



## CITY COUNCIL MEETING

November 06, 2024 at 6:30 PM

City Council Chambers, 16 Colomba Rd.

DeBary, Florida 32713

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## AGENDA

### CALL TO ORDER

Invocation

Flag Salute

### ROLL CALL

### PRESENTATIONS

Hometown Heroes Recognition - Robert Wilkerson, Chair, Hometown Heroes Selection Committee

Hurricane Milton - Carmen Rosamonda, City Manager

**PUBLIC PARTICIPATION:** For any items **NOT ON THE AGENDA**, citizen comments are limited to three (3) minutes per speaker. For items **ON THE AGENDA**, citizen comments are limited to five (5) minutes per speaker. Speakers will be called when the item is introduced for discussion.

### APPROVAL OF MINUTES

- [1.](#) Regular City Council Meeting October 2, 2024

### ADDITIONS, DELETIONS OR AMENDMENTS TO THE AGENDA

### PUBLIC HEARINGS

- [2.](#) The City has requested to de-annex 57.95 acres from the Rivington Community Development District (CDD).

### NEW BUSINESS

- [3.](#) City Manager is requesting City Council affirm Resolution No. 2024-17, Declaration of State of General Emergency due to Hurricane Helene.
- [4.](#) City Manager is requesting City Council affirm Resolution No. 2024-18, Declaration of State of General Emergency due to Hurricane Milton.
- [5.](#) City Manager is requesting City Council affirm Resolution No. 2024-19, extending the Declaration of State of General Emergency due to Hurricane Milton.
- [6.](#) City Manager is requesting City Council affirm Resolution No. 2024-20, extending the Declaration of State of General Emergency due to Hurricane Milton.
- [7.](#) City Manager is requesting City Council affirm Resolution No. 2024-21, extending the Declaration of State of General Emergency due to Hurricane Milton.
- [8.](#) Per Section 15 of the Purchasing Policy, on exigent circumstances, the City Manager shall file with the City Council a statement certifying the conditions and circumstances requiring such action for purchases over \$5,000.

## **COUNCIL MEMBER REPORTS / COMMUNICATIONS**

### Member Reports/ Communications

- A. Mayor and Council Members
- B. City Manager
- C. City Attorney

## **DATE OF UPCOMING MEETING / WORKSHOP**

Special City Council Meeting November 20, 2024, 6:30 p.m.

## **ADJOURN**

If any person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 668-2040.



## CITY COUNCIL MEETING

October 02, 2024 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 Butlien, Council Members Pappalardo, Sell and Stevenson are present.

Others present: Carmen Rosamonda, City Manager; Kurt Ardaman, City Attorney; Steven Bapp, Growth Management Director; Eric Frankton, Information Technology Director; Annette Hatch, City Clerk; Jason Schaitz, Parks & Recreation Director; and, Richard Villaseñor, City Engineer.

**PUBLIC PARTICIPATION:** For any items **NOT ON THE AGENDA**, citizen comments are limited to three (3) minutes per speaker. For items **ON THE AGENDA**, citizen comments are limited to five (5) minutes per speaker. Speakers will be called when the item is introduced for discussion.

Gary Ruot addressed Council.

**APPROVAL OF MINUTES:** Motion by Council Member Stevenson to approve the minutes of the Regular City Council Meeting September 4, 2024, and the Special City Council Meeting September 18, 2024. Seconded by Vice-Mayor Butlien. Motion passed unanimously.

**ADDITIONS, DELETIONS OR AMENDMENTS TO THE AGENDA:** None.

### NEW BUSINESS:

The Applicant, Charles Gray, has requested a Development Order Extension for the Canterwood Assisted Living Facility project.

Staff briefly reviewed the project and the extension period.

No one addressed Council.

Motion by Council Member Pappalardo to approve the development order extension for the Canterwood Assisted Living Facility project. Seconded by Council Member Stevenson. Motion passed unanimously.

The Parks and Recreation Department is requesting Council approve the annual renewal for the Gateway Center for the Arts Facility Use Agreement.

Staff briefly reviewed the maintenance projects performed.

Terri Hoag, Executive Director, Gateway Center for the Arts, overviewed the Center’s financials, classes and exhibits over the past year.

Ritchie Coloni, Vice-Chair, Gateway Center for the Arts, addressed Council.

Motion by Vice-Mayor Butlien to approve the annual renewal for the Gateway Center for the Arts Facility Use Agreement. Seconded by Council Member Stevenson. Motion passed unanimously.

Staff is requesting City Council approve the Allen & Company Land Surveying additional service proposal to the Benson Junction Road Reconstruction design and permitting contract in the amount of \$27,000.00.

Staff reviewed the alignment, discussions with Florida Power & Light and Duke Energy, and the need for additional easements.

No one addressed Council.

Motion by Council Member Stevenson to approve the Allen & Company Land Surveying additional service proposal to the Benson Junction Road Reconstruction design and permitting contract in the amount of \$27,000.00. Seconded by Vice-Mayor Butlien. Motion passed unanimously.

Motion by Vice-Mayor Butlien to amend the motion to allow for the City Manager to execute the agreement and any related documents. Seconded by Council Member Stevenson. Motion passed unanimously.

**COUNCIL MEMBER REPORTS / COMMUNICATIONS**

Member Reports/ Communications

- A. Mayor and Council Members
- B. City Manager
- C. City Attorney

**DATE OF UPCOMING MEETING / WORKSHOP:** Special City Council Meeting October 16, 2024, 6:30 p.m.

**ADJOURN:** The meeting was adjourned at 7:11 p.m.

**APPROVED:**  
**CITY COUNCIL**  
**CITY OF DEBARY, FLORIDA**

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**Annette Hatch, CMC, City Clerk**

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**Karen Chasez, Mayor**



## City Council Meeting City of DeBary AGENDA ITEM

<b>Subject:</b> Rivington CDD De-Annexation	<b>Attachments:</b> <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Supporting Documents/ Contracts <input type="checkbox"/> Other
<b>From:</b> Steven E. Bapp, AICP Growth Management Director	
<b>Meeting Hearing Date</b> November 6, 2024	

### **REQUEST**

The City has requested to de-annex from the Rivington Community Development District (CDD) 57.95 acres.

### **PURPOSE**

To incorporate the subject property into the Alexander Island Park.

### **CONSIDERATIONS**

Chapter 190 of the Florida Statutes provides for the establishment of CDDs. The purpose of CDDs is to act as an alternative method for financing and managing basic services for community development. On October 3, 2018, the City Council adopted Ordinance # 12-2018, establishing the Rivington CDD.

On January 31, 2023, the City purchased the property known as Alexander Island (720 Fort Florida Road). In the near future, this property will be a public park. The subject property will be incorporated into the park and will remain as undeveloped wetland.

### **COST/FUNDING**

N/A

### **RECOMMENDATION**

It is recommended the City Council: Upon first reading, approve Ordinance # 15-2024, the proposed ordinance to de-annex 57.95 acres from the Rivington CDD.

### **IMPLEMENTATION**

The proposed ordinance is being advertised in the *Daytona Beach News-Journal* as required by F.S. § 190.005. If the Council approves the first reading of the proposed ordinance, the second reading can be held.

### **ATTACHMENTS**

- Ordinance # 15-2024
- Business Impact Estimate

ORDINANCE NO. 15-2024

AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA, AMENDING ORDINANCE NO. 12-18 AS AMENDED BY ORDINANCE NO 09-2022 TO GRANT THE DEANNEXATION PETITION FOR THE RIVINGTON COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES, CONCERNING CERTAIN PROPERTY WITHIN THE CURRENT BOUNDARY OF THE DISTRICT WHICH IS FURTHER IDENTIFIED ON EXHIBIT "A" BEING DONATED TO THE CITY OF DEBARY FOR THE ALEXANDER ISLAND PARK ADDITION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature created and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, on October 3, 2018, the City of DeBary City Council adopted Ordinance No. 12-18 approving and creating the Rivington Community Development District (“District”) for the approximately 296.2 +/- acres of land described in Section 4 and Exhibit “A” of such ordinance; and

WHEREAS, the boundaries of the District were expanded by Ordinance No. 09-2022; and

WHEREAS, Petitioner, Rivington Community Development District, a community development district established by Ordinance Number 12-18, has petitioned the City Council of the City of DeBary, a Florida municipal corporation, to adopt an ordinance contracting the existing District pursuant to Chapter 190, Florida Statutes concerning land being donated to the City of DeBary for the Alexander Island Park Addition as described as: Tract RES-1 of Rivington Phase 3, according to the plat thereof, recorded in Plat Book 66, Pages 8 to 23, Public Records of Volusia County Florida (the “Alexander Island Park Addition”); and

WHEREAS, since the Alexander Island Park Addition will be owned, maintained and operated by the City, the City Council desires for the Alexander Island Park Addition not to be subject to the governance and taxation of the District; and

WHEREAS, the City Council of the City of DeBary, Florida (the “City”), has conducted a public hearing on the petition for the contraction of the District in accordance with the requirements and procedures of Section 190.046(1)(c), Florida Statutes, as amended; and

WHEREAS, the City Council has considered the record of the public hearing and the facts set forth in Section 190.046, Florida Statutes, as amended, in making its determination to grant the petition for the contraction of the District; and

WHEREAS, the City Council has determined that; the statements within the petition were true and correct; that the contraction of the District is not inconsistent with the Comprehensive Plan; that the land within the District, is of sufficient size, is sufficiently compact, and sufficiently developable as a functionally interrelated community; that the District is the best alternative available for delivering community development services and facilities to the area served by the District; that the community development services and facilities will be compatible with the capacity and use of existing local and regional community development services and facilities; and the area to be served by the District is amenable to separate special-district governance; that the contraction of the District will not affect the purposes of the District and the previous Council findings concerning the creation of the District; and

**IT IS HEREBY ORDAINED BY THE CITY OF DeBARY AS FOLLOWS:**

SECTION 1. Recitals. The above recitals are true and accurate and are incorporated herein as the legislative findings of the City Council.

SECTION 2. Authority. This Ordinance is adopted pursuant to Chapter 190, Florida Statutes, as amended.

SECTION 3. Petition Granted. The Petitioner's petition to contract (or deannex from) the District to exclude the Alexander Island Park Addition described as: Tract RES-1 of Rivington Phase 3, according to the plat thereof, recorded in Plat Book 66, Pages 8 to 23, Public Records of Volusia County Florida, is hereby granted.

SECTION 4. Amendment to District External Boundaries. Exhibit "A" attached to and referenced in Section 4 of Ordinance No. 12-18 is hereby amended to subtract (deannex) the Alexander Island Park Addition. The Alexander Island Park Addition is no longer a part of the District.

SECTION 5. Severability. If any portion of this Ordinance is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of the Ordinance shall continue in full force and effect.

SECTION 6. Effective Date. This Ordinance shall take effect ten (10) days after adoption.

FIRST READING HELD on \_\_\_\_\_, 2024

ADOPTED AFTER SECOND READING on this \_\_\_ day of \_\_\_\_\_, 2024

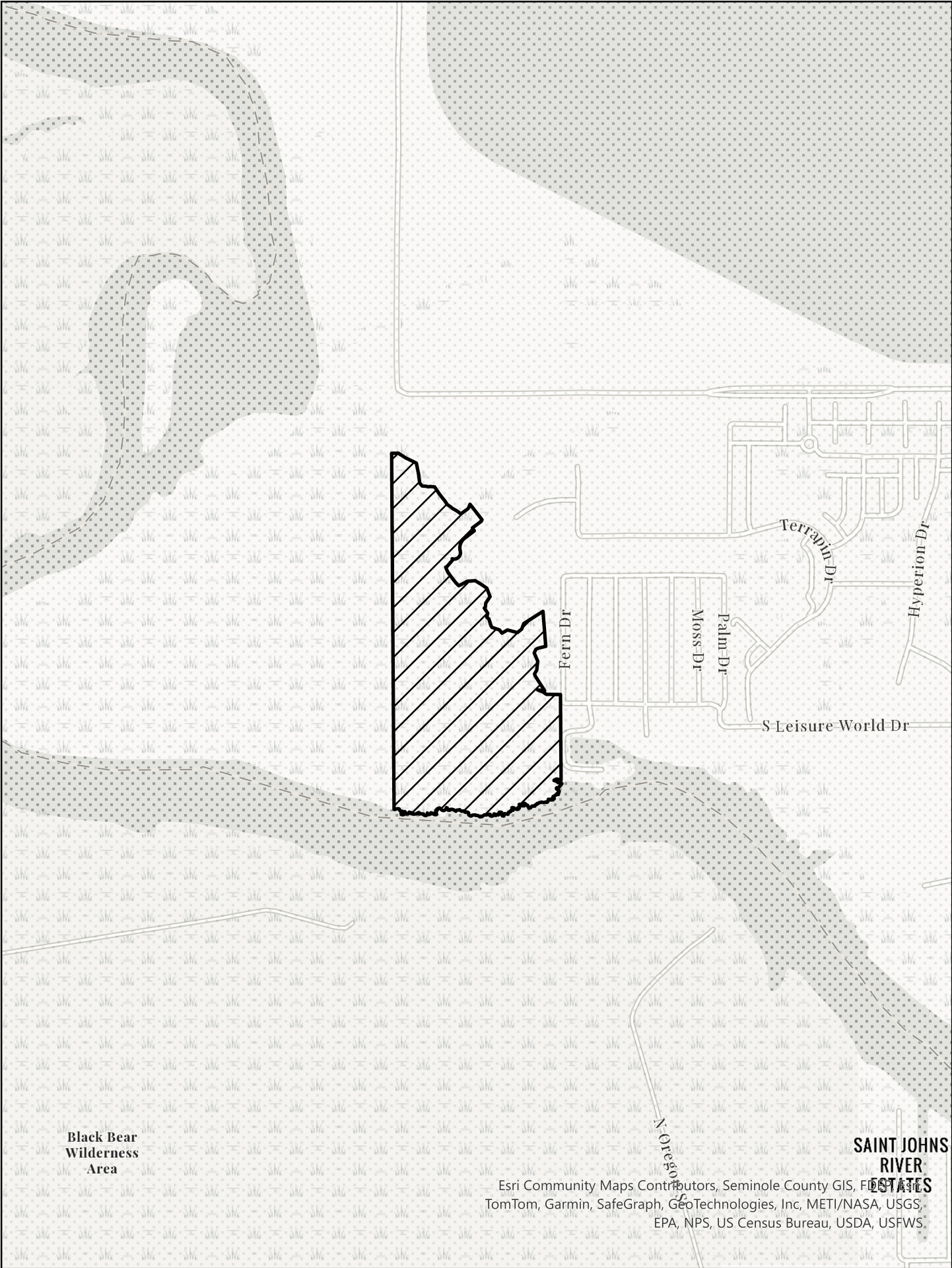
CITY COUNCIL  
CITY OF DeBARY, FLORIDA

ATTEST:

\_\_\_\_\_  
Karen Chasez, Mayor

\_\_\_\_\_  
Annette Hatch, CMC, City Clerk

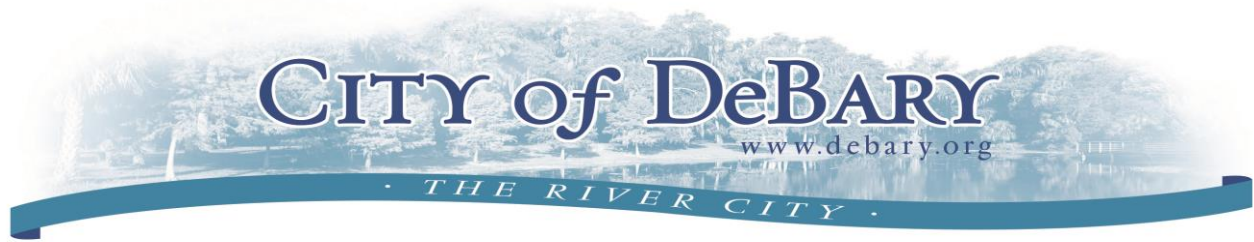




**Black Bear  
Wilderness  
Area**

**SAINT JOHN'S  
RIVER  
ESTATES**

Esri Community Maps Contributors, Seminole County GIS, FDOT, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



## City of DeBary Business Impact Estimate

### Ordinance # 15-2024

#### Summary:

An ordinance to de-annex 57.95 acres from the Rivington Community Development District (CDD). The purpose of this ordinance is to add the land to be de-annexed into the Alexander Island Park.

#### Economic Impact:

Estimate of direct compliance costs businesses may reasonably incur if the proposed ordinance is enacted.

There will be no cost of compliance for local businesses.

New charges/fees on businesses subject to the proposed ordinance or for which businesses will be financially responsible.

There will be no new charges or fees on businesses related to this ordinance.

Estimate of regulatory costs, including revenues from new charges or fees that will be imposed on businesses to cover such costs.

There will be no regulatory costs.

#### Businesses Impacted:

None.

#### Additional Information:

N/A.

Pursuant to F.S. § 166.041(4)(a), this Business Impact Estimate has been published no later than the date the proposed ordinance was noticed in the *Orlando Sentinel* on 10/20/2024

Please note the statements provided in this Business Impact Estimate were not made with the assistance of an accountant or other financial consultant. The statements above are based on good faith estimates done to the best of the City's ability with the resources available.





## City Council Meeting City of DeBary AGENDA ITEM

<b>Subject:</b> Resolution No. 2024-17 - Affirmation of Declaration of State of General Emergency	<b>Attachments:</b> <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Supporting Documents/ Contracts <input type="checkbox"/> Other
<b>From:</b> Carmen Rosamonda, City Manager	
<b>Meeting Hearing Date</b> November 6, 2024	

### **REQUEST**

City Manager is requesting City Council affirm Resolution No. 2024-17, Declaration of State of General Emergency due to Hurricane Helene.

### **PURPOSE**

Affirm Resolution No. 2024-17, signed by Mayor Karen Chasez on September 25, 2024.

### **CONSIDERATIONS**

- As Hurricane Helene was approaching, the State of Florida declared a state of emergency on September 23, 2024. It was amended on September 24, 2024, to include Volusia County.
- Volusia County declared a state of local emergency on September 24, 2024.

### **COST/FUNDING**

N/A

### **RECOMMENDATION**

It is recommended that City Council affirm Resolution No. 2024-17, Declaration of State of General Emergency, due to Hurricane Helene.

### **IMPLEMENTATION**

N/A

### **ATTACHMENTS**

Resolution No. 2024-17

**RESOLUTION NO. 2024-17**

**A RESOLUTION OF THE DEBARY CITY COUNCIL PROVIDING FOR DECLARATION OF STATE OF GENERAL EMERGENCY WITH REGARD TO TROPICAL STORM HELENE; PROVIDING FOR EMERGENCY AUTHORIZATIONS AND POWERS FOR THE CITY AND CITY MANAGER; PROVIDING FOR DURATION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of DeBary (“City”) has been informed by its emergency management staff of the imminent threat posed by Tropical Storm Helene; and

**WHEREAS**, Tropical Storm Helene is expected to develop into a hurricane prior to landfall in or about the Florida Big Bend or Panhandle region on or about Thursday, September 26, 2024, and has the capacity to pose a significant, imminent, and dangerous threat to the health, safety, and welfare of the inhabitants of the City and visitors, including real and personal property located within the City and surrounding local areas; and,

**WHEREAS**, by executing this Resolution, the Mayor, identified as the Emergency Authorization Official pursuant to § 26-51 of the City Code hereby declares a state of emergency in accordance with Chapter 26, Article III of the City Code and Part I of Chapter 252, Florida Statutes; and

**WHEREAS**, it is anticipated that the City Council will duly meet, ratify, and execute this Resolution as soon as practicable.

**NOW, THEREFORE**, pursuant to Chapter 26, Article III of the City Code, and Chapter 252, Florida Statutes, the City Council finds and declares:

1. The above recitals are true and correct and are hereby incorporated into this Resolution.
2. A State of General Emergency hereby exists in the City, effective for seven (7) days beginning at 9:00am, this 25th day of September, 2024, and may be extended, as necessary, in 7-day increments.
3. The City and City Manager are vested with all emergency powers and authority described in Chapter 26, Article III of the City’s Code of Ordinances, Chapter 252, Florida Statutes, and all other applicable provisions of the City Code, Florida Statutes, and other law, including but not limited to the following:
  - a) To implement emergency plans and procedures and take such other prompt and necessary action to save lives and protect property, including

but not limited to, the authority to compel and direct timely local evacuation, if necessary.

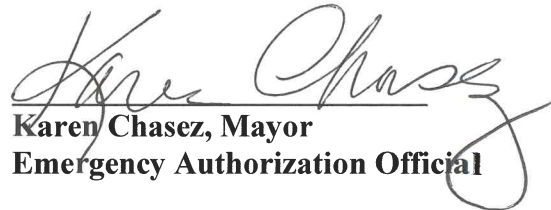
- b) Pursuant to the established "comprehensive emergency operations plan" (CEOP) of the City, declare that the CEOP is in effect, as appropriate.
- c) To obligate emergency expenditures for payment from the emergency reserve fund when such action is necessary to preserve public safety, health, and welfare. All such transfers and obligations must be reported to the City Council at the first opportunity following such action but no later than 30 days after such occurrence.
- d) To automatically initiate execution of the CEOP.
- e) To exercise, on behalf of the City, any of the powers described in § 252.38(3)(a), Florida Statutes.
- f) To determine a threat to public health and safety that may result from the generation of widespread debris throughout the City, that such debris constitutes a hazardous environment for all modes of movement and transportation of the residents as well as emergency aid and relief services, endangerment to all properties in the City, an environment conducive to breeding disease and vermin, and greatly increased risk of fire, and that it is in the public interest to collect and remove disaster debris from all property whether public lands, public or private roads, and gated communities to eliminate an immediate threat to life, public health and safety to reduce the threat of additional damage to improved property and to promote economic recovery of the community at large.
- g) To authorize the City or its contracted agent(s) right of access to private roads or gated communities as needed by emergency vehicles such as, but not limited to, police, fire, medical care, debris removal, and sanitation to alleviate immediate threats to public health and safety.
- h) To suspend the procurement requirements under article IV of Chapter 2 of the City's Code of Ordinances and make emergency purchases as deemed necessary to mitigate and counteract the ill effects of a declared emergency.
- i) To execute contracts with third parties and other governmental agencies as deemed necessary to mitigate and counteract the ill effects of a declared emergency. Any emergency contracts so executed shall be limited to the purpose of mitigating or otherwise managing the emergency declared and shall not obligate the City to the purchase of products or services beyond the timeframe of such emergency.

4. The City Manager or his/her designee, to the extent permitted by law, is hereby further empowered, authorized, and directed to exercise, on behalf of the City Council and City, such emergency powers necessary to carry out the provisions of Chapter 252, Florida Statutes, and any other powers permitted or allowed pursuant to state law, including, but not limited to, the powers to:
  - a) Direct and compel evacuation of all or part of the population from stricken or threatened areas within the City, if such action is deemed necessary to reduce the vulnerability of people in communities of the City to damage, injury, and loss of life and property resulting from the imminent threat;
  - b) Impose a curfew as may be determined necessary, provided that any such curfew allows persons to travel during curfew to their respective places of employment to report for work and to return to their residences after their work has concluded.
  - c) Waive the procedures and formalities otherwise required of the City by law pertaining to:
    - i. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
    - ii. Entering into contracts.
    - iii. Incurring obligations.
    - iv. Employment of permanent and temporary workers.
    - v. Utilization of volunteer workers.
    - vi. Rental of equipment.
    - vii. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
    - viii. Appropriation and expenditure of public funds.
  - d) Any actions taken by the City Manager or the City pursuant to §§ 252.31-252.71, Florida Statutes, or local ordinances, including all orders and rules made pursuant thereto, must be taken or made with due consideration of the orders, rules, actions, recommendations, and requests of federal authorities relevant thereto and, to the extent permitted by law, must be consistent with such orders, rules, actions, recommendations, and requests.
5. If any part or provision of this Resolution is declared or determined invalid or inconsistent with state law by a court of competent jurisdiction, the remaining provisions of this Resolution shall remain in effect to the extent practicable given the removal of the invalid or inconsistent provision.
6. This Resolution will be transmitted to the Florida Division of Emergency Management or other appropriate agency upon adoption.

7. Pursuant to § 252.46(2), Florida Statutes, this Resolution must be filed with the office of the City Clerk within three (3) days of the Resolution's adoption.
8. Pursuant to § 252.46(3), Florida Statutes, a copy of this Resolution will be made available on a dedicated web page accessible through a conspicuous link on the City's homepage. Such dedicated web page must identify any and all emergency ordinances, declarations, and other orders currently in effect for the City of DeBary. City staff is further directed to provide the link to such dedicated web page to the Florida Division of Emergency Management.
9. By executing this Resolution, the Mayor hereby declares a state of emergency as the City's Emergency Authorization Official in accordance with Chapter 26, Article III of the City Code and Chapter 252, Florida Statutes, notwithstanding that the City Council might not yet have executed or ratified the Resolution.

ADOPTED THIS 25<sup>th</sup> DAY OF SEPTEMBER 2024.

**CITY COUNCIL  
CITY OF DeBARY, FLORIDA**

  
**Karen Chasz, Mayor  
Emergency Authorization Official**

**Attest:**

  
**Annette Hatch, City Clerk**



## City Council Meeting City of DeBary AGENDA ITEM

<b>Subject:</b> Resolution No. 2024-18 - Affirmation of Declaration of State of General Emergency	<b>Attachments:</b> <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Supporting Documents/ Contracts <input type="checkbox"/> Other
<b>From:</b> Carmen Rosamonda, City Manager	
<b>Meeting Hearing Date</b> November 6, 2024	

### **REQUEST**

City Manager is requesting City Council affirm Resolution No. 2024-18, Declaration of State of General Emergency due to Hurricane Milton.

### **PURPOSE**

Affirm Resolution No. 2024-18, signed by Mayor Karen Chasez on October 7, 2024.

### **CONSIDERATIONS**

- As Hurricane Milton was approaching, the State of Florida declared a state of emergency on October 5, 2024, and included Volusia County. It was amended on October 6, 2024, to include additional counties.
- Volusia County declared a state of local emergency on October 7, 2024.

### **COST/FUNDING**

N/A

### **RECOMMENDATION**

It is recommended that City Council affirm Resolution No. 2024-18, Declaration of State of General Emergency, due to Hurricane Milton.

### **IMPLEMENTATION**

N/A

### **ATTACHMENTS**

Resolution No. 2024-18



**RESOLUTION NO. 2024-18**

**A RESOLUTION OF THE DEBARY CITY COUNCIL PROVIDING FOR DECLARATION OF STATE OF GENERAL EMERGENCY WITH REGARD TO HURRICANE MILTON; PROVIDING FOR EMERGENCY AUTHORIZATIONS AND POWERS FOR THE CITY AND CITY MANAGER; PROVIDING FOR DURATION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of DeBary ("City") has been informed by its emergency management staff of the imminent threat posed by Hurricane Milton; and

**WHEREAS**, Hurricane Milton is expected to develop into a hurricane prior to landfall in or about the Tampa Bay region on or about Wednesday, October 9, 2024, and has the capacity to pose a significant, imminent, and dangerous threat to the health, safety, and welfare of the inhabitants of the City and visitors, including real and personal property located within the City and surrounding local areas; and

**WHEREAS**, by executing this Resolution, the Mayor, identified as the Emergency Authorization Official pursuant to § 26-51 of the City Code hereby declares a state of emergency in accordance with Chapter 26, Article III of the City Code and Part I of Chapter 252, Florida Statutes; and

**WHEREAS**, it is anticipated that the City Council will duly meet, ratify, and execute this Resolution as soon as practicable.

**NOW, THEREFORE**, pursuant to Chapter 26, Article III of the City Code, and Chapter 252, Florida Statutes, the City Council finds and declares:

1. The above recitals are true and correct and are hereby incorporated into this Resolution.
2. A State of General Emergency hereby exists in the City, effective for seven (7) days beginning at 8:00 AM, this 7<sup>th</sup> day of October, 2024, and may be extended, as necessary, in 7-day increments.
3. The City and City Manager are vested with all emergency powers and authority described in Chapter 26, Article III of the City's Code of Ordinances, Chapter 252, Florida Statutes, and all other applicable provisions of the City Code, Florida Statutes, and other law, including but not limited to the following:
  - a) To implement emergency plans and procedures and take such other prompt and necessary action to save lives and protect property, including

but not limited to, the authority to compel and direct timely local evacuation, if necessary.

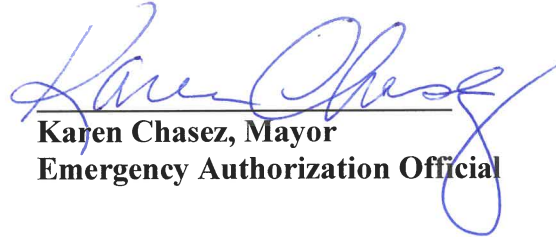
- b) Pursuant to the established “comprehensive emergency operations plan” (CEOP) of the City, declare that the CEOP is in effect, as appropriate.
- c) To obligate emergency expenditures for payment from the emergency reserve fund when such action is necessary to preserve public safety, health, and welfare. All such transfers and obligations must be reported to the City Council at the first opportunity following such action but no later than 30 days after such occurrence.
- d) To automatically initiate execution of the CEOP.
- e) To exercise, on behalf of the City, any of the powers described in § 252.38(3)(a), Florida Statutes.
- f) To determine a threat to public health and safety that may result from the generation of widespread debris throughout the City, that such debris constitutes a hazardous environment for all modes of movement and transportation of the residents as well as emergency aid and relief services, endangerment to all properties in the City, an environment conducive to breeding disease and vermin, and greatly increased risk of fire, and that it is in the public interest to collect and remove disaster debris from all property whether public lands, public or private roads, and gated communities to eliminate an immediate threat to life, public health and safety to reduce the threat of additional damage to improved property and to promote economic recovery of the community at large.
- g) To authorize the City or its contracted agent(s) right of access to private roads or gated communities as needed by emergency vehicles such as, but not limited to, police, fire, medical care, debris removal, and sanitation to alleviate immediate threats to public health and safety.
- h) To suspend the procurement requirements under article IV of Chapter 2 of the City’s Code of Ordinances and make emergency purchases as deemed necessary to mitigate and counteract the ill effects of a declared emergency.
- i) To execute contracts with third parties and other governmental agencies as deemed necessary to mitigate and counteract the ill effects of a declared emergency. Any emergency contracts so executed shall be limited to the purpose of mitigating or otherwise managing the emergency declared and shall not obligate the City to the purchase of products or services beyond the timeframe of such emergency.

4. The City Manager or his/her designee, to the extent permitted by law, is hereby further empowered, authorized, and directed to exercise, on behalf of the City Council and City, such emergency powers necessary to carry out the provisions of Chapter 252, Florida Statutes, and any other powers permitted or allowed pursuant to state law, including, but not limited to, the powers to:
  - a) Direct and compel evacuation of all or part of the population from stricken or threatened areas within the City, if such action is deemed necessary to reduce the vulnerability of people in communities of the City to damage, injury, and loss of life and property resulting from the imminent threat;
  - b) Impose a curfew as may be determined necessary, provided that any such curfew allows persons to travel during curfew to their respective places of employment to report for work and to return to their residences after their work has concluded.
  - c) Waive the procedures and formalities otherwise required of the City by law pertaining to:
    - i. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
    - ii. Entering into contracts.
    - iii. Incurring obligations.
    - iv. Employment of permanent and temporary workers.
    - v. Utilization of volunteer workers.
    - vi. Rental of equipment.
    - vii. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
    - viii. Appropriation and expenditure of public funds.
  - d) Any actions taken by the City Manager or the City pursuant to §§ 252.31-252.71, Florida Statutes, or local ordinances, including all orders and rules made pursuant thereto, must be taken or made with due consideration of the orders, rules, actions, recommendations, and requests of federal authorities relevant thereto and, to the extent permitted by law, must be consistent with such orders, rules, actions, recommendations, and requests.
5. If any part or provision of this Resolution is declared or determined invalid or inconsistent with state law by a court of competent jurisdiction, the remaining provisions of this Resolution shall remain in effect to the extent practicable given the removal of the invalid or inconsistent provision.
6. This Resolution will be transmitted to the Florida Division of Emergency Management or other appropriate agency upon adoption.

7. Pursuant to § 252.46(2), Florida Statutes, this Resolution must be filed with the office of the City Clerk within three (3) days of the Resolution's adoption.
8. Pursuant to § 252.46(3), Florida Statutes, a copy of this Resolution will be made available on a dedicated web page accessible through a conspicuous link on the City's homepage. Such dedicated web page must identify any and all emergency ordinances, declarations, and other orders currently in effect for the City of DeBary. City staff is further directed to provide the link to such dedicated web page to the Florida Division of Emergency Management.
9. By executing this Resolution, the Mayor hereby declares a state of emergency as the City's Emergency Authorization Official in accordance with Chapter 26, Article III of the City Code and Chapter 252, Florida Statutes, notwithstanding that the City Council might not yet have executed or ratified the Resolution.

ADOPTED THIS 7<sup>th</sup> DAY OF OCTOBER 2024.

**CITY COUNCIL  
CITY OF DeBARY, FLORIDA**

  
**Karen Chasz, Mayor  
Emergency Authorization Official**

**Attest:**

  
**Annette Hatch, City Clerk**



## City Council Meeting City of DeBary AGENDA ITEM

<b>Subject:</b> Resolution No. 2024-19 Affirmation of Extension to Declaration of State of General Emergency	<b>Attachments:</b> <input type="checkbox"/> Ordinance
<b>From:</b> Carmen Rosamonda, City Manager	<input checked="" type="checkbox"/> Resolution
<b>Meeting Hearing Date</b> November 6, 2024	<input type="checkbox"/> Supporting Documents/ Contracts
	<input type="checkbox"/> Other

### **REQUEST**

City Manager is requesting City Council affirm Resolution No. 2024-19, extending the Declaration of State of General Emergency due to Hurricane Milton.

### **PURPOSE**

Affirm Resolution No. 2024-19, Extension of Declaration of State of General Emergency, signed by Mayor Karen Chasez at 8:00 a.m. October 14, 2024.

### **CONSIDERATIONS**

Following the Governor's declared State of Emergency due to Hurricane Milton on October 5, 2024, and Volusia County declared State of Emergency on October 7, 2024, the City issued Resolution No. 2024-18, declaring a state of local emergency on October 7, 2024. Emergency conditions continue in the City; therefore, Resolution No. 2024-19 has been executed, extending the state of emergency to October 21, 2024.

### **COST/FUNDING**

N/A

### **RECOMMENDATION**

It is recommended that the City Council: Affirm Resolution No. 2024-19 Extending the Declaration of State of General Emergency.

### **ATTACHMENTS**

Resolution No. 2024-19

**RESOLUTION NO. 2024-19**

**A RESOLUTION OF THE DEBARY CITY COUNCIL PROVIDING FOR DECLARATION OF STATE OF GENERAL EMERGENCY WITH REGARD TO HURRICANE MILTON; PROVIDING FOR EMERGENCY AUTHORIZATIONS AND POWERS FOR THE CITY AND CITY MANAGER; PROVIDING FOR DURATION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of DeBary (“City”) has been informed by its emergency management staff of the imminent threat posed by Hurricane Milton; and

**WHEREAS**, Hurricane Milton is expected to develop into a hurricane prior to landfall in or about the Tampa Bay region on or about Wednesday, October 9, 2024, and has the capacity to pose a significant, imminent, and dangerous threat to the health, safety, and welfare of the inhabitants of the City and visitors, including real and personal property located within the City and surrounding local areas; and

**WHEREAS**, by executing this Resolution, the Mayor, identified as the Emergency Authorization Official pursuant to § 26-51 of the City Code hereby declares a state of emergency in accordance with Chapter 26, Article III of the City Code and Part I of Chapter 252, Florida Statutes; and

**WHEREAS**, it is anticipated that the City Council will duly meet, ratify, and execute this Resolution as soon as practicable.

**NOW, THEREFORE**, pursuant to Chapter 26, Article III of the City Code, and Chapter 252, Florida Statutes, the City Council finds and declares:

1. The above recitals are true and correct and are hereby incorporated into this Resolution.
2. A State of General Emergency hereby exists in the City, effective for seven (7) days beginning at 8am, this 14th day of October, 2024, and may be extended, as necessary, in 7-day increments.
3. The City and City Manager are vested with all emergency powers and authority described in Chapter 26, Article III of the City’s Code of Ordinances, Chapter 252, Florida Statutes, and all other applicable provisions of the City Code, Florida Statutes, and other law, including but not limited to the following:
  - a) To implement emergency plans and procedures and take such other prompt and necessary action to save lives and protect property, including

but not limited to, the authority to compel and direct timely local evacuation, if necessary.

- b) Pursuant to the established “comprehensive emergency operations plan” (CEOP) of the City, declare that the CEOP is in effect, as appropriate.
- c) To obligate emergency expenditures for payment from the emergency reserve fund when such action is necessary to preserve public safety, health, and welfare. All such transfers and obligations must be reported to the City Council at the first opportunity following such action but no later than 30 days after such occurrence.
- d) To automatically initiate execution of the CEOP.
- e) To exercise, on behalf of the City, any of the powers described in § 252.38(3)(a), Florida Statutes.
- f) To determine a threat to public health and safety that may result from the generation of widespread debris throughout the City, that such debris constitutes a hazardous environment for all modes of movement and transportation of the residents as well as emergency aid and relief services, endangerment to all properties in the City, an environment conducive to breeding disease and vermin, and greatly increased risk of fire, and that it is in the public interest to collect and remove disaster debris from all property whether public lands, public or private roads, and gated communities to eliminate an immediate threat to life, public health and safety to reduce the threat of additional damage to improved property and to promote economic recovery of the community at large.
- g) To authorize the City or its contracted agent(s) right of access to private roads or gated communities as needed by emergency vehicles such as, but not limited to, police, fire, medical care, debris removal, and sanitation to alleviate immediate threats to public health and safety.
- h) To suspend the procurement requirements under article IV of Chapter 2 of the City’s Code of Ordinances and make emergency purchases as deemed necessary to mitigate and counteract the ill effects of a declared emergency.
- i) To execute contracts with third parties and other governmental agencies as deemed necessary to mitigate and counteract the ill effects of a declared emergency. Any emergency contracts so executed shall be limited to the purpose of mitigating or otherwise managing the emergency declared and shall not obligate the City to the purchase of products or services beyond the timeframe of such emergency.


4. The City Manager or his/her designee, to the extent permitted by law, is hereby further empowered, authorized, and directed to exercise, on behalf of the City Council and City, such emergency powers necessary to carry out the provisions of Chapter 252, Florida Statutes, and any other powers permitted or allowed pursuant to state law, including, but not limited to, the powers to:
  - a) Direct and compel evacuation of all or part of the population from stricken or threatened areas within the City, if such action is deemed necessary to reduce the vulnerability of people in communities of the City to damage, injury, and loss of life and property resulting from the imminent threat;
  - b) Impose a curfew as may be determined necessary, provided that any such curfew allows persons to travel during curfew to their respective places of employment to report for work and to return to their residences after their work has concluded.
  - c) Waive the procedures and formalities otherwise required of the City by law pertaining to:
    - i. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
    - ii. Entering into contracts.
    - iii. Incurring obligations.
    - iv. Employment of permanent and temporary workers.
    - v. Utilization of volunteer workers.
    - vi. Rental of equipment.
    - vii. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
    - viii. Appropriation and expenditure of public funds.
  - d) Any actions taken by the City Manager or the City pursuant to §§ 252.31-252.71, Florida Statutes, or local ordinances, including all orders and rules made pursuant thereto, must be taken or made with due consideration of the orders, rules, actions, recommendations, and requests of federal authorities relevant thereto and, to the extent permitted by law, must be consistent with such orders, rules, actions, recommendations, and requests.
5. If any part or provision of this Resolution is declared or determined invalid or inconsistent with state law by a court of competent jurisdiction, the remaining provisions of this Resolution shall remain in effect to the extent practicable given the removal of the invalid or inconsistent provision.
6. This Resolution will be transmitted to the Florida Division of Emergency Management or other appropriate agency upon adoption.



7. Pursuant to § 252.46(2), Florida Statutes, this Resolution must be filed with the office of the City Clerk within three (3) days of the Resolution's adoption.
8. Pursuant to § 252.46(3), Florida Statutes, a copy of this Resolution will be made available on a dedicated web page accessible through a conspicuous link on the City's homepage. Such dedicated web page must identify any and all emergency ordinances, declarations, and other orders currently in effect for the City of DeBary. City staff is further directed to provide the link to such dedicated web page to the Florida Division of Emergency Management.
9. By executing this Resolution, the Mayor hereby declares a state of emergency as the City's Emergency Authorization Official in accordance with Chapter 26, Article III of the City Code and Chapter 252, Florida Statutes, notwithstanding that the City Council might not yet have executed or ratified the Resolution.

ADOPTED THIS 14<sup>th</sup> DAY OF OCTOBER 2024.

**CITY COUNCIL  
CITY OF DeBARY, FLORIDA**

  
\_\_\_\_\_  
**Karen Chasez, Mayor  
Emergency Authorization Official**

**Attest:**

  
**Annette Hatch, City Clerk**



## City Council Meeting City of DeBary AGENDA ITEM

<b>Subject:</b> Resolution No. 2024-20 Affirmation of Extension to Declaration of State of General Emergency	<b>Attachments:</b> <input type="checkbox"/> Ordinance
<b>From:</b> Carmen Rosamonda, City Manager	<input checked="" type="checkbox"/> Resolution
<b>Meeting Hearing Date</b> November 6, 2024	<input type="checkbox"/> Supporting Documents/ Contracts
	<input type="checkbox"/> Other

### **REQUEST**

City Manager is requesting City Council affirm Resolution No. 2024-20, extending the Declaration of State of General Emergency due to Hurricane Milton.

### **PURPOSE**

Affirm Resolution No. 2024-20, Extension of Declaration of State of General Emergency, signed by Mayor Karen Chasez at 8:00 a.m. October 21, 2024.

### **CONSIDERATIONS**

Following the Governor's declared State of Emergency due to Hurricane Milton on October 5, 2024, and Volusia County declared State of Emergency on October 7, 2024, the City issued Resolution No. 2024-18, declaring a state of local emergency on October 7, 2024. Emergency conditions continue in the City; therefore, Resolution No. 2024-20 has been executed, extending the state of emergency to October 28, 2024.

### **COST/FUNDING**

N/A

### **RECOMMENDATION**

It is recommended that the City Council: Affirm Resolution No. 2024-20 Extending the Declaration of State of General Emergency.

### **ATTACHMENTS**

Resolution No. 2024-20

**RESOLUTION NO. 2024-20**

**A RESOLUTION OF THE DEBARY CITY COUNCIL PROVIDING FOR DECLARATION OF STATE OF GENERAL EMERGENCY WITH REGARD TO HURRICANE MILTON; PROVIDING FOR EMERGENCY AUTHORIZATIONS AND POWERS FOR THE CITY AND CITY MANAGER; PROVIDING FOR DURATION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of DeBary (“City”) has been informed by its emergency management staff of the imminent threat posed by Hurricane Milton; and

**WHEREAS**, Hurricane Milton is expected to develop into a hurricane prior to landfall in or about the Tampa Bay region on or about Wednesday, October 9, 2024, and has the capacity to pose a significant, imminent, and dangerous threat to the health, safety, and welfare of the inhabitants of the City and visitors, including real and personal property located within the City and surrounding local areas; and

**WHEREAS**, by executing this Resolution, the Mayor, identified as the Emergency Authorization Official pursuant to § 26-51 of the City Code hereby declares a state of emergency in accordance with Chapter 26, Article III of the City Code and Part I of Chapter 252, Florida Statutes; and

**WHEREAS**, it is anticipated that the City Council will duly meet, ratify, and execute this Resolution as soon as practicable.

**NOW, THEREFORE**, pursuant to Chapter 26, Article III of the City Code, and Chapter 252, Florida Statutes, the City Council finds and declares:

1. The above recitals are true and correct and are hereby incorporated into this Resolution.
2. A State of General Emergency hereby exists in the City, effective for seven (7) days beginning at 8am, this 21st day of October, 2024, and may be extended, as necessary, in 7-day increments.
3. The City and City Manager are vested with all emergency powers and authority described in Chapter 26, Article III of the City’s Code of Ordinances, Chapter 252, Florida Statutes, and all other applicable provisions of the City Code, Florida Statutes, and other law, including but not limited to the following:
  - a) To implement emergency plans and procedures and take such other prompt and necessary action to save lives and protect property, including

but not limited to, the authority to compel and direct timely local evacuation, if necessary.

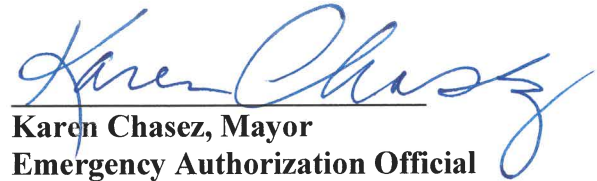
- b) Pursuant to the established “comprehensive emergency operations plan” (CEOP) of the City, declare that the CEOP is in effect, as appropriate.
- c) To obligate emergency expenditures for payment from the emergency reserve fund when such action is necessary to preserve public safety, health, and welfare. All such transfers and obligations must be reported to the City Council at the first opportunity following such action but no later than 30 days after such occurrence.
- d) To automatically initiate execution of the CEOP.
- e) To exercise, on behalf of the City, any of the powers described in § 252.38(3)(a), Florida Statutes.
- f) To determine a threat to public health and safety that may result from the generation of widespread debris throughout the City, that such debris constitutes a hazardous environment for all modes of movement and transportation of the residents as well as emergency aid and relief services, endangerment to all properties in the City, an environment conducive to breeding disease and vermin, and greatly increased risk of fire, and that it is in the public interest to collect and remove disaster debris from all property whether public lands, public or private roads, and gated communities to eliminate an immediate threat to life, public health and safety to reduce the threat of additional damage to improved property and to promote economic recovery of the community at large.
- g) To authorize the City or its contracted agent(s) right of access to private roads or gated communities as needed by emergency vehicles such as, but not limited to, police, fire, medical care, debris removal, and sanitation to alleviate immediate threats to public health and safety.
- h) To suspend the procurement requirements under article IV of Chapter 2 of the City’s Code of Ordinances and make emergency purchases as deemed necessary to mitigate and counteract the ill effects of a declared emergency.
- i) To execute contracts with third parties and other governmental agencies as deemed necessary to mitigate and counteract the ill effects of a declared emergency. Any emergency contracts so executed shall be limited to the purpose of mitigating or otherwise managing the emergency declared and shall not obligate the City to the purchase of products or services beyond the timeframe of such emergency.

4. The City Manager or his/her designee, to the extent permitted by law, is hereby further empowered, authorized, and directed to exercise, on behalf of the City Council and City, such emergency powers necessary to carry out the provisions of Chapter 252, Florida Statutes, and any other powers permitted or allowed pursuant to state law, including, but not limited to, the powers to:
  - a) Direct and compel evacuation of all or part of the population from stricken or threatened areas within the City, if such action is deemed necessary to reduce the vulnerability of people in communities of the City to damage, injury, and loss of life and property resulting from the imminent threat;
  - b) Impose a curfew as may be determined necessary, provided that any such curfew allows persons to travel during curfew to their respective places of employment to report for work and to return to their residences after their work has concluded.
  - c) Waive the procedures and formalities otherwise required of the City by law pertaining to:
    - i. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
    - ii. Entering into contracts.
    - iii. Incurring obligations.
    - iv. Employment of permanent and temporary workers.
    - v. Utilization of volunteer workers.
    - vi. Rental of equipment.
    - vii. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
    - viii. Appropriation and expenditure of public funds.
  - d) Any actions taken by the City Manager or the City pursuant to §§ 252.31-252.71, Florida Statutes, or local ordinances, including all orders and rules made pursuant thereto, must be taken or made with due consideration of the orders, rules, actions, recommendations, and requests of federal authorities relevant thereto and, to the extent permitted by law, must be consistent with such orders, rules, actions, recommendations, and requests.
5. If any part or provision of this Resolution is declared or determined invalid or inconsistent with state law by a court of competent jurisdiction, the remaining provisions of this Resolution shall remain in effect to the extent practicable given the removal of the invalid or inconsistent provision.
6. This Resolution will be transmitted to the Florida Division of Emergency Management or other appropriate agency upon adoption.

7. Pursuant to § 252.46(2), Florida Statutes, this Resolution must be filed with the office of the City Clerk within three (3) days of the Resolution's adoption.
8. Pursuant to § 252.46(3), Florida Statutes, a copy of this Resolution will be made available on a dedicated web page accessible through a conspicuous link on the City's homepage. Such dedicated web page must identify any and all emergency ordinances, declarations, and other orders currently in effect for the City of DeBary. City staff is further directed to provide the link to such dedicated web page to the Florida Division of Emergency Management.
9. By executing this Resolution, the Mayor hereby declares a state of emergency as the City's Emergency Authorization Official in accordance with Chapter 26, Article III of the City Code and Chapter 252, Florida Statutes, notwithstanding that the City Council might not yet have executed or ratified the Resolution.

**ADOPTED THIS 21st DAY OF OCTOBER 2024.**

**CITY COUNCIL  
CITY OF DeBARY, FLORIDA**

  
**Karen Chasz, Mayor  
Emergency Authorization Official**

**Attest:**

  
**Annette Hatch, City Clerk**



## City Council Meeting City of DeBary AGENDA ITEM

<b>Subject:</b> Resolution No. 2024-21 Affirmation of Extension to Declaration of State of General Emergency	<b>Attachments:</b> <input type="checkbox"/> Ordinance
<b>From:</b> Carmen Rosamonda, City Manager	<input checked="" type="checkbox"/> Resolution
<b>Meeting Hearing Date</b> November 6, 2024	<input type="checkbox"/> Supporting Documents/ Contracts
	<input type="checkbox"/> Other

### **REQUEST**

City Manager is requesting City Council affirm Resolution No. 2024-21, extending the Declaration of State of General Emergency due to Hurricane Milton.

### **PURPOSE**

Affirm Resolution No. 2024-21, Extension of Declaration of State of General Emergency, signed by Mayor Karen Chasez at 8:00 a.m. October 28, 2024.

### **CONSIDERATIONS**

Following the Governor's declared State of Emergency due to Hurricane Milton on October 5, 2024, and Volusia County declared State of Emergency on October 7, 2024, the City issued Resolution No. 2024-18, declaring a state of local emergency on October 7, 2024. Emergency conditions continue in the City; therefore, Resolution No. 2024-21 has been executed, extending the state of emergency to November 4, 2024.

### **COST/FUNDING**

N/A

### **RECOMMENDATION**

It is recommended that the City Council: Affirm Resolution No. 2024-21 Extending the Declaration of State of General Emergency.

### **ATTACHMENTS**

Resolution No. 2024-21

**RESOLUTION NO. 2024-21**

**A RESOLUTION OF THE DEBARY CITY COUNCIL PROVIDING FOR DECLARATION OF STATE OF GENERAL EMERGENCY WITH REGARD TO HURRICANE MILTON; PROVIDING FOR EMERGENCY AUTHORIZATIONS AND POWERS FOR THE CITY AND CITY MANAGER; PROVIDING FOR DURATION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of DeBary (“City”) has been informed by its emergency management staff of the imminent threat posed by Hurricane Milton; and

**WHEREAS**, Hurricane Milton is expected to develop into a hurricane prior to landfall in or about the Tampa Bay region on or about Wednesday, October 9, 2024, and has the capacity to pose a significant, imminent, and dangerous threat to the health, safety, and welfare of the inhabitants of the City and visitors, including real and personal property located within the City and surrounding local areas; and

**WHEREAS**, by executing this Resolution, the Mayor, identified as the Emergency Authorization Official pursuant to § 26-51 of the City Code hereby declares a state of emergency in accordance with Chapter 26, Article III of the City Code and Part I of Chapter 252, Florida Statutes; and

**WHEREAS**, it is anticipated that the City Council will duly meet, ratify, and execute this Resolution as soon as practicable.

**NOW, THEREFORE**, pursuant to Chapter 26, Article III of the City Code, and Chapter 252, Florida Statutes, the City Council finds and declares:

1. The above recitals are true and correct and are hereby incorporated into this Resolution.
2. A State of General Emergency hereby exists in the City, effective for seven (7) days beginning at 8am, this 28th day of October, 2024, and may be extended, as necessary, in 7-day increments.
3. The City and City Manager are vested with all emergency powers and authority described in Chapter 26, Article III of the City’s Code of Ordinances, Chapter 252, Florida Statutes, and all other applicable provisions of the City Code, Florida Statutes, and other law, including but not limited to the following:
  - a) To implement emergency plans and procedures and take such other prompt and necessary action to save lives and protect property, including



but not limited to, the authority to compel and direct timely local evacuation, if necessary.


- b) Pursuant to the established “comprehensive emergency operations plan” (CEOP) of the City, declare that the CEOP is in effect, as appropriate.
- c) To obligate emergency expenditures for payment from the emergency reserve fund when such action is necessary to preserve public safety, health, and welfare. All such transfers and obligations must be reported to the City Council at the first opportunity following such action but no later than 30 days after such occurrence.
- d) To automatically initiate execution of the CEOP.
- e) To exercise, on behalf of the City, any of the powers described in § 252.38(3)(a), Florida Statutes.
- f) To determine a threat to public health and safety that may result from the generation of widespread debris throughout the City, that such debris constitutes a hazardous environment for all modes of movement and transportation of the residents as well as emergency aid and relief services, endangerment to all properties in the City, an environment conducive to breeding disease and vermin, and greatly increased risk of fire, and that it is in the public interest to collect and remove disaster debris from all property whether public lands, public or private roads, and gated communities to eliminate an immediate threat to life, public health and safety to reduce the threat of additional damage to improved property and to promote economic recovery of the community at large.
- g) To authorize the City or its contracted agent(s) right of access to private roads or gated communities as needed by emergency vehicles such as, but not limited to, police, fire, medical care, debris removal, and sanitation to alleviate immediate threats to public health and safety.
- h) To suspend the procurement requirements under article IV of Chapter 2 of the City’s Code of Ordinances and make emergency purchases as deemed necessary to mitigate and counteract the ill effects of a declared emergency.
- i) To execute contracts with third parties and other governmental agencies as deemed necessary to mitigate and counteract the ill effects of a declared emergency. Any emergency contracts so executed shall be limited to the purpose of mitigating or otherwise managing the emergency declared and shall not obligate the City to the purchase of products or services beyond the timeframe of such emergency.

4. The City Manager or his/her designee, to the extent permitted by law, is hereby further empowered, authorized, and directed to exercise, on behalf of the City Council and City, such emergency powers necessary to carry out the provisions of Chapter 252, Florida Statutes, and any other powers permitted or allowed pursuant to state law, including, but not limited to, the powers to:
  - a) Direct and compel evacuation of all or part of the population from stricken or threatened areas within the City, if such action is deemed necessary to reduce the vulnerability of people in communities of the City to damage, injury, and loss of life and property resulting from the imminent threat;
  - b) Impose a curfew as may be determined necessary, provided that any such curfew allows persons to travel during curfew to their respective places of employment to report for work and to return to their residences after their work has concluded.
  - c) Waive the procedures and formalities otherwise required of the City by law pertaining to:
    - i. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
    - ii. Entering into contracts.
    - iii. Incurring obligations.
    - iv. Employment of permanent and temporary workers.
    - v. Utilization of volunteer workers.
    - vi. Rental of equipment.
    - vii. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
    - viii. Appropriation and expenditure of public funds.
  - d) Any actions taken by the City Manager or the City pursuant to §§ 252.31-252.71, Florida Statutes, or local ordinances, including all orders and rules made pursuant thereto, must be taken or made with due consideration of the orders, rules, actions, recommendations, and requests of federal authorities relevant thereto and, to the extent permitted by law, must be consistent with such orders, rules, actions, recommendations, and requests.
5. If any part or provision of this Resolution is declared or determined invalid or inconsistent with state law by a court of competent jurisdiction, the remaining provisions of this Resolution shall remain in effect to the extent practicable given the removal of the invalid or inconsistent provision.
6. This Resolution will be transmitted to the Florida Division of Emergency Management or other appropriate agency upon adoption.

7. Pursuant to § 252.46(2), Florida Statutes, this Resolution must be filed with the office of the City Clerk within three (3) days of the Resolution's adoption.
8. Pursuant to § 252.46(3), Florida Statutes, a copy of this Resolution will be made available on a dedicated web page accessible through a conspicuous link on the City's homepage. Such dedicated web page must identify any and all emergency ordinances, declarations, and other orders currently in effect for the City of DeBary. City staff is further directed to provide the link to such dedicated web page to the Florida Division of Emergency Management.
9. By executing this Resolution, the Mayor hereby declares a state of emergency as the City's Emergency Authorization Official in accordance with Chapter 26, Article III of the City Code and Chapter 252, Florida Statutes, notwithstanding that the City Council might not yet have executed or ratified the Resolution.

**ADOPTED THIS 28th DAY OF OCTOBER 2024.**

**CITY COUNCIL  
CITY OF DeBARY, FLORIDA**

  
\_\_\_\_\_  
**Karen Chasz, Mayor  
Emergency Authorization Official**

**Attest:**

  
\_\_\_\_\_  
**Annette Hatch, City Clerk**



**City Council Meeting  
City of DeBary  
AGENDA ITEM**

<b>Subject:</b> Hurricane Milton	<b>Attachments:</b> <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Supporting Documents/ Contracts <input checked="" type="checkbox"/> Other
<b>From:</b> Carmen Rosamonda, City Manager	
<b>Meeting Hearing Date</b> November 6, 2024	

**REQUEST**

Per Section 15 of the Purchasing Policy, on exigent circumstances, the City Manager shall file with the City Council a statement certifying the conditions and circumstances requiring such action for purchases over \$5,000.

**PURPOSE**

This agenda item is intended to communicate to City Council the costs incurred for Hurricane Milton that have been invoiced through the end of October. As invoices are received over the next weeks and months, there will be additional costs presented to City Council in a similar fashion including but not limited to road repairs, debris pick-up, monitoring, mulching and removal.

**CONSIDERATIONS**

In response to Hurricane Milton the Florida Governor declared a State of Emergency that included Volusia County beginning on October 5, 2024. Mayor Chasez signed a State of Emergency for DeBary beginning on October 7, 2024 and it has been continued weekly until further notice.

**COST/FUNDING**

General Fund – Reserves We will pursue FEMA reimbursement for eligible expenditures.

**RECOMMENDATION**

It is recommended that the City Council accept the statement certifying the need for purchases for exigent circumstances related to Hurricane Milton and approval after the fact.

**IMPLEMENTATION**

N/A

**ATTACHMENTS**

Expenditure Listing

**Hurricane Milton Costs**

Task	Vendor	Detail	Invoice No.	Purchase Order In Place	Cost
City Wide Pumping	Mersino Dewatering, LLC	James Pond 8" Pump Rental	125214	25-00204	6,642.00
	Mersino Dewatering, LLC	Half Moon Lake 8" Pump Rental	125810	25-00229	12,806.00
	Mersino Dewatering, LLC	Lake of the Woods 8" Pump Rental	125441	25-00223	20,003.00
	Mersino Dewatering, LLC	Lake Charles 8" Pump Rental	125526	25-00239	18,943.00
	Mersino Dewatering, LLC	Kings Lake 6" Pump Rental	125546	25-00246	12,364.00
	Mersino Dewatering, LLC	8" to 6" Pump Reducers	125609	25-00242	1,152.00
	Ring Power Corporation	Gem Lake 8" Pump Rental	18RR00096977	25-00205	3,529.20
	Ring Power Corporation	Terra Alta 8" Pump Rental	18RR00099832	25-00215	5,254.00
Rental Pump Repair	Mersino Dewatering, LLC	Half Moon Lake Pump Rental Repair	125385	No	41,363.83
Donald E Smith Road Repair	Dale Beasley Construction, LLC	Road Repair	Quote	25-00278	67,551.40
	Kevin J Hare	Project Management	Quote	25-00277	5,800.00
Highbanks Sidewalk and Pipe Repair	DDS Enterprises LLC	Washout Repair and SW Pipe Compromise	Quote	25-00279	27,600.00
Parks & Rec Shade Covers	Whitehouse Contracting, LLC	Remove Shade Covers at Various Parks	Estimate	25-00173	2,700.00
	Whitehouse Contracting, LLC	Install Shade Covers at Various Parks	Estimate	25-00174	7,200.00
Parks & Rec Tree Removal	Whitehouse Contracting, LLC	Tree Removal at Various Parks	2624	25-00175	2,000.00
	Whitehouse Contracting, LLC	Tree Removal at River City Nature Park	2625	25-00176	1,500.00
	High Performance Tree Services Inc	Tree Removal at Bill Keller Park	Estimate	25-00270	1,150.00
	High Performance Tree Services Inc	Tree Removal at Gateway Park	8001	25-00271	925.64
	High Performance Tree Services Inc	Tree Removal at River City Nature Park	Estimate	25-00273	1,750.00
	High Performance Tree Services Inc	Tree Removal at Gateway Park	Estimate	25-00274	800.00
Various Road Fill	Crush Supply	Fort Florida Rd. Roadbase	7366	25-00261	1,965.00
	Crush Supply	Highbanks Marina & Campground Roadbase	7366-3	25-00262	16,230.00
	Crush Supply	Dutchmans Bend Rd. Roadbase	7368	25-00263	20,065.58
	Crush Supply	Donald E Smith	7364	No	33,165.00
	Crush Supply	Highbanks Marina & Campground Roadbase 2	7367	No	25,770.00
	Crush Supply	Donald E Smith Equipment for Roadbase	7366-2	No	1,100.00
Parks & Rec Building Repairs	J B Gutters LLC	Repair Fascia at Bill Keller Park	Estimate	25-00247	608.00
	J B Gutters LLC	Repair Soffit and Downspout at Gateway Center	Estimate	25-00249	600.00
	J B Gutters LLC	Repair Soffits at Various Parks Locations	Estimate	25-00258	150.00
Rob Sullivan Park Washout	DDS Enterprises LLC	Repair Washout at Rob Sullivan Park	Estimate	25-00243	3,650.00
Sand Bag Ops	APEX Trucking of Edgewater Inc	Loads of Sand for Sand Bag Ops	101124-2	25-00234	3,150.00
SW Infrastructure Fuel	Gentry Oil, LLC	Fuel for DGCC Pump Station	302333	25-00224	1,217.45
City Well Repairs	Jon's Well and Pump Services Inc	City Hall Irrigation Well Repair	10.17.24	25-00232	395.00
	Jon's Well and Pump Services Inc	River City Nature Park Well Seal Repaired	24-1311	25-00272	200.00

Chainsaws for Emergency Ops	Crystal Tractor	PW Chainsaw, Chains and Bars	-	City CC	1,501.96
	Crystal Tractor	SW Small Chainsaw	-	On Account	315.99
Parks & Rec Screens	Ball Fabrics Inc	Replace Damaged Privacy Screens at BKP and RSP	Estimate	25-00275	8,439.56
Damage Assessment	PDCS, LLC	Damage Assessment Services 10.10.24 - 10.15.24	Estimate	No	2,304.00
River Bluff Washout	DDS Enterprises LLC	Project 3 - River Bluff Trail Washout Repair	Quote	25-00280	19,000.00

As of 10/31/2024

**Total** \$ 380,861.61

**\*\*Notes\*\***

*Excludes Personnel Costs related to EOC Ops and Sandbagging*

*Excludes Ring Power pump rental that was submerged. Pump repair costs TBD.*

*Excludes Debris Hauling and Monitoring costs*

*Excludes WEX Fuel for Hurricane Ops. Billing not received.*

*Excludes Credit Card purchases for Hurricane Ops. Billing not received.*

*Highbanks Pipe Repair may have more costs related once the extent of the damage to the SW pipe is assessed.*

*Excludes Glen Club Dr. Crush Supply Roadbase. Bill not received.*

*Excludes Gateway Center and Park Storage Roof Damage. Need roofer to evaluate.*

*Excludes Alexandra Park mulch, sod and pressure washing. Waiting for ground to dry.*

*Pumping Costs are ongoing.*