

**City of DeBary
REGULAR CITY COUNCIL MEETING**

Wednesday

January 4, 2006

7:00 PM

Florence K. Little Town Hall

12 Colomba Road

DeBary, Florida 32713

MINUTES

I. Call to Order

Mayor Rosamonda called the meeting to order at 7:02 p.m.

1. Invocation
2. Flag Salute

II. Roll Call

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

Others Present: Mayor-Elect George Coleman, Council Member-Elect Jack Lenzen, City Manager Maryann Courson, City Clerk Stacy Tebo, Planning Administrator Anita Gonzalez, Parks & Recreation Director John Fletcher, and City Attorney Kurt Ardaman

III. Presentations

1. Swearing In of Mayor George Coleman, Seat 5,
by Volusia County Chairman Frank Bruno.

Volusia County Chairman Frank Bruno swore in incoming Mayor George Coleman.

2. Swearing In of Council Member Jack Lenzen, Seat 4,
by Volusia County Chairman Frank Bruno.

Volusia County Chairman Frank Bruno swore in incoming Council Member Jack Lenzen.

3. Farewell to Outgoing Mayor Carmen Rosamonda and Vice Mayor Richard Gunter.

Mayor Coleman thanked former Mayor Carmen Rosamonda and former Vice Mayor Richard Gunter for their service and presented each a key to the City and a plaque.

4. Presentation of Stormwater 5-Year Capital Improvement Plan by David Hamstra of Professional Engineering Consultants.

Regular City Council Meeting

January 4, 2006

Page 1

Mr. Hamstra explained the problem area location map and the spreadsheet to the City Council. He clarified the ranking of the problem areas as determined by the severity of the problem, the ability to group projects together to provide the most service to the most people, the benefit versus the cost, and the ease of implementation to correct the problem. He asked the Council for feedback and approval of the list.

Van Conoley, 25 Rosedown Boulevard, asked the Council to put a penalty clause in all of the City's contracts. He recommended that they obtain a one-page overall plan and one-page cost sheet before they approve anything.

William Hillyer, 25 Monroe Avenue, addressed the Council regarding the extreme flooding problem at his house.

John Wolfe, 15 Hollow Pine Drive, spoke to the Council concerning the flooding that occurs in his yard. Ms. Courson said that his address is on the spreadsheet, but it is near the bottom. Mr. Wolfe asked if the City could place a couple of inches of asphalt in the center of the road to divert the water. He added that he would be willing to pay for the asphalt. Ms. Courson answered that staff would look into getting a temporary fix for his problem.

The Council discussed the ranking of the problem areas. Ms. Courson said that they would revisit the ranking at least every twelve months. Council Member Tillis made a motion to accept the ranking without any changes. Council Member Carson seconded. The motion carried unanimously.

5. Warren Graham, Chairman of the Streetscape Advisory Committee.

Mr. Graham thanked former Chairman Bill Long, Mayor Coleman, and Council Member Lenzen for their work on the Committee in the past year. He noted that in 2005, they completed the street light installation from Saxon to Highbanks and on Mansion Boulevard, installed the planters from Plantation to Highbanks, and completed the landscaping in the medians on 17-92.

Mr. Graham stated that in 2006, the Committee would like to launch an adopt-a-planter program, redistribute some of the planters throughout the City, propose additional street lighting from Dirksen Drive to Plantation Boulevard, make improvements to the fencing at the FDOT pond next to First Community Bank, and possibly change the scope of the Committee to do work on Highbanks and Enterprise Roads. He added that the Committee was ready to put the construction of the Gateway Signage out to bid and asked the Council for permission to proceed. Mayor Coleman asked Mr. Graham to postpone the bidding process until after the Council holds a budget meeting in mid-February.

6. Election of Vice Mayor.

Council Member Carson nominated himself. Mayor Coleman seconded the nomination. Council Member Lenzen nominated Council Member Fulton. Council Member Fulton seconded the nomination. Mayor Coleman asked for the nominations to be closed. Council Member Tillis seconded the closing of the nominations. All members voted to close the nominations. Council

Member Tillis said that he would support Council Member Fulton because of his ability to attend a lot of meetings. Mayor Coleman asked for a vote on the two nominations. Council Member Fulton was elected as Vice Mayor with four votes, and Council Member Carson received one vote.

IV. Public Participation For Any Issues Not On the Agenda

David Clark, 466 Ft. Florida Road, spoke to the Council concerning the problem his family is having with their corrosive well water. He showed the Council a sample of their water and his dirty water filters. He requested the Council's assistance in securing an extension of Volusia County's water line. Ms. Courson said that she has emailed the County on several occasions to get an update on the situation. She added that she would schedule a meeting with County Council Member Bill Long and someone from Volusia County Utilities to get an update on the issue.

V. Approval of Minutes

1. Special City Council Meeting held November 30, 2005
2. Regular City Council Meeting held December 7, 2005

Mayor Coleman entertained a motion to approve the minutes for both meetings. Motion made by Council Member Carson and seconded by Council Member Tillis. The motion carried unanimously.

VI. 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. Appeal of Zoning Regulation Interpretation – Highbanks Marina, Mark Watts, attorney for owner. CONTINUED FROM NOVEMBER 30, 2005; **CONTINUED TO JANUARY 18, 2006.**

Mayor Coleman entertained a motion to continue the hearing until January 18, 2006, at approximately 7:00 p.m. Motion made by Vice Mayor Fulton and seconded by Council Member Tillis. The motion carried unanimously.

2. Ordinance #18-05 – First Reading – Rezoning from A-2, Rural Agriculture, and RC, Resource Corridor, to RPUD, Residential Planned Unit Development, File No. D-05-013 – Owner, Empire Cattle, Ltd. CONTINUED FROM DECEMBER 7, 2005; **REQUEST TO CONTINUE TO FEBRUARY 15, 2006.**

Mayor Coleman entertained a motion to continue the hearing until February 15, 2006, at approximately 7:00 p.m. Motion made by Vice Mayor Fulton and seconded by Council Member Tillis. The motion carried unanimously.

3. Application for a Special Exception for Day Care Center on B-4 (General Commercial) Zoned Property, File No. D-06-001 – Applicant, Christian Care for Lil’ Angels.

Sheryl Weldon, director of Christian Care for Lil’ Angels, asked the Council to continue the hearing. Council Member Tillis made a motion to continue the hearing until January 18, 2006, at approximately 7:00 p.m. Council Member Lenzen seconded the motion. The motion carried unanimously.

4. Ordinance #19-05 – Second Reading --- Small Scale Future Land Use Map Amendment to the City Comprehensive Plan for a portion of ten lots located on the south side of Magnolia Place from Environmentally Sensitive Lands (ESL) to Residential/ Low Density by Mr. Cy Holley.

Mr. Ardaman read Ordinance # 19-05 aloud by title. Cy Holley, property owner, assured the Council that they would build the houses high enough so that there would be no possibility of flooding problems.

John Likakis, 38 Seminole Drive, stated that he was concerned with the environmentally sensitive area where the four proposed homes are to be built.

Ms. Gonzalez explained that this is the first step for Mr. Holley, and that the rezoning request would come before the Council later.

Council Member Tillis expressed his concern with the City allowing people to build in low areas. Mr. Holley stated that any stormwater runoff from these homes would flow directly into the river, and not on any surrounding homes.

Council Member Lenzen asked about the fifty-foot buffer line going through the last house on the map. Mr. Holley answered that he would be doing wetland mitigation.

Mayor Coleman entertained a motion to approve the future land use map amendment to the City Comprehensive Plan. Motion made by Vice Mayor Fulton and seconded by Council Member Carson. The motion carried 4-1, with Council Member Tillis dissenting.

5. Ordinance #21-05 – First Reading – Rezoning from B-5, Heavy Commercial to BPUD, Business Planned Unit Development, File No. D-05-014 – Owner, Riverside Partners LLC. **CONTINUED FROM DECEMBER 7, 2005.**

Mr. Ardaman read Ordinance #21-05 aloud by title. Scott Ashley, Volusia County Planning Manager gave the Council a brief summary of the rezoning request and explained that it is consistent with the City’s comprehensive plan.

Mayor Coleman entertained a motion to approve Ordinance #21-05 on first reading. Motion made by Council Member Tillis and seconded by Vice Mayor Fulton. The motion carried unanimously.

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.*

- *1. Resolution #06-01 – Vacating a Portion of the Plats of Konomac Subdivision and Volusia Park.
- *2. Final Site Plan Application for Uncle Bob’s Self Storage, File No. 05-F-FSP-0948.
- *3. Final Site Plan Application for Benson Junction Commerce Center, File No. 05-F-FSP-0188.

Ms. Courson read Resolution #06-01 aloud by title. Mayor Coleman entertained a motion to approve the consent agenda. Motion made by Council Member Tillis and seconded by Council Member Lenzen. The motion carried unanimously.

VIII. Growth Management and Development Review

- 1. None.

IX. Old Business

- 1. None.

X. New Business

- 1. Orlandia Heights Roadway Chip Seal Project.

Tom Bernosky, Board Member of the Orlandia Heights Neighborhood Improvement District, addressed the Council regarding the Board’s desire to complete the project and asked the Council to waive the public bidding process. Mayor Coleman entertained a motion to approve the waiver of the formal bid process for the Orlandia Heights Neighborhood Improvement District’s Chip Seal Projects for Fiscal Year 2005-2006. Motion made by Council Member Tillis and seconded by Council Member Lenzen. The motion carried unanimously.

- 2. Purchase of Property Located at 26 Monroe Avenue for Storm Water Utilities.

Ms. Courson explained that this property is in an area that consistently floods; that she has been working with the property owner since last year to acquire the property; and that it will be used as a neighborhood retention pond. Mayor Coleman entertained a motion to approve the purchase

for \$57,000 with the City paying closing costs, and to authorize the City Manager to enter into the contract and consummate the closing. Motion made by Council Member Tillis and seconded by Council Member Carson. The motion carried unanimously.

3. Installation of Lights at Bill Keller Park

Ms. Courson stated that the lights are part of the five-year capital improvement program and are needed to increase capacity at the park. John Fletcher, Parks & Recreation Director, said that the lights would help alleviate the problems raised at the December meeting by the AAU representative.

Mr. Ardaman advised that if the Council approved the item, then paragraph sixteen should be stricken from the agreement. Council Member Tillis made a motion to approve the agreement as amended by Mr. Ardaman. Council Member Lenzen seconded. The motion carried 4-1, with Mayor Coleman dissenting.

XI. For the Good of the Order (Routine Recurring Business)

1. Board/Committee Reports

Mayor Coleman said that VCOG would like to have the mayors of the various cities attending, if possible. Council Member Tillis agreed and said he would be willing to attend in the future.

Council Member Tillis said that MPO has asked him to sit on the MPO Executive Committee, as well.

Mayor Coleman discussed a need to appoint someone to the Citizen Advisory Committee for MPO. Mayor Coleman suggested Neil Coppens, and the other Council Members were agreeable.

2. Board/Committee Appointments

Code Enforcement Board

Member	Council Member Lenzen
Member	Council Member Fulton
Member	Council Member Tillis

Council Member Lenzen appointed Rick Dwyer, Vice Mayor Fulton appointed Robert Duncan, and Council Member Tillis appointed John Harvey.

Conference Center

Member	At-Large
Member	At-Large

Ms. Courson said that they would like a staff person and an elected person from each city to attend. She added that Assistant City Manager Anthony Gonzalez has been attending on behalf of the staff. Council Member Lenzen volunteered to attend on behalf of the Council.

Public Safety Advisory Committee
Member Council Member Carson

Council Member Carson appointed Daniel McMahon.

Ms. Courson asked the Council for a motion to approve all of the appointments. Motion made by Council Member Tillis and seconded by Vice Mayor Fulton. The motion carried unanimously.

3. Member Reports/Communications

A. Mayor and Council Members

Vice Mayor Fulton complimented the City staff on the Christmas party and the Holiday Festival of Lights. He shared his experience at a fire services training session he attended at Tiger Bay.

Council Member Carson welcomed Council Member Lenzen and Mayor Coleman to the Council. He briefly spoke about the planters as discussed earlier in the meeting by Warren Graham.

Council Member Lenzen said he enjoyed attending the meeting of the newly elected city officials with Mayor Coleman.

B. City Attorney

Mr. Ardaman said that he was made aware of a concern regarding the need to swear in a reelected council member, and rather than taking the time to research the statute, he believed it would be appropriate to swear in Council Member Carson, so that there would be no question. Council Member Carson stood, raised his right hand, and was sworn in by City Clerk Stacy Tebo.

C. City Manager

Mayor Coleman asked if the Council might consider having two meetings per month, and if it is possible to have the Code Enforcement Board meet monthly, rather than bi-monthly. Ms. Courson answered that staff can contact the County to determine the costs associated with an additional meeting. Mayor Coleman asked if it was possible to write tickets for violations that never make it to the Code Enforcement Board. Mr. Ardaman answered that the statute does provide for the issuance of citations. Vice Mayor Fulton asked if staff could get a cost estimate for bringing code enforcement in-house.

Ms. Courson stated that when there is an item that will take an extended amount of time, it would be taken off the regular agenda and scheduled for a special meeting so that City Council meetings will adjourn at a decent hour.

Ms. Courson asked the Council to schedule a date for a budget / goal setting workshop. Council Member Lenzen asked the reason for holding a budget workshop. Mayor Coleman responded

that he asked Ms. Courson for the workshop. The Council discussed the need for holding a workshop. Mayor Coleman stated that he would like to have a meeting on February 11th at 9:00 a.m. for the Council to set goals and review the budget.

XII. Adjournment. The meeting adjourned at 9:50 p.m.

**APPROVED February 1, 2006
CITY OF DeBARY
CITY COUNCIL**

George Coleman, Mayor

ATTEST:

Stacy Tebo, City Clerk