

City of DeBary
REGULAR CITY COUNCIL MEETING
Wednesday
May 3, 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. Proclamation Declaring May 13, 2006, as St. Johns River Cleanup Day.

Mayor Coleman read the proclamation aloud and presented it to Tom Carey of Volusia County Environmental Management.

IV. Public Participation For Any Issues Not On the Agenda

Gus Cianelli, 274 Sunrise Blvd., spoke to the Council concerning storm water drainage and the ditch that was dug near his front property line. Ms. Courson stated that the City's drainage inspector and Assistant City Manager Anthony Gonzalez would perform a site visit.

Van Conoley, 25 Rosedown Blvd., stated that the Council did not violate the Sunshine Law as was alleged by a resident at the April meeting with regards to the Alexander Woods proposed development.

V. Approval of Minutes

1. Regular City Council Meeting held April 5, 2006.
2. Special City Council Meeting held April 12, 2006.

Vice Mayor Fulton asked that the minutes of April 12th reflect his absence as excused. There was no objection from the other Council members. Mayor Coleman entertained a motion to approve both sets of minutes. Motion made by Council Member Carson and seconded by Council Member Tillis. 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 #17-06 – Second Reading – Vacating Drainage & Utility Easements, Parkview Heights.

Mr. Ardaman read Ordinance #17-06 aloud by title. Mayor Coleman entertained a motion for approval. Motion made by Council Member Tillis and seconded by Vice Mayor Fulton. The motion passed unanimously.

2. Ordinance #09-06 – Second Reading – Expansion of Saxon Woods Streetlighting District to Include Unit 3B.

Mr. Ardaman read Ordinance #09-06 aloud by title. Mayor Coleman entertained a motion for approval. Motion made by Vice Mayor Fulton and seconded by Council Member Lenzen. The motion passed unanimously.

3. Ordinance #04-06 – Second Reading – Rezoning from RC, Resource Corridor to R-4, Urban Single Family, File No. D-06-002 – Owner, Cy Holley.

Mr. Ardaman read Ordinance #04-06 aloud by title. Scott Ashley, Volusia County Planning Manager, outlined the rezoning request for the Council and recommended approval.

Council Member Tillis stated that he had discussed his concerns with Cy Holley, property owner, prior to the meeting. Mr. Holley said he would be researching the option of tapping into Deltona Water. Mr. Ashley stated that the City's Comprehensive Plan does require central water and sewer for new subdivisions.

Vice Mayor Fulton asked Mr. Holley if he was still willing to give the City a drainage easement for the road. Mr. Holley answered yes.

Mayor Coleman entertained a motion for approval of the rezoning. Motion made by Vice Mayor Fulton contingent upon the owner providing acceptable easement prior to or at the time of the lot combinations or platting. Council Member Lenzen seconded the motion. The motion passed 4-1, with Council Member Tillis dissenting.

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

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

Mayor Coleman asked Mr. Ashley if the conditions discussed at first reading were incorporated into the development agreement distributed to Council for the second reading. Mr. Ashley apologized and responded that the revised agreement was given to the Clerk just prior to the meeting. Mayor Coleman articulated the need to have the information in advance for Council to review prior to the meeting. Vice Mayor Fulton made a motion to continue the hearing until June 7, 2006 at 7:00 p.m. Council Member Carson seconded the motion. The motion passed unanimously.

5. Ordinance #10-06 – Second Reading – Charter Referendum Concerning Eminent Domain.

Mr. Ardaman read Ordinance #10-06 aloud by title.

John Likakis, 38 Seminole Drive, spoke to the Council regarding the Charter Review Commission's recommendations and his desire to reconvene the Charter Review Commission. He said he did not agree with Council's decision to extend debt repayment to seven years; that he believed a prohibition against nepotism should be placed in the Charter; that a reference to Roberts Rules of Order should be placed in the Charter; that a four-fifths vote should be required for removal of a city manager, rather than a simple majority; and that the Council should not rush through the ordinances due to the important nature of the Charter.

Mayor Coleman entertained a motion for approval of Ordinance #10-06. Motion made by Vice Mayor Fulton and seconded by Council Member Tillis. The motion passed unanimously.

6. Ordinance #11-06 – Second Reading – Charter Referendum Concerning Charter Officers.

Mr. Ardaman read Ordinance #11-06 aloud by title. Council Member Tillis stated that he would like to remove the section dealing with Council salaries from the Charter and address salaries by ordinance. Council Member Lenzen and Vice Mayor Fulton both disagreed and said it should remain in the Charter. Council Member Tillis made a motion to deny the proposed ordinance. The motion died due to lack of a second. Mayor Coleman entertained a motion for approval of Ordinance #11-06. Motion made by Vice Mayor Fulton and seconded by Council Member Carson. The motion passed 4-1, with Council Member Tillis dissenting.

7. Ordinance #13-06 – Second Reading – Charter Referendum Concerning Debt Repayment.

Mr. Ardaman read Ordinance #13-06 aloud by title. Vice Mayor Fulton made a motion to deny the ordinance and said he would like the debt repayment time frame to remain at five years. Council Member Lenzen seconded the motion. The motion failed 2-3, with the other Council members dissenting.

Council Member Tillis made a motion to approve Ordinance #13-06. Council Member Carson seconded. The motion passed 3-2, with Vice Mayor Fulton and Council Member Lenzen dissenting.

8. Ordinance #15-06 – Second Reading – Charter Referendum Concerning Debt Management Policy.

Mr. Ardaman read Ordinance #15-06 aloud by title. Mayor Coleman entertained a motion for approval. Motion made by Vice Mayor Fulton and seconded by Council Member Tillis. The motion passed unanimously.

9. Ordinance #19-06 – First Reading – Small Scale Future Land Use Map Amendment at Santiago Road.

Mr. Ardaman read Ordinance #19-06 aloud by title. Planning Administrator Anita Gonzalez explained the request to the Council and recommended approval.

Council Member Tillis made a motion to approve the ordinance, and Vice Mayor Fulton seconded. The motion passed unanimously.

10. Resolution #06-03 – Establishing a FY2006-2007 Annual Plan for use of Community Development Block Grant (CDBG) Funds.

Mr. Ardaman read Resolution #06-03 aloud by title. Ms. Gonzalez explained the areas in which CDBG funding can be used. She recommended that the funds be used for an economic development marketing study. Council Member Carson made a motion to approve, and 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. Release of Subdivision Maintenance Agreement for DeBary Plantation Unit 16C-1, Subdivision Final Plat, File No. 03-S-FPL-0610.
- *2. Release of Subdivision Maintenance Agreement for DeBary Plantation Unit 17E, Subdivision Final Plat, File No. 03-S-FPL-0609.
- *3. Release of Subdivision Maintenance Agreement for DeBary Plantation Unit 17D, Subdivision Final Plat, File No. 03-S-FPL-0608.
- *4. Release of Subdivision Maintenance Agreement for DeBary Plantation Unit 16B-2, Subdivision Final Plat, File No. 02-S-FPL-0127.
- *5. Release of Subdivision Maintenance Agreement for DeBary Plantation Unit 17A, Subdivision Final Plat, File No. 99-S-FPL-0084.
- *6. Release of Subdivision Maintenance Agreement for DeBary Plantation Unit 16C-3, Subdivision Final Plat, File No. 03-S-FPL-0611.

- *7. Ordinance #18-06 – First Reading – Expansion of Glen Abbey Streetlighting District to Include Unit 5.

Mr. Ardaman read Ordinance #18-06 aloud by title. Mayor Coleman entertained a motion to approve the consent agenda. 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. City Hall Architectural / Engineering Services Agreement with Stottler Stagg.

Ms. Courson explained the Agreement to the Council. John Wanamaker, volunteer consultant for the City, stated that he believed they would be able to build a two-story building of 12,000 to 14,000 square feet on the site. Council Member Tillis made a motion to approve the agreement up to \$200,000, conditioned upon any changes deemed appropriate by the City Attorney and the City Manager. Council Member Lenzen seconded. The motion passed unanimously.

X. New Business

- 1. Code Enforcement Fine Settlement Agreement with Florence Romaine for 113 Oak Tree Drive, DEB-04-029.

City Clerk Stacy Tebo gave the Council background information on the code enforcement case and the proposed settlement agreement.

Florence Romaine, 1130 Manitoba Street, stated that she wished to rehabilitate the property for her daughter to occupy. She said that, depending on the costs, she might remove the existing mobile home and place a new one on the site.

Vice Mayor Fulton said he wished to find out if the original owner has assets that the City could pursue to satisfy the fine. Council Member Lenzen stated that he did not wish to pursue the owner's personal assets, but also, did not want the owner to get market value for the property. Ms. Romaine said that the property would be sold at a tax sale in the following week, and the original owner is willing to give her the property.

Gertrude DeSantis, president of the Meadowlea Improvement Association, stated that the Association would like to see Ms. Romaine take control of the property and improve it.

Council Member Tillis made a motion to approve the settlement agreement, provided that Ms. Romaine take title of the property within fifteen days, and show substantial progress towards compliance within ninety days. He added that the Council could grant an additional ninety days at that time. Vice Mayor Fulton seconded. The motion passed unanimously.

2. Resolution #06-04 – Purchase of Property at 199 Barwick Road.

Mr. Ardaman read Resolution #06-04 aloud by title. Ms. Courson stated that the property is adjacent to the Oglesby / Gardella property and could be used by the City for a variety of purposes. The Council discussed the possibilities for the use of the property.

Council Member Tillis made a motion to approve the purchase contingent upon the City Attorney's review of the contract and closing documents. Council Member Carson seconded. The motion passed unanimously.

3. Stormwater Revenue Bond Public Education.

Ms. Courson explained the need to educate the voters prior to the stormwater referendum. She itemized the various marketing tools that the City might use to promote the issue.

Council Member Tillis stated that \$12,000 for the polling of 300 people seemed excessive. Council Member Lenzen said he was in favor of voter education, but would like to place a cap on the amount.

Mayor Coleman entertained a motion for approval. Council Member Tillis made a motion to approve the promotional activities related to the stormwater bond referendum with a cap of \$20,000. Council Member Carson seconded. The motion passed unanimously.

4. Development of Parks and Government Buildings Impact Fee Study.

Mayor Coleman discussed the need for the City to adopt impact fees to serve the needs of future residents. Vice Mayor Fulton made a motion to approve the impact fee study, and Council Member Tillis seconded. The motion passed unanimously.

5. Planning & Design Services Agreement for Skateboard Park with Glatting Jackson.

Ms. Courson explained the scope of work covered by the Agreement and recommended approval. Mr. Ardaman advised the Council of a few minor changes to the contract. Council Member Tillis made a motion to approve the agreement with the changes discussed by Mr. Ardaman. Vice Mayor Fulton seconded. The motion passed unanimously.

6. Discussion of Council Member Salaries and Health Insurance by Council Member Tillis.

This item was previously discussed during the Public Hearing of Ordinance #11-06.

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

1. Board/Committee Appointments
Economic Development Advisory Committee

Regular City Council Meeting

May 3, 2006

Page 6

Alternate

At-large

The appointment was postponed until the June meeting.

Streetscape Committee

Regular Member

Council Member Lenzen

Regular Member

At-large

Alternate

At-Large

Council Member Lenzen made a motion to appoint Dennis Munsey. Vice Mayor Fulton seconded the motion. The motion passed unanimously. The remaining appointments were postponed until the June meeting.

Historic Preservation Advisory Board

Jesse Beall

Vice Mayor Fulton

Gerald Lombardi

Council Member Carson

Vice Mayor Fulton nominated Jesse Beall, and Council Member Carson nominated Gerald Lombardi. Mayor Coleman made a motion to reappoint both members, and Vice Mayor Fulton seconded. The motion passed unanimously.

2. Member Reports/Communications

A. Mayor and Council Members

Council Member Lenzen stated that he attended the Hoedown at DeBary Hall, and it was very successful.

Council Member Tillis said that he attended the Advanced Elected Official class, the Hoedown, the Art League's Razz Ma' Tazz event, and DeBary Clean Up Day.

Vice Mayor Fulton noted he had also enjoyed the Hoedown and Razz Ma' Tazz event. He added that he had also attended a Deltona Commission meeting.

Mayor Coleman informed the Council of the upcoming Code Enforcement training session.

B. City Attorney

Mr. Ardaman verified that all members of the Council would be present at the May 9th workshop.

C. City Manager

Ms. Courson reminded the Council of the Volunteer Appreciation Luncheon on May 6th at 11:00 a.m. She thanked the Council for their donations to the recent March of Dimes fundraiser.

- Request for Disbursement to DeBary Art League.

Regular City Council Meeting

May 3, 2006

Page 7

Ms. Courson stated that the Art League has requested that the City disburse the \$100,000 previously pledged for the ECHO grant match. The Council discussed that it was a promise made by the previous Council, and the disbursement should be made.

- Discussion of City Signs.

Ms. Courson informed the Council that staff is preparing to bid the city signs and asked the Council for approval on the A1.3 design contained in the agenda packet. The Council discussed it and agreed on the design.

- Scheduling of Council Hurricane Workshop.

The Council decided to discuss the hurricane workshop before the regular meeting on June 7th beginning at 6:00 p.m.

V. Adjournment. The meeting adjourned at 9:40 p.m.

**APPROVED June 7, 2006
CITY OF DeBARY
CITY COUNCIL**

George Coleman, Mayor

ATTEST:

Stacy Tebo, City Clerk