



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, October 7, 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:

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

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 #3 Commissioner.
Honoring Edwin Lasanta, Sgt. Major (Retired) U.S. Army

to approve the declaration of emergency.

transparency and accountability for money spent. jodylee
mccool-aftermath care debris charging stations, food, city website
heriot-report of items spent next meeting, reissue every 7 days, consensus cm find
disaster recovery consultant
city manager- shelters galaxy middle for special needs, deland hs general population

4. PRESENTATIONS/AWARDS/REPORTS:

A. **Presentation by Ben Eby, Vice President & Administrator & Cesar, De Las Casas, M.D.MPH - Cancer Center for Hope-Deltona Halifax Health/UFHealth Medical Center of Deltona Updates & Oncology/Hematology Services**

ADD-ON ITEM: Request for approval of a Declaration of Local State of Emergency.

Vice Mayor JodyLee spoke about transparency and accountability.

Commissioner Heriot requested a report at the next Commission meeting of the items spent between now and then on the disaster, a simply report.

Commissioner Heriot requested the Commission to provide consensus for the City Manager to find a disaster recovery consultant as soon as possible, ideally within the next couple of days.

The Commission discussed FEMA policy, recovery efforts, staffs' knowledge and experience, and the benefits of a consultant.

Motion by Commissioner Heriot, seconded by Commissioner Avila-Vazquez, to approve the Declaration of Local State of Emergency. 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

5. 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 comments and Michael Wright, Terri Ellis, Richard Bellach, Courtney Cross-Burgos, Brandy White, Marcyana Mead, Kathy Bryan, and David Sosa addressed the City Commission.

6. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 07-2024, amending Section 22-186 to 22-191, of Article VI, "Street Vendors" of Chapter 22 "Businesses" of the Land Development Code, at first reading.

The Planning & Development Director gave a brief presentation on the item.

Motion by Vice Mayor JodyLee, seconded by Commissioner Colwell, to approve Ordinance No. 07-2024, amending the Article VI, Street Vendors" of the Land Development Code.

Mayor Avila opened the public hearing 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

B. Public Hearing - Ordinance No. 09-2024, amending the Official Zoning Map to rezone + 10.10 acres of land located at 3141 Howland Boulevard from General Commercial (C-2) and Business Planned Unit Development (BPUD) to BPUD, at second and final reading.

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.

Motion by Vice Mayor JodyLee, seconded by Commissioner Heriot, to

approve Ordinance No. 09-2024 at the adoption hearing, amending the Official Zoning Map to rezone 3141 Howland Boulevard from C-2 and BPUD to BPUD.

Mayor Avila opened the public hearing for those people with standing and there were none.

Mayor Avila opened the public hearing for those without standing and there were none.

The City Attorney read the title of Ordinance No. 09-2024 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP TO REZONE +/-10.10 ACRES OF LAND LOCATED AT 3141 HOWLAND BOULEVARD FROM GENERAL COMMERCIAL (C-2) AND BUSINESS PLANNED UNIT DEVELOPMENT (BPUD) TO BPUD; PROVIDING FOR CONFLICTS, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

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. 2024-54, Declaring Zoning in Progress regarding amendments to the Land Development Code Section 110-319 PUD, Planned Unit Development to establish criteria to achieve exceptional quality community designs.

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

Motion by Commissioner Heriot, seconded by Commissioner Colwell, to declare Legislation in Progress and approve Resolution No. 2024-54.

Mayor Avila opened the public hearing and Kathy Bryan 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

D. Public Hearing - Ordinance No. 15-2024, amending Chapter 30-31, Elections and adding Sec. 30-38, Filing Officer, at first reading.

Motion by Vice Mayor JodyLee, seconded by Commissioner McCool, to approve Ordinance No. 15-2024, amending Chapter 30-31, Elections and adding Sec. 30-38, Filing Officer, at first reading.

Amended motion by Vice Mayor JodyLee, seconded by Commissioner , to add language to read "the City Clerk or designee". The amended motion carried by the following vote:

The City Attorney read the title of Ordinance No. 15-2024 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 30-31 - ELECTIONS; AMENDING ARTICLE I IN GENERAL SEC. 30-1 EARLY VOTING; AMENDING ARTICLE II CANDIDATES SEC. 30-31 QUALIFYING PERIOD AND SEC. 30-34 FILING OF OTHER ITEMS; AND ADDING SEC. 30-38 FILING OFFICER; PROVIDING FOR CONFLICTS, PROVIDING FOR INCORPORATION OF RECITALS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

The amended 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

7. OLD BUSINESS:

8. NEW BUSINESS:

A. Request for approval to appoint Fire Chief Snyder as the designated government official and Deputy Fire Chief Swisher as the designated alternate government official for the City of Deltona to the opioid settlement government committee.

Mayor Avila opened the public comments and David Sosa addressed the City Commission.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner McCool, to appoint Fire Chief Snyder as the designated government official and Deputy Fire Chief Swisher as the designated alternate government official to the opioid settlement government committee effective October 1, 2024, for a two-year term.

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 to expend no more than \$60,000.00, per household, in Florida Housing Finance Corporation State Housing Initiatives Partnership (SHIP) funds for the Owner-Occupied Repair projects, listed

below.

Motion by Commissioner Shimkus, seconded by Commissioner Colwell, to direct staff to move forward with Owner Occupied Rehabilitation projects for the properties listed below in the amounts listed below. As per SHIP agreements each property is limited to a maximum of \$60,000 based on legally available funds. 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. Renewal requests for Acentria-United Health Care Employee Benefits and Service Contract.

Motion by Vice Mayor JodyLee, seconded by Commissioner McCool, to approve the Acentria-United Health Care Employee Benefits and Service Contract. 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. 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.

Mayor Avila opened public comments on Consent Agenda Items and Jim Pescha, Brandy White, Courtney Cross-Burgos, Richard Bellach, and David Sosa addressed the City Commission.

10. 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.

Mayor Avila pulled Items 10-D and 10-F.

Commissioner Heriot requested to pull Item 10-I and Mayor Avila requested to pull Item 10-H for discussion.

Motion by Commissioner Heriot, seconded by Commissioner Avila-Vazquez, to approve Items A-L excluding D, F, I and H. 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

Motion by Commissioner Avila-Vazquez, seconded by Vice Mayor JodyLee, to table D and F. 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

A. Request for approval of minutes of the Regular Commission Meetings of September 4th & September 16th, 2024, as presented.

Approved by Consent - to approve the minutes of the Regular Commission Meetings of September 4th & September 16th, 2024, as presented.

B. Request for approval of the Quarterly Reports of City Advisory Boards/Committees.

Approved by Consent - to accept the Quarterly Reports as presented.

C. Request for approval of the 2025 holiday, meeting and invocation calendars.

Approved by Consent - to approve the holiday, meeting and invocation calendars for 2025, as presented.

D. Request for approval of purchases for FY24-25 contingent on approval of final budget.

No action taken, item was tabled.

E. Request for approval of engagement with Purvis Gray, LLC to provide professional external audit services.

Approved by Consent - to approve the engagement with Purvis Gray and Company, LLC, for professional external audit services for fiscal year 2023-2024 with the option to further extend the contract for subsequent years pending appropriation of funding for each fiscal year.

- F. Request for approval for roadway transfer from Volusia County to the City of Deltona, specifically for that portion of Fernanda Drive from Howland Boulevard East to the Fernanda Subdivision Entrance at Landing Lane.**

No action taken, the item was tabled.

- G. Request for Approval of Interlocal Renewal Agreement with Volusia County Sheriff's Office for provisions of Law Enforcement Services.**

Approved by Consent - to approve the Interlocal Renewal Agreement with Volusia County Sheriff for the provisions of law enforcement services.

- H. Request for approval of the Team Volusia Economic Development Corporation Cooperative Agreement for 2024-2025.**

The Commission discussed bringing in business and being business friendly.

Motion by Vice Mayor JodyLee, second by Commissioner Heriot, to approve the Team Volusia Economic Development Corporation Cooperative Agreement for another twelve months. 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

- I. Request for Approval of Letter of Engagement with Marsha Segal-George, Esquire for general government law as the City Attorney until the new City Attorney is retained.**

Commissioner Heriot spoke about he was hoping for more options and hiring someone who will set the City up for success with the permanent City Attorney.

Motion by Commissioner Heriot, to hire Mr. James Stokes for option two. The motion died for lack of a second.

The Commission and City Manager discussed Mr. Stokes, updates on the process, the timeline, Pinellas County applicants, and pending legal issues.

Motion by Commissioner Shimkus, seconded by Commissioner McCool,

to approve the extension of Marsha Segal-George's contract with a deadline of October 31, 2024 given that with us having interviews and other people to consider, 12 total candidates to consider on October 21st, that by that date this Commission will either have chosen one of these candidates to replace Marsha or they will then choose an interim at that date so that we have coverage at least until the end of the month.

Commissioner McCool spoke about having a date time certain, residents' concerns, and the search firm.

Amended motion by Commissioner Heriot, to pursue Mr. James Stokes to at least handle the contract negotiations for the next full time City Attorney. The motion died for lack of a second.

The Commission and City Manager discussed transitioning the permanent City Attorney, current legal issues, start date for permanent City Attorney, individual attorney vs. a firm, temporary attorneys, the process, City Attorney attendance at meetings, and an applicant list.

The motion carried by the following vote:

For: 4 - Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner McCool, and Commissioner Shimkus

Against: 3 - Mayor Avila, Vice Mayor JodyLee, and Commissioner Heriot

- J. Request for approval of bid award for fiber optic cable expansion from Howland Blvd and Austin Ave. to Dwight Hawkins Park, and accompanying Resolution No. 2024-59 which represents a budget amendment.**

Approved by Consent - to approve the awarding of bid #24029 to Unitec to install fiber optic cables from Howland Blvd. and Austin Ave. to Dwight Hawkins Park, and the Resolution No. 2024-59 for the budget amendment in the amount of \$300,000.

- K. Request for recognitions for the month of October.**

Approved by Consent - to approve the requested recognitions for the month of October.

- L. Requests for presentations before the City Commission.**

Approved by Consent - to approve the requested presentations be made before the City Commission on the next available agenda and shall not exceed 10 minutes.

11. CITY ATTORNEY COMMENTS:

12. CITY MANAGER COMMENTS:

The City Manager introduced the new Economic Development Director John Cox and provided a brief description of his experience.

The City Manager addressed comments made during the meeting and that public comments is not the time to defame or slander staff, the Commission or other residents and it is unacceptable.

13. CITY COMMISSION COMMENTS & REPORTS:

Commissioner Heriot spoke about his upcoming Town Hall and requested updates on the Comprehensive Plan and the Theresa Basin Study. He thanked staff for storm preparations.

Commissioner Shimkus thanked staff for storm preparations.

Commissioner Avila-Vazquez thanked staff for storm preparations. She requested a consensus to have the City's partner Deltona Gardens' event advertised on City media and the City Manager replied that will be done.

Commissioner McCool thanked staff for storm preparations.

Commissioner Colwell requested updates on the Theresa Basin Study, the Enrico Ridge Apartments and Thalita Terrace.

Vice Mayor JodyLee spoke about the Enrico Ridge Apartments and Thalita Terrace, the agenda, and the public comment process. He thanked staff for their hard work and storm preparations.

Mayor Avila spoke about shelters, disaster and hurricane preparedness, working with State Representatives, pre filled sand bags, and evacuation routes. He requested workshops on the U.S. Coast Guard and the Veterans property.

Commissioner Heriot requested a consensus to provide Conservation Florida with a letter of support for their ECHO Grant application for the property that is in the southeast corner of the City, in City limits, and referred to as D Ranch slated to open in Spring of 2025 and the Commission concurred.

14. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:43 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK