

**City of DeBary**  
**SPECIAL CITY COUNCIL MEETING**  
**Wednesday**  
**April 12, 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, Council Member Christopher Carson (late), Council Member Jack Lenzen, and Council Member Danny Tillis

**Members Absent:** Vice Mayor Patrick Fulton (excused)

**Others Present:** City Manager Maryann Courson, City Clerk Stacy Tebo, and Assistant City Attorney Dan Langley

Mayor Coleman stated that the items listed on the agenda would be taken out of order to accommodate those present.

**IV. Growth Management and Development Review**

1. Final Site Plan Application for Inland Materials Block Plant Facility, File No. 05-F-FSP-1031.

Palmer Panton, Volusia County Land Development Manager, explained the request for a final site plan application to the Council and recommended approval.

Jerry Kyckelhahn, with Inland Materials, discussed the development process with the Council. Mayor Coleman asked Mr. Kyckelhahn questions regarding the allowable height of the building and the chain link fence. Mr. Panton stated that the maximum allowable height in the I-1 area is 45 feet.

Council Member Tillis made a motion to approve, and Council Member Carson seconded. The motion passed unanimously.

## **VI. New Business**

1. Discussion of Passive Park at the Oglesby / Gardella property.

Ms. Courson explained that the City and County purchased the property together for a passive park; that the reason the topic is up for discussion is that, due to grant restrictions, the City must show an effort to open the park for public use; and that she has brought it before Council to get approval on the conceptual site plan and direction on a phasing plan.

Dan Manley, Landscape Architect for Glatting Jackson, presented the conceptual site plan to the Council and discussed the proposed park amenities.

Gary Warner, Landscape Architect with Glatting Jackson, discussed canoeing possibilities at the park with the Council.

Council Member Carson suggested expanding the learning center to a civic center. Ms. Courson responded that a civic center is not listed as a permitted use in the interlocal agreement.

Mr. Manley explained the need to provide handicapped access to the river. Council Member Tillis discussed his desire for multiple trails throughout the property and an overlook tower.

The Council agreed that they would like to open the park with minimal expense.

Mayor Coleman asked Ms. Courson if the impact fee proposal could be applicable to the park discussion. Ms. Courson answered that the study would cost \$38,000; that impact fees must be used for new capital projects; and that they could provide funding for a new city hall and new parks. She asked the Council if they were interested in discussing it further as a regular agenda item at a future meeting. There was consensus from the Council that they were interested.

Ed Eisenhower, Volusia County Land Acquisition Management, addressed the Council and stated that the County was in agreement with the amenities proposed in the conceptual plan. He noted that a civic center would not be in keeping with the spirit of the Volusia Forever program.

Mr. Warner asked the Council for direction regarding the conceptual plan and a phasing plan. The Council agreed that they liked the conceptual plan, and would like to spend a minimal amount for the first phase to open the park. Mr. Warner said he would begin work on a phase one plan and present it to staff for review.

## **III. 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 #10-06 – First Reading – Charter Referendum Concerning Eminent Domain.

Mr. Langley read Ordinance #10-06 aloud by title. Ms. Tebo explained the proposed language to the Council and stated that, if approved, would be presented to the voters on November 7, 2006.

Leonard Marks, 32 Wisteria Drive, voiced his desire for the Council to approve the ordinance and stated that eminent domain has become a national concern. He added that approval of the ordinance would reassure the citizens of DeBary that they are safe.

Mayor Coleman entertained a motion for approval. Motion made by Council Member Carson and seconded by Council Member Tillis. The motion passed unanimously.

2. Ordinance #11-06 – First Reading – Charter Referendum Concerning Charter Officers.

Mr. Langley read Ordinance #11-06 aloud by title. Council Member Carson made a motion to approve, and Council Member Tillis seconded. The motion passed unanimously.

3. Ordinance #12-06 – First Reading – Charter Referendum Concerning the Removal of the City Manager.

Mr. Langley read Ordinance #12-06 aloud by title. Council Member Tillis and Council Member Lenzen stated that they would like to leave the Charter as is with regards to the requirements for removal of the City Manager.

Council Member Tillis made a motion to reject the ordinance. Council Member Lenzen seconded. The motion passed unanimously.

4. Ordinance #13-06 – First Reading – Charter Referendum Concerning Debt Repayment.

Mr. Langley read Ordinance #13-06 aloud by title. He explained that the current Charter requires the City to repay its debt within five years, and the ordinance proposes to extend it to seven years.

Council Member Tillis made a motion to approve. Council Member Carson seconded. The motion passed 3-1, with Council Member Lenzen dissenting.

5. Ordinance #14-06 – First Reading – Charter Referendum Concerning Contractual Services.

Mr. Langley read Ordinance #14-06 aloud by title. Council Member Lenzen voiced his concern regarding the proposed additional language, in that it might require the city to utilize contractual services without addressing quality of service.

Council Member Carson made a motion to reject the ordinance. Council Member Lenzen seconded. The motion passed 3-0 (Council Member Tillis momentarily left the dais).

6. Ordinance #15-06 – First Reading – Charter Referendum Concerning Debt Management Policy.

Mr. Langley read Ordinance #15-06 aloud by title. Council Member Carson made a motion to approve. Council Member Tillis seconded the motion. The motion passed unanimously.

**V. Old Business**

None.

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

1. Member Reports/Communications

- A. Mayor and Council Members

Council Member Lenzen stated that he attended the summit on Saturday, and it was very productive.

Council Member Tillis said he attended the summit, the Easter egg hunts at DeBary Hall and Gemini Springs, and a hurricane forum. He expressed his concern regarding what his responsibilities would be during a hurricane. Ms. Courson stated that the hurricane plan approved in 2005 covered everything needing to be done during a disaster. She added that staff would begin developing palm cards to distribute to Council and suggested having a hurricane workshop in May.

- B. City Attorney

Mr. Langley had nothing to report.

- C. City Manager – Discussion of Impact Fee Proposal.

The impact fee proposal was discussed earlier in the meeting during the passive park discussion.

**VIII. Adjournment.** The meeting adjourned at 8:49 p.m.

**APPROVED May 3, 2006  
CITY OF DeBARY  
CITY COUNCIL**

**George Coleman, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**