

**City of DeBary  
CITY COUNCIL WORKSHOP**

**Wednesday  
May 19, 2010**

**6:00 PM**

City Council Chambers  
16 Colomba Road  
DeBary, Florida 32713

**MINUTES**

**I. Call to Order**

Mayor Garcia called the workshop to order at 6:02 p.m.

**II. Roll Call**

**Members Present:** Mayor Bob Garcia, Vice Mayor Norman Erickson, Council Member Jack Lenzen, and Council Member Leonard Marks

**Others Present:** City Manager Dan Parrott, Assistant City Manager Cassandra Blissett, and City Clerk Stacy Tebo

**III. Discussion of Budget Goals and Objectives for FY 2010/2011**

Mr. Parrott asked the Council to look at the April 30<sup>th</sup> cash balance and focus on the general fund. He reminded everyone that they would pay for the West Side System out of the general fund and then be reimbursed by FEMA. He said they would need to cash in some investments to fund the West Side System, and that the City would receive a total of \$4.1 million back from FEMA. He added that they would transfer the reimbursement immediately to cash reserves in the next fiscal year.

Mr. Parrott informed the Council that there is a \$650,000 cash balance left in the stormwater assessment fund, and the City needs \$529,000 of that to fund the remainder of the 2004 stormwater capital improvement projects. He stated he is confident that it accurately reflects the cash position staff expects on September 30<sup>th</sup>.

Vice Mayor Erickson asked Mr. Parrott to discuss the stormwater assessment and the allowable uses. Mr. Parrott responded that it is used to pay down the debt and maintain the stormwater system. Vice Mayor Erickson asked Mr. Parrott to discuss the auditor's adjustment entry.

Mr. Parrott explained the revenue from the local option gas tax. He said that staff expects an estimated \$600,000 less in property taxes in the coming year, as well as a decline of about \$74,000 in State revenue sharing funds.

Mr. Parrott asked the Council to look at the capital list. He noted that they need to remove Fort Florida Road from the list because the River Bend project would be paving the road as outlined in their development agreement. He asked if the Council wanted to install new sidewalks, repair old sidewalks, or do a mix of both. Vice Mayor Erickson suggested that they replace and repair the deteriorated ones first.

Council Member Lenzen spoke about the problem of vehicles driving over the sidewalks on Highbanks Road, and added that he does not want to continue replacing the sidewalks damaged by vehicles driving over them.

Council Member Marks said he favors a mix of both new sidewalks and repairing of old ones. Vice Mayor Erickson agreed. There was general consensus to do a mix. Mr. Parrott said he would develop a list and bring it back to Council.

Mr. Parrott stated that the City should get funding next July for the traffic signal in front of the fire station; that it would be a 75/25 split; and that the City would have to fund it up front. Council Member Lenzen asked if it would be any different than the former flashing yellow light that was removed.

Ms. Blissett explained that the traffic signal would be designed differently, so that the same problems are not encountered as with the previous light.

Council Member Lenzen recommended that the City hang on to its cash until the end of the year. He said that it is not a good idea to go into hurricane season with \$1.6 million and stressed that they hold on to the cash reserves throughout the hurricane season.

Mr. Parrott asked the Council to look at the essential projects which include Phase Six of the West Side Emergency Flood Management System, the Lakeside Gravity interconnect, the emergency generators, and the Lake Maud / Lake Susan interconnect. He noted that most of the projects already have funding.

Mr. Parrott stated that he would submit a budget that accounts for the administration of the special revenue funds, which has not been done in past budgets. He said an example would be the fifteen percent administration fee associated with the fire services contract with Orange City. He added that he would propose between eight and ten percent.

Mr. Parrott said he wanted to get an idea of the Council's desired service levels in the next fiscal year. He said he assumed they would still want to fund the Christmas parade and the 4<sup>th</sup> of July activities.

Mr. Parrott asked the Council if they preferred proactive or reactive code enforcement. There was Council discussion regarding code enforcement. Mr. Parrott said he would do some research and bring the information back to Council. Vice Mayor Erickson said that health and safety concerns should be addressed first, then citizen complaints.

Mr. Parrott said that in the coming year, he would like to address parkway maintenance, which is the area between the sidewalk and the street. He asked the Council to think about limiting what could be put in it, such as not planting trees in it, not parking on it, and not placing items such as rocks in it.

Mr. Parrott asked the Council to think about responsibility for tree trimming. He said it should be decided whether to ignore the complaint or trim the trees. He added that the Council should clarify the property owners' responsibilities.

He informed the Council that he would like to bring the business tax receipt issue before Council in the coming months to offset costs.

Mr. Parrott suggested the possibility of garage sale permits, and limiting the number per year.

He informed the Council that staff is working on the pass through ordinance now that an in-house planner has been hired.

Mr. Parrott stated that he is working on a purchasing policy, and the staff will soon be converting to a purchase order system. He added that Finance Administrator Jimmie Seelbinder is currently researching software options.

**IV. Adjournment**

The workshop adjourned at 6:57 p.m.

**APPROVED August 4, 2010  
CITY OF DeBARY  
CITY COUNCIL**

**Bob Garcia, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**

**City of DeBary**  
**REGULAR CITY COUNCIL MEETING**  
**Wednesday**  
**May 19, 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 7:05 p.m.

**II. Roll Call**

**Members Present:** Mayor Bob Garcia, Vice Mayor Norm Erickson, Council Member Jack Lenzen, and Council Member Leonard Marks

**Others Present:** City Manager Dan Parrott, Assistant City Manager Cassandra Blissett, City Clerk Stacy Tebo, Planning Administrator Rebecca Hammock, and City Attorney Kurt Ardaman

**III. Committee Reports**

1. Update on Economic Development Advisory Committee (EDAC) by Vice Chair Val Emerson.

Vice Chair Emerson summarized the recent meeting of the Committee and noted the helpfulness of the County Economic Development Department. She said that John Kizer, with County Economic Development, attended their meeting and is willing to help print the brochures.

She stated that EDAC discussed the DeBary business organization including the possibility of a virtual group format as a way for businesses to participate without taking too much of their time. She said that the Committee plans to look at the County list of occupational licenses and try to compile an email list.

Vice Chair Emerson informed the Council that Global Educational Institute is looking to move to DeBary.

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

Van Conoley, 25 Rosedown Boulevard, explained his reasons for resigning from the Council.

David Hamstra, stormwater engineer, provided a FEMA update for the Council and said the disaster recovery fund is scheduled to be replenished with five billion dollars during the session heading into Memorial Day. He said that the City's request for \$1.8 million to FEMA for the West Side System is not in jeopardy due to the temporary shortfall in their budget.

**V. Approval of Minutes**

1. Regular City Council Meeting held January 20, 2010.
2. Special City Council Meeting held January 27, 2010.
3. Regular City Council Meeting held February 3, 2010.

Mayor Garcia entertained a motion for approval of all the minutes. Motion made by Vice Mayor Erickson and seconded by Council Member Lenzen. The motion passed unanimously.

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

Council Member Marks asked for a discussion of internet cafés under New Business.

Mr. Parrott asked for the code board appointment to be moved to the next agenda.

## **VII. Presentations**

1. Presentation by American Legion Post 259 to Deputy of the Year Greg Seymour.

Members of the American Legion Post 259 presented a plaque and pin to Deputy Greg Seymour.

2. Proclamation for Florida Water Professionals Week.

Mayor Garcia read the proclamation aloud and presented it.

## **VIII. 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.

## **IX. 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 item:*

1. Summerhaven Professional Centre Variance Application.

Mayor Garcia disclosed his ex-parte communications with the applicant.

Planning Administrator Rebecca Hammock stated that the request is for an after-the-fact variance; that the building was completed in July of 2009; and that it was built with incorrect front and side yard setbacks.

Will Turner, general contractor of the project, addressed the Council and asked that they approve the variance for the future viability of the building.

Mayor Garcia stated that if the variance is not approved, the building would be useless.

There was Council discussion that approval of the variance would not have a detrimental effect on the City.

Vice Mayor Erickson moved to approve the variance, and Council Member Marks seconded.

A neighbor went to the podium to voice his concerns. He said that he owns the building next door, and he has to shovel sand every time it rains.

Mr. Parrott said they would need to look at it and see if there is a code violation. He said we would work with both parties to resolve the issue.

Mr. Turner noted that the setback variance is not related to the neighbor's concerns. He stated that it is the parking and hardscape area that is relative to the concern.

Mayor Garcia asked for a vote on the motion for approval, and it passed unanimously.

**X. Growth Management and Development Review**

None.

**XI. Old Business**

1. Appointment of New Council Member to Fill Vacant Council Seat.

Chris Carson, 416 Pine Meadow Drive, thanked Council Member Lenzen and Mayor Garcia for submitting his name at the last meeting. He emphasized the importance of the campaign process.

Vice Mayor Erickson spoke about the preferences identified by Council members and noted the difficulty in filling the position.

Council Member Lenzen said that the Council agrees on the big important things, and the Council is not dysfunctional.

Council Member Marks said all they could do is keep trying to appoint someone.

Mayor Garcia asked for a motion.

Council Member Marks made a motion to appoint Val Emerson, and Vice Mayor Erickson seconded. The motion failed 2-2, as Mayor Garcia and Council Member Lenzen voted no.

Vice Mayor Erickson made a motion to table the issue to the next meeting. Council Member Marks seconded. The motion passed unanimously.

**XII. New Business**

1. West Side Emergency Flood Management System – Change Order No. 9.

Construction Engineer Kevin Hare explained that the change order consists of three items. He stated that item one is additional gate valves for an existing six inch force main; that item two is to modify and enlarge the work platform for pump controls at Pump Station 1; and that item three is the installation of sleeves to connect ductile iron pipe to PVC pipe at two utility easements on West Highbanks Road.

Vice Mayor Erickson moved to approve the West Side Emergency Flood Management System, Change Order No. 9 for the total amount of \$31,314.02. Council Member Lenzen seconded, and the motion passed unanimously.

2. Approval of Additional Contracts for Public Works Activities with Ovation & USA Services.

Ms. Blissett stated that since the City has contracted with the City of Orange City for public works services, staff has learned that Orange City would be unable to provide emergency services. She added that staff recommends entering into several contracts for services to allow the City the most flexibility to mobilize the most effective and efficient manpower necessary to assist the residents.

Vice Mayor Erickson made a motion to authorize the city manager to enter into contracts with Ovation and USA Services for public works general maintenance services. Council Marks seconded, and the motion passed unanimously.

3. FY 2009-2010 Street Overlay Project.

Mr. Parrott said that the Council has budgeted for street repairs, and CPH Engineers analyzed the list of streets selected and developed repair specifications. He added that CPH has developed two options for Council consideration, and Mr. Owens would be providing a presentation of his recommendations to Council.

Jeremy Owens, with CPH Engineers, explained the process he undertook for review of the streets. He presented a brief presentation of the streets and the repairs that are needed.

Mr. Parrott recommended the second option, which would be to only overlay the entire length of the streets where needed and only repair individual sections of the streets where needed.

Vice Mayor Erickson made a motion to approve the second option to only overlay the entire length of the streets where needed and only repair individual sections of the streets where needed at an estimated cost of \$562,921.88. Council Member Lenzen seconded, and the motion passed unanimously.

4. Internet Café Gambling

Council Member Marks stated that over the last two weeks, there are two internet cafes now located in the City of DeBary.

Mr. Parrott said that Council might consider a zoning area where these kind of activities might be located. He suggested that adult entertainment is allowed in light industrial, and that might be an area to locate the internet cafés. He said that currently, internet gaming and tattoo parlors do not have a zoning classification in the City's Land Development Code, and the Council could decide where they are appropriate.

Council Member Marks asked if Mr. Ardaman and Mr. Parrott could bring something back for consideration.

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

1. Code Enforcement Board  
Bob Rini

Vice Mayor Erickson

The appointment was moved to the next Council agenda.

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

Mayor Garcia said he thoroughly enjoyed the Little Miss DeBary pageant the past Saturday and thanked the Civic Center for hosting it.

Mayor Garcia spoke briefly about the ORC report received from the Department of Community Affairs.

Vice Mayor Erickson said he wanted to apologize to Mr. Miller from Glen Abbey regarding the flower bed at the entrance. He said there seemed to be no interest from the Council in moving forward. Mr. Parrott explained what he told Mr. Miller.

Vice Mayor Erickson said he wanted to discuss a policy and procedure for due process during public hearings like the Council did at the racetrack hearing. He stated it would bring consistency and fairness to the process. He added that it would protect the City and could be accomplished by a resolution.

There was consensus to have Mr. Ardaman and Mr. Parrott prepare something for use in quasi-judicial hearings and bring it back to Council for approval.

Council Member Marks echoed Mayor Garcia's comments on the Little Miss DeBary pageant, and said Sharon Pertler and her staff did a wonderful job with the event.

Council Member Lenzen said he attended the Volunteer Appreciation Luncheon, and the City has a rich tradition of volunteers that help to run the City. He added that the staff did a good job of recognizing the volunteers and thanking them.

B. City Manager

Mr. Parrott had nothing to report.

C. City Attorney

Mr. Ardaman had nothing to report.

#### **XIV. Adjournment**

The meeting was adjourned at 9:35 p.m.

**APPROVED August 4, 2010  
CITY OF DeBARY  
CITY COUNCIL**

**Bob Garcia, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**