

**City of DeBary**  
**CITY COUNCIL MEETING**  
**Wednesday**  
**February 17, 2010**  
**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 7:03 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:** City Manager Dan Parrott, City Clerk Stacy Tebo, City Attorney Kurt Ardaman, and Consultant Cassandra Blissett

**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, asked if the Council would specifically address the Lower Lake Court area later in the meeting and welcomed the new city manager, Dan Parrott.

Pauline Morrison, 220 Plumosa Road, stated that there were cracks in her home due to the recent stormwater project construction; that she contacted Anthony Gonzalez, Kevin Hare, and Cassandra Blissett to voice her concerns; that her home was fine when she purchased it two years ago; and that she would like to have the problem resolved.

Consultant Cassandra Blissett gave a brief summary of the actions she took as the interim city manager regarding the concerns raised by Ms. Morrison. She said she had the city attorney put the contractor on notice regarding the complaints.

Jill Bembenek-Dunn, 212 Plumosa Road, said that the construction began on May 4<sup>th</sup>, and on May 18<sup>th</sup> she discovered the cracks in her house. She said on that same date, the construction created extremely loud vibrations that shook her entire home. She also complained of the construction workers driving recklessly and consuming alcohol on the job.

Sharilyn Hummel, 145 Bonita Road, agreed with Ms. Bembenek-Dunn and said she had approximately fifteen cracks in her house.

Charles Atkinson, Jr., 211 Plumosa Road, stated there was a solid week of rain prior to the initiation of the construction; that the ground was waterlogged when they began construction; that a sinkhole opened in his front yard shortly after construction began; and that he believes the cracks in his home and the sinkhole were caused by the stormwater project.

Steve Costa, representing DeBary Town Center, spoke briefly about SunRail and stated that the train station would be a huge economic development opportunity for the City.

County Council Member Pat Northey informed the Council that she intended to introduce a request to form a SunRail Corridor Coalition at the County Council meeting the following day.

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

1. City Council Workshop held July 22, 2009.
2. Special City Council Meeting held August 11, 2009.
3. City Council Workshop held August 17, 2009.

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

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

Council Member Conoley asked to add two items to Old Business. The first item was a discussion regarding the city manager sending a letter to 300 May Place. The second item was to add a discussion regarding the retention pond at the Gateway Center for the Arts.

Mr. Parrott informed the Council that Mr. Ford requested that his item be pulled from the agenda under Growth Management and Development Review.

Mayor Garcia said he would like to add a discussion of the commuter rail station under Communications.

#### **VI. Presentations**

1. Chair Ann Batson of the Public Safety Advisory Committee.

Chair Batson outlined the activities of the Committee, including the address stenciling project that would assist emergency response vehicles. She thanked the Boy Scouts for their assistance with the project.

She spoke about the wonderful service provided by the Sheriff's Department and the informative sessions given by Captain Alan Osowski and Lieutenant Cliff Williams.

2. Update on Stormwater Construction Activities by Kevin Hare of GAI Consultants, Inc.

Mr. Hare gave an overview of the West Side Emergency Flood Management System and explained the progress made in each of the phases. He stated that the project is sixty-five to seventy percent complete. He added that it would be substantially complete and operational by July 1<sup>st</sup>. He provided several pictures to the Council and audience of the ongoing work.

Mr. Hare updated the Council on the status of the residential projects from the stormwater capital improvement program. He provided several photos of the current construction for the Council.

#### **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 #03-10 – First Reading – Amending the Land Development Code to Prohibit the Establishment and Operation of Card Rooms within the City of DeBary.

Mr. Ardaman read Ordinance #03-10 aloud by title. Mayor Garcia asked if there was any public input. Mr. McGrath asked for a definition of a card room. Vice Mayor Erickson read the definition from the ordinance aloud to the audience.

Vice Mayor Erickson made a motion to approve Ordinance #03-10 on first reading, and Council Member Marks seconded. The motion passed 3-2, with Mayor Garcia and Council Member Lenzen dissenting.

2. Resolution #10-07 – Amending Rules of Order to Provide for Time Limits on Presentations.

Mr. Ardaman read Resolution #10-07 aloud by title.

Mr. Parrott stated that the resolution would limit presentations to no longer than fifteen minutes, with the option to extend the time at the discretion of the Council.

Vice Mayor Erickson made a motion to approve Resolution #10-07, and Council Member Conoley seconded. The motion passed unanimously.

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

1. Discussion Regarding Whether to Render an Interpretation of Comprehensive Plan Policy 5.401b3 Requested by Alex Ford on Behalf of Florida Residential Communities and Associated Procedures for Potential Interpretation (CONTINUED FROM FEBRUARY 3, 2010).

This item was removed from the agenda at the request of Alex Ford.

### **X. Old Business**

1. DeBary Elementary School Lake Naming Project.

Mr. Parrott listed the lake names chosen by the students.

Council Member Marks made a motion to approve the names chosen by the students, and Council Member Lenzen seconded. The motion passed unanimously.

2. Discussion by Council Member Conoley Regarding the City Manager Sending a Letter to 300 May Place.

Council Member Conoley spoke about the possibility of litigation regarding 300 May Place with Mr. Ardaman.

Mr. Ardaman advised the Council not to take any action at the current time because a lawsuit has not been filed against the City.

David Chapman, 13 Palmetto Drive, recommended the Council consider the advice of the city attorney.

3. Discussion by Council Member Conoley Regarding the Retention Pond at the Gateway Center for the Arts.

Council Member Conoley asked if Mr. Ardaman sent a letter to the Art League regarding the retention pond and its effect on the adjacent mobile home park. Mr. Ardaman responded that he did, and he provided a copy to the City.

Council Member Conoley asked if Mr. Ardaman could facilitate resolution between the two parties.

Council Member Lenzen stated that the City is not involved, and the City is held harmless in the sublease agreement.

## **XI. New Business**

1. Approval of Engineering Contracts for Finley Engineering Contracts for Finley Engineering, Pegasus Engineering, CPH Engineers, and Quentin L. Hampton Associates.

Ms. Blissett informed the Council that the city attorney's office revised the contracts to include a reference to Exhibit A that was not noted in the previous contracts. She said that the four contracts were substantially similar except for the fee schedules. She noted that CPH would be used for roadway projects, Finley would provide general engineering services, Pegasus would continue to provide stormwater services, and Hampton would provide construction engineering and inspection services, as well as serving as a backup for stormwater. She reminded Council that GAI is still under contract until August, and the City may extend it if they desire.

Council Member Conoley stated that the four contracts were not identical and asked why Quentin Hampton was different. Mr. Ardaman said that two companies requested a slight change to their respective contracts, but the Council does not have to approve them with the changes.

Council Member Conoley asked Ms. Blissett for specific information regarding the Quentin Hampton contract. Ms. Blissett said that she had an email from Mr. Chumley itemizing the differences, and she left the Chambers to retrieve the information from upstairs.

Vice Mayor Erickson made a motion to table items one and three until the next meeting. Council Member Conoley seconded, and the motion passed unanimously.

2. Award of Bid #07-09 for the Three Lake Interconnect Projects and Community Drive Stormwater Capital Improvement Project.



Mr. Parrott said he prepared a resolution of support for DeBary's commuter rail station and gave a copy to each Council member.

Mr. Ardaman read Resolution #10-09 aloud by title. He suggested that the Council might want to change the wording in Section One to specify the Fort Florida Road location. The Council agreed.

Council Member Lenzen made a motion to approve Resolution #10-09 with the wording suggested by Mr. Ardaman, and Vice Mayor Erickson seconded. The motion passed unanimously.

Vice Mayor Erickson said he would be talking to the city manager about moving committee reports to the beginning of the agenda. He said he would also be attending the upcoming VCOG meeting.

Council Member Marks stated that he had been working with Colleen Chamberlain on the upcoming Census; that they had sent out numerous letters regarding the Census to civic groups and homeowner associations; that DeBary had a 78 percent completion rate for the last Census; and that he feels DeBary can surpass that participation percentage in 2010.

Council Member Conoley made a motion to extend the meeting for one hour, and Vice Mayor Erickson seconded. The motion passed unanimously.

Council Member Conoley informed the Council that due to another commitment, he would be unable to attend the upcoming joint meeting with the Economic Development Advisory Committee.

B. City Manager – Citizen Survey and Strategic Planning Steering Committee

Mr. Parrott said that once Council begins looking at the development surrounding the train station, the citizen survey could be modified to include that area.

C. City Attorney

Mr. Ardaman had nothing to report.

**XIII. Adjournment**

The meeting adjourned at 11:09 p.m.

**APPROVED June 2, 2010  
CITY OF DeBARY  
CITY COUNCIL**

**Bob Garcia, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**