

City of DeBary
CITY COUNCIL MEETING
Wednesday
February 18, 2009
7:00 PM
City Council Chambers
16 Colomba Road
DeBary, Florida 32713

MINUTES

I. Call to Order

Mayor Garcia called the meeting to order at 7:00 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, 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.

Mark Meister, 146 Pine Tree Drive, voiced concern regarding the direction of the City and the dissolution of the Economic Development Advisory Committee.

John Likakis, 38 Seminole Drive, suggested that the Council extend the time allowed for public input on agenda items to five minutes and to four minutes under general public participation.

IV. Approval of Minutes

None.

V. Additions, Deletions, or Amendments to the Agenda

VI. Presentations

1. Strategic Planning Presentation by Mike Abels of UCF.

Mr. Abels introduced himself to the Council and provided his strategic planning background. He explained the benefits of forming a strategic plan for the City of DeBary. He noted that there is a need for a unified vision to enhance effectiveness and efficiency in the City and to improve accountability. He added that there is a strong need for citizen participation, which will improve communication between everyone. He also clarified the function of the citizen leadership team for the strategic planning process.

Vice Mayor Erickson asked Mr. Abels to explain the difference between the strategic plan and the comprehensive plan.

Council Member Marks said that the proposed citizen survey that staff was preparing in the fall of 2008 would have been an excellent citizen committee because it would have been mailed to approximately 9,000 households. Mr. Abels said that citizen surveys are typically part of the strategic planning process; that they are good for short-term issues; that they are reactionary in nature; and they should not stand alone.

Council Member Lenzen asked Mr. Abels to outline the timeframe for the process and the meetings that would be required.

Mayor Garcia stressed the importance of the City forming a strategic plan and defining a vision for the future.

Mayor Garcia entertained a motion to initiate the strategic planning process. Vice Mayor Erickson stated that he does not disagree with the Mayor; that the comprehensive plan already includes citizen participation; that it should be reviewed every year; and the comprehensive plan includes everything discussed regarding the strategic plan.

David Dougherty, 403 Quiet Meadow Lane, stated he has a CPA business in DeBary and offered his assistance with the strategic planning process.

John Wanamaker, 102 James Pond Court, voiced his support for the strategic planning process.

Dolores Lukomski, 204 Lourdan Court, stated she serves on the steering committee for the strategic planning initiative at Barry University. She asked the Council to consider the idea that output from the strategic planning process could be input for the comprehensive plan.

Robert Knott, 100 Glen Club Court, gave his credentials to the Council and stated he currently serves on three strategic planning committees. He stressed the value of the strategic planning process.

Mayor Garcia asked for a motion to begin the process. Council Member Lenzen made a motion to proceed with the strategic planning process. Council Member Conoley seconded. The motion passed 4-1, with Vice Mayor Erickson dissenting.

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.

Council Member Conoley made a motion to consider each item separately. Vice Mayor Erickson seconded. The motion passed unanimously.

- *1. Approval of the Accounting Clerk Job Description.

Ms. Courson stated that Council approved a part-time position in the current budget for \$13,500 to assist the Finance Administrator. She noted that it would have to be evaluated during the budget process to determine if it would be funded after September.

Council Member Conoley made a motion to approve the job description. Vice Mayor Erickson seconded. The motion passed unanimously.

*2. Resolution #09-01 – Adopting a Written Policy for Public Participation.

Mr. Langley read Resolution #09-01 aloud by title.

Ms. Tebo explained that the “Voice of the People Act” was a bill introduced in 2008 that would have established uniform requirements for citizen participation at local government meetings and workshops; that the bill is expected to be filed again in 2009; and that the resolution was drafted to ensure that DeBary has its own written policies, and therefore, would not be subject to the mandated uniform requirements set forth by the State.

Council Member Conoley suggested some additions to the resolution. Mr. Langley said that when the Council adopted Resolution #08-01, there were specific rules of order established, and it might be appropriate to amend that resolution to incorporate Council Member Conoley’s comments. Ms. Courson said that staff would bring another resolution to the next meeting to amend Resolution #08-01 to include Council Member Conoley’s suggestions.

Council Member Marks said he would like to change the time limit for public input on agenda items to five minutes. Mr. Langley stated that the change could be included in the resolution to amend #08-01.

Mayor Garcia entertained a motion for approval of Resolution #09-01. Motion made by Council Member Conoley and seconded by Council Member Marks. The motion passed unanimously.

*3. Resolution #09-02 – Supporting Volusia County School District’s Recommendations for Legislative Action on School Funding.

Mr. Langley read Resolution #09-02 aloud by title.

Mayor Garcia said that VCOG (Volusia Council of Governments) proposed the resolution for the cities to show support for school funding.

Mayor Garcia asked for a motion to approve. Motion made by Council Member Lenzen and seconded by Mayor Garcia.

Council Member Conoley asked Mayor Garcia to explain VCOG.

Council Member Conoley spoke about the Volusia County School Board budget and stated there is no accountability with the school system. He recommended that the Council deny the resolution.

Council Member Marks voiced concern regarding the one percent increase in the sales tax noted in the resolution.

Mayor Garcia asked for a vote on the motion to approve Resolution #09-02. The motion failed 2-3, with Vice Mayor Erickson, Council Member Marks, and Council Member Conoley dissenting.

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 Administrative Future Land Use Map Change – Empire Cattle.

Ms. Courson stated that Empire Cattle approached the City requesting an administrative map change for their property located southeast and southwest of the intersection of Fort Florida and Barwick Roads; that staff was directed to obtain an estimate of the costs associated with a Comprehensive Plan text or map amendment; that it is a 12-month process; that regardless of the size of the property, (30 acres versus 60 acres) the costs will be virtually identical since the same process must be followed; and that the numbers represent estimates that are probably on the high side.

Steve Costa, representative for Empire Cattle, explained that his request includes two parcels; that the first parcel is located at the southeast corner of Fort Florida and Barwick Road that was incorrectly classified as industrial/utility when the City adopted their Comprehensive Plan; that the second parcel is located at the northeast corner of Fort Florida and Barwick Road and is part of the southwest mixed use area; that this land use classification does not permit employment uses; and he would like the parcels to be classified as industrial general.

Vice Mayor Erickson discussed the differences between processing a text amendment and a map amendment.

Mr. Costa said he would be willing to help staff in any way, including the traffic study, which has already been completed. Mayor Garcia asked if he was willing to split the cost with the City. Mr. Costa said he would have to talk with his family, but it is definitely something he would consider.

There was discussion regarding the industrial/general classification versus the southwest mixed-use classification.

Ms. Courson asked that the item be brought back to Council at the next meeting. Vice Mayor Erickson said he would like to see the proposed PUD prior to agreeing to the current request.

X. Old Business

1. Proposal for Preparation of Hazard Mitigation Grant Program Application for the Lakeside Gravity Outfall System.

Ms. Courson explained the Hazard Mitigation Grant Program to the Council. She noted that DeBary received \$2.9 million out of the \$3.5 million available to the entire County.

Stormwater Engineer David Hamstra clarified that the program is a reimbursement type grant and explained the entire process.

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

2. Proposal for Glen Abbey Club National Resources Conservation Services (NRCS) Improvements - Final Design Services.

Mr. Hamstra explained the two components of the NRCS project to the Council. He noted that the project must be completed by June 18th, with the federal government paying approximately \$300,000.

Mr. Langley stated that the City is protected by the doctrine of sovereign immunity, and the City's liability would be not be any different with regards to public versus private infrastructure improvements. He recommended that the City prepare an agreement with Glen Abbey Club prior to commencement of work, and that the City ensures the homeowner's association would be responsible for future maintenance of the improvements.

Robert Knott, 100 Glen Club Court, distributed photos of his backyard that he took during the flooding. He stressed the importance of the pipe installation to prevent future flooding.

Tina Rose, 122 Pine Valley Court, stated that the issue is public because the residents of Pine Valley Court are directly downstream. She urged the Council to move forward with the project quickly.

Thomas Marshall, president of the Glen Abbey Club Homeowner's Association, said they would earnestly try to work with the Council to complete the project.

George Johnson, NRCS representative, affirmed that there would not be any extensions granted to the City on the project beyond June 18th.

Council Member Marks made a motion to approve the proposal subject to the execution of an agreement between the Glen Abbey Club HOA and the City, which is acceptable to the City Attorney. Council Member Conoley seconded. The motion passed unanimously.

3. Proposal for DeBary Villas National Resources Conservation Service (NRCS) Improvements - Final Design Services.

Mr. Hamstra gave a quick overview of the project and noted that DeBary Villas would pay for the 25 percent match required for the grant.

Carol Collins, representative for DeBary Villas, said they would enter into any agreements necessary to ensure the completion of the project.

Vice Mayor Erickson made a motion to approve the funding of the engineering costs and the City sponsorship to obtain the NRCS funding subject to the execution of the agreement between DeBary Villas and the City, which is acceptable to the City Attorney. Council Member Conoley seconded. The motion passed unanimously.

XI. New Business

1. Proposal for Various Emergency Stormwater Construction Activities from Briar Corporation.

Ms. Courson asked that the item be tabled until the next meeting due to the time.

2. Approval of Don Ward to Administer the FEMA Buyout Program and Discussion of the City Bearing a Portion of the Costs for the Buyout Program.

Mr. Hamstra presented the numbers requested by Council at the previous meeting concerning the City bearing a portion of the costs. Ms. Courson clarified the different percentages requested by Vice Mayor Erickson.

The Council discussed various options for the City funding a portion of the administrative costs.

Jeff Morosetti, 307 Alexandra Woods Drive, asked for clarification on the number of homes included in the grant program.

Vice Mayor Erickson made a motion to approve the City bearing the administrative costs plus five percent of the homeowners' 25 percent match, which would be approximately \$67,000. Council Member Conoley seconded. The motion passed unanimously.

Council Member Lenzen made a motion to approve Don Ward to act as an agent of the City to administer the buyout program. Council Member Conoley seconded.

Mr. Langley voiced concern that a contract with Mr. Ward was not included in the agenda packet, and the subgrant agreement with the State cannot be executed until Mr. Ward's contract has been approved.

Council Member Conoley stated that he did not wish to move forward until Mr. Langley is satisfied with the contract. Ms. Courson reminded the Council that at the workshop held the previous Thursday, Council wished to move forward as quickly as possible to complete the buyout process.

Vice Mayor Erickson made a motion to extend the meeting until midnight. Council Member Conoley seconded. The motion passed unanimously.

Vice Mayor Erickson said they should obtain the Don Ward contract as quickly as possible and hold a special meeting to approve it. The Council agreed to hold a special meeting on February 25th at 6:00 p.m.

Elaine Swanson, 123 Pine Valley Court, said that she is not comfortable with nine homes being included in the grant when the LMS approved seven homes.

XII. Council Member/Committee/Staff Reports

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

Vice Mayor Erickson read aloud a series of emails between himself and Ms. Courson and between Shalene Estes and Ms. Courson. He said his point is that questions are being asked, and

they are not being answered. He voiced concern that the City received a letter from DCA on September 26th stating that the EAR was satisfactory, and the City only has eighteen months to process the amendments. He added that although the DCA letter was in the weekly report, it was never presented to Council.

Council Member Marks said he attended the River of Lakes Heritage Corridor meeting and updated the Council on the topics of discussion. He informed everyone that St. Johns has proposed an irrigation ordinance that they want everyone to adopt. He stated that the executive director of WAV, Lindsay Roberts, is willing to make a presentation to Council. The other members agreed to invite Ms. Roberts to address the Council on March 4th.

Council Member Conoley said he obtained a copy of the St. Johns River Water Management District budget and would bring it for anyone who wished to make a copy. He asked Ms. Courson to place a discussion item on the next agenda regarding school concurrency.

Mayor Garcia said he met with the Fireman's Association, and the City needs to do something about the poor condition of their building. He said he also met with several homeowners associations to speak about the strategic planning process. He asked the other Council members to compile a list of items they wished to address.

B. City Attorney

Mr. Langley had nothing further to report.

C. City Manager

Ms. Courson said that at the time staff received the EAR letter, the City was in the midst of flooding from Tropical Storm Fay.

Ms. Courson asked if the Council was agreeable to scheduling the City Hall grand opening ceremony on Saturday, March 21st. The Council agreed to hold it on March 21st from 10 a.m. to noon.

XIII. Adjournment

The meeting adjourned at 11:48 p.m.

**APPROVED June 3, 2009
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk