

City of DeBary
REGULAR CITY COUNCIL MEETING

Wednesday
February 5, 2003
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 George Coleman, Council Member Danny Allen, Council Member Christopher Carson, and Council Member Richard Gunter.

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, stated that he believed developers should be responsible for construction of schools to support their residential developments.

John Lazja, 305 Caddie Drive, DeBary Golf & Country Club, asked if resurfacing was scheduled for Plantation Club Drive and that the condition near the entrance was poor. It was discussed that road pavement conditions were reviewed each year and resurfacing was done as the annual budget allowed. Mr. Lazja asked whether there were concerns with increased traffic with the extension of Donald B. Smith Boulevard. It was further discussed that the connection of Donald B. Smith Boulevard and Plantation Club Drive was included in the original Plat; that potential traffic concerns were under review by the City Council.

Daniel Jarzinski, 8 Maplehurst Avenue, stated he was appearing on behalf of the senior citizens of DeBary and requested the status of the proposed additional \$25,000 property tax exemption for the elderly. It was discussed that the proposal, when originally presented, had been denied by the City Council. Mr. Jarzinski asked what procedure he could follow to bring the matter back before the Council. It was discussed that the Council Members would be asked whether they wished to place the item on a future Agenda.

IV. Approval of Minutes

Regular City Council Meeting held January 8, 2003.

Mayor Rosamonda entertained a motion to approve the minutes of the January 8, 2003 regular City Council meeting. Motion was made by Vice Mayor Coleman. Council Member Gunter seconded. The motion carried unanimously.

V. Presentations

None.

VI. Public Hearing

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. Ordinance No. 17-02 – Second and Final Reading - Providing for Placement of Utilities Underground for New, Reconstructed, Expanded or Relocated Utilities -**Continuation**.

City Attorney Ardaman read Ordinance No. 17-02 by title. City Attorney Ardaman noted that he and City Manager Diamond had met with utility company representatives; that there were concerns with legal issues and the inclusion of appropriate language; that he recommended a continuance of this item. It was discussed that there were concerns with potential legal issues with the utility companies and the financial impact of the Ordinance on future development. Mayor Rosamonda entertained a motion to table Ordinance No. 17-02 until March 6, 2003 at 7:00 PM. Motion was made by Council Member Gunter. Council Member Carson seconded. The motion carried unanimously.

2. Ordinance No. 01-03 – Second and Final Reading - Adoption of Administrative Amendments to the Future Land Use Map (FLUM) of the Comprehensive Plan.

City Attorney Ardaman read Ordinance No. 01-03 by title. Tom Brooks, Volusia County Planning, stated that a compromise was being sought with the State regarding impact on existing homes and owners of undeveloped property near DeBary Hall and that the City-owned lots were not at issue. Vice Mayor Coleman moved to approve. Council Member Allen seconded. The motion carried unanimously.

3. Ordinance No. 02-03 – Second and Final Reading – Expansion of Leisure World (Meadowlea on the River) Streetlighting District.

City Attorney Ardaman read Ordinance No. 02-03 by title. Gertrude DeSantos, DeBary, asked that arterial lighting on Barwick Road be considered in the following year's Budget. Motion to approve was made by Vice Mayor Coleman. Council Member Allen seconded. The motion carried unanimously.

4. Variance Request for Waterfront Yard Setback (21 feet in lieu of the required 25 feet) at 15 Cosmos Lane; Application of Mr. & Mrs. Allen & Renee Gochal-Case D-02-051

Scott Ashley, Volusia County Planner reviewed the request and stated that Staff recommended approval due to pre-existing construction. Motion to approved was made by Council Member Gunter. Council Member Carson seconded. The motion carried unanimously.

5. Variance Request for Front Yard Setback on Highway 17-92 (12 feet in lieu of the required 35 feet) and Variance for the South Side Yard setback (7.9 feet in lieu of the required 35 feet) at 116 S. Highway 17-92 – Application of Sunstate Awning for Mr. & Mrs. Michael & Joanne Hall-Case D-02-052.

Scott Ashley, Volusia County Planner, reviewed the case and stated that Staff recommended approval due to pre-existing construction. The site of the building was discussed. Mr. Michael Hall, 116 S. Highway 17/92 in DeBary and Stuart Peterson of Sunstate Awning appeared. It was discussed that there were complaints regarding parking at the property. That parking is occurring at the intersection of Smyrna Drive and Highway 17/92, which is a serious site hazard for the residents turning onto Highway 17/92 from Smyrna Drive. Mr. Hall agreed to remove the parking space nearest the intersection of Smyrna Drive and Highway 17-92. Mayor Rosamonda entertained a motion to approve the Variance. Motion was made by Council Member Allen. Council Member Carson seconded. The motion carried unanimously.

6. Variance Request for Rear Yard Setback (4.4 feet in lieu of the required 5 feet) for an Existing Pool Enclosure at 428 Quail Hill Drive – Application of Mr. Matthew Campbell-Case D-02-053

Scott Ashley, Volusia County Planner, reviewed the case and stated that Staff recommended approval due to pre-existing construction. Melody Stafford, 468 Quail Hill Drive, presented exhibits and evidence in rebuttal of the application for Variance; she stated that it was not appropriate in this case to grant a Variance; and she requested that a fence be constructed at the applicant's expense along the property line that abuts her property.

It was discussed that Volusia County had approved the building permit and building inspections. Matthew Campbell, 428 Quail Hill Drive, provided a petition from adjacent property owners stating that they had no objection to the Variance. Mayor Rosamonda read the addresses of the property owners for the record. Mayor Rosamonda entertained a motion to approve Case D-02-053. Motion to approve was made by Council Member Allen. Council Member Carson seconded. There was discussion that similar Variances had been previously granted. 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. Subdivision Overall Development Plan – Hemke Subdivision.
- *2. Release of Maintenance Agreement and Acceptance of Improvements – DeBary Plantation Unit 13B-1.

- *3. Resolution No. 03-02 – Vacating a Portion of the St. Johns River Estates, Unit Three Plat.
- *4. Replacement of Front Window Glass at Sheriff's Substation.
- *5. Final Site Plan Approval for Lake Monroe Park-Volusia County.

City Attorney Ardaman read Resolution No. 03-02 by title. Mayor Rosamonda entertained a motion to approve the Consent Agenda. Motion was made by Council Member Carson. Council Member Allen seconded. The motion carried unanimously.

VIII. Growth Management and Development Review

- 1. None.

IX. Old Business

- 1. Hold Harmless Agreement with DeBary Estates Associates for Relocation of Existing Driveway.

The Hold Harmless Agreement was reviewed. Richard Moody representing DeBary Estates Associates stated their satisfaction with the Agreement. City Attorney Ardaman noted that the liability coverage in the agreement was appropriate. Mayor Rosamonda entertained a motion to approve. Motion to approve was made by Council Member Allen. Council Member Carson seconded. The motion carried unanimously.

X. New Business

- 1. Consideration of Recommendation from the Streetscape Committee for Implementation of Streetscape Master Plan.

City Manager Diamond noted that the Streetscape Committee had reviewed the recommendations of the consultant; that based on the costs involved, streetscape improvements should be concentrated in the downtown corridor area from Plantation Road to Highbanks Road; that suggestions included decorative lighting, decorative pavement features, planters and a proposed clock tower enhancement to City Hall property; that the proposal is within the amount budgeted for streetscape improvements. Mayor Rosamonda reviewed the streetscape budget allowances and the landscaping projects already planned for Highway 17/92. It was discussed that some items could be implemented in future budgets; that any enhancements to City Hall might need to be deferred until a final decision is made as to where City Hall will be located; that FDOT would have to approve the lighting for highway illumination standards; that there would be continuing yearly lighting costs for leasing of the fixtures and power usage; the Council would approve each expenditure and the total will be within the \$250,000 budget allotment for streetscape improvements; and that some funds allocated for City Hall enhancements could be applied toward additional landscape plants. Mayor Rosamonda entertained a motion to approve the Streetscape Master Plan recommendations to install decorative streetlights, paver

crosswalks, planters, benches and trash receptacles and that the remaining funds allocated to landscaping for planters. Motion was made by Council Member Gunter. Council Member Allen seconded. There was discussion of paver crosswalks. The motion carried 4-1 with Vice Mayor Coleman dissenting. There was additional discussion that electrical receptacles would be installed with the light fixtures for future Holiday decorations.

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

1. Board Committee Reports
 - A. Freedom Festival Committee

Mayor Rosamonda reviewed recent meetings with six city mayors; that a recommendation would be made for an all-day event at various venues; that sponsorships would be solicited; that the goal was to create an Annual County-wide event; and that initial funding of \$2,000 was requested. It was discussed that not all cities had approved funding; that the request could be added to the March Agenda.

2. Board/Committee Appointments
 - A. Board: Citizens Advisory Committee – Volusia County
Metropolitan Planning Organization.

Potential nominees were discussed and that advertisements for citizen volunteers were needed.

- B. Board: Senior Program Advisory Committee
Alternate

It was discussed that all Senior and Teen Committee Members were active participants; that there were not sufficient projects or facilities available for regular meetings; and that the Council needed to pursue nominees.

- C. Board: Teen Program Advisory Committee
Teen
 - D. Board: Volusia Council of Governments

It was discussed whether a Council Member was available for the position and that Vice Mayor Coleman would review his availability.

- E. Board: Streetscape Committee

Mayor Rosamonda entertained a motion to appoint Mark Shenesk and Bill Long as Committee Members and Council Member Carson as Management Sponsor. Motion was made by Vice Mayor Coleman. Motion was seconded. The motion carried unanimously.

- F. Board: Rails Committee

Mayor Rosamonda entertained a motion to appoint Tom Donohoe subject to that a citizen can be appointed to that Board. Motion was made by Council Member Gunter. Council Member Allen seconded. The motion carried unanimously.

3. Member Reports/Communications

A. Mayor and Council Members

Vice Mayor Coleman noted that he had discussed the possibility of imposing additional impact fees for Parks and Recreation facilities with City Manager Diamond and that review of the Comprehensive Plan language was needed in reference to rural zoning classifications.

Council Member Allen reviewed discussions with City Manager Diamond regarding the acquisition of property from Florida Power for a park on West Highbanks Road; that staff was reviewing the area being considered for the location and amounts of wetlands; and that surrounding property was being investigated for possible acquisition.

Council Member Gunter noted that there is active discussion in the community concerning the development of a Gemini Springs Center for the Arts; that he had been asked to join that Board; and that notices to residents of any emergency events should be handled by the City, even if other agencies were making notifications. It was discussed that Mayor Rosamonda had spoken with Volusia County Manager Cynthia Coto regarding changes required to improve such emergency notifications. Assistant City Manager Yaskanich noted her attendance at a debriefing by the Emergency Operation Center regarding the incident at the Glen Abbey Water Plant and proposed improvements to communications regarding any threats to public services. It was discussed that improvements could be made to databases and software for the Reverse 911 system.

Council Member Carson reviewed his attendance at the Transportation meeting held by Congressman Mica and that he had presented the proposal for the extension of Saxon Boulevard at that meeting; that Congressman Mica stated he would review the proposal and that he would recommend matching funds be required for this project. Mayor Rosamonda noted that he had met with Congressman Mica and would be providing him with additional documentation to apply for T21 funds. He thanked Council Member Carson for his attendance at the transportation meeting.

Mayor Rosamonda related the progress in the effort to extend Saxon Boulevard for the location of a High School; that proposed construction of a High School would begin 2004-2005 if approved; that funding was being actively sought; and that the hearing by the School Board to determine the location of the High School would be held in March.

B. City Attorney

City Attorney Ardaman noted the information that he had provided to Council Members concerning the Sunshine Law.

C. City Manager

City Manager Diamond noted that Lieutenant Alan Osowski's promotion ceremony would be held on Tuesday, February 11, 2003. He stated that a workshop needed to be scheduled to review the Transportation Planning Studies.

Mayor Rosamonda asked Lieutenant Osowski to clarify policy regarding scooters on public roadways. Lieutenant Osowski stated that he had provided written policy to the officers in DeBary; that there were conflicts in the Florida Statutes; and that he expected the Legislature to review the matter. It was discussed that information could be included in the City newsletter and that a Drivers License was required to operate on a public road.

XII. Adjournment. The meeting adjourned at 9:00 PM.

**APPROVED April 2, 2003
CITY OF DeBARY
CITY COUNCIL**

Carmen Rosamonda, Mayor

ATTEST:

Maryann Yaskanich, City Clerk