

**City of DeBary**  
**REGULAR CITY COUNCIL MEETING**  
**Wednesday**  
**March 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 Assistant City Attorney Dan Langley

Mayor Coleman asked that the presentation for the new city hall be moved up on the agenda.

**X. New Business**

1. City Hall Architectural / Engineering Services Request for Proposals.

John Pekar, Stottler Stagg & Associates, spoke to the Council regarding his company's proposal to provide architectural and engineering services to the City for a new city hall.

John Wanamaker, 102 James Pond Court, explained how the interviews were handled and the reasoning for the selection of Stottler Stagg & Associates. He stated for the record that he was serving as a volunteer and would provide further consulting services as needed by the City.

The Council discussed future possibilities for the use of Town Hall. Council Member Tillis made a motion to accept the firm of Stottler Stagg & Associates for programming for a new City Hall site and other amenities. Vice Mayor Fulton seconded. The motion passed unanimously.

**III. Presentation**

1. Presentation of Charter Recommendation by Financial Advisor Jeffrey T. Larson of D.A. Davidson & Co.

Bill Spivey of D.A. Davidson & Co. spoke to the Council regarding traditional municipal capital financing options. Jeffrey Larson of D.A. Davidson & Co. addressed the Council concerning preliminary debt capacity and financial recommendations for the City to consider. He discussed the various options for completing the stormwater project and recommended that the City adopt a formal debt management policy. Vice Mayor Fulton said he would like to see a debt management policy placed in the Charter.

Vice Mayor Fulton made a motion to direct staff to prepare a stormwater referendum. Council Member Tillis seconded. The motion passed unanimously.

#### **IV. Public Participation For Any Issues Not On the Agenda**

Steve Forslund, 406 Fort Florida Road, addressed the Council regarding the unresolved water problem on his road. He asked the Council to continue to support his efforts to have Volusia County extend the water and sewer lines down Fort Florida Road.

#### **V. Approval of Minutes**

1. Regular City Council Meeting held February 1, 2006.

Mayor Coleman entertained a motion to approve the minutes. Motion made by Vice Mayor Fulton and seconded by Council Member Carson. The motion passed 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 #02-06 – Second Reading – Pass Through of Above Normal Development Costs to the Applicants.

Mr. Langley read Ordinance #02-06 aloud by title. Ms. Courson explained that the ordinance would ensure that any extraordinary development costs would be paid by the applicant. Mayor Coleman entertained a motion for approval. Motion made by Vice Mayor Fulton and seconded by Council Member Tillis. The motion passed unanimously.

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

Mr. Langley read Ordinance #03-06 aloud by title. Ms. Courson briefly explained the ordinance. Mayor Coleman entertained a motion for approval. Motion made by Vice Mayor Fulton and seconded by Council Member Tillis. The motion passed unanimously.

3. Application for Variance to Landscape Buffer (20 ft in lieu of the required 30 ft) by Charles Spaulding, Agent for Owner, INACO, Inc., File No. D-06-004.

Scott Ashley, Volusia County Planning Manager, outlined the variance request for the Council and explained staff recommendations.

Alan Watts, attorney for the applicant, explained the reasoning for the variance request. He said the applicant is interested in constructing a professional office building with a coffeeshop. He submitted a letter for the record from an abutting property owner, Stephan Tharp, stating that he had no objection to the variance.

Diana Portillo, 14 Parkview Heights Boulevard, stated that she had no objection to the variance, but she wanted Mr. Spaulding to install an eight-foot wall, rather than a six-foot wall. Ms. Gonzalez informed the Council that the height limit is six foot, and if the applicant wanted an eight-foot wall, he would need to apply for a variance.

Melissa Rolander, 264 Pine Springs Drive, said that she was in favor of the variance request and believed the office building would be an asset to the City.

Charles Spaulding, agent for INACO, Inc., said that he was willing to plant trees in the buffer area or apply for another variance to increase the height of the wall.

Mr. Watts said he was willing to agree that only professional offices would be built on the site, with the exception of a coffeeshop.

Council Member Tillis made a motion to approve the variance request contingent upon the vacation of the easement and that the site be developed as a professional office building with a coffeeshop. Vice Mayor Fulton seconded. The motion passed 4-1, with Mayor Coleman dissenting.

4. Ordinance #07-06 – First Reading – Major Amendment to the Glen Abbey PUD, Tim O’Neil, applicant.

Mr. Langley read Ordinance #07-06 aloud by title.

Mr. Ashley outlined the amendment request for the Council.

Michael Yocum, 448 N. Pine Meadow Drive, spoke against the amendment request and distributed a letter outlining his disapproval to the Council. He voiced his concern regarding the ongoing stormwater issues in the City, and the impact of the development on his property value.

Ken Webster, 122 Spring Glen Drive, said that Mr. O’Neil would be meeting with the Spring Glen Home Owner’s Association on March 7<sup>th</sup>. He said he was concerned with the potential traffic impact of the development.

Vice Mayor Fulton said he had hoped that Mr. O’Neil would have met with all of the homeowner’s associations affected prior to the first reading. Vice Mayor Fulton made a motion to continue the first reading until April 5, 2006, at 7:00 p.m. Council Member Tillis seconded. The motion passed unanimously.

5. Ordinance #05-06 – First Reading – Recreational Vehicle Park Criteria and Standards.

Mr. Langley read Ordinance #05-06 aloud by title.

Ms. Gonzalez explained the proposed changes to the Council.

Council Member Tillis said he would like more time to review the changes and obtain citizen input.

David Currey, representative for Highbanks Marina, stated that the Marina would like to be part of the process and work with the City on the proposed ordinance.

Council Member Carson made a motion to continue the first reading until April 5, 2006, at 7:00 p.m. Vice Mayor Fulton seconded. 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. Extension of the Valid Period of Subdivision Overall Development Plan Development Order Riverside at DeBary (AKA Riviera Bella), File No. 98-S-ODP-0243.
- \*2. Release of Subdivision Maintenance Agreement for DeBary Plantation Unit 16C-1, Subdivision Final Plat, File No. 03-S-FPL-0610.
- \*3. Release of Subdivision Maintenance Agreement for DeBary Plantation Unit 17E, Subdivision Final Plat, File No. 03-S-FPL-0609.
- \*4. Release of Subdivision Maintenance Agreement for DeBary Plantation Unit 17D, Subdivision Final Plat, File No. 03-S-FPL-0608.
- \*5. Release of Subdivision Maintenance Agreement for DeBary Plantation Unit 17B, Subdivision Final Plat, File No. 03-S-FPL-0272.
- \*6. Release of Subdivision Maintenance Agreement for DeBary Plantation Unit 17A, Subdivision Final Plat, File No. 99-S-FPL-0084.
- \*7. Release of Subdivision Maintenance Agreement for DeBary Plantation Unit 16C-3, Subdivision Final Plat, File No. 03-S-FPL-0611.
- \*8. Release of Subdivision Maintenance Agreement for DeBary Plantation Unit 13B-2, Subdivision Final Plat, File No. 03-S-FPL-0271.

- \*9. Release of Subdivision Maintenance Agreement for DeBary Commercial Subdivision, Subdivision Final Plat, File No. 03-S-FPL-0273.
- \*10. Release of Subdivision Maintenance Agreement for DeBary Plantation Unit 16B-2, Subdivision Final Plat, File No. 02-S-FPL-0127.
- \*11. Ordinance #08-06 – First Reading – Expansion of DeBary Plantation Streetlighting District to Include Unit 21A.

Mayor Coleman requested that items two through ten be pulled from the agenda until the City inspector approves them.

Mr. Langley read Ordinance #08-06 aloud by title. Mayor Coleman entertained a motion to approve items one and eleven. Motion made by Vice Mayor Fulton and seconded by Council Member Tillis. The motion passed unanimously.

**VIII. Growth Management and Development Review**

- 1. None.

**IX. Old Business**

- 1. None.

**X. New Business**

- 1. City Hall Architectural / Engineering Services Request for Proposals.

This item was discussed at the beginning of the meeting.

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

- 1. Board/Committee Appointments
  - Economic Development Advisory Committee
    - Alternate At-large
    - Regular Member Council Member Tillis
  - Streetscape Committee
    - Regular Member Council Member Lenzen
    - Regular Member At-large
    - Alternate At-large

The Council decided to postpone the EDAC and Streetscape appointments until the April 5<sup>th</sup> meeting. Council Member Tillis appointed Ronnie Merens to the Bicycle and Pedestrian Advisory Committee to MPO.

2. Member Reports/Communications

A. Mayor and Council Members

Vice Mayor Fulton asked Mr. Langley if the Council could discuss the stop work order for Saxon Woods. Mr. Langley responded that he needed to research the matter further before the Council makes a decision. Vice Mayor Fulton stated he would like the development completely shut down until the required work is completed. Mayor Coleman asked Ms. Courson to expedite the matter.

Council Member Lenzen informed the Council that the Partnership Center operating agreement should be coming before them at the next regular meeting.

Council Member Carson made a motion to cancel the visioning session with Marilyn Crotty on March 18<sup>th</sup>. Due to lack of a second, the motion died.

B. City Attorney

Mr. Langley did not have any information for the Council.

C. City Manager – Request for Workshop / Public Hearing to Discuss Passive Park at Barwick Road.

A workshop was scheduled for April 12<sup>th</sup> at 7:00 p.m.

V. **Adjournment.** The meeting adjourned at 10:29 p.m.

**APPROVED April 5, 2006  
CITY OF DeBARY  
CITY COUNCIL**

**George Coleman, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**