



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, October 20, 2025

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

3. INVOCATION AND PLEDGE TO THE FLAG:

- A. Invocation Presented by District 6 Commissioner: Fire Dept. Chaplain Anthony Alvarez**
Honoring Veteran: Andrew Joseph Walters - Senior Airman - United States Air Force

4. ADDITIONS AND DELETIONS:

Commissioner Santiago requested to discuss the parking and vehicle ordinance at the end of the Commission meeting, add it to the agenda. Commissioner Howington seconded the request which passed unanimously.

5. DELTONA COMMUNITY EVENTS:

6. PRESENTATIONS/AWARDS/REPORTS:

- A. Super Star Student Awards for the first grading period of school year 2025/2026.**

B. City Attorney - An update to SB180 Litigation

Attorney Good stated there are two parts to this update. He will first give a brief update received from the Volusia County Attorney's Office regarding the county's efforts to put forward some legislative changes to the SB180 Bill in the next legislative session. They have informed us that Volusia County is working with the Florida Association of Counties and the Florida Association of County Attorneys (FACA) on their proposed legislative changes. The proposed language from the county narrows the scope of enforcement to properties damaged by the hurricane, meaning properties that require a building permit to repair. This was accepted by the FACA Growth Management Committee and is making its way through the overall association. So the county's proposed language makes changes to Section 18 and Section 28 of the Bill and he read those sections with the proposed changes.

Attorney Torcivia stated she sent the Commission an update about a week ago and she does not have a ton more to report, but the case was filed in Lyon County. The case number if anyone wants to follow it is 2025 CA1876. The case was filed, the summons was issued, and it does not appear at this point that any of the defendants have yet been served. She spoke with Attorney Jamie Cole last week, who is the lead attorney at Weiss, Serota, Helfman, Cole & Bierman working on this case, and he advised that they were working on the injunction and were hoping to file it at the end of last week or early this week. To her knowledge, it has not yet been filed as of today and it is not reflected on the docket. With that said, it could have been filed today, just not updated yet. That is the update with respect to the litigation.

The Commission and City Attorney discussed reason for the delay, lack of service, injunctions, the number of counties/cities involved, wasting money and damaging relationships.

Motion by Commissioner Santiago, seconded by Commissioner Nabicht, for the City of Deltona to withdraw from the suit against the State of Florida.

The Commission discussed negotiating amendments, lobbying, legal costs, State funding, future delegation decisions, Home Rule, other options, loosing out on projects, representation of residents, proposed amendments, previously requested revisions, followers vs. leaders, funds invested, asking for a stay in court, slowing down development of homes, flooding issues, protecting residents, anger driving conversations, relief from flooding, and lawsuit not slowing growth.

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

The Commission discussed funding the stormwater program, new residential projects, development over the last 5 years, faulty stormwater systems, updating policies, scare

tactics, stormwater issues, lack of leadership, and mending relationships.

The motion carried by the following vote:

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

Against: 3 - Commissioner Avila-Vazquez, Commissioner Colwell, and Commissioner Howington

7. CONSENT AGENDA:

Motion by Vice Mayor Heriot, seconded by Commissioner Santiago, to approve Consent Agenda Items A-C. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Nabicht, and Commissioner Santiago

A. Request for approval of minutes of the Regular Commission Meeting of October 6, 2025, as presented.

Approved by Consent - to approve the minutes of the Regular Commission Meeting of October 6, 2025, as presented.

B. Request for approval of Resolution No. 2025-140 Adopting the Master Fee Schedule for FY 2025 - 2026.

Approved by Consent - to approve Resolution No. 2025-140.

C. Request for approval of Resolution No. 2025-152 to join the American Flood Coalition at no cost to the City.

Approved by Consent - to approve Resolution No. 2025-152.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Quasi-judicial Hearing - Ordinance No. 32-2025, A request to amend the Official Zoning map to rezone ±7.93 acres of land located along the East Howland Boulevard Corridor north of Pine Ridge High School from Commercial (C-1) to Mixed-Use Planned Unit Development (MPUD), 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.

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

The Community Development Services Director gave a brief presentation to include Subject Property, Project Overview, Purpose of the MPUD, Site Design Highlights, Development Agreement Key Points, Comprehensive Plan Consistency, Standards for Rezoning (sec. 74-14), Planning and Zoning (P&Z) Board, and Staff Recommendation.

The Commission and City Attorney discussed the Development Agreement (DA) language, P&Z Board concerns, and development time limit.

Attorney Kim Booker with Booker & Associates, P.A., gave a brief presentation to include making revisions to DA language, Subject Property and Background Cont., Images, Building Perspective - Self Storage, Project Benefits for the City of Deltona, Site Plan, and Blackfin MPUD.

The Commission, Attorney Booker, City Attorney, and staff discussed designating a future joint access agreement, allowed uses, and apartments/residential.

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

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

Motion by Commissioner Nabicht, seconded by Vice Mayor Heriot, to approve Ordinance No. 32-2025, the official zoning map to rezone 7.93 acres of land located along the East Howland Boulevard Corridor north of Pine Ridge High School from Commercial (C-1) to Mixed-Use Planned Unit D, at first reading.

The City Attorney reread the title of Ordinance No. 32-2025 for the record.

The motion carried by the following vote:

For: 5 - Mayor Avila, Vice Mayor Heriot, Commissioner Avila-Vazquez, Commissioner Nabicht, and Commissioner Santiago

Against: 2 - Commissioner Colwell, and Commissioner Howington

- B. Public Hearing - Ordinance No. 34-2025, amending Section 110-319, "PUD, Planned Unit Development," of Article III, "Establishment of Classifications and Official Zoning Map," of Chapter 110, "Zoning," to reduce the minimum parcel size required to establish Planned Unit Developments and Table 1, "Permitted Use Table" of Article III, "Establishment of Classifications and Official Zoning Map," of Chapter 110, "Zoning," to update uses in Planned Unit Developments, at second and final reading.**

The City Attorney read the title of Ordinance No. 34-2025 for the record.

Motion by Commissioner Santiago, seconded by Vice Mayor Heriot, to approve Ordinance No. 34-2025, at second and final reading.

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

The Commission, City Attorney and staff discussed infill lots and redevelopment, creating flexibility, JPA (Joint Planning Agreement) requirements, unincorporated Volusia lots, who generated the request, flooding, increasing density, the PUD (Planned Unit Development) process, and variances vs. rezonings.

The motion carried by the following vote:

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

Against: 3 - Commissioner Avila-Vazquez, Commissioner Colwell, and Commissioner Howington

9. ACTION ITEMS:

- A. Consideration of an alternate appointment to the Planning and Zoning Board.**

Motion by Commissioner Howington, seconded by Vice Mayor Heriot, to appoint the following alternate member to the Planning and Zoning Board for a term to expire on March 15, 2028: Christian O'Brien. The

motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Nabicht, and Commissioner Santiago

B. Request approval of Resolution No. 2025-145, amending the Deltona City Commission Operating Guidelines & Meeting Rules and Procedures.

The City Attorney read the title of Resolution No. 2025-145 for the record.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Howington, to keep the original Commission meeting rules in place and add or change that the meetings be adjourned by a motion to adjourn be requested from the Commissioners.

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

The City Attorney addressed the public comments dealing with constitutionality and provided context on the law and public forum.

The Commission discussed the two policy versions presented, the decision made in a workshop, and the request for a motion to adjourn.

The motion failed by the following vote:

For: 3 - Commissioner Avila-Vazquez, Commissioner Colwell, and Commissioner Howington

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

Motion by Commissioner Santiago, to approve the new proposal, seven (7) page document, provided by the City Manager.

Amended motion by Commissioner Nabicht, for all of the speaking times to go to three (3) minutes.

Amended motion by Commissioner Santiago, to approve the new proposal, seven (7) page document, provided by the City Manager with the amendment for all of the speaking times to go to three (3) minutes.

The Commission, City Attorney and City Manager discussed Commissioners speakers twice and back and forth communication, the meeting time limit of two (2) hours, extending the meeting, amending the policy, previous workshop discussion, providing options to vote on, and Commission decisions.

The amended motion carried by the following vote:

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

Against: 3 - Commissioner Avila-Vazquez, Commissioner Colwell, and Commissioner Howington

C. Request approval of Resolution No. 2025-151, the Deltona City Commission Travel Policy.

The City Attorney read the title of Resolution No. 2025-151 for the record.

Motion by Commissioner Santiago, seconded by Vice Mayor Heriot, to approve Resolution No. 2025-151.

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

Against: 3 - Commissioner Avila-Vazquez, Commissioner Colwell, and Commissioner Howington

The City Manager explained that staff is offering two options to consider and he went through the changes and differences between the two versions of the policy.

Amended motion by Commissioner Santiago, to approve Resolution No. 2025-151, item number 2, four (4) pages.

Vice Mayor requested the Commission look at section 2 and word it better in reference to "attend any conference related to our official duties as elected officials in the City of Deltona". He would also like to change the language that says "as long as the full cost to attend the event does not exceed the amount budgeted" to "as long as the reimbursement request does not exceed the amount budgeted".

Amended motion by Commissioner Santiago, seconded by Vice Mayor Heriot, to change the language in Section 2 to "attend any conference related to our official duties as elected officials in the City of Deltona" and change the language that says "as long as the full cost to attend the event does not exceed the amount budgeted" to "as long as the reimbursement request does not exceed the amount budgeted".

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

The Commission and City Manager discussed previous workshop discussions, GSA per diem, changes to the policy, having a level of comfort/trust, changes being made after Commission decision, meeting with the City Manager and other staff, staff providing options for efficiency, being consistent with the City employee travel policy, the purpose of workshops, and agenda review meetings.

Vice Mayor called point of order, the bickering has got to stop.

The Commission and Cit Manager continued discussing prepared for meetings, the will of the Commission, appreciating staff's input, and comparing the two documents.

Commissioner Nabicht called the question.

The motion carried by the following vote:

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

Against: 3 - Commissioner Avila-Vazquez, Commissioner Colwell, and Commissioner Howington

Motion by Vice Mayor Heriot, seconded by Commissioner Nabicht, to extend the meeting for 15 minutes for the purpose of discussing the additional item 9-D, parking ordinance. The motion carried by the following vote:

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

Against: 3 - Commissioner Avila-Vazquez, Commissioner Colwell, and Commissioner Howington

D. ADD-ON ITEM: Request to discuss the parking and vehicle ordinance at the end of the Commission meeting, add it to the agenda.

Motion by Commissioner Santiago, to suspend the enforcement of Ordinance No. 23-2025 the right-of-way parking restrictions. The motion died for lack of a second.

Commissioner Howington and staff discussed current enforcement and courtesy period, ticketing, and educational materials.

The Mayor asked if Commissioner Santiago wanted to add to her motion a time specific, to make it clearer. Commissioner Santiago replied so it would be to suspend the implementation of the enforcement of the ordinance immediately.

The City Attorney stated the Commission can provide via motion this direction to suspend the implementation and enforcement of either the entire ordinance or the portion of the ordinance which seems to be causing the most trouble which is the prohibition on parking within the rights of way. Through this motion, the Commission could direct staff to bring

back amendments to the ordinance in order to revert to the previous conditions which allowed parking within the rights of way with a limitation on time.

The Code Compliance Manager stated it was two days within the seven-day period was allowed. On the third day, there would be in violation within that seven-day period.

The City Attorney stated or legal can bring back different options for the Commission or take it to a workshop if that is the will of the body. The Commission can suspend this one portion until the Commission is ready to deal with it, without an end time.

Commissioner Nabicht suggested using language that suspends the portion that deals with the parking in the rights of way. If you suspend the whole parking ordinance then we have mayhem.

Motion by Commissioner Santiago, seconded by Vice Mayor, to suspend the implementation and enforcement of Ordinance No. 23-2025, just for the right-of-way parking restrictions effective immediately.

The Commission and staff discussed social media posts, parking on the rights of way, flooding and stormwater concerns, first responder vehicles, street vs. right of way parking, weaponizing the policy, restrictions and exemptions, aesthetics, enforcement, other parking options, needing clarifications, safety vs. convenience, and land use codes.

Motion by Vice Mayor Heriot, to extend the meeting until the Commission finishes this item. The motion died for lack of a second.

Commissioner Santiago withdrew her motion and Commissioner Nabicht withdrew his second.

Motion by Vice Mayor Heriot, seconded by Commissioner Nabicht, to extend the meeting until this specific item is completed. The motion carried by the following vote:

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

Against: 3 - Commissioner Avila-Vazquez, Commissioner Colwell, and Commissioner Howington

Motion by Commissioner Santiago, seconded by Commissioner Nabicht, to suspend the implementation and enforcement of Ordinance No. 23-2025, just for the right-of-way parking restrictions effective immediately.

Commissioner Nabicht discussed family dynamics, definition of right of way, parking between structures, and needing professional direction and he called the question.

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

The City Attorney reread the motion "to suspend the implementation and enforcement of the portion of the Ordinance that relates specifically to parking within the right-of-way parking."

The motion carried by the following vote:

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

Against: 3 - Commissioner Avila-Vazquez, Commissioner Colwell, and
Commissioner Howington

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 10:04 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK