



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, October 21, 2024

6:30 PM

Deltona Commission Chambers

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 JodyLee
Commissioner Avila-Vazquez
Commissioner Colwell
Commissioner Heriot
Commissioner McCool
Commissioner Shimkus

3. INVOCATION AND PLEDGE TO THE FLAG:

- A. Invocation Presented by District #4 Commissioner.
Honoring Veteran -

4. PRESENTATIONS/AWARDS/REPORTS:

- A. Super Star Student Awards for the first grading period of school year
2024/2025.

- B. Presentation by Terri Ellis-Domestic Violence Awareness Month

5 - C Hurricane Milton Update - David Hamstra

5. PUBLIC FORUM:

Mayor Avila opened the public comments and Claudia Sava, Sue Burks, Mel Himes, Marcyana Mead, Chris Collier, Sue King, Rose Goitia, Ana Loser, Kathy Bryan, Doreen Beauregard, Brandy White, Tim Blodgett, David Sosa, Tim Schultheis, Elbert Bryan, and Christian O'Brien addressed the City Commission.

6. ORDINANCES AND PUBLIC HEARINGS:

- A. Public Hearing - Ordinance No. 07-2024, amending Section 22-186 to

22-191, of Article VI, "Street Vendors" of Chapter 22, "Businesses" of the Land Development Code, at second and final reading.

Motion by Commissioner Heriot, seconded by Vice Mayor JodyLee, to approve Ordinance No. 07-2024, amending the Article VI, Street Vendors of the Land Development Code, at second and final reading.

Mayor Avila opened the public hearing and Brandy White addressed the City Commission.

Amended motion by Commissioner Heriot, seconded by Vice Mayor JodyLee, that under mobile retail vendor add the words "exclude rental services".

The City Attorney read the title of Ordinance No. 07-2024 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTION 22-186 TO 22-191, OF ARTICLE VI, "STREET VENDORS", OF CHAPTER 22 "BUSINESSES", OF THE LAND DEVELOPMENT CODE OF THE CITY OF DELTONA; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

The amended motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

B. Public Hearing - Ordinance No. 15-2024, amending Chapter 30-31, Elections and adding Sec. 30-38, Filing Officer, at second and final reading.

Motion by Vice Mayor JodyLee, seconded by Commissioner Avila-Vazquez, to approve Ordinance No. 15-2024, at second and final reading.

Mayor Avila opened and closed the public hearing as there were no public comments.

The City Attorney read the title of Ordinance No. 15-2024 for the record.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 30-31 - ELECTIONS; AMENDING ARTICLE I IN GENERAL SEC. 30-1 EARLY VOTING; AMENDING ARTICLE II CANDIDATES SEC. 30-31 QUALIFICATIONS PERIOD AND SEC. 30-34 FILING OF OTHER ITEMS; AND ADDING SEC. 30-38 FILING OFFICER; PROVIDING FOR CONFLICTS, PROVIDING FOR INCORPORATION OF RECITALS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

C. Public Hearing - Resolution No. 2024-41, granting a Conditional Use to permit a daycare center within the General Commercial District (C-2) for a property located at 3026 Howland Boulevard.

Motion by Commissioner Heriot, seconded by Vice Mayor JodyLee, to approve Resolution No. 2024-41, granting the Conditional Use for a daycare center to be located at 3026 Howland Boulevard.

Mayor Avila opened the public hearing and Kathy Bryan and Chris Casey (Project Engineer).

The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

Against: 1 - Commissioner Colwell

D. Public Hearing - Resolution No. 2024-58, granting a Variance to allow a +/- 4,462 square foot existing office building to encroach within the side and rear setbacks of an 0.36-acre property located at 1670 Providence Blvd.

Motion by Vice Mayor JodyLee, seconded by Commissioner McCool, to approve Resolution No. 2024-58, granting a Variance for the existing office building located at 1670 Providence Boulevard.

Mayor Avila opened and closed the public hearing as there were no public comments.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

7. COMMENTS ON CONSENT ITEMS:

Mayor Avila opened the public the public comments and Brandy White addressed the City Commission.

8. ITEMS FOR CONSIDERATION:

8-A. CONSENT AGENDA:

Motion by Commissioner Avila-Vazquez, seconded by Commissioner McCool, to approve Consent Agenda Items 8-A(a)-(h). The motion carried by the following vote:

For: 6 - Mayor Avila, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

Against: 1 - Vice Mayor JodyLee

- (a) **Approval of minutes of the Regular Commission Meeting of October 7, 2024, as presented.**

Approved by Consent - to approve the minutes of the Regular Commission Meeting of October 7, 2024, as presented.

- (b) **Request for approval of the purchase of three replacement vehicles with the approved budget funds.**

Approved by Consent - to approve the purchase of three replacement vehicles for Fire Administration with the approved budget funds.

- (c) **Request for approval to purchase a new Logistics vehicle with the approved budget funds.**

Approved by Consent - to approve the purchase of a new Logistics vehicle with the approved budget funds.

- (d) **Request for approval of the purchase of a high-water/brush truck vehicle with the approved budget funds.**

Approved by Consent - to approve the purchase of a new high-water/brush attack vehicle with the approved budget funds.

- (e) **Request approval for the purchase and annual service agreement for Lexipol Software.**

Approved by Consent - to approve the purchase and annual service agreement for Lexipol Software.

- (f) **Request approval for the purchase and implementation of the updated Station Alerting System.**

Approved by Consent - to approve the purchase and implementation of

the updated Station Alerting System.

- (g) **Request approval to purchase a transport unit and essential equipment with approved budgeted funds.**

Approved by Consent - to approve the purchase of a transport unit and essential equipment with approved budgeted funds.

- (h) **Request for recognitions for the month of October.**

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

8-B. ACTION ITEMS:

- (a) **Request approval of Resolution No. 2024-64, expenses related to Hurricane Milton.**

Motion by Commissioner Heriot, seconded by Vice Mayor JodyLee, to approve the Emergency Purchase Orders related to Hurricane Milton and associated expenses incurred and/or anticipated. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

- (b) **Resolution No. 2024-60, Declaring Zoning in Progress regarding amendments to the Land Development Code to clarify provisions in the Live Local Act, which amended Fla. Stat. 166.04151.**

Motion by Vice Mayor JodyLee, seconded by Commissioner Colwell, to declare Legislation in Progress and approve Resolution No. 2024-60.

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

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

- (c) **Request for approval of purchases for FY24-25 contingent on approval of final budget.**

Motion by Commissioner Avila-Vazquez, seconded by Commissioner McCool, to approve the list of purchases for Fiscal Year 2024-2025.

Mayor Avila opened the public comments and Brandy White addressed the City Commission.

The motion carried by the following vote:

For: 5 - Mayor Avila, Commissioner Avila-Vazquez, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

Against: 2 - Vice Mayor JodyLee, and Commissioner Colwell

(d) City Commission discussion and selection of City Attorney applicants to move forward to the interview process.

Motion by Vice Mayor JodyLee, seconded by Commissioner Colwell, to confirm that all four (4) individuals and the three (3) firms are selected to move forward to the interview process.

Mayor Avila opened the public comments and Courtney Cross-Burgos addressed the City Commission.

The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner McCool, and Commissioner Shimkus

Against: 1 - Commissioner Heriot

9. CITY ATTORNEY COMMENTS:

10. CITY MANAGER COMMENTS:

The City Manager spoke about mitigation for future storms, deepening lakes and retention ponds, purchasing homes, infill lots, bringing back options, FEMA (Federal Emergency Management Agency) and the City match, and other funding.

11. CITY COMMISSION COMMENTS & REPORTS:

Commissioner Heriot thanked staff for their efforts during Hurricane Milton.

Commissioner Shimkus spoke about this being his last regular meeting, being a Commissioner is challenging and rewarding, he thanked staff, continuing to be involved, his opinion and thought process, his replacement, making strides, re mediating hardships, flooding, what this Commission has done, he thanked the Commission and staff for all they do.

Commissioner Avila-Vazquez thanked staff for their efforts during Hurricane Milton, the EOC (Emergency Operations Center), the concert at the Amphitheater, and she thanked

Commissioner Shimkus for his service.

Commissioner McCool thanked staff for all they do, Domestic Violence Meeting, social issues, her upcoming Town Hall, the Hispanic Chambers, two ribbon cuttings, he thanked Doc for participating in events, developers and litigation, and campaign reports.

Commissioner Colwell spoke about Enrique Ridge Apartments and accrued fines.

Commissioner Colwell requested a consensus of the Commission to move forward with a letter of intent which is a 30 day notice and if no response to move forward with foreclose and the Commission concurred.

Vice Mayor JodyLee thanked staff for their efforts during Hurricane Milton. He spoke about working on roads, not putting projects on the back burner, taking care of major infrastructure, and Osprey Estates.

Mayor Avila spoke about his Town Hall, Advent event for Diabetes Awareness, and Department of Health's Mobile Mammography.

Mayor Avila requested a consensus of the Commission to revisit and put on an agenda the St. Johns lawsuit situation and the Commission concurred.

12. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:33 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

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 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.

COMMENTS ON CONSENT ITEMS: Citizen comments are limited to issues and concerns on the Consent Agenda item(s). Please complete a public participation slip and indicate in the subject line the issue you wish to address. Members of the City Commission shall not enter into discussion or respond to individuals' comments during the public forum other than to give directions or to ask for clarification. Please be courteous and respectful of the views of others. Personal attacks on Commission members, City staff or members of the public are not allowed and will be ruled out of order by the Mayor.

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.