

**City of DeBary**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**Wednesday, December 5, 2018 – 6:30 PM**  
City Council Chambers  
16 Colomba Road, DeBary, Florida 32713

**I. CALL TO ORDER:** The meeting was called to order at 6:31 p.m.

1. Invocation
2. Flag Salute

**II. ROLL CALL:** Mayor Garcia, Vice Mayor Handy-Peters, Council Members Bacon, Benfield and Vihlen are present.

Others present: Ron McLemore, City Manager; Kurt Ardaman, City Attorney; Liz Bauer, Finance Director; Matt Boerger, Growth Management Director; John Fletcher, Parks & Recreation Director; Roger VanAuker, TOD Director; Alan Williamson, Public Works Director; Juan Serrano, Public Works Superintendent; David Hamstra, Stormwater Engineer; Kevin Hare, Construction Engineer; Tim Baylie, Volusia County Parks, Recreation & Culture Director; Captain Fortin, VCSO; Warren Graham, Administrative Assistant; David Rodriguez, Help Desk Technician; and, Annette Hatch, City Clerk.

**III. RECOGNITION:** Mayor Garcia and City Council Members recognized DeBary's RAD Gymnastics for their State Championship win.

**IV. PUBLIC PARTICIPATION FOR ANY ISSUES NOT ON THE AGENDA:** Van Conley, Christopher Jones, William Sell, Kenneth Whitmore, Richard Cadie, and Morton Culligan addressed the Council.

**V. APPROVAL OF MINUTES:**

1. Regular City Council Meeting, November 7, 2018
2. Special City Council Meeting, November 14, 2018

Motion by Council Member Bacon to approve the minutes from November 7, 2018, and November 14, 2018. Seconded by Council Member Benfield. Motion passed unanimously.

**VI. ADDITIONS, DELETIONS OR AMENDMENTS TO THE AGENDA:**

Mayor Garcia requested Item No. 3 be removed from the Consent Agenda and placed under New Business. Council Member Bacon requested Item No. 2 be removed from the Consent Agenda and placed under New Business. City Manager requested Item No. 1 under New Business be added to Presentations.

**VII. PRESENTATIONS:**

1. Feasibility Study associated with the Gemini Springs Septic Tank Abatement Program by David Hamstra.

Howard Gates addressed the Council.

2. Orange City's enclave annexation proposal by Dale Arrington, City Manager, Orange City. This item was originally listed under New Business as Item #2.

**VIII. CONSENT AGENDA:**

1. Records Management Implementation Services. Authorize and execute the letter of agreement with the Florida Institute of Government (IOG) in the amount not to exceed \$14,400.
2. KHARE Construction Services, LLC, is requesting approval of Task Order No., 1218-01 for General Stormwater Construction Services on an as-needed basis for FY 2019. This item was removed from the Consent Agenda and heard under New Business as Item #10.
3. Staff is requesting the Council to provide direction on the disposition of the 25<sup>th</sup> Anniversary Banners for the City of DeBary. This item was removed from the Consent Agenda and heard under New Business as Item #9.
4. Request City Council to approve the Mayor signing the Federally Funded Subaward and Grant Agreement related to Hurricane Irma reimbursement.
5. Request City Council to approve WastePro recycling processing services at \$77.50 per ton retroactively to 8/29/18.

Motion by Council Member Vihlen to approve the Consent Agenda with the exception of Item No. 2 and Item No. 3, which were moved to New Business. Seconded by Vice-Mayor Handy-Peters. Motion passed unanimously.

**IX. PUBLIC HEARINGS:**

Second reading of Ordinance No. 13-18. Agent for Owner, Storch Law Firm, is requesting approval of a Business Planned Unit Development (BPUD) rezoning in anticipation of constructing White Sign Company headquarters.

Joey Posey, Storch Law Firm addressed the Council.

Motion by Council Member Bacon to approve the second reading of Ordinance No. 13-18. Seconded by Council Member Benfield. Motion passed unanimously.

**X. GROWTH MANAGEMENT AND DEVELOPMENT REVIEW:**

1. Request to approve the first reading of Ordinance #14-18 adopting a special assessment for a street lighting district for Riviera Bella Units 7 and 8A.

Christopher Jones addressed the Council.

Motion by Council Member Bacon to approve the first reading of Ordinance #14-18. Seconded by Council Member Benfield. Motion passed unanimously.

2. Request to approve the first reading of Ordinance #15-18 adopting a special assessment for a street lighting district for Springview Woods Phase 1.

Christopher Jones addressed the Council.

Motion by Council Member Bacon to approve the first reading of Ordinance #15-18. Seconded by Council Member Benfield. Motion passed unanimously.

3. Request approval for City match funding assistance for the replacement of Lake Hill Center's nonconforming sign as per the City's Sign Grant Agreement.

Motion by Council Member Vihlen to approve 55% of Lake Hill Center's sign cost under the City's match funding assistance grant agreement. Seconded by Vice-Mayor Handy-Peters. Motion passed unanimously.

A recess was called by Mayor Garcia at 8:13 p.m.

Mayor Garcia resumed the meeting at 8:25 p.m.

**XI. OLD BUSINESS: None.**

**XII. NEW BUSINESS:**

1. Orange City's enclave annexation proposal.

This item was moved to Presentations as Item #2.

2. Approval to close City Hall on both Christmas Eve and New Year's Eve.

Motion by Vice-Mayor Handy-Peters to approve the closure of City Hall on both Christmas Eve and New Year's Eve. Seconded by Council Member Bacon. Motion passed unanimously.

3. Council Member-Elect Butlien requesting City Council to move its first meeting of the new Council from January 2, 2019, to January 9, 2019.

Phyllis Butlien, Karen Chasez and Patricia Stevenson addressed the Council.

Motion by Council Member Bacon to move the first meeting of the new Council to January 9, 2019. Seconded by Vice-Mayor Handy-Peters. Motion passed unanimously.

4. Requesting City Council to approve the medical and dental plans offered by Cigna for plan year January 1 through December 31, 2019.

Motion by Vice-Mayor Handy-Peters to approve the medical and dental plans. Seconded by Council Member Benfield. Motion passed unanimously.

5. Approval of a negotiated settlement agreement with Creative Pyrotechnics related to the cancellation of the 2018 July 4<sup>th</sup> Celebration.

Motion by Vice-Mayor Handy-Peters to approve the settlement agreement. Seconded by Council Member Benfield. Motion passed unanimously.

6. Provide direction regarding the selection of an event manager for the July 4, 2019, celebration event.

Scott Chesley, Tim Baylie, Morton Culligan, Phyllis Butlien, Ryan Renfro, Howard Gates, Greg Runge, and Karen Chasez addressed the Council.

Motion by Council Member Vihlen to authorize the City Manager to prepare and advertise an RFP for event management services. Seconded by Vice-Mayor Handy-Peters. Motion passed unanimously.

7. Approve Resolution 18-29 requesting the Volusia County Delegation to have the Legislature clarify Section 106.113 Florida Statutes regarding the intended meaning of the phrase "expenditure of funds."

Ryan Renfro addressed the Council.

Motion by Vice-Mayor Handy-Peters to approve Resolution 18-29. Seconded by Council Member Vihlen. Motion passed 3-2. Council Members Bacon and Benfield opposed.

8. Approve the City Manager Separation Agreement from the City effective December 31, 2018.

Karen Chasez and Ryan Renfro addressed the Council.

Motion by Vice-Mayor Handy-Peters to approve the City Manager Separation Agreement. Seconded by Council Member Vihlen. Motion passed unanimously.

9. Staff requesting Council to provide direction on the disposition of the 25th Anniversary Banners for the City of DeBary. This item was originally listed as Item #3 under the Consent Agenda.

Motion by Vice-Mayor Handy-Peters to dispose of the banners by presenting to staff, Council Members and Historic Preservation Board. Seconded by Council Member Vihlen. Motion passed unanimously.

10. KHARE Construction Services, LLC, is requesting approval of Task Order No. 1218-01 for General Stormwater Construction Services on an as-needed basis for FY 2019. This item was originally listed as Item #2 under the Consent Agenda.

Motion by Vice-Mayor Handy-Peters to approve KHARE Construction Services, LLC. Task Order No. 1218-01. Seconded by Council Member Benfield. Motion passed 4-1. Council Member Bacon opposed.

**XIII. INFORMATIONAL ITEMS:** None.

**XIV. COUNCIL MEMBER/STAFF REPORTS:**

1. Board/Committee Appointments: None.
2. Member Reports/Communications:
  - a. Mayor and Council Members
  - b. City Manager
  - c. City Attorney

**XV. DATE OF UPCOMING MEETING AND/OR WORKSHOP:**

1. Special City Council Meeting – December 12, 2018, at 6:30 p.m.

**XVI. ADJOURNMENT:** The meeting was adjourned at 10:27 p.m.

**CITY COUNCIL  
CITY OF DEBARY, FLORIDA**

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**Bob Garcia, Mayor**

**ATTEST:**

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**Annette Hatch, City Clerk**