

City of DeBary
REGULAR CITY COUNCIL MEETING
Wednesday
February 1, 2006
7:00 PM
Florence K. Little Town Hall
12 Colomba Road
DeBary, Florida 32713

MINUTES

I. Call to Order

Mayor Coleman called the meeting to order at 7:00 p.m.

1. Invocation
2. Flag Salute

II. Roll Call

Members Present: Mayor George Coleman, Vice Mayor Patrick Fulton, Council Member Christopher Carson, Council Member Jack Lenzen, and Council Member Danny Tillis

Others Present: City Manager Maryann Courson, City Clerk Stacy Tebo, Planning Administrator Anita Gonzalez, and City Attorney Kurt Ardaman

III. Presentations

1. Presentation by Jonathan Baltuch of Marketing Resources, Inc. for Citywide Internet Access.

Mr. Baltuch spoke to the Council regarding municipal wireless network services that cover entire city limits to provide free internet access to citizens.

2. Presentation of Glen Abbey Townhouse Project by Tim O'Neil.

Alan Watts, attorney for Tim O'Neil, gave a brief presentation of the proposed townhouse project in the old tennis court area of Glen Abbey.

Kenneth Palmer, 418 Soft Shadow Lane, voiced his concern regarding increased stormwater runoff that would be created by the town homes.

Thomas Marshall, 301 Glen Club Drive, expressed his concern with the green belt area, and stated he would like to learn more details of the proposed development.

Robert Knott, president of the Glen Abbey Club Homeowner's Association and resident at 100 Glen Club Court, spoke to the Council regarding the Association's concern with stormwater issues relative to new construction in the area.

IV. Public Participation For Any Issues Not On the Agenda

Stephen Bacon, 257 Bayou Circle, addressed the Council regarding the illegal clearing of Joseph's Subdivision adjacent to the River Oaks community. The Council expressed their displeasure with the clearing.

David Clark, 466 Ft. Florida Road, thanked the Council and Ms. Courson for their efforts to resolve the water problem his family is experiencing.

Linda Hayes, 120 Lake Drive, questioned the Council regarding the \$42.00 stormwater assessment fee that was included on her tax bill. Ms. Courson responded that citizens on private roads pay a fee due their use of the public roads.

Joe Bourassa, 801 Lewis Drive, distributed a handout to the Council regarding water usage and spoke about his belief that the area is not in a water crisis as suggested by the St. Johns River Water Management District.

V. Approval of Minutes

1. Regular City Council Meeting held January 4, 2006
2. Special City Council Meeting held January 18, 2006

Mayor Coleman entertained a motion to approve the minutes for January 4, 2006. Motion made by Vice Mayor Fulton and seconded by Council Member Tillis. The motion carried unanimously. Mayor Coleman entertained a motion to approve the minutes for January 18, 2006. Motion made by Council Member Tillis and seconded by Vice Mayor Fulton. 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. Ordinance #21-05 – Second Reading – Rezoning from B-5, Heavy Commercial to BPUD, Business Planned Unit Development, File No. D-05-014 – Owner, Riverside Partners LLC.

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.

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

2. Baker Development Agreement for 7.5+ Acres Located on Cunningham Lane – First Public Hearing.

Dennis Bayer, attorney for Mr. Baker, explained the additional language that was placed in the development agreement to address concerns that were raised at the November meeting.

John Baker, 9 Cunningham Lane, distributed a packet of letters to the Council from various long-time residents familiar with the subject property.

Richard Burt, 325 Bonita Road, voiced his disapproval of the Baker Development Agreement.

Darrell Boudreaux, 52 Bass Lake Drive, said that he is concerned with the future flooding from the construction of three new homes and the possibility of a 150-foot ditch running along the rear of his property.

Willie Mae Dozier, 42 Bass Lake Drive, spoke about the need for the City's water problems to be resolved prior to approval of any new development.

Alan Goulet, 54 Bass Lake Drive, asked the Council to revise the language in the development agreement regarding the 15-foot drainage easement to specify that it would not be running along the western boundary of the Baker property.

Darcie DiTaranto, 300 May Place, questioned the impact of the proposed development on the Lake Charles Basin Study and the reason for the 15-foot ditch. Ms. Courson answered that PEC was not asked to research the impact, and the easement is not meant to be an open ditch. Council Member Lenzen stated that the City would use the easement to bury pipe.

CJ DiTaranto, 300 May Place, stated that Mr. Baker's property and his own property flooded in 1994. He asked the Council to put the development agreement on hold until the water problem is resolved.

Mr. Bayer stated that two separate homes could be built on the property without the approval of the development agreement, which includes the 100-year stormwater requirements and the drainage easement.

Vice Mayor Fulton voiced his concern regarding construction in an area that is prone to flooding. He said he would like the City to work out an agreement with the DiTarantos for a drainage easement and noted that the City does not have an easement agreement with the property owner in Woodbound Lakes to connect to the proposed Baker easement.

Council Member Tillis discussed the possibility of a lift station with Ms. Courson. Vice Mayor Fulton said he did not want to approve the development agreement prior to the lift station being in place. Mr. Bayer suggested making the additional easement in Woodbound Lakes and the installation of the lift station conditions of the development agreement.

Rodney Eve, 38 Cunningham Road, stated that he has lived on Cunningham Road for eighteen years, and in that time, Mr. Baker's property has not flooded.

Council Member Lenzen asked Mr. Ardaman the status of the liability issues associated with denying the agreement. Mr. Ardaman responded that from a legal standpoint, the City does not have a liability concern, but from a technical standpoint, the approval of the agreement might provide a better condition for the area as far as stormwater is concerned.

Ms. Courson asked Mr. Baker if he would be willing to pay for an engineer to evaluate the impact of the development on the area. Mr. Baker responded that he would be willing to pay for the engineering services of PEC, with a cap of \$2,000.

Council Member Tillis made a motion to table the item until March 1st at 7:00 p.m. Council Member Lenzen seconded. The motion passed unanimously. Mr. Ardaman asked if the Council would like to include the lift station contingency and the easement contingency in the agreement. There was an affirmative consensus from the Council.

3. Ordinance #01-06 (formerly Ordinance #12-05)– First Reading – Amending the Future Land Use Map of the City for Two Lots Located on Cunningham Lane from Agricultural/Rural Residential to Residential/Low Density – Applicant John Baker.

Mr. Ardaman read Ordinance #01-06 aloud by title. Vice Mayor Fulton made a motion to continue first reading until March 1st at 7:00 p.m. The motion died due to lack of a second. Council Member Tillis made a motion to approve it on first reading. Council Member Carson seconded. The motion passed 4-1, with Vice Mayor Fulton dissenting.

4. Ordinance #02-06 – First Reading – Pass Through of Above Normal Development Costs to the Applicants.

Mr. Ardaman read Ordinance #02-06 aloud by title. Ms. Courson explained the need for the ordinance. Mayor Coleman entertained a motion to approve. Motion made by Council Member Tillis and seconded by Vice Mayor Fulton. The motion passed unanimously.

5. Ordinance #03-06 – First Reading – Amending Stormwater Requirements for New Residential Construction in Areas Without Central Stormwater Systems.

Mr. Ardaman read Ordinance #03-06 aloud by title.

Bob Headrick, 317 Sunnyside Lane, spoke to the Council regarding his support of the new stormwater requirements.

Mayor Coleman and Council Member Tillis briefly discussed the intent and the effect of the ordinance. Mayor Coleman entertained a motion to approve Ordinance #03-06. Motion made by Vice Mayor Fulton and seconded by Council Member Tillis. The motion passed 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. Release of Subdivision Maintenance Agreement, Subdivision Final Plat for DeBary Plantation Unit 20, File No. 00-S-FPL-0199.
- *2. Resolution #06-02, Supporting the 2006 Legislative Action Agenda of the Florida League of Cities.

Mr. Ardaman read Resolution #06-02 aloud by title. Mayor Coleman entertained a motion to approve the consent agenda. Motion made by Council Member Carson and seconded by Council Member Lenzen. The motion passed unanimously.

VIII. Growth Management and Development Review

- 1. None.

IX. Old Business

- 1. None.

X. New Business

- 1. Purchase of Property at 311 Riviera Drive for Storm Water Utilities.

Ms. Courson stated that the property is a low-lying area and already acts as a natural retention pond. Council Member Lenzen made a motion to approve the purchase of the property and to authorize the City Manager to execute all closing documents. Council Member Carson seconded the motion. The motion passed unanimously.

- 2. Purchase of Property at 202 Lucerne Drive for Storm Water Utilities.

Ms. Courson explained that the property would be used as a retention pond. Council Member Carson made a motion to approve the purchase of the property and to authorize the City Manager to execute all closing documents. Council Member Lenzen seconded the motion. The motion passed unanimously.

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

- 1. Board/Committee Reports

Council Member Fulton requested Council consensus on CDM and WAV. There was a discussion and general consensus that the Council still supports WAV.

Council Member Tillis informed the Council that he was nominated to the League of Cities Executive Committee and to the MPO Executive Committee.

Mayor Coleman noted that he attended various meetings including the Sunshine Law seminar, the Martin Luther King luncheon, and the Lucille Wheatley function in Deltona.

2. Board/Committee Appointments

Board:

Code Enforcement Board

Alternate

Council Member Carson

Alternate

Council Member Tillis

Council Member Carson appointed Gertrude DeSantis, and Council Member Tillis appointed Dave Mendenhall.

Committees:

Economic Development Advisory Committee

Leonard Marks

Council Member Carson

Gretchen Ganas

Vice Mayor Fulton

Diane Schaefer

Council Member Tillis

Tim McLaughlin

At-large

Don Kitner

At-large

Regular Member

Mayor Coleman

Regular Member

Council Member Lenzen

Alternate

At-large

Council Member Carson reappointed Leonard Marks. Vice Mayor Fulton reappointed Don Kitner. Council Member Tillis reappointed Diane Schaefer. Mayor Coleman stated that Tim McLaughlin had contacted him and was interested in being reappointed to the At-large position. Council Member Tillis said he would like for Mr. McLaughlin to be reappointed. The rest of the Council agreed. Mayor Coleman appointed Mitch Geier. Council Member Lenzen appointed Joe Alemany. Vice Mayor Fulton said that Carol Lawrence contacted him and wished to be appointed to the Committee. The Council agreed to appoint her to the remaining At-large position. The Council asked that the remaining appointment of the Alternate At-large position be tabled until the March meeting.

Streetscape Committee

Mac McShea

Council Member Tillis

Pat Gunter

Vice Mayor Fulton

Susan Preil

Mayor Coleman

Warren Graham

At-large

Norm Erickson (Alt.)

At-large

Regular Member

Council Member Carson

Regular Member

Council Member Lenzen

Regular Member

At-Large

Council Member Tillis reappointed Mac McShea. Vice Mayor Fulton reappointed Pat Gunter. Mayor Coleman reappointed Susan Preil. Mayor Coleman stated that Warren Graham did wish to be reappointed. The Council agreed to reappoint him to the At-large position. Norm Erickson

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said he did not want to be reappointed. Council Member Carson appointed Barbara Rutz. Council Member Lenzen stated he had planned on appointing Ms. Rutz, also, and needed until the next meeting for his appointment. The Council decided to postpone the remaining two At-large positions until the March meeting.

3. Member Reports/Communications

A. Mayor and Council Members

There was nothing further discussed by the Council.

B. City Attorney

Mr. Ardaman informed the Council that if they were interested in new impact fees with respect to recreation and fire, they must perform a study first. He briefly explained the allowed use of impact fees. Ms. Courson said that staff would research the cost of the study

C. City Manager

Ms. Courson said that there has been staff discussion regarding Volusia County Utilities, and that she would like to prepare a franchise fee agreement for more City control.

Leonard Marks, 32 Wisteria Drive, addressed the Council regarding impact fees being applied to improvements on 17-92.

XII. Adjournment. The meeting adjourned at 10:31 p.m.

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

George Coleman, Mayor

ATTEST:

Stacy Tebo, City Clerk