

City of DeBary
REGULAR CITY COUNCIL MEETING
Wednesday
May 7, 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 Lane, stated his concern that a fire station should be located west of the railroad tracks on Highbanks Road to reach communities in that area and that developers should donate property.

County Council Member Bill Long updated County activities; that in cooperation with the County Economic Development Committee, 40 acres of County property at I-4 and SR 44 was to be put on the market and developed including infrastructure and pre-permitting to attract potential investors; that the value would be returned to the tax rolls and return jobs and revenue to the County; that a Tri-City Summit is to be held on May 31, 2003; and that he was investigating the opportunity for a Regional Teen and Senior Center to be established in Southwest Volusia County. Council Member Gunter expressed appreciation to Council Member Long for providing information regarding County developments. Mayor Rosamonda noted that DeBary, Deltona, and Orange City were working on a feasibility study for a conference facility to be shared by those Cities and the Local Option Tourist Development Tax as a vehicle for funding; and that the goal was for recognition and support of growth and development in West Volusia.

IV. Approval of Minutes

1. Regular City Council Meeting held April 2, 2003.

Motion to approve was made by Council Member Gunter. Council Member Carson seconded. The motion carried unanimously.

V. Presentations

1. Proclamation – Elder Law Month.

Mayor Rosamonda read a Proclamation that May 2003 was Elder Law Month recognizing those who practice law and educate the public in the protection of the elderly against fraud and abuse.

2. Blue Angels Soccer – Presentation of Soccer Goal Nets.

Jim Ells, representing Deltona Youth Soccer Club, Blue Angels Team expressed appreciation for the use of DeBary soccer fields and presented soccer goal nets purchased through fundraising by the Team.

3. Chamber of Commerce of West Volusia – Annual Performance Report and Request for Payment.

Mayor Rosamonda thanked Linda White and David Bridgman from the West Volusia Chamber of Commerce for their efforts on behalf of DeBary. Ms White reviewed the Annual Performance Report; that the Chamber included a well-balanced Board from all communities; that activities included data tracking, providing DeBary and other communities resource information; that facilities and administrative support were provided for SCORE for small business counseling; that DeBary had 54 Occupational Licenses issued last year which included 37 home-based businesses; that nearly half of the counseling was to DeBary businesses; that School and Health Department communication was being developed; and that the Chamber worked with government representatives at all levels on City issues.

Mr. Bridgman spoke regarding the development of relationships with local and regional governments; including participating for the first time in development of the 2003 Volusia County Legislative Priorities List and attending Tallahassee Day to discuss issues; that specific efforts had been made on DeBary's behalf including interaction with the County Council and Members Bill Long and Pat Northey; that regular meetings were held with city mayors and staff; that a Joint Tri-City Strategic Planning Session was being planned to assist in developing Legislative Priorities for 2004 Legislative Session; that the Chamber was being organized to address current and future issues for DeBary as well as Southwest Volusia; and that DeBary had a strong presence with residents participating in a number of functions and events.

Mayor Rosamonda entertained a motion to approve payment of \$2,500 to the Chamber of Commerce of West Volusia. Motion was made by Council Member Gunter. Vice Mayor Coleman seconded. The motion carried unanimously.

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 any quasi-judicial

proceedings.

1. Resolution No. 03-07 – Opposing Location of High School at the Southeast Corner of Highway 17-92 and Dirksen Drive.

City Attorney Ardaman read Resolution No. 03-07 by title. Mayor Rosamonda reviewed the progression of events to date; that there was support for a high school, but there were concerns with location; that efforts had been made to provide a location on the proposed Saxon Boulevard Extension; that time and cost constraints did not allow for that location; that locations in DeBary and Orange City were being considered by the School Board; that extensive research had not located any additional sites in DeBary; that the School Board had entered into conditional purchase agreements for the sites; that the Resolution did not prevent the School Board from selecting the property, but was to express the City Council's viewpoint.

Mayor Rosamonda provided handouts to the public, Council Members, and Staff regarding the issue that the property owner had worked closely with the City on a Town Center; the Mayor felt strongly that the high school was a priority for DeBary and that other areas could lend themselves to village areas; that a CRA proposal under review would support such an initiative; that the handout provided information on the feasibility of a high school on that acreage; that a three-story facility was proposed; that comparisons to other area high schools were provided; that on other sites a Neo-Traditional design with a gymnasium and auditorium was proposed that could be utilized by the City; that the School Board would still have to proceed through the PUD process; that revenue loss would occur no matter what location was selected; that a letter from the District Secretary for the Department of Transportation indicated that traffic on U. S. Highway 17-92 would be reduced with completion of the I-4 Bridge construction; that traffic would be intensive under the Town Center concept as well; that a high school would provide impetus for development of the City of DeBary; that there were obstacles to the development of the Town Center concept; and that there was a letter from Bill Hall, Superintendent, requesting suspension of the Resolution until more facts and information were available.

Council Member Allen expressed his concern that the School Board had not investigated the option of purchasing the property from Progress Energy; that the proposed expenditures by the School Board could be invested in that site; that information he received indicated that the proposed DeBary site would not lend itself to sporting events being held in the City and some extracurricular activities would have to be held outside of DeBary; and that the City would have to expend funds to utilize any school facilities.

Council Member Gunter stated his concerns that proposed building elevations and fencing might not be enforceable; that he agreed that the proposed figures for cost could be utilized on the Progress Energy property; that Congressional support could assist in the development of the Saxon Boulevard Extension; that the School Board would lose tax revenue on the proposed location; that the traffic impact would be greater than estimated; that the proposed location was not centrally located to the Tri-City area; that a report from the City Manager of the City of Deltona indicated that flooding issues would continue to impact Interstate I-4 and would cause additional traffic issues on U. S. Highway 17-92; that there was no assurance that appropriate facilities could be constructed on the site; that there was extensive time already expended on the proposal for the Town Center site; that as a Gateway site, he had concerns about the appearance of the site; that there was a gas transmission line on the property that could be a potential danger; that the site was inappropriate for a school due to the proximity to U. S. Highway 17-92; and that there would be additional impact on City resources to install sidewalks as required.

There was discussion of the figures for the road construction of Saxon Boulevard Extension. Walt Corwin, 115 Amberglow Court, stated his support of a high school in DeBary on the proposed site if it was the only feasible site available; and that he would prefer that the Resolution be tabled until more information was available.

Paula Downer, 41 Monroe Avenue, stated that she would prefer sidewalks in the area; with a catwalk over U. S. Highway 17-92; that she did not feel a high school would provide a detrimental appearance; and that she supported a high school on the proposed site.

Dan Reaume, 516 Brokenshire Drive, stated his support of a high school and stated that he would like to see a pool and swim team to promote water safety.

Daniel Lee, 401 Hollingsworth Court, stated that he was a Cub Master in DeBary; that a straw poll had been done with 80 families and indicated 90% support for the school; that he supported a high school on the proposed site; and that a School Zone would slow traffic.

Suzy Davis, 24 Columbine Trail, stated that she supported a high school in DeBary.

Valerie Emerson, 104 Barclay Court, stated that she supported a high school in DeBary; that the School Board would be the decision maker on the site; that a Resolution be postponed until their research was completed; and that she felt a high school would support economic development.

Dalvin Wright, 20 Monroe Avenue, stated that he did not feel that the location was appropriate for a high school; that, over time, traffic would be heavier on both U. S. Highway 17-92 and Interstate I-4; and that another location in DeBary would be preferable.

Karen Snyder, 167 Hickory Stick Court, stated that she was in support of a high school; that she had noted a lessening of traffic since the westbound bridge had opened on Interstate I-4; that if it was the only site available in DeBary, she supported it there; and that she had worked on the drainage study for Interstate I-4 and that those issues should be addressed.

Greg France, 168 Community Boulevard, reviewed figures for the proposed Town Center site; that the net area for any construction would be reduced by retention area and gas and cable easements; that City improvements to U. S. Highway 17-92 were intended to enhance commercial development; that there had not been sufficient research done by the School Board; that he had concerns regarding appearance; that he did not feel that comparisons to other area high schools were appropriate to the proposed site; that the purpose of ordinances for beautification and Gateway standards would not be upheld; that the taxpayers would pay higher costs to improve the school site; and that the School Board did not exercise adequate diligence in locating appropriate sites in DeBary.

Morton Culligan, 66 Tanglewood Road, stated his concerns that the property value was excessive; that he did not agree with locating a high school on that property; and that too much time and effort had already been expended on the Town Center concept to change over to a school site.

It was noted that the property was currently appraised at \$186,000 as agricultural and appraised at \$4.3 million under the Town Center proposal.

Robin Butler, 47 Spring Ridge Drive, stated that she worked in traffic engineering; that she has concerns with traffic impact; that School Zones might not be adequate deterrents to speed; that accident statistics for the area and for the age of students caused additional safety concerns; that there was conservation land in the area and drainage issues; and that schools were not required to make road improvements as commercial developers would be.

Bill Cummings, 518 Archwood Drive, stated that there would be traffic concerns wherever a school was constructed; that a high school would have a positive future impact on the City; and that he was in favor of a high school.

Eugene Stump, 106 Birkwood Court, questioned that there was to be a train depot to be constructed on Fort Florida Road; that he was in favor of a high school, but that he was concerned about the location in regard to safety and traffic.

Steve Lyon, 178 Community Drive, spoke against the Resolution; that he felt the site was as appropriate for a high school as it would be for a Town Center; and that as the site selected by the School Board it should be supported.

County Council Member Bill Long spoke as a DeBary resident, taxpayer and homeowner; that taxpayer funds had already been expended on infrastructure in the area to provide for commercial development; that there were easements and wetlands on the property; that construction of a high school in DeBary would not alleviate the necessity of an additional high school being constructed in another Southwest Volusia location within 5-7 years; that the site in DeBary was not sufficient for construction of adequate facilities for a high school and use by residents; that no taxes, impact fees, road improvements or sidewalk installation would be paid by the School Board and widening of Dirksen would be required to support the traffic; that over \$750,000 per year in tax revenue per year would be lost; that a more central location with better area for facility construction would be more appropriate; that he fully supported a high school in DeBary but did not support the selection of the proposed site; and that he supported the City Council of the City of DeBary in their efforts to resolve the issue.

It was discussed that Progress Energy was willing to cooperate in placing a school on their property, but that the issue was the construction of the Saxon Boulevard Extension.

Christine Johnson-Boyer, 262 Clara Vista Street, stated that she was opposed to the proposed location; that school bus traffic and student traffic would have too much impact; that it would not be adequate for future growth in DeBary; and that the noise impact from sporting events on surrounding residents would be detrimental.

Marion Sciorra, 240 Alta Vista Street, stated she was also in favor of a high school in DeBary but did not support the selection of the proposed site; that a site with maximum acreage would be more appropriate; that increases in population and traffic in DeBary would be too great; and that the impact to Gemini Springs should be considered.

Marshall Helbraun, 146 Cedar Springs Circle, stated he was also in favor of a high school in DeBary but not at the proposed site; that he did not feel that the site would be adequate for the population growth in DeBary; and that there would be too much impact to traffic on U. S. Highway 17-92.

Council Member Carson stated that he was in support of the Resolution; that he would like to see a high school in DeBary but that the proposed site was not appropriate to meet the needs of the communities being served; and that he would support an initiative on the Saxon Boulevard Extension.

Vice Mayor Coleman remarked that the site had not been mentioned in prior years' correspondence from the School Board; that an appropriate location for commercial service and growth was more important than the goal of having a high school in DeBary at this site; that there might be additional acreage adjacent to the proposed 105-acre site in Orange City that would allow more growth; that the utility easements and gas pipeline were a concern; that the location was not appropriate to serve the communities that would have students attending; that it was not appropriate due to traffic concerns; and that he supported the Resolution.

Vice Mayor Coleman made a motion to approve Resolution No. 03-07. Council Member Carson seconded. Mayor Rosamonda mentioned that infrastructure and road improvements for both a Saxon Boulevard site and the proposed Orange City site would require greater expenditures and more time; that 762 students currently attend Deltona High School; that projected growth indicated the percentage would be primarily DeBary students at completion; that language could be added to the Resolution that the City Council was against the location, but, if the decision were made by the School Board, then support would be given for the construction of an appropriate facility; that language in support of a different location could be added; and that the gas pipeline was already in place in other residential locations. The motion carried 4-1 with Mayor Rosamonda dissenting.

2. 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. Motion to approve was made by Vice Mayor Coleman. Council Member Gunter seconded. The motion carried unanimously.

3. Ordinance No. 06-03 – Second and Final Reading - Granting Senior/Low Income Additional Homestead Exemption.

City Attorney Ardaman read Ordinance No. 06-03 by title. Daniel Jarczyński, 8 Maplehurst Drive, thanked the Mayor and Council Members for their support. Mayor Rosamonda entertained a motion to approve Ordinance No. 06-03. Motion was made by Vice Mayor Coleman. Council Member Gunter seconded. The motion carried unanimously.

4. Ordinance No. 07-03 – Second and Final Reading - Amending Article IV. Noise: Section 30-136.

City Attorney Ardaman read Ordinance No. 07-03 by title. City Manager Diamond discussed that modification of language was needed to specify times allowed for construction purposes; that City Attorney Ardaman suggested appropriate wording; that there were provisions for water regulation equipment and emergency operations; that a special permit would be required for construction equipment that required operation after the specified hours; and that a separate ordinance in the Land Development Code could be included to prevent construction activity at inappropriate hours. Mayor Rosamonda entertained a motion to approve Ordinance No. 07-03 with the modification that construction from 7:00 PM to 7:AM is not exempt from Noise Level Regulations. Motion was made by Council Member Gunter. Council Member Allen seconded. 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. Request to Waive Code Enforcement Board Fines for 234 Aqua Vista, Case No. DEB-02-028.
- *2. Countywide Byrne Anti-Drug Abuse Grant Act Distribution.
- *3. Overall Development Plan - Knopka Subdivision – File 03-S-ODP-0303.
- *4. Final Plat – DeBary Plantation Unit 17B – File 03-S-FPL-0272.
- *5. Final Plat – DeBary Plantation Unit 13B-2 – File 03-S-FPL-0271.
- *6. Final Plat – DeBary Plantation Unit 16A-3 – File 03-FPL-0369.
- *7. Final Plat – DeBary Plantation Unit 16C-2 – File 03-FPL-0368.
- *8. Acceptance of Maintenance – DeBary Plantation Unit 16A-1 – File 98-S-FPL-0062.

Vice Mayor Coleman removed Items 4 through 7 from the Consent Agenda; that there was question of language providing for maintenance of retention ponds; that prior discussions had provided for language to be added to plats; and that language was included in Covenants and Restrictions for the individual developments. City Attorney Ardaman clarified that City maintenance was required for areas dedicated to the City; that private ownership allowed billing for maintenance by the City to homeowners associations or property owners if the City were required to perform such maintenance; and that stormwater easements were public and the City had to perform that maintenance. It was further discussed that Development Bonds were usually in effect for only one year; that Bonds in perpetuity could be required; that maintenance and functionality issues could still be raised; that the main issue was still related to the ownership of the retention area; that trust funds for pond maintenance could be set up; that impact fees would not address maintenance requirements; and that the language should be contained on the plat that stormwater easements remain private and allow the City the right to charge back for maintenance. It was also discussed that there were concerns regarding private maintenance; that the City would not have control over changes to easements under private ownership; that there was no impediment to longer term Development Bonds; and that an ordinance could be drawn up.

Remaining Consent Agenda Items were discussed; that in Item 1, the foreclosure issue made it difficult to collect other than Administrative Costs; that, in the future, settlements should be negotiated prior to presentation to the City Council; that notices should be sent to mortgage holders as well as property owners when issued; that waiver guidelines be provided and authority given to City Manager Diamond to settle cases; that specific policies address mortgage companies, foreclosure situations, and residents not in compliance; that Florida Statute 162 designated that fines were not to be punitive; that First Notices could be sent by the code inspectors to the mortgage companies to provide an additional incentive to property

owners to comply; that additional research would be required to obtain mortgage information; that the City Council could pass a resolution; and that written policies would be drafted for presentation to the City Council.

Mayor Rosamonda entertained a motion to approve Items 1, 2, 3 and 8. Motion was made by Council Member Gunter. Council Member Allen seconded. The motion carried unanimously.

Palmer Pantan, Volusia County Land Development, reviewed the Final Plat for DeBary Plantation Unit 17B; that the Unit was a private gated community; that drainage and natural vegetation easements were dedicated to the Homeowners Association; and that the area has private roads. It was noted that there was a typographical error on the agenda regarding case numbers. Mayor Rosamonda entertained a motion to approve File 03-S-FPL-0272 pursuant to Staff comments dated April 17, 2003. Motion was made by Council Member Allen. Council Member Carson seconded. The motion carried unanimously.

File 03-S-FPL-0271 for Unit 13B-2 was discussed; that Tract A was dedicated to the Homeowners Association but dedication of drainage and maintenance easements was to the public; that there was a natural depression on Tract A. City Attorney Ardaman requested clarification that language was contained in the Declaration of Covenants and Restrictions that the City had the right, but not the obligation, to maintain the easements; that wording was not on the Plat; that the Plat could be changed; that where public roads drain to retention areas, Staff has customarily required dedication of easements as public; and that all previous plats had been approved as such. Roger Van Auker, representing DeBary Estate Associates, was asked if he would be willing to change the wording to reflect dedication to the Homeowners Association. It was discussed that easements were being maintained by the Homeowners Association; that dedication as public drainage provided the City the right to go onto the property; that wording could be revised with the assistance of City Attorney Ardaman; and that the wording could be changed where drainage from public roads was to private retention areas maintained by the Homeowners Association and was the decision of the City Council. Mr. Pantan discussed that due to the drainage being from public roads, costs for future repair or maintenance of public roadway that might be required should be under public maintenance and not borne by private homeowners. It was further discussed that maintenance bonds were 15% of the development costs, but that the percentage and time could be increased and the Land Development Code could be revised; and that it was usually 15 to 20 years before such maintenance issues would arise. Mayor Rosamonda entertained a motion to approve File 03-S-FPL-0271. Motion was made by Council Member Allen. Council Member Carson seconded. The motion carried unanimously.

Mayor Rosamonda entertained a motion to approve File 03-S-FPL-0369. It was discussed that, although the roads in Unit 16A-3 were private, there was drainage from public roads that ran through the private roads. Motion was made by Council Member Allen. Council Member Carson seconded. The motion carried unanimously.

Mayor Rosamonda entertained a motion to approve File 03-S-FPL-0368. Motion was made by Council Member Allen. Council Member Carson seconded. The motion carried unanimously.

VIII. Growth Management and Development Review

1. Request to Waive Fence Installation Requirement – DeBary Sonshine Academy.

Volusia County Planner Scott Ashley reviewed the request: a fence was not installed to Code

requirements. Ken Deitzel, 146 Wilson Road, operator of the day care, provided pictures; that the location and appearance of the fence was not detrimental; that the unfinished side of the fence facing out was only on one side and the posts, if installed inward, would present a safety hazard to the children in the Academy; that the permits did not indicate that the fence could not be installed with the finished side in; and that he was not aware of the requirement. It was discussed that other permits obtained after the requirement was imposed indicated the installation requirements.

Jim Champagne, 2333 Oleander Road, DeLand, owner of Family Fence noted that they installed fences in numerous areas; that ordinances differed by City and County; that other DeBary permits indicated installation requirements, but the permit issued for the Academy did not specify; that there was no intent to disregard Code requirements; and that the unfinished area was obscured from public view.

Motion to deny was made by Vice Mayor Coleman. Council Member Allen seconded. There was discussion by Ms. Dietzel of policy and exception requirements; that the safety of the children in the Academy should be considered; that there were incidents on record of accidents caused by climbing the interior crosspieces of fences; that there were 60 children in the Academy; and that an alternative fence type could have been installed. Scott Ashley discussed that the permit was not stamped; that the fence type had been selected due to Code requirements for screening of the adjacent residential property; that the fence company should have been aware of requirements; and that the finished side should have been installed outward. The motion failed 2 to 3 with Mayor Rosamonda, Council Member Carson and Council Member Gunter dissenting.

Mayor Rosamonda entertained a motion to approve the request. It was noted that permits should be stamped to indicate the installation requirements. Motion was made by Council Member Gunter. It was further discussed that safety was a more primary concern than aesthetics and that lack of detail on the permit was a consideration. Council Member Carson seconded. The motion carried 3 to 2 with Vice Mayor Coleman and Council Member Allen dissenting.

IX. Old Business

1. None.

X. New Business

1. Recommendation for Opportunity Fund Allocation for Potential Industrial Employer.

Carol Lawrence, 253 Hazeltine Dr., Chair for the DeBary Economic Development Advisory Committee, introduced Mr. Rick Michael, Director of Economic Development for Volusia County. Mr. Michael discussed that support was requested to encourage a small industrial supply group to locate in Springview Industrial Park; that other competing locations were in Seminole County and in Orange County; that the company would provide approximately 22 positions with an average salary of \$28,000 plus benefits; that the request was to utilize the Opportunity Fund under the provisions of the City's ordinance to award \$1500 per employee for the 20 positions; that the County would provide an additional \$500 per position; and that the construction project would provide an approximately \$600,000 tax base and comprise approximately 12,000 to 13,000 square feet. It was discussed that the CEO of the company was a resident of DeBary; that the goal was to encourage relocation to DeBary, rather than the company expanding at its current location in another area of Central Florida; that the advantage to the company was to provide

access to their products in Volusia County; and that approximately half of the employees reside in Volusia County and commute; that the amounts provided were under the City ordinance guidelines; that the County already had an investment in Springview with utilities; that an exception was being made to provide the additional assistance of \$500 per position; that the time to realize a return with property taxes would be roughly 16 years; that indirect revenues from employee relocation to DeBary and sales from the business would provide some revenues for Volusia County; that utility, franchise and other taxes would also provide returns; that funds would be contingent upon performance auditing; that an agreement would have to be drawn up; that even if the company did not stay in business, the facility would still be a taxable entity; that an installment plan could be negotiated; that the option recommended by the County was for Staff to negotiate terms that County and City funds would be pooled and used to pay down impact fees, connection fees and other development costs providing lower construction costs for the company with remaining funds to be allocated as a discretionary fund or payment of property taxes; that real estate taxes should not be abated; and that the County would provide assistance in verification. Motion was made by Council Member Gunter to approve the recommendation to negotiate a draft agreement. It was discussed that funds did not need to be allocated until an agreement was reached; that the motion should include guidance for Staff as regards dollar amounts and manner of payment and time frames. Council Member Gunter clarified his motion; that Staff be allowed to negotiate an agreement with the proposed employer with incentives to be paid up to \$40,000 from the City of DeBary with the understanding that \$10,000 would be contributed by the County of Volusia. It was discussed that the Agreement would include specifics regarding employees. Council Member Carson seconded. It was further discussed that beautification and streetscape programs under way were to attract business without having to provide incentives in the future. The motion carried unanimously. City Manager Diamond noted that there was also a recommendation for Staff to prepare an ordinance to amend the average salary requirements in the Opportunity Fund Ordinance. Motion was made by Vice Mayor Coleman. Council Member Gunter seconded. The motion carried unanimously.

2. Request for K-9 Unit.

Captain Osowski presented his request for funding for a K-9 Unit; that patrol by such a Unit was an effective tool for law enforcement and a deterrent to crime; that investigation and apprehension of suspects would be enhanced; that additional protection of officers was provided by a K-9; that tracking of missing persons or children would be possible; that the K-9 would be a full-service dog with drug-sniffing capabilities as well; and that it would be a proactive effort in crime prevention. Motion was made by Vice Mayor Coleman. Council Member Carson seconded. It was discussed that the Deputy would house the dog at his residence; that the Sheriff's Department would provide recurring costs; and that the dog's service would be dedicated to DeBary. The motion carried unanimously.

3. Request for Funding Assistance for Music on the Green Concert Series – Citizens For DeBary, Inc.

Vice Mayor Coleman made a motion to pay for rental of traffic barricades and portable toilets for the event. Council Member Allen seconded. Barbara Byrne, 48 Madera Road, stated that she looked forward to a partnership with the City of DeBary and the Music on the Green Event. The motion carried unanimously.

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

1. Board Committee Reports

A. Request by Freedom Festival Committee for Funding.

Mayor Rosamonda reviewed the progress of the event planning for the six-City partnership; that five of the six Cities had contributed funds; that the goal was for a yearly event to become self-funding; that Lake Helen would be having a parade and fireworks and there would be fireworks at the Fairgrounds for all to attend; and that individual events in DeBary were not planned due to time constraints. Mayor Rosamonda entertained a motion to approve a \$2,000 contribution for the Festival. It was discussed that contributions had been made in previous years to the Lake Helen Fireworks; that a more centralized location in the future would be preferable to encourage more DeBary participation; that there would be a Craft Show, carnival and fireworks at the Fairgrounds and, in future years, events such as golf tournaments, softball games and memorial services for Armed Forces could be held in DeBary; that this was a one-time contribution; and that it had been confirmed that the donations from the other Cities had been made. Motion was made by Council Member Gunter. Council Member Carson seconded. The motion carried unanimously.

2. Board/Committee Appointments

A. Board: Senior Program Advisory Committee
Alternate

B. Board: Teen Program Advisory Committee
Teen

C. Board: Historic Preservation Advisory Committee

Recommendations were discussed; that an active Board was needed and guidelines provided. Mayor Rosamonda entertained a motion to approve Jesse Beall, Bill Dreggers, Gerald Lombardi, and Tom Pierce to the Historical Preservation Advisory Committee. Motion was made by Council Member Allen. Council Member Carson seconded.

D. Board: Code Enforcement Board Coleman
Term Expires: May 7, 2006
Incumbent: Richard Witters (Unable to Serve)
Length of Term: Three Years

Vice Mayor Coleman stated that he would make his appointment at a future meeting.

3. Member Reports/Communications

A. Mayor and Council Members

Vice Mayor Coleman noted attendance at the Volusia County Academy and visits to the various departments and stated that he had viewed other areas as part of the Volusia Water Alliance.

Council Member Allen discussed talking with Tom Trocheck with Progress Energy; that he stated that he

would expedite the proposal for the park areas; that City Manager Diamond had presented a proposal to the consultant, Mr. Kramer from Tampa; that City Manager Diamond would contact Mr. Kramer; and that Council Member Allen would contact Mr. Trocheck, if necessary.

Council Member Gunter commented on the fire tower in Gateway Park. It was discussed by Council Member Allen that, in the past, a company had been willing to move the Tower; that the rights to the Tower had to be determined; that safety concerns required removal; and that the State should be advised.

Council Member Carson commented to City Manager Diamond that he had requested Sheriff's Office assistance with traffic issues in Glen Abbey and that cooperation had been excellent.

Mayor Rosamonda noted that the Tri-City Summit was being held on May 31, 2003 in DeBary and that a presentation for the conference center would be made by the consultant.

There was discussion of gas and utility transmission lines near Meadowlea and resident concerns; that information had been provided by City Manager Diamond and meetings held with the agencies involved; that proper past notice had been given; that there were residents concerned that there was only one entry for the community in the event of a disaster; and a request would be presented to provide an additional entrance.

There was additional discussion that a commitment letter had not been received from Progress Energy regarding the property on the proposed Saxon Boulevard Extension; that no commitments had been made towards the construction of the road; that Mayor Rosamonda had made efforts to bring the project together but there had not been a meeting of the minds; and that there were other factors that had prevented culmination of the project for a high school site. It was further noted that the County had not been willing to develop the Saxon Boulevard Extension; that they felt the developer should bear the cost of paving due to prior impact fee concessions; and that the proposed high school site in Orange City would not be ready until 2009.

- B. City Attorney
- C. City Manager – Request for Pre-Budget Council Workshop.

City Manager Diamond recommended a Workshop to provide direction on the FY 2004 Operating Budget; that a proposed adoption calendar recommended May 28, 2003; that information and suggestions for Policy guidelines for the Council would be included; and Mayor Rosamonda mentioned the possibility of multi-year contracts for Police and Fire services as cost savings could be considered. There was discussion of Soft Shadow Lane; that the County Road and Bridge Department could not be used for the construction of the retention area; that in order to proceed, it was being requested that the normal bid process be suspended and allow City Manager Diamond the authority to obtain a contractor. Mayor Rosamonda entertained a motion to give City Manager Diamond authority to seek bids and execute contracts for the maintenance of the retention pond on Soft Shadow Lane. Motion was made by Council Member Gunter. It was discussed that there had not been cooperation from the golf course management in correcting the problem. Council Member Allen seconded. The motion carried unanimously.

XII. Adjournment. The meeting adjourned at 12:15 PM.

APPROVED June 4, 2003

**CITY OF DeBARY
CITY COUNCIL**

Carmen Rosamonda, Mayor

ATTEST:

Maryann Yaskanich, City Clerk