

City of DeBary
CITY COUNCIL WORKSHOP
Wednesday
February 16, 2011
6:00 PM
City Council Chambers
16 Colomba Road
DeBary, Florida 32713

MINUTES

I. Call to Order

Vice Mayor Lenzen called the workshop to order at 6:02 p.m.

II. Roll Call

Members Present: Mayor Bob Garcia (late), 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 Cassandra Blissett, and City Clerk Stacy Tebo

III. Discussion Items

1. Review City Financial Statements
2. Discussion Major Sources and Uses of Funds

Mr. Parrott directed the Council's attention to the financial statements and noted they were up to date as of December 31st. He added that he would have the January statements to Council by Friday. He highlighted the main points of the cash analysis and fund balances for the Council.

He pointed out that the City paid a large amount of cash for the West Side Emergency Flood Management System, and FEMA owes the City \$4.3 million. He said that he estimates a fund balance of \$6.4 million at the end of the year.

Council Member Hunt asked for clarification on recycling revenue. He noted that if the residents recycle more, it will bring in more revenue to the City.

Council Member Koval suggested putting a blurb regarding recycling in the newsletter to get more people interested in recycling. Mr. Parrott said he would do that to raise citizen awareness of recycling.

Mr. Parrott updated Council on the sidewalk work being done.

Mr. Parrott explained the stormwater assessment fund and what it is being used for.

3. Discussion of Budgeted Capital Projects

Mr. Parrott explained the 2010-2011 capital projects. He elaborated on street resurfacing, sidewalks, and the emergency signal.

Mr. Parrott discussed the financing of the Fort Florida Road paving project.

Council Member Koval requested a review of the City's codes at the next Council workshop.

Mayor Garcia asked for a joint workshop with the Economic Development Advisory Committee.

4. Presentation by David Hamstra on Stormwater Projects

Mr. Hamstra provided a status update of the remaining projects budgeted within the 2004 Stormwater Capital Improvement Program. He noted there are 23 projects completed, one project under construction, two projects ready to bid, and three projects in the design/permitting phase.

He provided the status of the West Side Emergency Flood Management System. He stated that the grant was extended by DEP through August 31, 2011, for the fifty percent grant on the emergency generators; that FEMA's performance deadline is February 23rd, and he has requested that it be extended to May 23rd; and that FDOT's completion deadline is March 31st.

Mr. Parrott asked Mr. Hamstra to explain the changes to the Lakeside project. Mr. Hamstra responded that FEMA was uncomfortable allowing the project to be broken into two phases as originally planned, and they would not begin the project until the Fall of 2011.

5. Discussion of Solicitors Ordinance

Ms. Blissett stated that staff has received complaints in regard to home solicitors in the community; that while researching the applicable codes relating to this matter, it became evident that the Code lacked any provisions governing this; that the draft ordinance creates a new section of the Code relating specifically to home solicitation, using the statute for the definition; and that it also provides permitting requirements, hours of solicitation, and unlawful activities.

Mr. Parrott stated that staff provided the information to give the Council a starting point to begin the discussion. He asked them to think about what they would like in the ordinance, and then it would be discussed again at a later workshop.

IV. Adjournment

The workshop adjourned at 6:55 p.m.

**APPROVED March 2, 2011
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk

City of DeBary
REGULAR CITY COUNCIL MEETING

Wednesday
February 16, 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, Safety Coordinator Alan Williamson, 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.

Noble Livingston, owner of Salon Moxie on Enterprise Road, thanked the Council for allowing the temporary signs last year, and he asked the Council to consider allowing the signs again. He added that the business is struggling, and he would appreciate any help the Council could give to him.

V. Approval of Minutes

1. Special City Council Meeting held December 29, 2010.
2. Regular City Council Meeting held January 5, 2011.
3. City Council Workshop held January 19, 2011.
4. Regular City Council Meeting held January 19, 2011.
5. Regular City Council Meeting held February 2, 2011.

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

VI. Additions, Deletions, or Amendments to the Agenda

Council Member Carson asked to add an item under New Business Regarding the Presentation of a Key to the production company and actor currently filming at DeBary Hall. Mayor Garcia requested the addition of a presentation to exchange student Devante Gonzalez.

VII. Presentations

1. Recognition of DeBary Elementary School Spelling Bee Finalists.

Mayor Garcia introduced one the 24 finalists, Amanda Rodriguez, who would be representing DeBary in the spelling bee. Ms. Rodriguez invited everyone to attend the spelling bee at Deland Middle School on February 24th.

2. DeBary Elementary School Teacher of the Year Stephanie Sanders.

Principal Teresa Marcks accepted the reward on behalf of Ms. Sanders.

3. Donna Williams of the Second Harvest Food Bank.

Ms. Williams was unable to attend the meeting.

4. Exchange Student Devante Gonzalez

DeBary resident Devante Gonzalez said he is a student of University High School selected by the Rotary, and he is going to Taiwan as an exchange student.

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 #02-11 – Second Reading – Amending the Swallows PUD for Saxon Pointe to Add Permitted, Special Exception, and Prohibited Uses on 23.65 Acres Located on the South East Corner of Saxon Boulevard and US Highway 17-92 CONTINUED FROM FEBRUARY 2, 2011.

Mr. Ardaman read Ordinance #02-11 aloud by title and outlined the rules governing quasi-judicial proceedings.

Ms. Tebo swore in all those present who intended to testify.

The Council members disclosed their ex-parte communications, and all members spoke with Mr. Parrott. Mayor Garcia said he received a voicemail from Ty Harris. Council Member Carson said he communicated with Ty Harris.

Ms. Hammock explained the request to the Council and said that Saxon Woods was concerned with the landscape buffer along the rear property line and the hotel/motel special exception use.

She added that the applicant has agreed to the requests made by Saxon Woods with regards to their two concerns.

Council Member Koval said he thought they previously agreed to change the 45 foot maximum building height limitation to 40 foot on page six.

The applicant, Terry Williams, affirmed that he is willing to leave a 30 foot landscape buffer along the Saxon Woods property line and is agreeable to removing the hotel/motel special exception use.

Ty Harris, representative for Saxon Woods, stated that he was asked yesterday to participate; that the current stage of approving the PUD is the most important stage in the development process; that the height limit was changed from 35 feet in the old agreement to 45 feet in the new agreement; that they do not want it on the perimeter of the property; that the 25% total building covering restriction has been removed entirely from the old agreement; that the potential access at two locations on US Highway 17-92 would not be approved by FDOT; that the concept plan does not actually show anything required by the Land Development Code; and that they do not believe the Council has enough information to move forward with the request.

Bob Miller, 558 Woodford Drive and president of the Saxon Woods HOA, affirmed that Mr. Harris is the HOA's representative. He said he is especially concerned that the building coverage is going from 25% to 75%.

Ms. Hammock clarified that the lot coverage provision in the old agreement does not apply to the commercial area, and it only applies to the single family residential area. She added that the old PUD does not specify a maximum building height, and Volusia County's C-1 zoning classification allowed 45 feet.

Council Member Hunt made a motion to allow the applicant and neighbors an opportunity to readdress the Council. Council Member Koval seconded. The motion passed unanimously.

Mr. Williams affirmed that forty feet is the maximum they are requesting for building height.

Mr. Harris said they do not care about the building height, but rather the placement of the building on the property.

Ms. Hammock said that the applicant provided a bubble plan, which is standard practice. She said she does not agree with Mr. Harris that accepting the concept plan is a violation of the Land Development Code.

Mayor Garcia asked Mr. Ardaman if he agreed with Ms. Hammock's statement. Mr. Ardaman asked for a few minutes to review the Land Development Code.

There was a brief recess from 8:17 p.m. to 8:35 p.m.

Mr. Ardaman stated that he reviewed the Code; that he believes the application meets the requirements of the Code; that everything that can be met has been satisfied at the current time; that the Code says preliminary plans shall include items "if applicable", and at this point in time those items are not applicable.

Council Member Hunt made a motion to approve Ordinance #02-11 on second reading, with the changes discussed during the hearing as follows: the hotel/motel special exception use is deleted, a landscape buffer of 30 feet is required on the rear property line adjacent to Saxon Woods, the maximum building height is 40 feet, and the addition of a special exception use for a building height of 45 feet. Council Member Koval seconded. The motion passed 4-1, with Council Member Carson dissenting.

2. Resolution #11-03 – Approval of LAP (Local Agency Program) Agreement with FDOT to Receive Federal Funding for the Naranja Road Sidewalk Project.

Mr. Ardaman read Resolution #11-03 aloud by title.

Mr. Williamson stated that City would receive 75% funding for the Naranja Road sidewalk project, and the City's portion would be \$66,061.

Mr. Parrott stated that the City's portion of the project would be funded by franchise fees.

Council Member Carson made a motion to approve Resolution #11-03, and Council Member Koval seconded. The motion passed unanimously.

X. Growth Management and Development Review

None.

XI. Old Business

None.

XII. New Business

1. Award of Final Design and Permitting Services to Quentin Hampton for the Naranja Road Sidewalk Project.

Mr. Williamson stated that Quentin L. Hampton Associates can complete the survey and field reconnaissance, design, permitting, and printing allowance for \$23,520; that they are under continuing contract services with the City; that they are familiar with the project and the proposed funding source; and that they have done similar projects which involved TPO/FDOT LAP funding.

Council Member Hunt made a motion to award the design phase of the Naranja sidewalk project to Quentin Hampton Associates not to exceed \$23,520. Council Member Carson seconded, and the motion passed unanimously.

2. Change Order Number 2 to P&S Paving Contract for 2010 City of DeBary Resurfacing Project.

Mr. Parrott explained the need for the change order and recommended that the Council approve Change Order #2 to P&S Paving in the amount of \$7,402.23. Council Member Koval moved to approve Mr. Parrott's recommendation. Council Member Hunt seconded, and the motion passed unanimously.

3. Presentation of Key to City to Production Company and Actor.

Council Member Carson spoke about the filming of Toothfairy 2 taking place at DeBary Hall. He stated that it is an honor to have everyone talking about DeBary in such a positive way. He asked the Council if they were agreeable to presenting keys to both the actor and production company on site at DeBary Hall to recognize the contribution they have made to the City.

Council Member Carson made a motion to present a key to the City to the production company and the actor. Council Member Koval seconded, and the motion passed unanimously.

XIII. Council Member/Staff Reports

1. Board / Committee Appointments
Streetscape Advisory Committee

Regular Member

Council Member Carson

Council Member Carson made a motion to appoint Marcia Steele. Council Member Koval seconded, and the motion passed unanimously.

Marcia Steele introduced herself to the Council and said it would be an honor to serve on the Committee.

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

Mayor Garcia made some announcements and said he attended the My Region meeting earlier in the day.

Council Member Carson asked Mr. Parrott to talk to Progress Energy regarding funding for the lights at Rob Sullivan Park. He said he attended the West Volusia Summit and reminded everyone about the special events committee meeting the following evening at 6:00 p.m.

Council Member Koval said he attended the River of Lakes Heritage Corridor Scenic Highway meeting, and they wished for the City to appoint an alternate representative; he recommended Ms. Blissett. He stated that he met with DeBary Elementary's principal to discuss the student banking program, and PNC Bank has a program already in place.

Council Member Hunt said he also attended the recent West Volusia Summit. He spoke briefly about Florida's new governor and the uncertainty regarding budget cuts. He voiced his hope that SunRail continues to move forward.

Vice Mayor Lenzen said he attended the Executive TPO Committee meeting, and there are no projects coming due to the uncertainty surrounding the State's budget.

- B. City Manager

Mr. Parrott had nothing to report.

- C. City Attorney

Mr. Ardaman had nothing to report.

XIV. Adjournment

The meeting adjourned at 9:22 p.m.

**APPROVED March 2, 2011
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk