



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, May 5, 2025

6:30 PM

Deltona Commission Chambers

REVISED 05/01/2025

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

The Mayor opened the public forum and Kathy Bryan, Former Commissioner Dana McCool, Elbert Bryan, Lori Warnicke, Courtney Cross-Burgos, Terri Ellis, Lydia Lambert, Former Commissioner JodyLee, Michael Castaldi, and Jean Armstrong addressed the City 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 the District #2 Commissioner - Dr. William L. Bradley, Jr. - Pastor, New Hope Baptist Church.

Honoring Veterans: Hector Miranda, Drill Sergeant for the United States Marine Corp - Served 2 tours in Vietnam, training in Quantico for ammunition and explosives, Explosives Expert EOD, Anti tank battalion, and received 2 Purple Hearts during his service. He has been a Deltona resident for 37 years.

4. ADDITIONS AND DELETIONS:

City Attorney Good stated legal has two items. The first is a request to defer Item 8-B Ordinance No. 09-2025 to a date certain of May 19, 2025 and the second is the addition of Resolution No. 2025-57 for legal representation in the Howland Holdings LLC case matter.

Motion by Vice Mayor Heriot, seconded by Commissioner Howington, to approve the first item of 8-B to May 19, 2025. 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

Motion by Vice Mayor Heriot, seconded by Commissioner Howington, to approve agenda Item 4-B. 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

Motion by Commissioner Howington, seconded by Commissioner Colwell, to defer Item 8-C Ordinance No. 14-2025 and this pertains to the addition that we just added to our agenda tonight due to pending litigation. As long as we have pending litigation we should not be moving forward with a hearing this evening.

The Mayor asked what is impeding the Commission from voting on this item today, any legal reason. City Attorney Good replied in regards to the Halifax item that is being considered for a deferral, it would still be legal to proceed this evening if the Commission so chooses. It is also proper to defer if the Commission so chooses.

The motion carried by the following vote:

For: 5 - Vice Mayor Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, and Commissioner Lulli

Against: 2 - Mayor Avila, and Commissioner Santiago

Motion by Commissioner Howington, seconded by Commissioner Lulli, to defer Item 9-A the reason being is she would like to have a confirmation as to where the City ordinance falls within the guidelines by State Statute from both the Attorney General and the Commission on Ethics.

The Commission discussed the influence of an Attorney General's Opinion (AGO), wasting staff's time, discussing the item, the effect of an AGO, AGOs being advisory not binding, and possible change to guidance given.

Vice Mayor Heriot called point of order, is the Commission going to discuss the item or discuss the deferral?

The motion carried by the following vote:

For: 5 - Vice Mayor Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, and Commissioner Lulli

Against: 2 - Mayor Avila, and Commissioner Santiago

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation by Emily Bush, Executive Director of Bike/Walk Central Florida - Best Foot Forward Pedestrian Safety Program

6. DELTONA COMMUNITY EVENTS:

7. CONSENT AGENDA:

The City Manager requested to pull Item 7-D and Commissioner Colwell requested to pull Item 7-C.

Motion by Commissioner Santiago, seconded by Commissioner Colwell, to approve Consent Agenda Items 7-A, 7-B, 7-E, 7-F and 7-G.

The Mayor opened public comments and David Sosa addressed the City Commission.

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

A. Request for approval of minutes of the Special Commission Meeting of March 29, 2025 and Regular Commission Meeting of April 21, 2025, as presented.

Approved by Consent - to approve the minutes of the Special Commission Meeting of March 29, 2025 and Regular Commission Meeting of April 21, 2025, as presented.

B. The City of Deltona has been working with the Florida Division of Emergency Management (FDEM) to obtain a grant for the elevation of a portion of Catalina Boulevard that was flooded during Hurricanes Ian, Nicole and Milton. This impact resulted in Catalina Boulevard being closed for an extended period of time during all three hurricanes. FDEM requires a resolution that authorizes the City Manager to sign the Federally Funded Subaward and Grant Agreement Number H1138 Project Number 4673-147-R.

Approved by Consent - to approve Resolution No. 2025-56 and authorize the execution of the Federally funded Subaward & Grant Agreement Number H1138, Project Number 4673-147-R.

C. The City of Deltona has been working with the Florida Division of Emergency Management (FDEM) to obtain a grant for the elevation of a portion of Elkcam Boulevard that was flooded during Hurricanes Ian, Nicole and Milton. This impact resulted in Elkcam Boulevard being closed for an extended period of time during all three hurricanes. FDEM requires a resolution that authorizes the City Manager to sign the Federally Funded Subaward and Grant Agreement Number H1135 Project Number 4673-124-R.

Motion by Vice Mayor Heriot, seconded by Commissioner Lulli, to approve consent agenda 7-C.

The Commission and staff spoke about Federal funding, changes to the project, water back ups, other options (a bridge), grants having to be cost beneficial, culverts, design and engineering, Theresa Basin Study, erosion, stormwater and flooding, and road closures due to flooding.

The Mayor opened the public comments and Elbert Bryan and Former Commissioner JodyLee addressed the City Commission.

The Commission, staff and David Hamstra with Pegasus Engineering, spoke about relying on past studies, what goes into designing a solution, hydrology studies, not blocking water, elevate above 100 year elevation, previous hurricane data, benefits have to outweigh the costs, raising the road a minimum of two (2) feet, conveyance issue, the current state of the road, the overall benefit of elevating the roads, a timeline, bridges being compromised as well, lose out on grant funds, concerns conveyed to consultant, construction costs/tariffs going higher, and a two (2) phase grant process.

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

D. Request for approval of Resolution No. 2025-52, Mid-Year Budget Amendment for Fiscal Year 2024-2025.

Motion by Commissioner Lulli, seconded by Vice Mayor Heriot, to adopt Resolution No. 2025-52 for the Mid-Year Budget Amendment for Fiscal Year 2024-2025.

The Finance Director gave an explanation of the item as well as a couple of items that the amendment covers.

The Commission and staff spoke about what prompted the changes, the fire assessment fee and providing funding for it, City facility renovations costs from fund balance, requirements for reserves, replacement of vehicles, and City fees.

The Mayor opened the public comments and Former Commissioner JodyLee and Kathy Bryan addressed the City Commission.

The motion carried by the following vote:

For: 4 - Mayor Avila, Vice Mayor Heriot, Commissioner Lulli, and Commissioner Santiago

Against: 3 - Commissioner Avila-Vazquez, Commissioner Colwell, and Commissioner Howington

E. Request for approval of Resolution No. 2025-56 - Award of ITB #25006 for Landscape and Irrigation Services to Rotolo Consultants, Inc.

Approved by Consent - to approve Resolution No. 2025-562.

F. Request for recognition(s) for the month of May.

Approved by Consent - to approve the requested recognitions for the month of May.

G. Requests for presentation before the City Commission.

Approved by Consent - to approve the following presentation be made before the City Commission on the May 19, 2025 Regular Commission Meeting agenda and shall not exceed 10 minutes.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Request for approval of Ordinance No. 06-2025, amending the zoning code, Chapter 110-807, "Home Occupations" by updating the title to "Home-based Businesses", and incorporate updates from the Florida Statutes, including provisions for the allowance of employees, traffic generation limits, and agricultural home businesses, at second reading.

City Attorney Good read the title of Ordinance No. 06-2025 for the record.

Motion by Commissioner Lulli, seconded by Commissioner Colwell, to approve Ordinance No. 06-2025, amending Chapter 110-807, in the City's Land Development Code.

Commissioner Colwell and City Attorney spoke about updated wording and State mandatory provisions.

The Mayor 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

B. Public Hearing - Request for approval of Ordinance No. 09-2025, amending Article VIII, "Rental Properties" by incorporating changes from the Florida Statutes, including provisions on purpose, standards, and application process, at second reading.

At the request of the City Attorney, this item was tabled to a date certain of May 19, 2025.

- C. **Public Hearing - Request for approval of Ordinance No. 14-2025, amending Halifax Crossings Mixed-Use Planned Unit Development (MPUD) for approximately 109.71 acres of land located along the Halifax Crossings Boulevard corridor south and east of the Halifax Hospital Complex within the Activity Center to include the provisions of master development map alternatives and a reduction in the minimum lot size for commercial parcels, at first reading.**

Per the motion made by Commissioner Howington, seconded by Commissioner Colwell, this item was deferred due to pending litigation.

- D. **Public Hearing - Request for approval of Ordinance No. 17-2025, amending Chapter 54 , Article II Solid Waste and Article III Stormwater Utility to update the sections related to the Annual Assessments, at second reading.**

City Attorney Good read the title of Ordinance No. 17-2025 for the record.

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

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

The Mayor 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. **Discussion of Draft Ordinance Modifying Voting for Charter Violations.**

Per the motion made by Commissioner Howington, seconded by Commissioner Lulli, this item was deferred until confirmation as to where the City ordinance falls within the guidelines by State Statute from both the Attorney General and the Commission on Ethics.

10. CITY ATTORNEY COMMENTS:

- 4-B. **ADD-ON ITEM: Resolution No. 2025-57 for legal representation for**

Howland Holdings Group, LLC case matter after conclusion of insurance premiums from the carrier. Gemma Torcivia, City Attorney.

City Attorney Torcivia stated under "Additions and Deletions" Resolution No. 2025-57 was added to the agenda and she read the title of Resolution No. 2025-57 for the record.

City Attorney Torcivia stated the Commission was notified that a complaint had been filed for a declaratory judgment against the City by a number of parties with the lead plaintiff being Howland Holdings Group LLC. The carrier is determining if coverage exists for the matter although based on the policies and the way the case is styled it is likely it will not be covered. So, because of that she wanted to get ahead of it to make sure the City could timely comply and respond to court deadlines once the City is served. She would like to use Roberts, Reynolds, Bedard & Tuzzio, PLLC as the City's outside counsel which she will supervise them in this litigation. If the carrier picks this up then the City will not use outside counsel.

The Mayor opened and closed the public comments as there were none.

Motion by Vice Mayor Heriot, seconded by Commissioner Colwell, to approve Resolution No. 2025-57 for legal representation for Howland Holdings Group LLC in this case matter.

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

City Attorney Torcivia stated legal has been working on the noise ordinance with the Volusia Sheriff's Office (VSO) their general counsel and they plan to bring it forward to the Commission on May 19, 2025 for first reading.

11. CITY MANAGER COMMENTS:

The City Manager stated the Golden Book seems to have made a lot of waves all over the area, but he is not sure why. To clear some things up, the City does not traditionally send out things bulk citywide. For some of the mailing addresses, the actual zip code does crisscross out of the City so there were people outside the City including Osteen that did receive the Golden Book, but that will be changed for the future. It was not mailed to Osteen on purpose it is just that Osteen has a similar zip code as part of Deltona. The second item that was brought up is laws are ordinances, ordinances are laws, ordinances are laws within a City boundary which is why they call them ordinances, so laws and ordinances are synonymous. Also, \$60,000 was budgeted for the Golden Book, but only \$28,000 was spent to print and mail 40,000 copies of the Golden Book. There are copies of the Golden Book at City Hall for anyone who did not receive it.

12. CITY COMMISSION COMMENTS, REQUESTS & REPORTS:

Commissioner Lulli spoke about the D-Ranch ribbon cutting, the Golden Book, and communication.

Commissioner Colwell requested a consensus that anything over a \$50,000 renovation within the City on any City properties comes back for Commission approval.

The Mayor questioned whether the request would change policy and City Attorney Good replied yes, the threshold is set via the purchasing policy.

Commissioner Colwell revised his request for a consensus to discuss any renovations over \$50,000 within the City on any City properties comes back for Commission approval.

The City Manager stated anything that is in the budget already will not come back to the Commission.

Vice Mayor asked if the Commission approves a project, even in the budget, those funds cannot be used for a different project and it would go back into the fund balance and the City Manager replied correct.

The Commission concurred, with the exception of Commissioner Santiago, Vice Mayor Heriot and Mayor Avila, to discuss any renovations or projects of \$50,000 within the City on any City properties coming back for Commission approval.

Commissioner Howington requested a consensus that since the City received notice that the impact fee study is underway and should be completed within about 6-9 months and the City is in an exception period given that it has been 10 years since the City has raised impact fees. She would like to propose an agenda item to discuss a moratorium on development. The Commission concurred with the exception of Commissioner Santiago.

Commissioner Avila-Vazquez spoke about the D-Ranch ribbon cutting and Halifax 5th Anniversary. She stated Keysville Park is mixed with a playground and dogs and she asked what the liability of a child getting attacked by one of those dogs. City Attorney Torcivia replied it is a complicated question and for a specific circumstance legal can give more of an analysis, but the short answer is there is a potential for liability just like in any City park for injuries and accidents. However, the liability is not blank/open, it is not assumed, and it likely would not be 100% the City's.

Commissioner Avila-Vazquez asked when did the policy of a food truck competing with a brick and mortar restaurants come about. City Attorney Good replied the City's local ordinance is consistent with State Statute. He is not sure who asked the food truck to leave, but it may have been the business owner who is within their rights to do so. He would need more information and can follow-up offline.

Commissioner Santiago spoke about the pickleball tournament, Halifax 5th Anniversary,

and why she supports development.

Vice Mayor Heriot spoke about the pickleball tournament, community gardens, researching a fertilizer ordinance, and Halifax agenda item.

Vice Mayor Heriot requested a consensus to bring back the Bike Walk Central Florida item and the Commission concurred.

The Mayor spoke about the Halifax agenda item, not stopping development and he requested a Legislative update from City Attorney to include Home Rule. City Attorney Torcivia stated legal would like to work with the City's lobbyist to provide a comprehensive update. The Mayor suggested having a TownHall for the updates and City Attorney Torcivia replied that can be done with the lobbyist in attendance and she will work with the City Manager and staff to coordinate that.

Commissioner Avila-Vazquez reminded everyone of the Hurricane Awareness Town Hall on Wednesday in the Commission Chambers at 6:30 p.m.

The Mayor spoke about his trip to Columbia, South Carolina and the recent public records request, and issues on Fort Smith and Newmark Drive.

13. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:21 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK