

City of DeBary
REGULAR CITY COUNCIL MEETING
Wednesday
October 6, 2010
7 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 Norm 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, Planning Administrator Rebecca Hammock, and City Attorney Kurt Ardaman

III. Committee Reports

1. Update by Chair Sid Vihlen, Jr. of the Economic Development Advisory Committee.

Chair Vihlen was not present to provide the update.

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

None.

V. Approval of Minutes

1. Special City Council Meeting held June 24, 2010.
2. City Council Workshop held July 29, 2010.
3. City Council Workshop held August 4, 2010.

Vice Mayor Erickson moved to approve all the minutes as presented. Council Member Marks seconded, and the motion passed unanimously.

VI. Additions, Deletions, or Amendments to the Agenda

None.

VII. Presentations

1. Proclamation Declaring October Domestic Violence Awareness Month.

Mayor Garcia read the proclamation aloud to the audience.

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 #02-10 – Second 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 the EAR-Based amendments with changes and Ordinance #02-10. Council Member Marks seconded.

Vice Mayor Erickson stated that very little of the changes he had were in the red font, which was what Ms. Hammock was responsible for, and the majority of his changes were to the text from 1997.

Council Member Marks stated that it has been a long process with multiple meetings, and he is glad it is finally completed.

Council Member Lenzen voiced his appreciation for the time Vice Mayor Erickson took to review the entire document in such detail. Mayor Garcia echoed his comments and commended staff.

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

2. Ordinance #11-10 – Second 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 on second and final reading. Council Member Handy-Peters seconded, and the motion passed unanimously.

3. Ordinance #12-10 – First Reading – Amending Chapter 1, Section 1-16(d)(3) of the Land Development Code for the Interest Rate Charged on Liens Associated with Pass Through Development Costs.

Mr. Ardaman read Ordinance #12-10 aloud by title.

Vice Mayor Erickson moved to approve Ordinance #12-10 on first reading. Council Member Lenzen seconded.

Mr. Parrott stated that the ordinance would peg the interest rate charged for non-payment of invoices associated with development at the rate established each year by the Chief Financial Officer of the State of Florida as provided for in Section 55.03 of the Florida Statutes; that the current interest rate charged by the City is eighteen percent; that the rate seems excessive; and that the Section 55.03 Statutory Interest Rate for 2010 is six percent.

Steve Costa, 351 Lemon Avenue in Lake Helen, said it is a good first step in addressing some of the concerns he has had in the past with the pass through ordinance.

Mr. Parrott said that Ms. Hammock is looking at a flat fee schedule and researching options to bring forward to Council at the appropriate time.

Mayor Garcia called for a vote on the motion to approve Ordinance #12-10, and it passed unanimously.

X. Growth Management and Development Review

None.

XI. Old Business

None.

XII. New Business

1. Request for Task Order Change for Planning Support Services Associated with EAR-Based Amendments.

Mr. Parrott stated that CPH and HHI performed work beyond their original scope of services for the subject task order; that additional meetings and changes were required that were not included in the initial scope of work based on feedback from the public, City Council and the Department of Community Affairs regarding TOD (transit oriented development) and the other proposed amendments; that additionally, when SB 360 was found to be unconstitutional, further changes were required to remove proposed TCEA (transportation concurrency exception area) language and adjust the transportation data and analysis; and that staff recommends approval.

Vice Mayor Erickson moved to approve the task order change to Task Order 2010-5 for Tasks 1 and 5 from \$36,485 to \$53,355 for a total additional cost of \$27,396.25. Council Member Marks seconded.

Vice Mayor Erickson thanked staff for the additional work on the comprehensive plan.

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

XIII. Council Member/Staff Reports

1. Board/Committee Appointments
Orlandia Heights Neighborhood Improvement District
Charlie Moses At-Large

Vice Mayor Erickson made a motion to reappoint Charlie Moses. Council Member Lenzen seconded, and the motion passed unanimously.

Streetscape Advisory Committee
Regular Member

Vice Mayor Erickson

Vice Mayor Erickson made a motion to appoint Bob Waldorf to the Streetscape Advisory Committee. Council Member Marks seconded, and the motion passed unanimously.

2. Member Reports/Communications

A. Mayor and Council Members

Mayor Garcia spoke about the empty Winn Dixie plaza in Deltona, and the possibility of bringing social services closer to DeBary. He voiced concern regarding pain clinics moving north from South Florida.

Council Member Marks announced that one of the City's employees has a son that was involved in a serious football accident and that his thoughts and prayers are with her and her family

Council Member Lenzen said he attended the Volusia League of Cities meeting in Ponce Inlet recently, and they wanted the cities to vote on Amendment 4. He said that he and Mayor Garcia chose not to vote on the issue, and he wanted the Council to be aware in case something came out that said DeBary voted against it.

Vice Mayor Erickson thanked Council Member Lenzen for sharing what happened regarding the vote at the Volusia League of Cities meeting. He said it was wrong of the League to vote and represent that everyone in the room was in agreement.

Mayor Garcia announced that the DeBary fire station open house would be held October 16th from 10 a.m. to 2 p.m.

B. City Manager

Mr. Parrott said they need to move quickly to amend the Land Development Code to begin implementing the EAR Based Amendments.

C. City Attorney

Mr. Ardaman had nothing to report.

XIV. Adjournment

The meeting was adjourned at 7:31 p.m.

**APPROVED
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk