



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Regular Commission Meeting

### City Commission

*Mayor Avila*  
*Vice Mayor JodyLee*  
*Commissioner Avila-Vazquez*  
*Commissioner Colwell*  
*Commissioner Heriot*  
*Commissioner McCool*  
*Commissioner Shimkus*

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Monday, May 6, 2024

6:30 PM

Deltona Commission Chambers

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**1. CALL TO ORDER:**

**2. ROLL CALL – CITY CLERK:**

**3. INVOCATION AND PLEDGE TO THE FLAG:**

**A. [Invocation Presented by District #1 Commissioner.](#)  
[Honoring Veteran - Jim Pescha](#)**

**Background:**

At the Regular City Commission Meeting on Monday, October 17, 2011, the City Commission approved to have each Commissioner by District schedule someone to present the invocation at each Regular City Commission meeting rotating each Commissioner by District starting with District #1, #2, #3, #4, #5, #6 and the Mayor.

**4. APPROVAL OF MINUTES & AGENDA:**

**A. [Approval of minutes of the Regular Commission Meeting of April 15, 2024, and the Special Commission Meetings of April 13th & 29th, 2024, as presented. - Joyce Raftery, City Clerk \(386\) 878-8502.](#)**

**Background:**

N/A

**Attachments:**

[April 13, 2024 SCM Minutes](#)

[April 15, 2024 RCM Minutes](#)

[April 29, 2024 SCM Minutes](#)

**5. PRESENTATIONS/AWARDS/REPORTS:**

**A. [Super Star Student of the Month Certificates April 2024](#)**

**Background:**

Super Star Student of the Month Awards for April 2024 will be

presented to:

1. Deltona Lakes Elementary, Ryan Travis, 5th Grade
2. Discovery Elementary, Vincent Davalos, 5th Grade
3. Forest Lake Elementary, Anthony Osborne, Kindergarten
4. Pride Elementary, Cooper Taylor, 5th Grade
5. Sunrise Elementary, Aranxza Aguirre, 2nd Grade
6. Timbercrest Elementary, Nolan Lundquist, 4th Grade
7. Volusia Pines Elementary, Desiree Spence, 5th Grade
8. Deltona Middle, Sincere McKiver, 6th Grade & Nikki Lin, 8th Grade
9. Galaxy Middle, Lilly Downs, 8th Grade
10. Heritage Middle, Victor Lebron, 8th Grade
11. Deltona High, Rosalie Jeffrey, 11th Grade
12. Pine Ridge, Dominic Rosado, 11th Grade

**B. [Presentation- WVHA Health Card Program](#)  
[Commissioner Judy Craig & Commissioner Donna Pepin](#)  
[Administrator-Stacy Tebo](#)**

**Background:** WVHA Health Card Program information for eligible neighbors in West Volusia County.

**Attachments:** [WVHA Presentation](#)

**C. [Proclamation - National Nurses Week](#)**

**Background:** The week of May 6th through May 12th, 2024 has been declared as National Nurses Week, in celebration of the ways in which registered nurses advocate for high-quality patient care and to map out the way to improve our health care system.

**D. [Proclamation - National Police Week](#)**

**Background:** National Police Week occurs every May to publicly salute the services of law enforcement in the community and is a time for all Americans to pause and reflect on the incredible sacrifices these heroes make for us every day. In 2024 National Police Week is May 12th -18th.

**E. [Proclamation- National Safe Boating Week](#)**

**Background:** National Safe Boating Week is observed to bring attention to important life-saving tips for recreational boaters so that they can have a safer, more fun experience out on the water throughout the year.

**F. [Proclamation - Professional Municipal Clerks Week](#)**

**Background:** A proclamation to recognize the week of May 5th through May 11th, 2024 as Professional Municipal Clerks Week to extend our appreciation to our Municipal Clerk, Deputy City Clerk, and staff for the vital services that they perform and their exemplary dedication to the City of Deltona.

**G. [Proclamation - Teacher Appreciation Week](#)**

**Background:** Proclaiming the week of May 6th through May 10th, 2024 as "Teacher Appreciation Week", to recognize Volusia County Teachers, supporting staff, and administrators who help build our future by educating our children.

**6. 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.**

**7. ORDINANCES AND PUBLIC HEARINGS:**

- A. [Public Hearing - Ordinance No. 03-2024- Amending the official Zoning Map to Rezone an approximately 1.37 - acre parcel of land located at 3150 Howland Boulevard from Professional Business Zoning District \(PB\) to the City of Deltona Retail Commercial District \(C-1\). - Planning & Development Services \(386\) 878-8600.](#)**

**[Strategic Goal: Economic Development](#)**

**Background:** The City received an application to rezone a ±1.37-acre parcel located at 3150 Howland Boulevard, from PB to C-1. The Future Land Use Designation is Commercial, which is consistent with the request. The parcel is currently wooded, vacant parcel between two development parcels, a House of Worship and Dunkin Donuts.

This application came before the City Commission on August 26, 2023. The Commission voted to send the rezone back to the Planning and Zoning Board to allow the applicant to work through some issues and supply sufficient information regarding an end user.

On December 13, 2023, the Planning and Zoning Board unanimously recommended approval. On January 16, 2024, the City Commission voted 2-3 for approval, causing the Ordinance to fail. On January 29, 2024, the applicant requested a rehearing, and on February 9, 2024, the Commission voted to allow the applicant to bring the application back with a 4 to 2 vote. The Commission voted to approved the application at the first rehearing on March 25, 2024.

The applicant is requesting to build a + 5,000 square foot Take 5 Oil Change and a + 5,000 square foot retail building. The applicant has provided Exhibit B, prohibited uses to ensure certain uses cannot go into this location. The preliminary Site Plan has been provided for review. The Site Plan illustrates a cross access with the Dunkin Donuts and internal circulation. It's important to note that the application will come back before the City Commission because an Oil Change requires a Conditional Use application within the C-1 zoning. The applicant will be required to do a Traffic Study during the Conditional Use process for approval.

Staff has reviewed the rezoning application using the Land Development Code Section 110-1011 for consistency with the Comprehensive Plan, environmental requirements, traffic concurrency, and public health, safety, and welfare.

**Attachments:** [3150 Howland Rezoning Staff Report](#)  
[Ordinance 03-2024](#)  
[Legal Description 3150 Howland](#)  
[Exhibit B - Prohibited Uses](#)  
[3150 Howland Blvd Combined Maps](#)  
[3150 Howland Blvd. Site Layout](#)  
[Ordinance No. 03-2024 - PowerPoint](#)

- B. [Public Hearing - Ordinance 06-2024 Rescinding Ordinance No. 10-2007 in its entirety; Ordinance No.05-2009 previously replaced most of the provisions found in Ordinance No. 10-2007; The remaining provisions in Ordinance No.10-2007 have been added to Ordinance 06-2024 or have been pre-empted by new Florida Regulations passed in 2023 and found in Statutes 559.955 Home Businesses, at second and final - Marsha Segal-George, Legal \(386\) 878-8872.](#)

[Strategic Goal: Internal/External Communications](#)

**Background:**

The Fire Marshal, Sharon Shivers, met with the City Attorney to discuss 2 ordinances Ordinance No. 10-2007 and Ordinance No. 05-2009 in the Code that provided duplication and an unclear narrative. There were also important references to the definition of a

Business Tax Receipt. Lastly, Florida State law had pre-empted regulations contained in Ordinance No.10-2007 as to regulations requiring a home inspection for a home business. In order to clear up these issues the City Attorney prepared Ordinance No. 06-2024.

**Attachments:** [Ordinance No. 06-2024](#)  
[Legal Advertisement](#)

## 8. OLD BUSINESS:

- A. [Request for approval of an increase in the amount awarded from the William S. Harvey Deltona Scholarship Advisory Board \(WSHDSB\) - Joyce Raftery, City Clerk's Department \(386\) 878-8502.](#)

[Strategic Goal: Internal and External Communication.](#)

**Background:**

On April 1, 2024, the Commission tabled this item and requested that staff investigate the requests coming before them last year and the Commission is correct. As stated the Commission did in fact approve both requests on April 3, 2023. However, during the budget process the amount was decreased to \$25,000 by the City Manager at the time but, staff is unaware of the reason for the decrease.

To provide some history about the board, on November 5, 2007, the Commission approved the scholarship program and to allocate the funds from recycling to fund the program. However, on January 7, 2019, the Commission temporarily suspended the recycling program until the recycling market improved with an effective date of February 1, 2019. As a side note, the reason the City suspended its recycling program was because only a tiny percentage of waste was actually able to be recycled, resulting in most materials going to landfills, a waste of thousands of hauling miles and gallons of fuel.

As previously stated, the board met on March 14, 2024, and is requesting to increase future scholarship funds from \$25,000 to \$50,000. This same request was made by the board in 2023 to increase the funds from \$30,000 to \$50,000 and the Commission at that time agreed. However, in 2024 due to budget constraints, the scholarship was lowered to \$25,000 which is \$5,000 less than previous years. If the Commission is not in agreement with the \$50,000, the board requests that the amount go back to the \$30,000 which was the agreed upon amount since 2016.

If the Commission would approve the increase to \$50,000 the second request is to change future packet contents to reflect the

award range of no more than \$5,000 (up from \$3,000) and no less than \$1,000 to qualified applicants.

**Attachments:** [2024 WSHDS Application Packet](#)

## 9. NEW BUSINESS:

- A. [Consideration of an appointment to the Planning and Zoning Board - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

[Strategic Goal: Internal and external communication.](#)

**Background:** On February 19, 2024, Stony Sixma, Commissioner Colwell's appointment to the Planning and Zoning board resigned. Commissioner Colwell's new appointment will serve for the remainder of a term to expire March 15, 2024.

Keep in mind that if an Alternate Member is appointed, then the City Commission would need to appoint a new Alternate Member.

To date the City has received applications from the following individuals: Alternates Andrea Cardo, Tara D'Errico, Timothy Blodgett, Brandon Williams, and Jeffrey Zlatos.

**Attachments:** [P&Z Board Code of Ordinances](#)  
[Planning and Zoning Member List](#)  
[Alternate Andrea Cardo](#)  
[Alternate Tara Derrico](#)  
[Timothy Blodgett - Application.pdf](#)  
[Brandon Williams - Application.pdf](#)  
[Jeffrey Zlatos - Application.pdf](#)

- B. [Request approval for Payment of Emergency Water Main Repairs at Beaver Drive Water Plant to Danus Utilities, Inc. located in Sanford, Florida, in an amount not to exceed \\$42,385.00 - Phyllis Wallace, Interim Public Works Director \(386\) 878-8965.](#)

[Strategic Goal: Infrastructure](#)

**Background:** On March 27, 2024, the 36 inch water main that exits the Beaver Drive water plant began leaking underground, staff excavated to determine the cause of the leak but due to the depth of the leak it was determined that the leak was beyond the safe depth for staff excavation due to trenching and shoring requirements. FDEP and DOH was notified and the plant was isolated via valves so that there would not be any customer outages or boil water notices. Danus Utilities was brought in to make the needed repairs. The work

involved concrete removal, excavation, trenching and shoring, dewatering, removal of 36-inch pipe and mechanical joints and installation of mechanical joint mega lugs with restraints as well as restoration of entire site with concrete driveway restoration. The leak was determined to be from a hole in the gasket at the mechanical joint created over time. Completion of this was crucial as 700 homes would have been without service had this leak burst as well as all of the road repairs from undermining from a main break.

**Attachments:** [Beaver Water Main Repair Emergency PO Explanation](#)  
[Beaver Water Main Repair Quote Danus](#)

- C. [Request approval of the State Funded Grant Agreement between the City of Deltona & the State of Florida Department of Transportation for the Elkcam Boulevard Roadway Elevation project - Phyllis Wallace, Interim Public Works Director 386/878-8965](#)

[Strategic Goal: Infrastructure](#)

**Background:** During Hurricanes Ian & Nicole (2022) Elkcam Boulevard was overtaken by stormwater and required an extended roadway closure. This closure severely impacted emergency services; the ability of residents to traverse east & west; delivery of commodities to businesses; and created extreme frustration for the traveling public. The road closure resulted in expenses of staffing, equipment and monitoring of the roadway closure, thus taking critical resources away from recovery activities.

The City pursued appropriation funding from the State of Florida and was awarded \$400,000 to be used/leveraged with the City's Hazard Mitigation Grant Application with the Florida Division of Emergency Management (FDEM) for elevation of Elkcam Boulevard in two locations. This funding will be used for the Engineering/Design/Permitting process of the project. The optimum outcome is that the FDEM will find our project cost beneficial, and we can proceed with engineering, design & permitting.

**Attachments:** [453208-1-34-01 \(FY24\) - SFGA - Elkcam Blvd](#)

**10. 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.**

**11. 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.

**12. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:**

**13. CITY ATTORNEY COMMENTS:**

**14. CITY MANAGER COMMENTS:**

**15. CITY COMMISSION COMMENTS:**

**16. ADJOURNMENT:**

*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](mailto: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.*