

**City of DeBary**  
**REGULAR CITY COUNCIL MEETING**  
**Wednesday**  
**July 3, 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:** Vice Mayor Greg France, Council Member George Coleman, Council Member Danny Allen and Council Member Bill Long.

**Absent:** Mayor Carmen Rosamonda

**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 June 5, 2002.

Motion to approve was made by Council Member Long. Vice Mayor France seconded. It was discussed that a review of the June 5, 2002 Council Meeting tapes was needed and motion was tabled until the August 7, 2002 Regular City Council Meeting.

**V. Strategic Planning Reports**

**VI. Presentations**

1. None.

**VII. Public Hearings**

*Members of the Council should disclose for the record the substance of any ex-parte communications that have occurred before or during the public hearings for the following items.*

1. Second and Final Reading – Ordinance No. 10-01 – Empire Cattle Company - 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). REVISED FIRST READING.

City Attorney Kurt Ardaman read Ordinance No. 10-01 by title. Discussion was held regarding the acreage totals as shown on the proposals; that it was stated for the record by Council Member Coleman and Vice Mayor France that they had prior discussions with interested parties concerning this matter; that plans appeared to be unclear; that the Neo-traditional style proposed did not appear feasible; that there were concerns regarding multi-family areas and that the County had not offered recommendations to approve. Volusia County Planner Scott Ashley stated that he was not up to date on changes discussed at the previous meeting; that the plan that he had reviewed did not contain enough detail; that there were five acres that did not appear to be covered in the development agreement; that the general concept was acceptable; that the process of changing to PUD zoning was to look at concept detail and site development; that those details had not been provided. Previous acreage allotments were reviewed that were intended to allow the developer to advance the project. Mr. Ashley noted item 12 of the proposed development agreement suggesting no more than 35% of the land area would be used for Retail/Commercial, which would allow for more residential use. Mr. Ashley was asked for suggestions to facilitate moving the project forward. It was discussed that a workshop would be helpful to determine use types, architectural style and related issues; that there was a fairly clear outline of the types of uses desired; that detail needed to be added to the agreement; that it was desirable to obtain a consensus to assist the developer; and that the decisions were crucial to the future development of 17-92.

Mark Watts, Attorney with Cobb, Cole and Bell representing Empire Cattle Company, spoke on the plan presented; that previous plans had been cost prohibitive; that a revision to include the five acres was presented; that the bubble plan presented was for generalized use of acreages; that a workshop would allow further progress and that more detail could be provided regarding site planning. City Attorney Ardaman reviewed the option of the Council to defer the first reading to a Time Certain, proceed to a workshop and allow revision of the plan to meet Code requirements. Dates were discussed for the workshop and First Reading on September 4, 2002; that re-advertisement would be needed; and that the Mayor could call a special meeting at the workshop if agreement was reached. Vice Mayor France entertained a motion to table Ordinance No. 10-01 to a Time Certain of September 4, 2002. Motion was made by Council Member Long. Council Member Coleman seconded. It was clarified that a workshop would be held on August 8, 2002, that first reading would be on September 4, 2002, unless agreement was reached at the workshop and a special City Council meeting called.

Bob Hendry, 317 Sunnyside Lane, DeBary, FL, spoke of his concern for public input. He was advised that the workshop would be open to the public and he could also appear at any meeting of the City Council and that all meetings would be advertised.

The motion carried unanimously.

2. First Reading - Ordinance No. 10-02 – Hugh West Testamentary Trust - Rezoning 77.3 Acres Located on the Southeast Corner of Highbanks Road and Ft. Florida Road near the Highbanks Marina From A-2 (Rural Agriculture) to RPUD (Residential Planned Unit Development). TO BE CONTINUED TO THE AUGUST 7<sup>th</sup>, MEETING.

Council Member Long made a motion to continue First Reading of Ordinance No. 10-02 to August 7, 2002. Council Member Allen seconded. The motion carried unanimously.

3. First Reading – Ordinance No. 11-02 – Dr. Charles Hardwick -Major Amendment to Hardwick BPUD (Business Planned Unit Development) to MPUD (Mixed Use Planned Unit Development) and Adding Heavy Commercial Uses.

City Attorney Kurt Ardaman read Ordinance No. 11-02 by title. Volusia County Planner Scott Ashley reviewed the requested additions to the list of permitted uses; that Staff had reviewed the list; that there were some concerns regarding outdoor storage and display; that it was consistent with the concept of mixed use; that Staff supported it subject to the changes in the development agreement; and that he would provide a revised list prior to second reading. It was discussed that this was an expansion of an existing business; that the additional parcel had gone through site plan review and construction; that current usage was restricted to automotive uses; that additional uses were needed to obtain lessees; that the list provided to the Council was the applicants; that Mr. Ashley had edited that list; that verbiage was needed to specify uses; that there were concerns as to future establishment of Gateway Standards; that adjacent parcels might have future use as residential areas; and that there was separation from other parcels.

Duncan Rabey, Metro Management Realty, representing Dr. Charles Hardwick, stated that the intent was to lessen the environmental impact of additional automotive usage and associated waste and toxins and that they were proposing businesses that would not have outside storage issues. It was discussed that the list provided did not exclude those businesses; that some businesses would be restricted by default, due to bay size; and that the revised list would have to be approved or denied at second reading. Vice Mayor France entertained a motion to approve Ordinance No. 11-02 on first reading. Council Member Long moved to approve with stipulations that Council review Scott Ashley's list that includes participation of the applicant and verbiage to all uses that no outside storage be allowed. Council Member Allen seconded. It was discussed that the Council did have control over changes to uses and could allow or disallow uses for the benefit of the City. The motion carried unanimously.

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

1. None.

## **IX. Old Business**

1. Request for Financial Support by Citizens for DeBary, Inc. for Holiday Parade.

There was a request for tabling until the next Council Meeting. Marsha Carson, President of Citizens for DeBary, Inc., spoke of the Parade as a City event and elected to proceed at this time. She gave a figure of approximately \$300 for Sheriff's services and a cost of \$60 for the previous year's cleanup; that the Sheriff's Department was requesting the use of lighted barricade signs and that a figure was not available. It was discussed that there were some donations made by outside parties; that there were entry fees charged, but that those were donated to charitable organizations. Council Member Long offered to motion for public services such as Police services, barricades and cleanup, to be paid directly by the City for monitoring of cost, expenses are not to exceed \$1,000. Additional discussion was held that other organizations had been able to obtain resources other than from the City; that all organizations needed to be treated equally; that new policy had been set; that there was citizen support on both sides of the issue; that precedent may have been set in past administrations; that there was impact to certain organizations that had received City support in the past; that a Citywide event required attention to public safety; and that other cities handled similar events in different fashions.

Eugene Stump, 106 Birkwood Ct., DeBary spoke in support of the event as a City-wide event and of concern for public safety. Sandra Wilson, 37 Keeble Avenue, DeBary, spoke in support of Citizens for DeBary, Inc. and that the event was Citywide and benefited the public. There was discussion of fiduciary responsibility to the taxpayers in DeBary; that there was need for in-kind service support, but cash donations were not appropriate.

Council Member Long restated his motion that the City of DeBary allocate funds for the payment of City-related charges related to the Parade such as Trash Collection, Public Safety, Traffic Engineering, Portalets and Waste Management; that the City participate to a maximum of \$1,000 and that all disbursements be made directly from the City, regarding those items, to the vendors. Council Member Allen seconded. Information was requested from the Sheriff's Department regarding scheduling of motorcycle officers for traffic control; whether costs could be minimized for additional officers; that there had been increases to the amount of traffic in the City; and that traffic posts and additional manpower were needed.

There was additional discussion of joint efforts between the City and appropriate organizations for certain events. The motion carried 3-1 with Vice Mayor France dissenting.

## **New Business**

1. Resolution No. 02- 15 – Authorizing the City to Participate in FDOT's Traffic Signal Maintenance and Compensation Program and State Highway System Lighting Compensation Program and Authorizing the City Manager to Execute the Agreements.

City Attorney Ardaman read Resolution No. 02- 15 by title. City Manager Diamond reviewed FDOT's proposal to reimburse the City for the maintenance of lights and signals on state roads; that participation was recommended. Council Member Long moved to approve. Council Member Coleman seconded. The motion carried unanimously.

2. Renewal of the Volusia Urban County Community Development Block Grant (CDBG) Cooperation Agreement for FY 2003-2005.

City Manager Diamond reviewed the opportunity to option out of the agreement for three years; that the City received approximately \$63,000 annually; that future applications for funding could be made independently, but were highly competitive; that the recommendation was to continue in participation with the County. Council Member Coleman moved to approve. Council Member Allen seconded. The motion carried unanimously.

3. Designating Voting Delegate for Annual Florida League of Cities Conference.

It was discussed that Mayor Rosamonda had attended previously. Council Member Allen moved to appoint Mayor Rosamonda as the Voting Delegate. Council Member Long seconded. The motion carried unanimously.

4. Request for First Installment Under Jobs Growth Incentive Economic Development Agreement – Florida Public Utilities.

City Manager Diamond reviewed the Agreement for payment over three years for a total of \$44,000 with the condition that FPU relocate a 14,000 square foot office/warehouse in the City of DeBary and employ 44 persons; that the facility be completed within one year of the original Agreement; that FPU had performed in good faith and has exceeded the requirements; that recommendation had also been made by the Economic Development Committee to approve the request for payment of the first installment of \$14,667. There was discussion of difficulties encountered by Florida Public Utilities with occupational licenses and permit issues that had delayed the actual opening. City Attorney Ardaman was consulted as to whether any amendment to the Agreement was necessary. It was noted that there was a condition for job preference to citizens of DeBary, if qualified. City Attorney Ardaman noted that if the Council approved a waiver of the time frame and executed a waiver to the appropriate provision, they would be in compliance; that language for the motion to be “that the one-year period is extended to the relocation date of the 44 employees and the Vice Mayor or Mayor execute a document authorized by the City Council of the City of DeBary, to modify that condition.”

Vice Mayor France entertained a motion to accept the motion as stated. Council Member Allen moved to approve. Council Member Long seconded. The motion carried unanimously.

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

1. Board Committee Reports

Assistant City Manager Yaskanich noted that the Economic Development Advisory Committee was scheduling to appear at the August meeting to present the results of the consultant's Strategic Economic Development Plan; that they were attempting to coordinate with the County EDAC and complete a final workshop. It was discussed that it would be helpful to the City Council members to receive reports from committee members at the City Council meetings.

2. Board/Committee Appointments

- A. Committee: 10-Year Anniversary Celebration 2 - G. France  
Term Expires: 30 Days After Celebration C. Rosamonda  
Incumbent: None G. Coleman  
Length of Term: One (1) Year
- B. Committee: Senior Committee G. France  
Length of Term: One (1) Year D. Allen
- C. Committee: Teen Committee C. Rosamonda  
Length of Term: One (1) Year D. Allen  
B. Long
- 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

It was noted that Judy DeViney had resigned from the Code Enforcement Board due to moving. Council Member Allen requested to appoint Jack Lensen to the Code Enforcement Board, to replace Ms. DeViney. Discussion was held that alternates were used to attain quorum; that alternates may be appointed to the Board by the City Council as permanent members; that the ordinances might be changed to make automatic placement of alternates to permanent positions when vacant; that Mr. McNerney was the current alternate for the Code Enforcement Board. It was noted that Mr. Branfort had applied for the Senior Advisory Committee. Vice Mayor France entertained a motion to appoint committee members. Council Member Allen moved to accept. Council Member Long seconded. The motion carried unanimously. Mr. Jack Lensen was appointed to the Code Enforcement Board and Mr. Branfort was appointed to the Senior Advisory Committee.

It was discussed that the composition of the Senior and Teen Committees might need revision; that an amendment be brought before the Council. Council Member Long moved to appoint his candidate to the Teen Committee contingent upon the first available seat. Council Member Allen seconded. The motion carried unanimously.

Appointments to the 10-year Anniversary Committee were discussed. Vice Mayor France entertained a motion to appoint Maritza Epstein. Council Member Long moved to appoint. Council Member Allen seconded.

It was discussed that amendments would be brought to revise the number of committee members; that letters had been sent to those who had three unexcused absences from committee meetings.

Council Member Coleman moved to appoint John Harvey as an Alternate to the Code Enforcement Board. Council Member Allen seconded. The motion carried unanimously.

3. Member Reports/Communications

A. Mayor and Council Members

Council Member Coleman noted the invitation to appear in the Fourth of July Parade in Lake Helen and complimented the improvements at DeBary Mansion and the County's involvement.

Council Member Allen spoke regarding the status of the Florida Power Corporation property for the ballpark. City Manager Diamond updated the status of discussions with Florida Power Corporation that lease terms were being negotiated and also the option of a purchase price; that the parcel being discussed would not include wetland area on the parcel; that the Corporate headquarters in North Carolina had approved FPC to negotiate with the City; and that grant deadlines also required resolution of the issue.

- B. City Attorney
- C. City Manager

City Manager Diamond reminded the Council of the first Public Hearing on the Amendments to the Comprehensive Plan under the Zoning/Comprehensive Plan conflicts.

**XII. Adjournment** The meeting adjourned at 9:30 P.M.

**Approved September 4, 2002  
CITY COUNCIL  
City of DeBary**

**Carmen Rosamonda, Mayor**

**ATTEST:**

**Maryann Yaskanich, City Clerk**