



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, April 7, 2025

6:30 PM

Deltona Commission Chambers

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

The Mayor opened the public comments and Kathy Bryan, Loren King, Courtney Cross-Burgos, Dana McCool, Terri Ellis, Lydia Lambert, Tara D'Errico, Lisa Hager, Patricia Stevenson, addressed the City Commission.

BUSINESS MEETING - 6:30 PM

1. CALL TO ORDER:

The meeting was called to order at 6:35 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 Mayor.

National Anthem - Deltona High School

Honoring Veterans:

David R. Parry, Sergeant First Class (SFC) - (Retired) U.S. Army

Andrea A. Turner, E-6 Storekeeper - U.S. Navy

Danny Ron, Staff Sergeant (SSgt).- U.S. Marine Corps

John Allison, Private First Class (PFC) - U.S. Army

4. ADDITIONS AND DELETIONS:

ADD-ON ITEM: Commissioner Avila-Vazquez presented a Proclamation for National Women's History Month and she recognized the Deltona Women's Club 60th Anniversary.

5. PRESENTATIONS/AWARDS/REPORTS:

- A. Presentation by Joe Hearn, President - Update on the Rotary Club of Debary-Deltona-Orange City.**
- B. Presentation - D-Ranch Preserve by Mark Rizzo, Land Manager of Conservation Florida**

6. DELTONA COMMUNITY EVENTS:

Mayor Avila gave a report on the budgetary process in the Senate with \$750,000 for the Theresa Basin-Mid Basin Pumping Project and the House budget with \$1,250,000 for the AWS Recharge Project and \$187,500 for the Theresa Basin Flooding Mitigation Project.

The City Manager reported on the \$1 million penalty being imposed on the City by the IRS (Internal Revenue Service) and the settlement will cost the City zero dollars. Second, the City received a \$139,000 grant from the Department of Energy to replace windows at City Hall. Third, the City received a \$1.5 million grant for the Fisher Plant upgrades from the Florida Department of Environmental Protection (FDEP) with the overall redesign of the Fisher Plant costing \$44 million and the City just received the Water Quality Improvement Grant in the amount of \$22 million from FDEP.

7. CONSENT AGENDA:

Motion by Vice Mayor Heriot, seconded by Commissioner Lulli, to approve all of the consent items. 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 March 18, 2025, as presented.**

Approved by Consent Agenda - to approve the minutes of the Regular Commission Meeting of March 18, 2025, as presented.

- B. Request for approval of the First 2025 Quarterly Reports of City Advisory Boards/Committees.**

Approved by Consent Agenda - to accept the Quarterly Reports as presented.

C. Request for recognitions for the month of April.

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

D. Requests for presentation before the City Commission.

Approved by Consent Agenda - to approve the following presentation be made before the City Commission on the next available agenda and shall not exceed 10 minutes.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Request for approval of Ordinance No. 04-2025, amending the zoning code, Chapter 74 "Administration," to include review procedures, eliminating review durations, and updated public noticing requirements, amending Chapters 75, 106, and 110 by removing procedures regulation in Chapter 74 of the Land Development Code of the City of Deltona, at second reading.

City Attorney Good read the title of Ordinance No. 04-2025 for the record.

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

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 Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

B. Public Hearing - Request for approval of Ordinance No. 05-2025, amending Section 110-319, "PUD, Planned Unit Development," to update application requirements by incorporating enhanced architectural, landscaping, and environmental standards in the City's Land Development Code, at second reading.

City Attorney Good read the title of Ordinance No. 05-2025 for the record and stated supplemental documents were passed out to the Commission.

Motion by Commissioner Lulli, seconded by Commissioner Howington, to approve and adopt Ordinance No. 05-2025, amending Section 110-319, "Planned Unit Developments" of the City's Land Development Code.

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 Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

C. 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 first reading.

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

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

The Commission, City Attorney and staff discussed restrictions on small businesses, aligning with state statute, prohibiting semi-cabs, storing of equipment, food trucks, home occupations, parking codes, trailers, regulations of the Land Development Code (LDC), stringency of state statute, City code vs. state statute, preempted home based businesses, and changes being inside and not outside.

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 Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

D. Public Hearing - Request for approval of Ordinance No. 07-2025, amending Article XIV, “Medical Marijuana Dispensaries”, by updating the title to “Pharmacy, Drugstores, and Medical Marijuana Dispensaries” and incorporate updates from the Florida Statutes, including provisions for the purpose, location, standards, and approval process, at first reading.

City Attorney Good read the title of Ordinance No. 07-2025 for the record.

Motion by Vice Mayor Heriot, seconded by Commissioner Colwell, to approve Ordinance No. 07-2025.

The Planning & Development Services Director gave a brief presentation to include three options.

The Commission and staff discussed the distance from schools, the number of dispensaries and location, existing nonconforming, and banning any more dispensaries.

Commissioner Santiago requested that the motion be amended to banning altogether any additional medical dispensaries in the City of Deltona. City Attorney Good replied if the it was the will of the Commission to do this the proper motion would be to table or deny the ordinance being presented because it will be a significant change.

Vice Mayor Heriot and Commissioner Colwell

The Commission, City Attorney and staff discussed tabling with direction, impact to drug stores, what other cities do, and increasing the 500 feet and state statute mandates.

Amended motion by Vice Mayor Heriot, seconded by Commissioner Colwell, to deny item number 07-2025.

include direction to draft a new ordinance, re-advertise and bring the ordinance back to the Commission.

City Attorney Good stated the motion on the floor is to deny Ordinance No. 07-2025 and he requested clarification if that motion also includes direction to staff to bring back a new ordinance that bans medical marijuana dispensaries and Vice Mayor Heriot replied it does, the intent was to include.

The Commission, the City Attorney and staff discussed what the ban would include, state licenses, not putting businesses out of business, clarifying the motion, Commissioner Lulli's personal experiences, other alternatives, benefits, City revenues, and not negatively impacting existing businesses.

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 Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

E. 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 first reading.

City Attorney Good read the title of Ordinance No. 09-2025 for the record.

Motion by Commissioner Lulli, seconded by Commissioner Santiago, to approve Ordinance No. 09-2025, amending Article VII, within the City's Land Development Code, at first reading. The motion carried by the following vote:

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 Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

F. Public Hearing - Request for approval of Ordinance No. 13-2024, amending Sections 110-300 to 110-320 of Article III “Establishment of Classifications and Official Zoning Map” of Chapter 110 “Zoning” within the City’s Land Development Code, at second reading.

City Attorney Good read the title of Ordinance No. 13-2024 for the record.

Motion by Vice Mayor Heriot, seconded by Commissioner Lulli, to approve Ordinance No. 13-2024.

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 Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

G. Public Hearing - Request for approval of Ordinance No. 14-2024, amending Section 110-810, of Article VIII, “Driveway Expansion (Residential),” of the Land Development Code, at second reading.

City Attorney Good read the title of Ordinance No. 14-2024 for the record.

Motion by Commissioner Colwell, seconded by Commissioner Avila-Vazquez, to approve the item.

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

H. Public Hearing - Request for approval of Ordinance No. 16-2025, amending Chapter 2, Article IV to update the sections related to the

Debt Policy, Budget Policy and the Purchasing Policy, at second reading.

City Attorney Torcivia read the title of Ordinance No. 16--2025 for the record.

Motion by Vice Mayor Heriot, seconded by Commissioner Avila-Vazquez, to approve Ordinance No. 16-2025.

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 Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

I. 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 first reading.

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

Motion by Commissioner Lulli, seconded by Commissioner Santiago, to approve Ordinance No. 17-2025, on first reading, to amend Chapter 54 - Special Assessments Relating to Solid Waste and Stormwater Utility.

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 Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

J. Public Hearing - Request for approval of Ordinance No. 18-2025, amending Chapter 68, Article II to update the sections related to Customer Deposits, at second reading.

City Attorney Torcivia read the title of Ordinance No. 18-2025 for the record.

Motion by Vice Mayor Heriot, seconded by Commissioner Howington, to approve Ordinance No. 18-2025.

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 Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

9. ACTION ITEMS:

10. CITY ATTORNEY COMMENTS:

11. CITY MANAGER COMMENTS:

The City Manager stated the ordinance committee will appear on the next agenda and that each Commissioner will make an appointment keeping in mind that the appointees cannot already be serving on another City board/committee. Second, he recognized local groups who were involved with the Celtic Festival. Third, staff finished up internal meetings in preparation for community park meetings and he provided expected dates, times and locations.

12. CITY COMMISSION COMMENTS, REQUESTS & REPORTS:

Commissioner Lulli spoke about comments made by the City Manager and providing information to the public, public forum, passive parks, Rhode Island Extension, and the Southwest Volusia Democratic Club and the Celtic Festival.

Commissioner Lulli requested a consensus that each Commissioner identifies one area within their district to use Tree Funds for a project with the focus on native trees that are specific to that habitat and echo system and the Commission concurred.

Commissioner Colwell requested a consensus to change the language in the City's Code of Ordinances, Chapter 2-Administration, Article IX-Sanctions For Charter Violation, Section 2-380. Violations where it states "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."

Mayor Avila asked for clarification, he thinks this is governed by state statute and City Attorney Good replied it is within the general Code of Ordinances and it would be an amendment to the ordinance with two readings.

He will do research to make sure there is no due process concerns if it is the will of the Commission to bring the change before them.

A majority of the Commission with the exception of Commissioner Santiago and Mayor Avila concurred with Commissioner Colwell's request.

Commissioner Avila-Vazquez spoke about AHAC (Affordable Housing Advisory Committee) membership, Celtic Festival, Deltona Blvd. welcome sign, the recent Saturday Special Commission Meeting and Workshop and the topics, lack of workshops, the

makeup of the CRA (Community Redevelopment Agency), having workshops within 30 days with one or two subjects, policy, and having Saturday meetings only in an emergency.

Commissioner Howington spoke about echoing Commissioner Avila-Vazquez's comments, the topic of impact fees and bringing in a skilled, qualified company.

Commissioner Howington requested a consensus for staff to come back to the Commission with an RFP (Request For Proposal) or three or four price quotes to get the impact fee study started while there are zoning in progresses in place and work on impact fees that have not been adjusted in 10 years.

Mayor Avila asked for clarification and Finance Director replied tomorrow morning he is meeting with the firm that is handling water/sewer rates and impact fees. This Wednesday he is meeting with the Planning & Development Services Director to discuss all the other impact fees to include getting a proposal for Planning & Zoning fees, building fees, and all other fees that have not been looked at in the last couple of years. By the next Regular Commission Meeting he will have a response to the City Manager as to when he expects those studies to be complete. On May 5th there will be a budget amendment that will allow the City to pay for all the other impact fees other than water and sewer.

The Commission concurred with Commissioner Howington's request.

Commissioner Howington requested a consensus to have staff look at the possibility of having non ad valorem exemptions with regards to certain assessments specifically for our service connected disability residents.

The Commission and City Attorney spoke about the amount per exemption, service fees, alternatives like an assistance program, and abstaining from a vote.

The Commission concurred with Commissioner Howington's request.

Commissioner Howington spoke about tractor trailer parking issues, Amazon, the Economic Development Manager is working on it, destruction to sidewalks and swells, researching potential options, a place being built, requiring businesses to provide space, ticketing vehicles, residential vs. commercial property, Deltona Retail Holdings, and providing a report. The City Manager stated staff will work on it.

Commissioner Howington spoke about bringing back the dispensaries as soon as possible, at next meeting. City Attorney Good replied the ordinance could be brought back at the second meeting in May.

Commissioner Santiago spoke about the Celtic Festival and Howland Blvd. pedestrian safety update.

Mayor Avila spoke about the City Manager report, upcoming job fair, Mother's Day event,

and suggested the Commissioners attend schools events.

13. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:41 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK