

**City of DeBary**  
**CITY COUNCIL MEETING**  
**Wednesday**  
**November 19, 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, City Clerk Stacy Tebo, Safety Coordinator Alan Williamson, and City Attorney Kurt Ardaman

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

Van Conoley, 25 Rosedown Boulevard, read aloud a letter he sent to Ms. Courson dated November 14<sup>th</sup> regarding public records law and email correspondence.

Bob Garcia, Chairman of the Public Safety Committee, commended Mr. Williamson for the Tropical Storm Fay after action report he prepared. He also highlighted several improvements and recommendations that were noted in the report.

**IV. Approval of Minutes**

1. City Council Workshop held September 11, 2008.
2. Special City Council Meeting held September 11, 2008.
3. City Council Workshop held September 17, 2008.

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

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

Mayor Coleman said he thought the City should start thinking about hiring a new city manager, as Ms. Courson is planning to move out of state, and the recruitment process takes a considerable amount of time. The Council members decided to discuss it at the January 7<sup>th</sup> meeting after the new Council is seated.

## **VI. Presentations**

1. Proclamation of National American Indian Heritage Month.

Mayor Coleman read the proclamation aloud to the audience.

2. City Hall Update by John Wanamaker.

Mr. Wanamaker said the Council dais is almost completed, and they should have the partial certificate of occupancy by early December.

3. Tropical Storm Fay After Action Report by Safety Coordinator Alan Williamson.

Mr. Williamson said the City's comprehensive emergency management plan requires that an after action report be completed following an emergency or disaster.

Mr. Williamson said that there were several recommendations that came out in the report and various areas in which improvements were identified. He stated that car chargers should be purchased for the cell phones in the future when they are replaced; that they should add a second outside email address through a provider such as Yahoo because there were problems sending and receiving email through the City's system; that higher grade phones for parks and recreation staff should be purchased because they were physically out in the storm; that a City public information officer should be appointed; that in lieu of using a member of City staff at the County EOC, they might utilize a member from the Public Safety Advisory Committee; that they should form a faith-based group to consolidate volunteer efforts; and that in the future, there should be adequate control of citizen accessibility to the City EOC when there are meetings or briefings for staff.

## **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. Request for Variance, Special Exception and Final Site Plan by the Reading Edge Academy CONTINUED FROM NOVEMBER 5, 2008, TO BE CONTINUED TO DECEMBER 3, 2008.

Mayor Coleman made a motion to continue to hearing to December 3, 2008 at 7:00 p.m. Council Member Erickson seconded. The motion passed unanimously.

2. 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 and stated that they would like to reinstate the resolution to be effective from September 24<sup>th</sup> through December 31, 2008.

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. Final Site Plan for Highbanks Mini Storage.**

Brian Nelson, planner with GAI Consultants, explained the request and noted the applicant is requesting outdoor storage for recreational vehicles.

The applicant, Sid Vihlen, Jr., stated that neighbors in the area have requested outdoor storage, as the property is located near the river. He stressed that he planned to install a new fence and shrubbery so that the outdoor storage would not be seen from a public roadway.

There was discussion regarding the wetland area of the property and the permit from the St. Johns River Water Management District (SJRWMD). Mr. Vihlen noted that the outdoor storage area would not encroach on the wetland area.

Council Member Erickson asked if the DRC approved the request. Mr. Vihlen answered that they did approve the plan subject to certain conditions.

Council Member Erickson asked if the request was to amend a previously approved final site plan. Mr. Vihlen responded that it was, and Council initially approved it in 2001.

John Likakis, 38 Seminole Drive, stated that a ten-foot width for the parking spaces is too small, and they might want to reconsider the sizing.

Mr. Vihlen explained the fencing plans for the property to Council Member Lenzen.

Council Member Lenzen stated that when the business was originally approved for the site, the Council did not allow outside storage. Council Member Erickson voiced concern that the Council was not informed of the prior approval information.

Mr. Vihlen stated that the previous development order had no provision for outside storage, that it was not expressly prohibited, and it is simply not stated in the site plan. He stressed that the outdoor storage is needed for the success of the business.

Council Member Lenzen made a motion to approve the final site plan, and Vice Mayor Carson seconded. The motion passed 3-2, with Council Member Erickson and Council Member Marks dissenting.

Council Member Marks stated that in the future, the Council would like to see the existing original site plans if there is a request for an amendment.

### **2. Final Site Plan for Community United Methodist Church.**

Mr. Nelson explained the site plan to the Council and stated the plan is consistent with the City's land development code and comprehensive plan. He recommended approval of the final site plan subject to the two conditions listed in his staff report.

Mayor Coleman asked about the parking plans. Mr. Nelson answered that the first phase would include grass parking, and asphalt parking would be built in phase two.

Mayor Coleman asked about the stormwater retention. David Hamstra, stormwater engineer with Professional Engineering Consultants (PEC), stated that because the water from the site discharges into the river, the development is not required to meet the 100-year storm event like the Walgreens site. He further explained the purpose of the retention pond.

Council Member Marks made a motion to approve the final site plan subject to the two conditions listed in the staff report. Council Member Lenzen seconded. The motion passed unanimously.

## **X. Old Business**

### **1. Stormwater Equipment Storage Shed.**

Ms. Courson stated that the City has a large amount of equipment that should be stored in a building; that she received three different proposals to construct a storage building as instructed by Council; that the low bidder is Welch Builders; and if approved, the expense would have to come out of the City's reserves.

Council Member Lenzen suggested that staff wait until the City receives FEMA reimbursement from Tropical Storm Fay.

Council Member Lenzen made a motion to approve Welch Builders, but instructed staff not to spend the money until FEMA has reimbursed the City. Council Member Marks seconded. The motion passed unanimously.

## **XI. New Business**

### **1. Proposal for Engineering, Permitting, Preparation of Construction Drawings and Survey for Stormwater Bond Projects.**

Ms. Courson stated that the proposal would complete the initial list of projects identified following the storms of 2004, except for one.

Council Member Erickson asked if the proposal would increase the outfall to Lake Marie. Tony Bryan, stormwater engineer with GAI Consultants, answered that they would utilize existing outfall. Council Member Erickson said he is concerned because an extreme event might shift problem areas to areas that did not previously experience flooding and that Lake Marie might connect to Hibiscus. Mr. Bryan explained the drainage plans for the area. Ms. Courson added that modeling would ensure that the projects would not negatively impact the neighborhood.

Ms. Courson explained because the entire City voted in the stormwater bond, the Council felt it most fair to spread the stormwater projects throughout the entire City.

Council Member Marks voiced concern regarding the cost of the proposal. Ms. Courson stated that both GAI and PEC are on continuing contracts, but PEC is currently too busy to do the work. She stated it would be prudent to complete the engineering to obtain the SJRWMD permits; that the permits are good for five years; and the permits can be extended if needed.

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

2. Selection of Grand Marshall for the Christmas Parade.

Ms. Tebo said the only name she received from Council was Sharon Pertler of the Civic Center. There was consensus to appoint Sharon Pertler as the grand marshall.

Ms. Tebo asked whom the Council would like to appoint for parade judges. The Council agreed to appoint Council Member Elect Van Conoley, Mayor Elect Bob Garcia, and City Attorney Kurt Ardaman as parade judges.

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

1. Board / Committee Appointments  
Streetscape Committee  
Regular Member At-Large

Mayor Coleman stated that Mike Arroyo was very interested in the Committee and had attended the last meeting. Vice Mayor Carson made a motion to appoint Mike Arroyo, and Council Member Erickson seconded. The motion passed unanimously.

- Public Safety Advisory Committee  
Regular Member Council Member Marks

Council Member Marks stated that Captain Osowski recommended John Nutting for the Public Safety Advisory Committee. There was consensus to appoint Mr. Nutting as a regular member.

2. Member Reports/Communications  
A. Mayor and Council Members

Council Member Erickson said he attended the school oversight committee meeting and for the first time in 25 years, there is a decline in student enrollment. He informed the Council that once the addition is completed at DeBary Elementary, they would be functioning at 100 percent capacity; that the School Board is beginning to look at attendance boundaries; that the committee discussed the classroom size amendment; and that bullying on school buses has led to more parents driving students to school.

Council Member Marks stated that he attended a WAV meeting earlier in the day, and they discussed an irrigation rule that SJRWMD wants to put into affect to control reclaimed water in addition to potable water.

Vice Mayor Carson said he recently attended an FRPA (Florida Recreation and Parks Association) meeting at DeBary Hall, which was hosted by Parks and Recreation Director John Fletcher.

B. City Attorney

Mr. Ardaman advised the Council to allow anyone wishing to speak to do so at the upcoming racetrack hearing because it is a quasi-judicial proceeding. He added that if Council does not allow everyone to be heard, then it would present an opportunity for someone to challenge the decision based on a due process violation.

C. City Manager

Ms. Courson informed the Council of an interesting argument going on currently because the unincorporated area of the County is claiming that they are not subject to SJRWMD rules.

She also stated that there is a large impact fee bill from the County for the new city hall, and she and Mr. Ardaman would work on getting it reduced. She added that she had been under the assumption that the City would be exempt from any impact fees.

**XIII. Adjournment**

The meeting adjourned at 10:30 p.m.

**APPROVED February 4, 2009  
CITY OF DeBARY  
CITY COUNCIL**

**Bob Garcia, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**