

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

**Wednesday**  
**August 3, 2005**  
**7:00 PM**

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

**MINUTES**

**I. Call to Order**

Mayor Rosamonda called the meeting to order at 7:05 p.m.

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 Assistant City Attorney Dan Langley

**III. Certificates of Appreciation**

1. Michael Brownfiel
2. George Recktenwald
3. Rodney Veino

Mayor Rosamonda presented certificates of appreciation to Mr. Brownfiel, Mr. Recktenwald, and Mr. Veino for their diligent work during the storms last year and the flooding this year.

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

Tom Smith, 305 Glen Club Drive, addressed the Council regarding his proposal to build DeBary City Hall on the current DeBary Motel site. He stated he could build a 7500 square foot building for approximately two million dollars and have it ready for occupancy in eighteen months. Mrs. Courson said that the contract for the Johnson building would probably be back in front of Council in September. The Council agreed that they would like to hear from Mr. Smith at the September meeting after further researching the feasibility of the proposal.

Gene Stump, 106 Birkwood Court, stated that he was in favor of the City purchasing the Johnson building.

Norm Erickson, 15 Azalea Drive, asked the Council if GAI Consultants, Inc. is the same company that was used for the CRA study. Mayor Rosamonda answered it was, and that would be covered later in the agenda.

John Likakis, 38 Seminole Drive, questioned Council on the status of the Shell Station at the corner of Highbanks and 17-92. Mayor Rosamonda answered that Council did not know if there would be a Walgreens occupying the property.

Robert Schraff, 134 Oak Tree Drive, asked the Council for help regarding a problem he had with law enforcement the previous day.

## **V. Presentation**

1. Fire Service Alternative – Establishing an Independent Fire District  
City of Deltona and Orange City

John McCue, City Manager of Orange City, addressed the Council regarding the possibility of the cities merging fire services into an independent district. He discussed the evolution of the concept and actions taken to research the issue.

Mayor Rosamonda said that the Council was interested in participating in the study to determine if it would benefit the City. Mr. McCue said that he did not know what the cost of the study would be at this time. He stated that the number of participants would change the cost, and there was a possibility that Deland would be involved.

There was general consensus from the Council that they would like Mrs. Courson to participate in the meetings with Orange City and Deltona, and to move forward with the study. The Council expressed their openness to any consolidation of services that would save the taxpayers money and provide a high level of service to the citizens.

## **VI. Approval of Minutes**

1. Regular City Council Meeting held July 6, 2005.
2. Special City Council Meeting held July 20, 2005.

Motion to approve the minutes for both meetings was made by Vice Mayor Gunter. Council Member Fulton seconded. The motion carried unanimously.

Mayor Rosamonda announced that there would be a change in the order of the agenda, to meet the needs of County staff that were present.

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

1. Consideration of Settlement Offer from Home Lenders Trust, Inc. for Code Enforcement Lien at 249 Toms Road.

William Rosenfelt, attorney for Home Lender's Trust, outlined the chain of events regarding the placement of the code enforcement lien to the Council and asked them to consider a reduction.

Mr. Ardaman entered a letter written by his office to Mr. Rosenfelt dated June 2, 2005, and a return letter written by Mr. Rosenfelt dated June 7, 2005, into the record. These letters outlined agreed upon conditions in connection with the City Council's consideration of the reduction of the code enforcement lien.

The Council discussed the need for the City to stand behind its code enforcement liens so that property owners take the City and its regulations seriously. There was a general consensus that the request for reduction should be denied.

## **XI. New Business**

### **1. Discussion of Contribution for Construction of Site-Built Stage at Gemini Springs.**

Nancy Maddox, Volusia County Leisure Services, introduced herself and her consultant Bill Starmer, with Starmer Ranaldi Planning and Architecture. She handed out a cost sheet and drawing of the proposed location for the stage. Vice Mayor Gunter asked Ms. Maddox how the County staff determined the proposed location. Ms. Maddox explained the areas considered and the reasons for the chosen site. A lengthy discussion followed regarding pros and cons of different locations for the stage.

Mr. Starmer spoke to the Council regarding location and various possibilities for the stage.

John Likakis, 38 Seminole Drive, asked the Council where all the funds to build the stage would be coming from. Council Member Tillis answered that the County was also receiving grant funds to build the stage.

Ken Runge, 855 Regalwood Lane, stated that he thought the stage should be larger and that private entities could be involved in the partnership.

Vice Mayor Gunter made a motion to approve the partnership with Volusia County and \$100,000 for the construction of a permanent stage at Gemini Springs with the preparation of a joint use agreement to be approved by City Council. Council Member Tillis seconded. Mayor Rosamonda asked if that motion could be contingent upon final approval of the floor plan and location by the City.

Bill Apgar, Volusia County Leisure Services, stated that he felt the pavilion and restrooms would still be needed in the overflow parking area, and that merging the stage and pavilion into one area would be best.

Vice Mayor Gunter restated that the City would really like to have the location looked at. He withdrew his first motion and remade the motion to approve the \$100,000 for the stage contingent upon final approval of the joint use agreement and final site plan approval and design of the building. Council Member Fulton seconded. The motion carried unanimously.

## **X. Old Business**

1. Results of the Geotechnical Study of the Retention Pond at Highbanks and Enterprise Road.

David Hamstra, Professional Engineering Consultants, handed out a preliminary report of the geotechnical study from Devo Engineering. He explained to the Council how the study was conducted. He stated that water is presently seeping through the berm; that tree debris was found in the berm; and that this debris could weaken the berm over time.

Vice Mayor Gunter said that he spoke with County Councilman Bill Long, and informed him of the results of the study. Vice Mayor Gunter noted that the project was a joint venture between Volusia County and DOT.

Mr. Hamstra said he would hand deliver the reports to the County on Thursday morning. Council Member Tillis and Council Member Fulton said that they would both attend the County Council meeting and ask the County to address the problem during Public Participation.

Ilene Morosetti, 307 Alexandra Woods Drive, expressed her appreciation to the Council and asked if she could attend the County Council meeting the following morning. She requested City staff to get a quiet pump because the noise level is too high. Mrs. Courson answered she would make every effort to obtain a quieter pump.

Robin Schmidt, 305 Alexandra Woods Drive, asked why the pond is wet if it was designed to be a dry pond. Mr. Hamstra answered if the pond is fixed properly with underdrains, then there will not be all the water that is there currently moving through the berm.

Dan Disrud, 301 Alexandra Woods Drive, thanked the City Council for being angry about the problem with the pond. He restated Mrs. Morosetti's request for a quiet pump.

## **VII. 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 #16-05 – First Reading – Sexual Offenders Residence Requirements.

Mr. Ardaman read Ordinance #16-05 by title.

Herbert Kretzer, 50 Wentwood Drive, suggested adding Memorial Park and the Baptist Church on Shell Road to the City map. He asked if the community swimming pool at The Reserve would count as one of the areas limited. Mayor Rosamonda answered that it would not be included because it is a private recreation area.

Jon Stauffer, 619 S. Highway 17-92, submitted a written statement to the City Council because he was unable to verbally address them. Mayor Rosamonda read the statement aloud which listed the reasons Mr. Stauffer was opposed to the ordinance.

Council Member Tillis said that he had asked Fred North, with the Department of Corrections, to attend the meeting to answer questions regarding probation. Mr. North came to the podium with four of his staff members and explained their process of supervising offenders. He also explained the Department's policy of zero tolerance.

DJ Holly, owner of the DeBary Motel, informed the Council that he has three sexual offenders living at the Motel, and that they have been well behaved customers. He said that the supervision provided by the Department is very strict, and seems to keep the offenders in line.

Robert Schraff, 134 Oak Tree Drive, questioned if the park at Meadowlea on the River should be included. Mayor Rosamonda said that Meadowlea has private roads and would probably not be considered a public park for the purposes of this ordinance.

Marlee Grein, 34 Naranja Road, asked the Sheriff's office to check the registered offenders at least once a month.

Sargeant Virgil Ford, with the Volusia County Sheriff's Department, addressed the Council on the process taken by his office for address verification of offenders. He explained that they do not check prior offenders that are off probation. Council Member Tillis asked that the Department check each of the registered offenders in the City once a month.

Mayor Rosamonda entertained a motion to approve Ordinance #16-05. Motion was made by Council Member Fulton. Council Member Tillis seconded. The motion carried unanimously.

2. Ordinance #15-05 – First Reading – Amend Lot Maintenance Requirements to Include Nuisance Tree.

Mr. Ardaman read Ordinance #15-05 by title. Mrs. Courson explained the ordinance to the Council. Mayor Rosamonda entertained a motion to approve Ordinance #15-05. Motion was made by Council Member Tillis. Council Member Fulton seconded. The motion carried unanimously.

3. Ordinance #13-05 – Second Reading – Rezoning from B-5, Heavy Commercial, to BPUD, Business Planned Unit Development, File No. D-05-007 – Owner Builder's Edge LLC.

Mr. Ardaman read Ordinance #13-05 by title. Scott Ashley, Volusia County Planning Manager explained the request to the Council. Mayor Rosamonda entertained a motion to approve Ordinance #13-05. Motion was made by Vice Mayor Gunter. Council Member Fulton seconded. The motion carried unanimously.

4. Ordinance #14-05 – Second Reading - Vacating a Drainage & Utility Easement, DeBary Plantation, Unit Fifteen.

Mr. Ardaman read Ordinance #14-05 by title. Mrs. Courson explained that the request was being made so that the homeowner can construct an entertainment room as an addition to the home. Mayor Rosamonda entertained a motion to approve Ordinance #14-05. Motion was made by Vice Mayor Gunter. Council Member Tillis seconded. The motion carried unanimously.

5. Resolution #05-18 - Adopting a Preliminary Ad Valorem Tax Rate for FY 2005/2006.

Mr. Ardaman read Resolution #05-18 by title. Mayor Rosamonda entertained a motion to approve Resolution #05-18. Motion was made by Council Member Tillis. Vice Mayor Gunter seconded. The motion carried unanimously.

Mrs. Courson proposed that the Budget Workshop be held on one Saturday from 8:30 to noon. The Council agreed to August 13<sup>th</sup> at 8:30 a.m. Mayor Rosamonda asked the Council if they could reschedule the September meeting to the 6<sup>th</sup>. The Council agreed that they would have the first budget hearing and regular meeting on September 6<sup>th</sup> and the final budget hearing on September 21<sup>st</sup>.

Mr. Ardaman advised Mayor Rosamonda to amend the approved motion to approve Resolution #05-18 to change the date for the first hearing to September 6, 2005. Motion was made by Council Member Tillis. Vice Mayor Gunter 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 will be considered by one motion unless removed from the Consent Agenda by a member of the City Council.*

- \*1. Amendment to Interlocal Agreement with Volusia County for Provision of Municipal Services – Construction Engineering.
- \*2. Resolution #05-16 - Request for Vacation of Plat of St. John’s River Estates, Unit Three – Matt Huston, Applicant.
- \*3. Resolution #05-17 - Request for Vacation of Plat of Volusia Park, – Mark Watts, Applicant.

Vice Mayor Gunter made a motion to approve the consent agenda. Council Member Carson seconded. The motion passed unanimously.

## **X. Old Business**

2. Award of RFP for Development Engineering and Construction Engineering Inspection Services.

Mrs. Courson said after the Council and staff decided to remove these two services from the County contract, an RFP was prepared. She recommended GAI and PEC for a five-year period. Vice Mayor Gunter asked if the costs could be recovered that the City pays for the inspections. Mrs. Courson answered that the Council needs to consider a pass-through ordinance so that developers would pay the costs.

Mayor Rosamonda entertained a motion to approve the award of the RFP. Vice Mayor Gunter made a motion to approve, and Council Member Tillis seconded. The motion passed unanimously.

## **X. New Business**

2. Award of RFP for Classification and Compensation Study.

Mrs. Courson explained the extent of the Classification and Compensation Study and the need for it. Mayor Rosamonda entertained a motion to approve the award of the RFP to Cody & Associates. Council Member Fulton made a motion to approve. Council Member Carson seconded. The motion passed unanimously.

3. Purchase of Property at 117 and 119 Highbanks Road for Stormwater Utilities.

Mrs. Courson informed the Council that the property was flooded during at least six months last year, and the owner is willing to sell both lots for \$70,000. The property can be used for stormwater purposes and would be funded out of the stormwater utility fund. Council Member Tillis suggested that Highbanks Road might be raised. Mayor Rosamonda entertained a motion to approve the purchase plus and extra \$5,000 for demolition of the structure. Vice Mayor Gunter made a motion to approve the purchase. Council Member Fulton seconded. The motion passed unanimously.

4. 58 Park Lane Stormwater Pond and Outfall Improvements Phase II – Final Design Services.

Mrs. Courson outlined the PEC proposal for \$49,958 for the design, permitting and preparation of bid documents for a wet retention pond at 58 Park Lane. Mayor Rosamonda entertained a motion to approve. Motion made by Council Member Fulton and seconded by Council Member Tillis. The motion passed unanimously.

## **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 Carson  
Alt. Member Council Member Carson

Council Member Carson made a motion to appoint Marcia Becker as a regular member and Robert Duncan as an alternate member to the Code Enforcement Board. Council Member Fulton seconded. The motion carried unanimously.

B. Committee:

1. Public Safety Committee  
Member Council Member Tillis

Council Member Tillis nominated Mary Hall to the Committee. Council Member Fulton seconded the nomination, and the motion passed unanimously.

3. Member Reports/Communications

A. Mayor and Council Members

Council Member Tillis said that he would like the City to ask the County Council to donate the three lots on Naranja Road near Town Hall. Mayor Rosamonda answered that to meet the requirements of the deed covenants, the lots would have to be sold; he suggested that the City offer ten dollars for the three lots. Council Member Tillis made a motion to approve the offer of ten dollars. Vice Mayor Gunter seconded. The motion passed unanimously.

Council Member Tillis informed the Council that he and Mrs. Courson had addressed the flooding problem on Ft. Florida Road with Roger Van Auker.

Council Member Tillis asked Mrs. Courson if the City had a new Parks employee. Mrs. Courson answered that the City hired a Parks and Recreation Administrator and a Volunteer Coordinator. Anthony Gonzalez, Assistant City Manager, introduced the new Parks employee, John Fletcher, and the new Volunteer Coordinator, Dominick Vessa.

Council Member Fulton thanked staff for getting the lights in at Power Park. He informed the Council of his activities for the past month.

Vice Mayor Gunter asked the status of the power pole at DeBary Golf & Country Club. Mrs. Courson answered that she sent an email to Progress Energy, but would follow up again with a phone call.

B. City Attorney

Mr. Ardaman updated the Council on the status of the Duvall case and the issue with the missing pipe at The Reserve.

C. City Manager

Mrs. Courson asked the Council to schedule a workshop date for WAV and School Board presentations. Mayor Rosamonda suggested that it could be done on September 21<sup>st</sup>.

Mrs. Courson asked the Council how they felt about gas tax versus sales tax. Council Member Tillis said he preferred the sales tax. Council Member Fulton said he did not have enough information to decide. Mayor Rosamonda said it is not a regular sales tax, and there is not enough information to determine which is better for the City.

**XII. Adjournment.** The meeting adjourned at 12:02 a.m.

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

**Carmen Rosamonda, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**