

**City of DeBary
CITY COUNCIL MEETING**

**Wednesday
February 4, 2009**

7:00 PM

City Council Chambers
16 Colomba Road
DeBary, Florida 32713

MINUTES

I. Call to Order

Mayor Garcia called former Mayor George Coleman to the front to rap the gavel for the first time in the new Council Chambers at 7:05 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, Parks and Recreation Director John Fletcher, and City Attorney Kurt Ardaman

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

Rich Gunter, 219 Caddie Court, stated that the recent vote by the Council to dissolve the Economic Development Advisory Committee was a mistake.

Frank Dragoun, 230 River Village Drive, spoke about flood control in the City and stated that he had never heard the Council discuss non-structural measures for flood control and watershed management. He added that there are other things that could be done at a minimal cost to reduce flooding. He suggested that a lobbyist might be retained to obtain funding for the City.

IV. Approval of Minutes

1. Regular City Council Meeting held November 19, 2008.
2. Special City Council Meeting held November 21, 2008.
3. Regular City Council Meeting held December 3, 2008.
4. Special City Council Meeting held December 13, 2008.
5. City Council Workshop held December 16, 2008.

Mayor Garcia entertained a motion for approval of the minutes as presented. Motion made by Council Member Lenzen and seconded by Vice Mayor Erickson. The motion passed unanimously.

V. Additions, Deletions, or Amendments to the Agenda

Mayor Garcia read aloud a proclamation regarding Abraham Lincoln's birthday and presented it to members of the Daughters of the American Revolution.

Council Member Conoley asked the Council if they would like to add a discussion regarding the procedures for hiring a new city manager to the agenda. Mayor Garcia suggested adding the discussion under Item Twelve.

VI. Presentations

1. Presentation by Renee Tallevast of the River of Lakes Heritage Corridor.

Ms. Tallevast informed the Council that they are a few weeks away from officially being designated as a scenic highway by the State. She updated the new Council members on the mission of the River of Lakes Heritage Corridor and spoke about the benefits to the City from the designation.

Ms. Tallevast asked the Council to appoint a representative to attend the Heritage Corridor meetings. Council Member Marks volunteered, and Mayor Garcia said he would serve as an alternate.

2. Presentation by Randell Brown of the State Department of Financial Services Regarding the "Safeguarding our Seniors" Program.

Mr. Brown explained the program to the Council and audience. He stated that the main focus of the program is annuity fraud, and the Department performed thousands of investigations in the last year. He stressed that prevention is the best defense and that is the purpose of the presentation. He gave a toll free number and website addresses for further information on the program, as well as leaving pamphlets for the audience.

Council Member Conoley voiced his disappointment that the Governor, the Attorney General, and the Chief Financial Officer did not better manage the State investment fund.

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:

None.

IX. Growth Management and Development Review

1. Request for Extension of Preliminary Plat Approval for DeBary Town Center.

Shalene Estes, planner with GAI Consultants, explained that the applicant is requesting a twelve-month extension to February 7, 2010.

The applicant, Steve Costa, gave the Council a brief history of the property including the original plans for a town center. He explained how the economic downturn has led to his need for an extension.

Vice Mayor Erickson asked Mr. Costa to explain what has transpired since the original zoning approval was granted by a previous Council. Mr. Costa outlined the overall development plan process and clarified that additional hearings were required to vacate the plat and to amend the PUD because the acreages did not line up correctly. Vice Mayor Erickson asked if the city hall discussion held up the process. Mr. Costa responded that it was a slight blip on the map and did not greatly contribute to the extended time frame.

Council Member Marks asked the total number of parcels and residential units for the property. Mr. Costa replied there would be eleven parcels in the approved plan, as well as 216 residential units.

Mr. Costa stated that he is not under any obligation to the developer for DeBary Downs, and he is representing DeBary Town Center, LLC.

Mayor Garcia asked if a year extension would be enough time for development to commence on the property. Mr. Costa answered that commuter rail is coming soon and would bring development to the entire area. He added that everything is still the same, and there is no reason to deny the extension.

Vice Mayor Erickson asked how the zoning allows apartments. Mr. Costa answered that the PUD allows R-7 as the residential standard, with a maximum of 216 units.

Mr. Ardaman said that the racetrack applicant has not paid the City approximately \$27,000, and the pass through ordinance requires that the property owner pay.

Mary Shoup Love, 345 McLaren Lane, asked for clarification on the extension and if it involved the racetrack. Mayor Garcia answered that the racetrack has nothing to do with the current extension request.

Jackie Keys, 75 Lantana Drive and member of Neighbors for a Better DeBary, read aloud a statement urging the Council to stand firm.

Verna Perry, 18 S. Shell Road, said the Council should make informed decisions to improve the quality of life for the citizens of DeBary.

Eugene Stump, 106 Birkwood Court, questioned the need for an extension and what would happen if Mr. Costa changes his mind regarding his plans for the property.

Vice Mayor Erickson asked for clarification on the consequences of denial.

Council Member Lenzen said it is in the City's best interests to approve the extension, rather than the alternative. He made a motion to approve the extension for one year. Mayor Garcia seconded the motion.

The Council discussed the monies owed to the City by the racetrack applicant.

Mr. Costa said that the City should not have held the racetrack hearing if the monies were not paid, and it is not fair to ask the owner to pay the bill at the current time while there is pending litigation.

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

Vice Mayor Erickson made a motion to extend the preliminary plat approval for one month. Council Member Marks seconded. The motion passed 4-1, with Council Member Conoley dissenting.

X. Old Business

1. Award of the Valencia/Plumosa Stormwater Capital Improvement Project, Bid No. 08-08.

Kevin Hare, construction engineer with GAI Consultants, recommended that the bid be awarded to CWB Contractors, Inc.

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

XI. New Business

1. Award of the Matanzas Road Stormwater Capital Improvement Project.

Mr. Hare outlined the bidding process for the Matanzas project and recommended that the bid be awarded to Wal-Rose, Inc. He noted that the bid was significantly lower than the engineer's estimated cost.

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

2. Facilities Use Agreement between DeBary Little League and the City of DeBary.

Parks and Recreation Director John Fletcher stated that a few minor changes were made to the contract since the previous year. Rick McBride and Dan Green of the DeBary Little League both stated that they were in agreement with the changes. Mr. McBride invited everyone to the Little League opening day ceremonies on March 14th.

Vice Mayor Erickson asked Mr. Ardaman if he reviewed the contract. Mr. Ardaman answered that the contract was acceptable.

Mayor Garcia entertained a motion for approval. Motion made by Vice Mayor Erickson and seconded by Council Member Marks. The motion passed 4-0 (Council Member Conoley briefly left the Chambers).

3. Parks and Recreation Proposed Fee Schedule.

Mr. Fletcher said that the schedule was brought to Council due to the addition of Town Hall as a rental facility.

Council Member Conoley asked about alcohol consumption. Ms. Courson responded that to be competitive with other rental facilities, beer and wine would be allowed for weddings, family reunions, parties, etc.

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

XII. Council Member/Committee/Staff Reports

1. Board / Committee Appointments
Streetscape Committee

Barbara Rutz	Council Member Conoley
Susan Preil	Vice Mayor Erickson
Laura Lee Clark	Council Member Lenzen
Regular Member	Council Member Marks
Mike Arroyo	At-Large
Aileen McRae	Mayor Garcia
Alternate Member	At-Large

Council Member Conoley thanked Ms. Rutz for serving, and recommended Mike Kolba for the Committee. Vice Mayor Erickson recommended Susan Preil, and Council Member Lenzen recommended Laura Lee Clark. Council Member Marks said he would like Ms. Rutz to be his appointee. The Council agreed to keep Mr. Arroyo as the at-large member. Mayor Garcia said he would like to reappoint Aileen McRae.

Mayor Garcia asked for a motion to approve all the individuals as recommended by Council. Motion made by Vice Mayor Erickson and seconded by Council Member Conoley. The motion passed unanimously.

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

Council Member Marks noted that the recent \$1.2 million FEMA reimbursement must be returned to the City's reserves.

Council Member Conoley asked the Council if they wished to put anything in place to plan for the future selection of a new city manager. Ms. Courson stated that staff could gather information for Council from other municipalities that have recently went through the hiring of a new city manager.

Council Member Conoley said he would prefer to prepare the contract before the position is advertised. Mayor Garcia said he felt the contract should be negotiated after an individual is selected.

Vice Mayor Erickson asked if a questionnaire should be utilized during the selection process and requested that staff get an example from another city.

B. City Attorney – Discussion of New City Hall Impact Fees.

Mr. Ardaman reminded the Council that they are still in litigation, and they should not discuss the lawsuits with anyone.

C. City Manager

Ms. Courson asked Council to schedule a workshop date for Don Ward to discuss the FEMA buyout program. The Council agreed to meet on February 12th at 6:00 p.m.

Stormwater Engineer David Hamstra stated that Don Ward needs a letter from the City as a formal authorization to begin work on the Collins buyout. Council Member Conoley made a motion to authorize Ms. Courson to write a letter giving Don Ward a notice to proceed on the Collins property. Council Member Lenzen seconded. The motion passed 4-1, with Vice Mayor Erickson dissenting.

Mr. Hamstra stated that Dr. Harvey Harper would be available in March to present the lake monitoring program to the Council. Council Member Conoley asked Mr. Hamstra to explain the TMDL (Total Maximum Daily Load) program to research impaired water bodies.

Mr. Hamstra informed the Council that the St. Johns River Water Management District made two recommendations to the City with regards to getting the lake interconnects permitted. He explained that in order to get the District to issue the permits in lieu of further modeling studies, the District suggested that the City adopt a fertilizer management ordinance, and that they perform limited swale work in the area of the interconnects.

Mr. Hamstra asked the Council if they wanted him to submit a proposal for the DeBary Villas and Glen Abbey Club NRCS projects. The Council said they would be interested in having it presented to Council as a regular agenda item at the next meeting.

XIII. Adjournment

The meeting adjourned at 10:46 p.m.

**APPROVED May 20, 2009
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk