

City of DeBary
REGULAR CITY COUNCIL MEETING
Wednesday
November 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 Courson, Assistant City Attorney Dan Langley

III. Public Participation For Any Issues Not On the Agenda

Fred Lutz, 126 Sher Lane, spoke in favor of a fire station on the west side of the railroad tracks, that he would initiate a petition and contact the County if necessary; that the development of 400 homes on Fort Florida Road was cause for concern as to emergency vehicle access; and that there might be long delays for emergency vehicles when trains were crossing.

It was discussed that an inquiry had been made to the County Fire Services Department; that City Manager Diamond had received a reply that there was not yet enough demand; that response times were currently good; that alternate routes and protocols were in place in the event of train or vehicle delays; that monitoring was in place; and that it would be addressed if matters changed in the future.

Eugene Stump, 106 Birkwood Court, spoke regarding a proposal for striping double yellow lines on Spring Vista and Shell Roads and he thanked the City Council for their attention to the matter. City Manager Diamond noted that estimated costs for striping were \$3,000.

IV. Approval of Minutes

1. Regular City Council Meeting held October 1, 2003.
2. Special City Council Meeting held October 22, 2003.

Motion to approve both Minutes as written was made by Vice Mayor Coleman. Council Member Gunter seconded. The motion carried unanimously.

V. Presentations

1. Proclamation – Month of the Family – November 2003.
Mayor Rosamonda read the Proclamation declaring November 2003 the Month of the Family in the City of DeBary and urged citizens to recognize the family as a building block of society and community.

2. Proclamation – Buddy Poppy Day – VFW
Mayor Rosamonda read the Proclamation recognizing Buddy Poppy Days to be held on November 7 and 8, 2003 in recognition of our Veterans and in support of widows and families of Veterans.

Vice Mayor Coleman noted that the Daytona Beach News-Journal had recently recognized Diana Pulver for her work on water and conservation issues.

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. Rezoning Approximately .3 Acres of Property Located At the Intersection Between Azalea Drive and Hibiscus Drive West of Highway 17-92 from R-4 (Urban Single Family Residential) to BPUD (Business Planned Unit Development) – **Second and Final Reading.**

Assistant City Attorney Dan Langley read Ordinance 15-03 by title. Volusia County Planner Scott Ashley discussed the conditions noted at the first reading of the Ordinance; that signage would be restricted to a single 12-square foot sign in a 3 x 4 size; that no new outside lighting to the exterior or parking area would be added to the existing lighting; that existing landscaping would be enhanced; that the only permitted use would be as an insurance office; and that approval subject to the conditions as modified was recommended.

Mr. Watts discussed that his client was in agreement with all of the conditions and that he wished to disclose that the DeBary Art League had used the rear storeroom for storage. It was discussed that it was not storage space but was donated space on a temporary basis.

Mayor Rosamonda entertained a motion to approve Ordinance 15-03 on second reading pursuant to County Staff report modifying Item 4 from 6 square feet to 12 square feet for the sign. Vice Mayor Coleman made motion. Council Member Allen seconded. The motion carried unanimously.

2. Request for Variance – Zoning Case No. D-03-008 - County of Volusia
Leisure Services requesting a Variance for a east side yard setback (6 feet in lieu of the required 50 feet); north side yard setback (25 feet in lieu of 50 feet) and east landscape buffer (0 feet in lieu of 25 feet) and a variance to Section 4(D) of the Land Development Code's Landscape and Buffer Standards along the south and east property line (placement of fence on the property line in lieu of placement on the inside boundary of the buffer yard) for a visitor center and trailhead/picnic pavilion on the following described parcels of P (Public Use) zoned property.

Volusia County Planner Scott Ashley discussed the request; that the parcels were owned jointly by the State and County as part of the DeBary Hall complex; that a visitors center, parking area, pavilion and trailhead structure, replacing a prior structure, were planned; that there was a

hardship in implementing setback requirements due to the configuration of the properties; that visitors would be directed into the DeBary Hall site; that the reduction of the buffers would be to allow the use of one lot as the access route; and that a final site plan would be submitted to land development.

It was discussed that the setback boundaries in question were all adjacent to State-owned land and not to residential properties; that the County was making the application because the property was zoned for public use. Vice Mayor Coleman disclosed ex-parte communication with interested parties; that fencing on the outside perimeter would provide protection for the adjacent residential properties; and that the County would also be able to maintain the site without having to access the site via private property.

Lois Gebben, 215 Margarita Road, stated that DeBary Hall was to the rear of her property; that the fence would be on her property line; that information sent to her did not appear to be complete; and that she requested the variance not be granted. It was noted that, if the fence were set back as required, the County would need to enter private property for maintenance. Ms. Gebben asked what the noise level would be and whether there would be traffic into a parking lot.

Scott Ashley noted that the entrance would be on the south end on Sunrise Boulevard with a long driveway and a parking area near the middle of the property; that there would be a 25' landscape buffer; and that existing vegetation would be maintained as much as possible. Ms. Gebben asked for additional materials to distribute to her neighbors stating that the fence type was discussed as being a fence for screening.

Ruth Perry, 100 E. Pine Street, Orlando, discussed that the fence was planned to be a 6' stockade fence on the residential boundaries; that the historic style fence would be on Sunrise; and that the City Code required the stockade fence.

Cheryl Jessup, 200 Sunrise Boulevard, discussed that she had also not received appropriate information; that it was not clear where the fencing was to be installed; and that maps and drawings should have been made available. Ms. Perry reviewed locations and types of fencing to be used; that stockade fencing would completely block any view of the residential property; and that there was a meeting at DeBary Hall on November 18, 2003 to review the plans. It was discussed that the final site plan still had to be brought before the City Council for approval; that the public was invited to the meeting at DeBary Hall; that notices should be sent out; and that the area of the perimeter to be fenced was on the property line on the west and south sides.

It was further discussed that a variance approval would allow the placement of the fence on the property boundary; that the final site plan, with details, would be brought back at the December meeting to meet the timeline to obtain grant funds; and that the Land Development Department would review the Plan.

Mayor Rosamonda entertained a motion to approve Zoning Case No. D-03-008 pursuant to the Staff Report. Council Member Gunter made motion. Council Member Carson seconded. It was further noted that the County should make the effort to provide adequate information to surrounding residents. The motion carried unanimously.

2. Request for Special Exception – Zoning Case No. D-03-007 - Application of Luis C. Geil for Owner Douglas F. Holly for a Carwash in a R-4 (Urban Single Family Residential) zoning classification, B-4 (General Commercial) zoning classification and the Village Center Overlay classification,

Volusia County Planner Scott Ashley discussed the request for variance; that several lots that currently included residential and a motel use were to be redeveloped; that the carwash was allowable under B-4 Zoning; that design and elevation plans were provided with the site layout and would adhere to Gateway Standards; that an area for future retail and service areas were included; that the main entrance would be on Colomba Road; that parking for the second phase retail area would be addressed at the time of development; that existing landscape would be enhanced in the buffer zones adjacent to residential areas; that there were commercial uses in the surrounding area; that there were Staff comments that would require review during the formal site plan review process; that there were no specific standards in the Ordinance addressing carwashes other than the Village Overlay classification and Gateway Standards; that it would be one of the first developments under the new Gateway Standards; that the proposal was consistent under 5.403 of the Comprehensive Plan for Redevelopment; and that County Staff recommended approval subject to Staff comments regarding a detailed Site Plan and a Unity of Title Agreement regarding the residential property.

Mayor Rosamonda, Vice Mayor Coleman, Council Member Allen, Council Member Carson and Council Member Gunter disclosed ex-parte communication with interested parties. It was discussed that under the Ordinance a special exception was required to determine if it was a compatible use for the area; that it was a redevelopment of an existing commercial use; that the self-service portion would have 24-hour access; that additional conditions could be added by the City Council if desired; that there were surrounding residential areas that might be affected; and that the vacuum stations would be beyond the buffer zone.

Douglas Holly, 9 Colomba Road, discussed that the property was adjacent to the Fire Station and would not cause any additional disruption; that an 8' concrete wall would divide the property from the residential area. It was also discussed that the lighting had not been specifically addressed but would be shielded as per requirements; that it would be nearly two years before the residential portion of the property would be demolished and replaced with retail spaces; that there would be additional security requirements if the business was required to close down during overnight hours; that there were concerns with loitering in the facility late at night and early evening hours; that the Fire Department and Police Department were close by for observation purposes; and that this issue could be addressed in the future if problems occurred.

Mayor Rosamonda entertained a motion to approve Zoning Case No. D-03-007 pursuant to the Case Report as provided by Staff. Council Member Allen made motion. Council Member Carson seconded. The motion carried 4-1 with Vice Mayor Coleman dissenting.

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. Final Plat – DeBary Plantation Unit 21C (DGCC) – File No. 03-S-FPL-0379.

- *2. Final Plat – DeBary Plantation Unit 21A (DGCC) – File No. 03-S-FPL-0380.
- *3. Overall Development Plan - Glen Abbey Unit 5 – File No. 02-S-OPD-0159.
- *4. Resolution No. 03-20 – Amendment to Fiscal Year 2002/2003 Annual Operating Budget.

Item 3 was removed from the Consent Agenda. Assistant City Attorney Langley read Resolution No. 03-20 by title. Mayor Rosamonda entertained a motion to approve the Consent Agenda for Item Numbers 1, 2 and 4. Council Member Gunter made motion. Council Member Allen seconded. The motion carried unanimously.

Volusia County Land Development Manager Palmer Panton discussed the proposed Development Plan by VLX Properties; that the property would connect Glen Abbey Lane through to Pine Meadow Drive. It was discussed that there were wetland areas located within the projects boundaries; that there might be concerns with flooding issues if fill was added; that the plan presented was an Overall Development Plan; that the preliminary plat and final plat would still have to be presented for approval; and that the developer was responsible for capturing additional stormwater runoff and no new stormwater runoff was allowable. City Manager Diamond discussed that the flooding issues at Alexandra Woods Drive and Toronto Street had been corrected, but there were issues with water coming off of the power line right of way into James Pond; that the developer would be responsible for capturing any additional stormwater runoff; that County Engineering and St. Johns Water Management District would have to approve the stormwater engineering; that there were existing dry retention areas that would be filled in and additional retention areas would be added; and that no adverse impact to off-site areas would be allowable.

There was further discussion that there were other areas of concern in Glen Abbey regarding water and flooding issues; that the proposed retention area would overflow into James Pond, but could not be at any greater rate than what currently existed; that the proposed plan could change depending on findings; and that there would be future opportunity to review this development once the engineering was completed.

Mayor Rosamonda entertained a motion to approve Overall Development Plan - Glen Abbey Unit 5 – File No. 02-S-OPD-0159 as provided, with the understanding that the Council had concerns about storm water retention and runoff into James Pond. Council Member Gunter made motion. Council Member Allen seconded. It was further discussed that it would be difficult to determine future impact based on the engineering information; that a longer term maintenance bond might be issued; that typically a one-year bond was required by the Land Development Code; that James Pond overflow was currently being pumped into the Emergency Stormwater System out to the I-4 swale; that an existing retention pond in Tract A did have outfall to James Pond.

Tim O’Neil, VLX Properties, discussed that the pre and post-development outfall could not change per the Land Development Code and that substantial retention area was included in the plan. It was discussed that, in this case, the Council could require a Council review of the preliminary plat and the engineering if approval was given; that the Council was bound by existing regulations; that storm water retention was only to control the runoff of groundwater; and that stormwater overflow was all to

James Pond currently; and that other developments recently completed had not caused any additional issues.

The motion carried 3-2 with Council Member Carson and Vice Mayor Coleman dissenting.

VIII. Growth Management and Development Review

1. Request to Waive Fine and Release Lien by Sally Neider – Code Enforcement Board Case No. DEB-00-021.

Sally Neider, 1250 Baton Drive, Deltona, requested that the Lien be released and the Fine waived at 210 DeBary Drive. It was discussed that Ms. Neider had first received notice in 2000 of problems on the property; that she had since removed the structure; and that she had been attempting to move the structure prior to receiving the Code Enforcement notice. It was discussed that a notice of violation had been sent in 1996 that Ms. Neider stated she was not aware of that notice; that she was not aware of a notice of violation in 1999; and that the County had accepted the structure as an historical building and removed it from the property.

There was further discussion that the property still had to be mowed and maintained even though the structure was moved; that there had been issues in getting the structure moved; that there should be consideration that Ms. Neider had agreed to donate the building to the County; that there were administrative costs incurred as noted in the Staff report; that there were questions regarding moving the structure off the property while the Lien was attached; that Ms. Neider had lived in the property for approximately 20 years; and that an attached shed had been demolished after a notice of violation was received from the Code Board.

Chairman of the DeBary Code Enforcement Board Don Pulver discussed his recollection of events in the Case; that the Code Board had taken action due to the unsafe condition of the structure and lack of maintenance on the property during the delay in moving the structure.

Inspector with Volusia County Building Department Tom Reynolds discussed that the Case appeared to have started in 1997; that the power had been disconnected to the house at some point in 1997-1998 due to safety concerns; that the garage structure was removed after the property was found in Non-Compliance; that a Permit application for repairs was submitted in 2000; that he was not aware that the structure had been removed until January of this year upon which he issued an Order of Compliance; and that the administrative costs were not excessive.

It was discussed further that at the Code Board meeting of November 8, 2000 it was noted that the notice of the first violation was dated September 1998 and would have been sent to Ms. Neider; that the property had been given 60 days to comply, after which a fine was to have been imposed if not completed; that in the interim between November 8, 2000 and the time that it was removed, there was no other activity other than the destruction of the garage and breezeway area; that there had been a request for Waiver of Lien in order for the DeBary Hall Group to attempt to purchase the property and the permit for repairs was applied for in anticipation of a possible purchase; that the sale was not completed and the effort was begun to move the structure; and that Ms. Neider had been told that once the property was in compliance, she could request a waiver.

Tom Scofield, Volusia County Leisure Services 536 W. Pennsylvania Ave., DeLand, discussed that the DeBary Hall Manager had expressed interest in the property in 1998 by letter to Ms. Neider; that resources at the time for DeBary Hall were dedicated only towards Hall restoration; that late in 2001, Mr. Scofield had been contacted regarding the property by a prospective buyer regarding its historic value; that the structure was moved in October 2002 after other properties was available to situate the structure upon; and that Ms. Neider had owned the property, but the County had taken ownership of the structure.

Vice Mayor Coleman made a motion to impose a Fine of \$500 for expenditures. Assistant City Attorney Langley reviewed the guidelines followed by the Code Enforcement Board regarding Waiver of Liens. Council Member Gunter seconded the motion. There was further discussion of the historical contribution by Ms. Neider and the time line for the County to complete the removal of the structure; that a lesser fine might be appropriate; that other violations had occurred on the property; that Ms. Neider was financially constrained from repairing the property during the time in question; and that she had no knowledge of abandoned vehicles or selling of vehicles on the property as shown in the Code Enforcement reports.

Mr. Reynolds discussed that reports may have been generated by telephone complaints, which were thereafter closed upon inspection of the property and that the case was opened in 1998, but was not brought before the Code Board until 2000.

Marlee Grein, 34 Naranja Road, with COPS, stated that she had never seen abandoned vehicles or vehicles for sale on the property; that she had not seen unauthorized activity; and that No Trespassing signs had been properly posted.

The motion carried 4-1 with Mayor Rosamonda dissenting.

2. Request to Waive Fine and Release Lien by Mr. and Mrs. Joy C. Sagar – Code Enforcement Board Case No. DEB-03-013.

City Manager Diamond discussed details of the foreclosure of the HUD-owned property; that HUD had sold the property to Mr. and Mrs. Sagar who had not been aware of the notices or violations, which were sent to HUD; and that the Sagar's had made improvements to the property.

Willis Hamblin, father of Mrs. Sagar, discussed that the fine had not been placed on the property after they had purchased the property in March of 2003 without their knowledge of the notice of violation sent to HUD; that due to recording delays, the Code Enforcement Board and the County were unaware of the change in ownership when the lien was imposed; and that the Code Board had suspended the fine and the property was now in compliance.

Motion to waive fine was made by Council Member Allen. Council Member Gunter seconded. It was discussed that the Code Board's policy had been revised to record liens immediately upon imposition of fines. The motion carried unanimously.

IX. Old Business

1. City Manager's Goals and Objectives.

It was discussed that the City Manager would combine the goals and objectives desired by the City Council Members; that he would come back with time frames and probabilities for completion of those goals; that not all of the Council Members lists of goals were available at this time; and that a comprehensive list would be presented at the next meeting. It was discussed that some goals identified were finding a location for City Hall with completed engineering plans and construction to commence by the end of the fiscal year; to finalize acquisition of land for Community Park and complete engineering plans and begin construction by September 2004; a site to be selected and purchased for DeBary softball, soccer and football complex; to develop and execute a plan to gain approval for DeBary Art League to locate an Art and Historical Center in Gateway Park; develop a cost benefit analysis for DeBary to join the Florida Retirement System in part or in full; to finalize the CRA Study and gain County approval; to develop engineering plans for new City entrance signage; to resolve road issues on Mansion Boulevard and East Highbanks Road and traffic issues at DeBary Elementary School by the next school year; to establish a Charter Review Committee for public election in November 2004; that one issue with the Charter was the five-year lending limit to the City. It was discussed that other goals were to complete the storm water pipeline to I-4; to provide proactive Code Enforcement; to assist Orange City and the County with construction of the High School; to research applications for grants; to prepare paperwork for City Council to reduce the R-4 zoning classification; prepare City Code to have no more than a two-story building height; to enforce building codes; to require new building impact fees to purchase additional recreation properties; complete franchise agreements; increase tree-trimming and maintenance in older residential areas; and preserve Gateway Park.

There was discussion of a sports complex as being separate from the purchase of Community Park; that an additional goal was to locate future land for a public works facilities if needed; to continue to pursue the extension of Saxon Boulevard; and that further discussion should be held at the December 3, 2003 City Council Meeting.

X. New Business

1. Approval of Purchase Agreement with Progress Energy for 17.8 Acres.

City Manager Diamond discussed the Agreement; that a copy of the revised Agreement had been provided by the City Attorney's office; that the remaining issues concerned the time frame for completion of due diligence research and the refunding of any deposits. Assistant City Attorney Langley discussed that inspections had to be completed within a 120-day time frame; that after that date a \$25,000 non-refundable deposit would be required; that sufficient information should be available after the inspection was completed to determine whether to move forward with the purchase and would not the Agreement would have to be cancelled within the 120-day time frame.

City Manager Diamond noted that the environmental consultant was prepared to move forward; that they would present findings to the federal government for environmental mitigation and any additional permitting that might be required; that this would complete the Level-1 Environmental assessment; and that their findings could be completed within the allotted time frame for the City Council to determine whether to continue the purchase. Assistant City Attorney Langley noted that the conditions requested by Progress Energy were included in the revised contract, but the language might require modifications; that no modification to the price or acreage would occur; that the 10 acres offered at the \$10 purchase price were included in the single contract; that the City's appraisal of the 17.8 acres came

in at \$267,000; and that the contract would be for 27.8 acres at Progress Energy's appraisal price of \$340,000.

There was discussion that there could be a contingency for delays caused by the seller in the completion of inspections and that the contract would include the provision that the City would be allowed to access the property as necessary to complete those inspections.

It was further discussed that the approval of the contract could include the Council's direction for the City Manager and the City Attorney to negotiate minor language changes to the contract. Mayor Rosamonda entertained a motion to approve the Purchase Agreement with Progress Energy for approximately 27 acres known as Community Park, with the understanding that they would make minor wording changes to the Contract but maintain the substantive nature of this particular contract. Council Member Gunter made motion. Council Member Carson seconded. The motion carried unanimously.

2. Request for Second Installment Under Jobs Growth Incentive Economic Development Agreement – Florida Public Utilities.

This item was heard after Growth Management and Development Review.

City Manager Diamond discussed the Agreement and stated that the Economic Development Advisory Committee had recommended approval for the second installment of the Incentive. Vice Mayor Coleman made motion. Council Member Allen seconded. The motion carried unanimously.

3. Volusia Days 2004.

Volusia Days 2004 was discussed; that contributions were being requested for participation in the Legislative session in Tallahassee and the Lobbying 101 Class that was being planned; that a list of the cities and the participation levels was provided; that not all commitments were always paid; that the average appeared to be \$1,000; and that it would be held in March 23-25, 2004 with the lobbying session to be held on December 5, 2003 at the Ormond Beach Performing Arts Center. It was discussed that strong representation was needed from the city level; that the MPO was planning to expand to handle more Legislative issues; that the City of DeBary should participate with a contribution of \$1,000. Vice Mayor Coleman made motion. Council Member Carson seconded. It was discussed that the Cities needed lobbying of the State Legislature; that Council Member Gunter, Vice Mayor Coleman and Mayor Rosamonda would attend. The motion carried unanimously.

4. West Volusia Chamber of Commerce Services Agreement.

This item was heard after Growth Management and Development Review and Item 2 of New Business.

City Manager Diamond discussed the Service Agreement for promotion and referral services by the Chamber of Commerce and stated that the Agreement for the prior year had expired and a renewal was requested.

Linda White, Executive Director for the West Volusia Chamber of Commerce, discussed the summary presented regarding the services provided to DeBary for the past year; that five positions of the Chamber's Board of Directors were residents or business proprietors from DeBary; that changes to the

Chamber's executive titles would include the President now being titled Chairman of the Board and Ms. White's title would be changed to President, CEO to further professional dialogues with larger corporations; that DeBary links via Website and telephone were maintained; that community events were shown that included Chamber involvement; that the Chamber was strongly connected with various Volusia County committees and events; that outreach events were held with Lake Mary-Heathrow as well; that Chamber support for grants would be beneficial; that the Chamber was in partnership with many local cities; that the Chamber would be involved with the proposed West Volusia Conference Center project; that economic development included small business retention as a large part of Chamber activities; and that the funds being requested were for the benefit of the City of DeBary as well as the Chamber.

President, CEO White also discussed the proposed project for a West Volusia Conference Center; that the Chamber had partnered with DBCC to move the project forward; that they were in the process of reviewing County-owned property along Veterans Memorial Parkway as a potential site; that the three cities, the Chamber of Commerce, and DBCC would form a partnership; that a Capital campaign would have to be implemented for funds; that the Chamber would handle communication and coordination for the Center. Mayor Rosamonda commented favorably on the work the Chamber had done in facilitating the project. There was discussion of a telephone book for area businesses as means of revenue for the Chamber.

It was discussed that a multiple-year contract could be approved. Mayor Rosamonda entertained a motion for a two-year contract at \$5,000 per year, subject to budget appropriations. Council Member Allen made motion. Council Member Carson seconded. The motion carried unanimously.

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

1. Board Committee Reports

A. 10 Year Anniversary Committee – Review of Contracts.

This item was heard after Item 4 of New Business. Patrick Fulton, Chair of the 10 Year Anniversary Committee was called; that contracts for East Coast Entertainment and Enterprises of Mid Florida were presented. It was discussed that the current commitment for funds was at approximately \$60,000 including the entertainment and production company, VIP Dinner, Golf Tournament and 5K-10K runs; that the County had reduced fees by \$1,900 for the use of Gemini Springs Park; that the expenses did not yet include possible revenues to offset the expenses; and that the Snow event was included in the \$60,000 estimate.

There was further discussion of the contracts; that the 55-degree temperature restriction in the contract for the group "Liquid Pleasure" was of concern; that heaters could be implemented; and that incidental costs were not calculated. Mr. Fulton noted that dressing areas had been designated in the Spring House and catering would be handled as in-kind service by local restaurants; that Bill Langford had copies of all entertainment and performer contracts; that weather insurance was being investigated to cover any fees due to inclement weather restrictions; that the contract could be made contingent upon obtaining a Weather Insurance Policy, as the cost for that insurance was not yet known; that some of the burden for the coverage could be place on the

promotion company; and that the cost of insurance versus the cost of fees to the performers had to be considered.

It was further discussed whether the stages were covered; that Mr. Fulton would check that they were; that the 55-degree temperature was too restrictive for the time of year; that Mr. Fulton would follow up on that detail; that heaters could be provided and verbiage that the temperature would be the on-stage temperature should be added; that approval of the contract should be contingent on the verbiage; and that insurance was still desirable.

Mayor Rosamonda entertained a motion to approve the East Coast Entertainment contract amending Section 8A to read, “temperatures not to be below 55 degrees Fahrenheit on-stage before or during the performance” and to approve the contract with Enterprises of Mid-Florida for snow. Council Member Carson made motion. Council Member Gunter seconded. The motion carried unanimously.

There was discussion of the Parade Float; that there had not been proposal presented with the lowest cost being \$2,500; that the parade usually consisted of home-style floats; that the cost might be excessive for the one-day event; that having a local group construct the float had been considered; that the opinion of the City Council was sought; that the 10 Year Anniversary Committee had discussed a sub-committee for the construction of a float; that the advertising value at the parade was desirable; that a professional-style float could promote the style of the 10 Year event; and that the price could be further negotiated; that Council Member Carson could assist. Motion was made by Council Member Carson to negotiate a price at a maximum of \$2,500 for a float for the DeBary Christmas Parade to advertise the 10 Year Anniversary Celebration. Council Member Gunter seconded. The motion carried 4-1 with Vice Mayor Coleman dissenting.

2. Board/Committee Appointments

- A. Historic Preservation Committee Gunter
- B. Code Enforcement Board Alternate Gunter

Mayor Rosamonda entertained a motion to approve Tom Smith as an Alternate for the Code Enforcement Board. Council Member Allen made motion. Council Member Carson seconded. The motion carried unanimously.

- C. Freedom Festival Advisory Committee

3. Member Reports/Communications

- A. Mayor and Council Members

Council Member Gunter discussed that he had attended the Moonlight and Mums Ball at DeBary Hall; that six County Council Members had attended as well as Congressman Mica; and that City Manager Diamond and Council Member Carson had attended.

Vice Mayor Coleman discussed various meetings and functions that he had attended over the month of October and stated that it had been a very active month in the Community.

- B. City Attorney
- C. City Manager

City Manager Diamond discussed the striping of double yellow lines on Spring Vista and South Shell Roads would cost approximately \$3,000; that the City Council could consider it at this time. It was discussed that Shell Road also required maintenance on the shoulders close to Benson Junction; that the developer was not required to do the striping on Spring Vista Road; that striping on Shell Road would be more practical. Vice Mayor Coleman made motion. Council Member Carson seconded. The motion carried unanimously.

Mayor Rosamonda discussed that he would like to ask the City Council to support the contacting of FDOT to request the removal of the 55-mile per hour speed limit increase north of the Parkview subdivision so that the speed limit would remain at 40 north of the subdivisions in that area; that the DOT was often reluctant to reduce speeds but might take the subdivisions into consideration; and that City Manager Diamond would prepare a letter for Mayor Rosamonda's signature.

It was discussed that Building Codes did not regulate aesthetics or cosmetic conditions in housing construction; that only structural issues were addressed; and that a recent television investigation of Building Inspections had shown some problems in DeBary.

XII. Adjournment The meeting adjourned at 10:45 PM.

APPROVED December 3, 2003

**CITY OF DeBARY
CITY COUNCIL**

Carmen Rosamonda, Mayor

ATTEST:

Maryann Courson, City Clerk