

City of DeBary
REGULAR CITY COUNCIL MEETING
Wednesday
July 16, 2008
7:00 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 7:02 p.m.

1. Invocation
2. Flag Salute

II. Roll Call

Members Present: Mayor George Coleman, Vice Mayor Christopher Carson (late), 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 Giffin Chumley

III. Public Participation For Any Issues Not On the Agenda

John Likakis, 38 Seminole Drive, spoke in favor of districting the City and asked the Council to consider the idea.

Marrena Anderson, 61 Valleywood Drive, spoke against the DeBary Downs project. Mayor Coleman informed her that the City has not received an application for the project.

Bob Garcia, representing the Four Townes Moose Lodge, presented a \$330.00 check to Mayor Coleman for the City's Community Emergency Response Team

IV. Approval of Minutes

1. Regular City Council Meeting held May 7, 2008.
2. City Council Workshop held May 21, 2008.
3. Special City Council Meeting held May 21, 2008.
4. City Council Workshop held May 30, 2008.
5. City Council Workshop held June 4, 2008.

Mayor Coleman entertained a motion for approval of all the minutes. Motion made by Council Member Erickson and seconded by Council Member Marks. The motion passed 4-0.

V. Presentations

1. Certificate of Recognition to Eagle Scout Victor Q. Belland.

Mayor Coleman read the certificate aloud and presented it to Victor for his outstanding achievement. Victor thanked the Mayor and explained the project he completed to earn the rank of Eagle Scout.

2. Laura Bounds and Sheriff Ben Johnson with the Volusia County Sheriff's Department.

Sheriff Ben Johnson explained the budget situation the Sheriff's Department is facing, as well as the study completed by Dunn & Associates to determine the rate of service in the contract. He said that if the City increases the Sheriff's budget by two percent in the new contract, then one officer would be deleted from the current level of service provided to the City.

Council Member Lenzen stated that the City is faced with a shortfall in funding, and it necessitates cuts. He stressed that it is not a reflection of his satisfaction with the service provided by the Sheriff.

Sheriff Johnson noted that the City could not provide the same level of service with its own police department as is provided by his department.

Council Member Marks asked for a breakdown for the cost of each individual service. Sheriff Johnson responded that all the costs are added together to come up with an hourly rate, so it would be difficult to itemize.

There was discussion regarding the general fund and which services are paid out of it, MSD taxes, and what those taxes fund.

Laura Bounds stated that they cannot negotiate prices, and they are true actual costs that have been presented to Council in the contract.

Sheriff Johnson explained the difference between MSD taxes and the general fund to Council Member Erickson, and clarified that city residents do not pay MSD taxes.

Mayor Coleman thanked Ms. Bounds and Sheriff Johnson for attending the meeting.

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 – Adoption Hearing for City of DeBary Comprehensive Plan Evaluation and Appraisal Report

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

Council Member Erickson made a motion to approve, and Council Member Lenzen seconded.

Council Member Marks asked Shalene Estes of GAI Consultants for clarification on the parks level of service. Ms. Estes explained the manner in which they figured the numbers.

Mayor Coleman asked for a vote on the motion, and it passed 4-0.

Vice Mayor Carson arrived at this time.

2. Request for Variance at 201 Grande Vista Street by Property Owners Richard and Roselia Wrage to Allow a Side Yard Setback of 1.5 Feet in Lieu of the Required 8 Feet to Construct a Screen Enclosure.

Brian Nelson, with GAI Consultants, explained the variance application and the layout of the property, which necessitates the request.

Mr. Chumley explained the conditions for approval of a variance application as listed in the Land Development Code.

The Council discussed that they had visited the property and believed that the owners met the conditions required for a variance.

Council Member Erickson made a motion to approve, and Mayor Coleman seconded. The motion passed unanimously.

3. Request for Variance to Allow a Deviation from the Landscape Buffer Requirements of the Gateway Corridor District and Final Site Plan Approval for Microtel Hotel, Located at the Southeast Corner of Palm Road and Sunrise Boulevard.

Mr. Nelson explained that due to the overhead power lines, the applicant is requesting a variance to the landscape buffer requirements due to the height and spread of the large oak trees. He added that the applicant would install the oak trees elsewhere on the property where they would not impact the overhead transmission lines.

Jeremiah Owens, with CPH Engineers, entertained questions from the Council and stated that they agree to the recommended conditions of approval as listed in the staff report.

Council Member Marks requested that they change the proposed St. Augustine grass to bahia to conserve water.

Council Member Lenzen made a motion to approve the request subject to the recommended conditions. Council Member Erickson seconded. The motion passed unanimously.

VIII. Growth Management and Development Review

1. Final Plat Application for DeBary Corner BPUD.

Mr. Nelson outlined the application for the Council.

Council Member Erickson asked if the applicant agreed to the four conditions listed in the staff report. The applicant's representative, Mark Watts, responded that they agree. There was discussion regarding the performance guarantee for the site infrastructure.

Vice Mayor Carson made a motion to approve the final plat subject to the four conditions listed in the staff report. The motion passed 3-2, with Council Member Erickson and Council Member Marks dissenting.

IX. Old Business

None.

X. New Business

1. Citizen Survey

Ms. Courson said that since the City has never done a formal survey, she felt it would be a good way to gauge the citizens' satisfaction with City services. She said it would be sent to about 9,000 residents who receive the City newsletter and would cost approximately \$1,500.

Morton Culligan, 66 Tanglewood Road, said that the survey is a good idea because people are unhappy with the funds being spent by the City.

Council Member Erickson suggested a few changes to the wording of the survey. The Council agreed to send the survey after it had been revised. Ms. Courson stated that she would rework the survey and bring it back to Council.

John Likakis, 38 Seminole Drive, suggested sending it out to every other household to cut costs.

XI. Council Member/Committee/Staff Reports

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

Council Member Erickson said that he would like the other members to consider the construction of the new Council chambers and the way that the room is arranged before it is actually built. He added that the design should be more conducive to Council communication and satisfaction of the citizens watching the meetings.

Ms. Courson suggested that the screens be shared between Council members to cut costs.

Mayor Coleman said he likes the push-to-talk lights that the County has for their members, so that the chairman is aware when someone wishes to speak.

Council Member Lenzen said he liked the clock used by Deltona that lets a public speaker know how much time he or she has left.

Ms. Courson said she would work with the architect to incorporate the Council's suggestions.

Council Member Erickson suggested an addition to the agenda format following the approval of the minutes to include a line for additions, deletions, or amendments to the agenda. Ms. Courson said that they would need to adopt an amendment to the resolution to provide for the suggestion.

Council Member Erickson stated that he likes the way Deltona includes a brief summary of each item on its agenda to provide more information to the citizens.

Council Member Erickson asked the other members if they were interested in the idea of districting. Mayor Coleman responded that for a city the size of DeBary, he did not feel it necessary to have districts, and that it leads to a division of interests.

Vice Mayor Carson said that districting creates politics within politics, increased layers of government, and factions fighting for a portion of the City's budget.

Council Member Lenzen agreed with the Mayor and said that they should all handle the issues that come before them, and not divide the interests of the City.

Council Member Marks said there are pros and cons to districting, but it is an opportunity for people to express themselves to their particular Council member.

Council Member Erickson thanked the Council for discussing the issue and asked staff to place the Land Development Code on the agenda in August.

Council Member Marks informed everyone that the next WAV meeting is August 20th. He suggested using the Reverse 911 system to alert residents of the recent wave of robberies. He requested a discussion of grants on the second August meeting. He stated that to prepare for the budget workshop, he would need a list of check numbers, amounts, and invoices from Volusia County Road & Bridge for the last two years. He asked the members if they would object to him visiting Congressman Mica so that he might ask him for funding a portion of the paving of Fort Florida Road due to commuter rail. There were no objections from the other members.

Vice Mayor Carson reminded everyone of the Volusia League of Cities meeting and dinner on the 24th. He also suggested adding some pictures to the citizen survey.

Mayor Coleman said he enjoyed the orchestra's event on July 4th. He said he also attended the holiday event at DeBary Hall and the Swamp House Grill. He said that the Reverse 911 system should not be used if it was not an emergency, and that the public information regarding robberies should be placed in the City's newsletter.

B. City Attorney

Mr. Chumley had nothing to report.

C. City Manager – Schedule Budget Workshop

Ms. Courson informed the Council that she and Mr. Langley attended a court hearing during the week regarding Briarwood Golf Course, and the City was awarded fees and costs.

The Council set the budget workshop for August 9th at 9:00 a.m.

XII. Adjournment. The meeting adjourned at 9:45 p.m.

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

George Coleman, Mayor

ATTEST:

Stacy Tebo, City Clerk