



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, October 5, 2020

6:30 PM

Deltona Commission Chambers

- A. In an effort to reduce the possibility of exposure of residents to the COVID-19 (Coronavirus) we are allowing limited public access into the Commission Chambers and practicing social distancing with the City Commission, staff and residents.

1. CALL TO ORDER:

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

2. ROLL CALL – CITY CLERK:

Present: 9 - Mayor Herzberg
Vice Mayor Ramos
Commissioner Avila-Vazquez
Commissioner Bradford
Commissioner King
Commissioner McCool
Commissioner Nabicht
Interim City Manager Cooper
City Attorney

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by District #1 Commissioner.

Mayor Herzberg stated there is an ADD-ON Item 6-D under Presentations/Awards/Reports for Fire Prevention Week.

Commissioner Nabicht stated to observe and keep in our thoughts and prays the family of Former Commissioner Ken Runge who passed away peacefully at an Orange City facility over the weekend.

Commissioner King introduced Chaplain Al Kirt from the American Legion Post 255 who led everyone in the invocation and the pledge to the flag.

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes of the Regular Commission Meeting of September 21, 2020, as presented. - Joyce Raftery, City Clerk (386) 878-8502.

Mayor Herzberg stated that the Commission was provided revised minutes.

Motion by Commissioner King, seconded by Commissioner Nabicht, to approve the minutes of the Regular Commission Meeting of September 21, 2020, as revised. The motion carried by the following vote:

For: 7 - Mayor Herzberg, Vice Mayor Ramos, Commissioner Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McCool, and Commissioner Nabicht

5. PRESENTATIONS/AWARDS/REPORTS:

A. Proclamation - October 2020 Pink Out Month - Breast Cancer Awareness

On behalf of the Mayor and Commission, Commissioner McCool read a Proclamation for 2020 Pink Out Month. The City is partnering with Advent Health to increase awareness of breast cancer screenings and the importance of the ongoing fight against breast cancer.

B. Presentation - Florida Local Government Information Systems Association (FLGISA) 20 Years of Service Award - Interim City Manager Dr. Cooper, (386) 878-8852.

The Mayor and Commission recognized IT Director Robert Cordero for the City's 20 Years of Service Award from the Florida Local Government Information Systems Association (FLGISA).

C. Presentation - Quarterly Reports of City Advisory Boards/Committees - Joyce Raftery, City Clerk (386) 878-8502.

Mayor Herzberg stated the Quarterly Board Reports are in written format and will be accepted as presented.

ADD-ON: Item 6-D, Presentation - Fire Prevention Week.

Commissioner Nabicht stated it is Fire Safety Week and the theme is "Serve up fire safety in the kitchen". The Fire Department will have videos and tips brought to the public by their own family as well as others all week long and throughout the month of October. The community can participate by using #DeltonaFire and share how you practice good fire safety. This is the first time since 1981 that the Open House at the Fire Department has not taken place during Fire Prevention Week. He encouraged everyone to have a conversation with their families about fire safety in the kitchen.

6. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 05-2020, Large Scale Comprehensive Plan

Future Land Use Map Amendment (CP19-0002) for a ±95.34 acre parcel from Volusia County Rural to City Low Density Residential (LDR) and adding Future Land Use Element Goal FLU4, Objective FLU4-1, and Policy FLU4-1.1, at first reading - Ron A. Paradise, Interim Deputy City Manager/Director, Planning and Development Services, (386) 878-8610.

Strategic Goal: Economic Development - Create more diversified & high-quality housing opportunities to provide for all market demands.

Planning & Development Services Director Ron Paradise gave a brief explanation of both Item 6-A, Ordinance No. 05-2020 and Item 6-B, Ordinance No. 07-2020, the difference between the two items and the process moving forward. He proceeded to give a more detailed explanation of Item 6-A, Ordinance No. 05-2020.

Commissioner Nabicht asked who is paying for traffic improvements and Mr. Paradise replied the developer.

Commissioner McCool asked the City Attorney to clarify the difference between a Quasi Judicial Hearing and a Legislative Hearing and City Attorney Segal-George briefly explained both types of hearings.

Commissioner McCool asked with regards to the JPA (Joint Planning Agreement) has the county specified a time frame to work on the changes to the JPA and both Mr. Paradise and Interim City Manager Dr. Cooper replied no. Commissioner McCool stated that the City does not know what changes the county is going to make to the JPA and how it will affect this project, correct and Mr. Paradise replied there are no changes by the county to the JPA that would affect this project.

Mayor Herzberg asked if the item being discussed was in the JPA and Mr. Paradise replied no, this is Enterprise West.

Commissioner McCool asked if staff responded to the County Growth Management Commission's comments and Mr. Paradise replied correct. Commissioner McCool asked if the county was satisfied with the plan as it pertains to this development and Mr. Paradise replied the county indicated that they had no more comments. He is not sure what the county's position is other than what they have told him which was that the response provided by the City was adequate and appropriate.

Mayor Herzberg asked if the questions were speculation and she asked if Commissioner McCool had something specific that the county said. Commissioner McCool replied no, she was asking if the City received comments back from the county after the City responded to their comments. Mr. Paradise replied it is not unusual for there to be a cessation of comments and questions if that party is satisfied.

Commissioner Bradford asked if the applicant would be responsible for all the roadway improvements including lights, but what if the lanes need to be changed from 10 feet to 12 feet and has staff talked to the county to find out what additional improvements they plan on making to the roadway. Mr. Paradise replied the county is in agreement that the rural cross section with a 10 foot travel lanes is adequate for now and there are no plans in the future to upgrade the road even in light of the development program planned by both of these amendments. Commissioner Bradford stated if the items are approved by the City they will then go to the county and the state. She asked if that would be the time that the county would provide additional comments or responses to the City's letter. Mr. Paradise replied that would most likely come forward during the Volusia Growth Management Commission process. The county has the option to make comments, but they would be limited just to traffic.

Attorney Mark Watts, Cobb Cole, 231 N. Woodland Blvd., DeLand, stated he is here on behalf of the landowner who is the applicant. He gave a brief PowerPoint presentation that included the property that is subject to the application, the County land use classification, Low Density Residential (LDR) classification, proposed text amendment, County Future Land Use Map, County ULI (Urban Low Intensity) classification, Osteen JPA (Joint Planning Agreement) Land Use classification, Mixed Use Village (MUV), and Transitional Residential (TR). This needs to go through the VGMC (Volusia Growth Management Council) process, county and state review, and they will have the obligation to do sewer and water improvements.

Commissioner Avila-Vazquez asked if the anyone has been in contact with the residents of Kove Estates and Attorney Watts replied yes, he met with the HOA (Homeowners Association) and spent some time with them driving around the property. He is working with them to understand where their historic flooding issues occur so the developer can work to design stormwater systems based on their worst case flooding and things of that nature.

Commissioner Nabicht stated a 10% increase in utility customers was mentioned, is that specific to the Enterprise West project and Attorney Watts replied both.

Commissioner King asked what kind of a decrease in utilities will there be for the existing customers and Mr. Paradise replied he does not know, staff has not done an analysis. Public Works/Deltona Water Director John Peters replied at the last workshop one of the key elements that was discussed was to modify the capital recovery fee or impact fees that is the impact that a developer has on the City's infrastructure and it was discussed to increase that amount of those impact fees to account for what the actual cost of the impact is to the City's facilities so plants can be expanded and not affect the customer base in terms of money needed for those facilities. Commissioner King stated the City would maintain what it has with growth, but it would not lower the payments of those residents around the project and Mr. Peters replied yes sir.

Commissioner Bradford asked what is the ratio of water customers versus water and sewer customers and Mr. Peters replied the sewer customers are about 10% of the total customer

base and water customers are 100%. Right now on the sewer system the City is running about 40% capacity and at 80% the City has to start permitting for expansion so the closer he can get to 80% the more efficient it can be in terms of rates and operation which is the goal.

Commissioner McCool stated if the Commission is not changing the comprehensive plan right now and going to do that in the future, then why is it being changed. She asked what the City is doing to enhance the environmental condition of the area and Mr. Paradise replied Volusia County is a charter county and there are a series of minimum standards that all local governments within Volusia County must comply with and there are environmental minimum standards one of which is wetland protection. The City has adopted wetland regulations that do comply with the county's minimum standards on environmental protection. As far as enhancement, maybe the developer can speak to that. Attorney Watts replied at this level that discussion does not take place. Attorney Watts replied the planning process is kind of like a funnel in Florida, it start at the top with the comprehensive plan and the level of detail and the level of development criteria, the specificity of the development criteria, increases more and more as it goes through the progression or the funnel. Here what is being discussed is the board planning aspect of things. What types of uses, densities and intensities are appropriating there. When it gets to the next step which is zoning flood plains, wetlands, lake health and water quality will be discussed. Commissioner McCool asked if there is enough manpower to handle the stormwater as the project moves forward and Mr. Peters replied the newer standards that the City uses now is much more stringent and the City has the staffing capability to deal with it.

Mayor Herzberg opened the public hearing.

Elbert Bryan, 1625 Joyner Drive, Deltona, spoke about water, number of homes, sewer, future land use map, urban sprawl, last workshop, bonds, water rates, table the item, the vote, and number of trips.

John Brunoehler, Fish Hawk Road, Deltona, spoke about the proposal, State Statutes, largest voice, Commissioners, and the vote.

Julio David Sosa, 931 Hemford, Deltona, spoke about pros/cons, tax rolls, sewer, lower rates, bonds, rezonings, congestion, traffic light, stormwater, developer, school board, flood maps, surrounding neighbors, and lift stations.

Jim Yeagle, 308 Lakeview Drive, Osteen, spoke about dangerous roads, number of trips, traffic light, road capacity, wildlife, and consolidation.

Cody Chambers, 625 Enterprise Osteen Road, Osteen, spoke about adjacent to project, county's comments, urban sprawl, litmus test, section 5, agricultural uses, and Florida Statutes.

Jeanne Boothe, 50 Bethel Loop Circle, Deltona, spoke about rural area, growth, approving

projects, City's gain, bonds, debt, and safety.

Stephen Boothe, 58 Kove Blvd., Osteen, spoke about Kove Estates, subdivision surroundings, Little Lake, high water, drainage, retention ponds, and being the low spot in the neighborhood.

Janis Graves, 500 Lemon Bluff Road, Osteen, spoke about scenic highway, traffic, number of homes, opposed to project, staff report, population, vacant land, housing projects, multi-family housing units, lot sizes, comprehensive plan, and denying the project.

Dean Johnson, 685 Enterprise Osteen Road, Osteen, spoke about adjacent to project, 128 acres annexed by City, wetlands and wildlife.

Mayor Herzberg left the meeting at 8:03 p.m.

Mr. Johnson continued speaking about road density, lot sizes, residential housing, condos, rural area, zonings, bike path, project not making sense, Stone Island, conservation area, farm land, and making right decision.

Mayor Herzberg returned to the meeting at 8:04 p.m.

James McCulley, 920 Gage Avenue, Deltona, spoke about pro development, project's incompatibility, comprehensive plan, use of land, growth, future ceiling, Commission's obligation, Commission's discretion, existing land use, housing projects, slow down, quality of life, exceptions, and standing with citizens.

Glenn Kogan, 903 Blue Heron Blvd., Osteen, spoke about Kove Estates, rural community, developments, population, low land, surrounded by water, flooding, end result, being scared, farms, and not wanting to move.

Lorrie Shue, 2590 Enterprise Osteen Road, Osteen, spoke about growth, neighbors, housing projects, water and sewer, overbuilding, District Commissioner, acreage, number of houses, flood plain, wetlands, bringing in dirt and vote no.

Commissioner King left the meeting at 8:17 p.m.

Bob Sayre, 1840 Turtle Hill Road, Enterprise, spoke about the Enterprise Preservation Society, lot line and the website.

Commissioner King returned to the meeting at 8:20 p.m.

Mr. Sayre continued speaking about City parks, condos, pushing projects, the attorney, pig, County DCA, compatibility, Florida Forever, and conservation area.

Theresa Konash Luise, 2410 Lush Court, Deltona, spoke about having 10 acres, wildlife,

current zoning, urban sprawl, road congestion, schools, flooding, vegetation, traffic, improving roads, eminent domain, over crowding, rezoning, signs, rural life, and voting out the Commissioners.

Nancy Lodge, 485 Oak Street, Osteen, spoke about conservation, number of units, FLU categories, compatibility, flood plain, soils, exceptions, wildlife, comprehensive plan, and future land use.

Tammy Petittucci, 451 Appomatox Avenue, Osteen, spoke about being third generation, adjacent project and Little Lake.

Vice Mayor Ramos left the meeting at 8:32 p.m.

Mr. Petittucci continued speaking about rural life style, traffic, JPA, land uses, conservation, flooding, wildlife, compatibility, voting no and Deltona's vision.

Jennifer Chasteen, 662 Mosquero Avenue, Deltona, spoke about designations, rezoning process, social distancing, moratorium, wildlife, number of dwellings, flooding, Cove Estates, rezonings, developer's attorney and standard lots.

Vice Mayor Ramos returned to the meeting at 8:36 p.m.

Ms. Chasteen continued speaking about financial crisis, quality of life, listening to residents, current development, and the project is not needed.

Glenda Ross, 80 Bethel Loop Circle, Deltona, spoke about being fourth generation, biotech report, soil samples, LDR, maps, larger lots, wildlife, permitting, opposed to project, roads, looking at the area, diversity and not wanting the project.

Commissioner McCool left the meeting at 8:41 p.m.

Delanie Carpenter, 460 Oak Street, Osteen, spoke about raised in area, conservation, wildlife, schools, life is short, shortage of land, and scenery.

Commissioner McCool returned to the meeting at 8:43 p.m.

Wanda Van Dam, 932 Indian Hammock Drive, Osteen, spoke about a petition, agricultural land, surrounding lands, wildlife, conservation, Conservation Florida, flooding, the developer, comprehensive plan, compatibility, land uses, objections, staff report, low density, P&Z Board, and voting no on the project.

Mayor Herzberg closed the public hearing.

Attorney Watts stated there were questions raised regarding traffic, environmental preservation, water quality and storm water management and he referenced earlier that this

is the first step in the process. This is an area where there is a lot of agricultural areas and a lot are large lot development, but looking only at what is to the West or what is to the North it ignores what is to the East which has to be taken into account with regard to the City's plan. There are larger lots or tracks to the North, from a planning standpoint there is a land-use classification that permits up to four units an acre of density. So from a planning and density standpoint the developer is asking is to be consistently treated with what is in this area focusing back in on the area that is more intense to the East and that follows along S.R. 415. He agrees when looking at this property what is then located to the West it transitions and in fact, part of planning for this area involves that transition, that step down in density from some of the intensities which are agricultural and more rural lots. The developer recognizes that there is a need to step down in density as this progresses toward the rural areas and that need protection and preservation. This property was annexed into the City 14 years ago yet it has not been incorporated into the comprehensive plan and that is what this application is asking the Commission to do. That way the City can look at it and plan for it over the long term in accordance with the policies that a lot of people have cited tonight. The policies do not stop governing the property when this meeting is over and from here this goes into conversations with the State, VGMC and Volusia County. The property ought to be covered by the City's comprehensive plan because it is in the City, it is in the City limits and this is the lowest density classification the City has for the property to be incorporated into the comprehensive plan. That does not mean that the elements of the comprehensive plan that deal with environmental preservation, floodplain protection, wildlife protection, compatibility and character do not continue to govern and be applicable as this goes to the next steps through the process. When the JPA was discussed one of the principal factors and one of the principal tenets that was part of that discussion was that this is one of the future areas for the City of Deltona to grow and build into the future. The way that the pioneer agreement works and the way that this one is set up is if other developers or landowners tie into the sewer system based on improvements that are funded by his client, that is who repays that cost. In other words if somebody else benefits, like a private entity, from the existence of the utility infrastructure that the developer has helped fund then there would be a contribution back to the developer to help basically pay their fair share of the fuel. There was discussion about traffic safety which is a key component that is looked at as the project moves through the process. The staff report shows the level of analysis at this point in time with regard to traffic. From a capacity standpoint the conclusions of the report are the segments and the intersections within the study area continue to operate at the acceptable level services that are in place adopted by the agencies that are responsible for those segments and intersections. That does not mean there will not be safety improvements, turn lanes and other requirements that have to be installed. When he spent time with the HOA of Kove Estates and went to the point in 2004 where the worst flooding occurred. The location of where the water went to was marked and surveyors were sent out to find the elevation of that point so that the developer knew that was the minimum elevation of that any future stormwater system on any of these properties needed to be designed based on that elevation because that was the flooding that they had experienced in the past. So based on that elevation, the requirements of the City's code, SJRWMD standards, and the county standards the developer has to base their stormwater design on not impacting Kove Estates and then based on that elevation are using as our base flood

elevation. There may even be some enhancement projects that can be worked in the project design to go a step further and provide some benefits to the broader area for floodplain management and things of that nature. There were a couple comments made about soil samples, those would relate to the areas that are planned for ponds and whether those are going to be wet ponds or dry ponds. Again, they still have to be designed to the standards of the City, the SJRWMD and the county to ensure that they are not creating flooding conditions for anybody off site from the property. When looking at the planning that is already in existence in this area, this density is consistent with what is to the North, East and it provides a transition for the things that are to the West and to the South. He asked that the Commission support the application with the recommendations from staff for the density caps and things of that nature.

Commissioner King asked about the property that is on the map in red and gold stripes and Attorney Watts replied that is the Osteen commercial village which is part of the JPA. Commissioner King asked what the JPA is planned for and if it is planned for development when is it going to be developed. Attorney Watts replied he cannot answer the when, most of this is market driven so it is a matter of timing. From the standpoint of "what" the area in the Osteen commercial village under the City's adopted comprehensive plan segment for that right now allows a maximum density of 12 units per acre and minimum density as both a maximum and minimum density of 8 units an acre. In addition, it has a maximum floor area ratio of 0.5 and a minimum floor area ratio 0.25. There is also a mixed requirement under that land use classification that 80% of that area has to be commercial or non residential and 20% of it can be residential. Commissioner King asked who owns the JPA property and Attorney Watts replied it is under a mixture of ownerships within the footprint of the JPA.

Mayor Herzberg asked what is the size or how much acreage does Kove Estates has and what is the density of it. Attorney Watts replied the density based on the county's land use map is urban medium intensity so it was consistent with the density that was already there and under the county's definition it is between 4 and 8 units an acre of density. Mayor Herzberg asked what can be built on the parcel right now, if nothing were to be done tonight and Attorney Watts replied approximately 34 units. Mayor Herzberg asked what the blue section of the map is and Attorney Watts replied under the JPA that is an urban residential classification which requires a minimum of 4 units and acre and a maximum of 8 units an acre. It is 122 acres under the JPA plan so the long term plan is a maximum of 927 units in that area. Mayor Herzberg asked if the JPA or striped area was zoned commercial already and Attorney Watts replied mixed use with residential included.

Motion by Commissioner Nabicht, seconded by Mayor Herzberg, to transmit Ordinance No. 05-2020 to the Florida Department of Economic Opportunity (DEO) and the Volusia County Growth management Commission changing the Future Land Use Designation on a +/-95.34 acre property from Volusia County Rural to City Low Density Residential and adding Future Land Use Element Goal FLU4, Objective FLU4-1, and Policy FLU4-1.1 at first reading. Upon approval of this item

authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorizes the Interim City Manager to sign any documents necessary to further Commission approval of this item.

The City Attorney read the title of Ordinance No. 05-2020 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF DELTONA'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 95.34 ACRES OF LAND LOCATED ON THE SOUTH SIDE OF ENTERPRISE OSTEEN ROAD, NEAR THE INTERSECTION OF ENTERPRISE OSTEEN ROAD AND COURTLAND BOULEVARD, FROM COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL; AMENDING THE FUTURE LAND USE ELEMENT OF THE CITY OF DELTONA'S COMPREHENSIVE PLAN BY ADDING A GOAL, OBJECTIVE, AND POLICY TO ADDRESS THE DEVELOPMENT ON INDIVIDUAL PROPERTIES WITHIN THE CITY; FINDING CONFORMITY WITH STATE STATUTES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELTONA; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 6 - Mayor Herzberg, Vice Mayor Ramos, Commissioner Avila-Vazquez, Commissioner Bradford, Commissioner King, and Commissioner Nabicht

Against: 1 - Commissioner McCool

Ordinance No. 05-2020 was approved at 9:33 p.m.

- B. Public Hearing - Ordinance No. 07-2020, Large Scale Comprehensive Plan Future Land Use Map amendment (CP20-0024) for a ±130.08 acre property from Mixed Use Village and Osteen Commercial Village to Transitional Residential and adding Future Land Use Element Policy FLU4-1.2 to the City Comprehensive Plan, at first reading - Ron A. Paradise, Interim Deputy City Manager/Director, Planning and Development Services, (386) 878-8610.**

Strategic Goal: Economic Development - Create more diversified & high-quality housing opportunities to provide for all market demands.

Commissioner Avila-Vazquez and Commissioner Bradford left the meeting at 9:33 p.m.

Planning & Development Services Director Ron Paradise gave a brief explanation of the item and explained that this is a transmittal event and not an adoption event.

Commissioner Bradford returned to the meeting at 9:34 p.m.

Commissioner Avila-Vazquez returned to the meeting at 9:36 p.m.

Attorney Mark Watts, Cobb Cole, 231 N. Woodland Blvd., DeLand, stated he is here on behalf of the landowner who is the applicant. This is a transmittal hearing on a proposed land use amendment and this is the beginning of a conversation on whether or not the ultimate land use plans in place for this area ought to be changed. This one is a little bit different because it is within the JPA and the conversation started with a joint meeting about two years ago with City staff and county staff to start talking through what to do with regard to the property in this area. Largely the thing that the developer is seeking to address is the fact that there is a lot of intensity included in the JPA. What the developer is looking to do is reduce density on this application because what is included within the JPA and the regular requirements are something that has not been well received by the marketplace. The property has been marketed for the past 10 years or so to move forward with some of the development on this property and simply have not found any. So by keeping it within the JPA and changing the mix of uses slightly that will allow this property to begin moving forward with residential development that then again will help support the commercial development and demand down the road. He gave a brief PowerPoint presentation that included the property that is subject to the application, the County land use classification, Low Density Residential (LDR) classification, proposed text amendment, County Future Land Use Map, County ULI (Urban Low Intensity) classification, Osteen JPA Land Use classification, Mixed Use Village (MUV), and Transitional Residential (TR). The request is to reduce density and intensity which is in keeping with what would be a very workable plan for the hosting JPA area over the long term to bring the residential and to help support that future commercial. He has coordinated with county staff that this request would go to the Volusia County Council meeting in mid-November for them to consider what is being requested as required by the JPA.

Mayor Herzberg asked just looking at the Osteen Commercial Village there is a minimum two story requirement for commercial and Attorney Watts replied yes, it is planned to encourage a specific type of development.

Mayor Herzberg opened the public hearing.

Elbert Bryan, 1625 Joyner Drive, Deltona, spoke about making things smaller, commercial, making money, not listening, table the item, land use, residents, blank stares, nothing changing, elections, emails, social distancing, low density and not making sense.

Janis Graves, 500 Lemon Bluff Road, Osteen, spoke about JPA, changes made, comprehensive plan amendment, denying the request, wildlife, conservation, lots, flooding, sewer, listen to residents and deny the request.

James McCulley, 920 Gage Avenue, Deltona, spoke about the process, JPA, considerable concessions, high density housing, rural uses, increase density, compact development, citizens and their interests.

Viki Poole, 924 Blue Heron Blvd., Osteen, spoke about Kove Estates, rural area, JPA, housing development, zoning variance, reduce zoning, agreement with Cove Estates, golf course, fill dirt, stormwater runoff, elevation of S.R. 415, water levels, housing projects, impact on Cove Estates, helping Cove Estates, wetlands, mobile homes, and no prior discussions.

Janet Deyette, 2451 Timbercrest Drive, Deltona, spoke about JPA, history of area, P&Z Board, citizen's facts, value of surrounding area, staff recommendation, River to Lakes Corridor, trail system, ecotourism, including county, policy makers, decision makers, legal reasons to disagree, and history.

Glenda Ross, 80 Bethel Loop Circle, Deltona, spoke about being disappointed, compromise, number of homes, JPA, and county comments.

Allan Dayton, 926 Blue Heron Blvd., Osteen, spoke about Kove Estates, water problems, lot sizes, history, remain gated, golf course, traffic, wildlife and submitted photos.

Stephen Boothe, 58 Kove Blvd., Osteen, spoke about Kove Estates, member of HOA, changing the lake, and not part of Deltona.

Wanda Van Dam, 932 Indian Hammock Drive, Osteen, spoke about JPA, not wanting commercial, density & intensity, annexing property, property being combined, original agreement, and petition.

Mayor Herzberg closed the public hearing.

Attorney Watts stated he wanted to make two points and he read Section 6, Consultation and Coordination and Section 5, Joint Planning Area, E. Amendments to Osteen Local Plan of the JPA agreement with the county. Again, this is a transmittal hearing and this is the start of the process that is outlined in the JPA as required by the JPA when work began with City staff for a development proposal that resulted in joint meetings as required by Section 6 of the JPA which led to the application before the Commission. Staff concluded that keeping the property within the JPA and going to one of the different classifications were the things that could accomplish the applicant's goal and further the long-term plan of the JPA itself, but staff does not make policy. The application still has to go through the Commission and the county which is what the JPA requires. He has met with some of the residents prior to the meeting tonight, some things we agree on and some we agree to disagree on. There may be a reason to have a broader discussion of the JPA, but at the same time we have been in conversation for two years now with the staffs and the process has to start some place. Tonight he is asking that the Commission support the policy determination that this particular property transition to a different land use classification within the JPA. Here there is a specific agreement that calls for the steps that then lead to that coordination with the county, but the first step is to transmit the request to the Commission, the coordination will then follow and then the coordination has to occur prior to

there being an adoption of that change at the second and final reading of what the ordinance will be in front of the Commission at that point. At his meeting with Kove Estates it was discussed that the lake is one thing that cannot be changed because of protections for wetlands and lake bodies and things of that nature, but this is an opportunity to plan better for the storm water in that area and hopefully alleviate some of those existing issues. That is one the reasons why they have gone out to look at the flooding levels as the base elevation for designing flood systems and storm water systems in that area.

Motion by Commissioner Nabicht, seconded by Commissioner Avila-Vazquez, to extend the meeting for 30 minutes to 10:45 p.m. The motion carried by the following vote:

For: 7 - Mayor Herzberg, Vice Mayor Ramos, Commissioner Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McCool, and Commissioner Nabicht

Commissioner McCool asked the Commission to consider regarding the transmittal of this the Volusia County Chair and Interim City Manager will not be here when this is decided and to remember that when the Commission is talking about this JPA plan that it is asking for the Commission to consider in whole with the comprehensive plan and with the JPA when the Commission is deciding this.

Commissioner Bradford asked why the whole JPA is not being changed to make it more compatible to what the City currently has.

Motion by Commissioner Nabicht, seconded by Vice Mayor Ramos, to transmit Ordinance No. 07-2020 to the Florida Department of Economic Opportunity and the Volusia County Growth Management Commission to amend the Future Land Use designation on +/-130.08 acres from Mixed Use Village Center and Osteen Commercial Village to Transitional Residential, and add new Policy FLU4-1.2 to the City Future Land Use Element of the Comprehensive Plan to limit gross density on the amendment area to 329 dwelling units. Upon approval of this item authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorizes the Interim City Manager to sign any documents necessary to further Commission approval of this item.

Mayor Herzberg asked if the City services Kove Estates with water and sanitary sewer and Commissioner Nabicht replied the City does not service them with anything, they are on their own system. Mayor Herzberg stated that Kove Estates is self-sufficient and does not have any water, sanitary sewer and stormwater services from either the county or the City. That explains the lack of help because there is no entity servicing Kove Estates that would be able to help. She reminded anyone who brought paperwork that they wanted to transmit to the Commission should be provided to the City Clerk who will distribute it to the entire Commission.

The City Attorney read the title of Ordinance No. 07-2020 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF DELTONA'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 130.08 ACRES OF LAND LOCATED ON THE SOUTH SIDE OF ENTERPRISE OSTEEN ROAD, NEAR THE INTERSECTION OF ENTERPRISE OSTEEN ROAD AND STATE ROAD 415 FROM OSTEEN COMMERCIAL VILLAGE AND MIXED USE VILLAGE CENTER TO TRANSITIONAL RESIDENTIAL; AMENDING THE FUTURE LAND USE ELEMENT OF THE CITY OF DELTONA'S COMPREHENSIVE PLAN BY ADDING A POLICY TO ADDRESS THE DEVELOPMENT ON THE SUBJECT PROPERTY; FINDING CONFORMITY WITH STATE STATUTES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELTONA; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 5 - Mayor Herzberg, Vice Mayor Ramos, Commissioner Avila-Vazquez, Commissioner Bradford, and Commissioner Nabicht

Against: 2 - Commissioner King, and Commissioner McCool

Ordinance No. 07-2020 was approved at 10:33 p.m.

7. OLD BUSINESS:

None.

8. NEW BUSINESS:

None.

9. PUBLIC FORUM: Citizen comments are limited to issues and concerns not on the agenda and comments on items listed on the agenda will take place after discussion of each item. 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.

Elbert Bryan, 1625 Joyner Drive, Deltona, spoke about the chambers, the lobby area, time for change, limiting voices, communication, coordination of the meeting, doing a better job, using the dais, World Health Organization, the meeting setup, and to think about the residents.

Yorelis Navas, 1237 Sacramento Street, Deltona, spoke about working together, feral cat issues, Commissioner McCool's phone call, what she wants, the cost of TNR (Trap Neuter Release), Port Orange TNR, limiting the feral cats, feral cat colonies, and taxpayer's money.

Brooke Light, 1031 Matterhorn Street, Deltona, spoke about Miami TNR, incentives, volunteering, clinics, grassroots movement, the number of feral cats fixed, one cat is a colony, not a lot of complaints, education, non-feral cats, cost of impounding, TNR Facebook, and room for improvement.

CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

10. CONSENT AGENDA:

None.

11. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner Bradford stated she received emails over the last month from a group of community leaders who want to put together a law enforcement appreciation banquet. The group is requesting that the City donate a room at The Center for the banquet. The group has talked to staff, but staff cannot donate a facility, that is a Commission decision. The event would be a pot luck, but her understanding is that the food cannot be prepared at The Center. If the group finds a sponsor they could host the event at The Center, but if they do not have a sponsor she suggested the event be held at the old community center on Lakeshore Drive. The event may not take place until after the first of the year, but the group would like to start planning it now.

Commissioner Nabicht stated she is not opposed to the idea, but the group should do what the Commission has had every other organization do that wants to recognize anyone and that is to raise the money to rent the facility and he gave an example. It is a great idea, but the group needs to raise funds or get sponsorship to rent the space and do it the right way.

Vice Mayor Ramos agreed with Commissioner Nabicht and he suggested the group contact the local chambers to form a collaboration with them on the event.

Commissioner Avila-Vazquez agreed with Vice Mayor Ramos, one of the chambers would be willing to help and she would be willing to reach out to the chambers for help.

Mayor Herzberg asked if the group has reached out to the chambers and Commissioner Bradford replied she did not know, but they have reached out to staff.

Commissioner Avila-Vazquez stated she knows someone who would love to donate catering services.

Commissioner Bradford stated if the group has a caterer then the event could be at The Center. She thought about contacting Cocky Rooster, a local hospital or even Amazon to help sponsor the event because it is for our law enforcement.

Vice Mayor Ramos suggested the group reach out to Joe Hearn, Sales & Marketing, to get a package deal and to get some sponsorship. Commissioner Nabicht suggested contacting Spectrum, Duke, FPL and Waste Pro and to have Mr. Hearn make the calls because he has the contacts. Commissioner Bradford stated staff cannot make a decision without direction and Commissioner Nabicht replied to go to Joe Hearn through his private business.

Commissioner Bradford stated the group did contact staff at The Center and Interim City Manager Dr. Cooper replied the issue when the group called The Center was that it was a pot luck and the group cannot use the kitchen because of the license. Then the group asked if The Center could be donated, but the same problem exists because the group wanted to bring food in. The group was told about the old community center and they were working with Parks & Recreation. He stated he will reach out to Mr. Hearn to contact the group and see if he can work out something with them.

12. CITY ATTORNEY COMMENTS:

None.

13. CITY MANAGER COMMENTS:

None.

14. CITY COMMISSION COMMENTS:

Vice Mayor Ramos stated there was a lot going on at Wes Crile Park this week. On Wednesday the Back Pack Buddies did a drive up food give away which helped over 200 families. Saturday was Previously Owned Treasures and a championship game for the basketball league. He congratulated the teams, the Spurs and the Heat with the Spurs winning the championship and the Raptors and the Warriors with the Raptors winning the championship. There was also a drive through cookbook give-a-way which was part of Advent Health's sponsorship with the basketball league. He reminded everyone about the Daily Mile starting tomorrow and it will be every Tuesday and Thursday at Wes Crile at 6:00 p.m. with Coach Sebastian.

Commissioner King stated he may be out of the loop next week because he is having surgery on Friday, nothing too serious he hopes. He wanted to make one comment about this evening, he had some input from some of the residents who live down on the south end of the project and he took that into consideration. As much as he wants to see development, he wants to see the right kind of development and he really thinks the Commission needs to look at commercial. This is all about changing what the City has now and that is going to take time. He is not anti-development, he thinks the Commission needs to do the right thing and he is still not sure if he is for 555 new houses. The Commission needs to be smart, he hopes that everyone thinks about everything that went on this evening and considers the residents and everything as a whole before the Commission makes that final decision.

15. ADJOURNMENT:

There being no further business, the meeting adjourned at 10:59 p.m.

Heidi K. Herzberg, MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK