



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Regular Commission Meeting

City Commission

Mayor Avila
Vice Mayor Heriot
Commissioner Avila-Vazquez
Commissioner Colwell
Commissioner Howington
Commissioner Lulli
Commissioner Santiago

Monday, February 17, 2025

6:30 PM

Deltona Commission Chambers

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

BUSINESS MEETING - 6:30 PM

1. CALL TO ORDER:

2. ROLL CALL – CITY CLERK:

3. INVOCATION AND PLEDGE TO THE FLAG:

- A. [Invocation Presented by District #4 Commissioner.](#)
[Honoring Veteran - Loren King, 2nd Lieutenant \(Retired\) U.S. Navy](#)

Background: N/A

4. ADDITIONS AND DELETIONS:

5. PRESENTATIONS/AWARDS/REPORTS:

- A. [Rainier Coombs, President of VEMA, will present a check to the Deltona Firefighters Foundation from the PTSD Awareness event on December 7, 2024.](#)

Background: VEMA (Veterans Enforcers Motorcycle Association) partnered with the City of Deltona for the PTSD Awareness event. The money raised was shared by VEMA with the Deltona Firefighters Foundation.

6. DELTONA COMMUNITY EVENTS:

7. CONSENT AGENDA:

- A. [Approval of minutes of the Regular Commission Meeting of February 3, 2025, as presented.](#)

Background: N/A

- B. [Request for approval of Resolution No. 2025-31, Online Utility Exchange Service Agreement to provide professional services necessary to provide online validation of new water, sewer and reclaimed customers.](#)

Background: The City issues utility bills for water, sewer, and reclaimed services to over 36,000 customer accounts. The City's Utility Billing division currently collects a security deposit on all utility accounts. If creditworthiness is not established, the City will require a customer to deposit a sum of money to guarantee payment of all utility charges. The City is looking to expand its use of credit checks to determine if/when a utility security deposit should be collected. Utility Billing will provide new customers the option to utilize a credit check to reduce their security deposit amount based on their credit history.

The benefit to the City by selecting this service should be reflected in the reduced number and amount of aged receivables outstanding. In addition, as this is an integrated service, the City water, sewer and reclaimed utility accounts will utilize the collection services and / or accounts receivable management services offered.

Per Resolution 2021-11 - "Procurement Policies and Procedures Manual", Section 4.07 Sole Source Purchases, Online Utility Exchange is the only provider of such services that integrates with our EERP Munis Utility Billing CIS software. The sole source justification was posted as required and there were no comments received.

For new service, the per transaction fee, will be passed to all new customers when establishing service. The increase in the new account fee will be incorporated as part of the fee resolution when brought before the Commission no later than May. For accounts sent to collections all pass through fees shall be incurred by the customer.

- C. [Request for approval to advertise a Notice of Intent To Sale a portion \(0.02 acres +/-\) of Tract N, Deltona Lakes Unit 20, currently 11.23 acres.](#)

Background: The property owner of 658 Copper Beech Boulevard, Lot 42 in the Twin Lakes At Deltona Unit 1 Subdivision has inquired about purchasing approximately .02 acres of Tract N, Deltona Lakes Unit 20 to combine with their property. Tract N is not impacted by wetlands or FEMA Flood Zone.

658 Copper Beech Boulevard was not platted as a typical lot in the subdivision and has a peculiar lot layout. This lot layout leaves little usable property in the rear of the lot.

The property owner of 658 Copper Beech Boulevard has requested consideration of purchasing a small portion of Tract N to combine with their property creating a more rectangular property layout.

D. [Request for approval of Resolution No. 2025-30 - Fiscal Year 2024 Utility Billing and Miscellaneous Accounts Receivable Account Adjustment.](#)

Background:

Throughout each fiscal year, the City accumulates various types of uncollectible revenue as a result of accounts being terminated, individuals filing for bankruptcy, businesses becoming inactive, or balances being outstanding over 180 days. These amounts are subject to write-off at the end of each fiscal year.

This process is an accounting procedure following the Generally Accepted Accounting Principles (GAAP), which lays the framework of accounting practices in the U.S. In applying GAAP accounting principles, the act of writing off outstanding account balances is a necessary accounting function that leads to an accounting adjustment on the City's Financial Statements to accurately show the outstanding balance and the expectation of that timely collection is unlikely. If a customer's account has been written off as uncollectible on the City Financial Statements, this does not erase or forgive the debt. The City can and does collect some portion of the amount owed by those customers through several methods. If it is an owner-occupied location, liens can be filed with the Clerk of Court and will be per the Write-Off of Uncollectible Accounts Policy of 2025. These liens are typically satisfied when the property is conveyed. For tenant accounts, when the customer requests new utility services, we attempt to collect any outstanding balance prior to establishing a new service.

The City provides utility services to over 38,000 customers and the monthly billing is settled in arrears (after usage has occurred). Since services are provided before receiving payment, inevitably, the City has customers that do not pay for the services provided. When this occurs, staff reaches out to the customer to try to collect the outstanding payment, including follow-up notices to remind them of the outstanding balance and encourage payment. However, the longer the customer account goes without payment, the less likely that any payment will be received. There has been no request submitted to the Commission for a write-off (accounting adjustment) since 2006. The amount requested for adjustment is \$1,996,632.17 as of January 29, 2025. This amount

changes daily as accounts might be paid prior to the Commission's action. The outstanding amount includes:

- 11,122 accounts (8,333 tenants, 2,778 owners and 11 contractors)
- Tenant accounts of \$1,582,467.30
- Owner accounts of \$326,201.55
- Contractor accounts of \$87,963.32
- The average delinquency is \$179.52
- Accounts over \$1,000 - 268 accounts
- It represents less than 0.86% of our annual billings for utility services.
- The last request for write-offs was in 2006 for accounts from 2004.

Additionally, the City provides various services to individuals within Deltona, from fire inspection services, hazardous use permits, and business tax receipts (BTRs). The amount requested for adjustment of \$129,492.53 includes \$93,073.04 in penalty and reinspection fees. Between fiscal years 2012 and 2023 there were 599 invoices for Miscellaneous Receivables.

An "acceptable" write-off percentage of accounts receivable varies based on industry and company specifics, but generally, a percentage between 1% and 5% of total accounts receivable is considered reasonable, with older, past-due receivables carrying a significantly higher write-off rate depending on the aging schedule used.

The total adjustments of \$2,126,124.70 can be found in Exhibit A.

Accounts that are less than six and half years old, will be sent to collections to assist with collections of all outstanding accounts.

Staff is implementing several new initiatives to help minimize future write-offs, such as implementing two new policies regarding Write-Off of Uncollectible Accounts Policy, and Procedure for Returned Checks. Contracting with a collection agency to assist with collections of aged accounts. Finally, seeking Commission approval to work with a company that provides credit-based decisions for utility deposits and is a utility specific collections company. This company is a sole-source integrated provider with our ERP solution, Tyler Munis. All these steps have the overall goal of minimizing future accounts receivable for write-off.

8. ORDINANCES AND PUBLIC HEARINGS:

- A. [Public Hearing - 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.](#)

Background:

The Eloah Estates Final Plat encompasses approximately 45.3 acres of vacant land. It will feature 536 apartment units at 1000 Eloah Estates Drive, with access provided through a C-2 General Commercial property at 2982 Howland Boulevard. The application was initially submitted on March 25, 2024, and after four review cycles, both staff and the consultant have confirmed that the plat complies with Florida Statutes 177 and Chapter 106 of the City's Land Development Code.

For additional details, please refer to the Staff Report.

- B. [Public Hearing - Resolution No. 2025-07, accepting the Final Plat for Howland Marketplace, granting a replat of approximately 4.68-acres of land located at 3260, 3270, 3280 Howland Boulevard to create three \(3\) commercial lots, and two \(2\) tracts of land within the Howland Marketplace Business Planned Unit Development \(BPUD\).](#)

Background:

The Final Plat application seeks approval to replat land located at the corner of Howland Boulevard and Forest Edge Drive. The parcels were rezoned to BPUD in 2022 under Ordinance No. 17-2022. The DRC approved the Preliminary Plat on September 19, 2024, allowing the applicant to begin installing utilities and clearing the site. The Final Plat application complies with Florida Statutes 177, the City's Land Development Code, Comprehensive Plan, and the Development Agreement for Howland Marketplace BPUD.

The applicant has now submitted a Final Site Plan for a Chipotle and two retail stores on Lot 1 of the Plat. Once the Final Plat is approved, the applicant can move forward with the Building Permit Process for Lot 1.

- C. [Public Hearing - Resolution No. 2025-22, Hearing an Appeal to permit a multi-family project "Howland Station" within the General Commercial District \(C-2\) located at 1600, 1620, 1625, 1630 and 1635 Dr. Martin Luther King Jr Boulevard and 3015 Howland Boulevard, within the City of Deltona; providing conditions, conflicts, severability and an effective date.](#)

Background:

Pursuant to City of Deltona Land Development Code Sections 74-5(g) and 110-1002, conduct a public hearing on an appeal of the Director of Planning and Development Services denying an application for Final

Site Plan approval to permit a multi-family project "Howland Station" within the General Commercial District (C-2) and require the applicant resubmit under Ordinance 02-2025.

9. ACTION ITEMS:

A. [Quasi-Judicial Hearing Regarding Whether Mayor Had Knowledge of Travel Policy Before Date of Travel and that Mayor Violated Travel Policy.](#)

Background:

At the Regular Commission Meeting held on February 3, 2025, the City Commission voted to hold a quasi-judicial public hearing to determine whether the Mayor had knowledge of the City Commission travel policy before his travel to Washington, DC, in January 2025, and that the Mayor violated the City Commission travel policy with respect to the January 2025 Washington, DC trip. The City Commission discussed potential public censure of the Mayor if he was found to have had advance knowledge of the policy and violated the policy.

The City Code of Ordinances provides the following guidance:

"ARTICLE IX. SANCTIONS FOR CHARTER VIOLATION"

Sec. 2-380. Violations.

If a city commissioner is found, after a hearing as set forth herein, to have violated any provision of the Deltona City Charter, such commissioner shall be subject to sanctions as set forth in section 2-381. A violation may be brought forward by either a city commissioner or a charter officer of the city. A charge of violation shall be initiated by motion of a member of the city commission who shall summarize the alleged violation in the motion. All city commissioners, including the commissioner charged with a violation, may take part in and vote as to all matters relating in any way to the charge. If a majority of the city commission votes to have the charge heard, consideration of the alleged violation shall be placed on an upcoming agenda by the city manager for a formal quasi-judicial hearing. The city attorney shall advise the city commission as to the proper procedures for the conduct of the quasi-judicial hearing. The burden of proof at the quasi-judicial hearing for consideration of the charge shall be "clear and convincing evidence". A finding of guilt shall only be upon the affirmative vote of a super-majority of the entire city commission.

(Ord. No. 16-2014, § 1, 6-16-2014)

Sec. 2-381. Sanctions.

Possible sanctions under this article shall include one or more, in any combination, of the following as deemed appropriate by a simple majority of the commissioners present at the meeting when the charge is considered: i) public censure; ii) forfeiture of pay for a specific time period; iii) suspension of privilege to take part in ceremonial portions of meetings for a specific time period; iv) suspension of access to

controlled-access portions of city hall for a specific period of time; v) suspension of right to represent the city at public functions for a specific time period; vi) removal or suspension for a specific time period from any ceremonial positions (such as city representative to a particular agency); and/or vii) finding of malfeasance or misfeasance in office with request to be made to the Governor to suspend the commissioner from office under F.S. § 112.51.

(Ord. No. 16-2014, § 1, 6-16-2014)”

If the City Commission finds the Mayor guilty by clear and convincing evidence, by a super-majority of the entire city commission (5 votes), they can choose to vote for sanctions as provided in Sec. 2-381 (above). If the City Commission moves to sanction the Mayor, the motion must be approved by simple majority.

10. CITY ATTORNEY COMMENTS:

11. CITY MANAGER COMMENTS:

12. CITY COMMISSION COMMENTS, REQUESTS & REPORTS:

13. ADJOURNMENT:

CONTINUATION OF PUBLIC FORUM

**This is only for individuals who submitted a request to speak form during the 6:00 p.m. Public Forum and were not afforded the opportunity to speak.*

NOTE: If any person decides to appeal any decision made by the City Commission 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 (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Manager in writing at CityManager@deltonafl.gov or to Deltona City Hall, 2345 Providence Blvd., Deltona, FL 32725 at least 48 hours prior to the meeting at which the person wishes to attend. The City is not permitted to provide the use of human physical assistance to physically handicapped persons in lieu of the construction or use of ramps or other mechanical devices in order to comply with Florida law. If proper accommodations for handicapped access cannot be made at a particular public meeting venue pursuant to a timely written request under Section 286.26 F.S., the City Manager shall change the venue of that meeting to a location where those

accommodations can be provided.

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.