

City of DeBary
SPECIAL CITY COUNCIL MEETING
Monday
February 28, 2005
7 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 Richard Gunter, Council Member Chris Carson, Council Member Patrick Fulton, and Council Member Danny Tillis.

Others Present: City Manager Maryann Courson, City Attorney Kurt Ardaman, and Planning Administrator Anita Gonzalez.

III. Public Hearing

1. Ordinance No. 05-05 – Second Reading – Provisions of Stormwater Utility Services, Facilities and Programs.

City Attorney Ardaman read Ordinance No. 05-05 by title. Ken Hooper with Professional Engineering Consultants, 200 East Robinson St., Orlando discussed the Ordinance to establish the Storm Water Utility and Trust Fund to be dedicated to improvements; that that \$500,000 to \$600,000 was expected in the first year; that, if approved, would be effective on tax rolls October 1, 2005; that an Interlocal Agreement with the City of DeBary, the County of Volusia and the Property Appraiser's Office was part of the documents; that private streets would be taxed at \$3.50 per month and public streets at \$7.00 per month and undeveloped parcels at \$3.50 per month.

Mr. Hooper further discussed that parcel listings would be reviewed by the Property Appraisers Office and brought back for final adoption of a Resolution by the City Council at or before budget hearings.

It was discussed that the parcel lists were agreed by the Property Appraiser's Office; that the list had been reviewed for corrections; that it could not be adopted until July; and that vacant lots would be the same amount as private parcels.

Linda Hayes, 120 Lake Drive, discussed the question of using public funds to pump flood water from private streets under a declared emergency; that she enquired what constituted an

emergency; and that she questioned taxing private properties for storm water services that would not be installed in private subdivisions.

Elbert N. Harwell, 116 Homestead Avenue, discussed that he would be assessed for three undeveloped and one homestead lot and that storm water was being drained onto one of his lots. It was discussed that there was a natural depression on the lot in question and water flowed into that due to the topography; and that it was scheduled for improvement and berms due to proximity to the road and danger of washout.

It was also discussed that the lot was in the right-of-way and expenditure of public funds was permissible to maintain the roadway; that there was no outlet to the lakes system; that mosquito control did treat that area and additional attention would be scheduled; that the City might enquire into purchasing the affected lots; and that it might be possible to create a retention area.

Richard Borges, 222 El Dorado Dr., discussed a provision in the Storm Water Utility Assessment Study on page 17 of the draft copy, regarding purchase of properties subject to flooding; that he approved of the overall plan and enquired whether the Capital Improvement Plan was completed; that he would wish to discuss matters with the City Manager who would relay his comments to the City Council Members; that he did not feel that sufficient revenue would be collected; and that he had concerns about contaminants remaining in soils and becoming a health hazard and whether there were preventative measures in the plan.

It was discussed that the current well and septic systems were not adequate; that public water and sewer could be partially funded through grants; and that additional improvements would be added in the future. Mr. Borges discussed whether water and sewer issues could be included in FEMA reports. It was further discussed that below crown of road construction would be addressed and proper engineering would be mandated in the near future; and that funding alternatives would be pursued.

Mayor Rosamonda entertained a motion to approve Ordinance No. 05-05 on second and final reading. Motion was made by Vice Mayor Gunter. Council Member Fulton seconded. The motion carried unanimously.

2. Resolution No. 05-03 – Impose Storm Water Utility Assessments against all Tax Parcels within the City of DeBary.

City Attorney Ardaman read Resolution No. 05-03 by title. Ken Hooper with PEC discussed the purpose of the Resolution to implement the assessment process; and that sample bills would be sent out which would provide the opportunity for residents to correct errors and discuss individual issues.

It was discussed that the document would be provided to the Property Appraiser to start the process; that the September deadline would be met; and that special cases could be heard by the City Council.

Mayor Rosamonda entertained a motion to approve Resolution 05-03. Motion was made by Vice Mayor Gunter. Council Member Tillis seconded. The motion carried unanimously.

IV. Business

1. Approval of Contract for Collection of Stormwater Utility Non-ad Valorem Assessments with Volusia County Property Appraiser.

City Manager Courson discussed that there was a charge from the Property Appraiser's Office for billing and collecting for non ad-valorem taxes and that the funds collected would be forwarded to the City on a weekly basis. Motion to approve the contract was made by Vice Mayor Gunter. Council Member Tillis seconded. The motion carried unanimously.

2. Westside Pumping System – DeBary Plantation and Donald E. Smith Boulevard Survey

City Manager Courson discussed the review by Mr. Hamstra, Engineering Consultant with PEC, that the system as proposed would handle the DeBary Golf & Country Club area, Lake Ann Marie, Lake Olivia and Lake Maud; that there would be approximately seven locations and would handle the overflow from Pine Valley Court in Glen Abbey; that DOT had indicated that they would participate; and that the first phase would allow survey work to be undertaken.

It was discussed that this portion of the study would stop at Donald B. Smith Boulevard and Highbanks Road and that determining where the water would be taken would be the next step.

David Hamstra discussed that, in June, the permit applications for Pine Valley Court and Saxon Woods Drainage improvements would be before the St. Johns River Water Management District; that since it would tie into the DOT system he had reopened discussions regarding the west side system; that he had met with St. Johns River Water Management; that the greatest issue would be water quality; that retrofitting of ponds and swales would be necessary to allow other lakes to be pumped to the river; and that several subdivisions wanted to tie into the system.

Mr. Hamstra further discussed that the survey of the entire right-of-way would allow for the start of construction; that it had yet to be determined where the system would go west of Highbanks; that it was not yet known if the borrow pit could be acquired; that assurance was required that the tie-in to Saxon Woods included a long term plan for the west side system; and that more lakes would be added to the sampling program.

It was discussed that the water quality requirements would be reduced if the borrow pit would reduce the loadings; that it could possibly be treated there before pumping to the river; that Terra Alta Homeowners Association would be at the April meeting to discuss maintaining retention ponds in their subdivision; that SJRWMD had not yet determined whether there would be approval to move water to the river; that the time frame would be mapping completed in March and then other details could be provided to SJWMD; and that they would allow using average rainfall conditions rather than worst case scenarios.

It was also discussed that the borrow pit might be adequate storage; that SJRWMD main concern was pumping contaminants into the river; and that treatment might not be needed if enough settling could occur in the borrow pit.

Mayor Rosamonda entertained a motion to approve the PEC proposal in the amount of \$61,660.00 for the survey for the Westside Pumping System. Motion was made by Council Member Fulton. Council Member Carson seconded. It was discussed that the application for the Hazard Mitigation Grant was underway; that it required a statement that engineering was in process; and that PEC was assisting in completing the application and the survey would be included in the grant request. It was also discussed that the aerial target placement was for low level to show specific detail; that an overall aerial had already been completed for the City; and that it was hoped to provide greater detail of flood plains and provide greater eligibility for flood insurance to residents.

It was clarified that previous targeting provided images of the entire City for contour modeling; that the low level flights were needed to provide necessary detail for construction purposes; that there were not existing maps with sufficient current detail; that only Donald B. Smith to Highbanks would be included; and that additional detail surveys would be done in the future for additional corridors as needed.

It was discussed that negotiations for the borrow pit were still in process; that if it was known that it would be used, the low level flights for that area could be done at the same time to reduce costs; that more information on the borrow pit should be available within the next 30 days; that an appraisal was being done by the owner; and a letter had been sent to the owner. It was also discussed that there was no substantial difference in costs if the flights were done in increments rather than all at once; that time was of the essence; and that the accuracy of low level flights was supplemented by field surveys.

The motion carried unanimously.

XII. Adjournment: The meeting adjourned at 7:55 PM

**APPROVED April 13, 2005
CITY OF DeBARY
CITY COUNCIL**

Carmen Rosamonda, Mayor

ATTEST:

Stacy Tebo, City Clerk