

City of DeBary
SPECIAL CITY COUNCIL MEETING
Wednesday
January 23, 2008
6:00 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 6:00 p.m.

1. Invocation
2. Flag Salute

II. Roll Call

Members Present: Mayor George Coleman, Vice Mayor Christopher Carson, Council Member Norman Erickson, Council Member Jack Lenzen, and Council Member Leonard Marks

Others Present: City Manager Maryann Courson, Assistant City Manager Anthony Gonzalez, and Assistant City Attorney Dan Langley

III. Public Participation For Any Issues Not On the Agenda

Rick and Celia Wrage, 201 Grande Vista Street, spoke to the Council regarding a code enforcement issue they have with the City's Neighborhood Improvement Office.

Jerry Bartel, 20 Gracie Road, spoke about the road maintenance in Orlandia Heights and a meeting he had with Traffic Engineering and the Sheriff's Department. He invited anyone interested to call him with questions and/or to look at the traffic engineering report.

IV. Approval of Minutes

1. Special City Council Meeting held January 2, 2008.

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

V. Presentations

1. Presentation by David Hamstra of PEC Regarding the West Side Emergency Flood Management System (WSEFMS).

David Hamstra gave the Council a historical timeline of the stormwater situation in the City and updated the Council on the progress the City has made with respect to the WSEFMS. He outlined the anticipated schedule; he said the FEMA submittal would be completed by the end of the month, the bids would be done in June, and construction could begin in August.

Mr. Hamstra discussed the possibility of installing generators at each pump station site; he estimated that the cost could range between \$30,000 and \$50,000 installed per generator. He stated that of the three sites under consideration, which are DeBary Plantation Boulevard, Lake Susan, and Quail Lake, the most important one would be at DeBary Plantation. He asked the Council to think about the generators within the next 30-45 days.

Mr. Hamstra entertained questions from the Council regarding the capacity of the borrow pit, planned pathways of water from Saxon Woods, the construction timetable of the WSEFMS, reclaimed water, and telemetry systems for the pumps.

Ms. Courson said she would bring the generator discussion back to the Council for action in March.

VI. 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 #08-03 – Social Security Policy.
- *2. Resolution #08-04 – Orlandia Heights Banking Signatures.

Mr. Langley read Resolutions #08-03 and #08-04 aloud by title.

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

VII. 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. Request for Dangerous Dog Hearing by Michael Tsagarakis at 229 Delespine Drive.

Mr. Langley briefly explained the process of the quasi-judicial hearing to the Council.

Ms. Courson swore in all the witnesses who intended to testify.

Animal Control Officer Dee Ferguson briefly explained the case to the Council and stated her dangerous dog determination was based on an affidavit by the complainant.

Jared Johnson, 231 Delespine Drive, stated that the defendant's dogs have escaped through a hole in the fence numerous times; that the dogs have threatened him in his own backyard; that he has a petition signed by neighbors corroborating his testimony; and that over the years, the owner has shown an inability to contain his dogs.

Mr. Langley noted that the Council has a packet, which includes the complainant's affidavit and paperwork from Volusia County Animal Control.

Lori Hupp, 242 Delespine Drive, spoke on behalf of the dogs, and stated that they are not violent or aggressive.

Michael Tsagarakis, the dogs' owner, stated that both dogs are seven-month old puppies and did not kill Mr. Johnson's dog.

Council Member Erickson asked Officer Ferguson what would happen if the Council determines the dogs are dangerous. Officer Ferguson answered that the owner must follow specific rules regarding dangerous dogs and will be inspected yearly by Animal Control to ensure compliance with the guidelines.

Mr. Langley noted that Section 10-31(1) of the City's code says that a dog can be deemed dangerous if the dog has aggressively endangered a human.

Council Member Erickson made a motion that there is sufficient cause to classify Sassy and Dozer as dangerous and therefore uphold the initial determination made by Animal Control. Council Member Lenzen seconded. The motion passed unanimously.

Officer Ferguson said she would inform Mr. Tsagarakis of the requirements for the dogs, now that they have been classified as dangerous.

2. Request for Special Exception from Highbanks Marina to Incorporate New Fire Protection Standards.

David Dunne, GAI Consultants, explained the special exception request to the Council.

Larry Fink, 47 River Bluff Trail, said that the City should not deviate from its fire protection standards; that trailers would burn much faster than traditional houses; and that although he sympathizes with the residents, the City needs to ensure the safety of everyone.

Allen Watts, representing Highbanks Marina, outlined the parameters of the alternate fire protection standards so that the Marina might proceed with permitting the remaining units that do not meet the current minimum separation requirements between structures.

Council Member Marks voiced concern regarding the four-foot separation between some of the units. He said that the County Fire Inspector Karen Munson was unaware of this fact when he spoke with her. He added that he would like to postpone the hearing so that Ms. Munson could attend.

Terry Cumberledge, 24 River Bluff Trail, voiced her opposition to the amendment of the special exception. She said that the fire engineer did not address the existence of the propane tanks in the report; that the problem has gone on way too long; that the City has given enough leniency; and that the Council should reject the Marina's application.

Nan Lafferty, 32 River Bluff Trail, said that the proposed pod system is just a drawing, and they should be able to move the trailers around so that no one loses their home.

Jay Erndl, representative of the River Bluff Homeowner's Association, said that the setbacks from the property line have never been addressed; any that fire there has the potential to spread to their neighborhood.

Council Member Erickson questioned the Grandfathering process of Mr. Watts. Watts explained the distinction between land use requirements and fire safety code requirements.

Andrew Valente, fire protection engineer, gave the Council his credentials and qualifications. He explained his research and calculations and entertained questions from the Council.

David Currey, manager of the Marina, explained the process of natural attrition to Council Member Erickson and the desire of the park to comply with the City's code.

Council Member Erickson said he would like specific details on one piece of paper as to what the Council would be agreeing to in approving the amendment.

Mr. Watts suggested that the City Attorney draft a resolution incorporating the staff recommendations, Ms. Munson's conditions, and any additions that Council deems appropriate.

Mayor Coleman entertained a motion to continue the hearing until February 20th at 6:00 p.m. Motion made by Council Member Marks and seconded by Vice Mayor Carson. The motion passed unanimously.

VIII. Growth Management and Development Review

None.

IX. Old Business

None.

X. New Business

None.

XI. Council Member/Committee/Staff Reports

1. Board / Committee Appointments

Volusia County MPO Executive Committee
Water Authority of Volusia
School Oversight Committee

Council Member Marks made a motion to appoint Council Member Erickson to the School Oversight Committee, Council Member Marks to WAV, and Council Member Lenzen to MPO. Vice Mayor Carson seconded. The motion passed unanimously.

2. Member Reports/Communications

A. Mayor and Council Members

Two Council Meetings Per Month Discussion – Council Member Erickson

Council Member Erickson made a motion to hold two regular council meetings per month. Council Member Marks seconded. The motion failed 2-3, with Mayor Coleman, Vice Mayor Carson, and Council Member Lenzen dissenting.

Mayor Coleman said he wanted to discuss on-street parking at a future meeting. He said he had attended the SW Mayor's meeting. He added that at the recent VCOG meeting, there was discussion regarding conservation. He reminded everyone of the Volusia League of Cities meeting the following day.

Council Member Erickson said he went to the West Volusia Summit and that the water issue was discussed. Council Member Marks added that at the Summit, the Freedom Festival was also discussed.

B. City Attorney

Mr. Langley had nothing to report.

C. City Manager – Request for Goal Setting Workshop

Ms. Courson said that because there are two new Council members, they need to redefine their goals. The Council agreed to discuss goals at a workshop, rather than engaging a facilitator. The Council agreed to hold the workshop at 6:00 pm, prior to the regular meeting on February 6th.

Ms. Courson briefly explained the grant obligations of the River City Nature Park. She stated that the Council could discuss their desired improvements at the March meeting.

XII. Adjournment. The meeting adjourned at 9:52 p.m.

**APPROVED February 20, 2008
CITY OF DeBARY
CITY COUNCIL**

George Coleman, Mayor

ATTEST:

Stacy Tebo, City Clerk