

REGULAR CITY COUNCIL MEETING

Wednesday

January 9, 2002

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

Members Present: Mayor Carmen Rosamonda, Vice Mayor Greg France, 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

Lee Harrington, 249 Buena Vista Street, DeBary, representing Citizens For DeBary, asked for the cost to date, scope of any contract and future costs from the HDR Charrette for the streetscape concept. It was disclosed that the Charrette cost was \$15,000; that the first phase of plantings on the south end utilized \$50,000 allocated to the City by DOT plus approximately \$15,000. He also asked if there was a fiduciary obligation on the part of HDR to obtain FDOT approval of the concept. Discussion reviewed plans for streetscape conceptual phases to be changed as needed and that similar concepts had been implemented in other areas. It was the opinion of Mr. Harrington that money for the streetscape concept would be better spent on infrastructure for the City. Council Member Long offered information obtained from his attendance at the Downtown Redevelopment Group meetings in Miami in that similar projects in other Florida areas had been approved by FDOT.

IV. Approval of Minutes

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

Mayor Rosamonda entertained a motion to accept the minutes for the Regular City Council Meeting held December 5, 2001, as revised. Motion was made by Council Member Coleman. Council Member Long seconded. The motion carried unanimously.

V. Strategic Planning Reports

VI. Presentations

1. Introduction of City Finance Administrator James Seelbinder.

City Manager Richard Diamond introduced Mr. James Seelbinder as the City's Finance Administrator, formerly with the City of Holly Hill, with 20 years of experience in finance in both public and private sector. James spent 11 years as the Director of Fiscal Operations for the Clerk of the Circuit Court for Volusia County. Mr. Seelbinder was welcomed.

VII. 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. Second Reading – Ordinance No. 27-01 – Vacating a Portion of Spring Glen Unit 2

City Attorney Ardaman read Ordinance No. 27-01 by title. Mayor Rosamonda, Council Member Allen, Council Member Coleman and Council Member Allen disclosed prior discussions with interested parties. John Gray, 86 Spring Vista Drive, DeBary, and Bill Segal, 955 Stonewood Lane, appeared in support of the Ordinance. Russ Devine represented Pinnacle Glen Abbey. Mayor Rosamonda entertained a motion to adopt Ordinance No. 27-01. Motion was made by Council Member Long. Mayor Rosamonda seconded the motion for discussion. Palmer Panton, Land Development Manager for Volusia County, stated the parcel to be vacated did not appear to be buildable at this time; that the tree preservation property in Glen Abbey Club exceeded requirements and the excess amount would replace the tree preservation requirements of the parcel to be vacated; that, in the future, the parcel could be attached to another development as part of its tree preservation requirements; that any new development plans would have to be presented to the City Council for approval and that the plat for the tree preservation replacement property contains a permanent easement. City Attorney Ardaman discussed whether precedent would be set by vacating this parcel and allowing mitigation by use of off-site preservation; that this case had specific extenuating circumstances that might justify later decisions and that approval would probably not subject the City Council to excessive risk or exposure. It was discussed that the title insurance company could be held responsible for payment of tree preservation requirement violations fines for the vacated portion; that there was no Ordinance in place to collect such fines and that the City would not be put in a position to incur fines by vacating the parcel. John Gray stated that if the developer received monies from the title company, any amounts in excess of legal fees would be given to the City. City Attorney Ardaman noted that vacating the parcel would not guarantee the withdrawal of litigation pending against the City, but would assist in the resolution of that litigation; that due to extenuating circumstances, precedent would not be set; that if the Council does not wish to allow future off-site preservation, staff should include appropriate language in the Land Development Code; that there was no apparent basis to receive reimbursement of legal fees from the lawsuit and that a stipulated final approval of this Ordinance should facilitate resolution of the pending litigation by Mr. Stedronsky. City Manager Diamond was asked his

opinion and he stated his recommendation is to vacate the parcel as proposed. The motion carried 4–1 with Council Member Allen dissenting.

2. First Reading – Ordinance No. 01-02 – Amending Section 828.00 by Allowing the Maximum Allowable Lot Coverage for Buildings in the Cluster Developments City of DeBary Land Development Code.

City Attorney Ardaman read Ordinance No. 01-02 by title. Volusia County Planner Scott Ashley reviewed the Land Development Code; that the request included lot coverage increases specific to all the various lot sizes; that the proposed reductions to the lot width and coverage requirements would be placed in conservation or protected perpetual easements; that the County recommendation was to allow up to 45% lot coverage on lots 50' or less and maintain the current standard of 35% lot coverage for lots over 50'. Mr. Ashley affirmed that stormwater retention would increase in proportion to the increase in lot coverage and that the current projects underway would have to be reviewed for compliance; that current setbacks would be maintained and that not all lots would require 45% lot coverage, depending on the type of dwelling constructed.

Council Member Coleman disclosed that he had a conversation with David Rasmussen, who represents DeBary Development Corporation. Mr. Rasmussen noted that changes to building trends and costs called for larger homes on smaller lots; that there were four prior amendments or variances granted increasing lot coverages in other developments in DeBary; that only a portion of the code would change; that setbacks would still be met and that stormwater retention requirements would still be maintained.

Mayor Rosamonda closed the meeting and then opened the meeting of the Land Planning Agency for the City of DeBary. Discussion was held whether the proposed change was consistent with the Comprehensive Plan and Building Codes; that larger homes were a benefit to the community; that past variances were granted on a limited basis; that the proposed change applied to Cluster Subdivisions only; that stormwater retention calculations would include the increased coverage of pool additions; that more information on cluster developments be made available; that Altamonte Springs, Apopka, Oviedo, and Lake Mary allowed higher lot coverage; that the City Council can place conditions on PUD's as long as requirements are met; that cluster developments under the County Comprehensive Development Plan require areas be preserved or used for common facilities; that the City of DeBary adopted the County Ordinance by reference; that the County has not been approached to change their ordinance; and that there would be an impact to appraised home values. As the Land Planning Agency, Mayor Rosamonda entertained a motion to recommend to the DeBary City Council that Ordinance 01-02 be approved. Motion was made by Council Member Long. Mayor Rosamonda seconded the motion for discussion. City Manager Diamond stated that the Comprehensive Plan has been reviewed and that it was found that no specific Comprehensive Plan policies address this issue and that the Ordinance was not inconsistent with the Comprehensive Plan. It was discussed that increased lot coverage would increase common areas and that side yard setbacks would remain the same. The motion was denied 3-2 with Vice Mayor France, Council Member Allen and Council Member Coleman dissenting.

The DeBary City Council meeting was re-opened. Mayor Rosamonda entertained a motion to table Ordinance No. 01-02. Motion was made by Vice Mayor France. Council Member Long seconded. The motion carried 3-2 with Council Members Coleman and Allen dissenting.

3. First Reading – Ordinance No. 02-02 – Creating the Glen Abbey Club Streetlighting District.

City Attorney Ardaman read Ordinance No. 02-02 by title. Staff is recommending the creation of a separate streetlighting district instead of the expansion of an existing district. The creation of the new district would be for an area of upgraded lighting and the costs would be paid only by the property owners receiving the benefit of upgraded streetlights. Mayor Rosamonda entertained a motion to approve Ordinance No. 02-02. Motion was made by Council Member Long. Council Member Allen seconded. The motion carried unanimously.

4. First Reading – Ordinance No. 03-02 – Conforming to the Florida Building Code by Repealing Preempted Provisions, Adopting a Technical Supplement and Describing Wind Speed Lines.

City Attorney Ardaman read Ordinance No. 03-02 by title. Mayor Rosamonda closed the City Council Meeting and reconvened the Land Planning Agency. Volusia County Building Official Don Vancini reviewed State requirement for changes to the Florida Building Code; that an Administrative section was added to allow control at local levels; that Volusia County Council had passed a similar Administrative section and adopted a Wind Line; that all of Volusia County would fall in a 120 MPH Wind Zone; that there would be little impact on construction and that the Home Builders Association was in support of a uniform Wind Zone. Discussion was held on changes to construction codes. Mayor Rosamonda entertained a motion to recommend adoption of Ordinance No. 03-02 to the City Council. Motion was made by Council Member Coleman. Council Member Allen seconded. The motion carried unanimously. The Land Planning Agency was closed and the City Council for the City of DeBary reconvened. Mayor Rosamonda entertained a motion to adopt Ordinance No. 03-02. Motion was made by Council Member Coleman. Council Member Allen seconded. The motion carried unanimously.

VIII. Growth Management and Development Review

1. Final Site Plan – 01-F-FSP-0363 – David Dougherty Office Building.

It was disclosed that Council Member Coleman and Mayor Rosamonda had previous conversations with Mr. Dougherty, and that Council Member Coleman and City Manager Diamond had met with the Summerhaven Homeowners Association which abuts the planned office building. Palmer Panton, Land Development Manager for Volusia County, reviewed staff's recommendation for the use of landscaping and hedge for a buffer between the commercial and residential uses in lieu of a masonry wall. Mayor Rosamonda entertained a motion to adopt Final Site Plan – 01-F-FSP-0363 – David Dougherty Office Building. Motion was made by Council Member Long. Council Member Coleman seconded. The lack of

maintenance and retention of buffer zones after construction was discussed; that requirement of a masonry wall as a buffer ought to be considered; that the building was situated to require ingress and egress away from residential areas; that the County was working to implement a compliance check of buffer zones after completion of construction; that buffer zones could not be cleared if a wall was constructed and that the Council had the option to approve a buffer zone of vegetation if sufficient natural vegetation existed. John Wanamaker, 102 James Pond Court, DeBary, stated that he had walked the property with County Forester Joe Waller, and that there was sufficient vegetation and that buffer wall construction would not prevent clearing of vegetation in buffer zones. Mr. Dougherty stated that he is committed to maintaining the buffer area and the appearance of the community. The motion carried 4-1 with Vice Mayor France dissenting.

2. Final Site Plan – 02-F-FSP-0001 – Hardwick Automobile Service Building.

Palmer Panton, Land Development Manager for Volusia County, stated that staff recommended approval and that FDOT has accepted the existing driveway as constructed. Mayor Rosamonda entertained a motion to adopt Final Site Plan– 02-F-FSP-0001 – Hardwick Automobile Service Building subject to the conditions of Palmer Panton’s letter of December 13, 2002. Motion was made by Vice Mayor France. Council Member Allen seconded the motion. It was noted that the Development Agreement did not reflect the restrictions on the appearance of metal buildings that was discussed and adopted as a zoning change by the City. Bobby Von Rubulis, McKee Construction, representing Dr. Hardwick, reviewed the architectural rendering of the proposed building; that the additional cost for entire wall decorative facades would be prohibitive to potential lessors; that there was no Ordinance in place to prohibit metal buildings at the time of the original PUD approval. The motion carried 4-1 with Council Member Long dissenting.

Old Business

1. Enterprise Interim Interlocal Agreement.

Mayor Rosamonda noted that the City of Deltona had tabled the Agreement at their City Council meeting awaiting review of the agreement by their legal staff. Mayor Rosamonda entertained a motion to table the Enterprise Interim Interlocal Agreement until the February 6, 2002 City Council meeting. Motion was made by Council Member Long. Council Member Coleman seconded. It was noted that County Council Vice-Chair Ann McFall was scheduled to speak regarding this matter, but was unable to attend. The motion carried unanimously.

2. Resolution No. 01-26 – Adopting a Revised Personnel Manual for the City of DeBary.

It was agreed that the City Council would meet for a special workshop on January 23, 2002 at 6:00 PM and public notice would be given.

3. Resolution No. 02-01 – Creating a Charitable Contributions Policy.

City Attorney Ardaman read Resolution No. 02-01 by title. A time limit of three minutes to speak was set due to the number of interested parties. Council Member Long disclosed that he had assisted in drafting the Resolution, but there was language in the current Resolution included from input by other Council Members. Council Member Allen disclosed that he had spoken with Marcia Carson.

Marcia A. Carson, 416 N. Pine Meadow Dr., DeBary, representing Citizens for DeBary spoke against the Resolution; that their organization was a unique City-based organization; that their projects were for the benefit of the City of DeBary and that the Resolution would prevent prior annual functions from continuing. She thanked Council Members who had supported and assisted in past projects.

Sandra Wilson, 371 Keeble Ave., DeBary, representing the DeBary Art League, Inc., spoke against the Resolution; that their organization was also unique; that their group was eliminated from the application process by virtue of the requirement that 85% of the organization's members must be DeBary citizens in order to apply for funding; that their group's efforts met Goal No. 1 of the Strategic Vision Plan for the City of DeBary and that the monetary provision was not equitable when the City was given equal credit for participation in DeBary Art League functions.

Edward Adamczyk, 22 South Shell Road, DeBary, spoke against the Resolution.

Jeanne Menter, 210 W. Fern Drive, Orange City, representing the DeBary Art League, Inc., spoke against the Resolution; that she supported the efforts in DeBary to construct an Arts facility and that the members of the DeBary Art League were working on behalf of the City.

Mary Jo Caroselli, 61 Madera Road, DeBary, Administrative Director of DeBary Children's Theatre, spoke for the Resolution; that she would be in favor of matching funds for grants; and that a grant application process would allow equitable treatment.

Patrick Fulton, 145 South Highway 17-92, DeBary, spoke against the Resolution; that there should not be a Charitable Contributions policy; that many groups were comprised of citizens from other cities; that a number of cities did not have a policy that supported cash donations, and that not-for-profit groups should seek contributions from the private sector.

Mayor Rosamonda offered his opinion that the spirit of the Resolution should be termed a Sponsorship rather than Charitable Contributions; that he is suggesting a revision to the language in the Resolution; that limits be set in the budget with a once-yearly application process; that portions of the Resolution were too restrictive; that a per year cap on amounts, rather than a time limit, might be appropriate; that a committee was not a necessary element; that many past events were advantageous to the City due to the number of attendees and that in-kind services of the City should be provided for safety reasons.

Council Member Allen stated that was discussed that prior contributions may not have been equitable to all organizations and that he did not support the City making charitable contributions to private organizations.

Council Member Long stated that the Resolution and the changes suggested to the Resolution were an effort to achieve compromise between differing viewpoints on the issue; that the withdrawal of in-kind services would be detrimental NS that if charitable contributions are to be made by the City they should not be on a willy-nilly basis.

Vice Mayor France stated that the members of the Council has served as volunteers for organizations; that the City of DeBary had a Volunteer Appreciation Dinner; that not-for-profit organizations have the opportunity to appeal to the private sector and apply for agency grants; that there were liability issues that might arise during any grant process as to who will qualify for the funds and that cash contributions imposed burdens on taxpayers and City Administration.

Council Member Coleman stated that precedent should not be an issue in determining new policy; that a committee application review process would be inefficient; that the Council should be responsible for looking-out for the residents of DeBary and that he does not want a policy at this time but would be willing to look at it at in the next budget cycle.

There was a discussion that insurance coverage of an event not an additional cost to the City under the City's current policy as long as the City is listed as an event sponsor; services such as barricades and trash removal did incur direct costs to the City; that prior vote had established a policy of no-monetary contributions and no in-kind services contributions that incur out-of-pocket costs to the City and that the consensus appears that the policy should would remain the same. Mayor Rosamonda entertained a motion to adopt Resolution 01-02. Council Member Long made the motion. Council Member Allen seconded the motion. The motion failed 3-2 with Vice Mayor France, Council Member Allen and Council Member Coleman dissenting.

IX. New Business

1. Transportation Services Proposal – Ghyabi Lassiter & Associates – Future Transportation Map Update and Orlandia Heights.

City Manager Diamond reviewed the proposal from Ghyabi Lassiter & Associates; that the study to update the Future Transportation map showed a cost of \$17,500 and the study for Orlandia Heights would be on a time spent and expenses incurred basis at an estimated cost of \$7500; that the cost did not include attendance at Council meetings and did not include the cost of legal research for road easements; the total cost of the proposal is \$25,000.00 and that if it was the consensus of the City Council to change the Future Transportation Map a transportation consultant should be utilized. It was discussed that a citizen survey was not required to make changes to the Comprehensive Plan, but was necessary to future planning; that the comprehensive plan study would include the entire City; that the additional cost for Orlandia Heights would assist in resolving private road issues throughout the City; that additional areas of private roads should be included as well; that an estimate for a full study of all private dirt roads should be obtained; that a cap could be set for a comprehensive study of all private dirt roads; that private neighborhoods should bear responsibility for a portion of the study costs; that the excess number of dirt roads in the City of DeBary necessitated a separate study; that the study of the roads in Orlandia Heights might serve as a model for other subdivisions; that an

inventory of all dirt roads existed; that the consultant would define the scope of maintenance services or improvements required for paved or unpaved surfaces and that the inclusion of Orlandia Heights in the study is a starting point for a comprehensive study of all private roads in DeBary. Mayor Rosamonda entertained a motion to approve a \$30,000.00 expenditure to Ghyabi Lassiter & Associates, Inc. to perform a technical review of the Comprehensive Plan Future Transportation Map and the Orlandia Heights study to determine the feasibility of converting private dirt roads to public roads and that total funds required were \$30,000.00. Motion was made by Vice Mayor France. Council Member Allen seconded. Council Member Long stated for the record that he would vote in favor of and supported the study and future transportation needs, but opposed the commitment of funds to any specific private area of the City. The motion carried unanimously. City Manager Diamond noted the expenditure was not included in the budget; that funds would need to be transferred from the General Fund Operating Contingency, that under the provisions of the Charter, a Resolution to allow the transfer was required.

City Attorney Ardaman read Resolution No. 02-03 by Title. It was noted that the Resolution moved budgeted funds from one line item to another. Mayor Rosamonda entertained a motion to approve Resolution No. 02-03. Motion was made by Vice Mayor France. Council Member Coleman seconded. The amount of \$30,000.00 was noted. The motion carried 4-0 with Council Member Long absent at this time.

2. Resolution No. 02-02 – Amending and Restating the Section 401(K) Money purchase Government Retirement Plan.

City Attorney Ardaman read Resolution No. 02-02 by title. City Manager Diamond reviewed changes in Federal Regulations and IRS rules that required amendments to retirement plans and that the Resolution reinstates existing retirement plans for employees with no increased contributions by the City. Mayor Rosamonda entertained a motion to adopt Resolution No. 02-02. Motion was made by Vice Mayor France. Council Member Allen seconded. The motion passed unanimously.

3. Discussion of Ballfield Lighting – Mayor Rosamonda.

Mayor Rosamonda reviewed the allocation of budgeted funds for ballfield lighting for a sports complex; that Florida Power was still in the process of completing an Economic Development study of the proposed chip plant area; that the Florida Power study would have a delay of 90 days; that the possible use of area surrounding the existing park for a sports complex was being reviewed by Florida Power; that a portion of currently allocated funds for the sports complex be utilized for lighting at existing fields; that preliminary estimates showed a cost of \$70,000.00 for two fields in Keller Park and \$35,000.00 for the T-ballfield at Community Park and that the lights could be relocated when new facilities were constructed. It was discussed that buying in quantity would reduce costs; that additional fields, including the soccer field at Community Park, could be lighted; that the bid award would still need to be presented to and approved by the Council; that purchasing in concert with other jurisdictions would shorten the time frame for installation of the lights; that information needed to be distributed to residents near Bill Keller Park; that an effort would be made to present bids at the workshop to be held on January 23,

2002; that the soccer field required different engineering and might incur different costs; that the proposed lighting was specific to residential areas due to the shielding of the equipment; that the lights are controllable by computer; that the Mayor and the City Manager were pursuing meetings with Florida Power; that the specific fields proposed for lighting were the T-ballfield at Community Park, the two Little League fields at Keller Park and the Soccer field at Community Park; that there did not appear to be a need to light the Senior field at this time; and that notice would be given to residents in the area of Bill Keller Park to have the opportunity to review the shielded lights, to inform them of the extended hours for usage and to notice them of the January 23rd meeting so that they make comments at that meeting.

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

1. Board/Committee Reports

2. Board/Committee Appointments

A.	Board: Teens Advisory Committee Term Expires: October 3, 2003 Incumbent: None Length of Term: Two (2) Years	Rosamonda - 1 At – Large – 1
	Appointments: Michael Beeghly Doreen McKinney-Heal	Rosamonda At-Large

Mayor Rosamonda entertained a motion to appoint Michael Beeghly and Doreen McKinney Heal. Motion was made by Vice Mayor France. Council Member Long seconded. The motion carried unanimously.

B.	Board: Senior Advisory Committee Term Expires: October 3, 2003 Incumbent: None Length of Term: Two (2) Years	Rosamonda - 2 France - 2 Coleman - 1
	Appointments: Leo Schimek Judith Sullivan J. H. Moody	Rosamonda At-Large France

Mayor Rosamonda entertained a motion to appoint Leo Schimek, Judith Sullivan and J.H. Moody. Motion was made by Council Member Long. Council Member Coleman seconded. The motion carried unanimously.

C.	Committee: 10 – Year Anniversary Celebration Term Expires: 30 Days After Celebration Incumbent: None Length of Term: Resolution	
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Appointments: Nancy McLane

France

Mayor Rosamonda entertained a motion to appoint Nancy McLane. Motion was made by Council Member Long. Council Member Allen seconded. The motion passed unanimously.

- D. Board: Economic Development Advisory Committee
Term Expires: January 2003
Incumbent: Attached
Length of Term: One (1) Year

Appointments: Tom Donohoe
Carol Lawrence
Tracy Good
Betty Gitano
Don Woodruff
Dick Tosh
Donald Kitner
Jane Wright (Alternate)

Mayor Rosamonda entertained a motion to appoint Tom Donohoe, Carol Lawrence, Tracy Good, Betty Gitano, Dick Tosh, Don Woodruff, Jane Wright and alternative Donald Kitner. Motion was made by Council Member Allen. Vice Mayor France seconded. Discussion was held regarding availability and attendance. The motion was withdrawn.

Mayor Rosamonda entertained a new motion to appoint to the Economic Development Advisory Committee for 2002, Tom Donohoe, Carol Lawrence, Tracy Good, Betty Gitano, Dick Tosh, Don Woodruff, Donald Kitner and alternate Jane Wright. Motion was made by Council Member Long. Council Member Allen seconded. The motion passed unanimously.

City Attorney Ardaman read Resolution No. 02-04 by title. City Manager Diamond explained that a Resolution was required for a new Corporate Banking Authorization for the Orlandia Heights Neighborhood Improvement District, due to new Board of Director appointment. Mayor Rosamonda entertained a motion to adopt Resolution No. 02-04. Motion was made by Council Member Allen. Council Member Coleman seconded. The motion passed unanimously.

3. Member Reports/Communications

A. Mayor and Council Members

Mayor Rosamonda requested direction from Council Members regarding the proposed redistricting of legislative districts by the Florida Legislature; that proposed district maps placed DeBary in differing areas; that Carey Baker of Eustis in the Lake County District currently represented DeBary. Discussion was held that DeBary should be districted with Orange City and Deltona or Seminole County and that a Council Member should attend the Volusia League day in Tallahassee. It was the consensus of the City Council that City Manager Diamond draft letters and E-mails to be

sent to appropriate Senators and Representatives, on behalf of each Council Member and that first option was to be districted with Deltona and Orange City, second to be in Volusia County, and third Seminole County. It was also discussed that the City's legislative districts not be split so that the City is not properly represented; that letters could be taken to subcommittees and a letter and E-mail campaign be undertaken by the Council.

The Volusia County Water Alliance was discussed; that Deltona had withdrawn from the Alliance and that, as a member, the City would be subject to policies set by the Alliance. City Manager Diamond reviewed the Interlocal Agreement and the alternatives provided in the Water Plan; that with municipalities whose priority might be the protection of private utilities and profits, a comprehensive authority might be advantageous; that the Volusia County Water Alliance membership requirements would be brought up at the County Council Meeting; that the Alliance was meeting on the 15th of January; that that Alliance's agenda Item number 10 was adoption of the Water Supply Plan and Item number 15 was consideration of City of DeBary membership. It was discussed that City Attorney Ardaman review the legal position of the City if decisions were made by the Alliance that affected Zoning, and that, if the Plan were adopted, it would become part of the Comprehensive Plan for the City of DeBary. City Attorney Ardaman discussed language in the Plan that might obligate the City; that some provisions might require legal rulings to enforce; that the Agreement provided that, if the City continued membership, that a parcel in the City could not be taken by Eminent Domain and that final discussion of the Volusian Water Alliance Agreement should be held on January 23, 2002.

City Manager Diamond reviewed a meeting between the City, Sheriff's Department, and Florida Power to address nuisances on powerline easements; that Volusia Utilities would pay \$1,200 to erect fencing at the Donald B. Smith Boulevard access; that Florida Power Corporation and DeBary Golf & Country Club would erect additional fencing to restrict access to easements and undeveloped property; that Florida Power Corporation will have existing fences repaired; will pay for off-duty deputies on weekends for several weeks and post legal notices; that there will be Sheriff helicopter fly-overs of the area; that 15 trespass warnings were issued over the past weekend, a majority of the people issued trespass warnings were from outside the County; that Florida Power Corporation would also contact Florida Power & Light for additional restrictive remedies and contact another department to install posts across easements; that the gate at the Volusia Utilities facility was scheduled to be installed on the 16th of January; that additional adjoining property owners were being contacted to participate in the effort to restrict access and that the proposed actions appeared to be satisfactory to affected residents.

Assistant Manager Yaskanich updated the Mayor and Council on the status of the palms for the medians and stated that a Department of Agriculture plant Inspector was being contacted to conduct an independent grading inspection of the Medjool palms.

- B. City Attorney
- C. City Manager

A copy of the revised Developer Agreement for the Empire Cattle Company property was provided to the Members of the Council for review before the February meeting.

XI. Adjournment. Meeting was adjourned at 11:45 P.M.

**Approved March 6, 2002
City of DeBary
City Council**

Carmen Rosamonda, Mayor

Attest:

Maryann Yaskanich, City Clerk