

**City of DeBary
CITY COUNCIL WORKSHOP**

Wednesday

January 21, 2009

6:00 PM

Florence K. Little Town Hall
12 Colomba Road
DeBary, Florida 32713

MINUTES

I. Call to Order

Mayor Garcia called the workshop to order at 6:00 p.m.

II. Roll Call

Members Present: Mayor Bob Garcia, Vice Mayor Norman Erickson, Council Member Van Conoley, Council Member Jack Lenzen, and Council Member Leonard Marks

Others Present: City Manager Maryann Courson, City Clerk Stacy Tebo, Assistant City Attorney Dan Langley, and Assistant City Attorney Giffin Chumley

III. Business – Discussion of the Land Development Code

Mr. Chumley began the discussion with the changes concerning group homes made by the Florida Legislature in 2006, and stated that the City might want to expand the definition of group homes and permit them in other zoning classifications.

Mr. Chumley explained the differences in expiration days for various planned unit developments; he noted that the Code references two years in one section for RPUDs, and 720 days in another section.

Council Member Lenzen stated that a residential development would take more time to develop than an industrial or commercial development. He added that it is appropriate to keep the time period the same for commercial and industrial developments.

Mr. Langley said that he and Mr. Chumley are not stating that there are inconsistencies; that they are simply issue spotting; that they are pointing out that there are multiple time frames in different sections of the Code; and that they should be aware that if the Council shortens the time frames, all existing PUDs would still be under their prior expiration dates.

Ms. Courson stated that the main issue would be to decide if the Code should use days or years because two years is 730 days, and the other section references 720 days for RPUDs. There was Council consensus to use days instead of years.

Mr. Chumley stated that the Code allows developers to apply for an extension both ninety days before and after a development order expires.

Vice Mayor Erickson stated that he would get rid of the second ninety days after expiration. There was Council consensus to remove that provision from the Code.

Mr. Chumley informed the Council that there is ambiguity as to when a development order actually expires. He explained that it should be either the date that Council renders its decision or the date that the land development manager issues the order. There was Council consensus to use the date Council makes its decision.

Mr. Chumley noted that vacation of plats and rights of way are not included in the Code, although the City currently follows F.S. 177.101. There was Council consensus to include it in the Code.

Council Member Conoley asked Ms. Courson which item she felt required immediate attention. She responded that item number fourteen on page five of the memo prepared by Mr. Chumley regarding minor amendment provisions for the PUD was important. Mr. Langley explained that there has been confusion regarding the distinction between a minor and major amendment. He added that the Code does not mention notice requirements for notice requirements. The Council agreed with Mr. Langley's recommendations.

Vice Mayor Erickson stated that there are multiple places in the Code that are missing ordinance references.

Due to the time, Mayor Garcia stated that they would need to schedule another workshop to finish discussing the items listed in the city attorney's memorandum.

IV. Adjournment

The workshop adjourned at 7:10 p.m.

**APPROVED April 15, 2009
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk

City of DeBary
CITY COUNCIL MEETING
Wednesday
January 21, 2009
7:00 PM
Florence K. Little Town Hall
12 Colomba Road
DeBary, Florida 32713

MINUTES

III. Call to Order

Mayor Garcia called the meeting to order at 7:23 p.m.

IV. Roll Call

Members Present: Mayor Bob Garcia, Vice Mayor Norman Erickson, Council Member Van Conoley, Council Member Jack Lenzen, and Council Member Leonard Marks

Others Present: City Manager Maryann Courson, City Clerk Stacy Tebo, and City Attorney Kurt Ardaman

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

Shirley Horchler, 389 Magnolia Springs Court, stated that the City should amend its comprehensive plan to make it difficult for gambling establishments to open for business in DeBary. Mayor Garcia asked her to call city hall to set up an appointment to speak with him about her request.

Mark Meister, 146 Pine Tree Drive, congratulated Mayor Garcia and stated he is proud of his integrity in that he would fulfill his campaign promises prior to accepting a salary.

Jim Gangitano, 309 La Creek Court, and Dolores Lukomski, 204 Lourdan Court, expressed their appreciation to the City for their efforts to alleviate the flooding problem in the DeBary Golf and Country Club.

Danny Allen, 140 Fort Florida Road, updated the Council on VGMC and stated there have not been any changes.

Eugene Stump, 106 Birkwood Court, said that the phone directory needs to be updated to reflect the proper city phone numbers.

IV. Approval of Minutes

1. Regular City Council Meeting held October 1, 2008.
2. Regular City Council Meeting held October 15, 2008.
3. Regular City Council Meeting held November 5, 2008.

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

V. Additions, Deletions, or Amendments to the Agenda

Ms. Courson stated that they would need to delete the YMCA item due to multiple outstanding issues and would hear it on a later agenda.

VI. Presentations

1. Keith Bradshaw of the Four Townes Moose Lodge Presentation to the Volusia County Sheriff's Department Officer of the Year.

Mr. Bradshaw asked Sargeant Virgil Ford to come to the podium. Captain Alan Osowski read aloud the nominating memo for Sgt. Ford as officer of the year, and Mr. Bradshaw presented the award.

2. Keith Bradshaw of the Four Townes Moose Lodge Presentation of a Donation for the Sheriff's Youth Ranch.

Mr. Bradshaw stated that the Moose Lodge raised \$1029.50 for the Youth Ranch and presented a check to Sheriff Ben Johnson. Gertrude DeSantis presented an additional check for the Youth Ranch for \$100 from the Women of the Moose.

Mr. Bradshaw also presented a check to Mayor Garcia for \$612, which was raised by the Moose Lodge during the Festival of Lights.

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 #01-09 – First Reading – Amending Ordinance #11-04, for the Streetscape Advisory Committee.

Mr. Ardaman read Ordinance #01-09 aloud by title.

Council Member Marks said he did not like removing the words advisory and committee from the name and said he would like to leave it as is. He made a motion to deny Ordinance #01-09, and Vice Mayor Erickson seconded.

Council Member Lenzen stated that the Council controls all funding to the boards and committees, and he does not have a problem with a name change to the committee.

Mayor Garcia asked for a vote on the motion to deny. The motion passed 3-2, with Council Member Lenzen and Mayor Garcia dissenting.

IX. Growth Management and Development Review

1. Resolution #09-01 – Minor Amendment to the YMCA BPUD.

This item was deleted from the agenda.

X. Old Business

None.

XI. New Business

1. Approval of Amendment #1 associated with Tropical Storm “Fay” Miscellaneous Stormwater Services by Professional Engineering Consultants, Inc.

David Hamstra, stormwater engineer with Professional Engineering Consultants (PEC), explained the amendment to the Council. He entertained questions from the Council and clarified tasks on his memorandum.

Council Member Marks stated that the City should not spend any further funds to support the Army Corp of Engineers in the Bayou Restoration Project.

Vice Mayor Erickson agreed with Council Member Marks and said that the monthly stormwater updates should be discontinued. The Council agreed and asked Mr. Hamstra to provide another update in May before hurricane season begins.

Mr. Hamstra outlined his proposed agenda for the upcoming stormwater workshop the next week. He stated that he would delete the items discussed by Council and that he felt comfortable with \$60,000.

Mayor Garcia asked for a motion to approve the amendment up to \$60,000. Vice Mayor Erickson made a motion to approve the amendment up to a maximum of \$60,000. Council Member Marks seconded. The motion passed unanimously.

Mr. Hamstra asked if the public would be able to participate at the upcoming stormwater workshop. The Council agreed that public participation would be welcome at the workshop.

Jim Gangitano, 309 La Creek Court, voiced support for PEC and stated that they have performed extraordinary work for the City of DeBary. He added that the Lakeside homeowners would appreciate the opportunity to speak at the upcoming workshop.

2. Discussion of Economic Development Advisory Committee by Council Member Marks.

Council Member Marks voiced concern regarding the Economic Development Advisory Committee (EDAC) and their recent activities. He said he was disturbed that the Council was not made aware of various issues that were presented to and discussed by the Committee, and said he felt that EDAC was being used to circumvent the Council. Council Member Marks made a motion to dissolve the Economic Development Advisory Committee, and Vice Mayor Erickson seconded.

Ms. Courson noted that the Committee serves in an advisory capacity, and any recommendations they make must come before Council for approval. Council Member Marks stated that the

Council should have been asked first if they wished for EDAC to form subcommittees to research possible development around the commuter rail station.

Val Emerson, 104 Barclay Court and EDAC member, said she believed the Committee should be dissolved and agreed with Council Member Marks. She added that the Council should have been involved with the forming of subcommittees.

Mark Meister, 146 Pine Tree Drive and EDAC member, stated that he felt the Council is taking a position of no growth; that he did not feel the Committee did anything wrong; that they did the best job they could; and that he no longer wished to serve on the Committee.

Mayor Garcia asked for a vote on the motion. The motion passed 3-2, with Mayor Garcia and Council Member Lenzen dissenting.

3. Discussion of GAI Growth Management Contract by Vice Mayor Erickson.

Vice Mayor Erickson stated he would like feedback from his fellow council members regarding the contract. Council Member Lenzen stated that the initial problem with GAI has been resolved, and he feels the Council needs to give them more direction.

Council Member Conoley asked Ms. Courson if it is cost efficient to use a consultant instead of hiring a city employee for planning. Ms. Courson responded that land development reviews require various disciplines, so the citizens would not be provided one-stop shopping if the City hired one planner instead of contracting with a company for land development services.

Council Member Marks said he often questions if GAI is representing the Council or the applicant.

Mayor Garcia said it is difficult for a staff member to perform without Council direction.

Shalene Estes, planner with GAI Consultants, invited the Council members to visit with her during office hours, and said she appreciates any input Council might have to make things more efficient.

XII. Council Member/Committee/Staff Reports

1. Board / Committee Appointments

Code Enforcement Board

Alternate Member

Council Member Conoley

Council Member Conoley asked to defer the appointment to a later date.

Public Safety Advisory Committee

Regular Member

Council Member Lenzen

Council Member Lenzen nominated Anne Batson. Vice Mayor Erickson made a motion to approve Ms. Batson, and Council Member Lenzen seconded. The motion passed unanimously.

2. Member Reports/Communications

A. Mayor and Council Members

Ms. Courson said that VCOG needs a motion that Mayor Garcia has been appointed to serve on the board for DeBary. Mayor Garcia stated that he would begin attending VCOG as the City's representative. He affirmed that Council Member Lenzen will continue to serve on MPO, Vice Mayor Erickson will continue to serve on the School Oversight Committee, Council Member Marks will continue to serve on WAV, Danny Allen will continue to serve on VGMC, and Ms. Courson will continue attending the Smart Growth Committee meetings. Council Member Marks made a motion to approve all of the representatives, and Vice Mayor Erickson seconded. The motion passed unanimously.

Vice Mayor Erickson made a motion to extend the meeting for an hour. Council Member Conoley seconded. The motion passed unanimously.

Mayor Garcia informed the Council that he is considering a trip to Tallahassee on April 1st. He also thanked Captain Osowski for the Sheriff's report. He stated that he is working on setting up meetings with the various homeowner associations in the City. He added that he wrote a letter to St. Johns River Water Management District regarding the pollution at Gemini Springs.

Council Member Conoley suggested a telephone conference with Congressman Mica and the Council at a future date.

Vice Mayor Erickson reminded everyone that a date should be picked for a Land Development Code workshop.

Council Member Marks said he attended WAV earlier in the day; that ten wells are up and 33 are down; and that the drought season has begun.

Mayor Garcia reminded everyone of the Volusia League of Cities meeting on Thursday.

B. City Attorney

Mr. Ardaman requested an executive session within the next two weeks to discuss litigation.

C. City Manager

Ms. Courson had nothing to report.

XIII. Adjournment

The meeting adjourned at 11:21 p.m.

**APPROVED April 15, 2009
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk