



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, April 1, 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 #6 Commissioner.

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes of the Regular Commission Meeting of March 25,

2024, as presented. - Joyce Raftery, City Clerk (386) 878-8502.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Colwell, to approve the minutes of the Regular Commission Meeting of March 25, 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

5. PRESENTATIONS/AWARDS/REPORTS:

- A. Super Star Student of the Month Certificates March 2024**
- B. Proclamation - Water Conservation Month**
- C. Proclamation - Child Abuse Prevention Month**
- D. Proclamation - National Boringneers Day - April 13, 2024**
- E. Presentation - Crystal Apple Award winners: Caroline Sarmiento & Kim Krupinsky**
- F. Presentation - Quarterly Reports of City Advisory Boards/Committees - Joyce Raftery, City Clerk (386) 878-8502**

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.

Terri Ellis, Tim Blodgett and Lindsey Briones addressed the City Commission.

7. ORDINANCES AND PUBLIC HEARINGS:

- A. Public Hearing - Ordinance 06-2024 Rescinding Ordinance No. 10-2007 in its entirety; Ordinance No.05-2009 previously replaced most of the provisions found in Ordinance No. 10-2007; The remaining provisions in Ordinance No.10-2007 have been added to Ordinance 06-2024 or have**

been pre-empted by new Florida Regulations passed in 2023 and found in Statutes 559.955 Home Businesses, at first reading and to schedule second reading for May 6, 2024 - Marsha Segal-George, Legal (386) 878-8872.

Strategic Goal: Internal/External Communications

The City Attorney gave a brief introduction of Ordinance No. 06-2024 and read the title of the Ordinance for the record.

The Commission and City Attorney discussed having a review of ordinances, the original intent of the ordinance, the State exemption, BTR (Business Tax Receipt) revenue and application, staff cost to issue and maintain, whether fees cover the cost, and violations and consequences.

The Mayor opened the public comments and Kathy Bryan addressed the City Commission.

Motion by Commissioner Colwell, seconded by Vice Mayor JodyLee, to adopt on first reading Ordinance No. 06-2024 Rescinding Ordinance No. 10-2007 in its entirety; Ordinance No.05-2009 previously replaced most of the provisions found in Ordinance No. 10-2007; The remaining provisions in Ordinance No.10-2007 have been added to Ordinance 06-2024 or have been pre-empted by new Florida Regulations passed in 2023. 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

8. OLD BUSINESS:

9. NEW BUSINESS:

- A. Request for approval of recommendations for scholarship awards from the William S. Harvey Deltona Scholarship Advisory Board (WSHDSAB) - Joyce Raftery, City Clerk's Department (386) 878-8502.**

Strategic Goal: Internal and External Communication.

The City Clerk gave a brief explanation of the item.

The Commission and staff discussed investing in the future, the City's responsibility, supporting a non-profit, parameters, State scholarships and overlap, the scholarship guidelines, the applicants, and the Board Chair.

Motion by Commissioner Shimkus, seconded by Commissioner Avila-Vazquez, to approve the 2024 William S. Harvey Deltona Scholarship award recipients as presented.

The Commission and staff discussed the board members and their qualifications, furthering education, not following direction, and review of the requirements.

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 an increase in the amount awarded from the William S. Harvey Deltona Scholarship Advisory Board (WSHDSB) - Joyce Raftery, City Clerk's Department (386) 878-8502.

Strategic Goal: Internal and External Communication.

The City Clerk gave a brief explanation of the item.

The Commission and staff discussed last year's motion to increase funding, allocating money wisely, school taxes, the committee members and their qualifications, other scholarship opportunities, the City's responsibility and funds, the history of the program and tabling the item.

Motion by Commissioner Shimkus, seconded by Commissioner Avila-Vazquez, to table the item until the next commission meeting so the Commission can get more information regarding the last vote and then consider how to move forward.

Amended motion by Commissioner Shimkus, seconded by Commissioner Avila-Vazquez, to table the item until the first meeting in May so the Commission can get more information regarding the last vote and then consider how to move forward.

The Mayor opened the public comments and Jim Pescha addressed the City Commission.

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

C. Request for approval of Veteran Enforcers Motorcycle Association's Deltona Memorial Day Ride Event - Mark Manning, Parks & Recreation

(386) 878-8905.

Strategic Goal: Fiscal Issues

The Parks & Recreation Director gave a brief explanation of the item.

Motion by Commissioner McCool, seconded by Vice Mayor JodyLee, to approve the event.

The Commission and staff discussed the proceeds, the non-profit organization, sponsorships and participants.

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. Request consideration and approval for the bid received from A.G. Pifer Construction Company, Inc. of Daytona Beach, Florida for the upland, Phase I Site Restoration Efforts associated with the 4B Project in an amount not to exceed \$144,781.00 - Phyllis Wallace, Interim Public Works Director (386) 878-8965.**

Strategic Goal: Infrastructure

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

The City Commission and staff discussed the timing, the existing structures, the garden club, the boat ramp restoration, closing out the project, other options, electrical removal, costs for electrical vs. landscaping, the landscape plan, timeline, the dry season and maintenance, responsibility, the remaining phases, the cost breakdown and savings, and tabling the item.

Motion by Commissioner McCool, seconded by Commissioner Colwell, to table the item until such time, time certain for 30 days to get more information back and explore opportunities of cost savings.

The City Commission and staff discussed using local businesses, the project scale, permitting and the requirements, planting what was removed, plank removal, St. Johns River Water Management District, boats and parking area, the buildings on the property, keeping the project moving, the roadway and Volusia County roads, working in conjunction with the County, breakout of work product, projects not being submitted, the importance of clear information, social media, City/tax money, the boat ramp, and aesthetics.

The Mayor opened the public comments and Terri Ellis, Elbert Bryan, Kathy Bryan, Lindsey Briones, and Jim Pescha addressed the City Commission.

Amended motion by Commissioner McCool, seconded by Commissioner Colwell, to table the item until May 1st to get more information back and explore opportunities of cost savings. 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

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 the Interim City Manager provide an overview of what happened with Tetra Tech and results of the initial survey, the recommendation, and staff's response.

Commissioner Heriot asked to know where the Land Development Code discussion is starting, is there a consultant and whether they are going to be at the workshop. He asked as well if this topic was going to be discussed in conjunction with the Comprehensive Plan.

Commissioner Heriot requested a timeline for the City Manager selection. The City Clerk provided an explanation of the current timeline.

Commissioner Heriot requested a timeline and plan for Lakeshore Boat Ramp project.

Commissioner Shimkus requested a presentation and clarification for recent conversations concerning employee raises.

Commissioner Shimkus requested that the dais do a little more self-policing moving forward such as not making requests for consensus that are not going to alter or adjust any

active policies. He requested that the dais bring concerns like these up for proper discussion with proper information.

Commissioner Colwell requested clarification on Code Enforcement policies concerning driveway expansions and locations.

Commissioner Colwell requested to know about any exemptions to food trucks needing to be completely cleared from their spots on a nightly basis and why, if no exemptions exist, that several locations are not adhering to those rules.

Vice Mayor JodyLee requested that within 30 days the dais receive a breakdown of how much it costs per month to transport animals from Deltona to the Halifax Humane Society in Daytona Beach, to include how much it costs in man hours and how much we pay to Halifax for services.

Mayor Avila requested that staff come up with a plan for the shortfalls and deficits in the budget.

13. CITY ATTORNEY COMMENTS:

14. CITY MANAGER COMMENTS:

The Interim City Manager reminded everyone of the upcoming blood drive and the West Volusia Housing Fair.

15. CITY COMMISSION COMMENTS:

Commissioner Shimkus spoke about the Deltona Community Garden Plant Sale.

Commissioner Avila-Vazquez spoke about the upcoming West Volusia Housing Fair and the Comp Stat meeting.

Commissioner McCool spoke about hurricane preparation, tomorrow's Volusia County Council meeting, and the Crystal Apple Awards.

Vice Mayor JodyLee spoke about pay raises and their appearances, the Enrique Apartments, and Osprey Estates.

Mayor Avila spoke about the Enrique Apartments and Osprey Estates.

16. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:52 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK