

**City of DeBary**  
**CITY COUNCIL WORKSHOP**  
**Wednesday**  
**February 6, 2008**  
**6:00 PM**  
Florence K. Little Town Hall  
12 Colomba Road  
DeBary, Florida 32713

**MINUTES**

**I. Call to Order**

Mayor Coleman called the workshop to order at 6:00 p.m.

**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 and City Clerk Stacy Tebo

**III. Discussion Regarding Goal Setting for 2008**

Mayor Coleman said that due to the voter-approved tax amendment, cuts would have to be made in the next year's budget of approximately \$370,000.

Council Member Erickson stated that goals are difficult to complete if the information Council receives is not accurate. He requested that a discussion of the City Charter be placed on the March agenda and a discussion regarding the City Manager be placed on the April agenda. He questioned the agenda packet requirements and said he would like more information such as DRC minutes and agendas, proof of publication, listed uses in development agreements, copies of notices to adjacent owners, properly sized maps, and recommendations from staff. He asked why another DRC was created two days after he brought it up at the meeting of January 9<sup>th</sup>.

Ms. Courson responded that she was under the assumption that Council Member Erickson did not like the way it was being done, so she changed it immediately.

Council Member Marks said he believes there is a lack of information and abiding by the rules, and there is a disconnect between the citizens, the staff and the Council. He stated that he does not like franchise fees or allocating funds for non-profits; that DeBary's number one goal should be stormwater; and that the City may have to cut back on infrastructure.

Council Member Lenzen explained that when he was first elected, the City was going bankrupt; that the City does not have a utility and the biggest funding source is the property tax; that there is only one city that does not charge franchise fees; that the Council had to make a prudent decision to improve the financial health of the City; that although she has received criticism, the City manager was under the instruction of the Council to increase revenues; and that the question

he asks of the rest of the Council is where they would like the City to move from this point forward.

Mayor Coleman asked how much the City receives back from Animal Control. Ms. Courson responded that it is a very small amount from licensing. Mayor Coleman said he believes that the City should receive a little for the animals that are picked up in DeBary.

Council Member Lenzen responded that the City has the lowest ad valorem rate and believes the citizens want and expect it, but does not think the City can afford to reduce it or abolish franchise fees. He added that the City could still maintain the low tax rate and keep the high level of service that the residents are accustomed to.

In response to Council Member Marks' concern regarding complaints against the City Manager, Ms. Courson stated that she has an open-door policy and when anyone walks in to City Hall, she handles the request immediately if she is not in a meeting.

Vice Mayor Carson said for the record, that Ms. Courson puts her time and heart into her work; that she does a fine job; and that a lot more people are satisfied with the City Manager's performance than the small number of complainers, but unfortunately those people do not attend the meetings.

Council Member Erickson responded that anything he says about the City Manager is taken from the record and is not hearsay.

Council Member Lenzen stated that Council's obligation is to deal with the cards they have been dealt and move the City forward. He added that they should negotiate how they can best spend the taxpayers' money to serve the community as a whole and prioritize what the City needs.

Mayor Coleman said that in the past the Council engaged a facilitator to help the Council establish their goals. Ms. Courson said that they used Marilyn Crotty with the Institute of Government in 2006. Mayor Coleman asked Ms. Courson to find out when Ms. Crotty would be available to facilitate a goal workshop.

**IV. Adjournment.** The workshop adjourned at 6:50 p.m.

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

**George Coleman, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**

**City of DeBary**  
**REGULAR CITY COUNCIL MEETING**  
**Wednesday**  
**February 6, 2008**  
**7:00 PM**

Florence K. Little Town Hall  
12 Colomba Road  
DeBary, Florida 32713

**MINUTES**

**III. Call to Order**

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

1. Invocation
2. Flag Salute

**IV. 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, City Clerk Stacy Tebo, City Attorney Kurt Ardaman, and Assistant City Attorney Giffin Chumley

**III. Public Participation For Any Issues Not On the Agenda -** Citizen comments are limited to three minutes per speaker.

John Likakis, 38 Seminole Drive, suggested the Council adopt a water concurrency policy and incorporate it into the City's Comprehensive Plan. He added that the State and local governments should give greater attention to water conservation and availability.

Jenny Kopeoze-Boooz, 7 S. US Highway 17-92, stated she would like the public to use her ice cream store parking or the hardware store, but not the hair salon. She asked Council if she could keep the inflatable ice cream cone in front of her business. Ms. Courson stated that she met with her and advised her to go through the code enforcement process and allow the Code Enforcement Board to interpret the code for a determination of whether or not it violates the Land Development Code.

**IV. Approval of Minutes**

1. Regular City Council Meeting held January 9, 2008.

Without objection the minutes were approved as submitted.

## **V. Presentations**

None.

## **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.*

None.

## **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. Ordinance #03-08 – First Reading – Small Scale Future Land Use Map Amendment on 9.64 Acres at the Northeast Corner of Highbanks Rd. & 17-92 for DeBary Corner Business BPUD (Walgreens).

Mr. Ardaman read Ordinance #03-08 aloud by title.

David Dunne, with GAI Consultants, explained the map amendment request to the Council.

Mr. Ardaman suggested that the Council convene as the Local Planning Agency (LPA) and then make a recommendation to the Council. Mayor Coleman moved to adjourn as the Council and convene as the LPA. Council Member Erickson seconded. The motion passed unanimously.

Mark Watts, representative for the applicant, stated that a portion of the property is already commercial/retail; that there was differing information as to where the line exists delineating the residential/low density portion; and that they submitted an application to cover the entire parcel so that the record would be clarified.

Council Member Lenzen said he did not like the idea of a restaurant on Highbanks east of Walgreens, but it would be appropriate on 17-92.

Mr. Watts explained the evolution of the property from multiple parcels into one parcel and noted that there is a single parcel under consideration.

Council Member Erickson questioned the difference between Mr. Watt's application and the ordinance, in that his specifies commercial/retail and the ordinance lists commercial/office in the title. Mr. Watts responded that they applied for commercial/retail, and that is what he is asking the Council to consider.

Council Member Erickson asked if the property is in the Village Overlay District. Mr. Dunne answered that a small portion on the corner is in the District. Mr. Watts added that they are incorporating the standards on the whole property covered by the PUD even though only the corner is included.

Mr. Watts clarified the reason he applied for a land use map amendment for the entire property. He stated that there are inexact lines that delineate the distinction between commercial/retail and residential/low density; that there are conflicting lines between the City map and the County

map; that in order to clarify the situation, the application covers the whole parcel to remove any questions regarding the location of the line; and that they could not generate a legal description due to the conflict of the lines.

Vice Mayor Carson moved that the LPA forward Ordinance #03-08 to Council for approval. Council Member Lenzen seconded. The motion passed 4-1, with Council Member Erickson dissenting.

Mayor Coleman closed the LPA, and reopened the City Council meeting.

Mayor Coleman entertained Council approval of the recommendation of the LPA. Motion made by Council Member Lenzen and seconded by Vice Mayor Carson. The motion passed 4-1, with Council Member Erickson dissenting.

2. Ordinance #04-08 – First Reading – Rezoning from PUD (Planned Unit Development) to BPUD (Business Planned Unit Development) for DeBary Corner Business BPUD (Walgreens).

Mr. Ardaman read Ordinance #04-08 aloud by title.

Mr. Dunne explained the request to rezone the parcel and stated that it meets the requirements of the DeBary Land Development Code.

Mr. Ardaman noted that a maximum building square footage for the property was not listed on page five of the development agreement. Mr. Dunne recommended that it be 24,820 square feet. Mr. Watts said they previously asked for a maximum of 60,000 square feet; that the maximum would be 35,000 if they went strictly by the uses listed in the agreement; but at this point, they do not know what would fit on the site; and that they are amenable to placing a restriction in the agreement that no restaurant would be located on Highbanks Road, east of Walgreens.

Council Member Lenzen asked about the stormwater retention and if they would have to build additional facilities. Mr. Watts responded that stormwater retention must follow the city's code. David Byer, project engineer, stated that the current retention pond under construction is sized for what they expect the additional volume of stormwater would be when the rest of the parcel is developed. Mr. Watts added that the stormwater would still have to be reviewed again when further construction occurs.

Council Member Lenzen moved to approve Ordinance #04-08, provided that the Highbanks portion east of Walgreens is not a high intensity use. Vice Mayor Carson seconded. The motion passed 3-2, with Council Member Erickson and Council Member Marks dissenting.

## **VIII. Growth Management and Development Review**

1. Overall Development Plan (ODP) Development Order for Springview Tract I Subdivision.

Ms. Courson explained that the ODP was previously reviewed and approved by the County, but was not heard by Council due to three outstanding issues that needed to be resolved by the developer, David Rasmussen, prior to the Council considering any further business. She stated that the three issues were the construction of a turn lane at the entrance to the Springview

Industrial Park, the reforestation of the tree preservation areas that had been disturbed in the residential areas, and the planting of the borrow pit. Ms. Courson advocated the payment to the tree preservation fund in lieu of planting the borrow pit because the pit will be used for the West Side Emergency Flood Management System, and planting in the near future would be futile. She added that the average between Mr. Rasmussen's estimate and the City's estimate is \$17,167.50.

Council Member Erickson made a motion to accept the payment to the tree preservation fund in lieu of planting the borrow pit. Council Member Lenzen seconded. The motion passed unanimously.

Mr. Rasmussen briefly explained the ODP to the Council. Mayor Coleman entertained a motion for approval. Motion made by Council Member Lenzen and seconded by Council Member Erickson. The motion passed 4-0, with Council Member Marks not present during the vote.

## 2. Final Site Plan for Gateway Center for the Arts.

Mr. Dunne briefly explained the project and stated that the project is in compliance with zoning classification requirements and the Comprehensive Plan. He added that David Hamstra's comments regarding stormwater concerns have been addressed, which are listed in the memo.

Council Member Erickson asked about the relocation of the walking trail. Mr. Dunne answered that the location has not been delineated. Ms. Courson added that it is a cypress mulch trail.

Vice Mayor Carson moved to approve the final site plan subject to the conditions submitted by staff regarding Volusia County Water and Sewer. Council Member Erickson seconded. The motion passed unanimously.

## 3. Final Site Plan for Summerhaven Office Plaza.

Mr. Dunne outlined the project. The applicant, Tony Ewing, addressed the Council and answered questions. He stated the building height is 35 feet; that it is a three-story building; and that there would be landscape planters in the parking lot per code.

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

## 4. Discussion Regarding Enclosure of Commercial Solid Waste Containers

Ms. Courson stated that complaints were received regarding dumpsters, and 24 letters were sent out to local businesses; that some people said they would have a hardship in complying with the code requiring enclosure; that she did support some of the requests, but not all; and that no waivers have been granted pending Council discussion.

Pete Lunch, 115 Amberglow Court, submitted pictures to Council of a dumpster on Legion Place which is across from his rental. He stated that the dumpster has been a chronic problem and eyesore to the community. He added that the post office's dumpster next door has also been problematic. Ms. Courson noted that because it is federal, the post office does not have to follow local regulations.

Danny Allen, 140 Fort Florida Road, said that when the building is leased, the landlord has to follow the code, but if it is federally owned, they do not.

Council Member Marks said he sees it as a litter problem.

Council Member Lenzen stated that some businesses cannot comply due to the configuration of the lot, and an enclosure would prevent the garbage truck from servicing the dumpster.

Ms. Courson stated that if the dumpster is clearly visible from 17-92, she would not be in favor of a waiver; and that if a waiver is granted to a business, it would be revoked if any complaints are received concerning the condition of the dumpster.

#### 5. Discussion of Requests to Reduce or Waive Code Enforcement Liens.

Council Member Marks suggested that Council consider an ordinance to limit reductions to fifty percent, or a sliding scale whereby each month that passes represents ten percent, up to fifty percent.

Mr. Ardaman stated that it is up to the discretion of the Council, and there are not any guidelines established for Council to adhere to when considering such requests.

Ms. Courson suggested that staff look at other cities to find out what others are doing.

Mr. Ardaman noted that in the recent past, Council has voted not to reduce a lien and collected the whole amount; and that Council usually collects at least the staff costs to handle the case.

Council Member Erickson said he would like to see models from other cities.

#### 6. Request from DeBary Church of Christ to Erect a Sign at 101 S. US Hwy 17-92.

Ms. Courson explained that the only way the sign could be approved by Council would be for them to consider it a temporary sign. She explained that because the Church is renting Town Hall on a temporary basis, they would like to place a sign on Doug Holly's property across the street from Town Hall.

Mayor Coleman said he would have a problem approving the sign because there is another church in town in a temporary location that puts its sign out on Sunday morning and then removes it Sunday evening.

Jesse Beall, 38 Monroe Avenue, said the Church is looking for a permanent location, but in the meantime then need to let people know where they are.

Chris Yacenda, 52 S. US Highway 17-92, voiced his concern with the sign and the potential for it to create a safety hazard. He suggested that the Church advertise in the newspaper or yellow pages, and he said he does not think they deserve an exception to the rules when other businesses have to abide by the code.

Council Member Marks made a motion to approve the sign and the Church's rental of Town Hall until September 1, 2008. Vice Mayor Carson seconded. The motion failed 2-3, with Mayor Coleman, Council Member Erickson, and Council Member Lenzen dissenting.

### **IX. Old Business**

#### 1. River City Nature Park Mowing.

Assistant City Manager Anthony Gonzalez stated that he has been researching different alternatives for the mowing and briefly explained the four options presented to Council.

Vice Mayor Carson said he was in favor of option three. Council Member Lenzen said for right now, he supports option two, but option three and four need to be considered in the future when the Council prepares the budget. Council Member Marks supported options two and three.

Carole Ollivier, 426 Glen Abbey Lane, suggested that the City use prisoners to perform the mowing to save the City money.

Council Member Erickson moved to approve option two for the addendum to the existing Servello contract. Council Member Marks seconded. The motion passed 3-2, with Mayor Coleman and Vice Mayor Carson dissenting.

2. Canvass Carport Violations.

Mr. Ardaman informed the Council of the research performed by his office regarding canvass carport violations and explained the three options provided for Council in the agenda packet. He recommended that Council continue code enforcement, as the City cannot waive its duty and obligation to follow the Florida Building Code under state law.

Mayor Coleman asked if the discussion could be postponed. Council Member Lenzen said he does not have a problem with the carports if they are located in the side or rear yards.

Ms. Courson noted that due to the late hour, they would need to pass a motion to extend the meeting beyond 11:00, or to continue the items with the remainder of the agenda to another meeting.

Council Member Erickson moved to continue the item and the remainder of the agenda to February 20<sup>th</sup> at 6:00 p.m. Council Member Marks seconded. The motion passed unanimously.

**X. New Business**

1. Award of RFP #12-07 for Disaster Management: Monitoring and Recovery Services.

**XI. Council Member/Committee/Staff Reports**

1. Board / Committee Appointments

Streetscape Committee

|                  |                         |
|------------------|-------------------------|
| Barbara Rutz     | Vice Mayor Carson       |
| Susan Preil      | Council Member Erickson |
| Laura Lee Clark  | Council Member Lenzen   |
| Mac McShea       | Council Member Marks    |
| Carole Ollivier  | At-Large                |
| Regular Member   | Mayor Coleman           |
| Alternate Member | At-Large                |

Economic Development Advisory Committee

|            |                         |
|------------|-------------------------|
| Don Kitner | Council Member Erickson |
|------------|-------------------------|

|                         |                       |
|-------------------------|-----------------------|
| Mark Meister            | At-Large              |
| Sid Vihlen, Jr.         | At-Large              |
| Joe Alemany             | Council Member Lenzen |
| Chris Yacenda           | Vice Mayor Carson     |
| Helene Leininger (alt.) | At-Large              |
| Regular Member          | Mayor Coleman         |
| Regular Member          | Council Member Marks  |

|                                  |                         |
|----------------------------------|-------------------------|
| Public Safety Advisory Committee |                         |
| Regular Member                   | Council Member Erickson |

2. Member Reports/Communications
  - A. Mayor and Council Members
  - B. City Attorney
  - C. City Manager – Discussion of Freedom Festival

**XII. Adjournment.** The meeting adjourned at 10:56 p.m.

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

**George Coleman, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**