

City of DeBary
REGULAR CITY COUNCIL MEETING

Wednesday

July 2, 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 Attorney Kurt Ardaman, City Manager Richard Diamond, and Assistant City Manager Maryann Yaskanich.

Also Present: Orange City Mayor Ted Irwin and Deltona Council Member Diane Obremski.

III. Public Participation For Any Issues Not On the Agenda

IV. Approval of Minutes

1. Budget Workshop held May 28, 2003.
2. Regular City Council Meeting held June 4, 2003.

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

V. Presentations

1. DeBary Operation Save our Schools.
2. Orlandia Heights Neighborhood Improvement District Street Paving Program.

Tom Bernosky, 133 Sanford Avenue, representing the Orlandia Heights Neighborhood Improvement District, provided a handout reviewing the District's budget items; that the assessments were increased for the coming year by \$50 per parcel to provide additional funds for improvements to the unpaved roads; that \$356,000 has been spent over the past four years for road maintenance; that the District is proposing to use open grade paving to pave approximately 4 miles of main roads; that the City could loan the funds to the District for paving; that under state law the District can enter into contracts; that yearly repayments would allow sufficient

funds in the budget to maintain the remaining unpaved roads; that with the proposed increase to the assessments for fiscal year 2003-2004, \$69,690 yearly until 2009, could be repaid yearly; that the District was created for a 10-year term ending in 2009; that a permanent solution to the road maintenance problems was needed before that time; that, without the Board, maintenance would be left to private homeowners; and that of the property owners that responded to surveys in the past, the majority appeared to be in favor of improvements.

It was discussed that the proposal did not require giving up any right-of-ways; that the open grade paving did not require extensive permitting; that it was estimated that it would take one year before Volusia County could do the work and the engagement of a private contractor was anticipated; that some preparatory work would be needed to provide an appropriate base; and that the proposed areas were portions of Sanford, Wilson, Gracie, Catalina and Sackett. City Attorney Ardaman discussed the legal position of the District as to borrowing funds; that there was provision for imposing special assessments or raising the millage rate; that the Statute did not expressly prohibit borrowing, but there was a lack of authority under the terms of the District; that it had to be determined whether the City had the legal authority to loan and the District the legal authority to borrow money and whether a loan would be enforceable by the City; that there was no express language in the Statute addressing the issue; and that if it was the consensus of the City Council to lend the funds, then protective language could be included in a contract. The issue of accrual of interest was discussed; that if interest was not charged, there was a loss to the City because interest would be earned by investment of those funds; that there had to be a public purpose in order to waive interest; that interest could be at a reduced rate; and that there had to be provisions to protect the City for failure to pay in the event adequate assessments were not collected.

Carole Hull, 32 Laurianne Road, spoke in opposition of paving; that she was willing to pay for maintenance but wanted to keep the roads unpaved; and that she did not feel the surveys that had been taken in the past were valid.

It was discussed that Staff needed to research the issue of whether funds could be loaned; that it would be a budget item for the City if approved; that if assessments were unpaid, the District has the authority to lien properties; that the City would not want to take the position of seizing the roads by default if a loan was unpaid; that a clear vote should be taken to determine the will of the property owners, that the vote should be by a majority of the property owners; that it appeared to be the consensus of the City Council that it would consider placing an item on the agenda if there was a 51% or greater majority of property owners in favor of paving; that Mr. Bernosky will work with the City Manager and Assistant City Manager in creating a survey; and that if the survey was conducted properly and a clear majority was reached, then an agenda item would be allowed. It was discussed that the will of the residents would guide the Council and that surveys should specifically identify the issues.

3. Proclamation – West Volusia Freedom Festival.

Mayor Rosamonda read a proclamation that was to be read at the 4th of July Freedom Festival to be held at the Volusia County Fairgrounds; that public appreciation was expressed to all West

Volusia Veterans. Mayor Rosamonda reviewed the schedule of events in the participating cities and invited the attendance of the public.

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. Ordinance No. 09-03 — Amending the Future Land Use Map of the Adopted Comprehensive Plan by Changing the Land Use Designation for Property West of Enterprise Road from Residential/Low Density to Commercial/Office – Oscar Wilson – Case 03-SS1- **Second and Final Reading**

City Attorney Ardaman read Ordinance No. 09-03 by title. Staff requested a continuance. Mayor Rosamonda entertained a motion to continue this matter until the Meeting of August 6, 2003. Motion was made by Vice Mayor Coleman. Council Member Carson seconded. The motion carried unanimously.

2. Ordinance No. 08- 03 — Amending Ordinance No. 13-98 by Changing the Desired Minimum Salaries Required for Use of the Economic Development Opportunity Fund - **Second and Final Reading.**

City Attorney Ardaman read Ordinance No. 08- 03 by title. Mayor Rosamonda entertained a motion to approve. Motion was made by Council Member Gunter. Council Member Carson seconded. It was discussed that the Ordinance would provide that companies requesting financial assistance to move their business to or to expand their business in DeBary would provide adequate salaries to employees. The motion carried unanimously.

3. Ordinance No. 10-03 – Establishing Code Enforcement Liens as Super Priority Liens - **Second and Final Reading.**

City Attorney Ardaman read Ordinance No. 10-03 by title. Mayor Rosamonda entertained a motion to approve. Motion was made by Vice Mayor Coleman. Council Member Gunter seconded. It was discussed that the Ordinance was to provide a stronger position to the City when mortgage holders that have outstanding Code Enforcement liens foreclose upon properties. City Attorney Ardaman noted that the Ordinance would apply to properties obtaining mortgages after this date and would not supersede mortgages already in place. The motion carried unanimously.

4. Ordinance No. 11-03 — Rezoning Approximately 4.6 Acres of Property Located at the East Side of Tera Plantation Land approximately 500 Feet West of Enterprise Road from R-4 (Urban Single Family Residential) to B-9 (General Office) - **First Reading.**

City Attorney Ardaman read Ordinance No. 11-03 by title. Mayor Rosamonda entertained a motion to continue until August 6, 2003 at 7:00 PM. Motion was made by Council Member Gunter. Vice Mayor Coleman 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. Ordinance No. 12-03 – Vacating a Portion of a Utility Easement at 39 Hollow Pine Drive - **First Reading.**
- *2. Ordinance No. 13-03 – Reinstating the Prohibition of Exposed Metal Buildings on Gateway Corridors – **First Reading.**
- *3. Resolution No. 03-09 - Establishing a City Council Policy for Administrative Approval of Requests for Waiving Code Enforcement Fines and Liens.

Mayor Rosamonda removed item 3 from the Consent Agenda. It was discussed that an additional exhibit was provided for item 1. City Attorney Ardaman read Ordinance No. 12-03 and Ordinance No. 13-03 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.

City Attorney Ardaman read Resolution No. 03-09 by title. It was discussed that the majority of requests to waive or reduce Code Enforcement liens were in excess of the proposed \$10,000 limit; that the number of cases brought before the Council would not be significantly reduced by the adoption of this Resolution; that the process in the Resolution applied only to foreclosure situations with specific conditions and that payment of administrative costs would still be required; and that no limit as to the amount of the outstanding Code Enforcement lien be included. Mayor Rosamonda entertained a motion to approve Resolution No. 03-09 and to remove Line 3 of Section 1. It was discussed that in foreclosure situations on homesteaded property, liens would cloud title and was the reason mortgage companies usually would agree to pay administrative costs to remove them; that it was a benefit to the City to at least collect those costs; that if the City was named in a foreclosure, then liens were removed as a matter of law by the completion of the foreclosure proceeding; the willingness to pay administrative costs is dependant upon the type of mortgage financing and the lending institution; and that homeowners selling property themselves would probably be required by a buyer to clear the liens, but that the homestead exemption prevents the City from filing a foreclosure action code enforcement board liens. Motion was made by Council Member Carson. Council Member Allen seconded. The motion carried unanimously.

VIII. Growth Management and Development Review

Consideration of the Interlocal Agreement Creating the Water Authority of Volusia was discussed at this time in deference to visiting dignitaries. It was discussed that a \$23,987 membership fee would be required from the City to participate in the Water Authority of Volusia County and the Authority would benefit all of Volusia County. Mayor Rosamonda entertained a motion to approve joining the Water Authority of Volusia and authorize the payment of \$23,987.

Mr. Ted Irwin, Orange City Mayor, 613 Chambers Way, Orange City and Chairman of the Transition Team of the Volusia Water Alliance, discussed that the fee was based on all 17 entities joining; that the final total would change depending on the number of communities participating; that initial administrative costs were estimated at \$530,000; that if the Authority was in existence by October 1, 2003, the St. Johns River Water Management District had pledged \$500,000 for projects in the current year and that this amount should continue or increase yearly; that interim funding was based on member assessments to cover administrative costs in the first four years; that mid-term funding would probably be through St. Johns River Water Management District assessments at a millage of .02; that the St. Johns River Water Management District millage assessment would require approval, but that it was anticipated as passing; that the final funding stage of the Authority would be when all revenues generated would be from the sale of water; that the Interlocal Agreement stated that member assessments would cease by the fourth year; that mid-term and final funding might have some overlap, but final programs and infrastructure expansions and improvements should be supported by the sale of water; that new water sources would be more expensive, as treated river water and desalinated water sources would be needed; that rates would be the same for everyone at the wholesale level; and that at this time it appeared that 13 cities would be participating. It was discussed that Florida Water currently owned the system in Deltona and that the County was negotiating to purchase it; that alternate water sources would provide equitable supply throughout the County; that conservation, re-use of storm water and other alternate water sources would be utilized; that there would be other funding sources available, such as Grants; and that present water supplies would fall short by 15 to 20 thousand gallons per day before the year 2020.

Linda White, 1908 Salem Court, Deltona, Executive Director of the Chamber of Commerce of West Volusia, thanked Vice Mayor Coleman for his involvement on the Water Transition Team; that the Chamber's Executive Board and Government Relations Committee had reviewed the document; that the Chamber strongly supported the Interlocal Agreement; that even though DeBary did not have its own utilities, it would be beneficial to participate; and that support was needed from the West Volusia area for the Water Authority.

Mayor Rosamonda entertained a motion that the City of DeBary joins the Water Authority of Volusia with the appropriate membership fees as determined according to the total number of City's participation. Motion was made by Vice Mayor Coleman. Council Member Gunter seconded. It was discussed that the worst case scenario would be for the membership fees to double; that this is not expected to occur; that membership fees would cease in four years; that the terms of the Agreement were for a 40-year commitment due to the cost of the projects under consideration; that there might be partnerships with other counties to reduce costs on proposed projects; that the cost of water to the consumer for alternate water sources would be

approximately 20 cents per thousand gallons; that all major decisions required ratification by three quarters of the membership, which would protect smaller communities; that the Interlocal Agreement was a cooperative effort between 16 government entities; that it was anticipated that Deltona would join; that five cities were on board and other cities were voting this evening; that Lake Helen was in agreement with the spirit of the Agreement but did not join at this time. The motion carried unanimously. There was discussion of impact fees and that the Water Authority was not involved with impact fees and that the City's representative and alternate to the Authority should be chosen. Mayor Rosamonda entertained a motion that Vice Mayor Coleman would be the primary Member and Mayor Rosamonda would serve as alternate. Motion was made by Council Member Allen. Council Member Gunter seconded. The motion carried unanimously.

1. Consideration of Extension of Final Site Plan Approval- The Village at DeBary.

Volusia County Land Development Manager Palmer Panton reviewed the Site Plan; that it had been approved by the City Council in May of 2002 and had expired; and that the Gateway Corridor Standards had been adopted and parking requirements had changed since the original approval. It was discussed that, without the granting of an extension, the site plan review process would have to be started over.

Millie Piper, 247 Bayou Circle, stated that, at the time of the original approval, projected lease rates did not meet construction costs; that the widening of Enterprise would now support the project; and that she felt the Village would be in line with the Gateway Corridor Standards. It was discussed that the planned parking did not meet the current requirements; that landscaping and screening requirements would have to be met; and that colors, materials and elevations would require approval. Ms. Piper noted that there were already differences to elevations in the plan; that color requirements could be met; and that she had requested the extension prior to the expiration date. It was discussed that a revised plan would have to be submitted for approval to meet Gateway Corridor Standards including landscaping; that City Manager Diamond and Mr. Panton could review the plan for required modifications; that there would be a 30-day review period; and that an appointment would be set next week to provide an itemized list to Ms. Piper.

IX. Old Business

1. Recommendations for Implementation of Streetscape Master Plan.

Bill Long, 145 S. Highway 17-92, Member of the DeBary Streetscape Committee, discussed that \$250,000 was budgeted for Streetscape improvements in the City's current budget; that the Committee was recommending improvements from Plantation Road to North Shell Road which included the installation of the decorative streetlights; that at each intersection stamped asphalt would be used for crosswalks, which would resemble paved crosswalks, as well as 44 decorative planters with trees, groundcover and installation; six benches at the Votran bus stops with trash receptacles; that the streetlight cost came in under estimates and it was requested that the City Council consider a 30-foot Clock Tower to be installed at City Hall; that the Clock Tower could be relocated to any new facility; and that the total amount requested was \$191,674 for the items as noted.

It was discussed that the remaining funds should be left available in the budget for unexpected installation costs; that, after installation, decorative streetlighting would then be considered for the north and south ends of the corridor; that the original \$250,000 budget was based on the initial estimates; that Progress Energy estimated three months for installation of the decorative streetlights once the contracts were approved; that the planters and decorative crosswalks could be implemented quickly; that initial irrigation for the planters' trees and ground cover was part of the budget and the plantings would also be drought-tolerant plants; and that the decorative lighting would be in addition to the overhead lights until alternate lighting was available. Mayor Rosamonda entertained a motion to approve the Streetscape Plan of \$191,674 including the Clock Tower and the \$58,326 for over-run costs or additions and in the alternate to roll over the remaining funds to the next fiscal year. Motion was made by Council Member Carson. Vice Mayor Coleman seconded. The motion carried unanimously.

X. New Business

1. Consideration of Interlocal Agreement Creating the Water Authority of Volusia. Item 1 was heard at an earlier time.
2. Resolution No. 03-10 – Adopting Annual and Five-Year Plan Revisions for Community Development Block Grant (CDBG) Appropriations.

City Attorney Ardaman read Resolution No. 03-10 by title. City Manager Diamond reviewed the updates to the CDBG plan to be submitted to the County; that the previous CDBG plan and CDBG allocation of \$66,000 was based on the City's 1990 population, that the 2000 census showed that only one low-to-moderate income area remained; that the federal government required revision of the Annual and Five-Year Plan to incorporate the 2000 census information; that this change would not affect the current year's projects; that since the streets and drainage in the new target area was private, infrastructure improvements would not be allowed; that an allowable use was for planning and economic development activities; that the updated plan proposes to use the funds for the preparation of the Community Redevelopment Plan; that if the Community Redevelopment Needs Study currently underway supported the requirements for the formation of Community Redevelopment Area under Florida Statute 163, a Redevelopment Plan would be required and would need funding; that, in the five-year plan, funds would be used for economic development for the first four years and that the final year's funding would be to update the City's Comprehensive Plan, which, at that time, will be mandated by the State; and that it was anticipated that due to the low percentage of low-to-moderate incomes in the City, the City might fall out of the Block Grant Program in the future.

Mayor Rosamonda entertained a motion to approve Resolution No. 03-10. Motion was made by Council Member Gunter. Council Member Carson seconded. The motion carried unanimously.

3. Consideration of Bid No. 03-03 – Gateway Park Fence Replacement.

City Manager Diamond stated that the Council had allocated \$60,000 in the current fiscal year under the Capital Improvements Program to replace the wood perimeter fence at Gateway Park, the fence would be replaced to meet the City's Gateway Corridor Standards; that there were 11

bid packages requested, three companies attended the mandatory pre-bid meeting and one bid was received from AAA Fence Company at \$59,949; that the fence construction plan had been reviewed by an architect for aesthetics, symmetry and compliance with the Gateway Corridor Standards; and that it was recommended that the bid be awarded to AAA Fence Company. It was discussed that the portion of the fence that acts as a sign should contain the City seal and that other City entry signage should be consistent with this design; and that decorative lettering was included in the bid price.

Mayor Rosamonda entertained a motion to award the bid to AAA Fence Company of Daytona Beach in the amount of \$59,949 and to authorize City Manager Diamond any additional funds needed to add the City Seal. It was discussed that, once the notice to proceed was given, the contractor would have 90 days to complete the work. Motion was made by Council Member Allen. Council Member Carson seconded. The motion carried unanimously.

4. Consideration of Purchase of Portable Concession Trailer for Community Park.

City Manager Diamond reviewed the proposals; that the Williams-Scotsman of Orlando proposal for a used construction trailer was \$6,595; that there would be upgrades required to meet building codes and to obtain Department of Community Affairs (DCA) certification at an approximate cost \$3,000 to 6,000; that the cost included setup and installation of tie-downs; that Little League agreed to remove the existing concession stand; and that the purchase was recommended. It was discussed that the trailer was a single structure; that A/C ducting on the floor would be blocked by equipment and there might be additional cost to change out the ducts; that the City could piggy-back onto an existing contract that Orange County had with Williams-Scotsman for a concession trailer that would be a new trailer with DCA certification for approximately \$19,000; that a permanent concession stand is proposed to be built at Bill Keller Park and that games could be held there without requiring an additional trailer at Community Park; that both Community Park and Bill Keller Park are needed for Little League, that the concession stand was the primary source of revenue for the Little League; and that scoreboards are to be installed at Bill Keller and Community Park. It was discussed that the specifications for the higher priced trailer would be brought back and that it could be discussed at the next Special City Council meeting.

5. Consideration of Contract for Services for Community Redevelopment Needs Study – GAI Consultants.

It was discussed that the Economic Development Advisory Committee (EDAC) interviewed applicants and recommends the selection of GAI Consultants; that the Study would provide information to present a Community Redevelopment Plan to the County for approval; and that the consultant's cost would be within the \$30,000 budgeted.

EDAC Chair Carol Lawrence, 253 Hazeltine Drive, noted that a summary and proposed contract had been provided; that the proposed Needs Study would determine the boundaries and qualified blight areas. It was discussed that the Community Redevelopment Area (CRA) would provide better redevelopment options and help provide better infrastructure; that it would be a long-term process; that the County Council would have to approve a CRA; that the consultant would

facilitate workshops with the County; that the County Council preferred restrictions for CRA's; that they would not approve Tax Increment Financing (TIF) spent on streetscapes; that there should be infrastructure improvements included in the plan; that the County would prefer 10-year plans; that the County's portion of the Tax Increment Financing would be on a sliding scale; that having the streetscape improvements already in place would show that the CRA would be for economic improvement; and that taxes above the baseline value for the tax increment would be put back into the same areas for improvement. Mayor Rosamonda entertained a motion to approve the contract for GAI Consultants as recommended by the EDAC. Motion was made by Vice Mayor Coleman. Council Member Carson seconded. The motion carried unanimously. The EDAC was thanked for their efforts.

6. Designation of FLOC Annual Conference Voting Delegate.

Mayor Rosamonda entertained a motion to designate Vice Mayor Coleman as the FLOC Annual Conference Voting Delegate for the City of DeBary. Motion was made by Council Member Gunter. Council Member Carson seconded. The motion carried unanimously.

7. Volusia County Thoroughfare Plan - Council Member Allen.

Council Member Allen discussed that Steve Costa had requested a request to the County for the inclusion of Ft. Florida Road in the County's thoroughfare plan by the Council; that Impact Fee credits could be used for the paving of Ft. Florida Road; that the Council would make the formal request to the County; that County Staff was uncertain whether it would qualify as a thoroughfare; and that a formal request by the City Council would carry more weight. City Manager Diamond reviewed the criteria for Transportation Impact Fee Funds.

Mayor Rosamonda entertained a motion to make a formal request to Volusia County to study Ft. Florida Road and consider the request to place Ft. Florida Road in the Thoroughfare Plan. Motion was made by Vice Mayor Coleman. Council Member Gunter seconded. The motion carried unanimously.

8. Setting of Meeting Date for Discussion of City Facility Space Needs Study.

City Manager Diamond discussed that there was an Interlocal Agreement between the County and local cities for the disbursement of the Local Option Gas Tax Funds; that a copy of the agreement was not available in time for the meeting; that the agreement had to be adopted before the end of the month; that he was requesting that a special meeting date be set for consideration of the Local Option Gas Tax Agreement, as well as a workshop, to review the preliminary Space Needs Study; that the 10-Year Anniversary Committee may present an update at that meeting; and that information on the trailer for Community Park's Concession Stand could also be reviewed. It was the consensus that on July 23, 2003 a Workshop would be held at 6:00 PM and a Special Meeting would be held at 7:00 PM.

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

1. Board Committee Reports

2. Board/Committee Appointments

- | | | | |
|----|-----------------|----------------------------------|-----------|
| A. | Board: | Code Enforcement Board | Gunter |
| | Term Expires: | May 3, 2003 | |
| | Incumbent: | Mark Whitley (Willing To Serve) | |
| | Length of Term: | Three Years | |
| | | | |
| B. | Board: | Code Enforcement Board | Rosamonda |
| | Term Expires: | July 5, 2003 | |
| | Incumbent: | W. Don Pulver (Willing To Serve) | |
| | Length of Term: | Three Years | |

It was discussed that there might still be a Code Enforcement Board appointment pending for Vice Mayor Coleman. Mayor Rosamonda entertained a motion to approve the appointment of Mark Whitley and W. Don Pulver to the Code Enforcement Board. Motion was made by Council Member Gunter. Vice Mayor Coleman seconded. The motion carried unanimously.

- C. Historic Preservation Committee
- D. Volusia Growth Management Commission.

Mayor Rosamonda entertained a motion to appoint Jay Erndl to the Volusia Growth Management Commission. Motion was made by Vice Mayor Coleman. Council Member Allen seconded. The motion carried unanimously.

3. Member Reports/Communications

- A. Mayor and Council Members

Vice Mayor Coleman discussed that the St. Johns River Water Management District was researching the building of a water treatment plant for river water; that one area on the river in DeBary was under consideration. It was discussed that the COPs had a program to check on the elderly and infirm; that the Council could recommend support of the program to the Sheriff's Department; that the program was a volunteer effort and had not recently been active; and that Captain Osowski would bring back more information. Vice Mayor Coleman also noted that Ken Baker had resigned from the Volusia Growth Management Commission.

Council Member Allen noted that DeBary Save Our Schools was rescheduled for the next meeting. It was discussed that the Resolution could not be re-heard without the request of a dissenting Council Member; that there had been no new information from the School Board; that the School Board had requested a determination on whether they would have to go through the PUD amendment process and a revision to the Development Order for the Town Center property; and that there was support in Orange City for a school on their site. Council Member Allen also asked City Manager Diamond whether there was someone to assist with the Parks and Recreation Department and was informed that the YMCA would assist with the Summer Programs. It was discussed that there had been extensive discussion already regarding the School

Site issue and that there could be a time limit placed on the presentations. It was the consensus of the Council that the school site issue would not be placed on the next agenda. City Manager Diamond would advise DeBary Save Our Schools that they would not be placed on the Agenda.

Council Member Carson discussed that the Mercedes Homes building and adjoining site in Glen Abbey would be available for purchase; that the site could be utilized for recreation for the City and could generate income through the use of the Clubhouse; and that City Manager Diamond could contact the owners to determine if they would be willing to sell the property.

Council Member Gunter discussed that the DeBary Art League had requested information on using Gateway Park as the site for the proposed Center for the Arts; since the property was under lease from the State, its use for something other than a park would have to be negotiated; that they were looking to build additional facilities at Gateway Park and would still maintain the toddler lot; and that they wanted to open discussions with the City Council. Council Member Gunter also noted that the Soft Shadow Lane retention area was under construction and should be completed by July 14, 2003; that Vice Mayor Coleman had been instrumental in providing the correct information to the residents of Soft Shadow Lane; and that the Sheriff's K-9 dog had been disqualified during training and a new dog was being brought in.

B. City Attorney

City Attorney Ardaman discussed that Billy Bishop had requested an extension of time to present a payment plan. Mayor Rosamonda entertained a motion to approve a 10-business day extension in the Billy Bishop case. Motion was made by Council Member Gunter. Council Member Allen seconded. The motion carried unanimously.

City Attorney Ardaman also discussed that a full settlement package had been received regarding the Summerhaven pond; that there were some minor changes; that the City Council had authorized execution of the documents; and that, in the event of any substantial changes, the documents would be brought back before the Council.

C. City Manager

Assistant City Manager brought attention to the conceptual plan for the landscaping of Enterprise Road Retention Pond; that the County had agreed to provide and install the trees; that the City would be responsible for the asphalt trail along the berm; and that an estimated price had been requested from the County's consultant if the City chooses to fund water fountains and the use of the dry retention area for practice fields.

XII. Adjournment. The meeting adjourned at 10:20 PM.

**APPROVED August 6, 2003
CITY OF DeBARY
CITY COUNCIL**

Carmen Rosamonda, Mayor

**ATTEST:
Maryann Yaskanich, City Clerk**