforcement to enforce traffic laws in their communities.

Vice Mayor Erickson asked for a vote on the motion, and it 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 #08-09 – Second Reading – Amending Ordinance #11-04 to Reduce the Number of Members on the Streetscape Advisory Committee.

Mr. Chumley read Ordinance #08-09 aloud by title.

Vice Mayor Erickson moved to approve Ordinance #08-09 on second reading. Council Member Conoley seconded, and the motion passed unanimously.

2. Resolution #09-20 – Adopting Fee Schedule for Fire Inspections and Review.

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

Vice Mayor Erickson made a motion to approve Resolution #09-20, and Council Member Conoley seconded. The motion passed unanimously.

IX. Growth Management and Development Review

None.

X. Old Business

1. Discussion of Background Checks for the City Manager Finalists.

Vice Mayor Erickson said that he wanted to move forward with background checks; that there were at least five candidates they could do background checks on; that he talked to the city manager, city attorney, and staff regarding the checks and was ready to proceed with them; that Council needed to clarify the areas it wanted to have checked; and that he asked to have Council consensus or a motion to initiate the background checks.

Council Member Conoley said he agreed to move forward with the background checks and wanted the city attorney's office to handle them.

Vice Mayor Erickson said he also wanted to look over the contract again to determine if anything should be changed. He suggested sending the contracts to candidates prior to the interview, to ensure that everything was agreeable, or if they wanted changes. He asked that Council members look at the contract and be ready to discuss it on January 6th.

Vice Mayor Erickson reminded the Council that Ms. Blissett's contract would expire on March 11th, and he would like to have an overlap, so that there would be a transition period with the new manager.

Council Member Lenzen said he agreed with Council Member Conoley that they should hire an outside firm to do the background check, but he did not want the city attorney's office to handle it. He agreed with Vice Mayor Erickson's statement regarding the overlap and transition period.

Council Member Conoley said he agreed with Vice Mayor Erickson. He stated that he wanted Council to direct Ms. Blissett to send letters out to the five candidates; that he thought the contract was fine as it was and nothing needed to be changed; that he did not want to negotiate the contract with potential candidates, and if they had problems with it, they could take themselves out of consideration; and that interviews should all be scheduled in the month of January.

Mr. Chumley stated that Ms. Blissett's contract was originally not to exceed six months; that the contract could be extended if the Council desired; that the City could only have one city manager at a time; and that when the new manager was hired, the City would have to hire Ms. Blissett as a consultant.

Ms. Blissett said she was committed to help the City in whatever capacity she was needed.

Council Member Marks said he agreed with Council Member Conoley to have the background check done by the city attorney and that the contract was good as it was.

Mr. Chumley said his office would hire an outside firm to do the background check if they were directed by Council to do them.

Vice Mayor Erickson said he agreed with Council Member Lenzen in that Council should hire the firm directly instead of hiring the city attorney to engage another firm to do the background checks. He said if Council Member Marks and Council Member Conoley would not agree to have staff coordinate the background checks, he would change his vote so the background checks could be done.

Council Member Conoley made a motion to direct the city attorney's office to proceed with background checks on the five top candidates. He asked that the city attorney provide the report directly to the Council at the next council meeting. Council Member Marks seconded the motion.

Mr. Chumley said there were different packages for background checks, and he asked Council to clarify what areas of the background Council wanted to have checked.

Council Member Lenzen said they should put a limit on the amount they would spend on the background checks. He said he wanted the checks to include credit, education and employment verification, and criminal background.

Ms. Blissett said it should not exceed \$3,000 for all five background checks. She said she did not know how much the attorney fees would be. Vice Mayor Erickson said the attorney fees should not exceed \$3,500 or \$4,000.

Council Member Conoley said he amended his motion for attorney fees not to exceed \$4,000. Vice Mayor Erickson seconded the motion.

Council Member Lenzen said he wanted the Beacon score in the credit background check. He said if the candidate had a low score he wanted to know why, but the score alone would not eliminate him from consideration.

Vice Mayor Erickson asked for a vote on Council Member Conoley's motion. The motion passed unanimously.

Council Member Conoley made a motion to interview the candidates on January 27th starting at 1:00 p.m. in Council chambers. Council Member Marks seconded the motion.

Council Member Lenzen said there were too many unknowns to set a time and day. He said Council did not know if the candidates could be there on that date for the interview.

Ms. Blissett said Council could tentatively schedule the interviews, and she would report back to Council whether they were all available.

Council Member Lenzen said he was ready to vote on the motion if it was amended to include Ms. Blissett's suggestion that Council tentatively schedule the interviews until she could confirm the candidates were available on that date. Council Member Conoley amended his motion. Council Member Marks seconded the motion. The motion passed unanimously.

Council Member Conoley asked that Council consider Ms. Blissett's contract. Vice Mayor Erickson said that when a new manager was hired, Ms. Blissett would be offered a contract as a consultant that would be similar to her current contract.

Council Member Lenzen asked to put a stipulation on the contract that there would be an overlap of employment for Ms. Blissett and the new city manager. Mr. Chumley said he would look into that stipulation.

XI. New Business

1. Proposal from Professional Engineering Consultants / Pegasus Engineering to Prepare the Hazard Mitigation Grant Program Application for Naranja Road/ Second Street.

Ms. Blissett stated that Naranja Road has historically experienced flooding issues. She recommended approval of the proposal from PEC/Pegasus in the amount of \$14,985.08 for Mr. Hamstra to prepare and submit the FEMA Hazard Mitigation Grant Program (HMGP) application for the Naranja Road / 2nd Street Drainage Improvement Project.

Vice Mayor Erickson motioned to approve the proposal, and Council Member Lenzen seconded. The motion passed unanimously.

2. Discussion Regarding Smart Growth by Vice Mayor Erickson.

Vice Mayor Erickson showed a Power Point presentation he had prepared regarding smart growth.

Steve Costa, 351 Lemon Avenue, said he enjoyed Vice Mayor Erickson's presentation. He said smart growth presented a life style that some people had the ability to choose. He also spoke briefly about commuter rail.

Vice Mayor Erickson said to support commuter rail, communities needed population density.

Council Member Marks stated that the government did not know how it would pay for the commuter rail; that the money would end up coming from the tax payers; and that there were a lot of unanswered questions regarding commuter rail.

Council Member Lenzen said he appreciated the presentation and said he agreed with a lot of the facts noted by Vice Mayor Erickson.

3. What the City can do to help the people of DeBary who are unemployed.

Council Member Conoley suggested the City have a job fair for DeBary citizens in February.

Council Member Marks said it would be a worthwhile effort, but he did not know how it would be put together.

Council Member Lenzen said the City could offer a facility, and if it was in the City's means, he agreed.

There was Council consensus to look into the job fair.

4. Mayor Garcia's email regarding holiday bonuses.

Ms. Blissett said Mayor Garcia suggested bonuses for City employees because they did not get raises for the year. She noted that the suggested bonuses would be for sixteen full-time employees.

Council Member Lenzen said the employees had not been given a raise, and typically there was a Christmas party. He said he supported giving the employees a \$100 gift certificate because there was not a party or raises.

Vice Mayor Erickson said it should be the city manager's decision. Council Member Marks agreed.

Ms. Blissett quickly referred to the City Code and said the manager does have the authority to appropriate funds for the bonuses. She added that she would not have financial gain from her decision, as she is not considered a regular, full-time employee.

XII. Council Member/Committee/Staff Reports

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

Vice Mayor Erickson asked about the effort to get minutes completed. Ms. Blissett said Ms. Tebo was looking at the issue with her, and they considered using an existing employee to work after hours to get the minutes done or possibly hiring a retiree.

Council Member Marks asked to place the gambling issue on the agenda for the next meeting. He also asked about the error that was found recently by the finance staff. Ms. Blissett said the City's staff discovered an invoice that had been double billed by a vendor. She said they received reimbursement from the vendor.

Council Member Lenzen complimented Ms. Blissett, PEC, David Hamstra, GAI, and The Briar Corporation.

B. City Manager

Ms. Blissett said the City had been approached by the owner of Glen Abbey and his attorney; that Assistant City Attorney Dan Langley was also present; that they had proposed the City acquiring the golf course; and that she needed direction from Council if they were interested in having her pursue it.

None of the Council members wished to pursue it.

Ms. Blissett informed the Council that staff was picking the resurfacing project back up, the bid documents were complete, and they had a prioritization list.

Ms. Blissett noted that Mr. Hamstra and Mr. Hare were preparing a detailed document regarding recommendations on the Westside project.

C. City Attorney

Mr. Chumley had nothing to report.

XIII. Adjournment

The meeting was adjourned at 10:47 p.m.

**APPROVED May 5, 2010
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk