



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

Special City Commission Meeting

Monday, June 30, 2025

6:30 PM

Deltona Commission Chambers

REVISED

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. PLEDGE TO THE FLAG:

4. ACTION ITEMS:

- A. Public Hearing - Ordinance No. 29-2025, Providing for imposition of a Temporary Moratorium on issuance of Development Orders and Permits and on the processing of Development Applications, City Code Text Amendments, Rezoning, Comprehensive Plan Text and Land Use Plan Amendments for development of residential dwelling units within the City; Exemption specified development; Providing for waivers; Providing for vested rights; Providing for appeals; Providing for exhaustion of administrative remedies; Providing for a term not to exceed nine (9) months unless extended by the City Commission as provided by Law, at second reading.

The City Attorney read the title of Ordinance No. 29-2025 for the record.

Motion by Commissioner Howington, seconded by Commissioner Lulli, to approve Ordinance No. 29-2025.

The City Attorney reminded the Commission of the Planning & Zoning Board's motion

which included three (3) changes to the ordinance of which one was accepted by the Commission, exempting the in-fill residential development for single family homes which has been added to the ordinance on second reading. Additionally the Commission should be aware of is that since the time of publication of this agenda and the agenda memo referencing SB 180, SB 180 has been signed into law, so the provisions of that bill are now active.

The Mayor opened the public comments and residents addressed the City Commission.

The City Attorney stated she wanted to clarify one thing before the Commission votes. The Bill was signed by the Governor on June 26th, and it is in effect today. It does not go into effect July 1st; it is in effect right now. It is state law that a moratorium under the Bill (SB 180) are not permitted. Effectively, a moratorium very likely will be considered null and void upon passage. As we have discussed previously, and as we talked about during first reading, if this moratorium is passed and it is challenged as permitted under SB 180 by a resident or business owner, there is a grace period where we can repeal it. But if we elect not to do that, and they move forward and they prevail in a civil action, they will be awarded attorney's fees and costs.

Commissioner Lulli stated he discussed a topic earlier today about getting consensus for something kind of on this topic and he asked when that would be appropriate to do. The City Attorney replied he believes Commissioner Lulli is alluding to the conversation about researching what other cities may be looking to challenge and he recommended that it be done under a separate motion, rather than under the motion that's on the floor right now.

Commissioner Avila-Vazquez spoke about this being a serious and very important decision that the Commission has to make. By no means is the City stopping developers from developing. What the City is asking for is a pause, to slow down and let the City heal. There are a lot of our residents who are hurting and still suffering from the floods. The Bill (SB 180) talks about people who were affected by the previous hurricanes who are not even considered. She took an oath to protect the residents of the City and by the state, forcing the City to go over what the residents want by threatening to sue the City is shameful.

The motion carried by the following vote:

For: 4 - Commissioner Avila-Vazquez, Commissioner Colwell,
Commissioner Howington, and Commissioner Lulli

Against: 3 - Mayor Avila, Vice Mayor Heriot, and Commissioner Santiago

B. Request for approval of Resolution No. 2025-71 Designating the Planning and Development Service Director as the Administrative Official Responsible for the Administrative Approval of Plats and

Replats.

The City Attorney read the title of Resolution No. 2025-71 for the record.

The City Attorney stated this is a Resolution directly responsive to Senate Bill 784, which was also passed during this legislative session, which goes into effect tomorrow, July 1st. It requires that certain plats and replats be administratively approved by a designated official or employee of the local government. Because the Planning and Development Services Director is the official designee for other administrative approvals in the land development code, we felt it was appropriate to designate for this function as well.

Motion by Commissioner Santiago, seconded by Vice Mayor Heriot, to approve Resolution No. 2025-71 City of Deltona administrative plat per Senate Bill 784.

Commissioner Lulli asked for clarification from the City Attorney, that the City cannot appoint a Commission or a Commissioner in this particular role and the City Attorney replied that is correct, it is expressly required to be an administrative approval. It cannot be the governing body or a member of the governing body.

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

5. PUBLIC COMMENTS: (2 minutes maximum length per speaker)**6. CITY ATTORNEY COMMENTS:**

City Attorney Torcivia stated she had four (4) items to discuss tonight. The first is a memorandum of law that she sent to the Commission yesterday and it is dated June 29, 2025. This is the impact of Senate Bill 180. This memorandum goes over the bill, the impacts of the bill, local emergency powers, transparency and reporting obligations, building permitting and storm recovery, local government, regulations and limitations, state preemption authority, and it makes some recommendations with respect to compliance actions. In light of this bill, it is critical that the City revise its emergency procedures and conduct staff trainings to ensure that the procedures are in place to comply with any local emergency declarations that are required under the bill, as well as the transparency and reporting obligations. The City should have a plan in place for post storm permitting and inspections. It is also suggested that the City will evaluate all ordinances enacted from August 1, 2024 until now, to identify whether there is a potential conflict with the provisions of Senate Bill 180. She also would encourage the Commission from enacting any ordinance that imposes a moratorium or adopts any more restrictive land use regulations or permanent procedures during any time period when it is prohibited, because the City is prohibited under Senate Bill 180 from enacting a moratorium on construction redevelopment or more restrictive land use amendments from one year post landfall, all the storms called out in Senate Bill 180. Because the City was most impacted recently by

hurricane Milton the actions that are in the Bill are retroactive to August 1, 2024, do apply to the City of Deltona.

Commissioner Lulli requested that the City Attorney reach out to other municipalities to determine what actions, if any, they are taking in regards to this and what are some tools that would be available to the Commission through legal channels to address SB 180. The City Attorney replied certainly there are other governments, potentially the Florida League of Cities, potentially other cities and counties, and there have been mutterings in the city attorney world about who is going to be taking action. If the Commission directs her, she would be happy to reach out to the other governments, other city attorneys, other cities and counties, and other affected groups who are planning to take action. She could bring a report forward so the Commission can make some decisions. She could have this, at least as much as possible, at the next meeting on July 7th.

Motion by Commissioner Lulli, seconded by Commissioner Avila-Vazquez, to get a consensus from the Commission to direct the City Attorney to reach out to other municipal partners to determine potential action for the Commission to consider as it relates to Senate Bill 180 and any other actions the City Attorney sees appropriate for that cost. 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

The City Attorney stated the next thing is, she received a pre-suit notice that was sent to the Commission and it was received on June 27, 2025, which is the day after Senate Bill 180 became law from Rebecca Rodin and her firm representing the property owner, Howland Station Condo Developers, LLC, for the properties at 1600, 1620, 1625, 1630, and 1635, Martin Luther King Jr, Boulevard that are commonly referred to as Howland station. They have filed this notice of intent to file suit under Senate Bill 180 and this is the first challenge that the City has received to an ordinance. This is with respect to the live local ordinance, which was passed on second reading in December 2024. The City has already been sued by Howland Station Condo Developers, LLC, so there is already an action. It's unclear from this letter whether they plan to bring a separate action or simply amend their complaint and add account to their existing action. She will put this item on the next agenda for further discussion.

Commissioner Howington asked if this is the property where the Commission had deemed that the application was incomplete due to the fact that they did not get permission from the City to purchase the property per this special deed and City Attorney Torcivia replied correct.

The City Attorney requested a 30 minute shade meeting as soon as possible on the Howland Station Condo Developers, LLC, versus the City of Deltona and for outside counsel to appear on video.

Motion by Vice Mayor Heriot, seconded by Commissioner Howington, to get consensus for a shade meeting before or after the CRA meeting, and it would be acceptable for outside counsel to appear remotely.

Amended motion by Vice Mayor Heriot, seconded by Commissioner Howington, that the three meetings start at 5:00 p.m. 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

7. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:06 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK