

City of DeBary
CITY COUNCIL MEETING
Wednesday
September 15, 2010
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 7:02 p.m.

II. Roll Call

Members Present: Mayor Bob Garcia, Vice Mayor Norman Erickson, Council Member Lita Handy-Peters, Council Member Jack Lenzen, and Council Member Leonard Marks
Others Present: City Manager Dan Parrott, Assistant City Manager Kassandra Blissett, City Clerk Stacy Tebo, Finance Administrator Jimmie Seelbinder, Planning Administrator Rebecca Hammock, and City Attorney Kurt Ardaman

III. Committee Reports

None.

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

Rogelio Tellez, 16 Plantation Road, voiced concern regarding the valuation of his property and the increase of the millage rate.

V. Approval of Minutes

1. City Council Workshop held July 21, 2010.
2. Regular City Council Meeting held July 21, 2010.

Vice Mayor Erickson moved to approve both sets of minutes as presented, and Council Member Lenzen seconded. The motion passed unanimously.

VI. Additions, Deletions, or Amendments to the Agenda

None.

VII. Presentations

1. Annual Independent Audit for FY 2008/2009 – Alex Kish, CPA.

Mr. Kish stated that the audit report consists of the introductory section, financial section, and the actual financial statements and notes. He discussed the overview with the Council and noted the supplemental audit sections located at the back of report.

Mr. Kish pointed out a strong net worth increase for DeBary in 2009. He said there were no major changes in the disclosures during 2009. He explained that because the City received almost three million dollars from the federal government in 2009, they were required to perform a single audit.

Mr. Kish noted that the City has suffered financially in the recent past due to several hurricanes and storms, and he is happy to report the financial recovery in 2009. He cautioned the Council to be careful and build the City's Reserves to 60 or 65 percent to be able to handle any emergencies that might arise.

Mayor Garcia asked Mr. Kish to discuss the statement that the City could operate for 158 days.

Mr. Parrott pointed out that the 158 days of Reserve funds was as of September 30th before the City began paying for the West Side Emergency Flood Management System.

Van Conoley, 25 Rosedown Boulevard, said that he called Mr. Kish when he was on the Council, and thanked him publicly for his assistance. He also applauded Mr. Parrott for straightening out the City's finances.

VIII. 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.

IX. 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 #06-10 – Second Reading – Adopting International Property Maintenance Code.

Mr. Ardaman read Ordinance #06-10 aloud by title.

Ms. Blissett stated that the International Property Maintenance Code is the current national standard, which ensures clean sanitary conditions.

Council Member Marks made a motion to approve Ordinance #06-10 on second and final reading. Vice Mayor Erickson seconded, and the motion passed unanimously.

2. Ordinance #02-10 – First Reading – Adopting EAR-Based Amendments to the City of DeBary Comprehensive Plan.

Mr. Ardaman read Ordinance #02-10 aloud by title.

Vice Mayor Erickson moved to approve Ordinance #02-10 and adopt the EAR-Based amendments with changes. Council Member Marks seconded.

Ms. Hammock stated that this is an administrative request to adopt the EAR-Based Amendments; that the text amendments will revise the Elements of the Comprehensive Plan as

directed by the City's adopted Evaluation and Appraisal Report and the Department of Community Affairs (DCA) Objections, Recommendations and Comments (ORC) Report; that the City Council voted to transmit the EAR-Based Amendments on February 3, 2010, and received DCA's ORC report on April 19, 2010; that based on the ORC report, additional changes and amendments are being proposed to address the ORC objections and comments, including but not limited to, amendments concerning Transit Oriented Development; and that changes are also being proposed that were inadvertently omitted from the transmittal documents. She outlined the City's response to DCA's objections and highlighted the changes proposed to be included within the EAR-based amendments package.

Ginger Corless, consultant with HHI Design, discussed the TOD (transit oriented development) amendments. She outlined House Bill 697 for the Council. She explained the South East Mixed-Use Area (SEMUA) and the change to a TOD. She clarified the TOD overlay and the options available to the property owners located within the overlay district.

John McDonald, representative for the Adams Family Trust, asked Ms. Hammock for clarification on one of the maps and the overlay district. Ms. Hammock affirmed that the property owner could develop under the TOD Overlay District or the former SEMUA.

Ms. Hammock stated that the second reading of Ordinance #02-10 is scheduled for October 6th, and then she would transmit the amendment package to DCA within ten days of adoption. She recommended that the Council adopt Ordinance #02-10.

Mayor Bob Garcia asked if there were further comments or questions from the public. There were none. He asked for a vote on the motion to approve, and it passed unanimously.

3. Ordinance #11-10 – First Reading – Amendment to DeBary Business Centre MPUD.

Mr. Ardaman read Ordinance #11-10 aloud by title.

Vice Mayor Erickson moved to approve Ordinance #11-10, and Council Member Marks seconded.

Ms. Hammock explained the request to the Council. She stated that the applicant, Lee Munizzi, is requesting an amendment to the DeBary Business Centre MPUD to add limited retail commercial uses and to allow houses of worship within the MPUD.

Mayor Garcia called for a vote on the motion to approve, and it passed unanimously.

4. Resolution #10-25 – Adopting a Tentative Millage Rate for Fiscal Year 2010/2011.

Mr. Ardaman read Resolution #10-25 aloud by title. He stated that the final public hearing on the millage rate is scheduled for September 29, 2010, at 7:00 PM in the Council Chambers at City Hall.

Vice Mayor Erickson moved to approved Resolution #10-25, adopting a tentative millage rate of 2.8707 for fiscal year 2010/2011. Council Member Marks seconded.

Mr. Seelbinder stated that the rolled-back rate of 2.8707 would generate approximately \$427,000 more than the prior rate of 2.57279.

Carol Yules, 449 N. Pine Meadow Drive, said she does not understand how the property value goes down but the taxes do not. Mr. Seelbinder explained the rolled-back rate to Ms. Yules.

Council Member Handy-Peters made a statement regarding the need for funding safety-related projects.

Council Member Lenzen said he is proud of the millage rate and believes it is the appropriate millage to address issues in the City.

Mayor Garcia asked for a vote on the motion, and it passed unanimously.

5. Resolution #10-26 – Adopting a Tentative Budget for Fiscal Year 2010/2011.

Mr. Ardaman read Resolution #10-26 aloud by title.

Vice Mayor Erickson made a motion to approve the tentative annual operating budget for fiscal year 2010/2011, which is Resolution #10-26. Council Member Lenzen seconded.

Mr. Parrott briefly outlined the budget for the Council and audience. He noted the capital projects that have been budgeted for the next fiscal year. He pointed out that the extra funds generated by the rolled-back rate would be used to do the West Highbanks Road culvert improvements, the Lake Charles pump station, and the paving of Fort Florida Road.

Mr. Parrott said that the National League of Cities membership was not included in the proposed budget. Mr. Seelbinder said that the cost would be \$1,266 for the first year, and the next year would cost \$1,489.

Council Member Handy-Peters made a motion to move forward with membership in the National League of Cities for \$1,266.00. Vice Mayor Erickson seconded, and the motion passed unanimously.

Council Member Marks asked the benefits of being a member in VCOG (Volusia Council of Governments). Mayor Garcia and Council Member Lenzen discussed the advantages of membership.

Laura Clark, 466 Fort Florida Road, asked if new water lines on her road were addressed in the budget. Council Member Lenzen said DeBary does not have a utility, and Volusia County is the decision maker, as they are the water provider.

Mayor Garcia called for a vote on the motion to approve the tentative budget, and it passed unanimously.

X. Growth Management and Development Review

None.

XI. Old Business

None.

XII. New Business

- 1. Proposal from Pegasus Engineering for Final Design and Permitting of the Lakeside Phase II Stormwater Improvements.

Mr. Parrott briefly explained the proposal and project and asked Council to approve the proposal from Pegasus to design Phase II of the Lakeside improvements.

Council Member Handy-Peters made a motion to approve the proposal as recommended by Mr. Parrott, and Council Member Marks seconded. The motion passed unanimously.

XIII. Council Member/Staff Reports

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

Mayor Garcia stated that Team Volusia would be making a presentation to the Economic Development Advisory Committee the next evening at 7:00 p.m.

Council Member Handy-Peters voiced her appreciation for staff.

Council Member Lenzen thanked staff for the email notification regarding the death of long time resident Francis Pezold.

B. City Manager

Mr. Parrott stated that they would soon begin construction on the Lake Susan pump station; that they would lower Lake Susan by five feet to do the draw down test; and that staff would do a Reverse 911 to let the residents around the lake know.

C. City Attorney

Mr. Ardaman had nothing to report.

XIV. Adjournment

The meeting adjourned at 9:40 p.m.

**APPROVED
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk