



## CITY COUNCIL MEETING

February 05, 2020 at 6:30 PM

City Council Chambers, 16 Colomba Rd.

DeBary, Florida 32713

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### MINUTES

**CALL TO ORDER:** Mayor Chasez called the meeting to order at 6:30 p.m.

**ROLL CALL:** Mayor Chasez, Vice-Mayor Benfield, Council Members Bacon, Butlien and Stevenson are present.

Others present: Carmen Rosamonda, City Manager; Kurt Ardaman, City Attorney; Elizabeth Bauer, Finance Director; Matt Boerger, Growth Management Director; Eric Frankton, IT Director; David Hamstra, Stormwater Engineer; Jason Schaitz, Parks & Recreation Director; Shari Simmans, Public Information Officer; Roger Van Auker, TOD Director; Alan Williamson, Public Works Director; and Annette Hatch, City Clerk.

**COMMITTEE REPORTS:** Volusia Growth Management Commission Update. Sid Vihlen, Jr. gave an update and provided Council with a copy of a pending resolution modifying and apportioning VGMC member voting based on increased population Volusia County, a copy of which is attached to these minutes. He also announced his recent election as VGMC Chairman.

**PUBLIC PARTICIPATION:** Karah Evan, Carole DeYoung, and Carol Essrick addressed the Council regarding items not on the agenda.

**APPROVAL OF MINUTES:** Motion by Council Member Butlien to approve the minutes from the January 8, 2020, City Council Meeting. Seconded by Vice-Mayor Benfield. Motion passed unanimously.

**ADDITIONS, DELETIONS OR AMENDMENTS TO THE AGENDA:** At the request of the City Attorney, Mayor Chasez asked for a consensus to remove Item No. 3 from the Consent Agenda and hear the item immediately following the Consent Agenda. There was consensus from the Council to make the amendment to the Consent Agenda.

**PRESENTATIONS:** Shari Simmans, Public Information Officer, gave a presentation on the City's upcoming Citizen's Academy.

#### CONSENT AGENDA

Request the Council to approve initiating payments to "The Bridge," which is under construction and is projected to open in May 2020.

The Parks and Recreation Department is requesting approval to conduct a Geotechnical Subsurface Evaluation under the Jet at Memorial Park. This item was removed from the Consent Agenda.

Approve a Land Donation of 750 square feet to be (taken from the northwest corner of Fort Florida Road and US 17-92) given to Florida Department of Transportation for the installation of mast arm infrastructure required to signalize the Intersection of US 17-92 and Fort Florida Road.

Approve the 1st Amendment to our Joint Marketing Agreement providing for the conveyance of the 750 square feet to the Florida Department of Transportation.

Approve Temporary Construction Yard License Agreement.

City Manager is requesting the Mayor and City Council to authorize the City Attorney and City Manager to approve Task Order No. 2015-50 with Pegasus Engineering in order to provide services as directed by City Council associated with the General Stormwater Engineering Services.

City Manager requests that the City Council to approve the Disability Tax Service Agreement between the City of DeBary and Lina Benefit Payments, Inc.

Approve Contract to purchase 407 W Highbanks, DeBary Florida.

Motion by Council Member Butlien to approve the Consent Agenda, removing Item No. 3 for further discussion. Seconded by Council Member Bacon. Motion passed unanimously.

The Parks and Recreation Department is requesting approval to conduct a Geotechnical Subsurface Evaluation under the Jet at Memorial Park.

This item was removed from the Consent Agenda in order for additional wording to be added at the suggestion of the City Attorney. On the Proposal Acceptance from ECS Florida, LLC at the end of the first paragraph, the following was added: "Notwithstanding anything in the Terms and Conditions of Service to the contrary, the following provisions apply and control: the City's liability is limited to, and the City retains, its sovereign immunity protections, and the City only waives such to the extent provided by Florida Statute; Florida Law applies and controls this agreement with any litigation related to this agreement to occur in Volusia County, Florida; and the Florida statutorily required public records provisions are incorporated herein."

Motion by Council Member Butlien to approve this item with the amendment by the City Attorney. Seconded by Vice-Mayor Benfield. Motion passed unanimously.

## **PUBLIC HEARINGS**

To adopt a moratorium on multifamily development within the Transit Oriented Development (TOD) Overlay District.

The City Attorney read Ordinance No. 02-20 into the record.

Staff stated the moratorium was needed at this time to modify the City's Land Development Code to require multi-family developments to have a certain percentage of mixed use development in order to keep with the City's vision for the TOD area. Staff also reviewed the exceptions that were added but not included with the agenda. This moratorium would sunset no later than September 25, 2020.

No one addressed Council on this item.

Motion by Council Member Bacon to approve the first reading of Ordinance No. 02-20. Seconded by Council Member Stevenson. Motion passed unanimously.

### **GROWTH MANAGEMENT AND DEVELOPMENT**

The Applicant, MJM Associates, LLC (Joel Hass) would like to extend their Final Site Plan Development Order for the Canterwood Assisted Living Facility project.

Staff reviewed the request and stated the developer was preparing to submit their building plan. The applicant has also been working with staff to create a sidewalk connection between the development and Memorial Park.

No one addressed Council on this item.

Motion by Council Member Stevenson to extend the Final Site Plan Development Order for an additional 360 days. Seconded by Vice-Mayor Benfield. Motion passed unanimously.

### **NEW BUSINESS**

The Parks and Recreation Department is requesting City Council approve Resolution No. 2020-02 Matching Grants Program for volunteer not for profit organizations.

The City Attorney read the Resolution into the record.

City Manager and Staff reviewed Resolution and outlined the modifications made from the previous Resolution passed in 2017. Amendments to the previously submitted Resolution were also discussed.

Lorraine Koval addressed the Council.

Motion by Vice-Mayor Benfield to approve Resolution No. 2020-02 as amended. Seconded by Council Member Butlien. Motion passed unanimously.

Approve Resolution No. 2020-03 designating a portion of City Property as part of the City's street system available for public right-of-way use subject to the City's superior jurisdiction, operation, control and maintain as a city street system.

Approve 2nd Amendment to Joint Marketing Agreement providing for the designation of 2693 square feet of the former Lake Villa site as public right-of-way.

The City Attorney read the Resolution into the record. Staff reviewed the history of the project.

No one addressed the Council on this item.

Motion by Vice-Mayor Benfield to approve Resolution 2020-03. Seconded by Council Member Butlien. Motion passed unanimously.

The Parks and Recreation Department is requesting City Council approval to renew the DeBary Babe Ruth Agreement. The new agreement will be for a term of one year with two annual renewals.

Staff reviewed the agreement and changes from previous years' agreements.

Lorraine Koval and Tommy Grimm addressed the Council.

Motion by Council Member Butlien to approve the renewal as amended. Seconded by Council Member Bacon. Motion passed unanimously.

**INFORMATIONAL ITEMS:** None.

## **COUNCIL MEMBER REPORTS / COMMUNICATIONS**

Board/Committee Appointments

Member Reports/ Communications

### A. Mayor and Council Members

Mayor Chasez asked for Council consensus to have the City Manager and Staff investigate the Federal regulatory changes Council Member Bacon discussed for relevancy to DeBary and to bring back the findings at a later date. Consensus of Council was unanimous.

Council Member Bacon asked for Council consensus to hold a town hall meeting with no agenda. It was the consensus of the Council to not hold a town hall meeting at this time.

Mayor Chasez asked for Council consensus to have a presentation from the City's Historic Preservation Board in coordination with the Historic Board's time capsule activities. Consensus of Council was unanimous.

Mayor Chasez asked for Council consensus to hold a workshop on Parks and Recreation. Consensus of Council was unanimous to direct the City Manager to schedule the workshop prior to the budget hearings.

Mayor Chasez asked for Council consensus to hold a workshop on code changes in specific zonings to allow for backyard chickens. It was the consensus of Council to direct the City Manager to schedule the workshop.

Mayor Chasez asked for Council consensus to have Staff work with the Girl Scouts on the collection of discarded American flags at City Hall. Consensus of Council was unanimous.

### B. City Manager

### C. City Attorney

**DATE OF UPCOMING MEETING / WORKSHOP:** Special City Council Meeting February 19, 2020,  
6:30 P.M.

**ADJOURN:** The meeting was adjourned at 8:50 p.m.

**APPROVED:**

**CITY COUNCIL  
CITY OF DEBARY, FLORIDA**

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**Karen Chasez, Mayor**

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**Annette Hatch, City Clerk**