



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Tuesday, January 19, 2021

6:30 PM

Deltona Commission Chambers

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

1. CALL TO ORDER:

2. ROLL CALL – CITY CLERK:

Present: 9 - Commissioner Avila-Vazquez
Commissioner King
Commissioner McCool
Commissioner Ramos
Commissioner Sosa
Vice Mayor Bradford
Mayor Herzberg
Acting City Manager
City Attorney

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by District #6 Commissioner.

Commissioner King led everyone in the invocation and Commissioner Sosa let everyone in the pledge to the flag.

The National Anthem was sung by Morgan Davis a Senior at Pine Ridge High School.

4. APPROVAL OF MINUTES & AGENDA:

None.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation - Landmark Lodge Firefighter.

Richard Dowling Worship Master with the Landmark Lodge Firefighter gave a presentation in honor of the Freemasonry and Lieutenant Larry Nipper for his outstanding performance,

dedication to duty, and exemplary service as a Deltona Firefighter for 15 years.

- B. Report on status of CARES Act and other pandemic-related funding - Ron A. Paradise, Planning & Development Services Director (386) 878-8610; Camille Hooper, Finance Director, (386) 878-8552.**

Strategic Goal: Other grants approved by the City Commission.

Planning & Development Services Director Ron Paradise gave a report on the status of CARES Act and other pandemic-related funding to include the Coronavirus Relief Fund/CARES Act through Volusia County; the Florida Housing Finance Corporation, and the Community Development Block Grant (CDBG) program administered by the Housing and Urban Development (HUD).

The Commission and staff discussed the CDGB (Community Development Block Grant) funds, working with Hands of Hope and The Neighborhood Center, extra funding and the Commission having to approve the funding allocations.

6. ORDINANCES AND PUBLIC HEARINGS:

- A. Public Hearing - Ordinance No. 01-2021, updating Water and Wastewater Impact Fees, at second reading - John Peters III, Public Works, (386) 878-8973.**

Strategic Goal: Infrastructure/Fiscal Issues.

Acting City Manager Peters gave a brief explanation of the item.

Mayor Herzberg opened the public hearing.

Elbert Bryan, Deltona, spoke about impact fees, capital improvements, legally defensible, rates, debt, increasing fees, future development, roads, construction, challenging the rates, developers, and sprawl and building.

Mayor Herzberg closed the public hearing.

Motion by Vice Mayor Bradford, seconded by Mayor Herzberg, to adopt Ordinance No. 01-2021, updating Water and Wastewater Impact Fees, at second and final reading. Acting City Manager has the authority to make corrections of scrivener's errors and the like.

The City Attorney read the title of Ordinance No. 01-2021 for the record.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, PROVIDING FOR UPDATES TO THE CITY'S WATER AND WASTEWATER IMPACT

FEES; PROVIDING FOR SEPARATE WATER AND WASTEWATER CAPITAL FINANCING RECOVERY FEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion carried by the following vote:

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

Ordinance No. 01-2021 was approved at 6:48 p.m.

- B. 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 second and final reading - Ron A. Paradise, Director, Planning and Development Services, (386) 878-8610.**

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

Planning & Development Services Director Ron Paradise gave a brief explanation of the item.

Commissioner Ramos left the meeting at 6:50 p.m. and returned at 6:51 p.m.

The Commission and staff discussed land use, planned development, ten-year population, CRS (Community Rating System), floodplains, TIA (Traffic Impact Analysis), and Marlin Engineering Inc.

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 Enterprise/Osteen West along with the following; under the Florida law, following annexation cities are required to incorporate annexed property into the City's Comprehensive Plan and assign a City future land use classification. The City of Deltona Comprehensive Plan establishes the Low Density Residential (LDR) future land use classification as the primary residential classification in the City, area city and the county future land use classifications, city LDR future land use classifications is consistent with county Urban Low Intensity (ULI) classifications, existing adjacent Osteen JPA (Joint Planning Agreement) land use classifications: Osteen Commercial Village and Mixed Use Village, proposed low density residential with site specific density cap provides transition to rural and conservation areas to the west and south, PUD (Planned Unit Development) application is pending and will be forwarded to the City Commission following a recommendation from the Planning and Zoning Board, anticipated fiscal benefits to the city,

and asked if there were any questions.

The Commission, staff, and Attorney Watts discussed unit calculation, density based, development, comprehensive plan, flooding, Cove Estates, elevation, mixed used village, commercial/residential development, JPA, land used application, agriculture land zonings, Osteen, and housing.

Commissioner McCool left meeting at 7:47 P.m. and returned 7: 49 p.m.

Mayor Herzberg stated there was an email requesting that the attorney representing the residents be allowed more time to speak over the four minute allocation and Attorney Jacob Schumer replied he only expected the four minutes allocated.

Mayor Herzberg opened the public hearing.

Elbert Bryan, Deltona, spoke about density, land use, comprehensive plan, agriculture zoning, home sales, population, impact fees, floodplain, flooding, build able land, JPA, and Farmton.

Traci Dean, ESQ Executive Director and CEO of Conservation of Florida, spoke about Conservation of Florida, D Ranch Preserve, non-profit organization, rural life, higher density, habitats, wildlife, HOAs (Homeowners Associations), effects of development, wetlands, rain water, ability to store water, parks & recreation system, opening a trail system, scenic trails, work being curtailed, and being an inconsistent use.

Jeff Dinan, 1485 Steeplechase Lane, Deltona, spoke about the comprehensive plan, property values, Hampton Oaks, biological data, Blue Herring Park, infill not sprawl, mixed use, liability, sewers, public safety, Long Leaf Forest, rubber stamping, Goodwin Heart Pine, this being a trophy, the SJRWMD (St. Johns River Water Management District), wetlands, and St. Johns waterway.

Attorney Jacob Schumer, Shepard, Smith, Kohlmyer, & Hand, P.A., 2300 Maitland Center Pkwy, Ste 100, Maitland, stated he is here on behalf of the residents. He spoke about policy, constitution of land use, City Commissioners, Enterprise, density, voice of the people, permanent aspect of the D Ranch Preserve, eco systems, Split Oak Preserve, development, nature preserves, outdoors recreation, urban sprawl, long term health, permanent decision, the comprehensive plan, JPA, application, and no reason to go through with it.

Seth Eubank, 665 Enterprise Osteen Rd., Osteen, spoke about disappointment, community impact, density, changing the rules, endangered species, agriculture zoning, rules, location of neighbors, Avalon Park, and knowing the zoning when purchased.

Lorrie Shue, 2590 Enterprise Osteen Rd., Osteen, spoke about acting responsibly, mission statement, adjacent property, placards, the lake, agriculture zoning, low density, looking to

the west, adjoining neighbors, a signed petition, walking distance, Enterprise Osteen Road traffic, protecting wetlands, and the community already there.

Glenda Ross, 80 Bethel Loop Cir., Deltona, spoke about Enterprise Osteen Road, River of Lakes Heritage Corridor, agriculture zoning, scenic byway, natural beauty, surrounding properties, bodies of water, eco-tourism, financial opportunities, traffic reports, driving the area, no subdivisions, developer's rights, development pattern, concerns of residents, scenic highway report, upcoming development, density, and to deny the comprehensive plan change.

Richard Tracey, 150 Bethel Oaks Lane., Deltona, spoke about collateral damage, Enterprise Osteen Road, traffic study, chain reaction, stopping the 1st step, meeting with residents, Stone Island, Lake Bethel, rural area, transitional zoning, homes per acre, Reed Ellis Road, forum of neighbors, and to deny the request or table the request.

Terri Ellis, Deltona, spoke about ground truthing, character of area, impact of area, land change, similar areas, eco-tourism, surrounding areas, traffic reports, working from home, traffic pattern, and housing needs.

Debora Garris, 141 Buckeye Acres Dr., Osteen, spoke about traffic patterns, surrounding roads, Little Lake, preserving parks, flooding, and destroying surrounding area.

Jerome Lening, 97 Kove Blvd., Osteen, spoke about animals, traffic, and development.

Jim Yagle, 308 Lakeview Dr., Osteen, spoke about driving the property, trips, accidents, Little Lake, water levels, and flooding.

John Lenius, 51 Eagle Point North, Osteen, spoke about Eagle Point North Road, building above sea level, flooding, rainfall, Celery Road elevation, raising elevation, and floodplain.

Pat Northey, 2310 Carson Lane, Deltona, spoke about the county council, environment, development, sense of place, impact of vote, comprehensive plan, character of the neighborhood, rezoning, number of homes, traffic, sense of place, neighborhoods, JPA, protecting the community, Planning & Zoning (P&Z) Board, voting no, and appreciating the hard work of the P&Z Board.

Ed Sullivan, 165 Oaklea Dr., Deltona, spoke about property rights, comprehensive plan, the Commission's rights, future vs. plan, economic impact report, impact on River of Lakes Heritage Corridor, commercial activity, connectors and bike paths, overloading the area, JPA, downtown, homes per acre, cost of homes, character of the neighborhood, buffers, good development, and considering the community.

Commissioner Avila-Vasquez left the meeting at 8:43 p.m. and returned at 8:46 p.m.

Carl Hopf, spoke about those against the project, Enterprise Osteen Road, accidents,

traffic, deaths on road, water levels, rainfall, retiring here, proposed homes, environment, property owner, changing the zoning, once it's gone it's gone, voting no, and clearing up the water.

Wanda Van Dam, 932 Indian Hammock Dr., Osteen, spoke about the future land use map, existing land use, staff report, urban low intensity, uses on surrounding property, traffic volume, character of area, criteria for Comprehensive Plan change, JPA, lake, conservation, Cove Estates, density, and having rights to develop.

Gary Chambers, 625 Enterprise Osteen Rd., Osteen, spoke about the 10 acre horse farm, State Statutes Chapter 163, comprehensive plan requirements, future land use, urban sprawl, read from statue, development plan, current animal habitat, wildlife, and health concerns.

Brandy White, Deltona, spoke about constituents, presentation, code, misleading public and representatives, her research, inconsistent information, what was heard versus what was said, calculations, homes per acre, build able acres, and disservice of Commission.

Mayor Herzberg closed the public hearing.

Attorney Watts spoke about having no misrepresentations, code calculating density under the comprehensive plan and land development regulations, code, conservation areas, developable acres, flood elevation, Cove Estates, water system, Attorney Schumer's statements on zoning when it's supposed to be around land use, constitution, property being annexed, Florida Statute, agriculture operations, ordinances, international dark sky standards, vested rights, P&Z Board, and the zoning stage.

The Commission, staff, and Attorney Watts discussed the comprehensive plan, zoning, land use classification, density, application for zoning, P&Z meeting, process of approving plans, code, fixing the system, and COVID.

Motion by Vice Mayor Bradford, seconded by Commissioner Ramos, to adopt Ordinance No. 05-2020 changing the Future Land Use Designation on a 95.34 acre property from Volusia County Rural to City Low Density Residential, adding to the text of the City Comprehensive Plan Future Land Use Element Goal FLU4, Objective FLU4-1, and Policy FLU4-1.1, and submit the package to the Florida Department of Economic Opportunity, at second and final reading. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

The Commission and staff discussed voting, zoning plan, county rural land use, (RE1) Residential Estate Zoning, LDR, agriculture, taxes, City plan, cap, and the A1 agriculture zoning.

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: 4 - Commissioner Avila-Vazquez, Commissioner Ramos, Vice Mayor Bradford, and Mayor Herzberg

Against: 3 - Commissioner King, Commissioner McCool, and Commissioner Sosa

Ordinance No. 05-2021 was approved at 9:36 p.m.

- C. Public Hearing - Ordinance No. 06-2020, rezoning request (RZ20-0003) for a +110.43 acre tract from County Prime Agriculture (A-1) to City of Deltona Residential Planned Unit Development (Hickory Lakes Preserve RPUD), at first reading - Ron A. Paradise, 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 requested the item to be tabled.

Motion by Vice Mayor Bradford, seconded by Commissioner Ramos, to table Ordinance No. 06-2020 a request to rezone a ?110.43 acre property from the County Prime Agriculture classification to Residential Planned Unit Development for the City Commission meeting of March 15, 2021. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

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

Ordinance No. 06-2021 was tabled at 9:39 p.m.

D. Public Hearing - Ordinance No. 19-2020 amending the Comprehensive Plan of the City of Deltona, by amending the Capital Improvements Element and providing for the replacement of the Capital Improvement Project sheets, at second and final hearing - Ron A. Paradise, Director, Planning and Development Services (386) 878-8610.

Strategic Goal: Infrastructure - Capital Improvements Program.

Planning & Development Services Director Ron Paradise gave a brief explanation of the item.

The Commission and staff discussed the process of the Capital Improvement Plan, having input from the community, true-up, impact fees, landscape improvements, coming up with the land development code, and commercial businesses.

Motion by Commissioner King, seconded by Vice Mayor Bradford, to continue the meeting to 10:30 p.m. The motion carried by the following vote:

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

The Commission and staff continued to discuss a true-up, and the budget process.

Motion by Vice Mayor Bradford, seconded by Commissioner Ramos, to adopt Ordinance No. 19-2020, approving the 2020-2021 Capital Improvements Element update and providing for the replacement of the Capital Improvement Project sheets at second and final reading and hereby directs staff to send the CIE update to the Florida Department of Economic Opportunity. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Mayor Herzberg opened and closed the public hearing as there were none.

The City Attorney read the title of Ordinance No. 19-2020 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF DELTONA, BY AMENDING THE CAPITAL IMPROVEMENTS ELEMENT PROVIDING FOR THE REPLACEMENT OF THE CAPITAL IMPROVEMENT PROJECT WORKSHEETS; FINDING CONFORMITY WITH STATE STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

The motion carried by the following vote:

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

Ordinance No. 19-2020 was approved at 10:08 p.m.

7. OLD BUSINESS:

- A. Request for approval of revised Resolution No. 2020-64, providing for an adjustment to Wastewater and Reclaimed Water base facility charges beginning 1 April 2021, eliminating the 10,000 cap on Wastewater Usage Charges effective 1 April 2021, and providing for annual rate indexing of Wastewater and Reclaimed Water base facility and water and irrigation usage charges equivalent to the Engineering News Record (ENR) Construction Cost Index beginning 1 October 2024. - John A. Peters, III, P.E., Public Works/Deltona Water (386) 878-8973.**

Strategic Goal: Infrastructure/Fiscal Issues

Acting City Manager Petersl gave a brief explanation of the item.

Motion by Vice Mayor Bradford, seconded by Commissioner Avila-Vazquez, to approve the revision to Resolution No. 2020-64, providing for an adjustment to Wastewater and Reclaimed Water base facility charges beginning 1 April 2021, eliminating the 10,000 cap on Wastewater Usage Charges effective 1 April 2021, and providing for annual rate indexing of Wastewater and Reclaimed Water base facility and water and irrigation usage charges equivalent to the Engineering News Record (ENR) Construction Cost Index beginning 1 October 2024. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

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

The motion carried by the following vote:

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

Resolution No. 2020-64 was approved at 10:11 p.m.

8. NEW BUSINESS:

A. Request for approval to waive fines for code violation - Deputy City Manager Dr. Marc-Antonie Cooper, City Manager's Department (386) 878-8852.

Strategic Goal: Internal & External Communication

Deputy City Manager Dr. Marc-Antonie Cooper gave a brief explanation of the item.

The Commission, staff and Arnt Vagle (homeowner) discussed the Special Magistrate hearing, re-roof permit, where notification was sent, the owner of record and the time line.

Motion by Commissioner King, seconded by Commissioner Sosa, to waive all applied fines and fees associated with this violation. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

The Commission, staff, and Arnt Vagle (homeowner) discussed the Special Magistrate hearing, when Mr. Vagle was aware of the fine, repairing the roof leak, whether a permit was needed, the code violation, the number notifications received, court procedures, trying to sell the house, the address notifications were sent to, the process and the notice process.

Amended motion by Commissioner King, to approve to waive all of the fees and give the resident (Arnt Vagle) his sixty-four dollars back.

Amendment to the amended motion by Commissioner King, seconded by Commissioner Sosa, to authorize the Acting City Manager to reimburse Arnt Vagle Sixty-four dollars if it was in error and take care of it on an administrative level. The amendment to the amended motion carried by the following vote:

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

Motion by Vice Mayor Bradford, seconded by Mayor Herzberg, to move the meeting to 11:00 p.m. The motion carried by the following vote:

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

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.

Brandy White, Deltona, spoke about her mission, claim, missed opportunities, resolving her matter, City's mission and duties, City of Deltona's values, Commission's duties, tonight's vote, and to explain the vote.

Elbert Bryan, Deltona, spoke about ordinances, permit, length of code case, renter registration, landlords, his privacy, City's constitution, comprehensive plan changes, legislative process, tonight being a farce, flooding, asking questions, Commission's duty and Attorney Mark Watts.

Terri Ellis, Deltona, spoke about Deltona Strong, homelessness, taking care of families, slippery slope, social services, being proactive, COVID-19, and its impact.

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:

Motion by Vice Mayor Bradford, seconded by Mayor Herzberg, to approve Consent Agenda Items 10-A through 10-D. The motion carried by the following vote:

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

A. Request for approval of Resolution 2021-06 Adopting the Volusia Multi-Jurisdictional Program for Public Information (MJ-PPI) Plan - Steven Danskine, Public Works, 386-878-8998.

Strategic Goal: 4 - Internal and External Communication, and 5 - Public Safety

Approved by Consent - to approve Resolution No. 2021-06 adopting the Volusia Multi-Jurisdictional Program for Public Information (MJ-PPI) Plan. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- B. **Request for approval of Tyler Technologies annual renewal of support and maintenance for our ERP software. - Robert Cordero, IT Department (386) 878-8807**

Strategic Goal: Internal & External Communication

Approved by Consent - to approve the payment of Tyler Technology invoices. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- C. **Request for approval - Lease Agreement with the County of Volusia/Volusia ECHO for the use of Parcel ID: 8130-23-00-0021 associated with Big Lake Rookery Park. - Ron A. Paradise, Planning & Development Services Director, (386) 878-8610 and Jerry Mayes, Economic Development and Eco-Tourism Sustainability Manager.**

Strategic Goal: Infrastructure - Focus on the expansion of park projects.

Approved by Consent - to approve the execution of the lease agreement with the County of Volusia/Volusia ECHO for the use of Parcel ID: 8130-23-00-0021 associated with Big Lake Rookery Park and authorize the Acting City Manager to sign all documents necessary to implement the lease. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- D. **Request for approval of First Amendment to Site Agreement for Land and Colocation on Tower (at 1190 Saxon Boulevard, Deltona, Florida, at Dewey Boster Park) with T-Mobile South LLC, as proposed by Neel-Schaffer, Inc., cell tower consultants. John A. Peters, III, P.E., Acting City Manager (386) 878-8850.**

Strategic Goal: Fiscal Issues

Approved by Consent - to approve the First Amendment to Site

Agreement for Land and Colocation on Tower with TMobile South LLC, as attached to this agenda item. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

11. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner McCool requested the Acting City Manager or the Planning and Development Director to send her an email sometime this week explaining why the Comprehensive Plan was on the agenda tonight when the City had 180 days (May) before the Commission had to make a decision on the item that passed tonight.

Commissioner King requested to have the Acting City Manager and the Planning and Development Director work on a plan to change the City's ordinance that does not allow a developer to come in with a low-density rating and put in 6 houses on an acre and the Commissioner concurred.

Commissioner Sosa requested a proposal to clarify the language to take gross density out and put in net density so that the actual numbers are more realistic. Acting City Manager replied he would do that, he will provide a comprehensive review of gross vs. net to include an explanation and drawings.

12. CITY ATTORNEY COMMENTS:

None.

13. CITY MANAGER COMMENTS:

None.

14. CITY COMMISSION COMMENTS:

Commissioner Avila-Vasquez stated organizations and television stations are remembering Coronavirus victims and she personally want to extend her condolences to those families that have lost their loved ones. Also, tomorrow at 9:00 a.m. Volusia County will be opening up their system for people to register for the COVID vaccine for January 21st, 22nd and 25th. The websites are volusiacounty.org or the Volusia Health Department and for those without internet call 866-345-0345.

Commissioner McCool stated she is disappointed as a Commissioner at what she feels is not listening to residents and that the Commission is having to make decisions based on the fact that everything is revenue base. She is trying to do her fiduciary responsibility, there are more than one type of currency and she feels that every decision that the Commission makes on land development is driven by Deltona Water and the need to shore it up. She understands the City needing revenue, but the Commission also needs to be good stewards of the City's land. The item was put on the agenda before there was a plan in place, before the Commission agreed and before the residents gave input. She reads every single email sent to her and she thanked the residents for not losing faith because government does work when there are officials that are committed to making it work.

Although the Commission does not always agree there are people that are working towards what they think are the best plans for the City. A lot of things have to be taken into consideration in making these difficult decisions. She believes that each Commissioner has a different agenda, what they see is important for the City and hers happens to be that money is not everything. She suggested recovering revenue that the City has lost by not collecting all of the impact fees, all the permitting fees, all of the water bills and licensing rentals where the City is spending resources. She thinks the Commission failed tonight because the only thing driving those decisions were not for the betterment of the people because the people said what they thought was important to them and the Commission did not listen. The Commission listened to the developer and to a bottom dollar line. The Commission has now decimated and violated one of the last beautiful pristine areas that the City has. She loves each and every one of the Commissioners, she does not agree with them, it sucked tonight and she hopes that the Commission thinks about all these things moving forward.

Commissioner King gave his appreciation to the people who came out to Wreaths Across America that volunteered to pick up wreaths which took about an hour. The American Legion is two weeks away from its Four Chaplains Memorial Ceremony and Service on Saturday, February 6, 2021 at 6:30 p.m. at 2886 Elkcarn Blvd., Deltona, FL 32738. There will be social distancing and everyone is asked to wear a mask.

Mayor Herzberg stated this was a long meeting and she thanked everyone for their patience. The Commission is tasked with cleaning up disasters of the past and she gave examples. Cove Estates and Stone Island were both mentioned, but they were not under anyone's rules at that time aside from Volusia County. Yet, those are areas that need to be cleaned up. Conservation Florida talked about the D Ranch Preserve and she was told if the Commission denied the request Conservation Florida would buy the piece of property preserve it. After doing some research, Conservation Florida does not purchase direct property and the D Ranch Preserve was donated. The organization also gets things like Volusia Echo or other funding to work together to conserve a piece of property. She asked if the property owner was contacted by Conservation Florida to purchase their piece of property? As far as she can find out the property owner was never contacted about a purchase. She questioned how much would that property cost to put in the conservation land. She questioned where the animals go on the 10-acre parcel where all the trees are wiped out because that is where the horse ranches are, 10 acres completely cleared. Nobody had a problem clearing those 10 acres and that is just an example. The Commission has to look at the big picture whether you agree with what happened tonight or not. The Commission went through a process and the Commission held together. Remember everyone has an agenda whether it is the developer, the property owners, the surrounding neighbors, and the people further out that want to preserve their area that do not live in the City of Deltona. So, to only blame the attorney and say that he has an agenda and that the Commission caved to him, everybody has an agenda when it comes to something like this. It's either conservation, money or something else to be had. She thanked everyone for staying.

15. ADJOURNMENT:

There being no further business, the meeting adjourned at 11:06 p.m.

Heidi K. Herzberg, MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK