

City of DeBary
REGULAR CITY COUNCIL MEETING
Wednesday
October 5, 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: City Manager Maryann Courson, City Clerk Stacy Tebo, and City Attorney Kurt Ardaman

III. Presentation

1. Certificate of Completion of the 2005 Institute for Elected Municipal Officials to Council Member Tillis.

Mayor Rosamonda presented the certificate to Council Member Tillis and congratulated him on his accomplishment.

IV. Public Participation For Any Issues Not On the Agenda

Russell Herrmann, 230 Lakewood Drive, spoke to the Council regarding a code enforcement complaint against him for a privacy fence. Mayor Rosamonda asked Mr. Herrmann to meet with Ms. Courson the following morning at City Hall.

Terry Cumberledge, 24 River Bluff Trail, questioned the Council regarding the code enforcement case against the Highbanks Marina. Ms. Courson explained the current situation to the Council. Council Member Fulton requested that Ms. Courson work on completing the picture inventory of the campground. Council Member Tillis asked if the Code Board could meet more frequently than every other month. Mayor Rosamonda asked Ms. Courson to look into that possibility.

V. Approval of Minutes

1. Regular City Council Meeting held September 6, 2005.
2. City Council Workshop held September 17, 2005.
3. Special City Council Meeting held September 21, 2005.

Motion to approve the minutes for both meetings and the workshop was made by Council Member Tillis. Council Member Carson seconded. The motion carried unanimously.

IX. Old Business

1. Contract for Purchase of Rumors Property.

Vice Mayor Gunter stated that he had a request from the audience to move this item up on the agenda to accommodate those in the audience. There was no objection from the Council.

John Likakis, 38 Seminole Drive, addressed the Council regarding his disapproval of the purchase of Rumors.

Norm Erickson, 15 Azalea Drive, asked Mr. Ardaman to explain the term “super majority” as it might relate to the Council’s voting on the Rumors purchase. Mr. Ardaman explained that a simple majority would suffice for the vote, and that the last sentence in subsection 4B of the contract should be stricken because the appraisals and contract were not kept private; therefore, the super majority is not required. Mr. Erickson said he is opposed to the purchase.

Leonard Marks, 32 Wisteria Drive, asked the Council to vote against the Rumors purchase.

Tom Smith, 305 Glen Club Drive, formally withdrew from any development of a new city hall. He said that the Rumors purchase would cost the City \$20.09 per square foot, and he has not found any commercial property sold in West Volusia for that amount of money.

Mitch Geier, 212 Yorkville Place, asked the Council to vote against the Rumors purchase.

Kathy Hadden, owner of Rumors, said that 75 to 100 people had contacted her regarding a new expandable city hall. She read a petition aloud signed by approximately 100 citizens supporting the purchase of Rumors and submitted it to the Council.

Mayor Rosamonda said that he and Ms. Courson met with the Volunteer Fire Association, and that they were in favor of the lots behind Town Hall being conveyed to the City. He explained that he had been pursuing additional land because of population growth in the City. He advocated the City Council acquiring adequate land to prepare for future expansion of the City.

Council Member Fulton suggested that the new city hall might be built on the county lots behind Town Hall. Vice Mayor Gunter stated that he did not believe a new city hall had to be built on 17-92; he said that he would be in favor of building a new city hall on the county lots.

Council Member Carson advocated the City saving money by acquiring the County lots and not purchasing the Rumors property.

Mayor Rosamonda said that Council would move forward on obtaining the lots from the County.

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. Baker Development Agreement for 7.5+ Acres Located on Cunningham Lane.
2. 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 September 6, 2005.

Mr. Ardaman recommended that items one and two be continued to a date and time certain so that Mr. Baker could send proper notice to the adjoining property owners. Vice Mayor Gunter made a motion to continue both items to November 2, 2005, at approximately 7 p.m. Council Member Fulton seconded the motion. The motion carried unanimously.

3. Application for Variance to Building Height – Inland Materials, Inc., owner, File No. D-05-008.

Scott Ashley, Volusia County Planning Manager, explained the variance request to the Council and recommended approval. Council Member Fulton voiced his concern regarding dust being created. Council Member Tillis said he would like the conveyor belt to be covered so that wind would not be an issue. Vince Murphy, with Inland Materials, explained that everything would be made inside the building, and the conveyors would be completely covered because they have to keep the concrete dry.

Council Member Fulton made a motion to approve the variance request for 65 feet in lieu of the maximum 45 feet. Council Member Tillis 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. Resolution #05-33 – Repealing Resolution #02-13, Adopting an Investment Policy, and Adopting an Amended Investment Policy.
- *2. Resolution #05-34 –Amending Zoning Fee Schedule for FY 2005-2006.

- *3. Resolution #05-32 – Amending the Budget and Approval for Roof Replacement at Town Hall.
- *4. Topographic Survey Services for Borrow Pit.
- *5. As-Built Survey Services for 18-inch Stormwater Force Main from Half Moon Lake to Lake of the Woods.
- *6. Amendment to Sublease Agreement for DeBary Art League.

Vice Mayor Gunter asked to pull item one for discussion. Council Member Tillis requested that item four be pulled for discussion. Mr. Ardaman read Resolutions #05-34 and #05-32 aloud by title. Mayor Rosamonda entertained a motion to approve items two, three, five and six. Motion made by Council Member Carson and seconded by Council Member Tillis. The motion carried unanimously.

Mr. Ardaman read Resolution #05-33 aloud by title. Vice Mayor Gunter said he pulled the item because he wanted the record to reflect the Council's reason for revising the investment policy. He noted that the City's auditor recommended it to the Council as a way for the City to earn more interest on its investments. Vice Mayor Gunter made a motion to approve Resolution #05-33, and Council Member Fulton seconded. The motion carried unanimously.

Ms. Courson said that Mr. Hamstra from PEC was on vacation and would be back at the next meeting to discuss the topographic survey of the borrow pit with the Council. Steve Medeiros, with PEC, said the price was approximately \$300 per acre; that the fee is standard; and that it is needed to determine exactly how much water the borrow pit can hold. Council Member Tillis said he would like more information on the survey prior to approving it. The Council agreed to table the item until the next meeting.

VIII. Growth Management and Development Review

- 1. VC/SW Regional Wastewater Facility Final Site Plan Application, File No. 05-F-FSP-0033.

Palmer Panton, Land Development Manager, introduced Scott Mays, Volusia County Utility Engineer, to the Council. Mr. Mays explained that the facility currently uses chlorine gas, and the County will be replacing the system with liquid chlorine for safety reasons.

Mayor Rosamonda entertained a motion to approve the final site plan application. Motion made by Council Member Fulton and seconded by Council Member Carson. The motion carried 4-1 with Council Member Tillis dissenting.

IX. Old Business

- 2. Contract for Purchase of West Volusia Chamber of Commerce Property.

Ms. Courson said that the purchase price of the property was considerably less than the average of the appraisals. Mayor Rosamonda entertained a motion to approve the contract for purchase of the Chamber of Commerce property for \$200,000 and authorize the City Manager to execute any documents required for the purchase. Motion made by Council Member Tillis and seconded by Council Member Carson. The motion carried unanimously.

3. 24 Seminole Drive Stormwater Pond and Outfall Improvements Phase II – Final Design Services.

Vice Mayor Gunter asked about possible fencing around the pond. Ms. Courson said that the slope would determine the need for fencing. There was a discussion regarding the appearance of fencing, and the Council agreed that any fencing used should be decorative and pleasing in appearance. Mayor Rosamonda entertained a motion to approve PEC's proposal for design services. Motion made by Council Member Fulton and seconded by Council Member Carson. The motion carried unanimously.

X. New Business

1. Award of Bid – Median, Right-of-Way and Ground Maintenance of Property for the City of DeBary.

Lynn Gibson, with GAI Consulting, addressed the Council regarding the bid process and explained the bids received. He recommended that the contract be awarded to Servello & Sons. Council Member Tillis questioned the price because the other three bidders' submittals were considered irregular. Mr. Gibson answered that he did perform a comparison study and found that they were good prices. Council Member Fulton made a motion to approve the award of the project to Servello & Sons. Vice Mayor Gunter seconded the motion. The motion carried unanimously.

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

1. Board Committee Reports
2. Board/Committee Appointments
 - A. Board:

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|--------------------------------------|-----------------------|
| Historic Preservation Advisory Board | |
| Member | Council Member Tillis |
| Member | Mayor Rosamonda |

Council Member Tillis made a motion to appoint Clint Johnson, and Council Member Carson seconded. The motion carried unanimously. Mayor Rosamonda asked to postpone his appointment until the next meeting.

- B. Committee:

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|---|----------|
| Economic Development Advisory Committee | |
| Alternate | At-large |
| Regular City Council Meeting | |
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The Council agreed to postpone the appointment of an alternate until the next meeting.

3. Member Reports/Communications
 - A. Mayor and Council Members

Council Member Carson asked Ms. Courson about the hydrants on Dogwood Trail. Ms. Courson answered that they are not fire hydrants, and do not have enough pressure to perform as fire hydrants.

Vice Mayor Gunter informed the Council that they could get information from the County's website on the County Charter Review Committee. Mayor Rosamonda asked if the "Smart Growth Report" would be incorporated in the County Charter. Vice Mayor Gunter answered that a committee had been formed to specifically deal with that issue.

Vice Mayor Gunter informed the Council that a concert would be held behind City Hall on November 12th to raise money for hurricane relief. He also reminded the Council about the Moonlight and Mums event.

Council Member Fulton noted that he had enjoyed the Progress Energy tour earlier in the day. He reminded the Council that Riverfest would be held at Gemini Springs on October 22nd.

- B. City Attorney

Mr. Ardaman said they have identified responsible parties in the missing pipe case at the Reserve. He said that he was in the process of trying to schedule a pre-litigation meeting with all the parties to try and settle the case in lieu of litigation.

- C. City Manager

Ms. Courson asked the Council to schedule a workshop to discuss stormwater projects. The Council tentatively agreed to hold it on October 19th.

XII. Adjournment. The meeting adjourned at 10:25 p.m.

**APPROVED November 2, 2005
CITY OF DeBARY
CITY COUNCIL**

Carmen Rosamonda, Mayor

ATTEST:

Stacy Tebo, City Clerk