

**City of DeBary  
SPECIAL CITY COUNCIL MEETING**

**Wednesday**

**June 8, 2005**

**7:00 PM**

Florence K. Little Town Hall

12 Colomba Road

DeBary, Florida 32713

**MINUTES**

**I. Call to Order**

Vice Mayor Gunter called the meeting to order at 7:04 p.m.

**II. Roll Call**

**Members Present:** Vice Mayor Richard Gunter, Council Member Christopher Carson, Council Member Patrick Fulton and Council Member Danny Tillis

**Members Excused:** Mayor Carmen Rosamonda

**Others Present:** Acting City Manager Anthony Gonzalez, City Clerk Stacy Tebo, City Attorney Kurt Ardaman, David Hamstra, Ken Hooper, and Finance Administrator Jimmie Seelbinder

**III. Resolution No. 05-13 – Establishing Non-Ad Valorem Assessment for the Stormwater Utility Fee**

Mr. Ardaman read Resolution No. 05-13 to the Council and audience.

Ken Hooper with Professional Engineering Consultants (PEC) explained the process that he and PEC went through to establish the stormwater utility fee and bring it to the City Council. He further explained the tow-tier system of assessment for private and public roads and the formula for the calculation of assessment for commercial improved property.

David Hamstra of PEC gave a presentation to the Council on a number of items relating to stormwater: the stormwater capital improvement projects list, the status on the aerial topographic mapping, the status of the FEMA reimbursements for the 2004 hurricane reimbursements, the application process of the West Side System, the borrow pit investigation, establishing / reestablishing pumping elevations for the various lakes, the Enterprise Road pond, and possible changes to the Land Development Regulations to protect the lakes from future development.

Wendy Whyte came to the podium to voice her concerns regarding the fee and question why the assessment is not the same amount for all the residents. Vice Mayor Gunter explained the rationale that was used to determine the fees.

Trudi Oakley came to the podium to ask the Council how much they expected to be reimbursed by FEMA. Vice Mayor Gunter answered approximately ninety percent. Ms. Oakley asked if the City really needed to levy the assessment considering the money that would be reimbursed to the City. Vice Mayor Gunter explained that the City's reserve was severely depleted after it was used to pay for the expenses associated with the flooding in 2004. He further noted that the City's reserve could be completely depleted if plans are not put into place to solve the stormwater issues before those type of events occur again.

Kenneth Palmer came to the podium to speak in favor of the fee, but to voice his concern that the money is spent wisely. He informed the Council that the project on Soft Shadow Lane was never finished.

Dolores Martin came to the podium to complain about the storm drain in front of her house at 265 W. Constance Road not being cleaned.

Larry Routh came to the podium to speak against the fee and asked if it would be a one-time assessment. Vice Mayor Gunter answered that it would be a yearly assessment for an undetermined number of years.

Robert Elliott came to the podium to speak against the assessment of the stormwater utility fee in Orlandia Heights. Because the roads are private, Mr. Elliott asked the Council to exempt Orlandia Heights from the assessment.

Charles Buchholz came to the podium to speak against the increase in taxes and fees because he is on a fixed income. Vice Mayor Gunter pointed out that the City of DeBary has not raised any taxes, and the stormwater assessment will be a fixed yearly fee.

Margaret McVicar, 137 DeBary Drive, came to the podium to complain about the water being pumped into the lake behind her house causing a foul smell. Vice Mayor Gunter stated that it was the Council's intention to build a system that will solve that problem, as well as all the other stormwater related issues. Council Member Fulton pointed out that the City could not go in and start dredging the lake, as it can be considered a violation punishable by large fines.

Robin Schmidt came forward to voice her concerns regarding James Pond and ask the Council to correct the problem with the County's retention pond. Council Member Fulton stated that it was the intention of the Council to fix the problem first and then deal with the County for reimbursement.

Dan Feller came to the podium to discuss pipe connections and water quality at his lake on Wisteria Drive.

Council Member Tillis asked Mr. Hamstra to explain the drains in Glen Abbey. Mr. Hamstra explained that they are called "French drains" and then elaborated on the way they are built and how they actually function.

Douglas McCain, co-owner of the DeBary Nursery, came to the podium to question why his business had to pay the stormwater fee after he already installed retention on his site in 1992. Mr. Hooper explained that the concept is not just where a person lives or works, but to look at the City as a whole; that people are using public roads to go to and from the nursery to buy plants; and that delivery trucks use the roads to bring the plants in to the nursery. Vice Mayor Gunter asked Mr. Hooper to take another look at the businesses along 17-92 and how they will be assessed.

Mary Ann Bardon came to the podium to complain about the installation of a sidewalk on Lake Drive that has caused flooding and asked the City to fix it.

Thomas McNerney came to the podium to speak about the flooding situation at 45 Lantana Drive. He cautioned the City to watch the pool as they are pumping down the lake.

John Wilson came to the podium to speak in favor of the stormwater utility fee. He said that the money raised would benefit all the residents and business owners in DeBary because everyone uses the public roads.

Frances Henry came up to discuss her concern regarding new construction on the undeveloped lots on Riviera Drive. Council Member Tillis stated that the City is working on an ordinance to address stormwater provisions for new construction. Mrs. Henry offered the sale of her vacant unimproved lot to the City to be used as a retention pond.

Jim Bulmer came to the podium to discuss flooding on Lago Linda; that it has no outfall; that it was the last lake to be pumped in 2004; and ask the Council to ensure that it is not forgotten.

Neil Coppens came to the podium to suggest that the City Manager create a ledger to record all the complaints as they come in; that they are recorded in the ledger as they are resolved; that the Council periodically receive a copy of the ledger; and that the Council review the stormwater fee after three years to determine if the amount of \$84.00 is appropriate.

Tina Rose came to the podium to request information regarding the Saxon Woods / Pine Valley issue. Mr. Ardaman stated that the agreement had been executed by the Association / Morrison Homes earlier that afternoon. Mr. Hamstra gave Ms. Rose further detail regarding the agreement and said that Morrison Homes was to fix the failing structures immediately.

Gertrude DeSantis came to the podium to voice her concern about accountability for all the development that has occurred in DeBary without proper planning or inspections.

The Council discussed the possibility of a reduction of the assessment for citizens living below the poverty level. Vice Mayor Gunter asked Mr. Hooper to research the issue.

Beverly McCain came up to question the formula used to determine the fee for commercial sites. Mr. Hooper answered that it was based on an equivalency; that the average size home in DeBary is 2560 square feet; and that it is a uniform method adopted by the State.

Thomas Cardos, came forward to complain about the fee being assessed to commercial properties on 17-92; that he was required by Volusia County to build retention areas; that he had already met the County's requirements; that he had paid again when 17-92 was widened; and that he felt he should not have to pay for the same thing more than once. Vice Mayor Gunter answered that Mr. Hooper would be researching a fair way for the City to treat those businesses that had already paid for on-site retention areas.

Marlee Grein came to the podium to complain about the City's past actions and suggested a freeze on all salaries.

Vice Mayor Gunter entertained a motion to approve Resolution No. 05-13. Motion was made by Council Member Fulton. Council Member Tillis seconded. The motion carried unanimously.

Vice Mayor Gunter noted that Council Member Carson had a matter that was discussed at the meeting on June 7, 2005, that had been continued.

Council Member Carson gave an event overview of the proposed 4<sup>th</sup> of July morning event at DeBary Hall. Council Member Fulton expressed his concern regarding the budget. Vice Mayor Gunter asked Jimmie Seelbinder, Finance Administrator, the status of the events account. Mr. Seelbinder answered that it was over budget, but that he might be able to transfer money from other accounts. Council Member Carson stated that he would need \$2000.00 for the event.

Vice Mayor Gunter asked for a motion to approve the \$2000.00 to be spent of the 4<sup>th</sup> of July event. Motion made by Council Member Carson. The motion died due to lack of a second. Council Member Fulton stated that he would like to do the event next year after it had been budgeted.

**IV. Adjournment.** The meeting adjourned at 9:32 p.m.

**APPROVED July 6, 2005  
CITY OF DeBARY  
CITY COUNCIL**

**Carmen Rosamonda, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**