

**City of DeBary**  
**REGULAR CITY COUNCIL MEETING**  
**Wednesday**  
**February 3, 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 7:01 p.m.

**II. Roll Call**

**Members Present:** Mayor Bob Garcia, Vice Mayor Norman 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.

Donald McGrath, 116 Lower Lake Court, said he received a letter from the homeowners association regarding a delay in stormwater work.

Ms. Blissett said she was not aware of any letter or delay, but she would check into it for Mr. McGrath.

Sharon Pertler, 251 Lakewood Drive, said she was representing the DeBary Civic Association. She said on behalf of the Little Miss DeBary Pageant, she needed to put up a banner advertising the pageant. She said she needed a variance from the City Council in order to keep the banner up for at least thirty days.

Mayor Garcia said Council would add the item to the agenda for discussion later in the meeting.

Chris Bowman, 56 Sackett Road and Chairman of the Orlando Heights Neighborhood Improvement District, said that Mayor Garcia had expressed concerns about Orlando Heights, but had missed the meeting he had scheduled. He said he attended the Council meeting to find out what Mayor Garcia's concerns were.

Mayor Garcia apologized for not attending the meeting. He said he had a previous engagement that ran over time, and it was important that he stay. He said he wanted to set up a meeting with

Mr. Bowman to find out what the Mayor should know regarding Orlando Heights. He said he would have Barbara set an appointment at Mr. Bowman's desired time and location.

#### **IV. Approval of Minutes**

1. Regular City Council Meeting held June 17, 2009.
2. City Council Workshop held June 20, 2009.
3. City Council Workshop held June 23, 2009.
4. Regular City Council Meeting held July 1, 2009.
5. City Council Workshop held July 7, 2009.
6. Regular City Council Meeting held July 15, 2009.

Council Member Conoley noted a correction to the minutes from July 1, 2009. He stated that under New Business, Vice Mayor Erickson had five finalists instead of six. He said everything else was correct.

Vice Mayor Erickson moved to amend the minutes as stated by Council Member Conoley. Council Member Conoley seconded the motion. The motion passed unanimously.

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

Council Member Conoley asked to question the city attorney through the mayor about billing number 73607 and to make a comment regarding GAI inspection services. Mayor Garcia said they would add the two items as four and five under New Business.

Council Member Marks added Civic Center signage under Old Business.

Vice Mayor Erickson said he would offer his opinion about VGMC and Farnton during Communications.

Ms. Blissett asked to add the Economic Development Discussion under New Business to the presentation.

#### **VI. Presentations**

1. Presentation by Economic Development Advisory Committee Vice Chair Val Emerson.

Vice Chair Emerson said Chair Vihlen sent his apologies for not attending the meeting. She stated that the Committee had discussed the advantages of using Volusia County Economic Development Office resources; that they had discussed a joint meeting with Council; and that they had also discussed the City brochure. She said the Committee came up with a number of suggested topics for the joint meeting with Council including the following: the Committee's involvement, if any, in land use, discussion of vacant buildings, the development around the commuter rail corridor, incentives to attract new growth, and Council's goals and design for the City brochure.

#### **XI. New Business**

3. Discussion Regarding Economic Development Advisory Committee.

Mayor Garcia said it was a good presentation, and Ms. Emerson had brought up important points. He suggested scheduling a workshop to discuss the items Ms. Emerson brought up.

Council Member Marks said he thought a workshop was necessary, and the Council should schedule it.

Mayor Garcia said the City needed to sustain existing businesses, and not only work to attract new business. Ms. Emerson said there were signs that the economy was turning around.

Ms. Emerson thanked Ms. Blissett for her good work and involvement in the community.

Ms. Blissett said the City was moving forward with the photo contest for the brochure.

John Likakis, 38 Seminole Drive, said he agreed with Ms. Emerson, and he thought the Committee was great. He said there was an existing brochure he had worked on that the City could use. He said he would provide it to the Committee.

## **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. Ordinance #02-10 – Transmittal Hearing of the Local Planning Agency (LPA) and the City Council– Amending the Comprehensive Plan by Adopting Certain Evaluation and Appraisal Report (EAR) Based Amendments and Updating the Future Land Use Map.

Mr. Ardaman read Ordinance #02-10 aloud by title. He suggested Council recess as the City Council and reconvene as the Land Planning Agency (LPA).

Council Member Conoley motioned to open as the LPA. Vice Mayor Erickson seconded, and the motion passed unanimously.

Shalene Estes, planner with GAI Consultants, said she had an administrative request to adopt the ordinance to authorize transmittal of the EAR-based amendments to the Department of Community Affairs.

Vice Mayor Erickson asked Mr. Ardaman about the mention of alternative use areas in the comprehensive plan. Mr. Ardaman said it could be changed for the transmittal, or the Council could discuss it once it comes back from DCA. Mr. Ardaman said it might have been an oversight that the reference to alternative use areas was left in when the deletion was approved by a previous Council.

Council Member Marks asked that it be corrected.

Council Member Lenzen asked if the document had been drastically altered. Ms. Estes said it had not.

Mayor Garcia asked about the maps included with the amendments. Ms. Estes said there were twenty-seven maps.

Vice Mayor Erickson made a motion to recommend transmittal of Ordinance #02-10 to the City Council. Council Member Marks seconded, and the motion passed unanimously.

Vice Mayor Erickson motioned that they reconvene as the City Council. Council Member Conoley seconded, and the motion passed unanimously.

Mayor Garcia entertained a motion for approval of the LPA's recommendation to transmit Ordinance #02-10 to DCA. Motion made by Vice Mayor Erickson and seconded by Council Member Conoley. The motion passed unanimously.

2. Resolution #10-04 – Amending the Personnel Manual to Provide for an On Call/Standby Policy.

Mr. Ardaman read Resolution #10-04 aloud by title.

Vice Mayor Erickson motioned to approve the resolution. Council Member Marks seconded the motion.

Council Member Conoley asked for clarification if something happened that would require a citizen to call 911 and voiced concern that someone might call the phone number listed instead of 911 .

Ms. Blissett said the number was for park maintenance issues, not for personal injury. She said a member of staff had been required to be on call continuously without compensation. She said the resolution would provide for compensation and implementation of a rotation policy.

Mr. Ardaman said Council needed to be careful about the language on the signs so there would not be any misunderstandings.

Ms. Blissett stated she would look into the language on the signs.

Mayor Garcia asked for a vote on the motion to approve. The motion passed unanimously.

- 3 Resolution #10-05 – Amending Resolution #97-08 to Delete Member Term Limits for the Historic Preservation Advisory Board.

Mr. Ardaman read Resolution #10-05 aloud by title.

Council Member Conoley motioned to approve the resolution, and Council Member Marks seconded. The motion passed unanimously.

4. Resolution #10-06 – Adopting a Corporate Banking Authorization to Change Signatories.

Mr. Ardaman read Resolution #10-06 aloud by title and recommended that Council amend the resolution to make it effective on February 8, 2010.

Council Member Conoley motioned to approve the resolution, with the amendment Mr. Ardaman suggested, to be effective on February 8, 2010. Council Member Lenzen seconded the motion, and it passed unanimously.

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

1. Discussion Regarding Whether to Render an Interpretation of Comprehensive Plan Policy 5.401b.(3) Requested by Alex Ford on Behalf of Florida Residential Communities and Associated Procedures for Potential Interpretation.

Alex Ford, representative for Florida Residential Communities, asked if Council would render an interpretation.

Mr. Ardaman said Council could make an interpretation, but there was not a formal policy for interpretation without an application. He said that Council was not required to make an interpretation because there was no pending development. He recommended that Council not make an interpretation at the meeting.

Council Member Conoley asked what Mr. Ford's client intended to do. Mr. Ford said he was not sure, but he thought it was residential.

Council Member Marks said he wanted to know what Mr. Ford's client wanted to do and said the information was too cloudy.

Mr. Ardaman said currently the area was considered agriculture/rural allowing a maximum of one residence per five acres.

Mr. Ford said his client was asking if they would allow density of up to four per acre.

Council Member Lenzen said he needed more information before making a decision.

Council Member Conoley said he did not want to interpret the plan when the client did not have clear title.

Don McGrath, 116 Lower Lake Court, said Mr. Ford did not have enough information for the presentation, and he did not think the City Of DeBary needed more development because of the current stormwater problems.

Vice Mayor Erickson made a motion to continue the discussion to the next meeting on February 17, 2010, at 7:00 p.m. Council Member Lenzen seconded, and the motion passed unanimously.

## **X. Old Business**

1. Civic Center Signage for the Little Miss DeBary Pageant.

Council Member Marks said he supported keeping the sign up longer because he considered the Little Miss DeBary Pageant just as important as the Christmas Parade. Vice Mayor Erickson, Council Member Conoley, Mayor Garcia and Council Member Lenzen agreed.

Vice Mayor Erickson made a motion to waive the code requirement and extend it from February 8<sup>th</sup> to March 25<sup>th</sup> for forty-five days. Council Member Conoley seconded, and the motion passed unanimously approved the motion.

**XI. New Business**

1. Discussion Regarding Time Limits for Presentations.

Ms. Blissett said the only policies that existed for time limits were three minutes for public participation and five minutes for agenda items. She suggested Council establish written policies.

Vice Mayor Erickson said it was hard to establish a time because every presentation was different.

Mayor Garcia suggested fifteen minutes for a presentation, and Council could vote to extend the time.

Vice Mayor Erickson suggested ten to fifteen minutes, and then Council could vote to extend the time.

Vice Mayor Erickson motioned that the time for presentations be ten to fifteen minutes with an option for the Council to extend the time. Council Member Lenzen seconded, and the motion passed unanimously.

2. Memorandum of Understanding Between the West Volusia Cities and Volusia County Regarding Water.

Mayor Garcia said he was concerned because the packet had not been reviewed by any legal representative, and it contained the word "finance" within it.

Danny Allen, 140 Fort Florida Road, spoke regarding Farmton, Volusia County, and water resources. He said Farmton had been approved to sell water.

Council Member Lenzen stated that it was mandated that the City Of DeBary come up with an alternate source for water; that if the whole region joined together, they would have a case to present regarding water resources and cost; that he supported the agreement so the City would have a place at the table for the discussion; and that the city attorney should review it.

Mr. Ardaman said it was a legal and binding agreement. Council Member Lenzen said he wanted to make sure the City was covered.

Mr. Ardaman suggested Ms. Blissett contact the originator of the packet to discuss Council's concerns and get a better understanding of the intent of the agreement.

Vice Mayor Erickson motioned that Ms. Blissett contact the City of Deland, with a black lined Memorandum of Understanding to discuss the agreement and report back to Council. Council Member Conoley seconded, and the motion passed unanimously.

4. Question Regarding City Attorney Billing 73607 by Council Member Conoley.

Council Member Conoley asked Mr. Ardaman to discuss billing 73607 which referenced the Highland Country Estates Mobile Home Park and the DeBary Art League.

Mr. Ardaman said that the park claimed there was water coming from the pond on the land the Art League was subleasing from the City, and it was draining into the trailer park. He said his recommendation was to put the Art League on notice that they are responsible as the sublease agreement indicated.

Vice Mayor Erickson motioned to extend the meeting one hour. Council Member Conoley seconded, and the motion passed unanimously.

Mr. Ardaman said the City could be brought into a lawsuit, even though it was clear that the Art League was legally responsible.

Council Member Conoley made a motion to direct Mr. Ardaman to send a certified letter to the Art League to notify them of their responsibilities regarding the retention pond draining. Vice Mayor Erickson said he was in support of the letter and seconded. The motion passed unanimously.

5. GAI Inspection Services.

Council Member Conoley spoke about an invoice and said he wanted the billing to show whose signature authorized it.

Ms. Blissett said it was an appropriate recommendation to have names and times indicated on the billing. She said she had already requested the changes, and they would appear on future invoices.

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

1. Board / Committee Appointments  
Streetscape Advisory Committee  
Susan Preil  
Mike Kolba  
Laura Lee Clark  
Aileen McRae  
Mike Arroyo

Vice Mayor Erickson  
Council Member Conoley  
Council Member Lenzen  
Mayor Garcia  
Council Member Marks

Vice Mayor Erickson motioned to reappoint all members of the Streetscape Advisory Committee. Council Member Conoley seconded, and the motion passed unanimously.

Economic Development Advisory Committee

Valerie Emerson	Council Member Marks
Sid Vihlen, Jr.	Council Member Lenzen
Dawn Fitzpatrick	Mayor Garcia
John Atkinson	Vice Mayor Erickson
Jim Chestnutt	Council Member Conoley
Chris Yacenda	At-Large
Nathan Enright	At-Large
Kristi Knight (Alternate)	At-Large

Vice Mayor Erickson motioned to reappoint all members of the Economic Development Advisory Committee. Council Member Lenzen seconded, and the motion passed unanimously.

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

Mayor Garcia said that DeBary was mentioned at the State of the County address.

Mayor Garcia informed the Council of an activity at DeBary Elementary and invited the Council to volunteer for the dunking tank.

Mayor Garcia said that DeBary had one of the highest turnouts for the Census at 78-percent.

Mayor Garcia spoke briefly about an alert for a missing child and commended law enforcement for their professionalism. He said the child was found later.

Council Member Marks noted that there would be a vote taken the following week by VGMC and asked what Council should do. He listed the objections made by DCA and said he was not in favor of the project.

Vice Mayor Erickson agreed with Council Member Marks. He read an excerpt from a letter written by the City of Deltona regarding the fifty-year plan.

Vice Mayor Erickson said he got the audits from 2000 to 2006. He shared his findings with Council regarding timeframes when the reports were received over the years.

Council Member Conoley said he expected the new city manager would make significant changes in the City.

Council Member Conoley said he wanted to thank Mr. and Mrs. Lombardi for their work with the library.

Council Member Lenzen spoke about the situation discussed earlier by Council Member Conoley regarding the Art League and the adjacent mobile home park.

Council Member Lenzen spoke about Farmton.

- B. City Manager

Ms. Blissett said it was her last meeting as city manager, and she had enjoyed serving DeBary and working with Council.

Ms. Blissett informed the Council that there would be a lane closures on West Highbanks Road from 9 a.m. to 4 p.m. for two months. She explained that Briar would be working in the area.

C. City Attorney

Mr. Ardaman stated that they had a hearing on the motion to dismiss the Hazen lawsuit, and Hazen would have to properly serve the City again.

**XIII. Adjournment**

The meeting was adjourned at 11:58 p.m.

**APPROVED May 19, 2010  
CITY OF DeBARY  
CITY COUNCIL**

**Bob Garcia, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**