

City of DeBary
CITY COUNCIL MEETING
Wednesday
October 15, 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: Finance Administrator Jimmie Seelbinder, City Clerk Stacy Tebo, City Attorney Kurt Ardaman, Assistant City Attorney Dan Langley, and Assistant City Attorney Giffin Chumley

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

Cheryl Leahey, 115 Spring Lake Drive, asked the Council for assistance in resolving a code enforcement issue next door to her home. Mayor Coleman stated that staff would address the problem the following day.

Dan Disrud, 301 Alexandra Woods Drive, asked for clarification on the flooding timeline during Tropical Storm Fay. David Hamstra, stormwater engineer with Professional Engineering Consultants, responded that it was either Thursday night or early Friday morning when the two water bodies connected the week of the storm.

Jeff Morosetti, 307 Alexandra Woods Drive, asked the Council if they would support the residents involved in the FEMA buy-out program. Mayor Coleman stated that it is a priority for the Council.

Danny Allen, representative to VGMC, stated that a number of cities had the same concerns as DeBary with the proposed amendments to the rules. He added that he would update the Council when and if the VGMC discussed the concerns.

IV. Approval of Minutes

None.

V. Additions, Deletions, or Amendments to the Agenda

Mayor Coleman asked Mr. Seelbinder to discuss the Tropical Storm Fay expenditure item listed under New Business at this time.

Mr. Seelbinder stated that he has updated the actual expenditures, and the City has spent \$3.671 million dollars related to Tropical Storm Fay. He said that the City should receive 87 percent reimbursement from FEMA and the State.

Eugene Stump, 106 Birkwood Court, stated that the City should bury the stormwater pipes to prepare for the next storm. Mayor Coleman informed him that at the previous meeting, the Council approved a proposal to bury a substantial amount of stormwater pipe.

VI. Presentations

1. Annual Independent Audit for FY 2006/2007 – Alex Kish, CPA.

Mr. Kish explained the format of the report to the Council and highlighted some of the main points. He stated that it is important to note that the City had a strong balance sheet at the end of September 30th.

Council Member Erickson asked Mr. Kish for clarification on the recommendation section of the report. Mr. Kish also explained his firm's suggestion regarding the need for written accounting policies and procedures for City employees.

2. Chairman Don Kitner of the Economic Development Advisory Committee.

Chairman Kitner outlined the Committee's work including the RFP for the marketing survey, review of the economic development strategic plan and the country transportation impact study, review of the business grant program and the community development block grant program, the Empire Cattle discussion regarding the utility comp plan designation, and update of the city brochure.

3. Chairman Bob Garcia of the Public Safety Advisory Committee.

Chairman Garcia gave an overview of the Committee's work including the three new fire hydrants, driveway stenciling program, weatherband radios, overnight residential street parking, canvass carports, monthly informational seminars, participation with the West Volusia Traffic Safety Team, lights on Colomba, crosswalk repainting, discussion of a traffic light on Enterprise Road at Summerhaven, impact of commuter rail, revision of the Committee by-laws, and the traffic impact of the proposed race track. He thanked the city staff for working with the Committee throughout the year.

4. City Hall Update by John Wanamaker.

Mr. Wanamaker updated the Council on the construction process of the new city hall. He stated that the drywall is installed, that they would be starting the stucco on the exterior in the next week, that the wiring for the phones is underway, and that they are expecting the chambers to be open the first week in December.

5. Proclamation for the Debary Public Library Association.

Mayor Coleman read the proclamation and presented it to Library Association President Gerald Lombardi. He thanked Mr. Lombardi for the work the Association has done for the City, especially in working to keep the library open for the residents.

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

Mr. Ardaman read Resolution #08-24 aloud by title.

Shalene Estes, planner with GAI Consultants, informed the Council that the issues with the legal description have been resolved and approved by the city attorney's office. She explained the requests to vacate and noted that the applicant has complied with all the requirements.

Tadd Kasbeer, engineer with Bowyer-Singleton, stated that they are not asking to vacate a portion of Shell Road; that the property was platted in the late 1800's and early 1900's; that the current plat is set up as residential, but the property is zoned commercial; and that it does not make sense to keep the existing plat.

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

2. Amendment to Resolution #08-06 – Request by Mark Watts and the Highbanks Marina for an Extension to the Deadlines for Compliance.

Mr. Ardaman read Resolution #08-06 aloud by title. Mayor Coleman said he had visited the Marina.

Mark Watts, representative for the Highbanks Marina, stated that the Marina has been dealing with water issues due to Tropical Storm Fay; that the storm diverted their attention and funds to make repairs; that the Marina has suffered a substantial decrease in revenue because the river has been closed to boat traffic; that they could not install the dry hydrants due to the current high water; and that they are requesting a three-month extension to install the dry hydrants and a three-month extension to obtain final inspection approvals for all permits.

Council Member Lenzen said that he observed a large amount of water flowing through the campground and understood the Marina's request for an extension.

Nan Lafferty, 32 River Bluff Trail, said that three months is a reasonable request due to the extraordinary circumstances. She voiced her hope that the Marina would continue to fence the eastern boundary of the property and asked for clarification of what items are allowed in the buffer area or setback.

Mr. Watts explained that the setback precludes structures from being placed in the area, but temporary items such as vehicles are allowed.

Mr. Ardaman informed the Council that the applicant owes the City approximately \$10,000. Mr. Watts stated that he previously requested a meeting with staff to review the invoices but has been unable to do so. There was Council discussion regarding the issue, and Mr. Watts agreed to meet with staff to resolve the invoices prior to Council consideration of the request.

Council Member Erickson made a motion to continue the hearing to November 5, 2008 at 7:00 p.m. Council Member Marks seconded. The motion passed unanimously.

IX. Growth Management and Development Review

1. Discussion of Proposed Changes to the Land Development Code.

Assistant City Attorney Giffin Chumley stated that since the Code was consolidated a year prior, there have been a number of inconsistencies noted. He directed the Council's attention to their packets, which contain a few of the items that have been identified for improvement. He asked the Council for a workshop to get direction.

The Council agreed to hold a workshop regarding the subject in January after the new Council is seated.

2. Request for an Extension to the Final Site Plan Development Order for Enterprise by the Lake.

Ms. Estes stated that the applicant, Craig Wells, is requesting an extension to the order approved in September 2007 by the Council.

Ms. Wells explained that the bad economy has led to the current situation, which requires him to ask for an extension as he is still committed to the project.

Mayor Coleman asked about the stormwater drainage on the property. Stormwater Engineer David Hamstra said that there is a connection between the applicant's lake to the County's retention pond on the corner of Highbanks and Enterprise. Council Member Marks voiced concern because the property lies within a floodplain.

Council Member Erickson questioned whether the Development Review Committee reviewed it initially.

Council Member Lenzen voiced concern that the project would add water to the DBCC pond and James Pond. Mr. Hamstra responded that the project would not negatively impact the surrounding area in terms of stormwater.

Council Member Erickson made a motion to deny the request. Council Member Marks seconded. The motion passed unanimously.

X. Old Business

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

Mr. Ardaman said he contacted the State as previously requested by Council, and they refused to make any changes to the contract.

Mayor Coleman said the contract would save the City a substantial amount of money.

Vice Mayor Carson made a motion to approve the contract, and Council Member Lenzen seconded. The motion passed unanimously.

2. Proposal to Pave a Portion of Fort Florida Road.

Ms. Tebo stated that staff obtained the price for the additional portion of open-grade paving as requested by Council previously. She added that Volusia County Utilities assured staff that the paving would not be disturbed when the water lines are installed at a later date.

Sid Vihlen, 418 River Drive, spoke on behalf of the residents in the area and thanked the Council for the positive action they have taken to address the paving.

Council Member Marks informed the audience that franchise fees would be used to pay for the project.

Council Member Erickson made a motion to approve the proposal. Council Member Marks seconded. The motion passed unanimously.

XI. New Business

1. Update on Expenditures Related to Tropical Storm Fay by Finance Administrator Jimmie Seelbinder.

This item was discussed earlier in the meeting.

XII. Council Member/Committee/Staff Reports

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

Council Member Marks said he attended WAV earlier in the day, and there are new rules on watering. He said they were given decals to promote water conservation, and he would forward them to staff for the City Hall lobby.

Council Member Erickson asked the Council if they would like to rearrange the agenda to move committee reports to the front. He noted that at the last meeting, the Council voted on the storm damage permit fee waivers a few minutes after 11:00 p.m. without a vote to extend the meeting.

Mr. Ardaman suggested that Council make a motion to approve any motions made after 11:00 p.m.

Council Member Erickson made a motion to approve any motions made after 11:00 p.m. on October 1, 2008. Council Member Marks seconded. The motion passed unanimously.

Council Member Lenzen noted that Congressman Mica would be holding a presentation at Stetson in Deland on the 28th.

B. City Attorney

Mr. Ardaman noted he sent the building moratorium and flooding memorandum to the Council and advised them to contact him if they had any questions.

C. City Manager

The City Manager was not present.

XIII. Adjournment

The meeting adjourned at 10:10 p.m.

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

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk