



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Tuesday, March 18, 2025

6:30 PM

Deltona Commission Chambers

Revised 03-14-2025

PUBLIC FORUM: 6:00 PM - 6:30 PM

Mayor Avila opened the public forum and Sarah Bryan, Gail Barr, Courtney Cross-Burgos, Marcyana Mead, Matthew Bergens, and David Sosa addressed the Commission.

BUSINESS MEETING - 6:30 PM

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Avila.

2. ROLL CALL – CITY CLERK:

Present: 7 - Mayor Avila
Vice Mayor Heriot
Commissioner Avila-Vazquez
Commissioner Colwell
Commissioner Howington
Commissioner Lulli
Commissioner Santiago

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by District #6 Commissioner. Honoring Veteran -

4. ADDITIONS AND DELETIONS:

City Attorney Good noted that Item 7-B has been pulled from the agenda this evening.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Update on FEMA Reimbursements for Hurricanes Ian, Nicole, Idalia, and Milton

The Finance Director gave an update on FEMA Reimbursements for Hurricanes Ian, Nicole, Idalia, and Milton. Staff is actively seeking reimbursements at this time.

6. DELTONA COMMUNITY EVENTS:**7. CONSENT AGENDA:**

Motion by Vice Mayor Heriot, seconded by Commissioner Lulli, to approve Items 7-A, 7-C, and 7-D. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor Heriot, Commissioner Avila-Vazquez, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

Against: 1 - Commissioner Colwell

A. Request for approval of minutes of the Regular Commission Meeting of March 3, 2025, as presented.

Approved by Consent - to approve the minutes of the Regular Commission Meeting of March 3, 2025, as presented.

B. Request for approval of Resolution No. 2025-42 Easement at Landmark Lodge Stormwater Retention area located at 720 N. Apache Cir., Deltona, Florida 32725.

This item was pulled from the agenda.

C. Request for approval of recognitions for the month of April.

Approved by Consent - to approve the requested recognition for the month of April.

D. Requests for presentations before the City Commission.

Approved by Consent - to approve the following presentations be made before the City Commission on the next available agenda and shall not exceed 10 minutes.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Request for approval of Resolution No. 2025-26, requesting the acceptance for the Eloah Estates Final Plat to facilitate a means of ingress and egress through 2982 Howland Boulevard, zoned C-2, General Commercial, to 1000 Eloah Estates Road, zoned RM-1, Multiple Family Residential Dwelling District, for the development of 536 apartments on approximately 45.3 acres of land.

City Attorney Good read the title of Resolution No. 2025-26 for the record.

The Planning and Development Director gave a presentation to include Background, Eloah Estates History, Eloah Estates Final Plat, and Staff Recommendation.

The Commission, staff and the applicant discussed timeline of zoning, annexation, tabling items for discussion, Enrico Ridge, completing projects, negotiating agreements, performance bonds, future zoning changes or variances, flooding, pumping water, resolving liens, intersection improvements, school board land, rights-of-way, sidewalks, crosswalks, the fiduciary, and paying contractors.

Motion by Commissioner Colwell, seconded by Commissioner Howington, to approve the item.

The Commission, staff and the applicant continued to discuss selling the property, and the proposed apartment buildings.

Mayor Avila opened the public comments and Kenneth Harris, Courtney Cross-Burgos, and Pat Blodgett addressed the Commission.

The applicant's attorney gave a presentation to include Purpose of Plat, Current Zoning, General Timeline, Project Details, and Businesses and Streets near 2982 Howland Blvd.

The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor Heriot, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

Against: 1 - Commissioner Avila-Vazquez

B. Public Hearing - Request for approval of Resolution No. 2025-24, accepting the Final Plat for Phase 1 on the Vineland Reserve RPUD for a 126-lot single-family townhouse subdivision on approximately 20.3-acres of property located east of Peach Creek Drive.

City Attorney Good read the title of Resolution No. 2025-24 for the record.

The Planning and Development Services Director gave a presentation of the item to include Background, Plat, Vineland Reserve Final Plat, Approval Conditions, Approval Conditions Cont., and Recommendation.

The Commission, staff, and David Hamstra from Pegasus Engineering discussed pond failure, peer reviews, storm water requirements, bonds, the St. John's River Water Management District (SJRWMD), previous Phases of Vineland Reserve, hurricane flooding, dry ponds, other development property issues, tabling the item, changing the plat, rights-of-way, being in compliance, selling the property, resident HOAs, red flags, applicants' presence at meetings, entitlements, the water table, permits, pond surface area versus depth, losing lots, and changing plats.

Motion by Commissioner Lulli, seconded by Commissioner Howington, to deny Resolution No. 2025-24, denying Vineland Reserve phase one final plat.

Commissioner Avila-Vazquez discussed tabling items, new residents, City history, development prior to recent hurricanes, and changes to the City.

City Attorney Good suggested that the Commission may change the motion to deny to a motion to defer to allow the applicant to be able to answer questions posed at the meeting tonight.

Mayor Avila asked for a point of order and he asked the Commission not to consider a deferral because the developer should have been at the meeting.

Commissioner Lulli did not agree to change the initial motion to deny the final plat and Commissioner Howington did not withdraw her second.

City Attorney Torcivia strongly encouraged that the Commission change the motion to deny to a motion of deferral to date certain to allow the applicant to be able to answer questions posed at the meeting tonight.

The Commission discussed potential litigation, reasons for the motion, public hearing notices, previous threatened litigation, working ponds, retaining walls, and the engineer's findings.

City Attorney Torcivia asked that, per the City Attorney's memo to the Commission, that the Commission considers the burden and consider the competent, substantial evidence heard from the engineers and to reference that evidence as well as the City of Deltona Land Development Code § 106-31(2)b.4 and urged them again to ensure there is competent, substantial evidence to deny the final plat.

The Commission and City Attorneys discussed other phases of this development, final plat correctness, hurricanes, bonds, the City's engineer, changes in the final plat, following the City Attorney's suggestions, making things easier, and making the right decisions for the City.

Commissioner Howington withdrew her second.

Amended motion by Commissioner Lulli, seconded by Commissioner Howington, to deny Resolution No. 2025-24, for the Vineland Reserve Phase 1 Final Plat and I find that in consulting with § 106-31(2)b.4 of the Municipal Code. I find that Tract A on the plat is not an accurate representation of how it will be.

The Commission discussed threats by the developer, reasons for the motion and the evidence provided.

David Hamstra from Pegasus Engineering entered his report into the record.

Mayor Avila opened the public comments and Lori Warnicke, Randi Priest, Rhianna Ramsay, Terry Luise, Elbert Bryan, and Tina Swift addressed the Commission.

The amended motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

C. Public Hearing - Request for approval of Resolution No. 2025-47, for legal representation in the Shane Bengelsdorf v. City of Deltona.

City Attorney Good read the title of Resolution No. 2025-47 for the record and he stated the item is in response to a current lawsuit with a pending deadline and receiving coverage.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Lulli, to adopt Resolution No. 2025-47 for legal representation for the Shane Bengelsdorf v. City of Deltona.

Mayor Avila opened and closed the public hearing as there were none.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

D. Public Hearing - Request for approval of Ordinance No.15-2025, establishing Chapter 43 of the City of Deltona Code of Ordinances “Public Camping” at second and final reading.

City Attorney Torcivia read the title of Ordinance No. 15-2025 for the record.

Motion by Vice Mayor Heriot, seconded by Commissioner Lulli, to approve the item.

Mayor Avila opened and closed the public hearing as there were none.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

9. ACTION ITEMS:**A. Commission Travel Policy**

The City Manager gave a brief overview of the item.

The Commission discussed if this topic would be better suited for discussion at a workshop.

Motion by Commissioner Howington, seconded by Commissioner Santiago, to table the item to a workshop.

Amended motion by Commissioner Howington, seconded by Commissioner Avila-Vazquez, to table the travel policy this evening to bring back at a workshop for the Commission to have a discussion and work through how the Commission would like it to be finalized. The amended motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

10. CITY ATTORNEY COMMENTS:

City Attorney Torcivia gave an extensive overview of how standing is determined within quasi-judicial hearings related to land use. This was an overview from a memorandum she prepared and delivered to the City Commission on March 14, 2025.

City Attorney Torcivia gave a brief overview of pending legislation within the Florida Senate, specifically SB1118, relating to land use and development and how it could potentially affect the City of Deltona.

Commissioner Lulli requested a consensus of the Commission to send a unanimous letter in opposition of this Bill and the Commission concurred.

11. CITY MANAGER COMMENTS:

The City Manager reminded the Commission and residents that an all day workshop is being held on March 29, 2025 in the Commission chambers.

Commissioner Avila-Vazquez asked for the workshop documentation in advance because she will not be able to attend in person.

Mayor Avila asked that Commissioner Avila-Vazquez submit some of her thoughts and concerns to the City Manager and City Attorneys so that her ideas may be addressed.

12. CITY COMMISSION COMMENTS, REQUESTS & REPORTS:

Commissioner Howington spoke regarding how proud she is of the dais' actions this evening, holding developers accountable, decisions affecting Deltona for generations to come, stormwater, Hampton Oaks issues, developer issues, City having to step in, keeping up to date on repairs, and who is accountable.

Commissioner Howington requested consensus for monthly or quarterly reports on storm water updates and repairs as well as milestones including the dates and responsible parties for fixing these issues and the Commission concurred.

Commissioner Avila-Vazquez spoke regarding complaints from residents about solicitors selling things.

City Attorney Good suggested looking into a citywide anti-soliciting ordinance and noted these generally target to morning/evening hours and have specific parameters. He noted there were regulations and restrictions already placed on solar through the PACE program and there may be interlocal agreements to adhere to but the City Attorneys will look into drafting an ordinance with those in mind.

Commissioner Avila-Vazquez requested if the Commission could raise [recognitions] at least to two veterans that can be recognized during the meeting per Commissioner, veterans who live in the City of Deltona and the Commission concurred.

Commissioner Avila-Vazquez discussed a concern from Former Commissioner Anita Bradford about the kids having to cross Howland Boulevard in order to get to and from Deltona High School. Former Commissioner Bradford suggested an overpass for the students who often have to cross the street and wait a long time for the crosswalk to change.

Commissioner Santiago gave an update about the potential upgrades to Howland Boulevard discussed by the Volusia County Council.

Commissioner Avila-Vazquez requested that the City consider bringing the policies and procedures into digital records and potentially having them on the City website.

Commissioner Avila-Vazquez reminded everyone that March 29th is National Vietnam Veterans Day and wanted to thank staff for all their work on recent projects.

Commissioner Colwell requested an update on road repaving efforts within the City, specifically the dip in front of the fire station and Lowe's.

Commissioner Lulli spoke regarding the suggested improvement to Howland Boulevard and noted that the TPO (Transportation Planning Organization) call for projects is still open until March 31st. He mentioned a letter from Bike Walk Central Florida who has the ability to study the area to address the problem.

Commissioner Lulli asked when and if the Synergy at Normandy development was coming back to the Commission on April 7th.

Commissioner Lulli asked about the vinyl fencing between the Collinswood Development and the neighbourhood and if it could be brought into compliance with the development order that requires obscuring vegetation or a perimeter wall.

City Attorney Good agrees that the barrier is not compliant and that staff is working with Code Compliance and considering different strategies to get it into compliance.

Commissioner Lulli requested consensus to explore acquiring through some means or method Vineland Reserve Phase 1 for either conservation or recreation and the Commission concurred.

Commissioner Santiago requested consensus for staff to take a look at [the County's geotechnical standard for storm water ponds] and present it to us and see if we can change our standards to have developers for the future look into having a better understanding of storm water ponds and have them do better.

City Attorney Good stated that zoning in progress is currently ongoing and that staff can look into that if they have not already.

Commissioner Santiago requested consensus for staff to take a look and see if we can bring back some kind of metal detector on public property ordinance or something that we can take a look at and the Commission concurred.

Commissioner Howington noted that the budget workshop is May 3rd with additional meetings in July.

Commissioner Heriot discussed the prohibition of Commissioners and Planning & Zoning Board members communicating about items.

City Attorney Good said that the Commission adopted the by-laws regulating the Planning & Zoning Board (P&Z), which are in excess of what is required by the Sunshine Law and if it is the will of the board wanting to update the Resolution to be in conformity with what Sunshine requires.

Commissioner Heriot requested consensus because we each get an appointment to the P&Z for a reason so we can confer with them and discuss items and make sure that that board has the same vision that our board has by bringing back a resolution that changes the by-laws to allow us to have conversation with individual members of the P&Z board and the Commission concurred.

Commissioner Heriot requested consensus for legal and staff to put together a draft anti-soliciting ordinance that includes a solicitor registration for the City so that any solicitor that wants to actively solicit in the City must register with the

City before knocking on doors and the Commission concurred.

City Attorney Good requested clarification about the parameters of the hours for the ordinance and Commissioner Heriot said he would defer to the City Attorneys to look into surrounding areas and see what their parameters are.

Commissioner Heriot requested consensus for the City Manager to see what other [higher level] market data is available, what that cost would look like, and bring the options back to the Commission and the Commission concurred.

The City Manager conveyed some information to previous questions throughout the meeting that was provided by staff: Deputy Public Works Director Phyllis Wallace suggested submitting the Howland Boulevard improvements to the TPO, the hole by the fire station has been called into the County several times, and Planning and Services Director Jordan Smith reported that the Synergy at Normandy item will be coming back to the Commission at the second meeting in April.

Mayor Avila requested consensus for a zoning in progress to be implemented at the Activity Center to be added to the agenda for April 7th Commission meeting so we can talk about it at the Commission meeting and the Commission concurred.

Mayor Avila spoke about the flooding subcommittee, Sunshine notices, Osteen/Deltona JPA, and mending relationships.

Mayor Avila requested consensus to look at the possibility of starting an Ordinance Review Board where each Commissioner can appoint one person. We keep finding things out of accident, I guess. If we can have an Ordinance Review Board that sunsets after a year unless the Commission decides to renew it, I think that would help clear up some of the bad ordinances we have on the books and the Commission concurred.

City Attorney Good noted that there is a Ordinance Review Committee already provided for in the Code of Ordinances, so, if it is the will of the board, the City Attorney can come forward with a resolution activating that committee with a sunset to a time certain. He also recommended that if the Commission moved forward with the Committee, the Commission would allow the City Manager and the City Attorneys to engage with a consultant to guide them and support them and look at the Code of Ordinances as a whole.

Vice Mayor Heriot added the caveat that a consultant and legal are represented on this board. He asked that all requests go through the City Attorney and that all changes still require the Commission's action.

Mayor Avila spoke concerning comments from the public forum portion of the meeting.

13. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:18 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

DECORUM POLICY: The City of Deltona has a significant interest in conducting orderly and efficient public meetings, which includes preventing disruption, promoting civility, and preserving decorum. To that end, behavior which disrupts or impedes the efficient and orderly conduct of any public meeting, as determined by the Mayor, or presiding officer, or a majority of the City Commission, is not permitted. The Mayor, or presiding officer, or a majority of the City Commission, may interrupt, warn, or terminate a speaker's statement when that statement is too lengthy, personally directed, abusive, obscene, irrelevant, or otherwise reasonably perceived to be a disruption to the fair and orderly progress of the discussion at hand. The Mayor, or presiding officer, or a majority of the City Commission, may also interrupt any part of the meeting to warn any individual that they are being disruptive or otherwise impeding the efficient and orderly conduct of the meeting. The Mayor, or presiding officer, or a majority of the City Commission, may require any individual to leave a public meeting for its duration if that individual is unable to observe this Policy after being warned. Should an individual be required to leave a meeting for violating this Policy, that person shall be escorted from Commission Chambers by a Volusia Sheriff's Deputy.

PUBLIC FORUM: Public Forum will begin at 6:00 PM at the start of each regular meeting and will conclude after 30 minutes. Comments during Public Forum are limited to items of City business that are listed on the Agenda and/or items that are not listed on the Agenda. Comments regarding listed Agenda items will take place after discussion of each item. Please be courteous and respectful of the views of others. In order to address the Commission, citizens must fill out a public participation slip and give it to the Deputy City Clerk. All citizen comments are limited to 4 minutes and shall be addressed to the Mayor or the Commission as a whole. Members of the City Commission shall not enter into discussion or respond to a citizen's comments other than to give directions or to ask for clarification. However, individual Commissioners may choose to respond under the "City Commissioner Comments" portion of the meeting.

CONSENT AGENDA: The Consent Agenda contains items that have been determined to be routine and non-controversial. If discussion is desired by any member of the City Commission, that item must be removed from the Consent Agenda and considered separately. All other matters included under the Consent Agenda will be approved by one motion. Citizens with concerns should address those concerns by filling out a public participation slip and giving it to the Deputy City Clerk prior to Consent Agenda items being pulled.