

**City of DeBary**  
**REGULAR CITY COUNCIL MEETING**  
**Wednesday**  
**August 3, 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 7:04 p.m.

**II. Roll Call**

**Members Present:** Mayor Bob Garcia, Council Member Chris Carson, Council Member Dan Hunt, and Council Member Nick Koval

**Members Absent:** Vice Mayor Jack Lenzen (excused)

**Others Present:** City Manager Dan Parrott, Assistant City Manager Kassandra Blissett, City Clerk Stacy Tebo, Finance Administrator Jimmie Seelbinder, Planning Administrator Rebecca Hammock, and Assistant City Attorney Dan Langley

**III. Committee Reports**

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

Chair Vihlen provided a recap of the June and July meetings of the Committee.

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

Deborah Cerankowski, 256 Adelaide Street, spoke about the school moving to Highbanks Road.

Barbara Sipler, 193 Hammock Oak Circle, addressed the Council regarding landscaping in the DeBary Golf and Country Club.

**V. Approval of Minutes**

1. City Council Workshop held July 6, 2011.
2. Regular City Council Meeting held July 6, 2011.
3. City Council Workshop held July 20, 2011.

Council Member Koval moved 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 requested the addition of Resolution #11-18 as item seven under New Business. There was no objection from Council.

Mr. Langley stated the applicant for the RaceTrac Gas Station requested a continuance for Public Hearings 2 and 3. Council Member Hunt made a motion to continue Ordinance #08-11 to September 7, 2011 at 7:00 p.m. Due to lack of a second, the motion died.

## **VII. Presentations**

1. Florida Planning & Zoning Association Award of Merit for the City of DeBary's Transit Oriented Development (TOD) Overlay District.
2. Disaster Preparedness by Safety Coordinator Alan Williamson.
3. Certificate of Recognition to the Community Partnership Program, Inc.
4. West Volusia R/C Club, Inc. Presentation.

## **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**

1. Ordinance #07-11 – First Reading –Third Amendment to the Glen Abbey (F/K/A the Swallows) Planned Unit Development Regarding Site Development Standards for the Permitted Flagpole Telecommunications Tower.

Mr. Langley read Ordinance #07-11 aloud by title.

Council Member Hunt moved to adopt Ordinance #07-11 upon first reading to amend the Glen Abbey Planned Unit Development Agreement to allow temporary overhead utilities for a portion of the Property, additional provisions regarding the tree protection and wetland buffer areas and allow a crushed concrete driveway with paved apron for access as further described and conditioned in the Development Agreement Third Amendment, with the three-year provision regarding underground utilities discussed by Council. Council Member Koval seconded, and the motion passed unanimously.

2. Ordinance #08-11 – Public Hearing of the Local Planning Agency (LPA) – Small Scale Future Land Use Map and Text Amendment from Commercial/Office and Residential/Low Density to Commercial/Retail on 2.27 Acres Located East of I-4 at the Corner of DeBary Avenue and Lake Shore Drive for a RaceTrac Gas Station and Convenience Store.

Mr. Langley read Ordinance #08-11 aloud by title.

Mayor Garcia announced the closing of the Council meeting and convened as the Local Planning Agency (LPA).

At 10:52 p.m., Council Member Koval made a motion to extend the meeting beyond 11:00 p.m. Council Member Hunt seconded, and the motion passed unanimously.

Council Member Koval moved for the LPA to recommend denial of Ordinance #08-11 to the City Council, and Council Member Carson seconded. The motion passed 3-1, with Council Member Hunt dissenting.

Mayor Garcia closed the LPA hearing and reopened the City Council meeting.

Mr. Langley read Ordinance #08-11 aloud by title.

Council Member Carson moved to deny Ordinance #08-11 on first reading. Council Member Koval seconded. The motion passed 3-1, with Council Member Hunt dissenting.

3. Ordinance #09-11 – First Reading – Rezoning from B-9 (General Office) and R-4 (Urban Single Family Residential) on 2.27 Acres Located East of I-4 at the Corner of DeBary Avenue and Lake Shore Drive for a RaceTrac Gas Station and Convenience Store. *(Council Members should disclose any ex-parte communication that has occurred before or during the public hearing.)*

Mr. Langley advised the Council to remove this item from the agenda.

4. Ordinance #04-11 – First Reading – Adopting NFIP Floodplain Management Regulations.

Mr. Langley read Ordinance #04-11 aloud by title.

Council Member Hunt made a motion to approve Ordinance #04-11, formally adopting the most current edition of the NFIP floodplain management regulations. Council Member Koval seconded, and the motion passed unanimously.

5. Ordinance #06-11 – First Reading – Charter Referendum for Changes to Election Terms.

Mr. Langley read Ordinance #06-11 aloud by title.

Council Member Koval moved to approve Ordinance #06-11 on first reading. Council Member Hunt seconded, and the motion passed unanimously.

6. Resolution # 11-13 – Adopting a Preliminary Millage Rate for Fiscal Year 2011/2012.

Mr. Langley read Resolution #11-13 aloud by title.

Council Member Hunt moved to adopt Resolution #11-13, setting the ad valorem tax for FY 2011/2012 and setting the first budget hearing for September 7, 2011, at 7:00 p.m. in the City Council Chambers. Council Member Koval seconded, and the motion passed unanimously.

7. Resolution #11-14, #11-15, #11-16, and #11-17 – Adopting Non-Ad Valorem Assessment Rolls for Solid Waste Collection, Streetlighting Districts, Stormwater, and Orlandia Heights Neighborhood Improvement District for FY 2011/2012.

Mr. Langley read Resolutions #11-14, #11-15, #11-16, and #11-17 aloud by title.

Council Member Koval made a motion to adopt Resolutions #11-14, #11-15, #11-16, and #11-17. Council Member Carson seconded. The motion passed unanimously.

**X. Growth Management and Development Review**

None.

**XI. Old Business**

None.

**XII. New Business**

1. Extension to Master Agreement for Construction Engineering and Inspection Services with GAI Consultants, Inc.

Council Member Carson moved to grant a one-year extension of the Master Agreement for Public Works Projects, Continuing Engineering and Inspection Services as requested by GAI Consultants, Inc. Council Member Hunt seconded, and the motion passed unanimously.

2. Proposal from GAI Consultants, Inc. for Construction Engineering and Inspection Services for 2011 Street Resurfacing Program.

Council Member Koval moved to accept GAI Consultants, Inc. proposal to provide CEI Services for the 2011 Street Resurfacing Program for the total amount of \$31,500.00. Council Member Carson seconded, and the motion passed unanimously.

3. Task Order with Pegasus Engineering for Bidding and Construction Phase Services for the Emergency Signal Project.

Council Member Hunt moved to approve the bidding and construction phases of the task order submitted by Pegasus, under the continuing services contract for engineering, consisting of Tasks 5-6, not to exceed \$10,240. Council Member Koval seconded, and the motion passed unanimously.

4. Interlocal Agreement for Contract Law Enforcement Services with Volusia County for FY 2011/2012.

Council Member Carson moved to approve the interlocal agreement for contract services with Volusia County Sheriff's Office in the amount of \$2,664,217 for FY 2011/2012. Council Member Koval seconded, and the motion passed unanimously.

5. Interlocal Agreement for Contract Municipal Services with Volusia County for FY 2011/2012.

Council Member Carson moved to approve the interlocal agreement for public works services with Volusia County for FY 2011/2012. Council Member Koval seconded, and the motion passed unanimously.

6. Volusia TPO Membership Assessment and Funding Agreement for FY 2011/2012.

Council Member Koval moved to approve the FY 2011-2012 funding agreement between the City and the Volusia TPO. Council Member Hunt seconded, and the motion passed unanimously.

7. Resolution #11-18 – Approving the Grant of a Drainage Easement to FDOT over the West Side Emergency Flood Management System and Approving Agreement of Partial Assignment of Rights.

Mr. Langley read Resolution #11-18 aloud by title.

Council Member Carson made a motion to approve Resolution #11-18. Council Member Koval seconded. The motion passed unanimously.

### **XIII. Council Member/Staff Reports**

1. Board / Committee Appointments  
Code Enforcement Board  
Alternate Member Council Member Carson  
Marcia Becker Council Member Hunt

Council Member Carson made a motion to appoint Ryan Rinaldo as an alternate member to the Code Enforcement Board. Council Member Koval seconded, and the motion passed unanimously.

Council Member Hunt made a motion to reappoint Marcia Becker to the Code Enforcement Board. Council Member Koval seconded, and the motion passed unanimously.

2. Member Reports/Communications
  - A. Mayor and Council Members
  - B. City Manager
  - C. City Attorney

### **XIV. Adjournment**

The meeting adjourned at 1:03 a.m.

**APPROVED September 7, 2011  
CITY OF DeBARY  
CITY COUNCIL**

**Bob Garcia, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**