



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, June 16, 2025

6:30 PM

Deltona Commission Chambers

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

1. CALL TO ORDER:

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 #5 Commissioner.
Honoring Veterans:

DELTONA COMMUNITY EVENTS:

Commissioner Howington called a point of order, skipped over the "Additions and Deletions" section.

4. ADDITIONS AND DELETIONS:

Motion by Commissioner Colwell, seconded by Commissioner Howington, to add an action item after section 8 and before the City Manager Comments (Item 9-G) to amend the purchasing policy to reduce the spending authority to \$25,000 across all City departments and the items are to come before the City Commission for approval. 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

Motion by Commissioner Colwell, seconded by Commissioner Avila-Vazquez, to add to the agenda a vote of no confidence for the City Manager. 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

Motion by Commissioner Howington, seconded by Commissioner Lulli, to have a vote this evening for add-on Item 9-I for a forensic and compliance audit at the direction of the City Commission. 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

Mayor Avila called for a point of order, that falls under the City Manager and the City Manager replied that falls under an administrative decision and not a Commission decision.

Motion by Commissioner Howington, seconded by Commissioner Colwell, to have a vote on add-on Item 9-J for the 4th of July celebration to be all inclusive and include political parties.

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

5. PRESENTATIONS/AWARDS/REPORTS:

6. DELTONA COMMUNITY EVENTS:

7. CONSENT AGENDA:

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Lulli, to approve Consent Agenda Items 8-A, 8-C, 8-D & 8-E. 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 Regular Commission Meeting of May 19, 2025, as presented.

Approved by Consent - to approve the minutes of the Regular Commission Meeting of May 19, 2025, as presented.

B. Request for approval of Resolution No. 2025-62 for the Task Authorization between the City of Deltona and Mead and Hunt for the development of a comprehensive Vulnerability Assessment to address potential impacts to publicly owned critical assets due to sea level rise, resiliency, storm surge and flooding within the City of Deltona in the amount not-to-exceed \$264,460.00. The City of Deltona has been awarded a 100% funded, Resilient Florida Grant in the amount of \$265,000.00 for this project.

The Deputy Utilities Director gave a brief explanation the Resilient Florida Grant and requirements under Florida Statutes.

The Commission and staff discussed the grant approval, other system with similar data, critical assets and 100% funding.

Motion by Vice Mayor Heriot, seconded by Commissioner Lulli, to approve Item 8-B of the Consent Agenda. 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

C. Request for approval of Resolution No. 2025-60 for legal representation in a potential claim.

Approved by Consent - to approve Resolution No. 2025-60.

D. Request for approval by Deltona Magazine for In-Kind Donation of The Center at Deltona for their Gala event on Wednesday, November 12, 2025.

Approved by Consent - to approve the request by Deltona Magazine for an In-Kind Donation of The Center at Deltona for their Gala event.

E. Request for recognition(s) for the month of June.

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

8. ORDINANCES AND PUBLIC HEARINGS:

A. Quasi-judicial Hearing - 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.

City Attorney Good stated to please be advised that the following items on the agenda are quasi-judicial in nature. If you wish to comment upon any of these item(s) please indicate the item number, you would like to address when the announcement regarding the quasi-judicial item is made. An opportunity for persons to speak on each item(s) will be made available after the applicant and staff have made their presentations on each item. All testimony including public testimony and evidence will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross examination. If you do not wish to either be cross-examined or sworn your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions on their behalf. The full agenda packet on each agenda item is hereby entered into the record. Persons representing organizations must present evidence of their authority to speak for the organization. For further details of the quasi-judicial procedures may be obtained from the City Clerk. At this time

Commissioners must disclose any ex-parte Communications concerning items on the agenda.

Each Commissioner disclosed their ex-parte communications.

City Attorney Zack swore in everyone that wished to speak on this item.

The Planning & Development Services Director gave a PowerPoint Presentation on the item.

The Commission, City Attorney and staff discussed the differences between Option A & B, reducing lot sizes for certain commercial, Option A being already approved, no changed to Option A, half acre lots, age restricted residents vs. multi-family residents, pending litigation, the developer fulfilling obligations, litigation, the design/plans and changes, Blue Springs Basin, consumption, entitlement rights, available land, Dutch Bros, vested rights, resolving flooding and commercial, over development, anchor stores, needing smaller lots, occupancy, tax base, rentals, sit down restaurants, families downsizing, big box stores, rehabilitation center, low income, condition of approval, limiting acreage, and the Development Agreement.

Land Planner/Consultant Alex Springfellow, 500 Winderley Place, Maitland, spoke about the design rational, being open to negotiating, two access points, centralized stormwater ponds, bike trails throughout, hospital supporting centers, buffers, construction and land costs, restricting the number of half acre lots, the economy, density, occupancy, keeping the age restricted portion, tax revenue, and market changes.

The Commission, City Attorney and Mr. Springfellow discussed the age restriction option, rent and tax revenue, land on Howland Blvd., location of restaurants, senior waiting lists, the market, occupancy and multi-generational occupancy, the acres difference between the options, vested rights, entitlements, the applicant choosing the option, sit down restaurants, half acre lots, stormwater ponds, scrub jay mitigation, permitting requirements, big box stores, reasons for Option B, taking Option A off the table, combining and splitting lots, the traffic analysis, reducing multi-family and including 300 age restricted units.

The Mayor opened and closed the public hearing for those with standing as there were none.

The Mayor opened the public hearing and Emily Helmberger, Kathy Bryan, Joseph Cerrato, JodyLee, Christian Waugh Attorney for Cole Valley Partners (Dutch Bros), Courtney Cross-Burgos, and Elbert Bryan.

Barry Walker on behalf of developer spoke about minimum one acre lots, 300 age restricted, increasing commercial to 75 acres, dropping Option B, the City's best interest,

not wanting the property to sit vacant, and being willing to do all that the Commission has requested.

The Commission, City Attorney and Mr. Walker discussed buffers and the types of buffers, access points, rear access restrictions, stormwater, height, native plantings, striking Option A, change in lot size, units changed to 275 multi-family and 300 age restricted, time frame for the project, permitting, third parties involved, professional medical businesses, challenges existing with both options, and entry level jobs.

City Attorney Good read the title of Ordinance No. 14-2025 for the record.

Motion by Commissioner Santiago, seconded by Vice Mayor Heriot, to approve Ordinance No. 14-2025, amending the Halifax Crossing Mixed-Use Planned Unit Development 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 and to include that the applicant has stipulated to striking Option A from the Development Agreement, to changing the minimum lot size of the commercial parcels to one acre, and changing the unit mixed to 275 multi-family units and 300 age restricted units from the 575 multi-family. The motion carried by the following vote:

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

Against: 3 - Commissioner Colwell, Commissioner Howington, and Commissioner Lulli

B. Public Hearing - Resolution No. 2025-55, amending the Deltona Planning and Zoning Board By-Laws.

The City Attorney read the title of Resolution No. 2025-55 for the record.

The Planning & Development Services Director gave a brief PowerPoint Presentation of the item.

Motion by Commissioner Lulli, seconded by Commissioner Colwell, to approved Resolution No. 2025-55, amending the Deltona Planning and Zoning Board By-Laws. 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

C. Public Hearing - Ordinance No. 21-2025, repealing Article XIV, “Medical Marijuana Dispensaries,” of Chapter 110 “Zoning,” and amending Article III, “Establishment of Classifications and Official Zoning Map,” of Chapter 110 “Zoning,” of the Land Development Code of the City of Deltona to prohibit Medical Marijuana Dispensaries, at first reading.

The City Attorney read the title of Ordinance No. 21-2025 for the record.

The Planning & Development Services Director gave a brief PowerPoint Presentation of the item.

Motion by Vice Mayor Heriot, seconded by Commissioner Santiago, to approve Ordinance No. 21-2025, repealing Article XIV "Medical Marijuana Dispensaries", at first reading.

The Commission, City Attorney and staff discussed families needing help, a local article, negative connotations, not restricting the use, stronger distance restrictions, this being an emotional item, regulating facilities, if a facility goes out of business, being too restrictive, and future expansion to going recreational.

The motion failed by the following vote:

For: 1 - Commissioner Santiago

Against: 6 - Mayor Avila, Vice Mayor Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, and Commissioner Lulli

D. Public Hearing - Ordinance No. 25-2025, amending the General Ordinances, Section 1-15, “General Penalty,” of Chapter 1, “General Provisions,” to update penalties and enforcement mechanisms and Section 38-73, “Loud Disturbing or Unnecessary Noises,” of Article III “Noise,” of Chapter 38, “Environment,” to eliminate the requirement for sworn affidavits, at second reading.

Motion by Vice Mayor Heriot, seconded by Commissioner Lulli, to extend the meeting for an hour. The motion carried by the following vote:

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

Against: 1 - Mayor Avila

The City Attorney read the title of Ordinance No. 25-2025 for the record and she stated she

worked with the Volusia Sheriff's Office (VSO) and their general council so the ordinance is enforceable.

Motion by Vice Mayor Heriot, seconded by Commissioner Howington, to adopt Ordinance No. 25-2025, at second reading. 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

E. Public Hearing - Ordinance No. 26-2025, amending the General Ordinances to establish Article V, "City Parks and Facilities," of Chapter 58, "Streets, Sidewalks, and Other Public Places," to provide rules and regulations pertinent to city parks and facilities, at second reading.

The City Attorney read the title of Ordinance No. 26-2025 for the record.

Motion by Commissioner Lulli, seconded by Vice Mayor Heriot, to adopt Ordinance No. 26-2025, at second reading. 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

F. Public Hearing - Ordinance No. 27-2025 Solicitation on Public Road Rights-Of-Ways, at first reading.

The City Attorney read the item and provided the exemptions.

Motion by Vice Mayor Heriot, seconded by Commissioner Lulli, to approve Ordinance No. 27-2025.

Vice Mayor Heriot call a point of order as the discussion was not relevant to the item.

The Commission discussed handing out material, campaigning, past events and only being relevant to right-of-ways and streets.

City Attorney Good read the title of Ordinance No. 27-2025 for the record and he gave the definition of solicitation.

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

G. Public Hearing - Ordinance No. 28-2025 Lobbyists Registration, Lobbying Disclosures, and Payment of Fees, at first reading.

The City Attorney read the title of Ordinance No. 28-2025 for the record.

Motion by Commissioner Howington, seconded by Commissioner Lulli, to table Ordinance No. 28-2025, at first reading.

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

Commissioner Howington requested the item be placed on the next available workshop.

The motion carried by the following vote:

For: 5 - Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

Against: 2 - Mayor Avila, and Vice Mayor Heriot

9. ACTION ITEMS:

A. Request for an extension of Resolution No. 2025-63, the Zoning in Progress regarding amendments to the Land Development Code Article IV, Stormwater Management.

The City Attorney read the title of Resolution No. 2025-63 for the record,

Motion by Vice Mayor Heriot, seconded by Commissioner Santiago, to approve Resolution No. 2025-63, a 120-day extension for the Zoning in Progress for Stormwater. 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. Request for approval of Resolution No. 2025-65 accepting FEMA Subaward Grant for reconstruction at 2890 Blackburn Ave and authorizing up-front payment of the Resident Cost Share to be reimbursed fully by the Resident.

The City Attorney read the title of Resolution No. 2025-65 for the record.

Motion by Vice Mayor Heriot, seconded by Commissioner Howington, to move to approve Resolution No. 2025-65.

The Commission, City Attorney and staff discussed studies to elevate the property, three options, the application process, absorbing costs, the Theresa Basin area, consulting fees, resident repayment to the City, and liability.

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

C. Request for approval of Resolution No. 2025-64 and the Task Authorization between the City of Deltona & Pegasus Engineering for Grant Management Services, specific to the home demolition and rebuild at 2890 Blackburn Avenue in an amount of \$32,200.

The City Attorney read the title of Resolution No. 2025-64 for the record.

Motion by Vice Mayor Heriot, seconded by Commissioner Lulli, to approve Resolution No. 2025-64. 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 rehearing of Ordinance No. 12-2024, request to amend the Official Zoning Map to rezone 36.46 acres of land located along the North Normandy Boulevard corridor south and east of the I-4 Logistics Park within the Activity Center from Single-Family Residential (R1-AA) to Mixed-Use Planned Unit Development (MPUD).

The City Attorney read the title of Ordinance No. 12-2025 for the record.

Motion by Vice Mayor Heriot, seconded by Commissioner Santiago, to grant the motion for rehearing of Ordinance No. 12-2024.

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

Against: 2 - Commissioner Avila-Vazquez, and Commissioner Colwell

Attorney Michael Woods, Cobb Cole, 231 N. Woodland Blvd., DeLand, spoke about requirement for a PUD (Planned Unit Development), first reading 6-1 vote of approval, taken away property rights, and not wanting litigation.

The motion carried by the following vote:

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

Against: 2 - Commissioner Avila-Vazquez, and Commissioner Colwell

E. Request for consideration, that the Sergeant David G. Ledgerwood American Post 255 be given a 100-year lease at one dollar (\$1) a year and allow them to own their building.

The City Attorney read the item and he stated he would like to receive some direction and conditions to be placed in the lease, 99 year lease.

The Commission and City Attorney discussed looking at the DSC (Daytona State College) sublease, that the property was gifted to the City, deed restrictions, doing a full title search, needing more information, having a presentation on the plan, not limiting funding opportunities, the length of the lease, bringing back title search concerns, deed restrictions needing Commission permission to release, a shorter lease term with extensions, what if the organization dissolves, time limit for development, and presenting a draft agreement.

The City Attorney stated the actual approval of the building would go to DRC (Development Review Committee) and he imagines the lease agreement will include a conceptual site plan. He cannot have a draft agreement ready for next meeting but, he could have a term sheet ready to get Commission buy in.

Former Commissioner King spoke about what the organization's vision for the land to include serving all veterans and their families, a center, rental space, community events/concerts/dinners, tutoring opportunities, 501c3 office space, open on weekends, motorcycle ride stops, developing the back of the property, grant opportunities for the City, boat rental, playground, pavilion, small venues, funding assistance, and architectural designs.

The City Attorney stated he believes he has direction and he clarified the term would be a 49 year lease with extensions as long as it does not preclude certain funding opportunities for the organization.

F. Discussion regarding the implementation of a temporary building moratorium.

City Attorney Good read the item and he stated legal received direction to advertise for first and second reading for the implementation of a temporary building moratorium ordinance. This is an opportunity to discuss parameters and provide feedback. He flagged a couple of

items that the Commission should take into consideration. One is the basis for the moratorium and the distinction between residential and commercial development and to include other types of regulations.

City Attorney Torcivia stated the title of the ordinance was advertised and includes "residential" which was the direction they received. The Commission could elect to amend the ordinance to include all development but, it would need to be re-advertise. The Commission needs to state the other basis for the moratorium to make it strictly residential or it could be legally challenged.

The Commission and City Attorney discussed the stormwater system, requirements not stringent enough, communities with problems, in fill lots, the intent to include all residential and multi-family, exempt projects, reviewing site plans, to include a tentative plat, the least amount of risk, adding public safety, damage to the City, and litigation.

Commissioner Avila-Vazquez called a point of order, the discussion is getting off topic.

Motion by Commissioner Colwell, seconded by Commissioner Lulli, to extend the meeting by 30 minutes. The motion carried by the following vote:

For: 5 - Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

Against: 2 - Mayor Avila, and Vice Mayor Heriot

The Commission discussed updating code, the need for a moratorium, the affect to the community, developers working with the Commission, budget and impact fees, suing the State, damaging relationships, putting the City in jeopardy, impact fee RFP (Request For Proposal), the State implementing laws, time limits, costing the City money, using media, House Bill 180, Home Rule, communication problems, developers suing the City, the City's responsibly, navigating risk, a letter from the Lobbyist,

The City Attorney discussed litigation against the State and based on other litigation against the State of Florida the City should estimate its litigation cost from \$200,000 to \$600,000. If the City were to file against the State it would be filed in Leon County and if the City prevailed it is likely that the Florida Supreme Court would take it up.

The City Manager stated the award of bid is scheduled to go out the second meeting in July. As a side note one Commissioner Howington may have been discussing impact fees but, direction comes from the entire body to move forward. Per the City's Lobbyist the City is being fully funded at the State level in the amount of \$2.5 million of the \$5 million project for the injection well and \$375,000 of the \$750,000 engineering plans for the basin project.

Motion by Vice Mayor Heriot, seconded by Commissioner Lulli, to extend the meeting an additional 5 minutes. 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

Colwell Point of Order, he requested that the last agenda item be placed on the next meeting and the Mayor replied he too was going to request that.

The Vice Mayor and staff discussed residential project list, paying impact fees, drainage projects in various stages, sending mixed message to developers, ability to deny rezoning, and fire assessment fee.

The City Attorney stated he received direction for including additional basis for the moratorium. He did not receive direction on excluding in-fill development or mixed use, otherwise the previous direction was all residential which would include in-fill lots and mixed use. This is a discussion item and the Commission could have more discussion at first reading but, legal would like some direction in order to get a finished product for first reading.

**Motion by Commissioner Colwell, seconded by Commissioner Howington, to move the four added agenda items (9-G through 9-J) to the next meeting, the Special Commission Meeting on June 23, 2025.
The motion carried by the following vote:**

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

Against: 2 - Vice Mayor Heriot, and Commissioner Santiago

10. CITY ATTORNEY COMMENTS:**11. CITY MANAGER COMMENTS:****12. CITY COMMISSION COMMENTS, REQUESTS & REPORTS:****13. ADJOURNMENT:**

There being no further business, the meeting adjourned at 11:20 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK