

City of DeBary
SPECIAL CITY COUNCIL MEETING

Wednesday

September 21, 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 7:00 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: Assistant City Manager Anthony Gonzalez, City Clerk Stacy Tebo, and Finance Administrator Jimmie Seelbinder

III. Presentations

1. Annual Independent Audit for FY 2003/2004 – Alex Kish, CPA.

Mr. Kish briefed the Council on the annual audit his firm, Brent Millikan & Company, performed for the City. He noted that they had one comment regarding the City's internal procedure that limits deposits to no more than 80% in one location. Mr. Kish said that the City should give itself the authority to raise that to allow a larger concentration in the state local government surplus trust fund, administered by the State Board of Administration. Vice Mayor Gunter asked what the City could do to change that. Mr. Seelbinder said he would prepare a resolution to change the investment policy.

Mr. Kish stated that the financial position of the city is still very strong, and the numbers will recover as the FEMA reimbursements come in.

Vice Mayor Gunter asked if Mr. Kish still had a concern regarding the separation of procedures. Mr. Kish said there is still a risk having a one-person finance department, but the City has employed procedures to counteract that risk.

Council Member Tillis asked how long it takes to complete the audit. Mr. Seelbinder answered that it took approximately four weeks. Mr. Kish stated that the audit must be submitted within

one year after the end of the fiscal year. He added that it has been a difficult year, and many cities are behind their normal schedule about three to five months due to the FEMA transactions.

Mayor Rosamonda thanked Mr. Kish for his work. Mr. Kish told the Council to call him if they had any further questions.

2. Volusia County School Board – Growth Management School Concurrency Policy by Patricia Drago.

Ms. Drago addressed the Council regarding growth as it affects schools in Volusia County. She outlined the constraints that the School Board is facing such as the rising cost and availability of building materials. She explained the class size reduction amendment, which has created a need for more classrooms. She said the projected number of students still exceeds the permanent student capacity. She mentioned that there have been challenges to the recent increase in school impact fees.

Ms. Drago explained School Board Policy 613, which requests that local governments consider the impact of new residential development on existing school capacity, and that local governments ask the developer to mitigate those adverse impacts.

Ms. Drago outlined Senate Bill 360, which mandates school concurrency in Volusia by February 2008. She asked that the Council consider student capacity when approving land use changes in the future.

Vice Mayor Gunter asked what the City could do. Ms. Drago answered that the City might ask for several things, such as the developer's proportionate share of the mitigation in advance, developer participation in school site acquisition, developer participation in road, water, or sewer extensions, and payment of the impact fees prior to certificate of occupancy.

Council Member Fulton asked about the Mel Martinez plan. Ms. Drago answered that Senate Bill 360 essentially sets up the Martinez plan.

Mayor Rosamonda said that the City would do whatever it could to help the School Board and thanked Ms. Drago for her presentation.

3. WAV – Funding Sources and Alternative Water Supplies by Kart Vaith, P.E. and Lisa Marie Prieto, P.E.

Bruce Mowery, executive director of the Water Authority of Volusia, said that as growth increases, so does the demand for water. He said that it is critical to identify alternative water sources for the future.

Mr. Vaith introduced himself and noted that Ms. Prieto would not be present due to illness. He stated that fresh ground water supplies are stressed due to growth, and that current studies indicate there may not be enough fresh groundwater to meet future demands for WAV members. He said that WAV has been considering alternative water sources to meet future demands and

came up with a choice earlier in the day at their board meeting. Mr. Vaith explained each of the alternative choices that were considered by WAV. He said that they chose Portfolio Eight, which includes a surface water plant for the western part of the County, brackish water RO plant in the eastern part of the County, with groundwater optimization.

Vice Mayor Gunter asked about funding sources if Senate Bill 444 only provides forty percent matching funding. Mr. Vaith answered that once WAV is up and running, revenue from the sale of the water will cover the other sixty percent.

Vice Mayor Gunter questioned why St. Johns River Water Management District (SJRWMD) thinks the flow should be raised in Blue Springs by such a large number. Mr. Vaith replied that the Florida Water Department of Environmental Protection is actually asking for a higher minimum flow than 157 cubic feet per second, which is what the SJRWMD is recommending due to the manatee population.

Council Member Fulton said that the demand is already exceeding the limits of the County's consumptive use permit.

Mayor Rosamonda stated that he thought it should be a regional effort instead of each county fending for itself. He said the cost for each county doing its own separate study is a duplication of effort.

Council Member Tillis asked if the aquifer flows south. Mr. Vaith answered that the aquifer flows from higher areas towards the ocean.

Mayor Rosamonda thanked Mr. Vaith for his presentation.

IV. Public Participation For Any Issues Not On the Agenda

None.

V. 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 #05-30 - Adopting a Final Ad Valorem Tax Rate for FY 2005-2006 – Second and Final Public Hearing.

Ms. Tebo read Resolution #05-30 by title. Mayor Rosamonda stated that the City's current millage rate of 2.50746 would remain the same. Mayor Rosamonda entertained a motion to approve. Motion made by Vice Mayor Gunter and seconded by Council Member Carson. Motion carried unanimously.

2. Resolution #05-31 - Adopting the Annual Operating Budget for FY 2005-2006 – Second and Final Public Hearing.

Ms. Tebo read Resolution #05-31 by title. Mayor Rosamonda entertained a motion to approve. Motion made by Vice Mayor Gunter and seconded by Council Member Tillis. Motion carried unanimously.

VI. 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. Interlocal Agreements for Contract Municipal Services with Volusia County and the Volusia Sheriff's Department for FY 2005/2006.
- *2. Resolution #05-29 - Growth Management Fee Schedule for FY 2005-2006.

Ms. Tebo read Resolution #05-29 by title. Mayor Rosamonda entertained a motion to approve the consent agenda. Motion made by Vice Mayor Gunter and seconded by Council Member Fulton. Motion carried unanimously.

VII. Growth Management and Development Review

- 1. Consideration of Recommendation of Code Enforcement Board (CEB) to Reduce Fine/Lien on Property at 792 Ft. Florida Road.

Mr. Don Pulver, Chairman of the Code Enforcement Board, briefed the Council on the case. He explained that the CEB heard the reduction request at their meeting on September 14th and had voted to reduce the lien to \$150.

Bonny Smith-Easter, owner of the property, addressed the Council regarding her efforts to correct the violation in the summer of 2004. She stated that in September, hurricane Frances destroyed her house, and her family has been staying in hotels, shelters, and with friends since that time. She added that she has been unable to care for the property at 792 Ft. Florida Road because she is staying in Crystal River, approximately 2 ½ hours away. She said that the insurance company gave her \$36,000 for the damages, and she is unable to rebuild the home with that amount of funds. She said that she has a buyer for the property and would be closing on September 23rd.

Council Member Tillis said that he went by the property and observed that there is water in the pool, and the fence is down again. Ms. Smith-Easter said that she was raising her four children alone without child support, and she did the best that she could do to correct the violation. She said that since she and her family abandoned the unlivable structure last September, no one has been maintaining the property. Council Member Tillis voiced his concern regarding the condition of the property. Ms. Smith-Easter stated that the new owner would be demolishing the house and pool and building a new home.

Vice Mayor Gunter said that he believed the owner had good intentions to correct the violation, and if the Council stood in the way of the sale of the property, they would be perpetuating the

problem. Vice Mayor Gunter made a motion to waive the lien in its entirety. Council Member Tillis seconded and requested that the City ensure that the new owner secure the fencing around the pool. Council Member Fulton asked that City staff send a letter to the new owner regarding the fence, and that the Council would like the house demolished as soon as possible. Vice Mayor Gunter amended his motion to include the letter, and Council Member Tillis agreed. The motion carried unanimously. Mr. Gonzalez asked the Council if the city manager could execute the release of lien so that the closing could occur on September 23rd. Mayor Rosamonda answered in the affirmative, and there was no objection from the rest of the Council.

Thomas McNerney, 26 Jasmine Drive, spoke to the Council regarding code enforcement issues in his neighborhood. Council Member Fulton told Mr. McNerney to document the violations and drop them off at City Hall. Mayor Rosamonda asked Mr. Gonzalez to confer with Mrs. Courson regarding the code enforcement process.

VIII. Adjournment. The meeting adjourned at 9:28 p.m.

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

Carmen Rosamonda, Mayor

ATTEST:

Stacy Tebo, City Clerk