

City of DeBary
REGULAR CITY COUNCIL MEETING

Wednesday
October 3, 2001

7:00 PM

Florence K. Little Town Hall
12 Colomba Road
DeBary, Florida 32713

MINUTES

I. Call To Order

1. Invocation
2. Flag Salute

II. Roll Call

Absent: Vice Mayor Greg France

Members Present: Mayor Carmen Rosamonda, Council Member George Coleman, Council Member Danny Allen, and Council Member Bill Long

Others Present: City Manager Richard Diamond, Assistant City Manager Maryann Yaskanich, and City Attorney Kurt Ardaman

III. Public Participation For Any Issues Not On the Agenda.

IV. Approval of Minutes

1. Regular City Council Meeting held September 5, 2001.

Council Member Long noted a correction to the minutes. Motion to adopt minutes, as revised, was made by Council Member Coleman and seconded by Council Member Allen. The motion passed unanimously.

V. Strategic Planning Reports

VI. Presentations

1. Proclamation - VFW Buddy Poppy Days.

The following members of VFW Post 8093 were present; Commander Joe Lowe; Russ Simon, Sergeant of Honor Guard; and John Johnson, Chairman of the Buddy Poppy Drive. Mayor Rosamonda, on behalf of the City Council, proclaimed November 9th and 10th to be Buddy Poppy Days in the City of DeBary and urged that citizens support the VFW by wearing poppies as evidence of their gratitude to the men and women of the United States of America who have given their lives in defense of our country.

VII. Public Hearings

1. Second and Final Reading - Ordinance No. 25-01 - Establishing Minimum Architectural Requirements for the Gateway Corridors by Prohibiting Exposed Metal Facades on the Entrance Roadways.

City Attorney Ardaman read Ordinance No. 25-01 by title. There was a discussion regarding the wording of the Ordinance in Section II and Section IV. Council Member Long moved to adopt the Ordinance as revised. Council Member Coleman seconded the motion. There was additional discussion regarding the clarification of wording and definition of the areas of enforcement in regard to structures not directly fronting Gateway Corridors, but visible from Gateway Corridors. It was the consensus of the Council that non-residential and existing permanent structures were excluded from the Ordinance. Council Member Long removed the motion to accept. Council Member Coleman removed his second. Mayor Rosamonda entertained a motion to accept Ordinance No. 25-01 on Second reading with revisions as follow: Section 808.01 between the words "Advisory" and "Building" to add the words "Non-Residential"; Section 808.02 shall read; "Gateway Corridor shall include all properties that abut or have direct access to roadways located within the city limits of the City of DeBary as follows:."; Section II adding wording, "the Ordinance Adopting the Comprehensive Gateway Corridor Standards" and Section IV by changing wording to "The ordinance shall control over any ordinances or parts of ordinances in conflict here within be and same are hereby revoked." Council Member Long moved to adopt the motion as revised. Council Member Coleman seconded the motion, which passed unanimously.

2. Request for Variance- Case D-01-009 - Frank M. Miller, Agent for Owners, Michael and Deborah DeVine to a Side Yard Setback (7.5 feet in lieu of the required 8 feet).

Volusia County Planner Scott Ashley was not present. There was discussion that this matter was to have been tabled and that there was a discrepancy between the setback distances indicated by the plat and the survey pins on the site.

John Macintosh, 113 Amberglow Court, stated that Mr. Reynolds of the County Zoning Department and the builder were notified on August 3, 2001, that the home was not in compliance for the R-3 zoning classification setbacks. That he made requests to Mary Robinson, Building and Zoning Division Director, that compliance be enforced. He was in possession of a fax copy of a document that the County had sent to the City stating that the County had given the builder the wrong zoning for the parcel. He met with an inspector from the State Public Health Department because he was also concerned that the septic system location was not in compliance with the setbacks from the storm drain located on the property line. He stated that the County was in error in not enforcing compliance prior to the completion of construction, after being notified on August 3rd, and that a variance should not be granted.

Mr. Walt Corwin, 115 Amberglow Court, stated that his objection was to the aesthetic appearance of the property due to the unusual siting of the house on the lot. The property will devalue his property. He requested that the variance not be granted.

Mayor Rosamonda stated that the Request for Variance would be tabled and that the residents and Mr. Miller were being allowed to speak for informational purposes only.

Mr. Frank Miller, Builder, 2995 Miller Avenue, Orange City stated that the survey difference was due to differences between the plat survey and the existing property surveys. He stated that there was an average of 7.55 feet noted on the survey as a setback from the property line. There is a total of 16.2 feet between the houses and that there is no encroachment of the easement located at the back of the house. Mr. Miller stated that the Building Department and County staff were aware of the survey differences.

Mayor Rosamonda asked City Attorney Ardaman whether the current advertisement might be sufficient to hear this item in that the average between the front of the side yard setback at 7.89 inches and the rear of the side yard setback at 7.21 was 7.55. City Attorney Ardaman recommended that this matter not be heard and that this matter be re-advertised with the appropriate setback distances for hearing on November 7th. This matter was tabled and will be heard at the November 7th Council meeting. City Attorney Ardaman advised that this Request for Variance needed to be re-advertised and that the advertisement must have the specific distances of the variance included.

3. Second and Final Reading - Ordinance No. 23-01 - Creation of Teens Program Advisory Committee.

City Attorney Ardaman read Ordinance No. 23-01 by title. Discussion was held on changes to the composition of the Committee. Mayor Rosamonda entertained a motion to adopt Ordinance No. 23-01 with the following revisions: the Committee shall consist of eleven members; the Mayor and each Council Member shall appoint two members to the committee; the remaining one appointment shall be made by the Mayor and Council at large and five appointments shall be teenage residents. Council Member Long moved to adopt Ordinance No. 23-01 on second and final reading as revised. Council Member Allen seconded the motion, which passed unanimously.

4. Second and Final Reading - Ordinance No. 24-01 - Creation of Senior Programs Advisory Committee.

City Attorney Ardaman read Ordinance No. 24-01 by title. Council Member Long moved to adopt Ordinance No. 24-01 on second and final reading. Council Member Coleman seconded the motion, which passed unanimously.

5. Resolution No. 01-24 - Proposing to Amend the Five Year Capital Improvement Schedule to Include Bill Keller Park Shuffleboard Center, if Funded, by FRDAP.

City Manager Diamond asked that the Mayor and Council approve the Resolution authorizing the grant application. The Resolution commits the City to amending the Comprehensive Plan Capital Facilities Element to include the grant project if the grant is awarded. This action is required by the terms of the grant application. It was determined that the title for the property at Bill Keller Park was transferred to the City. Council Member Coleman moved to adopt

Resolution No. 01-24. Council Member Long seconded the motion. City Attorney completed reading Resolution No. 01-24 by title. The motion passed unanimously.

6. First Reading - Ordinance No. 26-01 - Creating a Special Service District for Buena Vista Street Streetlighting.

City Attorney Ardaman read Ordinance No. 26-01 by title. Discussion was held regarding the collection of assessments for the streetlighting; that Ordinance No. 79-03 allowed for the collection of non ad-valorem assessments; that costs for the first year of the district would be billed to the property owners; and that 53% or more of the residents approved the petition. Council Member Long moved to adopt Ordinance No 26-01. Council Member Allen seconded the motion. Further discussion was that the information concerning the penalty for non-payment of the first year assessment would be provided at the second reading and that all residents would be noticed of the second reading of the Ordinance. The motion passed unanimously.

7. First Reading - Ordinance No. 27-01 - Vacating a Portion of Spring Glen Unit 2, Plat Book 47, Page 103.

City Attorney read Ordinance No. 27-01 by title. Discussion was held regarding whether tree preservation requirements for the development would be met if a portion of the plat were vacated. Palmer Panton, Volusia County Land Development Manager advised that he had consulted with Joe Waller, County Forester, and that Mr. Waller had stated there was sufficient tree preservation in other areas and that 2/3 to 3/4 of the 3.5 acres to be vacated was water. Council Member Long moved to adopt Ordinance No. 27-01. Mayor Rosamonda seconded the motion for discussion. The motion and second was withdrawn. Council Member Coleman made a motion to table Ordinance No. 27-01 until the next meeting for specific information on tree counts and input from the developer. Council Member Allen seconded the motion, which passed unanimously.

8. First Reading - Ordinance No. 28-01 - Amending Residential Density Standards.

City Attorney Ardaman read Ordinance No. 28-01 by title. Mayor Rosamonda recessed the City Council Meeting and convened the Land Planning Agency. Mayor Rosamonda entertained a motion for the Land Planning Agency to recommend approval of Ordinance No. 28-01 to the City Council. Council Member Allen motioned to recommend approval of Ordinance No. 28-01. Council Member Long seconded the motion, which passed unanimously.

9. First Reading - Ordinance No. 29-01 - Amending Sidewalk Requirements for New Developments - Council Member Coleman.

City Attorney Ardaman read Ordinance No. 29-01 by title. Acting as a member of the Land Planning Agency, Council Member Coleman made a motion to recommend approval of Ordinance No. 29-01 to the City Council. Council Member Long seconded the motion, which passed unanimously.

Council Member Long made a motion to adjourn the Land Planning Agency. Council Member Coleman seconded the motion, which passed unanimously.

City Attorney read Ordinance No. 28-01 by Title. Council Member Coleman moved to adopt Ordinance No. 28-01. Council Member Allen seconded the motion, which passed unanimously.

City Attorney read Ordinance No. 29-01 by title. Mr. David Rasmussen, 107 Forest Point Lane, Longwood, DeBary Development Corporation, stated that he questioned that additional sidewalks would increase pedestrian safety and raised the issue of future City maintenance costs in having sidewalks on both sides of streets.

Mr. Gene Stump, 106 Birkwood Court, stated that he was in favor of a sidewalk on the east side of Shell Road. Mayor Rosamonda stated that sidewalks in older subdivisions would be given future consideration since the Ordinance under discussion was only applicable to new subdivisions.

Discussion was held regarding the final sentence in Section One, which read “No sidewalk shall be required for cul-de-sac streets less than 300 feet in length”. Council Member Coleman moved to adopt the Ordinance as revised, with removal of the final sentence in Section One. Council Member Long seconded the motion, which passed unanimously.

VIII. Growth Management and Development Review

1. Final Plat - Springview Unit 6.

Palmer Panton, Land Development Manager for Volusia County stated that Mr. David Rasmussen has agreed to post a performance bond of 115% of the cost of improvements to Springview Unit 6, for a period of 6 months or until those improvements are completed and approved. A maintenance agreement will be provided for a 1-year period thereafter. Mr. Panton recommends that the plat be approved. There was a discussion that that setbacks were correct on the plat; that a neighborhood park has been designated for the subdivision; that a pool as well as a cabana and recreation facility are under construction in Unit 2 of Springview for the use of the residents. Council Member Coleman moved to approve the plat for Springview Unit 6 subject to the recommendations of the letter of Palmer Panton dated September 5. Council Member Allen seconded the motion, which passed unanimously.

2. Final Plat - Springview Unit 7.

Council Member Coleman moved to approve the plat for Springview Unit 7 subject to the recommendations of the letter of Palmer Panton dated September 5th. Council Member Allen seconded the motion, which passed unanimously.

IX. Old Business

1. Compilation of City Manager’s Performance Evaluation by the Mayor and City Council and Review of Employment Agreement.

The evaluation for City Manager was continued until the next Council Meeting due to the absence of Vice Mayor France's evaluation.

X. New Business

1. Request by Economic Development Advisory Committee for Funding for Market Study.

Mr. Cliff Rutz, Economic Advisory Committee Chairman, 227 Caddie Court, read a letter highlighting the findings of the joint City Council and Economic Development Advisory Committee Workshop, held on April 25, 2001. There is \$10,000 allocated in the City's current budget for a Marketing Study. The current request is for permission to issue a Request for Proposal from consulting firms. The Committee would then make a request for funding, after the proposals are reviewed. Assistant City Manager Maryann Yaskanich stated that inventory lists of currently available property and facilities, in the areas of Benson Junction and South Highway 17/92, are in the process of being compiled and will be provided with the Agenda packet for the next meeting of the Economic Development Advisory Committee. Mayor Rosamonda entertained a motion to approve the request by the Economic Development Advisory Committee to issue a Request For Proposals, to seek a professional for a marketing strategy for the City of DeBary. Council Member Coleman moved to approve the request. Council Member Allen seconded the motion, which passed unanimously.

2. Consideration of Proposal for Site Design Charrette - HDR Engineering.

City Manager Diamond reviewed the proposal for a Site Planning Charrette for the 67 acres located at the Southeast corner of South 17/92 and Dirksen Drive. The proposal before the Council from HDR Engineering is for a two-day Charrette at a lump-sum cost of \$11,000.00 plus estimated expenses of \$2,500.00. The dates available were October 18th and 19th. HDR Engineering suggested meeting on the first day with the City Council, the property owner and the property owner's representative and solicit input from all parties. The second day would be used to present conceptual site plans for refinement and development of a consensus. Mayor Rosamonda stressed the importance of a village area for the City of DeBary. Council Member Long moved to accept the proposal. Council Member Allen seconded the motion.

Discussion was held regarding having a marketable product at the conclusion of the Charrette. City Manager Diamond stated that the property owner would provide his marketing study to HDR including the site information, soil borings, surveys and vegetation inventory. HDR indicated that they would be able to provide a cost estimate for construction and determine market rents for the area. An invitation had been extended to the developer of The Lofts at Winter Park Village to offer his advice at the Charrette. Invitations will also be extended to the City Planner for Winter Park, the EDAC for the City of DeBary and the Streetscape Committee.

Additional discussion determined that Committee and public participation would be invited for the first day of the Charrette, but the second day would be limited to negotiations with the City Council and the property owner. The dates were determined to be the morning of the 18th of October and the late afternoon of the 19th of October.

The motion passed unanimously.

3. Discussion of Sheriff's Substation Relocation Options.

City Manager Diamond reviewed an analysis of available sites and various options for the relocation of the Sheriff's Substation. There was a discussion that the lowest cost for a 5-year period would be the use of a portable, if the City would not be required to install sewer or central water and if permission was given by the County to install a septic system on their property. Pursuant to the City's development regulations, the uses of portable buildings are restricted to construction periods only. Staff also has reservations concerning the safety, security and storage of Sheriff Department specialized communication equipment in a portable building.

Staff recommendation was to utilize the site at 94 S. Highway 17/92. The 5-year cost would be \$150,000.00 including \$40,000 for materials and improvements to the building. The owner would install a new air-conditioning unit, additional insulation and a handicap accessible restroom. City Manager Diamond requested that the City Council give authorization to negotiate a lease for the site at 94 S. Highway 17/92. Council Member Long moved to authorize Staff to pursue the negotiations for a lease of the property at 94 S. Highway 17/92. Council Member Coleman seconded the motion. Discussion determined that any utility connections and taxes for the property would not be included in the lease amount. It was also determined that the possibility of a lease-purchase option should be pursued. The motion passed unanimously.

4. Requests by DeBary Art League for Co-Sponsorship and Waiver of Fees for Haunted Hike and Request for Donation, Co-Sponsorship and Waiver of Fees for Youth Celebration of the Arts Festival.

Mayor Rosamonda recognized Sandra Wilson of the DeBary Art League. City Manager Diamond reviewed the policy adopted by the City Council regarding the use of City facilities. He felt that the DeBary Art League Haunted Hike met the criteria for waiving the fees since the property is to be utilized for a community-wide benefit and cultural recreation. The DeBary Art League is asking for approximately \$1,000.00 in additional funds for direct expenses to the City for barricades, generators, traffic control devices and Sheriff deputies. Sandra Wilson read a statement asking for the additional funds for the safety of the attendees of the event. She stated that the City has been included in advertising for the event as co-sponsors since 1999. Council Member Allen made the motion to approve \$1,000.00 in funds for direct expenses. Mayor Rosamonda seconded the motion for discussion.

There was a discussion that the City has co-sponsored similar events for other groups; that a precedent had already been set; that the City has co-sponsored events to provide insurance coverage and that the costs and attendance at the Haunted Hike have increased yearly. The DeBary Art League is asking for the contribution in order to maintain lower ticket prices, which will permit more families to attend the event. The motion carried unanimously.

Sandra Wilson provided information regarding the Youth Celebration of the Arts Festival. The festival is being established by the DeBary Art League with the assistance of a County Cultural

Art Grant, as part of their effort to increase the awareness of art in the community. A significant number of students will be involved from schools throughout the area. The celebration is being held with the support of the Volusia County School Board and a large number of theater, art and community groups from Southwest Volusia. The County grant was for \$1,000.00. Matching funds were contributed by the News-Journal and additional funds are being solicited. Due to the size of the event and the fact that admission fees will not be charged, a donation of \$2,500.00 is being requested from the City of DeBary, to offset the costs associated with the event, as well as a waiver of fees for the use of the park.

Vicky Bumpus, Volusia County School Board Member, 1400 Sonnet Court, Deltona, spoke in support of the DeBary Art League and the students involved in The Youth Celebration of the Arts Festival.

Jane Wright of 119 Birkwood Court, DeBary also spoke regarding the recognition that the City of DeBary has received from events that The DeBary Art League has sponsored and the traditions that they have established over the years.

Council Member Allen moved to approve the donation of \$2,500.00 and \$1,000.00 for direct expenses by the City of DeBary to The Youth Celebration of the Arts Festival. Mayor Rosamonda seconded the motion for discussion. Mayor Rosamonda stated that \$5,000 is allocated in the budget for donations. Discussion was held concerning establishing future guidelines for charitable donations and establishing limits for the scope of future donations. Concern was also expressed that other organizations have not received similar monetary support from the City of DeBary. Council Member Long requested that the policy for charitable contributions be reviewed at the next council meeting. The motion failed 2-2, with Council Member Long and Council Member Coleman dissenting.

XI. For the Good of the Order (Routine Recurring Business)

1. Board/Committee Reports
None

2. Board/Committee Appointments

A. Board:	Teens Program Advisory Committee	
Appointments:	Jackie Van Nuys (Adult)	G. Coleman
	Natasha Marshall (Teen)	D. Allen
	Rosemary Obenland (Adult)	D. Allen
	Mary Dietzel (Adult)	W. Long
	Eric McCanna (Teen)	W. Long
Term Expires:	October 3, 2003	
Length of Term:	Two (2) Years	

Mayor Rosamonda stated that the Teen Advisory Committee consists of 11 Members; 1 Teen and 1 adult is to be appointed by each Council Member; 1 member to be appointed at-large, and 5 members must be Teens.

Council Member Long moved to accept the Appointments. Council Member Coleman seconded the motion, which passed unanimously.

B. Board:	Senior Programs Advisory Committee	
Appointments:	Fred Lutz	D. Allen
	LaVonne Bauerle	W. Long
	Catherine Long Godall (Senior)	W. Long
Term Expires:	October 3, 2003	
Length of Term:	Two (2) Years	

Mayor Rosamonda stated that the Senior Advisory Committee consists of 11 members; two members are to be appointed by each Council Member; one member is to be appointed at-large and six members must be seniors.

Council Member Coleman moved to accept the appointments. Council Member Allen seconded the motion, which passed unanimously. Discussion was held regarding setting up an initial meeting for the first week of November and to advertise Committee positions on the placard at City Hall.

3. Member Reports/Communications

A. Mayor and Council Members

Council Member Coleman referred to a letter from a resident of Glen Abbey regarding speeding along N. Pine Meadow Drive. Patrols have been working in the area and some improvement has been noted. He suggested that City Manager Diamond consult with the Sheriff's Office regarding the possibility of rumble strips or some other form of speeding deterrent that might also be suitable for other areas in DeBary. He also received a call regarding FDOT and a drainage problem near US Highway 17/92 and Enterprise Road intersection. A message was left for FDOT Consultant Derek Hudson, which needs to be followed up to determine if this flooding might be a continuing problem. He also referred to an article in the newspaper that might be applicable to the paving of roads in Orlandia Heights.

Council Member Allen requested that action be taken, possibly a letter from City Manager Diamond, regarding Florida Power not acting regarding the acquisition of land for a City Park. City Manager Diamond will contact Florida Power, as they had stated that they would meet with him. Mayor Rosamonda suggested that, if necessary, the Council fly up to Charlotte to meet with a representative there and force some action. Mayor Rosamonda will send a letter and will discuss further action at the next Council Meeting.

A. City Attorney

B. City Manager

City Manager Diamond thanked the Council for their comments and critiques of his performance to date. The Mayor conveyed his appreciation and reminded the Council that Mr. Diamond's

contract will need to be reviewed along with the evaluation at the next Council meeting. Mr. Diamond also reported that the first page of the new Website is completed and expects that the balance of the pages will be complete by the end of the month.

Mayor Rosamonda would like to find a solution to the nuisances caused by partygoers and motor vehicles on the power line property. He would like to involve the developers whose property abuts the power lines, as well as Florida Power. Mayor Rosamonda suggested a review of the Land Development Code and asked that the Council Members prepare ideas to inhibit these activities.

XII. Adjournment. Meeting was adjourned at 10:12 P.M.

**Approved November 7, 2001
City of DeBary
City Council**

Carmen Rosamonda, Mayor

Attest:

Maryann Yaskanich, City Clerk