

**City of DeBary**  
**CITY COUNCIL MEETING**  
**Wednesday**  
**December 3, 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 Assistant City Attorney Dan Langley

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

Mary Shoup Love, 345 McLaren Lane, voiced her concern that current proposed development is deviating from the City's comprehensive plan. Council Member Erickson responded that the Council is unable to voice their opinions on the proposed racetrack prior to the hearing, as it is a quasi-judicial proceeding. Mayor Coleman reiterated that the hearing has not happened yet, and the Council must wait to hear the evidence before formulating an opinion.

**IV. Approval of Minutes**

None.

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

Council Member Erickson said that due to Ms. Love's comments perhaps they should discuss Council Member Marks' item under Old Business following presentations. There was consensus to address the item before public hearings.

**VI. Presentations**

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

Mr. Hamstra updated the current pumping operations in the City noting that there are seven pumps in use. He outlined the requirements of the St. Johns River Water Management District (SJRWMD) emergency-pumping permit and said they have all been fulfilled.

Mr. Hamstra said that FEMA would not release the 3.9 million dollar contract for the West Side System until they receive a letter of match assurance from the City to build the entire project in a year and five months. He added that the approximate deficit for the project is five million dollars; that they would not know the exact amount until the bids come in; and that the deficit might shrink or get larger.

There was Council consensus not to write the letter of match assurance to FEMA.

Mr. Hamstra stated the FEMA hazard mitigation grant application approved by the local mitigation strategy committee includes three initiatives: the buyout program, the Lakeside system, and upgrading the existing east side system. He stated the projects are on hold until Volusia County gets a letter from FEMA informing them of the grant amount they will receive.

He informed the Council that the federal government has approved the Natural Resource Conservation Service grants for DeBary Villas and Glen Abbey Club.

Mr. Hamstra gave a brief update on the status of the stormwater capital improvement program. He stated that a second round of projects were observed during Tropical Storm Fay. Council Member Marks suggested scheduling a stormwater workshop in January.

2. Streetscape Committee Report by Chair Mac McShea.

Chair Mac McShea updated the Council on the activities of the Streetscape Committee. He informed the Council that the Committee would like to change their name to the Landscape Beautification and Forestry Board; that they are beginning a new program to enhance the City by formulating a community conservation alliance; that they are recruiting volunteers to work with the City; and that they would be very involved in fundraising efforts. He asked the Council to approve a change to the Committee's name and expansion of duties.

Ms. Courson said that the ordinance or resolution that created the Committee would need to be amended if the Council allowed the name to change. Council Member Lenzen stated he believed there was Council consensus to have staff prepare an ordinance or resolution to formally change the name.

**X. Old Business**

1. Discussion of Scheduling of DeBary Town Center MPUD Public Hearings by Council Member Marks.

Council Member Marks asked the Council why they are rushing to hear the DeBary Town Center MPUD on Saturday December 13<sup>th</sup>. He stated that they are trying to get it done in sixteen days, and it seems very rushed.

Vice Mayor Carson said that out of fairness to the applicant and the community, they should hold the meeting. He added that they should have held the hearing on November 21<sup>st</sup>, as it was initially scheduled.

Council Member Erickson asked what would happen if one Council heard the first reading and then heard by the new Council at the second hearing. He said that it could easily happen if the Council does not deliberate on the 13<sup>th</sup>.

Mayor Coleman stated that the issue is before the Council, and it is the Council's duty to get it done, rather than delaying the hearing until the new Council is seated.

Council Member Lenzen stated that he would have welcomed a public referendum, but legally it cannot be done; that it is the Council's duty to hear the case; that the applicant has made a financial commitment; and that he does not agree with Council Member Marks' assessment that the Council is rushing the hearing.

Eugene Stump, 106 Birkwood Court, agreed with Council Member Marks and said the weather might be bad that day. He read aloud a letter written by an anonymous person alleging that he violated the Sunshine Law.

## **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 NOVEMBER 5, 2008.

Mr. Langley read Ordinance #02-08 aloud by title.

Mayor Coleman, Council Member Lenzen, and Council Member Erickson disclosed ex-parte communications.

The applicant, Joe Krzys, stated that they were unable to execute a fair share agreement with Empire Cattle; that the latest version of the PUD deletes the options from first reading relating to the paving of Fort Florida Road; that they have moved the entrance north about a hundred feet; that they would be paving all of Fort Florida Road upfront; that they would run the water and sewer lines the same as they claimed two years ago; that after the 205<sup>th</sup> unit is platted, the pervious road would be torn up and replaced with the permanent impervious road; and that if the County does not run the reclaimed water line, he would pay the City the cost of the lines, so they would have the funds available whenever the County actually runs the line.

George Maret, 434 Fort Florida Road, stated that the residents of RCARD support Mr. Krzys and the project one hundred percent.

Fred Hitt, 402 River Road, stated that although he opposed the project in the beginning, he now supports Mr. Krzys and the project.

Mark Watts, representative for Empire Cattle, informed the Council that they were never able to get over the timing issue in order to get the fair share agreement executed, but they look forward to working with the City in the future to develop the area.

Mr. Langley explained the terms of the settlement agreement with the Department of Community Affairs and the VGMC Resolution included in the agenda packed to Council Member Erickson. He noted that the City's comprehensive plan policy 5.408 governs the project.

Council Member Marks asked about the low-impact stormwater development. Mr. Krzys briefly explained it and stated that they must meet the engineering requirements of SJRWMD.

Mayor Coleman said the development agreement referenced a maximum building height of 45 feet, or no more than three stories. Mr. Krzys answered that the reason for the request is due to architectural design.

Council Member Lenzen made a motion to approve Ordinance #02-08 with the road changes to Fort Florida Road as discussed by Mr. Krzys and Mr. Langley. Council Member Erickson seconded. The motion passed unanimously.

2. Request for Variance, Special Exception and Final Site Plan by the Reading Edge Academy CONTINUED FROM NOVEMBER 19, 2008.

Brian Nelson, planner with GAI Consultants explained the requests and noted that one of the three original variances has been deleted since the first time the applicant was heard by Council.

Peggy Comardo, principal of Reading Edge Academy, asked the Council to approve their requests so that they can move forward with the addition to the school. She stated that they would install the six-foot wall as requested by Council previously and would move the driveway so that one of the initial variance requests is no longer needed.

Jeff Hall, 69 Spring Lake Drive, stated that he and the neighbors were satisfied with the school's new site plan.

Vice Mayor Carson made a motion to approve the special exception request. Council Member Marks seconded. The motion passed unanimously.

Vice Mayor Carson made a motion to approve the variance request. Council Member Lenzen seconded. The motion passed unanimously.

Vice Mayor Carson made a motion to approve the final site plan application. Council Member Lenzen seconded. The motion passed unanimously.

3. Resolution #08-28 – Amending Certain Deadlines within the Development Agreement for Riviera Bella.

Mr. Langley read Resolution #08-28 aloud by title.

Roger VanAuker, representative for Riviera Bella, stated that he worked with Mr. Ardaman to incorporate the Council's suggestions from the November 5<sup>th</sup> meeting into the resolution.

Mayor Coleman asked Mr. VanAuker to explain the parks and open spaces in Riviera Bella.

Council Member Lenzen asked how many vacant lots are left in Riviera Bella. Mr. VanAuker answered that unit three has not been built yet, and there are approximately seventy vacant lots left in units one and two. He added that unit four is the trip mechanism for the paving of the road, or when the River Bend development does their portion of the paving, whichever comes sooner.

Council Member Lenzen made a motion to approve Resolution #08-28, and Vice Mayor Carson seconded. The motion passed unanimously.

**IX. Growth Management and Development Review**

None.

**X. Old Business**

1. Discussion of Scheduling of DeBary Town Center MPUD Public Hearings by Council Member Marks.

This item was discussed earlier in the meeting.

**XI. New Business**

1. Approval of Revised By-Laws for the Public Safety Advisory Committee.

Safety Coordinator Alan Williamson stated that the Committee recently updated and approved their by-laws to reflect changes that have occurred over the last few years.

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. Board / Committee Appointments  
Public Safety Advisory Committee  
Gene Leighton

Mayor Coleman

Mayor Coleman said that Gene Leighton was an asset to the Committee and recommended reappointment. There was Council consensus to reappoint Mr. Leighton.

Code Enforcement Board  
Rick Dwyer  
John Harvey

Council Member Lenzen  
Council Member Marks

Council Member Lenzen said he wanted Rick Dwyer to serve again. Council Member Marks said he would like John Harvey to be reappointed. There was Council consensus to reappoint both Mr. Dwyer and Mr. Harvey to the Board.

Mayor Coleman stated he would like to appoint Aileen McRae. Council Member Erickson made a motion to appoint Ms. McRae, and Council Member Lenzen seconded. The motion passed unanimously.

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

Council Member Lenzen stated that he went to an MPO meeting, and the new chair would be Joie Alexander. He said that everyone on the Board is waiting to see what happens with the State's transportation fund, and revenue has been dwindling.

Vice Mayor Carson asked about the holiday lighting contest. Ms. Courson said she would get the Council the list of decorated homes the following day.

Council Member Marks said he received emails about a problem at the railroad crossing on Highbanks Road. Ms. Courson stated that they have contacted CSX multiple times and would continue calling them.

Mayor Coleman said he was glad the racetrack hearing would be held at River City Nature Park because it would make more people aware of the park's existence.

- B. City Attorney

Mr. Langley had nothing to report.

- C. City Manager

Ms. Courson stated that the staff has performed above and beyond throughout the year and especially during the storm. She asked the Council to approve the Friday after Christmas as a holiday for the employees. Mayor Coleman agreed and said the parks employees could be counted on to do anything. There was Council consensus to approve the request.

Ms. Tebo informed the Council that there would be a recorded webcast of the upcoming racetrack hearing and possibly a live stream depending on internet availability.

Council Member Marks affirmed that the applicant would be paying for all the special arrangements to hold the racetrack hearing. Ms. Courson agreed.

### **XIII. Adjournment**

The meeting adjourned at 9:55 p.m.

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

**Bob Garcia, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**