

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

**Wednesday**

**August 7, 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**

Fred Lotz, 126 Sher Land, requested information on the possible improvements of South Shell Road. He was informed that paving and obtaining right of ways on Shell Road was in the planning stages and there were no immediate plans for additional extensions.

**IV. Approval of Minutes**

1. Regular City Council Meeting held June 5, 2002.  
Council Member Long moved to accept. Council Member Coleman seconded. The motion passed unanimously.

**V. Strategic Planning Reports**

None.

**VI. Presentations**

1. Financial Statement for Fiscal Year Ending September 30, 2001 and Response to Auditor's Comments.

Mayor Rosamonda noted that the City of DeBary had received a Certificate of Recognition from the Government Finance Officers Association of the United States and Canada, on first application, for Budget Preparation, the highest award in Government Budgeting. He congratulated City Manager Diamond and the Staff for their work.

Alex Kish and Carey Wright, representatives from Brent, Milliken and Company, as independent auditors for fiscal year 2001, congratulated the City on the Award. Financial Statements were reviewed; that DeBary appeared to be in a strong financial position; that a 21% growth in assets was shown; that the increase was due to generating and retaining surplus from operating costs and a slight increase in liabilities; that 96% of equity was paid assets; that compared to peer group sectors, DeBary was in the upper percentiles; that there was revenue growth in almost all categories; that expenditures grew at an equitable rate; that revenue growth was in excess of what was anticipated; that expenditures were under budgeted amounts. It was noted that there were reductions in the Pension Trust Funds due to market conditions outside of the control of the City or the accounting firm; and that losses had probably been earned back when conditions improved. Disclosure requirements were reviewed; that all funds were in insured deposit accounts; that compliance reports showed no instances of non-compliance; that the Management Letter showed that investment management requirements showed no issues; and that Financial Condition Assessments showed no issues. Audit findings and recommendations showed that contracting issues with the County should be resolved by having hired Mr. Seelbinder as Financial Administrator.

It was discussed whether key ratios could be compared within the peer cities' group sectors; that equivalent information would be provided for cities with the same population and also for cities with similar taxable values; that websites provided access to additional information; that Mr. Seelbinder could resolve internal control issues noted in the reports; that written policies and procedures comments referred to previous systems used to transmit financial information between the City and the County; and that there was now the ability to perform monthly reconciliation.

Mayor Rosamonda thanked Brent, Milliken, the City Council of the City of DeBary and the City Manager and Staff for their work in obtaining a strong financial position. Mr. Seelbinder was re-introduced as the new Financial Director.

Mayor Rosamonda entertained a motion to accept the report and to approve the Management Company responses to the Auditor General. Motion was made by Council Member Long. Council Member Allen seconded. The motion carried unanimously.

## **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. First 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 Ardaman noted that the First Reading could be continued to a date and time certain, but needed to be re-advertised. Mayor Rosamonda entertained a motion to continue Ordinance No. 10-01 until September 4, 2002 at 7:00 PM. Motion was made by Council Member Long, Council Member Allen seconded. 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).

City Attorney Ardaman read Ordinance No. 10-02 by title. Volusia County Planner Scott Ashley reviewed the components of the proposed Mixed Use Development; that review showed that the proposal would meet many of the requirements of the Comprehensive Plan, if amended; that there were impacted Environmental Wetlands; that a detailed traffic study needed to be provided prior to second reading, either after or simultaneous with any approval of the proposed amendment to the Comprehensive Land Use Plan; that the general concept was consistent with the designation of Residential Low Density zoning classification per the proposed amendment; and that Staff comments noted that the required 20% common use area for PUDs was not provided in the submitted plan.

It was noted that traffic studies were normally provided prior to first reading; that Wetland areas were mostly in Phase Two; that the area designated for residential use, 20% of that was required for passive or active recreational area; and that there would be a reduction in proposed lot sizes or number of lots to meet the requirement. Council Member Coleman, Council Member Allen, Vice Mayor France, and Mayor Rosamonda disclosed ex-parte communication with interested parties. Council Member Long disclosed ex-parte communication with interested parties and personal interest as a member of Community United Methodist Church. Council Member Coleman noted his concerns regarding the Developer's proposal.

Mark Watts of Cobb, Cole and Bell, on behalf of the Hugh West Testamentary Trust and Community United Methodist Church, reviewed the proposed Comprehensive Plan amendment; that the RPUD plan presented was to facilitate discussion; that the residential area had to be associated with the Community United Methodist Church under the Land Use classification; that there would be Wetland mitigation; that the required 20% open space would be included; that traffic studies would be provided to the County staff; that a continuation of 60 days was requested to address resident issues and schedule meetings with residents; that the proposed density calculated 2.2 units per acre before Wetland reductions; that it appeared to fall within similar densities in surrounding neighborhoods; and that the proposal was a starting point for discussion and resident input.

Jane Wright, 119 Birkwood Court, spoke regarding the Church position; that they wished to provide recreational and other services to a rapidly growing congregation via the multi-purpose building; that they felt the school would support the existing school system; that some facilities could be utilized for City functions; and that the property cost was a factor in selecting the site.

Don Woodruff, 333 Caddie Drive, relayed the desire of the Community United Methodist Church to be good neighbors and make the property an asset to the community; that the plan presented was strictly conceptual; and that phases would only be completed as cost and feasibility allowed.

John Poplin, 16 Keeble Avenue, stated his concerns with traffic due to the possibility of having two schools in the area; that lot size was not consistent with the community of St. John's Woods; that the average lot there was 1.1 units per acre; that there were previous denials for density in excess of that; and that he had no issue with a Church in the area, but was concerned with traffic.

Michael Walsh, 123 Sher Lane, stated his concerns that the proposed development did not conform with surrounding areas; that he had no objection to an assisted-living facility; that he was concerned with constructing homes prior to the completion of roads in the area and would favor completion of Fort Florida Road prior to rezoning and development.

Gerald Baum, 450 River Drive, stated his concerns with the traffic; DeBary Elementary School property should be used to alleviate congestion; that existing developments in the area already added to traffic issues; that the train tracks, marina and new developments added traffic impediments; that the area was a flood plain and density should be low; that Fort Florida Road was not an appropriate access and it requires continuous maintenance to remain passable; that there was flooding off of the road and no suitable area to divert runoff; and that density should be at 2-5 acres. Mayor Rosamonda noted that Donald B. Smith Boulevard was being extended through DeBary Golf & Country Club to allow additional access to DeBary Elementary School.

Jay Erndle, 74 River Bluff Trail, stated that he was not opposed to a Church in the area; that the Church could obtain a special exception without rezoning; that the property could be developed under the current zoning; that benefit to the community needed to be shown by the developer; that the Council should adhere to the intent of Florida Land Development Code for A-2 zoning; that the proposed lot sizes appeared to be less than ¼ acre; that the proposed development did not meet criteria for rezoning; that smaller home and lot sizes were not consistent with existing areas; that the area was very rural and that the development did not suit the character of the area; that precedent would be set for future development; that the development agreement allowed too much leeway in construction sequence; and that if the language of the developer agreement were approved, it would allow the construction of home and lot sizes unsuitable to the character of DeBary.

Ray Rutherford, 437 Fox Run, as the President of the River Bluff Homeowners Association and on behalf of the Board and residents, stated their opposition to the proposed development; that there was no opposition to the Church; that there were concerns with traffic and proposed lot and home sizes; and that they were not compatible with the surrounding areas.

Patricia Duncan, 104 Fort Florida Road, stated that she was concerned with the density of the proposed development and was in favor of larger homesites and that she also had concerns with flooding and road conditions in the area.

Robert Krollinger, 102 Admiral Lane, stated that he had traffic concerns with the addition of a school; that lot sizes in Traders Cove exceeded 7500 square feet and were not appropriate to compare with the proposal; that he had concerns with Fort Florida Road and had petitions to present to request that funds be included in next year's budget to pave Fort Florida Road; that he was aware of efforts made to pave Ft. Florida Road since 1996; that grading was not sufficient to

maintain the road for traffic; and that he did not feel that developers could be depended upon to complete the paving.

Bob Watson, 106 Admiral Lane, stated that he had the same concerns as other residents; that there would be additional traffic since there would not be a busing system for the parochial school; and that the proposed density was not appropriate.

Nan Lafferty, 32 River Bluff Trail, stated that she had signatures to present in opposition to the proposed plan.

Thomas and Janet Fanscher, 425 Fox Run, appeared. Janet Fanscher stated she was not opposed to the Church, but was opposed to an assisted-living facility, since the commercial zoning required might allow that to change; that she was concerned with the lot and home sizes and traffic impact of a school; and that current zoning would allow 5-acre parcels. Thomas Fanscher stated his concern that the developer proposal did not conform to the Future Land Use Plan currently in place and that he did not feel it was appropriate to negotiate a reduction in lot sizes from the current zoning.

Jim Thomas, 368 River Bluff Circle, stated his opposition to the reduced lot sizes; that he was not opposed to the Church, but did not wish to see an assisted-living facility and preferred to see a daycare facility rather than a school.

Keith Roark, 111 Traders Cove Blvd., stated his concerns with access points for the community and the need for a detailed traffic study; that he was in favor of appropriate open space and buffer zones but had concerns with drainage issues; that land uses should be compatible with existing zoning; that the Council consider quality of life issues and proactive growth management; and that he was against the proposal combining the Church and residential elements.

Mayor Rosamonda entertained a motion to table the first hearing until October 2, 2002 at approximately 7:00 PM. Motion was made by Vice Mayor France. Council Member Long seconded the motion. Discussion reviewed clarification by City Attorney Ardaman; that the development would be submitted as two separate site plans; that a previously passed Ordinance addressed lot sizes; that submitting the site plans separately allowed a more equitable opportunity for review; that the 60-day extension would allow more time to meet with affected residents and make changes; that uses under consideration by the Church required rezoning to Mixed Use; that it was possible to rezone only the parcel for the Church; that gross density for the parcel would be reduced when Jurisdictional Wetlands were calculated; that net acreage would be the final figure presented for approval; that the existing infrastructure might not be adequate for traffic if density was increased by the additional project along with existing projects; that responsibility for paving be shared by the City and developers of proposed and existing projects; that infrastructure required concurrency; and that changes to maintenance of Fort Florida Road were under review. The motion carried 3-2 with Council Members Coleman and Allen dissenting.

3. Second and Final 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 Ardaman read Ordinance No. 11-02 by title. Volusia County Planner Scott Ashley reviewed the proposed amendment; that documentation reviewed by County Staff included recommended uses for the overlay area; that the previous PUD allowed a use that would permit gasoline pumps; that the language “except the sale of gasoline or other flammables” could be added to the Automotive Type A use; that the words “and merchandise” be added to “no outdoor storage of vehicles, parts, equipment”; to strike out Dry Cleaning Plants; that the language “no animal or human testing” be added under Laboratories, Research or Testing; to strike Laundry and Linen Service; to strike Iron and Ornamental Manufacturers; to strike Plating and Electrolytic Process; to strike Radiator Repair, Cleaning and Flushing Establishments; to strike Welding and Soldering Shops; and that Building Materials, Sales and Storage uses would be limited by square footage and prohibition of outside storage.

Duncan Rabey, Metro Management Realty representing Dr. Charles Hardwick, stated there were no objections to changes. Mayor Rosamonda entertained a motion to approve on second and final reading with revisions. There was discussion and agreement to remove Radio and Television Broadcasting Stations. Motion was made by Council Member Long. Council Member Coleman seconded. The motion carried unanimously.

4. Second and Final Reading – Ordinance No. 09-02 – Administrative Rezoning of Real Property to Resolve Comprehensive Plan Conflicts - Case No. D-02-003 to D-02-007, Case No. D-02-009 to D-02-016 and Case No. D-02-042.

City Attorney Ardaman read Ordinance No. 09-02 by title. Mayor Rosamonda reviewed the purpose of the Ordinance. Motion to approve was made by Council Member Allen. Council Member Long seconded. The motion carried unanimously.

5. First Reading – Ordinance No. 12-02 – Amending Membership to the Teens Advisory Committee.

City Attorney Ardaman read Ordinance No. 12-02 by title. Discussion was held that the Committee be composed of all teens with an adult sponsor; that additional adult members seemed to inhibit teen interaction; that Staff recommendations be reviewed and final appointments made at second reading; that 1 Teen appointee per Council Member and 2 Adults at-large was appropriate. Mayor Rosamonda entertained a motion to approve Ordinance No. 12-02 with revisions. Motion was made by Council Member Coleman. Council Member Long seconded. The motion carried unanimously.

6. First Reading – Ordinance No. 13-02 – Amending Membership to the Senior Advisory Committee.

City Attorney Ardaman read Ordinance No. 13-02 by title. It was discussed that appointees would be named at second reading. Motion was made by Council Member Long. Council Member Coleman seconded. The motion carried unanimously.

7. Resolution No. 02-16 – Amending Membership to the 10-Year Anniversary Celebration Committee.

City Attorney Ardaman read Resolution No. 02-16 by title. It was discussed that there was 1 appointee per Council Member and 4 at-large members; that 2 at-large members were alternates, leaving the total at 7 members and retaining all currently attending members; that rules for alternates be reviewed; that 5 appointees and 2 at-large appeared to be appropriate; and that the attendance record could be reviewed to determine membership. Mayor Rosamonda entertained a motion to approve as revised. Motion was made by Council Member Long. Council Member Coleman seconded. The motion carried unanimously.

8. First Reading - Ordinance No. 14-02 – Changing the Minimum Allowable Width for Parking Spaces – Council Member Coleman.

City Attorney Ardaman read Ordinance No. 14-02 by title. Council Member Coleman reviewed the proposal and stated that it was needed due to increased numbers of larger vehicles. It was discussed that this Ordinance would have negative impact on small-scale projects and developments in that they would lose parking area; City Attorney Ardaman and Volusia County Planner Scott Ashley were consulted; that allowable width could be specified for different size developments; that five or fewer acre projects might be allowed different requirements. Further discussion reviewed the alternative of larger width spaces as a uniform rule and application for an exception could be made to the Council; that modifications could be made under the Land Development Code when site plans were brought for review; that there might be additional burden on the Council to review those issues; and that assistance to smaller projects could be given in other areas. It was discussed that Staff review possible parameters to limit administrative issues and present for second reading.

Mayor Rosamonda opened public hearing for the Land Planning Agency. City Attorney Ardaman read Ordinance No. 14-02 by title. Mayor Rosamonda entertained a motion to approve Ordinance No. 14-02 on first reading and have Staff research the possibility of relief for small projects. It was discussed that the Ordinance could be passed with or without changes upon second reading. Motion was made by Council Member Long. Council Member Allen seconded. The motion passed unanimously. The Land Planning Agency meeting was closed and Public Hearing for the City Council of the City of DeBary was reopened without objection. Mayor Rosamonda entertained a motion to approve Ordinance No. 14-02 based upon recommendations of the Land Planning Agency. Motion was made by Council Member Long. Council Member Allen seconded. The motion carried unanimously.

9. First Reading – Ordinance No. 15-02 – Granting a Non-Exclusive Franchise For Use of Rights-of-Way for Distribution and Sale of Gas to Florida Public Utilities.

City Attorney Ardaman read Ordinance No. 15-02 by title. Mayor Rosamonda reviewed the franchise request. It was discussed whether a tax rate needed to be set at this time and that a rate of 2% had been discussed at a previous workshop.

Don Kitner, 111 Amberglow Court, representing the Central Florida Division of Florida Public Utilities reviewed changes made to the document; that City Manager Diamond had reviewed the proposed changes; that City Attorney Ardaman needed to review language in certain sections; that Pool Managers would be notified to collect Franchise Fees; that the City would have to enforce revenue collection; that proposed language in Section 18 regarding time frames was subjective; that appropriate language could be determined prior to final reading; that language regarding landscaping needed to include specific exceptions; and that language regarding relocation of equipment at Florida Public Utilities expense needed to be specific; that 30 years was a standard term due to utility financing; that the franchise was non-exclusive; that option periods might be an alternative to a 30-year commitment; and that there was a termination clause included. It was also discussed that rates could be set at second reading; that additional costs to DeBary consumers might be reduced via franchise agreements with other providers. Mayor Rosamonda entertained a motion to approve Ordinance No. 15-02 on first reading with revisions presented. Motion was made by Council Member Long. Vice Mayor France seconded. The motion carried unanimously.

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

1. Resolution No. 02-17 – Partially Granting an Appeal of Subdivision Non-exemption Determination - DeBary Properties - Continued.

City Attorney Ardaman read Resolution No. 02-17 by title. Palmer Pantan, Land Development Manager for Volusia County, reviewed the proposal originally presented and tabled in November 2001; that exhibits provided a revised development plan. Kirk Bauer, Attorney, representing DeBary Properties, stated that the request previously presented was to combine exempt and non-exempt lots to meet zoning standards, restrict certain areas and meet certain requirements for house size to allow the combining of two remaining lots; and that there was an issue regarding prior existence of roads. It was discussed that building permits had been issued on some lots. City Attorney Ardaman noted that if three exempt lots had been combined, it made the parcel eligible for permitting for a single home; that the eligible lots had originally been included in the application. City Attorney Ardaman had reviewed the issue and stated that there was language that required revision. It was noted that two of the lots were not exempt lots and that the County had determined that there was not a road in existence in that area. City Attorney Ardaman reviewed legal issues regarding construction of private roads, whether issues of precedent would arise if the appeal were approved; that the revisions to the original appeal might necessitate a denial by the Council and require new submission by the applicant for County review and/or approval by the Council; that there was not a Staff ruling on the revised appeal; and that without further modification of the appeal, options were limited. It was discussed that there were four of the ten lots that were administratively correct and buildable. Mayor Rosamonda entertained a motion to deny Resolution No. 02-17. Motion was made by Council Member Long. Vice Mayor France seconded. The motion carried 4-1 with Council Member Coleman dissenting.

2. Request for Overall Development Plan Approval and Waiver of Plat Recordation  
Hersey Huffman - 02-S-ODP-0334.

Palmer Panton, Land Development Manager for Volusia County, reviewed the plat and request for waiver; that the request was to divide a commercial parcel; that the parcel was already divided in 1984, but that the subdivision had not been submitted for approval as required. Discussion reviewed that there were separate owners. Hersey Huffman, P.O. Box 1118, Enterprise, stated that there were separate parcel numbers; that there was a prior site plan that had never been developed and it was not known that proper approval had not been obtained. City Attorney Ardaman asked whether each parcel met Land Development Code requirements; Palmer Panton answered in the affirmative. Mayor Rosamonda entertained a motion to approve 02-S-ODP-0334 pursuant to Land Development Code requirements and Palmer Panton's letter of July 26, 2002. Motion was made by Council Member Long. Council Member Allen seconded. The motion carried unanimously.

3. Request for Final Site Plan Approval – KPS Designs Inc. – 02-F-FSP-0083.

Palmer Panton, Land Development Manager for Volusia County, reviewed the site plan and noted that City criteria were met. Water retention was discussed; that overflow would go to Lake Susan; that there should be no negative impact; that runoff from that property already went to Lake Susan; that a wood privacy fence was shown on the rear of the property; that fence type could be specified on approval; that light shields could be required at approval; that mast arms for signals were already at the location; and that approval time for projects was normally about three months. Mayor Rosamonda entertained a motion to approve 02-F-FSP-0083 pursuant to the July 24, 2002 letter of Palmer Panton, as well as the rear fence to be masonry, if needed and lighting to be shielded onto the property. Motion was made by Council Member Long. Council Member Allen seconded. The motion carried unanimously.

## **IX. Old Business**

1. Review of Landscaping Plans for North and South Highway 17-92 Medians.

City Manager Diamond reviewed the Landscaping plans as presented to the Streetscape Committee; that approval was recommended; that the mix of plantings reduced the need for permanent irrigation; that the cost was \$210,000; that Assistant City Manager Yaskanich had contacted DOT and \$116,000 in funding was available; that a Highway Beautification Grant could be applied for, but would take approximately one year; that if the balance of funds were approved and the Joint Project Participation Agreement was received from DOT, work could be started on the northern end of Highway 17-92; that the JPA should be received by September 4, 2002; that construction proposals would be pursued; that the proposed budget allotted \$105,000 to the project and excess funds could be voted to another area; that options were to apply for the grant or utilize funding under current and next year budgets; that irrigation lines were omitted in some medians in the South end of 17-92; and that there was irrigation sleeving in the North areas. Mayor Rosamonda entertained a motion to approve the Landscaping Plans as presented and to initiate implementation of those plans utilizing budgetary monies for next fiscal year.

Motion was made by Council Member Long. Council Member Allen seconded. The motion carried unanimously.

2. Discussion of Purchase of Park Land from Florida Power Corporation – Mayor Rosamonda.

Mayor Rosamonda reviewed meeting with Florida Power to address the extension of Saxon Boulevard, possible School property and the Community Park site. Authorization was received to submit a formal request to purchase the 10-acre Community Park site and 10 acres adjacent; that some modifications could be included. City Attorney Ardaman noted that there was an exemption to the Open Records Law that would allow option & purchase agreements and appraisals to be kept confidential for specified time periods; that the City Manager could be authorized to enter into negotiations and draft agreements; that appraisals and contract amounts could remain confidential until presentation for approval to the City Council of the City of DeBary; that the City Manager and City Attorney could prepare an offer and present it to the Council either before or after approval of the offer by Florida Power; and that the Council was not obligated to approve any offer presented by the City Manager and City Attorney. It was asked if appraisal information was available; that there was some documentation regarding previous property negotiations; that the purchase under consideration involved the existing Park and adjacent land; that the current assessed value of the park was \$39,000. It was discussed that a formal offer would be subject to Council approval and, if approved by Florida Power, would be brought to the Council for acceptance; that Council Member Allen would assist; that a time certain could be set to keep negotiations in process; that figures previously discussed with Florida Power and current assessed values could be used in negotiations. Mayor Rosamonda entertained a motion to authorize City Manager Diamond, City Attorney Ardaman and Council Member Allen to formally negotiate with Florida Power Corporation on the purchase of the existing Community Park and ten acres around it, subject to approval by the City Council of the City of DeBary. It was noted that there is an agricultural exemption on the majority of the Florida Power property. City Manager Diamond requested that County Environmental Staff assist in defining the property that would constitute the additional ten acres, due to wetlands and guidelines for park dimensions. Motion was made by Council Member Long. Vice Mayor France seconded. The motion carried unanimously.

3. Proposed Memorandum of Understanding between the City of DeBary, Florida League of Cities and Ernest and Anne Senez.

City Attorney Ardaman noted that the memorandum was not complete.

4. Re-designation of Voting Delegate for Florida League of Cities Annual Conference.

Council Member Allen nominated Vice Mayor France. Council Member Coleman seconded the nomination. The motion carried 4-1 with Vice Mayor France dissenting.

**X. New Business**

1. City Manager's Performance Evaluation.

City Manager Diamond reviewed the evaluation process; that this was his second evaluation with one and a half years with the City; that employment terms needed review; that he had included a status report for the Annual Goals and Objectives assigned the previous year; that he requested to meet individually with each Council Member for constructive input; and that he would like to have an updated list of Goals and Objectives for the upcoming year. It was discussed that evaluations and meetings would be completed by September 15, 2002 and readied for presentation on October 2, 2002. It was discussed that salary increases would have to be taken into account for budgetary purposes.

2. Award of Bid for 2002 Sidewalk Program.

City Manager Diamond noted that funds were allocated in the current budget; that the Public Safety Committee had suggested the addition of a fourth area at Shell Road; that the low bid was \$103,000, which exceeded the budget amount and included the additional area, but Capital Project and unused Land Acquisition funds were available; that recommendation was to award the bid to Whitehouse Masonry for \$103,118.75; that an option to renew could be added for the next fiscal year; and that it was recommended that, due to work history, a Performance Bond be waived. Mayor Rosamonda entertained a motion to approve Whitehouse Masonry for the construction of sidewalks on Angeles Road, Alexandra Woods Drive, Asturiano Road, and South Shell Road and to renew the contract for one year if the contract amount is less than \$50,000, at the same rate for the construction of sidewalks for next year as well as waive the requirements for Performance Bonds for this particular company. Motion was made by Council Member Long. Council Member Allen seconded. Discussion reviewed the contractor's insurance; that there would be four-inch thickness for the sidewalks; that raised curb sidewalks had been suggested. The motion carried 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  
Term Expires: 30 Days After Celebration  
Incumbent: None  
Length of Term: One (1) Year

B. Committee: Senior Committee  
Length of Term: One (1) Year

C. Committee: Teen Committee  
Length of Term: One (1) Year

D. Board: Code Enforcement Board B. Long

Term Expires: August 7, 2005  
Incumbent Lita Handy-Peters (Unable to Serve)  
Length of Term: Three (3) Years

Mayor Rosamonda entertained a motion to appoint Mr. John Harvey to the Code Enforcement Board. Motion was made by Council Member Long. Council Member Allen seconded. The motion carried unanimously.

E. Board: MPO Citizen Advisory Committee

Mayor Rosamonda entertained a motion to appoint Michael J. McLaughlin to the MPO Citizen Advisory Committee on behalf of the City of DeBary. Motion was made by Council Member Long. Vice Mayor France seconded. The motion carried unanimously.

3. Member Reports/Communications

A. Mayor and Council Members

Issues regarding Fort Florida Road were discussed; that buildup from grading was preventing drainage; and that some temporary surfacing might be used until projects were completed. It was also discussed that surveying on South Shell was not completed to determine right of ways. The status of research into Planning and Zoning being taken in-house by the City was discussed; that City Manager Diamond had met with consultants, but had not received figures yet; that County Council was working to expedite County permitting processes; that the current zoning classification would permit a fireworks firm in the old Shoney's building and that the City Council had not been notified in time to have addressed the issue.

Vice Mayor France reviewed the meeting of the MPO Executive Committee. Mayor Rosamonda noted drainage issues on Adelaide Street. It was discussed that a closed system existed and improvements were needed; that current budgeted funds for drainage improvements were expended; that the existing construction plans were needed to proceed and that some retention area was needed. Mayor Rosamonda also reviewed the meeting he attended with City Manager Diamond, Volusia County School Board, Volusia County, Florida Power, and the YMCA on the Saxon Boulevard Extension; that there was much cooperation and there would be additional meetings for implementation; and that the YMCA would be involved for joint participation with the schools.

B. City Attorney

C. City Manager

City Manager Diamond reviewed the invitation to join the transition team to establish a water entity; that he encouraged participation; that the City was invited to become a full voting member of the transition team to establish the entity; that contribution of funds for a budget for that entity had been requested in the amount of \$8,800. City Manager Diamond requested that the item be placed on the next Council agenda. Council Member Allen was asked for an update on the function for the Volusia League of Cities that the City of DeBary is hosting; that a dinner

on the Rivership Romance is proposed; that a pickup point would be determined depending on water levels on the river; that ticket pricing depended on menu; and that the function was a showcase for DeBary.

**XII. Adjournment:** The meeting adjourned at 12:07 AM

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

**Carmen Rosamonda, Mayor**

**ATTEST**

**Maryann Yaskanich, City Clerk**