



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, March 2, 2026

6:30 PM

Deltona Commission Chambers

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

BUSINESS MEETING - 6:30 PM

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Avila.

2. ROLL CALL – CITY CLERK:

Present: 6 - Commissioner Colwell
Commissioner Heriot
Commissioner Howington
Commissioner Nabicht
Commissioner Santiago
Mayor Avila

Absent: 1 - Vice Mayor Avila-Vazquez

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by the Mayor.

4. ADDITIONS AND DELETIONS:

The City Attorney requested to delete Item 7-F, Resolution No. 2026-22.

The Mayor requested to table Item 7-E for 90 days and Commissioner Colwell requested to bring the item back under Action Items and the Commission concurred with the exception of Commissioner Howington.

Commissioner Howington and Commissioner Nabicht requested to add direction to staff to draft a resolution for Volusia Forever, send it to Volusia County and bring it back to be ratified at the next agenda and the Commission concurred.

Commissioner Colwell requested to add a discussion regarding the interpretation of the fence ordinance, Chapter 110.806 and the Commission concurred to add it to the agenda as Item 9-B.

Commissioner Colwell requested to pull Item 7-G for discussion.

5. PRESENTATIONS/AWARDS/REPORTS:

- A. Super Star Student Awards for the third grading period of school year 2025/2026.**
- B. Presentation on the budget process and calendar for Fiscal Year 2026 - 2027**

6. DELTONA COMMUNITY EVENTS:

7. CONSENT AGENDA:

Commissioner Howington requested to pull Items 7-D and 7-G.

Motion by Commissioner Nabicht, seconded by Commissioner Heriot, to 7-A, 7-B, 7-C and 7-H.

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

The motion carried by the following vote:

For: 6 - Commissioner Colwell, Commissioner Heriot, Commissioner Howington, Commissioner Nabicht, Commissioner Santiago, and Mayor Avila

- A. Request for approval of minutes of the Regular Commission Meeting of February 17, 2026, as presented.**

Approved by Consent - to approve the minutes of the Regular Commission Meeting of February 17, 2026, as presented.

- B. Request for approval of Resolution No. 2026-18, to Accept and Adopt the 2025 Volusia Multi-Jurisdictional Program for Public Information (PPI).**

Approved by Consent - to approve Resolution No. 2026-18 to Accept and Adopt the 2025 Volusia Multi-Jurisdictional Program for Public Information (MJ-PPI).

- C. Request for approval of Resolution No. 2026-19, approving the additional funding of Community Development Block Grant (CDBG) Public Services awards to Early Learning Coalition of Flagler and**

Volusia Counties, Inc., for program year 2025-2026; authorizing the City Manager to execute subrecipient agreement.

Approved by Consent - to approve Resolution No. 2026-19.

D. Request for approval of Resolution No. 2026-20, Second Quarter Budget Amendment for Fiscal Year 2025-2026.

Commissioner Howington asked if the revenues were ever added from the Christmas Parade to the budget. The City Manager replied it was not revenue that came to the City in the first place, it was dedicated to the Union.

Commissioner Howington stated from Manny Rodriguez Park, everybody seemed very concerned that \$1.1 million went into Manny Rodriguez park when they refused to give the residents a full roll back. So, she just wanted to go on record that the fact that it is being decreased now seems somewhat disingenuous to the residents who should have a full roll back if the City did not want to put that money into the park.

Motion by Commissioner Nabicht, seconded by Commissioner Santiago, to approve Resolution No. 2026-20.

The Mayor opened and closed public comments as there were none.

The motion carried by the following vote:

For: 4 - Commissioner Heriot, Commissioner Nabicht, Commissioner Santiago, and Mayor Avila

Against: 2 - Commissioner Colwell, and Commissioner Howington

E. Request for approval of Resolution No. 2026-21, authorizing the filing of litigation seeking relief for false and defamatory statements made by Jason Voelz. City Attorney's Office.

This item was tabled at the request of the Mayor for 90 days and to be brought back under Action Items.

F. Request for approval of Resolution No. 2026-22 authorizing the filing of litigation seeking Declaratory and Injunctive Relief, as well as other legal remedies as may be appropriate to halt the closing of the miCare Deltona Clinic. City Attorney's Office.

This item was deleted from the agenda at the request of the City Attorney.

G. Request for approval of Resolution No. 2026-23, acceptance of \$22,000,000.00 FDEP 50/50 Grant for Advanced Waste Treatment of the Fisher Wastewater Plant as mandated by FDEP.

Motion by Commissioner Colwell, seconded by Commissioner Howington, to table the item until the next regular meeting under Action Items.

The Deputy Utility Director stated that FDEP (Florida Department of Environmental Protection) has requested that the City give them a sign of interest in this or they are going to move the grant funding over to someone that was further down on the list of projects. They are asking for the City to give them a signal that we are interested in collecting on that \$22 million.

Commissioner Colwell stated he is interested but, he would like more information. The Deputy Utility Director replied he will go back to FDEP and let them know that if it does not pass tonight, that it is the direction of the Commission for staff to get some further information on the project before the City commits to the grant.

Commissioner Nabicht asked what is the timetable for this? He also stated he would like to see the study that said this was a good, viable project and any changes put on a workshop. The Deputy Utility Director replied a study was done that had three options which he explained and he answered the question about what had changed.

The City Manager stated once this is approved the City is committed and the Deputy Utility Director confirmed.

Commissioner Heriot proposed to accept the grant tonight and workshop the topic as soon as possible.

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

The motion failed by the following vote:

For: 2 - Commissioner Colwell, and Commissioner Howington

Against: 4 - Commissioner Heriot, Commissioner Nabicht, Commissioner Santiago, and Mayor Avila

Motion by Commissioner Heriot, seconded by Commissioner Santiago, to approve this agenda item and set this topic for a workshop at the next available spot within 30 days. The motion carried by the following vote:

For: 4 - Commissioner Heriot, Commissioner Nabicht, Commissioner Santiago, and Mayor Avila

Against: 2 - Commissioner Colwell, and Commissioner Howington

H. Request for recognition(s) for the month of March.

The following recognition(s) has been requested:

- 1. Proclamation - Women's History Month**
- 2. Proclamation - Government Finance Professionals Week**
- 3. Proclamation - World Speech Day**
- 4. Proclamation - Irish American Heritage Month**

Approved by Consent - to approve the requested recognition for the month of March.

8. ORDINANCES AND PUBLIC HEARINGS:**A. Public Hearing - Ordinance No. 36-2025, Amending Section 110-814 "Additional Regulations for Certain Permitted Principal Uses and Structures." Of Chapter 110, "Zoning" and Chapter 74, "Administration" of the Land Development Code, at second and final reading.**

Commissioner Colwell called a point of order and asked if the City was not video taping the residents. The Mayor replied that is not a point of order but, we can address that when your time comes.

The City Attorney read the title of Ordinance No. 36-2025 for the record.

Motion by Commissioner Nabicht, seconded by Commissioner Heriot, to approve Ordinance No. 36-2025.

The Community Development Services Director gave a brief PowerPoint Presentation on the item.

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

The City Attorney stated this is required by the State, S.B. 954, and is a State mandate.

The motion carried by the following vote:

For: 6 - Commissioner Colwell, Commissioner Heriot, Commissioner Howington, Commissioner Nabicht, Commissioner Santiago, and Mayor Avila

B. Public Hearing - Ordinance No. 03-2026, Animal Ordinance, Chapter 14 - Animals, at first reading.

The City Attorney read the title of Ordinance No. 03-2026 for the record.

Motion by Commissioner Heriot, seconded by Commissioner Howington, to approve 8-B.

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

The City Attorney stated this does not address breeds, H.B. 593 passed regulations on dangerous dogs and speaks to penalties and enforcement but, it is not breed specific.

The motion carried by the following vote:

For: 6 - Commissioner Colwell, Commissioner Heriot, Commissioner Howington, Commissioner Nabicht, Commissioner Santiago, and Mayor Avila

C. Public Hearing - Ordinance No. 04-2026, amending Chapter 2, Article IV to update the sections related to Financial Polices at first reading.

The City Attorney read the title of Ordinance No. 04-2026 for the record.

Motion by Commissioner Heriot, seconded by Commissioner Howington, to approve agenda item 8-C.

The Finance Director gave a brief explanation of the item.

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

Commissioner Howington asked if staff looked at the additional cost when switching firms and the Finance Director replied the sheer fact that the City had Purvis Gray for as many years as it has, has kept the City's fees relatively low. For the size organization that we are our fees are much lower than he would anticipate. I brought this before the Commission, so when the City goes out to bid sometime between October 1, 2028 and April of 2029 the City will probably see a substantial increase in the audit fees. For out of State firms, the City will see a three to four times increase in cost because they come here for two to three weeks with costs including travel, hotels, per diem, etc.

The motion carried by the following vote:

For: 6 - Commissioner Colwell, Commissioner Heriot, Commissioner Howington, Commissioner Nabicht, Commissioner Santiago, and Mayor Avila

D. Public Hearing - Resolution No. 2026-01, Major Conditional Use application for the property located at 590 Fort Smith Boulevard to allow a house of worship in the R-1 Zoning District, for adoption.

The City Attorney 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.

The City Attorney swore in everyone that wished to speak on this item and she read the title of Ordinance No. 32-2025 for the record.

The Planning Manager gave a brief PowerPoint Presentation on the item.

Commissioner Howington asked to clarify that this does not include any apartments and the Planning Manager replied it is just a house of worship.

The Applicant Pastor Zakaria Henry, The Lighthouse Pentecostal Church of Jesus, 1918 Newmark Drive, Deltona, spoke about traffic and noise, being planted in the community, and the goals of the church.

The Mayor opened the public comments for those with standing and there were none.

The Mayor opened the public comments for those without standing and the residents addressed the City Commission.

Motion by Commissioner Nabicht, seconded by Commissioner Howington, to approve Resolution No. 2026-01.

The City Attorney read the title of Resolution No. 2026-01 for the record.

The motion carried by the following vote:

For: 6 - Commissioner Colwell, Commissioner Heriot, Commissioner Howington, Commissioner Nabicht, Commissioner Santiago, and Mayor Avila

9. ACTION ITEMS:

A. Consideration of an Alternate appointment to the Planning and Zoning Board.

Motion by Commissioner Santiago, seconded by Commissioner

Howington, for Robert Hasson. The motion carried by the following vote:

For: 6 - Commissioner Colwell, Commissioner Heriot, Commissioner Howington, Commissioner Nabicht, Commissioner Santiago, and Mayor Avila

B ADD-ON Item: Fence Discussion.

ADD-ON ITEM 9-B: Fence discussion.

The City Attorney stated she just wanted to urge the Commission to utilize caution when engaging in this discussion. So pursuant to City Land Development (LDC) Code, Section 74-6(b)(1) the planning and zoning director is vested with the power and duty to issue interpretations of the code. The same duty is not found under the City Commission powers and duties in the LDC found in Section 74-3(a). Now, because the planning and zoning director falls under the authority of the City Manager, the City Commission may risk a violation of the City Charter by exercising the powers reserved to the City Manager's staff pursuant to both City Charter and code. The City Commission may properly question staff and the attorneys about the provisions of the code. The City Commission can provide directions to amend the code. The City Commission can provide directions to amend the code to provide clarification or additional definitions. The City Commission can also rule on an appeal of the planning and zoning directors' administrative determination or interpretation of the code pursuant to Section 74-11(g). So if someone appeals an administrative decision, you all have the right to rule on that appeal of the planning and zoning director's administrative determination.

Commissioner Colwell stated for clarification, he can ask the planning and zoning director why he has come to this interpretation. The City Attorney replied no, the Commission can ask questions about the code and make recommendations about changes to the code. The interpretation that the planning and zoning director makes stands alone and apart, unless there is an administrative appeal of his decision, and then the Commission gets to rule on that administrative appeal.

Commissioner Colwell stated his question is under the interpretations of the previous ordinances the side yard was determined by front face of the house and the rear face of the house and he read Section 70, Definitions, Yard rear. The code or ordinance is being interpreted now as the lot line, meaning that they would be able to put an eight foot fence from the front lot line to the rear lot line down the entire side of the yard. He asked if that would be his interpretation?

The Community Development Services Director read Section 110-806(e), Fences, walls and hedges.

Commissioner Colwell and the Community Development Services Director continued to discuss the lot lines vs. the yard lines, the height of the fence, the type of fencing, lakefront

property.

Commissioner Colwell read Section 70, Definitions, Definition of Yard, and he asked why throughout the code it is interpreted as the "side or rear yard" but, the fence portion of the code is interpreted as the "side or rear lot line"?

The City Attorney stated she does not understand the question but, she is trying to understand the Commissioner's goal.

The Mayor asked for a motion to extend the meeting.

Motion by Commissioner Colwell, to extend the meeting. The motion died for lack of a second.

Commissioner Colwell asked if it is staff's interpretation that a person can put a six-foot stockade fence from the rear of the house to the lakefront? The Community Development Services Director replied on the side yard, the way the code is currently written yes. Commissioner Colwell stated that is where the discrepancy is because his understanding is that the rear yard is from the rear of the house to the property line.

The Mayor called point of order, nobody seconded the motion to extend the meeting. It is now 8:30 p.m. and the Commission has reached the maximum time for a Commission meeting so because there was no second at this time the meeting is adjourned.

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 8:30 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK