

City of DeBary
REGULAR CITY COUNCIL MEETING
Wednesday
September 6, 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 7:10 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, Finance Administrator Jimmie Seelbinder, and City Attorney Kurt Ardaman

III. Proclamation Designating September 18th through the 24th as Constitution Week

Mayor Rosamonda read the proclamation to the audience.

IV. Public Participation For Any Issues Not On the Agenda

Robin Schmidt, 305 Alexandra Woods Drive, addressed the Council regarding the problem with the retention pond behind her house. Mrs. Courson informed the Council that she attended a meeting with all the parties involved, and Granite Construction is currently undergoing an extensive study of the berm.

Roy B. Beane, 50 ½ Lake Drive, asked the Council the purpose of the pump by his house. Mayor Rosamonda answered that the pumps are out there to maintain capacity so that roads and houses are not flooded.

Eugene Lutz, 5 Matanzas Road, informed the Council that the corner drains are plugged near his house. Phil Esposito, 150 Coronado Road, came to the podium with Mr. Lutz to speak to the Council regarding flooding on Coronado and Matanzas. Mrs. Courson said that their area was identified last year as one of the problem areas.

Kenneth Campbell, 3 Matanzas Road, said that his septic tank is compromised every time it rains.

Eugene Stump, 106 Birkwood Court, asked the Council to send a letter to the Johnsons thanking them for their time and informing them that the City is no longer interested in purchasing their building.

Norm Erickson, 15 Azalea Drive, addressed the Council regarding the agenda and asked them to consider rearranging it to accommodate the public. He also asked when the Johnson building was removed from consideration. Council Member Fulton answered that it was discussed at a Council meeting, and the members did not want to pay \$500,000 more than the property was appraised at.

Gretchen Ganas, 444 Quail Meadow Court, asked the Council if there would be three new signs placed in the City as recommended by the Streetscape Committee. Mrs. Courson answered that there would be one primary and two secondary signs. Ms. Ganas stated that she was also against the purchase of Rumors.

Tom Smith, 305 Glen Club Drive, gave a brief presentation of his proposal to construct a new city hall at the DeBary Motel site.

Richard Brown, 488 W. Highbanks Road, informed the Council that he is the retired manager of the Highbanks Campground. He requested that the Council do something to stop the code enforcement action against the elderly campground residents.

Richard Clark, 154 Coronado Road, spoke to the Council on flooding issues.

V. Approval of Minutes

1. Regular City Council Meeting held August 3, 2005.
2. City Council Workshop held August 13, 2005.
3. Special City Council Meeting held August 24, 2005.

Motion to approve the minutes for both meetings was made by Vice Mayor Gunter. Council Member Fulton seconded. 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. Resolution #05-23 – Adopting a Tentative Ad Valorem Millage Rate for FY 2005/2006.

Mr. Ardaman read Resolution #05-23 by title. Mayor Rosamonda entertained a motion to approve. Motion made by Council Member Carson and seconded by Vice Mayor Gunter. Motion carried unanimously.

2. Resolution #05-24 – Approving the Tentative Annual Operating Budget for FY 2005/2006.

Mr. Ardaman read Resolution #05-24 by title.

Norm Erickson, 15 Azalea Drive, asked about the \$250,000 for Streetscape on page 63. Mrs. Courson answered that it is for any proposed projects that come from the Committee during the next fiscal year. Mayor Rosamonda noted that the City did receive \$200,000 from DOT for the landscaping along 17-92.

Neil Coppens, 19 Rosedown Boulevard, questioned the Council on the FEMA reimbursement, and suggested that they take it out of the budget. Jimmie Seelbinder, Finance Administrator, explained the FEMA reimbursement process and noted that the budget is meant to be a tool.

Mayor Rosamonda entertained a motion to approve Resolution #05-24. Motion made by Council Member Carson and seconded by Council Member Fulton. Motion carried unanimously.

3. Ordinance #15-05 – Second Reading – Nuisance Tree Ordinance.

Mr. Ardaman read Ordinance #15-05 by title. Mrs. Courson explained the purpose of the ordinance. Vice Mayor Gunter asked Mr. Ardaman if the City's liability is being increased by the passage of the ordinance. Mr. Ardaman answered that it is not.

Mayor Rosamonda entertained a motion to adopt Ordinance #15-05. Motion made by Council Member Fulton and seconded by Council Member Tillis. Motion carried unanimously.

4. Ordinance #16-05 – Second Reading – Sexual Offenders Residence Requirements

Mr. Ardaman read Ordinance #16-05 by title. Council Member Fulton said that he had heard about a challenge to a similar ordinance in another city and asked Mr. Ardaman to monitor it. Council Member Tillis asked if Captain Osowski would have the Sheriff's office check on the registered offenders in the City at least once per month. Mrs. Courson said that it had already been arranged.

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

5. Resolution #05-20 - Request for Vacation of Portion of Plat of Tract I Springview Industrial Park, Unit Two and Recording of Tree Easement upon Borrow Pit Property.

Mr. Ardaman read Resolution #05-20 by title.

David Hamstra, of Professional Engineering Consultants, gave an overview of the borrow pit and the need for the swap of the tree preservation easement. Vice Mayor Gunter asked if it would allow for the development of Tract I. Mrs. Courson answered that it would.

Mayor Rosamonda entertained a motion to approve Resolution #05-20. Motion made by Vice Mayor Gunter and seconded by Council Member Carson. Motion carried unanimously. Vice Mayor Gunter thanked Mr. Rasmussen for his help in 2004, and for working with the City.

6. Resolution #05-21 – Authorization to Execute and Deliver the Note for Purchase of Borrow Pit.

Mr. Ardaman read Resolution #05-21 by title.

Mayor Rosamonda explained that it is a five-year note for the purchase of the borrow pit. Mrs. Courson added that the stormwater utility fee would be funding the purchase.

Mayor Rosamonda entertained a motion to approve Resolution #05-21. Motion made by Vice Mayor Gunter and seconded by Council Member Tillis. Motion carried unanimously

7. Baker Development Agreement for 7.5+ Acres Located on Cunningham Lane.
8. Ordinance #12-05 – First Reading – Amending the Future Land Use Map of the City for Two Lots Located on Cunningham Lane from Agricultural/Rural Residential to Residential/Low Density – Applicant John Baker - Tabled from Meeting of July 6, 2005.

Ms. Gonzalez asked the Council to postpone items seven and eight until the October 5, 2005, meeting due to an error in notification to adjoining property owners. Vice Mayor Gunter suggested removing the items from the agenda if there was no objection from the Council. There was no objection from the other Council members.

IX. Old Business

1. Purchase of the Borrow Pit for Regional Stormwater Facility.

John Likakis, 38 Seminole Drive, stated his concern regarding the price for the pit exceeding the average of the appraisals. He also asked Council to rearrange the agenda to consider the item for the purchase of property located at 24 Seminole Drive earlier to accommodate citizens in the audience.

The Council discussed all the benefits the City would gain by purchasing the borrow pit.

Mayor Rosamonda entertained a motion to approve the purchase of the borrow pit. Council Member Carson made a motion to approve. 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 are considered by one motion unless removed from the Consent Agenda by a member of the City Council.*

- *1. Overall Development Plan Application for DeBary Town Center Subdivision.
- *2. Contract Renewal for the West Volusia Chamber of Commerce.
- *3. Resolution #05-19 – Amending the Section 401(A) Money Purchase Government Retirement Plan And Trust.
- *4. Release of Subdivision Maintenance Agreement, DeBary Plantation Unit 16C-2 Subdivision Final Plat, File No. 03-S-FPL-0368.
- *5. VC/SW Regional Wastewater Facility Final Site Plan Application, File No. 05-F-FSP-0033.
- *6. Resolution #05-22 – Appointing a Canvassing Board for the 2005 Primary and General Elections.
- *7. Consultant Agreement for Landscape Architectural Consultant Services – Glatting Jackson.
- *8. Contract for Purchase of Property at 117 and 119 Highbanks Road for Stormwater Utilities.
- *9. Resolution Numbers 05-25 Adopting a Non-Ad Valorem Assessment Roll for Solid Waste Collection, 05-26 Adopting a Special Service District for Street Lighting, 05-27 Adopting a Non-Ad Valorem Assessment Roll for the Stormwater Utility Fund, and 05-28 Adopting a Non-Ad Valorem Assessment Roll for Orlandia Heights Special Neighborhood Improvement District.
- *10. Correction: Proposal for the Preparation of Construction Documents for Gateway Signage.

Council Member Fulton pulled item numbers four and seven. Council Member Tillis pulled item number five. Vice Mayor Gunter pulled item number six.

Mr. Ardaman read Resolutions #05-19, #05-25, #05-26, #05-27, and #05-28 by title. Mayor Rosamonda entertained a motion to approve consent items one, two, three, eight, nine, and ten. Motion made by Vice Mayor Gunter and seconded by Council Member Carson. The motion carried unanimously.

Mrs. Courson explained item number four, the request for the release of the subdivision maintenance agreement for DeBary Plantation Unit 16C-2. Council Member Fulton said he would like it to be tabled until the City inspector has cleared it. There was no objection from the Council to table item four.

Mayor Rosamonda discussed item number five, the site plan application for the VC/SW Regional Wastewater Facility. Council Member Tillis said he was unaware that there was a chlorine tank there and asked if there is an emergency plan in place. Palmer Panton, Volusia County Land Development Manager answered that he was unsure if there is a plan. Council Member Fulton asked that it be tabled until the safety plan is obtained and reviewed.

Vice Mayor Gunter said that he pulled item number six, appointment of a canvassing board for the primary and general elections, to ask why the names were already drafted into the resolution. Mrs. Courson explained that Council Member Carson could not serve on the board because he is up for reelection, and she was aware that Mayor Rosamonda and Vice Mayor Gunter have previous commitments. She also noted that both Council Members Fulton and Tillis have never had the experience of serving on a canvassing board.

Mr. Ardaman read Resolution #05-22 by title. Vice Mayor Gunter said he was comfortable with the selection after discussing it with the Council. He made a motion to approve, and Council Member Fulton seconded. The motion carried unanimously.

Mrs. Courson discussed item number seven, the consultant agreement for landscape architectural services with Glatting Jackson. Council Member Fulton said he pulled it so that the public would know that it is not an exclusive contract. Mayor Rosamonda entertained a motion to approve the agreement. Motion made by Council Member Fulton and seconded by Vice Mayor Gunter. The motion carried unanimously.

VIII. Growth Management and Development Review

1. Final Plat Application for Glen Abbey, Unit Five, File No. 05-S-FPL-0803.

Council Member Fulton voiced his concern about the flooding situation in the area and filling in a flood plain. Mr. Hamstra stated that he looked at the plans, and he determined that they met the requirements. He explained the topography of the property and the impact of the development on James Pond. Mayor Rosamonda said that the applicant has met all the criteria, and the City should approve the application.

Council Member Tillis asked Mr. Ardaman if the Council could be held liable if they do not act on the application. Mr. Ardaman answered that the Council cannot hold the application in limbo and must act on it if the applicant has met all the criteria.

Mayor Rosamonda entertained a motion to approve the final plat application subject to conditions as outlined by staff. Council Member Tillis made a motion to approve, and Vice Mayor Gunter seconded. The motion carried 4-1 with Council Member Fulton dissenting.

2. Final Site Plan for Seminole Precast Addition, File No. 05-F-FSP-0741.

Mayor Rosamonda entertained a motion to approve the final site plan application subject to the approval and installation of the landscaping and irrigation. Motion made by Vice Mayor Gunter and seconded by Council Member Fulton. The motion carried unanimously.

X. New Business

2. Purchase of Property Located at 24 Seminole Drive for Storm Water Utilities.

Mrs. Courson explained that the property owner approached the City offering the sale of the lot due to the property being a low spot in the area. She said that PEC investigated the property and said it would function as a retention pond.

John Likakis, 38 Seminole Drive, voiced his concern regarding the flooding on Monroe Avenue.

Mayor Rosamonda asked Mrs. Courson if there is a house on the lot. She answered yes, and that she would need \$5,000 to demolish the house. Mayor Rosamonda entertained a motion to approve the purchase of the property for \$90,000 plus \$5,000 for the demolition of the house. Motion made by Vice Mayor Gunter and seconded by Council Member Fulton. The motion carried unanimously.

1. Directional Drilling Proposal for Town Hall Septic System.

Mrs. Courson informed the Council that this item was removed from the agenda.

IX. Old Business

2. Contract for Purchase of Rumors Property.

Council Member Tillis said that his property lies south of Rumors, and he would abstain from any vote on the purchase of Rumors.

Kathy Hadden, owner of Rumors, addressed the Council regarding her property and requested that the Council come to a decision on a new city hall.

Norm Erickson, 15 Azalea Drive, said that he felt the City should not buy the Rumors property.

Lenny Marks, 32 Wisteria Drive, said the Council should not build a city hall and then build again in five or seven years. He voiced his concern regarding the City spending money.

Vice Mayor Gunter suggested that they schedule a workshop to discuss a new city hall.

Gene Stump, 106 Birkwood Court, agreed with Vice Mayor Gunter and said that he would like to have a workshop.

Denis Cremer, 145 Marsella Road, voiced her support for the purchase of Rumors and asked the Council to make their decision quickly.

George Coleman, 286 Deleon Road, said that he thought that it would be beneficial to build the city hall at the DeBary Motel site because it would improve the look of 17-92, and the existing Town Hall parking could be used for overflow.

Mrs. Courson said that the City should still pursue the donation of the three county lots regardless of the new city hall location.

The Council discussed what they would like to hear at a workshop for the new city hall. The workshop was set for September 17th at 9:00 a.m.

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

1. Board Committee Reports
2. Board/Committee Appointments
 - A. Board:
 1. Historic Preservation Advisory Board
Member Council Member Tillis
Member Mayor Rosamonda

Council Member Tillis and Mayor Rosamonda asked to postpone their appointments until the next meeting.

3. Member Reports/Communications

Mrs. Courson asked to introduce the new Recreation Coordinator, Shannon Pike, to the Council before they began their reports. Ms. Pike told the Council about herself, and Mayor Rosamonda welcomed her to the City.

- A. Mayor and Council Members

Council Member Tillis said he had a great time at the Florida League of Cities Conference.

Vice Mayor Gunter said he attended six charter review meetings at Volusia County since the last City Council meeting. He informed the Council of the various items discussed.

Mayor Rosamonda asked the status of the code enforcement case on the Highbanks Marina. Mrs. Courson answered that the Code Enforcement Board is still handling the case. He asked if the City Council has the ability to provide guidance to the Board. Mr. Ardaman answered that the City cannot dictate to the Board how they should rule on a case.

- B. City Attorney

Mr. Ardaman updated the Council on the missing pipe at the Reserve case. He said that Mr. Hamstra had given him a preliminary report on the engineers involved.

- C. City Manager

XII. Adjournment. The meeting adjourned at 11:16 p.m.

**APPROVED October 5, 2005
CITY OF DeBARY
CITY COUNCIL**

Carmen Rosamonda, Mayor

ATTEST:

Stacy Tebo, City Clerk