

City of DeBary
CITY COUNCIL MEETING
Wednesday
June 2, 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 7:00 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 Kassandra Blissett, City Clerk Stacy Tebo, Planning Administrator Rebecca Hammock, and City Attorney Kurt Ardaman

III. Committee Reports

None.

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

None.

V. Approval of Minutes

1. Regular City Council Meeting held February 17, 2010.
2. Special City Council Meeting held February 20, 2010.

Vice Mayor Erickson made a motion for approval of both sets of minutes, and Council Member Marks seconded. The motion passed unanimously.

VI. Additions, Deletions, or Amendments to the Agenda

None.

VII. Presentations

1. Certificate of Appreciation from DeBary Elementary School Principal Joe Rawlings.

Mr. Rawlings thanked Mayor Garcia and Council Member Marks for their participation in the PTA Spring Carnival dunk tank.

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 items:

1. Resolution #10-17 – Request for Extension of Development Order for Riviera Bella.

Mr. Ardaman read Resolution #10-17 aloud by title.

Planning Administrator Rebecca Hammock explained that Roger VanAuker applied on behalf of the developer for an extension of the Unit 2B Replat final development order to March 30, 2011.

Vice Mayor Erickson made a motion to approve Resolution #10-17, and Council Member Marks seconded. The motion passed unanimously.

2. Ordinance #05-10 – First Reading – Amending the Land Development Code to Include Additional Permitted Uses in the I-1 Light Industrial Zoning Classification.

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

Mr. Parrott stated that upon review of the City's codes, it was noted that there were several uses not specifically covered in any zoning designation. He added that the most appropriate classification for these uses would be within the I-1, Light Industrial Zoning District. He listed the additional permitted uses that would be included in the I-1 zoning classification for the Council and audience.

Vice Mayor Erickson made a motion to approve Ordinance #05-10, and Council Member Lenzen seconded. The motion passed unanimously.

X. Growth Management and Development Review

None.

XI. Old Business

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

Mayor Garcia asked if any member had a name to submit.

Council Member Lenzen suggested the chairman of the Code Enforcement Board, Don Pulver.

Council Member Marks made a motion to appoint Lita Handy-Peters. Vice Mayor Erickson seconded. The motion passed unanimously.

XII. New Business

1. Traffic Enforcement Agreement for Riviera Bella Property Owners Association.

Ms. Hammock stated that the Florida Statutes allow for traffic enforcement on private streets; that currently, the Volusia County Sheriff's Department does not patrol the subdivision because it is a private, gated community; that the Riviera Bella Property Owner Association will be responsible for maintaining, installing and repairing the traffic control devices; and that the association will be required to provide the City proof of liability insurance prior to or at the time of execution of the traffic enforcement agreement.

Roger VanAuker, representative for Riviera Bella, stated he had previously submitted the certificate of insurance to the City as required by the agreement, although it had not been included in the Council's packet.

Mr. Parrott said the Council could adopt the agreement subject to the insurance being in place at the time of execution.

Mr. Ardaman noted that the agreement is contingent upon the City's receipt of the certificate of insurance. Mr. Parrott said he would ensure that the certificate is obtained from Riviera Bella.

Mayor Garcia made a motion to approve the agreement contingent upon the receipt of the required insurance. Council Member Lenzen seconded. The motion passed unanimously.

2. City Manager Evaluation.

Mr. Parrott stated that his contract requires an evaluation the first meeting in June.

Vice Mayor Erickson suggested it occur in August, which would be six months after he was hired, and then every August thereafter.

Mayor Garcia said he does not feel it would be fair to Mr. Parrott to evaluate him so soon and suggested they postpone it until June of 2011.

Mr. Parrott said he would prefer feedback from the Council in August as opposed to waiting another year. There was consensus to evaluate the city manager in August. Mr. Parrott said he would bring back an amendment to the employment agreement at the next meeting on June 16th. He asked the Council for permission to strike the sentence regarding the lunch break. There was no objection from the Council.

XIII. Council Member/Committee/Staff Reports

1. Board / Committee Appointments
Citizens Advisory Committee to the MPO At-Large

Council Member Marks made a motion to appoint Rich Gailey. Council Member Lenzen seconded. Council Member Marks said that Mr. Gailey has an impressive application and would be an asset to the City. The motion passed unanimously.

Code Enforcement Board
Bob Rini Vice Mayor Erickson

Vice Mayor Erickson made a motion to reappoint Bob Rini. Council Member Marks seconded, and the motion passed unanimously.

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

Mayor Garcia said Mr. Parrott would be hosting an upcoming workshop regarding emergency management procedures and stressed the importance of being prepared. He thanked Mr. Parrott for completing the inventory of stormwater hoses and equipment.

Mayor Garcia thanked the VFW and the American Legion for their Memorial Day events.

Mayor Garcia thanked Mr. Parrott for the reports submitted by HHI Design. He also thanked Council Member Marks and Vice Mayor Erickson for challenging him this year.

Vice Mayor Erickson said that the commuter rail workshop went really well; that they had great presenters to provide useful information to the Council; and that parameters were put into place for future Councils.

Vice Mayor Erickson said he would be attending the school oversight committee meeting the next day and would most likely have school projection numbers for the next meeting.

Vice Mayor Erickson said he received information on the Florida League of Mayors, and he is not in favor of DeBary becoming a member. Mayor Garcia agreed that he should not be a member, and it is a duplication of efforts.

Vice Mayor Erickson said he really appreciates the packets from the city manager, and they are very helpful to the Council.

Council Member Marks said he filled in for Colleen Chamberlain at the recent Census meeting in Daytona Beach. He noted that DeBary is leading the County with a 79% return rate.

Council Member Lenzen asked the Council how they feel about the State mandate for cities to come up with their future transportation needs. He informed everyone that there is proposal to ask voters if they would approve a one cent increase in sales tax to fund transportation. He stated that Volusia County is already the highest taxed county in the State. He asked the other members to think about it as MPO would eventually ask each city to take a position on the issue before it eventually goes to a voter referendum.

Mayor Garcia said would be scheduling a meeting soon with Congressman Mica for the Bayou restoration.

B. City Manager

Mr. Parrott said he wanted to schedule a tabletop exercise for emergency response. He said he would have Alan Williamson contact the Council members to check their radios to ensure they are working properly.

C. City Attorney

Mr. Ardaman informed the Council that the Hazen lawsuit is over, and they executed the mutual release for the settlement.

He said that the DiTaranto lawsuit has been returned to State court from Federal court.

XIV. Adjournment

The meeting adjourned at 8:11 p.m.

**APPROVED August 17, 2010
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk