



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, June 17, 2024

6:30 PM

Deltona Commission Chambers

DECORUM POLICY: The City of Deltona has a significant interest in conducting orderly and efficient public meetings, which includes preventing disruption, promoting civility, and preserving decorum. To that end, behavior which disrupts or impedes the efficient and orderly conduct of any public meeting, as determined by the Mayor, or presiding officer, or a majority of the City Commission, is not permitted. The Mayor, or presiding officer, or a majority of the City Commission, may interrupt, warn, or terminate a speaker's statement when that statement is too lengthy, personally directed, abusive, obscene, irrelevant, or otherwise reasonably perceived to be a disruption to the fair and orderly progress of the discussion at hand. The Mayor, or presiding officer, or a majority of the City Commission, may also interrupt any part of the meeting to warn any individual that they are being disruptive or otherwise impeding the efficient and orderly conduct of the meeting. The Mayor, or presiding officer, or a majority of the City Commission, may require any individual to leave a public meeting for its duration if that individual is unable to observe this Policy after being warned. Should an individual be required to leave a meeting for violating this Policy, that person shall be escorted from Commission Chambers by a Volusia Sheriff's Deputy.

1. CALL TO ORDER:

2. ROLL CALL – CITY CLERK:

Present: 7 - Mayor Avila
Vice Mayor JodyLee
Commissioner Avila-Vazquez
Commissioner Colwell
Commissioner Heriot
Commissioner McCool
Commissioner Shimkus

3. INVOCATION AND PLEDGE TO THE FLAG:

- A. Invocation Presented by District #4 Commissioner.**
Honoring Pedro Rosario, Corporal (Retired) U.S. Army

5. PRESENTATIONS/AWARDS/REPORTS:

A. Proclamation- PTSD Awareness Month**4. APPROVAL OF MINUTES & AGENDA:****A. Approval of minutes of the Regular Commission Meeting of June 3, 2024, as presented. - Joyce Rafferty, City Clerk (386) 878-8502.**

Motion by Vice Mayor JodyLee, seconded by Commissioner Heriot, to approve the minutes of the Regular Commission Meeting of June 3, 2024, as presented. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

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.

Mayor Avila opened the public forum and Mike Williams, Joe Hearn & Pat Northey, Courtney Cross-Burgos, Kathy Bryan, Sara Bryan, Althea King & Veronica Dixon, Matthew Shaw, Brandy White, Robert Trombetta, William Mabery, and Elbert Bryan addressed the City Commission.

7. ORDINANCES AND PUBLIC HEARINGS:**A. Public Hearing: Ordinance No. 05-2024, amending the Comprehensive Plan of the City of Deltona, by amending the Capital Improvements Element providing for the replacement of the Capital Improvement Project Five-Year Schedule. - Planning & Development Services (386) 878-8600****Strategic Goal: Economic Development**

The Planning & Development Department, Planner II, gave a brief PowerPoint Presentation of the item.

Commissioner McCool spoke about LOS (Level of Service), school board calculations and adequate staffing, schools over capacity, needing complete and accurate information, the ESE (Exceptional Student Education) population, infrastructure, acceptable capacity and holding the County and State responsible for LOS.

Motion by Commissioner Heriot, seconded by Commissioner Avila-Vazquez, to approve Ordinance No. 05-2024 at final hearing, amending the Comprehensive Plan of the City of Deltona by updating the Capital Improvements Elements providing for the replacement of the Capital Improvement Project Five-Year Schedule.

Mayor Avila opened the public hearing and Brandy White addressed the Commission.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

- B. Public Hearing: Ordinance No. 08-2024, amending the official zoning map to rezone two (2) parcels totaling 43.55 acres of land located south of Fernanda Drive and east of Pine Ridge High School currently zoned City of Deltona Agriculture Classification (A) to Single-Family Classification (R1). - Planning and Development Services (386) 878-8600.**

Strategic Goal: Expand housing options.

The City Attorney swore in those people with and without standing who wished to speak on the item.

Each Commissioner disclosed their ex-parte communications.

The Planning & Development Department Planner II, gave a brief PowerPoint Presentation to include the Rezone Application Request, Background, Fernanda Place Phase 3 Layout, Current State of the Property, Matters of Consideration, Transportation, Conclusion, and Staff Recommendation.

The Commission and staff discussed the impact to wetlands, the P&Z (Planning & Zoning) Board recommendation, emergency exits, viability of traffic impact by emergency services, and the concept plan.

Attorney Jesse Anderson with Poulos & Bennett, 2602 E. Livingston Street, Orlando, FL, gave a brief PowerPoint Presentation to include the Project Location and Summary of Report, Fernanda Phase 3, Existing FLU (Up to 6 Du/Ac), Existing Zoning (Minimum 1 Acre Lots), Proposed Zoning, Concept Plan, Previous Concept Plan, Stormwater and 100-Year

Flood, and Traffic and Transportation.

Tina Lee with Starlight Homes in Lake Mary spoke about the HOA (Homeowners Association) and its management, amenity ponds, safety concerns, and HOA delinquencies.

Attorney Anderson continued with his presentation to include Matters of Consideration, Final Thoughts and Questions.

The Commission, Ms. Lee, Attorney Anderson and staff discussed amenities, the existing pool, the existing HOA membership, safety and traffic, the percentage sold, what is legally allowed to be built, Phase 3 being annexed, Osteen Cemetery Road, cleaning of debris, the decrease in units, the emergency access road and turning radius, trimming trees, P&Z vote and concerns, having one entrance/exit even with the stub out, the phases being independent, parking concerns and congestion, wetland concerns, the 20 foot buffer being insufficient, residents' safety, the Fire Department's opinion/review, the conceptual plan not being to scale, further staff review, number of TRIPS, needing a traffic light, maintaining connectivity, needing an impact analysis, and not violating property rights.

The Mayor opened the public hearing for those people with standing and Jennifer Sutton and David Dreggors addressed the City Commission.

The Mayor opened the public hearing for those people without standing and Judith Castellini, Kathy Bryan, Brandy White, Tara D'Errico, Elbert Bryan, and Luis Leal addressed the City Commission.

Attorney Anderson spoke about the stub out and future connectivity, elements maintaining themselves, staff's continuous review, an electronic access gate, the width of the roads and emergency vehicles, amenities for stormwater, no impact to wetlands, if approval returning as a subdivision plan and final plat, and currently just seeking zoning approval.

Ms. Lee discussed turning over the HOA, the preservation area, preserving historic trees, and the center pond being preserved wetlands.

Motion by Vice Mayor JodyLee, seconded by Commissioner Heriot, to deny Ordinance No. 08-2024 at first hearing, amending the zoning map to rezone two parcels totaling 43.55 acres of land located south of Fernanda Drive and east of Pine Ridge High School currently zoned City of Deltona Agriculture Classification (A) to Single-Family Classification (R1).

The City Attorney read the title of Ordinance No. 08-2024 for the record.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

- C. Public Hearing: Resolution No. 2024-19, granting a Variance to allow a six-foot wooden fence in the side street yard location on the property at 402 Bali Terrace, within the R1, Single Family Zoning classification. - Planning and Development Services (386) 878-8600.**

Strategic Goal: N/A

The Planning & Development Department, Planner II, gave a PowerPoint Presentation of the item.

The Commission and staff discussed permits, fence height, the view and possible blind spot, policy, the property line, number of allowed variances, hardship, fines, practical experience, intersection impairment, different circumstances, the aerial view, whether fence got knocked down, waived permit fees, having a clearer view, the slab in backyard, encroaching the easement, tabling the item, the surrounding homes, when the fence was installed and replaced, the applicant not being present, and the resident spending money on their home.

Motion by Vice Mayor JodyLee, seconded by Commissioner Heriot, to let the City Manager deal with this, give the fines that are appropriate, let the resident have the fence which is not blocking the view and be done with it.

Mayor Avila opened and closed the public hearing as there were no public comments.

The motion carried by the following vote:

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

Against: 1 - Commissioner Colwell

- D. Public Hearing: Resolution No. 2024-25 Granting a Conditional Use to permit an Automobile Service Station Type A within the Retail Commercial District (C-1) for a property located at 625 Howland Boulevard, within the City of Deltona; providing conditions, conflicts, severability, and an effective date. - Planning and Development Services (386) 878-8600.**

Strategic Goal: Economic Development

The Planning & Development Department, Planner I, gave a brief PowerPoint Presentation of the item.

The Commission and staff discussed the location, the P&Z recommendation, and protecting the alley.

Applicant Evan Futch with AVID Group, 1337 S. International Parkway, Lake Mary, FL, spoke about not doing a connection to the alleyway, planting trees, parking, employees, and being a drive through service.

The Commission and Mr. Futch discussed the plan, stacking, the conceptual design, employees, parking spaces, P&Z questions, staffing pattern, 10 minute oil changes, peak hours, transaction times, and the entrance/exit.

Mayor Avila opened and closed the public hearing as there were no public comments.

Motion by Vice Mayor JodyLee, seconded by Commissioner McCool, to approve Resolution No. 2024-25, granting a Conditional Use to permit an Automobile Service Station Type A within the Retail Commercial District for 625 Howland Boulevard. The motion carried by the following vote:

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

Against: 1 - Commissioner Shimkus

8. OLD BUSINESS:

A. Request for approval of Commission Policy No. CC24-001, City Proclamation Policy - "Doc" Dougherty, City Manager (386) 878-8858.

Strategic Goal: Effective Governance & Productive Government

The City Manager gave a brief explanation of the item and a webpage where residents can request to recognize birthdays, holidays, weddings, anniversaries, etc.

Mayor Avila opened the public comments and Kathy Bryan and Elbert Bryan addressed the Commission.

Motion by Commissioner Shimkus, seconded by Commissioner Heriot, to approve the policy.

Commissioner Avila-Vazquez requested that the prior policy done by staff be distributed to the City Commission so it can be compared to what is being presented now.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

B. Request for Approval of Halifax Humane Society, Inc. Agreement for animal services - Danny Ron, Code Compliance Manager (386) 878-8702.

Strategic Goal: Public Safety

The Code Compliance Supervisor gave a brief explanation of the item.

The Commission and staff discussed impound fees, surgeries, the prior agreement, TNR (Trap Neuter Release), cost, impounding animals, quarantine, fixing issues, doing things smart, other services provided, the breakdown of the budget, spayed and neutering, and partnerships with other facilities.

Motion by Commissioner Shimkus, seconded by Vice Mayor JodyLee, to approve Item 8-B.

Mayor Avila opened the public comments and Brandy White addressed the City Commission.

The motion carried by the following vote:

For: 7 - Mayor Avila, 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, Deputy Public Works Director 386/878-8965

Strategic Goal: Infrastructure

The Deputy Public Works Director gave a brief explanation of the item.

Motion by Commissioner Heriot, seconded by Commissioner Avila-Vazquez, to approve Resolution No. 2024-28 that authorizes the City Manager to make, execute and deliver to the State of Florida Department of Transportation the State funded Grant Agreement and any Supplemental Agreements to the State Funded Grant Agreement for the aforementioned project, Financial Project Number (FPN) 453208-1-34-01.

Mayor Avila opened the public comments and Luis Leal addressed the City Commission.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

9. NEW BUSINESS:

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 requested to combine "City Commission Special Reports and Requests" with "City Commission Comments" for future agenda.

Commissioner McCool requested that some type of bonus be provided to the prior Interim City Manager, Glenn Whitcomb, and the City Commission concurred.

Commissioner McCool requested that Deltona take responsibility for the pedestrian lines and to work with the VSO (Volusia Sheriff's Office). She will be bringing this up to the TPO (Transportation Planning Organization) at their next meeting. She requested that the VSO when pulling over drivers for rolling through the pedestrian lines not ticket the driver but, instead educate the driver. She requested that the pedestrian lines be repainted.

Commissioner Colwell stated the City is pursuing fines for the Enrique Apartments behind Publix but, is the City also pursuing fines for Toledo Place. The City Manager replied he would look into it and get back to him.

Vice Mayor JodyLee requested that the City Manager get to the bottom of what is going on

with regards to a small minority tattoo shop opening in Deltona.

Mayor Avila requested that the City Manager provide a list of roads to be resurfaced to include dates over the next two (2) years. He requested to look at the main roads throughout the City to see what it would cost to elevate the sidewalks. He requested to look at the Florida Statute that requires roads within a certain radius of schools to have sidewalks. He requested to have a conversation with the County about taking over the City's animal control division and TNR (Trap Neuter Release).

13. CITY ATTORNEY COMMENTS:

14. CITY MANAGER COMMENTS:

The City Manager thanked everyone for a warm welcome. He has had a few meetings with staff and different things are moving quickly which he will mention in a moment. He thanked the Mayor and Commission for being welcoming and throwing out their advise to him.

One of the things he wanted to recognize is the employees. The City was found in compliance with the audit for a permit issued by FDEP (Florida Department of Environmental Protection). The City was found in compliance with each category under the State's federally approved NPDES (National Pollutant Discharge Elimination System) Stormwater Program. What is great about this recognition is it is not just about one or two staff members, it is everyone across the board. Code Compliance, Engineering, Public Works, Deltona Water and Stormwater were all involved so it was a group effort.

There is going to be a change starting tomorrow. The customer service windows on the first floor are normally closed around 4:00 p.m. but, starting tomorrow the windows will stay open until 5:00 p.m. One issue is late plans review so that will still stop at 4:30 p.m.

The Clerk passed out and he received by the Vice Mayor, a letter of resignation from the City Attorney and he read the letter into the record. Mayor Avila asked that the everyone remain respectful. The City Attorney resigned on her own so again, please remain respectful.

Motion by Commissioner Heriot, seconded by Vice Mayor JodyLee, to accept the City Attorney's resignation. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

15. CITY COMMISSION COMMENTS:

Commissioner Heriot echoed the Mayor's comments, this is a big step for the City moving forward and it is imperative that together we remain respectful and the Commission unify in the process of finding a replacement.

Commissioner Shimkus welcomed Doc and he looks forward to see what he can do for the City.

Commissioner Avila-Vazquez welcomed Doc to Deltona. She reminded everyone of the Martin Luther King, Jr. bust unveiling on Wednesday at The Center and the Juneteenth event at Justin Plaza from 2:00 p.m. to 6:00 p.m. She wished the City Attorney the best of luck and out of respect she accepts the resignation and to move forward.

Commissioner McCool reminded everyone that on Thursday she and the City Manager will be visiting the County regarding revitalizing the amphitheater. The STEM (Science, Technology, Engineering and Math education) Program is having home economics like camps and to contact Amanda at (386) 882-8824. She thanked the Commission for approving the budget and for Parks & Recreation who installed new cameras at the parks. She encouraged everyone as a City to move forward, there was a productive meeting held on Saturday, and there has been enough political divisiveness. We are entering into "silly season" i.e. political season and election time. She requested that everyone watch the character of the people they are voting for. She reminded everyone of the "Wash-Down / Push-in" ceremony July 18th and that residents support the event. She welcomed Doc and she thanked him for his leadership. She thanked the Commission for keeping it real, clean and professional on the dais. She wished the City Attorney the best of luck.

Commissioner Colwell welcomed Doc to Deltona.

Vice Mayor JodyLee welcomed Doc to the City and he hoped that the City can get projects finished before starting new ones. He wished the City Attorney well in the future.

Mayor Avila welcomed Doc to the City and he thanked Mr. Whitcomb for all he has done for the City. He wished the City Attorney the best of luck on her future endeavors. He stated the Daddy Daughter Dance was great and better than last year.

16. ADJOURNMENT:

There being no further business, the meeting adjourned at 10:03 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK