

City of DeBary
REGULAR CITY COUNCIL MEETING

Wednesday

November 2, 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. Presentations

1. Proclamation – “Month of the Family”.

Mayor Rosamonda read the “Month of the Family” proclamation and presented it to Janet Miller with the Church of Jesus Christ of Latter-day Saints.

Mayor Rosamonda stated that there would be an additional presentation not listed on the agenda by Mary J. Swiderski of VCOG, Inc. Ms. Swiderski presented a sand globe of the Ponce de Leon lighthouse to the City Council as a token of her appreciation for their participation in Volusia Day 2005.

2. Beautification Grant Program by Don Kitner of the Economic Development Advisory Committee (EDAC).

Don Kitner, Vice-Chairman of the EDAC, informed the Council that the Committee had voted to recommend a change to the sign grant program; that the recommendation was to model the program after the City’s original beautification program, which included façade improvements; and that the Committee hoped a 50-50 match without a cap would entice community businesses to improve the outside appearance of their buildings.

Mayor Rosamonda asked Mr. Kitner to have the EDAC draft criteria for the types of improvements to be included in the grant and bring it back to the Council to consider.

3. Conceptual Development Plan for 23.7 Acres South of Spring Vista Drive and West of 17-92 by The Keewin Real Property Company.

David Evans, with Evans Engineering, and Dean Jennings, with Keewin Real Property Company, addressed the Council regarding the proposed project for town homes.

Mayor Rosamonda asked Mr. Evans to consider two or three entrances instead of one, and to think about mixed use, rather than just residential, to decrease density. Council Member Carson said that he did not like the idea of mixed use, and preferred strictly residential. Vice Mayor Gunter stated that it is important for emergency vehicle access to have more than once entrance.

Council Member Tillis asked Mr. Evans to confer with the Volusia County School Board. Council Member Fulton agreed and said that school concurrency is coming in 2007, and they need to be prepared.

IV. Public Participation For Any Issues Not On the Agenda

Pam Haselton, 31 DaRosa Avenue, voiced her concern to the Council regarding the need for more fire hydrants in Terra Alta. Ms. Courson said that the problem is in the older section of Terra Alta, there are only three or four-inch lines that will not support a fire hydrant, and the cost to extend the adequate lines from the rear of the park will cost approximately \$80,000. Council Member Tillis asked if additional hose might solve the problem and suggested that the City consult with the fire department. Mayor Rosamonda said the City might store additional hoses in a safe box on-site for the fire department's use. Council Member Fulton recommended that staff confer with fire services to get their suggestions.

Russell Herrmann, 230 Lakewood Drive, gave the Council a packet of letters signed by his neighbors supporting his erection of a new green and white plastic privacy fence. Mayor Rosamonda said that he would have to submit a variance application for a new fence and get on the agenda in order for the Council to consider his request.

Nelson Goodreau, 45 S. Shell Road, spoke to the Council regarding the water quality of Lake Marie. He said that he believed the City's pumping has deteriorated the water quality of the lake and caused numerous fish to die. Ms. Courson said that the City has ordered testing from Flowers Chemical Laboratories and is expecting the results soon.

Willie Mae Dozier, 42 Bass Lake Drive, voiced her concern about the City pumping water into Woodbound Lake and flooding her property and others surrounding the lake. She asked the Council to remove the pumps so that her yard will not continue to be inundated with water. She said that after speaking with individuals with St. Johns Water Management District and PEC, she believed the elevation of the lake should be at 26.5 feet instead of 30.4 feet, as previously determined by David Hamstra. Mayor Rosamonda responded that he would have PEC take another look at the lake level and would set up a meeting with David Hamstra to find the

appropriate level. Mayor Rosamonda stressed that the City is trying to balance the needs of the citizens upstream and downstream to get the water under control.

Leonard Marks, 32 Wisteria Drive, addressed the Council about the DBCC Conference Center. He said that he had learned there would be a reduction in size from 5000 seats to 3500 seats and a reduction in kitchen space to compensate for the building cost overruns. He added that the landfill that was supposed to close has now been given a five-year lease. Mr. Marks stated that it is unfair to change what has been voted upon and will cost the taxpayers for many years to come. He requested that the Council stop payment on the project and recoup the City's losses or sue for breach of contract. Mayor Rosamonda responded that cost inflation due to the hurricanes over the last two years has driven up construction costs dramatically. He said that the partnership would build what they can afford now and will add on later based on the money they have available.

Vice Mayor Gunter agreed with Mr. Marks in that the City should try to get its money back and get out of the partnership. For the record, he reiterated that he had voted against the City signing the interlocal agreement for the conference center.

Council Member Carson said that originally he was in favor of the center because DeBary kids would be graduating there, but he has since changed his mind and would like the City to recover its money.

Debbie Cerankowski, 256 Adelaide Street, questioned the Council concerning the proposed subdivision owned by George Stedronsky in the vicinity of No Name Lake. She asked if there had been any ecological study done and if there could be an entrance on Highbanks instead of Adelaide. She also said she had been waiting two years for her street to be repaired. Ms. Courson answered that an overall development plan has been submitted to staff for review; that the flood study is at PEC and is still in the review process; that it will be months before the overall development plan will come before Council; and that City staff is currently working with the subcontractor to get the pipe in on Adelaide Street.

Gertrude DeSantis, 161 Maple Drive, asked the Council the status of the retention pond at the new John Deere site and voiced her concern that the pond has not been built to its approved size. Ms. Courson said that Mr. Costa has to pass inspection and will not get a CO without building the site as approved by Council. Ms. DeSantis also stated that water has been backing up on the road and is starting to smell bad. Ms. Courson responded that Road & Bridge went out and determined that there is not a problem, but she will send the City's own inspector to check on it.

Captain Alan Osowski introduced the Sheriff's Department's new lieutenant, David Brannon, to the Council.

V. Approval of Minutes

1. Regular City Council Meeting held October 5, 2005.
2. City Council Workshop held October 19, 2005.

Motion to approve the minutes for the regular meeting and the workshop was made by Vice Mayor Gunter. Council Member Carson 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. Baker Development Agreement for 7.5+ Acres Located on Cunningham Lane.

Dennis Bayer, attorney for John Baker, gave a brief overview of the development agreement to the Council. He said that the agreement would limit development to three residential units, and would dedicate a fifteen-foot easement to the City, which would be located in an area to provide buffering between adjacent properties.

John Baker, 9 Cunningham Lane, showed various pictures of the property to the Council.

Vice Mayor Gunter asked Mr. Ardaman if the deed restrictions proposed by Mr. Baker would be enforceable. Mr. Ardaman answered that if the language was crafted correctly, they would be enforceable.

Vice Mayor Gunter discussed stormwater runoff on the property with Mr. Baker and Mr. Bayer.

Council Member Fulton voiced his concern regarding new development in an area that already floods.

Robert Schellenbarg, 3321 Red Fox Drive, Deltona, spoke to the Council concerning his intention to purchase the property and build three homes.

Richard Burt, 325 Bonita Road, spoke against the approval of the development agreement due to the present flooding problems in the area. He proposed a temporary moratorium on construction within 500 feet of recognized problem areas.

Alan Goulet, 54 Bass Lake Drive, addressed the Council concerning his disapproval of the development agreement. He stated that a portion of his property is currently under water, and he believes any future development will only exacerbate the situation. He added that the Woodbound Lakes Home Owner's Association is opposed to the development.

Darcie DiTaranto, 300 May Place, expressed her displeasure with the proposed development agreement. CJ DiTaranto suggested that a new Council should handle the issue after the election.

Mayor Rosamonda said that after listening to the residents, he believed that the development is not warranted. Council Member Tillis said that he believes the City needs to take a closer look at the situation before approving the agreement.

Mr. Bayer requested that the Council table the matter until a new Council is seated. He also asked that the City's engineer look at the proposed development prior to the meeting to try and resolve some of the concerns of the nearby residents.

Council Member Fulton made a motion to table the item until February 1, 2006. Council Member Tillis seconded. The motion carried unanimously.

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.

Council Member Fulton made a motion to table the item until February 1, 2006. Council Member Tillis seconded. The motion carried unanimously.

3. Ordinance #18-05 – First Reading – Rezoning from A-2, Rural Agriculture, to RPUD, Residential Planned Unit Development, File No. D-05-013 – Owner, Empire Cattle, Ltd. **CONTINUED TO DECEMBER 7, 2005, AT 7 PM.**

Ms. Courson explained that the reason for the continuation of the hearing is that Mr. Costa already sent out certified letters. Mayor Rosamonda entertained a motion to continue the hearing until December 7, 2005. Motion made by Council Member Fulton and seconded by Council Member Tillis. 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. Interlocal Management Agreement with Volusia County for the Oglesby and Gardella site.
- *2. Resolution #05-37 – Adopting the National Incident Management System.
- *3. Final Site Plan Application for Springview Industrial Park, Unit 1, Lot 5, File No. 05-F-FSP-0546.
- *4. Resolution #05-35 – Amending Growth Management Application Fee Schedule.
- *5. Ordinance #17-05 – Expansion of DeBary Plantation Streetlighting District to Include Units 13B-2 and 13C-2, First Reading.
- *6. Final Site Plan Application for Empire Tilt-Up Systems, File No. 05-F-FSP-0858.
- *7. Final Site Plan Reinstatement & Extension for Springview Industrial Park Unit 1, Lot 3, File No. 03-F-FSP-0413.

- *8. Final Site Plan Application for Riviera Bella Clubhouse, File No. 05-F-FSP-0737.
- *9. Final Site Plan Application for Sprint T.O. 23 Site, File No. 05-F-FSP-0796.
- *10. Resolution #05-36 – Vacating a Portion of the Plats of Konomoc Subdivision and Volusia Park.
- *11. Resolution #05-38 – Approval of FDOT Emergency Relief Program Agreement.
- *12. Release of Subdivision Maintenance Agreement, DeBary Plantation Unit 16C-2 Subdivision Final Plat, File No. 03-S-FPL-0368.
- *13. Landscape and Irrigation Plan for Seminole Precast Addition, File No. 05-F-FSP-0741.

Council Member Tillis asked to pull item number eight.

Mr. Ardaman read Resolutions #05-35, #05-36, #05-37, #05-38 and Ordinance #17-05 aloud. Mayor Rosamonda entertained a motion to approve items one through thirteen except for item eight. Motion made by Vice Mayor Gunter and seconded by Council Member Carson. The motion carried unanimously.

Council Member Tillis said that he had received numerous calls regarding the flooding on Ft. Florida Road, and he would like Riviera Bella to address the flooding. Roger Van Auker, Vice President of Site Development, IPI of Central Florida, Inc. responded that the clubhouse is internal and will not have any affect with regards to stormwater on Ft. Florida Road. He said they are currently working with the engineers for the paving of the road, and he expects it to be completed next year. Mr. Van Auker said that he would work with Ms. Courson to provide temporary measures to alleviate the flooding problems.

Council Member Fulton made a motion to approve the final site plan application for Riviera Bella Clubhouse. Vice Mayor Gunter seconded the motion. The motion carried unanimously.

VIII. Growth Management and Development Review

- 1. None.

IX. Old Business

- 1. Compensation Study – Adoption of Revised Job Titles and Job Descriptions, and Adjustments to Salaries.

Nick Pellegrino, president of Cody & Associates, gave a presentation to the Council regarding the compensation study that his company performed for the City. He explained the process taken to perform the study and what factors were considered in the formulation of recommendations.

Ms. Courson explained the difference between her recommendation and Mr. Pellegrino's recommendation.

Mayor Rosamonda stressed that the City needs to stay competitive in order to reduce turnover. Vice Mayor Gunter agreed with the Mayor, and stated he would like to approve Ms. Courson's recommendation.

Council Member Tillis said that it is easier to keep current employees than to train someone new. Council Member Fulton stated that he is a firm believer in rewarding good efforts, and he has received many compliments on the City staff. Council Member Carson agreed with Council Member Fulton.

Mayor Rosamonda entertained a motion to accept the compensation study, to adopt the Parks and Recreation Director title in lieu of Parks and Recreation Administrator and job descriptions for Crew Leader and Park Maintenance III, II and I, and to approve the \$16,865 to adjust salaries as recommended by the City Manager. Motion made by Council Member Tillis and seconded by Vice Mayor Gunter. The motion carried unanimously.

X. New Business

1. None.

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

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

Historic Preservation Advisory Board
Member Mayor Rosamonda

Mayor Rosamonda made a motion to nominate Warren Graham to the Board. Vice Mayor Gunter seconded the motion. The motion carried unanimously.

Code Enforcement Board
Member Vice Mayor Gunter
Alternate Council Member Tillis

Vice Mayor Gunter said he would like to defer his nomination until the December meeting. Council Member Tillis made a motion to nominate John Harvey as an alternate to the Board. Council Member Carson seconded the motion. The motion carried unanimously.

- B. Committee:

Streetscape Committee
Member Vice Mayor Gunter

Vice Mayor Gunter said he would like to defer his nomination until the December meeting.

Economic Development Advisory Committee

Alternate	At-large
Member	Vice Mayor Gunter

Vice Mayor Gunter said he would like to defer his nomination until the December meeting. The Council agreed to postpone the appointment of an alternate until the next meeting.

3. Member Reports/Communications

A. Mayor and Council Members

Vice Mayor Gunter informed the Council that the County's website has a link to their Charter Review Committee with information on the various subcommittees they have created. He also reminded the Council that the Moonlight 'N Mums ball will be held on Saturday at DeBary Hall. He said that the new Visitor Center is now open and will be open on the night of the ball for anyone interested.

Council Member Tillis said that the new lights are being installed on Mansion Boulevard, and that the new Visitor Center at DeBary Hall has a great presentation. He added that he attended a VCOG presentation of a pilot program being done by the City of St. Cloud, and he is interested in the City learning more about their program.

Council Member Carson said he was looking forward to the ball on Saturday, and he thanked the Council and staff for the flowers that were sent for his grandmother's funeral.

Council Member Fulton said he had also attended the opening of the Visitor Center at DeBary Hall. He informed the Council that there is an individual working on creating a state statute to mirror the sexual offender ordinance that the City passed recently.

Mayor Rosamonda stated that the Volunteer Fireman's Association gave its support for the lots on Naranja Road to be conveyed to the City of DeBary; that he and Ms. Courson are having a meeting with the County on the 15th to discuss the final details; and that he expects for the transfer to be completed by the end of the year.

B. City Attorney

Mr. Ardaman informed the Council that Home Lender's Trust paid the code enforcement lien on 249 Toms Road in full to the City.

Mr. Ardaman said that all of the engineers involved in the missing pipe case have agreed to meet with the City for a pre-litigation meeting. He asked that one Council Member attend the meeting with him. Council Member Fulton volunteered to attend.

C. City Manager

Ms. Courson asked the Council to set a date for a special meeting to consider Donald Bauerle's appeal of a zoning regulation interpretation. The Council agreed on November 16th.

Ms. Courson asked the Council where they preferred to have the Christmas party. The Council discussed various possibilities, but generally agreed that it should be held in DeBary.

XII. Adjournment. The meeting adjourned at 10:57 p.m.

**APPROVED December 7, 2005
CITY OF DeBARY
CITY COUNCIL**

Carmen Rosamonda, Mayor

ATTEST:

Stacy Tebo, City Clerk