



CITY OF DELAND
REGULAR MEETING OF THE CITY COMMISSION
JUNE 17, 2024 AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

INVOCATION-Pastor Mark Britner, First Church DeLand

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATIONS

1. Certificate of Recognition, Stetson University AmeriCor Vista's.
2. Citizens Academy Recognition.
3. Introduction of New Firefighter- Julian Povilatis.
4. Firefighter Promotions-Brandon Ferri to Engineer and Quinten Donnellan to Fire Inspector.

CONSENT AGENDA

1. Resolution Approving FY 2023-2024 Budget Amendment.
Presentation of a budget amendment for FY 2023/2024.
2. Consideration re Task Order Assignment, East Regional Force Main Part A-1 & A-2 Construction Phase Services.
Staff recommends that the City Commission approve the subject task order with Mead & Hunt to provide Construction Phase Services for the East Regional Force Main Sewer Part A-1 & A-2 Construction project.
3. Consideration re Approval of DeLand Airport's Part 26 Disadvantaged Business Enterprise /Small Business Enterprise Program.
Staff recommends approval of the Disadvantaged Business Enterprise Program Plan.
4. Consideration re Subordination of Utility Easement to FDOT on Spring Garden Avenue.
Staff recommends that the City Commission grant the Subordination of the easement to the FDOT per the documents.
5. Consideration re Approval for Sale and Consumption of Alcoholic Beverages on City Property, Issues Havana Night Event.
Approval for Sale and Consumption Alcoholic Beverages on City Property for Issues Havana Night Event.

6. Resolution re Surplus Equipment.

It is recommended that the City Commission adopt the resolution declaring the equipment surplus and authorizing its disposal as set forth therein.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

OLD BUSINESS

1. Second Reading of Ordinance No. 2024-30, Amending Chapter 33, Section 33-19.13, Residential Dwelling Units on First Floor.(1st Rdg. 05/20/24).

Planning staff are proposing a text amendment to the Land Development Regulations to provide development standards for residential units in the Downtown Commercial District (C-2A).

2. Second Reading of Ordinance No. 2024-31, Changing the Zoning for Property Located at 215 and 221 West Wisconsin Avenue, from R-1A (Single-family Residential) to C-2A (Downtown Commercial).(1st Rdg. 05/20/24).

This is a request to rezone 215 and 221 West Wisconsin Avenue from R-1A, single family, to C-2A, Downtown Commercial, to reduce the nonconformities of the property and to allow for the existing duplexes to remain.

CITY COMMISSION REPORTS

1. Report re Elected Officials Round Table.
2. Report re River-to-Sea TPO.
3. Report re River of Lakes Heritage Corridor.

CITY MANAGER REPORT

1. 2024 FLC Annual Conference Voting Delegate.

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.



The CITY OF DELAND
Volusia County, Florida

Certificate of Recognition

Whereas, Stetson University's AmeriCorps VISTAs play a pivotal role in combating poverty and enhancing college access within the community, through their dedicated volunteer efforts; and

Whereas, VISTA members, Ben Staskowski, Interfaith Engagement Coordinator, Dylaney Sabino, Social Change Coordinator, August Maulfair, College Access and Success Coordinator and Brandon Evans, Social Entrepreneurship Coordinator are ending their first-year term with VISTA's and have worked tirelessly to address system issues of poverty by implementing innovative strategies and programs; and

Whereas, they have engaged in various initiatives aimed at providing resources and support to underserved populations, such as low-income families and first-generation college students; and

Whereas, VISTA's organizes workshops on financial literacy, establishing mentoring programs and facilitating access to educational mentoring programs. Their impactful volunteer work fosters positive change and inspires individuals to overcome barriers and pursue their dreams of higher education, ultimately contributing to a more equitable and inclusive society.

Now, therefore, I, Christopher M. Cloudman, Mayor of the City of DeLand, and on behalf of the City Commission, do hereby tender to this Certificate of Recognition to Ben Staskowski, Dylaney Sabino, August Maulfair and Brandon Evans for their volunteer efforts with AmeriCorps VISTA program and their contributions to the Stetson community.

Done and proclaimed this 17th day of June 2024.

Attest

Christopher M. Cloudman, Mayor

Julie A. Hennessy, City Clerk - Auditor

CITY OF DELAND
Request for Commission Action
June 17, 2024

SUBJECT: Resolution Approving FY 2023-2024 Budget Amendment.

DEPARTMENT: Finance

PREPARED BY: Daniel Stauffer, Finance Director

ATTACHMENTS: RESO FY23-24 Budget Amendment - 06-17-2024, FY23-24 Budget Amendment - June Details

APPROVED BY: Michael Pleus, City Manager, June 12, 2024

SUMMARY/HIGHLIGHT:

The budget amendments proposed are detailed in the attached summary and recommended after review of actual expenditures to date. The amendments proposed are primarily revisions to reflect anticipated actual revenues and expenditures.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

N/A

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The Resolution amends the budget to reflect recommended changes with the impact on each fund itemized in the attached summary.

Operating Contingency balances after these amendments are as follows:

General Fund	\$143,934
Water & Sewer Fund	\$147,566
Airport Fund	\$0
Stormwater Fund	\$0
Permits & Inspections Fund	\$0

RECOMMENDATION:

Staff recommends the City Commission adopt the Resolution amending the FY 23/24 budget as presented.

BACKGROUND/DISCUSSION:

The significant budget amendments in the General Fund include increased transfers to the Grants and Special Revenue Fund for Tra Thomas Park Improvements (\$161,500) and transfers to the Capital Fund for Clara Concept and W. Vorrhis Streetscape (\$40,277), IT Overhead Fiber (\$100,000) and Modernization of Elevators (\$43,200).

The significant budget amendments in the Grants and Special Revenue Fund include increases for Tra Thomas Park Improvements, while the significant budget amendments in the Capital Fund include increases for the Clara Concept and W. Vorrhis Streetscape (\$40,277), IT Overhead Fiber (\$100,000) and Modernization of Elevators (\$74,500) mentioned above, as well as, \$100,000 for Fire Station 83 Addition and \$30,000 for a Bronze Memorial Monument for the Police Department. Funding for the Bronze Memorial Monument is expected to be raised by donations; however, if not enough funds are raised, the City's General Fund capital reserves will need to fund the remaining amount.

The significant budget amendments in the Water and Sewer Fund include increases for additional backflow testing (\$180,000), the Lead and Copper Rule Revisions Project (\$1,380,000) and transfers to the Water Trust Fund (\$586,560) for Downtown Water Improvement Design.

The significant budget amendment in the Water Trust Fund includes the increase for the Downtown Water Improvements Design (\$833,920), while the significant budget amendment in the Wastewater Trust Fund includes the increase for the East Regional Force Main Part A1 and A2 (\$259,713).

The significant budget amendments in the Stormwater Fund include increases for professional services for fence maintenance (\$39,850) and the Vulnerability Assessment and Adaptation Plan (\$185,000).

RESOLUTION NO. 2024 -

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE BUDGET FOR THE GENERAL FUND, GRANT AND SPECIAL REVENUE FUND, DEBT SERVICE FUND, CAPITAL FUND, WATER AND SEWER FUND, WATER TRUST FUND, WASTEWATER TRUST FUND, AIRPORT FUND, STORMWATER FUND, PERMITS AND INSPECTIONS FUND AND WORKERS COMPENSATION SELF-INSURANCE FUND FOR THE FISCAL YEAR 2023-2024; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to amend the budget for the City of DeLand for fiscal year 2023-2024; and

WHEREAS, the City Commission is vested by the Charter of the City of DeLand with the authority to amend the budget.

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

Section 1. The budget of the City of DeLand for fiscal year 2023-2024 is amended in the following manner:

GENERAL FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		50,523,553	377,841	0	50,901,394
	Miscellaneous Revenue				
001-0000-361-100	INTEREST EARNINGS	400,000	377,841	0	777,841
EXPENDITURES		50,523,553	378,527	686	50,901,394
	Administrative Services				
001-0106-544-100	RENTALS & LEASES	11,732	7,061	0	18,793
	Fire				
001-1222-552-000	HARDWARE/SOFTWARE	17,750	10,503	0	28,253
	Police				
001-1226-534-100	CONTRACTUAL SERVICES	12,803	686	0	13,489
001-1226-552-100	OPERATING SUPPLIES	137,193	0	686	136,507
001-1226-552-000	HARDWARE/SOFTWARE	75,151	15,300	0	90,451
	Transfers				
001-9999-991-190	TRANSFER TO GRANTS & SPEC REV	841,384	161,500	0	1,002,884
001-9999-991-300	TRANSFER TO CAPITAL PROJECT FUND	6,286,419	183,477	0	6,469,896
	Contingency				
001-9990-999-100	CONTINGENCY	143,934	0	0	143,934

GRANT AND SPECIAL REVENUE FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		4,244,643	292,984	131,484	4,406,143
	Intergovernmental Revenue				
190-0000-331-500-PW2101	CDBG 2021 - ROW ADA IMPROV	71,061	0	71,060	1
190-0000-331-500-PW2201	CDBG 2022 - ROW ADA IMPROV	60,424	0	60,424	0
190-0000-331-500-PR2423	CDBG 21&22 - TRA THOMAS PARK IMPROVEMENT	0	131,484	0	131,484
	Transfers				
190-9999-381-001-PR2423	TRANSFER FROM GENERAL FUND	0	161,500	0	161,500

GRANT AND SPECIAL REVENUE FUND (continued)

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
EXPENDITURES		4,244,643	292,984	131,484	4,406,143
	Streets				
190-1302-663-000-PW2101	CDBG 2021 - ROW ADA IMPROV	75,798	0	71,060	4,738
190-1302-663-000-PW2201	PROFESSIONAL SERVICES	60,424	0	60,424	0
190-1403-663-000-PR2423	CDBG 21&22 - TRA THOMAS PARK IMPROVEMENT	0	292,984	0	292,984

DEBT SERVICE FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		5,356,444	0	0	5,356,444
EXPENDITURES		5,356,444	131,778	131,778	5,356,444
	Debt Service				
200-0106-771-100	PRINCIPAL	369,510	0	79,255	290,255
200-0106-772-200	INTEREST EXPENSE	144,705	0	52,523	92,182
200-1222-771-100	PRINCIPAL	640,579	20,343	0	660,922
200-1222-772-200	INTEREST EXPENSE	118,915	24,231	0	143,146
200-1800-771-100	PRINCIPAL	0	58,912	0	58,912
200-1800-772-200	INTEREST EXPENSE	0	28,292	0	28,292

CAPITAL FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		11,910,673	312,677	0	12,223,350
	Miscellaneous Revenue				
300-0000-366-100	DONATIONS FOR POLICE DEPT	0	30,000	0	30,000
	Other Sources Revenue				
300-0000-380-000	USE OF RESERVES	764,849	100,000	0	864,849
	Transfers				
300-9999-381-001	TRANSFER FROM GENERAL FUND	6,286,419	182,677	0	6,469,096
EXPENDITURES		11,910,673	322,877	10,200	12,223,350
	Admin Services				
300-0106-663-000-AD2401	CLARA CONCEPT & W VOORHIS STREETSCAPE	0	40,277	0	40,277
	Information Technology				
300-0110-663-000-IT2305	IT OVERHEAD FIBER	103,000	100,000	0	203,000
	Police				
300-1226-662-000-PD2414	BRONZE MEMORIAL MONUMENT	0	30,000	0	30,000
	Fire				
300-1222-662-000-FR2401	FIRE STATION 83 ADDITION	500,000	100,000	0	600,000
	Parks and Recreation				
300-1403-664-000-PR2313	UPGRADE ELEVATOR EQUIPMENT AT STONE ST	10,200	0	10,200	0
300-1403-664-000-PR2405	MODERNIZE ELEVATOR AT MELCHING FIELD	169,000	0	21,100	147,900
300-1403-664-000-PR2406	MODERNIZE ELEVATOR AT BILL DREGGORS	147,000	74,500	0	221,500

WATER & SEWER FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		137,199,662	1,607,498	3,333,768	135,473,392
	Intergovernmental Revenue				
401-0000-384-000-UT2455	SRF LEAD SERVICE LINE REPLACEMENT	0	1,380,000	0	1,380,000
	Miscellaneous Revenue				
401-0000-361-100	INTEREST EARNINGS	600,000	227,498	0	827,498
	Other Sources Revenue				
401-0000-380-200	FUNDS C/O FROM PRIOR YEAR	23,966,442	0	3,333,768	20,632,674
EXPENDITURES		137,199,662	4,544,058	6,270,328	135,473,392
	Water Production				
401-4203-663-000-UT1913	WTP#10 SUPPLY WELLS FG1-2	1,266,733	0	1,174,910	91,823
401-4203-663-000-UT2003	WP#10 DESIGN	2,158,858	0	2,158,858	0
	Water Distribution				
401-4204-531-100	PROFESSIONAL SERVICES	14,500	7,400	0	21,900
401-4204-534-100	CONTRACTUAL SERVICES	260,000	180,000	0	440,000
401-4204-663-000-UT2410	DOWNTOWN WATER IMPROVEMENTS PHASE 1	586,560	0	586,560	0
401-4204-663-000-UT2455	SRF LEAD SERVICE LINE REPLACEMENT	0	1,380,000	0	1,380,000
	Wastewater Treatment				
401-4205-663-000-UT2310	RECLAIM WATER EXPANSION PHASE 6 DESIGN	200,000	19,698	0	219,698
	Utilities Maintenance				
401-4206-664-000-UT2329	#269 F250 PICK UP WITH UTILITY BED	63,764	400	0	64,164
401-4206-662-000-UT2424	L/S #79 REHABILITATION PROJECT	2,350,000	0	2,350,000	0
401-4206-664-000-UT2348	LS #79 REHABILITATION PROJECT	137,101	2,350,000	0	2,487,101
	Customer Service				
401-4209-549-100	OTHER OBLIGATIONS	100	20,000	0	20,100
	Transfers				
401-9999-991-403	TRANSFER TO WATER TRUST FUND	0	586,560	0	586,560

WATER TRUST FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		7,355,252	833,920	0	8,189,172
	Permits, Fees and Special Assessments				
403-0000-324-222	FAIR SHARE & SUPPLEMENTAL	0	191,673	0	191,673
	Miscellaneous Revenue				
403-0000-361-100	INTEREST EARNINGS	0	55,687	0	55,687
	Other Sources Revenue				
403-9999-381-401	TRANSFER FROM W&S FUND	0	586,560	0	586,560
EXPENDITURES		7,355,252	833,920	0	8,189,172
403-4230-663-000-WA2302	DOWNTOWN WATER IMPROVEMENTS DESIGN	79,925	833,920	0	913,845

WASTEWATER TRUST FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		5,363,734	259,713	0	5,623,447
404-0000-380-000	USE OF RESERVES	0	259,713	0	259,713
EXPENDITURES		5,363,734	259,713	0	5,623,447
404-4240-663-000-WW2302	EAST REGIONAL FORCE MAIN PART A1 & A2	0	259,713	0	259,713

AIRPORT FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		8,216,432	1,411	9,702	8,208,141
	Intergovernmental Revenue				
430-0000-389-320-AP2403	FDOT - SOUTH CENTRAL APRON REHAB	96,000	0	7,977	88,023
	Other Sources Revenue				
430-0000-380-000	USE OF RESERVES	54,739	1,411	1,725	54,425
EXPENDITURES		8,216,432	1,411	9,702	8,208,141
430-4300-662-000-AP2001	FDOT - T-HANGARS & ELEC GATE	1,697,554	1,411	0	1,698,965
430-4300-663-000-AP2403	FDOT - SOUTH CENTRAL APRON REHAB	120,000	0	9,702	110,298

STORMWATER FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		3,821,784	185,000	257,389	3,749,395
	Intergovernmental Revenue				
450-0000-389-310	FDEP GRANT REVENUE	0	185,000	0	185,000
	Other Sources Revenue				
450-0000-380-000	USE OF RESERVES	456,948	0	12,535	444,413
450-0000-380-200	FUNDS C/O FROM PRIOR YEAR	1,032,336	0	244,854	787,482
EXPENDITURES		3,821,784	224,850	297,239	3,749,395
450-4500-531-100	PROFESSIONAL SERVICES	26,700	224,850	0	251,550
450-4500-534-100	CONTRACTUAL SERVICES	56,200	0	7,000	49,200
450-4500-544-100	RENTALS & LEASES	25,000	0	12,000	13,000
450-4500-663-000-SW2101	CITY HALL DRAINAGE PIPE 24"	111,090	0	102,320	8,770
450-4500-663-000-SW2102	NEW HAMPSHIRE AVE POND ADDITION	35,413	0	35,413	0
450-4500-663-000-SW2103	BOSTON/RICH AVE DRAINAGE IMPRO	49,316	0	25,424	23,892
450-4500-663-000-SW2203	HUBBARD AVE & HIGH ST DRAINAGE	81,697	0	81,697	0
450-4500-663-000-SW2301	MISC CITY WIDE PIPE LINING REPLACEMENT	33,385	0	33,385	0

PERMITS & INSPECTIONS FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		4,726,339	101	0	4,726,440
	Charges for Services				
480-0000-341-320	BLDG PLANS REVIEW	50,000	101	0	50,101
EXPENDITURES		4,726,339	101	0	4,726,440
480-4800-663-000-PI2103	P&I OFFICE RENOVATIONS	78,146	101	0	78,247

WORKERS COMPENSATION SELF-INSURANCE FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		870,736	35,000	0	905,736
	Miscellaneous Revenue				
510-0000-361-100	INTEREST EARNINGS	0	35,000	0	35,000
EXPENDITURES		870,736	35,000	0	905,736
510-5100-424-230	PREMIUMS	244,471	25,000	0	269,471
510-5100-531-100	PROFESSIONAL SERVICES	86,005	10,000	0	96,005

Section 2. In all other respects the Budget of the City of DeLand, Florida for fiscal year 2023-2024 is hereby ratified and confirmed as adopted by Resolutions 2023-68, 2023-102, 2024-06, 2024-22 & 2024-39.

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

PASSED AND DULY ADOPTED this 17th day of June, 2024.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk-Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

FY 23-24 Budget Amendment Details

ACCOUNT	Account Description	Increase	Decrease	Description
GENERAL FUND				
REVENUES		377,841	0	
001-0000-361-100	INTEREST EARNINGS	377,841		increase funding from Interest Earnings
EXPENDITURES		378,527	686	
001-0106-544-100	RENTALS & LEASES	7,061		increase appropriation for Generator Rental
001-1222-552-000	HARDWARE/SOFTWARE	10,503		increase appropriation for Mobile Eyes
001-1226-534-100	CONTRACTUAL SERVICES	686		increase appropriation for AceWatchDog Service
001-1226-552-000	HARDWARE/SOFTWARE	15,300		increase appropriation for Network Archiver
001-1226-552-100	OPERATING SUPPLIES		686	decrease appropriation for AceWatchDog Service
001-9999-991-190	TRANSFER TO GRANTS & SPEC REV	161,500		increase appropriation for Tra Thomas Park Improvements
001-9999-991-300	TRANSFER TO CAPITAL PROJECT FUND	183,477		increase appropriation for Clara Concept & W Voorhis Streetscape (\$40,277), IT Overhead Fiber (\$100,000) and Modernization of Elevators (\$43,200)
GRANTS & SPECIAL REVENUE FUND				
REVENUES		292,984	131,484	
190-0000-331-500-PW2101	CDBG 2021 - ROW ADA IMPROV		71,060	decrease funding for 2021 ROW ADA improvements (moved to Tra Thomas project)
190-0000-331-500-PW2201	CDBG 2022 - ROW ADA IMPROV		60,424	decrease funding for 2021 ROW ADA improvements (moved to Tra Thomas project)
190-0000-331-500-PR2423	CDBG 21&22 - TRA THOMAS PARK IMPROVEMENT	71,060		increase funding for Tra Thomas Park Improvements
190-0000-331-500-PR2423	CDBG 21&22 - TRA THOMAS PARK IMPROVEMENT	60,424		increase funding for Tra Thomas Park Improvements
190-9999-381-001-PR2423	CDBG 21&22 - TRA THOMAS PARK IMPROVEMENT	161,500		increase funding for Tra Thomas Park Improvements
EXPENDITURES		292,984	131,484	
190-1302-663-000-PW2101	CDBG 2021 - ROW ADA IMPROV		71,060	decrease appropriation for 2021 ROW ADA improvements (moved to Tra Thomas project)
190-1302-663-000-PW2201	CDBG 2022 - ROW ADA IMPROV		60,424	decrease appropriation for 2021 ROW ADA improvements (moved to Tra Thomas project)
190-1403-663-000-PR2423	CDBG 21&22 - TRA THOMAS PARK IMPROVEMENT	71,060		increase appropriation for Tra Thomas Park Improvements
190-1403-663-000-PR2423	CDBG 21&22 - TRA THOMAS PARK IMPROVEMENT	60,424		increase appropriation for Tra Thomas Park Improvements
190-1403-663-000-PR2423	CDBG 21&22 - TRA THOMAS PARK IMPROVEMENT	161,500		increase appropriation for Tra Thomas Park Improvements
DEBT SERVICE FUND				
REVENUES		0	0	
EXPENDITURES		131,778	131,778	
200-0106-771-100	PRINCIPAL		58,912	decrease appropriation for Voorhis Ave Streetscape
200-0106-771-100	PRINCIPAL		20,343	decrease appropriation for FS 83 Improvements
200-0106-772-200	INTEREST EXPENSE		28,292	decrease appropriation for Voorhis Ave Streetscape
200-0106-772-200	INTEREST EXPENSE		24,231	decrease appropriation for FS 83 Improvements
200-1222-771-100	PRINCIPAL	20,343		increase appropriation for FS 83 Improvements
200-1222-772-200	INTEREST EXPENSE	24,231		increase appropriation for FS 83 Improvements
200-1800-771-100	PRINCIPAL	58,912		increase appropriation for Voorhis Ave Streetscape
200-1800-772-200	INTEREST EXPENSE	28,292		increase appropriation for Voorhis Ave Streetscape

FY 23-24 Budget Amendment Details

ACCOUNT	Account Description	Increase	Decrease	Description
CAPITAL PROJECT FUND				
REVENUES		313,477	0	
300-0000-366-100	DONATIONS FOR POLICE DEPT	30,000		increase funding for Bronze PD Memorial Monument
300-0000-380-000	USE OF RESERVES	100,000		increase funding for Fire Station 83 Addition (\$100,000)
300-9999-381-001	TRANSFER FROM GENERAL FUND	183,477		increase funding for Clara Concept & W Voorhis Streetscape (\$40,277), IT Overhead Fiber (\$100,000) and Modernization of Elevators (\$43,200)
EXPENDITURES		344,777	31,300	
300-0106-663-000-AD2401	CLARA CONCEPT & W VOORHIS STREETScape	40,277		increase appropriation for Clara Concept & W Voorhis Streetscape
300-0110-663-000-IT2305	IT OVERHEAD FIBER	100,000		increase appropriation for IT Overhead Fiber
300-1222-662-000-FR2401	FIRE STATION 83 ADDITION	100,000		increase appropriation for Fire Station 83 Addition
300-1226-662-000-PD2414	BRONZE MEMORIAL MONUMENT	30,000		increase appropriation for Bronze PD Memorial Monument
300-1403-664-000-PR2313	UPGRADE ELEVATOR EQUIPMENT AT STONE ST		10,200	decrease appropriation for Upgrade Elevator Equipment at Stone Street
300-1403-664-000-PR2405	MODERNIZE ELEVATOR AT MELCHING FIELD		21,100	increase appropriation for Modernize Elevator at Melching Field
300-1403-664-000-PR2406	MODERNIZE ELEVATOR AT BILL DREGGORS	74,500		increase appropriation for Modernize Elevator at Bill Dreggors
WATER & SEWER FUND				
REVENUES		1,607,498	3,333,768	
401-0000-361-100	INTEREST EARNINGS	227,498		increase funding from Interest Earnings
401-0000-380-200	FUNDS C/O FROM PRIOR YEAR		3,333,768	decrease funding from Carryover Reserves from Prior Year
401-0000-384-000-UT2455	SRF LEAD SERVICE LINE REPLACEMENT	1,380,000		increase funding for Lead and Copper Rule Revisions Program
EXPENDITURES		4,544,058	6,270,328	
401-4203-663-000-UT1913	WTP#10 SUPPLY WELLS FG1-2		1,174,910	reduce appropriation for WTP #10 Supply Wells FG 1-2 (Fairgrounds)
401-4203-663-000-UT2003	WP#10 DESIGN		2,158,858	reduce appropriation for Water Plant #10 Design
401-4204-531-100	PROFESSIONAL SERVICES	7,400		increase appropriation for Line Stops at Amelia Ave
401-4204-534-100	CONTRACTUAL SERVICES	180,000		increase appropriation for Backflow Testing
401-4204-663-000-UT2410	DOWNTOWN WATER IMPROVEMENTS PHASE 1		586,560	decrease appropriation for Downtown Water Improvements Phase 1 (combining projects)
401-4204-663-000-UT2455	SRF LEAD SERVICE LINE REPLACEMENT	1,380,000		increase appropriation for Lead and Copper Rule Revisions Program
401-4205-663-000-UT2310	RECLAIM WATER EXPANSION PHASE 6 DESIGN	19,698		increase appropriation for Reclaim Water Main Expansion Phase 6 Design
401-4206-664-000-UT2329	#269 F250 PICK UP WITH UTILITY BED	400		increase appropriation for F250 Pickup
401-4206-662-000-UT2424	L/S #79 REHABILITATION PROJECT		2,350,000	decrease appropriation for LS #79 Rehabilitation Project (combining projects)
401-4206-664-000-UT2348	LS #79 REHABILITATION PROJECT	2,350,000		increase appropriation for LS #79 Rehabilitation Project (combining projects)
401-4209-549-100	OTHER OBLIGATIONS	20,000		increase appropriation for Utility Billing Customization
401-9999-991-403	TRANSFER TO WATER TRUST FUND	586,560		increase appropriation for Downtown Water Improvements Phase 1 (combining projects)
WATER TRUST FUND				
REVENUES		833,920	0	
403-0000-324-222	FAIR SHARE & SUPPLEMENTAL	191,673		increase funding from Fair Share Agreements
403-0000-361-100	INTEREST EARNINGS	55,687		increase funding from Interest Earnings
403-9999-381-401	TRANSFER FROM W&S FUND	586,560		increase funding for Downtown Water Improvements (combining projects)
EXPENDITURES		833,920	0	
403-4230-663-000-WA2302	DOWNTOWN WATER IMPROVEMENTS DESIGN	833,920		increase appropriation for DOWntown Water Improvements Design
WASTEWATER TRUST FUND				
REVENUES		259,713	0	
404-0000-380-000	USE OF RESERVES	259,713		increase funding from Use of Reserves
EXPENDITURES		259,713	0	
404-4240-663-000-WW2302	EAST REGIONAL FORCE MAIN PART A1 & A2	259,713		increase appropriation for East Regional Force Main Part A1 & A2

FY 23-24 Budget Amendment Details

ACCOUNT	Account Description	Increase	Decrease	Description
AIRPORT FUND				
REVENUES		1,411	9,702	
430-0000-389-320-AP2403	FDOT - SOUTH CENTRAL APRON REHAB		7,977	decrease funding for South Central Apron Rehab
430-0000-380-000	USE OF RESERVES		1,725	decrease funding for South Central Apron Rehab
430-0000-380-000	USE OF RESERVES	1,411		increase funding for T-Hangars and Electric Gate
EXPENDITURES		1,411	9,702	
430-4300-662-000-AP2001	FDOT - T-HANGARS & ELEC GATE	1,411		increase appropriation for T-Hangars and Electric Gate
430-4300-663-000-AP2403	FDOT - SOUTH CENTRAL APRON REHAB		9,702	reduce appropriation for South Central Apron Rehab
STORMWATER FUND				
REVENUES		185,000	257,389	
450-0000-380-000	USE OF RESERVES		12,535	decrease funding for Misc. City Wide Pipe Lining Replacement (\$12,535)
450-0000-380-200	FUNDS C/O FROM PRIOR YEAR		244,854	decrease funding for City Hall Drainage Pipe 24" (\$102,320), New Hampshire Ave Pond Additions (\$35,413), Boston/Rich Ave Drainage Improvement (\$25,424) and Hubbard Ave & High St Drainage (\$81,697)
450-0000-389-310	FDEP GRANT REVENUE	185,000		increase funding for Vulnerability Assessment & Adaptation Plan
EXPENDITURES		224,850	297,239	
450-4500-531-100	PROFESSIONAL SERVICES	39,850		increase appropriation for fence maintenance
450-4500-531-100	PROFESSIONAL SERVICES	185,000		increase appropriation for Vulnerability Assessment & Adaptation Plan
450-4500-534-100	CONTRACTUAL SERVICES		7,000	decrease appropriation for contractual services
450-4500-544-100	RENTALS & LEASES		12,000	decrease appropriation for rentals and leases
450-4500-663-000-SW2101	CITY HALL DRAINAGE PIPE 24"		102,320	decrease appropriation for City Hall Drainage Pipe 24"
450-4500-663-000-SW2102	NEW HAMPSHIRE AVE POND ADDITION		35,413	decrease appropriation for New Hampshire Ave Pond Addition
450-4500-663-000-SW2103	BOSTON/RICH AVE DRAINAGE IMPRO		25,424	decrease appropriation for Boston/Rich Ave Drainage Improvement
450-4500-663-000-SW2203	HUBBARD AVE & HIGH ST DRAINAGE		81,697	decrease appropriation for Hubbard Ave & High St Drainage
450-4500-663-000-SW2301	MISC CITY WIDE PIPE LINING REPLACEMENT		33,385	decrease appropriation for Misc. City Wide Pipelining Replacement
PERMITS & INSPECTIONS FUND				
REVENUES		101	0	
480-0000-341-320	BLDG PLANS REVIEW	101		increase funding for Permits & Inspections Office Renovations
EXPENDITURES		101	0	
480-4800-663-000-PI2103	P&I OFFICE RENOVATIONS	101		increase appropriation for Permits & Inspections Office Renovations
WORKERS' COMPENSATION FUND				
REVENUES		35,000	0	
510-0000-361-100	INTEREST EARNINGS	35,000		increase funding for Interest Earnings
EXPENDITURES		35,000	0	
510-5100-424-230	PREMIUMS	25,000		increase appropriation for Premiums
510-5100-531-100	PROFESSIONAL SERVICES	10,000		increase appropriation for PEN agreement

CITY OF DELAND
Request for Commission Action
June 17, 2024

SUBJECT: Consideration re Task Order Assignment, East Regional Force Main Part A-1 & A-2 Construction Phase Services.

DEPARTMENT: Utilities

PREPARED BY: Jim Ailes, Deputy Public Serv. Director/Utilities Director

ATTACHMENTS: DE -East Regional FM Scope

APPROVED BY: Michael Pleus, City Manager, June 12, 2024

SUMMARY/HIGHLIGHT:

In the 22/23 fiscal budget, the City Commission approved a capital project to start the design and construction of an East Regional Force Main Sewer Part A project. As a reminder, this project will redirect the force main flow from New Hampshire force main from the south side of DeLand to the new connection at the Eastside Master Sewage Station at the WWTP for the new tankage expansion. In addition, the line will head north on Garfield and east on Voorhis to Blue Lake. Along the route several lift stations will be disconnected from the eastside gravity main and connected to this force main to free of capacity on the gravity pipe. Additional future phases will connect up to the SR44 Roundabout area and eventual extension to the Airport Master Lift Stations.

This project task assignment will oversee the construction, re-routing of lift stations and force main flows, extension of reclaim line down Garfield to new plant site, swapping lines, pressure testing, and restoration work that will be required. An agreement is in place between the City and Mead & Hunt, as an approved provider for construction, engineering, and inspection services. The subject task order, if approved, will provide services for the project management, contract administration services, construction engineering and inspection (CEI) service, construction observation, and project closeout documents. These tasks described above, due to the nature of this large diameter pipe project, require a full-time inspector, which is not normal for our city utility inspectors to provide. Staff did negotiate a lower price based on the utilization of the onsite inspector at the WWTP project to oversee the project in conjunction around the Public Services Complex, with no additional cost.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government.

SUSTAINABILITY:

Facilities & Infrastructure.

FISCAL IMPACT:

This proposed task order, if approved, will result in an obligation of \$259,713.00 per the attached scope. Funds are available in Wastewater Trust Fund reserves to cover this project and are included in a corresponding budget amendment presented to the City Commission for approval.

RECOMMENDATION:

Staff recommends that the City Commission approve the subject task order with Mead & Hunt to provide Construction Phase Services for the East Regional Force Main Sewer Part A-1 & A-2 Construction project.

BACKGROUND/DISCUSSION:

This project will be the first phase of getting flow to the new WWTP and relieving some capacity on the Eastside Gravity Main. The future phases will allow continued reductions on the Eastside Gravity Main flow by reductions of force mains from the I-4 corridor and the splitting of the two Airport Master Lift Station onto separate lines. This complete project is critical to the proper operation of the eastern section of the DeLand Utility Service area sewer system.



May 15, 2024

James V. Ailes
Deputy Public Services/ Utilities Director
City of DeLand
1101 S. Amelia Avenue
DeLand, FL 32724

Email: Ailesj@deland.org
Hard Copy Mailed Only on Request

Subject: Construction Engineering and Inspection (CEI) Services Proposal for East Regional Force Main, Part A

Dear Jim,

In accordance with your request, we are pleased to offer the enclosed scope of services and fee estimate for the East Regional Force Main, Part A project. Proposed construction engineering and inspection (CEI) services include bidding assistance, contract administration, resident project representative (RPR) and project closeout services. The project itself is a major force main extension that will ultimately serve the east and northeast quadrants of the City. It includes:

1. Approximately 12,000 LF of sewage force main from the intersection of E. Voorhis Ave./ N. Blue Lake Ave., east on Voorhis Ave. to S. Garfield Ave. and following S. Garfield Ave. to a termination point at the Wiley M. Nash Water Reclamation Facility (WRF).
2. Connection of the west side force main to the new East Master Lift Station (EMLS) from New Hampshire Ave. to the new influent structure on Garfield Ave.
3. Connection of existing force mains from Pump Stations #61, #33, #34 and #2 to the new proposed East Regional Force Main.

If you have any questions or require additional information, please contact me.

Sincerely,
MEAD & HUNT, INC.



Brad T. Blais, PE
Vice President/Client Manager

BTB/NA;bf



Noah Adamoski
Construction Services Supervisor

**CITY OF DELAND
SCOPE OF SERVICES
FOR
CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES PROPOSAL FOR
EAST REGIONAL FORCE MAIN, PART A**

The Task Order is in conformance with the Agreement for Continuing Professional Engineering Services dated November 20, 2023 as set forth under the terms of solicitation No. RFQ-23-02, between the City of DeLand (OWNER) and Mead & Hunt, Inc. (MEAD & HUNT) and is referred to herein as the Contract.

GENERAL

The project involves construction of the East Regional Force Main, Part A, as described below:

1. Approximately 12,000 LF of sewage force main from the intersection of E. Voorhis Ave./ N. Blue Lake Ave., east on Voorhis Ave. to S Garfield Ave. and following S. Garfield Ave. to a termination point at the Wiley M. Nash Water Reclamation Facility (WRF).
2. Connection of the west side force main to the new East Master Lift Station (EMLS) from New Hampshire Ave. to the new influent structure on Garfield Ave.
3. Connection of existing force mains from Pump Stations #61, #33, #34 and #2 to the new proposed East Regional Force Main.

SCOPE OF SERVICES

After receipt of authorization to proceed, MEAD & HUNT will provide the following services:

PHASE 1 – PROJECT MANAGEMENT

Project Coordination

MEAD & HUNT's Project Manager (PM) will monitor and manage the project budget, schedule, and scope throughout the estimated 12-month total project duration. The PM will manage the development of project work and subconsultant efforts. If the project extends beyond twelve (12) months, additional labor and fees may be required.

PHASE 2 – BIDDING ASSISTANCE

Tasks to be performed by MEAD & HUNT include preparation of bid set plans and specifications and submission of digital plans and specifications to the CITY. The CITY will post plans to Demandstar and/or alternate on-line bidding service. The CITY will post the bid advertisement that includes dates and locations for the pre-bid meeting, last day for questions, bid submission and additional calendar of events.

MEAD & HUNT will attend the pre-bid meeting and answer questions from bidders. MEAD & HUNT will prepare addenda in response to bidder's questions and forward to CITY for upload. MEAD & HUNT will attend the bid opening, review bidders and evaluate bidders' qualifications. Upon determination of a qualified bid and bidder, MEAD & HUNT will prepare an award recommendation for subsequent CITY approval and award.

PHASE 3 - CONTRACT ADMINISTRATION SERVICES

MEAD & HUNT will provide the following contract administration services to the OWNER for the 12-month project duration:

Construction Contract Execution

MEAD & HUNT will coordinate the execution of the construction contract between the OWNER and the contractor, including reviewing insurance certificates for proper limits and coordinating the recording of the public construction bonds by the contractor.

Issued for Construction Documents

MEAD & HUNT will prepare conformed drawings and technical specifications "Issued for Construction" by incorporating bidder questions and addendums and provide those to the OWNER (in electronic format) for inclusion in the Contract documents.

Deliverables – Issued for Construction Documents

- Issued for Construction Drawings
- Issued for Construction Specifications

Pre-Construction Meeting

MEAD & HUNT will coordinate and preside over an in-person and virtual pre-construction meeting with the OWNER, contractor, and other project stakeholders. MEAD & HUNT will prepare the agenda and distribute to all invitees prior to meeting. MEAD & HUNT will prepare the meeting summary and distribute meeting summary to all attendees.

Deliverables – Pre-Construction Meeting

- Meeting Agenda and Summary

Notice to Proceed

MEAD & HUNT will issue the notice to proceed (NTP) to the contractor on behalf of the OWNER.

Deliverables – Notice to Proceed

- Notice to Proceed Letter

Progress Meetings

MEAD & HUNT will coordinate and preside over construction progress meetings. MEAD & HUNT will prepare agendas, meeting summaries, and distribute to all attendees.

Deliverables – Progress Meetings

- Monthly progress meeting agendas and summaries

Construction Submittals

MEAD & HUNT will receive, review, and respond to Contractor construction submittals and resubmittals for conformance with construction and contract requirements. Such review or other action shall not extend to means, methods, sequences, techniques, or procedures of construction selected by the Contractor, or to safety precautions and programs.

MEAD & HUNT will receive, review, and respond to Contractor assembled submittals for operations and maintenance manuals, guarantees, and certificates of inspection (for general contents as required by the Contract documents). These are included in the construction submittals count noted above.

MEAD & HUNT will maintain a log of submittals with submittal number, submittal name, date received, reviewer, action taken, and date returned. MEAD & HUNT will review and return shop drawings within fourteen (14) calendar days of receipt of the submittal. Contractor requests for substitute materials and/or equipment shall be reviewed during submittal process and MEAD & HUNT will provide a recommendation on the submittal response to the OWNER.

Deliverables – Construction Submittals

- Construction submittal review packages
- Submittal log

Requests for Information (RFI's)

MEAD & HUNT will receive and respond to contractor RFI's related to clarification of the contract documents, design intent, or field conditions. MEAD & HUNT will prepare and maintain a RFI log, noting the date received, subject, resolution and date response was returned to the contractor.

Deliverables – RFIs

- RFI response packages
- RFI response log

Field/Change Orders

MEAD & HUNT will prepare, issue, and coordinate field orders, requests for proposals (RFP's), and change orders in coordination with the OWNER. MEAD & HUNT will maintain a log of field changes and

pending changes. MEAD & HUNT will provide assistance during negotiations of contractor cost proposals and will review claims and provide recommendations to the OWNER.

Deliverables – Field/Change Orders

- Field and change order packages and supporting documentation
- Field and change order log

Pay Applications

MEAD & HUNT will review up to twelve (12) monthly payment applications from the contractor and provide a written recommendation for payment to the OWNER based on construction progress. MEAD & HUNT will review pay application supporting documentation, including updated construction schedules, record drawings, stored materials, release of liens, and as approved change/field orders.

Deliverables – Pay Applications

- Pay application recommendations

Site Visits

MEAD & HUNT will conduct periodic site visits during construction to monitor construction and compliance with the construction contract documents.

PHASE 4 – CONSTRUCTION OBSERVATION

MEAD & HUNT will supply a resident project representative (RPR) for construction observation and documentation for the expected twelve (12) months of construction activity. At this time, the estimated construction observation efforts are estimated to require approximately twenty-four (24) hours per week. The duration and amount of work effort may vary based on the contractor's efforts and the OWNER's needs. The RPR will observe the construction activities, review conformance with contract documents, observe quality assurance testing, maintain a detailed log including red-line construction drawings, field verify work quantities, and collect/forward and verify resolution of resident/property owner complaints. These efforts will be documented in electronic reports of construction and will include construction photographs. Quality control will be completed by an Inspection Supervisor and the Project Manager in the form of field visits and work product review.

Deliverables – Construction Observation

- Reports of Construction
- Construction Photographs
- Red-Line Construction Drawings

PHASE 5 – PROJECT CLOSEOUT

Substantial and Final Completion

MEAD & HUNT will determine substantial completion and attend substantial and final walkthroughs. RPR will document punchlist items at both substantial and final walkthroughs and verify completion of punchlist items before final closeout.

Deliverables – Substantial and Final Completion

- Substantial completion punchlist items (electronic PDF format)
- Final completion punchlist items (electronic PDF format)

As-Built Review and Record Drawings

MEAD & HUNT will review contractor final as-builts for compliance with the contract documents. MEAD & HUNT will prepare final record drawings utilizing contractor as-builts and inspector sketches, photographs, and other documentation. Record drawings to be provided electronically to the OWNER.

Deliverables – As-Built Review and Record Drawings

- Acceptable Contractor as-builts (Electronic PDF and AutoCAD Format)
- Record Drawings (Electronic PDF and AutoCAD Format)

Permitting Closeout

MEAD & HUNT will prepare and provide certifications of completion to the following permitting agencies for permit closeout:

- FDEP
- FDOH
- Volusia County

PHASE 6 – SUBCONSULTANTS AND REIMBURSABLES

Items under this phase include out-of-pocket direct job expenses such as subconsultants, reproductions, postage, etc. It is assumed permit application fees will be paid by the OWNER, as required. Items included in this phase will be billed at actual cost plus 10%.

EXCLUSIONS

This scope of services excludes all items not specifically described herein.

SCHEDULE

Mead & Hunt estimates the work included in this task order will be completed in accordance with the following schedule:

Phase/Task	Duration to Complete (calendar days)	Commencing Upon
Phase 1 – Project Management	365 days	Receipt of notice to proceed
Phase 2 – Bidding Assistance	365 days	Receipt of notice to proceed
Phase 3 – Contract Administration	365 days	Receipt of notice to proceed
Phase 4 – Construction Observation	365 days	Receipt of notice to proceed
Phase 5 – Project Closeout	365 days	Receipt of notice to proceed
Phase 6 – Reimbursables	365 days	Receipt of notice to proceed

The above timeframes *do not* include OWNER and agency review time.

COMPENSATION

The proposed fee is based on the following breakdown:

Phase/Task	Fee/Cost	Basis
Phase 1 – Project Management	\$10,310	Lump Sum
Phase 2 – Bidding Assistance	\$9,686	Lump Sum
Phase 3 – Construction Engineering and Inspection (CEI) Services	\$78,785	Lump Sum
Phase 4 – Construction Observation	\$147,138	Time & Expenses
Phase 5 – Project Closeout	\$12,794	Lump Sum
Subtotal	\$258,713	
Phase 6 – Subconsultants/Reimbursables	\$1,000	Actual cost plus 10%
TOTAL	\$259,713	

AUTHORIZATION:

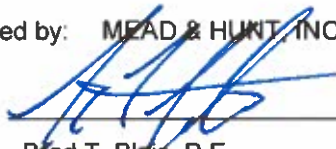
The scope of services and compensation stated in this proposal are valid for a period of thirty (30) days from date of submission. If authorization to proceed is not received during this period, this proposal may be withdrawn or modified by MEAD & HUNT.

Jim Ailes
May 15, 2024
Page 8

Accepted by: CITY OF DELAND

Approved by: MEAD & HUNT, INC.

By: _____

By:  _____

Name: _____

Name: Brad T. Blais, P.E. _____

Title: _____

Title: Vice President/Client Manager _____

*The above person is authorized to sign for Owner
and bind the Owner to the terms hereof.*

Date: _____

Date May 29, 2024 _____

PURSUANT TO FLORIDA STATUTE SECTION 558.0035, AN
INDIVIDUAL EMPLOYEE OR AGENT OF MEAD & HUNT INC. MAY NOT
BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.

IF THE CONTRACTOR (MEAD & HUNT, INC.) HAS QUESTIONS REGARDING THE APPLICATION
OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S (MEAD & HUNT, INC.'s) DUTY
TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT (PROPOSAL), CONTACT THE
CUSTODIAN OF PUBLIC RECORDS AT CITY HALL, CITY OF DELAND, 120 SOUTH FLORIDA
AVENUE, DELAND, FL 32720, City Clerk, Julie A. Hennessy, MMC (386) 626-7130,
Hennessy@deland.org.

CITY OF DELAND
Request for Commission Action
June 17, 2024

SUBJECT: Consideration re Approval of DeLand Airport's Part 26 Disadvantaged Business Enterprise /Small Business Enterprise Program.

DEPARTMENT: Airport

PREPARED BY: John Eiff, Airport Manager

ATTACHMENTS: DED DBE Program Plan_2024-05v2

APPROVED BY: Michael Pleus, City Manager, June 11, 2024

SUMMARY/HIGHLIGHT:

The City is required, as a condition of its FAA grants, to develop three-year Disadvantaged Business Enterprise (DBE) program goals. The proposed Disadvantaged Business Enterprise (DBE) program includes a review of the City's past contracts and available DBE business in the area and establishment of target DBE/SBE participation for upcoming state and federal airport projects.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Sustainability.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The DBE/SBE program has no financial impact.

RECOMMENDATION:

Staff recommends approval of the Disadvantaged Business Enterprise Program Plan.

BACKGROUND/DISCUSSION:

The proposed program plan is required as a consideration of current and future FAA/FDOT grants.



***City of DeLand, Florida
Disadvantaged Business Enterprise
(DBE) / Small Business Enterprise (SBE)
Program***

Prepared for:
**DeLand Municipal Airport
Sidney H. Taylor Field**

May 2024

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Attachments

Attachment 1 Link to 49 CFR Part 26

Attachment 2 Organizational Chart

Attachment 3 Bidders List Collection Form

Attachment 4 Florida DBE Directory Weblink

Attachment 5 Overall DBE Three-Year Goal Methodology

Attachment 6 Demonstration of Good Faith Efforts or Good Faith Effort Plan – Forms 1 and 2

Attachment 7 DBE Monitoring and Enforcement Mechanisms

Attachment 8 DBE Certification Application Form

Attachment 9 State of Florida UCP

Attachment 10 Small Business Element Program

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The City DeLand, Florida, owner of the DeLand Municipal Airport – Sidney H Taylor Field, has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The City of DeLand has received federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the City of DeLand has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as “Part 26”).

It is the policy of the City of DeLand to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT – assisted contracts. It is also the City of DeLand’s policy to engage in the following actions on a continuing basis:

1. Ensure nondiscrimination in the award and administration of DOT- assisted contracts.
2. Create a level playing field on which DBEs can compete fairly for DOT- assisted contracts.
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law.
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs.
5. Help remove barriers to the participation of DBEs in DOT assisted contracts.
6. Promote the use of DBEs in all types of federally assisted contracts and procurement activities.
7. Assist the development of firms that can compete successfully in the marketplace outside the DBE Program
8. Make appropriate use of the flexibility afforded to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

Mr. John Eiff, Airport Manager, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, Mr. John Eiff, Airport Manager, is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of DeLand in its financial assistance agreements with the Department of Transportation.

The City of DeLand has disseminated this policy statement to the DeLand City Commission, the Mayor-Commissioner, and all the components of our organization. This statement has been distributed to DBE

and non-DBE business communities that may perform work on the City of DeLand DOT-assisted contracts. The distribution was accomplished by email to each City Commissioner, the Mayor-Commissioner, the City Manager, and the Airport Manager.

Mr. Chris Cloudman, Mayor-Commissioner

Date

GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are elaborated in the policy statement on the first page of this program.

Section 26.3 Applicability

The City of DeLand is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, et seq.

Section 26.5 Definitions

The City of DeLand will use terms in this program that have their meanings defined in Part 26.5.

Section 26.7 Non-discrimination Requirements

The City of DeLand will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 based on race, color, sex, or national origin.

In administering its DBE program, the City of DeLand will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT

The City of DeLand will provide data about its DBE Program to the Department as directed by the Federal Aviation Administration (FAA), Office of Civil Rights. DBE participation will be reported to the FAA, Office of Civil Rights, as follows: The City of DeLand will transmit to the FAA, Office of Civil Rights, annually, by or before December 1, the information required for the “Uniform Report of DBE Awards or Commitments and Payments”, as described in Appendix B to Part 26. This information will include the information as shown on the Bidder’s List Collection Form as shown in Attachment 3. The City of DeLand will similarly report the required information about participating DBE firms. All reporting will be done through the FAA, Office of Civil Rights’ official reporting system, or another format acceptable to the FAA as instructed thereby.

Bidders List

The City of DeLand will maintain access to an up-to-date Florida Department of Transportation (FDOT) DBE Directory, which is be made available through the FDOT website at: www.fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/CustomSearch.aspx. The purpose of the list is to provide as timely and accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on the City of DeLand DOT-assisted contracts, for use in helping to set overall goals.

The Directory indicates which firms have passed FDOT's certification process. The Directory shall contain the following minimum information on each firm listed:

- Firm's Name
- Type of Work
- Address
- Telephone Number
- DBE status
- Contact Person
- Date of most recent certification
- NAICS Codes

Companies listed in the Directory are classified by the major type of work that the company can perform. In the event a bidder names other DBEs that he/she desires to use, these firms will be included in the Directory only after they have been certified by FDOT.

The FDOT DBE Directory is available to bidders interested in meeting DBE goals or to locate DBEs capable of performing work. All information in the Directory is reviewed and updated daily. In the event a bidder desires more information about a listed DBE, they are encouraged to solicit that information from the firm directly by contacting the person listed in the Directory.

The City of DeLand will on an annual basis submit the Uniform Report of DBE Awards and Commitments and Payments (Attachment 11) to the FAA. This report will be completed using information obtained from the Bidders List Collection Form (Attachment 3), which will become part of the bid package to be submitted by each bidder of any project which includes FAA Airport Improvement Program (AIP) funds. Further, The City of DeLand will maintain records of each firm's compliance for a minimum of three years.

At a minimum, the city will keep a complete application package for each certified firm and all affidavits of no change, change notices, and on-site reviews.

Section 26.13 Federal Financial Assistance Agreement

The City of DeLand has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance:

Each financial assistance agreement the City of DeLand signs with a DOT operating administration such as the FAA (or a primary recipient) will include the following assurance:

“The City of DeLand shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT- assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The City of DeLand shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The City of DeLand DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the City of DeLand of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).”

Contract Assurance:

The City of DeLand will ensure that the following clause is included in each DOT-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

“The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

1. Withholding monthly progress payments
2. Assessing sanctions
3. Liquidated damages; and/or
4. Disqualifying the contractor from future bidding as non- responsible”

ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The City of DeLand is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. The City of DeLand is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and the City of DeLand is in compliance with it and Part 26. The City of DeLand will continue to carry out this program until all funds from DOT financial assistance have been expended. The City of DeLand does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted for DOT approval.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this DBE Program.

Section 26.25 DBE Liaison Officer

The following individual has been designated as the DBE Liaison Officer (DBELO) for the City of DeLand:

Mr. John Eiff
Airport Manager
DeLand Municipal Airport
1000 Flight Line Blvd.
DeLand, FL 32724
(386) 626-7240
EiffJ@DeLand.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City of DeLand complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the City of DeLand City Manager concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is included in Attachment H to this program.

The DBELO is responsible for developing, implementing, and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of seven to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes the City of DeLand's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Mayor-Commissioner, the City Manager, and the City Commission on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Provides outreach to DBEs and community organizations, upon request, to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of the City of DeLand to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

The DBELO will maintain an up-to-date listing of local and regional banks, which are owned and managed by socially and economically disadvantaged individuals. The listing will reflect the latest knowledge, available to the City of DeLand, as to the full range of services in each bank. The DBELO will serve as the City of DeLand's focal point to carry out the City's policy to utilize the listed services of these banks, to the greatest extent possible. The City's investigation with the National Bankers Association (NBA), an agency that tracks minority owned banks, indicates that there are three banks in this area, which are known to be owned by socially and economically disadvantaged individuals. Those three banks are:

Central Bank,
702 Orange Ave.
Winter Park, FL 32789

Ocean Bank
111 North Magnolia Ave., Suite 100
Orlando, FL 32801

Amerasia Bank
5210 W. Colonial Drive
Orlando, FL 32808

The DBELO will investigate any new banks established in the community, in the future, which are owned by socially and economically disadvantaged individuals, and use their services when feasible. When a bank, owned and operated by socially and economically disadvantaged individuals, is opened at any time during the period of this approved Program, the city will provide notification to prime contractors.

Section 26.29 Prompt Payment Mechanisms

The City of DeLand requires that all subcontractors performing work on DOT- assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law.

In accordance with 49 CFR §26.29, the City of DeLand established a contract clause implementing this requirement and requires prime contractors to pay subcontractors and suppliers for satisfactory performance of their contracts no later than 10 days from the prime contractor's receipt of each payment from the City of DeLand. In turn, the subcontractor must pay their subcontractors and suppliers within 7 days of having been paid by the prime contractor.

The City of DeLand ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 10 days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, the City of DeLand has selected the following method to comply with this requirement:

The City of DeLand will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all

retainage owed to the subcontractor for satisfactory completion of the accepted work within 10 days after the city's payment to the prime contractor.

To implement this measure, the City of DeLand includes the following clause from FAA Advisory Circular 150/5370-10 in each DOT-assisted prime contract:

“The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 10 days after the Contractor has received a partial payment. The Owner must ensure prompt and full payment of retainage from the prime Contractor to the subcontractor within 10 days after the subcontractor's work is satisfactorily completed. A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Owner.

When the Owner has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

From the total of the amount determined to be payable on a partial payment, 10 percent of such total amount will be deducted and retained by the Owner until the final payment is made, except as may be provided (at the Contractor's option) in the subsection 90-08 of AC 150/5370-10 titled PAYMENT OF WITHHELD FUNDS of this section. The balance 90 percent of the amount payable, less all previous payments, shall be certified for payment. Should the Contractor exercise his or her option, as provided in the subsection 90-08 of AC 150/5370-10 titled PAYMENT OF WITHHELD FUNDS of this section, no such percent retainage shall be deducted.

When at least 95 percent of the work has been completed, the Engineer shall, at the Owner's discretion and with the consent of the surety, prepare estimates of both the contract value and the cost of the remaining work to be done.

The Owner may retain an amount not less than twice the contract value or estimated cost, whichever is greater, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor.”

Section 26.31 Directory

The City of DeLand is not a member of the Florida Unified Certification Program (UCP). However, the UCP maintains a directory identifying all firms eligible to participate as DBEs on FDOT projects, which contains all the elements required by §26.31.

Section 26.33 Over-concentration

The City of DeLand has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

In 2004, the Ken Shipley Small Business Development Center at the University of Central Florida (UCF) in DeLand was established to provide one-on-one counseling and training to prospective, emerging, and established entrepreneurs. The Ken Shipley SBDC provides the necessary tools its entrepreneurs need through its Certified Business analysts who help to develop business plans, marketing plans, feasibility studies, market research, loan proposals, and strategic plans.

Prospera is a leading Hispanic economic development non-profit organization in Florida. It specializes in providing bilingual assistance to Hispanic entrepreneurs trying to establish or expand their business in Florida. Prospera offers services for those wanting to start or expand a business or simply need information about small business resources.

The DeLand UCF Business Incubator is a community partnership that provides early-stage companies with the enabling tools, training, and infrastructure to create financially stable high growth/impact enterprises. The incubator program provides a variety of services, which include shared reception, office equipment, conference rooms, support services, as well as educational programs and mentoring in all aspects of business development and business growth.

Section 26.37 Monitoring Responsibilities

The City of DeLand implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in the City's DBE program.

The City of DeLand actively monitors participation by maintaining a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.

Monitoring Payments to DBEs and non-DBEs

The City of DeLand undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

- The prime contractor shall submit a report of DBE expenditures.
- The report shall show all DBE and non-DBE subcontractors, the amount of their subcontract, the amount earned to date, the amount paid to date, and the amount remaining to be earned.
- The report shall also have each DBE subcontractor verify the amounts earned and paid to date.
- The prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.
- The DBELO will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.
- The DBELO will perform interim audits of each contractor's payments to DBEs to review payments to DBEs and ensure that the actual amount paid to DBE subcontractors equals the dollar amount stated in the schedule of DBE participation.

The City of DeLand requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the city's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of the City of DeLand or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

The City of DeLand proactively reviews contract payments to subcontractors including DBEs on a quarterly basis. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to City of DeLand by the prime contractor.

Prompt Payment Dispute Resolution

The City of DeLand will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.

1. Hold meetings with representatives of the prime contractor, the sub-contractor, the resident project representative and/or the project manager to resolve the payment dispute.
2. Every attempt will be made to have individuals authorized to bind each interested party with the authority to take enforcement action at the meeting, including representatives from the City of DeLand.

The City of DeLand has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage:

Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure:

- The subcontractor should first contact the contracting prime directly to inquire as to the reason that prompt payment(s) have not been received.
- Should the subcontractor not receive a satisfactory answer from the contracting prime, or is uncomfortable contacting the contracting prime directly, the subcontractor should notify the DBELO in writing of the issue and ask for resolution.
- If filing a written complaint with the DBELO does not result in prompt, significant action by the City of DeLand to resolve the prompt payment issue, the DBE subcontractor may contact the FAA Office of Civil Rights as follows:

Federal Aviation Administration
Office of Civil Rights
Southern Region Headquarters, ASO-9
P. O. Box 20636
Atlanta, GA 30320-0631

Main Phone: (404) 305-5250

Office Fax: (404) 305-5258

Location: 1701 Columbia Ave.

College Park, GA 30337

Hours of Operation: From 8 a.m. to 4:30 p.m. Eastern Time

- Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

Enforcement Actions for Noncompliance of Participants

The City of DeLand will provide appropriate means to enforce the requirements of §26.29. These means include:

- In accordance with the contract, assessing liquidated damages against the prime contractor for each day beyond the required period the prime contractor fails to pay the subcontractor.
- Advise subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract.
- Pay subcontractors directly and deduct this amount from the retainage owed to the prime.
- Issue a stop-work order until payments are released to subcontractors, specifying in the contract that such orders constitute unauthorized delays for the purposes of calculating liquidated damages if milestones are not met.

The City of DeLand will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites

The City of DeLand reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. Work site monitoring is performed by the DBELO and the design consultant project manager. Contracting records are reviewed by the DBELO and the design consultant project manager. The City of DeLand will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

Section 26.39 Fostering Small Business Participation

The City of DeLand has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The small business element is incorporated as Attachment 10 to this DBE Program. The program elements will be actively implemented to foster small business participation. Implementation of the small business element is required for the City of DeLand to be considered by DOT as implementing this DBE program in good faith.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The City of DeLand does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The City of DeLand will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. In accordance with §26.45(f), the City of DeLand will submit its Overall Three-year DBE Goal to the FAA Office of Civil Rights by August 1st of the year in which the goal is due, as required by the schedule established by and posted to the website of the FAA Office of Civil Rights.

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the City of DeLand does not anticipate awarding prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any of the years within the three-year reporting period, an overall goal will not be developed. However, this DBE Program will remain in effect and City of DeLand will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. The City of DeLand will use the Florida Department of Transportation DBE Directory as a method to determine the base figure. The City of DeLand understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

Step 2. The second step is to adjust, if necessary, the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination. Adjustments may be made based on past participation, information from a disparity study (to the extent it is not already accounted for in the base goal), and/or information about barriers to entry to past competitiveness of DBEs on contracts. The City of DeLand will examine all the evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made. The City of DeLand does not currently have evidence that such an adjustment is need.

Any methodology selected will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the City of DeLand market. The methodology for determining the goal is presented in Attachment 5.

In establishing the overall goal, the City of DeLand will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations, which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by the City of DeLand to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before the City of DeLand is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which the City of DeLand engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met. The persons or groups with whom this consultation occurred should be listed specifically in the goal methodology and calculation attachment. The City of DeLand advertised for such a consultation on March 1, 2024, and a video conference presentation was given on March 12, 2024.

In addition to the consultation described above, the City of DeLand published a notice announcing the proposed overall goal before submission to the FAA Office of Civil Rights. The notice was posted on the Airport's website. No comments were received. If the proposed goal changes following review by the FAA Office of Civil Rights, the revised goal will be posted on the official City website.

The Overall Three-Year DBE Goal submission to the FAA Office of Civil Rights will include a summary of information and comments received, if any, during this public participation process and the City of DeLand's responses.

The City of DeLand will begin using the overall goal on October 1 of the relevant period unless other instructions from the FAA Office of Civil Rights have been received.

Project Goals

If permitted or required by the FAA Office of Civil Rights Administrator, an overall goal may be expressed as a percentage of funds for a particular grant or project or group of grants and/or projects, including

entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal will include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which the regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If a goal is established on a project basis, the goal will be used by the time of the first solicitation for a DOT-assisted contract for the project.

Prior Operating Administration Concurrence

The City of DeLand understands that prior FAA Office of Civil Rights concurrence with the overall goal is not required. However, if the FAA Office of Civil Rights review suggests that the overall goal has not been correctly calculated or that the method employed by the City of DeLand for calculating goals is inadequate, FAA Office of Civil Rights may, after consulting with the City of DeLand, adjust the overall goal or require that the goal be adjusted by the City. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to §26.9.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program.

Section 26.47 Failure to Meet Overall Goals

The City of DeLand cannot be penalized or treated by the Department as being in noncompliance with Part 26, because DBE participation falls short of an overall goal, unless the City fails to administer its DBE program in good faith.

The City of DeLand understands that to be considered to be in compliance with this part, an approved DBE Program and overall DBE goal, if applicable, must be maintained, and this DBE Program must be administered in good faith.

The City of DeLand understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the following actions must be taken to be regarded by the Department as implementing this DBE Program in good faith:

1. Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year.
2. Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met.

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

The City of DeLand will meet the maximum feasible portion of its overall goal by using race- neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

Race-neutral means include, but are not limited to the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing).
3. Providing technical assistance and other services.
4. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).

5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses.
6. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self- sufficiency.
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low.
8. Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors.
9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program.

The City of DeLand will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.

Contract Goals

If the approved projection under paragraph (c) of §26.51 estimates that the entire overall goal for a given year can be met through race-neutral means, contract goals will not be set during that year, unless the use of contract goals becomes necessary to meet the overall goal.

For example, if the City of DeLand's overall goal for Year 1 is 12 percent, and the city estimates that it can obtain 12 percent or more DBE participation through the use of race- neutral measures, without any use of contract goals, in this case, the City is not required to set any contract goals for the contracts that will be performed in Year 1. However, if part way through Year 1, the City's DBE awards or commitments are not at a level that would permit it to achieve the overall goal for Year 1, the City could begin setting race-conscious DBE contract goals during the remainder of the year as part of its obligation to implement the City of DeLand's program in good faith.]

Contract goals will be established only on those DOT-assisted contracts that have subcontracting possibilities. A contract goal need not be established on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

Contract goals will be expressed as a percentage of the total amount of a DOT-assisted contract OR the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures in Situations Where There are Contract Goals

Demonstration of good faith efforts (pre-award)

In cases where a contract goal has been established, the contract in question will only be awarded to a bidder/offeror that has made good faith efforts to meet the contract goal. The bidder/offeror can demonstrate that it has made good faith efforts by either meeting the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as Responsive.

The City of DeLand will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before committing to the performance of the contract by the bidder/offeror.

In all solicitations for DOT-assisted contracts for which a contract goal has been established, the following information will be required of every bidder/offeror:

1. Award of the contract will be conditioned on meeting the requirements of this section.
2. All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (3) of this section:
 - a. The names and addresses of DBE firms that will participate in the contract.
 - b. A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract.
 - c. The dollar amount of the participation of each DBE firm participating.

- d. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
 - e. Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
 - f. If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and
3. The bidder/offeror will be required to present the information stipulated in paragraph (2) of this section.
 4. Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures.

Provided that, in a negotiated procurement, including a design-build procurement, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (2) of this section before the final selection for the contract is made by the recipient.

Administrative Reconsideration

Within 10 continuous calendar days of being informed by the City of DeLand that it is not responsive because it has not documented adequate good faith efforts, and before an award decision is made, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Mr. Darren Elkind
DeLand City Attorney
120 S Florida Avenue
DeLand, FL 32720
(386) 626-7000

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts. The reconsideration official does not report to the DBELO who made the original determination and must be well acquainted with the requirements outlined in Appendix A of 49 CFR Part 26.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether the goal was met, or the bidder/offeror made adequate good faith efforts to do. The bidder/offeror will be sent a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts Procedural Requirements (post-solicitation)

The awarded contractor will be required to make available upon request a copy of all DBE subcontracts. The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials include all required contract provisions and mandate that the subcontractor and all lower tier subcontractors perform in accordance with the provisions of Part 26.

Prime contractors will be prohibited from terminating a DBE subcontractor listed in response to a covered solicitation (or an approved substitute DBE firm) without the prior written consent of the City of DeLand. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or another DBE firm.

Such written consent will be provided only if the City of DeLand agrees, for reasons stated in the concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

1. The listed DBE subcontractor fails or refuses to execute a written contract.
2. The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor.
3. The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements.
4. The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness.

5. The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law.
6. The City of DeLand determined that the listed DBE subcontractor is not a responsible contractor.
7. The listed DBE subcontractor voluntarily withdraws from the project and provides the City of DeLand with written notice of its withdrawal.
8. The listed DBE is ineligible to receive DBE credit for the type of work required.
9. A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract.
10. Other documented good cause that the City of DeLand has determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to the City of DeLand a request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the City of DeLand, of its intent to request to terminate and/or substitute the DBE, and the reason(s) for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise the City of DeLand and the prime contractor of the reasons, if any, why the DBE objects to the proposed termination of its subcontract and why the prime contractor's action should not be approved. If required in a particular case as a matter of public necessity (e.g., safety), a response period shorter than five days may be provided.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.

Each prime contract will include a provision stating:

“The contractor shall utilize the specific DBEs listed in the contractor's bid response to perform the work and supply the materials for which each is listed unless the contractor obtains prior written consent of the City of DeLand as provided in 49 CFR Part 26, §26.53(f). Unless such consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.”

The City of DeLand will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the procurement. The good faith efforts shall be documented by the contractor. If the City of DeLand requests documentation from the contractor under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days, if necessary, at the request of the contractor. The City of DeLand shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

If the contractor fails or refuses to comply in the time specified, the contracting office/representative of the City of DeLand may issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Section 26.55 Counting DBE Participation

DBE participation will be counted toward overall and contract goals as provided in §26.55. The participation of a DBE subcontractor will not be counted toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

In the case of post-award substitutions or additions, if a firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, the firm's participation will not be counted toward any DBE goals, except as provided for in §26.87(j).

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The City of DeLand is not a member of the Florida Unified Certification Program (UCP). The Florida UCP uses the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. Certifying Florida UCP members make all certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact:

DBE & Small Business Development Programs Manager
605 Suwannee St. MS 65
Tallahassee, FL 32399
(850) 414-4745

The Uniform Certification Application form and documentation requirements are found in Attachment 8 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The City of DeLand is not a member of the Unified Certification Program (UCP) administered by the Florida Department of Transportation. However, the city can use the DBE Directory. The FDOT UCP meets all the requirements of §26.81.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to the City of DeLand

The City of DeLand understands that if it fails to comply with any requirement of this part, the city may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include program actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122.

Section 26.109 Information, Confidentiality, Cooperation and Intimidation or Retaliation

Information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law will be safeguarded from disclosure to third parties. The “Florida Sunshine Law,” established in 1995, is a series of laws designed to guarantee that the public has access to the public records of government bodies in Florida. Public records include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form or characteristics, or means of transmission, made, or received pursuant to law to ordinance or in connection with the transaction of official business by any agency. Some exemptions that are included are federal records that the federal government has designated as non-public, personal e-mails sent from or received by City employees using a government computer, some “drafts” or “notes” are also exempt.

According to the “Florida Sunshine Law,” any person in Florida can request public documents and a purpose does not have to be stated. Records can be used any way the person wants, and the law does not specify a specific response time. The “Florida Sunshine Law” and its exemptions is contained in Title X, Chapter 119, Public Records, of the Florida Statutes.

Notwithstanding any provision of federal or state law, information that may reasonably be construed as confidential business information will not be released to any third party without the written consent of the firm that submitted the information, including applications for DBE certification and supporting information. However, this information will be transmitted to DOT in any certification appeal proceeding under §26.89 or to any other state to which the individual’s firm has applied for certification under §26.85.

All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

The City of DeLand, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The City of DeLand understands that it is in noncompliance with Part 26 if it violates this prohibition.

Attachment 1 Link to 49 CFR Part 26

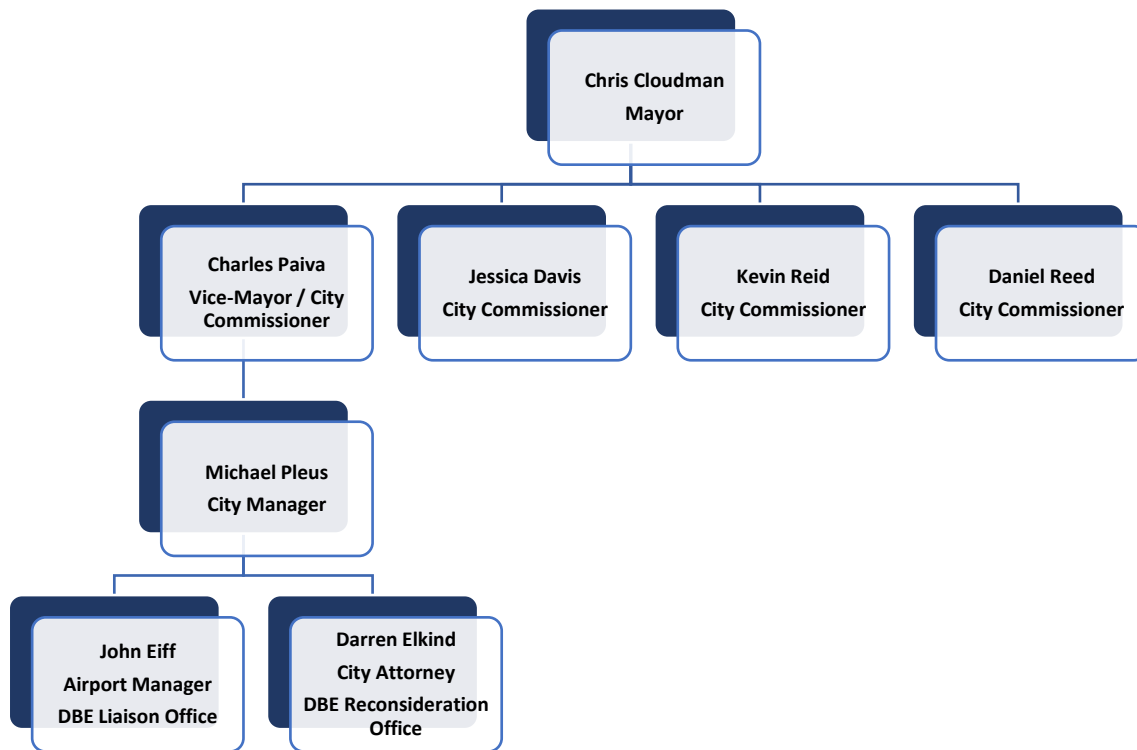
A Link to Regulation 49 CFR Part 26 is:

<https://www.ecfr.gov/current/title-49/subtitle-A/part-26>

Additional Information can be found at the website of the FAA Office of Civil Rights (ASR):

[https://www.faa.gov/about/office org/headquarters offices/acr/](https://www.faa.gov/about/office_org/headquarters_offices/acr/)

Attachment 2 Organizational Chart



Attachment 3 Bidders List Collection Form

Reminder: the information below must be collected from every bidder who submits a quote/bid to the recipient and every potential subcontractor who submitted a quote/bid to each bidder. §26.11(c) requires the City of DeLand to collect information from all bidders and subcontractors, including unsuccessful ones.

Firm Name	Firm Address / Phone Number	DBE or Non- DBE Status (verify via the State's UCP Directory)	Age of Firm	Annual Gross Receipts
			☐ Less than 1 year ☐ 1-3 years ☐ 4-7 years ☐ 8-10 years ☐ > than 10 years	☐ Less than \$500K ☐ \$500K - \$1 million ☐ \$1-2 million ☐ \$2-5 million ☐ > than \$5 million
			☐ Less than 1 year ☐ 1-3 years ☐ 4-7 years ☐ 8-10 years ☐ > than 10 years	☐ Less than \$500K ☐ \$500K - \$1 million ☐ \$1-2 million ☐ \$2-5 million ☐ > than \$5 million
			☐ Less than 1 year ☐ 1-3 years ☐ 4-7 years ☐ 8-10 years ☐ > than 10 years	☐ Less than \$500K ☐ \$500K - \$1 million ☐ \$1-2 million ☐ \$2-5 million ☐ > than \$5 million
			☐ Less than 1 year ☐ 1-3 years ☐ 4-7 years ☐ 8-10 years ☐ > than 10 years	☐ Less than \$500K ☐ \$500K - \$1 million ☐ \$1-2 million ☐ \$2-5 million ☐ > than \$5 million
			☐ Less than 1 year ☐ 1-3 years ☐ 4-7 years ☐ 8-10 years ☐ > than 10 years	☐ Less than \$500K ☐ \$500K - \$1 million ☐ \$1-2 million ☐ \$2-5 million ☐ > than \$5 million
			☐ Less than 1 year ☐ 1-3 years ☐ 4-7 years ☐ 8-10 years ☐ > than 10 years	☐ Less than \$500K ☐ \$500K - \$1 million ☐ \$1-2 million ☐ \$2-5 million ☐ > than \$5 million

Attachment 4 Florida DBE Directory Weblink

<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/CustomSearch.aspx>

Attachment 5 Overall DBE Three-Year Goal Methodology

City of DeLand, Florida: Sponsor for the DeLand Municipal Airport Goal Period:

- FY 2024-2026 – October 1, 2023, through September 30, 2026
- DOT-assisted contract amount:
 - FY-2024: \$1,190,000
 - FY-2025: \$4,720,000
 - FY 2026: \$2,000,000
 - Total: \$7,910,000
- Overall Three-Year Goal: 5.28%, to be accomplished through 100% RC and 0% RN.
- Total dollar amount to be expended on DBEs: \$417,648 [multiply goal % x DOT- assisted amount].

Describe the Number and Type of Contracts that the airport anticipates awarding:

- Contracts Fiscal Year #1 (FY 2024)
 1. Rehabilitate Runway 5/23 - Design
 2. Update Master Plan and ALP
 3. Rehabilitate South Central Apron – Design
 4. Taxiway E Lighting, Signage, and Taxiway Configuration – Design
 5. T-Hangar Electrical Improvements for A, B, & C
- Contracts Fiscal Year #2 (FY 2025)
 1. Rehabilitate Taxiway B - Design
 2. Rehabilitate Runway 5/23 – Construction
 3. Taxiway E Lighting, Signage, and Taxiway Configuration – Construction
 4. East Hangar Complex Phase 1b - Construction
- Contracts Fiscal Year #3 (FY 2026)
 1. East Hangar Complex Phase 1b – Construction
 2. Rehabilitation of Runway 12/30 – Design
 3. South Central Apron Rehabilitation - Construction

Market Area: The DeLand Municipal Airport typically attracts consultants, contractors, and subcontractors (successful and unsuccessful) from Broward, Martin, Miami-Dade, Okeechobee, Orange, Polk, Seminole, and Volusia counties in Florida; and from Guilford, NC; Ocean, NJ; Franklin, OH; Clayton,

GA; and Fayette, GA. When researching DBEs from the FDOT website, the market area was confined to all DBEs certified to work and located in the above referenced counties.

Attachment 6 Demonstration of Good Faith Efforts or Good Faith Effort Plan – Forms 1 and 2

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner:

- ☐ Bidder/offeror has met the DBE contract goal. The bidder/offeror is committed to a minimum of _____ DBE utilization on this contract.
- ☐ Bidder/offeror has not met the DBE contract goal. The bidder/offeror is committed to a minimum of _____% DBE utilization on this contract and has submitted documentation demonstrating good faith efforts.

Legal name of bidder/offeror's firm:

Bidder/Offeror Representative:

Name & Title

Signature

Date

FORM 2: LETTER OF INTENT

Note: The authorized representative (AR) named below must be an individual vested with the authority to make contracting decisions on behalf of the firm.

Name of bidder/offeror's firm: _____

Name & title of firm's AR: _____

Phone: _____ Email: _____

Name of DBE Firm:

Name & title of DBE firm's AR: _____

Address: _____
City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Work to be performed by DBE firm:

Description of Work	NAICS	Dollar Amount / % *	Dealer/Manufacturer **

*Percentage is to be used only in negotiated procurements, including design-build contracts

**For material suppliers only, indicate whether the DBE is a manufacturer, or a regular dealer as defined by §26.55.

The undersigned bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The total expected dollar value of this work is:

The bidder/offeror understands that if it is awarded the contract/agreement resulting from this procurement, it must enter into a subcontract with the DBE firm identified above that is representative of the type and amount of work listed. Bidder/offeror understands that upon submitting this form with its bid/offer, it may not substitute or terminate the DBE listed above without following the procedures of 49 CFR Part 26, §26.53.

Signature of Bidder/Offeror's Authorized Representative

Date:

The undersigned DBE affirms that it is ready, willing, and able to perform the amount and type of work as described above and is properly certified to be counted for DBE participation, therefore.

Signature of DBE's Authorized Representative

Date

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent shall be null and void. Submit this page for each DBE subcontractor.

Attachment 7 DBE Monitoring and Enforcement Mechanisms

The City of DeLand has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Withholding Payments to the Contractor under the contract until the contractor complies; and/or
2. Cancelling, terminating, or suspending a contract, in whole or in part.

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001.

Attachment 8 DBE Certification Application Form

The form is included in the following pages.



OMB CONTROL NUMBER: 2105-0586
EXPIRATION DATE: (05/31/2027)

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2105-0586. Public reporting for this collection of information is estimated to be approximately 35 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information.

All responses to this collection of information are mandatory under 49 CFR §§ 23.39 and 26.83; the nature and extent of confidentiality to be provided, if any under 49 CFR §§ 26.83(d) and 26.109(b). Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, (your agency name and address), Washington, D.C. 20590.

Privacy Act Statement (5 U.S.C. § 552a, as amended):

AUTHORITY: [42 U.S.C. 2000d et seq.](#), [§ 12101 et seq.](#), [42 U.S.C. 6101 et seq.](#); [29 U.S.C. 794, 749d](#); [49 U.S.C. 47113](#); [42 U.S.C. 12101](#); [49 CFR Part 23](#); [49 CFR Part 26](#), and [Executive Order 13160](#).

PURPOSE(S): DOT will use the information collected to respond to Disadvantaged Business Enterprise (DBE) and Airport Concession Disadvantaged Business Enterprise (ACDBE) inquiries and adjudicate appeals.

ROUTINE USE(S): In accordance with DOT's system of records notice, DOT/ALL-24 Departmental Office of Civil Rights System, 76 FR 71108 (Nov. 16, 2011), the information provided may be disclosed to the U. S. Department of Justice, including United States Attorney's Offices, or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation. A comprehensive list of routine uses can be found in DOT/ALL 24 and DOT's General Statement of Routine uses, 75 FR 82138 (Dec. 29, 2010). 77 FR 42796 (July 20, 2012), 84 FR 55222 (Oct. 15, 2019).

DISCLOSURE: Provision of the requested information is voluntary; however, failure to furnish the requested information may result in the denial of a DBE or ACDBE application and an inability of the Department to process an appeal or inquiry from any party.



UNIFORM CERTIFICATION APPLICATION
DISADVANTAGED BUSINESS ENTERPRISE (DBE)/AIRPORT CONCESSIONS
DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) PROGRAMS 49 CFR Parts 23 and 26

1. Should I apply?

You may be eligible to participate in the DBE/ACDBE programs if:

- (1) The firm is a for-profit business that performs or seeks to perform transportation-related work (or an airport concession activity) for a recipient of Federal Aviation Administration, Federal Highway Administration, or Federal Transit Administration funds.
 - The firm is at least 51% owned and controlled by a socially and economically disadvantaged individual(s) who is a U.S. citizen(s) or lawfully admitted permanent U.S. resident(s).
 - Refer to § 26.5 of 49 CFR Part 26 for the definition of “socially and economically disadvantaged individual.”
 - Refer to <https://www.transportation.gov/DBEPNW> for “personal net worth cap.”
 - Refer to § 26.69 and 26.70 of 49 CFR Part 26 to determine whether you meet the ownership and control requirements.
 - The firm meets the Small Business Administration’s (SBA) and the DBE/ACDBE program’s size standards at <https://www.transportation.gov/DBESizeStandards>

It is the applicant firm’s responsibility to provide sufficient evidence to demonstrate that, more likely than not, it meets all eligibility requirements.

2. How do I apply?

Firms applying for DBE/ACDBE certification in their home state, i.e., the state in which the firm maintains its principal place of business, must submit to a certifying agency in their home state a completed Uniform Certification Application and all required documents (see attached checklist) and participate in an on-site interview. Failure to timely submit documents may result in delayed processing or denial of your application.

Firms already certified as a DBE/ACDBE in their home state do not have to complete this form. Section 26.85 of 49 CFR Part 26 explains the process for obtaining certification in additional states, i.e., interstate certification.

3. Where can I send my application?

Transportation agencies in each state perform DBE and ACDBE certification functions. DOT’s website has a table of certifying agency contacts at <https://www.transportation.gov/DBEPOC>. Click on the link to access contact information for your state/territory and obtain details on how to submit your application.

4. What happens after I apply?

A transportation agency in your state that performs certification functions will contact you.

5. Where can I find more information?

Visit the USDOT website at <https://www.transportation.gov/DBE> for links to the DBE/ACDBE program rules and regulations (including those for interstate certification), answers to frequently asked questions, points of contact, and more.

SBA Small Business Size Standards matched to the North American Industry Classification System (NAICS): <http://www.census.gov/eos/www/naics/> and <http://www.sba.gov/content/table-small-business-size-standards>.

Under 49 CFR § 26.107, if, at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 2 CFR Parts [180](#) and [1200](#). No procurement Suspension and Department, take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 USC 1001, which prohibits false statements in federal programs



INSTRUCTIONS

NOTE: All participating firms must be for-profit enterprises with current business operations. If your firm is not for profit, or is not conducting business, then you do NOT qualify for the DBE/ACDBE program and should not complete this application. If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

- (1) Enter the name and title of the person completing this application who will serve as your firm's contact for this application.
- (2) Enter the legal name of your firm, as indicated in your firm's Articles of Incorporation (if any) or similar document.
- (3) Enter the primary phone number of your firm.
- (4) Enter a secondary phone number, if any.
- (5) Enter your firm's fax number, if any.
- (6) Enter the contact person's email address.
- (7) Enter your firm's website address, if any.
- (8) Enter the street address of the firm where its offices are physically located (not a P.O. Box).
- (9) Enter the mailing address of your firm, if it is different from your firm's street address.

B. Prior/Other Certifications and Applications

Indicate whether your firm or any firms owned by the persons listed has ever been denied certification as a DBE/ACDBE, 8(a), or Small Disadvantaged Business (SDB) firm, or state and local MBE/WBE firm. Indicate if the firm has ever been decertified from one of these programs. Indicate if the application was withdrawn or whether the firm was debarred, suspended, or otherwise had its bidding privileges denied or restricted by any state or local agency, or Federal entity. If your answer is yes, identify the name of the agency, and explain fully the nature of the action in the space provided. Indicate if you have ever appealed this decision to the Department and if so, attach a copy of USDOT's final agency decision(s).

Section 2: GENERAL INFORMATION

A. Business profile:

- (1) Give a concise description of the firm's primary activities, the product(s) or services the company provides, or type of construction. If your company offers more than one product/service, list primary product or service first (attach additional sheets if necessary). This description may be used in states' online directories of certified firms.
- (2) If you know the appropriate North American Industry Classification System (NAICS) code for the type(s) of work you identified in your business profile, enter the codes in the space provided.

- (3) State the date on which your firm was established as stated in your firm's Articles of Incorporation (if any) or similar document.
- (4) State the date each person became a firm owner. Check the appropriate box describing the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (5) Check the appropriate box that indicates whether your firm is "for profit." **If you checked "No," then you do NOT qualify for the DBE/ACDBE program** and should not complete this application. All participating firms must be for-profit enterprises. Provide the Federal Tax ID number as stated on your firm's Federal tax return.
- (6) Check the appropriate box that describes the type of legal business structure of your firm, as indicated in your firm's Articles of Incorporation or similar document. If you checked "Other," briefly explain in the space provided.
- (7) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time, part-time, and seasonal basis. Attach a list of employees, their job titles, and dates of employment to your application.
- (8) Specify the firm's gross receipts for each of the **past five years**, as stated in your firm's filed federal tax returns. You must submit all portions of federal tax returns related to gross receipts and signature pages, as filed. If there is no federal tax return yet filed for the most recent taxable year, you may provide an income statement signed by a CPA who attests to its accuracy and completeness. If there are any affiliates or subsidiaries of the applicant firm or owners, you must provide documentation these firms' gross receipts also as described above. Affiliation is defined in 49 C.F.R. §26.5 and 13 C.F.R. Part 121.

B. Relationships and Dealings with Other Businesses

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, financing, or any office staff and/or employees with any other business, organization or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and fully explain the nature of your relationship with these



other businesses by identifying the business or person with whom you have any formal, informal, written, or oral agreement. Provide an explanation of any items shared with other firms in the space provided.

- (2) Check the appropriate box indicating whether any other firm currently has or had an ownership interest in your firm at present or at any time in the past. If you checked yes, please explain.
- (3) Check the appropriate box that indicates whether at present or at any time in the past your firm:
 - (a) ever existed under different ownership, a different type of ownership, or a different name;
 - (b) existed as a subsidiary of any other firm;
 - (c) existed as a partnership in which one or more of the partners are/were other firms;
 - (d) owned any percentage of any other firm; and
 - (e) had any subsidiaries of its own.
 - (f) served as a subcontractor with another firm constituting more than 25% of your firm's receipts.

If you answered "Yes" to any of the questions in (3)(a-f), you may be asked to explain the arrangement in detail.

Section 3: MAJORITY OWNER INFORMATION

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each owner):

A. Identify the majority owner of the firm holding 51% or more ownership interest:

- (1) Enter the full name of the owner.
- (2) Enter the owner's title or position.
- (3) Give the owner's phone number.
- (4) Enter the owner's home (street) address.
- (5) Indicate the owner's gender.
- (6) Identify the owner's ethnic group membership. If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen or a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then the firm may not rely on this owner's social and economic disadvantaged status for DBE certification eligibility.
- (8) Enter the number of years this owner has been an owner of your firm.
- (9) Indicate the percentage of the total ownership this person holds and the date acquired, including (if appropriate), the class of stock owned.
- (10) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, gift and/or other investment. Describe

how the owner acquired the business and attach documentation substantiating this investment.

- (11) List additional investments.

B. Additional Owner Information

- (1) Describe the familial relationship of this owner to each other owner of your firm and employees.
- (2) Indicate whether this owner performs a management or supervisory function for any other business. If you checked "Yes," state the name of the other business and this owner's function/title held in that business.
- (3) (a) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business, the nature of the business relationship, and the owner's function at the firm.
(b) If the owner works for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week, please explain this activity.
- (4) (a) Provide the personal net worth of the owner claiming social and economic disadvantage in the space provided. Complete and attach the accompanying "Personal Net Worth Statement for DBE/ACDBE Program Eligibility" with your application. Complete this section and accompanying statement only for each owner claiming to be socially and economically disadvantaged.
(b) Check the appropriate box that indicates whether any trust has been created for the benefit of the disadvantaged owner(s). If you answered "Yes," you may be asked to provide a copy of the trust instrument.
- (5) Check the appropriate to indicate whether any of your immediate family members, managers, or employees, own, manage, or are associated with another company. Immediate family member is defined in 49 C.F.R. §26.5. If you answered "Yes," provide the name of each person, your relationship to that person, the name of the company, the type of business, and whether that person owns or manages the company.

Section 4: CONTROL

A. Identify the firm's Officers and Board of Directors

- (1) In the space provided, state the name, title, date of appointment, group membership, and gender of each officer.
- (2) In the space provided, state the name, title, date of appointment, group membership, and gender of each individual serving on your firm's Board of Directors.
- (3) Check the appropriate box to indicate whether any of your firm's officers and/or directors listed above performs a management or supervisory function for any other business. If you answered "Yes," identify each such individual by name and provide the name of the other business in which that individual is involved, and describe the



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nature of that individual's role in the other business.

- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. (e.g., ownership interest, shared office space, financial investments, equipment leases, personnel sharing, etc.) If you answered "Yes," identify the name of the firm, the individual's name, and the nature of the individual's relationship with that other firm.

B. Duties of Owners, Officers, Directors, Managers and Key Personnel

Specify the roles of the majority and minority owners, directors, officers, and managers, and key personnel who are responsible for the functions listed for the firm. Submit résumés for each owner and non-owner identified below. State the name of the individual, title, race and gender and percentage ownership if any. Circle the frequency of each person's involvement as follows: "always, frequently, seldom, or never" in each area.

Indicate whether any of the persons listed in this section perform a management or supervisory function for any other business. Identify the person, business, and their title/function. Identify if any of the persons listed above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investment, equipment, leases, personnel sharing, etc.) If you answered "Yes," describe the nature of his/her business relationship with that other firm.

C. Inventory: Indicate firm inventory in these categories:

(1) Equipment and Vehicles

State the make and model, and current dollar value of each piece of equipment and motor vehicle held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm or owner, whether it is used as collateral, and where this item is stored.

(2) Office Space

State the street address of each office space held and/or used by your firm. Indicate whether your firm or owner owns or leases the office space and the current dollar value of that property or its lease.

(3) Storage Space

State the street address of each storage space held and/or used by your firm. Indicate whether your firm or owner owns or leases the storage space and the current dollar value of that property or its lease. Provide a signed lease agreement for each property.

D. Does your firm rely on any other firm for management functions or employee payroll?

Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," you may be asked to explain the nature of that reliance and the extent to which the other firm carries out such functions.

E. Financial / Banking Information

State the name, city and state of your firm's bank. Identify the individuals authorized to sign checks on this account. Provide bank documentation that shows all individuals who are authorized to sign checks on the firm's behalf.

Bonding Information. State your firm's bonding limits both aggregate and project limits.

F. Sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms guaranteeing the loan.

State the name and address of each source, the name of person securing the loan, original dollar amount and the current balance of each loan, and the purpose for which each loan was made to your firm. Provide copies of signed loan agreements and security agreements

G. Contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years:

Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.

H. Current licenses/permits held by any owner or employee of your firm.

List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and identify the state that issued the license or permit. Attach copies of licenses, license renewal forms, permits, and haul authority forms.

I. Largest contracts completed by your firm in the past three years, if any.

List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.

J. Largest active jobs on which your firm is currently working.

For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the



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anticipated completion date, and the dollar value of the contract.

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Section 5: AIRPORT CONCESSION (ACDBE) APPLICANTS

Complete the entries in this section if you are applying for ACDBE certification. Indicate in Section A if you operate a concession at the airport, and/or supply a good or service to an airport concessionaire. Indicate in Section B whether the applicant firm owns or operates any off-airport locations, providing the type of business, lease information, address/location, and annual gross receipts generated. Provide similar information in section C for any airport concession locations the firm currently owns or operates. If the applicant firm has any affiliates, provide the requested information in Section D. Indicate whether the ACDBE firm is participating in any joint ventures, and if so, include the original and any amended joint venture agreements.

DECLARATION & SIGNATURE

The Declaration of Eligibility must accompany your application. Carefully read the attached declaration in its entirety. Fill in the required information for each blank space, and sign and date the declaration.



IF YOU ARE ALREADY CERTIFIED AS A DBE/ACDBE, YOU DO NOT HAVE TO COMPLETE THIS APPLICATION FOR OTHER STATES. REFER TO § 26.85 OF 49 CFR PART 26 FOR DETAILS ABOUT THE INTERSTATE CERTIFICATION PROCESS.

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information:

My firm is applying for certification as _____ DBE ___ ACDBE

(1) Contact person's name and title:

(2) Legal name of firm:

(3) Phone #: _____ (4) Other Phone #: _____ (5) Fax#: _____

(6) E-mail: _____ (7) Firm Websites: _____

(8) Street address of firm (No P.O. Box): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

(9) Mailing address of firm (No P.O. Box): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

B. Prior/Other Certifications and Applications

(10) Indicate whether the firm or any persons listed in this application have ever been:

(a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm? ___ Yes ___ No

(b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges

denied or restricted by any state or local agency, or federal entity? ___ Yes ___ No If yes, explain the nature of the action. (If you appealed the decision to DOT or another agency, attach a copy of the decision.)

Section 2: GENERAL INFORMATION

A. Business Profile: (1) Give a concise description of the firm's primary activities and the product(s) or service(s) it provides. If your company offers more than one product/service, list the primary product or service first. Please use additional sheets if necessary. This description may be used in states' online databases and directories of certified firms. _____

(2) NAICS Codes for this line of work include: _____

(3) This firm was established on: _____

(4) Is the firm "for profit"? ___ Yes Federal Tax ID# _____ **NO STOP! If the firm is NOT for-profit, then the firm does NOT qualify for this program and should not fill out this application.**



(5) Type of Legal Business Structure: (check all that apply):

- ☐ Sole Proprietorship
☐ Limited Liability Partnership
☐ Partnership
☐ Corporation
☐ Limited Liability Company
☐ Other (describe): _____

(6) Number of employees: Full-time _____ Part-time _____ Seasonal _____ Total _____
 (Provide a list of employees, their job titles, and dates of employment, to your application).

(7) Specify the firm's gross receipts for the last 5 years. (Submit complete copies of the firm's federal tax returns for each year. You may provide gross receipt information for the past 5 years. If there are affiliates or subsidiaries of the applicant firm or owners, you must submit complete copies of these firms' Federal tax returns).

Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____

B. Relationships and Dealings with Other Businesses

(1) Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office or storage space, yard, warehouse, facilities, equipment, inventory, financing, office staff, and/or employees with any other business, organization, or entity? ☐ Yes ☐ No

If yes, explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or oral agreement. Provide details about the shared items.

(2) Has any other firm had an ownership interest in your firm at present or at any time in the past?

☐ Yes ☐ No If yes, explain: _____

(3) At present, or at any time in the past, has your firm:

(a) Ever existed under different ownership, a different type of ownership, or a different name? ☐ Yes ☐ No

(b) Existed as a subsidiary of any other firm? ☐ Yes ☐ No

(c) Existed as a partnership in which one or more of the partners are/were other firms? ☐ Yes ☐ No

(d) Owned any percentage of any other firm? ☐ Yes ☐ No

(e) Had any subsidiaries? ☐ Yes ☐ No

(f) Served as a subcontractor with another firm constituting more than 25% of your firm's receipts? ☐ Yes ☐ No

(If you answered "Yes" to any of the questions in (2) and/or (3)(a)-(f), you may be asked to provide further details and explain whether the arrangement continues).

Section 3: MAJORITY OWNER INFORMATION

A. Identify the owner of the firm **holding 51% or more** ownership interest in the firm.

(1) Full Name: _____

(2) Title: _____



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(3) Home Phone #: _____

(4) Home Address (Street and Number) _____ City _____ State _____ Zip _____

(5) Gender: ☐ Male ☐ Female ☐ Other: _____

(6) Group membership (Check all that apply):

- ☐ Black American
☐ Hispanic American
☐ Asian-Pacific American
☐ Native American
☐ Subcontinent Asian American
☐ Other: _____

(7) Residency Status:

- ☐ U.S. Citizen
☐ Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____

(9) Percentage owned: _____

(a) Class of stock owned (if applicable): _____

(b) Date acquired _____

(10) Initial investment to acquire ownership in firm:

Type	Dollar Value
Cash	\$ _____
Real Estate	\$ _____
Equipment	\$ _____
Other	\$ _____

Describe how the majority owner acquired ownership of the firm:

- ☐ Started business myself
☐ Received it as a gift from _____
☐ Bought it from: _____
☐ Inherited it from: _____
☐ Other: _____

(Attach documentation substantiating your investment and method of acquisition)

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees: _____

(2) Does this owner perform a management or supervisory function for any other business? ☐ Yes ☐ No

If yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) ☐ Yes ☐ No

If yes, identify the name of the business, and the nature of the relationship, and the owner's function at the firm: _____

(b) Does this owner work for any other firm, non-profit organization, or engage in any other activity more than 10 hours per week? ☐ Yes ☐ No If yes, identify this activity: _____

(4)(a) What is the Personal Net Worth (PNW) of this disadvantaged owner? _____

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? ☐ Yes ☐ No

(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, owners, directors, officers, managers, or employees own, manage, or have any association with another company? ☐ Yes ☐ No If yes, provide their name, relationship, company, type of business, and indicate whether they own or manage the company: (Please attach extra sheets, if needed): _____

**Section 3: ADDITIONAL OWNER INFORMATION**

A. Identify all individuals, firms, or companies that hold **LESS THAN 51%** ownership interest in the firm (Attach separate sheets for each additional owner)

(1) Full Name: _____

(2) Title: _____

(3) Home Phone #: _____

(4) Home Address (Street and Number) _____ City _____ State _____ Zip _____

(5) Gender: ☐ Male ☐ Female ☐ Other: _____

(6) Group membership (Check all that apply):

☐ Black American

☐ Hispanic American

☐ Asian-Pacific American

☐ Native American

☐ Subcontinent Asian American

☐ Other: _____

(7) Residency Status:

☐ U.S. Citizen

☐ Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____

(9) Percentage owned: _____

(a) Class of stock owned (if applicable): _____

(b) Date acquired _____

(10) Initial investment to acquire ownership in firm:

Type	Dollar Value
Cash	\$ _____
Real Estate	\$ _____
Equipment	\$ _____
Other	\$ _____

Describe how the owner acquired ownership:

☐ Started business myself

☐ Received it as a gift from _____

☐ Bought it from: _____

☐ Inherited it from: _____

☐ Other: _____

(Attach documentation substantiating your investment and method of acquisition)

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees: _____

(2) Does this owner perform a management or supervisory function for any other business? ☐ Yes ☐ No

If yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) ☐ Yes ☐ No

If yes, identify the name of the business, and the nature of the relationship, and the owner's function at the firm: _____

(b) Does this owner work for any other firm, non-profit organization, or engage in any other activity more than 10 hours per week? ☐ Yes ☐ No If yes, identify this activity: _____

(4)(a) What is the Personal Net Worth (PNW) of this disadvantaged owner? _____

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? ☐ Yes ☐ No



(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, owners, directors, officers, managers, or employees own, manage, or have any association with another company? ☐ Yes ☐ No If yes, provide their name, relationship, company, type of business, and indicate whether they own or manage the company: (Please attach extra sheets, if needed): _____

Section 4: CONTROL

A. Identify your firm's Officers and Board of Directors (If additional space is required, attach a separate sheet):

	Name	Title	Date Appointed	Ethnicity	Gender
(1) Officers of the Company	(a)				
	(b)				
	(c)				
	(d)				
(2) Board of Directors	(a)				
	(b)				
	(c)				
	(d)				

(3) Do any of the persons listed above perform a management or supervisory function for any other business?

☐ Yes ☐ No If yes, identify for each:

Person: _____ Title: _____

Business: _____ Function: _____

Person: _____ Title: _____

Business: _____ Function: _____

(4) Do any of the persons listed in Section A above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)

☐ Yes ☐ No If Yes, identify for each:

(4) Do any of the persons listed in section A above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)

☐ Yes ☐ No If Yes, identify for each:

Firm Name: _____ Person: _____

Nature of Business Relationship: _____

B. Duties of Owners, Officers, Directors, Managers, and Key Personnel

1. Complete for all owners who are responsible for the following functions: (*Attach separate sheets as needed*)



A = Always F = Frequently	S = Seldom N = Never	Majority Owner (51% or more)				Minority Owner (49% or less)			
		Name: _____ Title: _____ Percent Owned: _____				Name: _____ Title: _____ Percent Owned: _____			
Sets policy for company direction/scope of operations		A	F	S	N	A	F	S	N
Bidding and estimating		A	F	S	N	A	F	S	N
Major purchasing decisions		A	F	S	N	A	F	S	N
Marketing and sales		A	F	S	N	A	F	S	N
Supervises field operations		A	F	S	N	A	F	S	N
Attend bid opening and lettings		A	F	S	N	A	F	S	N
Perform office management (billing, accounts receivable/payable, etc.)		A	F	S	N	A	F	S	N
Hires and fires management staff		A	F	S	N	A	F	S	N
Hire and fire field staff or crew		A	F	S	N	A	F	S	N
Designates profits spending or investment		A	F	S	N	A	F	S	N
Obligates business by contract/credit		A	F	S	N	A	F	S	N
Purchase equipment		A	F	S	N	A	F	S	N
Signs business checks		A	F	S	N	A	F	S	N

Do any of the persons listed in B1 or B2 perform a management or supervisory function for any other business? If Yes, identify the person, the business, and their title/function: _____

Do any of the persons listed above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) If Yes, describe the nature of the business relationship: _____

C. Inventory: Indicate your firm's inventory in the following categories (Please attach additional sheets if needed):

1. Equipment and Vehicles

Make and Model	Current value	Owned or leased by firm or owner?	Used as collateral?	Where is item stored?

2. Office Space

Address (Street and Number) _____ City _____ State _____ Zip _____
Owned or Leased by Firm or Owner? ☐ Yes ☐ No (if yes, provide details): _____

Current Value of Property or Lease: _____

3. Storage Space (Provide signed lease agreements for the properties listed)

Address (Street and Number) _____ City _____ State _____ Zip _____
Owned or Leased by Firm or Owner? ☐ Yes ☐ No (if yes, provide details): _____

Current Value of Property or Lease: _____



D. Does your firm rely on any other firm for management functions or employee payroll? ☐ Yes ☐ No

E. Financial/Banking Information (Provide bank authorization and signature cards)

Name of bank: _____ City and State: _____

The following individuals are authorized to sign checks on this account: _____

Name of bank: _____ City and State: _____

The following individuals are authorized to sign checks on this account: _____

Name of bank: _____ City and State: _____

The following individuals are authorized to sign checks on this account: _____

Bonding Information: If you have bonding capacity, identify the firm's bonding aggregate and project limits:

Aggregate limit _____ Project limit _____

F. Identify all sources, amounts, and purposes of money loaned to your firm including from financial institutions. Identify whether the owner or any other person or firm loaned money to the applicant DBE/ACDBE. Include the names of any persons or firms guaranteeing the loan, if other than the listed owner. (Provide copies of signed loan agreements and security agreements).

Name of Source	Address of Source	Name of Person Guaranteeing the Loan	Original Amount	Current Balance	Purpose of Loan

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years (Attach additional sheets if needed):

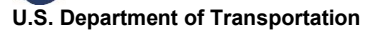
Contribution/Asset	Dollar Value	From Whom Transferred	To Whom Transferred	Relationship	Date of Transfer

H. List current licenses/permits held by any owner and/or employee of your firm (e.g., contractor, engineer, architect, etc.)(Attach additional sheets if needed):

Name of License/Permit Holder	Type of License/Permit	Expiration Date	State

I. List the three largest contracts completed by your firm in the past three years, if any:

Name of Owner/Contractor	Name/Location of Project	Type of Work Performed	Dollar Value of Contract



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J. List the three largest active jobs on which your firm is currently working:

Name of Prime Contractor and Project Number	Location of Project	Type of Work	Project Start Date	Anticipated Completion Date	Dollar Value of Contract

Additional Information:

[illegible]

**SECTION 5 - AIRPORT CONCESSION**

(ACDBE APPLICANTS ONLY)

A. I am applying for ACDBE certification to: (check all that apply)

_____ Operate a concession at an airport _____ Supply a good or service to an airport concessionaire

B. Does the applicant firm own/operate any off-airport locations? __ Yes __ No (if yes, identify the following):

Type of Business (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Lease Term (years)	Lease Start Date	Address / Location	Annual Gross Receipts Generated

C. Does the applicant firm currently own/operate any airport concession locations? __ Yes __ No (If yes, supply the following information):

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g., Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

D. Does the applicant firm have any affiliates? __ Yes __ No If Yes, provide the following information concerning any locations owned/operated by affiliate firms.

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g., Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

E. Is the ACDBE applicant firm a participant in any joint ventures? __ Yes __ No If Yes, attach all original and any amended Joint Venture Agreements and any amendments to the agreements.

**DECLARATION OF ELIGIBILITY**

This form must be signed by **EACH OWNER** upon whose disadvantaged status the firm relies for certification.

A FALSE STATEMENT OR MATERIAL OMISSION MADE IN CONNECTION WITH THIS SUBMISSION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, DECERTIFICATION, OR SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE UNDER FEDERAL AND STATE LAW.

I _____ (full name printed), declare under penalty of perjury that I am _____ (title) of the firm _____, all of the foregoing information and statements submitted for eligibility are true, correct, and complete to the best of my knowledge. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this material is for the purpose of inducing certification by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the material, and I authorize such agency to contact any entity named in certification material, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates inspection of its places(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial or decertification.

If awarded a contract, subcontract, concession lease or sublease, as detailed in § 26.55, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency, on an ongoing basis, current, complete and accurate information regarding my firm's (1) commercially useful function (CUF) performed on the project or concession lease; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to notify the certifying agency of a material change in circumstances that affects my firm's eligibility within 30 days of its occurrence, explain the change fully, and include a duly executed Declaration of Eligibility (this form) with the notice.

I acknowledge and agree that any misrepresentations in certification materials or in records pertaining to a contract

or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or decertification; suspension and debarment; and for initiating action under federal and/or state law.

I declare that I am a socially and economically disadvantaged individual who is an owner of the above-referenced firm seeking certification as a Disadvantaged Business Enterprise or Airport Concession Disadvantaged Business Enterprise. In support of my application, I declare that I am a member of one or more of the following groups, and that I have held myself out as a member of the group(s): (Check all that apply):

☐ Women ☐ Black American ☐ Hispanic American
☐ Native American ☐ Asian-Pacific American
☐ Subcontinent Asian American
☐ Other pursuant to 49 CFR § 26.67(d)

I declare that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified above, without regard to my individual qualities.

I further declare that my personal net worth does not exceed the DBE program's limit posted on <https://www.transportation.gov/DBEPNW>, and that I am economically disadvantaged because My ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

PURSUANT TO 28 USC § 1746:

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON _____

SIGNATURE _____
(OWNER)



SUPPORTING DOCUMENTS CHECKLIST

Required Documents for All Applicants

- ☐ Résumés (that include places of employment with corresponding dates), for all owners, officers, and key personnel of the applicant firm.
- ☐ Personal Net Worth Statement for each socially and economically disadvantaged owners who the applicant firm relies upon to satisfy the Regulation's 51% ownership requirement.
- ☐ Personal Federal tax returns for the past 3 years, if applicable, for each disadvantaged owner.
- ☐ Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past 5 years, or the number of years in business, if fewer.
- ☐ Documented proof of contributions used to acquire ownership for each owner (e.g., both sides of cancelled checks).
- ☐ Signed loan and security agreements, and bonding forms.
- ☐ List of equipment and/or vehicles owned and leased including VIN numbers, copy of titles, proof of ownership, insurance cards for each vehicle.
- ☐ Title(s), registration certificate(s), and U.S. DOT numbers for each truck owned or operated by your firm.
- ☐ Licenses, license renewal forms, permits, and haul authority forms.
- ☐ Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases.
- ☐ Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past 2 years.
- ☐ DBE/ACDBE and SBA 8(a), SDB, MBE/WBE certifications, denials, and/or decertification's, if applicable; and any U.S. DOT decisions on these actions.
- ☐ Bank authorization and signatory cards.
- ☐ Schedule of salaries (or other remuneration) paid to all officers, managers, owners, and/or directors of the firm.
- ☐ List of all employees, job titles, and dates of employment.
- ☐ Proof of warehouse/storage facility ownership or lease arrangements.

Partnership or Joint Venture

- ☐ Original and any amended Partnership or Joint Venture Agreements.

Corporation or LLC

- ☐ Official Certificate of Formation and current Operating/Shareholder Agreement, if any.
- ☐ Official Articles of Incorporation (signed by the state official).
- ☐ Both sides of all corporate stock certificates and your firm's stock transfer ledger.
- ☐ Minutes of stockholder, member, partner, and board of director's meetings, if any.
- ☐ Company by-laws and any amendments.
- ☐ Evidence of signature authority on the firm's bank accounts.

Failure to provide any of these required documents that are applicable to your firm's application may result in denial of your application.

Optional Documents to Be Provided on Request

The certifying agency to which you are applying may require the submission of the following documents. If requested to provide any of these documents, you must supply them with your application or at the on-site visit. Failure to do so may result in denial of your application.

- ☐ Proof of citizenship or lawful permanent residence
- ☐ Insurance agreements for each truck owned or operated by your firm.
- ☐ Audited financial statements (if available)
- ☐ Trust agreements held by any owner claiming disadvantaged status.

Suppliers

- ☐ List of product lines carried and list of distribution equipment owned and/or leased.

Attachment 9 State of Florida UCP

The City of DeLand, Florida is not listed as a member of the FDOT UCP as listed at the following website and accessed on 14 May 2024.

<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/UCPMemberList.aspx>

Attachment 10 Small Business Element Program

Objective (49 CFR Part 26.39)

Recognizing that the DBE Program goals should be met through a mixture of race conscious and race neutral methods and, that by definition, DBE firms are small businesses, the City of DeLand implemented a small business element into its DBE policy in accordance with applicable law. The City of DeLand is including this element to facilitate competition by and expand opportunities for small businesses. The City of DeLand is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors. The City of DeLand will meet its objectives using a combination of the following methods and strategies:

1. **Unbundling:** The City of DeLand, where feasible, may “unbundle” projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The City of DeLand will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be “unbundled” or bid separately. This determination will be made based on the estimated availability of small businesses able to provide specific scopes of work and will consider any economic or administrative burdens which may be associated with unbundling. Similarly, the City of DeLand will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. The City of DeLand will assist prime contractors or prime consultants in identifying portions of work, which may be unbundled and performed by small businesses. The City of DeLand will document the factors used to determine whether an FAA-assisted contract will be unbundled or bid separately.
2. **Outreach and technical assistance:** The City of DeLand sponsors and participates in outreach and training opportunities for small businesses through various opportunities. The City of DeLand staff will participate in business outreach sessions conducted by the city and non-profit agencies, which are designed to introduce small and minority-owned businesses to the City of DeLand’s procurement processes and practices. The City of DeLand advertises contracting opportunities through various outlets, including local newspapers, minority-based publications, and trade publications as well as on its website.

3. The City of DeLand will utilize various methods to facilitate small business participation. In each FAA-assisted contract, the DBELO will document the method in which the small business element will be implemented (i.e. unbundling and/or outreach) and the process by which those methods were considered.

Definitions

1. Small Business: Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121). A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period.
2. Disadvantaged Business Enterprise: A for-profit small business (as defined by the Small Business Administration):
 - That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals.
 - Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) described in 49 CFR Part 26. The current PNW cap is \$2,047,000.
 - Whose average annual gross receipts, as defined by SBA regulations over the firm's previous three fiscal years is less than the standard appropriate to the types of work based solely on the applicable NAICS codes size standards.
 - Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
 - Has been certified as a DBE by the Florida Department of Transportation (FDOT) in accordance with 49 CFR 26.

For the purposes of the small business element of the City of DeLand's DBE Program, small businesses, which are also owned and controlled by socially disadvantaged individuals will be encouraged to seek DBE certification. Only DBE certified firms will be counted towards DBE race-neutral participation on FAA-assisted contracts.

Certification and Verification Procedures

The City of DeLand will accept the following certifications for participation in the small business element of the City of DeLand's DBE Program with applicable stipulations:

1. FDOT DBE Certification – Current DBE Certification by the FDOT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by FDOT.
2. FDOT Small Business Enterprise (SBE) – Will require submittal of three years of business tax returns and the FDOT SBE Certification.
3. SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124) - will require submittal of three years of business tax returns.

Special Note: Minority and women-owned business enterprises, which are awarded contracts under the small business enterprise set aside will be strongly encouraged to seek DBE certification to be counted towards race neutral DBE participation.

Implementation Schedule

The City of DeLand approved the Small Business Element of the DBE Program on (Date) _____ and will implement it within two months of the FAA's approval of this element.

Assurances

The City of DeLand makes the following assurances:

1. The DBE Program, including its small business element is not prohibited by state law.
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program.
3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts and the DBE Program is open to small businesses regardless of their location.
4. There are no limits on the number of contracts awarded to firms participating in the DBE Program.
5. Reasonable effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses.

6. Aggressive steps will be taken to encourage those minority and women-owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.

Form included on the next page.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
SMALL BUSINESS AFFIDAVIT

275-000-01
EQUAL OPPORTUNITY
OGC – 08/21
Page 1 of 2

Submit completed form to smallbusiness@dot.state.fl.us

Firm Type (select only one option below):

- ☐ **Construction Firms and all other Non-Professional Services Firms**
☐ **Professional Services**

Firms must be registered in MyFloridaMarketPlace (MFMP) before the Department is able to add to the small business database. Information to register with MFMP is available here:

http://www.dms.myflorida.com/business_operations/state_purchasing/myfloridamarketplace

Please note: Completion of this form and listing on the small business site does not constitute Prequalification with FDOT.

Contractors who wish to become prequalified with FDOT in construction work classes should go to:

<https://www.fdot.gov/contracts/prequal-info/prequalified.shtm>

Consultants who wish to become prequalified with FDOT in Professional Services work types should visit:

<https://www.fdot.gov/procurement/prequalification.shtm>

Business Name _____

Business Address _____
Street City State Zip

Mailing Address _____
Street City State Zip

Telephone _____ Other _____

Business Owner _____

E-mail _____ Date Business Established _____

Federal Employer Identification Number _____

FDOT Districts I am interested in performing work in: (Please check all that apply)

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☐ District 1 | ☐ District 4 | ☐ District 7 |
| ☐ District 2 | ☐ District 5 | ☐ Turnpike |
| ☐ District 3 | ☐ District 6 | ☐ Central Office |

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
SMALL BUSINESS AFFIDAVIT

275-000-01
EQUAL OPPORTUNITY
OGC – 08/21
Page 2 of 2

I, _____ am an owner or duly authorized representative
of _____ (Proposer/name of business), and I do hereby
declare:

This business:

☐ Meets the definition for a small business pursuant to Section 337.027, F.S.

- Gross revenues, three year average (include affiliate businesses) \$ _____

Pursuant to Section 337.027, F.S., a small business means a business with yearly average gross receipts of less than \$15 million for road and bridge contracts and less than \$6.5 million for professional and nonprofessional services contracts. A business' average gross receipts is determined by averaging its annual gross receipts over the last three years, including the receipts of any affiliates as defined in Section 337.165, F.S.

The undersigned hereby authorize(s) and request(s) any person, firm or corporation to furnish any pertinent information requested by the State of Florida Department of Transportation deemed necessary to verify the statements made in this affidavit or regarding the ability, standing and general reputation of the Proposer. I declare, under penalty of perjury, that the information provided above and any supporting documents are true and accurate to the best of my knowledge. By submittal of the Affidavit certification, you are affirming that your firm meets the definition for a small business, pursuant to s. 337.027, F.S. It is the responsibility of the owner/authorized representative to inform the Department within 30 days of any change that would affect your small business eligibility, including average gross revenues over the prior three years exceeding the small business size threshold. Changes that would affect eligibility should be communicated to smallbusiness@dot.state.fl.us. This certification is good for one year or until your firm exceeds the small business threshold, whichever is earlier. To ensure regulatory compliance and accountability for the Business Development Initiative program, firms agree to furnish any pertinent information to verify the statements in this Small Business Affidavit Certification, upon request by the Department. If financial documents are not timely provided within 10 business days, or financial documents do not confirm small business eligibility, the Department reserves the right to revoke this small business certification.

Owner/Authorized Representative Signature

Date

Owner/Authorized Representative Printed Name & Title

Notary:

STATE OF _____

COUNTY OF _____

Before me, the above signed authority, personally appeared _____, who is personally known to me or has produced _____ (type of identification) identification and is duly sworn, deposes and says that he/she is authorized to represent _____ (business). Sworn and subscribed to before me this _____ day of _____, _____.

(Notary Signature)

My Commission Expires:

CITY OF DELAND
Request for Commission Action
June 17, 2024

SUBJECT: Consideration re Subordination of Utility Easement to FDOT on Spring Garden Avenue.

DEPARTMENT: Utilities

PREPARED BY: Jim Ailes, Deputy Public Serv. Director/Utilities Director

ATTACHMENTS: Letter to City of DeLand re FDOT Subordination Agreement (for sign)

APPROVED BY: Michael Pleus, City Manager, June 12, 2024

SUMMARY/HIGHLIGHT:

The developer HP-212017 DELAND, LLC (HP DeLand) is building the Pointe Grand Apartments in DeLand on North Spring Garden Ave. As a part of the project, the Florida Department of Transportation (FDOT) is requiring them to build a turn lane into the project. The adjacent right-of-way (ROW) to the east of the existing road has a Utility Easement that has been dedicated to the City of DeLand for water and sewer.

The developer needs for the City to subordinate the easement to the FDOT for ownership to allow the turn lane to be built by the developer and owned and maintained by FDOT in the future. A letter of understanding has been provided to the city for protection of our interest. Should the lines prove to be laid too shallow and not enough cover, or FDOT does not wish them to be under the roadway, the developer must relocate the water and sewer pipes out of the road and into the new dedicated ROW that the developer has provided to the FDOT at no cost to the city.

Attached to this request is all of the documentation that was provided to the Utilities Department from the manager of Hillpointe, LLC. The subordination agreement that the FDOT is asking the city to execute needs to be revised to limit the extent of the City's indemnification obligation. The City Commission is being asked to approve the easement with the express authority for the City Attorney to revise the agreement in coordination with the FDOT attorney, giving the mayor the authority to sign after the indemnification language is agreed to with FDOT.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government.

SUSTAINABILITY:

Infrastructure.

FISCAL IMPACT:

The attached Subordination agreement provides the necessary documents to transfer the ownership of the easement and protect the City from any relocation costs.

RECOMMENDATION:

Staff recommends that the City Commission grant the Subordination of the easement to the FDOT per the attached documents.

BACKGROUND/DISCUSSION:

N/A



May 31, 2024

Mr. James V. Ailes
City of DeLand
Deputy Public Services / Utilities Director
1101 S. Amelia Ave.
DeLand, FL 32724

Re: Request for Subordination of City's Existing Utility Easement Interest to FDOT
Right of Way Dedication

Dear Mr. Ailes:

As you are aware, HP-212017 DELAND, LLC, ("HP DeLand") is constructing a new multi-family residential community on the east side of S.R. 15A, just north of its intersection with Plymouth Avenue. In connection with the construction of the new community, HP DeLand has applied for a driveway connection permit from the Florida Department of Transportation ("FDOT") for the access driveway onto S.R. 15A. As a condition of granting the driveway permit, FDOT has requested that HP DeLand construct a new right-turn lane into the planned driveway and dedicate or, in the case of neighboring property owned by HH Holdings, Inc., obtain dedication of, additional right of way to FDOT for the new turn lane.

A portion of the planned right of way dedication includes an existing utility easement in favor of the City of DeLand for purposes of maintaining the City's sanitary sewer, potable and reclaimed water service lines. FDOT has requested that HP DeLand obtain a subordination of the City utility easement to FDOT's interest in the newly dedicated right of way. According to the approved plans for construction of the planned turn lane (attached as Exhibit A), there are existing City utility lines within the City's easement that will be located under the portion of the new turn lane to be located on property owned by HH Holdings, Inc.

To assure the City that the proposed subordination of its utility easement interest to FDOT's right of way interest will not adversely affect the existing utility lines, HP DeLand agrees as follows:

- 1) Within 270 days of this letter, HP DeLand will conduct, or cause to be conducted, soft dig excavations to locate the City's existing utility lines within the proposed right of way dedication. If HP DeLand fails to conduct the required soft digs, the City shall have the right to withhold certificates of occupancy for the final residential building in the project until they are completed.

101 South New York Ave | Unit 211 | Winter Park, FL 32789



- 2) Once the existing utility lines are located, HP DeLand will confirm that a minimum of three (3) feet of cover exists to provide vertical separation between the existing utility lines and the planned turn lane improvements. HP DeLand will provide the results of its soft dig investigation to the City.
- 3) In the event HP DeLand confirms that less than three (3) feet of cover exists between the planned turn lane improvements and the existing utility lines, or in the event FDOT requests relocation of the existing utility lines to avoid future disruption of the use of the planned turn lane improvement as right of way, HP DeLand, at its sole cost and expense, will relocate the existing City utility lines into an area of the City's existing utility easement that is not impacted by the proposed right of way dedication.

Based on the foregoing commitments, HP DeLand requests that the City provide any further comments on the draft Subordination Agreement attached as Exhibit B or otherwise schedule the Subordination Agreement for the next available City Commission meeting for approval. We remain available to respond to any questions or concerns you may have.

Thank you for your time and consideration.

Sincerely,



Steven Campisi
Manager of Hillpointe, LLC
Authorized Signatory of HP-212017 DeLand, LLC

Exhibit A – Approved Turn Lane Plans

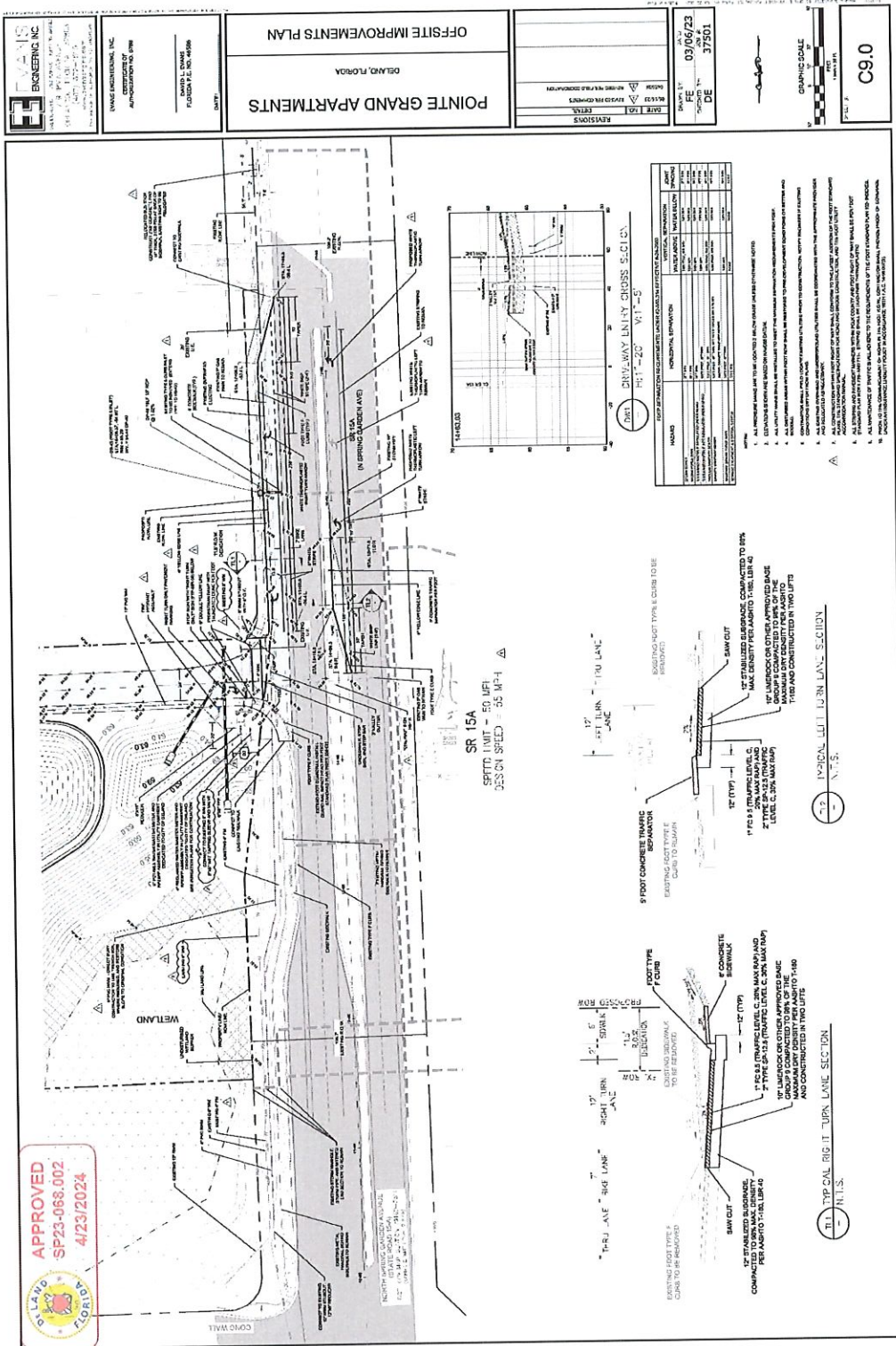


Exhibit B – Draft Subordination Agreement

23-UTL04-10/11

April 8, 2024

This instrument prepared by

Robin D. Derr

Under the direction of

DANIEL L. MCDERMOTT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 121.2
SECTION NO. 79160-2511
P.M. NO. 24-D02
STATE ROAD 15A
COUNTY Volusia

SUBORDINATION OF CITY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and CITY OF DELAND, a municipal corporation, hereinafter called City.

WITNESSETH:

WHEREAS, the City presently has an interest in certain lands that have been determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by City to the F.D.O.T.; and

WHEREAS, the F.D.O.T. is willing to pay to have the City's facilities relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, City and F.D.O.T. agree as follows:

City hereby subordinates to the interest of F.D.O.T., its successors, or assigns, any and all of its interest in the lands as follows, viz:

See Exhibit A attached hereto and made a part hereof

PARCEL NO. 121.2
SECTION 79160-2511
P.M. NO. 24-D02
PAGE 2

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	8/4/1988	Brandywine Enterprises, Inc.	City of DeLand	3175/1781

PROVIDED that the City has the following rights:

1. The City shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the City or require the City to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The City shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the F.D.O.T.'s facilities.
4. The City agrees to repair any damage caused by the City to F.D.O.T. facilities and to indemnify to the extent permitted under Florida law the F.D.O.T. against any loss or damage resulting from the City exercising its rights outlined in Paragraphs 1 and 3 above.

PARCEL NO. 121.2
SECTION 79160-2511
P.M. NO. 24-D02
PAGE 3

IN WITNESS WHEREOF, the F.D.O.T. hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered
in the presence of witnesses:

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

By: _____

SIGNATURE LINE
PRINT/TYPE NAME: _____

District Director Of
Transportation Development
for District Five
719 S. Woodland Blvd.
DeLand, Florida 32720

ADDRESS: _____

SIGNATURE LINE
PRINT/TYPE NAME: _____

ADDRESS: _____

Legal Review

By: _____
Office of the General Counsel

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, _____, by _____, District Director of Transportation Development for District Five, who is personally known to me or who has produced _____ as identification.

PRINT/TYPE NAME: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____

PARCEL NO. 121.2
SECTION 79160-2511
P.M. NO. 24-D02
PAGE 4

IN WITNESS WHEREOF, the City has caused these presents to be executed in its name by its Board of City Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

Signed, sealed and delivered in the presence of: Two witnesses required by Florida Law

CITY OF DELAND FLORIDA,
By Its Board of City Commissioners

SIGNATURE LINE
PRINT/TYPE NAME: _____

ADDRESS: _____

By: _____

Its Chairperson
(or Vice-Chairperson)

SIGNATURE LINE
PRINT/TYPE NAME: _____

ADDRESS: _____

ATTEST: _____

Clerk (or Deputy Clerk)

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization this _____ day of _____, _____, by _____, Chairperson (or Vice-Chairperson), who is personally known to me or who has produced _____ as identification.

PRINT/TYPE NAME: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____

Exhibit "A"

Parcel 121

Section 79160-2511

Deland, North Springs Garden Ave,
Right-of-way dedication
North Spring Garden Avenue (State Road 15-A)
FDOT R/W Map Section 79160 - 2511

A Parcel of land lying in the southwest 1/4 of Section 5, Township 17 South, Range 30 East, Volusia County, Florida, being more particularly described as follows:

Commence at the southwest corner of Section 5, Township 17 South, Range 30 East; Thence N01°33'01"W, along the west line of said section 5, a distance of 661.82 feet to its intersection with the south line of the North 1/2 of the southwest 1/4 of the southwest 1/4 of said section 5; Thence N89°25'18"E, along said south line, a distance of 49.89 feet to its intersection with the east right-of-way line of state road 15-a as shown on Florida Department of Transportation Right-of-Way Map Section 79160-2511, said point being the Point of Beginning;

Thence N01°33'01"W, along said right-of-way line, a distance of 253.19 feet; Thence N06°59'53"E, along said right-of-way line, a distance of 15.17 feet; Thence leaving said right-of-way line, N88°28'02"E, 18.49 feet; Thence S23°57'29"W, 21.32 feet; Thence S01°33'01"E, 249.15 feet to a point on the aforementioned south line of the north 1/2 of the southwest 1/4 of the southwest 1/4 of said Section 5; Thence S89°25'18"W, along said south line, a distance of 11.57 feet to the Point of Beginning.

Said Tract or Parcel of land containing 3,174 square feet or 0.073 acres, more or less

SKETCH OF DESCRIPTION RIGHT-OF-WAY DEDICATION



VICINITY MAP
(NOT TO SCALE)

SHEET INDEX

SHEET 1:	LEGEND & NOTES
SHEET 2:	SKETCH
SHEET 3:	LEGAL DESCRIPTION

LEGEND

•	ANGLE POINT
—	BOUNDARY LINE
— — —	ADJACENT BOUNDARY LINE
- - - -	SECTION LINE
— — — —	EASEMENT

ABBREVIATIONS

FDOT	=	FLORIDA DEPARTMENT OF TRANSPORTATION
ORB	=	OFFICIAL RECORDS BOOK
PID	=	PARCEL IDENTIFICATION NUMBER
R/W	=	RIGHT-OF-WAY
SQ FT	=	SQUARE FEET

NOTES

1. THIS SKETCH OF DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. THIS SKETCH OF DESCRIPTION DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT EXPRESS WRITTEN CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY.
2. THIS SKETCH OF DESCRIPTION IS CERTIFIED TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.
3. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT), DERIVING A BEARING OF N01°33'01"W ALONG THE WEST LINE SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST.
4. THIS IS NOT A BOUNDARY SURVEY.
5. STATE, COUNTY, & LOCAL BUFFERS AND SETBACKS MIGHT EXIST ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

REVISIONS:

03/13/24: REVISE PER COMMENTS
RECEIVED ON 03/13/24

CLIENT: HILLPOINTE, LLC

DATE: 11/01/2023 JOB: 22001649

DWG: DLG CH: KMK P.M.: CRE

SHEET NO.: 1 OF 3

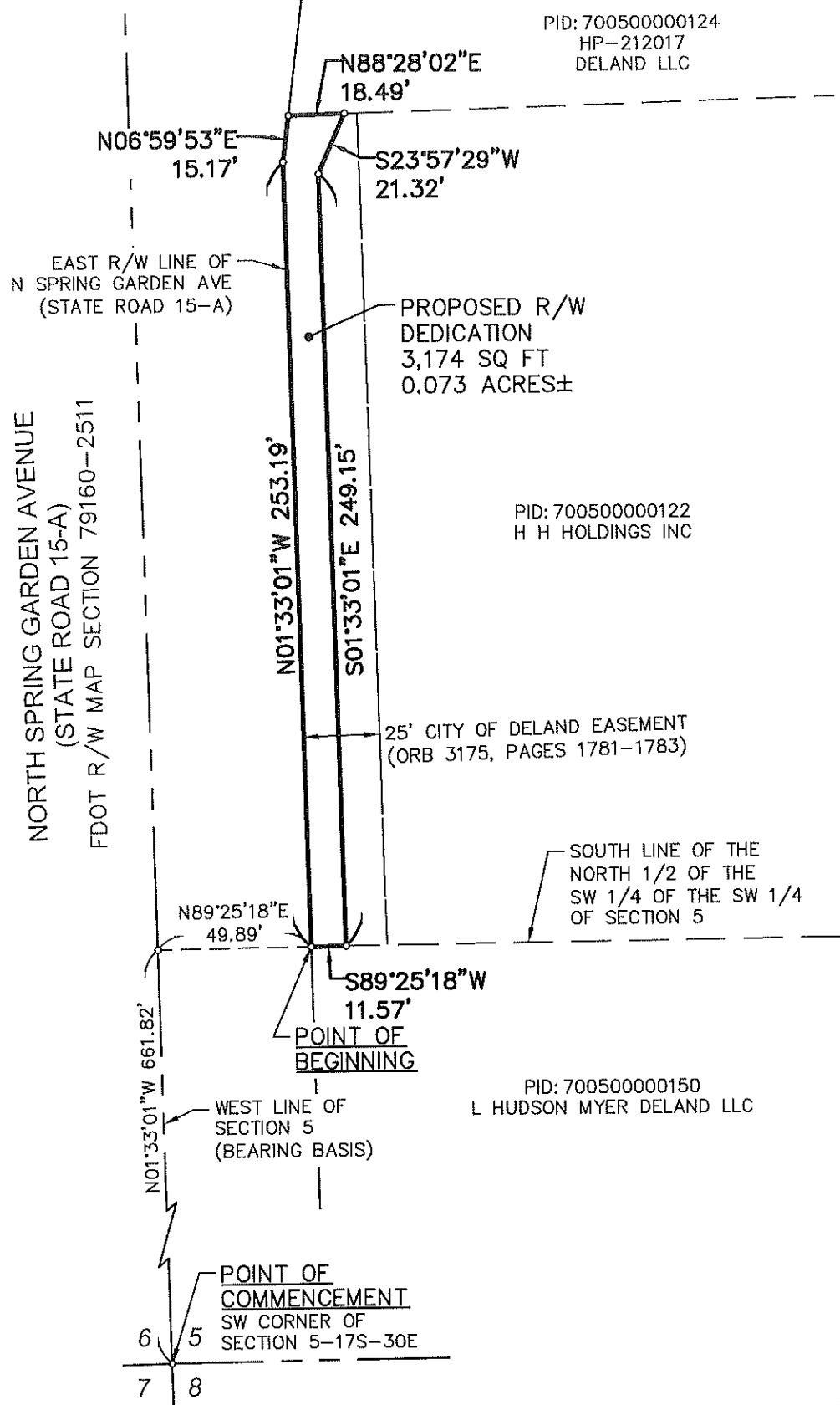
SKETCH OF DESCRIPTION
RIGHT-OF-WAY DEDICATION
SECTION 5, TOWNSHIP 17 SOUTH,
RANGE 30 EAST
VOLUSIA COUNTY, FL



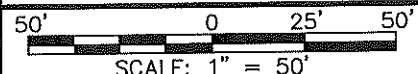
ATWELL
866.850.4200 www.atwell-group.com

1800 PARKWAY PLACE, SUITE 700
MARIETTA, GA
770.423.0807

\\GA0123\PROJECTS\22001649-DELAND\DWG\SURVEY\RW DEDICATION\22001649SD-01.DWG 3/13/2024 8:19 PM DANIELLE CELETA



NOT A BOUNDARY SURVEY



CLIENT: HILLPOINTE, LLC		
DATE: 11/01/2023	JOB: 22001649	
DWG: DLG	CH: KMK	P.M.: CRE
SHEET NO.: 2 OF 3		

SKETCH OF DESCRIPTION
RIGHT-OF-WAY DEDICATION
SECTION 5, TOWNSHIP 17 SOUTH,
RANGE 30 EAST
VOLUSIA COUNTY, FL

**ATWELL**
866.850.4200 www.atwell-group.com
1800 PARKWAY PLACE, SUITE 700
MARIETTA, GA
770.423.0807

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST; THENCE N01°33'01"W, ALONG THE WEST LINE OF SAID SECTION 5, A DISTANCE OF 661.82 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE N89°25'18"E, ALONG SAID SOUTH LINE, A DISTANCE OF 49.89 FEET TO ITS INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 15-A AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 79160-2511, SAID POINT BEING THE POINT OF BEGINNING; THENCE N01°33'01"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 253.19 FEET; THENCE N06°59'53"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 15.17 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, N88°28'02"E, 18.49 FEET; THENCE S23°57'29"W, 21.32 FEET; THENCE S01°33'01"E, 249.15 FEET TO A POINT ON THE AFOREMENTIONED SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE S89°25'18"W, ALONG SAID SOUTH LINE, A DISTANCE OF 11.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,174 SQUARE FEET OR 0.073 ACRES, MORE OR LESS

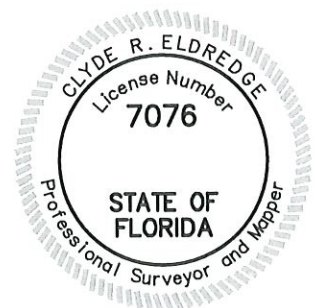


CLYDE R. ELDREDGE

March 13, 2024

DATE

FLORIDA LICENSED SURVEYOR AND MAPPER #7076



Rev.1 -Comments (03-13-24)

CLIENT: HILLPOINTE, LLC

DATE: 11/01/2023 JOB: 22001649

DWG: DLG CH: KMK P.M.: CRE

SHEET NO.: 3 OF 3

SKETCH OF DESCRIPTION
RIGHT-OF-WAY DEDICATION
SECTION 5, TOWNSHIP 17 SOUTH,
RANGE 30 EAST
VOLUSIA COUNTY, FL



ATWELL
866.850.4200 www.atwell-group.com

1800 PARKWAY PLACE, SUITE 700
MARIETTA, GA
770.423.0807

CITY OF DELAND
Request for Commission Action
June 17, 2024

SUBJECT: Consideration re Approval for Sale and Consumption of Alcoholic Beverages on City Property, Issues Havana Night Event.

DEPARTMENT: Admin Services

PREPARED BY: Michael Grebosz, Asst. City Manager

ATTACHMENTS: HN Site Map

APPROVED BY: Michael Pleus, City Manager, June 12, 2024

SUMMARY/HIGHLIGHT:

The Issues Bar Havana Nights is a new event hosted by The Issues Bar. This event will be held on Friday, July 19, 2024.

The organizers are requesting closure of Lot #5 and part of E. Indiana Avenue. They are requesting the authorization for the sale and consumption of liquor, beer and wine. In accordance with City policy Section 3-15, "on any other City property other than parks, an applicant for the consumption of alcoholic beverages must have specific City Commission approval."

The proposal to use the proposed event footprint for this activity has been reviewed and initially approved by the Police Department. The area for sale and consumption will be blocked off by barricades to ensure that people consuming alcohol do not leave the defined area.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Preserving Sense of Community.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

It is recommended that the City Commission approve the sale and consumption of alcohol beverages in Parking Lot #5 and part of E. Indiana Ave. during the Issues Havana Nights Event scheduled for Friday., July 19, 2024. Such consumption will be confined to the area designated by the site plan attached to this RCA.

BACKGROUND/DISCUSSION:

Event organizer asking permission for alcoholic beverage sale and consumption in Parking Lot #5 and E. Indiana Avenue during a special event.

XX NO ALCOHOL (AT 1ST LOT Entry)

HAVANA
NIGHTS

7/19/24
5 - 11pm

ISSUES

BAR

XX - NO ALCOHOL - 7/19/24

XX NO ALCOHOL

DANCE

LOT 5
~~LOT 5~~
Food Vendor
DJ
Cigar Vendor

WOODLAND
NO ALCOHOL PAST

CITY OF DELAND
Request for Commission Action
June 17, 2024

SUBJECT: Resolution re Surplus Equipment.

DEPARTMENT: City Clerk

PREPARED BY: Julie Hennessy, City Clerk

ATTACHMENTS: Resolution

APPROVED BY: Michael Pleus, City Manager, June 12, 2024

SUMMARY/HIGHLIGHT:

The proposed resolution declares certain equipment as surplus and authorizes the City Manager to dispose of same.

The 2012 Freightliner dump truck referenced VIN # 1FVMC5OV7CHBF6363 was totaled on 05/29/2024. Our insurance company will be reimbursing us the actual value of the vehicle minus our deductible in the amount of \$83,666.67.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

N/A

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The proceeds from the sale of surplus equipment are included as revenue in the budget.

RECOMMENDATION:

It is recommended that the City Commission adopt the resolution declaring the equipment surplus and authorizing its disposal as set forth therein.

BACKGROUND/DISCUSSION:

N/A

RESOLUTION NO. 2024 –

**A RESOLUTION BY THE CITY OF DELAND; FLORIDA, DECLARING CERTAIN
PROPERTY SURPLUS; AUTHORIZING DISPOSAL OF THE PROPERTY; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the disposal of tangible surplus property is authorized by Section 274.06, Florida Statutes;
and

WHEREAS, the City Commission hereby finds that the below property is either: obsolete and the continued use of it is uneconomical or inefficient; that it serves no useful function; and/or that it is irreparable;
and

WHEREAS, the City Commission hereby finds that it is in the best interests of the City to dispose of said surplus property;

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

Section 1. The following described property is hereby declared surplus, and the City Manager is hereby authorized to dispose of the surplus property in a manner provided by law and to remove the surplus property from the City's fixed assets:

<u>UTILITIES</u>			
<u>DEPT/ASSET NO.</u>	<u>CITY WORKS ID</u>	<u>DESCRIPTION</u>	<u>VIN/SERIAL NO.</u>
205-5373		2012 Freightliner Dump Truck (Totaled by Insurance)	1FVMC5OV7CHBF6363

Section 2. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 17th day of June, 2024.

ATTEST:

Christopher M. Cloudman
Mayor-Commissioner

Julie A. Hennessy
City Clerk-Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

CITY OF DELAND
Request for Commission Action
June 17, 2024

SUBJECT: Second Reading of Ordinance No. 2024-30, Amending Chapter 33, Section 33-19.13, Residential Dwelling Units on First Floor.(1st Rdg. 05/20/24).

DEPARTMENT: Planning

PREPARED BY: Carol Kuhn, Planning Director

ATTACHMENTS: ORD-2024-30 , LDR24-100 LDR Amendment (Section 33-19), LDR24-100 Staff Report

APPROVED BY: Michael Pleus, City Manager, June 12, 2024

SUMMARY/HIGHLIGHT:

Residential uses are a Conditional Use for properties in the C-2A zone district. In 2021, the C-2A regulations were amended with the intention of providing standards for residential dwelling units on the first floor in the Downtown Commercial District. However, the change unintentionally created nonconformities for existing residential uses on the first floor in the C-2A zone district without the required commercial component.

With this proposed amendment, the code will be updated to allow residential uses to be permitted on the first floor in the C-2A zone district, without requiring a commercial component, and while still retaining the buffer distance requirement from Woodland Boulevard and New York Avenue.

At the Planning Board's meeting held on May 8, 2024, the board voted to recommend approval of the amendment.

On May 20, 2024, the City Commission voted unanimously to approve the proposed amendment on first reading.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Growth - Promoting housing options for a range of income levels.

SUSTAINABILITY:

The proposed amendment to Section 33-19.23 of the Land Development Regulations will promote sustainability by allowing for a range of residential development types for the current and future residents of DeLand.

FISCAL IMPACT:

None at this time.

RECOMMENDATION:

Staff recommends that the City Commission approve the proposed amendment on second reading.

BACKGROUND/DISCUSSION:

The way the code is currently written, residential uses are not permitted on the first floor of a new or existing building, without requiring a commercial component. This amendment would allow existing and new residential uses, such as a duplex or a multifamily apartment building, to be constructed, as long as all other applicable standards of the code are met, including the buffer distance requirement from Woodland Boulevard and New York Avenue.

ORDINANCE NO. 2024 - 30

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELAND LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 33-19.13 “RESIDENTIAL DWELLING UNITS ON FIRST FLOOR”; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, it is necessary to amend Chapter 33 “Land Development Regulations” of the Code of Ordinances of the City of DeLand, in order to update the regulations and provide standards for residential dwelling units on the first floor in the C2-A Downtown Commercial zone district within the City of DeLand; and

WHEREAS, staff has undertaken a comprehensive review of the City’s Land Development Regulations and it has been determined that the revisions set forth in this ordinance will be beneficial to the efficient administration of Chapter 33 of the Code of Ordinances of the City of DeLand.

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

Section 1. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 33-19.13, “Residential Dwelling Units on first floor” by adding the new underlined language and by deleting the ~~strike-through language~~, to be read in full as follows:

33-19.13. *Residential Dwelling units on first floor.*

- (a) *Intent.* It is the intent of this Section to provide standards for the location and development for residential dwelling units, which includes ~~included single~~, two- and multiple-family units, on the first floor in the downtown commercial area, ~~either as a primary use to an accessory commercial use or as an accessory use to a primary commercial use.~~
- (b) *Where allowed.* First floor residential dwelling units will not be permitted within 50 feet of Woodland Boulevard or New York Avenue.
- (c) *Development standards for new development.*
 - 1. Street side of development shall include amenities that encourages pedestrian activities and will be of the same design as the rest of downtown.
 - 2. Building should be located adjacent to street or slight setback (less than 20 feet) to allow for a small, landscaped area.
 - 3. For town home style units, parking should be located in the rear or inside the structure. If outside parking is utilized in the front of the building, it shall be screened by a three-foot wall. If individual garages are to be used the entry must be located at rear to prevent the garage door from being the focal point of the building.
 - 4. Sidewalk or trail width shall be the same as adjacent sidewalk or trail up to a maximum of 12 feet, with a minimum of five feet.
 - 5. Parking garages for multifamily structures will be permitted on the first floor with entrance preferably parallel to street. The garage will be designed to resemble a residential building or commercial store frontage in order to maintain the character of downtown.
- (d) *Development standards for conversion of existing building.*

1. Conversion to residential uses on a first floor will not be permitted for a building if part of a row or line of existing buildings.
2. Exterior renovations must comply with Community Design Standards.

Section 2. Conflicts. All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

Section 3. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 4. Codification; Directions to Code Codifier; Correction of Scrivener's Errors.

(a). The provisions of Sections of this Ordinance shall become and be made a part of the Code of Ordinances of the City of DeLand and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 2 through 5 shall not be codified.

(b). The Code codifier shall instruct the Municipal Code Corporation to make all changes necessary in the Code of Ordinances of the City of DeLand to implement the provisions of this Ordinance and is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable.

(c). In accordance with the City's ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 17th day of June, 2024.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: May 20, 2024
Adopted on second reading: June 17, 2024

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

33-19.13. *Residential Dwelling units on first floor.*

- (a) *Intent.* It is the intent of this Section to provide standards for the location and development for residential dwelling units, which includes ~~single~~, two- and multiple-family units, on the first floor in the downtown commercial area ~~either as a primary use to an accessory commercial use or as an accessory use to a primary commercial use.~~
- (b) *Where allowed.* First floor residential dwelling units will not be permitted within 50 feet of Woodland Boulevard or New York Avenue.
- (c) *Development standards for new development.*
 - 1. Street side of development shall include amenities that encourages pedestrian activities and will be of the same design as the rest of downtown.
 - 2. Building should be located adjacent to street or slight setback (less than 20 feet) to allow for a small, landscaped area.
 - 3. For town home style units, parking should be located in the rear or inside the structure. If outside parking is utilized in the front of the building, it shall be screened by a three-foot wall. If individual garages are to be used the entry must be located at rear to prevent the garage door from being the focal point of the building.
 - 4. Sidewalk or trail width shall be the same as adjacent sidewalk or trail up to a maximum of 12 feet, with a minimum of five feet.
 - 5. Parking garages for multifamily structures will be permitted on the first floor with entrance preferably parallel to street. The garage will be designed to resemble a residential building or commercial store frontage in order to maintain the character of downtown.
- (d) *Development standards for conversion of existing building.*
 - 1. Conversion to residential uses on a first floor will not be permitted for a building if part of a row or line of existing buildings.
 - 2. Exterior renovations must comply with Community Design Standards.

**PLANNING STAFF
REPORT
CITY OF DELAND PLANNING
BOARD
May 8, 2024**

APPLICATION NO: LDR24-100

APPLICANT: City of DeLand

REQUEST: Amendment to the City of DeLand Land Development Regulations to Modify Section 33-19.13 Conditional Use Development Standards for Residential Units in the Downtown Commercial District (C-2A)

APPLICABLE ORDINANCES: *Sec. 33-135. Procedure for text amendments.*

33-135.01(a) Amendments to the text of this chapter may be initiated by the city or upon application of any interested person.

33-135.12(b) The Planning Board shall review proposed changes in this chapter, which shall make a recommendation to the city commission prior to final action adopting or not adopting the amendment. However, at the request of the planning board or the city commission, or in the discretion of the city manager, proposed amendments may be taken directly to the city commission for action.

LOCATION: City-wide

STAFF SUMMARY:

In 2021, the C-2A regulations were amended. It was the intent of Sec. 33-19.13 to provide standards for residential dwelling units on the first floor in the Downtown Commercial District. As currently written, the regulations specify that residential dwelling units on the first floor of a building in the C-2A zone district are only permitted as a conditional use. The intent statement in the current regulations requires there be a commercial component to all residential uses in the C-2A zone district. The zone district does not currently permit any residential uses on the first floor of a building unless the residential use is primary to an accessory commercial use or it is an accessory use to a primary commercial use. If the residential use is the primary use, then there must still be a commercial component. With the new commercial component, numerous non-conformities were unintentionally created by requiring a commercial component for residential units on the first floor. Uses such as multi-family apartment buildings or duplexes would not be permitted without the required commercial component, not just within the specific distance along Woodland Blvd. and New York Ave.

It is the purpose of this text amendment to update the code to allow residential uses to be permitted on the first floor in the C-2A zone district, without requiring a commercial component and while still retaining a distance requirement along the two main roadways in the downtown.

With this change, residential dwellings on the first-floor will still be a conditional use, however, the conditions have been clarified and adjusted to facilitate the proposed amendment. Additionally, the Comprehensive Plan does not allow single-family dwelling units in the Downtown Commercial Land Use designation. Staff is removing this inconsistency with the proposed amendment to the Land Development Regulations.

The proposed update to the development standards for property within the C-2A Downtown Commercial District (Section 33-19.13) is attached to this report.

STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward this proposed text amendment, project number LDR24-100, Text Amendment to Modify the Conditional Uses in the C-2A Zone District, Residential Dwelling Units in the Downtown Commercial District, to the City Commission for review and approval.

CITY OF DELAND
Request for Commission Action
June 17, 2024

SUBJECT: Second Reading of Ordinance No. 2024-31, Changing the Zoning for Property Located at 215 and 221 West Wisconsin Avenue, from R-1A (Single-family Residential) to C-2A (Downtown Commercial).(1st Rdg. 05/20/24).

DEPARTMENT: Planning

PREPARED BY: Kendall Story, Senior Planner

ATTACHMENTS: ORD-2024-31 , Exhibit A - Legal Description, Z24-009 Survey, Z24-009 Staff Report, Z24-009 Aerial, Z24-009 Location, Z24-009 Current Zoning, Z24-009 Proposed Zoning

APPROVED BY: Michael Pleus, City Manager, June 12, 2024

SUMMARY/HIGHLIGHT:

The applicant, Stacia Hollman, is requesting to rezone the subject property to the C-2A zoning district which is compatible with the DC (Downtown Commercial) future land use designation, as well as the characteristics of the surrounding area. The properties are currently zoned R-1A and contain a duplex on each lot. The duplex (2-family residential) use is not permitted in the R-1A (single-family) zone district. Furthermore, the existing structures do not meet the minimum lot width requirements for R-1A, nor do the properties meet the minimum setbacks for the zone district. The applicant has requested a rezoning to reduce the non-conforming nature of the properties.

At the Planning Board's meeting held on May 8, 2024, the board voted to recommend approval of the requested rezoning.

On May 20, 2024, the City Commission voted unanimously to approve the proposed rezone, on first reading.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Growth - promoting housing options for a range of income levels.

SUSTAINABILITY:

The proposed rezone request will promote sustainability by allowing for a range of residential development types for the current and future residents of DeLand.

FISCAL IMPACT:

None at this time.

RECOMMENDATION:

Staff recommends that the City Commission approve the rezone request for 215 & 221 West Wisconsin Avenue on second reading.

BACKGROUND/DISCUSSION:

The existing structures were built in 1903 and have a future land use designation of Downtown Commercial. Prior to approval of this request, an amendment to Section 33-19.13 of the Land Development Regulations must be approved. The amendment would allow residential dwelling units in the C-2A zone district to be permitted on the first floor of a building, without requiring a commercial component, and as long as the property meets the distancing requirements from Woodland Boulevard and New York Avenue.

ORDINANCE NO. 2024 - 31

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-1A, SINGLE-FAMILY RESIDENTIAL TO C-2A, DOWNTOWN COMMERCIAL ON PROPERTIES LOCATED AT 215 AND 221 WEST WISCONSIN 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, properties located at 215 and 221 West Wisconsin Avenue and more particularly described in the attached Exhibit “A”, are currently zoned as R-1A, Single-Family Residential, pursuant to City of DeLand’s Zoning Ordinances; and

WHEREAS, properties currently have a Land Use Designation of Downtown Commercial 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 C-2A, Downtown Commercial; and

WHEREAS, the C-2A, Downtown Commercial 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 R-1A, Single-Family Residential to C-2A, Downtown Commercial zoning designation, on the following described property:

See legal description attached hereto as Exhibit “A”

Tax Parcel Identification Nos. 700912000081 and 700912000080

Section 2. The City Commission hereby finds that the C-2A, Downtown Commercial zoning designation is consistent with the property’s Downtown Commercial 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 R-1A, Single-Family Residential to C-2A, Downtown Commercial 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 17th day of June, 2024.

Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: May 20, 2024
Adopted on second reading: June 17, 2024

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

PARCEL A

The West 60 fee of Lot 8, Assessor's Subdivision of Lot 7, Block 10, Roger's Deland, according to the plat thereof as recorded in Map Book 3, page 87, Public Records of Volusia County, Florida.

16,776 +/- Square Feet

PARCEL B

The East 72 feet of Lot 8, Assessor's Subdivision of Lot 7, Block 1, Rogers Deland, according to the map thereof as recorded in Map Book 3, Page 87, Public Records of Volusia County, Florida.

20,003.04 +/- Square Feet

BOUNDARY SURVEY OF:

PARCEL A

The West 60 feet of Lot 8, Assessor's Subdivision of Lot 7, Block 10, Roger's Deland, according to the plat thereof as recorded in Map Book 3, page 87, Public Records of Volusia County, Florida.

PARCEL B

The East 72 feet of Lot 8, ASSESSORS SUBDIVISION OF LOT 7, BLOCK 10, RODGERS DELAND, according to the map thereof as recorded in Map Book 3, Page 87, Public Records of Volusia County, Florida.

THIS SURVEY IS CERTIFIED TO:
MARK HOLLMANN

FLOOD CERTIFICATION:

This is to certify that I have consulted the National Flood Insurance Flood Hazard Boundary Map and found the subject property is not within a special flood hazard area, according to Map No. 12127C 0470H, dated 02/19/2014. (ZONE X)

PROPERTY ADDRESS:

215 & 221 W. WISCONSIN AVE., DELAND, FL

BEARINGS BASED ON ASSUMED DATUM--The Westerly line of Lot 8 being N.00°03'28"W.

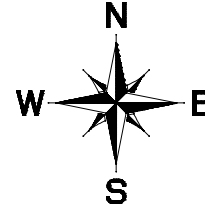
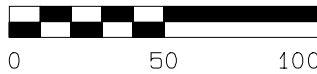
NOTES:

- 1) Subject to restrictions, reservations, easements and rights-of-way, if any, appearing of record.
- 2) Survey performed without the benefit of a title search.
- 3) Underground utilities and other below ground features, not located, other than shown.

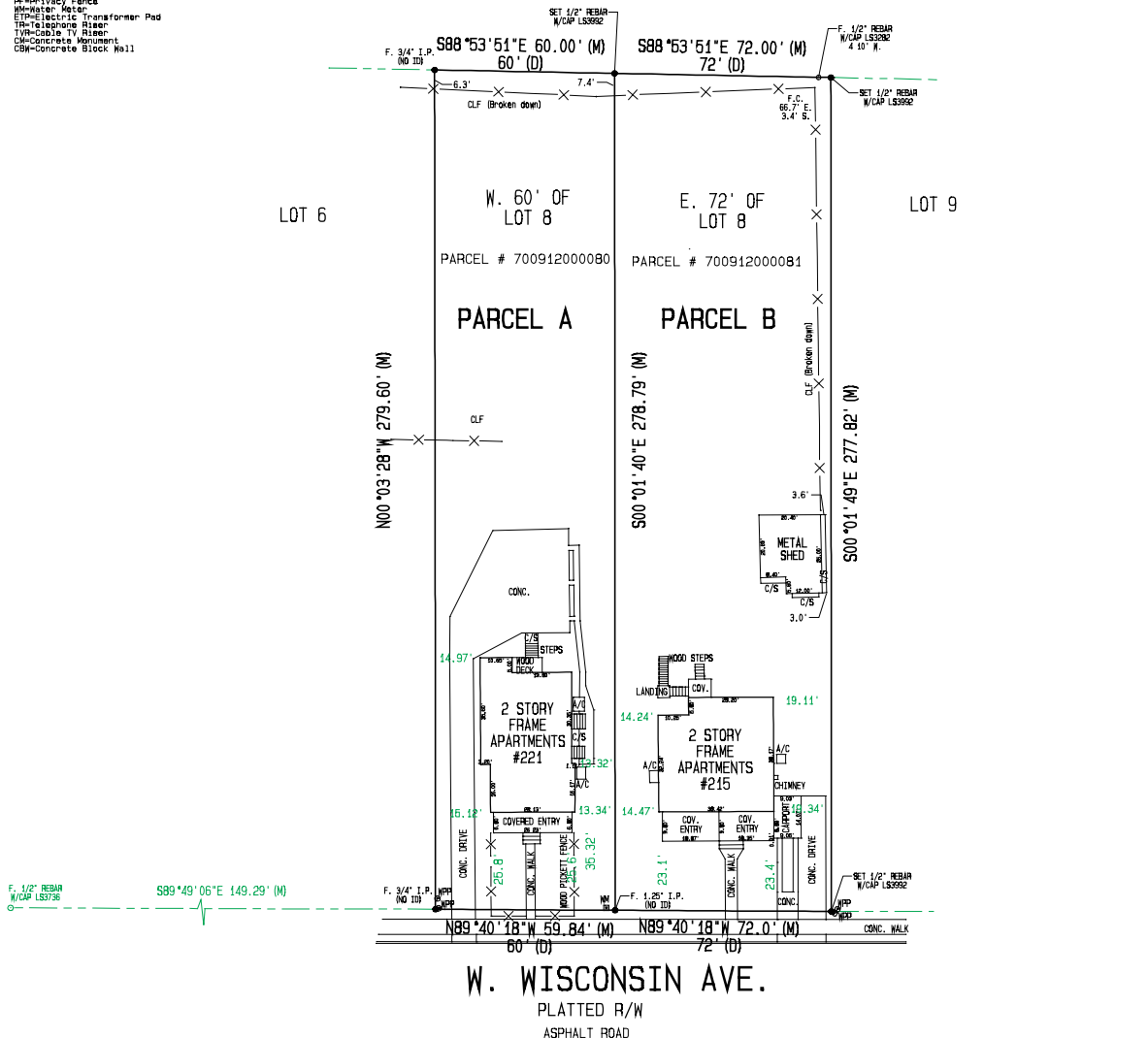
LEGEND:

U.E.-Utility Easement
D.E.-Drainage Easement
U.D.E.-Utility & Drainage Easement
D.P.-Drainage Plat
D.D.-Deed data
M.-Field measured data
C.-Calculated data
F.-Found
P.C.-Fence corner
P.T.-Point of Curve
P.T.-Point of Tangency
P.C.C.-Point of Compound Curve
P.R.C.-Point of Reverse Curve
R/W-Right of way
L.S.-Land Surveyor
L.B.-Licensed Business
P.S.-Professional Surveyor & Mapper
C/S-Concrete Slab
W/W-Wood Fencing
M/W-Metal Rail Fence
W/W-Wood Rail Fence
W/W-Wire Fence
C/L-Chain Link Fence
W/W-Wire Fencing
M/W-Metal Fencing
T/P-Telephone Pad
T/P-Telephone Pole
T/P-Telephone Pole
C/W-Concrete Walk
C/W-Concrete Wall

SCALE 1"=50'



Deland Branch of J.T. and K.W. Railroad (per plat)



This survey is certified to and prepared for the exclusive benefit of the entities and/or individuals shown herein, valid on the most current date shown, and shall not be relied upon by any other entity or individual whatsoever.

There may be additional restrictions and/or other matters of record not shown on this survey that may be found in the Public Records of the county or contained within the title commitment.

THIS DRAWING IS THE SOLE PROPERTY OF LANGFORD SURVEYING CFL, INC. AND CANNOT BE REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF LANGFORD SURVEYING CFL, INC. OTHER THAN THE ORIGINAL CLIENT. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE EXPRESSED WRITTEN PERMISSION OF LANGFORD SURVEYING CFL, INC. ©

Langford Surveying CFL, Inc.
931 N. State Road 434 Ste 1201
Altamonte Springs, FL 32714
407-332-7202 386-738-5080
www.langfordsurveying.com
jim@langfordsurveying.com

NOTE: Date of survey may differ from date of signature. If so, the date of survey is the applicable date.



DATE SIGNED: 01/22/2024
James P. Langford, P.L.S. 3992 LB7803
VALID ONLY WITH AN AUTHENTICATED ELECTRONIC
OR EMBOSSED SURVEYOR'S SEAL & SIGNATURE

Date of Survey:	Drawn by:	Checked by:	Scale:	File name/no.
11/13/2023	JPL	JPL	1"=30'	23-11/

**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD**

May 8, 2024

A. APPLICATION NO.: Z24-009

STAFF PLANNER: Kendall Story, CNU-A

APPLICANT: Stacia Hollman, Owner

REQUEST: Rezone from R-1A (Residential), to C-2A (Downtown Commercial)

APPLICABLE REGULATIONS:

Article XII ADMINISTRATION AND ENFORCEMENT

Sec. 33-135 – Procedure for text amendments & rezoning.

B. SITE FACTORS:

Location: 221 & 215 W. Wisconsin Ave.
Parcel ID: 700912000080 (221 W. Wisconsin Ave. - 16,776 square feet);
700912000081 (215 W. Wisconsin Ave. - 20,003.04 square feet)
Land Use: DC, Downtown Commercial
Existing Zoning: R-1A, Single Family Residential
Existing Use: Duplex (2-family dwellings)

	SURROUNDING LAND USE:	SURROUNDING ZONING:
North:	LDR (Low Density Residential)	C-2A (Downtown Commercial)
South:	DC, Downtown Commercial	R-1A (Single Family Residential)
East:	DC, Downtown Commercial	C-2A (Downtown Commercial)
West:	DC, Downtown Commercial	R-1A (Single Family Residential)

C. ANALYSIS:

The subject properties are located at 221 & 215 W. Wisconsin Avenue. The properties are currently zoned R-1A and contain a duplex on each lot. The existing structures were built in 1903 and have a future land use designation of Downtown Commercial. The duplex (2-family residential) use is not permitted in the R-1A (single-family) zone district. Duplexes are allowed only in the R-2, R-8, R-12 and E-1 zone districts. Furthermore, the existing structures do not meet the minimum lot width requirements for R-1A, nor do the structures meet the minimum setbacks for the zone district.

The applicant has requested a rezoning from R-1A to C-2A to reduce the non-conforming nature of the properties, making the zone district consistent with the Future Land Use of Downtown Commercial, and allow for future units to be constructed on the long, narrow lots. Currently, neither structure meet the minimum front setback of 30' that is required in the R-1A zone district or the minimum lot width of 75'. However, the C-2A zone district does not have a minimum lot width requirement or setback standards. Therefore, if the properties were to be rezoned to C-2A, they would be in compliance with the dimensional standards of the C-2A zone district, while also allowing for two-family and multi-family uses, unlike the R-1A zone district.

Section 33-135 of the Land Development Regulations provides the following criteria, which the Planning Board and City Commission shall utilize in reviewing a 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 development is consistent with the Comprehensive Plan with an underlying land use designation of DC, Downtown Commercial; the DC designation is characterized by a mixture of duplexes and multi-family residential, retail, and office uses. The DC designation does not allow for single-family residential uses.

The C-2A zoning designation is consistent with the Downtown Commercial future land use and maintains the same general character of the surrounding area which consists of a mix of duplexes and multi-family residential and commercial properties.

2. Will the proposed rezoning have an impact upon the environment or natural resources?

The rezoning of this property should not impact any environmental or natural resources. It is already a developed site. Any future development or redevelopment would be analyzed for environmental impacts at the time of any future development.

3. Will the proposed rezoning have an impact upon the economy of the affected area?

The rezoning will not have an impact upon the economy, as the property is improved with two duplex structures.

4. Will the proposed rezoning have an impact upon governmental services?

The use of the property is anticipated to have little to no impact on governmental services, as the property is already developed and existing services, such as police and fire, are already available.

5. Are there changes in the circumstances or conditions affecting the area since the original assignment of zoning that will support the proposed zoning?

The subject property is located within the Core Area Gateway Overlay District and has a future land use designation of Downtown Commercial. According to section 33-36 of the land development code, the purpose of the Gateway Overlay Districts is to:

- *Ensure that the main streets and entryways to the City of DeLand are developed into well-landscaped, scenic gateways;*
- *Provides uniform design standards to promote high quality new development;*
- *Promote redevelopment and adaptive reuse of existing properties in a manner consistent with the historic character of the city;*
- *Prevent visual pollution caused by unplanned and uncoordinated uses, buildings and structures;*
- *Utilize natural and transplanted trees to shade and soften the appearance of nonresidential parking areas; and*
- *Maximize pedestrian access and safety.*

If redeveloped, the property will be held to the gateway overlay standards, therefore meeting the intent of said section of the code. No exterior site improvements are proposed at this time. The Downtown Commercial land use permits multi-family residential uses, but not duplex (two-family residential).

6. Was there a mistake in the original classification?

There was no known mistake. However, the existing structures, built in 1903, are inconsistent with the Downtown Commercial Future Land Use designation. C-2A zoning is consistent with the existing future land use designation.

7. Will the proposed rezoning have any effect upon the use or value of the affected area?

The proposed rezoning would allow the established duplexes to remain and would allow for possible future units to be added. The rezoning should not have any effect upon the surrounding area.

8. Will the proposed rezoning have an impact upon public health, safety and welfare?

It is not anticipated that there will be any adverse impacts upon public health, safety, or welfare as a result of this zoning change. This rezoning would make the property more conforming, as C-2A does not have a minimum lot size, minimum lot width, setbacks, or maximum impervious.

D. CONCLUSION:

The Applicant is proposing to rezone the subject property to the C-2A zoning district which is compatible with the DC (Downtown Commercial) future land use designation, as well as the characteristics of the surrounding area.

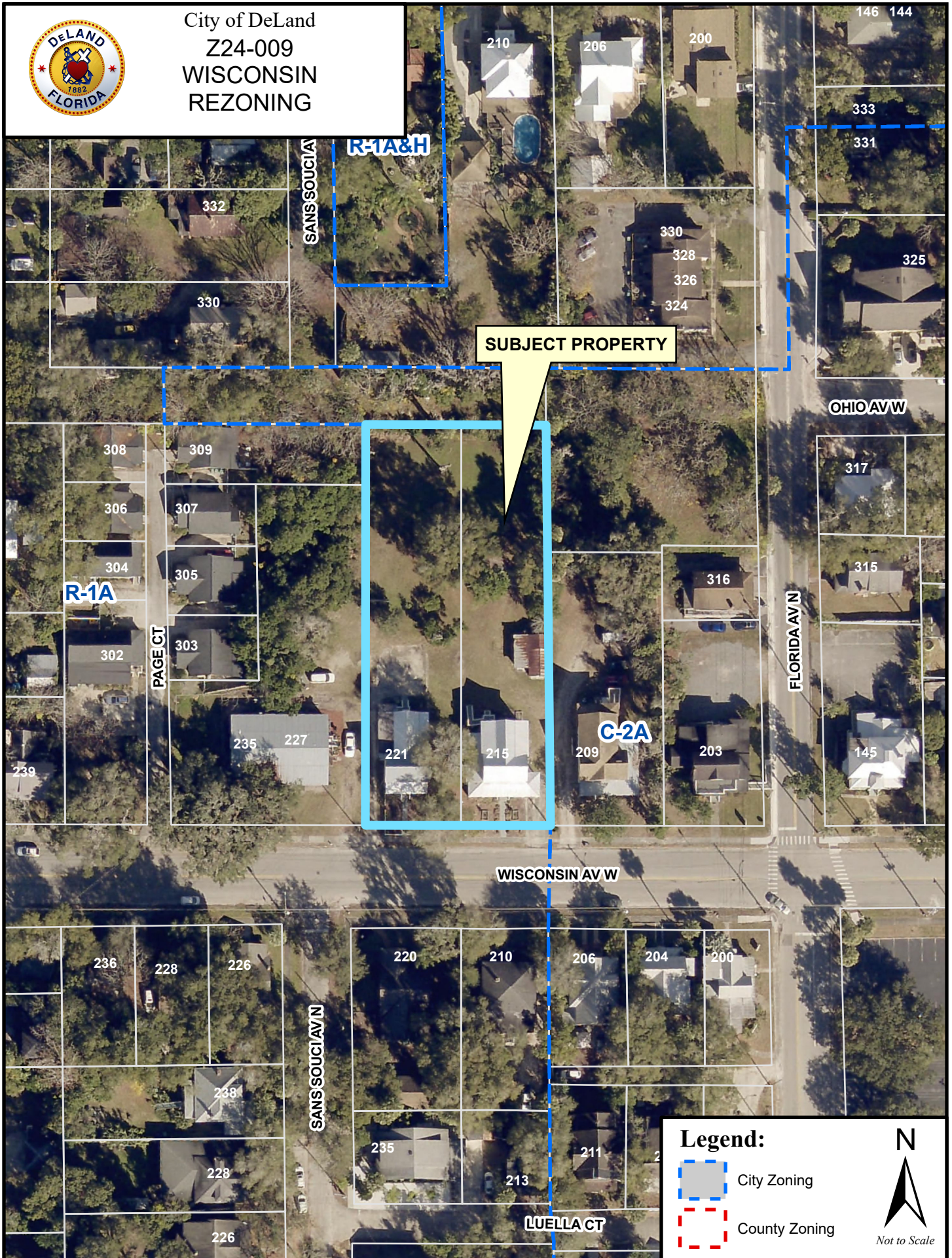
E. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward the application to the City Commission with a recommendation of approval to rezone the subject properties from R-1A (Single Family Residential) to C-2A (Downtown Commercial).

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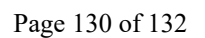
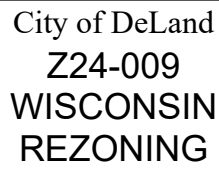
City of DeLand
Z24-009
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REZONING



Legend:

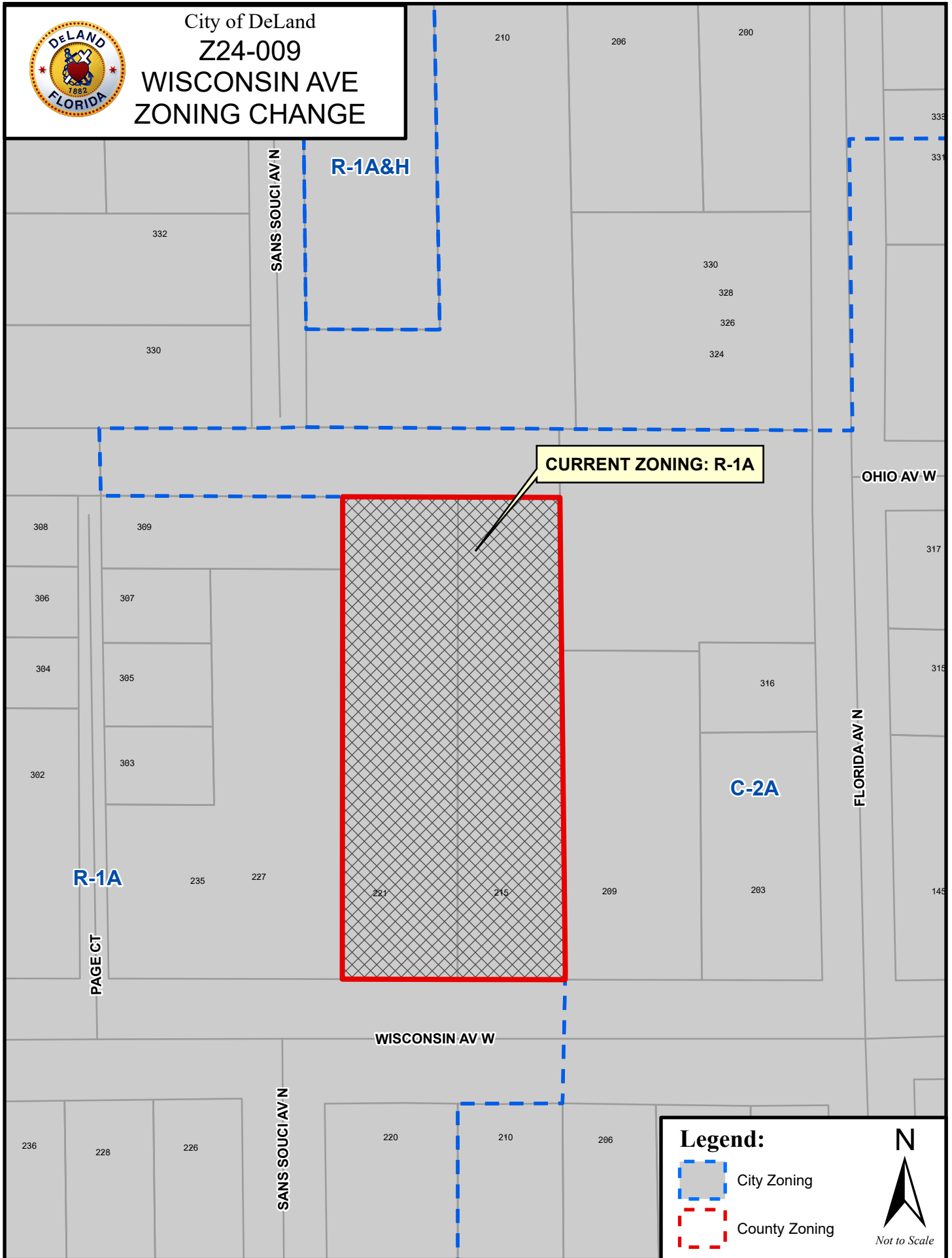
- City Zoning
- County Zoning







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ZONING CHANGE





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