

City of DeBary
CITY COUNCIL WORKSHOP
Wednesday
September 17, 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 6:01 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, City Clerk Stacy Tebo, City Attorney Kurt Ardaman, and Assistant City Attorney Dan Langley

III. 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.

Joe Krzys, representative for St. Johns Partners, explained the reason for the fair share agreement to the Council and said that it makes the PUD agreement simpler. He stated that after Tropical Storm Fay passed, he asked his engineers to inspect the property, and it did not flood except in the wetland areas. Council Member Marks said he would like to see his engineer's report. Mr. Krzys said he would get that for the Council.

Mr. Langley informed the Council that he made some changes to the development agreement, so that it would be different when they see it again at the second reading.

Mr. Krzys stated that the main part of the fair share agreement has to do with his gaining access on the east side of his property from Empire Cattle. He added that the City has the ability to intervene on behalf of the fair share agreement if either party violates the terms.

Mayor Coleman asked the status of the water lines on Fort Florida Road. Mr. Langley answered that the fair share agreement is primarily a cost-sharing arrangement between St. John's Partners and Empire Cattle. Mr. Krzys responded that they would install the water and sewer lines as they had originally proposed from Riviera Bella to their site.

Mr. Krzys explained the plan for paving Fort Florida Road to the Council.

Council Member Lenzen asked why Steve Costsa did not sell the property to Mr. Krzys instead of involving the City. Mr. Krzys answered that they never reached agreement on what the 5400 square feet was worth; that Mr. Costa is willing to donate it to the City; and that the City can stop either development if the parties are not living up to the conditions of the fair share agreement.

Council Member Lenzen voiced concern regarding the low impact development discussed at a previous workshop relative to stormwater management on Fort Florida Road.

Council Member Erickson asked about the County's role in terms of the reclaimed water lines. Ms. Courson said that the County has plans to purchase lines from Seminole County, so the chances are good that the lines would be installed. Mr. Krzys said they would be meeting with the County soon to get an idea of when they would be installing the reclaimed water lines, and he would do whatever the City requires him to do.

IV. Adjournment. The workshop adjourned at 6:46 p.m.

**APPROVED November 19, 2008
CITY OF DeBARY
CITY COUNCIL**

George Coleman, Mayor

ATTEST:

Stacy Tebo, City Clerk

City of DeBary
REGULAR CITY COUNCIL MEETING

Wednesday
September 17, 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, City Clerk Stacy Tebo, City Attorney Kurt Ardaman, 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.

Bill Lambert, 387 Glen Abbey Lane, voiced concern regarding the design of the retention pond near the 4th hole at Glen Abbey Golf Course.

Brenda Routh, 221 Lakewood Drive, said she did not want the City to raise taxes in order to purchase the flooded homes.

Francis Pezold, 28 Monroe Avenue, stated that the City Manager and Assistant City Manager have worked very hard for the City of DeBary, especially during the recent flooding.

Danny Allen, 140 Fort Florida Road, updated the Council on VGMC and said that they had emailed the rough draft of the new procedures to all of the cities.

IV. Approval of Minutes

None.

V. Additions, Deletions, or Amendments to the Agenda

VI. Presentations

None.

VII. 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.

VIII. 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 #10-08 – Second Reading – Amending the Land Development Code to Include Special Exceptions in the R-4 Zoning Classification.

Mr. Ardaman read Ordinance #10-08 aloud by title.

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

2. Resolution #08-26 – Adopting a Final Ad Valorem Millage Rate for FY 2008/2009 - Second and Final Public Hearing.

Mr. Ardaman read Resolution #08-26 aloud by title. Ms. Courson noted that the millage rate is 9.5 percent less than the rolled-back rate.

Council Member Marks asked for a clarification on taxable property. Mr. Ardaman suggested the addition of the word “real” in front of property to make the distinction.

Mayor Coleman entertained a motion for approval including Mr. Ardaman’s suggestion. Motion made by Council Member Erickson and seconded by Council Member Lenzen. The motion passed unanimously.

3. Resolution #08-27 – Adopting the Annual Operating Budget for FY 2008/2009 - Second and Final Public Hearing.

Mr. Ardaman read Resolution #08-27 aloud by title.

Council Member Erickson discussed the budget for the employee raises.

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

4. Resolution #08-24 – Request by Adams Family Limited Partnership to Vacate a Portion of the Adams Subdivision Plat and a Portion of the Volusia Park Plat, TO BE CONTINUED UNTIL OCTOBER 1, 2008.

Council Member Erickson made a motion to continue Resolution #08-24 until October 1, 2008 at 7 p.m. Council Member Marks seconded. The motion passed unanimously.

5. Resolution #08-25 – Request by Ranger Construction Industries to Vacate a Portion of the Plats of Konomac and Volusia Park, TO BE CONTINUED UNTIL OCTOBER 1, 2008.

Council Member Erickson made a motion to continue Resolution #08-25 until October 1, 2008 at 7 p.m. Council Member Marks seconded. The motion passed unanimously.

6. Resolution #08-19 – Renewing the Declaration of a State of Emergency within the City of DeBary due to Tropical Storm Fay.

Mr. Ardaman read Resolution #08-19 aloud by title.

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

IX. Growth Management and Development Review

1. Discussion of CEB Lien at 332 Gardenia Avenue by Assistant City Attorney Dan Langley, Case# DEB-06-037.

Mr. Langley explained that he sent a letter to the owner regarding the outstanding lien; that he did not receive a response; and he recommends that the City pursue collection.

Council Member Marks made a motion to authorize the City Attorney to proceed with foreclosure action in DEB-06-037. Vice Mayor Carson seconded. The motion passed 4-1, with Council Member Erickson dissenting.

X. Old Business

1. Approval of the Florida Department of Corrections Inmate Squad Work Program Contract.

Ms. Courson said the Servello contract expires October 1st, and staff researched an alternative to save money. She explained the specifics of the contract and noted that there is a 60-day opt-out on the contract if the City is not satisfied with the service.

Council Member Marks suggested that the City might be able to take care of the mowing in-house at a lower cost.

Mr. Ardaman voiced concern regarding wording in the contract. Ms. Courson said she would contact the State to determine if they are willing to entertain changes to their contract and then bring it back to the Council on October 1st.

XI. New Business

1. Interlocal Agreements for Contract Municipal Services with Volusia County and the Volusia Sheriff's Department for FY 2008/2009.

Council Member Marks noted a discrepancy between the amount of the Sheriff's contract and the amount listed in the City's budget. He added that he would like a letter written to the County Manager requesting a breakdown of the Sheriff's services.

Ms. Courson said she would clarify the amount and bring the contracts back to Council for consideration on October 1st.

2. Discussion of Building Moratorium by City Attorney.

Mr. Ardaman stated that his office researched the possibility of a building moratorium as requested by Council and outlined the various options available. He said that all new development is subject to some of the most stringent stormwater regulations in the State, and as such, a moratorium would not prevent future flooding.

David Hamstra, stormwater engineer with Professional Engineering Consultants, explained the new stormwater regulations imposed by the City approximately eighteen months prior.

Nick Koval, 296 Adelaide Street, stated that the Council has an obligation to seriously consider how the City's land is developed in the future.

Joe Krzys, 8516 Bellagio Road in Naples, stated that the Council could slow down growth on an individual basis through the permitting process. He added that the United States Constitution protects the rights of individual citizens, and a moratorium takes away the property rights of an individual.

Roger Van Auker, 107 Philippe Court, said that DOT was a contributing factor in the flooding that occurred on 17-92, and he does not feel that a building moratorium would make sense.

Mr. Ardaman recommended that the City not impose a moratorium of any kind because the evidence and research does not support it. He added that he would provide a written memorandum outlining the options he discussed with the Council.

There was discussion regarding the updated maps created by Professional Engineering Consultants, the possible adoption of the maps by FEMA, and if the maps should be recorded in the official records of Volusia County.

3. Request for Council to Determine Disposition of Current City Hall Property.

Ms. Courson asked to move the item until the October meeting due to the hour.

XII. Council Member/Committee/Staff Reports

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

Council Member Lenzen said he attended the West Volusia Summit the previous Saturday, and he would be at MPO the following week.

Council Member Marks said he attended WAV earlier in the day, and the wells are above average.

Council Member Erickson said he had also attended the Summit. He also noted that the official recording from Fay was 22 inches of rain.

Mayor Coleman said he had received numerous emails on the racetrack, and he has tried to respond to all of them.

B. City Attorney

The attorneys had nothing to report.

C. City Manager

Ms. Courson had nothing to report.

XIII. Adjournment. The meeting adjourned at 10:15 p.m.

**APPROVED December 17, 2008
CITY OF DeBARY
CITY COUNCIL**

George Coleman, Mayor

ATTEST:

Stacy Tebo, City Clerk