

City of DeBary
CITY COUNCIL WORKSHOP
Wednesday
January 19, 2011
6:00 PM
City Council Chambers
16 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 Jack Lenzen, Council Member Chris Carson, Council Member Dan Hunt, and Council Member Nick Koval

Others Present: City Manager Dan Parrott, Assistant City Manager Kassandra Blissett, and City Clerk Stacy Tebo

III. Discussion Items

1. Emergency Signal 17-92

Mr. Parrott explained the way the light in front of the fire station on US Highway 17-92 would function and outlined the cost associated with the light.

Council Member Hunt asked Mr. Parrott to explain the cost and said it seemed high compared to the sidewalks.

Council Member Carson asked if it was a FDOT requirement to reinstall the light. Mr. Parrott responded that it was not, and it was a concern raised by Council in 2009.

Vice Mayor Lenzen gave some background information regarding the previous Council's reasoning for installing another light. He added that the light is needed to make the situation safer when the fire trucks pull out on US Highway 17-92.

Council Member Koval said the light is important for safety concerns, and he feels that it is imperative for the City to install the light.

2. West Highbanks Sidewalk

Ms. Blissett said that staff has been analyzing the sidewalks in the area and is ready to move forward if the Council desires. She added that the new sidewalk would be installed from Donald E. Smith Boulevard to Rob Sullivan Park, and they would be increasing the existing five-foot sidewalk to eight feet.

Council Member Hunt asked if it was part of the ECHO project at Rob Sullivan Park. Mr. Parrott said it would extend all the way to Rob Sullivan Park, but it is not part of the ECHO project.

3. Special Events Community Organization (Council Member Carson)

Council Member Carson stated that he wanted to begin the year with some good direction to staff to become better organized and utilize the volunteers that are willing to help out during special events in the City of DeBary; that he is looking for support to create an ad hoc committee of volunteers that is not politically motivated; and that he wants to bring various organizations together in the City to bring bigger and better special events to the residents.

Council Member Koval asked how much the special events would cost. Council Member Carson said he was not sure of any costs, but he was looking to provide events for DeBary citizens without it costing the taxpayers much through the utilization of business sponsorships.

Mayor Garcia and Council Member Koval voiced support for the idea.

Council Member Koval said the City's newsletter and website might be used for advertising the Committee. Council Member Hunt suggested the marquee in front of the fire station.

Vice Mayor Lenzen said he supported the idea and suggested Council Member Carson and Mr. Parrott work on it and bring something more specific back to Council.

4. Parliamentary Procedures
5. Ordinances and Resolutions

Mr. Parrott noted that he provided the information related to items four and five in the packet for the benefit of the new Council members. He highlighted the differences between ordinances and resolutions.

6. Bus Shelter Sponsorship

Ms. Blissett stated that the Council has established a goal of budgeting one bus shelter per fiscal year, at a cost of \$5,000; that the first shelter has been installed at the Northeast corner of 17-92 and Highbanks in front of Walgreens; that Roger VanAuker addressed the Streetscape Committee on November 9th to discuss Riviera Bella's willingness to pay for two additional shelters (or a contribution of \$10,000) in exchange for directional advertising to Riviera Bella development; that there was preliminary discussion regarding the rules governing the advertisements, length of time they would be displayed, and how this matter related to the existing sign code; and that the Committee and Staff did not wish to proceed without having direction from the new Council.

Streetscape Advisory Committee Chair Mike Kolba briefly explained what the Committee considered and said that Mr. VanAuker had proposed directional advertising adjacent to the shelter.

Council Member Carson said he supports sponsorships and working with the community. Vice Mayor Lenzen voiced support for the idea and said he would like to know what other cities are receiving in return for advertising rights.

There was Council consensus to research the idea further.

7. Resolution #11-02 Providing for Office Space for the Office of Mayor

Mr. Parrott stated that the resolution was prepared at the request of the Council.

Council Member Koval said he was in favor of Resolution #11-02 except for the language in paragraph two on page two. He suggested placing a period following the word “privilege” and eliminating the rest of the paragraph. There was no objection to his suggestion.

IV. Adjournment

The workshop adjourned at 6:44 p.m.

**APPROVED February 16, 2011
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk

City of DeBary
REGULAR CITY COUNCIL MEETING
Wednesday
January 19, 2011
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 Jack Lenzen, Council Member Chris Carson, Council Member Dan Hunt, and Council Member Nick Koval

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

None.

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

Susanne Lombardi, 45 Catalina Drive, pointed out an article, "Give Libraries Some Slack", in the newspaper and urged everyone to go online to orlandosentinel.com/opinion. She asked that people vote in favor of increasing library hours and obtaining funding from the State.

Mayor Garcia asked Mr. Parrott to place a link on the City's website to the opinion poll. Council Member Carson asked if the City could draft a letter of support for the library system. Council Member Koval voiced his support and said he regularly attends the storytime program for children at the library.

V. Approval of Minutes

1. City Council Workshop held November 17, 2010.
2. Regular City Council Meeting held November 17, 2010.
3. City Council Workshop held November 23, 2010.

Council Member Hunt made a motion to approve all the minutes as presented. Council Member Carson seconded, and the motion passed unanimously.

VI. Additions, Deletions, or Amendments to the Agenda

Mr. Parrott asked for the addition of a change order for the P & S paving contract under New Business.

Council Member Hunt asked to add the Resolution discussed at the workshop for the Mayor's office.

VII. Presentations

1. Presentation by Moose Lodge #655 for Deputy of the Year.

Keith Bradshaw of the Moose Lodge presented the award to Deputy Roy Galarza for his outstanding work.

2. "City Hall Gallery" – Art in Public Places Exhibit by Margaret Hodge.

Ms. Blissett announced that every two months they would be featuring rotating artists in the Council Chambers. She introduced the current artist, Liz Clayton, and informed everyone that a meet and greet with Ms. Clayton would be held on January 31st at 7:00 p.m.

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.

- *1. *Resolution #11-01 – Authorizing the Acceptance of Conveyance of a 2.13 Acre Surplus Parcel from the Florida Department of Transportation.*

Mr. Ardaman read Resolution #11-01 aloud by title.

Council Member Koval moved to approve Resolution #11-01, and Council Member Hunt seconded. The motion passed unanimously.

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 #01-11 – First Reading – Amending the Glen Abbey PUD (Planned Unit Development) for Vertex Cell Tower.

Mr. Ardaman read Ordinance #01-11 aloud by title. He outlined the quasi-judicial hearing process to be followed during the public hearing.

Ms. Tebo swore in all those present intending to testify.

Ms. Hammock outlined the request for the Council.

Mary Solick, attorney for Vertex, introduced the members of the team present and available to answer questions from Council.

Council Member Koval asked what would happen in an extreme weather event. Bill Brown explained that the tower is designed to break at 65 feet. Ms. Solick added that there is a setback of at least 75 feet from all the property lines.

Council Member Carson asked Ms. Solick to explain the maintenance schedule for the pole and the access easement.

Vice Mayor Lenzen asked property owner Tim O'Neil about building the tower in the area of the previously proposed stormwater pond. Mr. O'Neil answered that they would perform the recalculations and would apply for an amended permit from the St. Johns River Water Management District.

Pearl Fountain, 381 Glen Abbey Lane, stated that the Glen Abbey residents were not properly noticed; that she could not read the small sign driving past it; that there were several days the sign was not posted; that several of her neighbors were not notified and wanted to be present for the hearing; and that she would like Council to postpone the hearing until February.

Eddie Harper, 17 Spring Glen Drive, thanked the applicant for the information provided to the community but voiced concern that the approval might set a precedent and undermine the integrity of the residential use.

Ms. Hammock explained that the Code requires mailed notices to property owners within 200 feet of the applicant's property, and the applicant provided staff with the affidavit and certified mail receipts.

Council Member Koval said he lives on Adelaide Street in close proximity to a tower and has not experienced any difficulties.

Mr. Ardaman pointed out that there is no fixed minimum distance requirement because it is a PUD.

Ms. Solick explained they made contact with four homeowners associations and had a community meeting before the application was turned in to the City. She submitted a map for the record showing all properties within 200 feet that were notified, as well as the property owners outside the 200 feet radius that attended the community meeting.

Council Member Hunt made a motion to approve Ordinance #01-11 on first reading. Council Member Koval seconded, and the motion passed unanimously.

2. Ordinance #02-11 – First Reading – Amending the Swallows PUD for Saxon Pointe to Add Permitted, Special Exception, and Prohibited Uses on 23.86 Acres Located on the South East Corner of Saxon Boulevard and US Highway 17-92.

Mr. Ardaman read Ordinance #02-11 aloud by title. He outlined the quasi-judicial hearing process to be followed during the public hearing.

Ms. Tebo swore in those intending to testify.

Ms. Hammock explained the amendment request to the Council.

Mayor Garcia disclosed his ex-parte communications with Mr. Williams.

Council Member Koval asked for clarification on the acreage, as it was listed in the staff report as 23.65 and 23.86 in the ordinance.

Terry Williams, the applicant, stated that when the PUD was approved by Volusia County in the 1970's, the entire property was designated as commercial. He added that they were asking for senior apartments to provide a better transition from Saxon Woods to the commercial portion of the property. He stated that there would be a stormwater retention pond at the entrance and another larger retention pond behind the apartments.

Council Member Hunt asked if they intended to build a hotel. Mr. Williams explained that there is a large parcel that might accommodate a hotel, and it would have to come in front of Council to be approved as a special exception.

Jody Hill, 157 Brassington Drive, voiced concern that a multistory building would adversely impact her property value, stormwater drainage, the irrigation system, and sand hill cranes that live in the area. She added that there are already traffic concerns in exiting the Saxon Woods development.

Ryan Rinaldo, 161 West Highbanks Road, said his three concerns are stormwater, vacant commercial properties in DeBary, and the TOD planning. He added that this development might water down what the City is trying to do around the commuter rail train station.

Desmond Grant, 162 Brassington Drive, said he is concerned about the wildlife in the area, as well as losing the buffer from US Highway 17-92.

Mr. Ardaman suggested a few minor changes to the development agreement for clarification.

Ms. Hammock affirmed that the correct acreage is 23.65.

There was Council discussion regarding the requested special exception uses.

Council Member Hunt made a motion to approve Ordinance #02-11 on first reading. Council Member Carson seconded, and the motion passed unanimously.

X. Growth Management and Development Review

1. Request for Final Site Plan Approval by ACE Air Conditioning on Enterprise Road.

Ms. Hammock stated that the applicant, American Civil Engineering Co. on behalf of Ace Air Conditioning, Inc. has submitted a final site plan application for approval to demolish their existing 2,727 SF warehouse and replace it with a new, larger 5,600 SF warehouse. She outlined the five waivers being requested by the applicant.

John Herbert, with American Civil Engineering Co., stated it is a redevelopment of an existing business to improve the property, and that is the reason for the requested waivers.

Council Member Hunt made a motion to approve the final site plan application. Council Member Koval seconded, and the motion passed unanimously.

2. Request for Code Enforcement Fine/ Lien Waiver, Reduction, or Abatement by William Kogl for Property Located at 156 Deleon Road.

Ms. Blissett provided a brief overview of the code enforcement case regarding an inoperable vehicle and general lot maintenance. She noted that Mr. Kogl serves in the U.S. Army and was on active duty in Iraq during the time the violations remained on his property; that his wife was staying with relatives in Georgia during this time; that all the mail was forwarded to Georgia; and that once they returned to Florida, the corrections were made.

Council Member Koval said he sat on the Code Enforcement Board at the time the case was heard.

Council Member Carson made a motion to waive the lien in its entirety, and Vice Mayor Lenzen seconded. The motion passed 4-1, with Council Member Koval dissenting.

XI. Old Business

1. Resolution #11-02 – Providing Workspace in City Hall for the Mayor.

Mr. Ardaman read Resolution #11-02 aloud by title.

Council Member Koval made a motion to approve Resolution #11-02, and Council Member Hunt seconded. The motion passed 4-1, with Vice Mayor Lenzen dissenting.

XII. New Business

1. Appoint Representative and Alternate to VCOG (Volusia Council of Governments).

Council Member Koval made a motion to appoint the Mayor as VCOG representative and the Vice Mayor as alternate. Vice Mayor Lenzen seconded, and the motion passed unanimously.

2. Appoint Representative to the River of Lakes Heritage Corridor Committee.

Council Member Hunt made a motion to appoint Council Member Koval. Vice Mayor Lenzen seconded. The motion passed unanimously.

3. P & S Paving Change Order.

Mr. Parrott explained the reason for the change order and recommended that Council approve the first option given by P & S Paving.

Council Member Carson moved to approve the change order in the amount of \$28,947.08, and Council Member Koval seconded. The motion passed unanimously.

XIII. Council Member/Committee/Staff Reports

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

Mayor Garcia informed everyone that Sun Rail would be hosting a job fair on Feb 25th.

Council Member Carson said he was looking forward to the Volusia League of Cities meeting in South Daytona the following week.

Council Member Koval said he met with County Council Member Pat Northey and School Board Representative Diane Smith regarding a banking program for students.

Council Member Hunt commented on the decisions made by Council that affect people's lives.

Vice Mayor Lenzen spoke about the recent Central Florida MPO Alliance meeting he attended. He said he would be at DeBary Hall on Saturday for the West Volusia Summit.

B. City Manager

Mr. Parrott had nothing to report.

C. City Attorney

Mr. Ardaman had nothing to report.

XIV. Adjournment

The meeting adjourned at 10:07 p.m.

**APPROVED February 16, 2011
CITY OF DeBARY
CITY COUNCIL
Bob Garcia, Mayor**

ATTEST:

Stacy Tebo, City Clerk