

City of DeBary
Regular City Council Meeting
Wednesday
April 7, 2004
7:00 PM
Florence K. Little Town Hall
12 Colomba Road DeBary, Florida

MINUTES

I. Call To Order

1. Invocation
2. Flag Salute

II. Roll Call

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, and City Attorney Kurt Ardaman.

III. Public Participation For Any Issues Not On The Agenda

Morton Culligan, 66 Tanglewood Road, discussed the proposed CRA (Community Redevelopment Agency); that he recommended citizens read the GAI report; that he did not agree with the designations of blighted and slum areas; and that he wished to enquire why undeveloped commercial area was within the proposed CRA boundary and how funding would be distributed if a CRA was approved.

Cassandra Albrecht, 19 Volusia Drive, discussed Statute 163.350; that she did not agree with the designations of slum and blight; that she preferred the current character of DeBary; and that she did not wish to see low income housing in DeBary.

John Rokop, 230 Acacia Road, DeBary discussed that he had been a member of the City's Incorporation Committee; that he felt the goal of incorporation of the City of DeBary was to preserve the character of DeBary; and that he opposed the creation of a CRA area.

Mayor Rosamonda discussed the purpose of the CRA; that the term of slum and blight were out-dated terms now used to indicate service deficiencies such as lack of public water and sewer; that it did not apply to the appearance of DeBary; that it was applied in order to utilize the State statute for improvements to infrastructure within the community; that commercial areas had platted lots that were not of sufficient size to be appropriate to develop under modern regulations; that many properties would otherwise remain stagnant; that residential areas were included in order to provide street lights, sidewalks and similar improvements; that any

implementation plan would specify the types of improvements to be made; that types and locations of improvements could be specified in the master planning for the CRA; that grants might become available to bury power lines as well as street beautification; that other grants might provide low interest loans to business owners for improvements and enhancement of the downtown corridor; that zoning would not change and was governed by the current Comprehensive Plan; that changing from residential to commercial zoning could not occur simply by the creation of a CRA; and that low income housing would not be included in the plan.

Mayor Rosamonda further discussed that the CRA was a tool to obtain funds to improve and preserve the community; that there would not be eminent domain action to take any residential properties; that there would be public input for the implementation plan and implementation items would be specific; that the CRA was a 15 to 20 year plan and would ultimately expire; that taxes already being paid by residents would be retained in the community; and that there would be more opportunity to encourage small business through a CRA.

Council Member Allen discussed that the Comprehensive Plan required that the CRA study be performed; that the matter would still have to be voted upon by the Council; that zoning restrictions currently in place were also inhibiting growth; that communities that had been sited that had successful CRAs were not necessarily comparable with DeBary; and that he was not certain that he would be in favor of a CRA.

Council Member Gunter expressed concern that the CRA study had included an extensive residential area; that he reserved opinion until the recommendation of the Economic Development Advisory Committee was given; that he did appreciate the concept of a CRA as a tool to retain taxes in the community; that he did have reservations on utilizing the terms of slum and blight; and that he would like to obtain more complete information before coming to any conclusions in the matter.

Vice Mayor Coleman discussed that he had communicated with residents on the matter; that he did not have complete information on the Statute; that his view of the prospective project was it was focused on improvement of commercial areas and did not necessarily agree with the inclusion of the residential area; that he had met with the City Manager regarding a letter to our State Representative to request the revision of the Statute definitions; that the matter had not yet been submitted to the City Council; and that it was the duty of the members of the Economic Development Advisory Committee to review the report.

Council Member Carson discussed that as a longtime resident he appreciated the character of DeBary; that he was familiar with the grant writing process to obtain funding for improvements; that the City was in need of public improvements; that he did not agree with the slum and blight designations; and that he would wish to obtain all of the factual information available.

Carolyn Carter, 127 South Shell Road, discussed that she was not in agreement with the terms slum and blight being applied to her neighborhood and that she still had concerns with the taking of property.

Mayor Rosamonda commented that, if approved, any implementation plan would include protection of residential homes.

Sharon Kempf, 136 Lakewood Drive, discussed that she still had concerns that her property might be taken under a CRA and that she appreciated the current character of the City.

Norm Erickson, 15 Azalea Drive, discussed that he had reviewed past meetings regarding the CRA; that he did not agree that the area should be designated as slum and blight; that the current character of the City should be maintained; and that he was not in favor of a CRA.

William Trent, 15 Palmetto Drive, discussed that he was concerned that DeBary was becoming overbuilt; that he was concerned with sufficient schools; and that he appreciated the character of his community.

Richard Rouse, 20 Palm Terrace, discussed that he had concerns with a guarantee that residences could not be taken and whether this guarantee could be enforced and that enough information had not been provided to the public regarding the matter.

Mayor Rosamonda discussed that the Finding of Necessity Report would be presented to the Economic Development Advisory Committee on April 15, 2004 and that their recommendation would be presented to the City Council on May 5, 2004 for consideration.

Volusia County Council Member Bill Long presented an invitation to the City Council and all residents on behalf of the Board of DeBary Hall Incorporated to attend the first Old Country Hoedown at DeBary Hall on Saturday, April 17, 2004; that he wished to thank Vice Mayor Coleman and Council Member Gunter on behalf of Chairman Dwight Lewis, and the entire Volusia County Council for their assistance and attendance in lobbying efforts in Tallahassee.

County Council Member Long also discussed recent efforts to supply a portable or permanent stage for entertainment functions at Gemini Springs; that the Volusia County Council supported a joint effort with the City to provide such a venue at the park; that he had been requested by supporters and friends of the DeBary Art League to thank the City Council for their support of recreational and cultural activities; that the City Council had supported the study to research the feasibility of locating an arts campus at Gateway Park; that the study showed that the location was appropriate; that the many successful functions of the DeBary Art League has shown that they are a viable organization in southwest Volusia County; that he hoped the City Council would direct the City Attorney and City Manager to investigate sub-leasing a portion of Gateway Park to establish a Gateway Center for the Arts; that it would enhance and promote the character of the City. Mr. Long also asked that the First Presbyterian Church be given favorable consideration of their request for variance to be presented later in the Agenda.

Council Member Gunter asked County Council Member Long to convey appreciation from the City Council for the appropriation of \$1.7 million dollars of Grant funds for improvements to the trailhead extensions and parking areas at DeBary Hall.

Vice Mayor Coleman reminded the public of the Easter Egg Hunt on Saturday at 10:00 AM at DeBary Hall; that it was being held in cooperation with the City of DeBary, Citizens for DeBary and DeBary Hall.

Attorney Allen Watts, DeLand, discussed his experience with redevelopment areas; that concern prompted him to discuss the tax mechanism; that it could provide a means to retain taxes from increased values within the redevelopment area; that funds from that district could not be used in other areas of the community; that a larger district was a positive from that aspect; that blight also referred to vacant lots in obsolete subdivision plats; that a redevelopment area could provide a way to recombine those lots and allow appropriate development; that he did not have details of the study done in DeBary; and that he encouraged reviewing all options for and against that type of redevelopment.

Mr. Watts further discussed restrictions in the Land Development Code (LDC) in the Village Overlay District; that LDC limitations could prevent development; that redevelopment issues should be addressed before putting restrictive LDC in place; that many restrictions did not seem to be appropriate to existing businesses; that hardships could be created for some businesses; that he suggested a committee or task force review the affected properties prior to implementation of the LDC provisions in November; that problems with the LDC as developed five years ago were now appearing in certain cases; that he hoped the City Council would consider a moratorium or extension of time to comply with the LDC to review and resolve specific problems; and that he commended the City Council for trying to address the issues in DeBary.

Mayor Rosamonda discussed the LDC specifically for the Village Overlay District; that he was concerned that businesses might be forced to move; that he had discussed the matter with the City Manager; and that grant funds might be available to assist business owners with matters such as the sign requirements.

City Attorney Ardaman discussed liability to the City if property was deemed to be taken by the requirements of the LDC, this would depend if it were actually deemed to be unusable by the requirements of the LDC; that the amortization schedule for signage replacement to comply with the LDC had issues as related to recently enacted State statutes; that it was allowable to amortize the life of existing improvements such as fences and require conformity within a time period; and that a case-by-case analysis was necessary. There was further discussion of land usage; that, a portion of property could no longer be utilized in some instances, such as large set-backs required by the LDC; that in particular the implementation of the Fence Ordinance was an issue for some business owners; that there are different LDC issues when a property is redeveloped and part of the property can not be utilized; and that non-conforming uses were allowable in some instances.

It was discussed that workshops could be held to review the various LDC Ordinances and address specific issues and that property owners and business owners could be involved in those workshops.

IV. Approval of Minutes

1. Special City Council Meeting held February 11, 2004
2. Regular City Council Meeting held March 4, 2004
3. Special City Council Meeting held March 16, 2004

Mayor Rosamonda entertained a motion to approve Minutes as revised. Motion was made by Vice Mayor Coleman. Council Member Gunter seconded. The motion carried unanimously.

V. Presentations

1. Proclamation – St. Johns River Cleanup Day

Mayor Rosamonda read a Proclamation which stated that, in conjunction with National River Cleanup Week, the Annual St. Johns River Clean-up would be held on May 15, 2004 from 8:00 AM to 11:30 AM; that the City applauded all efforts of citizens and local governments participating in beautifying the Saint Johns River; that May 15, 2004 was proclaimed St. Johns River Cleanup Day in the City of DeBary; and that all citizens were encouraged to participate.

Mayor Rosamonda called Mac McShea forward and read a Proclamation in support of water conservation efforts and declared the month of April as Water Preservation Month. Mr. McShea discussed that DeBary was now the number one consumer of water for irrigation in the County of Volusia; that this was a unfortunate example for preservation of water and that he thanked the City, Volusia County and the Volusia Water Alliance for the Proclamation.

2. Presentation to Robert Elliot – Orlandia Heights Board of Directors

Mayor Rosamonda presented a plaque and award to Robert Elliot for his five years of service on the Orlandia Heights Board of Directors; that his efforts on behalf of the community of Orlandia Heights were appreciated and recognized; and a Key to the City of DeBary was also presented.

Robert Elliot thanked the Mayor and said he appreciated the opportunity to have assisted his community and that he encouraged the participation of the public in the process of City and community government.

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. 02-04 – Reducing Maximum Building Heights in the R-7 and R-8, Multi-Family and B-3 through B-7 Commercial Zoning Districts – First Reading (Continued).

City Attorney Ardaman read Ordinance No. 02-04 by title. Mayor Rosamonda entertained a motion to close the public hearing and to open the Land Planning Agency hearing. Motion was

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made by Vice Mayor Coleman. Council Member Allen seconded. The motion carried unanimously.

The original LDC adopted in 1999 and its intent to enhance the City's skyline was discussed; that building height requirements were not consistent in all areas; and that properties currently in non-compliance would not be adversely impacted. Mayor Rosamonda entertained a motion as the Land Planning Agency to recommend to the City Council to adopt Ordinance No. 02-04 on first reading. Motion was made by Vice Mayor Coleman. Council Member Carson seconded. The motion carried unanimously.

The Land Planning Agency hearing was closed without objection and the public hearings was reopened. City Attorney Ardaman read Ordinance No. 02-04 by title. Mayor Rosamonda entertained a motion to approve Ordinance No. 02-04 on first reading. Motion was made by Vice Mayor Coleman. Council Member Carson seconded. The motion carried unanimously.

Mayor Rosamonda announced additional public participation: Christine Beauleau, 262 Clara Vista Street, discussed that she did not agree that her business should be designated a blighted area. It was discussed that the property in question was part of the CRA area in order to participate in any funding for benefits that might be obtained from the CRA; that the boundaries of the study would be reviewed by the Economic Advisory Development Committee when the report was presented for consideration. Ms. Beauleau discussed further that she felt her property should not be included.

2. Request for Variance to Section 8.C. of the Sign Regulations, Ordinance No. 11-99 as amended to allow a maximum sign area (44 square feet and 6 feet high in lieu of the required 24 square feet and 5 feet high) – Raymond Webb for First Presbyterian Church.

David Zechinowich, Volusia County Growth Management, discussed the current sign regulations and proposed variance; that the amortization clause in the LDC will affect the sign currently on the property; and that Staff did not have reason to recommend the Variance. It was discussed that property size did not allow for a larger sign; that it was in a residential area; that the church was a non-residential permitted use; and that the current sign was 32 square feet and would not be in compliance with the Sign Ordinance taking effect in November.

Reverend Doctor Austin Brinkerhoff, 38 Bass Drive, representing the First Presbyterian Church, discussed that he wished the City Council to consider enlarging the sign for the church; that the church had been in the community since 1958; that various groups utilized the facility for meetings; and that having space to provide notices of those meetings would be a benefit to the community.

Raymond Webb of Kinko Signs discussed that the church was located on 5.9 acres; that 2 feet of the sign would be a landscaped buffer; that information to be advertised was important to the community; that the current Ordinance did not allow signs of sufficient space; that the speed zone was 40 miles per hour; and that the size of the lettering should be adequate to read.

Vice Mayor Coleman disclosed ex-parte communication with interested parties. Regulations for signage for commercial businesses was reviewed; that larger signs were allowed in commercial areas; that the Sign Ordinance in the City was regulated by use and zoning; and that the size of the parcel did not impact the allowable size.

Yvonne Matthews, 255 Bayou Vista Street, stated that she was not in favor of a reader sign.

It was discussed that the current sign would be reviewed when the Ordinance went into effect in November; that criteria such as condition and appearance might allow the existing sign to remain; that there was not a particular exception in the Ordinance for churches; that there were additional zoning issues due to the location in a residential area; and it was discussed whether a precedent might be set by granting this variance. City Attorney Ardaman discussed that a legal precedent would not be set if the variance was approved.

Staff notes were discussed; that the Church felt there was hardship due to location in a residential area; that East Highbanks Road was heavily traveled and adjacent to two subdivisions; and that the sign would be in the correct setback area. City Attorney Ardaman advised regarding any liability issue if the variance was approved and that he felt there was sufficient protection for the City.

It was further discussed that legibility of lettering was an issue; that the Church considered smaller lettering a hardship; that a compromise in size could be considered; that there were larger signs allowed in other communities nearby. City Manager Diamond confirmed that East Highbanks Road was not considered a thoroughfare road by FDOT.

Mayor Rosamonda entertained a motion to approve or deny the request for variance. Motion to approve the request for variance at a size of 44 feet was made by Council Member Carson. Council Member Gunter seconded. It was further discussed that the current size of 32 square feet was adequate; that Staff recommendation was to deny; that the motion was to approve the variance; that commercial signs were allowed at 48 square feet; that there might be equitable treatment issues as to the Sign Ordinance about to go into effect; that the Ordinance could be reviewed; that there should be consistency in applying the Ordinance; that there was still the possibility of retaining the current sign; that a variance would still be required; and that the matter could be tabled for additional workshops regarding the Sign Ordinance.

There was further discussion that the sign would be aesthetically designed; that a service to the community was provided by the notices posted; that future issues could be dealt with on a case-by-case basis; and that if the Variance were granted, it could be taken into account when reviewing the Sign Ordinance for uniformity. The motion carried 4-1 with Vice Mayor Coleman dissenting.

3. Ordinance No. 03-04 – Amending the Future Land Use Map of the Comprehensive Plan for Ten Acres on Barwick Road from Industrial/Utilities to Agriculture/Rural Residential

Mayor Rosamonda entertained a motion to close the public hearing and open the LPA (Land Planning Agency) hearing. Motion was made by Council Member Allen. Council Member Carson seconded. The motion carried unanimously.

City Attorney Ardaman read Ordinance No. 03-04 by title. City Planner Anita Gonzalez discussed the process of a small-scale amendment of less than 10 acres; that the property was owned by Empire Cattle; that it was ¼ of a 40-acre parcel; that there was a conflict between the Future Land Use Map and the Zoning; that the Future Land Use was not compatible for the proposed use; that the Volusia Growth Management Commission would review the proposed amendment, before presentation for second reading; and that adjacent property was Industrial/Utilities in the Future Land Use map.

It was discussed that Staff recommended denial of this request; that there did not appear to be sufficient justification provided; and that a specific proposed use required the change. It was further discussed that the parcel had been designated as an Industrial/Utilities use when the original Comprehensive Plan was adopted; that a petition for Land Use change was not filed at that time; that property to the east of this request was designated as mixed use; that the zoning would be correct if the Land Use category was changed; and that the Land Use had not been changed when previous administrative adjustments were made.

There was discussion of the small size of the parcel; that Land Use for that portion would differ from all of the surrounding area; and that it had been indicated that the parcel would be leased.

Mark Watts, Attorney with Cobb, Cole, 211 East Rich Avenue, DeLand representing Steve Costa and Empire Cattle, discussed that a potential business would be brought to the area; that the small-scale amendment had been pursued due to time constraints; that the Land Use had probably been designated due to the proximity to Florida Power and Light property; that the proposed use was a nursery which was not currently allowable pursuant to the Land Use designation; that a site plan for the proposed business would be submitted for the 10 acres which would be a long-term ground lease; that the time line for the proposed business operation was not sufficient to pursue a large scale amendment for the entire 40 acres; and that the remaining portion of the parcel could be changed in the future.

There was further discussion of including the entire parcel in the next administrative adjustment to the Land Use Map; that more infrastructure would be available at that time; that the nursery would be less intense than the currently permitted uses; that uses for portions of the Florida Power and Light property was allowable as a special exception under the Industrial/Utilities designation; and that public uses as a park was allowable in all Land Use categories.

It was noted for the record that Gertrude DeSantis, 161 Maple Drive, had indicated by card that she was against the proposed amendment. Council Member Gunter disclosed ex-parte communication with interested parties.

Mayor Rosamonda entertained a motion to recommend to the City Council to approve Ordinance No. 03-04. Motion was made by Council Member Allen. Council Member Carson seconded. The motion carried unanimously.

Mayor Rosamonda entertained a motion to close the Land Planning Agency Hearing and to reopen the public hearing. Motion was made by Council Member Allen. Council Member Carson seconded. The motion carried unanimously.

City Attorney Ardaman read Ordinance No. 03-04 by title. Mayor Rosamonda entertained a motion to approve Ordinance No. 03-04 as recommended by the Land Planning Agency. Motion was made by Council Member Allen. Council Member Carson 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 are considered by one motion unless removed from the Consent Agenda by a member of the City Council.*

- *1. Riverside at DeBary - 98-S-ODP-0243 – Request for Reinstatement and Extension of Overall Development Plan Development Order.
- *2. Servello and Sons, Inc. – 04-F-FSP-0055 – Request for Final Site Plan Approval.
- *3. The Crossings on Enterprise – 04-S-ODP-0383 – Request for Overall Development Plan Approval.
- *4. Riviera Bella Unit 1 Partial Replat – 04-S-FPL-0416 – Request for Final Plat Approval.
- *5. Resolution No. 04-08 – CDBG Five-Year Planning and Annual Plan.
- *6. Renewal of Memorandum of Agreement with Florida Department of Transportation for Maintenance of Highway 17-92 from Seminole County Line to Saxon Boulevard and Retention Pond at Dirksen Drive.
- *7. Resolution No. 04-09 – Orlandia Heights Neighborhood Improvement Bank Account.

It was requested that Item 3 be removed from the Consent Agenda for discussion. It was discussed whether it was possible to make a motion to have the title of the Resolution inserted in the record as having been read, rather than having to read the title for each reading. City Attorney Ardaman discussed that it was possible to do that for some resolutions but not for ordinances; that Resolution No. 04-08 should be read by title due to it being a budget matter. Mayor Rosamonda entertained a motion to approve the Consent Agenda for Items 1, 2, 4, 5, 6 and 7. Motion was made by Vice Mayor Coleman. Council Member Carson seconded. The motion carried unanimously.

Volusia County Land Development Manager Palmer Panton discussed Item 3, The Crossings on Enterprise Request for Overall Development Plan Approval; that the ODP was presented due to time constraints; that there was a reduction in the size of the project to 7 lots; and that there were issues with storm water to be resolved. It was discussed that the remaining lot would allow reconfiguration of the roadway to resolve traffic issues; that relief was requested from landscaping an existing wall between the adjoining property; and that there would be a joint plat recorded with Orange City.

Council Members disclosed ex-parte communication with interested parties; that a meeting had been requested by Mr. Smith; and that the retention would be on the inside of the perimeter wall.

Tom Smith, 305 Glen Club Drive, discussed that the wall would be located on the property line and would be tied into an existing wall on the Orange City side and that the intent was that the 30-foot retention swale would be on the inside of the wall and act as the buffer. There was discussion that there were ongoing efforts to resolve storm water issues; that retention areas would be within the five acres; that an amendment to the BPUD would be required to address the stormwater and buffer issues; that the sidewalks would be on both sides of the street; and that Mr. Smith had agreed to install sidewalks in the driveway area also.

Mayor Rosamonda entertained a motion to approve the Overall Development Plan as well as an amendment to the PUD for 04-S-ODP-0383. City Manager Diamond advised that he recommended the approval subject to the amendment of the PUD. Motion was made by Vice Mayor Coleman. Council Member Allen seconded. The motion carried unanimously.

VIII. Growth Management and Development Review

1. None.

IX. Old Business

1. Streetlights Along Highway 17-92 – Mayor Rosamonda.

There was discussion that FDOT lighting requirements were reviewed; that the cobra head lighting was initially installed by the County; that the FDOT lighting requirements does not dictate that the cobra head lighting is necessary; that Mayor Rosamonda was requesting that the old lights be shut off and removed; that the old lights did not illuminate horizontally onto storefronts and the new lighting did provide additional lighting for businesses; and that since the old lights did not meet FDOT requirements it was permissible to remove them.

It was further discussed that the old lights could be turned off temporarily to determine the difference in lighting and safety; that the traffic study showed that U.S. Highway 17-92 had fewer accidents at night; and that a 60-day trial period to turn off the cobra heads lights would be more appropriate. Mayor Rosamonda entertained a motion to authorize the City Manager to contact Progress Energy to turn off the lights for 60 days and re-evaluate after 60 days to make a permanent decision. Motion was made by Council Member Allen. Council Member Carson seconded. The motion carried unanimously.

X. New Business

1. Resolution No. 04-07- Amendment of Orlandia Heights Neighborhood Improvement District Fiscal Year 2003/2004 Budget.

City Attorney Ardaman read Resolution No. 04-07 by title. City Manager Diamond discussed that the carryover figure had not been available when the 2003/2004 Budget was approved and that the budget had to be amended to allow expenditure of the \$76,000 estimated carryover. Mayor Rosamonda entertained a motion to approve Resolution No. 04-07. Motion was made by Vice Mayor Coleman. Council Member Allen seconded. The motion carried 4-0 with Council Member Gunter absent.

2. Feasibility Report on Art Center for Gateway Park.

City Manager Diamond discussed that one of his annual goals was to pursue a feasibility study as to the location of an Art Center at Gateway Park; that matters which had to be resolved were repayment of any grant funds and the proposed use being consistent with the State lease and the City's approved management plan for the Park; that it was determined that no FRDAP (Florida Recreation Development Assistance Program) grant funds would have to be repaid; that the use was consistent with the City's lease and management plan; that the City Manager Diamond felt the proposal was feasible based on that information provided; that a proposal for Council consideration had been provided by the DeBary Art League; that they requested 4.9 acres at the north end of the park which excludes the property required for the future Saxon Boulevard extension; that a boardwalk, tree preservation, class rooms, studios and a 50-car parking lot were proposed; and that the State would require the replacement of the displaced restrooms currently available to the public.

Sandra Wilson, 37 Keeble Ave, and Bruce Anderson, Architect for the DeBary Art League, discussed that fundraising would have to take place prior to beginning any construction; that the application date for ECHO grant was mid-September; that preliminary design work could be completed prior to that time; that there would be one phase of 12,500 square feet; and that restrooms would be open during the park's hours.

It was also discussed that the 50 parking spaces proposed were based on the Land Development Code and the standards required for each facility proposed; that additional spaces might be required; that site plan approval would determine more exact requirements; that the entrance would be as existed; that ongoing maintenance requirements had not yet been finalized; that there would be directors for the facilities; that utilities and taxes would be paid by the Art Center; that a proposal for partnership with the City could be considered; that those matters could be specified in the sub-lease. There was discussion that the driveway did extend to the proposed area. Council Member Gunter disclosed ex-parte communication with interested parties.

Mayor Rosamonda entertained a motion to authorize the City Attorney and the City Manager to bring back a negotiated sublease for the approval of the City Council. Motion was made by Council Member Allen. Council Member Gunter seconded. The motion carried unanimously.

3. Bid No. 04-01 Lawn Maintenance Services for Gateway, Memorial and Dinosaur Parks.

City Manager Diamond discussed that new higher level of service specifications had been drafted; that five bids for maintenance of the small parks and Town Hall were submitted; and that it was recommended to accept the low bid. It was discussed that contract increases were due to additional maintenance requirements and the addition of Town Hall maintenance.

Mayor Rosamonda entertained a motion to award Bid No. 04-01 to Lady Bug Enterprises, Inc in the amount of \$12,369. Motion was made by Council Member Allen. Vice Mayor Coleman seconded. It was discussed that in-house staff might be more cost efficient than contracting separate services; that a proposal comparing in-house services to contract services by Parks and Recreation Staff could be prepared; that a comparison could be submitted during the upcoming budget workshops; that the proposed contract required a clause indicating that the contract is subject to annual appropriations; that the term of the contract should be six months; that hiring in-house could not be done until Budget approval for the following fiscal year; that a transition period would be required to change over to an in-house staff; and that there would be issues to resolve with equipment, storage and other matters.

There was further discussion of the maintenance contract for the sports fields; that performance evaluations of the contractor had been done; that if the contractor were terminated there would be a need for interim maintenance on the large fields; that with the amenities at Bill Keller Park, more activities could be held there; that the discussion of the presented bid for maintenance service is not related to Community Park or Keller Park maintenance; and that City Manager Diamond recommended a six-month contract.

The motion and the second were withdrawn. Mayor Rosamonda entertained a motion to award Bid No. 04-01 to Lady Bug Enterprises, Inc. for a six-month contract. Motion was made by Council Member Allen. Council Member Carson seconded. The motion carried unanimously. It was discussed that the matter would be a pre-budget preparation goal.

4. Authorization to Purchase Community Park Property.

City Manager Diamond discussed the purchase contract with Progress Energy for the expanded Community Park; that the contract extension to complete scrub jay surveys was expiring; that there was a price difference between the City's and Progress Energy's appraisals; that he was waiting on a reply from Progress Energy to possibly divide the difference in the appraisals price for a final per acre selling price; and that ten acres were being donated.

Mayor Rosamonda entertained a motion to authorize the City Manager and the City Attorney to execute the purchase agreement of the additional property for Community Park from Progress Energy up to \$340,000 plus closing costs and authorize acceptance of the donation of 10 acres. Motion was made by Council Member Allen. Vice Mayor Coleman seconded. The motion carried unanimously.

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

1. Board/Committee Reports
2. Board/Committee Accomplishments
 - A. Board: Code Enforcement Board R. Gunter
3. Member Reports/Communications
 - A. Mayor and Council Members

Vice Mayor Coleman discussed that he had attended the Volusia Council of Government meeting on the 22nd and had been in Tallahassee on the 23rd to the 25th; that Volusia County had been well represented by attendees; that discussions had been held with State Representatives regarding several matters; that he requested that the City Council direct the City Manager to write to Representative Baker regarding language included in the Statute concerning CRAs qualifications. It was further discussed that recent City functions held at the Civic Center for persons over the age of 50 was well attended.

Council Member Allen discussed the County's Urban Boundaries Proposal; that if a referendum vote passed, it would become a Volusia County Charter Amendment, and that there was concern regarding the measure of controls within the cities. Mayor Rosamonda noted that the matter had been discussed at the Mayors' Meeting; that there was more information needed; that there was a discussion of what strategy could be followed; and that a Tri-City Summit might be an appropriate forum for discussion. It was further discussed that a mail-out regarding the upcoming referendum vote could be done.

City Manager Diamond discussed that an updated Urban Boundary draft report had been received; that it would be included with the packets to be distributed to the Council Members; that a resolution could be adopted opposing the process of presenting the matter to voters for a referendum vote; and that action would have to be taken by June 2004.

Volusia County Council Member Long discussed that he had met with the County Attorney and County Manager regarding the matter; that there was support within the County Council to put the matter to a referendum vote; that a draft had to be completed to present to the County Council by the end of June in order for the matter to be prepared for a voter referendum; that if the Mayor and the City Council desired more time to study the matter, a letter should be sent to the County Council and County Manager and he would present it; that there was need for managed growth in the County; that it was his opinion that more time was needed to acquire additional information regarding the impact of a Urban Growth Boundaries; and that there were possibilities that language could be added or amended if a referendum were drafted.

There was further discussion that a majority vote of the County Council is required to send the matter out for referendum; that the League of Cities might be of some assistance; that the Urban Growth Boundaries appeared to some to possibly supersede statutes regarding annexation by

cities; that more information should be obtained; that the Florida League of Cities should be contacted as to whether they could offer any assistance; that the County had been asked for information on successful Urban Growth Boundaries, but no information had yet been made available; that an impact study should be done on the financial impact of a Urban Growth Boundary on the County and possibly on the City of DeBary; that a resolution could be drafted by the City Manager and placed on an upcoming agenda for discussion; and that a Tri-City Summit could be hosted in DeBary.

Council Member Carson discussed that he had met with County Council Member Long and City Manager Diamond at Gemini Springs regarding the proposal for the purchase of a stage; that the model displayed at Gemini Springs cost \$68,200; that other models were available at a higher price; that discussion had been held with County representatives regarding a potential partnership; that an even division of the cost was desirable for the City; and that more events could be held at Gemini Springs.

It was discussed that there might be an obligation to the County to allow the use of the stage outside of the City; that it had already been discussed that the stage would remain at Gemini Springs and could only be rented out for an appropriate fee; and that a purchase agreement could specify terms; that if leasing was allowed, the fees could also be evenly divided between the County and the City of DeBary. It was discussed that the pricing was fixed; that a letter of commitment could be drafted by the City Manager to present to the County Council for discussion at their meeting; that if an agreement was reached, there would be units available for immediate purchase; that a reference list had been provided that could be verified; and that there could be some revenue generated through leasing.

There was discussion of the amenities and controls included with the stage purchase; that it met FDOT requirements for transportation; that it was the consensus of the City Council that the City Manager draft a letter to the County Council proposing a 50/50 partnership and suggest a joint use and purchase agreement if the County approved the purchase.

Council Member Gunter discussed his appointment to the Code Enforcement Board at this time.

Council Member Gunter discussed that he wished to reappoint Rosemary Obenland. Mayor Rosamonda entertained a motion to reappoint Rosemary Obenland to the Code Enforcement Board. Motion was made by Council Member Gunter. Vice Mayor Coleman seconded. The motion carried unanimously.

The next meeting of the Streetscape Committee was discussed; that the Mayor had discussed remaining Streetscape budget funds with City Manager Diamond; that Council Member Carson was the Management Sponsor for this project; that the landscaping permits were still pending with FDOT.

It was further discussed that the Streetscape Committee should begin Phase II of the lighting; that the north or south end of Highway 17-92 did not have any lighting; that budgeted funds could be allocated towards that project; and that a Streetscape meeting should be scheduled in May.

Council Member Gunter discussed Volusia Days in Tallahassee which he attended with Vice Mayor Coleman; that the event would probably expand in the next year; that it was helpful to meet with State Legislators and Representatives; that the group from Volusia had gained recognition from the event; that he had attended the last Economic Advisory Development Committee Meeting; and that he had attended the last Volusia County Council Meeting and funds had been approved at that meeting for the enhancements at DeBary Hall.

Mayor Rosamonda discussed the Historical Preservation Advisory Board memorandum; that they were requesting guidance in moving forward with specific projects; that they wished to offer videos of historic events for sale; that they wished to work with Jesse Beall to catalogue and store historic materials located at Town Hall; that they wished to pursue a grant from the State of Florida for Phase II of the Archeological Survey; that direction for a long term goal would be to create a facility for display and presentation of historical information; and that guidance and approval of their objectives by the City Council was needed.

It was discussed that there was a vacancy on the Historical Preservation Advisory Board and that Mayor Rosamonda would bring a new nominee. It was discussed that the sale of the videos at City Hall could be done; that the long-term goal of a facility for historical uses might be feasible at several potential locations. Mayor Rosamonda entertained a motion that the DeBary Historic Preservation Advisory Board's recommendations be accepted with the addition of the long-term goal of a facility for display and presentation of history and periodicals. Motion was made by Council Member Allen. Council Member Gunter seconded.

B. City Attorney

City Attorney Ardaman discussed that a motion had been received related to the Glen Abbey Golf Club previously settled suit and that the matter would be discussed further.

C. City Manager

XII. Adjournment The meeting adjourned at 11:45 PM.

**APPROVED May 5, 2004
CITY OF DeBARY
CITY COUNCIL**

Carmen Rosamonda, Mayor

ATTEST:

Maryann Courson, City Clerk