

City of DeBary
CITY COUNCIL WORKSHOP
Wednesday
April 23, 2008
6:30 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 6:30 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 (late)

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

III. Discussion Regarding Special Exception Amendment Request from Highbanks Marina to Incorporate New Fire Protection Standards

Mark Watts, representative of Highbanks Marina, gave a presentation to the Council outlining the process the Marina has taken from the beginning of the code enforcement case until the present to correct the violations.

Mr. Langley informed the Council that Mr. Morris is no longer representing the River Bluff Homeowner's Association. Mayor Coleman stated that he was told that Jay Erndl would be representing the Association.

Jay Erndl, representative of the River Bluff Homeowners Association, distributed handouts to the Council and explained the photographs he took illustrating the buffer violations. He stressed that one of their major issues is the opening in the perimeter fencing. He added that they are also concerned with the potential fire hazard created by insufficient separation between units.

Council Member Lenzen stated that when the special exception was approved in 1982, the thirty-foot area was referenced as a setback, and not a buffer.

Sarah Brown, 488 W. Highbanks Road, stated that the Marina is a wonderful community of people, and the park has improved over the past couple of years due to the efforts of Mr. Currey. She asked the Council to consider the human element when making their decision.

Tom Grochowski, 488 W. Highbanks Road, said that he obtained permits for everything he has done on Lot 150, and the whole case began due to the sewage spill, which has since been resolved by the owner of the property.

Richard Brown, 488 W. Highbanks Road, said he spent two weeks preparing a notebook for the Council regarding the Marina. He elaborated on the setback issues discussed by Mr. Erndl.

Nan Lafferty, 32 River Bluff Trail, spoke of the need for a timetable to achieve compliance at Highbanks Marina and stated that the buffer area should not be breached due to storage needs.

Terry Cumberledge, 24 River Bluff Trail, said that the Association only wishes for the Marina to come into compliance; that the landscape buffer requirements were in effect in 1982; that the Council should require an as-built survey of the park in order to adequately ensure compliance and accuracy in the future; and that the site plan is over 25 years old and does not accurately reflect the state of the park at the current time. She distributed photographs of buffer violations to the Council.

Mr. Watts said there is a 30-foot buffer along the north end, and they do agree with that, but that it is not a landscape buffer.

Ms. Courson noted that because it is a workshop, there is no motion required from the Council. She added that the only constraint is that the public hearing was continued to May 7th.

Council Member Marks stated that he would like to hear from Deputy Chief Kathy Weaver and Fire Inspector Karen Munson at the next meeting.

Council Member Erickson said that they should schedule a workshop for the Council to discuss the issue, now that they have heard from the rest of the people.

Mr. Langley stated that he needs Council direction on the sun-setting of the waiver to the seven-foot separation and if the Council wishes to require an as-built survey.

The Council discussed various dates to hold another workshop and decided on May 3rd at 9:00 a.m.

IV. Adjournment. The workshop adjourned at 8:23 p.m.

**APPROVED May 7, 2008
CITY OF DeBARY
CITY COUNCIL**

George Coleman, Mayor

ATTEST:

Stacy Tebo, City Clerk

**City of DeBary
CITY COUNCIL SPECIAL MEETING**

**Wednesday
April 23, 2008**

8:00 PM

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

MINUTES

III. Call to Order

Due to the time overrun of the workshop, Mayor Coleman called the meeting to order at 8:37 p.m.

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, City Clerk Stacy Tebo, and Assistant City Attorney Dan Langley

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

None.

IV. Approval of Minutes

1. Regular City Council Meeting held April 2, 2008.

Council Member Erickson moved to approve, and Council Member Marks seconded. The motion passed unanimously.

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 item:

None.

VIII. Growth Management and Development Review

None.

IX. Old Business

1. Request from DeBary Sonshine Academy (DSA) Regarding Purchase of 74 W. Highbanks Road CONTINUED FROM APRIL 2, 2008.

Kia Malone voiced her support of DeBary Sonshine Academy's request for expansion.

Lindi Neal, 256 Lakewood Drive, stated that she is very happy with the service she has received from DeBary Sonshine Academy, and asked the Council to support the expansion.

Susan Kniebbe, 432 Caddie Drive, stated that the three important issues regarding DSA are location, safety and responsibility.

Roberta Morales, 94 Spur Road, said that all three of her children attend DSA, and the owners kept her children free of charge when she was going through a tough time. She stressed that it is very important to take care of the kids in the community.

Brooke Mukendrick, 13 Santiago Road, stated that the owners are not in the daycare business just for the money. She said that the Dietzels allowed her daughter to attend without paying for tuition, and they bring joy and hope to the community.

John New, 440 N. Pine Meadow Drive, spoke highly of DSA and the service they provide to the parents of DeBary children.

Lemaris Linton and her children, 68 Spring Glen Drive, spoke about the trust their family has in DSA and asked the Council to let them expand.

Jane Jones, 60 Magnolia Drive, introduced her grandson to the Council and explained how much DSA has done for them.

Tara Wagner, 197 Siesta Drive, said that DSA does not cause a traffic problem on Highbanks Road, and that the traffic problems occur during the beginning and ending of school operating hours at DeBary Elementary.

Deborah Manfredi, 24 Canterclub Court, said that both of her daughters have excelled due to the care they have received at DSA.

Deborah Goodridge, 327 Sabal Springs Court, stated that both of her children have attended DSA, and the Dietzels have a gift for making children feel special.

Lennie Montgomery, 106 Glen Club Court, said that DeBary needs DSA and voiced her support for the Dietzels.

Justin Aldridge, 305 Hammock Oak Circle, said he is not against the daycare, but he is against the expansion due to the noise, as he lives directly behind the property in question.

Paula Logan, 2 Orchid Drive, said she lives directly across the street from DSA, and they cause a traffic and noise problem.

Dan Kern, 70 W. Highbanks Road, provided a packet of information relative to DSA to the Council. He stated that when the special exception was initially approved, the daycare was to be limited to forty students; that DSA has exceeded forty students; and that DSA violates the approved hours of operation.

Mark Corradini, 72 W. Highbanks Road, distributed a petition signed by 26 residents opposing the expansion of DSA.

Mary and Ken Dietzel, owners of DSA, addressed the Council regarding their request. Mrs. Dietzel stated that they place the cones in the front of the driveway in the afternoon for safety reasons, and not because they do not have adequate parking. Mr. Dietzel said that they have a good relationship with DeBary Elementary, and they allow the parents to use their parking lot for pickup. Mrs. Dietzel stated that they only wished to see what the Council thought about the possibility of the expansion prior to expending any further funds.

Mayor Coleman said that he is concerned with the impact that an expansion would have on the neighbors, and he has a problem with the request.

Council Member Erickson said that although there is not an official application, he is not opposed to the expansion, but would like to see specific plans for the use of the property.

Council Member Marks said he heard earlier in the day that the house is under contract with another party, and if so, the discussion would be moot.

Mr. Langley stated that if DSA applied for a special exception, they would have to have the owner's permission.

Council Member Lenzen said he would consider the request; that he does not oppose the idea; and that he would like to see specific plans in order to make a decision.

Vice Mayor Carson said that enrollment at DeBary Elementary has been reduced significantly, which has alleviated some of the traffic issues on Highbanks. He voiced his support of DSA.

Council Member Lenzen said he wanted to know the proposed enrollment, what they would do with the house, proposed parking, and how they want to connect the two buildings.

Mr. Dietzel said he would find out if the house is still available. He explained that they planned on using the house for school age students needing help with homework or mentoring, so it would be an indoor use.

Mr. Langley said that they would have to submit a formal application to staff, and the details desired by Council could be specified in the application.

X. New Business

None.

XI. Council Member/Committee/Staff Reports

Council Member Erickson said he attended the Southwest Volusia Summit with the other Council members, and he found it interesting.

Council Member Marks said he attended WAV, and Lindsey Roberts is the new director. He thanked the Mayor for hosting the Summit. He added that he also attended DRC and Economic Development Committee. He stated that he wanted all the committee chairs to give monthly reports to the Council; that he wants to be informed about any major event in the City; and that he has a list of sidewalk repairs needed on Highbanks from Enterprise Road to the River that he would submit to staff.

Council Member Lenzen said that MPO is really pushing for bicycle trails and sidewalks. He said he received an email from the attorney representing the horse track requesting an opportunity to speak to the Council. The Council agreed to schedule a workshop at 6:30 p.m. on May 7th to hear the proposal.

Mayor Coleman said everyone had a good time at the Volunteer Appreciation picnic the previous Saturday, and the Little League opening day was very successful.

XII. Adjournment

The meeting adjourned at 10:08 p.m.

**APPROVED May 21, 2008
CITY OF DeBARY
CITY COUNCIL**

George Coleman, Mayor

ATTEST:

Stacy Tebo, City Clerk