

**City of DeBary**  
**REGULAR CITY COUNCIL MEETING**

Wednesday

June 5, 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 Ashley Brewer.

Mayor Rosamonda introduced Deltona City Council Member Diane Obremski and Jim Clayton, candidate for Circuit Court Judge in DeLand.

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

Fred Lotz, 126 Sher Lane, spoke concerning the condition of Fort Florida Road and thanked Assistant City Manager Yaskanich for her assistance in getting the road re-graded.

Council Member Bill Long stated that he wished to publicly correct statements he made at the Pre-Budget Workshop regarding Law Enforcement Services and that his statements were based on incorrect information he had received.

Gene Stump, 106 Birkwood Court, spoke regarding the water retention area north of First Community Bank; that according to letters and records he has reviewed, there are two years left on the permit to develop the area; and that he wished to see a community park developed in that area in conjunction with the Streetscape Plan.

Mayor Rosamonda reviewed the fact that the retention pond was still owned by FDOT; that the City of DeBary did not accept ownership of the pond from FDOT due to flooding risks and liability factors; that First Community Bank had never appeared before the Council to request approval of a park; that the Bank had contributed to FDOT for the pond to be used for their stormwater drainage; that there was substantial engineering required for development of the pond as a park due to the elevation change from Naranja Road to the rear of the pond; and that beautification of the perimeter has been discussed by the Council.

Michael Yocum, 448 North Pine Meadow Drive, spoke regarding the construction in the Saxon Woods Subdivision and the clear cutting of trees on 75 acres in that area; that there were problems with excessive dirt and debris depositing on and in existing neighborhood homes; that he was concerned about future development; and that he requested an item be placed on a future City Council agenda regarding the prevention of clear cutting of trees for development. It was discussed that sand pines were considered a nuisance tree and were usually removed for the convenience of homeowners; and that land clearing could be performed on a lot-by-lot basis in future developments.

#### **IV. Approval of Minutes**

1. Regular City Council Meeting held May 1, 2002.

Motion to approve was made by Council Member Coleman. Council Member Long seconded. The motion passed unanimously.

2. City Council Workshop held March 20, 2002.

Motion to approve was made by Council Member Long. Vice Mayor France seconded. The motion passed unanimously.

#### **V. Strategic Planning Reports**

Council Member Coleman reviewed damages in the amount of approximately \$500 caused to a homeowner in Highland Country Estates by the road construction of North Highway 17-92; that no reparation was available through FDOT and that the contractor, Jones Brothers, was no longer in the area. He asked if the Council could provide assistance to this homeowner. It was discussed that Mayor Rosamonda would sign a letter on behalf of the City Council of the City of DeBary to be forwarded to Mike Snyder, FDOT District 5 Director, and to the appropriate party at Jones Brothers.

#### **VI. Presentations**

1. Proclamation – Declaring June 2002 Guaranteed Involvement for Teachers and Students (G.I.F.T.S.) Month.

Mayor Rosamonda introduced the Board of Directors for Guaranteed Involvement for Teachers and Students (G.I.F.T.S.) and proclaimed June 2002 G.I.F.T.S. Month and requested public support by monetary and in-kind contributions for their shops and program.

Karen DeVane thanked the Council and reviewed the plan for the June support drive with contribution drop-off locations at First Community Bank and at the Fire Station; that there were currently 11 schools involved in the program; and that school budgets usually did not provide enough monies for school supplies for needy students.

2. Proclamation – Declaring June 2nd through June 8th 2002 Chamber of Commerce Week.

Mayor Rosamonda introduced Linda White, West Volusia Chamber of Commerce Executive Director and Charles Matousek, West Volusia Chamber of Commerce President and proclaimed June 2nd through June 8th 2002, Chamber of Commerce Week.

Mr. Matousek thanked the Council and the volunteers who provide assistance and support to the Chamber.

City of Lake Helen Police Chief Keith Chester stated that, through the Lake Helen Police Department Teen Program, a 4<sup>th</sup> of July Celebration honoring police, firemen and military personnel will be held in Lake Helen; that the cities of Orange City and Deland have joined in financial support of the celebration; that Lake Helen is the only city in West Volusia offering a fireworks display; and he requested financial support from the City of DeBary. Council Member Long made a motion to provide \$2500 in financial assistance, since the event would benefit all citizens of West Volusia. Mayor Rosamonda seconded the motion for discussion. Discussion was held regarding if Deltona would participate with a financial contribution. Council Member Long and Mayor Rosamonda withdrew their motion. Additional discussion was held regarding the amount of the contribution. Council Member Long made a motion that the City of DeBary award the City of Lake Helen and the 4<sup>th</sup> of July Sponsorship Committee \$1000 for fireworks. Mayor Rosamonda seconded the motion for discussion. Discussion reviewed relationships between the two cities; and that previous donations had not been made for this purpose and had not been allowed for in the budget. The motion carried 3-2 with Council Member Allen and Vice Mayor France dissenting.

## **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. 10-01 – Rezoning 67.86 Acres Located on the Southeast Corner of Dirksen Drive and South US Highway 17-92 From A-2 (Rural Agriculture) and C (Conservation) to MPUD (Mixed Use Planned Unit Development). CONTINUATION.

Attorney Ashley Brewer read Ordinance No. 10-01 by title. Steve Costa, 2700 North Peninsula Avenue, New Smyrna, representing Empire Cattle Company appeared. Mayor Rosamonda noted, for the record, ex-parte communication with interested parties. Council Member Long noted, for the record, ex-parte communication with interested parties. Mr. Costa reviewed previous development plans and input from the County staff; that there were concerns regarding land use densities and the addition of multi-family housing contributing to school overcrowding; that a new school is planned in Orange City which would address that issue; that traffic studies showed that there should not be a negative traffic impact in the area; that the neo-traditional development style, previously considered and discussed, involved greater up-front infrastructure costs to the developer; that a neo-traditional town center did not appear feasible for the current market

conditions; that the number of service roads required by this design was excessive; that retention areas needed to be utilized as amenities; that the proposed apartment complex in the neo-traditional plan would not be of sufficient number to support a strong property management company; and that it might be a challenge to construct the proposed town homes. He presented changes made to the neo-traditional proposal for a town shopping area, town green, and architecturally different apartment complexes; that the amount of multi-family and single family residences required further study; that the new proposal reflected a gathering area, public space, shopping and civic buildings; that the trail from Gemini Springs to Lake Monroe Park could be incorporated through the planned development to the existing conservation area; that the Council needed to determine if the City's City Hall would be included in the proposal; that the new design could reduce the amount of financial participation needed from the City of DeBary; that the site for the City Hall, the Main Street Boulevard Streetscape and the Park could be the responsibility of the City and the balance of the development area would be the responsibility of the developer; and that it might be appropriate to review the PUD agreement, re-notice the public, have exhibits available, and move forward at the July or August meetings.

Discussion was held regarding the recommendations from the City's consultant; that the concept suggested a neo-traditional design with a mix of architectural styles for the apartment areas; that development standards needed to be identified in the PUD before a final decision on the number of apartments is made; that three-story buildings would allow for additional units in a smaller area and would allow more open space; that commercial/retail areas were too limited to draw consumer traffic to the area; and that current market studies did not support the development costs for commercial and retail space without an additional anchor.

Additional discussion was held regarding rezoning the property and assigning acreage limits to each particular use and whether the City could reserve a specific area and whether the remaining area would allow the developer to obtain their goals. Council Member Allen made a motion to rezone 10 acres as R-8 (Urban Multi-Family Residential), and the remainder for business/retail uses. It was discussed that such a change would require re-noticing the public for a first and second reading of the Ordinance. It was discussed that proposed site plans could contain an option for the City to purchase commercial areas. Council Member Coleman seconded the motion for discussion. Additional discussion concerned allowing the applicant to present a bubble plan allowing specified zoning of acreage by use within the PUD; that architectural standards could be incorporated in the PUD; and that if design and density standards could be achieved for the developer in Phase I and II to meet market conditions, it might not be necessary for the City to participate financially.

Discussion was held regarding the motion and appropriate verbiage and that the Developer's Agreement would state that the PUD shall consist of a specific number of acres that meet the standards of each specific zoning classification. The motion carried unanimously with the parameters to be 10 acres of R-8 (Urban Multi-Family Residential) zoning and the remainder to be zoned B-4 (General Commercial). It was discussed that the motion modified the Ordinance and the Developer's Agreement and established the PUD with parameters; that a new site plan and Developer's Agreement would need to be advertised and brought before the Council; and

that the Ordinance was tabled in order that the Developer's Agreement and site plan be revised to include the new parameters.

Mayor Rosamonda entertained a motion to continue Ordinance No. 10-01 until July 3, 2002 at 7 PM for first reading. Council Member Allen seconded the motion for discussion. It was noted that the Ordinance would be re-advertised, as the substance of the Ordinance was revised. The motion carried unanimously.

2. Second and Final Reading - Ordinance No. 08-02 – Vacating a Portion of a Utility Easement at 135 Oakley Drive.

Attorney Ashley Brewer read Ordinance No. 08-02 by title. Mayor Rosamonda entertained a motion to accept Ordinance No. 08-02. Motion was made by Council Member Long. Council Member Coleman seconded. The motion carried unanimously.

### **VIII. Growth Management and Development Review**

1. Final Site Plan Approval – Springview Industrial Park – Lot 21.

Palmer Panton, Land Development Manager for Volusia County, reviewed the site plan and stated that the reference to reclaimed water was changed to irrigation wells. He was asked if wells would be feasible and if a separate irrigation water meter could be utilized. Mr. Panton stated that there was not enough reclaimed water available for irrigation use at this time. Mayor Rosamonda entertained a motion to approve the Final Site Plan Application No. 02F-FSP-0116 Springview Industrial Park – Lot 21, pursuant to Palmer Panton's letter of April 24, 2002 and the exception that the property has been platted and the project would use irrigation wells instead of reclaimed water. Motion was made by Council Member Long. Council Member Allen seconded. The motion carried unanimously.

### **IX. Old Business**

1. Memorandum of Understanding – Ernie Senez, 3001 Annez Way – Summerhaven Retention Pond.

This item was withdrawn from the agenda.

### **X. New Business**

1. Interlocal Agreement for Joint Use of Real Property between the Volusia County School District and City of DeBary.

City Manager Diamond reviewed the use of the DeBary Elementary School for the Parks and Recreation summer program and stated that facility use costs have been reduced from \$6600 in 2001 to \$5000 this year. Discussion was held regarding the term of the agreement and that the Memorandum of Understanding attached to the agreement would be used to expedite renewals.

Additional discussion was held regarding additional staff assistance for the Parks and Recreation Administrator due to the number of programs and committees she is required to prepare for and meetings she must attend. The Agreement was approved 5-0.

2. Financial Software Proposals.

City Manager Diamond reviewed the range of pricing for seven financial software packages from \$10,865 to \$18,000; that the recommended software package was Main Street Software and would cost approximately \$10,865 for software, training and maintenance. Mayor Rosamonda entertained a motion to approve Main Street Software for the City's financial software. Motion was made by Vice Mayor France. Council Member Coleman seconded. The motion passed unanimously.

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

1. Board Committee Reports

2. Board/Committee Appointments

- A. Committee: 10-Year Anniversary Celebration 2 - G. France  
Term Expires: 30 Days After Celebration  
Incumbent: None  
Length of Term: One (1) Year

Appointments: Donna Dugan

Mayor Rosamonda entertained a motion to approve Donna Dugan, contingent upon her acceptance. Motion was made by Vice Mayor France. Council Member Coleman seconded. The motion passed unanimously.

- B. Committee: Public Safety Committee D. Allen  
Term Expires: June 5, 2004  
Incumbent: Paul Ogden (Unable to Serve)  
Length of Term: Two (2) Year

Appointments: Marion Lane

Mayor Rosamonda entertained a motion to approve Marion Lane. Motion was made by Council Member Coleman. Council Member Long seconded. The motion passed unanimously.

- C. Committee: Senior Committee G. France  
Length of Term: One (1) Year D. Allen
- D. Committee: Teen Committee C. Rosamonda  
Length of Term: One (1) Year D. Allen  
2 – B. Long

It was suggested that other Committee members solicit new board and committee members and that news articles might be used to solicit volunteers for City boards and committees.

E.	Board:	Code Enforcement Board Alternate	G. Coleman
	Term Expires:	June 5, 2005	
	Incumbent	Pat Kear (Unable to Serve)	
	Length of Term:	Three (3) Years	

3. Member Reports/Communications

A. Mayor and Council Members

Council Member Coleman noted that the Volusia League of Cities meets on June 27<sup>th</sup> in Port Orange, that the Grand Opening at the Marine Science Center in New Smyrna Beach is on June 8<sup>th</sup>, that the West Volusia Committee of 100 membership meeting is on June 12<sup>th</sup>, and the consultants' meeting for the Water Supply Implementation report is also on June 12<sup>th</sup>.

Mayor Rosamonda reviewed several Memorial Day Veteran ceremonies that he attended; that the Southwest Volusia Summit was being held on June 8<sup>th</sup> at Deltona City Hall; that Wednesday, June 12<sup>th</sup> was the public hearing for the City's administrative rezonings; and that a City Council Executive Session would be held on June 19<sup>th</sup> at 6 PM with a Budget meeting for the review of the Volusia County contracts following at 7 PM.

B. City Attorney  
C. City Manager

**XII. Adjournment.** The meeting adjourned at 9:30 PM.

**APPROVED AUGUST 7, 2002  
City of DeBary  
City Council**

**Carmen Rosamonda, Mayor**

**ATTEST:**

**Maryann Yaskanich, City Clerk**