



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, May 6, 2024

6:30 PM

Deltona Commission Chambers

1. CALL TO ORDER:

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

2. ROLL CALL – CITY CLERK:

Present: 6 - Vice Mayor JodyLee
Commissioner Avila-Vazquez
Commissioner Colwell
Commissioner Heriot
Commissioner McCool
Commissioner Shimkus

Absent: 1 - Mayor Avila

3. INVOCATION AND PLEDGE TO THE FLAG:

- A. Invocation Presented by District #1 Commissioner.
Honoring Veteran - Jim Pescha**

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.**

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Colwell, to approve the minutes of the Regular Commission Meeting of April 15, 2024, and the Special Commission Meetings of April 13th & 29th, 2024, as presented. The motion carried by the following vote:

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

5. PRESENTATIONS/AWARDS/REPORTS:

- A. Super Star Student of the Month Certificates April 2024**

- C. **Proclamation - National Nurses Week**
- D. **Proclamation - National Police Week**
- E. **Proclamation- National Safe Boating Week**
- G. **Proclamation - Teacher Appreciation Week**
- B. **Presentation- WVHA Health Card Program**
Commissioner Judy Craig & Commissioner Donna Pepin
Administrator-Stacy Tebo
- F. **Proclamation - Professional Municipal Clerks Week**

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.**

Vice Mayor JodyLee opened the public comments and Michael Wright, Barbara Santiago, Robert Hewitt Jr., Richard Bellach, Doug MacDonald, Marcyana Mead, Gale Barr, Donald Freeman, Matthew Shaw, and Christian O'Brien addressed the City Commission.

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

The City Attorney asked everyone that wanted to provide testimony to stand to be sworn in.

Each Commissioner expressed their ex-parte communication.

The Planner II, Jessica Entwistle, gave a brief PowerPoint Presentation to include Rezoning

Application Request, Existing Site with Zoning, Professional Business Zoning, Proposed Zoning - Retail Commercial, Maps of Current/Proposed/Future Land Use, New Site Layout, Matters of Consideration and Highlights, and the Staff Recommendation.

Attorney Bill Barfield, 225 South Westmonte Drive, Suite 2040, Altamonte Springs, spoke about the change to C-1 zoning, no housing going on the property, the zoning map, property location, business professional not the norm, residents' concerns, and Task 5 oil containment.

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

Motion by Commissioner McCool, seconded by Commissioner Avila-Vazquez, to approve Ordinance No. 03-2024, amending the Official Zoning Map to rezone a 1.37-acre parcel located at 3150 Howland Boulevard from Professional Business to Retail Commercial at final rehearing. The motion carried by the following vote:

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

- 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

The City Attorney gave a brief explanation of the item.

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

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Shimkus, to adopt on second reading Ordinance No. 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. The motion carried by the following vote:

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

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.

The City Clerk gave a brief explanation of the item.

The Commission discussed the previous vote and the budget process.

Motion by Commissioner Shimkus, seconded by Vice Mayor JodyLee, to accept Item 8-A as presented with the \$50,000 line item in the budget and presented again during the budget time where the Commission can look at it as a global budget at that time.

Vice Mayor JodyLee opened the public comments and Timothy Blodgett, Jim Pescha, and Christian O'Brien addressed the City Commission.

The motion carried by the following vote:

For: 4 - Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner McCool, and Commissioner Shimkus

Against: 2 - Commissioner Colwell, and Commissioner Heriot

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.

Motion by Commissioner Colwell, seconded by Commissioner McCool, to appoint the following member to the Planning and Zoning Board for a term to expire on March 15, 2025: Andrea Cardo and to appoint the following alternate member to the Planning and Zoning Board for a term to expire on March 15, 2025: Jeffrey Zlatos. The motion carried by the following vote:

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

- 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

Acting Public Works Director gave a brief explanation of the item.

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

Motion by Commissioner Avila-Vazquez, seconded by Commissioner McCool, to approve and authorize the 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. The City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

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

- 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

Acting Public Works Director gave a brief explanation of the item.

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

Motion by Commissioner Heriot, seconded by Commissioner Colwell, to approve the State Funded Grant Agreement between the City of Deltona & the State of Florida Department of Transportation for the Elkcam Boulevard Roadway Elevation project. The motion carried by the following vote:

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

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:

Commissioner Heriot reported about the success of the Volusia County Hurricane Expo which he noted was very educational.

Commissioner McCool reported on a recent Discovery Elementary School field trip to Embry Riddle who rescinded funding the transportation cost which now falls on the school.

After discussion, the Commission concurred to provide partial assistance to Discovery Elementary School in the amount of \$400.00 for the transportation costs, which total \$886.00 with the remainder to be covered by another source.

Vice Mayor JodyLee requested that the Interim City Manager work with a potential new business to see what can be done the current zoning for the desired space. The Vice Mayor noted that the business is not technically allowed under current zoning, but an exception has been made for a business already situated in the plaza that needs the same licensing as the proposed business. Acting Public Works Director, Phyllis Wallace, gave a brief explanation as to the availability of C-2 and C-3 zoned locations.

After discussion, the Commission concurred to allow the Interim City Manager to gather some information and confer with the City Attorney about what can be done to help bring the new business in and about the current zoning practices for the plaza.

13. CITY ATTORNEY COMMENTS:

14. CITY MANAGER COMMENTS:

The Interim City Manager thanked the City Commission for approving the contract for the new City Manager. He will be here to go through the transition with Doc and he congratulated him on the new position.

15. CITY COMMISSION COMMENTS:

Commissioner Heriot spoke about celebrating reaching the milestone of the new City Manager coming in.

Commissioner Avila-Vazquez welcomed Doc who was selected by the residents and she thanked the Interim City Manager for all he has done. She reminded everyone of the Veteran Enforcers Motorcycle Association's Deltona Memorial Day Ride event.

Commissioner McCool asked the Interim City Manager to address the issue with the City's bandwidth. She spoke about Deltona Water issues/leaks and that there would be a workshop on the new Deltona Water system within 30 days. She addressed the IRS issue, which is controversial, and the Interim City Manager gathering all the information with an outside Attorney working on the issue. She would like to have all the information before reporting to the public and it is not a lack of interest. The issue is not regarding back taxes but has to do with a form regarding hospital insurance. She spoke about being transparent and that nobody had previous knowledge of the issue, and pointed to the Commission, the Interim City Manager, the City Attorney, and the staff who were present, until it was recently brought up. There is a lot of misinformation being spread about this issue so she wanted that clarified.

Vice Mayor JodyLee apologized for speaking out and being hasty regarding the IRS issue. This issue caught everyone by surprise and nobody knew about the issue, as Commissioner McCool stated. He stated the City needs something in place so this does not happen again or so that someone can be held accountable. He spoke about the previous Finance Director leaving and the issue not being all her fault but, that she left with a big check. The Commissioners are residents too and it is their tax money too. This should not have taken place and it was regarding a form and fines. He questioned the previous Finance Director's signing authority and he stated an explanation of what happened needs to come sooner rather than later.

16. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:35 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK