

City of DeBary
REGULAR CITY COUNCIL MEETING
Wednesday
July 5, 2017
7 PM
City Council Chambers
16 Colomba Road, DeBary, Florida 32713

MINUTES

I. Call To Order Meeting Called to Order at 7:02PM

II. Roll Call

Mayor Garcia, Vice Mayor Handy-Peters, Council Members Bacon, Brady and Benfield are present.

Others present: Interim Manager Ron McLemore, City Attorney Kurt Ardaman, Parks Director John Fletcher, Matt Boerger Growth Management Director, Liz Bauer Finance Director, Roger Van Auker TOD Director, Eric Frankton IT Director and Warren Graham City Clerk.

III. Committee Reports

1. Vice Mayor Handy-Peters gave a report on the TPO Board Meeting, the Central Florida MPO and the Elected Official Roundtable that she attended during the month.

IV. Public Participation For Any Issues Not On the Agenda - Citizen

comments are limited to three minutes per speaker.

James Fisher and Jennifer Boon representing girls 10U DeBary All Stars baseball team requesting a donation from the City.

Nick Koval, Morton Culligan and Steve Costa addressed the council.

V. Approval of Minutes

1. Special Public Meeting and Executive Session, June 6, 2017.

2. Regular City Council Meeting, June 7, 2017.

3. Special City Council Meeting, June 14, 2017.

4. City Council Workshop, June 21, 2017.

Council Member Brady made a motion to approve the minutes as written. Council Member Benfield seconded the motion, motion approved 5-0.

VI. Additions, Deletions or Amendments to the Agenda

Council Member Benfield wants to add under new business to change

the order of business on future agenda's.

VII. Presentations

1. Volusia County Sheriff by Lt. Newman
2. DeBary Volunteer Fire Association by Don Neyer
3. Rotary Club of DeBary, Deltona and Orange City by Pat Northey

VIII. Consent Agenda

1. Halifax Humane Society Annual Contract
Vice Mayor Handy-Peters made the motion to approve the 2017-18 contract with Halifax Humane Society. Council Member Brady seconded the motion, motion approved 5-0.

IX. Public Hearings

1. First reading of Ordinance 07-17 requiring the installation of reclaimed water lines for new development in the City of DeBary.
Danny Allen and Steve Costa addressed the council.
Council Member Brady made the motion to approve Ordinance 07-17 on the first reading. Council Member Benfield seconded the motion, motion approved 5-0.
2. Second reading of Ordinance 06-17 TOD Master Development Plan as part of the TOD Regulating Plan.
Steve Costa addressed the council.
Council Member Bacon made the motion to table this ordinance until time certain, July 19, 2017 at 6PM. Council Member Benfield seconded the motion, motion approved 5-0.
3. First reading of Ordinance 08-17, City policy regarding animal cruelty and animal control.
Vice Mayor Handy-Peters made the motion to approve Ordinance 08-17 on the first reading. Council Member Brady seconded the motion, motion approved 5-0.

X. Growth Management and Development Review

1. Two (2) applications from DeBary businesses have been submitted, to satisfaction, requesting grant assistance to bring their signs into compliance with city code. The applicants are: DeBary Commons – 254 N Charles Richard Beall Blvd in the amount of \$5,000.00 and DeBary Food Mart – 1 S Charles Richard Beall Blvd in the amount of \$3,129.50.
Council Member Brady made the motion to approve the sign grants in

the above amounts. Vice Mayor Handy-Peters seconded the motion, motion approved 5-0.

2. Spring to Spring Trail Gap. Staff is requesting direction from City Council on the construction of the DeBary Gap, Spring –to-Spring Trail.

Dee Walton, Joan Sandler, Steve Costa, Diane Reeley and Bob Schickofke addressed the council.

Vice Mayor Handy-Peters made the motion to approve Option #4 – Partner with Volusia County to seek the additional funding for the trail construction on the west side of Donald E. Smith Blvd. Originally, construction on the west side of Don E. Smith was met with steep opposition. The trail would require Duke Energy to grant an easement and designers to contend with the existing transmission lines.

However, construction within the City’s right of way would likely eliminate these problems. Furthermore, this option may still include obstacles, but will likely be overcome through design and engineering. Some such issues may include (1) ADA compliance, (2) fill and topographic review, and (3) the need for DeBary G&CC to grant an easement in their common space. Funding for construction on the east side is approximately \$450,000, in comparison to the west side, which is roughly \$1.1 million. All project financing is procured through SunTrail grants. Council Member Brady seconded the motion, motion approved 5-0.

3. Medical Marijuana, Senate Bill 8A. Staff is requesting City Council direction on adoption of Medical Marijuana regulations and enforcement.

Council Member Benfield made a motion to draft a ban ordinance for further review. The motion died due to lack of a second.

Council Member Brady made a motion to draft an ordinance to allow and restrict to full extent of the law. Vice Mayor Handy-Peters seconded the motion, motion approved 5-0.

XI. Old Business

1. None

XII. New Business

1. Council Member Benfield wants to discuss the possible addition of a Tree House / Education Center at River City Nature Park. Morton Culligan addressed the council.

At 11:00PM Mayor Garcia asked the Council to extend the meeting for an additional 15 minutes. The request was approved by a 3-2 vote,

Council Members Brady and Bacon voting no.

After discussion, Council Member Benfield requested to table the issue of the Tree House for now.

2. Council needs to select a voting delegate for the upcoming 91st Annual League of Cities conference.

Council Member Benfield made the motion to appoint Vice Mayor Handy-Peters as the voting delegate and Council Member Benfield as the alternate. Vice Mayor Handy-Peters seconded the motion, motion approved 5-0.

3. Council Member Benfield wants to add under new business to change the order of business on future agenda's. Her change would be to have public participation before the council meeting beginning at 6:30PM and have additional public participation after the meeting. David Butlien addressed the council.

Council Member Bacon made a motion to have the Regular Council meetings begin at 6:00PM.

Motion died to lack of a second.

Council Member Benfield made a motion to have public participation begin at 6:30PM.

Motion died to lack of a second.

At 11:15PM Mayor Garcia requested the council approve extending the meeting for an additional 15 minutes. Council agreed by a 4-1 vote. Council Member Bacon voting no.

XIII. Informational Items

1.

XIII. Council Member/Staff Reports

1. Board/Committee Appointments

2. Member Reports/Communications

A. Mayor and Council Members

During Council Member comments, the council directed the City Manager to draft a formal contract with CPPI for future events.

B. City Manager

C. City Attorney

XIV. Date of Upcoming Meeting and/or Workshop

1. Budget Presentation Workshop, Wednesday, July 12, 2017, 6PM
2. Special City Council Meeting, Wednesday, July 19, 2017, 6PM
3. Budget Workshop, Wednesday, July 26, 2017, 6PM
4. Regular City Council Meeting, Wednesday, August 2, 2017, 7PM

XV. Adjournment 11:30 PM

**CITY COUNCIL
CITY OF DEBARY, FLORIDA**

Bob Garcia, Mayor

ATTEST:

Warren Graham, City Clerk