

**City of DeBary**  
Regular City Council Meeting  
Wednesday  
July 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**

**Members Present:** Vice Mayor George Coleman, Council Member Danny Allen, Council Member Christopher Carson, and Council Member Richard Gunter

**Absent:** Mayor Carmen Rosamonda

**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**

Thomas McNerney, 26 Jasmine Drive, discussed that no response had been noted regarding Code Enforcement complaints he reported; that he did not feel that Code Enforcement activity was sufficient; that he had specific examples that he wished to be addressed; and that he felt that there were safety issues in some cases.

It was discussed that pro-active Code Enforcement was funded at 10 hours per month, that additional hours were used for reactive Code Enforcement and that Mr. McNerney's reports had been forwarded for action.

John Likakis, 38 Seminole Drive, discussed Code Enforcement issues; that he did not feel there was sufficient follow-up when liens were imposed; that additional enforcement of liens should be considered. Mr. Likakis further discussed the City's purchase of the Oglesby property for conservation; that he was concerned whether sufficient inspections had been completed; and that more time should be allowed for City Council Members to review documents prior to meetings.

Martin Culligan, 66 Tanglewood Road, discussed his concern with funds spent by the City on consultants; that he was opposed to some of the expenditures of funds in the City; and that he disagreed with decisions made on various funding matters in the City.

#### **IV. Approval of Minutes**

1. Special City Council Meeting held May 19, 2004.
2. Regular City Council Meeting held June 2, 2004.

Motion to approve Minutes as presented was made by Council Member Gunter. Council Member Carson seconded. The motion carried without objection.

#### **V. Presentations**

1. Gerald Brinton, Volusia County Engineer - Bonding for Major Volusia County Road Construction Projects.

Volusia County Engineer Gerald Brinton discussed the bond program proposal to be considered by the Volusia County Council; that road construction projects were usually funded through taxes and impact fees; that bond financing was an option to take advantage of current low interest rates to complete large unfunded projects identified by the Five-Year Road Plan; that it could provide an additional \$65 million to complete major projects prior to anticipated future construction cost escalation; that funds would be distributed as equitably as possible; that in transportation Zone 3, Howland Boulevard widening in Deltona and the extension of Rhode Island in Orange City would be undertaken much sooner if bond funding became available and both of these projects would provide traffic relief in those areas.

Mr. Brinton reviewed projects affecting DeBary including the Enterprise Road widening and I-4 projects; that normal funding avenues were proposed for the extension of Rhode Island from U.S. Highway 17/92 to the school areas; that possibly the connector to Donald B. Smith Boulevard could be funded as well; that design plans and permitting could be completed for the Saxon Boulevard extension; that environmental concerns were impacting the Saxon Boulevard extension project; that the bond proposal would be presented to the County Council on Tuesday, July 13, 2004; that the Local Option Gas Tax would be guaranteeing the bond but impact fees would be used to repay the debt service payment; and that what is proposed is a 20-year bond at payments of \$5 million per year.

It was discussed that \$72,287,000 was earmarked for projects in Zone 3 over a five year period; that the spreadsheet showed projects that had partial funding; that the County is requesting a resolution supporting a bond for road construction from the cities; that the bond issue would allow funds to be used for other projects; and that resurfacing roads now being built would be necessary in approximately 15 years.

It was further discussed that no funds appeared to be directed towards completing the Saxon Boulevard extension; that construction and right-of-way had not yet been funded; that the west side connectors would be necessary to make the Saxon extension practical; that funds had been expended previously for the engineering; that Hamilton Avenue in Orange City was proposed in the first phase to run from Rhode Island south and eventually tie into Donald B. Smith

Boulevard; that other projects required completion before the Saxon Boulevard extension would be considered; that there were possibilities for funding sooner; and that there was flexibility in the bond issue.

There was additional discussion that few County roads existed in DeBary; that the bond funds would be used for County roads; that County transportation funds had not been spent in DeBary for a number of years; and that Enterprise Road was the only transportation project started in the City. County Council Member Bill Long discussed that the development of Saxon Boulevard would occur in the future; that the Rhode Island extension would be necessary for the Saxon Boulevard extension to be feasible; that he hoped that the City Council would support the bond issue; that he would support the Saxon Boulevard extension and; and that the City Council could add language to the Resolution expressing their desires and the projects they would support.

Mr. Brinton emphasized that many projects would provide relief of traffic on U.S. Highway 17/92; that other funds could become available if the bond issue was approved. It was also discussed whether additional funds could be added to the bond issue to provide for the extension of Saxon Boulevard in the Five-Year Plan; that the proposal could be presented to the County Council; that the Westside Parkway, as currently proposed, would increase U.S. Highway 17/92 traffic; and that adding the Saxon Boulevard extension would provide more potential for relief.

There was further discussion that road projects to provide for the addition of the high school in Orange City and schools in New Smyrna Beach had taken up a large portion of available transportation funds; that without the bond issue, funding would not be available to complete other projects; that it was a factor that there were fewer County roads in DeBary; and that needs in DeBary would be a priority for County Council Member Long.

Item 5 of the Consent Agenda was heard at this time. City Attorney Ardaman read Resolution No. 04-15 by title. Motion to approve was made by Council Member Gunter. Council Member Allen seconded. It was requested that Mr. Brinton advise the Volusia County Council of the wishes of the City Council regarding the Saxon Boulevard extension as a priority. The motion carried unanimously.

## **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. 04-04 – Amending the Sign Ordinance by Extending the Compliance Period for Non-Conforming Signs – Second Reading.

City Attorney Ardaman read Ordinance No. 04-04 by title. Alan Watts of Cobb & Cole, 211 East Rich Avenue, DeLand expressed his support and the support of the people he represented, for the zoning Ordinances currently proposed; and that the City Council had been responsive to the concerns of citizens.

Motion to approve Ordinance No. 04-04 was made by Council Member Gunter. Council Member Allen seconded. The motion carried unanimously.

2. Ordinance No. 05-04 – Amending the Fence Ordinance by Extending the Compliance Period for Non-Conforming Fences – Second Reading.

City Attorney Ardaman read Ordinance No. 05-04 by title. Motion to approve was made by Council Member Allen. Council Member Carson seconded. The motion carried unanimously.

3. Ordinance No. 06-04 – Amending the Zoning Regulations by Deleting the Compliance Requirements for Non-Conforming Outside Uses – Second Reading.

City Attorney Ardaman read Ordinance No. 06-04 by title. Motion to approve was made by Council Member Allen. Council Member Carson seconded. The motion carried unanimously.

4. Request for Special Exception for the Sale of Agricultural Products Not Raised on the Premises in an A-2 (Rural Agricultural) Zoning Classification – Steve Costa for Empire Cattle Company.

Council Member Allen disclosed ex-parte communication with interested parties. It was discussed that a Special Exception was required for the sale of products not grown on the site. Volusia County Planner Scott Ashley discussed the Special Exception application; that zoning had previously been changed to be consistent with the Comprehensive Plan's Future Land Use classification; that a plant nursery was a permissible use; that sales of products not grown on site and related irrigation products required a Special Exception; that a plan for the site development was provided indicating a warehouse and planting area for wholesale retail use; that wetlands would be protected by buffers; that off-street parking and appropriate setbacks were planned; and that purpose and intent of zoning were appropriate and Staff recommended approval subject to five conditions listed.

It was discussed that there had been citizen inquiry at the time of the zoning change regarding increase to traffic and preservation of wetlands; that no existing development would be affected by the operation; and that no high traffic volume was anticipated.

Steve Costa, representing Empire Cattle Company, discussed the five conditions requested by staff for the granting of the Special Exception; that he wished to clarify prohibitions on retail sales; that the company did sell landscape lighting and irrigation supplies to contractors; and that some specific language might be applied to allow limited products. Scott Ashley was asked what type of language might be appropriate. It was discussed that a percentage of sales could be imposed; that language specifying ground and landscape lighting could be added; that the words "lighting and general" could be stricken; and that retail sales would still be prohibited.

Motion was made by Council Member Allen to strike the wording "lighting supplies and general" from the staff condition. Council Member Carson seconded. The motion carried unanimously.

Mr. Costa stated that pine straw would be delivered and stored for sale in a trailer at the rear of the proposed building; that the product would be sold wholesale; and that the trailer normally would remain on the property. Scott Ashley discussed that the condition was to prevent numerous pieces of heavy equipment being stored on the property. Mr. Costa asked if a limit of one trailer could be added to the condition. It was discussed that limiting tents and temporary structures was not an issue; that the City Manager suggested that the words “except one semi-trailer” could be added.

Council Member Carson made a motion to add the words “one semi-trailer”. Council Member Allen seconded. The motion carried 3 to 1 with Vice Mayor Coleman dissenting.

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

5. Ordinance No. 08-04 – Expanding Saxon Woods Streetlighting District to Include Unit 3A – Second Reading.

City Attorney Ardaman read Ordinance No. 08-04 by title. It was discussed that the item was not included in the Consent Agenda as it was a Second Reading. Motion to approve was made by Council Member Carson. Council Member Allen seconded. The motion carried unanimously.

6. Ordinance No. 09-04 – Expanding DeBary Plantation Streetlighting District to Include Unit 21B – Second Reading.

City Attorney Ardaman read Ordinance No. 09-04 by title. Motion to approve was made by Council Member Carson. Council Member Allen seconded. The motion carried unanimously.

7. Resolution No. 04-14 – Appointing Canvassing Board for Primary (August 31) and General Elections (September 28).

City Attorney Ardaman read Resolution No. 04-14 by title. There was discussion that two Council Members not running for office were needed to serve on the canvassing board; that Council Member Gunter and Vice Mayor Coleman volunteered for the positions. Motion to approve Resolution 04-14 was made by Council Member Gunter. Council Member Carson seconded. The motion carried unanimously.

8. Appeal of Requirements for Preliminary Plat Approval – Signature Land Development Group.

City Manager Diamond discussed details of the appeal to the requirements for a preliminary plat approval and that the applicant wished to present his position to the Council. Ex-parte communication with interested parties was disclosed by all Council Members.

Bob Zagit, Interplan, Orlando and representing Tom Smith of Signature Land Development Group discussed that he was the engineer of record for the project; that he was appealing the findings of the review by the consulting Volusia County Stormwater Engineer; that the City of

DeBary's Land Development Code and the St. Johns River Water Management District requirements were factors in the stormwater design; that the issues regarded ground water infiltration during a 100-year storm event and free board requirements for water levels in retention ponds; that the Land Development Code was designed for a 25-year storm event which was less rainfall than a 100-year storm event; that there was not an outfall system in the current stormwater design; that the stormwater design addressed a 100-year storm event and exceeded the 25-year storm event requirements; that soil percolation tests had been performed; and that a conservative approach had been taken in the engineering design.

He further discussed that the measure used for the current stormwater design was 11.5 inches of rain falling within a 24-hour period; that comparisons were made with a neighboring parcel where a permit was granted under the same stormwater design parameters; that information was available from the geo-technical consultant; that the design of the retention ponds accounted for the seasonal high water tables; and that the denser soils were at deeper levels and would not affect the soil percolation.

The issue of free board requirements were discussed; that free board is the term for additional storage above the peak stage of the storm event; that free board was designed for the 100-year event as an additional safety factor; that the Land Development Code did not address the 100-year event; that the issue with staff was over what constituted good engineering practice; and that permits had been received from the Saint Johns River Water Management District.

It was discussed that Land Development Code requirements for a 25-year storm event normally required an outfall system; that the design included retention meeting the requirements of a 100-year storm event without an outfall system; and that the staff concern was the amount of infiltration that would occur and was not addressed in the Land Development Code.

Jay Preston, Volusia County Development Engineer for the City of DeBary discussed the difference between 25 and 100-year storm events; that the concern in DeBary was flooding and the 100-year storm event was appropriate to use; that the question of soil percolation was at issue; and that there had been flooding events within DeBary where the same soil densities existed.

It was discussed that there had been engineering issues in other retention areas in DeBary; that the development was in the same watershed where flooding had occurred previously; that the engineer in Orange City had provided information that the future construction of Enterprise Road would allow discharge from that property into that drainage basin and retention pond; and that the property owner could not connect the DeBary property to the drainage system and retention area on Highbanks at this time since the widening project of Enterprise Road was not complete.

Mr. Preston commented that decisions on connections to an existing stormwater system were related to watershed characteristics and were irrespective of City limits; that the project could be interconnected but the stormwater system was restrictive as to rate and volume of water that could be accepted and limitations could not be exceeded.

City Attorney Ardaman asked Mr. Preston whether comparable projects existed in DeBary with the same requirements imposed. It was discussed that other plats in DeBary had to meet the same criteria as the project under discussion; that it was planned that the development would connect to the stormwater system on Enterprise Road in the future; and that rate and volume stormwater discharge restrictions could be met once the roadway was completed.

City Attorney Ardaman enquired how much additional cost would be incurred and how much land would be used to meet the incremental requirements. Tom Smith, 305 Glen Club Drive, discussed that the project was originally proposed for 8 lots; that if the appeal were denied he would not continue with the project as less than 4 lots remained for development; that development approval had been granted in Orange City prior to any tie-in to the system on Enterprise Road; that part of the development would allow alternate access to the Volusia County Water Treatment plant off of Enterprise Road rather than through the Glen Abbey subdivision; that the access from the residential area would be limited; and that the development would provide tax revenue to DeBary.

Mr. Smith further discussed that the decisions of his engineers were appropriate; that he would bear liability for damage that might occur to surrounding properties; that interpretations by Volusia County were excessively conservative and not addressed in the DeBary Land Development Code; that there was also a requirement for flood free vehicular access that was not in the DeBary Land Development Code; that reduction in usable lots would not support development of the property; that he would be adversely affected financially; that he had not chosen to annex the property to Orange City; and that he requested that the City Council adhere to the DeBary Land Development Code.

There was additional discussion of past storm water problems and improper engineering at other retention areas; that the protection of residents was a primary concern; that it was a question whether the requirements were supported by the Land Development Code; and that the requirements addressed flood protection and best engineering practices.

Jay Preston discussed that planning for a 100-year storm event was appropriate; that based on past experience, infiltration through the soils in the area were in question; that free board levels were not in the Land Development Code but an appropriate level had to be determined for flood safety; and that the requirements for a new subdivision street were in the Land Development Code as one foot above the 100-year flood stage.

It was discussed that, if the submitted soil infiltration calculations were allowed, then the project could move forward; that two separate geo-technical engineering reports had made positive recommendations; that secondary design reviews had been done and the most conservative recommendations had been followed; that low density soils did exist on the property indicating good percolation; that soil was denser at deep levels; and that soil borings had been done but the issue was fluctuations in the level of the water tables.

Additional discussion reviewed the efforts in the City to prevent future flooding issues; that the developer had performed appropriate engineering tests that appeared to support the appeal; that a bond could be posted until a connection could be made to the Enterprise Road stormwater

system; that the connection to the Enterprise Road stormwater system it was not a viable option due to the time frames for completion of both projects; that Mr. Smith's project is scheduled to be completed well in advance of the Enterprise Road widening, that Mr. Smith was sensitive to flooding concerns in Glen Abbey; that an 8-foot wall and berm would buffer the residential area; and that he felt also that the alternate access to Volusia County's water treatment plant would be of benefit to the residents.

It was further discussed that the issue was a difference of opinion as to what soil infiltration would occur during a 100-year storm event; that if no development were to occur, there would be no retention in the area to prevent runoff to the residential area; and that the two tests performed by the developer's consultants indicated that the infiltration was adequate to allow a retention area of a size to make development feasible.

Vice Mayor Coleman entertained a motion. Motion was made by Council Member Carson to approve the appeal by Signature Land Development Group to approve the plat. Council Member Gunter seconded for discussion. It was clarified that the approval would allow the retention pond area to allow infiltration during a 100-year storm event; that the free board level was also in the approval; that the berm would also protect the residential area; that the DeBary Land Development Code was not clear on the issue; and that there was still concern with the past flooding issues in Glen Abbey. The motion carried 3 to 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 are considered by one motion unless removed from the Consent Agenda by a member of the City Council.*

- \*1. Hollnager Office/Retail – File 03-F-FSP-0696 – Final Site Plan.
- \*2. Request for the Third and Final Installment Under the Growth Incentive Economic Development Agreement with Florida Public Utilities.
- \*3. Ordinance No. 10-04 – Exempting the City of DeBary from the Provisions of Section 101.657 F.S. Relating to Early Voting – First Reading.
- \*4. Ordinance No. 11-04 – Creating a Streetscape Advisory Committee – First Reading.
- \*5. Resolution No. 04-15 – Expressing Support for A Bond Financing Program to Advance the Schedule for Improvement of Roads in Volusia County's Five Year Road Program.

Item 5 was read and heard after the presentation by Volusia County Engineer Gerald Brinton. City Attorney Ardaman read Ordinance No. 10-04 by title. City Attorney Ardaman read Ordinance No. 11-04 by title. Vice Mayor Coleman requested that Ordinance No. 11-04 be removed from the Consent Agenda for discussion.

Motion to approve Items 1 to 3 was made by Council Member Gunter. Council Member Allen seconded. The motion carried unanimously.

City Manager Diamond expressed the appreciation of City Staff to Mr. Hollnagel for his assistance in working with them through language in the Gateway Corridor Standards.

Ordinance No. 11-04 was discussed; that if three consecutive meetings were missed the position was vacated; that the word consecutive should be removed; that the Ordinance provided that the absences be unexcused; that what constituted an excused absence was not clear; that an excused absence should be as approved by the Committee; and that attendance requirements should be consistent for all Committees.

Motion was made by Council Member Gunter to create a Streetscape Advisory Committee with the members as listed and if any member had three unexcused absences from regularly-scheduled meetings, their position would be declared vacant and the determination of an excused absence would be as determined by the Committee. Council Member Carson seconded. Their motion carried 3 to 1 with Vice Mayor Coleman dissenting.

### **VIII. Growth Management and Development Review**

#### **1. River City Car Wash – File 04-F-FSP-0353 – Final Site Plan.**

Volusia County Land Development Manager Palmer Panton discussed the Final Site Plan; that there might be questions on color of the buildings; that the finish would be off-white Stucco; that the Gateway Corridor Standards Code specified architectural colors. It was discussed that staff is recommending that restrooms be required; that typically restrooms were not included at self-service car washes; that there would not be full time attendants at a self-serve car wash to supervise the use of restrooms; and that approval was subject to comments from Staff.

There was discussion of the Staff comments; that the Building Official had indicated that restrooms were required; that there had been an issue with irrigation; that an informal interpretation from the Department of Community Affairs stated that restrooms were required; that a Unity of Title Agreement had been provided to staff but did not appear to be recorded; that the developer might have to appeal the restroom issue to the State; that there did not appear to be a Florida Building Code provision applying to this specific issue; and that the Building Official had referred to section 403.1 of the Florida Building Code regarding plumbing and section 305.1.2 concerning whether car washes were considered business occupancy.

It was further discussed that a self-serve car wash was only manned one to two hours per day for service and cleaning; that there was not regular staffing; that the Architect for the developer had provided information where restrooms had not been required at other such facilities in the State; and that the issue would be determined by the local building official.

City Attorney Ardaman responded to enquiry whether the City Council could overrule the requirement for the restroom; that he did not have information to answer the enquiry at this time;

that the City Council could choose to not require a restroom and approve the Final Site Plan without this requirement, if it was determined that the City Council's decision did not override then the developer would have to pursue a State appeal process.

The interpretation by the Building Officials Association of Florida was discussed; that the interpretation was informal and subject to the approval of the local Building Official; and that other self-service car washes locally did not have restroom facilities. Motion was made by Council Member Gunter that restroom facilities not be required at the car wash. Council Member Allen seconded. It was discussed that the motion strictly addressed the requirement regarding restroom facilities. The motion carried unanimously.

Other requirements were discussed; that Architectural details including exterior finish and colors required approval by the City Council and samples were provided; that there was objection by the developer to providing screening for the vacuum stations; that the proposed lighting was the same antique lighting as on U.S. Highway 17/92 located at the entrance and exits with shielded lighting elsewhere; that the power line to the facility would be underground; that there were some issues with irrigation that were solvable; that there was an objection to screening on the south property line; and that a shade canopy would be over the vacuum stations.

There was further discussion that the colors were acceptable; that the property on the south property line was a vacant electrical utility building; that Staff had included the requirement for screening per the DeBary Land Development Code; that the issues were all contained in the DeBary Land Development Code but the developer did not feel all were applicable to the facility; that the plan was presented at the request of the developer in order that the City Council could consider the issues; that it was in the Staff comments that the vacuum stations be screened by hedges; that Staff had considered the vacuums to be mechanical equipment as specified in section J of the Gateway Corridor Standards; that the height of the vacuums and pedestals were usually very high; that Code required hedges or screening to be of the same height of the equipment; that vacuums at service stations were not usually screened; and that shrubbery of that height became a security issue. Motion was made by Council Member Allen to delete the screening. Council Member Gunter seconded. The motion carried 3-1 with Vice Mayor Coleman dissenting.

Motion was made by Council Member Gunter to approve File 04-F-FSP-0353 with the balance of Staff comments. Council Member Allen seconded. The motion carried 3 to 1 with Vice Mayor Coleman dissenting.

2. Village at DeBary – File 04-F-FSP-0562 (Ref. 01-F-FSP-0224) – Final Site Plan.

It was discussed that Vice Mayor Coleman had discussed the matter with the City Manager; that Staff was recommending approval of 50-foot of landscaping and a 20-foot buffer; that previous issues appeared to have been resolved; that the sewer connections to the Enterprise Road system would have to be made in order to issue the Certificate of Occupancy for the project; and that the colors had been included. Vice Mayor Coleman entertained a motion to approve File 04-F-FSP-

0562 subject to Staff comments 1-4. Motion was made by Council Member Gunter. Council Member Allen seconded. The motion carried unanimously.

## **IX. Old Business**

### **1. City Facilities Site Selection.**

City Manager Diamond discussed that proposals had been previously reviewed; that additional information had been provided regarding the Town Center site located at the intersection of Highway 17/92 and Dirksen Drive; that an additional 1.2-acre parcel was available adjacent to the 2.8 acres at the price of \$350,000 per acre; that the Architect had provided new conceptual site plans showing maximum build out on 2.8 acres which would provide up to 33,000 sq. ft. of office space and 130 parking spaces; that the additional 1.2 acres with two facilities allowed up to 50,000 sq. ft. of office space and 200 parking spaces; and that the space needs study estimated current and future use for City Hall and Sheriffs Operation Center at 10,000 square feet each.

John Lewis, 143 Delespine Drive, discussed the process being used to determine the site selection; that he felt that the opinion of citizens should be obtained in the matter; that sufficient information was not available on the internet; that the Minutes of the Special Meeting of June 16, 2004 that included discussion of this matter were not available; and that the matter should be tabled until citizens were informed as to the amount of expenditures under consideration.

It was discussed that the information had also been requested as to the cost of an additional 30 acres for consideration of a future public works or utilities site; that it was not included in the information provided this evening; that Mr. Diamond had been in discussions with Steve Costa and the City Attorney; that the property being considered was being marketed at \$65,000 per acre; and that if a PUD agreement were reached with the City it could be sold to the City at \$35,000 per acre.

There was discussion by representatives of the Town Center of the developments concept plan; that there would be full access to the proposed City Hall site. It was discussed that the parking would not be common and would be contained on the site; that Town Center parking would be in other areas; that the City Hall property could be posted for City Hall parking only; that the proposal contained a parcel to be donated for an amphitheatre; that there could be additional parking at the City Hall site; and that the distance would be approximately 50 feet from City Hall to the amphitheatre site.

There was discussion of building costs; that the cost was approximately \$2 million for the site alone, that the cost of construction of a City Hall facility might be less as the retention area would be offsite; that the method of payment had not yet been discussed by City Council; that a five-year note could be taken; that further discussions would be held; that new construction in the City would provide some additional ad valorem revenue; that if an interlocal agreement for the Conference Center was approved there would be an obligation to provide funds; and that if the City Council so desired the Staff could prepare a purchase agreement and present this along with financing options, review of the space needs study and construction estimates from the Architect.

It was discussed that the entire City Council should be present for discussion of this matter; that the matter should be tabled until the next meeting; that a Special Meeting was scheduled for July 21, 2004; that the matter could be added to that Agenda; that more information was needed; and that the second site was still to be discussed. Motion was made by Council Member Gunter to table the matter. Council Member Allen seconded. The motion carried unanimously.

## **X. New Business**

### **1. Matching Grant for Legal Non-Conforming Signs.**

There was discussion that a similar program had been previously available through the City; that it had also applied to other exterior improvements; that recommendation from the Economic Development Advisory Committee was to use the same criteria in the existing Ordinance but limit the application to only legal non-conforming signs; that a revised application form was suggested specifying only the removal, modification or replacement of those signs; that approval the amount of funding for the grant program had to be given by the City Council; and that the original Ordinance had provided up to \$5,000 per sign.

It was discussed that a yearly budget amount was needed; that it would become effective October 1, 2004; that there were approximately 12 or more signs that could qualify; and that the City Council could modify the program in the future depending on the response from the business community.

Tom Schaefer, 798 South Highway 17/92, discussed that the amount of funding should be a large amount; that it is very costly to replace a sign; that there were many signs that did not require replacement; that repairs would cost less than \$5,000; and that funds could be spent on other needs in the City.

It was further discussed that the Ordinance had been in place for five years; that it was desirable for the City to help the businesses comply with the Sign Ordinance; that the Ordinance now allowed the City Council to determine the condition of a sign and whether that sign should be permitted to continue; that the average cost of a new sign probably started at \$2,500; that lower monument signs might cause visibility issues on U.S. Highway 17/92; that a lower amount of matching grant assistance might be appropriate; that estimates of sign costs could be obtained; that budget hearings were to be held and a total amount could be determined at that time; and that the program itself could easily be implemented.

Motion was made by Council Member Gunter to approve the recommendation of the Economic Development Advisory Committee to establish a matching grant program for improving legal non-conforming signs with a maximum matching grant of \$2,500, paid by the City after approval of application by the Economic Development Advisory Committee; and that the total amount to be placed in the budget would be determined at budget hearings. It was discussed that part of the grant acknowledgement statement required proof of payment of the project cost; that any attempt to commit fraud would be reported to authorities; and that City Manager Diamond would obtain estimates of sign replacement costs. Council Member Carson seconded.

Gretchen Ganas, 432 Quail Meadow Court, discussed that she had attended the meeting of the Economic Development Advisory Committee; that she had not heard the additional recommendations discussed at that meeting at this time; that if inspections of signs erected with an approved building permit was undertaken, and if the sign is found to still be in good working order and condition, the City Council could allow these signs to remain as-is; and that signs that were erected without a valid building permit and signs for new businesses had been discussed as being excluded from the grant program. It was discussed that only two categories applied as either legal or non-legal non-conforming signs; that non-conforming was defined as meeting Land Development Code at the time of the issuance of a building permit.

City Manager Diamond noted that his report had included the recommendation of the Economic Development Advisory Committee and that it is also being recommended that the amortization period be deleted. Council Member Gunter clarified his motion as previously stated. The motion carried unanimously.

2. Bid Number 04-03 – Landscaping of Median Islands North and South Highway 17/92, Landscaping of Gateway Park and Streetscape Improvements for Central Highway 17/92.

City Manager Diamond discussed that the permit had been obtained from the Florida Department of Transportation (FDOT), that the bid included landscaping of the grass medians on north and south U.S. Highway 17/92, the placement and planting of planters for the downtown intersections, the landscaping of the Gateway Park entrance and fence, the street printing of crosswalks, and the construction of slabs and installation of benches and trash receptacles at the downtown bus stops. It was noted that funds from FDOT had been provided in the amount of \$50,000 for the existing medians at U.S. Highway 17/92 and Dirksen Drive; that they had increased the amount for the north U.S. Highway 17/92 medians to \$116,000; that the County Council had approved \$57,000 from the tree bank mitigation funds; and that staff had submitted a request to increase the FDOT funds to \$200,000.

It was further discussed that the low bid was from Dora Landscaping in the amount of \$252,571 which did not include the crosswalk street printing; that the item was bid separately by Barracuda Construction in the amount of \$55,994 with a request to waive the performance and payment bond; that Barracuda Construction had completed other projects for the City; that there was also an additional cost of \$3,000 to \$6,000 for irrigation at Gateway Park; that the City Manager was only authorized to approve expenditure up to \$5,000; that approximately \$4,500 would be needed for Volusia County Utilities for water meter deposits and water meters; and that it was recommended to approve the bids as discussed.

There was discussion that the permit had taken 15 months to obtain; that there had been issues with the billboard companies; that the project had been in planning for a long time; that substantial funds were being provided by FDOT; that this project was included in this year's budget; and that funds close to \$100,000 would remain in the Streetscape improvements line item. Motion was made by Council Member Gunter to approve Bid Number 04-03 with Staff recommendations. Council Member Carson seconded. It was discussed that the delays were

unavoidable; that it would be a benefit to the City and the community to beautify the City; and that the planters would have a reservoir system that was specified in the bid documents and that watering of the planters was included in the bid for the first year. The motion carried unanimously.

3. Consideration of Stormwater Management Master Plan – Proposal - Phase I – PEC, Inc.

It was discussed that a goal of the City Manager had been to provide this information; that a comprehensive plan for Stormwater Management was needed in the City to address long term needs; and that the City Manager had negotiated a proposal with Professional Engineering Consultants (PEC).

David Hamstra of PEC, 200 East Robinson Street, Orlando discussed that Phase I would survey and map inlets, pipes, ditches and ponds in public right-of-ways; that it would be determined whether easements existed; that maintenance and drain related issues would be mapped and rated by severity and cost estimates provided; and that work had previously been done for the City by their firm.

It was discussed that a Master Plan for the City was desired to prevent and eliminate flooding issues; that PEC was aware of that goal; that all options would be evaluated; that delineation of the watershed basins would not distinguish between private and public property; that the drainage would be evaluated regardless of the discharge source; that no Capital Improvement Project funds would be spent on private areas but specific problems would be reported; that documentation would be recorded and a database would be created; and that this comprehensive information would be available to the City.

Motion was made by Council Member Allen to accept the offer recommended by Staff. It was discussed that the firm was selected pursuant to the Consultants Competitive Negotiations Act as mandated by State statute; that the County had also provided advice and assistance during the firm selection process. Council Member Gunter seconded the motion. Mr. Hamstra was asked for his opinion of the infiltration issue discussed earlier in the meeting; that the firm, when requested by Staff, did provide professional opinions on matters that might come before the City Council. The motion carried unanimously.

4. Florida League of Cities Voting Delegate – 78<sup>th</sup> Annual Conference.

It was discussed that Council Member Carson would become the Voting Delegate for the city at the Florida League of Cities conference.

5. Discussion of Federal Lobbying Service by Alcalde and Fay.

The presentation previously made by the Alcalde and Fay was discussed; that more time should be taken to discuss projects that may be candidates for federal funding. Motion was made by Council Member Allen to provide a list of additional projects for consideration. Council Member Gunter seconded. The motion carried 3 to 1 with Vice Mayor Coleman dissenting. It

was discussed that the individual Council Members would provide a list of projects and the item would be placed on the next Agenda.

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

1. Board/Committee Reports

2. Board/Committee Appointments

A. Board: Code Enforcement Board  
Alternate Member

D. Allen  
C. Carson

It was discussed that Bob Rini was willing to serve and was appointed to an additional term as Council Member Allen's appointment. It was discussed that Council Member Carson did not yet have an answer from his prospective appointment.

B. Board: Economic Development Advisory Committee  
Alternate Member At-Large

C. Carson

Motion was made by Council Member Allen to appoint Joe Canfield and John Lewis to the Economic Development Advisory Committee. Council Member Carson seconded. The motion carried unanimously.

3. Member Reports/Communications

A. Mayor and Council Members

Vice Mayor George Coleman discussed that he had attended various Committee meetings; that the City had received a proclamation and certificate of appreciation for their support of the Freedom Festival; and that the Code Officials Training had been of benefit to him.

B. City Attorney

It was discussed that the City Council Members had received emails regarding upcoming depositions for the Stewart-Marchman case and that City Staff would coordinate times.

C. City Manager

City Manager Diamond discussed that the School Board had requested a joint meeting; that he would schedule a meeting with the approval of the City Council.

**XII. Adjournment** The meeting adjourned at 11:30 p.m.

**APPROVED August 4, 2004  
CITY OF DeBARY  
CITY COUNCIL**

**Carmen Rosamonda, Mayor**

**ATTEST:**

**Maryann Courson, City Clerk**