CITY OF DELAND
REGULAR MEETING OF THE CITY COMMISSION
JULY 6, 2026 AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

INVOCATION - Angelo Parra, Central Florida Freethought Community

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATIONS

1. Presentation re: Hometown Heroes

2. Introduction of one new Police Officer: Michael Bullock

3. Presentation of Employee Years of Service Awards

CONSENT AGENDA

1. Approval of Resolution 2026-34: IT Surplus Equipment

   Staff recommends the City Commission adopt Resolution 2026-34 declaring the listed equipment as surplus and authorizing its disposal as set forth therein.

2. Approval of Minutes: May 2, 2022; May 16, 2022; June 6, 2022; June 20, 2022; July 5, 2022; July 18, 2022; August 1, 2022; August 15, 2022; September 7, 2022 City Commission Regular Meetings

   Staff recommends the City Commission review and approve the minutes as prepared and presented.

3. Approval of Minutes: July 25, 2022 City Commission Special Meeting

   Staff recommends the City Commission review and approve the minutes as prepared and presented.

4. Approval of the Minutes: Monday, June 15, 2026 City Commission Regular Meeting

   Staff recommends the City Commission review and approve the minutes as presented.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

OLD BUSINESS

1. Second Reading of Ordinance 2026-17: Changing the Zoning for ± 2.02 Acres of Property, Located at 1500 S. Adelle Avenue, from Springwood Town Homes PD (Planned Development), to R-16 (Multiple-Family Dwelling).

NEW BUSINESS

1. First Reading of Ordinance 2026-18: Abandoning ± 0.09 Acres of Right-of-Way along W. Walts Avenue and S. Palmetto Avenue.

CITY COMMISSION REPORTS

1. Report re Elected Officials Round Table.

2. Report re Volusia-Flagler TPO.

3. Report re River of Lakes Heritage Corridor.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

CITY CLERK REPORT

CITY COMMISSION

ADJOURNMENT

The DeLand City Commission holds its regular meetings on the first and third Mondays of each month at 7:00 p.m. in the DeLand City Commission Chambers, 120 South Florida Avenue, DeLand. Notice of special meetings, workshops, changes in dates, times or locations are provided by separate Public Notices, which are posted at City Hall and on the City's web site.

The City of DeLand may take action on any matter during this meeting, including items that are not set forth within this agenda.

Public participation is encouraged on any matter on the agenda. If you desire to be recognized by the Mayor, please fill out a Speaker's Card and present it to the City Clerk.

Minutes of the DeLand City Commission meetings are not transcribed verbatim. If any person decides to appeal a decision made by the City Commission with respect to any matter considered at a public meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made by a court reporter, at the person's own expense.

In accordance with the American Disabilities Act, persons needing a special accommodation in order to participate in the proceedings should notify the City Clerk's Office at least 48 hours in advance of the meeting: 626-7132.

Assisted Listening System receivers are available for the hearing impaired, and can be obtained from the City Clerk.

If you wish to obtain information regarding the City Commission's Agenda, please call the City Clerk's Office: 626-7132.

We respectfully request that all pagers and cell phones be turned OFF during City Commission meetings.

Electronic Information! City Commission agendas and short form minutes are now available on the City's web page: www.deland.org.

CITY OF DELAND
Request for Commission Action
July 6, 2026

SUBJECT: Presentation of Employee Years of Service Awards

DEPARTMENT: Human Resources

PREPARED BY: Jeremy Wiggins, HR Director

ATTACHMENTS:

APPROVED BY: Michael Pleus, City Manager, June 30, 2026

SUMMARY/HIGHLIGHT:

The City of DeLand is proud to recognize employees who have reached significant career milestones and their dedicated service to the City of DeLand and its citizens. It is because of their commitment to serving our community that DeLand continues to be a great place to live and work. For these employees, their years of service are an accomplishment the City is proud to celebrate, and to extend its gratitude for their exceptional dedication.

10 Years of Service

Michael Stacy, Police Lieutenant

20 Years of Service

Michael Mueller, Fire Driver/Engineer

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

N/A

SUSTAINABILITY:

N/A

FISCAL IMPACT:

None

RECOMMENDATION:

It is recommended the City Commission present the service award.

BACKGROUND/DISCUSSION:

N/A

CITY OF DELAND
Request for Commission Action
July 6, 2026

SUBJECT: Approval of Minutes: May 2, 2022; May 16, 2022; June 6, 2022; June 20, 2022; July 5, 2022; July 18, 2022; August 1, 2022; August 15, 2022; September 7, 2022 City Commission Regular Meetings

DEPARTMENT: City Clerk

PREPARED BY:

ATTACHMENTS: MIN.CC.2022.05.02, MIN.CC.2022.05.16, MIN.CC.2022.06.06, MIN.CC.2022.06.20, MIN.CC.2022.07.05, MIN.CC.2022.07.18, MIN.CC.2022.08.01, MIN.CC.2022.08.15, MIN.CC.2022.09.07

APPROVED BY: Michael Pleus, City Manager, June 30, 2026

SUMMARY/HIGHLIGHT:

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends the Commission review and approve the minutes as prepared.

BACKGROUND/DISCUSSION:

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, MAY 2, 2022, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

The meeting was called to order by Mayor Apgar at 7:00 p.m.

Mayor Apgar stated the Beresford Reserve hearing is tentatively scheduled on May 23, 2022.

Mayor Apgar requested that anyone present who wishes to address the City Commission on an item appearing on tonight's agenda, or with regard to an item not on the agenda, please fill out a Speaker's Card and give it to the City Clerk. The public has a right to speak with regard to any item on which the City Commission is to take action.

INVOCATION:

Pastor Troy Bradley, Greater Union First Baptist Church, gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Apgar led the Pledge of Allegiance.

ROLL CALL

Commissioner Charles Paiva	Present
Commissioner Jessica Davis	Present
Commissioner Chris Cloudman	Present
Commissioner Kevin Reid	Present
Mayor Robert F. Apgar	Present

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk- Auditor; Mike Grebosz, Assistant City Manager; Jason Umberger, Police Chief; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Chad Gamble, Public Services Director; Ray Underwood, Public Works Director; Ray Bahrami, City Engineer; Jim Ailes, Deputy Public Service/Utilities Director; Mark Hayward, Human Resources Director, Chris Graham, Community Information Specialist; Ava Hanner, Community Information Specialist; members of the public and press.

PRESENTATIONS

1. <u>Proclamation, National Historic Preservation Month</u>

Commissioner Cloudman read the Proclamation and Commissioner Reid presented the Proclamation to a representative from MainStreet DeLand Association.

Whereas, Preservation Month began as National Preservation Week in 1973 and in 2005 the National Trust extended the celebration to the entire month of May and declared it Preservation Month to provide an even greater opportunity to celebrate the diverse and unique heritage of our country's cities and states; and

Whereas, the first Presidential preservation proclamation stated "As the pace of change accelerates in the world around us, Americans more than ever need a lively awareness of our roots and origins in the past on which to base our sense of identity in the present and our directions for the future; and

Whereas, DeLand continues to discover and celebrate the city's diverse cultural heritage found in irreplaceable places that hold the stories of all Americans; and

Whereas, DeLand recognizes that the Florida Trust for Historic Preservation is a statewide preservation non-profit that promotes the preservation and the inclusive sharing of the diverse architectural, historical and archaeological heritage of Florida; and

Whereas, the Florida Trust for Historic Preservation benefits historic communities like DeLand through advocacy, connection, education, and stewardship.

Now, Therefore, I, Robert F. Apgar, Mayor of the City of DeLand, do hereby proclaim the month of May 2022 as

National Historic Preservation Month

in the City of DeLand and urge all citizens of DeLand to join their fellow citizens in recognizing and participating in this special observance.

Done and Proclaimed this 2nd day of May, 2022.

/s/ Robert F. Apgar
Mayor

Attest
/s/ Julie A. Hennessy
City Clerk – Auditor

2. Resolution No. 2022-40, Honoring the Retirement of Division Chief Daniel K. LaGrange

Mayor Apgar asked Retiring Division Chief Daniel K. LaGrange and his wife to come forward. Commissioner Paiva read Resolution No. 2022-40, Mayor Apgar made the presentation.

RESOLUTION NO. 2022-40

A RESOLUTION OF APPRECIATION AND RECOGNITION BY THE CITY COMMISSION OF THE CITY OF DELAND, FLORIDA, TO DIVISION CHIEF DANIEL K. LAGRANGE UPON HIS RETIREMENT AFTER 21 YEARS OF SERVICE TO THE CITY OF DELAND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Daniel K. LaGrange has dedicated his career to the safety and protection of our community, and after 21 years of serving well and faithfully as a member of the DeLand Fire Department he announced his retirement as of April 22, 2022; and

WHEREAS, Daniel LaGrange began working for the City of DeLand Fire Department as a Firefighter on October 9, 2000; in August of 2018 he was promoted to Division Chief of Operations; and

WHEREAS, during his career Daniel completed various courses to enhance his career skills and diligently worked to promote life safety in our community. He obtained an Associates of Science Degree in Fire Science. Daniel also maintained state certification as a Fire Service Inspector I; and Fire Officer II from the Division of the State Fire Marshal Bureau of Fire Standards and Training; also received certification for completing numerous USAR courses; and

WHEREAS, Daniel coordinated the smoke detector program; coordinated Fire Department Public Education events as well as city Special Events; and

WHEREAS, Daniel LaGrange has distinguished himself with his professional leadership skills and performance as a Division Chief, and he has justly earned the respect, admiration and high regard of his fellow peers, as well as that of the citizens of this community.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. That the City Commission of the City of DeLand does hereby honor Division Chief LaGrange for his 21 years of service to the City and for the faithful, diligent and responsible manner in which he performed his duties.

Section 2. This resolution shall be spread upon the minutes of the City Commission of the City of DeLand as part of the permanent memento of the City's thanks and appreciation to Division Chief Daniel LaGrange.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY APPOINTED this 2nd day of May, 2022.

/s/ Robert F. Apgar
Mayor

Attest
/s/ Julie A. Hennessy
City Clerk – Auditor

Commissioner Reid made a motion to approve the Resolution. Commissioner Cloudman seconded the motion, which carried unanimously.

3. Employee Years of Service Awards

Mayor Apgar read and presented a plaque to Michael Quinn, Police Department, for 25 years of service.

Commissioner Cloudman read and presented a plaque to Triga Saputro, Utilities Department, for 25 years of service.

Commissioner Davis read and presented a plaque to Nate Carn, Fire Department, for 15 years of service.

Commissioner Paiva read and presented a plaque to Brandon Ferri, Fire Department, for 15 years of service.

Commissioner Davis read and presented a plaque to Ross Pelletier, Fire Department, for 15 years of service. Everyone joined in singing to and wishing Fireman Pelletier a Happy Birthday.

Kim Keith, Fire Department – not present

Jamie Lunsford, Fire Department – not present

Commissioner Paiva read and presented a plaque to James Smith, Fire Department, for 15 years of service.

Commissioner Reid read and presented a plaque to Sidney Stringer, Fire Department, for 15 years of service.

James Young, Fire Department – not present

Commissioner Cloudman read and presented a plaque to Hugo Fuentes, Utilities Department, for 10 years of service.

Mayor Apgar thanked all of those employees for their many years of dedicated service to the City of DeLand.

4. Promotions and Badge Pinning Ceremony for Firefighters Nate Carn and Ray Griffin

Fire Chief Allen introduced Lt. Nate Carn. Nate has 15 years of service with the City of DeLand and over the past 4 years has taken the lead in developing a training program for new hires and field training for all firefighters. Hired April 28, 2007, Nate was promoted to Engineer in 2019. Lt. Nate Carn's badge was pinned by his wife.

Fire Engineer Ray Griffin was an active duty Navy Veteran and remains in the Navy Reserves. Ray is continuing to improve himself through various training programs. He was hired in 2018 and is joined this evening by his wife and son. Ray Griffin's badge was pinned by his wife.

Mayor Apgar and City Commissioners commended and congratulated the firefighters.

5. Badge Pinning Ceremony for Police Officers Michael Quinn, Brian Kearney and David Stimpson

Police Chief Umberger asked Brian Kearney, David Stimpson and Michael Quinn to come up front for their badge pinning ceremony.

Chief Umberger stated badges were pinned at a ceremony which was held on April 23, 2022 at the Police Department. He introduced each of the officers and talked about their agency history, professionalism and how each of them earned the promotions being recognized.

Mayor Apgar and City Commissioners commended and congratulated the officers.

CONSENT AGENDA

1. Consideration re Acceptance of Deed from Volusia County School Board for Lift Station
2. Consideration re Utility Service Agreement and Fair Share Agreement for Manchester Neighborhood
3. Consideration re Award of Bid for Spec Martin Sports Complex Foundation Stabilization Phase 1

Commissioner Paiva made a motion to approve items 1 – 3 on the consent agenda. Commissioner Davis seconded the motion, which carried by a unanimous vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

There were none.

NEW BUSINESS

1. Resolution of Necessity (Authorizing an Eminent Domain Action); Property Acquisition for the Expansion, Upgrading and Improvement of the Utility Plant Complex and Facilities Including, but not Limited to the Water Reclamation Facility

Mr. Elkind provided background information leading to the resolution presentation. The last time the City condemned a property through eminent domain was approximately 26 years ago. He updated the City Commission on new appraisals which have been obtained for the properties. He mentioned the quick take process to be used if agreement is not reached with the owners of the property. If the quick take process has to be used, once the property is taken, the property owners will be entitled to a jury trial and whatever amount the jury says the property is worth is what the City would end up paying.

Commissioner Cloudman is glad to hear the presentation and that some of the property owners have sought legal counsel. With regard to the appraisal, Commissioner Cloudman asked if it indicates market value. Mr. Elkind said the appraisals obtained do indicate fair market value. He added there may be negotiations if desired by the parties and ultimately, if agreement isn't reached, a jury will make the final decision. The City is following statutory process. Mr. Elkind said the City is not allowed to condemn property for no reason, there has to be a defined need along with a concept plan to show for what purpose the City needs the property. This evening, the City Commission is defining the need. Subsequently, letters will be sent to property owners, containing purchase offers based on the appraisals obtained.

Mr. Elkind, City Attorney, read the Resolution by title only.

RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY COMMISSION OF DELAND, VOLUSIA COUNTY, FLORIDA, ESTABLISHING A NEED FOR ACQUISITION IN FEE SIMPLE FOR CERTAIN PARCELS OF LAND LOCATED PROXIMATE TO CITY'S UTILITY FACILITIES INCLUDING, BUT NOT LIMITED TO THE WATER RECLAMATION FACILITY, ADMINISTRATION BUILDINGS AND OTHER CITY PROPERTY SAID PARCELS LOCATED ON EAST HAVEN ROAD; ESTABLISHING THE UTILIZATION OF FLORIDA LAW; PROVIDING FOR AUTHORIZATION OF THE CITY ATTORNEY TO NEGOTIATE AND FILE AN EMINENT DOMAIN ACTION AS NECESSARY TO ACQUIRE THE PARCELS NEEDED BY THE CITY PROJECT AND TO TAKE OTHER NECESSARY ACTIONS; PROVIDING FOR EXHIBITS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Elkind stated the adoption of this resolution relates to property acquisition for the expansion, upgrading and improvement of the utility plant complex and facilities including, but not limited to, the water reclamation facility and utility administration building.

Commissioner Paiva made a motion to approve the resolution. Commissioner Davis seconded the motion, which carried by a unanimous vote.

2. Consideration re Appointment to Volusia County – Opioid Task Force and Advisory Board

Mr. Elkind reminded City Council of the interlocal agreement entered into recently with the county. That agreement includes a provision for establishment of an advisory board that will ultimately make decisions with regard to funds that will be received, as well as make recommendations to the county council. The City of DeLand will have an appointee on the advisory board. There is also a task force that has been working for a couple of years and that is more of a technical group. Mr. Elkind has had a conversation with someone in the community who has a significant appreciation for opioid addiction. They have a good person chosen who could be appointed to the task force, primarily a working group.

Commissioner Paiva made a motion to appoint Michael Grebosz, Assistant City Manager, to the Advisory Board and Michael Pleus, City Manager, as alternate. Commissioner Reid seconded the motion, which carried by a unanimous vote.

CITY MANAGER REPORT

Nothing to report.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Commissioner Paiva – nothing to report.

Commissioner Davis recently attended the Dave Rigsby Memorial and enjoyed hearing different aspects of the story. It was a beautiful day and a beautiful ceremony.

Commissioner Davis enjoyed the community event and thanked the Police Department for their interaction with the community. She got a genuine feeling of community from the officers.

Commissioner Davis recently accompanied her daughter to the Chisholm Community Building where her daughter participated in the performing arts. She really appreciates the exposure of members of the community's youth to something new and different. Commissioner Davis thanked the Parks & Recreation Department for helping make the program successful.

Commissioner Davis supports the book drive and encourages everyone to participate.

Commissioner Davis asked Commissioner Reid if he got the e-mail about the Volusia County Schools Oversight Committee member. She is unable to attend and has asked Commissioner Reid to attend in her place.

Commissioner Reid thanked Mayor Apgar for attending and speaking at the Dave Rigsby memorial. He also thanked Commissioner Davis for attending.

Commissioner Reid piggybacked on the book drive which is going well. Someone has offered to donate math workbooks to students on top of their encouragement for reading. Family Book Store will be participating in the program until the end of May.

Commissioner Cloudman mentioned the upcoming Annual Wild Game Feast.

Commissioner Cloudman mentioned the Rock'n Hearts for the Homeless to be held at Earl Brown Park on May 14, 2022 from 2:00 pm to 7:00 pm.

Mayor Apgar attended the annual Boy Scout Golden Eagle Dinner and Dr. Joyce Cusack was honored.

Clean up DeLand and Shred Day was very successful and Mayor Apgar thanked the Chamber for continuing to do that on an annual basis.

Mayor Apgar and Commissioner Cloudman were both at the recent St. Barnabas Episcopal School event and Mayor Apgar said it was very successful.

Mayor Apgar announced he attended the Fellowship of Christian Athletes dinner at Lifepoint Church recently.

Mayor Apgar announced the ribbon cutting for SIP on W New York Avenue to be held on Thursday May 12, 2022.

Mayor Apgar announced the May 14, 2022, Domestic Abuse Awareness event to be held at the Sanborn Community Center from 10:00 am thru 12:00 noon.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:43 p.m.

Prepared by:	Approved on:
Julie A. Hennessy, MMC	______________________________
City Clerk – Auditor	Date

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, MAY 16, 2022, AT 7:00 P.M
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

The meeting was called to order by Mayor Apgar at 7:00 p.m.

Mayor Apgar requested that anyone present who wishes to address the City Commission on an item appearing on tonight's agenda, or regarding an item not on the agenda, please fill out a Speaker's Card and give it to the City Clerk. The public has a right to speak about any item on which the City Commission is to take action.

Beresford Reserve has tentatively been scheduled to be held on July 25, 2022.

INVOCATION

Mayor Apgar mentioned community members who have passed away recently. He asked everyone to remember these families in their thoughts and prayers. He also asked everyone to remember Tom Bechtol and Jessica Parker in their thoughts and prayers, both working through family health issues.

Bishop Eugene Collier, New St. John Missionary Baptist Church, gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Apgar led the Pledge of Allegiance.

ROLL CALL

Commissioner Charles Paiva	Present
Commissioner Jessica Davis	Present
Commissioner Chris Cloudman	Present
Commissioner Kevin Reid	Present
Mayor Robert F. Apgar	Present

ALSO PRESENT: Michael Pleus, City Manager; Darren Elkind, City Attorney, Julia Hewitt, Deputy City Clerk; Michael Grebosz, Assistant City Manager; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Mike Holmes, Planning Director; Rick Werbiskis, Community Development Director; Chad Gamble, Public Services Director, Ray Underwood, Public Works

Director; Rick all, Parks and Recreation Director; Chris Graham, Community Information Specialist; Ava Hanner, Community Information Specialist; members of the public and press.

PRESENTATIONS

1. Proclamation – National Kids to Parks Day

Commissioner Reid read the Proclamation and Commissioner Paiva made the presentation to Rick Hall, Parks and Recreation Director.

PROCLAMATION

Whereas, May 21, 2022, is the twelfth Kids to Parks Day organized and launched by the National Park Trust held annually on the third Saturday of May; and

Whereas, Kids to Parks Day empowers kids and encourages families to get outdoors and visit local parks, public lands and waters; and

Whereas, we should encourage children to lead a more active lifestyle to combat issues of childhood obesity, diabetes, hypertension, and hypercholesterolemia; and

Whereas, Kids to Parks Day will broaden children's appreciation for nature and outdoors; and

Whereas, Kids to Parks Day will recognize the importance of recreating responsibility while enjoying the benefits of the outdoors.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, do hereby proclaim, May 21, 2022, as:

Kids to Parks Day

in the City of DeLand and urge all citizens of DeLand to make time to take the children in their lives to a neighborhood, state, or national park.

Done and proclaimed this 16th day of May, 2022.

/s/ Robert F. Apgar
Mayor

Attest:
/s/ Julie A. Hennessy
City Clerk-Auditor

2. <u>Proclamation – DeLand Alumnae Delta Sigma Theta Sorority Group</u>

Commissioner Cloudman read the Proclamation and Commissioner Davis made the presentation to each recipient.

PROCLAMATION

Thelma Alderman*	**Joeretha Hayes**	**Martha Livingston**
Barbara Bing	**Sharon Hill**	**Catherine Martin***
Dorothy Brown	**Gwendolyn Jackson**	**Nellie Miller***
Julia Cherry*	**Ruth Jackson**	**Stephanie Neal**
Annie Mae Cropper*	**Irene Johnson***	**Linda Simmons**
Brenda Cusack	**Lavern Kelly**	**Elvy Stiles***
Carolyn Dandridge*	**Araminta Lake**	**Erlene Turner**
Sheena Ferguson	**Joan Lane**	**Celestine Williams**
Ruth Hankerson	**Melba Lee***	**Helen Worty**

In Memory Of

Whereas, Delta Sigma Theta Sorority, Incorporated is a private, not for profit organization of college educated women committed to constructive development of its members and to public service with a primary focus on the Black community; and

Whereas, Delta Sigma Theta Sorority, Inc. was founded on January 13, 1913 by 22 collegiate women at Howard University; and

Whereas, since its founding in 1913, Delta Sigma Theta Sorority, Inc. has clearly distinguished itself as a public service organization that boldly confronts the challenges of African Americans and, hence, all Americans. Over the years, a wide range of programs addressing education, health, international development, and strengthening of the African American family have evolved. In realizing its mission, Delta Sigma Theta Sorority, Inc. provides an extensive array of public services initiatives through its Five-Point Program Thrust of Economic Development Educational Development, International Awareness and Involvement, Physical and Mental Health, and Political Awareness and Involvement; and

Whereas, on May 30, 1992, is when 27 women of Delta Sigma Theta Sorority, Inc. chartered a local chapter that provides community service to West Volusia County.

Whereas, this year marks the 30th anniversary of the local chapter called DeLand Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

Whereas, the City is pleased to extend this expression of our gratitude and best wishes to the members of Delta Sigma Theta Sorority, Inc. on the memorable occasion of the DeLand Alumnae Chapter of Delta Sigma Theta Sorority, Inc. 30th Anniversary.

Done and proclaimed this 16th day of May, 2022.

/s/ Robert F. Apgar
Mayor

Attest:
/s/ Julie A. Hennessy
City Clerk-Auditor

3. Proclamation – Older Americans Month

Commissioner Paiva read the Proclamation and Commissioner Cloudman made the presentation.

PROCLAMATION

Whereas, DeLand includes a growing number of residents aged 50 or older who contribute their strength, wisdom and experience to our community; and

Whereas, communities benefit when people of all ages, abilities, and backgrounds are welcomed, included and supported; and

Whereas, DeLand recognizes our need to create a community that provides the services and supports older Americans need to thrive and live independently for as long as possible; and

Whereas, since 1963, our nation has recognized May as Older Americans Month, a time to acknowledge the contributions of past and current older people to our country; and

Whereas, the national theme for Older Americans Month 2022 is "Age My Way" and provides an opportunity to explore the many ways older adults can remain in and be involved with their communities.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, do hereby proclaim, May 2022, as:

Older Americans Month

in the City of DeLand and urge all residents to take time this month to connect with older family members, friends, neighbors, and colleagues; acknowledge their valuable contributions, past and present; encourage their ongoing physical, mental and emotional well-being; and support their choices about how they age in their communities.

Done and proclaimed this 16th day of May, 2022.

/s/ Robert F. Apgar
Mayor

Attest:
/s/ Julie A. Hennessy
City Clerk-Auditor

4. Proclamation – Public Works Week

Mayor Apgar asked Ray Underwood, Public Works Director, and his staff to come forward for the presentation. Commissioner Davis read the Proclamation and Commissioner Cloudman made the presentation.

PROCLAMATION

Whereas, Public Works services provided in our community are an integral part of our citizens' everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as stormwater, water production and distribution, sewers, streets and highways, public buildings, solid waste collection, park maintenance; and

Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

Whereas, in time of natural disaster, public works employees are also the first responders to ensure the safety of our citizens; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design and construction, is vitally dependent upon the efforts and skill of public works officials; and

Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments, is materially influenced by the people's attitude and understanding of the importance of the work they perform; and

Whereas, this year's theme **"Ready and Resilient"** as we celebrate the hard work and dedication of the many public works professionals throughout the nation.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, do hereby proclaim, May 15, 2022 through May 21, 2022, as:

National Public Works Week

in the City of DeLand and urge all citizens of DeLand and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials and employees make every day to our health, safety, comfort, and quality of life.

Done and proclaimed this 16th day of May, 2022.

/s/ Robert F. Apgar
Mayor

Attest:
/s/ Julie A. Hennessy
City Clerk-Auditor

At the conclusion of Proclamation presentations, Commissioner Davis recognized The Honorable Joyce Cusack, present for the DeLand Alumnae Sorority group.

5. Presentation re Quarterly Financial Report for the Period Ending March 31, 2022

Dan Stauffer, Finance Director, presented and reviewed the financial report for quarter ending March 31, 2022, for the City of DeLand. The Quarterly Financial Report is a supplemental report intended to provide information regarding the financial position of each fund and includes a review of balance sheets and schedules on revenues and expenditures.

CONSENT AGENDA

1. Resolution Approving the Purchase of Chairback Seats from "4 Topps" for Melching Field
2. Resolution Approving the Naming of The Veterans Pavilion at Bill Dreggors Park as "The West/Friend Pavilion"
3. Consideration re Warranty Deed with Mr. Jack Davis as Grantor and the City as Grantee for North Hill Avenue Right-of-Way
4. Consideration re Award of Bid, Public Works Maintenance Shed
5. Consideration re Grant of Easement to Duke Energy, 1395 North Stone Street, City of DeLand Reclaimed Storage Tank and Pump Station
6. Consideration re Recommendations for Melching Field Stadium Improvements – Design Build Design – RFP 22-02
7. Consideration re Public Service Department Complex Improvements Contract, 2022 – CMAR Pre-Construction Services with Wharton-Smith, Inc.

Mayor Apgar removed item 6 from the consent agenda.

Commissioner Paiva made a motion to approve consent agenda items 1-5 and 7. Commissioner Davis seconded the motion, which carried by a unanimous vote.

Mayor Apgar stated item 6, which was removed from the consent agenda, relates in part to the construction project. When the Commission made the recommendation, it was realized there was a significant shortfall in terms of the budget and expectations placed on the contractor. He clarified that Stetson University and the City of DeLand, whether agreement is reached with the contractor, will still make field improvements that have been approved by the Commission in addition to lighting improvements and fencing improvements. At the least, some expansion of the seating area is anticipated directly behind home plate. The Scope of Services is still being negotiated.

Commissioner Paiva made a motion to approve consent agenda item 6. Commissioner Cloudman seconded the motion, which carried by a unanimous vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

Althea Chavers thanked the City Commission for all it has done and continues to do to support the Boys and Girls Club. She also thanked Mayor Apgar for always being there for the club. She provided updated information regarding the students and all the club has been able to provide for local youth. She distributed a book to the Mayor and Commissioners and asked them to take time to look at it to see more about what the Boys and Girls Club is doing

Mr. Kawsar stated his son owns a house in DeLand, where the tenants left and he needed to repair a substantive problem. Ultimately, Code Enforcement proceedings were followed through because of the permit pulled not providing coverage for all of the work that had to be done. Mr. Tanner Andrews spoke in support of Mr. Kawsar, stating Code Enforcement should be used in nuisance situations. He was displeased with the $1,900 in liens filed against the property after the owner had pulled a permit and worked to abate the problem. He urged the City to review Code Enforcement policies and procedures.

Mr. Elkind stated this case was reviewed thoroughly and in 2020 the tenant complained of a leaking roof. Many instances were observed where work had been done but no permit pulled. Mr. Elkind has been working with Code Enforcement and there was a lot of activity and time put into getting this property into compliance. The City has a code provision where all fines were capped at $25,000. There is an amnesty program in place so that when a property complies, the city uses a formula that is based on several factors, to appropriately reduce fines. Staff does not recommend modification to the ordinance since it is a well written ordinance that is fair, equitable and constitutionally sound.

Mr. Elkind stated the City of DeLand staff, particularly Code Enforcement, has bent over backwards to be accommodating to folks. They work with people to try to gain compliance in a user-friendly manner. He recommends the City Commission take no further action.

OLD BUSINESS

1. Second Reading of Ordinance No. 2022-07, Amending Chapter 33 of the Code, "Land Development Regulations," by Making Changes to Address Affordable Housing and Nonconforming Conditions

Mr. Elkind read the ordinance by title only.

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING VARIOUS SECTIONS WITHIN THE CODE OF ORDINANCES OF THE CITY OF DELAND/LAND DEVELOPMENT REGULATIONS (LDRS) RELATING TO AFFORDABLE HOUSING, NONCONFORMING BUILDINGS, STRUCTURES, LOTS AND USES, AND OTHER LAND DEVELOPMENT MATTERS TO INCLUDE, BUT NOT BE LIMITED TO, SECTIONS 33-12; SECTION 33-17; SECTIONS 33-17.01 THROUGH SECTION 33-17.05; SECTIONS 33-17.07 THROUGH SECTION 33-17.12; SECTION 33-17.17; SECTION 33-17.23; SECTION 33-19; SECTION 33-19.13; SECTION 33.25; SECTION 33-91.03; SUBSECTION (F); SECTION 33-101; SECTION 33-101.01; SECTION 33-102; SECTION 33-102.02; SECTION 33-102.03; SECTION 33-102.04; SECTION 33-102.05; SECTION 33-103; SECTION 33-103.01; SECTION 33-103.02; SECTION 33-103.03; SECTION 33-103.04; SECTION 33-103.05; BY CREATING NEW PROVISIONS OF THE *LDRS;* REPEALING SECTIONS 33-33.01.(E)(10) AND SECTION 33.145.04 WHILE ALSO ELIMINATING AND REVISING THE TEXT OF NUMEROUS PROVISIONS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR WAIVER OR DEFERRAL OF IMPACT FEES FOR AFFORDABLE HOUSING AS AUTHORIZED BY SECTION 163.31801(11), *FLORIDA STATUTES;* PROVIDING FOR DIVERSE IMPLEMENTING ADMINISTRATIVE ACTIONS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION ACTIONS OF A DIVERSE NATURE TO INCLUDE, BUT NOT BE LIMITED TO, MOVING SUBSECTION 33-102.04.(D) TO ARTICLE VII OF CHAPTER 33 WITH REGARD TO THE REGULATION OF SIGNS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

On April 18, 2022, the City Commission approved this ordinance on first reading to revise the Land Development Regulations to help address affordability of housing in DeLand and to allow nonconforming conditions to be treated as conforming under certain circumstances. This will allow many lots to become buildable and dwellings to be rehabilitated or expanded, which previously would have required a variance.

Mayor Apgar opened the Public Hearing.

Mayor Apgar disclosed all the Commission received a statement from Habitat for Humanity with suggested modifications to the ordinance.

Mike Holmes, Planning Director, talked about discussion from the first reading. Staff is suggesting, since the size of homes are being decreased, the number of parking spaces may also be decreased to 2 spaces for homes less than 1,000 sq ft, 3 spaces for up to 1,500 sq ft and anything exceeding 1,500 sq ft would require 4 parking spaces.

Mayor Apgar asked if the Commission agreed with staff recommendations to reduce the size to 750 square feet, what would be an appropriate reduction in the ADU's (Accessory Dwelling Units) that are currently at 800 sq ft. Mr. Holmes said there could be a percentage of size up to a designated number of square feet. That would provide Habitat with some flexibility and there would be no situations where the ADU would exceed the size of the house.

Mayor Apgar asked if there is a building code definition for "kitchen". Mr. Holmes said there is no set definition for "kitchen", noting there are several ways to prepare meals. Mr. Werbiskis said in speaking with the building official, the requirements only include that a sink be installed.

Commissioner Cloudman was appreciative of the compromise with the 750 square feet. He continues to be concerned about the borders of the city where there may be a different requirement in an area that exists in the county, for instance, across the street from a property inside the city. Mr. Holmes said there is really no way to be the same as across the street in a multi-jurisdictional situation.

Commissioner Davis asked if in the areas being addressed, mixed housing opportunities are being considered to accommodate various needs.

Mr. Pleus does not think it would be problematic to evaluate the efficacy of the new policy once a few projects are completed. If changes are warranted, staff would bring feedback to the Commission for future review.

Commissioner Reid was appreciative of the extra effort on parking. He is supportive of the staff recommendation for parking. He does like consideration of using percentages of ADU based on square footage of the main structure.

Jim Cameron, Daytona Beach resident, congratulated the DeLand City Commission and staff for taking innovative steps to address affordable housing. He is a long-time member of the Volusia Homeless Affordable Housing Coalition, and this issue is important. Mr. Cameron said refurbishing older housing units that may currently be inhabitable, will be helpful.

Mayor Apgar said while this ordinance is not a comprehensive response to the affordable housing crisis, it provides some opportunities noticed by the city. It is a starting point for addressing the issue. The City Commission talked through each of the changes made to the ordinance which include the number of parking spaces required for each unit, square footage minimums and maximums.

Commissioner Davis stated, regarding the square footage, the objective is to attract development that is different from what is existing. Her end goal is to make sure affordable housing is truly affordable.

Commissioner Paiva would prefer to see the square footage adjusted down rather than simply making 750 the minimum square footage.

Commissioner Cloudman would be okay with a tiered approach in terms of square footage, but he is supportive of making 750 the minimum square footage for a dwelling unit.

Commissioner Reid is flexible with respect to the minimum square footage, but would definitely like the ADU's to be based upon square footage of the main structure. He reiterated he does not want a reduction in parking.

Mayor Apgar is supportive of 750 square foot minimum. He said the details are important, and a unified voice from the Commission is going to be a message to their constituents.

Mayor Apgar outlined several different alternatives for addressing the Commission's concerns.

Commissioner Paiva made a motion to approve Ordinance No. 2022-07 with parking to be maintained as is with current land use categories, and a reduction of 25% square footage under heat and air for each specific land use/zoning category. Commissioner Reid seconded the motion.

Commissioner Paiva amended his motion to provide in every classification that an ADU may not exceed 85% of the main dwelling unit square footage. Commissioner Reid seconded the amendment.

Commissioner Cloudman would still like to see a reduction in parking.

Mayor Apgar asked for a vote. The motion, as amended, was approved by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

2. Second Reading of Ordinance No. 2022-08, Annexing Three Parcels of Land Totaling Approximately 64 Acres, located at 791 South Blue Lake Avenue (Trinity Gardens PD) (First Reading 01/18/22)

Mr. Elkind read the ordinance by title only.

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ANNEXING THREE PARCELS OF LAND TOTALING APPROXIMATELY 64± ACRES LOCATED AT 791 SOUTH BLUE LAKE AVENUE; AMENDING CITY BOUNDARIES TO INCLUDE THE ANNEXED PROPERTIES; AFFIRMING COMPLIANCE WITH STATUTORY PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.

This is a request for annexation of approximately 64 acres to develop a residential project with a mix of single-family lot sizes and townhomes. At the December 15, 2021, meeting, the Planning Board recommended approval of the annexation. First reading was approved by the city Commission on January 18, 2022. Because this annexation is part of a land use change, the second reading was placed on hold until the land had been approved by VGMC and the Department of Economic Opportunity. Both agencies have approved the land use.

Mayor Apgar opened the Public Hearing.

Mr. Holmes has reaffirmed with the County that there is no objection to this annexation which reduces an existing enclave.

Commissioner Cloudman noticed commentary online about this annexation following the City Commission pause on annexation. He stated this item was before City Commission for first reading prior to the pause resolution being adopted.

Michael Woods, Cobb Cole, was present representing the applicant. He clarified another distinction of this project is the majority of the area is already located inside the city limits of DeLand.

There being no additional comment, the Public Hearing was closed.

Commissioner Paiva made a motion to approve ordinance No. 2022-08. Commissioner Reid seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

3. <u>Second Reading of Ordinance No. 2022-09, Changing the Land Use from Volusia County's Urban Low Intensity and City of DeLand Low Density Residential to City of DeLand Urban Low Density Residential, for property located at 791 South Blue Lake Avenue (Trinity Gardens PD) (First Reading 01/18/22)</u>

Mr. Elkind read the ordinance by title only.

ORDINANCE NO. 2022-09

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND BY CHANGING FUTURE LAND USE DESIGNATIONS FROM VOLUSIA COUNTY'S URBAN LOW INTENSITY AND CITY OF DELAND'S LOW DENSITY RESIDENTIAL TO CITY OF DELAND'S URBAN LOW INTENSITY, FUTURE LAND USE DESIGNATIONS FOR PARCELS OF LAND LOCATED AT 791 SOUTH BLUE LAKE AVENUE; AND BY AMENDING THE FUTURE LAND USE MAP TO REFLECT THE CHANGE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

This is a request by applicant, Mike Woods of Cobb Cole Law Firm, to amend the land use designation for approximately 183.92 acres. The subject property is located north of the E. Beresford Avenue proposed extension between Kepler Road and Blue Lake Avenue. At their December 15, 2021, meeting, the Planning Board recommended approval of the land use amendment. The City Commission approved the application on first reading and directed staff to transmit the application to VGMC and the Department of Economic Opportunity for their review and approval. Both agencies have approved the application, thus allowing the City to proceed with adoption of the ordinance to amend the Future Land Use map to all Urban Low Intensity.

Mayor Apgar opened the Public Hearing.

Michael Woods, Cobb Cole, stated with the land use change, the parcel already within the city limits has the most intense current land use density. The areas being annexed have County ULI which is a one-to-one ratio change. By bringing all the parcels in under the city's ULI designation, there is a net reduction in land use yield. The developer is working within the density that is already in place.

There being no public comment, the Public Hearing was closed.

Commissioner Paiva made a motion to approve Ordinance No. 2022-09. Commissioner Davis seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES

Commissioner Reid	YES
Mayor Apgar	YES

4. Second Reading of Ordinance No. 2022-10, Changing the Zoning from City of DeLand Rural Residential, Volusia County's A-3, Transitional Agriculture, to Trinity Gardens PD, for property located at 791 South Blue Lake Avenue, approximately 183.2 Acres of Property (First Reading 01/18/22)

Mr. Elkind read the ordinance by title only.

ORDINANCE NO. 2022-10

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM CITY OF DELAND'S RR, RURAL RESIDENTIAL, VOLUSIA COUNTY'S R-R, RURAL RESIDENTIAL AND VOLUSIA COUNTY'S A-3, TRANSITIONAL AGRICULTURE TO TRINITY GARDENS PD, PLANNED DEVELOPMENT, ON PROPERTY LOCATED AT 791 SOUTH BLUE LAKE AVENUE; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 183.92 ± ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

This is a request by applicant, Mike Woods, of Cobb Cole Law Firm, to amend the zoning designations for property located north of Beresford Avenue proposed extension, between Kepler Road and Blue Lake Avenue.

Mayor Apgar opened the Public Hearing.

Mike Holmes, Planning Director, reminded the City Commission this project is for 425 single-family and 118 townhouse units.

Mr. Elkind commented on the change in language requested by the Building Official. He said in the past the city has been accommodating to developers in allowing them to build model homes while the site infrastructure is being developed. Unfortunately, some have not been very responsible. Therefore, the city has not routinely allowed any sales offices or model homes to be constructed prior to all infrastructure being completed and inspected by the city.

Mr. Holmes noted all future PDs will be inclusive of the same language with regard to the allowance of model homes and temporary sales offices.

Michael Woods, of the Cobb Cole Law Firm, explained what has been worked on since January for Trinity Gardens. The Traffic Engineer, Engineer and Landscape Architect are all present to inform the City Commission of what they are doing for the project in terms of Low Impact Design (LID) standards.

Mr. Woods provided an overview of the project, which includes approximately 543 projected residential units. He discussed the layout of the development and phasing of the project.

Mohammed Abdallah, Traffic & Mobility Consultants LLC, 3101 McGuire Blvd, Orlando FL, stated his firm has been in coordination with Volusia County Traffic Engineering since January. Discussions have been held regarding traffic methodology to include an extensive review with the county's traffic engineer on various components of the traffic study. The proposed development will undergo further review to identify a specific off-site mitigation requirement which will help address the Beresford Avenue Extension, MLK Beltway and other regionally significant facilities. He stated regarding connectivity, the more connections to the external network, the better traffic flow is going to be. This project development will connect to three public rights of way and traffic from the site is adequately diffused at the access points. The proposed project is being estimated to generate approximately $3 million in impact fees that will be allocated to roadway improvements in the area.

Commissioner Cloudman asked if during discussions with Volusia County, if there were any thoughts placed into the three different entrances being ingress/egress only or one-way. Mr. Abdallah said none of the roadways are divided, all entrances will be full access.

Mr. Woods informed the City Commission of accommodations being made to save historic trees within the development. He spoke about the wetland preservation and enhancements.

Sean Flaherty, KCG Engineering, stated he is the Civil Engineer for the project. He discussed the incorporation of Low Impact Designs into the project. The wetland will be kept intact and utilized. Those areas are isolated within the project and create the opportunity to enhance and use wetland areas effectively. Mr. Flaherty stated they are trying to design the stormwater system to meet criteria without swales. He stated there is one neighboring area of depression that borders the project. Any stormwater system in that area will purposely be held down to not inadvertently hydrate the depression area. Water will always be below that depression in the area and precautions have been taken to ensure same.

Commissioner Cloudman stated his appreciation to the team for working to incorporate the LID practices. In regard to phasing, Commissioner Cloudman asked if any thought has been given to how the phasing will progress. Mr. Woods said phasing will progress as numbered.

There being no additional public comments, the Public Hearing was closed.

Commissioner Reid made a motion to approve Ordinance No. 2022-10 with the Concept Plan dated April 25, 2022, and the changes recommended by staff. Commissioner Davis seconded the motion.

Commissioner Paiva believes this to be a responsible development. He stated continued hesitation with the excessive number of 50' lots. He does appreciate the amenities. The density could be lower while still delivering a nice development. Overall, he feels many of the items included in the development are very thoughtful.

The motion carried upon roll call vote:

Commissioner Paiva	NO
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

NEW BUSINES

1. Resolution Approving Special Exception for a 4COP Liquor License, for property located at 148 West New York Avenue (Blind Pig Pub)

Mayor Apgar entertained public comments. There were none.

Commissioner Paiva made a motion to approve the resolution. Commissioner Reid seconded the motion, which carried by a unanimous vote.

CITY COMMISSION REPORTS

1. Report re: Elected Officials Round Table

Mayor Apgar stated there was an extensive presentation by the American Flood Coalition. A handout has been provided to all Commissioners.

Mayor Apgar stated additional legislative updates are forthcoming.

The Transportation Sub-Committee will be delayed until after election.

Mayor Apgar reported an update on the settlement of the drug litigation with various drug stores and companies.

2. Report re River-to-Sea TPO

Commissioner Cloudman stated the last full board meeting was April 27, 2022, and a few of the items that were passed by the board included the following.

- Acceptance of search committee's recommendation to extend title of Interim Director to Colleen Nicholson for an additional six months.
- Resolution adopting River to Sea Limited English Proficiency Plan (LEP)
- Presentation discussion of updates for Florida Greenways and Trails System.
- Presentation on status of the Flagler County Transit Development Plan
- Presentation on the Public Participation Plan

Commissioner Cloudman continued by providing updates to various projects:

- Greenways and Trails – discussion about opportunities to prioritize and add new priorities. New priorities include a multi-use trail along Hwy 40 and connecting to Lake County.
- Area projects include the resurfacing on International Speedway from North Alabama to East of North Kepler. The estimated completion is Spring 2023.
- The Spring Garden Avenue resurfacing form South Plymouth Avenue to International Speedway should be wrapping up at this time.
- I-4 Highway lighting replacement has been started with a completion date of this coming summer. The contractors have had to go back and replace some of the lights that were defective.
- Resurfacing from west of CR 4139 to east of SR 44 should be complete later this year.
- SR 15A, from South Woodland to Adelle, remaining cones and barrels are being removed.
- St. Johns River Bridge replacement is well underway and completion is expected late in 2023.

3. <u>Report re River of Lakes Heritage Corridor</u>

Commissioner Cloudman reported that the first meeting in person was held this month at DeLeon Springs. Discussions took place regarding what is happening along the corridor. There were also conversations pertaining to the status of the board, moving forward. The purpose of the board is being evaluated and the board has plans to become more active.

Mayor Apgar reported that he found out over the weekend that John Tyler was made the District V Secretary.

CITY MANAGER REPORT

1. <u>Appoint Voting Delegate to the Florida League of Cities</u>

Annually, in advance of the annual Florida League of Cities Conference, each jurisdiction is asked to appoint one voting delegate. Typically, it has been Mayor Apgar. Mr. Pleus asked the City Commission to appoint a delegate.

Commissioner Paiva made a motion to make Mayor Apgar the voting delegate. Commissioner Davis seconded the motion, which carried by a unanimous vote.

CITY ATTORNEY REPORT
Nothing to report.

CITY CLERK REPORT
Nothing to report.

CITY COMMISSION

Commissioner Paiva congratulated Rachel Myers Ebert, appointed as a Volusia County Judge. She was in the inaugural class of the DeLand School of Government. He said it was nice to see someone from the inaugural class be appointed as Judge.

Commissioner Davis thanked the City Commission for allowing she and her sorority sisters to have their presentation during a Commission Meeting. She stated on May 6, 2022, she is an official Stetson Hatter, graduating with her Master's Degree in Education.

Commissioner Davis stated on May 17, 2022, there is a community meeting from 6:30 p.m. to 7:30 p.m., at the Chisholm Community Center. Lisa Lewis will be presenting voter education.

During May 20-22, 2022, Emancipation Weekend will be held and the African American Museum of Arts will have a full agenda. Commissioner Davis will be representing the city that Saturday at 10:00 a.m. She invited all to attend.

Commissioner Reid reminded the City Commission of the book drive going through the end of May. He stated it is going very well and the goal is to get books into the hands of DeLand youth.

On May 19, 2022, the School Board meeting will be held, and he will be in attendance on behalf of Commissioner Davis.

Commissioner Cloudman stated Stetson students have been released for the summer. The school year is winding down and several events have been mentioned and will be forthcoming. He will make sure memorial service information for John Cheney is distributed to everyone. He will be receiving additional details tomorrow.

Mayor Apgar attended the ribbon cutting for Super Inspection Pros. As part of the historic preservation, there was an unveiling of the renovation for the second story over the old bicycle shop. The event was well attended.

Mayor Apgar stated Cynthya Pagan-Hale had another session on Domestic Abuse this past Saturday at the Sanborn Center. The neighborhood center was venue to a rock concert, as well.

The Volusia League of Cities banquet will be held in Deltona on May 26, 2022.

On May 27, 2022, beginning at 11:30 a.m. the city's annual hurricane luncheon will take place.

Memorial Day events begin at 10:00 a.m. at Dreggors Park.

The Policy Committee sign-ups for the Florida League of Cities will open on June 1, 2022. He encouraged anyone interested to sign up to serve on one of the five policy committees.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:29 p.m.

Prepared by:	Approved on:
Julie A. Hennessy, MMC	______________________________
City Clerk – Auditor	Date

MINUTES FOR A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF DELAND HELD ON MONDAY, JUNE 6, 2022, AT 7:00 PM CITY HALL, COMMISSION CHAMBERS 120 SOUTH FLORIDA AVENUE

CALL TO ORDER

The meeting was called to order by Mayor Apgar at 7:00 p.m.

Mayor Apgar requested that anyone present who wishes to address the City Commission on an item appearing on tonight's agenda, or with regard to an item not on the agenda, please fill out a Speaker's Card and give it to the City Clerk. The public has a right to speak with regard to any item on which the City Commission is to take action.

INVOCATION:

Mayor Apgar asked that the families of David Staples and Peter Woods be remembered in everyone's thoughts and prayers. Both gentlemen were long time residents of the City of DeLand. Mayor Apgar also mentioned recent school shootings, asking that all of the families be remembered. He mentioned Tom Bechtol and Jessica Parker are both residents who are recovering from illness and everyone was asked to keep them in their thoughts and prayers.

Pastor Peter Migner, DeLand Church of the Nazarene, gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Apgar led the Pledge of Allegiance.

ROLL CALL

Commissioner Charles Paiva	Present
Commissioner Jessica Davis	Present
Commissioner Chris Cloudman	Present
Commissioner Kevin Reid	Present
Mayor Robert F. Apgar	Present

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julia M. Hewitt, Deputy City Clerk; Mike Grebosz, Assistant City Manager; Adam Kisthardt, Deputy Police Chief; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Chad Gamble, Public Services Director; Ray Bahrami, City Engineer; Rick Hall, Parks and Recreation Director; Mike Holmes, Planning Director; Mark Hayward, Human Resources Director; Greg Whidden, IT Director; Scott Zender, Deputy Utilities Director; Ava Hanner, Community Information Specialist; members of the public and press.

Mayor Apgar mentioned City Manager Michael Pleus received the Award for Professional Excellence last week from the Florida City and County Manager's Association.

PRESENTATIONS

1. <u>Certificate of Recognition, Southwestern Middle School Girls Basketball</u>

Mayor Apgar thanked Commissioner Davis for bringing the success of the Southwestern Middle School Girls Basketball team to the attention of the Commission. Commissioner Cloudman read the presentation and Commissioner Davis presented same to those present.

Commissioner Davis invited Principal Jacquese Copeland to join her up front.

Certificate of Recognition

Saleigh Simpson
Gabrielle Lett
Denayah Pate
Shemia Patrick
Hailey Banks
Laila Flemmings
Jadilinette Cordero-Vasquez – Team Manager
Donta Harper – Head Coach
Taren Saunders – Assistant Coach
Serria Wulf
Ivyunna Gordon
Leilany Diaz
Kayla Smith
R'Gena Brooks
Laniyah Lane

Whereas, the DeLand City Commission is pleased and honored to give special recognition and to offer congratulations to all the members of the Southwestern Middle School Girls Basketball team on an undefeated and successful season; and

Whereas, Southwestern Middle School Girls' Basketball Team has won the District Championship for two consecutive years under the leadership of Head Coach, Donta Harper; and

Whereas, the eighth graders on the team have not lost a game during their entire middle school career; and

Whereas, the DeLand City Commission commends each team member for their individual contributions to the success of this year's team and for their dedication to the sport of basketball. We also offer our congratulations to Coach Donta Harper and Assistant Coach Taren Saunders that have motivated and guided these athletes to excel and to learn the value of good sportsmanship.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, and on behalf of the City Commission and all our citizens do hereby extend this expression of pride in the team's accomplishment son the court and in the classroom and our appreciation for the fine recognition you have brought to our community by your good sportsmanship and inspired team play. We wish all of the **Southwestern Middle School Girls Basketball Team** continued success in the future.

Done and Proclaimed this 6th day of June, 2022.

/s/ Robert F. Apgar
Mayor

Attest:
/s/ Julie A. Hennessy
City Clerk - Auditor

2. Presentation re: Books from the City Commission "Say Reading Counts" Book Drive

Commissioner Reid referred to this book drive with assistance from Family Book Store. This book drive has been concluded and was successful. Each of the campers will go home with a library of at least ten "Reading Counts" books provided by citizens of DeLand and local businesses. He invited the House Next Door's leaders who were running the enrichment program to accept the presentation of books and get some photographs. Commissioner Reid expressed his appreciation to everyone who participated in the book drive.

CONSENT AGENDA

1. Resolution Approving Budget Amendment for FY 21-22
2. Resolution Approving Amended Community Development Block Grant (CDBG) Budget for Fiscal Year 2022-2023
3. Consideration re Gateway Grant for DeLand Church of the Nazarene, Located at 913 East New York Avenue
4. Resolution Approving Amendment #1 to the FDOT Public Transportation Grant Agreement FM 438416-1-94-01 for Hangars – Construction
5. Consideration re Utility Service Agreement for Caliber Collision Located at 1294 East International Speedway Boulevard
6. Consideration re Change Order No. 2, 2021 Water Main Improvements
7. Consideration re Athletic Facilities Use Agreement with Volusia County School Board Pertaining to Use of City Athletic Facilities and the Use of the DeLand Middle School Gymnasium by the City

Mayor Apgar pulled item 7 from the Consent Agenda.

Commissioner Paiva made a motion to approve items 1 – 6 on the consent agenda. Commissioner Davis seconded the motion. The motion was approved by a unanimous vote.

7. Consideration re Athletic Facilities Use Agreement with Volusia County School Board Pertaining to Use of City Athletic Facilities and the Use of the DeLand Middle School Gymnasium by the City

Mayor Apgar thanked Darren Elkind, Michael Pleus and Rick Hall for their hard work in getting the school agreement in place.

Commissioner Paiva made a motion to approve item 7 on the consent agenda. Commissioner Reid seconded the motion. The motion was approved by a unanimous vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

There were none.

NEW BUSINESS

Mayor Apgar stated Item 4 will be the first item for consideration under New Business.

4. Consideration re Melching Field Design-Building Contract

Michael Pleus, City Manager, stated due to cost overruns, a few options are being presented for consideration.

Chad Gamble, Public Services Director, stated there were three originally short-listed firms, however, Wharton-Smith (WS) was the only proposal submitted. Major components of the Melching Field design build contract were reviewed.

Mr. Gamble introduced Wharton-Smith representatives Bob McClelland, Director of Business Development and Andy Duffy, Director of Pre-Construction Services. In addition, project team members present include Jeff Altier, Athletic Director at Stetson College; Steve Trimper, Baseball Coach at Stetson College and Rick Hall, Parks and Recreation Director.

Wharton-Smith's original proposal for construction of the full scope of services as detailed in the DCP, completed within the required timeframe was estimated at $10,400,000. The selection committee unanimously recommended award of the design build proposal to Wharton-Smith. Noting the current budget for all project improvements, $5,798,544, the panel understood value engineering and scope analysis/reductions and/or development of a phased approach were required to complete all improvements and required code upgrades to the Melching Field.

Three options presented to the City Commission along with the detail included in each option follows:

Option 1 would be to enter a contract with Wharton-Smith for $2,376,680. This contract would construct the following elements as part of their contract:

- Traffic topping and waterproofing of concrete stadium surfaces
- Perimeter fence and padded wall installation

- Three new rows of stadium level seating
- Concrete stadium repairs

As a reminder, the stadium seating, field lighting, turf and irrigation installation, bull pen relocations, scoreboard, PA system, netting, security camera installation are all improvements to be completed under separate procurement documents with anticipated completion in Spring 2023.)

If Option 1 is selected, this would bring the project cost to $6,633,678 and would require the City to appropriate additional funds in the amount of $1,682,567, of which $1,125,000 is due to loss of the ECHO grant which had been anticipated as revenue.

Stetson University is supportive of this option and have committed to their share of the 50/50 match for additional costs.

Option 2 would be to enter a contract with Wharton-Smith for $4,240,680. This contract would construct the same improvements as option 1 detailed above, and would add the following elements:

- Improvements/upgrades to the maintenance and support areas of the stadium
- Demolition and construction of the new ADA accessible stadium ramp
- *Construction of a new multi-purpose two-story pavilion and observation area along the third base line.

If Option 2 is selected, the project cost would be $8,597,677.73 and would require the City to appropriate additional funds in the amount of $2,664,567 of which $1,250,000 is due to the loss of the ECHO grant which had been anticipated as revenue.

This option is preferred by Stetson staff. They are supportive of and have committed to their share of the 50/50 match for additional costs.

Both options 1 & 2 could be substantially complete by February 12, 2023, with the understanding that a contract for the preferred option would be authorized at this meeting.

Option 3 would be to complete Option 1 and perform all remaining items in fiscal year 2023-24. This option would require appropriations detailed under option 1. Mr. Gamble advised an appropriation of $1,250,000 would be ARPA funding which would replace the ECHO grant that was originally the City's 50/50 match with Stetson University. However, the remaining scope of service items not completed by Wharton-Smith in the first year would be completed in a second year of construction. Those items would include:

- Two-story pavilion and reconstructed pedestrian ramp
- Bathroom and related code improvements
- Concession stand renovations and code improvements

- Fabric shade structure installation
- Press box remodel/upgrades and code improvements

The total cost for the second year of construction improvements to the stadium is estimated to be $7,886,186. The City is proposing to submit an exceptional ECHO grant for the amount of $2,500,000. Thus, bringing the costs that are shared 50/50 with Stetson for the second year of construction for the construction contract to approximately $5,400,000. If this option is selected, there would have to be an additional future commitment of funding from each, the City and Stetson University, of approximately $2,700,000.

Mr. Gamble said staff is recommending the City Commission approve moving forward and authorize the execution of a contract to the Wharton-Smith design team for Option #1 or Option #2 as detailed, providing guidance on future plans for Option #3. Based on City Commission action, staff will bring forward a budget amendment reflecting the Commission's preference.

Mr. Pleus, City Manager, noted the original budget for everything was $5,700,000 split 50/50 with Stetson University. The City's portion included an ECHO grant in the amount of $1,250,000, largely for the shade structure and the pavilion. Since the budget is now $14,000,000 for everything included, basically the pavilion and shade structure would have to be removed to reduce cost. These items would be done in a future phase. The City Commission has discussed using ARPA funding for this project.

Commissioner Cloudman disclosed a potential for a conflict of interest due to his employment.

Jeff Alter, Stetson University, stated increased cost results from supply chain and construction cost issues. The University would still like to complete the entire project. Many elements in options 2 and 3 serve the community more than the university. He noted the committee has worked hard to reduce costs to a reasonable level and has been prudent in addressing the infrastructure needs for the stadium. It is the desire of Stetson University to be good partners with the City of DeLand.

Commissioner Davis clarified two potential contractors withdrew from submitting RFQ's, and she also asked if anything was submitted from Scorpion Corporation. Mr. Gamble said there was a multi-step process with the procurement of the improvements for the stadium. Because it is a design build project, there are very regimented Florida rules and regulations that set forth a detailed process. First, a consultant (CPH) had to be hired to perform the design/build criteria package. Subsequently, a Request for Qualifications was solicited from teams who would be able to demonstrate meeting a certain standard. Three teams were deemed qualified or invited to submit request for proposals on the stadium. In the end, only one proposal for these improvements was submitted.

Commissioner Davis asked what the highlights were for the project as recommended by the committee. Mr. Altier stated Wharton-Smith has demonstrated success in the rehabilitation and construction of both college and professional baseball stadiums. They brought in experienced staff and demonstrated local projects they have completed. Their ability to be flexible and do a fair amount of self performance were important factors in the decision to work with Wharton-Smith.

Mr. Gamble added the committee members have worked diligently with Wharton-Smith to break this project down into consumable parts. There is no financial waste either way, given the fashion in which the project has been packaged for design and construction.

Commissioner Paiva said for Option 1, the amount which exceeds ARPA funds is $460,000, he asked how those additional funds would be covered and Mr. Pleus advised from capital reserves. Stetson favors option 2, and funding would still have to come from capital reserves. Commissioner Paiva noted there are other capital needs. He asked Mr. Pleus his thoughts with regard to the two options.

Mr. Pleus said option 1 would be staff's preference because the shade structure as well as the pavilion are necessary in order to maximize the City's ability to get as much revenue from ECHO as possible. In addition, several priorities will be coming forward in the budget which may require either capital reserves or ARPA funding. Lastly, it is possible that next year, if this is packaged as a phase 2, that some of the inflationary pressures will ease. If so, Wharton-Smith could be asked to recalibrate their prices.

Mr. Altier said what he is authorized to put forth from Stetson University is in line with option 2. The University has committed funding for this project. If option 1 is chosen, the funding will have to be revisited at a future date. However, Stetson is committed to support either of the first two options.

Commissioner Paiva made a motion to approve Option 1 for the Melching field design-build contract with Wharton-Smith. Commissioner Reid seconded the motion. The motion was approved by a vote of 4 to 0. Commissioner Cloudman abstained from participation, voting and will complete a memorandum of conflict.

1. First Reading of Ordinance Annexing 6.73 Acres of Property Located on the East Side of South Blue Lake Avenue, South of Saffron Trail (The Oaks)

Mr. Elkind, City Attorney, read the Ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ANNEXING A PARCEL OF PROPERTY TOTALLING APPROXIMATELY ±6.73 ACRES OF LAND LOCATED ON THE EAST SIDE OF SOUTH BLUE LAKE AVENUE, SOUTH OF SAFFRON TRAIL, AMENDING CITY BOUNDARIES TO INCLUDE THE ANNEXED PROPERTY, AFFIRMING COMPLIANCE WITH STATUTORY PROCEDURE, PROVIDING AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing. There were no public comments. Mayor Apgar closed the Public Hearing.

Mayor Apgar stated this annexation application was prior to the City Commission authorizing a pause in development.

Commissioner Cloudman asked if anyone was present from the Planning Board and if effort has been made with the neighborhood that will be surrounded by this property. Mike Holmes, Planning Director, stated notices were sent to surrounding property owners.

A motion was made by Commissioner Paiva to approve the Ordinance upon first reading, relating to the annexing of 6.73 Acres of Property located on the East side of South Blue Lake Avenue, South of Saffron Trail (The Oaks). Commissioner Davis seconded the motion, which carried by the following roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

2. First Reading of Ordinance Changing the Land Use from Volusia County Urban Low Intensity to City of DeLand Urban Low Intensity for 6.73 Acres of Property Located on the East Side of South Blue Lake Avenue, South of Saffron Trail (The Oaks)

Mr. Elkind, City Attorney, read the Ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED ON THE EAST SIDE OF SOUTH BLUE LAKE AVENUE, SOUTH OF SAFFRON TRAIL; FROM VOLUSIA COUNTY'S URBAN LOW INTENSITY FUTURE LAND USE DESIGNATION TO CITY OF DELAND'S URBAN LOW INTENSITY FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing. There were no comments. Mayor Apgar closed the Public Hearing.

A motion was made by Commissioner Paiva to approve the Ordinance upon first reading, relating to the changing the land use from Volusia County Urban Low Intensity to City of DeLand Urban Low Intensity for 6.73 Acres of Property located on the East side of South Blue Lake Avenue, South of Saffron Trail (The Oaks). Commissioner Davis seconded the motion which carried by the following roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

3. First Reading of Ordinance Changing the Zoning from Volusia County RR (Rural Residential), City of DeLand R-M (Residential – Mobile Home) and City of DeLand The Oaks PD to The Oaks Community Expanded PD 2022 for 51.86 Acres of Property Located Generally at the Southeast Corner of Voorhis Avenue and South Blue Lake Avenue

Mr. Elkind, City Attorney, read the Ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S RR, RURAL RESIDENTIAL, CITY OF DELAND'S R-M, RESIDENTIAL-MOBILE HOME AND THE OAKS PLANNED DEVELOPMENT TO CITY OF DELAND'S THE OAKS COMMUNITY EXPANDED PD 2022, PLANNED DEVELOPMENT, ON PROPERTY LCOATED AT THE SOUTHEAST CORNER OF VOORHIS AVENUE AND SOUTH BLUE LAKE AVENUE, APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 51.86 ACRES OF PROPERTY MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing. There were no comments. Mayor Apgar closed the Public Hearing.

Mr. Holmes noted the Planning Board did incorporate some changes in the PD which are included in what the City Commission is being asked to approve.

A motion was made by Commissioner Paiva to approve the Ordinance upon first reading, relating to the changing the zoning from Volusia County RR (Rural Residential), City of DeLand R-M (Residential – Mobile Home) and City of DeLand The Oaks PD to The Oaks Community Expanded PD 2022 for 51.86 Acres of Property Located Generally at the Southeast Corner of Voorhis Avenue and South Blue Lake Avenue. Commissioner Davis seconded the motion which carried by the following roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

4. <u>Consideration re Melching Field Design-Building Contract (Previously Acted Upon)</u>

5. <u>Request to Schedule Budget Workshops for FY 2023 for July 11 – 14, 2022, at 5:30 p.m., with Friday, July 15, 2022 Held as a Reserve Date</u>

A motion was made by Commissioner Davis to approve the schedule for budget workshops. Commissioner Cloudman seconded the motion. The motion was approved by a unanimous vote.

6. <u>Consideration re Change of Meeting Date for Fourth of July Holiday</u>

A motion was made by Commissioner Paiva to approve the change of meeting date to accommodate the Fourth of July holiday. Commissioner Davis seconded the motion. The motion was approved by a unanimous vote.

CITY MANAGER REPORT

Michael Pleus, City Manager, thanked the City Commission for the recognition of the Professional Management of Excellence Award.

Mr. Pleus announced Mike Grebosz, Assistant City Manager, is now President of the Florida City and County Management Association.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Commissioner Davis thanked Commissioner Reid for sharing oversight committee information with the Commission. She also expressed appreciation for the Proclamation to the Staples family. As a teacher, Commissioner Davis thanked the Commission for extending the opportunity for

Southwest Elementary School to attend the meeting. She also thanked Reverend Bradley for being a part of the Championship Coaching Team.

Commissioner Reid thanked the Commission for being a resource to get the book drive going. He also thanked Mayor Apgar for the Proclamation for Rotary Achievers.

Commissioner Cloudman provided information from a recent River of Lakes meeting.

Mayor Apgar attended a recognition by the Small Business Administration in Orange City recently, and he said the Page Agency was one small business and there were others. He also reported the hurricane luncheon was successful as was the Memorial Day event.

Mayor Apgar stated on June 18, 2022, the Juneteenth Celebration will take place at Earl Brown. This morning he was at DeLand Middle School to recognize two thirty plus year teachers who were retiring.

Mayor Apgar encouraged anyone interested in serving on a League of Cities Policy Committee to submit their intent to the FLC soon.

Congratulations to Nicholas Pleus on graduation from DeLand High School. He will be attending West Point.

Commissioner Davis thanked Chair Williams for the emancipation weekend at the African American Museum of Arts.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:01 p.m.

Prepared by:
Julie A. Hennessy, MMC
City Clerk – Auditor

Approved on:
____
Date

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, JUNE 20, 2022, AT 7:00 P.M
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

The meeting was called to order by Mayor Apgar at 7:00 p.m.

Mayor Apgar requested that anyone present who wishes to address the City Commission on an item appearing on tonight's agenda, or regarding an item not on the agenda, please fill out a Speaker's Card and give it to the City Clerk. The public has a right to speak about any item on which the City Commission is to take action.

Mayor Apgar stated Assistant City Manager Mike Grebosz will be Acting City Manager this evening. Also, Deputy City Clerk Julia Hewitt is standing in for City Clerk – Auditor Julie Hennessy.

Mayor Apgar stated the second reading on Beresford Reserve date is *tentatively* set for July 25, 2022, at 6:00 p.m.

INVOCATION

Pastor T.L. Jackson, DeLand Community Church, gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Apgar led the Pledge of Allegiance to the Flag.

ROLL CALL

Commissioner Charles Paiva	Present
Commissioner Jessica Davis	Present
Commissioner Chris Cloudman	Present
Commissioner Kevin Reid	Present
Mayor Robert F. Apgar	Present

ALSO PRESENT: Mike Grebosz, Assistant City Manager; Darren Elkind, City Attorney; Julia Hewitt, Deputy City Clerk; Adam Kisthardt, Deputy Police Chief; Todd Allen, Fire Chief; Mike Holmes, Planning Director; Rick Werbiskis, Community Development Director; Chad Gamble, Public Services Director; Chris Graham, Community Information Specialist; Dan Stauffer, Finance Director and members of the public and press.

PRESENTATIONS

1. Proclamation – Pride Month

Commissioner Cloudman read the Proclamation and Commissioner Reid presented the Proclamation.

PROCLAMATION

Whereas, all residents deserve to be treated with dignity, respect, compassion and justice regardless of gender, age, race, religion, economic status, or sexual orientation; and

Whereas, the City of DeLand supports the rights of every individual to experience equality of treatment and values our diverse population of residents, businesses, and visitors, recognizing that this diversity is one of this community's greatest strengths; and

Whereas, June is annually recognized as Pride Month to commemorate the Stonewall Uprising in 1969, considered the catalyst of the modern Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ+) rights movement; and

Whereas, all human beings being born free and equal in dignity and rights. LGBTQ individuals+ individuals in our diverse community; and

Whereas, while society at large increasingly supports LGBTQ equality, it is essential to acknowledge that the need for education and awareness remains vital to end discrimination and prejudice; and

Whereas, this nation was founded on the principle that every individual has infinite dignity and worth, and the City of DeLand is committed to protecting the civil rights of the LGBTQ+ community to create a more open and just society.; and

Whereas, celebrating Pride Month influences awareness and provides support and advocacy for DeLand's LGBTQ+ community, and is an opportunity to take action and engage in dialogue to strengthen alliances, build acceptance and advance equal rights.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, do hereby proclaim, June 2022 as:

LGBTQ+ Pride Month

in the City of DeLand and urge all citizens of DeLand to help recognize and raise awareness for Pride Month in support of the LGBTQ+ community.

Done and proclaimed this 20th day of June 2022.

/s/ Robert F. Apgar
Mayor

Attest:
/s/ Julie A. Hennessy
City Clerk-Auditor

2. Introduction of New Firefighter – Christian Vallejo

Fire Chief Todd Allen introduced Christian Vallejo, who was born in Puerto Rico. He moved to Orlando and grew up assisting his mother with a home health agency. That, coupled with volunteering at Camp Boggy Creek, grew his desire and passion to help others. Christian graduated from Trinity Christian School in 2011 and moved on to Santa Fe College where he graduated as a Paramedic. Christian has worked with Volusia County EMS for seven years and is a Paramedic preceptor. He was hired in January as a Cadet and sponsored to attend fire standards in Daytona State College. Christian officially became a DeLand Firefighter in May 2022. He was joined by his wife, daughter and parents.

Mayor Apgar welcomed Christian Vallejo to the City of DeLand.

CONSENT AGENDA

1. Resolution Approving Budget Amendment FY 2021-22
2. Consideration re Award of Bid, Chisholm Playground Shade Structure
3. Consideration re Extra Work Authorization (EWA) for Professional Services to Prepare Design Criteria Package – Melching Field Stadium Improvements
4. Consideration re Award of Bid, Lift Station Generator #54
5. Consideration re Award of Bid, DeLand House Foundation
6. Consideration re Utility Service Agreement with the Lakewood Park Community Development District

Commissioner Reid requested item 4 be pulled from the consent agenda.

Commissioner Paiva made a motion to approve consent agenda items 1-3, 5 and 6. Commissioner Reid seconded the motion, which carried by a unanimous vote.

Commissioner Reid asked staff for additional information pertaining to generators for all of the city's lift stations. Mr. Grebosz stated there are 51 lift stations with generators. The city has approximately 75 total generators. Chad Gamble, Public Services Director, stated there are several primary lift stations already connected to a permanent generator. There are also portable generators that are scheduled to be dispatched during times of major service outages. Staff monitors those pump stations with the SCADA system to continue to provide telemetry to the main hub at the Wastewater Treatment Plant. Portable generators are dispatched accordingly. It is not cost effective to put a generator at a lift station that would take more than two days to fill the wet well.

Commissioner Reid made a motion to approve consent item 4. Commissioner Paiva seconded the motion, which carried by a unanimous vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

There were none.

NEW BUSINESS

1. <u>Discussion re Gateway Grant for DeLand Church of the Nazarene, located at 913 East New York Avenue</u>

General background information with regard to the Gateway Grants program was reviewed.

Rick Werbiskis, Community Development Director, presented information pertaining to this request. He explained staff is not typically supportive of electronic message boards.

The applicant, DeLand Church of the Nazarene, has requested a Gateway Grant in the amount of $5,000 to replace a 48 square foot conforming sign with a 48 square foot electronic message center (EMC). The property is located at 913 East New York Avenue. The estimated cost of the proposed electronic message center is $25,000.

This item was inadvertently placed on the consent agenda for the June 6, 2022, meeting, which did not allow for the applicant o address the Commission to appeal staff's recommendation. Staff has brought the item back for reconsideration to allow the applicant to address the Commission.

Staff maintains the original recommendation to deny the grant request. One of the purposes of Gateway Grants, as outlined in the application, is to replace nonconforming signs with conforming signs. Based upon information available to staff, the current sign conforms to size and location. Staff does note the existing sign needs maintenance. In addition, EMC signs, in general, become problematic for code enforcement as the signs are routinely operated in violation of code requirements (brightness, animation, flashing, persistently changing messages).

Lori Renbarger, member of the congregation, stated the sign being replaced is old and is in disrepair. The church staff would like to replace the sign with a newer sign that will beautify the community.

Commissioner Cloudman asked Ms. Renbarger to describe how the sign would be operated. She stated Pastor Peter has signed paperwork to state the sign would only have one message per day with no recurring flashes.

Mr. Werbiskis said the electronic signs are permissible by right within the community, subject to certain specifications or restrictions. There are also illumination standards, and all applicants are required to sign an affidavit stating they are aware of and agree to abide by those restrictions.

Commissioner Cloudman asked about the size of the sign and Mr. Werbiskis said there was a small add-on to the sign which brought the size to a little more than the allowed square footage.

Commissioner Davis mentioned the pastor has signed the affidavit. She asked if there is a leadership board that would be aware of the restrictions that must be followed. Ms. Renbarger said the church does have a board who would bear responsibility.

Commissioner Reid asked if the academy portion of the sign would be included on the new sign and Ms. Renbarger said no, and there are no plans for additional signage for the school.

Mayor Apgar said a portion of the problem is removal of the non-conforming sign, plus the ability to do more enhanced landscaping around the base of the sign.

Commissioner Cloudman clarified this application is for grant funding, not approving the sign.

Commissioner Paiva made a motion to approve the grant request. Commissioner Reid seconded the motion, which carried by a unanimous vote.

Mayor Apgar re-ordered the remaining New Business items.

2. <u>First Reading of Ordinance Changing the Zoning of 1.1 Acres of Property, located on the West side of North Woodland Boulevard, to allow a Car Wash as a permitted use "Woodland Crossings PD". (Previously Item 3 on the agenda.)</u>

Mr. Elkind read the Ordinance by title only.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE WOODLAND CROSSINGS PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED ON THE WEST SIDE OF NORTH WOODLAND BOULEVARD, NORTH OF VIOLETWOOD ROAD; APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 1.1 ± ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE

LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the public hearing.

Mike Holmes, Planning Director, stated the applicant has addressed all issues from the Planning Board. There was one resident who lived off Violetwood road who was concerned about traffic through the median that separates the cul-de-sac from the shopping center. He said FDOT has not yet given the applicant a driveway cut for the car wash. He said a driveway connection could be placed for this project to the west.

Commissioner Cloudman said the site plan does not show space for another driveway connection without encroaching upon the wash area for the car wash.

Nika Hosseini, Cobb Cole Attorney, commented on the access easement and how it would work. She noted this is a PD amendment.

The Public Hearing was closed.

Commissioner Reid asked where signage would be placed, and Ms. Hosseini said the applicant intends to meet the code requirements without modification for placement of the sign.

Commissioner Paiva made a motion to approve the ordinance on first reading. Commissioner Davis seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

3. First Reading of Ordinance Changing the Land Use for 1.45 Acres of Property, located at 306 West Wisconsin Avenue from Low Density Residential & Institutional Overlay to Mixed Commercial. (Previously Item 4 on the agenda.)

Mr. Elkind read the ordinance by title only.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED AT 306

WISCONSIN; FROM LOW DENSITY RESIDENTIAL AND INSTITUTIONAL OVERLAY FUTURE LAND USE DESIGNATIONS TO MIXED COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

Mike Holmes, Planning Director, provided a brief explanation of the request.

The Public Hearing was closed.

Commissioner Cloudman stated this project is a great example of reuse. Commissioner Cloudman made a motion to approve the ordinance on first reading. Commissioner Reid seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

4. First Reading of Ordinance Changing the Zoning from R-1B to Northwest Square PD, of approximately 1.45 Acres of Property, located at 306 West Wisconsin Avenue. (Previously Item 5 on the agenda.)

Mr. Elkind read the ordinance by title only.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-1B, SINGLE FAMILY TO CITY'S PLANNED DEVELOPMENT, NORTH WEST SQUARE PD, ON PROPERTY LOCATED AT 306 WEST WISCONSIN AVENUE; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 1.45 ± ACRES OF PROPERTY MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

First Reading of Ordinance for rezoning from R-1B to North West Square Planned Development. The subject property is located at 306 W. Wisconsin Ave. and contains approximately 1.45 acres. The site currently consists of a structure that was the former location of the historic Trinity United Methodist Church. It is located on the same block as the Volusia County School Board Administrative Building.

Mayor Apgar opened the Public Hearing.

Mr. Holmes explained that the applicant has addressed the list of concerns generated by the Planning Commission.

Niki Hosseini, Cobb Cole Attorney, spoke briefly about the project. A neighborhood meeting was held, and this project was discussed at length. The community is excited about this reuse project.

The Public Hearing was closed.

Commissioner Paiva stated he was impressed with the project. Commissioner Paiva made a motion to approve the ordinance on first reading. Commissioner Davis seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

5. First Reading of Ordinance Changing the Zoning of a 10,000 Square Foot parcel off of Clara Avenue from R-1A to C-2A, Downtown Commercial and to be Combined with the Putnam Parcel, located at 225 West New York Avenue. (Previously Item 6 on the agenda.)

Mr. Elkind read the ordinance by title only.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-1A, SINGLE FAMILY RESIDENTIAL TO C-2A, DOWNTOWN COMMERCIAL ON PROPERTY LCOATED AT NORTH CLARA AVENUE; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRETING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing. There being no comment, the Public Hearing was closed.

Commissioner Paiva made a motion to approve the ordinance on first reading. Commissioner Reid seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES

Commissioner Reid	YES
Mayor Apgar	YES

6. First Reading of Ordinance Changing the Zoning from Royal Oaks Planned Development PD to City of DeLand's E-1, Educational District on Property located on the West side of North Summit Avenue, across from Daytona State College for an Administrative Rezone of 1.45 Acres of Property. (Previously Item 7 on the agenda.)

Mr. Elkind read the ordinance by title only.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM ROYAL OAKS PLANNED DEVELOPMENT (PD) TO CITY OF DELAND'S E-1, EDUCATIONAL DISTRICT ON PROPERTY LOCATED ON THE WEST SIDE OF NORTH SUMMIT AVENUE ACROSS FROM DAYTONA STATE COLLEGE; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING THE FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

Mr. Elkind noted this is a parcel being exchanged for another parcel to facilitate the extension of Beresford Avenue. The City will not bring forth second reading of this ordinance until it is time to close the transaction.

Mayor Apgar asked about future confusion with regard to this item, there is no statement in the body of the ordinance that expressly removes the property from the PD. He is concerned that in the future, the legal descriptions will not indicate this change.

Mr. Elkind said that language suggested by Mayor Apgar can be added. The Royal Oaks PD is an expired agreement. Any future matters with regard to the property will have to go through a rezoning process. Mayor Apgar asked that the ordinance be amended to reflect the expiration of the Royal Oaks PD.

There being no additional comment, the Public Hearing was closed.

Commissioner Paiva made a motion to approve the ordinance upon first reading, with change to language in agreement as discussed. Commissioner Cloudman seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

7. First Reading of Ordinance Changing the Land Use of Approximately 0.949 Acre of Property, located at the Southeast Corner of Dr. Martin Luther King, Jr., Beltway and Beresford Avenue Extension; from Low Density Residential to Commercial Highway. (Previously Item 8 on the agenda.)

Mr. Elkind read the ordinance by title only.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED AT THE SOUTHEAST CORNER OF DR. MARTIN LUTHER KING, JR., BELTWAY AND BERESFORD AVENUE EXTENSION; FROM LOW DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO HIGHWAWY COMMERCIAL FUTURE LAND USE DESIGNATION, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing. There being no comment, the Public Hearing was closed.

Commissioner Paiva made motion to approve the ordinance on first reading. Commissioner Davis seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

8. First Reading of Ordinance changing the Zoning from Royal Oaks PD, to C-2, General Commercial, for approximately 1.3 Acres of Property, located at the Southeast Corner of Dr. Martin Luther King, Jr., Beltway and Beresford Avenue Extension. (Previously Item 8 on the agenda.) (Previously Item 9 on the agenda)

Mr. Elkind read the ordinance by title only.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM ROYAL OAKS PLANNED DEVELOPMENT (PD) TO CITY OF DELAND'S C-2, GENERAL COMMERCIAL ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF DR. MARTIN LUTHER KING, JR., BELTWAY AND BERESFORD AVENUE EXTENSION; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

Mr. Elkind, City Attorney, advised this is the piece of property that will be exchanged. This property, along with the ring of property around it, will be zoned C-2 while most things that have been rezoned recently have been PD agreements. He said the owner of the property will be allowed to do anything with the property that is allowed in a C-2 zoning district.

Commissioner Paiva made a motion to approve the ordinance upon first reading. Commissioner Davis seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

9. First Reading of Ordinance Changing the Zoning of Approximately 28.64 Acres of Property, located at the Southeast corner of Martin Luther King Boulevard and Cassadaga Road from R-4C & R-4 to CTC DeLand PD to Develop a Multi-Family Residential Project. (This was previously Item 2 on the agenda.)

Mr. Elkind read the Ordinance by title only.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S R-4C, URBAN SINGLE-FAMILY RESIDENTIAL-THOROUGHFARE CORRIDOR AND R-4, URBAN SINGLE-FAMILY RESIDENTIAL TO CITY'S PLANNED DEVEOPMENT, CTC DELAND PD, ON PROPERTY LCOATED AT THE SOUTHEAST CORNER OF DR. MARTIN LUTHER

KING, JR., BOULEVARD AND CASSADAGA ROAD; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 28.64 ± ACRES OF PROPERTY MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

Mike Holmes, Planning Director, said this is a multi-family project. The buildings will be individual rather than large apartment buildings. There will also be some garages available to the residents. Mr. Holmes stated that there were two items left from the staff report that still need to be addressed:

1. The comment from the Forester looking for the PD agreement to state how the applicant will determine tree replacement, whether per the LDR's or another means. The key issue is to not reference another development, but to review this project on its own merits.
2. Clarification is needed by the City Commission as to whether the entrance road should be a public right of way. The staff wanted roads that only serve as service roads to the commercial portion of the adjacent property and the entrance to this project to be private. Currently, the PD Agreement states that final determination will be made at the time of platting or site plan. However, staff would like for it to be determined at this point so the applicant will know how to prepare plans and staff will know how to review same.

Commissioner Paiva clarified density of this project.

Nika Hosseini, Attorney Cobb Cole, presented the CTC DeLand Planned Development. She stated the entire development team accompanied her to answer any questions. This project is going to be cottage-style communities, which falls under multi-family, but has the feel of a single-family. The buildings are single-story with private yards. Multiple amenities will be constructed, and the project is located in the South West Activity Center. The applicant is looking to transition this project into a Planned Development for approximately 9 units per acre. She noted this property was formerly a tree farm and there are many planted pines. The applicant is working with the Forester, as indicated by Mr. Holmes. There are some historic trees that are being targeted for preservation. The developer is looking for 238 units with a primary entrance on Dr. Martin Luther King, Jr., and a secondary entrance on Cassadaga.

Commissioner Reid asked for a definition of "other green space". He said ownership in the PD states it is unified until final site plan. After final site plan, Commissioner Reid asked if there would be a change in unified ownership. Mr. Elkind said it would not be platted but would have to be maintained as unified ownership. He said maintaining unified ownership will have a significant impact on the tax revenue from the project.

Stephen Sposato, Director of Planning at LevelUp Consulting, stated all the green that is not otherwise allocated has been bumped into the "other green space" category.

Commissioner Davis asked for clarification on what the City Commission is being asked to vote on and Mr. Elkind said when the property was designated as a DRI, the Comprehensive Plan was changed. The zoning needs to be changed to something that is consistent with the South West Activity Center. It cannot stay zoned R-4. It isn't a question of whether the commission agrees with the R-4, it has to be changed to something that is consistent with the Future Land Use map.

Commissioner Cloudman said Low Impact Design has been mentioned throughout, but in the PD, it was only mentioned in reference to stormwater. Ms. Hosseini said because the area was full of planted pine, the applicant is trying to reconcile the fact that it was all planted pine. The PD Agreement will reference this project only. Staff is working with the City Forester to update language in the PD that will be in place at second reading.

Commissioner Cloudman would like to see any development in the future look like native Florida plantings. Ms. Hosseini said the language regarding Low Impact Design can be added to other areas of the PD besides stormwater.

Commissioner Reid asked about burning not being allowed, but whether the City of DeLand Fire Department should be designated as the monitoring authority. Mr. Elkind stated absent a PUD zoning which specifically addresses burning, then under state statute and the City Code of Ordinances, it would fall under state jurisdiction for regulation. If a PD is adopted which states no burning as part of the zoning, the city can be the monitoring agency.

Commissioner Reid said regarding stormwater retention areas, he would prefer to see some type of planting in those areas to act as an additional filtration system, rather than an open field type retention area.

Commissioner Reid mentioned connection to commercial or industrial park to the activity center, there are nice trails but the access does not look very easy to the activity center. He would like to see additional connectivity.

Regarding the activity center, Commissioner Reid would like to see what will be included. Because this project is residential, the east side of the development has a 20' buffer. If the property adjacent to the project is intense in use, a 20' buffer may not be enough. He would like to see a minimum of 40 to 50 feet of buffer.

Commissioner Reid appreciates the product being presented, but it does appear that a lot of units are being placed in a small area. He would like to see a mix of vertical apartments as well as the single-story units. This would create potential for additional green space. A diverse product would be desirable.

In addition, Commissioner Reid mentioned a comment in the staff report about residential being a potential conflict with industrial and commercial uses. He does not want to see any limitations on what the industrial and commercial uses may be in the area. He would very much like to see the industrial and commercial components before approving the residential project.

Ms. Hosseini said there are low impact development standards that will be incorporated in the PD. Under stormwater, LDI will also be added to other green spaces. She displayed the DeLand Tech Park image and stated with the Tech Park there will be large buildings, as well as retail, restaurants and grocer uses as well.

Mayor Apgar opened the floor for public comment. There was none. The Public Hearing was closed.

Mayor Apgar disclosed meetings with Mr. Watts and Ms. Hosseini about the project.

Commissioner Cloudman disclosed a brief conversation with Mr. Watts about this project.

Commissioner Paiva would prefer to retain the ability to keep the area commercial or industrial. As for the Tree Protection, nothing additional from the required amount is being offered. He has difficulty with looking at the developer offering only minimum buffer and tree protection in terms of making the development more comfortable for residents, but asking for additional density. He does not feel this is the right place or the right time.

Commissioner Davis agreed with Commissioner Paiva about the public voice. She said it is important to listen to the public especially considering the additional density development.

Mayor Apgar asked if the concept of a multi-family project with a single-family appearance is generally acceptable to the City Commission.

Commissioner Cloudman said yes, within the city. Commissioner Paiva also thinks the type of project is very creative and there is a need for rental units. It is all about location, utilization, and service. For him, density and protecting more trees is paramount.

Ms. Hosseini noted she understands the perspective but said a lot of industrial projects are being worked on presently. For industrial and commercial buildings, it is difficult to preserve trees due to the nature of industrial/commercial type structures. The applicant is looking at different types of uses and multiple uses within the overall activity center project. She is in agreement with updating the LID (Low Impact Development) standards in the PD. Ms. Hosseini reiterated if this were solely an industrial use, it would be even more difficult to meet the standards being discussed by the City Commissioners. She would like an opportunity to address the Commission's concerns for this residential portion of the project.

Commissioner Paiva made a motion to continue the first reading of the ordinance. Commissioner Davis seconded the motion, which carried by a unanimous vote.

CITY COMMISSION REPORTS

1. Report re: Elected Officials Round Table

Mayor Apgar stated there was not a round table meeting.

2. Report re River-to-Sea TPO

Commissioner Cloudman gave the River to Sea TPO meeting update from meeting held on May 25, 2022. He highlighted the TPO has adopted a unified work plan and have approved a resolution supporting updates to the Florida Greenways and Trails System. The Board approved the new year Slate of Officers. Beginning July 1, 2022, Council Member Girtman will be the Chair and Commissioner Cloudman will be the First Vice Chair, Victor Ramos will be the Second Vice Chair. The 2021 FDOT Joint Certification Report was approved. There will be additional items including the budget up for approval at the meeting next week.

3. Report re River of Lakes Heritage Corridor

Commissioner Cloudman reported the River of Lakes Heritage Corridor met and spoke about their multi-year work plan. They also worked on updating the River of Lakes map, adding some entities and removing some outdated information.

CITY MANAGER REPORT

Mr. Grebosz, Assistant City Manager, stated the FDOT is holding a truck stop meeting on June 30, 2022. There is a virtual option for attendance if anyone is interested. The stop being discussed is not on a City of DeLand exit.

Mr. Grebosz also stated the Firecracker Festival is coming up at Earl Brown. Anyone who needs parking arranged, should get with Teri Byrnes, Executive Assistant to the City Manager.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Commissioner Davis said a Juneteenth event was held yesterday, June 19, 2022, and would like for the City Commission to discuss making Juneteenth an employee holiday since it is a federal holiday. She announced there will be a Minority of Elected Officials and Police Press Conference this Friday at 11:00 a.m. at the Daytona Beach Airport. Commissioner Davis said many are bringing up the subject of mental health, and the issues associated with mental health are being taken very seriously. This is just one of the topics that will be covered at the press conference.

Commissioner Reid attended the Juneteenth celebration at Earl Brown Park. It was a great event with a lot of good representation from different agencies that support the DeLand community.

Commissioner Cloudman said on Wednesday he attended the Volusia County final presentation of the Affordable Housing Initiative. They accepted public comment and took information from Habitat for Humanity among other groups who spoke. There was a lot of good direction proposed. It will be important for all cities in Volusia County to be collaborative in continued development of Affordable Housing program(s). The next step will be for the County Council to adopt.

Commissioner Paiva was pleased to see the city's ECHO grants rated very highly and he looks forward to extending the pedestrian trailway out to 92 as well as Jackson Lane Park.

Mayor Apgar said the city's ranking on the ECHO grants was good and he thanked Teresa Brooks for her hard work on the grant application process.

Mayor Apgar attended the Joint Chiropractic Office at Country Club Corners Ribbon Cutting. It is a national franchise. He spoke a little bit about the way the office works.

Mayor Apgar assisted in welcoming the Most Worshipful Grand Master of the Masons who visited Deltona last Friday.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:03 p.m.

Prepared by:	Approved on:
Julie A. Hennessy, MMC	______________________________
City Clerk – Auditor	Date

**MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, JULY 5, 2022, AT 7:00 P.M
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE**

CALL TO ORDER

The meeting was called to order by Mayor Apgar at 7:00 p.m.

Mayor Apgar requested that anyone present who wishes to address the City Commission on an item appearing on tonight's agenda, or regarding an item not on the agenda, please fill out a Speaker's Card and give it to the City Clerk. The public has a right to speak about any item on which the City Commission is to take action.

INVOCATION

Mayor Apgar stated as of this time, the City Commission is scheduled to hear the Beresford Reserve ordinance on July 25, 2022. This date will be confirmed within a week.

Mayor Apgar welcomed Ms. Charlene Gagnier, Legislative Aide to Senator Tom A. Wright.

Leah Molyneux, Central Florida Freethought Community, gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Apgar led the Pledge of Allegiance to the Flag.

ROLL CALL

Commissioner Charles Paiva	Present
Commissioner Jessica Davis	Present
Commissioner Chris Cloudman	Present
Commissioner Kevin Reid	Present
Mayor Robert F. Apgar	Present

Mayor Apgar mentioned Darren Elkind, City Attorney, was unable to attend this evening. Attorney Lonnie Groot is standing in for Mr. Elkind.

ALSO PRESENT: Michael Pleus, City Manager; Lonnie Groot, Attorney; Julie Hennessy, City Clerk-Auditor; Michael Grebosz, Assistant City Manager; Jason Umberger, Police Chief; Todd Allen, Fire Chief; Rick Werbiskis, Community Development Director; Chad Gamble, Public Services Director; Jim Ailes, Deputy Public Service/Utilities Director; Ray Underwood, Public

Works Director; Mark Hayward, Human Resources Director; Chris Graham, Community Information Specialist, members of the public and press.

PRESENTATIONS

1. Employee Years of Service Awards

The City of DeLand is fortunate to have many dedicated employees who have served the DeLand community for many years. To honor these outstanding employees, the City Commission presents each with a plaque.

Mayor Apgar presented a plaque of recognition to Latisha Pasley, Police Department for 20 years of dedicated service.

Commissioner Davis presented a plaque of recognition to Edward Zamora, Utilities Department for 10 years of dedicated service.

Mayor Apgar stated the City Commission of the City of DeLand is very proud of the employees of the City of DeLand. He thanked both tenured employees for their dedication and service to the City of DeLand.

2. Recognition of DeLand Police Sergeant Tony Tagle

Mayor Apgar thanked Sergeant Tagle for his recent coordination of the visit from a contingent of people from the Province of Mexico.

Chief Umberger recognized Sergeant Tony Tagle for actions taken on April 17, 2022, while off-duty. Sgt. Tagle was visiting Ponce Inlet at the jetty where two children were swept into the ocean and struggling in the surf. Sgt. Tagle swam one of the children to safety, suffering lacerations and cuts on his legs from the rocks. Another bystander went into the water and saved the other child.

A Metal of Valor was bestowed upon Sgt. Tagle for showing exceptional courage while saving a life. In addition, Sgt. Tagle will be receiving a Life Saving Award.

CONSENT AGENDA

1. Resolution re Surplus Equipment
2. Consideration re Grant of Easement to Duke Energy, East Hangar Complex
3. Consideration re Agreement with New Hope Animal Shelter
4. Resolution Approving Fingerprinting Services Provided by the City of DeLand Police Department; Fees and Charges
5. Consideration re MOU with Pinellas County Sheriff's Office for Florida's Facial Recognition Network

Mayor Apgar pulled item 4 from the consent agenda.

Commissioner Paiva made a motion to approve consent items 1-3 and 5. Commissioner Davis seconded the motion, which carried by a unanimous vote.

Mayor Apgar commented the fee should be a non-resident fee rather than a non-zip code fee.

Commissioner Reid has advocated to add value to what a DeLand resident gets from the community. If it would not be an overburden to administer this, he would support changing it.

Commissioner Paiva stated a lot of people need the fingerprint on paper. He assumes there is still a paper version in addition to the digital read. He also feels there should be a differential between residents and non-residents. Chief Umberger said there are still paper copies of the print available to those having their fingerprints done.

Mr. Pleus said the easiest way to differentiate between residents and non-residents would be to use the property appraiser's office rate code. This would be the best way to determine whether or not the person being fingerprinted is a resident. He said it isn't difficult to verify an address.

Commissioner Cloudman is supportive of the process if the City's investment is being covered through the fees being charged.

Commissioner Paiva made a motion to approve the MOU with the change making City Residents eligible for the $10 fee and non-city residents continue to pay the $20 fee. Commissioner Davis seconded the motion, which carried by a unanimous vote.

BOARD APPOINTMENT

1. Consideration re Appointments to Tree Advisory Committee

Commissioner Paiva made a motion to approve appointments to the seven seats as recommended in the RCA. Commissioner Davis seconded the motion, which carried by a unanimous vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

Doug Pettit, 129 Magnolia Drive Ormond Beach, is a candidate for the Volusia County Council at-large seat. He recently visited the DeLand Fire Department and Deputy Fire Chief Desy and was very impressed. Mr. Petitt would like to use the City of DeLand's fire department as an example for other fire departments, if elected to office.

NEW BUSINESS

1. Resolution Approving the Demolition at 389 West Taylor Road

This request is for the approval to demolish a structure located at 389 W. Taylor Road. The structure is owned by Eastover Holdings LLC. The property is not recorded on the Florida Master Site File list, it is not located in a historic district, nor is it in the support district, neither is it a contributing structure. At their June 2, 2022, meeting, the Historic Preservation Board recommended approval of demolition of the residential structure. The property has substantial interior and exterior deterioration, which the applicant feels makes it cost prohibitive to renovate.

Commissioner Paiva made a motion to approve the resolution. Commissioner Cloudman seconded the motion, which carried by a unanimous vote.

2. Consideration re Recommend Top Ranked Contractor for Solid Waste and Recycle Collection Services

Staff initiated a selection process for Solid Waste and Recycle Collection Services (RFP 22-03).

Mayor Apgar explained that he served as the Commission's representative and explained the process.

Mr. Ray Underwood, Public Works Director, outlined the criteria regarding approach, qualifications and price proposals.

Discussion ensued regarding the process used to reach the rankings and where the city's rates with GFL are in comparison to rates across the county.

Mr. Pleus noted even at the new rate of $15.50, DeLand is still at a lower cost than other jurisdictions.

Commissioner Cloudman asked if the levels of service were comparable. Ray Underwood, said services were consistent in both of the top ranked submittals. Commissioner Cloudman asked if the containers would be generic black with green lids. Mr. Underwood said that would be used in the city along with a green toter with a yellow lid for recyclable items. City logos will be on the green toters.

Commissioner Reid noted there is some confusion among residents about who and when to pay bills. It might be helpful to provide some education. Mr. Underwood said after the free 2nd pickup, the hauler will assess and tag the waste so the resident can pay the hauler, directly.

Commissioner Paiva made a motion to approve the contractor ranking for solid waste and recycle collection services. Commissioner Reid seconded the motion, which carried by a unanimous vote.

CITY MANAGER REPORT

Mr. Pleus brought up the rest stop issue, information has been provided to the City Commission and staff will continue to monitor.

Commissioner Cloudman said a presentation was made at the last TPO meeting. Several years ago, there used to be a rest stop on I-4 before Daytona and this will be in the same location, only for semi-trucks. Commissioner Cloudman said a lot of good thought has gone into selecting locations.

Mr. Pleus reminded the City Commission of budget workshops next week. Mayor Apgar asked if the meeting on Thursday could begin at 6:30 due to his nephew having surgery that day. There was no objection.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Commissioner Reid said July 4th weekend was great. Big thanks to Parks and Recreation and the band was amazing.

Commissioner Cloudman said the Firecracker Festival was a great event.

Commissioner Paiva had nothing to report.

Commissioner Davis also enjoyed the Firecracker Festival and she thanked staff for pushing through in the rain to provide a great event. She said the Crumble Cookie grand opening was great. The owner is open to getting involved in the community.

Commissioner Davis reported last week a "You and the Police" press conference was held in Daytona, a countywide initiative. She thanked Chief Umberger for being proactive with community policing and thanked him for being on the front page of their pamphlet.

Mayor Apgar noted the bill (House Bill 105) signed by Ron DeSantis which will allow cities and counties to restrict smoking in public parks and beaches that they own.

On Sunday, Mayor Apgar spoke with Stan O'Neal who used to teach History at DeLand High School. Mr. O'Neal does historic tours downtown while singing songs. He would like to take the Commission and some members of staff on his tour.

Mayor Apgar thanked everyone again for the July 4th events. He thanked RC Hill for his continued support of the event, as well as all of the sponsors.

Mayor Apgar mentioned something that happened when he attended an event at the Police Department with the delegation from Mexico. Several Mayors were there from that Province and he was given a letter asking the City of DeLand to consider having them as a Sister City. What intrigued Mayor Apgar about this opportunity was 1) it is one of the places where Monarch Butterflies "winter"; and 2) they represented that most of the Mexican population in West Volusia are from this province. It may make sense for the City Commission to give this request some consideration.

No one objected to having staff investigate the possibility of engaging with a Sister City.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:53 p.m.

Prepared by:	Approved on:
Julie A. Hennessy, MMC	______________________________
City Clerk – Auditor	Date

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, JULY 18, 2022, AT 7:00 P.M
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

The meeting was called to order by Mayor Apgar at 7:00 p.m.

Mayor Apgar requested that anyone present who wishes to address the City Commission on an item appearing on tonight's agenda, or regarding an item not on the agenda, please fill out a Speaker's Card and give it to the City Clerk. The public has a right to speak about any item on which the City Commission is to take action.

INVOCATION

Father Medina, St Peter Catholic Church, gave the Invocation.

PLEDGE OF ALLEGIANCE

TJ Sistrunk, Boy Scout, led the Pledge of Allegiance.

Mayor Apgar asked everyone to keep the families of Carson "Al" Blue, Jim Baumgartner and Florence Bellini in their thoughts and prayers.

ROLL CALL

Commissioner Charles Paiva	Present
Commissioner Jessica Davis	Present
Commissioner Chris Cloudman	Present
Commissioner Kevin Reid	Present
Mayor Robert F. Apgar	Present

ALSO PRESENT: Michael Pleus, City Manager; Darren Elkind, City Attorney, Julia Hewitt, Deputy City Clerk; Jason Umberger, Police Chief; Mike Holmes, Planning Director; Rick Werbiskis, Community Development Director; Jim Ailes, Deputy Public Service/Utilities Director; Ray Underwood, Public Works Director; Dan Stauffer, Finance Director; Mark Hayward, Human Resources Director; Rick Hall, Parks and Recreation Director; Ava Hanner, Community Information Specialist, members of the public and press.

PRESENTATIONS

1. Introduction of Carol Kuhn, Deputy Planning Director

Mr. Werbiskis introduced Ms. Carol Kuhn, Deputy Planning Director. She has joined the City of DeLand after moving from Colorado. Ms. Kuhn has a wealth of experience and will be an integral part of the 2050 vision update and the Land Development Regulations update. She is a Stetson University graduate. Ms. Kuhn said it is an honor to be back in Florida.

Mayor Apgar and the City Commission welcomed Ms. Kuhn to the City of DeLand.

2. Employee Years of Service Award

The City of DeLand is fortunate to have dedicated employees who have served the DeLand community for many years. To honor these outstanding employees, the City Commission presents each with a plaque.

Commissioner Cloudman presented a plaque, alongside Jim Ailes, Deputy Public Services/Utilities Director to Luis A. Castillo for 20 years of dedicated service.

3. Certificate of Recognition Presented to Francis A. Reed, M.D.

Commissioner Paiva read the Certificate and Mayor Apgar made the presentation to Dr. Reed and his wife, Debbie.

CERTIFICATE OF RECOGNITION

Whereas, the City of DeLand wishes to join with Advent Health DeLand in recognizing the naming of the Francis A. Reed, M.D., Cardiac Stress Lab; and

Whereas, Dr. Reed performed some of the first innovative cardiac treatments at the hospital and he is credited with helping to reimagine the heart-focused care programs that began over 30 years ago; and

Whereas, Dr. Reed completed his undergraduate studies at Holy Cross College and graduated from Tulane University School of Medicine in 1972, followed by an externship at St. Vincent's Hospital and also in London, England through a scholarship awarded by the International College of Surgeons; and

Whereas, Dr. Reed was a member of the Daytona Heart Group from 1995 until his retirement; and

Whereas, Dr. Reed is recognized as a "pioneer" in West Volusia cardiac healthcare by his peers who specialized in internal and nuclear medicine, cardiovascular disease and interventional cardiology; and

Whereas, Dr. Reed's dedication to treating patients continues during his retirement as he volunteers time at local clinics in underserved communities; and

Whereas, Dr. Reed's wife, Debbie has been a steadfast supporter of his medical career and she has made many sacrifices so he could tirelessly and compassionately share his talents in the cardiac field.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, and on behalf of the City Commission and all our citizens, do hereby tender this Certificate of Recognition to Francis A. Reed, M.D., in honor of his many contributions to healthcare in our community. It is our hope that the naming of the Francis A. Reed, M.D. Cardiac Stress Lab will demonstrate the community's appreciation of his many achievements and contributions to the wellbeing of his fellow man.

Done and proclaimed this 18th day of July 2022.

/s/ Robert F. Apgar
Mayor

Attest:
/s/ Julie A. Hennessy
City Clerk-Auditor

CONSENT AGENDA

1. Resolution Approving FAA Grant Agreement Number 3-12-0019-028-2022, Award for Replacement of Electrical Homeruns
2. Consideration re Utility Service Agreement and Fair Share Agreement for The Villages at Pelham Square Village
3. Consideration re Approval of Contract with RTR Financial Services, Inc. for Collection Services
4. Consideration re Approval of Design and Bidding Services – AVCON, Inc. for the Mid-Section of Taxiway A
5. Consideration re Agreement with Stetson University for Concession Operations at Spec Martin Stadium
6. Consideration re Change Order No. 1, Sanderson Concrete Construction

Commissioner Cloudman asked that item 5 be pulled from the consent agenda.

Commissioner Paiva made a motion to approve consent agenda items 1-4 and 6. Commissioner Davis seconded the motion, which carried by a unanimous vote.

Commissioner Cloudman pulled Item 5 from the consent Agenda due to the nature of his employment since he works for a company which is retained by Stetson University. Commissioner Cloudman stated he would declare a conflict of interest and not participate or vote.

Commissioner Paiva made a motion to approve consent agenda item 5. Commissioner Davis seconded the motion, which carried by a unanimous vote of 4 to 0. Commissioner Cloudman did not participate or vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

Susie Dolan, Waste Pro, was present to ask the City Commission to consider partnering with Waste Pro in the future. She talked about the philosophies and services provided by Waste Pro. She asked that staff's recommendation be reconsidered, with both top ranked companies engaged in negotiations. Ms. Olan believes with the necessary information, Waste Pro can provide the best value for the dollar, as well as provide appropriate services to DeLand residents.

OLD BUSINESS

1. <u>Second Reading of Ordinance No. 2022-11, Changing the Zoning of 1.1 Acres of Property, located on the West Side of North Woodland Boulevard, to Allow a Car Wash as a Permitted Use, "Woodland Crossings PD". (First Reading 06/20/2022)</u>

Mr. Elkind read the Ordinance by title only.

ORDINANCE NO. 2022-11

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE WOODLAND CROSSINGS PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED ON THE WEST SIDE OF NORTH WOODLAND BOULEVARD, NORTH OF VIOLETWOOD ROAD; APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 1.1 +/- ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

On June 20, 2022, the City Commission approved first reading of this ordinance requesting amendment to the Woodland Crossings PD and concept plan to allow for an automobile service station, including, but not limited to, drive-thru services such as cleaning or detailing, on Lot 2 of Woodland Crossings Planned Development. The City Commission did not request any revisions to the development agreement.

Mayor Apgar opened the Public Hearing. There being no comment, the Public Hearing was closed. Commissioner Paiva made a motion to approve the ordinance on second reading. Commissioner Cloudman seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

2. <u>Second Reading of Ordinance No. 2022-12, Changing the Zoning of a 10,000 Square Foot Parcel off of Clara Avenue from R-1A to C-2A, Downtown Commercial and to be Combined with the Putnam Parcel, located at 225 West New York Avenue, "Putnam Hotel". (First Reading 06/20/2022)</u>

Mr. Elkind read the Ordinance by title only.

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-1A, SINGLE FAMILY RESIDENTIAL TO C-2A, DOWNTOWN COMMERCIAL ON PROPERTY LOCATED AT NORTH CLARA AVENUE; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

On June 20, 2022, the City Commission approved this ordinance on first reading, to rezone 10,000 square feet from R-1A to C-2A, Downtown Commercial to be combined with the main Putnam Hotel parcel, located at 225 West New York Avenue. The subject property is currently designated Downtown Commercial on the Future Land Use map, making this request consistent with the comprehensive Plan. The applicant, Axia Putnam, LLC, is in the process of renovating the Putnam Hotel into apartment units. To meet the parking requirements for the site, the rear portion of the adjacent property located at 125 North Clara was purchased to be added onto the Putnam site located at 225 West New York Avenue. The original property totals 0.5 acres and a 100' x 100' portion of the site (10,000 square feet) has been carved off from the residential property and purchased for use with the Putnam parcel and will be used for additional parking.

At their May 18, 2022, meeting, the Planning Board recommended rezoning to C-2A be approved by the City Commission.

Mayor Apgar opened the Public Hearing. There being no comment, Public Hearing was closed.

Commissioner Paiva made a motion to approve the ordinance on second reading. Commissioner Reid seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

NEW BUSINESS

1. First Reading of Ordinance Changing the Land Use for Approximately 14.57 Acres of Property, located on North Spring Garden Avenue, South of Clear Lake Drive, from Mixed Office-Residential to High Density Residential

Mr. Elkind read the Ordinance by title only.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTIES LOCATED SOUTHEAST OF THE INTERSECTION OF CLEAR LAKE ROAD AND NORTH SPRING GARDEN AVENUE, FROM MIXED OFFICE-RESIDENTIAL FUTURE LAND USE DESIGNATION TO HIGH DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

A request to amend the land use designation from Mixed Office-Residential (MOR) to High Density Residential (HDR) for approximately 14.57 acres of property located on North Spring Garden Avenue, south of Clear Lake Road. The applicant is proposing to construct a multi-family residential project. The subject property is part of the Cascades Planned Development. The requested land use designation of High Density Residential will allow a maximum density of 16 dwelling units per acre. The land use amendment will increase the maximum residential units permitted but will eliminate the possibility of more intense commercial uses, such as office use. The applicant has also applied for a PD rezoning to create a multi-family development (Z22-046) that will also be heard on this agenda.

At their June 15, 2022, meeting, the Planning Board unanimously recommended approval of the land use amendment.

Mayor Apgar opened the Public Hearing. There being no comment, Public Hearing was closed.

Commissioner Reid said the PD for Phase III and Phase IV calls for town homes and an Assisted Lifecare Facility. He asked if the ALF falls under a different land use category. Mr. Holmes said it is difficult to compare an ALF to an apartment complex. There are traffic generation rates based on assisted living facilities and their trips are typically very low. This is why the ALF was not viewed as multi-family.

Commissioner Reid asked if impact fees would be based on today's fee requirements and Mr. Holmes said yes.

Mark Watts, Attorney with Cobb, Cole, 231 North Woodland Blvd, said the presentation relates more to the PD. Mr. Holmes has provided a good summary, but this property was originally approved as part of The Cascades PD. The reason for a comprehensive plan change is the multi-family and the ALF were only for a portion of the property. Therefore, since the developer is dealing with the overall land use, proposed density is around 14 units per acre which necessitated a request to change the overall land use. There are elements of the existing PD that remain on the property to the south, continuing the office/retail uses. Mr. Watts felt this change made sense for the project.

Mayor Apgar prefers reviewing future land use changes as they come up, rather than approving all uses at one time. Mr. Watts is willing to work with staff to revise the language pertaining to uses.

Mayor Apgar referred to the hospital's plans to build a walking trail around their property. He asked if it is possible for this development to work with senior development at the hospital to create some measure of connectivity. Mr. Watts said there have been conversations with property owners Sheila Scarlett and Howard Wolfe about sharing access.

Commissioner Cloudman stated it makes sense to talk about higher intensity when there is access to services. One thing he likes about this site is the amenities that are accessible to the area.

Mayor Apgar closed the Public Hearing.

Commissioner Paiva made a motion to approve the ordinance upon first reading. Commissioner Cloudman seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

2. <u>First Reading of Ordinance Changing the Zoning from The Cascades PD to Pointe Grand Apartments PD to Develop a Multi-Family Residential Project, on approximately 14.57 Acres of Property, located on North Spring Garden Avenue, South of Clear Lake Drive</u>

Mr. Elkind read the Ordinance by title only.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING DESIGNATION FROM CASCADES PD, PLANNED DEVELOPMENT TO POINTE GRAND APARTMENTS PD, PLANNED DEVELOPMENT; ON PROPERTY LOCATED SOUTHEAST OF THE INTERSECTION OF CLEAR LAKE ROAD AND NORTH SPRING GARDEN AVENUE; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 14.57 +/- ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

This is the first reading of an Ordinance requesting to change the zoning from The Cascades PD to Pointe Grand Apartments PD to allow for a 204-unit apartment complex. The original Cascades PD was adopted on June 15, 1987. The development plan included five phases, allocating uses such as single-family residential, fee-simple townhomes, multi-family units, an assisted lifecare facility (ALF) and office uses. Currently, only the single-family residential phases I and II are complete. There will be one phase remaining (Phase IV – 128 unit Assisted Lifecare Facility) once this proposal is complete.

Mayor Apgar opened the Public Hearing.

Mike Holmes, Planning Director, said this ordinance is for the allowance of apartments under the Cascades PD. One issue brought up by the Planning Board was access via the old Boundary right of way. The developer does intend to use that access for either emergency and/or general entry. The access point will be required for emergency access, at a minimum. The project will not connect to Clear Lake Drive, which addresses concerns expressed by neighboring residents.

Mr. Holmes mentioned the issue with height of the buildings. Several members were concerned about accessibility for anything more than two stories. The statutes do not require elevators unless a building exceeds three stories. The developer has been asked to consider elevators.

Mayor Apgar stated he incorporates comments from the prior hearing into this hearing.

Mark Watts, Attorney, gave a presentation on Pointe Grand Apartments. He compared the original PD with the PD being presented. Mr. Watts displayed a site plan layout of the project, pointing out the dog park and other included recreational amenities. There were several neighborhood meetings prior to this project being presented to the Planning Board. Information was gathered from neighboring communities and their input taken into consideration. The original PD was approved in 1987 and this submittal updates the PD for a more modern layout.

Buffering has been provided with a minimum of a 25' on the north side. He noted this was already developed as a portion of another PD, when the residential area to the north was developed. As has been indicated repeatedly by City Commission on other projects, the developer has added in requirements for Florida Friendly low impact design landscaping.

Commissioner Davis asked if the neighbors are satisfied with the buffer and Mr. Watts said he has not received any follow-up requests since the initial meetings. At a minimum, the buffer will be 20' but in most cases, it will exceed 50 feet.

Commissioner Davis asked how this project will contribute to meeting the housing demand in DeLand. She asked if this project is going to fit into the category affordable housing. Mr. Watts said affordability tends to be a supply and demand issue. Expanding the amount of supply available, the market rate has been affordable in the past. The need for more supply is what will help reduce cost for most residents. This project is not being done as a tax credit or in conjunction with any other affordability platforms.

Commissioner Reid expressed concern with this project being represented as affordable housing. He asked if there are elements or ideas the developer would be open to, such as limiting the mark-up on rent or conditioning a percentage increase annually, that would protect affordability of the units. Commissioner Reid sees this project as being targeted toward people who work in the area, such as hospital employees.

On the northern buffer line, Commissioner Reid sees where most is a minimum of 20', however there is a section that only provides a 20' buffer. The concern is while there is a buffer on the other side, it is primarily street. When trees are removed, the buffer that sounds like a good buffer during planning stages, ends up being thinned out to the point that it is no longer a good buffer. Commissioner Reid prefers to see more dense buffering, particularly in an area where the use is not the same as what had initially been anticipated.

Commissioner Reid indicated he was unable to compute the number of units based on information provided. He even went back to the original PD that was approved in 1987. Mr. Watts said the difference of 261 units is a combination of what was not developed as the original single family residential and the assisted living facility under the original PD. In terms of what the City will get out of this development, Mr. Watts said putting a higher density residential product in the City fills a need of diversification from a housing standpoint for the City of DeLand.

Mr. Watts acknowledged the pinch point in the buffer which is a result of the area and the roadway. He will work with the engineer and developer to explore the provision of additional buffer or separation in that area of concern. Commissioner Reid is more interested in density of trees/vegetation than a fence or wall. Mr. Watts said his client, developer and engineer will work with staff.

Mr. Watts said affordability must be a community-lead initiative. Commissioner Reid said if there is a willingness to foresee future reduction in rent amounts, he would hope fronting those reductions to a certain extent may be considered. From a statutory standpoint, Mr. Watts wants to meet with Mr. Elkind to make sure any feasible strategy used would not create unforeseeable consequences.

Commissioner Paiva mentioned the Planning Board's recommendation for elevators. He asked if there are plans to install elevators. Mr. Watts said it was looked into, but would be difficult to incorporate the cost into a 3-story building. The principal concern expressed by the Planning Board was accessibility and the project will comply with the standards of ADA and fair housing.

Commissioner Cloudman appreciates the efforts that have been made to update the plan based on standards the City Commission has been asking for when approving projects. He asked if this project will be developed as one phase and Mr. Watts said yes.

Commissioner Cloudman agrees with additional plantings to ensure appropriate buffering.

Commissioner Reid inquired about the entrance road, which is straight. His concern is speeding vehicles. Mr. Watts said there is parking along that roadway, but he thinks if the City Commission would like to see detail for traffic calming, that would be possible.

Mayor Apgar thinks the location and density of this project are a perfect combination. At peak hours, the only people using the downtown core, in the mayor's opinion, would be those people who work within the core. Mayor Apgar believes this use will not aggravate the constrained use of Woodland Boulevard in any way.

Commissioner Paiva reiterated the elevator issue is still a concern. However, the project is far more positive than negative.

Commissioner Paiva supports the proposed number of units. However, he still feels the lack of elevators limits the number of people who would use the units. He wants to see more dense buffer areas as discussed.

Mr. Watts said if the project came in under the R-16 zoning, the same project could have been built without an elevator because it did not have to go through the PD process. He said one of the concerns is to add elevators, the whole building would need to be redesigned. However, Mr. Watts said they are willing to work with staff to try and come up with a strategy to address the concern.

Commissioner Davis agreed with Commissioner Paiva's points. She asked if one of the stories were removed, she would be open to no elevators if the project is only 2-story. She also feels there is room to do more in terms of buffers and green space.

Commissioner Paiva made a motion to continue the first reading of this ordinance to two meetings (August 15, 2022). Commissioner Davis seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

3. Resolution Approving Preliminary Plat and Construction Plan, Oak Hammock Reserve

The applicant, Oak Hammock Holdings LLC, has submitted an application for a subdivision, Oak Hammock Reserve. The project site is vacant land located at the NW corner of West Beresford Road and South Spring Garden Avenue, south of the Beresford Woods subdivision which is now under construction. The applicant seeks to develop the subject property into a 110-lot single-family residential subdivision.

Commissioner Paiva made a motion to approve the resolution. Commissioner Cloudman seconded the motion, which carried by a unanimous vote.

4. Resolution Setting the Proposed Millage Rate for Fiscal Year 2022-2023

Mayor Apgar explained that this resolution would set the cap for the millage rate for next year, but that this rate could be reduced at future meetings.

Commissioner Paiva made a motion to approve the resolution. Commissioner Davis seconded the motion, which carried by a unanimous vote.

CITY COMMISSION REPORTS

1. Report re: Elected Officials Round Table

No round table meeting was held.

2. Report re River-to-Sea TPO

Commissioner Cloudman stated July meetings have been cancelled and will resume in August, at which time County Council Member Girtman will take the Chair. Commissioner Cloudman will become Vice-Chair.

3. Report re River of Lakes Heritage Corridor

Commissioner Cloudman reported the July 4, 2022, meeting was cancelled, items for discussion are being moved to the August meeting.

The committee is looking to start rotating to each city for regular meetings. This may provide an opportunity to showcase some aspects of DeLand.

CITY MANAGER REPORT

Mr. Pleus advised the local veteran's group, lead by Dan Friend, is working on towing a World War II Tugboat from Europe to the United States. The preferred location for the vessel is Ed Stone Park. The veterans have met resistance from county staff and have asked the City Commission to consider writing a letter or Resolution to support Ed Stone Park as the appropriate location for the tugboat display.

Mayor Apgar noted county staff members are concerned about the size of Ed Stone Park. However, he said the tugboat would be a static display. The tugboat is one of a kind, is significant to local history and is best to be on public property. He stated willingness to work with staff to draft a letter or Resolution.

Mr. Pleus said interestingly, there is a replica of the World War II tugboats in the City's lobby. They will be moving that replica to showcase what the boat looks like at the museum located at the Airport.

The consensus of the City Commission was to support the effort.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Commissioner Reid enjoyed Tropical Nights in downtown. He thanked staff and the Fire Department for working and being a part of the event.

Commissioner Cloudman mentioned Tropical Nights and stated it was one of the largest attended events in a while. He did receive comments from people who would like to see some of the merchants remain open for the event.

Commissioner Paiva asked about metal business waste containers in downtown being replaced. He asked if recycle bins would be added in the downtown area. He has not received information pertaining to provision of commercial bins.

Commissioner Davis thanked staff for the budget workshop held last week. She enjoys working the budget process.

Mayor Apgar stated the Wise Ax ribbon cutting will be held on Thursday at 5:00 p.m.

Mayor Apgar is looking forward to Main Street Conference activities next week. A reception in Artisan Alley will begin at 5:30 p.m. on Wednesday. He stated the Volusia League of Cities Dinner is being held at the same time.

Mayor Apgar said the extension of Eidson Drive Ribbon Cutting will be held on July 28, 2022, at 9:30 a.m.

Mayor Apgar thanked staff for the time spent on the budget workshops.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:11 p.m.

Prepared by:	Approved on:
Julie A. Hennessy, MMC	______________________________
City Clerk – Auditor	Date

**MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, AUGUST 1, 2022, AT 7:00 P.M
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE**

CALL TO ORDER

The meeting was called to order by Mayor Apgar at 7:00 p.m.

Mayor Apgar requested that anyone present who wishes to address the City Commission on an item appearing on tonight's agenda, or with regard to an item not on the agenda, please fill out a Speaker's Card and give it to the City Clerk. The public has a right to speak with regard to any item on which the City Commission is to take action.

INVOCATION

Pastor Johnny Long, First Baptist Church DeLand gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Apgar led the Pledge of Allegiance.

ROLL CALL

Commissioner Charles Paiva	Present
Commissioner Jessica Davis	Present
Commissioner Chris Cloudman	Present
Commissioner Kevin Reid	Present
Mayor Robert F. Apgar	Present

ALSO PRESENT: Michael Pleus, City Manager; Darren Elkind, City Attorney, Julie Hennessy, City Clerk-Auditor; Adam Kisthardt, Deputy Police Chief; Todd Allen, Fire Chief; Michael Grebosz, Assistant City Manager; Dan Stauffer, Finance Director; Rick Werbiskis, Community Development Director; Jim Ailes, Deputy Public Service/Utilities Director; Ray Underwood, Public Works Director; Mike Holmes, Planning Director; Mark Hayward, Human Resources Director; Greg Whidden, Information Technology Director; Chris Graham, Community Information Manager, members of the public and press.

PUBLIC HEARING

1. Resolution Certifying and Adopting Assessment Roll for Fiscal Year 2022-2023, Blue Lake Woods Street Lighting District

Mayor Apgar opened the Public Hearing. There being no comment, the Public Hearing was closed.

Commissioner Paiva made a motion to approve the Resolution. Commissioner Cloudman seconded the motion, which carried by a unanimous vote.

2. Resolution Certifying and Adopting Assessment Roll for 2022-2023, Fiscal Year Glenwood Springs Street Lighting District

Mayor Apgar opened the Public Hearing. There being no comment, the Public Hearing was closed.

Commissioner Paiva made a motion to approve the Resolution. Commissioner Cloudman seconded the motion, which carried by a unanimous vote.

PRESENTATIONS

1. Certificate of Recognition Presented to Local Legend Summer Employment Program sponsored by Sisters Build Network for Girls, Inc., Man Up and Career Source Flagler/Volusia

Commissioner Paiva read the Certificate of Recognition. The Certificate of Recognition was presented by Commissioner Reid. There were several members present who were involved in this program and they were invited up front for the presentation and pictures.

Certificate of Recognition
Presented to Local Legend Summer Employment Program Sponsored by
Sisters Build Network for Girls, Inc., Man Up and Career Source Flagler/Volusia

Whereas, Local LEGEND (lead, explore, grow, elevate, network and development) Program brought together a group of 50 students, age 12–18 to work with mentoring businesses; and

Whereas, the students engaged in a variety of topics in the summer program which enhances life, entrepreneurial, productivity and communication skills to prepare them for the workforce and community building; and

Whereas, depending on the age of the student and their level of responsibility the students were able to earn up to $1,500; and

Whereas, many of the volunteer businesses were in West Volusia; and

Whereas, the businesses who are mentoring the students are Rising Against All Odds, Joe Hearn Events, Create Space, Pretty Little Things, Ms. Preppy Pants, Bodhi & Sol, Landis Graham French Law Firm, Hampton Inn, Kneading Sweets Bakery, House Next Door, Mitzi's First Impressions, Kinks Coils and Waves, Prosperity Place, LLC, Debra Pardee, New Hope Church of Deltona, Greeknalia of Daytona Beach and Compak Companies of Sanford.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, and on behalf of the City Commission and all our citizens do hereby tender this Certificate of Recognition to the students who participated in the **Local Legend Summer Employment Program sponsored by the Sisters Build Network for Girls, Inc. Man Up and Career Source Flagler/Volusia** and wish them continued success now and in the future.

Done and proclaimed this 1st day of August 2022.

/s/ Robert F. Apgar
Mayor

Attest
/s/ Julie A. Hennessy
City Clerk - Auditor

Dr. Primrose Cameron, Volusia County Author and nonprofit founder, thanked the City Commission and the City of DeLand for their support. She said this program continues to grow with dedication to student growth and development.
Marlo Jones, a participant in the program, provided a statement pertaining to the positive impact this program has had on her life.

Elijah Whitaker, another participant, also shared his positive experience in the program. He thanked all businesses and supporters of this Local Legends program.

Joe Hearn, Joe Hearn Events, expressed his appreciation for the organizers of this program. He said the support and investments being made into the community's youth is invaluable.

Sean King thanked the City of DeLand for supporting its youth. He thanked all the businesses and Robin King from Career Sources for staying in touch and providing funding for this program. Mr. King also thanked Council Member Barb Girtman for her dedication to this program. Commissioners Reid and Cloudman were also mentioned and appreciated.

Mayor Apgar recognized Volusia Council Member Barb Girtman as being present in the audience and spoke of the many benefits of the program.

Commissioners Reid and Davis thanked the entire community for coming out to take part in this recognition.

2. Employee Years of Service Award

The City of DeLand is fortunate to have so many dedicated employees who have served the DeLand community for many years. To honor these outstanding employees, the City Commission presents each one with a plaque.

10 Years of Service
Darryl Wilks, Utilities Department

Commissioner Davis was asked to make the presentation to Mr. Wilks, along with Jim Ailes, Deputy Public Service/Utilities Director.

CONSENT AGENDA

1. Resolution Approving Budget Amendment for FY 21-22
2. Resolution Approving the Delegation of Authority to the City Manager or, by Delegation to the Chief of Police, to Approve Mutual Aid Agreements
3. Resolution Approving the Support of the Placement of the National Monument at Ed Stone Park
4. Consideration re Renewal of Contract with Florida Health Care (FHC) Plans for FY 2022-2023
5. Consideration re Laserfiche Upgrade
6. Consideration re Award of Bid for Electrical Homerun Replacement
7. Consideration re Approval of Construction Oversight Services – AVCON, Inc., Electrical Homerun Replacement
8. Consideration re Contract Amendment for School Resource Officers
9. Consideration re Amendment No. 2 to Task Order No. 12, AECOM Additional Services
10. Consideration re Volusia Blue Spring Wetland Recharge Project Withdrawal
11. Consideration re Amendment No. 1 to DeLand Utilities Administration Building Design Services

Mayor Apgar requested to remove consent agenda item three (3). Commissioner Cloudman requested to remove item ten (10).

Commissioner Paiva made a motion to approve items 1-2, 4-9 and 11 on the Consent Agenda. Commissioner Cloudman seconded the motion, which carried by a unanimous vote.

Mayor Apgar pulled item 3 for the sole purpose of mentioning that during the County Council meeting tomorrow morning, he will be making a formal presentation of the resolution.

Commissioner Cloudman stated there was discussion at the River of Lakes Heritage Corridor meeting about this monument and there is a lot of excitement about having it placed along a DeLand Scenic Highway.

Commissioner Paiva made a motion to approve the Resolution. Commissioner Cloudman seconded the motion, which carried by a unanimous vote.

Commissioner Cloudman pulled item 10 from the consent agenda to remind everyone that West Volusia Utilities personnel have been working diligently to collaborate and identify alternate water sources. Jim Ailes, Deputy Public Service/Utilities Director, was asked to provide an update.

Mr. Ailes provided an update pertaining to alternate water sources. He will continue to keep the City Commission up to date as this endeavor continues into the future.

Commissioner Paiva made a motion to approve item 10 on the consent agenda. Commissioner Cloudman seconded the motion, which carried by a unanimous vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

Jodie Martinez, 922 Hunter's Creek Drive, Apt 101, opined that ever since August 2021, the City's water quality has decreased. Ms. Martinez requested the City Commission consider additional water quality studies and efforts to improve the water quality.

Mayor Apgar urged Ms. Martinez to speak with Mr. Jim Ailes, Deputy Public Service/Utilities Director. Mr. Pleus advised staff will work with Ms. Martinez to look further into her concern and to find resolution.

NEW BUSINESS

1. <u>Resolution Approving Denial of the Removal of One Historic Tree located at 120 North Colorado Avenue</u>

As part of Tree Permit TREE22-011, Miamex Properties, LLC, has requested permission to remove one historic tree at 120 N. Colorado Avenue, for construction of a duplex. The Land Development Regulations require that, before the removal of any historic tree, approval must be sought from the City Commission. Section 33-57.05(d) states there must be a finding that the tree is a hazard (due to health or natural damage) or that it is not economically or practically feasible to develop the parcel without removing the tree.

The City Forester has determined the tree proposed for removal is a 25" DBH historic Live Oak in Good condition located on a vacant lot.

At their July 18, 2022, meeting, the Tree Advisory Committee recommended DENIAL of the removal of the 25" DBH Live Oak tree because they did not agree that it was not economically or practically feasible to develop the parcel without removing the tree. The Tree Advisory Committee recommended the applicant move the footprint of the building at least 12 feet to the south to avoid impacts to this historic tree.

Commissioner Paiva made a motion to approve the Resolution of denial. Commissioner Davis seconded the motion, which carried by a unanimous vote.

2. <u>Resolution Approving Denial of the Removal of One Historic Tree located at Parcel #701716000290</u>

As part of Tree Permit TREE22-015, Yvonne Bright, has requested permission to remove one historic tree at Parcel #701716000290. The Land Development Regulations require that, before the removal of any historic tree, approval must be sought from the City Commission. Section 33-57.05(d) states there must be a finding that the tree is a hazard (due to health or natural damage) or that it is not economically or practically feasible to develop the parcel without removing the tree.

The City Forester has determined the tree proposed for removal is a 55" DBH historic Live Oak in Fair condition located on a vacant residential lot. As indicated in the private arborist letter, the tree has issues; however, the City Forester feels that pruning can reduce any potential risk to adjacent properties without requiring removal.

At their July 18, 2022, meeting, the Tree Advisory Committee recommended DENIAL of the removal of the 55" DBH Live Oak tree because they agreed that the tree issues could be mitigated by pruning, so it would not meet the requirement for removal as a hazard tree and no development of the parcel has been proposed at this time.

Commissioner Paiva made a motion to approve the Resolution of denial. Commissioner Davis seconded the motion, which carried by a unanimous vote.

3. <u>Resolution Approving Removal of One 32" DBH Historic Tree located at 337 S Garfield Avenue</u>

The Public Works Street Division has requested permission to remove one 32" DBH historic tree located at 337 S Garfield Avenue. The Land Development Regulations require that, before the removal of any historic tree should occur, it must be approved by the City Commission. Section 33-57.05 (d) states that there must be a finding that the tree is a hazard (due to health or natural damage) or that it is not economically or practically feasible to develop the parcel without removing the tree.

The City Forester has determined that the tree proposed for removal is a 32" DBH historic Live Oak in Good condition. The tree is pushing down a retention all into an adjacent sidewalk. In August 2021, the City Forester determined that the plan for repairing the wall would result in significant damage to the root system of one 26" DBH historic Live Oak; however, she felt that the adjacent 32" DBH historic Live Oak could still be preserved. The City Commission has approved the removal of the 26" DBH historic Live Oak. A private arborist reviewed the situation to identify options for preserving the 32" DBH historic Live Oak. After reviewing his report, City

Public Works staff determined that they would be unable to repair the wall while still maintaining American with Disability Act (ADA) requirements.

At their July 18, 2022 meeting, the Tree Advisory Committee recommended APPROVAL of the removal of the 32” DBH Live Oak tree due to its damage of the adjacent retaining wall and the potential for root damage associated with the proposed repair of the retaining wall.

Commissioner Paiva made a motion to approve the Resolution. Commissioner Davis seconded the motion, which carried by a unanimous vote.

4. <u>Resolution Approving Removal of Two Historic Trees located at 807 W Pennsylvania Avenue</u>

As part of Tree Permit, TREE22-016, Silvestri Rocco has requested permission to remove two historic trees at 807 W Pennsylvania Ave for the construction of a single-family residence. The Land Development Regulations require that, before the removal of any historic tree should occur, it must be approved by the City Commission. Section 33-57.05 (d) states that there must be a finding that the tree is a hazard (due to health or natural damage) or that it is not economically or practically feasible to develop the parcel without removing the tree.

The City Forester has determined that the trees proposed for removal are a 54” DBH historic Live Oak in Good condition and a 28” DBH Live Oak in Good condition both located on a vacant residential lot.

Several other historic trees are located on this lot. The Applicant contracted with an arborist to determine whether the property could be developed without removal of any historic trees. It was determined that moving the home closer to the road would impact the critical root zone of the two historic trees closest to Pennsylvania Avenue.

At their July 18, 2022 meeting, the Tree Advisory Committee recommended approval of the removal of the 54” DBH and 28” DBH Live Oak trees because they agreed that it was not economically or practically feasible to develop the parcel without removing the trees. The Tree Advisory Committee recommended that 100 percent DBH replacement be required for the removal of the two trees with the minimum size of replacement trees at a six-inch caliper and ten feet height.

Bob Fitzsimmons, 1597 Masterpiece Way, was present on behalf of Mr. Silvestri Rocco. Mr. Fitzsimmons stated he is appreciative of what the Tree Advisory Committee does and he agrees with their approval. However, he asked the City Commission to consider a waiver since they will be saving two historic trees. He asked for removal of the $75 fee per cross sectional inch and the owner would comply with replacement of each tree removed, with a six-inch Live Oak. This would save the owner approximately $11,000.

Commissioner Davis would be in favor of allowing Mr. Pleus time to investigate what it would take to establish a process to grant a waiver.

Commissioner Paiva made a motion to approve the Resolution. Commissioner Cloudman seconded the motion, which carried by a unanimous vote.

5. Resolution Approving Removal of One Historic Tree located at the Proposed Valvoline Project at 310 East International Speedway

As part of Site Plan SP22-062, Heidner Hoffman LLC has requested permission to remove one historic tree located at their proposed project, Valvoline at 310 E International Speedway. The Land Development Regulations require that, before the removal of any historic tree should occur, it must be approved by the City Commission. Section 33-57.05 (d) states that there must be a finding that the tree is a hazard (due to health or natural damage) or that it is not economically or practically feasible to develop the parcel without removing the tree.

The City Forester has determined that the tree proposed for removal is a 27" DBH historic Live Oak in Good condition in a parking lot island, northwest of the existing building.

At their July 18, 2022 meeting, the Tree Advisory Committee recommended approval of the removal of the 27" DBH Live Oak because they agreed that it was not economically or practically feasible to develop the parcel without removing the tree. The Tree Advisory Committee recommended that 100 percent DBH replacement be required for the removal of the tree with a minimum size of replacement trees being six-inch caliper and ten feet height. They further recommended that any replacement palms planted retain five to seven living fronds.

Commissioner Paiva made a motion to approve the Resolution. Commissioner Davis seconded the motion, which carried by a unanimous vote.

Commissioner Cloudman asked for clarification from Mr. Elkind about the City's tree removal process and how the local process fits with recent legislation regarding same. He noted a couple of the items regarding removal of historic trees had evaluations by an outside arborist and he asked if the city could be challenged. Mr. Elkind advised that legislation provides the city cannot require a permit nor go through the Tree Advisory Task Force process in order for someone to remove a tree that otherwise meets requirements they have paid for to back up their decision. Ultimately, that statute is not a vehicle to challenge a denial.

6. Presentation re Annexation Pause Update

The City Commission requested that staff develop an amendment to the Comprehensive Plan that would address how the city develops in transitional areas which lie between developed suburban areas within the city and currently low-density residential unincorporated areas. Four options were analyzed by staff as follows: 1) create a new future land use category, 2) revise an existing category, 3) create new policies to guide development, or 4) create a new future land use overlay.

Mike Holmes, Planning Director, stated after internal discussions, the first option is being presented as the preferred option combined with some points from the other alternatives. He explained the four options that were analyzed and how the preferred option was developed, along with suggested criteria to guide new development.

One of the key issues staff is asking the Commission to provide direction on is where this new category is to be applied, such as, in select areas of unincorporated land adjacent to the city or for all annexations, regardless of location.

As the amendment is further refined, the draft amendment will be presented to the Planning Board for their recommendations prior to being formally presented to the City Commission for adoption. Once the Comprehensive Plan is amended, the Land Development Regulations may be amended, if necessary, to implement the updated Comprehensive Plan.

Mr. Holmes said 31 projects were submitted during 2021-22, ranging from small mixed-use to large subdivisions. The total number of units approved is about 5,224. He pointed out that this number includes properties already in the city as well as recently annexed. County projects since 2021 total an estimated 8, anticipated for single family and town homes. The total number of units in review is 1,072.

Mr. Holmes reviewed the potential for additional growth that led to the desire of the City Commission to take a pause from development. Staff has been working on the program by reviewing the current comprehensive plan, consistency with the 2050 plan, utilization of smart growth principles and research of transitional suburban residential development.

Mr. Holmes elaborated on the recommended option one combined with some points from the other alternatives. Option #1 would create a new land use category – transitional or suburban residential. In the City's Comprehensive Plan, each land use category has a description, a general type of development and policy guidelines. The description basically describes the general type of development. For residential, the density is set within the definition. The general types of development lists various allowable uses. The policy guidelines are used to create certain development standards that must be met.

Mr. Holmes stated he hopes the City Commission will advise what potential areas they have in mind for development under the new category. General standards that would be considered for addition to the comprehensive plan to guide new development were discussed and include the following:

- Minimum lot size
- Variation in housing type and design
- 2 du/ac
    - If it includes 5 or more criteria – up to 2.9 du/ac
    - Perhaps higher density if more criteria are included

Mayor Apgar does not think it will be difficult to meet the criteria. He does not want to create something that appears to be arbitrary. He suggested additional criteria for affordable housing or proximity to an employment center.

Mr. Holmes stated the recommended criteria for development would be broken down into four categories to include: 1) Environmental, 2) Infrastructure, 3) Compatibility, and 4) Incentives. He cited several examples for each category.

Mr. Holmes is looking for direction from the City Commission, and Comprehensive Plan and Land Development Regulations update will follow. The next steps for the comprehensive plan amendment would include the Planning Board, at which time public participation would be incorporated. The City Commission would then be presented with the amendment, followed by the VGMC review, and ending with Commission Adoption. The entire process is estimated at six months.

Mayor Apgar stated agricultural land use categories that were in place have been a driving factor in the need for additional comprehensive plan amendment(s). He added many of the existing designations have been in place for 30+ years. Mayor Apgar asked if these changes are going to discourage people from developing in the City of DeLand. Mr. Elkind responded that would like time to analyze the question. However, if the City of DeLand affirmatively chooses not to annex property by denying an application, then the property owner would be free to approach another jurisdiction for rezoning and development. He further advised the city would still have to provide utilities. This is fundamentally different than someone saying they don't like what the city can legislatively do for them vis-a vis a land use amendment, and in that situation where the city was willing to annex but the owner did not want to annex, then Mr. Elkind advised the city would not have to provide utilities.

Mike Woods, Attorney with Cobb Cole, stated at start of the pause, his understanding was this time would be used to diversify the types of categories. His concern is in the context of where there is an infill project. Mr. Woods expressed the risk of encouraging "leap frog" type annexation over the municipal boundary. Whatever decision is made by the City Commission, consideration must be given to what the county has in parallel. Ensuring there isn't a contrast or conflict between the older more rural areas and new development.

Mr. Elkind said Mr. Woods made an excellent point and Mr. Holmes had also mentioned, it does warrant some coordination with Volusia County for consistency.

Commissioner Davis would like to increase public input, collecting even more public input prior to October. She suggested making contact with people who have shown interest on past agenda items pertaining to development.

Commissioner Paiva was initially uncomfortable with a large transition in density. He believes a Transitional/Suburban Land Use Category is an important step that he would like to take. If looking for higher density, the development needs to be higher quality. In addition, Commissioner Paiva is supportive of standards everyone can agree upon to produce quality development and smart growth.

Commissioner Cloudman thinks the City Commission and staff is heading in a good direction. He supports allowance for rural areas to remain less dense. He also thinks there are some great concepts that have been presented.

Commissioner Reid is pleased with what has been presented, a lot of things he would be willing to make standard. Creating a new classification is the start to implementing new standards into other land uses, as well. While Commissioner Reid agrees with incentives, he wants to be mindful of the fact there is the potential for the city not to have a seat at the table. He agrees there needs to be a "gap" land use but it has to be one that people will want to use rather than discouraging developers from approaching the City of DeLand.

Mayor Apgar said the consensus of the Commission is for staff to proceed in developing the process as presented.

7. Change of Meeting Date, Labor Day Holiday

Mayor Apgar asked why Wednesday was recommended instead of Tuesday. Mr. Pleus said the county budget meeting is being held on Tuesday.

Commissioner Paiva made a motion to approve changing the September 5, 2022, City Commission meeting to Wednesday, September 7, 2022, due to the Labor Day holiday. Commissioner Davis seconded the motion, which carried by a unanimous vote.

CITY MANAGER REPORT

Mr. Pleus stated the County Council, on August 2, 2022, will be considering the ECHO grant request for the new playground at the park off Pennsylvania Avenue.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Commissioner Cloudman attended an event last Thursday, officially announcing that the Be Strong events will be held and the Rotary Clubs of West Volusia, as well as the Cancer Foundation will pick up the reins. Be Strong will return in February.

Commissioner Paiva had nothing to report.

Commissioner Davis is looking forward to the first day of school.

Commissioner Reid congratulated Main Street on the conference they hosted. There were a lot of good discussions, and it was a successful event. He also thanked City staff for assisting in the coordination of the Local Legends presentation and helping to coordinate the meet and greet just before the meeting this evening.

Mayor Apgar said DeLand hosted the Main Street and Historic Preservation Conference last week and it was very successful. Main Street and the City of DeLand received awards and many positive comments about the community were made during the conference.

Mayor Apgar stated the Highway 11 groundbreaking with the Eidson Drive extension was held and has opened great opportunities for economic development on private property as well as the Northwest Industrial Park.

Advent Health opened a Transitional Care Unit at the DeLand Hospital, the first of its kind in Central Florida. This facility will serve both hospitals in the DeLand area.

Mayor Apgar announced the ribbon cutting tomorrow at 100 East New York Avenue.

The new Saigon Restaurant ribbon cutting will also be held at 10:00 a.m. on Thursday.

Florida League of Cities Conference will be held next week and some of the Commissioners will be out of town.

Mayor Apgar thanked the City Commission for all the hard work that went into the Beresford Reserve hearings.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:48 p.m.

Prepared by:	Approved on:
Julie A. Hennessy, MMC	______________________________
City Clerk – Auditor	Date

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, AUGUST 15, 2022, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

The meeting was called to order by Mayor Apgar at 7:00 p.m.

Mayor Apgar requested that anyone present who wishes to address the City Commission on an item appearing on tonight's agenda, or with regard to an item not on the agenda, please fill out a Speaker's Card and give it to the City Clerk. The public has a right to speak with regard to any item on which the City Commission is to take action.

INVOCATION:

Mayor Apgar students in attendance to be recognized and stated he is happy to see everyone survived the first day of school.

Pastor Kevin Caine, St. Paul's Missionary Baptist Church, gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Apgar led the Pledge of Allegiance.

ROLL CALL

Commissioner Charles Paiva	Present
Commissioner Jessica Davis	Present
Commissioner Chris Cloudman	Present
Commissioner Kevin Reid	Present
Mayor Robert F. Apgar	Present

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk-Auditor; Mike Grebosz, Assistant City Manager; Rick Werbiskis, Community Development Director; Jason Umberger, Police Chief; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Chad Gamble, Public Services Director; Raymond Bahrami, City Engineer; Mike Holmes, Planning Director; Ray Underwood, Public Works Director; Mark Hayward, Human Resources Director; Chris Graham, Community Information Manager; Ava Hanner, Community Information Specialist; Jim Ailes, Deputy Public Services/Utilities Director; members of the public and press.

PRESENTATIONS

1. Introduction of Fire Fighters: Julen Fernandez, Morgan Fambrough, Malik Alexander-Dunham

Chief Allen introduced the new firefighters who began their careers with the City of DeLand in mid-July. He gave a brief biography for each. On behalf of the City Commission, Mayor Apgar extended a warm welcome to Julen Fernandez, Morgan Fambrough and Malik Alexander-Dunham.

2. Certificate of Recognition Presented to Mia Rhodes

Commissioner Davis read a Certificate of Recognition which was presented to Mia Rhodes by Commissioner Paiva.

3. Certificate of Recognition Presented to Deandre Weston

Commissioner Cloudman read a Certificate of Recognition which was presented to Deandre Weston by Commissioner Davis.

4. Certificate of Recognition Presented to Chelden Williams

Commissioner Cloudman read a Certificate of Recognition which was presented to Chelden Williams by Commissioner Reid.

5. Presentation re Quarterly Financial Report for the Period Ending June 30, 2022

Dan Stauffer, Finance Director, presented the Financial Report for quarter ending June 30, 2022, for the City of DeLand. The Quarterly Financial Report is a supplemental report intended to provide information regarding the financial position of each fund and includes a review of balance sheets and schedules on revenues and expenditures.

The quarterly financial report is an attempt to bring the City Commission a concise and readable interim report, and is not a substitute for the Annual Comprehensive Financial Report issued at the end of each fiscal year after the independent audit of the City's financial records. This quarterly report covers nine months of the fiscal year, a representation of seventy-five percent of the year.

CONSENT AGENDA

1. Resolution approving the Sole Source Purchase and Installation of a Simulated Brick Paver Crosswalk at the Intersection of Florida Avenue and New York Avenue
2. Consideration re County of Volusia Standard Interlocal Agreement for Municipal Services
3. Consideration re Change Order No. 1, Melching Field
4. Consideration re Amendment to Revised Cost Share Agreement with St. Johns River Water Management District for Alabama Avenue Reclaimed Water Main Extension
5. Consideration re Change Order No. 1 to the Alabama Avenue Reclaimed Water Main Extension
6. Consideration re Change Order No. 1, Woodland Boulevard Lighting Improvements
7. Resolution Approving FDOT Joint Participation Agreement Supplemental Amendment No. 2, Woodland Boulevard Lighting Improvements

8. Consideration re Letter of Support for Volusia County Justice Assistance Grant (JAG) Nonprofit Agencies
9. Resolution Authorizing Sole Source Purchase, Ferguson Water Works, Inc., FY 2022-2023

Commissioner Paiva made a motion to approve items 1-9 on the consent agenda. Commissioner Reid seconded the motion, which carried by a unanimous vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

There were none.

OLD BUSINESS

1. Second Reading of Ordinance No. 2022-14, Changing the Land Use for 1.45 Acres of Property located at 306 West Wisconsin Avenue from Low Density Residential & Institutional Overlay to Mixed Commercial

Mr. Elkind, City Attorney, read Ordinance No. 2022-14 by title only.

ORDINANCE NO. 2022-14

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED AT 306 WEST WISCONSIN; FROM LOW DENSITY RESIDENTIAL AND INSTITUTIONAL OVERLAY FUTURE LAND USE DESIGNATIONS TO MIXED COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

There being no public comment, Mayor Apgar closed the Public Hearing.

Commissioner Paiva made a motion to approve Ordinance No. 2022-14. Commissioner Reid seconded the motion. The motion was approved by a roll call vote.

2. Second Reading of Ordinance No. 2022-15, Changing the Zoning from R-1B to North West Square PD, of Approximately 1.45 Acres of Property located at 306 West Wisconsin Avenue

Mr. Elkind, City Attorney, read Ordinance No. 2022-15 by title only.

ORDINANCE NO. 2022-15

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-1B, SINGLE FAMILY TO CITY'S PLANNED DEVELOPMENT, NORTH WEST SQUARE PD, ON PROPERTY LOCATED AT 306 WEST WISCONSIN AVENUE; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 1.45+/- ACRES OF PROPERTY MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND, DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

There being no public comment, Mayor Apgar closed the Public Hearing.

Commissioner Paiva made a motion to adopt the ordinance. Commissioner Cloudman seconded the motion. The motion was approved by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

Mr. Elkind stated a request for the Commission to move to Old Business Items 4 and 5, followed by Item 3.

3. Former Item 4 - <u>Second Reading of Ordinance No. 2022-17, Changing the Land Use of Approximately 0.949 Acres of Property, Located at the Southeast Corner of Dr. Martin Luther King, Jr., Beltway and Beresford Avenue Extension; from Low Density Residential to Commercial Highway</u>

Mr. Elkind, City Attorney, read Ordinance No. 2022-17 by title only.

ORDINANCE NO. 2022-17

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROEPRTY LOCATED AT THE SOUTHEAST CORNER OF DR. MARTIN LUTHER KING, JR., BELTWAY AND BERESFORD AVENUE EXTENSION; FROM LOW DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO HIGHWAY COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the public hearing.

Astrid De Parry, 107 E Church Street, commended City Commissioners for a job well done on this ordinance. She hopes that approval of this will allow for the Beresford Extension to move forward.

There being no further public comment, Mayor Apgar closed the Public Hearing.

Commissioner Cloudman made a motion to adopt the ordinance. Commissioner Paiva seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

4. Former Item 5 - Second Reading of Ordinance No. 2022-18, Changing the Zoning from Royal Oaks PD, to C-2, General Commercial, for approximately 0.949 Acres of Property, Located at the Southeast Corner of Dr. Martin Luther King Jr. Beltway and Beresford Avenue Extension

Mr. Elkind, City Attorney, read ordinance No. 2022-18 by title only.

ORDINANCE NO. 2022-18

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM ROYAL OAKS PLANNED DEVELOPMENT (PD) TO CITY OF DELAND'S C-2, GENERAL COMMERCIAL ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF DR. MARTIN LUTHER KING, JR., BELTWAY AND BERESFORD AVENUE EXTENSION; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVEABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the public hearing.

There being no public comment, Mayor Apgar closed the Public Hearing.

Commissioner Paiva moved to approve the ordinance. Commissioner Cloudman seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

5. Former Item 3 -Second Reading of Ordinance No. 2022-16, Changing the Zoning from Royal Oaks Planned Development PD to City of DeLand's E-1, Educational District on Property Located on the West Side of North Summit Avenue, across from Daytona State College for an Administrative Rezone of 1.45 Acres of Property

Mr. Elkind, City Attorney, read Ordinance No. 2022-16 by title only.

ORDINANCE NO. 2022-16

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM ROYAL OAKS PLANNED DEVELOPMENT (PD) TO CITY OF DELAND'S E-1, EDUCATIONAL DISTRICT ON PROPERTY LOCATED ON THE WEST SIDE OF NORTH SUMMIT AVENUE ACROSS FROM DAYTONA STATE COLLEGE; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the public hearing.

There being no public comment, Mayor Apgar closed the Public Hearing.

Commissioner Paiva made a motion to approve the ordinance. Commissioner Cloudman seconded the ordinance, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

NEW BUSINESS

Mayor Apgar stated he planned to reorder the new business agenda items.

1. First Reading of Ordinance Relating to Gas System Franchise for Florida Public Utilities Company

Mr. Elkind, City Attorney, read the ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, GRANTING TO FLORIDA PUBLIC UTILITIES COMPANY A NON-EXCLUSIVE FRANCHISE FOR A TERM OF 30 YEARS TO ERECT, CONSTRUCT, OPERATE AND MAINTAIN A GAS SYSTEM; TO IMPORT, TRANSPORT, SELL AND DISTRIBUTE GAS WHETHER NATURAL, MANUFACTURED OR MIXED GAS; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE USE OF CITY RIGHTS OF WAY LOCATED WITHIN THE CITY FOR THE PURPOSE OF PROVIDING GAS UTILITY SERVICE; PROVIDING FOR IMPLEMENTING ADMINSITRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR NON-CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

There being no public comment, Mayor Apgar closed the Public Hearing.

Commissioner Paiva made a motion to approve the ordinance. Commissioner Cloudman seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

2. First Reading of Ordinance Amending Chapter 15 of the Code of Ordinances re Solid Waste Rates

Mr. Elkind, City Attorney, read the ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA PERTAINING TO SOLID WASTE AND RELATED MATTERS; PROVIDING FOR DEFINITIONS, REGULATIONS, PROCESSES, PROCEDURES, FEES AND CHARGES; PROVIDING FOR ENFORCEMENT AND PENALTIES; SUBSTANTIALLY REVISING AND AMENDING CHAPTER 15 OF THE *CODE OF ORDINANCES OF THE CITY OF*

DELAND (CITY CODE); **PROVIDING FOR HARMONIZING AMENDMENTS TO SECTIONS 12-5, 12-6, 16-5, 16-26, 16-29, AND 16-30 OF THE CITY CODE RELATING TO FIRE PROTECTION AND HEALTH AND SANITATION; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS AND REPEALING ANTIQUATED CHAPTER 13 AND CHAPTER 19 OF THE CITY CODE RELATING TO THE REGULATION OF FISH AND SEAFOOD AND MILK AND DAIRIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

The current contract with Green for Life (GFL) for solid waste, yard waste and recyclable material pickup and disposal expires on September 30, 2022. A new contract for seven years with the option for one additional 3-year renewal has been proposed.

After the Commission approved entering into negotiations with GFL at their July 5, 2022 meeting, the new rates were negotiated. A regional comparison was performed to ensure rates consistent with surrounding areas. Based on this information GFL's proposed residential rates, which will now include recycling services, remain among the lowest in the area and commercial rates will be competitive with other Cities even though the City of DeLand has not seen a rate increase in the past three (3) years. The new contract allows for container size options for recycling, the current bin or a 64-gallon tote. This choice is included without additional fees and the tote will be the same color with a yellow lid. The City logo will be displayed on the tote.

Mayor Apgar opened the Public Hearing.

Mr. Pleus noted the presence of Skip McCall and Jake Pack from GFL. Rates have to be approved by ordinance prior to approval of the contract with GFL at the next meeting. In the future, rates will be approved by resolution.

Commissioner Paiva said at a previous meeting, there was discussion about replacing metal dumpsters in the commercial corridor. Mr. Pack acknowledged discussions have taken place and a plan is being developed to address the concerns. Also, anything with an outdated logo will be replaced in the transition plan.

Commissioner Cloudman realizes rates have not increased in quite some time and he realizes it is only $3.40. While that may not seem like a lot to some people, it does seem significant to others. He asked if there is opportunity for the increased rates to be implemented using a tiered structure. Mayor Apgar said the rating and ranking system has been discussed and there has not been a rate increase in several years. Respectively, to other cities and counties, DeLand's rates are still one of the lowest in the area.

Commissioner Paiva noted it is a seven (7) year contract, but he does not see a CPI adjustment for future years. Mr. Pack explained future rate increases and limitations.

Mayor Apgar said one important change that will be part of a public education process is the option of a 64-gallon covered recycling bin as opposed to the open 18-gallon bin. The original 18-gallon bins will be retained in order to determine which the community prefers.

Commissioner Davis asked what the discussion included when the committee went through the ranking process. Mayor Apgar said there were different ways to rate companies based on 40% price, 30% experience and 30% project approach for operations. GFL was rated the highest by the committee as a whole and the commission approved that, which is the normal process.

Mayor Apgar closed the Public Hearing.

Commissioner Paiva made a motion to approve the ordinance. Commissioner Reid seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

3. First Reading of Ordinance Amending Chapter 12, Chapter 15, Section 15-15; and Chapter 33, Section 33-12; of the Code of Ordinances Relating to Open Burning

Mr. Elkind, City Attorney, read the Ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, PROHIBITING THE OPEN BURNING OF LAND CLEARING DEBRIS AND REGULATING OTHER BURNING; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; AMENDING CHAPTER 12 AND SECTION 15-15 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND AND SECTION 33-12 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND/LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REGULATION CONSISTENT WITH CONTROLLING STATE LAW; PROVIDING FOR DEVELOPMENT ORDER AND DEVELOPMENT PERMIT CONDITIONS; PROVIDING FOR PROHIBITIONS, REGULATIONS AND ENFORCEMENT; PROVIDING FOR A DEFINITION; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinance provides that the City can prohibit open burning of land clearing debris and require same to be removed from the site of development activity. The ordinance also cleans up and clarifies other sections of the City's open burning ordinances.

Mayor Apgar opened the Public Hearing.

There being no public comment, Mayor Apgar closed the Public Hearing.

Commissioner Paiva made a motion to approve the ordinance. Commissioner Davis seconded the motion.

Commissioner Cloudman asked Mr. Elkind to clarify language regarding concerns with the State and the City of DeLand superseding what they have set forth in permitting. Mr. Elkind said for a long time the general understanding has been that the regulation of open burning has been pre-empted to the State. The law on that is unclear and there is no attorney general opinion. Staff researched to resolve that issue and there is no expressed exemption in the statute. The Florida Fire Service District Office was contacted and learned if they issue an open burn permit because local government does not regulate same, then local government may not do any regulation or enforcement without a memorandum of understanding with the Florida Fire Service.

Commissioner Davis has received complaints about burning in the area and she asked if this ordinance will address those issues. Mr. Elkind said yes, if referring to the burning along Voorhis, this will stop that type of burn.

The motion carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

Mayor Apgar announced item 8 will be heard now as he mentioned there would be some reordering of agenda items.

8. First Reading of Ordinance Changing the Land Use for Approximately 1.47 Acres of Property Located on Southeast Corner of South Clake Street and Voorhis Avenue from Medium Density Residential to Downtown Commercial (Palm Garden Cottages PD)

Mr. Elkind, City Attorney, read the Ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED ON THE SOUTHEAST CORNER OF SOUTH CLAKE STREET AND VOORHIS AVENUE; FROM MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO DOWNTOWN COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened public hearing.

There being no public comment, the public hearing was closed.

Commissioner Paiva made a motion to approve the ordinance. Commissioner Reid seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

9. First reading of Ordinance changing zoning form Palm Garden Cottages PD to C-2A, Downtown Commercial, on approximately 1.47 Acres of Property, Located on the Southeast Corner of South Clake Street and Voorhis Avenue

Mr. Elkind, City Attorney, read the ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM PALM GARDEN COTTAGES PLANNED DEVELOPMENT (PD) TO CITY OF DELAND'S C-2A, DOWNTOWN COMMERCIAL ON PROPERTY LCOATED ON THE SOUTHEAST CORNER OF SOUTH CLAKE STREET AND VOORHIS AVENUE; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened public hearing.

There being no public comment, the public hearing was closed.

Commissioner Paiva made a motion to approve the ordinance. Commissioner Reid seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

10. First Reading of Ordinance Amending 425 South PD for LAM Development, on Approximately 2.09 Acres of Property, Located at 425 South Woodland Boulevard

Mr. Elkind, City Attorney, read the ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE 425 SOUTH PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED AT 425 SOUTH WOODLAND BOULEVARD; APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 2.09 +/- ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the public hearing.

There being no public comment, the public hearing was closed.

Commissioner Paiva made a motion to approve the ordinance subject to revising the PD agreement to address two Planning Board comments. Commissioner Cloudman seconded the motion.

Commissioner Reid said he remembers this project being before the Commission previously, and he asked about parking and additional tree preservation on the back side. Now that it is coming as a PD, the conversation will be different. He would have an appetite for less parking and more trees in this area.

Commissioner Paiva said while the parking has been decreased by one (1), he would also prefer preservation of trees.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES

Commissioner Reid NO
Mayor Apgar YES

11. Resolution approving Lakewood Park Subdivision Phase 2 Final Plat

Commissioner Paiva made a motion to approve the resolution. Commissioner Cloudman seconded the motion. The motion was approved by a unanimous vote.

Mayor Apgar stated item 4 will now be heard by the City Commission.

4. First Reading of Ordinance Amending Article II, Chapter 2A of the Code of Ordinances Relating to the City's Economic Development Committee and Brownfield Advisory Committees.

Mr. Elkind read the Ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, RELATING TO THE ECONOMIC DEVELOPMENT COMMITTEE AND BROWFIELD ADVISORY COMMITTEES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; AMENDING ARTICLE II, CHAPTER 2A OF THE CODE OF ORDINANCES OF THE CITY OF DELAND RELATING TO THE CITY'S ECONOMIC DEVELOPMENT COMMITTEE AND BROWNFIELD ADVISORY COMMITTEE; REVISING COMMITTEE STRUCTURES AND RELATED MATTERS; IMPLEMENTING THE PROVISIONS OF SECTION 288.075, FLORIDA STATUTES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Apgar opened the public hearing.

There being no public comment, the public hearing was closed.

Mayor Apgar commented about page 9, section 2a-14, should uniformly say "City Manager or his designee", rather than how it is written by deleting the reference to the Economic Development Manager as the designee. Mr. Elkind noted no issue with that change.

Mayor Apgar said in the next section, 3, it says the committee will be three people. His preference would be for the committee to consist of no less than three (3) or no more than seven (7) members. This would be dependent upon the nature of the brownfield and the size of the brownfield, with understanding the size of the committee may need to vary. Mr. Elkind said 3 was an arbitrary number, no objections to the suggestion.

Mayor Apgar believes "the city manager or his designee shall be an ex-officio member of the committee" and should be written as such into the ordinance. Mayor Apgar feels the ex-officio designation would give the person greater voice in discussions.

Commissioner Cloudman would like to see the committee members made up of various stated backgrounds/professions. Mr. Elkind advised City Commissioners to be mindful of the fact we may not be able to get someone with particular designations, however staff will strive to have someone with Economic Development experience as member of the brownfield committee.

Commissioner Paiva made a motion to approve the ordinance with suggested modifications. Commissioner Reid seconded the motion. The motion carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

Mayor Apgar stated item 7 will now be heard by the Commission.

7. First Reading of Ordinance Changing the Zoning from Volusia County R-4C, R-4, A-1C, A-1, 1-1C & 1-1 to DeLand Tech Park PD, Located on the NW Quadrant of SR 472 and Interstate 4, for approximately 143.2 Acres of Property

Mr. Elkind, City Attorney, read the ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S R-4, R-4C (URBAN SINGLE FAMILY RESIDENTIAL); VOLUSIA COUNTY'S A-1C, A-1 (PRIME AGRICULTURE); AND VOLUSIA COUNTY'S, I-1C, I-1 (LIGHT INDUSTRIAL); TO CITY'S PLANNED DEVELOPMENT, DELAND TECH PARK PD, ON PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF STATE ROAD 472 AND INTERSTATE 4; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 143.2 +/- ACRES OF PROPERTY MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar disclosed communications with regard to the project. He stated one meeting was held with staff and the developer very early in the process. In addition, he had a conversation with

Mr. Watts where a diagram was shown. The property is owned by three different owners, one of the principals is married to Mayor Apgar's former wife. Mayor Apgar stated he has no direct or indirect pecuniary interest in the outcome of this matter.

Commissioner Paiva spoke generally with Mr. Watts about the project but not specifics.

Commissioner Davis said sometimes when other projects are discussed, this one comes up.

Commissioner Cloudman agreed with Commissioner Davis.

Commissioner Reid was also in agreement.

Mr. Holmes, Planning Director, stated the proposed development is mostly vacant, wooded land located in the northwest quadrant of SR 472 and Interstate 4. It is part of the original South West Activity Center DRI which was later adopted into the City's Comprehensive Plan. The proposed PD allows for a range of industrial and commercial uses and conforms with the development standards of the Commerce and West Central Districts of the SWAC, such as vested trips, building entitlement yields and connectivity requirements.

The Planning Board, at their July 20, 2022 meeting, recommended approval with several comments, and two still need to be addressed:

- The road labeled Pinehurst will be designated as a private street unless approved otherwise by the City Commission;
- Provide a bike/pedestrian connection with the proposed multi-family project to the north west of the subject project.

Mayor Apgar said with regard to the road that staff would prefer be private, the northern terminus would seem to co-join with the southern exit of another project. Mr. Holmes showed a plan of project, indicating the connection. He said it comes into the development and down to the commercial area. Mayor Apgar said the internal roads in the apartments are all private. Mr. Holmes affirmed. Mayor Apgar said if there is a point of connection, why should the DeLand Tech Park bear the expense of the apartments using that road unless there is some agreement between the two owners on cost sharing. It seems to him the road will eventually become public. Mr. Holmes said staff sees this as a service road similar to the service road adjacent to public shopping center and indicated it only goes into the project.

Mark Watts, Attorney with Cobb Cole, spoke with regard to DeLand Tech Park PD. He presented details and talked through specific aspects of the project and how the plan has been designed with regard to flexibility of uses that can be recruited for the area. The Southwest Activity Center is primarily designed for office space, light industrial uses, warehouse and distribution uses, retail commercial use guidelines, and support uses such as hotels. He showed a map which outlines how regulations fall into place on the property.

The uses planned for this project include warehouse and distribution centers, light industrial and manufacturing, retail commercial, professional office, hotels, restaurants and other support uses.

Mr. Watts explained the proposed road system.

Mr. Watts said a higher level of design was the goal in this project and an attached pattern book with design guidelines are part of the agreement. He explained design elements.

Mr. Watts referred to the SWAC maximum trip generation and stated that based on the SWAC future land use classifications, the maximum number of trips permitted to the West Center and Commerce Districts is 33,300 ADT. The comprehensive plan really focuses on maximum trips for defining the density and intensity of this development. He stated the information does not approve any number of trips on the roadway, but provides mechanisms and context through which the developer will proceed with the traffic analysis process required to determine number of trips that will be generated by the project, distribution and determine what mitigation needs to be provided for the road network. Additional details will be analyzed as project decisions are made.

One of the things the developer is concentrating on is how to handle this project to be compliant within the tree ordinance requirements. However, some compromise may be requested. Mr. Watts gave a couple of examples of ways to mitigate in order to satisfy the necessary standards. He said currently the standards are written for smaller scale development.

Commissioner Cloudman noted with the exact uses being unknown at this time, the approval process in a bit more challenging because knowing the uses is important. If there is going to be commercial and retail accessible from existing neighborhoods in the area, he would like to see bicycle facilities on the roadways in addition to the five ft sidewalks. On the other hand, if it is going to be industrial and manufacturing areas, then bicycle facilities may not be necessary.

Mr. Watts stated to Commissioner Cloudman's point, some earlier variations of the plan do intersect with roadways. One of the concerns was that Kirk (road) may end up being more of an industrial roadway. As the project has evolved, the roadway is being shown for the purpose of connectivity, staff has expressed a need for connectivity.

Commissioner Reid commented when turning left off 472, the scenario is not going to be good. He does not want a truck route north on Dr Martin Luther King.

Mr. Watts said likely the developer will have to work with FDOT for a traffic signal at Kirk Drive and 472, which is a primary objective. A traffic signal makes the most sense and the developer is working with Advent Health to leverage the support of FDOT for a signal. It is known this area does not meet FDOT's spacing criteria from the other existing signal. Either a signal gets installed at 472 or the developer will have to go to Volusia County and work with Cassadaga Road.

Commissioner Reid stated he does not see much of a design standard. Those elements also need to be addressed in order to provide a clear understanding of the standards that will be required for building styles for the industrial areas, with this area being a major entrance to the City. Piggybacking on Commissioner Cloudman's comments on Pinehurst Drive, the Commission is looking for enhanced connectivity there for bicycles and pedestrians. There is potentially a residential component to this and having the connectivity is desirable.

Mayor Apgar asked for public comments.

There being no public comments, the Public Hearing was closed.

Commissioner Paiva made a motion to approve the ordinance.

Mayor Apgar asked for a second.

Mr. Elkind noted Planning staff had requested the PD have Pinehurst Drive be designated private and the applicant would like it to be a public road.

Commissioner Paiva said it is important to know the uses in order to determine whether Pinehurst should be public or private. Commissioner Paiva is looking for additional information upon second reading.

Mayor Apgar wanted to have a motion and second on the floor to allow for discussion. Commissioner Reid seconded the motion.

Mayor Apgar reviewed the history of this project as an employment center. He commended the developer for reaching out to other project owners in the area.

Commissioner Davis asked if there was any other public input with regard to the project other than the private/public road.

Mr. Watts said this project is what has long been planned for this area. There has not been opposition. There were some questions regarding stormwater at a previous meeting, which were addressed. There have been several opportunities for public to provide input. Everything referenced this evening regarding pedestrian/bicycle access and truck routing are things the developer is amenable to and can be incorporated into the plan for second reading. The architectural style can also be addressed in the Planned Development.

Commissioner Paiva noted in 2001 after he was elected, he voted to enter into a JPA for the DRI in Volusia County. This job creation center was envisioned and he is very excited to have the opportunity to vote on that this evening. There has been a large growth of single family and in order to buffer that and create a balance there is a need to increase industry, manufacturing and commercial. Commissioner Paiva would like to see a connectivity plan to include a pedestrian plan and also a plan for architectural styles. He would support offsite mitigation for tree preservation. Commissioner Paiva asked if there are any end users for the property at this time. Mr. Watts said no, at this time it is more of a concept.

Mayor Apgar would like the developer to provide a community designation sign along the interstate, approved by the City of DeLand.

Commissioner Cloudman said even looking at items such as landscape buffers, his hesitation is approving a PD without knowing the layout of the project.

Mr. Watts reminded City Commissioners the site plans will be presented in the future for review and approval. The specific uses are not known, but coordinated efforts are being made to put elements in place to create some form to the project. The site needs to be properly equipped when a user is identified and ready to move forward.

Mayor Apgar asked if the PD could be written to include flexibility with buffers based on specific uses. Mr. Elkind said the simple answer is yes, but it is good to have some fairly objective criteria in a zoning document so the developer knows what they have to work with and understands the maximums that can be required. Mr. Elkind added those elements about which there is concern, can be spelled out in the PD document.

Mr. Watts said in looking at this project, his client has deferred to the code. By incorporating the City's code standards, effort has been made to segment different uses that require a substantial amount of buffering into different areas of the property. The City's buffering standards provide some flexibility. Mayor Apgar asked for a list of objective criteria that would enable the Commission to address specific development issues during site plan review.

Commissioner Reid would prefer a higher standard be set that can be reduced as necessary. The document can be written so as to provide flexibility at the site plan stage of development.

Commissioner Paiva asked Mr. Elkind if he is comfortable moving forward and Mr. Elkind said yes, the City's Comprehensive Plan requires a Planned Development. Mr. Elkind does not anticipate any issues.

Mayor Apgar said there is a motion and second on the table with the understanding the Commission has not made a final decision on the connector road, that is still an open item; and the Commission is looking for additional information at second reading regarding flexibility with standards on site plan process, the signage issue mentioned, design standards, and a connectivity plan.

Mayor Apgar called for a vote on the motion as stated. The motion was approved by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

Mayor Apgar recessed the meeting 9:16 p.m. The meeting reconvened at 9:23 p.m.

Mayor Apgar stated item 5 would now be heard by the Commission.

5. CONTINUATION of First Reading of Ordinance Changing the Zoning of Approximately 28.64 Acres of Property, located at the Southwest Corner of Martin Luther King Boulevard and Cassadaga Road, from County R-4C & R-4 to CTC DeLand PD to develop a Multi-Family Residential Project (1st Reading -06/20/22 – Cont'd)

Mr. Elkind, City Attorney, read the ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S R-4C, URBAN SINGLE-FAMILY RESIDENTIAL-THOROUGHFARE CORRIDOR AND R-4, URBAN SINGLE-FAMILY RESIDENTIAL TO CITY'S PLANNED DEVELOPMENT, CTC DELAND PD, ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF DR MARTIN LUTHER KING, JR., BOULEVARD AND CASSADAGA ROAD; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 28.64 +/- ACRES OF PROPERTY MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

Mr. Holmes, Planning Director, said the PD included in the agenda packet is out of date. However, the concept plan is correct and reflects changes that were made. Mr. Holmes stated the main entrance is now from Cassadaga Road. Two sidewalk connection have also been added to connect to Tech Park.

Mr. Holmes said tree protection and environmental sections are drastically different. They will use Florida Friendly landscaping and the language will be cleaned up prior to second reading.

Commissioner Paiva asked if this project falls within the City's water district and Mr. Holmes said currently it is outside of the City's utility area.

Mr. Pleus, City Manager, stated staff is working with Volusia County on an agreement to expand the water and sewer area. In this situation, the county would provide the water to the City at a wholesale rate and the City would then provide water to the customer on a retail basis.

Commissioner Cloudman was surprised to look at the environmental considerations and see no additions.

Mark Watts, Attorney with Cobb Cole, represents the developer on this project. He introduced the development team for this project. Mr. Watts provided some background on how this project was approached. The Southwest Activity Center includes a residential component to complement and serve the employment center. He reviewed the site plan. Key site features are to include a focal clubhouse with a resort style pool, community spaces, butterfly garden in partnership with National Wildlife Federation to support the Monarch Butterfly, and a dog park.

Mr. Watts noted redesign of the site to preserve historic trees that were identified during a tree survey. He stated many comments were taken from the first reading and have deferred this project until after hearing of the tech park. He outlined changes made based on comments. Low impact design standards have been incorporated into the design of this site.

Commissioner Reid stated in the original plan, this section was part of the commercial area, not residential. He understands market rate and knows the City Commission is limited on what can be requested or required. Commissioner Reid would like to see some potential discount for employees of the employment center. He posed the question of how people who are working in DeLand are incentivized to live in DeLand.

Commissioner Cloudman said one of the concerns discussed last time and was in the original section for environmental considerations, was to not use tree density on this property and to use tree density to the north as a starting point for tree mitigation. Mr. Watts said the reason that was included earlier is the Silviculture operation (tree farm) on the property. Therefore, tree density is higher than it would be on a normal basis.

Mayor Apgar entertained public comments.

There being no public comment, the Public Hearing was closed.

Mayor Apgar asked if on the connectivity issue, he cannot think of a circumstance where private roads have been the connection between projects. He asked if from a law enforcement perspective, when someone speeds from one project to the other, residents are going to look to the City of DeLand to enforce speed limits. Another concern is, whether or not a resident works in the activity center, there will be some segment of the visiting population that will see this as a quicker way to get around traffic issues. Mr. Watts said this project is proposed with gated access, which would prevent cut-through traffic. The community is gated at access points in the north and south parts of the community. The east access is pedestrian only. Emergency personnel/vehicles would be given appropriate access.

Commissioner Reid asked what type of trees or plantings will be throughout the development. Mr. Watts said a landscape plan has to be developed along with the site plan. Steve Sposato, Level Up Consulting, stated each of the buildings will have foundation type plantings and trees. Because of proximity to the buildings, trees are not planned for the back yards. Commissioner Reid said the reason he asked is because on the drawing provided, it seems there are only smaller plantings even though a lot of trees are being removed for the project. Mr. Watts said each building that comes through the site plan process will be accompanied by a landscape plan. He can add standards for this.

Commissioner Davis asked if staff is hearing feedback with regard to having developers keep trees in place. Mr. Watts said they have focused on keeping the historic trees intact. He said one thing the City of DeLand does well is to encourage the replanting of trees that have to be removed for development.

Commissioner Cloudman asked if there is potential for two-story townhouses. Mr. Watts said these homes are designed for single-story units.

Commissioner Paiva made a motion to approve the ordinance. Commissioner Reid seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

6. First Reading of Ordinance Changing the Zoning from The Cascades PD to Pointe Grand Apartments PD to Develop a Multi-Family Residential Project, on Approximately 14.57 Acres of Property, Located on North Spring Garden Avenue, South of Clear Lake Drive.

Mr. Elkind, City Attorney, read the ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING DESIGNATION FROM CASCADES PD, PLANNED DEVELOPMENT, TO POINTE GRAND APARTMENTS PD, PLANNED DEVELOPMENT; ON PROPERTY LOCATED SOUTHEAST OF THE INTERSECTION OF CLEAR LAKE ROAD AND NORTH SPRING GARDEN AVENUE; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 14.57 +/- ACRES OF

PROEPRTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

Mr. Holmes stated at the July 18, 2022 meeting, the City Commission voted to continue the PD rezone to the following meeting to allow updates to the PD Agreement to include increasing the buffer along the north boundary and to consider how to address the accessibility issue for units above the second floor. The concept plan was revised to remove eight (8) parking spaces that allowed for the north landscape buffer to be increased to 25'. All other issues have been addressed except for the issue concerning an elevator for the upstairs apartments.

Commissioner Davis asked what kind of comments were received regarding an elevator. Mr. Holmes said the Florida Building Code does not require accessibility and an elevator would be cost prohibitive for a three-story building. Commissioner Davis asked if there have been other three-story buildings with elevators and Mr. Holmes said not for residential.

Mr. Watts, Attorney from Cobb Cole, provided an overview of the Pointe Grand Apartments project. He said this property is part of an existing PD, totaling approximately 170 units since 1987. What is being proposed is a modern layout. A community meeting was held where 40-50 members from the Cascades development were encouraged to share their concerns. Those concerns have been addressed and there has been nothing additional from those residents.

The buffer has been increased along the roadway adjacent to the Cascades from 20' to 25' buffer, upgraded to a Class C, a significant upgrade with regard to the amount of plant material required in the buffer. On the 2050 plan, this development is in an area noted for future increases in density. It fits squarely within the policies in the 2050 plan.

With regard to an elevator, Mr. Watts said in order to redesign the building to accommodate an elevator, the buildings would have to be redesigned. Chair lifts would not be a viable option due to the fact they would make the stairwells narrower than what is required by the building code. Mr. Watts said some research has been done and a number of alternatives have been explored. If a resident ends up on the 2nd or 3rd floor, they would be issued a stairlift chair from the office which would assist with accessibility. However, anyone with accessibility issues would ideally be placed on the first floor.

Commissioner Cloudman is concerned about parking spaces that pull in directly across from single family homes. Mr. Watts said there would be more dense plantings in those areas along with a screen wall to address concern of headlights shining across into residential units.

Commissioner Reid said one of his concerns was on the long entryway. He asked what type of speed mitigation is being incorporated into the plan. Mr. Watts said there is a stop sign shortly after entry. He is willing to work with staff to find other solutions if necessary.

With regard to the buffer, Mr. Holmes said the difference between class B and C is the amount of plant material required increases as the buffer gets wider. Class B ranges from 15’ to 25’ wide and C is 25’ to 35’ in width.

Commissioner Reid reiterated his desire to see affordability taken into consideration for the residents of this project.

Commissioner Paiva appreciates the options provided for those residents who may have a disability, even though the addition of an elevator did not work out. He understands the addition of elevators would have been costly. In addition, the City Commission can look at the Code to determine whether or not in the future, it would be viable to make elevators a requirement in three story buildings. He also appreciates the increased buffers.

Commissioner Davis is also pleased with the decision to have stairlift chairs available for anyone who needs assistance.

Commissioner Reid made a motion to approve the ordinance. Mayor Apgar seconded the motion, which failed by roll call vote.

Commissioner Davis	NO
Commissioner Cloudman	YES
Commissioner Reid	NO
Mayor Apgar	YES
Commissioner Paiva	NO

Mr. Elkind stated when a motion is made to deny, by law, the City Commission needs to include reasons for denial.

Commissioner Reid voted no, and he appreciates additions to the buffer but his initial issue with this project was with density.

Commissioner Reid made a motion to deny the ordinance based on density levels being too dense. Commissioner Paiva seconded the motion.

Commissioner Cloudman asked why another motion was necessary. Mr. Elkind stated that under the law, the applicant is entitled to a decision on their application and the decision has to be by affirmative vote of the body. Action has to be taken on the application.

Commissioner Davis agrees the density is too high.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	NO
Commissioner Reid	YES
Mayor Apgar	NO

CITY COMMISSION REPORTS

Mayor Apgar stated reports will be given at the next meeting.

CITY MANAGER REPORT

Mr. Pleus asked if the City Commission would be open to a special meeting in September or October to handle some of the projects rather than having another meeting like this evening where multiple projects have to be reviewed. He gave Glass House as an example and stated a special meeting would balance out the work load. The City Commission indicated agreement.

CITY ATTORNEY REPORT

Mr. Elkind stated there is a legal publication that included an expose' on the practice of law in smaller towns. The City of DeLand is featured and he will get a copy of the magazine to the City Manager.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Commissioner Paiva wished candidates good luck.

Commissioner Davis would like to give Commission comments earlier in the meetings. She enjoyed the walking tour and liked hearing the Mayor make corrections about the city. He has so much knowledge of the City of DeLand.

The backpack giveaway was a great event and Commissioner Davis thanked those who pulled the event together.

Commissioner Davis enjoyed attending the Florida League of Cities conference. She went to the Florida Black Caucus breakfast and was elected as Second Vice President.

Commissioner Reid congratulated all the teachers who made it through the first day. He also attended the Florida League of Cities conference and came back with some good information.

Mayor Apgar stated Stetson football opens on September 3, 2022 and high school football opens this Friday night.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:52 p.m.

Prepared by:
Julie A. Hennessy, MMC
City Clerk – Auditor

Approved on:
____
Date

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON TUESDAY, SEPTEMBTER 7, 2022, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

The meeting was called to order by Mayor Apgar at 7:00 p.m.

Mayor Apgar requested that anyone present who wishes to address the City Commission on an item appearing on tonight's agenda, or with regard to an item not on the agenda, please fill out a Speaker's Card and give it to the City Clerk. The public has a right to speak with regard to any item on which the City Commission is to take action.

INVOCATION:

Mayor Apgar recognized Commissioner Elect Dan Reed and welcomed him. He also congratulated Commission Jessica Davis and Commissioner Kevin Reid, both who were re-elected.

Pastor Mike Modica, First Assembly DeLand, gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Apgar led the Pledge of Allegiance.

ROLL CALL

Commissioner Charles Paiva	Present
Commissioner Jessica Davis	Present
Commissioner Chris Cloudman	Present
Commissioner Kevin Reid	Present
Mayor Robert F. Apgar	Present

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk- Auditor; Mike Grebosz, Assistant City Manager; Rick Werbiskis, Community Development Director; Jason Umberger, Police Chief; Matthew Whittier, Police Sergeant; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Heidi Van Etten, Assistant Finance Director; Nick Segel, Budget Manager; Chad Gamble, Public Services Director; Rick Hall, Parks & Recreation Director; Mark Hayward, Human Resources Director; Ray Underwood, Public Works Director; Chris Graham, Community Information Manager; Jim Ailes, Deputy Public Services/Utilities Director; members of the public and press.

PUBLIC HEARING

1. Resolution Approving FY 2022-2023 Tentative Millage Rate

Michael Pleus, City Manager, thanked the Commissioners for time this summer dedicated to the budget process. He also thanked Dan Stauffer, Finance Director; Heidi Van Etten, Assistant Finance Director and Nick Segel, Budget Manager for their work on the budget.

Mr. Pleus provided an overview of the tentative budget for FY 2022-2023, stating the process began with a strategic plan and setting priorities for the year. Smart growth principles, LID standards, protecting green space, additional park amenities and affordable housing with a comprehensive approach on annexation were all topics of focus. A lot of those priorities have been included in the recommended budget. Increase in the budget is largely a result of the capital program, most notably the $35 million upgrade to the Wastewater Treatment Plant. There are other items also included in the budget. Mr. Pleus stated the City has received grant funding for the trail. Typically, only the City's match would be included in the budget but now the grant with match dollars were moved from the capital fund to the grants and special revenue fund.

Mr. Pleus gave a brief summary of revenue changes stating the City lost a little bit in ad valorem taxes, mostly due to he and Mr. Stauffer identifying enough revenue and expenditure changes in the budget to achieve a 1/10 of a mill reduction, as requested by the City Commission. The decrease in use of reserves was largely due to grants rather than general fund revenue being used for projects.

State Revenue did increase a little but not as much as staff had anticipated. Mr. Pleus and Mr. Stauffer are recommending the City Commission utilize staff estimates for the FY 2022-23 budget. If staff estimates are incorrect, provisions have been made to hold additional positions open for no longer than six months to ensure those expenses will fit within the budget as projected.

Mr. Pleus gave a summary of expenditures in the general fund and explained the change pertaining to the fire inspector and the inspections fund. A decrease in transfer to debt service was also shown in the budget to reduce the amount of debt being paid in FY 2022-2023.

Mr. Pleus provided a list of items in the general fund which include the following:

- Major Capital Investment ($14,964,934)
    - Paiva Greenway Phase 2 (ECHO Match)
    - Lake Moore (Forever Match)
    - Southeast Regional Park (Recreation Fields)
    - Entry Features (Signage Construction)
    - Road Resurfacing
- Investment in Additional Personnel ($444,663)
- Land Development Regulations and Comprehensive Plan Update ($60,000)
- Advanced Life Support ($90,080)

Mr. Pleus said during the budget workshops, the City Commission set the tentative millage at 6.5841 mills. Staff is confident in recommending the City Commission set the millage rate at 6.5841, 7.02% over the rolled back rate. The budget tax scenarios were reviewed with City Commissioners, as well as a tax analysis by millage.

Gail Hendrix, 508 West Howry Avenue, stated great concern over rising property taxes.

Wendy Anderson, 505 E. Victoria Trails Blvd, stated that she is speaking as a very influential resident in Victoria Park. The Southeast Recreational Park budget item is an area the City Commission needs to approach with extreme caution. She stated the site proposed for this project is a wetland and has been mostly wet for the last four (4) years. Her concern is the amount of fill that will be required and how the fill will impact drainage. The community is concerned about flooding. She asked the City Commission to consider implementing a robust and thorough hydrologic study to evaluate the impact of bringing in fill to build the fields.

In response to Dr. Anderson's point, staff will be designing the Southeast Recreational Park and it is an appropriate time hear the concerns to consider during the design process.

Commissioner Cloudman liked the approach of staff bringing forth the budget balanced at a lower millage rate than the year prior. He thanked staff for a job well done.

Commissioner Davis also expressed her appreciation to the City staff for a job well done.

Commissioner Paiva likes that the City Commission has touched upon several areas of the strategic plan that are very exciting as DeLand moves into the future. He echoed the previously expressed appreciation to staff.

Commissioner Reid also thanked staff for the work that went into the budget process.

Mayor Apgar said the Commission has tried to address the uncertainty of next year's budget process with forthcoming legislation regarding educators, public safety employees and others who may qualify for additional homestead benefits. He also mentioned three years ago when the debt service millage was approved by voters for the new Police Station, the Commission made a passive commitment to leave 2/10 of a mill in the budget each year, reserved for capital, after that debt service millage phased out. He is pleased to see the millage reduced, however not reduced to the extent it would be a drastic increase in millage if significant revenue is lost in future years.

As per Florida Statutory requirement, Mr. Stauffer stated the tentative operating millage rate for the City of DeLand, necessary to fund the tentative budget for Fiscal Year 2022-2023, is 6.5841 mills. This rate is 7.02% above the rolled back rate of 6.1520 mills.

Commissioner Paiva made a motion to approve the Resolution. Commissioner Reid seconded the motion, which carried by roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

2. Resolution Approving FY 2022-2023 Tentative Budget

Commissioner Paiva made a motion to approve the Resolution. Commissioner Reid seconded the motion, which carried by roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

PRESENTATIONS

1. Promotion of Matthew Whittier from a Sergeant to the Rank of Lieutenant

Police Chief Umberger publicly recognized Matt Whittier who has recently been promoted to the rank of Lieutenant. Lt. Whittier graduated from Central Florida Community College Police Academy in 1996, subsequently beginning his career in law enforcement with the Ocala Police Department where he worked in the patrol division as a Police Officer, Corporal and FTO until 2004. He was then employed by the Marion County Sheriff's Office as a Corrections Officer until 2006. In 2006, Lt. Whittier was hired by the DeLand Police Department. During his tenure with the DeLand Police Department, patrol, criminal investigations, has served as a secondary crime scene technician, and has also been responsible for re-establishing the bicycle patrol and training of bicycle officers. Lt. Whittier was promoted to Sergeant in May 2015 and assigned to the patrol division where he served as squad sergeant for seven years. In November 2021, Chief Umberger asked Lt. Whittier if he would be reassigned to the community engagement unit where he spent his tenure leading up to the current promotion to Lieutenant. Chief Umberger stated Lt. Whittier has been loyal and steadfast in supporting what is being accomplished with the City of DeLand Police Department. Lt. Whittier has led by example and will be assigned to the field operations bureau patrol services division where he will serve as night watch commander. He is going to report to Captain Mike Quinn, Commander over the Special Operations Division. Chief Umberger invited Lt. Whittier's wife Cassie and his son, Sam, forward so his wife could pin his badge as Lieutenant. Lt. Whittier was issued his official Certificate of Promotion plaque.

2. Presentation re: Gateway Signs and Landscaping

Ray Underwood, Public Works Director, presented images of the proposed gateway signs and landscaping. He stated currently the signs state "Home of Stetson University" and "The Athens of Florida" is also being considered. He asked the City Commission to provide direction so their preference can be submitted to the design team.

Commissioner Cloudman – "Athens of Florida"
Commissioner Davis – "Athens of Florida"
Commissioner Paiva – Can do either although personal favorite was "Home of Stetson University"
Commissioner Reid – "Athens of Florida"

Mr. Underwood said the design team can get the Italics font bold and a little larger. The majority consensus was "Athens of Florida" and a bolder font so it will stand out. Mr. Underwood reviewed the proposed sign locations.

Mayor Apgar mentioned there needs to be consideration given to placing signage in the area where visitors enter the City of DeLand at the Interstate exchange with SR472, Highway 11 and in the vicinity of North Spring Garden Avenue at SR44. He is not advocating those, but believes they merit consideration.

Mr. Underwood said US 17 (Brandywine Water Plant) is an existing sign location and was chosen because FDOT is familiar with it, however, that sign could be moved further south to capture travelers along Highway 11, also.

Mr. Underwood addressed questions that have been raised about taking responsibility for more right of way maintenance. Taking over maintenance would add approximately 5-6 miles to the City. He said some subject areas have center islands and rights of way that will have to be maintained if those areas are taken over from FDOT. The landscape islands can be periodically placed in areas that would gather the most attention. Projected cost for installation and maintenance was discussed and would include landscaping, irrigation per island, employees and equipment. Exact cost will be determined based on where landscaping will be placed. He suggested the addition of employees for the sections. While maintenance could be outsourced, Mr. Underwood does not believe the level of service would be as good as if managed internally.

Currently, the City of DeLand has maintenance agreements with 92 and funding is received at a rate of approximately $18,000 annually. Funding from FDOT would increase as well as FDOT would likely pay for landscaping, but not design, maintenance and irrigation.

Commissioner Reid said a passive approach has been taken in some areas, such as heavily seeding wildflowers. He suggested there may be ways to curb some of the cost. Mr. Underwood said there are some wildflower areas along the median areas and if planted in between heavily landscaped areas, it would reduce the amount of mowing.

Commissioner Cloudman mentioned the developers are being asked to adopt standards of Florida friendly and Florida native plantings. As a City, he prefers looking at more maintenance free plantings.

Commissioner Davis asked if the City could get folks who are looking for community service hours to save with maintenance costs. Mr. Underwood said he would look into it.

Commissioner Paiva added xeriscaping may be something to look at prior to beginning the landscaping process. For him, moving forward with beautification landscaping in the City is important for the aesthetics and appeal of DeLand.

Mr. Pleus, City Manager, would like authorization to proceed with negotiations with FDOT on where these projects can be done, as well as, engaging a design team to see what can be done with

Florida friendly landscaping options. If no objection, a future budget amendment will be presented to get some preliminary design work done.

CONSENT AGENDA

1. <u>Consideration re: Renewal of Contract for City Paid Life Insurance with National Insurance (NIS)</u>

2. <u>Consideration re: Renewal of Contract for City Paid Life and ADD Insurance for Public Safety Employees with the Hartford Insurance Company</u>

3. <u>Consideration re: Agreement with Southeast Volusia Humans Society, Inc.</u>

4. <u>Resolution Approving Amendment #1 FDOT Public Transportation Grant Agreement Award for Construction to Rehabilitate Airfield Lighting Electrical Homeruns</u>

5. <u>Consideration re: Change Order No. 3 SGS Contracting Services, Inc.</u>

Item 2 was pulled from the consent agenda.

Commissioner Paiva made a motion to approve items 1 and 3-5 on the consent agenda. Commissioner Cloudman seconded the motion, which carried by a unanimous vote.

Mr. Elkind, City Attorney, stated Commissioner Reid contacted him regarding a possible conflict of interest on item two. Upon contacting the City's agent, it was determined there may be a conflict of interest and therefore Commissioner Reid is advised to abstain from the vote.

Commissioner Paiva made a motion to approve item 2 on the consent agenda. Commissioner Cloudman seconded the motion, which carried by a vote of 4 to 0. Commissioner Reid abstained from voting.

<u>PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT</u>

Mark Watts, Attorney with Cobb Cole, stated a letter was sent earlier today with a request the City Commission consider a motion to reconsider an item that was denied at the last City Commission meeting. He stated in Resolution No. 2008-95, where the City Commission adopted Robert's Rules of Order as the general guidelines for conduct of meetings. Under Robert's Rules, the legislative body is authorized to consider a motion to reconsider on the day of the vote or on the next exceeding day. The City Commission has been in recess since that last meeting.

The item to which Mr. Watts is referring is request for a PD to rezone property adjacent to the Cascades, which is part of the Cascades Planned Development currently entitled for multi-family development. Mr. Watts believes everyone recognized in that area, designated under the comprehensive plan and under the 2050 plan as areas appropriate for the proposed type of housing. It was generally viewed as a good use with a few items which may be reconsidered and addressed.

Mayor Apgar asked Mr. Elkind to advise. Mr. Elkind, City Attorney, did not provide a detailed overview of his analysis. However, he said if a motion were going to be made, it needed to be done at the very next meeting of the legislative body. The City Commission has full discretion to interpret and apply rules.

Commissioner Davis asked if the project would be presented the same and Mr. Elkind stated if there were a motion for reconsideration, that would be granting reconsideration of that first reading. That would need to be set and to the extent notice is provided for a first reading, same would have to be done. Just like any rezoning hearing, the applicant can make changes to try and accommodate what they know the elected body wishes to see in the project. It would be inappropriate at this time to discuss what any changes would be as it is a quasi-judicial matter.

Mr. Elkind added there is a waiting period and Planning staff could inform City Commissioners of the timing. The applicant could start over with their request again, and it would have to go through every step of the process again.

Commissioner Paiva made a motion to reconsider first reading of the Planned Development. Commissioner Davis seconded the motion. The motion carried by a unanimous vote.

Wendy Anderson, 505 Victoria Trails Blvd, addressed the Southwest Activity Center. The DeLand Commission is between first and second reading. She has a request prior to second reading. She stated there needs to be some coordination between the City of DeLand, Volusia County and Orange City. She said the site at the four corners of 472 and MLK was originally a DRI and was envisioned as a large retail center, gateway to DeLand. What she has been hearing from DeLand Tech Park and Orange City and the Volusia County PLDRC, is warehouses and distribution centers. Dr. Anderson cannot imagine a worse gateway to the City of DeLand. She would like for the City Commission to meet with counterpart staff and elected officials to talk about what will be best for the City of DeLand and the entire area. She stated collaboration and communication is important to get what is best for the community.

OLD BUSINESS

1. Second Reading of Ordinance No. 2022-19 Relating to Gas System Franchise for Florida Public Utilities Company

Mr. Elkind, City Attorney, read the ordinance by title only.

ORDINANCE NO. 2022-19

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, GRANTING TO FLORIDA PUBLIC UTILITIES COMPANY A NON-EXCLUSIVE FRANCHISE FOR A TERM OF 30 YEARS TO ERECT, CONSTRUCT, OPERATE AND MAINTAIN A GAS

SYSTEM; TO IMPORT, TRANSPORT, SELL AND DISTRIBUTE GAS WHETHER NATURAL, MANUFACTURED OR MIXED GAS; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE USE OF CITY RIGHTS OF WAY LOCATED WITHIN THE CITY FOR THE PURPOSE OF PROVIDING GAS UTILITY SERVICE; PROVIDING FOR IMPLEMENTING ADMINSITRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR NON-CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

There being no comment, the Public Hearing was closed.

Commissioner Paiva made a motion to approve the ordinance. Commissioner Cloudman seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

2. <u>Second Reading of Ordinance No. 2022-20 Amending Chapter 16 of the Code of Ordinances re Solid Waste Rates</u>

Mr. Elkind, City Attorney, read the ordinance by title only.

ORDINANCE 2022-20

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, PROHIBITING THE OPEN BURNING OF LAND CLEARING DEBRIS AND REGULATING OTHER BURNING; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; AMENDING CHAPTER 12 AND SECTION 15-15 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND AND SECTION 33-12 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND/LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REGULATION CONSISTENT WITH CONTROLLING STATE LAW; PROVIDING FOR DEVELOPMENT ORDER AND DEVELOPMENT PERMIT CONDITIONS; PROVIDING FOR PROHIBITIONS, REGULATIONS AND ENFORCEMENT; PROVIDING FOR A DEFINITION; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AN PROVIDING FOR AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

There being no comment, the Public Hearing was closed.

Commissioner Paiva noted the two franchise agreements being voted on this evening do not agree in the recommendations. As clarification, Mr. Elkind said that is a function of the RCA's changing over time as the negotiations took place. To be clear, the ordinance and the franchise agreement are consistent. A rate resolution will set the rates. The contract provides for the rates at the beginning of the contact and that the contract will be adjusted annually in accordance with a 3% cap on CPI with the ability to ask for an adjustment or an amendment above the 3% CPI, should the CPI exceed 6 percent.

Commissioner Cloudman mentioned there are still containers that do not have the City logo on them and the Commission talked about making sure all containers have the City logo. He also confirmed the resident will choose which size recycling bin they receive.

Commissioner Paiva made a motion to approve the ordinance. Commissioner Cloudman seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

3. Second Reading of Ordinance No. 2022-21 Amending Chapter 12, Chapter 15, Section 15-15; and Chapter 33, Section 33-12; of the Code of Ordinances Relating to Open Burning

Mr. Elkind, City Attorney, read the Ordinance by title only.

ORDINANCE NO. 2022-21

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, PROHIBITING THE OPEN BURNING OF LAND CLEARING DEBRIS AND REGULATING OTHER BURNING; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; AMENDING CHAPTER 12 AND SECTION 15-15 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND AND SECTION 33-12 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND/LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REGULATION CONSISTENT WITH CONTROLLING STATE LAW; PROVIDING FOR DEVELOPMENT ORDER AND DEVELOPMENT PERMIT CONDITIONS; PROVIDING FOR PROHIBITIONS, REGULATIONS AND ENFORCEMENT; PROVIDING FOR A DEFINITION; PROVIDING FOR A SAVINGS

PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

There being no comment, the Public Hearing was closed.

Commissioner Paiva made a motion to approve the ordinance. Commissioner Cloudman seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

4. First Reading of Ordinance No. 2022-22 Amending Article II, Chapter 2A of the Code of Ordinances Relating to the City's Economic Development Committee and Brownfield Advisory Committee

Mr. Elkind read the Ordinance by title only.

ORDINANCE NO. 2022-22

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, RELATING TO THE ECONOMIC DEVELOPMENT COMMITTEE AND BROWFIELD ADVISORY COMMITTEES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; AMENDING ARTICLE II, CHAPTER 2A OF THE CODE OF ORDINANCES OF THE CITY OF DELAND RELATING TO THE CITY'S ECONOMIC DEVELOPMENT COMMITTEE AND BROWNFIELD ADVISORY COMMITTEE; REVISING COMMITTEE STRUCTURES AND RELATED MATTERS; IMPLEMENTING THE PROVISIONS OF SECTION 288.075, FLORIDA STATUTES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

Martha Shaw Sylvester, 804 S. Hill Ave., stated on July 25th, Beresford Reserve was approved and her opinion has not changed. She stated she hopes the committee for Beresford Reserve is dynamic and represents a diverse group of individuals who will continue to support public health and safety.

There being no further comment, the Public Hearing was closed.

Mayor Apgar stated on page 9, section b, the City Commission should strive to appoint members with training or expertise in the fields of environmental science and economic development. He stated "should strive" implies an obligation. He suggested the language be changed to reflect the City Commission "may appoint" members with training.

Mr. Elkind said the language "should strive" was intended to provide clear direction to the current and future City Commissions. The purpose of the language was to serve in the event there were not applicants with those areas of expertise, the commission would still be able to appoint others to the committee. He suggested the language "may appoint" could be used. Commissioner Cloudman expressed that he prefers "should strive."

Mr. Elkind advised adding the term "one or more members with training or expertise" to the phrase "should strive to appoint" would be appropriate.

Commissioner Paiva made a motion to approve the ordinance with additional change in language. Commissioner Cloudman seconded the motion, which carried by a roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

NEW BUSINESS

1. Resolution Relating to Fees and Charges for Solid Waste Services

Commissioner Cloudman expressed concern about the increase in fees as it is a much larger percentage than in the past. He also understands the City of DeLand is in the middle in regard to rates compared to other jurisdictions. The representative from GFL stated the large increase is taking place due to lack of incremental increases up to present.

Commissioner Reid would much rather see recycling containers transition from bins to carts rather than allowing for confusion of deciding which container is best suited for each resident.

Commissioner Paiva made a motion to approve the resolution. Commissioner Reid seconded the motion. The motion carried by a unanimous vote.

2. Consideration re: Franchise Agreement with GFL Solid Waste Southeast, LLC, for Solid Waste Services within the City

Commissioner Paiva made a motion to approve the franchise agreement. Commissioner Reid seconded the motion. The motion carried by a unanimous vote.

3. Resolution Creating the Beresford Reserve Brownfield Advisory Committee

Mayor Apgar stated the resolution does not include a termination date, but it seems like when the final clearance letter is issued, there should be some benchmark to terminate the committee.
Mr. Elkind said a trigger can be written into the resolution to identify a date upon which the committee would end without having to take additional affirmative action by the Commission. He also said the City Commission has authority to change the time/date of the committee at any time. Issuance of a clearance letter from DEP was discussed as the possible trigger date.

Commissioner Davis believes there should be benchmarks and updates to City Commissioners from the committee. Also, she asked if there could be someone who is already on a City board also serve on this committee.

Mr. Elkind said there is a constitutional provision about dual office-holding. Unless someone from one board is serving as an ex-officio member from another board, typically they could not. This is an advisory committee so dual office-holding may not be implicated. He said there are some practical considerations with having someone on multiple boards because it is possible for the subject matter to overlap. Mr. Elkind recommended there be a City Manager designee serving as an ex officio member in order to provide for a good conduit between the City Commission and the Committee.

Commissioner Davis does not think all committee members should be experts. Mr. Elkind said the way the statute is written, the idea is to have people in the area of the brownfield serve on the committee. The purpose of the committee is not to manage the brownfield project, but to promote and foster community engagement.

Commissioner Paiva made a motion to approve the resolution as written. Commissioner Davis seconded the motion.

Commissioner Cloudman asked if the motion would include a termination date. Mr. Elkind said if collectively, most of the Commission would like to have an end date, please vote to approve with an end date and staff will bring the Resolution back to City Commissioners with an end date.

Commissioner Paiva amended his motion to include the addition of an end date. Commissioner David seconded the amended motion. The motion carried by a unanimous vote.

4. Consideration re:2022 Tax Abatement for Duraline Division of J.B. Nottingham Company Inc.

5. Consideration re: 2022 Tax Abatement for Total Renal Laboratories, Inc.

6. Consideration re: Rental Increases for DeLand Municipal Mobile Home Park

7. Resolution Amending Charter Threshold for Competitive Bidding

Mayor Apgar asked for a motion to approve New Business items 4 – 7.

Commissioner Paiva made a motion to approve New Business items 4 – 7. Commissioner Davis seconded the motion.
Commissioner Cloudman stated he would like to discuss items 6 and 7.

Commissioner Davis withdrew her second and Commissioner Paiva withdrew his motion for items 4 -7.

Commissioner Paiva made a motion to approve item 4 for Duraline tax abatement. Commissioner Davis seconded the motion. The motion carried by a unanimous vote.

Commissioner Paiva made a motion to approve item 5 for Total Renal Laboratories tax abatement. Commissioner Davis seconded the motion. The motion carried by a unanimous vote.

Commissioner Cloudman, with regard to rental increases for DeLand Municipal Mobile Home Park proposed under Item 6, stated the wording seemed like rates were being increased due to the City rate being below everyone else. He had made the assumption the rental rate was not covering the City's cost and that is correct. Commissioner Cloudman stated the rate increase is based on the fact the cost of utilities with these lots are greater than what was being collected from residents.

Mr. Pleus advised that embedded in the rates charged are utilities and taxes, not presently enough to cover the cost of the utilities. The intention is also to cover maintenance and other miscellaneous items.

Commissioner Paiva made a motion to approve item 6 for rental increases for DeLand Municipal Mobile Home Park. Commissioner Davis seconded the motion. The motion carried by a unanimous vote.

Commissioner Paiva made a motion to approve item 7 amending Charter Threshold for Competitive Bidding. Commissioner Davis seconded the motion. The motion carried by a unanimous vote.

CITY COMMISSION REPORTS

1. Report re: Elected Officials Round-Table

Mayor Apgar stated there was no Elected Official Round-Table in September. The next meeting will be in November.

Commissioner Cloudman stated he would begin with the River of Lakes Corridor report.

2. Report re: River of Lakes Heritage Corridor

Commissioner Cloudman reported in looking at the workplan for the upcoming year and new brochures that will be published. The West Volusia Tourism Authority has contributed $10,000 toward brochures. The next meeting will be held on Monday, September 12, 2022, at 10:00 a.m. at the Enterprise Museum. He invited anyone interested in serving to attend.

3. Report re: River-to-Sea TPO

Commissioner Cloudman stated a full board meeting was held followed by an executive committee meeting. Expenditure for study of the greenway going out towards the train station was approved. Action was also taken to approve a resolution authorizing an application to a safe streets and roads for all grant applications. In this the TPO will be applying for a $400,000 grant to be used for local projects. That grant would cover 80% with federal funds and the remaining 20% with local matches or state funding.

Commissioner Cloudman provided information and updates on local projects being completed.

The River-to-Sea TPO is nearing the end of the contact with the current Executive Director. A decision will be made as to whether or not negotiations will be entered to make her the full-time director.

CITY MANAGER REPORT

Nothing additional to report.

CITY ATTORNEY REPORT

Nothing additional to report.

CITY CLERK REPORT

Nothing additional to report.

CITY COMMISSION

Commissioner Paiva congratulated Dan Reed and stated he looks forward to working together. He also congratulated Jessica and Kevin on their re-election.

Commissioner Davis thanked everyone for the congratulations and wished those moving forward to November the best. She thanked the voters for their confidence in her service on the City Commission.

Commissioner Reid reiterated the congratulations. He stated it has been a busy week and he also appreciates the residents for believing in and re-electing him to office.

Commissioner Cloudman had the opportunity to celebrate a ribbon cutting for an occupational and physical therapy business.

Mayor Apgar suggested the City Commission name something in honor of Keith Riger and all he did for many years.

Mayor Apgar attended Stetson's Convocation this afternoon at the Boys' and Girls' Club encouraging reading among the youth.

Mayor Apgar announced several upcoming activities, festivals and ribbon cuttings.

Mayor Apgar shared his thoughts about post-election.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:16 p.m.

Prepared by:	Approved on:
Julie A. Hennessy, MMC	____________________________
City Clerk – Auditor	Date

CITY OF DELAND
Request for Commission Action
July 6, 2026

SUBJECT: Approval of Minutes: July 25, 2022 City Commission Special Meeting

DEPARTMENT: City Clerk

PREPARED BY:

ATTACHMENTS: MIN.CC.2025.07.25

APPROVED BY: Michael Pleus, City Manager, June 30, 2026

SUMMARY/HIGHLIGHT:

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends the Commission review and approved the minutes as prepared.

BACKGROUND/DISCUSSION:

MINUTES FOR A SPECIAL MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, JULY 25, 2022, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

The meeting was called to order by Mayor Apgar at 7:00 p.m.

Mayor Apgar requested that anyone present who wishes to address the City Commission on an item appearing on tonight's agenda, or with regard to an item not on the agenda, please fill out a Speaker's Card and give it to the City Clerk. The public has a right to speak with regard to any item on which the City Commission is to take action.

INVOCATION: Michael Pleus, City Manager, gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Apgar led the Pledge of Allegiance.

ROLL CALL

Commissioner Charles Paiva	Present
Commissioner Jessica Davis	Present
Commissioner Chris Cloudman	Present
Commissioner Kevin Reid	Present
Mayor Robert F. Apgar	Present

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julia Hewitt, Deputy City Clerk; Chad Gamble, Public Services Director; Rick Werbiskis, Community Development Director; Mike Holmes, Planning Director; Carol Kuhn, Deputy Planning Director; Belinda Williams-Collins, Senior Planner/Historic Preservation; members of the public and press.

Mayor Apgar stated this meeting is for the express purpose of the Second Reading of Ordinance No. 2022-13, pertaining to Beresford Reserve. The last reading of this Ordinance was on January 21, 2022.

Mayor Apgar reviewed procedures for the meeting and asked the Commission for consent on suggested procedures for this evening. There were no objections.

OLD BUSINESS

1. Second Reading of Ordinance No. 2022-13, Changing the Zoning of Approximately 167.65 Acres of Property, Located North of East Beresford Avenue (C.R. 4112), East of South Boston Avenue and West of South Hill Avenue (C.R. 4105), from R-1A (Single Family) to Beresford Reserve Planned Development.

Mr. Elkind, City Attorney, read the Ordinance by title only.

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM CITY OF DELAND'S R-1A, SINGLE-FAMILY TO BERESFORD RESERVE PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED NORTH OF EAST BERESFORD AVENUE (C.R. 4112), EAST OF SOUTH BOSTON AVENUE AND WEST OF SOUTH HILL AVENUE (C.R. 4105); APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 167.65 ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing. The Kimley-Horn report has been entered into the record, as well as communications received by commissioners since the first reading in January. He incorporated, by reference, any and all prior hearings, testimony and correspondence into the record.

Mayor Apgar explained the process used to accommodate Dr. DeGarmo's request to appear remotely due to medical treatment occurring in Illinois. The Commission had no objections to this accommodation.

Mr. Elkind, City Attorney asked Commissioners to disclose any ex parte communications.

Mike Holmes, Planning Director, gave a brief overview of the development and outlined the initial plans versus current plan and changes that have been made to date.

Mr. Holmes, Planning Director, presented a summary of the development agreement. Since first reading the applicant has revised the agreement to provide:

1. Total number of residential units is 597 (254 SF units; 154 fee simple townhomes & 189 rental townhomes).
2. HOA maintained pool amenity is located southerly of the proposed public park.
3. Commercial area is no longer part of the proposed project.
4. Requires main park to be constructed, including all required environmental remediation work, in the first phase of development.
5. References that the entire project will comply with approved Brownfield Redevelopment Program.
6. Provides that any costs associated with environmental clean-up on the park will not be considered in calculating the parks and recreation impact fee credit due the developer.
7. All quarterly reports submitted to FDEP will be submitted to the City.
8. Low Impact Development specifics are now provided in the Development Agreement under Section F. Environmental Considerations.

General information, as included in the staff report, was presented to the City Commission and those present.

Chad Gamble, Public Services Director, provided remarks with regard to his involvement in reviewing this development. Mr. Gamble became involved as a technical advisor for this project upon joining City of DeLand staff. The most recent submittal was a July 6, 2022 work plan from Kimley-Horn. Most work plans are an iterative process since the primary objective is delineation of the constituents within the development. Oversight by the FDEP will reprogram the plan based on findings. The report submitted is not an all-inclusive report, particularly with this type of development. In his previous positions, most of the developments Mr. Gamble dealt with involved brownfield plans. He said the brownfield process initiates, oversees and confirms pre and post development testing, allowing an opportunity for quality developments to be planned and constructed. The brownfield plan is a regimented process overseen by FDEP and it manages activation and clean-up of property. Mr. Gamble said the executive summary included in the report outlines the process very well.

Gregory Self, founder of Terra-Com Environmental Consulting, was also present serving as an expert advisor to the City. He explained that Ms. Hanrahan, who was present at a previous meeting worked with Mr. Self on a contract basis. She is not an employee of Terra-Com, she is a contractor who works for a non-profit organization. Mr. Self and Ms. Hanrahan worked jointly on this project. Mr. Self is a degreed Geologist and his training is that of a petroleum geologist. His primary responsibility was to bring data from a variety of disciplines into a single platform so as to extract the best comprehensive data out of collected data. For the past 27 years, Mr. Self has been an environmental geologist. He has read the document in its entirety and is comfortable with the contents. His personal experience is that Kimley-Horn is one of the best in the business. He offered his unqualified support of the document and what has been outlined in the Scope of Work, as well as the technical approach taken.

Mayor Apgar asked if any members of the Commission have questions for Mr. Gamble or Mr. Holmes.

Commissioner Reid asked what protections exist with the current zoning in the area of the site. Mr. Elkind stated knowing there was a former dump on the site, prior to allowing development under the existing zoning classification, his advice to the City would be prior to issuing any development orders, require something be done to ensure the safety of the area, whether it be clean up through a brownfield program or not. In addition, Mr. Elkind said this is a rezoning and in this meeting the City is stating clearly if the development moves forward, it will have to be cleaned up phase by phase prior to any orders being issued for construction of the project.

Mr. Elkind advised Commissioner Reid, if an application was received that would go straight to plat under the existing zoning, knowing there was a former dump and a former golf course, and knowing what comes along with those former uses, it would be advised that an assessment be conducted and necessary clean-up be done.

Mayor Apgar asked if under existing zoning, if the same would be true in terms of when development could occur. Mr. Elkind said yes, but in the case of a PD there is no question since everything is set forth in an agreement.

Mayor Apgar asked if the existing zoning would allow 4 units per acre. Mr. Holmes said current land use, low density, allows 5.8 units per acre. Current zoning, 5.28 units per acre. Mayor Apgar said if an application were filed to plat the property, the City would have no ability to require a park, walking trails or other amenities of that nature that are included in the proposed PD. Mr. Holmes said there is no provision in the code for that type of requirement.

Mr. Self returned to the podium and Mayor Apgar asked how many similar projects he has been involved with during his career. Mr. Self said he has dealt with multiple complex projects that enveloped thousands of acres. In terms of environmental experience dealing with similar projects, he has worked as an expert witness on approximately 5 very similar projects, 2 former golf courses. Mayor Apgar asked if in dealings with DEP, if they are pretty rigorous in their investigations and work with an applicant. He further clarified his question, how would Mr. Self characterize DEP's involvement in approval of final clean-up. Mr. Self said DEP is very thorough and has both a district review and a Tallahassee review. He mentioned Mr. Dougherty from the Tallahassee office, stating the project will be very thoroughly reviewed from an engineering standpoint as well as from an environmental standpoint.

Dr. DeGarmo noted in the case where there is not an accurate characterization of the property, that leaves a lot of uncertainty as to what the actual testing methods will be, as well as, what methods will be used for remediation. Mr. Self said first thing is when contaminants have been released, there are two major questions that need to be answered: what type of contaminants and to what extent are they spread across the property. That determines the analytical method necessary. As the assessment process is being done, it is determined from where the samples will be taken and what density of testing will be necessary. The analytical suite is often expanded during the testing process based upon initial results.

Mark Watts, Attorney, Law Firm of Cobb Cole, appeared on behalf of the applicant. First, he introduced those accompanying him this evening. Mr. Watts commented over the course of the past twenty months, the plan has been vastly improved. What started as a project proposing 861 units, is now 597 units. The development is consistent with the comprehensive plan and includes a far superior mix of housing diversity than originally envisioned. He said it is key, the City will be involved at an unprecedented level specifically in the brownfield rehabilitation. The way the development agreement is set up assures the City has a seat at the table and it is a specific condition of future development. What has been the focus through listening to commentary during the past months, includes connectivity, how the project fits within the fabric of the City, how it fits within other development activity occurring within the City of DeLand and how priorities have been established for growth in DeLand.

Updates to the Development Agreement, as a result of input received, incorporate all revisions requested at the first reading in January. Standards and commitments with regard to the Central Park have been incorporated as well as the brownfield rehabilitation program. DEP and EPA have confirmed the site is being addressed appropriately. Mr. Watts thanked city staff and Mr. Self for the input and support throughout this project.

Jason Sheasley, Kimley-Horn, principal author for the work plan, said he had a lot of input and a lot of assistance gathering information for the final document. There was input from the City, the City's consultant and FDEP. A comprehensive work plan was put together to continue assessing the extent of contamination. The overall approach and methodology that will be undertaken is in accordance with DEP rules. Also, the site is being redeveloped under Florida's Brownfields program.

Mr. Sheasley went through the testing plan, additional soil sampling and additional groundwater sampling. He stated that the due diligence effort provides a snapshot of what is being worked with to rehabilitate this property. He went over the details of additional testing and provided what the plan will include if it is determined that additional data collection is necessary. They are looking for the horizontal and vertical extents of the contamination. Once determined, the remediation plan that best addresses these findings, will be developed.

Mayor Apgar asked Dr. DeGarmo if she had any questions of Kimley Horn. Dr. DeGarmo asked about the testing done in 2020, based on due diligence of collecting preliminary information. Knowing there would be proposition of a planned development, is there any reason why the initial testing wasn't extended out at that time? Mr. Sheasley asked what she means by extending the testing. Dr. DeGarmo said one of the concerns she is hearing from constituents is that without an accurate site characterization, how is the community supposed to feel secure with the plan being provided today. She was wondering why the previous testing wasn't more extensive, knowing a planned development would be the ultimate plan. Mr. Sheasley said this is not last minute and what Dr. DeGarmo is asking for is the whole purpose of the work plan.

Mr. Watts said there has been discussion about the nature of process with brownfields. At prior hearings, both he and Mr. Sheasley have discussed how one has to understand what is being developed in order to move forward with the brownfield program. He noted Dr. DeGarmo has not previously worked with the Florida Brownfields Program.

Commissioner Paiva said the remediation plan has to be done before any development will occur. He asked what the timetable looks like and Mr. Sheasley said several months to one year. Best case scenario would be six months but realistically, it could be up to a year.

Mr. Elkind referred to the final document in the agenda, page 13 line 15 starts with "If accepted by the City, the developer…" needs to be rewritten. Mr. Watts stated the intent of the sentence.

Mr. Elkind stated that the agreement needs to clarify that the City has absolutely no legal obligation under the law, nor by this agreement is the City obliging itself in any way, shape or form, to approve a CDD. However, should the developer apply for, and should the City approve a CDD, then the CDD may fund the prepaid maintenance reserve as opposed to a private developer.

Commissioner Davis referred to an inquiry she received about the point of development and why the applicant wanted a new zoning. Mr. Watts said he thinks the specific reason for it was that when his client looked at the property it made sense to have various types of housing. If looking at what the comprehensive plan and the 2050 plan encourages, a mix is desirable. Providing that mix of uses close to the downtown is a combination of the applicant looking for somewhat high density, recognizing this density is close to the core of the City, and looking at opportunities to provide a mix of housing styles and properties. The current zoning classification could result in 400 houses all the same size with same size lots versus the mix of housing and public spaces.

Commissioner Reid clarified the central park would be included in Phase 1, but then on other documentation the park is denoted as phase 2. Mr. Watts said he thinks the phasing plan picked up in the staff report predated the most current plan. Commissioner Reid asked if it would be safe to assume Phase 1 & 2 have been combined into one phase and Mr. Watts said yes, phase 1 must include the park. Commissioner Reid also clarified the southwest quadrant of the property, a large wooded area, does not really denote the buffer. He inquired about the tree buffer being retained in that area. Mr. Watts said comments received during the course of discussion, is that 45' is the minimum buffer in that area. One of the specific comments received about that corner was that it is the heaviest area of trees. Tree preservation plans will be submitted with plats for the property. The trails will be the only disruption in that area.

Mr. Elkind clarified HOA Maintenance responsibilities that could be transferred to a CDD, if one were created.

Mayor Apgar asked if the developer's intent is still to ask for a CDD and Mr. Watts said yes. Attorneys would come in after approval of the zoning, while brownfield testing is being done, to work on the CDD if it is to be approved by the time the property is presented for platting.

Commissioner Cloudman asked if there have been any additional discussions with the county regarding the impact to local intersections and what may be required of this project. Mr. Watts said none additional at this point in time.

Dr. DeGarmo explained that she opposes approval of this application. Dr. DeGarmo thinks it was a positive move to hire Terra-Com. After looking at all of the documentation in the agenda packet, she finds there are concerns of a different nature on the site in addition to chemical contamination. She encouraged the City Commission to slow the process down or deny the application altogether. She understands the plan is meant to address some insufficiencies of earlier reporting. Currently degree and extent of the chemicals present on the site is not known. An accurate characterization of the property won't be achieved until several iterations of testing have been completed. She thinks six months could be a little soon to come to completion when we really don't know what is lying beneath the soil and in the groundwater. To her knowledge the site assessment work plan has yet to be finalized by FDEP. Additionally, the agreement speaks to grading and clearing of the site. Citizens would feel better having some of the uncertainty cleared away before earth work begins on remediation or site development. Each individual site has its own characteristics and houses its own set of complexities.

Dr. DeGarmo asked about whether testing would be done on adjoining properties and hoped Mr. Watts would address this.

Dr. DeGarmo stated there are some concerns that no plans have been seen or inventories taken on endangered species on the property as these species may be impacted by testing and remediation. Another thing recommended by Ms. Hanrahan was a citizen's oversight committee because she realized that keeping the citizens involved is one way to understand the process and stay involved. She would be willing to volunteer her time and resources to assist the City in creating such a procedure. Dr. DeGarmo encouraged City Commissioners to consider delay of the approval of rezoning until FDEP has approved the plan.

Mayor Apgar asked if Dr. DeGarmo would agree when the report that is done so far is submitted to FDEP and as test results come in; that DEP will ask for additional requirements based upon what those results show during the process. Dr. DeGarmo said she would hope so but citizens have some misgivings. She thinks because of the misgivings and distrust, the failure to bring citizens totally on board with this plan of action, has left questions. She does think FDEP does some things well. The citizens deserve the opportunity to know results from iterative testing.

Mr. Watts asked Dr. DeGarmo to confirm her PhD and she said it is in International Relations, Natural Resources and the Environment. He asked Dr. DeGarmo to confirm how many brownfield programs she has been involved in as an expert. Dr. DeGarmo said none. Mr. Watts asked Dr. DeGarmo if she was aware of the Florida DEP's guidance issued in May 2022 regarding grading of sites and management of airborne particulate and contaminants. Dr. DeGarmo said she is aware, but has not finished reading the reports. He asked if Dr. DeGarmo is aware that guidance would apply to this project through the brownfield program and Dr. DeGarmo said she believes it would. Mr. Watts asked Dr. DeGarmo if she was aware the City of Deland's LDR requires testing and reporting for gopher tortoises prior to issuance of any development orders on the property. Dr. DeGarmo said she is aware of it but no one has heard anything about it yet. Mr. Watts asked if Dr. DeGarmo had reviewed the environmental species report that was submitted with the original application. Dr. DeGarmo stated she has not had access to that document. Mr. Watts stated it is a public record and she can request it or his firm can provide same to her. Mr. Watts asked Dr. DeGarmo if she is aware that the development agreement requires approval of a remediation plan prior to the development of any phase, as recently suggested by Dr. DeGarmo. She said she is aware of that but believes the zoning application approval should wait until the remediation plan is available. Mr. Watts also asked if Dr. DeGarmo knows of any other program that allows FDEP to enter onto private property for testing of this nature absent a brownfield agreement. Dr. DeGarmo has seen FDEP intervene when there have been grave concerns about contaminants present on a property. Mr. Watts stated at the first meeting where Dr. DeGarmo provided commentary, the same question was asked with regard to awareness of any program in Florida authorizing DEP to go onto private property. Dr. DeGarmo was not aware of that and Mr. Sheasley then testified the brownfield program is the only program of this nature.

Mayor Apgar recessed the meeting at approximately 8:38 p.m. The meeting was reconvened at 8:48 p.m.

Wendy Anderson, 505 E. Victoria Trails Blvd, has reviewed the Kimley-Horn proposed site assessment plan and understands it has been approved by the City's independent consultant, Mr. Self. She continues to find the plan inadequate. As many have indicated and more will be heard from this evening, there are several eye witnesses who will state additional areas of dumping on the site, outside the areas denoted in the 1952 and 1958 aerial photographs. She believes much could have happened before, in between and after those years that is not recorded or being accounted for in the preliminary studies or current proposed study. In addition, from the 1980 aerial photographs, the pit north of Euclid was also used as a dump. Dr. DeGarmo noted there has been no plan to do testing in the area north of Euclid even though there are plans for affordable housing. She said that area needs to be included in the site plan. Kimley-Horn needs to conduct ground penetrating radar across the entire 167 acres. Currently GPR has only been used in the upper third of the main parcel. The work plan also shows more soil samples will be evaluated in a slightly larger radius around the original sample sites. These original areas were only around the golf course tees and greens. There needs to be sampling from the fairway areas, as well. Dr. Anderson has some issue with the use of incremental sample methodology in areas where soil exceeds the default ground water leachability soil clean up target levels for yield. To her, the report indicates the areas identified in the preliminary study that had some level of contamination, but not the highest levels of contamination, will be re-sampled the way that mixes multiple soil core samples together. She stated this minimizes the likelihood of finding additional hot spots. This may be standard practice for other sites, but this site needs more. One of the benefits of approving rezoning for planned development, is for the City to leverage a higher level of testing and remediation than required by the state's brownfield program. The City needs better. It is Dr. Anderson's understanding of the brownfield program in the State of Florida that once this site was designated as a brownfield, it is a brownfield and must be treated as such moving forward, regardless of the zoning designation. The only thing that would prevent testing and remediation would be to keep it zoned R-1A, leading the developer to walk away. Dr. Anderson stated her confidence has been lost in the process. She stated it is clear the developer and consultant are not going to give this site or this development the level of attention it deserves. She encouraged the City Commission to deny this request for PD. She added there has been much discussion about forming a brownfield ad hoc committee and she feels that would add some confidence back to the citizens of DeLand.

Mr. Elkind, City Attorney, stated the staff position is not to create a brownfield committee if the project ends up not moving forward. So, if the project is to go forward, staff would, as statutorily required, have a brownfield committee. Currently that committee is the EDC which is not specific to a particular project. The plan with staff, if this goes forward, is to make the statutorily required brownfield committee specific to this project, creating a model for the future.

Several citizens were present to speak against the project. These citizens are listed below with a brief summary of their commentary.

Lorna Jean Hagstrom, 921 S. Hill Ave, is glad to know the developer is going to pay for part of the roadway improvements necessary, especially Beresford. She said DeLand considers itself a Tree City. She is seeing many trees being clear-cut in the area of the subject site. It is possible to develop without taking out all of the trees.

Chris Sellati, 327 S. Virginia Ave, has a background in Information Technology consulting with 35 years of experience. He has a lot of knowledge and history in crime prevention. He sees potential problems with the rental units that are being placed adjacent to one of the highest crime areas in DeLand. He stated that the north side of this property needs a wall.

Amber Antonio, 141 N. Stone Street Apt 1, is a new resident who loves the quaint town of DeLand. She urged the City Commission to fight for the residents of DeLand.

Martha Shaw Sylvester, 804 S Hill Ave, understands serving as a commissioner is not an easy task. She agreed with a previous speaker about trees being clear-cut. She also mentioned traffic in the area of the project. Any plans for development at this time, in Ms. Sylvester's opinion, is speculative.

Jack Davis, 1440 Wyngate Drive, voiced his continued opposition to this project. He believes the citizens of DeLand would be best served if this property were cleaned up and kept as a natural park area. Mr. Davis does not agree with Kimley-Horn's assessment of the property. Florida Department of Environmental Protection will only review data provided to them. He raised questions about the testing used to obtain information contained in the report. Mr. Davis has worked in Geotech Investigation for more than ten years. He does not think the samples were deep enough. He asked why the developer did not hire a Geotech investigation company.

David Ballesteros, 1740 Taylor Woods Rd, added a recent conversation he had with an elderly DeLand resident. Mr. Ballesteros read the statement of this gentleman who had moved to DeLand after retiring from NYPD several years ago. The statement included an eye witness account the gentleman experienced when he worked for the golf course after relocating to Florida attesting to dumped and buried items. Based on this account, he believes the Kimley-Horn report was inadequate.

Dominique DuBois, 1065 S. Boston Ave, expressed sadness and disbelief of the massacre happening in DeLand with the removal of trees, air and shade from the residents.

Donna Pepin, 416 N. Blue Lake Terrace, spoke with regard to the trees that are being removed and benefits of trees in the area. She said as a Hospice nurse several years ago, she took care of several patients who resided near the golf course. She believes some of those ailments were due to the chemicals used by the golf course, and subsequently the city removed residents from the wells in that area.

Jack Hill, 1490 E. Beresford Avenue, explained that he watched Florida being developed in other places. He quoted Joni Mitchell: "Pave paradise, put up a parking lot."

Dr. DeGarmo provided closing comments. She stated that she agreed with the City's expert, Ms. Hanrahan, who at the January 22 hearing, advised that ideally the site should be completely characterized and a remedial action plan in place before rezoning. Dr. DeGarmo indicated that is the way to eliminate uncertainty and quell citizen concerns. She believes that the public concerns need to be placed ahead of an outside developer's needs. She asked if the City Commission intended to abdicate their responsibility to the citizens by prematurely approving this request.

Mr. Watts restated he does not stipulate to an expert status. He stated a lot of opinions have been shared today that would not qualify as expert testimony. What he has tried to do in working with staff in the development agreement, is to give the city staff and residents as much access as possible. He indicated that a project plan needs to be in place to know testing needs. Those tests will be conducted after rezoning. He stated his client stands ready to follow through on commitments made during this process, as well as those commitments in the agreement.

Mr. Watts said he heard few specific objections or concerns about the rezoning. This is a rezoning hearing, to see if what is being proposed is ultimately consistent with the City's comprehensive plan, goals, policies and objectives that must be followed when developing in the City of DeLand. He said clear-cutting within the site, within specific phases of the development that have been approved, has been limited. Mr. Watts said over 50% of the total site is being preserved as open space versus lots of development area. There are 50 acres of total green space dedicated to parks and other amenities. With regard to traffic concerns, the development agreement does not exempt the client from any of those requirements. A lot of time has been spent on this item, talking about many things other than the rezoning. Mr. Watts said the City of DeLand has achieved far greater standards and far greater protections, and something staff has spent more than 20 months working on; to create a better development than what the existing zoning would have allowed.

Mayor Apgar closed the Public Hearing.

Mayor Apgar thanked all who have participated in this long and difficult process. He appreciates that everyone has been polite and adhered to the procedures set forth for the meeting. He also thanked Dr. DeGarmo for her input and wished her well.

Commissioner Cloudman has had an opportunity to speak with the immediate past president of the Florida League of Cities. He is from Bay Harbor Island. The entire city of 269 acres, is the size of one development being considered by the DeLand City Commission. Commissioner Cloudman stated his appreciation to the developer for all of the concessions that have been made to this project plan. He named many of the improvements and concessions made by the developer, and that this is a much better project plan than originally presented.

Commissioner Cloudman continues to have some concerns which include the local schools. He did find relief in that the local school board is taking into consideration developments that have been approved but have not yet been built out. In the current climate, even if new schools could be built, staffing is a challenge. He also mentioned roads and it is hard to approve something of this magnitude while being assured that proper additions and changes to the existing roadways will be made later after the approval. The Beresford Extension will help and is nearing the end of the process for getting the final right of way, but there are no shovels in the ground to date. Commissioner Cloudman is concerned with Beresford Road from the west side to the east side, already has five approved developments, and this would be a sixth approved development along that corridor.

Commissioner Cloudman said the City Commission shares concern with regard to the level of contaminations and the desire to have the best possible remediation of the site regardless of what is developed on the site. He raised the question of who would fund testing prior to the purchase of a site: the seller, the buyer or the tax payers. He concluded with his appreciation for all of the effort that has been put forth to satisfy some of the concerns and to improve the overall project, but that he still has many concerns regarding density and roadway improvements.

Commissioner Paiva said a lot of factors go into every development put before City Commission for consideration. A lot of time has been spent listening to the public and discussing this development in order to get it right. Commissioner Paiva reiterated the amenities of the project, many of which will be enjoyed by citizens who do not reside in the development. He has voted against quite a few developments and is certainly evaluating the project very closely. This project is close to the City Center and is more of an infill project. Commissioner Paiva stated there is a need in DeLand for housing diversity and this project provides it. Additional park land is needed, this project provides park land. He said there are varying amounts of what the city gains, including the increased bicycle and pedestrian lanes and park land. Commissioner Paiva feels that the brownfield issue will be addressed regardless of the zoning in place, but he appreciates the greater participation afforded by this project. He feels the city is gaining a lot in exchange for a traditional land use.

Commissioner Davis expressed her appreciation and stated she can't discount any of the good information that has been provided and presented to the Commission. There are many unknowns when considering this project. She continues to have concerns about the project.

Commissioner Reid asked what protections are in place with regard to the brownfield site. He was told they will have to do more testing but they may build under their current zoning designation. There is still uncertainty and so for him, there is definitely an environmental concern. Commissioner Reid definitely agrees with a brownfield citizen committee. However, the City Commission is asking for more testing. He would like to see additional testing north of Euclid as well as including some of the concerned areas mentioned in historical testimony. This project does try to solve a lot of issues as there is a vast need for more affordable housing and the amount of park land being added, accounts for a good portion of the City's required parks for the full population.

Commissioner Reid referenced a movement to preserve a piece of land that is native out on Martin Luther King, stating he would much rather focus on an uncontaminated piece of property that is habitable by animals. He urged everyone to remember, this property is a golf course and the number of trees is limited. The heavily treed areas are being preserved to the best of the developer's ability with the exception of the area north of Euclid.

Mayor Apgar echoed comments made by other City Commissioners. He said alterations have been made to the PD, much of which was done because of public input resulting in a better project with greater public reporting of future testing efforts. Regardless of how this turns out, it is a better project than when it was first presented to the City Commission.

Commissioner Paiva made a motion that if this project is approved, to direct staff to reconstitute the Brownfield Committee separate from the EDC. Commissioner Reid seconded the motion. The motion was approved by a vote of 4 to 1, Commissioner Davis voted nay.

Commissioner Paiva made a motion to approve the final reading of Ordinance No. 2022-13, changing the zoning of approximately 167.65 acres of property, located North of East Beresford Avenue (C.R. 4112), East of South Boston Avenue and West of South Hill Avenue (C.R. 4105), from R-1A (Single Family) to Beresford Reserve Planned Development, with additional soil samples/drilling sites as directed by the City's third-party consultant. Commissioner Reid seconded the motion. The motion was approved by the following roll call vote.

Commissioner Paiva	YES
Commissioner Davis	NO
Commissioner Cloudman	NO
Commissioner Reid	YES
Mayor Apgar	YES

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:04 p.m.

Prepared by:	Approved on:
Julie A. Hennessy, MMC	______________________________
City Clerk – Auditor	Date

CITY OF DELAND
Request for Commission Action
July 6, 2026

SUBJECT:	Approval of the Minutes: Monday, June 15, 2026 City Commission Regular Meeting
DEPARTMENT:	City Clerk
PREPARED BY:	Christian Gowan, City Clerk
ATTACHMENTS:	MIN.CC.2026.06.15
APPROVED BY:	Michael Pleus, City Manager, June 30, 2026

SUMMARY/HIGHLIGHT:

Staff recommends the Commission review and approves the minutes of the June 15, 2026 City Commission Regular Meeting as presented.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends the Commission review and approves the minutes of the June 15, 2026 City Commission Regular Meeting as presented.

BACKGROUND/DISCUSSION:

N/A

CITY OF DELAND
REGULAR MEETING OF THE CITY COMMISSION
JUNE 15, 2026 AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

MINUTES

CALL TO ORDER

Mayor Cloudman called the Monday, June 15, 2026 City Commission Regular Meeting to order at 7:00 p.m.

INVOCATION-Chaplain Reggie May, DeLand Police Department

Chaplain Reggie May, DeLand Police Department provided the Invocation.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Commissioner Richard Paiva, Vice Mayor Jessica Davis, Commissioner Dan Reed, Commissioner Kevin Reid, Mayor Christopher Cloudman

Also Present: Michael Pleus, City Manager; Darren Elkind, City Attorney; Christian Gowan, City Clerk-Auditor; Michael Grebosz, Assistant City Manager; Prurince Dice, Captain; Todd Allen, Fire Chief; Sarah Lux, Community Information Manager; Rick Werbiskis, Community Development Director; Carol Kuhn, Planning Director; Rachel Booth, Deputy Planning Director; Chris Carson, Senior Planner; Jeremy Wiggins, Human Resources Director; Ray Underwood, Public Works Director; Mariellen Calabro, Deputy Public Works Director; Ray Bahrami, Director of Engineering; Scott Zender, Deputy Utilities Director; Rick Hall, Parks and Recreation Director; and members of the public and press.

PRESENTATIONS

1. Citizens Academy Graduation Ceremony
   Mayor Cloudman read the names of recent Citizens Academy graduates. The graduates were presented certificates by Sarah Lux, Community Information Manager.

2. Pastors' Proclamation to the City of DeLand
   Local area pastors presented a proclamation to the City of DeLand and thanked city officials for their dedication and hard work.

3. Presentation of Employee Years of Service Awards
   Mayor Cloudman noted this presentation would take place at the July 6, 2026 City Commission Meeting.

CONSENT AGENDA

1. Approval of Resolution 2026-27: Approving CPI Adjustment to Solid Waste and Recycling Rates

2. Consideration, Old Daytona Road Bridge Replacement Design

3. Award of Bid, Bay Street Drainage Improvements

4. Approval of Resolution 2026-28: Approving Donation to the Police Athletic League from the Forfeiture Trust Fund.

5. Approval of Resolution 2026-29: Removal of one Historic Live Oak Tree Located at 342 Churchill Downs Boulevard

7. Approval of Resolution 2026-30: Authorizing Filing of Eviction and Lien Foreclosure Actions

8. Approval of the Minutes: Monday, June 1, 2026 City Commission Regular Meeting
MOTION TO APPROVE THE CONSENT AGENDA ITEMS 1-5, 7, & 8.

MOTION BY COMMISSIONER DAN REED. SECONDED BY COMMISSIONER KEVIN REID. DISCUSSION.

MOTION CARRIED UNANIMOUSLY.

NOTE: ITEM 6 OF THE CONSENT AGENDA WAS PULLED FOR SEPARATE CONSIDERATION

6. Consideration re Request to Schedule Budget Workshops for FY 2026 - 2027.
Mayor Cloudman requested this item be pulled from the Consent Agenda to discuss scheduling conflicts and rescheduling. After brief discussion, the Commission provided their availability to the City Manager and asked that he work to schedule revised Budget Workshop dates.

MOTION TO AUTHORIZE CITY MANAGER TO SCHEDULE NEW DATES FOR THE BUDGET WORKSHOPS.

MOTION BY COMMISSIONER DAN REED. SECONDED BY COMMISSIONER PAIVA. DISCUSSION.

MOTION CARRIED UNANIMOUSLY.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

Ronnie Solomon and Jessica Turnbull discussed their organization, Soca Ruby Red All-Stars, and asked the Commission to partner with them and allow a reduced fee for use of the Chisholm Center.

Rosemarie Latham spoke about concerns and potential service impacts related to the homestead exemption ballot measure.

Janiece Henry spoke regarding code enforcement issues at her property and requested a lien reduction.

OLD BUSINESS

1. Second Reading of Ordinance 2026-14: Annexing ±25.44 Acres of Property, Located South of Orange Camp Road, West of the I-4 Interchange.

   City Attorney Darren Elkind read Ordinance 2026-14 by title. Mayor Cloudman opened the public hearing.

   Chris Carson, Senior Planner presented the annexation, land use, and zoning requests as one item and noted staff's recommendation of approval. Representatives for the applicant were present and available for questions.

   No questions were noted related to the annexation and Mayor Cloudman closed the public hearing.

   MOTION TO APPROVE SECOND READING OF ORDINANCE 2026-14.

   MOTION BY COMMISSIONER PAIVA. SECONDED BY COMMISSIONER DAN REED. DISCUSSION.

   VOTE: PAIVA (AYE); DAVIS (AYE); DAN REED (AYE); KEVIN REID (AYE); CLOUDMAN (AYE)
   MOTION CARRIED 5-0.

2. Second Reading of Ordinance 2026-15: Changing the Land Use for ±22.43 Acres of Property, Located South of Orange Camp Road, west of the I-4 Interchange, from Volusia County Commercial and Volusia County Rural to City of DeLand Highway Commercial (HC).

   City Attorney Darren Elkind read Ordinance 2026-15 by title. Mayor Cloudman opened the public hearing. No questions were noted related to the land use and Mayor Cloudman closed the public hearing.

   MOTION TO APPROVE SECOND READING OF ORDINANCE 2026-15.

   MOTION BY COMMISSIONER PAIVA. SECONDED BY COMMISSIONER DAN REED. DISCUSSION.

   VOTE: PAIVA (AYE); DAVIS (AYE); DAN REED (AYE); KEVIN REID (AYE); CLOUDMAN (AYE)
   MOTION CARRIED 5-0.

3. Second Reading of Ordinance 2026-16: Changing the Zoning for ± 22.43 Acres of Property, Located South of Orange Camp Road, west of the I-4 Interchange, from Volusia County B-6 (Highway Interchange Commercial), BPUD (Business Planned Unit Development), and A-2 (Rural Agriculture) to City Of DeLand C-2 (General Commercial).

   City Attorney Darren Elkind read Ordinance 2026-16 by title. Mayor Cloudman opened the public hearing. No questions were noted related to the zoning and Mayor Cloudman closed the public hearing.

   MOTION TO APPROVE SECOND READING OF ORDINANCE 2026-16.

   MOTION BY COMMISSIONER PAIVA. SECONDED BY COMMISSIONER DAN REED. DISCUSSION.

VOTE: PAIVA (AYE); DAVIS (AYE); DAN REED (AYE); KEVIN REID (AYE); CLOUDMAN (AYE)
<u>MOTION CARRIED 5-0.</u>

NEW BUSINESS

1. <u>First Reading of Ordinance Changing the Zoning for ± 2.02 Acres of Property, Located at 1500 S. Adelle Avenue, from Springwood Town Homes PD (Planned Development), to R-16 (Multiple-Family Dwelling).</u>
City Attorney Darren Elkind read the ordinance by title. Mayor Cloudman opened the public hearing.

Chris Carson, Senior Planner presented the item, noted staff's recommendation of approval, and anticipated second reading date of July 6, 2026. Brief discussion followed related to changes to allowable density. The applicant was present and available for questions.

Mayor Cloudman closed the public hearing.

MOTION TO APPROVE FIRST READING OF THE ORDINANCE CHANGING THE ZONING OF APPROXIMATELY 2.02 ACRES OF PROPERTY LOCATED AT 1500 SOUTH ADELLE AVENUE FROM SPRINGWOOD TOWN HOMES PD TO R-16.

MOTION BY COMMISSIONER PAIVA. SECONDED BY VICE MAYOR DAVIS. DISCUSSION.

VOTE: PAIVA (AYE); DAVIS (AYE); DAN REED (AYE); KEVIN REID (AYE); CLOUDMAN (AYE)
<u>MOTION CARRIED 5-0.</u>

2. <u>Approval of Resolution 2026-31: Approving a Special Exception for Vehicle Sales and Rentals, Located at 109 Kensington Rd.</u>
Kendall Story, Senior Planner presented the item, reviewed the request, and noted the Planning Board's recommendation with a condition related to where vehicles for sale could be staged on the property. Ms. Story noted the applicant was amenable to the condition noted by the Planning Board. The applicant was present and available for questions.

MOTION TO APPROVE RESOLUTION 2026-31 APPROVING A SPECIAL EXCEPTION FOR VEHICLE SALES AND RENTALS AT 109 KENSINGTON ROAD.

MOTION BY COMMISSIONER PAIVA. SECONDED BY COMMISSIONER DAN REED. DISCUSSION.

MOTION CARRIED UNANIMOUSLY.

3. <u>Approval of Resolution 2026-32: Approving a Demolition of a Residential Structure built before 1950 Located at 338 Clake Street.</u>
Carol Kuhn, Planning Director presented the item and noted the Historic Preservation Board's recommendation of approval. Ms. Kuhn noted that staff had not been able to recommend approval due to a lack of plans for the site's future use. Brief discussion followed on the condition of the home and the requirement for Commission approval.

MOTION TO APPROVE RESOLUTION 2026-32 APPROVING DEMOLITION OF A STRUCTURE AT 338 CLAKE STREET.

MOTION BY COMMISSIONER KEVIN REID. SECONDED BY COMMISSIONER DAN REED. DISCUSSION.

MOTION CARRIED UNANIMOUSLY.

4. Approval of Resolution 2026-33: Approving Demolition of a Historic Commercial Structure built before 1950 Located at 635 Bert Fish Drive

Mayor Cloudman noted that he had would abstain from the vote due to the applicant being his employer. Mayor Cloudman passed the gavel to Vice Mayor Davis and left the dais during discussion of the item.

Carol Kuhn, Planning Director presented the item and noted the recommendation of approval from staff and the Historic Preservation Board. Brief discussion followed on the inclusion of a Facility Condition Assessment Report. Mr. Scott Thacker, Associate Vice President of Facilities Management, Stetson University confirmed this report was prepared in-house by Stetson.

MOTION TO APPROVE RESOLUTION 2026-33 APPROVING DEMOLITION OF A HISTORIC STRUCTURE AT 635 BERT FISH DRIVE.

MOTION BY COMMISSIONER DAN REED. SECONDED BY COMMISSIONER PAIVA. DISCUSSION.

MOTION CARRIED UNANIMOUSLY (4-0 WITH MAYOR CLOUDMAN ABSTAINING).

CITY MANAGER REPORT

City Manager Michael Pleus confirmed that the Commission wanted the Budget Workshops scheduled in the evening and noted that he would inform the Commission once dates were set.

CITY ATTORNEY REPORT

No report.

CITY CLERK REPORT

City Clerk Christian Gowan noted that applications were currently being accepted for the Public Mural Art Committee and Firefighter Retirement Committee and that they would remain open until June 22, 2026. Mr. Gowan noted that he planned to bring these applications to the July 6, 2026 Commission Meeting. Mr. Gowan further noted a vacancy on the Volusia Growth Management Commission and plans to open applications for this position in the near future.

CITY COMMISSION

Commissioner Dan Reed noted his attendance at the Habitat for Humanity bowling tournament to raise money for their ongoing work.

Vice Mayor Davis noted that she had qualified to continue serving on the City Commission and looked forward to continuing to serve the community. Vice Mayor Davis further noted her attendance at the recent Juneteenth celebration that was held June 13th at the Sanborn Center and announced she would be hosting Coffee with the Vice Mayor at Boston Coffee House on June 16th at 9am.

Commissioner Kevin Reid commented on the good attendance at the Juneteenth celebration and offered his congratulations to the members of the Commission who qualified for election unopposed.

Commissioner Paiva congratulated the three members of the Commission who qualified for election unopposed and noted he looked forward to continuing to work with them. Commissioner Paiva further noted his attendance at recent Fire Department events, including the hose decoupling at Station 83 and the Truck Push-In at Station 81, as well as his attendance at the citywide hurricane training.

Mayor Cloudman echoed the comments praising recent events and noted that the annual Firecracker Festival would take place July 3, 2026.

ADJOURNMENT

Mayor Cloudman adjourned the meeting at 8:30 p.m.

RESPECTFULLY SUBMITTED, *APPROVED:*

______________________________ ______________________________

Christian D. Gowan, MPA, CMC
City Clerk-Auditor

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Cloudman, Christopher Michel		City Commission
MAILING ADDRESS 120 S Florida Avenue		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY DeLand	COUNTY Volusia	NAME OF POLITICAL SUBDIVISION: City of DeLand
DATE ON WHICH VOTE OCCURRED June 15, 2026		MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Christopher Cloudman, hereby disclose that on June 15, 20 26 :

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, ___ ;

___ inured to the special gain or loss of my relative, ___ ;

✓ inured to the special gain or loss of Stetson University, by whom I am retained; or

___ inured to the special gain or loss of ___, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

New Business Item #4:
Approval of Resolution 2026-33: Approving Demolition of a Historic CommercialStructure built before 1950 Located at 635 Bert Fish Drive

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

June 15, 2026
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

CITY OF DELAND
Request for Commission Action
July 6, 2026

SUBJECT: Second Reading of Ordinance 2026-17: Changing the Zoning for ± 2.02 Acres of Property, Located at 1500 S. Adelle Avenue, from Springwood Town Homes PD (Planned Development), to R-16 (Multiple-Family Dwelling).

DEPARTMENT: Planning

PREPARED BY: Christopher Carson, Interim Principal Planner

ATTACHMENTS: Ordinance 2026-17, Ordinance Exhibit A - Legal Description, Boundary Survey , Z26-062_StaffReport, Z26-062 Aerial, Z26-062 Zoning, VC School Determination Finding of Adequate Capacity Letter

APPROVED BY: Michael Pleus, City Manager, July 1, 2026

SUMMARY/HIGHLIGHT:

The applicant is requesting to rezone the ±2.02-acre subject property from Springwood Town Homes PD (Planned Development), to R-16 (Multi-Family Dwelling). The property is adjacent to residential and commercial uses with the SR 15A truck route to the south and west.The future land use is High Density Residential. The overall PD, approved in 2006, included three parcels, on ± 7.35 acres of property. The intent of the PD was to provide for multi-family development with a maximum density of 16 dwelling units per acre on a ± 5.33 acre portion of the development, and a single-family dwelling on the remaining portion.

The purpose of the R-16 zoning district is to provide for high-density multifamily residential living in the older developed section of DeLand and providing a spacious, well maintained and natural environment in proximity to the City's downtown. A school concurrency letter dated May 5, 2026, was provided, stating that the Volusia County School District has no objections to the proposed development plan. Staff will review the traffic methodology at the time of plat or site plan review. If the proposed development generates more than 1,000 average daily trips, a full traffic study will be required per the Volusia Flagler Transportation Planning Organization traffic study guidelines. Stormwater retention will be designed at the time of site plan or subdivision platting. The stormwater system shall be designed to retain the 100-year, 24-hour storm event on-site, and should be designed to incorporate LID (Low Impact Development). The R-16 zoning district allows a maximum of fifty to sixty percent impervious surfaces depending on the building height and fifteen percent of the site will need to be dedicated as Tree Protection Area.

The analysis presented in the staff report suggests the proposed rezoning meets the criteria of 33-135 and is consistent with the Comprehensive Plan, future land use, zoning and character of the surrounding area, and will not have an impact upon public health, safety and welfare.

At the May 13, 2026, Planning Board meeting, the Board voted 7-0 to recommend approval of the rezoning request.

On June 15, 2026, the City Commission approved the requested R-16 rezoning on first reading.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Strategic Focus Area: Institute Smart Growth Principles.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The subject property is currently vacant and undeveloped; therefore, the development should have a positive impact on the city and surrounding area by providing additional housing options to the immediate area. This development could support further development of the surrounding area creating additional jobs, shopping, and convenience.

RECOMMENDATION:

Staff recommends approval of Second Reading to rezone from Springwood Town Homes PD (Planned Development) to R-16 (Multiple-Family Dwelling).

BACKGROUND/DISCUSSION:

The PD has a unified ownership provision which requires unified ownership until after issuance of the Development Order. Properties were sold independent of each other, thereby violating the terms of the agreement. To address the violation, both property owners will either need to apply for a new PD rezoning, or rezone to R-16. The applicant is requesting to rezone the single-family portion of the property to R-16. The owner of the multi-family development portion will also need to rezone and no development can occur until such time. Staff has been working with both property owners to address the PD violation. If the request is approved, the applicant intends to submit for site plan review to construct a multi-family development with 4-unit buildings.

ORDINANCE NO. 2026 - 17

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM SPRINGWOOD TOWN HOMES PLANNED DEVELOPMENT (PD) TO CITY OF DELAND'S R-16, MULTI-FAMILY DWELLING, ON PROPERTY LOCATED AT 1500 SOUTH ADELLE AVENUE; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the property located at 1500 South Adelle Avenue and more particularly described in the attached Exhibit "A", is currently zoned as Springwood Town Homes Planned Development (PD), pursuant to City of DeLand's Zoning Ordinances; and

WHEREAS, the property currently has a Land Use Designation of High Density Residential pursuant to the City of DeLand's Land Use Plan; and

WHEREAS, a proper and complete application has been received requesting that the zoning be changed to R-16, Multi-Family Dwelling; and

WHEREAS, the R-16, Multi-Family zoning designation is consistent with the Comprehensive Plan of the City of DeLand.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. The City Commission has held a public hearing on the application for a change of zoning from Springwood Town Homes Planned Development (PD) to City of DeLand's R-16, Multi-Family zoning designation, on the following described property:

See legal description attached hereto as Exhibit "A"

Tax Parcel Identification No. 702000000872

Section 2. The City Commission hereby finds that the City of DeLand's R-16, Multi-Family zoning designation is consistent with the property's High Density Residential future land use designation.

Section 3. Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City of DeLand and changes the zoning from Springwood Town Homes Planned Development (PD) to City of DeLand's R-16, Multi-Family zoning designation on the parcel described in Section 1.

Section 4. The Planning Director is hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

Section 5. No rights to obtain final development orders nor any rights to develop the property have been granted or implied by this Ordinance. Final development orders for the property including, but not limited to building permits and site plan approval shall be subject to a determination of capacity.

Section 6. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 7. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 6th day of July, 2026.

____
Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

____
Christian D. Gowan, MPA, CMC
City Clerk - Auditor

First Reading: June 15, 2026
Second Reading: July 6, 2026

APPROVED AS TO FORM AND LEGALITY:

____
Darren J. Elkind
City Attorney

EXHIBIT A

LEGAL DESCRIPTION: (OR. 4493 PG. 1661)

THE SOUTH THREE HUNDRED FEET OF THE NORTH FOUR HUNDRED NINETEEN FEET OF THE EAST THREE HUNDRED SEVENTY-ONE FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 30 EAST, SUBJECT TO THE RIGHT OF WAY OF ADELLE AVENUE OVER THE EASTERLY 25 FEET THEREOF.

LESS AND EXCEPT

(OR 7813, PAGE 237)

THE NORTH 45 FEET OF THE SOUTH 300 FEET OF THE NORTH 419 FEET OF THE EAST 317 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA.

Acreage: 2.02 acres

LEGAL DESCRIPTION: (OR. 4493 PG. 1661)

THE SOUTH THREE HUNDRED FEET OF THE NORTH FOUR HUNDRED NINETEEN FEET OF THE EAST THREE HUNDRED SEVENTY-ONE FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 30 EAST, SUBJECT TO THE RIGHT OF WAY OF ADELLE AVENUE OVER THE EASTERLY 25 FEET THEREOF.

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(OR 7813, PAGE 237)

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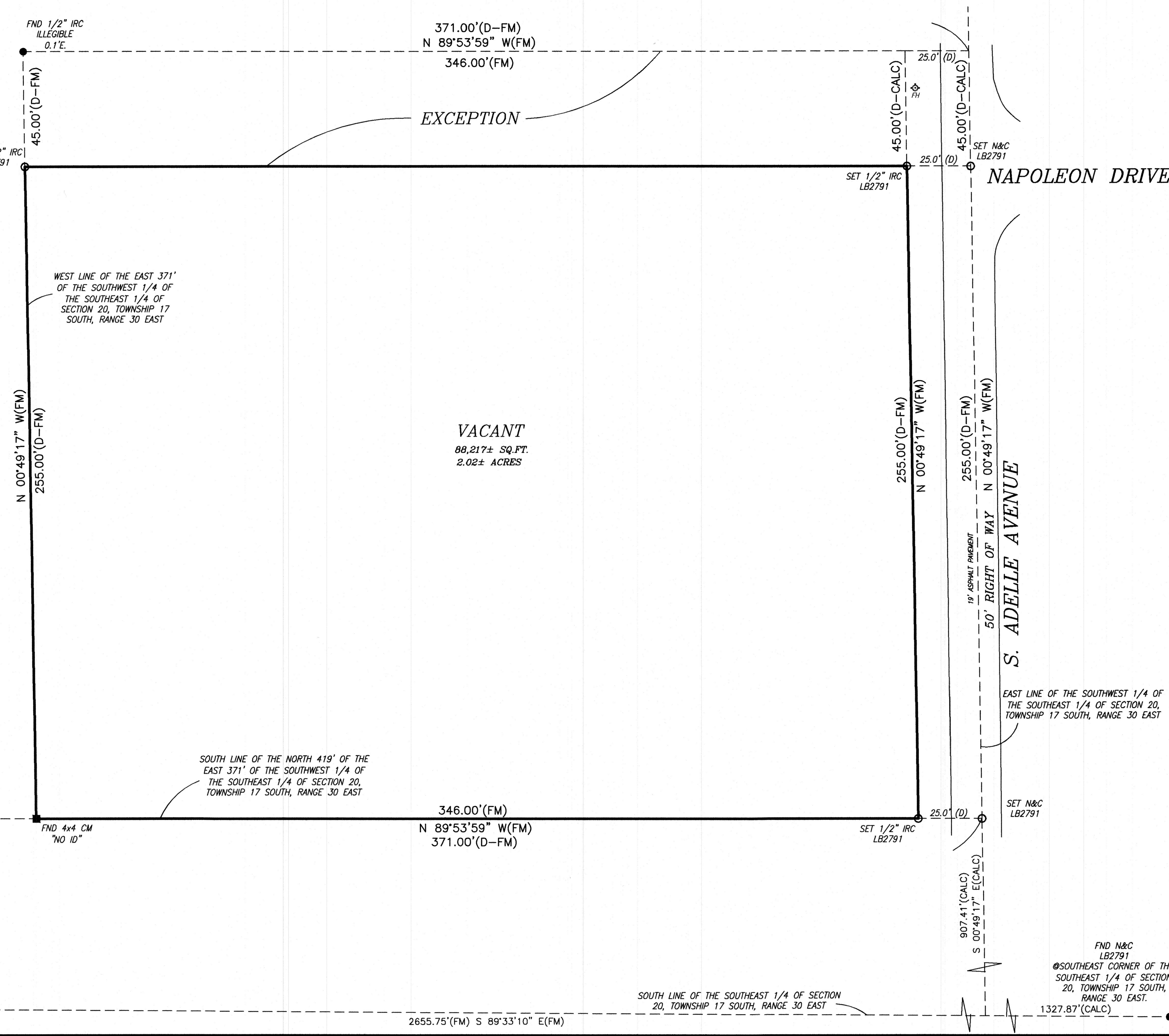
FLOOD CERTIFICATION:
(Per map dated 02/19/2014)
This is to certify that I have consulted the Federal Insurance Flood Hazard Boundary Map and found the ABOVE named Property IS NOT located in a special flood hazard area, according to Community Panel Map No. 12127C-0470-H Map Panel 470 of 930, Zone "X".

0' 30' 60'



NOTES:

BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 30 EAST AS BEING A BEARING OF S 89°33'10" E (ASSUMED).

THE FLOODPLAIN BOUNDARY, IF SHOWN HEREON, WAS SCALED FROM A LARGE SCALE FEMA FLOOD INSURANCE MAP AND AS SUCH HAS AN INHERENT ERROR OF 10% OF THE FEMA MAP SCALE.

UNDERGROUND UTILITIES AND FOUNDATION MAY EXIST AND HAVE NOT BEEN LOCATED, EXCEPT AS SHOWN.

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND THAT IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE (MINIMUM TECHNICAL STANDARDS) AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, OF THE FLORIDA ADMINISTRATIVE CODE, SECTION 472.027, FLORIDA STATUTES.

Robert Evers
Digitally signed by Robert Evers
Date: 2024.08.19 12:24:05 -04'00'

DRAWING REVISED TO SHOW EXCEPTION, AND UPDATE SQUARE FOOTAGE, DATED: 08/16/2024

BLACKWELL & ASSOCIATES LAND SURVEYORS, INC
WWW.BLACKWELLSURVEYING.COM
995 W. VOLUSIA AVE. * DELAND, FL. * PH: (386)-734-8050

BOUNDARY SURVEY CERTIFIED TO:

ROBINSON SIGNATURE REALTY, LLC.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BLACKWELL & ASSOCIATES
LAND SURVEYORS, INC (LB2791)

BY:

ROBERT R. EVERS
FLORIDA CERTIFICATE No. 5675

ROBERT R. EVERS
License Number 5675
STATE OF FLORIDA
Professional Surveyor and Mapper

NOTE:

This Plat of Survey is certified to and prepared for the sole and exclusive benefit of the entities and or individuals shown hereon, valid on the most current date shown hereon, and shall not be relied upon by any other entity or individual whomsoever.

This Survey / Sketch has been prepared without benefit of abstract or title search unless otherwise noted hereon.

There may be additional restrictions and/or other matters of record not shown on this Survey / Sketch that may be found in the Public Records of the county or contained within the Title Commitment.

ABBREVIATIONS

A=Arc Length
AC=Acres
A/C=Air Conditioning Unit
ASPH=Asphalt
BFP=Back Flow Preventer
BLDG=Building
BLK=Block
BM=Benchmark
(CALC)=Computed Data
CATV=Cable TV Service
C/B=Catch Basin
CB=Chord Bearing
CHD=Chord Distance
CLF=Chain Link Fence
CM=Concrete Monument
CMP=Corrugated Metal Pipe
CONC=Concrete
COR=Corner
CUP=Concrete Utility Pole
(D)=Deed call
DRA=Drainage Retention Area
ELEC or E=Electric
ELEV or EL=Elevation
ESMT=Easement
FNC=Fence
FND=Found
FOC=Fiber Optic Cable
FF=Finish Floor Elev.
FH=Fire Hydrant
(FM)=Field Measured
FR=Frame Construction
F/WF=Field Wire Fence
GA=Guy Anchor
GL=Government Lot
GLO=Government Land Office
HDW=Headwall
ID=Identification
INV=Invert Elevation
IP=Iron Pipe
IR=Iron Rod
IRC=Iron Rod & Cap
L=Arc Length
LB=Licensed Business
LS=Registered Land Surveyor
MB=Map Book
MH=Manhole
MON=Monument
N&C=Nail & Cap
NO ID=No Identification
OR=Official Records Book
O/_=Overhead
(P)=Plat
PC=Point of Curvature
PCC=Point of Compound Curvature
PG=Page
PI=Point of Intersection
POB=Point of Beginning
POC=Point of Commencement
PoC=Point on the Curve
POL=Point on Line
PRC=Point of Reverse Curve
POL=Point on Line
PRC=Point of Reverse Curve
PRM=Permanent Reference Mon.
PT=Point of Tangency
PVC=Poly Vinyl Chloride
PVMT=Pavement
R=Radius or Radial Line
RCP=Reinforced Conc. Pipe
REC=Recovered
RNG=Range
RRS=Railroad Spike
R/W=Right of Way
SEC=Section
SANI=Sanitary Sewer
SD=Storm Sewer
T=Tangent
TB=Tangent Bearing
TEL or T=Telephone Service
TWP=Township
U/_=Underground
UNP=Unrecorded Plat
UP=Utility Pole
WDF=Wood Fence
WPF=Wood Privacy Fence
WM=Water Meter
W/M=Water Main
WSL=Water Service Line
W/=With
WC=Witness Corner
WUP=Wood Utility Pole

SYMBOLS :

- ● = REBAR FOUND (SIZE SHOWN HEREON)
- ○ = 1/2" REBAR & CAP SET
- □ = 4"x4" CONCRETE MONUMENT & CAP SET
- ■ = CONCRETE MONUMENT FOUND (SIZE SHOWN HEREON)
- ◦ = R.L.S. DISC/NAIL FOUND (SIZE SHOWN HEREON)
- ◦ = R.L.S. DISC/NAIL SET
- O = IRON PIPE FOUND (SIZE SHOWN HEREON)
- ◆ = RAILROAD SPIKE FOUND
- ● = BOLT FOUND (SIZE SHOWN HEREON)
- • = P/K NAIL FOUND

DATE :	07-05-2024
W.O. No.	06-277-24
DRAWN BY :	KWB
FIELD BOOK :	766-24
CADD FILE / FILE No. :	06-277-24 M-

PLANNING DIVISION STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD

May 13, 2026

A. **APPLICATION NO.**: Z26-062
APPLICANT/OWNER: Willie & Thomas Robinson, Robinson Signature Realty LLC
STAFF PLANNER: Chris Carson, AICP, Interim Principal Planner
REQUEST: Request for a rezone from Springwood Town Homes PD (Planned Development) to R-16 (Multiple-Family Dwelling)

B. **APPLICABLE REGULATIONS:**
Article XII **ADMINISTRATION AND ENFORCEMENT**
Sec. 33-135 – Procedure for text amendments & rezoning.

C. **SITE FACTORS:**
PARCEL NUMBER: 702000000872,
LOCATION: 1500 S. Adelle Avenue
SIZE OF PROPERTY: ±2.02 acres

D. **LAND USE DESIGNATION & ZONING OF SUBJECT PROPERTY:**
Future Land Use: High Density Residential
Existing Zoning: Springwood Town Homes PD
Existing Use: Vacant/Undeveloped

E. **SURROUNDING LAND USE & ZONING:**

	LAND USE	ZONING
North:	VC: Urban Medium Intensity (UMI), HDR	Springwood Town Homes PD, VC: R-4
South:	VC: UMI, Highway Commercial (HC)	VC: A-2
East:	VC: UMI, HC	VC: R-4, R-5, Santa Cruz PD
West:	VC: UMI, HDR	Springwood Town Homes PD, VC: R-4C

F. **BACKGROUND:** The subject property is ± 2.02 acres, vacant, undeveloped, and is part of the ± 7.35 acre Springwood Town Homes PD. The future land use is High Density Residential. The overall PD, approved in 2006, included three parcels. The intent of the PD was to provide for multi-family development with a maximum density of 16 dwelling units per acre on a ± 5.33 acre portion of the development, and a single-family dwelling on the remaining portion.

The property is adjacent to residential and commercial uses with the SR 15A truck route to the south and west. The PD has a unified ownership provision which requires unified ownership until after issuance of the Development Order. Properties were sold, thereby violating the terms of the agreement. To address the violation, both property owners will either need to apply for a new PD rezoning, or rezone to R-16. The applicant is requesting to rezone the single-family portion of the property to R-16. The owner of the multi-family development portion will also need to rezone and no development can occur until such time. Staff has been working with both property owners to address the PD violation.

If the request is approved, the applicant intends to submit for site plan review to construct a multi-family development with 4-unit buildings.

ANALYSIS: The purpose of the R-16 zoning district is to provide for high density multifamily residential living in the older developed section of DeLand and providing a spacious, well maintained and natural environment in proximity to the City's downtown.

School Concurrency: A school concurrency letter dated May 5, 2026, was provided, stating that the Volusia County School District has no objections to the proposed development plan.

Traffic Analysis: Staff will review the traffic methodology at the time of plat or site plan review. If the proposed development generates more than 1,000 average daily trips, a full traffic study will be required per the Volusia Flagler Transportation Planning Organization traffic study guidelines.

Stormwater: Stormwater retention will be designed at the time of site plan or subdivision platting. The stormwater system shall be designed to retain the 100-year, 24-hour storm event on-site, and should be designed to incorporate LID (Low Impact Development).

Section 33-135 of the Land Development Regulations provides the following criteria, which the City Commission shall utilize in reviewing any rezoning request:

1. **Is the proposed rezoning consistent with the Comprehensive Land Use Plan, the land use, zoning pattern and character of the surrounding area?**
The R-16, E-1, and PD zoning districts are compatible with the High Density Residential future land use designation; therefore, the proposed zoning classification of R-16 is consistent with the Comprehensive Plan. The subject property is near the truck route to the south and west, residential uses to the north and east, and commercial uses to the south. The property will provide a transition from the truck route to the lower density residential uses to the north and east. Landscape buffering will be required consistent with Sec 33-92 of the LDRs.

According to the City's 2050 Vision Plan, the proposal is located in the Urban Core (Category 2), which is where the majority of new growth will take place. It is also located within the City's Utility Service Area boundary in a designated Activity Center. The proposed rezoning is appropriate for the location as it is located along a local road with existing infrastructure, and serving as a transition between lower density residential and a principal arterial, and near employment areas and future commercial development.

For all of these reasons, the request is consistent and compatible with the Comprehensive Plan, zoning pattern, and character of the surrounding area.

2. **Will the proposed rezoning have an impact upon the environment or natural resources?**

The subject property is currently undeveloped and wooded. A tree survey will be required identifying any trees over six inches in dBh (diameter at breast height). Removal of any historic or specimen trees will need to be mitigated in accordance with Sec 33-57 of the LDR. The R-16 zoning district allows a maximum of fifty to sixty percent impervious surfaces depending on the building height and fifteen percent of the site will need to be dedicated as Tree Protection Area. Therefore, the development is unlikely to have an impact upon the environment or natural resources.

3. **Will the proposed rezoning have an impact upon the economy of the affected area?**
   The subject property is currently vacant and undeveloped; therefore, the development should have a positive impact on the city and surrounding area by providing additional housing options to the immediate area. This development could support further development of the surrounding area creating additional jobs, shopping, and convenience.

4. **Will the proposed rezoning have an impact upon governmental services?**
   Governmental services such as potable water, reclaimed water, sewer, code enforcement, police, and fire are available and will be provided by the city. There is adequate infrastructure and facilities to service the development, therefore there will be no impact to the level of governmental services.

5. **Are there changes in the circumstances or conditions affecting the area since the original assignment of zoning that will support the proposed zoning?**
   There have not been significant changes in the area surrounding the subject property.

6. **Was there a mistake in the original classification?**
   There were no mistakes in the original classification, however, the PD required unified ownership until after issuance of the Final Development Order. Since the properties are under separate ownership, rezoning is required to address the PD violation.

7. **Will the proposed rezoning have any effect upon the use or value of the affected area?**
   The proposed rezoning could have a positive impact upon the surrounding area, as the property would no longer be undeveloped and vacant, and the development could provide additional housing options.

8. **Will the proposed rezoning have an impact upon public health, safety and welfare?**

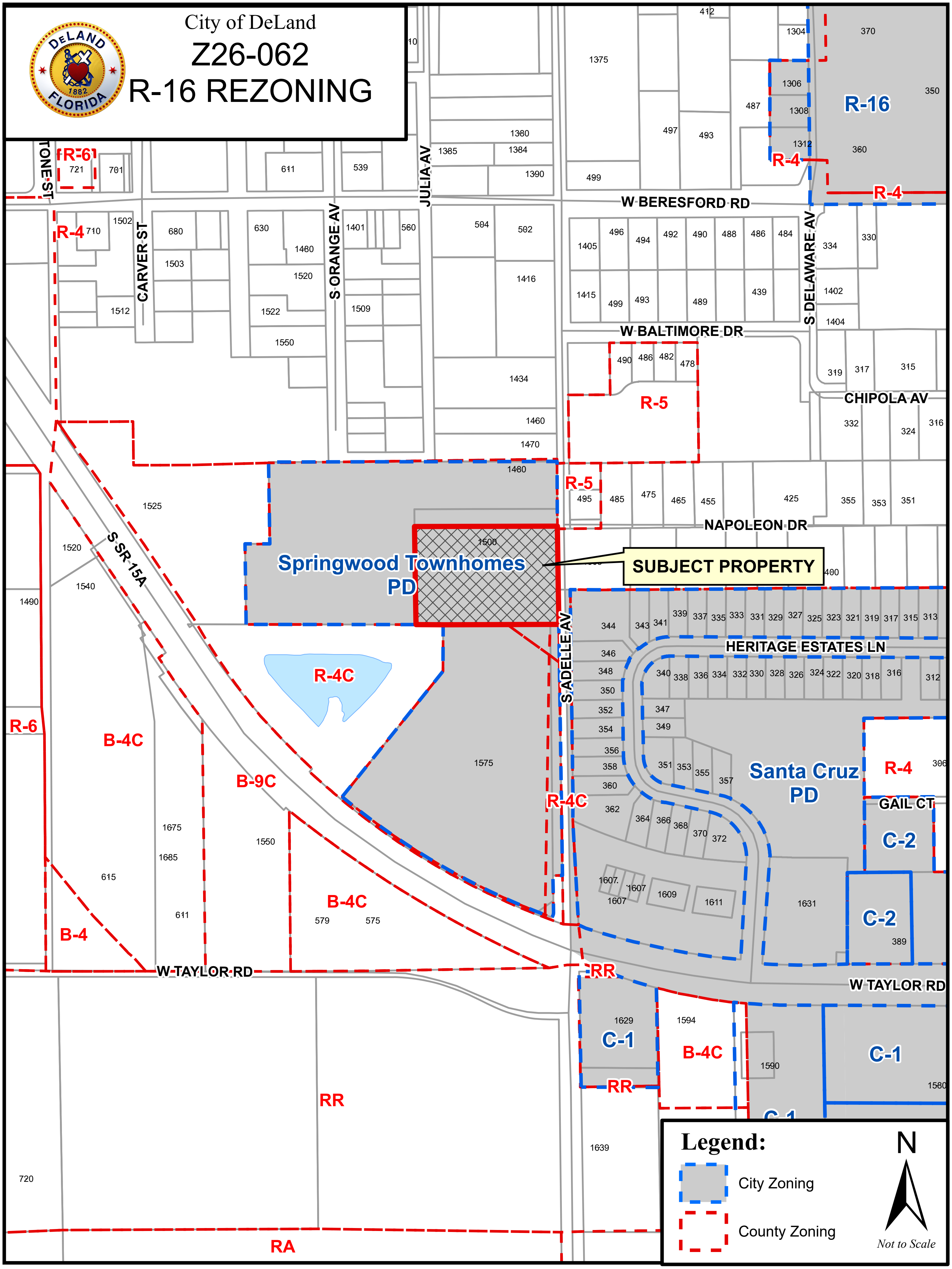
   There is no indication at this time that the new proposal will create additional impacts upon the public health, safety or welfare, as all provided public services have the capacity needed to accommodate the proposed development. The rezoning would be consistent and compatible with the uses of the surrounding area.

G. **NEXT STEPS:** The request for a rezoning will go before the City Commission on June 15, 2026, for first reading and July 6, 2026, for second reading.

H. **STAFF RECOMMENDATION**: Staff recommends that the Planning Board forward the application to the City Commission with a recommendation of approval for the request to rezone from Spring Town Homes PD (Planned Development) to R-16 (Multiple-Family Dwelling).

City of DeLand

Z26-062
R-16 REZONING


City of DeLand
Z26-062
R-16 REZONING
DeLAND FLORIDA 1882
SUBJECT PROPERTY
Springwood Townhomes PD
Santa Cruz PD
W BERESFORD RD
W BALTIMORE DR
CHIPOLA AV
NAPOLEON DR
HERITAGE ESTATES LN
GAIL CT
W TAYLOR RD
S SR 15A
S ORANGE AV
JULIA AV
CARVER ST
S DELAWARE AV
S ADELLE AV
R-16
R-4
R-5
R-6
R-4C
B-4C
B-9C
B-4
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C-2
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Legend:
City Zoning
County Zoning
N
Not to Scale

Carmen J. Balgobin, Ed.D
Superintendent of Schools

School Adequate Capacity Determination
Finding of Adequate Capacity Letter

May 5, 2026

Mr. Willie Robinson and Mr. Thomas Robinson
Robinson Signature Realty, LLC
614 Laisy Dr
DeLand, FL 32724

RE: The Plexes at Adelle – City of DeLand
School Concurrency Case # 26-05-01-001-A

Mr. Robinson:

The County Charter requires any Comprehensive Plan Amendment or Rezoning that allows increased residential density to be effective only when adequate public schools can be timely planned and constructed to serve the projected increase in student population. The district uses this requirement as the guiding principle behind the school adequate capacity review.

District staff have reviewed the school concurrency application for the proposed project known as The Plexes at Adelle, associated with 2.17 +/- acres of property. The property is located at or near the intersection of S SR 15A and S Adelle Ave within DeLand city limits. Information provided in the application indicates the proposed zoning classification would allow up to thirty-two (32) multi-family units.

The district uses a county wide Student Generation Rate (SGR) of (0.137) per multi-family dwelling unit to calculate projected students. By applying the SGR to the use types in Table 1 below, the project could generate five (5) full time students.

Table 1

UNIT TYPE	SGR	UNIT COUNT	STUDENTS GENERATED
Single Family Dwelling Unit	0.258	32	5
Multifamily Dwelling Unit	0.137	0	0
Manufactured Home Dwelling Unit	0.052	0	0
Total		**32**	**5**

When performing an adequate capacity review, district staff evaluates the effects of the proposed change compared to any remaining permanent capacity within the impacted schools, up to 100%, Table 2 (next page). The projected increase in student population may be over 100% if there are plans to serve increased student population in that planning area within the long-term planning horizon. A finding of adequate capacity may be issued in either case.

Table 2

Schools	SY 2025/26 Enrollment	% of Permanent Capacity	Plans for Capacity Increase Long-Term	Traditional K-12 students projected
Woodward Avenue Elementary	567	87%	No	2
Southwestern Middle	716	100%	No	1
West CSA (DeLand High)	2,877	112%	No	1
Other				1

The student projections generated by this project **will** increase the existing percentage above 100% permanent capacity at the high school level. However, while the concurrency service area (CSA) for DeLand High is over 100% it is below 120% for level of service (LOS) standards. Based on this, the school district has no objections to the proposed development plan.

Minimum planning considerations should include pedestrian and vehicular access, safety, connectivity, and buffering. Additional considerations, particularly for gated and muti-family communities, include accessibility for school buses, by ensuring a turn radius of at least 60 feet at all entrances and exits, and the inclusion of dedicated pickup/drop off sites.

All future development orders, such as site plans and subdivisions, are subject to school concurrency review. School concurrency will be evaluated at the time when the impact of development is specifically quantified and known. Only funded school improvements and then current capacity will be considered at that time.

No student reservations have been made at this time.

Please note the School Board has the right to adjust the attendance boundaries to balance the student enrollment populations at these area schools. Consequently, students generated from this project may not attend the currently assigned schools.

Should you need additional information, please contact me at (386) 734-7190, ext. 50802.

Sincerely,

James F. Roberts

James F. Roberts
Specialist, Planning & GIS

CC: Carmen J. Balgobin, Ed.D, Superintendent of Schools
Ron Young, Director of Planning & Construction
Patricia S. Smith, AICP, Planning Coordinator
Carol Kuhn, AICP, Planning Director, City of DeLand

Finding of Adequate School Capacity

VOLUSIA COUNTY SCHOOL BOARD

Project Information	
Project Name	The Plexes at Adelle
VCSB Project #	**26-05-01-001-A**
Jurisdiction Project #	
Parcel ID Numbers	7020-00-00-0872
Project Location	S SR 15A and S Adelle Ave
Potential Residential Units	32 Multi-Family Units
Property Owner/Applicant	Robinson Signature Realty, LLC

Notes: Additional review will be required at the time of subdivision/site plan submittal(s).
No Student Reservations have been made.

Based upon the Findings of Fact, pursuant to School Board Policy 612 and Section 206 of the County Charter, the school district has determined at this time that school capacity is adequate to serve the proposed increase in residential density. This Finding shall constitute competent substantial evidence that adequate public school capacity is likely to be available at the time it is required to serve the planned new development.

Capacity is not being reserved with this Finding unless otherwise noted on this document. This Finding of Adequate School Capacity allows this subject project to continue through the Comprehensive Plan Amendment and/or rezoning process; however, it may be subject to additional school capacity review in the future.

James F. Roberts

James F. Roberts
Specialist, Planning & GIS

May 5, 2026
Issue Date

Created: 9/2007
Owner: Facilities Services

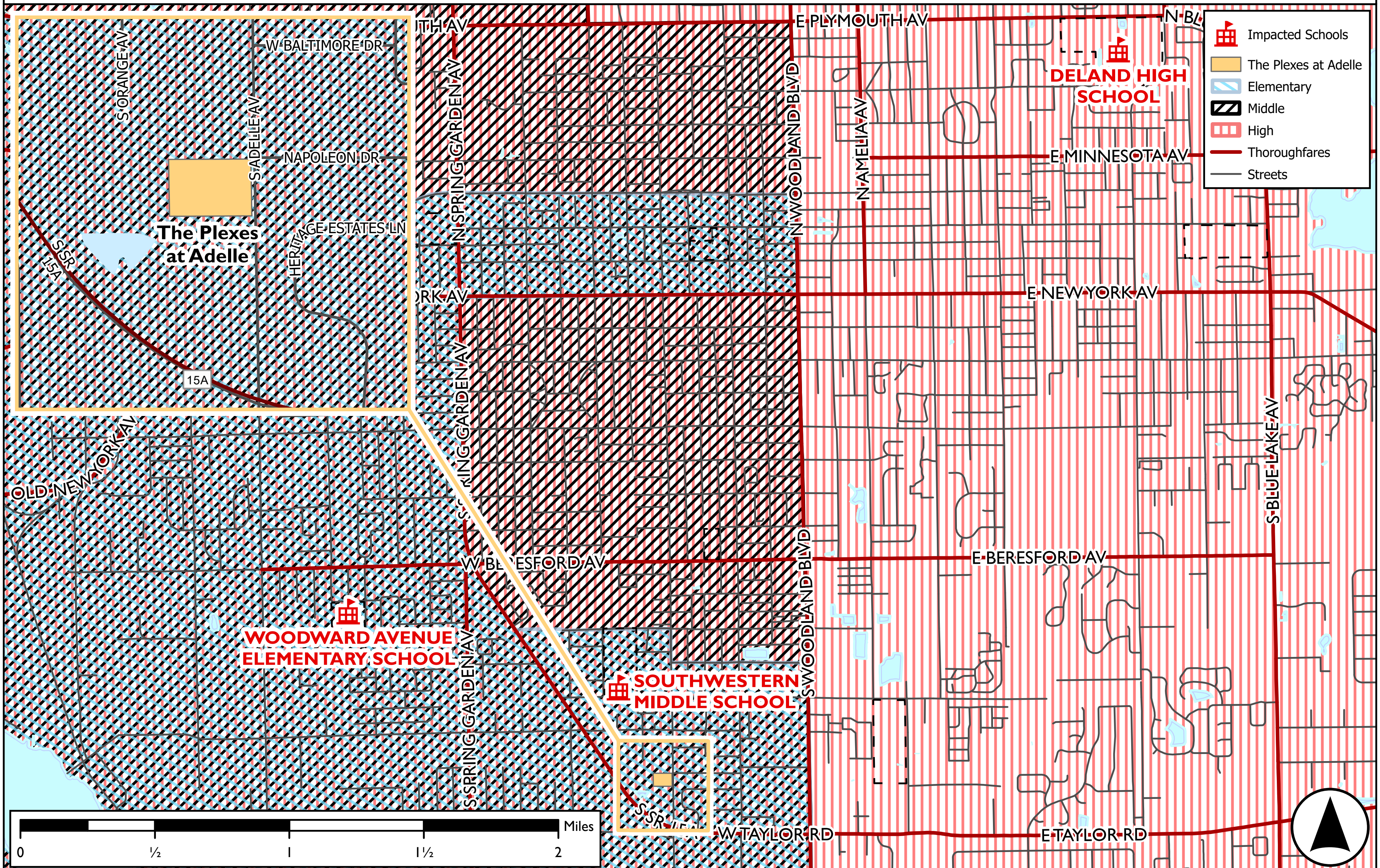
2007-073-VCS
Print Locally

VCSB Schools Impacted by Development

School Concurrency Review - The Plexes at Adelle

VOLUSIA COUNTY SCHOOLS
PLANNING AND BUSINESS SERVICES

Created May 2026



CITY OF DELAND
Request for Commission Action
July 6, 2026

SUBJECT: First Reading of Ordinance 2026-18: Abandoning ± 0.09 Acres of Right-of-Way along W. Walts Avenue and S. Palmetto Avenue.

DEPARTMENT: Planning

PREPARED BY: Christopher Carson, Interim Principal Planner

ATTACHMENTS: ORD 2026-18, Exhibit A - Vacation of ROW, A26-142 Aerial, A26-142 Zoning

APPROVED BY: Michael Pleus, City Manager, July 1, 2026

SUMMARY/HIGHLIGHT:

The City is requesting to vacate ±0.09 acres of the W. Walts Avenue and S. Palmetto Avenue rights-of-way in partnership with The Neighborhood Center of West Volusia.

The vacation of the right-of-way will allow the Neighborhood Center of West Volusia to facilitate expansion of the Bridge and provide additional housing and services. The right-of-way being abandoned is ± 120' in length and ± 15' in width and ± 165' in length and ± 18' in width, along the W. Walts Avenue and S. Palmetto Avenue rights-of-way respectively.

There will be a companion RCA on a future agenda related to the acceptance of easements for utility providers and existing public improvements.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Institute Smart Growth Principles.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The abandonment of the portions of the W. Walts Avenue and S. Palmetto Avenue rights-of-way could result in cost savings to the City through reduced maintenance costs.

RECOMMENDATION:

Staff recommends that the City Commission approve Ordinance 2026-18, the vacation of portions of the W. Walts Avenue and S. Palmetto Avenue rights-of-way on first reading.

BACKGROUND/DISCUSSION:

W. Walts Avenue is an improved 50' right-of-way with 21' of asphalt pavement and a 5' pedestrian sidewalk on the north side of the right-of-way. S. Palmetto Avenue is an improved 40' right-of-way with 16' of asphalt pavement. There are no development plans or future capital improvements identified to either of these rights-of-way. Additionally, the adjacent properties are fully built out, therefore right of way acquisition does not seem feasible. The vacation of the right-of-way will not land lock the adjacent properties and will preserve all existing access and mobility.

To preserve all existing and future utility networks and improvements, the City is requiring the dedication of easements as a condition of these right-of-way abandonments.

ORDINANCE NO. 2026 - 18

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ABANDONING A PORTION OF WEST WALTS AVENUE AND SOUTH PALMETTO AVENUE RIGHTS-OF WAY TOTALING ±0.09 ACRES LOCATED ALONG WEST WALTS AVENUE AND SOUTH PALMETTO AVENUE; AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the applicant, is requesting approval for the abandonment of ±0.09 acres of rights-of-way located along West Walts Avenue and South Palmetto Avenue and more particularly described in the attached Exhibit "A"; and

WHEREAS, the requested abandonment of rights-of-way is consistent with the transportation element of the City's Comprehensive Plan; and

WHEREAS, the requested abandonment of this portion of rights-of-way will not restrict access to any property, will not be harmful to the public interest, and provides a positive benefit to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. The rights-of-way totaling ±0.09 acres located along West Walts Avenue and South Palmetto Avenue and more particularly described in the attached Exhibit A, is hereby abandoned, and any right, title, or interest of the public in and to the right-of-way on any recorded map or plat, is hereby renounced and disclaimed.

Section 2. The effect of this Ordinance is to abandon ± 120' in length and ± 15' in width and ± 165' in length and ± 18' in width, totaling ±0.09 acres as described above, and to renounce and disclaim any right, title, or interest of the public in and to the said right-of-way.

Section 3. The City Clerk-Auditor is hereby directed to have recorded in the public records of Volusia County, Florida, a certified copy of this Ordinance.

Section 4. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this _________day of _____________, 2026.

____
Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

____
Christian D. Gowan, MPA, CMC
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

____
Darren J. Elkind
City Attorney

Exhibit A

SKETCH OF DESCRIPTION

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: (OR 6099 PG 973)

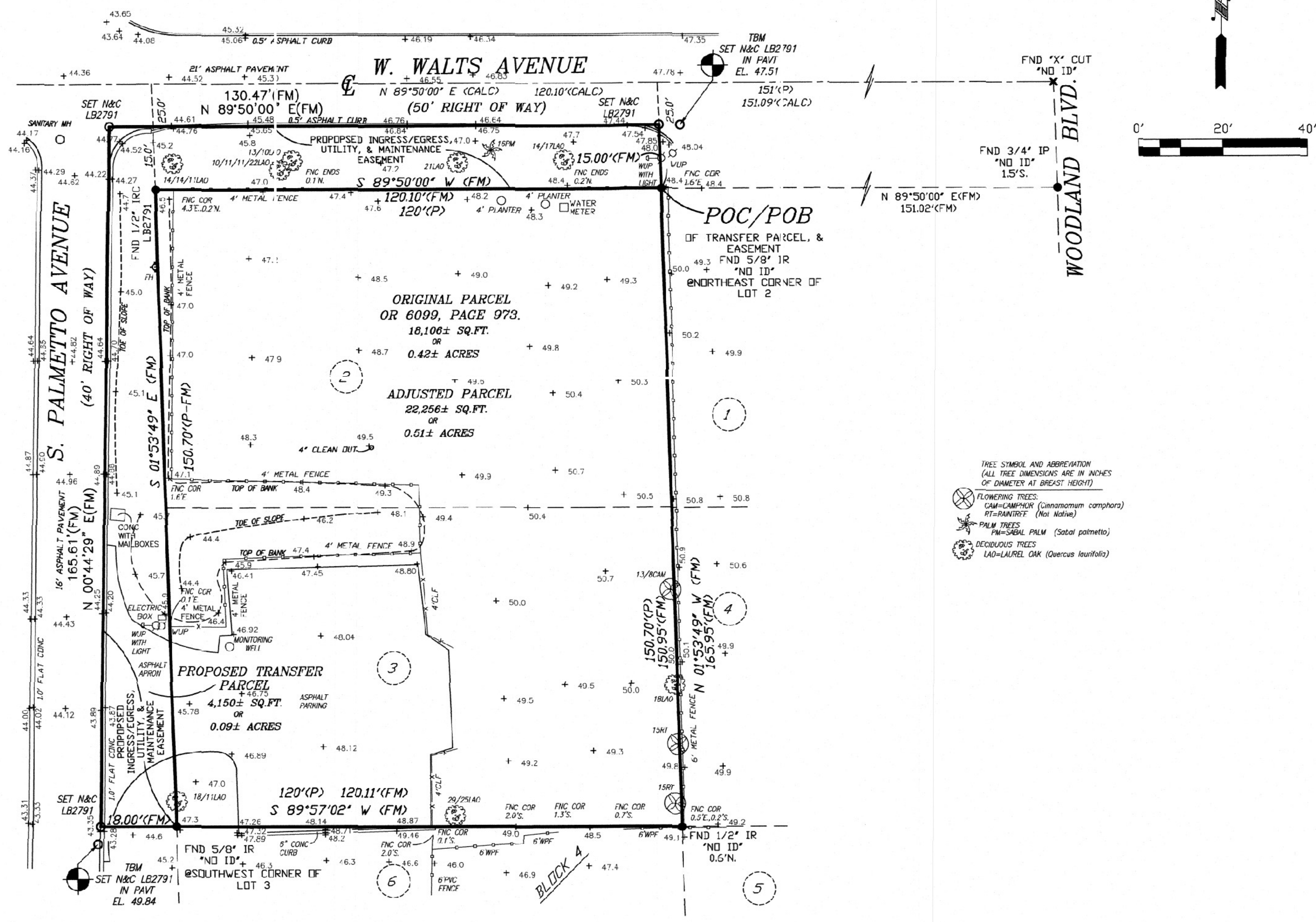
LOT 2 AND 3, BLOCK 4, S. WALTS SECOND SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEROF, RECORDED IN MAP BOOK 2, PAGE 105, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

LEGAL DESCRIPTION: (WRITTEN)(PROPOSED TRANSFER PARCEL)

A PORTION OF LAND LYING WITHIN THE RIGHT OF WAY OF SOUTH PALMETTO AVENUE AND WEST WALTS AVENUE, MAP OF S. WALTS SECOND SUBDIVISION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 17 SOUTH, RANGE 30 EAST, AS RECORDED IN MAP BOOK 2, PAGE 105, AND RERECORDED IN MAP BOOK 17, PAGE 93, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FOR A POINT OF COMMENCEMENT, BEGIN AT THE NORTHEAST CORNER OF LOT 2, BLOCK 4, OF SAID S. WALTS SECOND SUBDIVISION; THENCE S 89°50'00" W, ALONG THE SOUTH RIGHT OF WAY LINE OF WEST WALTS AVENUE AND NORTH LINE OF SAID LOT 2, A DISTANCE OF 120.10 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTH PALMETTO AVENUE, ALSO BEING THE WEST LINE OF SAID LOT 2 AND 3; THENCE S 01°53'49" E, ALONG SAID EAST AND WEST LINE, A DISTANCE OF 150.70 FEET TO THE SOUTHWEST CORNER OF LOT 3, BLOCK 4; THENCE S 89°57'02" W, A DISTANCE OF 18.00 FEET TO THE EAST EDGE OF PAVEMENT OF SOUTH PALMETTO AVENUE; THENCE N 00°44'29" E, ALONG SAID EAST EDGE, A DISTANCE OF 165.61 FEET; THENCE N 89°50'00"E, ALONG THE SOUTH EDGE OF PAVEMENT OF WEST WALTS AVENUE, A DISTANCE OF 130.47 FEET; THENCE S 01°53'49"E, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING. BEING SUBJECT TO AN INGRESS/EGRESS, UTILITY, AND MAINTENANCE EASEMENT OVER THE ENTIRETY OF THE ABOVE DESCRIBED PARCEL.



FLOOD CERTIFICATION:
(Per map dated February 19, 2014)
This is to certify that I have consulted the Federal Insurance Flood Hazard Boundary Map and found the ABOVE named Property IS NOT located in a special flood hazard area, according to Community Panel Map No. 12127C-0470-H Map, Panel 470 of 930, Zone "X".

NOTES:

BEARINGS SHOWN BASED ON THE SOUTH RIGHT-OF-WAY LINE OF W. WALTS AVENUE AS BEING A BEARING OF S. 89°50'00" E. (ASSUMED).

THE FLOODPLAIN BOUNDARY, IF SHOWN HEREON, WAS SCALED FROM A LARGE SCALE FEMA FLOOD INSURANCE MAP AND AS SUCH HAS AN INHERENT ERROR OF 10% OF THE FEMA MAP SCALE.

UNDERGROUND UTILITIES AND FOUNDATION MAY EXIST AND HAVE NOT BEEN LOCATED, EXCEPT AS SHOWN.

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND THAT IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE (MINIMUM TECHNICAL STANDARDS) AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, OF THE FLORIDA ADMINISTRATIVE CODE, SECTION 472.027, FLORIDA STATUTES.

ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 1988 DATUM.

Robert Evers — Digitally signed by Robert Evers Date: 2026.06.11 16:20:50 -04'00'

ABBREVIATIONS

AC=Acres
A/C=Air Conditioning Unit
ASPH=Asphalt
BFP=Back Flow Preventer
BLDG=Building
BLK=Block
BM=Benchmark
(CALC)=Computed Data
CATV=Cable TV Service
CB=Concrete Block
CLF=Chain Link Fence
CM=Concrete Monument
CMP=Corrugated Metal Pipe
CONC=Concrete
COR=Corner
CUP=Concrete Utility Pole
(D)=Deed call
DRA=Drainage Retention Area
ELEC or E=Electric
ELEV or EL=Elevation
FND=Found
FOC=Fiber Optic Cable
FFE=Finish Floor Elev.
FH=Fire Hydrant
(FM)=Field Measured
FR=Frame Construction
F/WF=Field Wire Fence
F/WF=Field Wire Fence
GA=Guy Anchor
GL=Government Lot
GLO=Government Land Office
HDW=Headwall
ID=Identification
INV=Invert Elevation
IP=Iron Pipe
IR=Iron Rod
IRC=Iron Rod & Cap
LB=Licensed Business
LS=Registered Land Surveyor
MB=Map Book
MH=Manhole
MON=Monument
N&C=Nail & Cap
NO ID=No Identification
OR=Official Records Book
O/_=Overhead
(P)=Plat
PC=Point of Curvature
PCC=Point of Compound Curvature
PG=Page
PI=Point of Intersection
POB=Point of Beginning
POC=Point of Commencement
PoC=Point on the Curve
POL=Point on Line
PRC=Point of Reverse Curve
POL=Point on Line
PRC=Point of Reverse Curve
PRM=Permanent Reference Mon.
PT=Point of Tangency
PVC=Poly Vinyl Chloride
PVMT=Pavement
R=Radius or Radial Line
RCP=Reinforced Conc. Pipe
REC=Recovered
RNG=Range
RRS=Railroad Spike
R/W=Right of Way
SEC=Section
SANI=Sanitary Sewer
SD=Storm Sewer
T=Tangent
TB=Tangent Bearing
TEL or T=Telephone Service
TWP=Township
U/_=Underground
UNP=Unrecorded Plat
UP=Utility Pole
WD/F=Wood Fence
WLP=Wood Light Pole
WM=Water Meter
W/M=Water Main
WPF=Wood Privacy Fence
WSL=Water Service Line
W/=With
WC=Witness Corner
WUP=Wood Utility Pole

NOTE:

This Plat of Survey is certified to and prepared for the sole and exclusive benefit of the entities and or individuals shown hereon, valid on the most current date shown hereon, and shall not be relied upon by any other entity or individual whomsoever.

This Survey / Sketch has been prepared without benefit of abstract or title search unless otherwise noted hereon.

There may be additional restrictions and/or other matters of record not shown on this Survey / Sketch that may be found in the Public Records of the county or contained within the Title Commitment.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BLACKWELL & ASSOCIATES LAND SURVEYORS, INC (LB2791)

BY:

ROBERT R. EVERS
FLORIDA CERT. NO. 5675

ROBERT R. EVERS — License Number 5675 — STATE OF FLORIDA — Professional Surveyor and Mapper

BLACKWELL & ASSOCIATES LAND SURVEYORS, INC

WWW.BLACKWELLSURVEYINC.COM

595 W. VOLUSIA AVE. * DELAND, FL. * PH: (386)-734-8050

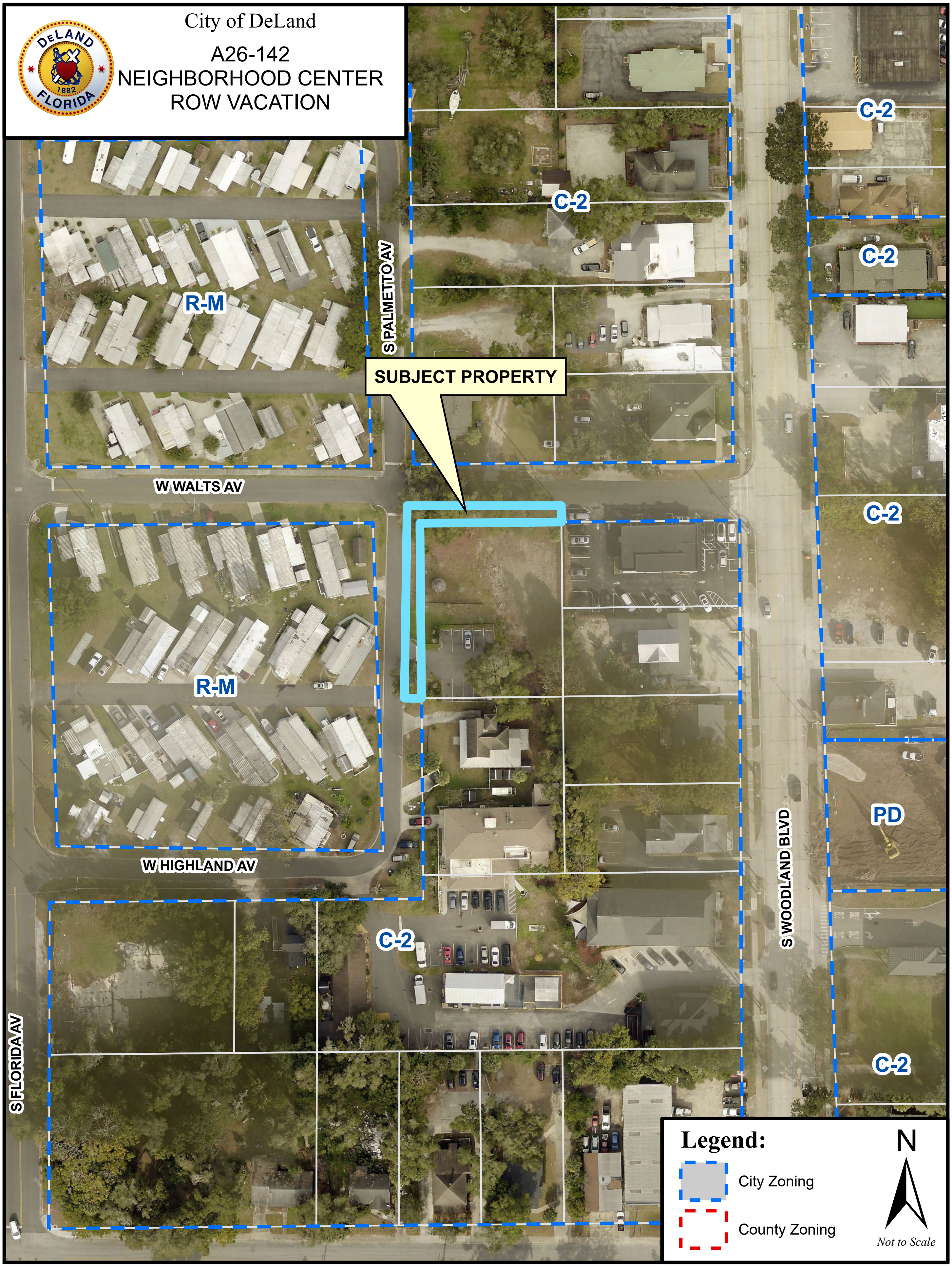
SKETCH OF DESCRIPTION FOR:

THE CITY OF DELAND.
&
NEIGHBORHOOD CENTER OF WEST VOLUSIA, INC.

SYMBOLS :

- ● = REBAR FOUND (SIZE SHOWN HEREON)
- ○ = 1/2" REBAR & CAP SET
- □ = 4"x4" CONCRETE MONUMENT & CAP SET
- ■ = CONCRETE MONUMENT FOUND (SIZE SHOWN HEREON)
- • = R.L.S. DISC/NAIL FOUND (SIZE SHOWN HEREON)
- ○ = R.L.S. DISC/NAIL SET
- ○ = IRON PIPE FOUND (SIZE SHOWN HEREON)
- ◆ = RAILROAD SPIKE FOUND
- ● = BOLT FOUND (SIZE SHOWN HEREON)
- ● = P/K NAIL FOUND

DATE :	08/14/2024
W.O. No.	05-115-13
DRAWN BY :	DCW/KCB
FIELD BOOK :	688/40
CADD FILE / FILE No. :	05-115-13 M-


City of DeLand
DeLAND FLORIDA 1882
A26-142
NEIGHBORHOOD CENTER
ROW VACATION
SUBJECT PROPERTY
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R-M
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City Zoning
County Zoning
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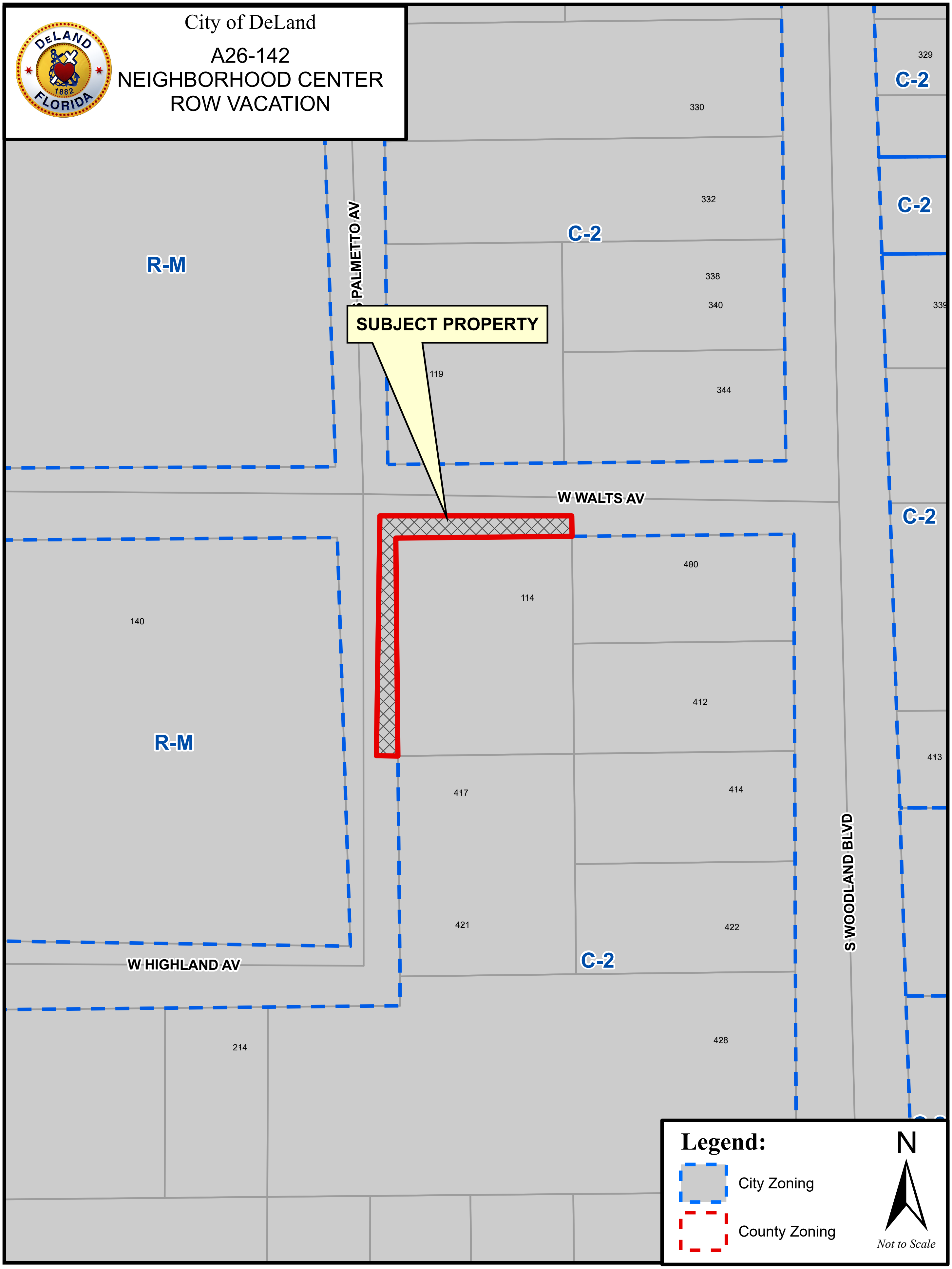
Not to Scale


City of DeLand
A26-142
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County Zoning
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