

**City of DeBary**  
**REGULAR CITY COUNCIL MEETING**

**Tuesday**  
**June 7, 2005**  
**7:00 PM**

Florence K. Little Town Hall  
12 Colomba Road  
DeBary, Florida 32713

**MINUTES**

**I. Call to Order**

1. Invocation
2. Flag Salute

**II. Roll Call**

**Members Present:** Mayor Carmen Rosamonda, Vice Mayor Richard Gunter, Council Member Christopher Carson, Council Member Patrick Fulton and Council Member Danny Tillis

**Others Present:** City Manager Maryann Courson, City Clerk Stacy Tebo, City Planner Anita Gonzalez, and City Attorney Kurt Ardaman

**III. Public Participation For Any Issues Not On the Agenda**

Jim Glenn came to the podium to discuss the flooding at James Pond. He said he was aware the City was taking responsibility for the lake levels, but he was concerned that the developer's fill was causing the lake to rise. He asked the City to look at the situation and determine what permits are required to build. Palmer Panton, Volusia County Land Development Manager, came to the podium, and stated that staff would be visiting the site. Ms. Courson requested that Mr. Panton give the plans to David Hamstra of PEC to review and make any necessary adjustments.

Maureen Pallasch came to the podium to voice her concerns regarding Phases 1, 2, and 3. She also asked Council if there would be a ceiling to limit the proposed stormwater utility fee, and if it would increase each year. Mayor Rosamonda answered that her concerns regarding Phases 1, 2, and 3 were unfounded, and that what she had heard was untrue. He explained the need for the updated stormwater system, and that Council would determine any possible increases in the future.

Alan Norris came to the podium to discuss his problems with Lake Ann Marie and to question the meaning of "pump-on level". Mayor Rosamonda explained that St. Johns Water Management District governs the City's lake pumping. Mr. Norris asked the City to drain the lake. Council Member Fulton explained that the City was currently working on the permit to lower the pump-on levels for all of the City's lakes. Ms. Courson stated that the pumping had begun at Lake Ann Marie that day.

Neil Coppens came to the podium to discuss his desire to obtain current financial statements of the City; that he was displeased that the audit for fiscal year 2004 was not completed; that he wanted the statements to be available on the City's website; and that he thought the City should hire additional help for the City's Financial Administrator. Ms. Courson stated that the hurricanes of 2004 put the City behind; that the auditor had never noted any violations; and that the auditor provided management comments to the City. There was a discussion regarding the timeline needed to complete the annual audit and that it generally is a nine-month process.

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

1. Regular City Council Meeting held May 4, 2005.
2. City Council Meeting and Executive Session held March 2, 2005.
3. City Council Workshop held May 18, 2005.

Motion to approve both the meeting and workshop minutes was made by Vice Mayor Gunter. The motion passed unanimously.

#### **V. Presentations**

1. Recognition of Robert Rini for 10-Years of Service to the Code Enforcement Board.

Mayor Rosamonda presented a plaque to Robert Rini in appreciation for his service.

#### **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 #06-05 – First Reading - Stormwater Provisions for New Construction.

City Planner Anita Gonzalez summarized the new ordinance, and explained that it would be a temporary measure to address stormwater issues until such time as a City-wide Master Stormwater Plan is implemented; that new construction in a flood plain would not be eligible for a drainage variance; and that if a new single-family home's base elevation is proposed to be less than 12" above the adjacent roadway, additional stormwater engineering will be required.

Council Member Fulton questioned if there could be some type of disclosure required so that potential buyers would be aware of drainage problems. Mr. Ardaman answered that the City could require property owners to record a notice regarding any type of problems experienced on the properties. Ms. Courson suggested that the drainage variance application could be recorded prior to the issuance of a building permit, much like the Notice of Commencement is recorded. Mr. Ardaman suggested that it should be recorded prior to the permit being issued. There was a

discussion regarding the recordation of the variance, and there was a consensus that it should happen prior to the issuance of a building permit.

Mayor Rosamonda entertained a motion to approve Ordinance #06-05. Motion was made by Vice Mayor Gunter. Council Member Tillis seconded. The motion carried unanimously.

2. Ordinance #08-05 – First Reading - Amending the Future Land Use Map of the City for One Lot Located on Angeles Road from Residential / Low Density to Commercial Office – Applicant Doug Holly.

Mr. Ardaman suggested that the Council convene first as the Land Planning Agency. Mayor Rosamonda announced that the public meeting was closed, and the Land Planning Agency would discuss the request to amend the Future Land Use Map. Ms. Gonzalez explained the request and noted that there would be a rezoning request immediately following; that the property would be part of an approved site plan for a new car wash; that this particular lot would only have a buffer wall; that there would be no access to the business through this lot; and that a citizen, Mrs. Lundy, had called her to voice her opposition because she was unable to attend the Council meeting. Vice Mayor Gunter made a motion to recommend approval of the request and send it to the City Council. Council Member Carson seconded. The motion carried unanimously.

The Land Planning Agency closed and the City Council meeting reconvened. Mayor Rosamonda entertained a motion to approve Ordinance #08-05. Vice Mayor Gunter made a motion to approve. Council Member Fulton seconded. The motion carried unanimously.

3. Ordinance #09-05 - First Reading - Rezoning One Lot from R-4, Urban Single Family, to B-4, General Commercial, File No. D-05-005 – Applicant Doug Holly.

Scott Ashley, Volusia County Planning Manager, stated that the purpose of the rezoning was to provide consistency with the commercial land use; that the lot would contain a small retention swale and landscape buffer because it abuts a residential zone; and that there would be no commercial improvements on the lot.

Mayor Rosamonda entertained a motion to approve Ordinance #09-05. Motion was made by Council Member Fulton. Council Member Carson seconded. The motion carried unanimously. The applicant, Mr. Holly, thanked the Council for reducing the notification radius of neighboring property owners.

## **VII. Consent Agenda**

*Agenda Items marked with \* are considered routine matters or have been previously discussed by the City Council. All items will be considered by one motion unless removed from the Consent Agenda by a member of the City Council.*

- \*1. Release of Subdivision Maintenance Agreement, Final Plat – DeBary Plantation Unit 16B-1 – File No. 02-S-FPL-0009.
- \*2. Release of Subdivision Maintenance Agreement, Final Plat – DeBary Plantation Unit 16A-3 – File No. 03-S-FPL-0369.
- \*3. Final Plat Application – Riviera Bella Unit 2B- File No. 05-S-FPL-0543.
- \*4. Resolution #05-12 - Request for Vacation of Plat of St. Johns River Estates, Unit Three – Steve and Jamie Mendoza, applicants.
- \*5. Ordinance #10-05 – First Reading - Expansion of DeBary Plantation Streetlighting District to include Units 16A-3, 16C-1, 16C-2 & 16C-3 – First Reading

Mr. Ardaman informed the Council that Item #3 should include a condition that the developer must satisfy title requirements. Mr. Ardaman read Resolution #05-12 and Ordinance #10-05.

Mayor Rosamonda entertained a motion to approve Items One through Five with the condition added to Item #3 as suggested by Mr. Ardaman. Motion was made by Vice Mayor Gunter. Council Member Fulton seconded. The motion carried unanimously.

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

- 1. Utt / Smith Subdivision – Request for ODP Approval.

Mr. Panton explained the request to the Council. Council Member Tillis asked about the intentions the owner had for a drainage ditch on the backside of the property. Mr. Panton answered that the ditch did not show up on the survey, but he had noticed it on the aerial. Ms. Courson suggested that the ODP approval be contingent upon the owners providing the City with a drainage easement; and that the item be continued to the July meeting in order for the City to determine the exact location of the pipe to ensure the proper area is requested for a drainage easement. Vice Mayor Gunter made a motion to continue the request, and Council Member Fulton seconded. The motion carried unanimously.

### **IX. Old Business**

- 1. Hurricane Preparedness – Expenditures and Contracts.

Ms. Courson explained her recommendations to the Council regarding contracting with DRC for debris removal and purchasing 800 MHz radios and generators. Council Member Fulton requested staff to obtain a price quote for a generator at City Hall.

There was a discussion regarding the AM radio station and the need for communication during an emergency. There was a general consensus that the City should apply for the grant to help pay for the station when the grant cycle opens in November.

Ms. Courson informed the Council that the upgrade for the Reverse 911 system was removed from the budget last year by the city manager, and that she needed Council approval to spend approximately \$8,000 for the upgrade.

Mayor Rosamonda entertained a motion to piggyback on the City of Tampa contract with DRC for debris removal, to approve the expenditure of \$22,100 for hurricane preparedness, and approve \$8,000 for the Reverse 911 system upgrade. Vice Mayor Gunter made a motion to approve, and Council Member Tillis seconded. The motion carried unanimously.

2. Proposal for the Preparation of Construction Plans for Gateway Signage

Ms. Courson explained the designs discussed and recommended by the Streetscape Advisory Committee and asked the Council for approval to proceed with the constructions drawings.

Mayor Rosamonda entertained a motion to approve the \$41,828 expenditure for the preparation of construction drawings for gateway signage by Starmer Rinaldi Architects. Vice Mayor Gunter made a motion to approve, and Council Member Fulton seconded. The motion carried unanimously.

3. Proposal for Installation of Decorative Lighting Along Mansion Boulevard.

Council Member Tillis asked if staff could send a letter to the County regarding dirt being washed out from the mansion driveway on to the road. Ms. Courson answered that a letter would be sent out and followed up with a phone call to the County.

There was a discussion regarding the mansion being a focal point for the City. Mayor Rosamonda entertained a motion to approve the proposal for the installation of the lighting. Vice Mayor Gunter made a motion to approve, and Council Member Tillis seconded. The motion carried unanimously.

**X. New Business**

1. Discussion of Alternate Municipal Service Providers Request for Proposal (RFP).

Ms. Gonzalez explained the RFP packet and the staff recommendations provided to the Council. She stated that the City should continue the contract with the County, develop performance standards to ensure contractual compliance, and delete the proactive code enforcement activities.

Ms. Courson gave the Council details regarding the outsourcing of construction engineering inspection services and development engineering services, as the County is unable to provide these services to the City. There was a discussion pertaining to the integration of the outsourced

services with existing County provided services. There was general agreement that the bulk of the County contract would continue, and that staff should move forward with selecting and interviewing three firms each for construction engineering inspection services and development engineering inspection services.

2. Discussion of Maintenance of I-4 Ramps.

Ms. Courson explained the need for the west side of Exit 108 to be properly maintained because it is a gateway to the City of DeBary. Mayor Rosamonda stated that he preferred to use a private contractor rather than contracting with Volusia County. Ms. Courson said that staff could approach the County and let them know that the City wants to handle the maintenance. Mayor Rosamonda informed the Council that FDOT has given the City beautification money in the past and might have some currently available. Ms. Courson said that staff would contact the FDOT Secretary for District Five to inquire about beautification fund monies available and would pursue a financial contribution from Volusia County.

3. Discussion of Nuisance Trees Ordinance.

Ms. Courson explained that the City's current lot maintenance ordinance addresses only improved property; that staff has received citizen complaints regarding dead trees on unimproved property; and that staff researched similar ordinances in other areas in Florida to determine how other jurisdictions handle the problem of dead trees on unimproved property.

Mr. Ardaman suggested that any trees might be subject to falling on neighboring properties during times of hurricane winds; that the City is concerned with trees that are dead and could fall at any time; and that the causation should be taken out. There was a general consensus from the Council to move forward with drafting the ordinance.

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

1. Board Committee Reports
2. Board/Committee Appointments
  - A. Board:
    1. Code Enforcement Board  
Member Council Member Fulton
  - B. Committee
    1. Streetscape Committee  
Member Mayor Rosamonda

Mayor Rosamonda and Council Member Fulton requested that the appointments be continued until the July meeting.

### 3. Member Reports/Communications

#### A. Mayor and Council Members

Vice Mayor Gunter noted that he had attended the Volusia League of Cities meeting and dinner on the Rivership Romance cruise. He informed the Council that he would no longer be able to attend the VCOG meetings in Daytona. Council Member Tillis volunteered his time to attend the meetings.

Council Member Carson requested that the City partner with Volusia County to sponsor a morning event at DeBary Hall on the 4<sup>th</sup> of July. There was a discussion pertaining to the local events being held in West Volusia on the 4<sup>th</sup> of July. Council Member Carson said he would need \$3500.00 to hold the event, and the County would match those dollars. Ms. Courson said that the money budgeted in the special events and promotions accounts had been spent. The Council requested further information from Council Member Carson, and he replied that he would provide that to them the next evening on the 8<sup>th</sup>.

Council Member Fulton reported that he had attended the Progress Energy hurricane preparedness meeting, the monthly Streetscape Advisory Board meeting, the first Charter Review Commission meeting, the DeBary Walkable Communities, the school board meeting, and had been in the dunk tank at the Volunteer Appreciation Luncheon.

Council Member Tillis reported that he had attended the VCOG meeting and the school board meeting. He requested that Mirror Lake be added to the list of lakes to be pumped and expressed concern that the Code Enforcement Board meeting was cancelled. Ms. Courson said that they did not have a quorum and would work on getting more alternates appointed to the Board. Council Member Tillis reported to the Council that the owners of Rumors Bar & Grille are willing to sell the property for \$900,000 whether or not the City rents it back to them.

Mayor Rosamonda asked if the landscaping had been stalled on 17-92. Ms. Courson answered that it had been stalled because the water supplies had to be established first. Mayor Rosamonda asked if the staff would be replacing Elaine Swanson. Ms. Courson replied that she wanted to advertise, but needed Council approval to advertise it as a full time salary position and keep the pay at the current rate. Mayor Rosamonda entertained a motion to approve the advertising as requested by Ms. Courson. Council Member Tillis made a motion to approve and Council Member Fulton seconded. The motion carried unanimously.

Council Member Fulton inquired about the budgeted funds for the CERT trailer. Ms. Courson answered that the money was currently available, and they could go ahead with the purchase. Council Member Fulton requested that staff research current grant opportunities to acquire the trailer prior to purchasing it.

Council Member Tillis initiated a discussion regarding available sidewalk money that could possibly be spent in the neighborhood across from DeBary Elementary. Ms. Courson said that the School Board should forward an approved walking route for students prior to the City

installing sidewalks near the school. Mayor Rosamonda added that the residents in that particular neighborhood are not in favor of any sidewalks.

**B. City Attorney**

Mr. Ardaman informed the Council that the County Council decided not to purchase the touch screen voting machines; that if the Council does not take action, the City could be in a situation where it does not have the appropriate machines for this year's election; and that he will keep the Council posted on further developments.

**C. City Manager**

Ms. Courson asked the Council to add the selection of Rob Sullivan Park site amenities to the June 22<sup>nd</sup> workshop. Ms. Courson informed the Council that staff needed authorization to order a phase two environmental study costing \$6,500 because buried debris was found along the ridge at the borrow pit. Vice Mayor Gunter made a motion to approve the \$6,500 to be spent on a phase two environmental study. Council Member Tillis seconded. The motion carried unanimously.

**XII. Adjournment.** The meeting adjourned at 10:12 p.m.

**APPROVED July 6, 2005  
CITY OF DeBARY  
CITY COUNCIL**

**Carmen Rosamonda, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**