

City of DeBary
CITY COUNCIL MEETING
Wednesday
June 18, 2008
7:00 PM
Florence K. Little Town Hall
12 Colomba Road
DeBary, Florida 32713

MINUTES

I. Call To Order

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, City Clerk Stacy Tebo, Finance Administrator Jimmie Seelbinder, Assistant City Manager Anthony Gonzalez, and City Attorney Kurt Ardaman

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

John Likakis, 38 Seminole Drive, stated that the funds budgeted for the skateboard park should be redirected to the general fund.

IV. Approval of Minutes

None.

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 #07-08 – Transmittal Hearing for City of DeBary Comprehensive Plan Evaluation and Appraisal Report.

Mr. Ardaman read Ordinance #07-08 aloud by title.

Mayor Coleman closed the City Council meeting and opened the LPA for discussion of the ordinance.

Shalene Estes, GAI Consultants, stated that they have corrected the items noted by Council Member Erickson at the last meeting.

Council Member Erickson asked for clarification from Ms. Estes and noted a few corrections in the report. There was discussion regarding public participation activities. Ms. Courson explained the ad hoc citizen committee that met during 2006 and 2007 to develop a list of suggestions, which was forwarded to Council.

Council Member Erickson made a motion to deny Ordinance #07-08, and Council Member Marks seconded. The motion passed unanimously.

Council Member Erickson made a motion to continue the LPA hearing until July 2nd at 7:00 p.m. Council Member Marks seconded. The motion passed unanimously.

Mayor Coleman reconvened the City Council meeting and moved to continue the Council hearing until July 2nd at 7:00 p.m. Council Member Marks seconded. The motion passed unanimously.

2. Resolution #08-12 - Council Support of River of Lakes Heritage Corridor Scenic Highway.

Mr. Ardaman read Resolution #08-12 aloud by title.

Jessi Smith, Program and Partnership Director for the River of Lakes Heritage Corridor, explained the program to the Council. She entertained questions from the Council regarding the resolution and stated that City participation would not require funding or membership fees.

Council Member Lenzen voiced concern regarding wording in the agreement. Council Member Marks said he would like an opt-out clause for the City.

Mr. Ardaman said they could provide additional language requested by Council and bring it back to a subsequent meeting.

VIII. Growth Management and Development Review

1. Discussion of Code Enforcement Fines/Lien Collection by Assistant City Attorney Dan Langley.

Mr. Ardaman stated that there are several liens in which they have recommended no action by the City, and there are only two cases they have advised the Council to pursue.

Council Member Lenzen said he does not support a policy whereby the City aggressively pursues foreclosure on peoples' homes. Ms. Courson said that any letter sent should have an

option for the owner to come to the Code Enforcement Board (CEB) and the City Council to discuss the lien.

Vice Mayor Carson made a motion to authorize the city attorney to proceed on the two cases, by sending letters offering the options to appear before the CEB and the Council to discuss the lien, or to pay the fine. Council Member Erickson seconded. The motion passed unanimously.

2. Request from Code Enforcement Board for Interpretation of Section 3-22(b)(1)(d) Village Center Overlay.

Ms. Courson stated that the CEB requested that the Council provide an interpretation to determine if the intent of the code is to include any type of game room regardless if the games are played on computers, coin-operated machines, or any other method of operation.

Council Member Erickson made a motion that the prohibition in the overlay includes any type of game room activities. Mayor Coleman seconded.

Mark Meister, 146 Pine Tree Drive, said that Shamrock's Café distributed handouts in Meadowlea on the River advertising a sweepstakes, said that they do not run a restaurant, and it is strictly a game room. He added that the business is not abiding by the City's codes.

Mayor Coleman asked for a vote on the motion. The motion passed unanimously.

IX. Old Business

1. Approval of Traffic Engineering Data Solutions, Inc. LAP (Local Agency Program) Certification Proposal.

Mr. Gonzalez said that LAP certification is required to complete the three projects following on the agenda.

Fred Ferrell, Traffic Engineering Data Solutions, Inc., clarified that the certification is needed to allow the City to administer the federal funds.

Mayor Coleman made a motion to approve the proposal for LAP certification. Council Member Lenzen seconded. The motion passed 3-2, with Council Member Erickson and Council Member Marks dissenting.

X. New Business

1. Construction of Mast Arm Traffic Signal at Highbanks and US Highway 17-92.

Council Member Erickson asked if the addition of a turn lane necessitates a mast arm signal. Mr. Ferrell answered that the City cannot keep the current signal with the addition of a turn lane.

Council Member Lenzen stated that the traffic problem requires the completion of the project. Vice Mayor Carson moved to approve, and Council Member Lenzen seconded. The motion passed 3-2, with Council Member Erickson and Council Member Marks dissenting.

Ms. Courson said that due to Council discussion, she did not feel it necessary to consider the following two items.

2. Dirksen Drive Trail from US Highway 17-92 to Gemini Springs Park.

Council Member Marks moved to deny the Dirksen Drive Trail and the next item for the sidewalk on Highbanks Road. Council Member Lenzen seconded. The motion passed unanimously.

3. Installation of Sidewalk on the South Side of Highbanks Road from Orchid Drive to US Highway 17-92.
4. Discussion of Budget for Fiscal Year 2008/2009.

Mr. Seelbinder outlined the proposed budget changes for the contracted services with Volusia County. He also explained the loss of revenue due to the passage of Amendment One.

Council Member Marks asked if the County contract is negotiable. Ms. Courson answered that the County's position in the past has been to suggest a decrease in the level of service. She added that she would contact the Sheriff and Fire Chief to attend a Council meeting to discuss the contract.

Council Member Lenzen suggested a two percent increase across the board for the fire and sheriff departments.

Morton Culligan, 66 Tanglewood Drive, stated that the City spends too much on its Parks and Recreation department.

Vice Mayor Carson said that the City contracts can be adjusted to mitigate the revenue reductions, and he does not want to see any employees get laid off.

Danny Allen, 140 Fort Florida Road, asked Mr. Seelbinder if the City received the DR 420. Mr. Seelbinder answered that he did not have the numbers yet, and the official form does not come out until July 1st.

Council Member Lenzen noted that it is the first year the City is going to take in less money than the previous year.

Council Member Marks said he would like to see budgets for both a 5% and 10% reduction in all departments.

XI. Council Member/Committee/Staff Reports

1. Member Reports/Communications
 - A. Mayor and Council Members

Mayor Coleman informed everyone that Rani Merens, the City's representative to the Bicycle and Pedestrian Advisory Committee, wanted to hand out the decals that the Committee developed to raise awareness of the bike law. He distributed the decals to the Council.

Council Member Erickson said that he wanted to provide input to Danny Allen in regards to the VGMC's request for the City's opinion on dual office holding. He added that citizens should serve as representatives to VGMC, rather than staff. He also asked for clarification on the grievance process for the DRC and stated that the City Manager cannot serve on the Committee

and also function as the person to which appeals are forwarded. Ms. Courson noted that Assistant City Manager Anthony Gonzalez has been attending DRC so there would not be a conflict.

Council Member Marks informed everyone of the WAV resolution that was recently passed and said they have asked all of the cities to sign it. He asked the Council to read it over because it has to be returned by July 1st to WAV.

Council Member Marks said he had received traffic enforcement complaints from Terra Alta. Ms. Courson said that the Sheriff's Department has increased traffic enforcement in the area, and the residents seem to be satisfied.

B. City Attorney

Mr. Ardaman had nothing to report.

C. City Manager

Ms. Courson said that the River Bend applicants have substantive changes to the development agreement, and they wish to speak to Council prior to their hearing. The Council agreed to hold a workshop for the project at 6pm on July 2nd.

XII. Adjournment The meeting adjourned at 11:00 p.m.

**APPROVED August 6, 2008
CITY OF DeBARY
CITY COUNCIL**

George Coleman, Mayor

ATTEST:

Stacy Tebo, City Clerk