

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

**Wednesday**  
**September 4, 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**

**IV. Approval of Minutes**

1. Special City Council Meeting held June 12, 2002.
2. Regular City Council Meeting held July 3, 2002.
3. Special City Council Meeting held July 24, 2002.
4. Regular City Council Meeting held August 7, 2002.

Mayor Rosamonda entertained a motion to approve all minutes. Motion was made by Council Member Long. Council Member Allen seconded. The motion carried unanimously.

**V. Presentations**

1. Proclamation – Constitution Week.

Mayor Rosamonda read a Proclamation designating September 16 to 22 as Constitution Week and presented a copy to be displayed in the DeBary Library.

2. Proclamation – Always Remember 9-11 Day.

Mayor Rosamonda read a proclamation designating September 11 as Always Remember 9-11 Day and presented copies to post in all fire and police stations.

3. City of DeBary – Economic Development Program – Steve Kelly, Florida Planning Group and Economic Development Advisory Committee.

Mayor Rosamonda reviewed the tasks that had been assigned to the EDAC. EDAC Chair Carol Lawrence, 253 Hazeltine Drive, thanked the members of the Committee for their efforts and Council Member Coleman for his participation. Steve Kelly, Florida Planning Group, presented slides and an overview of demographics for Volusia County and DeBary; that there were changes to Florida's population growth due to impact of the national economy; that business site selectors look for specific factors when relocating, primarily quality of life issues; that those factors were graded in assessing DeBary; that growth in Seminole County was a positive indicator for DeBary due to proximity; that strengths and weaknesses were reviewed; that targets would be smaller companies, existing businesses and in-home businesses; that the County had established a strong Economic Development Program; that the City's strategy included support of the Countywide program; marketing the brand name of "River City USA," adopting Design Guidelines, upgrading existing commercial properties, providing a "Guide to Doing Business" to assist local companies; and a major effort in community self-investment.

Points to implement the proposed strategy included: working with Florida Power to develop a business park rather than an industrial park at the Saxon Blvd. extension and supporting the Town Center project; that DeBary join with the County's Quick Response Team, since a streamlined permitting process would be attractive to incoming businesses; that demographics needed to be updated yearly including available business sites; that websites needed to be expanded and linked with other sites; that branding the name of "River City USA" was a key element and utilizing an advertising agency to promote in the Orlando region; that design guidelines for new developments should match PUD's and commercial projects to attain a high-end appearance; that high quality landscaping promoted property values and should be implemented on major arteries and to upgrade existing areas; that neighborhood signs promote desired ambience; that a community self-investment program included buying available open space and riverfront property and expanding parks and recreation; that housing rehabilitation could be accomplished with funding programs; that local business development included the retention and enhancement of existing businesses; that corporate business park projects were desirable; and that communication via business roundtables would enhance expansion and development of existing businesses.

It was discussed that the grading used was based on criteria used by business site selectors and were objective in view; and that the suggestions for DeBary's Economic Development Program were in line with projects already underway within the City.

Chairperson Lawrence advised that the EDAC was unanimous in recommending that the City Council of the City of DeBary adopt the Plan; that the strategic plan be referred back to the EDAC for implementation; and that the Committee would report regularly to the Council. Members of the Committee were commended for their efforts.

Mayor Rosamonda entertained a motion to accept the Economic Development Plan as presented. Motion was made by Vice Mayor France. Council Member Coleman seconded. The motion carried unanimously.

## VI. 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 read Ordinance No. 10-01 by title. Mark Watts, Attorney for Cobb, Cole & Bell, appeared representing Empire Cattle Company. County Planner Scott Ashley reviewed the Staff report on the plan presented at a previous workshop; that the proposal appeared to meet the elements of the Comprehensive Plan's policies and requirements for housing and utilities; that Staff comments proposed that provision be made for mass transit passengers for loading and unloading and adequate shelters; that there was some concern that tree preservation requirements would be met under the conceptual plan presented and details would have to be addressed at site plan review; that in Tract C-7 there was concern on limitations proposals for commercial and retail areas; that there was an additional exhibit of proposed land uses to be presented; that the plan noted controlled access, standards for signage and screening of refuse receptacles; and that the Town Center concept was unique with a central stormwater retention area and potential civic or retail facility on the lakefront.

It was discussed that zoning designations were not specified in the document; that net land use would have to meet Land Development Code definitions as applicable; the Plan was presented for review; that land development regulations could be adjusted at review for each development phase; that the PUD designation might not allow total application of the Land Development Code; that if an item was not specifically addressed in the development agreement, then zoning classifications and net land use under the Land Development Code would apply; that the proposed retention area was included in density calculations for the central area; that current Code definition for calculation of land use area did not address proposed bodies of water; that the creation of the retention area would determine the density of the remaining area; that a qualifier could be added to the agreement to set net land use density descriptions; and that City Attorney Ardaman needed to review the Agreement to offer opinion and to additional suggested specific language.

Additional discussion noted that the residential density was critical to the development and support of the Town Center area; that the Ordinance allowed for interpretation; that the proposed retail and commercial areas were designed to allow flexibility and contained maximum allowable square footages; that page 4 noted that unless specified in the agreement, that zoning requirements contained in the Land Development Code must be met; that there were corrections to typographical errors; that the exhibit that listed permitted land uses had been reviewed by Scott Ashley and exclusions made; that the list of permitted businesses needed review; that City Manager Diamond will review the list with the developer and strike items already discussed as needing exclusion and present at second reading; that the area designated for civic use was left as a flexible area for public use and allowed for expansion if needed; that the number noted for multi-family units was a maximum figure and there might be adjustments at site plan review

when the size of retention area and required open space would be determined; that there were limited numbers of trees already on the property and tree preservation would be addressed at site plan review; that if changes in development regulations occurred prior to construction they would have to be met; that review of the new County Tree Preservation Ordinance was needed; that a pedestrian transportation plan would have to be submitted; due to the size of the project, that if the PUD was approved, any changes to more than one acre would be major amendments after initial approval and would have to be reviewed by the City Council of the City of DeBary; and that architectural themes or gateway standards needed to be set, but the extent of limitations needed to be determined. City Attorney Ardaman was asked if Gateway Standards would apply to the current project; that the Gateway Standards were in process and the developer had expressed willingness to comply with those standards; that the Gateway Standards should be presented to the Council in the near future; that there was existing language that required compliance with any amendments to the Land Development Code and specific language could be included in the developer agreement referring to Gateway Standards; and that the Land Development Code and any amendments would apply unless specifically addressed in the developer agreement.

Discussion addressed the residential components and the impact of its density on the school system; that a dedication by the developer of public land be made; that there would be additional impact to public services and future public service needs; that electrical lines should not run over Highway 17-92; that architectural themes should be included in the shopping center phase; that the developer had included the use of underground utilities in the development and could address supply lines as well; that acreage for dedication for school use was not available on this property; and that a play or park area for public dedication was suggested in another area if necessary.

Mayor Rosamonda entertained a motion to approve Ordinance No. 10-01 on first reading as provided with County Staff recommendations and the Development Agreement, with revisions to page 4 of 12, changing R-8 zoning to R-7, on page 7 of 8 of Staff recommendations in paragraph 4, placing retail caps, office caps and overall caps as stated in this hearing, providing a revised Attachment D for the land uses of each section of the project, adding language for Gateway Standards, providing no electrical lines across Highway 17-92 for this project and the applicant review dedication of a public area as discussed. There was additional discussion of land use net densities; that densities appeared to exceed allowable units in that zoning; that maximum density would be 11 units per acre and final density could only be determined at site plan review of the retention area; that interpretation of the land use regulation did not address stormwater retention, which was required; that the proposed residential density was needed to support the balance of the development; that the residential tract included all of the stormwater retention for the project; and that the developer was amenable to further suggestions. Motion was made by Council Member Long. Vice Mayor France seconded. The motion carried 4-1 with Council Member Allen dissenting.

2. Second and Final Reading – Ordinance No. 12-02 – Amending Membership to the Teens Advisory Committee.

City Attorney Ardaman read Ordinance No. 12-02 by title. Mayor Rosamonda entertained a motion to accept Ordinance No. 12-02. Motion was made by Council Member Long. Council Member Coleman seconded. The motion carried unanimously.

3. Second and Final 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 membership would be 5 members with 2 alternates. Mayor Rosamonda entertained a motion to accept Ordinance No. 13-02 with revised change. Motion was made by Council Member Long. Council Member Coleman seconded. The motion carried unanimously.

Mayor Rosamonda announced that Resolution 02-25 would be heard at this time.

Resolution No. 02-25 – Supporting and Expressing the Intention of the City of DeBary to Participate as a Funding Member of the Transition Team to Create a New Water Supply Entity.

City Attorney Ardaman read Resolution No. 02-25 by Title. Mayor Rosamonda reviewed issues that the City had with the Volusia Water Alliance and the creation of the Transition Team; that all municipalities would have voting rights; and that funding was required. Mayor Rosamonda entertained a motion to accept Resolution No. 02-25. Motion was made by Council Member Long. Vice Mayor France seconded. Mayor Ted Erwin, Orange City, representing the proposed transition team, responded to the issue of a separate local governing body for water issues as opposed to St. Johns River Water Management District making determinations; that St. Johns would participate financially; that the new entity would take over ground water wells in the area; that the entity created would be responsible for Volusia County consumptive use permits; and that the entity would progressively take over functions currently performed by St. Johns River Water Management District. It was discussed that membership charges were determined by population; that private or municipal water use affected the aquifer; and that State mandate required the eventual conversion of septic and wells to central systems. The motion carried unanimously. It was noted that transition costs would be subsidized by St. Johns River Water Management District. Mayor Rosamonda entertained a motion to appoint Council Member Coleman to represent the City of DeBary on the Transition Team for the new Water Supply Entity. Motion was made by Council Member Long. Council Member Allen seconded. The motion carried unanimously.

4. Second and Final Reading - Ordinance No. 14-02 – Changing the Minimum Allowable Width for Parking Spaces.

City Attorney Ardaman read Ordinance No. 14-02 by title. It was discussed that Staff had not found provisions to insert in the Ordinance to allow for variances by small businesses on smaller lots; and that requests for variances, if the Ordinance were passed, would create an additional burden to the Council. Council Member Coleman made motion to accept the Ordinance. Council Member Allen seconded. The motion carried 3-2 with Mayor Rosamonda and Council Member Long dissenting.

5. Second and Final 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 noted that he had received a fax from the Attorney for Florida Public Utilities for changes to the Ordinance and recommended continuing the hearing to a time and date certain. City Attorney Ardaman read Ordinance No. 15-02 by title. Mayor Rosamonda entertained a motion to table Ordinance No. 15-02 until October 2, 2002 at 7:00 PM to allow for analysis and interpretation of the changes. Motion was made by Council Member Long. Vice Mayor France seconded. The motion carries unanimously.

6. Ordinance No. 16-02 – Expanding the Springview Streetlighting District to Include Units 6 and 7.

City Attorney Ardaman read Ordinance No. 16-02 by title. Mayor Rosamonda entertained a motion to accept Ordinance No. 16-02. Motion was made by Council Member Long. Council Member Allen seconded. David Rasmussen, 107 Forest Point Lane, Longwood, noted that prospective property buyers were informed of assessments for street lighting. The motion carried unanimously.

7. Resolution No. 02-18 – Appointing a Canvassing Board for the September 10th and October 1st City of DeBary Elections.

City Attorney Ardaman read Resolution No. 02-18 by title. Mayor Rosamonda entertained a motion to appoint Vice Mayor France and Council Member Coleman to the October 1st Canvassing Board. Motion was made by Council Member Long. Council Member Allen seconded. The motion carried unanimously.

8. Resolution No. 02-19 – Abandoning/Vacating a Portion Volusia Park Plat.

City Attorney Ardaman read Resolution No. 02-19 by title. City Manager Diamond reviewed the existing plat. It was discussed that the County requested vacating a portion of the plat; that the County had deeded 10 feet of right-of-way to the City; that another property owner had deeded 15 feet; and that additional property could be donated by the County. Mayor Rosamonda entertained a motion to accept Resolution No. 02-19. Motion was made by Council Member Allen. Vice Mayor France seconded. It was further discussed that abutting property owners had been asked for right-of-way at the South end of Shell; that the City was attempting to obtain 70 feet of right-of-way for road improvements; that there were discrepancies in amounts of property deeded the by County and the request to private owners; and that a time certain hearing date was needed to table the issue. Motions were withdrawn. Mayor Rosamonda entertained a motion to table Resolution No. 02-19 to October 2, 2002 at approximately 7:00 PM. Motion was made by Council Member Long. Council Member Allen seconded. City Manager Diamond was asked to obtain further information. The motion carried unanimously.

9. Resolution No. 02- 20 – Adopting Tentative Millage Rate for the Levy of Ad Valorem Taxes for Fiscal Year 2002-2003 and Setting a Final Budget Hearing Date.

City Attorney Ardaman read Resolution No. 02- 20 by title. It was discussed that rollback figures were given by the County; that the adoption of a final millage rate was required by September 18, 2002 and the final budget hearing would be held at approximately 7:00 PM. Mayor Rosamonda announced the rollback rate and the percent difference between the rollback rate and the current. Mayor Rosamonda entertained a motion for to retain the current millage rate. Motion was made by Vice Mayor France. Council Member Long seconded. It was discussed that there would be opportunity for rollback rate in the future. The motion carried unanimously.

10. Resolution No. 02- 21 – Adopting a Tentative Annual Operating Budget for the Fiscal Year Beginning October 1, 2002 and Ending September 30, 2003.

City Attorney Ardaman read Resolution No. 02- 21 by title. Mayor Rosamonda noted that the Final Budget Hearing would be held on September 18, 2002 at approximately 7:00 PM. City Manager Diamond reviewed changes made after the workshop; that additions and corrections had been made; and that a presentation was prepared.

City Manager Diamond reviewed the total Budget of \$11.5 million, reflecting an increase of 8% over the current year; that the General Fund operating costs were \$6.1 million and did not include the Reserve or Opportunity Land Bank Fund; that proposed amounts were: Special Revenue Fund \$1.6 million, Unrestricted Reserve \$3.3 million, and Opportunity Land Bank Fund \$465,000; that service levels would increase with 5 additional Sheriff Deputies, increased funding for Streetscape improvements, drainage repairs, and road improvements; and that this still would maintain the City's current Ad Valorem tax rate as the lowest in Volusia County. City Manager Diamond reviewed revenue sources; that major revenue sources included various taxes and the largest increase was from revenue carried over from the previous year; that there were increases and decreases to revenue in various categories; that there was a significant increase in FDOT funding; that the greatest increases in expenditures were for police and fire services and for public works; that revenue and expenditures were balanced for all funds; and that Special Revenue contained a number of expenditures for infrastructure improvements.

Mayor Rosamonda noted reviews of the City Attorney's costs; that the proposed expansion of Keller Park included \$48,000 for a storage and concession building; that the Little League would provide labor if materials were provided; that also the \$48,000 was a temporary concession trailer to be placed at Community Park until relocation plans were finalized; that additional funding was requested for those items; that with labor provided the total cost could be reduced by 50% to approximately \$50,000; that donations were being solicited for scoreboards; that a permanent concession building would also provide storage for the City for park equipment; and that the concession trailer currently at Community Park was becoming unusable. There was further discussion of the need for a traffic deputy; that the officer would be assigned to DeBary on a full-time basis; that a resolution was needed to petition Ben Johnson to keep Allen Osowski as a Captain in DeBary and that funding for the salary difference of approximately \$5,000 be provided; that the item could be added as an amendment to the budget; that the funding be

specific to Lieutenant Osowski; and that Mayor Rosamonda submit a resolution on behalf of the City Council of the City of DeBary. Mayor Rosamonda entertained a motion to accept Resolution No. 02- 21, adding \$5,000 to the Sheriff Contract and also \$50,000 for the Parks and Recreation for the proposed permanent and temporary concession stands at Keller Park and Community Park. Breakdown of the costs for the Parks and Recreation costs were discussed; that the proposed costs were estimates. Motion was made by Council Member Long. Council Member Allen seconded. Vice Mayor France wished to discuss the funding for Orlandia Heights in greater detail; and that an adjustment to Council salaries might attract future Council Candidates. The motion carried unanimously.

## **VII. Consent Agenda**

*Agenda Items marked with \* are considered routine matters or have been previously discussed by the City Council. All items will be considered by one motion unless removed from the Consent Agenda by a member of the City Council.*

- \*1. Resolution No. 02-22- Adopting a Non-Ad Valorem Assessment Roll for The Orlandia Heights' Special Neighborhood Improvement District.

It was requested that Resolution No. 02-22 be removed from the consent agenda. City Attorney Ardaman read Resolution No. 02-22 by title. It was discussed that the Orlandia Heights Neighborhood Improvement District had provided a strategic plan; that there was requested to the Council; information not provided; that there were residents not aware of the proposal; that an engineering report was not available; that assessment amounts might be contributed towards paving; that paving roads would raise property values; and that a consultant might be hired to develop and oversee an overall road improvement project. City Attorney Ardaman noted that there would be issues of obtaining title to right of ways; that there were firms that could estimate total costs involved; and that County Staff might be able to assist. It was discussed that there was a study available with estimated road construction costs of \$2.9 million; that a coordinator to implement an action plan might be effective; that the roads be temporarily maintained by the district until an action plan could be adopted; that proposals for consultants or appropriate firms could be obtained; that service firms could provide preliminary information to determine if the issue could be fast tracked; that the project would be long term; that personnel to gather information were needed; that there were various options to fund such a project; that the Competitive Negotiations Act required advertising for request for proposals, obtaining proposals, review, negotiation and presentation to City Council for a project of this size; that there were legal r-o-w issues that required resolution; that the study by Ghyabi Lassiter could be reviewed; that the District could initiate paving using assessment funds; that City Manager Diamond could provide an action plan; that the District had the ability to start paving without acquiring the right of way; that the District did not have manpower to implement such a plan; that past information indicated that the majority of residents appeared willing to give up right-of-way in order to receive appropriate maintenance of roads by the City; that the City could initiate a cooperative effort towards paving; that other areas of the City had similar issues; and that workshops could be held monthly to resolve the issues.

Mayor Rosamonda entertained a motion to approve Resolution No. 02-22. Motion was made by Council Member Coleman. Council Member Allen seconded. City Manager Diamond was asked to set up monthly workshops beginning in October. The motion carried 4-1 with Vice Mayor France dissenting.

- \*2. Resolution No. 02-23 – Adopting a Non-Ad Valorem Assessment Roll for Solid Waste Collection and Disposal.
- \*3. Resolution No. 02-24 – Adopting a Special Service District, Service Charge-Assessment Roll for Street Lighting Districts.
- \*4. FY 2002-2003 MPO Funding Agreement.
- \*5. Interlocal Agreement Between the City of DeBary and County of Volusia for Municipal Services for Fiscal Year 2002-2003.

It was noted that the amount under Resolution 02-23 required correction. Mayor Rosamonda entertained a motion to approve the consent agenda. Motion was made by Council Member Long. Vice Mayor France seconded. The motion carried unanimously.

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

- 1. None.

#### **IX. Old Business**

- 1. None.

#### **X. New Business**

- 1 Resolution No. 02-25 – Supporting and Expressing the Intention of the City of DeBary to Participate as a Funding Member of the Transition Team to Create a New Water Supply Entity.

Heard at prior point in the agenda.

- 2. Extension of Professional Services Engagement for Annual Independent CPA Audit for Years Ending September 30, 2002 and 2003 – Brent Millikan & Company, P.A.

City Manager Diamond reviewed the contract terms and past relationship with the firm. Mayor Rosamonda entertained a motion to approve. Motion was made by Council Member Allen. Council Member Long seconded. It was discussed that the cost was lower than prior years since the City had a Finance Administrator. The motion carried unanimously.

3. Request to Amend Saint Johns River Water Management District Emergency Flood Management System Permit – Council Member Allen.

Darcy & C.J. DiTaranto, 300 May Place, stated that there were additional lakes connected to Lake Charles; that there was serious negative impact to their property and septic system due to high water levels; that the problem had occurred over several years; and that the pumps in place were not adequate. City Manager Diamond noted the pump was supposed to be reset by the County to continue pumping to 26.0 feet; and that SJRWMD's permission had been received to pump to lake levels lower than the 27 feet in the permit. It was further discussed that drainage was being constructed in the City to help alleviate the problem; that interconnections and permits from added lakes were being reviewed; that the original pumpoff level of 27.5 feet was set prior to addition of lakes to the system; that 26 feet pumpoff was currently allowed only for emergency high water condition; that PEC could evaluate and provide evidence to St. John's Water Management to have the SJRWMD permit amended to 26 feet pumpoff elevation; that water tables affecting the septic system also needed evaluation; that connections to and functions of Lake Charles needed review by PEC to determine a permanent solution; that the Watershed study did not specifically identify the lowest habitable structure elevations; and that the lowest floor elevation could be verified. It was noted that the inlet at Lake Charles was being opened up to allow extension of the suction pipe; that there was flooding in the homeowner's garage; and that the SJRWMD did not recognize flooded septic as an emergency. Council Member Allen motioned to pump to 25 feet if necessary. Council Member Long seconded. City Attorney Ardaman stated that Council actions would be defended. The motion carried unanimously.

Eugene Stump, 106 Birkwood Ct., stated that pump testing was needed, prior to rainy season, as there were breakdowns that had occurred when pumps were started.

There was additional discussion that the County needed to provide a method to check the status of the pump; that PEC could be brought in to review the lake connections and impact of future projects; that PEC had done revisions to the SJRWMD permit for Lake Susan and No Name and were familiar with the system; and there are 180 days to provide information to St. Johns Water Management to amend the permit to keep the emergency condition levels; and that there would be an approximate cost of \$10,000 to \$20,000. Mayor Rosamonda entertained a motion to authorize up to \$20,000 to hire a consultant to determine a permanent fix for the connection of Lake Charles, the storm water drainage in the 17-acre retention pond at Highbanks and Enterprise, the retention pond at DBCC and the drainage at Adelaide cul-de-sac. Motion was made by Council Member Allen. Vice Mayor France seconded. It was also discussed that pumping could be started prior to storms; and that City Manager Diamond had authorization to do what was necessary. The motion carried unanimously.

4. Request by DeBary Art League for In-Kind Services for Halloween Haunted Hike to be held October 26, 2002.

Eileen McRae, 388 Ruth Jennings Dr., stated that the event was planned for October 26, 2002; that over 1800 people attended the prior year; that monies were being raised for a community center for the arts; that services requested included lights, road signs, barricades, cones, mosquito spraying & traffic control; that funds raised were non-profit and were submitted as matching

funds to obtain eco-grants; and that 2 traffic signs, 2 light towers, 4 barricades, 75 cones, spraying and 2 Deputies were needed. It was discussed that \$1,000 had recently been approved for a similar function with billing submitted to the City for direct payment; that there would be no charge to the City for two Deputies and that a third off-duty Deputy was suggested to work in the Park. Mayor Rosamonda entertained a motion to approve \$1,000 of in-kind services, to be billed and paid directly by the City. Motion was made by Council Member Long. Council Member Coleman seconded. 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  
Length of Term: One (1) Year

Mayor Rosamonda requested that the matter be tabled until October 2, 2002.

- 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 Alternate Coleman  
Term Expires: September 4, 2005  
Incumbent: None
3. Member Reports/Communications
  - A. Mayor and Council Members

Council Member Coleman noted that sidewalks damaged by construction would be repaired. Council Member Allen questioned the availability of City personnel to check on the status of pumps. It was discussed that City Manager Diamond evaluate and recommend changes to and staffing requirements to meet City needs; and that the County utilize their employee pool for checking pumps. Grants were discussed; that notifications were made to the City when funding was available; that grants were available for Rails & Trails and for conservation properties; that Council Member Allen had a contact available to meet with City Manager Diamond; that there had not been properties available at previous opportunities for grants; and that Deltona had personnel that might be utilized to assist in writing grants.

Council Member Long asked that the Martinez Plan be distributed; that a Tree Ordinance similar to Volusia County's new ordinance be prepared for review and adoption by the City Council. It

was noted that the study examining costs and effects of in-house Planning & Development Review was due in November and City Manager Diamond had a draft for Gateway Standards that he hoped to present to EDAC the following week. Council Member Long was asked by the President of the Trader's Cove Homeowners Association to inquire if Fort Florida Road from Traders Cove to Highbanks could be paved and the City be reimbursed by the developer; what liability to the City would be incurred in the event of default by the developer; and if there were grant monies available if Highbanks were declared an evacuation route by the City. It was noted that a construction plan had been filed with the County; that it appeared the construction plan indicated 6-7 months; that Briar Construction was to begin work shortly; that an evacuation route was under review. It was further discussed that a Tree Ordinance would be prepared.

Vice Mayor France reviewed MPO activity; that Flagler County was asked to join with Volusia County MPO.

**B. City Attorney**

City Attorney Ardaman reviewed pending hearings and litigation; that he requested permission to draft a settlement agreement regarding easements needed to solve drainage issues at Annez Way; and that a Council representative would be needed for future mediation issues.

**C. City Manager**

**XII. Adjournment.** The meeting adjourned at 11:23 PM.

**APPROVED October 2, 2002  
City of DeBary  
CITY COUNCIL**

**Carmen Rosamonda, Mayor**

**ATTEST:**

**Maryann Yaskanich, City Clerk**