

**City of DeBary**  
**CITY COUNCIL MEETING**  
**Wednesday**  
**October 1, 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 7:00 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, Assistant City Manager Anthony Gonzalez, 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.

Thomas McNerney, 26 Jasmine Drive, asked if renters could run for office. Council Member Lenzen responded that a person has to live in the City for one year and be a registered voter.

**IV. Approval of Minutes**

1. Special City Council Meeting held August 22, 2008.
2. Special City Council Meeting held August 27, 2008.
3. City Council Workshop held September 3, 2008.

Mayor Coleman entertained a motion for approval of all the minutes as presented. Motion made by Council Member Erickson and seconded by Council Member Marks. The motion passed unanimously.

**V. Additions, Deletions, or Amendments to the Agenda**

**VI. Presentations**

1. Stormwater Update by David Hamstra of Professional Engineering Consultants.

Mr. Hamstra updated the Council on the current state of recovery in the City and said the final flood plain elevation maps would be completed in the next month.

He informed the Council that FEMA has released the contract to the City for the West Side Emergency Flood Management System (WSEFMS). He added that the City has been coordinating with Volusia County to take a portion of their reclaimed water to the borrow pit, and a draft interlocal agreement is in the works.

Mr. Hamstra stated that the local mitigation strategy process has begun so that all the projects can be ranked and explained the projects he plans on presenting to the local mitigation strategy committee.

As previously requested by Council, Mr. Hamstra presented a ranking of homes that flooded during Tropical Storm Fay and explained the process by which he ranked them. He noted that a letter of map revision is required to get maps approved by FEMA, and it takes six to twelve months to obtain FEMA approval.

He informed the Council that the National Resource Conservation Service (NRCS) approached the City for stormwater retrofits beyond the right-of-way, which provide for a 75/25 split that is similar to FEMA. In the case of DeBary Villas, the City would sponsor the project, secure the money, and then send it to NRCS to complete the project.

Mr. Hamstra provided a list of new problem areas that are different from those CIP projects developed in 2004. He also made the Council aware of a list of potential lawsuits as a result of the flooding.

He stated that he is at a point where he needs to give the City Manager a fee proposal for the grant applications and other items that were not identified in the budget that arose as a result of the emergency and asked the Council for authorization. The Council agreed to allow Mr. Hamstra to continue his efforts and asked him to provide his fee proposals at the earliest opportunity.

## 2. Draft Amendments to VGMC Consistency Certification Rules by Danny Allen.

Danny Allen, the City's representative to VGMC, explained the background and intent of the amendments to the rules. He highlighted some of the significant changes for the Council.

Assistant City Attorney Dan Langley further specified the amendments to the rules and gave an extensive explanation of his concerns regarding certain amendments. He proposed a number of modifications, clarifications, and additions, and asked the Council if they were in agreement. He noted that VGMC has requested an answer from the cities to their amendments by the following Monday.

Council Member Marks stated that VGMC members should not include city staff or elected officials.

Vice Mayor Carson made a motion to allow Mr. Langley to send his list of concerns regarding the amendments to VGMC, as well as Council Member Marks' statement regarding VGMC members. Council Member Erickson seconded. The motion passed unanimously.

## 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 #02-08 – Second Reading – 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 CONTINUED FROM SEPTEMBER 3, 2008 TO BE CONTINUED TO OCTOBER 15, 2008.

Ms. Courson stated that the applicant still has not resolved issues with the fair share agreement, and is requesting a continuance to November 5, 2008.

Mayor Coleman entertained a motion to continue. Council Member Erickson made a motion to continue the second reading of Ordinance #02-08 to November 5, 2008 at 7:00 p.m. Council Member Marks seconded. The motion passed unanimously.

2. 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, CONTINUED FROM SEPTEMBER 17, 2008 TO BE CONTINUED TO OCTOBER 15, 2008.

Ms. Courson said the applicant is requesting a continuance due to inconsistencies with the legal description.

Mayor Coleman entertained a motion to continue. Council Member Erickson made a motion to continue Resolution #08-24 to October 15, 2008 at 7:00 p.m. Vice Mayor Carson seconded. The motion passed unanimously.

3. Resolution #08-25 – Request by Ranger Construction Industries to Vacate a Portion of the Plats of Konomac and Volusia Park, CONTINUED FROM SEPTEMBER 17, 2008, and Final Site Plan Approval.

Mr. Ardaman read Resolution #08-25 aloud by title.

Brian Nelson, planner with GAI Consultants, explained the request to vacate the plats and outlined the final site plan.

Council Member Marks asked about stormwater retention on the site. David Hamstra, stormwater engineer with Professional Engineering Consultants, stated that there is positive

outfall to the river, and as such, the applicant is not required to retain one hundred percent of the runoff.

Council Member Erickson made a motion to approve Resolution #08-25 subject to the condition listed in the staff report. Council Member Lenzen seconded. The motion passed unanimously.

4. Request for Special Exception by Community United Methodist Church for a House of Worship in the R-4 (Urban Single Family) Zoning Classification.

Shalene Estes, planner with GAI Consultants, explained that the Church has met the criteria for a special exception and is in compliance with the Land Development Code and the Comprehensive Plan.

Mayor Coleman stated that he had spoke with the pastor regarding the request. Council Member Erickson stated he had also spoken with the applicant.

Sid Vihlen, Jr., representative for the Church, stated that he filed for the special exception so that the Church could utilize the house next door for additional space.

Pastor Will Furlong of the Methodist Church addressed the Council concerning their need for space, particularly with their nursery and Sunday school class. He added that they would install a six-foot privacy fence in the rear yard, install landscaping in the front yard, and would make every attempt to improve the appearance of the neighborhood.

Beverly Evans, realtor with Family Realty, explained the appraisal of the property to the Council.

Carmie Docton, 51 Dahlia Drive, voiced concern as a neighbor on the impact to the neighborhood.

Mr. Vihlen said that the Church is currently working on the final site plan for their new building on Fort Florida Road, so they have no plans to further expand the current site once they purchase the home next door. He added that when they move to the new site, the home would be sold as a residential property.

Pastor Furlong stated that they did not plan to use the home as a weekday daycare; he clarified the intent was to use it on Sundays.

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

## **IX. Growth Management and Development Review**

None.

## **X. Old Business**

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

Ms. Courson stated that Volusia County has agreed to remove references to the minimum spending limits in the level of service on page five of the contract for municipal services. She

clarified that the following sentence should be crossed out from page five: “Notwithstanding the foregoing, any modification which reduces the level of service provided under the Addendum by the Division of the Road and Bridge of the Department of Public Works shall not reduce the yearly minimum charge set forth in the Addendum.”

Ms. Courson also directed the Council to the Proposals for the Delivery of Municipal Services to the City of DeBary for Road and Bridge. She noted that the paragraph underneath the maintenance and activities listing would also be deleted. Council Member Marks asked if that was the paragraph beginning “These Routine Maintenance and Construction activities....”. Ms. Courson affirmed that was correct. Council Member Marks noted that the City only approved \$650,000 in the budget for Road and Bridge.

Vice Mayor Carson made a motion to approve both agreements with the deletions pointed out by Ms. Courson. Council Member Lenzen seconded.

Travis Davison, Road and Bridge Director, asked if the timeframe would still be a year. Ms. Courson responded that she did not have a problem with that as long as the minimums were removed. She added that there would be a certain period of time when the City would power Road and Bridge down and power someone else up, and she wants to ensure there are not any double charges.

Council Member Lenzen expressed his gratitude for the work that the Road and Bridge department provided to the City.

Mayor Coleman asked for a vote on the motion, and it passed unanimously.

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

Ms. Courson stated that the building has a leaky roof, rodents, and numerous other maintenance problems. She recommended that they hold the property until the market recovers and demolish the building.

Vice Mayor Carson stated that an abandoned building would present liability issues to the City and recommended demolition. There was Council consensus to demolish the old City Hall once it is vacated.

Council Member Erickson suggested that the Historic Preservation Board take pictures of the building before it is demolished.

3. Proposal to Pave 4100 Feet of Fort Florida Road.

Mr. Gonzalez stated that both contractors are available to complete the project with open grade paving from the construction entrance at Riviera Bella to 15<sup>th</sup> Street. Ms. Courson added that the material is extremely durable. She said that Riviera Bella is agreeable to participation once the River Bend developer paves his portion.

Council Member Lenzen stated that the whole road should be done at one time, and placing an island of pavement in the middle does not make sense. He suggested that the City pave from Riviera Bella’s entrance to 15<sup>th</sup> Street. Ms. Courson said she could bring the item back at the

next meeting to include the price for the additional portion suggested by Council Member Lenzen.

Sid Vihlen, Jr., 418 River Drive, said that the residents in the area are very concerned with Fort Florida Road and advocated Council Member Lenzen's suggestion for the City to pave the Riviera Bella portion when it paves the orphan portion.

Danny Allen, 140 Fort Florida Road, said that the City should sign a cost-share agreement with Riviera Bella for the road paving and should not enforce a tonnage rule on Fort Florida Road.

R. V. Conoley, 25 Rosedown Boulevard, said that it does not make sense to pave the road before the water lines are installed, and the road should be paved at one time. Ms. Courson stated that the water lines are usually installed in the right-of-way on the sides of the road, but she would check with Volusia County Utilities prior to the next meeting.

Ms. Courson asked Council to select the low bidder for the project. Council Member Lenzen made a motion to select North Florida Emulsions as the low bidder and to get a price for the additional Riviera Bella piece. Vice Mayor Carson seconded. The motion passed unanimously.

## **XI. New Business**

### **1. Purchase of Storm Water Equipment Storage Shed.**

Mr. Gonzalez stated that the City now has a large amount of storm equipment that was purchased during Tropical Storm Fay that needs to be stored in a secure location.

Council Member Lenzen stated that they should build a block building with a roll-up door instead of buying a shed.

The Council discussed Council Member Lenzen's suggestion and agreed that staff should research the cost for a block building.

Eugene Stump, 106 Birkwood Court, agreed with Council Member Lenzen's idea.

### **2. Discussion of Grants by Council Member Marks.**

Council Member Marks said he wants to know what is going on with grants, and there are four City employees that have grant writing listed in their job descriptions. He stated that someone should be researching the grant opportunities available to the City. He informed everyone that he recently met a resident who used to write grants that is willing to assist the City.

### **3. Proposal to Bury Existing 12" and 8" PVC Stormwater Pipe.**

Ms. Courson stated that burying the pipe would dramatically increase the effectiveness of the pumping in the future at Kings Lake, James Pond, Terra Alta, Quail Lake, and Twins Lake.

R. Scott Provost, Representative for Kings Lake, thanked the City for the job they did during Tropical Storm Fay and voiced his support for the proposal to bury the pipe.

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

## **XII. Council Member/Committee/Staff Reports**

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

Council Member Erickson asked Ms. Courson if she had any inclination for resigning her position in the near future as reported by the media. Ms. Courson responded that both of her homes are for sale; that her husband wants to move to Georgia when he retires; that her contract provides for a sixty-day notice period; and that she has written the sixty-day notice provision into the contracts when her houses are sold.

Council Member Erickson said that former Council member Danny Tillis asked him the status of the MPO bike path. Ms. Courson answered that Progress Energy would not approve the easement for the bike path.

Council Member Marks asked the status regarding the pipe failure on the Park and Seminole drainage projects. Ms. Courson answered that she is pursuing the issue.

Council Member Lenzen said he attended the MPO meeting, and the budget has been cut three times in the past year.

Mayor Coleman said the recent VCOG meeting mainly concerned beach concessions and the amendments on the ballot.

- B. City Attorney

Mr. Ardaman informed the Council that the court dismissed the Glen Abbey lawsuit against the City.

- C. City Manager – Permit Fee Waivers Associated with Storm Damage.

Ms. Courson informed the Council that staff has received requests for permit fee waivers for repairs due to Tropical Storm Fay. She asked for a motion to approve the permit fee waivers. Motion made by Council Member Erickson and seconded by Mayor Coleman. The motion passed unanimously.

## **XIII. Adjournment**

The meeting adjourned at 11:05 p.m.

**APPROVED January 21, 2009  
CITY OF DeBARY  
CITY COUNCIL**

**Bob Garcia, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**