

City of DeBary
CITY COUNCIL WORKSHOP
Wednesday
May 21, 2008
6:30 PM

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

MINUTES

I. Call to Order

Vice Mayor Carson called the workshop to order at 6:30 p.m. Ms. Courson noted that Mayor Coleman called earlier in the day and was still in South Carolina.

II. Discussion Regarding Ordinance #02-08 – Rezoning 328.9 Acres on the West Side of Fort Florida Road Approximately One Mile from the Intersection with Barwick Road from A-2 (Rural Agriculture) and RC (Resource Corridor) to RPUD (Residential Planned Unit Development) for Country Estates at River Bend.

Ty Harris, attorney for the applicant, stated that since the meeting on May 7th, they have developed a working draft for the fair share agreement. He stated that the remaining issue is the 3800 feet of unpaved road that would exist between Riviera Bella and the River Bend development.

Tony Merenda, 462 Fort Florida Road, thanked the City for its attention to the condition of Fort Florida Road. He urged the Council to make changes to the hazardous conditions on Fort Florida Road before any further development moves forward in the area. He asked the Council to set a timely schedule for paving the road before any new development occurs.

Mr. Harris stated that if they held up the development approval as Mr. Merenda suggested, it would kill the entire development.

Council Member Erickson stressed the importance of the development agreement and asked if they would not have to pave the road if a certain number of units were not built. He also asked what it would cost to pave the road. Mr. Harris responded that it is \$195 per foot to pave a road and would be approximately \$3.3 million.

Mr. Harris noted that they are obligated to pave the road by the number of years, regardless of the number of units that have been built. He stated that the provision provides protection for the City. Assistant City Attorney Dan Langley pointed out the requirement for the performance bond, which would provide a financial guarantee to the City for the road improvements to be accomplished in the event the developer defaults.

Council Member Lenzen stated that it is vital for the road to be paved from Barwick to the south entrance of the project.

Mr. Harris said that they have never deviated on the commitment that they would pave 2.2 miles of road; that they are still committed to the same infrastructure improvements that they said they would do all along; and that they have already paid \$517,000 to the School Board.

There was extensive discussion regarding options A and B, the applicant's desire to strike option B, and the inability to do so until the property is under contract.

Mr. Harris explained the changes that he made since first reading in the development agreement to the Council.

There was discussion regarding minor amendments to the PUD and the process by which the City would handle them.

III. Adjournment. The workshop adjourned at 7:47 p.m.

**APPROVED July 16, 2008
CITY OF DeBARY
CITY COUNCIL**

George Coleman, Mayor

ATTEST:

Stacy Tebo, City Clerk

City of DeBary
SPECIAL CITY COUNCIL MEETING

Wednesday
May 21, 2008
7:30 PM

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

MINUTES

I. Call to Order

Vice Mayor Carson called the meeting to order at 7:58 p.m.

1. Invocation
2. Flag Salute

II. Roll Call

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

Members Absent: Mayor George Coleman (excused)

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

III. Public Participation For Any Issues Not On the Agenda

Mark Meister, 146 Pine Tree Drive, commended the Council on its actions regarding the amendment to the special exception for the Highbanks Marina.

IV. Approval of Minutes

1. City Council Workshop held May 3, 2008.

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

2. Special City Council Meeting held April 23, 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 hearing for the following item:

None.

VIII. Growth Management and Development Review

1. Request from Missionaries of Hope, Inc. to Subordinate Code Enforcement Lien.

Ms. Courson stated that previously the Council requested a title search and an appraisal, which has been received by the City. She added that the owner has offered to place \$10,000 in an escrow account in a good faith effort to show the City he is serious about resolving the code enforcement issues on the property.

Ty Harris, representing the tenant, Christian Care for Lil' Angels, asked the Council to grant the request so that the improvements can move forward.

Matthew Gable, attorney for the owner, stated that the only way improvements can be accomplished is for the subordination of the lien to occur. He added that the equity in the property would ensure that the City's lien is protected.

Council Member Marks asked if there is a timetable for the improvements. Mr. Harris responded that he believed the work would be completed in sixty days.

Mr. Langley asked the Council to condition the approval upon the documents being reviewed and accepted by the city attorney's office.

Council Member Erickson made a motion to approve the subordination subject to the \$10,000 in escrow, the city attorney's approval of all documents, and the improvements being completed within three months. Council Member Marks seconded. The motion passed unanimously.

2. Final Site Plan Application from Cinnamon Tree / Pond Court Professional Plaza.

Brian Nelson, GAI Consultants, Inc., explained the site plan application to the Council for an office building at Pond Court and Enterprise Road. Mr. Nelson noted that the application is consistent with the City's Comprehensive Plan and Land Development Code.

Council Member Marks questioned the presence of wetlands on the property. David Hamstra, Professional Engineering Consultants, stated that the St. Johns River Water Management District has issued a permit.

Council Member Erickson moved to approve the application, and Council Member Lenzen seconded. The motion passed unanimously.

IX. Old Business

None.

X. New Business

1. Opt Out of Community Development Block Grant Program (CDBG).

Ms. Courson stated that the Economic Development Advisory Committee discussed the item twice, and the Committee recommended that the City opt out of the current County program. She stated that the Council would have to opt out of the County's entitlement program for at least three years in order to participate in the small city economic development program.

Council Member Marks noted that the County's program provides guaranteed funding, while the other program does not.

Vice Mayor Carson said that it would be quite an opportunity for the City to participate in the small cities program.

Council Member Marks made a motion to stay with the County's entitlement program. Council Member Erickson seconded. The motion tied, with Council Member Lenzen and Vice Mayor Carson dissenting. Ms. Courson stated that they could discuss it again in June, and she asked the Council to forward her any requests for additional information relating to the topic.

XI. Council Member/Committee/Staff Reports

1. Board / Committee Appointments
Code Enforcement Board
Regular Member Council Member Erickson

Council Member Erickson made a motion to move William Brydges from the alternate position to the regular position. Council Member Lenzen seconded. The motion passed unanimously.

Volusia County MPO Citizens Advisory Committee

This appointment was postponed.

2. Member Reports/Communications
A. Mayor and Council Members

Council Member Erickson informed the Council that the first school oversight committee meeting would be held on the 28th. He said he would like the Board/Committee chairs to make reports to the Council, and stated that they might have shorter meetings if two meetings per month were planned ahead of time. He also spoke of the need for the Council to provide direction to the City's VGMC representative, Danny Allen.

Council Member Marks reminded everyone that the St. Johns River Cleanup would be held on June 7th. He informed the others that WAV has suggested taking water out of the St. Johns River and asked the Council if they were in favor. There was consensus from the Council that they were not in favor of the suggestion. He noted that he wanted to be notified of any major incidents in the City.

Council Member Lenzen said that he is ready to reevaluate the two meetings per month idea discussed by Council Member Erickson, but he would like to know the costs involved.

B. City Attorney

Mr. Langley informed the Council that the City has been named as a defendant in two foreclosure lawsuits due to code enforcement liens.

C. City Manager

Ms. Courson stated that a hurricane workshop should be scheduled in the near future. The Council decided to hold the workshop at 6:30 prior the next meeting on June 4th.

XII. Adjournment. The meeting adjourned at 9:15 p.m.

**APPROVED July 16, 2008
CITY OF DeBARY
CITY COUNCIL**

George Coleman, Mayor

ATTEST:

Stacy Tebo, City Clerk