

REGULAR CITY COUNCIL MEETING

Wednesday

March 6, 2002

7:00 PM

Florence K. Little Town Hall

12 Colomba Road

DeBary, FL 32713

MINUTES

I. Call to Order

1. Invocation
2. Flag Salute

II. Roll Call

Members Present: Mayor Carmen Rosamonda, Vice Mayor 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, City Attorney Kurt Ardaman, and Parks and Recreation Coordinator Leslie Butler.

Mayor Rosamonda introduced Parks and Recreation Coordinator Leslie Butler. Ms. Butler introduced the members of the Teen Committee. She stated that the purpose of the Teen Advisory Committee is to assist the Parks and Recreation Department by making suggestions for programs, activities, facilities and the use of available resources in order to provide Parks and Recreation opportunities to DeBary's teens.

III. Public Participation For Any Issues Not On the Agenda

IV. Approval of Minutes

1. Regular City Council Meeting held January 9, 2002.

Mayor Rosamonda entertained a motion to accept the minutes of the Regular City Council Meeting held January 9, 2002, as revised. Motion was made by Council Member Coleman; Vice Mayor France seconded the motion, which passed unanimously.

2. Regular City Council Meeting held February 6, 2002

Mayor Rosamonda entertained a motion to accept the minutes of the Regular City Council Meeting held on February 6, 2002. Motion was made by Council Member Long; Council Member Allen seconded the motion, which passed unanimously.

V. Strategic Planning Reports

None

VI. Presentations

1. None

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 and Final Reading – Ordinance No. 02-02 – Creating the Glen Abbey Club Streetlighting District.

Assistant City Manager Yaskanich read Ordinance No. 02-02 by title for City Attorney Ardaman.

Mayor Rosamonda entertained a motion to adopt Ordinance 02-02 on second reading. Motion was made by Council Member Long; Council Member Allen seconded the motion, which passed unanimously.

2. First Reading – Ordinance No. 05-02 – Vacating a Portion of Plantation Road.

Assistant City Manager Yaskanich read Ordinance No. 05-02 by title.

James Langford of Birmingham, Langford & Associates, Inc. Professional Land Surveyors; 815 South Volusia Avenue, Suite 5, Orange City representing Mercedes Homes appeared.

There was a discussion that only one lot was owned by Mercedes Homes; that the physical location of the road was not in the platted right-of-way; Mercedes Homes wants to dedicate the right-of-way where it is actually located; that the original surveyor put the survey markers in the wrong spots; that a quick claim will be executed by Mercedes Homes so that the City will regain a 50 foot right-of-way; that, in effect, Mercedes would be swapping their property with the City and that the road was probably platted correctly, but that the road was constructed in the wrong spot.

Mayor Rosamonda entertained a motion to adopt on first reading Ordinance 05-02. A Motion was made by Council Member Coleman; Council Member Long seconded the motion, which passed unanimously.

3. First Reading – Ordinance No. 06-02 – Amending Requirements for Fences - Council Member Coleman

Assistant City Manager Yaskanich read Ordinance No. 06-02 by title.

Council Member Coleman stated that the current fence ordinance does not require that the finished side of a fence face the neighbors; that the finished side of a fence should be facing outward; that any fences along a major street should have landscaping in front of the fence.

There was a discussion that wooden fence cannot withstand the building code wind loads; that comments have been received by the Council concerning the horrific appearance of wooden fences on Highbanks Road; that it would be a hardship for residential and commercial property owners to eliminate or upgrade fences facing major roadways; that wooden fences should be eliminated along major roadways; that the proposed Ordinance should apply to single family residential property; that many of the fences along Highbanks Road were probably installed without a building permit; that residents have installed access gates which requires the crossing of non-vehicle access easements; that the current fence regulations give five years from 1999 for a property owner to comply with the regulations; that Code Enforcement may review if fence permits were obtained; that the City should clarify with the County as to how the fence Ordinances will be enforced; that language should be added to the proposed Ordinance that fences must be kept in their original upright position; that homeowners should be cited for their failure to maintain fencing and that during the pro-active Code Enforcement hours approved by the City Council, the Enforcement Official can focus on fence regulation violations.

Council Member Coleman made the motion to adopt Ordinance No. 06-02 on first reading with language changes to be made by staff to include residential and all corridors for the six major roadways as described in Ordinance No.12-99 with no wood fences on those particular corridors. Council Member Long seconded the motion, which passed unanimously.

VIII. Growth Management and Development Review

1. None

IX. Old Business

1. Discussion of Empire Cattle Town Center Project.

Mark Watts representing Empire Cattle Company stated that because of the City's requirements for the project, the current market does not support the rents that would need to be charged.

Mayor Rosamonda stated that the purpose of the discussion was to reach a compromise on this project. He stated that, in his opinion according to the Comprehensive Plan, the developer has the right to build a shopping center, grocery store, and cluster apartments. Empire Cattle was asked to present the Town Center project at a Charrette. Council

requested that roads be added and also additional architectural requirements. Mayor Rosamonda stated that a feasibility study needs to be done; if the developer is priced out of the market, then three things would happen: 1.) the development would revert to the original plot plan with a shopping center and cluster apartments, 2.) reduction of requirements by Council so as to meet the rental market, 3.) City would assist the developer with infrastructure so that the rental rates in the project will become due. Mayor suggested that the City appropriate monies to hire a consultant to put together a business case. Mayor asked for monies up to \$10,000.00. He stated that if the City assists with infrastructure, there would be a return on investment over the next five to ten years. Mayor stated that if it is determined that this project is not feasible as a Town Center, then the City could be looking at a lawsuit. HDR has submitted a \$2,800 proposal to determine cost of infrastructure, verify developer's claims, and determine the City's long-term returns.

City Manager Diamond stated that the property is designated for mixed use. Council Member Allen suggested zoning the property commercial and R-3. It was stated that, without this project, the City would not have a unique and interesting character; that the City should promote the commercial aspects of the City for new developments along the 17-92 corridor, and promote the existing businesses in the City. Another workshop was suggested to explore cooperation between the City and the developer. Mayor stated that the business case would determine feasibility, construction costs, potential rent rates, profit margins, etc., and that another option is that the City could purchase the property.

Steve Costa, 2700 N. Peninsula Ave., New Smyrna Beach, stated, as one of the developers, that the developers are willing to work with the Council and to take extra time to make an educated business decision.

City Manager Diamond will coordinate dates for the workshop.

2. Resolution No. 02-08 – Establishing a City Events Planning Committee – Council Member Long.

Council Member Long stated that he had a discussion with Marcia Carson, President of Citizens for DeBary. Ms. Carson stated that, while this group would not do all the events as in prior years, the DeBary Christmas Parade would be scheduled. Member Long requested a postponement of this business until the April Council meeting. Mayor Rosamonda stated that, based upon the current policy, he would like to wait until early 2003 to see if something is needed to maintain events in the City. Resolution No. 02-08 was withdrawn.

X. New Business

1. Consultant Services for Marketing Strategy Report – RFP 02-01

Mayor Rosamonda introduced Economic Development Advisory Committee Chairperson Carol Lawrence.

Carol Lawrence 253 Hazeltine Drive introduced two members of the Economic Development Committee: Vice Chair Donald Kitner and Tracy Good. Chairperson Lawrence thanked the Council for allowing the Committee to participate in the work of shaping the City's economic development policies. She stated that one of the Committee's tasks was to develop a market strategy; that an inventory of commercial businesses and properties has been completed; that the Committee had interviewed the three finalists for the Marketing Strategy Report; that the proposals were rated based on general qualifications, education, experience, project schedule and fees and that, by unanimous vote of the Committee, Florida Planning Group of Jacksonville was selected.

Mayor Rosamonda entertained a motion to approve \$17,000 and award the bid to Florida Planning Group Inc. of Jacksonville to execute a marketing strategy report as provided in the bid specifications. The motion was made Council Member Long and seconded by Council Member Allen.

There was a discussion that Volusia County's Economic Development Study be tied into DeBary's study; that the report must be specific to DeBary and not a generic report; that when this report is complete it must be acted upon; that the award to the consultant may be delayed until the Florida Power economic development report is completed; that the City must take the responsibility to implement the report and not depend on the County; that the Economic Development Advisory Committee has suffered from the lack of direction from the Council; that the Economic Development Advisory Committee should be charged with the implementation of the report; that the Council had determined not to fund any existing incentive programs and that there are other ways besides incentives to promote the City.

The motion on the table passed unanimously.

2. Resolution No. 02-05 – Memorandum of Agreement between the City of DeBary and Florida Department of Transportation for the Maintenance of Highway 17-92 from Highbanks Road to Lake Monroe.

There was a discussion that if this project does not go out to bid, the Council cannot determine if this is a fair price; that what is proposed is to add onto the current contract with Servello and Sons; that this proposal will cost the City for what FDOT should be doing; that FDOT should be pressured into doing a better job with maintenance; that, previously, the City had let the maintenance contract lapse for the central part of Highway 17-92 which caused a lot of business owners to complain; that FDOT is required to do nine maintenance cycles per year; that the proposal is for 20 maintenance cycles per year for the right-of-way and 30 maintenance cycles per year for the medians; that if the proposal is approved, it should be on a month-to-month basis until the contract can be put out to bid for a two-year agreement; that other jurisdictions are not happy with the level of maintenance provided by FDOT and that the Council is requesting that a resolution be prepared outlining bid procedures.

Mayor Rosamonda entertained a motion to approve Servello and Son on a month-to-month basis for maintenance of Highway 17-92 from the City's southern limits to Highbanks Road, until September 30, 2002, and, during the interim, go out for a bid for a new two-year maintenance agreement. Vice Mayor France made the motion. Mayor Rosamonda seconded the motion.

There was a discussion that it takes 3 to 5 months for a bid cycle; that all of the City's continuing contracts should be for the period from October 1st to September 30th; that all future contracts should state that the contractor cannot subcontract without the Council's approval.

The motion passed 4 to 1 with Council Member Coleman dissenting.

3. Resolution No. 02-06 – Amending Signatures for Orlandia Heights Neighborhood Improvement District Bank Account.

Assistant City Manager Yaskanich read Resolution No. 02-06 by title.

A motion to approve was made by Council Member Coleman; Vice Mayor France seconded the motion, which passed unanimously.

4. Resolution 02-07 – Amending Signatures for Memorial Park Donation Bank Account.

Assistant City Manager Yaskanich read Resolution No. 02-07 by title.

A motion to approve was made by Council Member Coleman; Council Member Allen seconded the motion, which passed unanimously.

5. Engineering Services – Landings at Summerhaven Subdivision – Pond 2 Drainage.

City Manager Diamond stated that the retention pond had failed. SJRWMD recommended having an engineer design two alternatives. It is proposed to piggyback the County's contract with PEC Engineering, at a cost of \$18,900, for design alternatives. The insurance company may offer a settlement to the property owner, with the County paying a portion of the bill. Motion to approve made by Council Member Coleman; Council Member Long seconded the motion, which passed unanimously.

6. Discussion of City Newsletter.

City Manager Diamond presented a draft of the City's Newsletter, which would be issued quarterly and mass mailed at bulk rate. Council approved the name "The DeBary Newsletter." The email addresses of Council members would be added under their names. Mayor suggested the Newsletter size should be 11" x 17". The first issue will include a Message from the Mayor on front page.

7. Designating a Voting Representative to Commuter Rail Stakeholders Task Force. Vice Mayor Gregory France – Voting Member

The Task Force is currently reviewing the alternative analysis study for the commuter rail, which is funded with Federal money. Mayor Rosamonda entertained a motion to approve Vice Mayor Greg France as voting representative. Motion made by Council Member Long; Council Member Allen seconded the motion, which passed unanimously.

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

1. Board/Committee Reports
2. Board/Committee Appointments

- A. Board: Teens Advisory Committee France - 1
Term Expires: October 3, 2003

Mayor Rosamonda entertained a motion to approve Blake Guiles as Vice Mayor France's Teen Advisory Committee Member. Motion was made by Council Member Allen; Council Member Long seconded the motion, which passed unanimously.

Incumbent: None
Length of Term: Two (2) Years

- B. Board: Senior Advisory Committee France - 1
Term Expires: October 3, 2003
Incumbent: None
Length of Term: Two Years

- C. 10-Year Anniversary Celebration Committee Coleman – 1
Term Expires: 30 Days after Celebration France - 1
Incumbent: None
Length of Term: One (1) Year

Council Member Coleman nominated Ralph Bove, 423 Soft Shadow Lane as his appointee to the 10-year Anniversary Celebration Committee. Mayor Rosamonda entertained a motion to approve Mr. Bove and also to authorize staff to initiate the beginning of the Celebration Committee as soon as possible. Motion made by Council Member Coleman; Vice Mayor France seconded the motion, which passed unanimously.

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

Council Member Coleman reported on the new retention pond, for which there needs to be coordination with the County.

Council Member Allen urged making a plan to obtain ECHO money for next year; this was missed this year.

Council Member Long thanked the Mayor, Vice Mayor and all the Council Members for allowing the Teen and Senior Committee to come together, and applauded Leslie for her excellent job leading the first two meetings.

Vice Mayor France stated that, apparently, MPO has some additional enhancement money for sidewalks, etc., for 2006/2007. He wants to ensure that, in the future, DeBary receives a portion of that money. Vice Mayor France urged Council to look into the denial of the Elementary School's facility for Parks and Recreation Summer Program. He also attended the demonstration of MAG-LEV for the Rails Committee.

Mayor Rosamonda has been meeting with DBCC and has had discussions with the School Board regarding the site selection for a high school in SW Volusia this June.

A question and answer session with Volusian Water Alliance and SJRWM will be scheduled for the April Council meeting.

City Manager Diamond stated that Florida Power Corporation has tentatively stated that the current location for Community Park is appropriate. City Manager Diamond has just celebrated his first year's anniversary as City Manager.

XII. Adjournment

Meeting was adjourned at 9:40 PM.

**Approved April 3, 2002
City of DeBary
City Council**

Carmen Rosamonda, Mayor

Attest:

City Clerk Maryann Yaskanich