

City of DeBary
REGULAR CITY COUNCIL MEETING

Wednesday
August 1, 2012

7 PM
City Council Chamber
16 Colomba Road
DeBary, Florida 32713

MINUTES

I. Call To Order

Mayor Bob Garcia called the meeting to order at 7:00 p.m.

II. Roll Call

Members Present: Mayor Bob Garcia, Vice Mayor Chris Carson, Council Member Lita Handy-Peters, Council Member Dan Hunt, and Council Member Nick Koval

Others Present: City Manager Dan Parrott, Assistant City Manager Cassandra Blissett, City Clerk Stacy Tebo, Planning Administrator Rebecca Hammock, Finance Administrator Jimmie Seelbinder, 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.

The following citizens spoke: Sandra Wilson, Jef Shelby, and Millie Murray.

V. Approval of Minutes

1. City Council Workshop held July 18, 2012.
2. Regular City Council Meeting held July 18, 2012.

Council Member Koval moved to approve both sets of minutes as presented. Vice Mayor Carson seconded, and the motion passed unanimously.

VI. Additions, Deletions, or Amendments to the Agenda

Mayor Garcia requested the addition of two presentations to the agenda.

VII. Presentations

1. Certificate of Appreciation to Danny Allen for Volunteer Service.
2. Presentation of SunRail Memento to City Council Members.

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. Contract Renewals for Miscellaneous Services to Include Engineering, Maintenance, Debris Management, and Lawn Maintenance.
- *2. Resolution #12-06, #12-07, #12-08, and #12-09 – Adopting Non-Ad Valorem Assessment Rolls for Solid Waste Collection, Streetlighting Districts, Stormwater, and Orlandia Heights Neighborhood Improvement District for FY 2012/2013.

Mr. Ardaman read the Resolutions by title. Council Member Koval moved to approve the Consent Agenda. Council Member Hunt seconded, and the motion passed unanimously.

IX. Public Hearings

- 1. Ordinance #03-12 – Second Reading – Amending Chapters 30 and 42 of the Code of Ordinances.

Mr. Ardaman read Ordinance #03-12 aloud by title and recommended a minor wording change on Page 5. Vice Mayor Carson moved to adopt Ordinance #03-12 on second reading with the revision discussed by Mr. Ardaman. Council Member Hunt seconded. The motion passed 4-1, with Mayor Garcia dissenting.

- 2. Ordinance #04-12 – Second Reading – Amending Chapter 6 of the Code of Ordinances Regarding Outside Service and Consumption of Alcoholic Beverages.

Mr. Ardaman read Ordinance #04-12 aloud by title. Council Member Hunt moved to adopt Ordinance #04-12 on second reading, and Council Member Koval seconded. The motion passed unanimously.

- 3. Ordinance #05-12 – Second Reading – Amending Chapter 2 of the Code of Ordinances to Establish a Planning and Zoning Commission.

Mr. Ardaman read Ordinance #05-12 aloud by title. Council Member Koval moved to adopt Ordinance #05-12 on second reading, and Council Member Handy-Peters seconded. The motion passed unanimously.

- 4. Ordinance #06-12 – Second Reading – Amending Chapter 2, Article II of the Code of Ordinances Relating to the Code Enforcement Process.

Mr. Ardaman read Ordinance #06-12 aloud by title. Council Member Handy-Peters moved to adopt Ordinance #06-12 on second reading, and Council Member Koval seconded. The motion passed 4-1, with Mayor Garcia dissenting.

- 5. Ordinance #02-12 – First Reading – Amending the Land Development Code.

Mr. Ardaman read Ordinance #02-12 aloud by title. Council Member Koval moved to approve Ordinance #02-12 on first reading. Council Member Hunt seconded.

Council Member Hunt moved to amend the original motion and modify Section 3-22 to provide for drive through restaurants as a special exception use in the Village Center Overlay District. Council Member Koval seconded. The motion passed 4-1, with Mayor Garcia dissenting.

Council Member Handy-Peters moved to amend the original motion and delete the verbiage in Section 1-8 restricting the city manager's authority to grant more than one administrative variance per parcel. Council Member Hunt seconded. The motion passed unanimously.

Council Member Koval moved to approved Ordinance #02-12 on first reading as amended. Council Member Hunt seconded. The motion passed 4-1, with Mayor Garcia dissenting.

6. Resolution #12-05 – Adopting a Preliminary Millage Rate for Fiscal Year 2012/2013.

Mr. Ardaman read Resolution #12-05 aloud by title noting the preliminary millage rate is equal to the rolled-back rate of 3.0935, and the first budget hearing is scheduled for September 5th at 7:00 p.m.

Vice Mayor Carson moved to adopt Resolution #12-05, Setting the Ad Valorem Tax for FY 2012/2013 and setting the first budget hearing on September 5, 2012, at 7:00 pm in the City Council Chambers. Council Member Hunt seconded, and the motion passed unanimously.

7. Request from Tom and Carol Rychlock at 971 Old DeLand Road for Variances to Front and Rear Yard Setback Requirements.

Council Member Koval moved that the requested variance meets the criteria put forth in Section 1-8 of the City's Land Development Code and approve the variance to allow relief from Section 3-87(d) (2) to allow a front yard setback of 23.32 ft. in lieu of the required 40 feet and a rear yard setback of 4.5 ft. in lieu of the required 40 ft. and relief from Section 1-12 (b)(2) to allow a legal nonconforming structure to be structurally added on to and enlarged by constructing a 16' x 20' addition onto the north end of the structure. Council Member Hunt seconded, and the motion passed unanimously.

X. Growth Management and Development Review

1. Approval of Work Order with Finley Engineering/Lassiter Transportation Group for a Traffic Impact Analysis.

Mr. Ardaman suggested a minor change to paragraph 11 of Attachment B regarding indemnification.

Council Member Hunt made a motion to approve the work order including the change recommended by Mr. Ardaman for Finley Engineering with Lassiter Transportation Group as sub-consultant to prepare a traffic impact analysis for a not to exceed contract amount of \$7,985. Council Member Koval seconded, and the motion passed unanimously.

XI. Old Business

None.

XII. New Business

1. Approval of Jobs Growth Economic Incentive Agreement with Hydra Services, Inc.

Vice Mayor Carson moved to approve the Job Growth Incentive Agreement between the City of DeBary and Hydra Service, Inc. Council Member Handy-Peters seconded, and the motion passed unanimously.

2. Award of Bid #06-12 for Computer Upgrades.

Council Member Handy-Peters moved to approve bid proposal number 06-12 in the amount of \$17,500 submitted by Computer Wizards. Council Member Koval seconded, and the motion passed unanimously.

XIII. Council Member/Staff Reports

1. Committee Appointments

Charter Review Commission

Regular Member

Mayor Garcia

Regular Member

Vice Mayor Carson

Regular Member

Council Member Handy-Peters

Regular Member

Council Member Hunt

Regular Member

Council Member Koval

Council Member Hunt moved to appoint the following citizens to the Charter Review Commission: Theresa Moore, Jerry Lombardi, Greg France, and Greg Moore. Vice Mayor Carson seconded, and the motion passed unanimously. Council Member Koval's appointment was postponed.

Economic Development Advisory Committee

Alternate Member

At-Large

Vice Mayor Carson moved to appoint Matthew Milazzo as the alternate member. Council Member Hunt 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 9:30 p.m.

**APPROVED September 5, 2012
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk