CITY OF DELAND
REGULAR MEETING OF THE CITY COMMISSION
MAY 4, 2026 AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

INVOCATION - Pastor Reggie Williams, Emmanuel Christian Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC HEARING

PRESENTATIONS

1. City of DeLand Super Star Students of the Month.
2. Proclamation Honoring Yvonne Milton
3. Proclamation for National Police Week.
4. Proclamation for Elder Abuse and Exploitation Awareness Month.
5. Proclamation for Water Safety Month.
6. Proclamation for Kids to Parks Day.
7. Proclamation for National Historic Preservation Month.
8. Proclamation for Municipal Clerks Week.
9. Proclamation for Bicycle, Skateboard, Scooter, E-Bike and E-Scooter Safety Month.

CONSENT AGENDA

1. Consideration Re: Approval to reject all bids for security monitoring and support throughout the City.

   Staff recommends the City Commission reject all bids for security monitoring and support throughout the City.

2. Resolution re Surplus Equipment.

   Resolution declaring equipment that has reached the end of service life as surplus and authorizing its disposal.

3. Consideration of CPH Task Assignment for Entry sign/feature at Kepler/Sr 44 and Orange Camp Road/MLK Roundabout Monument Signs.

Staff recommends that the City Commission approve CPH Task Assignment No. 27, Amendment #1, which includes design services, agency coordination, bid phase and post design services in the total amount of $38,154.00.

4. Resolution Approving FY 2025-2026 Budget Amendment.

   Presentation of a budget amendment for FY 2025/2026.

5. Approval of Minutes for the regular meetings of August 17, 2020, December 6, 2021, January 3 and January, 18, 2022; the Special Meeting of January 31, 2022; the regular meetings of February 21, March 7, March 21, April 4, April 18, 2022; the regular meetings of October 7, and October 21, 2024; the regular meetings of March 17 and April 21, 2025, and the regular meeting of April 20, 2026.

   Review and approval of City Commission minutes.

6. Consideration, Award of Bid, Westside Interceptor ARV Replacements.

   Staff recommends awarding the bid to the lowest responsive bidder, Hazen Construction, resulting in a total obligation of $46,761.00.

7. Resolution Approving Revised Building Permit Fee Schedule.

   Resolution Approving Revised Building Permit Fees.

8. Termination of Acquisition and Redevelopment Agreement - GlassHouse.

   Termination of Acquisition and Redevelopment Agreement.

9. Interlocal Agreement with Volusia County regarding Beresford Avenue extension.

   Approval of interlocal agreement for Bereford Avenue extension.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

BOARD APPOINTMENT

OLD BUSINESS

NEW BUSINESS

1. Continuation of First Reading of Ordinance Abandoning ± 0.89 Acres of Right-of-Way of Bennett Drive, along lots 25-31 of the DeLand Business and Industrial Park plat.

   This is a request to continue the first reading from May 4, 2026, to May 18, 2026.

2. First Reading of Ordinance Changing the Zoning for ±1.90 Acres of Property, Located at 600 North Woodland Boulevard, from E-1 (Educational) to DeLand Atrium PD (Planned Development).

   First Reading of Ordinance Changing the Zoning for ±1.90 Acres of Property, Located at 600 North Woodland Boulevard, from E-1 (Educational) to DeLand Atrium PD (Planned Development).

3. First Reading of Ordinance Annexing ±25.44 Acres of Property, Located South of Orange Camp Road, West of the I-4 Interchange.

4. First Reading of Ordinance Changing the Land Use for ±22.43 Acres of Property, Located South of Orange Camp Road, west of the I-4 Interchange, from Volusia County Commercial and Volusia County Rural to City of DeLand Highway Commercial (HC).

5. First Reading of Ordinance Changing the Zoning for ± 22.43 Acres of Property, Located South of Orange Camp Road, west of the I-4 Interchange, from Volusia County B-6 (Highway Interchange Commercial), BPUD (Business Planned Unit Development), and A-2 (Rural Agriculture) to City Of DeLand C-2 (General Commercial).

CITY COMMISSION REPORTS

1. Report re Elected Officials Round Table.

2. Report re Volusia-Flagler TPO.

3. Report re River of Lakes Heritage Corridor.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

CITY CLERK REPORT

CITY COMMISSION

ADJOURNMENT

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

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

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

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

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

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

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

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

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

CITY MANAGER'S OFFICE
MEMORANDUM

TO: Dale Arrington, Interim Deputy City Clerk

FROM: Teri Byrnes, Executive Assistant to the City Manager

DATE: April 21, 2026

SUBJECT: City of DeLand Super Star Student of the Month - MAY

For the May 4, 2026 agenda, the City of DeLand Super Star Student of the Month recognizes:

Blue Lake Elementary: AAMINAH CRAWFORD

Chisholm Community Center After School Program: HAEDYN BENNETT

Citrus Grove Elementary: MOHAMMAD SIAM ISMAM

DeLand High School: DONTAE REID

DeLand Middle School: RICHARD TAYLOR

DeLand PAL: NO SUBMISSION

DeLand Police Cadet: NO SUBMISSION

DeLand Preparatory Academy: NO SUBMISSION

Discovery Academy: NO SUBMISSION

Freedom Elementary: RILEY RUSSO

George Marks Elementary: OLIVER LARA

Southwestern Middle School: NO SUBMISSION

St. Barnabas: KATINA SCHIMENTI

St. Peter's Catholic School: NO SUBMISSION

Starke Elementary: SAMADY HERNANDEZ VARGAS

Stetson Baptist: NO SUBMISSION

TOP Academy: NO SUBMISSION

Woodward Avenue: SWARA PATEL

The CITY OF DELAND

Volusia County, Florida

Certificate of Recognition

***Whereas**, Yvonne Milton began her service with the Neighborhood Center in July 2023 as a Housing Case Manager for the Permanent Supportive Housing (PSH) program, where she worked tirelessly to assist individuals and families experiencing homelessness—particularly those with disabilities—in securing stable housing; and*

***Whereas**, in this role, she provided compassionate, client-centered case management services that supported participants in maintaining housing stability and achieving long-term success; and*

***Whereas**, in February 2024, Yvonne transitioned to the role of Housing Assistant for the Housing Department, where she has provided essential administrative and operational support to a team of Housing Case Managers and the Housing Director across five housing programs serving approximately 130 households annually; and*

***Whereas**, through her management of the department's reception area, she has served as a welcoming and reliable first point of contact for individuals and families seeking housing resources, offering assistance Monday through Thursday with professionalism, care, and respect; and*

***Whereas**, Yvonne has extended her impact beyond her core responsibilities by working directly with unsheltered members of the community, helping to coordinate financial assistance for critical housing needs such as security deposits and first month's rent—barriers that often prevent individuals from securing stable housing; and*

***Whereas**, her initiative and dedication have enabled the agency to broaden its reach and provide life-changing support to individuals and families throughout Volusia County who are not yet connected to formal housing programs; and*

***Whereas**, over the past two and a half years, Yvonne Milton has consistently demonstrated a positive attitude, deep empathy, and unwavering commitment to service, making a lasting difference in the lives of those she serves and her dedication to serving others has strengthened the mission and impact of the Neighborhood Center of West Volusia and The Bridge.*

***Now, therefore,** I, Christopher M. Cloudman, Mayor of the City of DeLand, do hereby recognize **Yvonne Milton** for her outstanding dedication, compassion, and service to the Neighborhood Center, The Bridge and the clients.*

***Done and proclaimed** this 4th day of May 2026.*

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Christopher M. Cloudman, Mayor

Attest:

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Dale Arrington, Interim City Clerk

The CITY OF DELAND

Volusia County, Florida

Proclamation

Whereas, *in 1962, National Police Week was created as a joint resolution of Congress, signed by then President John F. Kennedy empowering the President to issue a proclamation inviting people to observe such period, with appropriate ceremonies and activities, as a tribute to the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws and to honor those who have lost their lives in service to the community; and*

Whereas, *May 10th through May 15th has been designated as National Police Week and it is important that we honor those who serve and protect our City in the law enforcement field; and*

Whereas, *there are more than 800,000 sworn law enforcement officers now serving in the United States, which is the highest figure ever and 65 sworn law enforcement officers serving this City; and*

Whereas, *those who have fallen in the line of duty deserve our greatest appreciation and devotion for giving all they could, by giving of their lives, and we set aside this special week in memorial and thanksgiving.*

Now, therefore, *I, Christopher M. Cloudman, Mayor of the City of DeLand, do hereby proclaim the week of May 10-15, 2026 as:*

National Police Week

in the City of DeLand and urge all citizens to pause to remember the brave men and women who have made the ultimate sacrifice in the name of law enforcement, and also those who so bravely chose this way of life to defend the rights and safety of our residents.

Done and proclaimed *this 4th day of May 2026.*

_____

Christopher M. Cloudman, Mayor

Attest:

_____

Dale Arrington, Interim City Clerk

The CITY OF DELAND

Volusia County, Florida

Proclamation

Whereas, *elder abuse and exploitation is a fast-growing human rights issue that too often goes ignored. Seniors are valued members of our communities, and it is our responsibility to ensure that they live safe lives, free from harm and exploitation; and*

Whereas, *it is nationally recognized that for every one report of abuse, neglect or exploitation that is filed, there are 24 that go unreported; and*

Whereas, *abuse and exploitation of our elderly is a tragedy against vulnerable individuals who retire in Florida communities and it is an ever-increasing problem that crosses all socio-economic classes in all communities; and*

Whereas, *elders should be treated with respect and dignity and protected against those who prey upon the elderly seeking to take advantage of them; and*

Whereas, *combating elder abuse and exploitation by education and empowerment will help improve life for all seniors and their families throughout Florida communities; and*

Whereas, *we are responsible for building safer communities by providing resources, education and awareness to families and elders on abuse, neglect and exploitation; and*

Whereas, *the welfare- physical, emotional, and financial- of elders in Florida communities, many of whom have chosen to move to Florida after retirement and live out their remaining days- away from immediate family, is in the best interest of all citizens and adds to the well-being of communities throughout Florida; and*

Whereas, *we are all required to report elder abuse, neglect, and exploitation when suspected with the expectation that laws that govern and regulate our communities will protect elders and their families.*

Now, therefore, *I, Christopher M. Cloudman, Mayor of the City of DeLand, do hereby proclaim May 2026 as:*

Elder Abuse and Exploitation Awareness Month

in the City of DeLand and urge all citizens of DeLand to become more aware of elder abuse, neglect and exploitation and the challenges and devastation it brings to families.

Done and proclaimed *this 4th day of May 2026.*

Attest:

Dale Arrington, Interim City Clerk

Christopher M. Cloudman, Mayor

The CITY OF DELAND

Volusia County, Florida

Proclamation

Whereas, *DeLand is committed to ensuring the safety of all residents and visitors to our great state; and*

Whereas, *with nearly two thousand miles of coastline, Florida has some of the best beaches in the world attracting swimmers and water sport participants; and*

Whereas, *residents and visitors alike enjoy our state's natural waterways, rivers, lakes, and manmade recreational water facilities in addition to world-renowned beaches; and*

Whereas, *drowning is the leading cause of unintentional death amongst children ages 1 through 4 in Florida; and*

Whereas, *most infant drownings occur in just a few inches of water and swimming pools are where most children are likely to drown; and*

Whereas, *swimming and aquatic-related activities play an important role in good physical and mental health and enhance the quality of life for all residents and visitors; and*

Whereas, *it is important for everyone, including children, parents and caregivers, to be aware of water safety rules and programs to prevent drownings and recreational water-related injuries; and*

Whereas, *basic water safety includes installation of barriers and utilization of safety equipment such as emergency floatation devices.*

Now, therefore, *I, Christopher M. Cloudman, Mayor of the City of DeLand, do hereby proclaim May 2026 as:*

Water Safety Month

in the City of DeLand and urge all citizens to increase awareness of measures which prevent water-related deaths and injuries, such as swimming lessons, CPR, and adult supervision.

Done and proclaimed *this 4th day of May 2026.*

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Christopher M. Cloudman, Mayor

Attest:

_____

Dale Arrington, Interim City Clerk

The CITY OF DELAND

Volusia County, Florida

Proclamation

Whereas, *May 17, 2025, is the fifteenth Kids to Parks Day organized and launched by the National Park Trust and held annually on the third Saturday of May; and*

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

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

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

Whereas, *Kids to Parks Day will recognize the importance of responsible recreation while enjoying the benefits of the outdoors.*

Now, therefore, *I, Christopher M. Cloudman, Mayor of the City of DeLand, do hereby proclaim,* ***May 16th, 2026*** *as:*

Kids to Parks Day

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

Done and proclaimed *this 4th day of May 2026.*

_____

Christopher M. Cloudman, Mayor

Attest:

_____

Dale Arrington, Interim City Clerk

The CITY OF DELAND

Volusia County, Florida

Proclamation

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

Whereas, *with the establishment of a complete Historic Preservation program, the City of DeLand achieved Certified Local Government (CLG) status in 1995 in accordance with requirements of the State of Florida's Division of Historical Resources and has continually maintained such certification in good standing; and*

Whereas, *DeLand is known for its wonderful historic resources and aims to maintain them well into the future so that new generations are able to enjoy the past; and*

Whereas, *DeLand continues to discover and celebrate the city's diverse cultural heritage found in irreplaceable places that hold the stories of all its residents, and recognizes that its residents are willing to participate in the preservation of our historic resources; and*

Whereas, *the Historic Preservation Board will continue its partnership with MainStreet DeLand and the West Volusia Historical Society to promote notable historic structures within the city through social media and print publications and the DeLand Digital History Tour*

Now, therefore, *I, Christopher M. Cloudman, Mayor of the City of DeLand, do hereby proclaim* ***May 2026*** *as:*

National Historic Preservation Month

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

Done and proclaimed *this 4th day of May 2026.*

_____

Christopher M. Cloudman, Mayor

Attest:

_____

Dale Arrington, Interim City Clerk

The CITY OF DELAND

Volusia County, Florida

Proclamation

Municipal Clerks Week

May 3rd through May 9, 2026

***Whereas**, The Office of the Municipal Clerk, a time honored and vital part of local government throughout the world, is the oldest among public servants, and*

***Whereas**, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and serves as the information center on functions of local government and community; and*

***Whereas**, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and*

***Whereas**, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and*

***Whereas**, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.*

***Now, therefore,** I, Christopher M. Cloudman, Mayor of the City of DeLand, do hereby recognize the week of May 3rd through May 9, 2026, as Municipal Clerks Week, and further extend appreciation to Dale Arrington, Interim City Clerk and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.*

***Done and proclaimed** this 4th day of May 2026.*

_____

Christopher M. Cloudman, Mayor

Attest:

_____

Dale Arrington, Interim City Clerk

The CITY OF DELAND

Volusia County, Florida

Proclamation

Whereas, *the City of DeLand is committed to promoting the health, safety, and well-being of all residents and visitors; and*

Whereas, *bicycling, skateboarding, scooters, e-bikes, and e-scooters provide efficient, economical, and environmentally friendly modes of transportation, as well as recreational opportunities enjoyed by many members of our community; and*

Whereas, *individuals using these modes of transportation are among the most vulnerable users of public roadways and sidewalks, facing increased risk of injury, particularly head injuries, in traffic-related incidents and falls; and*

Whereas, *wearing a properly fitted helmet is one of the most effective ways to reduce the risk of serious head injury and death; and*

Whereas, *the observance of Bicycle, Skateboard, Scooter, E-Bike and E-Scooter Safety Month serves to raise awareness about the importance of helmet use and encourages all riders to adopt safe practices; and*

Whereas, *education, enforcement of safety regulations, and community engagement are essential components in reducing injuries and enhancing safety for all; and*

Whereas, *the City of DeLand encourages all residents to practice safe behaviors, including wearing helmets and protective gear, obeying traffic laws, avoiding distractions, and promoting mutual respect among all who use our streets and public spaces.*

Now, therefore, *I, Christopher M. Cloudman, Mayor of the City of DeLand, do hereby recognize May 2026 as:*

Bicycle, Skateboard, Scooter, E-Bike and E-Scooter Safety Month

in the City of DeLand and urge all citizens to recognize this observance by promoting safety awareness and taking proactive steps to protect themselves and others.

Done and proclaimed *this 4th day of May 2026.*

_____

Christopher M. Cloudman, Mayor

Attest:

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Dale Arrington, Interim City Clerk

CITY OF DELAND
Request for Commission Action
May 4, 2026

SUBJECT: Consideration Re: Approval to reject all bids for security monitoring and support throughout the City.

DEPARTMENT: Information Technology

PREPARED BY: Leslie Kirkpatrick, IT Admin

ATTACHMENTS: RFP

APPROVED BY: Michael Pleus, City Manager, April 29, 2026

SUMMARY/HIGHLIGHT:

In October 2025, the City of DeLand initiated an effort to streamline and standardize security and fire alarm monitoring services across all facilities. At that time, the City issued a competitive Request for Proposals (RFP).

Currently, the City utilizes multiple vendors to manage security and fire alarm monitoring systems. Staff was hoping to consolidate these services under a single provider for 17 City facilities, improving efficiency and oversight.

The City received responses from 5 responsible bidders. However, upon review of the bids received, the cost to consolidate services under one vendor would far exceed what we are currently paying. Therefore, staff is recommending the rejection of all bids received.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

N/A

FISCAL IMPACT:

There is no fiscal impact rejecting all bids and continuing to pay for security monitoring and support as currently done.

RECOMMENDATION:

Staff recommends the City Commission reject all bids for security monitoring and support throughout the City.

BACKGROUND/DISCUSSION:

Currently, the City utilizes multiple vendors to manage security and fire alarm monitoring systems. Staff would like to continue utilizing these multiple vendors while performing a detailed needs assessment of the

City in order to determine what security monitoring we are currently receiving as well as what security montioring we truly need at each of our facilities throughout the City.

SUBMIT TO: CITY OF DELAND FINANCE DEPT., 2ND FLOOR PURCHASING MANAGER 120 SOUTH FLORIDA AVENUE DELAND, FLORIDA 32720	**REQUEST FOR PROPOSAL**	
CONTACT: **Corey McMillen** **mcmillenc@deland.org** **purchasing@deland.org**		
PHONE: **386-626-7078**	**RFP-26-01**	*SUBMITTALS RECEIVED AFTER SPECIFIED DATE AND TIME WILL NOT BE CONSIDERED*
RFP TITLE: Fire & Security Alarm Monitoring (Citywide)		**SUBMITTAL DEADLINE:** **October 7, 2025 @ 2:00 P.M.**
PRE-PROPOSAL CONFERENCE DATE, TIME AND LOCATION: A mandatory pre-proposal meeting will be held on September 23, 2025 at 10:00 a.m. located at City Hall, 120 S. Florida Ave., DeLand, FL 32720		**PROPOSAL BOND REQUIRED: $1,000**
RESPONDENT NAME:		**FEDERAL ID # OR SOCIAL SECURITY #:**
MAILING ADDRESS:		**TELEPHONE #:**
CITY – STATE – ZIP:		**FAX #:**
X		**EMAIL:**
AUTHORIZED SIGNATURE		Title
Printed Name		Date

By my signature I certify that this offer is made without prior understanding, agreement, or connection with any corporation, firm, business entity, or person submitting an offer for the same materials, supplies, equipment, or service(s), and is in all respects fair and without collusion or fraud. I further agree that if the offer is accepted, the offeror will convey, sell, assign, or transfer to the City of DeLand all right, title, and interest in and to all causes of action it may now or hereafter acquire under the Antitrust laws of the United States and the State of Florida for price fixing relating to the particular commodity(s) or services(s) purchased or acquired by the City of DeLand. At the City's discretion, such assignment shall be made and become effective at the time the City tenders final payment to the vendor.

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR RESPONSE

GENERAL CONDITIONS AND INSTRUCTIONS

******PLEASE READ CAREFULLY******

1. **SUBMISSION OF OFFERS:** All offers shall be submitted in a sealed envelope or package. The invitation numbers, title, and opening date shall be clearly displayed on the outside of the sealed envelope or package. The delivery of responses to the receptionist located on the 2nd floor of City Hall prior to the specified date and time is solely and strictly the responsibility of the offeror. Any submittal received after the specified date and time will not be considered. Responses shall be submitted on forms provided by the City. Additional information may be attached to the submittal. Facsimile submissions are NOT acceptable. No offer may be modified after acceptance. No offer may be withdrawn after opening for a period of sixty (60) days unless otherwise specified.
2. **EXECUTION OF OFFER:** Offer shall contain a manual signature in the space(s) provided of a representative authorized to legally bind the offeror to

the provisions therein. All spaces requesting information from the offeror shall be completed. Responses shall be typed or printed in ink. Use of erasable ink or pencil is not permitted. Any correction made by the offeror to any entry must be initialed.

3. **OPENING:** Pursuant to Section 119.071(1)(b) Florida Statues no further information regarding proposals submitted will be made public until such time of intended award or thirty (30) days, whichever is earlier.

4. **PUBLIC RECORD:** The City of DeLand, Florida, is governed by the Public Record Law, Chapter 119, Florida Statutes.

5. **TABULATION:** This section intentionally left blank but the paragraph and heading has been preserved to maintain numbering.

6. **CLARIFICATION/CORRECTION OF ENTRY:** The City of DeLand reserves the right to allow for the clarification of questionable entries and the correction of OBVIOUS MISTAKES.

7. **INTERPRETATION/ADDENDA:** Any questions concerning conditions and specifications shall be directed to the designated contact person. Those interpretations which may affect the eventual outcome of the invitation/offer shall be furnished in writing to prospective offerors.

   No interpretation shall be considered binding unless provided in writing by the City of DeLand in the form of an addendum. Any addenda issued shall be acknowledged by signature and returned with offeror's response. Failure to acknowledge addenda may result in the offer not being considered.

8. **INCURRED EXPENSES:** This invitation does not commit the City to make an award nor shall the City be responsible for any cost or expense which may be incurred by any respondent in preparing and submitting a reply, or any cost or expense incurred by any respondent prior to the execution of a purchase order or contract agreement.

9. **PRICING:** This section intentionally left blank but the paragraph and heading has been preserved to maintain numbering.

10. **ADDITIONAL TERMS & CONDITIONS:** The City of DeLand reserves the right to reject offers containing terms or conditions contradictory to those requested in the invitation specifications.

11. **TAXES:** The City of DeLand is exempt from Federal Excise Taxes and all sales taxes. Florida State Exemption Certificate No. 85-8013842706C-2.

12. **DISCOUNTS:** All discounts, except those for prompt payment, shall be considered in determining the lowest net cost for evaluation purposes.

13. **MEETS SPECIFICATIONS:** The offeror represents that all offers to this invitation shall meet or exceed the minimum requirements specified.

14. **SAMPLES:** When required, samples of products shall be furnished with response to the City at no charge. Samples may be tested and will not be returned to the offeror. The result of any and all testing shall be made available upon written request.

15. S**ILENCE OF SPECIFICATIONS:** The apparent silence of these specifications or any supplemental specifications as to details or the omission from same of any detailed description concerning any point, shall be regarded as meaning that only the best commercial practices are to prevail and that only materials of first quality and correct type, size, and design are to be used. All workmanship shall be first quality. All interpretations of specifications shall be made upon the basis of this statement.

16. **GOVERNING LAWS:** Any agreement to purchase resulting from this invitation shall be governed by the laws, regulations, and ordinances of the State of Florida and the City of DeLand, Florida. Venue shall be non-jury in the Circuit Court of Volusia County, Florida.

17. **ASSIGNMENT:** Any agreement to purchase issued pursuant to this invitation and award thereof and the monies which may become due hereunder are not assignable except with the prior written approval of the City.

18. **CONTENT OF INVITATION/RESPONSE:** The contents of this invitation, all terms, conditions, specifications, and requirements included herein and the accepted and awarded response thereto may be incorporated into an agreement to purchase and become legally binding. Any terms, conditions, specifications, and/or requirements specific to the item or service requested herein shall supersede the requirements of the 'GENERAL CONDITIONS AND INSTRUCTIONS".

19. **LIABILITY:** The supplier/provider shall hold and save the City of DeLand, its officers, agents, and employees harmless against claims by third parties resulting from breach of contract or negligence by the supplier/provider.

20. **PATENTS, COPYRIGHT, AND ROYALTIES:** The supplier/provider, without exception, shall indemnify and save harmless the City of DeLand, its officers, agents and employees, from liability of any nature or kind, including cost and expenses for or on account of any copyrighted, registered, patented, or unpatented invention, process, or article manufactured or used in the provision of goods and/or services, including use by the City of DeLand. If the supplier/provider uses any design, device, or materials covered by letters, patent, copyright, or registration, it is mutually agreed and understood without exception that the quoted price shall include all royalties or costs arising from the use of such design, device, or materials in any way involved.

21. **TRAINING:** Unless otherwise specified, suppliers/providers may be required at the convenience of and at no expense to the City to provide training to City personnel in the operation and maintenance of any item purchased as a result of this invitation.

22. **ACCEPTANCE:** Products purchased as a result of this invitation may be tested for compliance with specifications. Items delivered not conforming to specifications may be rejected and returned at bidder's expense. Those items and items not delivered by the delivery date specified in accepted offer and/or purchase order may be purchased on the open market. Any increase in cost may be charged against the bidder.

23. **SAFETY WARRANTY:** Any awarded supplier/provider including dealers, distributors, and/or manufacturers shall be responsible for having complied with all Federal, State, and local standards, regulations, and laws concerning the product or service specified, and the use hereof, applicable and effective on the date of manufacture or use or date in service including safety and environmental standards as apply to both private industry and governmental agencies.

24. **WARRANTY:** The offeror agrees that, unless otherwise specified, the product and/or service furnished as a result of this invitation and award thereto shall be covered by the most favorable commercial warranty the offeror gives to any customer for comparable quantities of such products and/or services and that the right and remedies provided herein are in addition to and do not limit any rights afforded to the City of DeLand by any other provision of the invitation/offer.

25. **AWARD:** As the best interest of the City may require, the City reserves the right to make award(s) by individual item, group of items, all or none, or a combination thereof, on a geographical basis and/or on a Citywide basis with one or more supplier(s) or provider(s); to reject any and all offers or waive any irregularity or technicality in offers received. Offerors are cautioned to make no assumptions unless their offer has been evaluated as being responsive. Any or all award(s), made as a result of this invitation, shall conform to applicable ordinances of the City of DeLand, Florida.

26. **VIOLATIONS:** Any violation of any of the stipulations, terms, and/or conditions listed and/or included herein may result in the offeror/bidder being disqualified from doing business with the City for a period of time to be determined on a case-by-case basis.

27. **UNIT PRICING:** For purposes of this Invitation and evaluation of responses hereto the following shall apply: unit prices shall prevail over extended prices; written matter shall prevail over typed matters; numbers spelled in word form shall prevail over Arabic numerals ("one" over "1"). When not inconsistent with context words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

28. I**NSURANCE:** Vendor/Contractor shall defend, indemnify and hold harmless the City of DeLand from and against any and all liability, losses, damages, claims, demands, expenses, fees, fines, penalties, suits, proceedings, actions, and costs of actions (including attorneys' fees), of whatsoever kind or nature arising out of or in any way arising out of the agreement or any act or omission of Vendor/Contractor or its agents, servants, employees, independent contractors, customers, patrons or invitees, unless such claims are as a result of the City's sole negligence.

    The Vendor/Contractor shall secure and maintain, at its own expense at all times during the term of this contract, a comprehensive public liability insurance policy issued by a responsible insurance company, and in a form acceptable to the City, protecting and insuring against all of the following: claims, demands, damages, fees, fines, penalties, suits, proceedings, actions,

and costs of actions, etc. coverage limits of not less than $1,000,000 for bodily injury to or death to one or more person(s), and $1,000,000 for damage to any property, or a combined single limit of $2,000,000 for any occurrence of bodily injury to persons or damage to property, which insurance shall be issued on the occurrence basis. This policy shall name the City of DeLand as additionally insured.

The Vendor/Contractor shall secure and maintain, at its own expense at all times during the term of this contract an automobile liability coverage policy with a minimum of a $1,000,000 combined single limit per occurrence.

The Vendor/Contractor shall secure and maintain, at its own expense at all times during the term of this contract, Worker's Compensation and Employer's Liability Insurance covering all the persons employed by the Vendor/Contractor in connection with this contract. Worker's Compensation shall be the Statutory Limits.

The Vendor/Contractor shall not commence work under this contract until he has obtained all insurance required and submitted proof thereof to the City's Risk Manager for approval. Certificates shall provide for thirty (30) day cancellation notice to the City. Referenced Certificate to be mailed to Risk Manager, City of DeLand, 120 South Florida Avenue, DeLand, Florida, 32720-5481.

The Vendor/Contractor shall either cover any sub-contractors on its policy or require the sub-contractors to conform to all requirement for insurance contained herein.

Vendor/Contractor agrees that the City of DeLand will make no payments pursuant to the terms of the contract until all required proof or evidence of insurance has been provided to the City's Risk Manager.

If the contract negotiated as a result of this RFP has different insurance requirements, the insurance requirements in such contract shall control.

29. **DEFINITIONS:**

CITY – The term "City" herein refers to the City of DeLand, Florida, and its duly authorized representatives.

OFFEROR - The term "offeror" used herein refers to any dealer, manufacturer, representative, distributor, or business organization submitting an offer to the City in response to this invitation.

BIDDER – The term "bidder" used herein refers to any dealer, manufacturer, representative, distributor, or business organization that will be or has been awarded a contract and/or purchase order pursuant to the terms and conditions of the invitation and accepted offer.

30. **PUBLIC ENTITY CRIMES INFORMATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

31. **PERMITS**: Contractor shall be responsible for payment of all applicable permit fees.

32. **PAYMENT:** Payment will be made in accordance with the Local Government Prompt Payment Act (Chapter 218, Part VII, Florida Statutes).

33. **BONDING:** See Section 13 of Draft Contract (Exhibit A)

34. **AVAILABILITY OF FUNDS:** A contract shall be deemed executory only to the extent of appropriations available to each department for the purchase of such articles. The City's extended obligation on these contracts, which envision extended funding through successive fiscal periods, shall be contingent upon actual appropriations for the following fiscal year.

35. **E-VERIFY:** In accordance with Florida State Law, Executive Order 11-116, any vendor or company that the City enters into contract with, or issues a purchase order, must utilize the E-Verify system.

36. **INCONSISTENT TERMS IN RESULTING CONTRACT:** In the event that the terms of any contract ultimately negotiated as a result of this RFP vary from any provision of this RFP, the terms of such contract shall control over the terms set forth in this RFP.

37. **CONE OF SILENCE:** All proposers/firms and their agents are hereby placed on notice that they are not to contact members of the Deland City Commissions or staff regarding this RFP, with the exception of the designated liaison. Public meetings of the Selection Committee are the only acceptable forum for the discussion of merits of products/services requested by this Request for Proposals and written correspondence in regards to this Request for Proposals is to be submitted to the designated liaison.

THE CITY OF DELAND RESERVES THE RIGHT TO REJECT ANY OR ALL OFFERS, TO WAIVE INFORMALITIES, AND TO ACCEPT ALL OR ANY PART OF ANY OFFER AS MAY BE DEEMED TO BE IN THE BEST INTEREST OF THE CITY.

Daytona Beach News Journal
Legal Section Ad dated 09/09/25

CITY OF DELAND
NOTICE TO BIDDERS
RFP-26-01

NOTICE IS HEREBY GIVEN that the City of DeLand will receive sealed proposals at the City Hall 2nd floor receptionist, 120 South Florida Avenue, DeLand, Florida, until 2:00 p.m. on October 7, 2025 and will open the submitted bids in the Commission Chambers, first floor, immediately following the submittal closing time for the following:

"Fire & Security Alarm Monitoring (Citywide)"

Proposals must comply and be submitted in accordance with the project technical specifications which may be obtained at the office of the City Hall, 120 S. Florida Avenue, DeLand, Florida, any time prior to the bid opening. Questions shall be directed to the office of the Purchasing Manager, Corey McMillen at 386-626-7078 or by email at mcmillenc@deland.org or Purchasing@deland.org.

Michael Pleus
City Manager

FIRE & SECURITY ALARM MONITORING (CITYWIDE)
RFP-26-01
SPECIAL CONDITIONS

1. **INTRODUCTION/PURPOSE:**

The purpose of this Request for Proposals (RFP) is to select a qualified Contractor to provide Fire & Security Alarm Monitoring. There are fourteen fire alarms and fifteen security alarms that will require monitoring 24 hours a day, 365 days a year.

The City has multiple types of brands for fire and security alarms, the awarded contractor will be responsible for repairing, replacing, or updating any faulty/outdated alarms and equipment. Below are the locations for all fire and security alarms, other City buildings or facilities may be added or removed on as-needed basis.

Fire Alarm Locations:

- City Hall – 120 S. Florida Ave., DeLand, FL 32720
- Fish Building – 100 N. Woodland Blvd., DeLand, FL 32720
- Police Department – 219 W. Howry Ave., DeLand, FL 32720
- Police Evidence Building – 246 W. Howry Ave., DeLand, FL 32720
- Parks & Recreation Administration Building – 230 N. Stone St., DeLand, FL 32720
- Sanborn Center – 815 S. Alabama Ave., DeLand, FL 32724
- Chisholm Center – 520 S. Clara Ave., DeLand, FL 32720
- Conrad Park – 555 S. Woodland Blvd., DeLand, FL 32724
- Spec Martin Stadium – 260 E. Euclid Ave., DeLand, FL 32724
- Fire Station #81 – 343 W. Howry Ave., DeLand, FL 32720
- Cusack Resource Center – 489 W. Mathis St., DeLand, FL 32720
- DeLand Airport Administration Building – 1000 Flightline Boulevard, DeLand, FL 32724
- Utilities Administration Building – 1101 S Amelia Ave, DeLand, FL 32724
- Little League Field – 403 S Alabama Ave, DeLand, FL 32724

Security Alarm Locations:

- City Hall – 120 S. Florida Ave., DeLand, FL 32720
- Fish Building – 100 N. Woodland Blvd., DeLand, FL 32720
- Police Department – 219 W. Howry Ave., DeLand, FL 32720
- Police Evidence Building – 246 W. Howry Ave., DeLand, FL 32720
- Fire Station #81 – 343 W. Howry Ave., DeLand, FL 32720
- Parks & Recreation Administration Building – 230 N. Stone St., DeLand, FL 32720
- Sanborn Center – 815 S. Alabama Ave., DeLand, FL 32724
- Chisholm Center – 520 S. Clara Ave., DeLand, FL 32720
- DeLand PD Range – 501 W. Industrial Dr., DeLand, FL 32724
- Cusack Resource Center – 489 W. Mathis St., DeLand, FL 32720
- City of DeLand Employee Health Clinic – 750 W. Plymouth Ave., DeLand, FL 32720
- Animal Control Office – 495 W. Industrial Dr., DeLand, FL 32724

- Employee Health Clinic – 750 W. Plymouth Ave., DeLand, FL 32720
- DeLand Airport Administration Building – 1000 Flightline Boulevard, DeLand, FL 32724

2. **CONTRACT PERIOD:**

The Contract will be for a period of three (3) years commencing on October 1, 2025 and ending on September 30, 2028 (or three years from award of contract), with the option to extend two (2) additional one-year terms upon mutual agreement of both parties.

Bid prices shall remain firm for the initial term of the Contract. The Vendor may request a price adjustment for each renewal period of the Contract. The request for price adjustment must be submitted in writing no later than 90 calendar days prior to the expiration of the term. The request for price adjustment must include a detailed written justification for the increase and a copy must be provided to the City's Finance Department. Any approved request for price adjustment will not take effect until the contract renewal start date and any such granted price adjustment will be in effect for the renewal period. Written request for price adjustments shall not exceed the rate of inflation determined by the Consumer Price Index (CPI) determined to be applicable by the City's Finance Director, or designee, and established in writing in a renewal document.

3. **PROPOSAL SUBMITTAL:**

Proposals must be submitted no later than 2:00 P.M. local time on October 7, 2025. If submitting paper proposals, four (4) paper copies, with the original marked "Original" must be provided, and must be accompanied by an equivalent electronic PDF file on a universal serial bus drive (USB). Sealed proposals must be clearly marked as follows:

"RFP-26-01, Fire & Security Alarm Monitoring (Citywide)" and returned to:

> Purchasing Manager
> DeLand City Hall, 2nd Floor
> 120 S. Florida Ave.
> DeLand, FL 32720

All proposals received on or before the due date and time will be opened after 2:00 P.M. local time on October 7, 2025, at which time, the names of the firms submitting proposals will be read. No details of the proposals or the contents shall be disclosed until notice of intent to award or thirty (30) days after opening of the proposals, whichever occurs first, in accordance with Chapter 119.071 (1)(b)2, Florida Statutes.

***Note:** Please ensure that if you use a third-party carrier (DHL Express, FedEx, UPS, USPS, etc.) that they are properly instructed to deliver your proposal only to the Purchasing Manager on the second *(2nd) floor* at the above address. **Firms submitting proposals are advised that U.S. Postal Service 1st Class and Express mail is delivered to a P.O. Box and is not delivered to the Purchasing Manager. Delivery via the USPS is at the Contractor's risk.** To be considered**, a proposal must be accepted by the Purchasing Manager no later than the RFP closing date and time**. If the proposal is delivered anywhere else, it may not reach the Purchasing Manager in time.

Electronic submission is now available on VendorLink at www.myvendorlink.com (no charge to vendors, just need to register).

4. **MANDATORY PRE-PROPOSAL MEETING DATE AND TIME:**

A mandatory pre-proposal meeting will be held on September 23, 2025 at 10:00 a.m. located at City Hall, 120 S. Florida Ave., DeLand, FL 32720. All locations will be visited also.

☒ **Mandatory** ☐ **Non-Mandatory**

5. **INFORMATION OR CLARIFICATION:**

For information concerning procedures for responding to this proposal, contact Corey McMillen, Purchasing Manager at (386)-626-7078, or by email at mcmillenc@deland.org or purchasing@deland.org. Such contact shall be for clarification purposes only. Material changes, if any, to the specifications will be transmitted by written addendum through the Purchasing Manager. No interpretation of the meaning of a proposal, any correction of any apparent ambiguity, inconsistency or error therein, will be made by any firm submitting a proposal orally. Every request for an interpretation of this RFP must be in writing addressed to the Purchasing Manager at 120 S. Florida Ave., 2nd Floor, DeLand, FL 32720, or emailed to the attention of Corey McMillen at mcmillenc@deland.org or purchasing@deland.org. To be given consideration, such requests must be received in writing no later than five (5) business days prior to the date for opening of the proposals. All such interpretations and supplemental instructions will be in the form of written Addenda to the Proposal. Only the interpretation or correction so given by the Purchasing Manager in writing shall be binding.

Any addenda will be transmitted by written addendum through the Purchasing Manager and posted to DemandStar (www.demandstar.com) and VendorLink (www.myvendorlink.com). The City will not notify Contractors of addenda. It is the sole responsibility of the Contractor to check the website prior to submitting a proposal to verify receipt of all documents to include written addenda.

Proposals will be reviewed, scored and ranked by a Selection Committee using the evaluation criteria as outlined herein, and the committee may conduct interviews from short-listed firms. The Selection Committee will make recommendations to the DeLand City Commission, which has the sole authority to rank the firms and ultimately to make the final determination to award, revise, or reject a contract with the selected firm.

The City will not be bound by oral explanations or instructions given at any time during the competitive process or afterward.

Rights to Submitting Material: All responses, inquiries or correspondence relating to or in reference to this RFP, and all other reports, charts, displays, schedules, exhibits and other documentation submitted by the Contractors will become the property of the City of Deland.

Contract Negotiation: The City at its sole discretion, reserves the right to enter into contract negotiations with the highest ranked, responsive, responsible firm. If the City and said firm cannot negotiate a contract, the City may terminate said negotiations and begin negotiations with the next highest ranked, responsive, responsible firm. This process will continue until a Contract acceptable to the City has been executed or all Proposals are rejected. No firm submitting a proposal shall have any rights against the City arising from such negotiations or termination thereof.

Attachments - Attachment A – Price Sheet

Attachment B – Sample Draft Contract

PROPOSAL FORMAT

Interested Contractors who would like to be considered for this project should submit a Proposal accompanied by pertinent information relating to the company's experience, qualifications, personnel, availability, and capability to provide and perform all of the professional services necessary to complete this project in an effective and timely manner. The Contractor's Proposal shall include:

Tab 1. Letter of Introduction and Executive Summary
The letter shall contain a summary of Contractor's ability to perform the services described in the RFP, and confirm that the Proposer is willing to perform these services and enter into a Contract with the City. This letter must provide the names, title, phone, fax and email address for the person authorized to provide technical clarification regarding the proposal. This letter must be signed by an officer authorized to contractually obligate the submitting Contractor.

Tab 2. Table of Contents
The table of contents should outline in sequential order the major areas of the proposal.

Tab 3: Qualifications and Experience
Contractor should clearly and succinctly demonstrate its qualifications and experience to provide the services requested in this RFP. This section of the proposal should be no more than ten (10) numbered pages and, at a minimum, should include the following information:

- Firm background and experience: Contractor should provide a brief description of the firm's background and history, including the number of years in business, size, range of activities, strength, stability, awards, and other recognition. Contractor should describe its past and ongoing experience providing services of a similar nature to those requested herein. The service descriptions should include the dates such services were provided. The contact person listed for each reference shall be someone who has a personal knowledge of the Contractor's performance for the types of services required in this RFP. Current e-mail address/contact information must be provided.
- Organizational Flow Chart

Tab 4: Project Approach
Contractor should clearly and succinctly describe how it will perform the services requested in this RFP. The City is looking for proposals that maintain a high level of customer service while maximizing efficiency and cost-effectiveness. This section of the proposal should be no more than ten (10) numbered pages, and at a minimum, should include the following information:

- Downtime Plan
- Downtime Estimate
- Project Timeline
- Alarm & Equipment Specifications

Tab 5: Price Form
Proposer must submit a price for the services described herein.

Tab 6. Required Proposal Forms:

- Signed Request for Proposals
- Acknowledgment of Terms, Conditions, and Addenda
- Price Sheet

- Reference Form
- Human Trafficking Affidavit
- Contractor Affidavit Regarding Scrutinized Company List
- Public-Entity Crimes Form
- Conflict of Interest Affidavit
- Non-Collusion Affidavit
- Drug-Free Workplace Form
- Proposal Bond

FIRE & SECURITY ALARM MONITORING (CITYWIDE)
RFP-26-01
ACKNOWLEDGMENT OF TERMS, CONDITIONS, AND ADDENDA

ADDENDUM ACKNOWLEDGMENT:

Add. No._____ Dated_____ / Add. No._____ Dated_____

Add. No._____ Dated_____ / Add. No._____ Dated_____

_____

I hereby acknowledge that I have read, understand, and agree to all terms, conditions, insurance, scope of work, specifications and pricing for Proposal # RFP-26-01/Fire & Security Alarm Monitoring (Citywide).

VENDOR NAME_____

ADDRESS_____

AUTHORIZED

SIGNATURE_____

PRINTED

SIGNATURE_____DATE_____

TELEPHONE#_____FAX #_____

EMAIL:_____

FIRE & SECURITY ALARM MONITORING (CITYWIDE)
RFP-26-01
EVALUATION AND SELECTION PROCESS

Evaluation of proposals will be conducted by a Selection Committee comprised of qualified City staff. The committee will evaluate, score and rank all responsive proposals based upon the information and references contained in the proposals submitted. Once each member of the Selection Committee has rated each proposal and completed a rating sheet, a composite is developed which indicates the Committee's collective ranking of proposals in a descending order. Based on the response to this RFP, the Selection Committee will select and/or recommend to the City Commission a firm(s) qualified to provide to the City the services required under this RFP.

The following criteria will be used for evaluating Proposals for City of DeLand and will be based on certain objective and subjective considerations as listed below:

Price ……	up to 40 points
Project Approach ……	up to 40 points
Qualifications and experience ……	up to 20 points
Maximum points ……100 points	

Award of this contract will be based on the evaluation criteria stated above.

CITY OF DeLAND COMMISSION
INDEMNIFICATION AND INSURANCE REQUIREMENTS
FIRE & SECURITY ALARM MONITORING (CITYWIDE)
RFP-26-01

INDEMNIFICATION

The City shall be held harmless against any and all claims for bodily injury, sickness, disease, death, personal injury, damage to property or loss of use of any property or assets resulting therefrom, arising out of or resulting from the performance of the products or from the services for which the City is contracting hereunder, provided such is caused in whole or in part by any negligent act or omission of the Contractor, or any subcontractor or any of their agents or employees, or arises from a job-related injury.

The Contractor agrees to indemnify the City and pay the cost of the City's legal defenses, including fees of attorneys as may be selected by the City, for all claims described in the hold harmless clause herein. Such payment on behalf of the City shall be in addition to any and all other legal remedies available to the City and shall not be considered to be the City's exclusive remedy.

It is agreed by the parties hereto that specific consideration has been received by the Contractor under this Contract for this hold harmless/indemnification provision.

INSURANCE REQUIREMENTS

The Contractor providing services under this Contract will be required to procure and maintain, at their own expense and without cost to the City, until final acceptance by the City of all products or services covered by the purchase order or contract, the following types of insurance. The policy limits required are to be considered minimum amounts:

General Liability Insurance policy with a $1,000,000 combined single limit for each occurrence to include the following coverage: Operations, Products and Completed Operations, Personal Injury, Contractual Liability covering this contract, "X-C-U" hazards, and Errors & Omissions.

Auto Liability Insurance which includes coverage for all owned, non-owned and rented vehicles with a $1,000,000 combined single limit for each occurrence.

Workers' Compensation and Employers Liability Insurance Workers Compensation insurance providing statutory benefits as required in the State of Florida. The Contractor shall require any subcontractor to provide evidence of this coverage. Additionally, if the contract requires working on or around a navigable waterway, the Contractor and all subcontractors shall provide evidence of United States Longshoremen's and Harbor Workers (USL&H) coverage and contingent coverage of Jones Act (Marine Employers Liability) in compliance with Federal statutes or proof of exemption. The Contractor shall be responsible for compliance with these requirements by each subcontractor, Contractor or supplier when applicable.

In the event that the contract involves professional or consulting services, in addition to the aforementioned insurance requirements, the Contractor shall also be protected by a Professional Liability Insurance Policy in the amount of $1,000,000 per claim.

In the event the contract involves services related to construction projects, the Contractor shall also procure and maintain a Builders Risk Insurance Policy or Installation Floater with loss limits equal to the value of the construction project.

In addition to the above, Specialty Insurance policies covering specific risks of loss (including but not limited to, for example; Longshore coverage, Crane and Rigging, Inland Marine, etc.) may be required by City of Deland Risk Management. Any additional specialty insurance coverage requirement will be dictated by the specific goods, products or services provided under the subject contract and insurance underwriting standards, practices, procedures or products available in the commercial insurance market at the time of the contract inception. The Contractor is required to procure and maintain all such specialty coverage in accordance with prudent business practices within the Contractors industry.

The Contractor shall have five (5) days to provide certificates of insurance to the City demonstrating that the aforementioned insurance requirements have been met prior to the commencement of work under this contract. **The certificate(s) of insurance (COI) shall indicate that the General Liability Insurance and Auto Liability Insurance policies have been endorsed to cover the City of Deland City Commissioners as an additional insured (a waiver of subrogation in lieu of additional insured status on the workers compensation policy is acceptable)** and that these policies may not be canceled or modified without thirty (30) days prior written notice to the City.

The insurance coverage enumerated above constitutes the minimum requirements and shall in no way lessen or limit the liability of the Contractor under the terms of the contract. Subcontractor's insurance shall be the responsibility of the Contractor.

CONTRACTOR AFFIDAVIT REGARDING SCRUTINIZED COMPANY LIST

Awarded Contractor shall certify that it and its subcontractors are not on the Scrutinized Companies that Boycott Israel List. Pursuant to Section 287.135, F.S. If the Contract is for more than $1,000,000 the Contractor further certifies that it and its subcontractors are also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in Section 287.135, F.S.

For Contracts of any amount, if the City determines the Contractor submitted a false certification under Section 287.135(5) of the Florida Statutes, or if the Contractor has been placed on the Scrutinized Companies that Boycott Israel List, or is engaged in a boycott of Israel, the City shall either terminate the Contract after it has given the Contractor notice and an opportunity to demonstrate the City's determination of false certification was in error pursuant to Section 287.135(5)(a) of the Florida Statutes, or on a case-by-case basis the City may choose to maintain the Contract if the conditions of Section 287.135(4) of the Florida Statutes are met. For Contracts $1,000,000 and greater, if the City determines the Contractor submitted a false certification under Section 287.135(5) of the Florida Statutes, or if the Contractor has been placed on the Scrutinized Companies with Activities in the Sudan List, or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, the City shall either terminate the Contract after it has given the Contractor notice and an opportunity to demonstrate the City's determination of false certification was in error pursuant to Section 287.135(5)(a) of the Florida Statutes, or on a case-by-case basis the City may choose to maintain the Contract if the conditions of Section 287.135(4) of the Florida Statutes are met.

STATE OF FLORIDA

CITY OF _____

BEFORE ME, the undersigned authority, personally appeared _____, who, being by me first duly sworn, made the following statement:

1. The Business address of _____(name of bidder or Contractor) is _____.

2. My relationship to _____(name of bidder or Contractor) is_____(relationship such as sole proprietor, partner, president, vice president).

3. I understand that "Boycott of Israel" has the same meaning as defined in §215.4725, Florida Statutes, and means refusing to deal, terminating business activities, or taking other actions to limit commercial relations with Israel, or persons or entities doing business in Israel or in Israeli-controlled territories, in a discriminatory manner. A statement by a

company that it is participating in a boycott of Israel, or that it has initiated a boycott in response to a request for a boycott of Israel or in compliance with, or in furtherance of, calls for a boycott of Israel, may be considered by the State Board of Administration to be evidence that a company is participating in a boycott of Israel. The term does not include restrictive trade practices or boycotts fostered or imposed by foreign countries against Israel.

4. I understand that "business operations" means, for purposes specifically related to Cuba or Syria, engaging in commerce in any form in Cuba or Syria, including, but not limited to, acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, military equipment, or any other apparatus of business or commerce.

5. _____ (name of the bidder or Contractor) is not on the Scrutinized Companies that Boycott Israel List, created pursuant to s. 215.4725, Florida Statutes, or is engaged in a boycott of Israel.

6. _____ (name of the bidder or Contractor) is not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to s. 215.473, Florida Statutes.

7. _____ (name of the bidder or Contractor) is not engaged in business operations in Cuba or Syria.

_____
Signature

Sworn to and subscribed before me in the state and City first mentioned above on the _____ day of _____, 20____.

(AFFIX SEAL or STAMP)

_____
Notary Public

My commission expires:

CONFLICT OF INTEREST AFFIDAVIT

By the signature below, the firm (employees, officers and/or agents) certifies, and hereby discloses, that, to the best of their knowledge and belief, all relevant facts concerning past, present, or currently planned interest or activity (financial, contractual, organizational, or otherwise) which relates to the proposed work; and bear on whether the firm (employees, officers and/or agents) has a possible conflict have been fully disclosed.

Additionally, the firm (employees, officers and/or agents) agrees to immediately notify in writing the Finance Director, or designee, if any actual or potential conflict of interest arises during the contract and/or project duration.

_____	_____
Company	Address
_____	_____
Authorized Signature	City, State, Zip Code
_____	_____
Printed Name & Title	Telephone No.
_____	_____
Email	Fax No.

State of _____)
City of _____)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 2025, by

_____ , who is personally known to me to be the

_____ for the Firm, OR who produced the following

identification: _____

Notary Public

My Commission Expires: _____

NON-COLLUSION AFFIDAVIT

State of _____)

City of_____)

_____ being first duly sworn, deposes and says that:

(1) He/she is the _____, (Owner, Partner, Officer, Representative or Agent) of _____, the Contractor that has submitted the attached Proposal;

(2) He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;

(3) Such Proposal is genuine and is not a collusive or sham Proposal;

(4) Neither the said Contractor nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Contractor, firm, or person to submit a collusive or sham Proposal in connection with the Work for which the attached Proposal has been submitted; or to refrain from bidding in connection with such Work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Contractor, firm, or person to fix the price or prices in the attached Proposal or of any other Contractor, or to fix any overhead, profit, or cost elements of the Proposal price or the Proposal price of any other Contractor, or to secure trough any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposed Work;

(5) The price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Contractor or any other of its agents, representatives, owners, employees or parties in interest, including this affiant.

By:_____
Signature of Individual

_____
Printed Name of Individual

_____
Title of Individual

Signed, sealed and delivered in the presence of:

_____ Witness

_____ Witness

State of _____

County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2025 by _____, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC

_____
(Name of Notary Public: Print, Stamp,
or Type as Commissioned)

FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we,

_____

(CONTRACTOR)

_____

(PRINCIPAL CONTRACTOR ADDRESS)

_____

(PRINCIPAL CONTRACTOR ADDRESS 2)

_____

(TELEPHONE NUMBER)

(hereinafter called the "Principal"), whose principal business address and telephone number is as stated above; and

_____

(SURETY)

_____

(SURETY ADDRESS)

_____

(SURETY ADDRESS 2)

_____

(TELEPHONE NUMBER)

_____

(AM BEST, NAIC, OR FEIN NUMBER)

(hereinafter called the "Surety"), whose principal address and telephone number is as stated above, a surety insurer chartered and existing under the laws of the State of _____and authorized to do business in the State of Florida;

are held and firmly bound unto the City of DeLand , (hereinafter called “Obligee”), in the penal sum of

_____ Dollars and no cents ($_____),

good and lawful money of the United States of America, for the payment of which the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. The Condition of this Obligation is such, that, should Obligee accept the bid of the Principal for the FIRE & SECURITY ALARM MONITORING (CITYWIDE), RFP No. RFP-26-01,and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the Bidding or Contract Documents with good, qualified and sufficient surety for the faithful performance of such construction for the prompt payment of labor and material furnished in the prosecution thereof, then this obligation shall be null and void; otherwise this bid is to remain in full force and effect for the payment to Obligee of the stated penal sum hereof.

IN WITNESS WHEREOF, we have hereunto set our signatures and seal this _____ day of _____, 20____, all pursuant to due authorization.

_____ (Seal)
Principal

By_____
Surety

By_____
As Attorney-in-Fact (Attach Power of Attorney)

STATE OF _____)
COUNTY OF _____) *S.S.*

I,_____, a Notary Public in and for the State and City aforesaid, do hereby certify that _____, and_____, whose names are signed to the foregoing bond, this day personally appeared before me in my State and City aforesaid and acknowledged the same. Given under my hand and seal this _____ day of _____, 20____.

_____
NAME OF NOTARY PUBLIC (*PRINTED*)

_____ _____
SIGNATURE OF NOTARY PUBLIC STATE

_____
COMMISSION NUMBER

MY COMMISSION EXPIRES: _____

(AFFIX SEAL or STAMP)

PUBLIC ENTITY CRIME FORM

Section 287.133(3)(a), Florida Statutes, on Public Entity Crimes:

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid/quote/proposal on a contract to provide goods or services to a public entity, may not submit a bid/quote/proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids/quotes/proposals on leases of rental property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

Acknowledged:_____ Date: _____

CITY OF DeLAND
CONFIRMATION OF DRUG-FREE WORKPLACE FORM

In accordance with Section 287.087, Florida Statutes, "[w]henever two or more bids are equal with respect to price, quality, and service which are received by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. In order to have a drug-free workplace program, a business shall:

(1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.

(2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.

(3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection one (1).

(4) In the statement specified in subsection one (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.

(5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by, any employee who is so convicted.

(6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section."

As the person authorized to sign the statement, I certify that this firm complies with the above requirements and the Florida Statutes Section 287.087. This form is in conjunction with The City of DeLand's General Conditions, Drug-Free Workplace.

Business Name	Bid Number and Name
Authorized Representative's Signature	Date
Name	Position

REFERENCE FORM

List a minimum of three (3) / maximum five (5) customers for the services specified in the solicitation in the spaces provided.

Note: A contact person shall be someone who has personal knowledge of the Contractor's performance for the specific requirement listed. Contact person must have been informed that they are being used as a reference and that the City may be calling them. Do no list persons who will be unable to answer specific questions regarding the requirements.

Ref #1. Customer/Client:_____
Date of Services:_____
Description of Services:_____
Street Address:_____
City, State, ZIP Code:_____
Telephone #:_____ Fax #:_____
Contact Person: _____ Email:_____

Ref #2. Customer/Client:_____
Date of Services:_____
Description of Services:_____
Street Address:_____
City, State, ZIP Code:_____
Telephone #:_____ Fax #:_____
Contact Person: _____ Email:_____

Ref #3. Customer/Client:_____
Date of Services:_____
Description of Services:_____
Street Address:_____
City, State, ZIP Code:_____
Telephone #:_____ Fax #:_____
Contact Person: _____ Email:_____

Ref #4. Customer/Client:_____
Date of Services:_____
Description of Services:_____
Street Address:_____
City, State, ZIP Code:_____
Telephone #:_____ Fax #:_____
Contact Person: _____ Email:_____

Ref #5. Customer/Client:_____
Date of Services:_____
Description of Services:_____
Street Address:_____
City, State, ZIP Code:_____
Telephone #:_____ Fax #:_____
Contact Person: _____ Email:_____

CONTRACTOR NAME_____

ADDRESS_____

PRINTED SIGNATURE_____

AUTHORIZED SIGNATURE_____

TELEPHONE #_____FAX#_____DATE_____

EMAIL:_____

HUMAN TRAFFICKING AFFIDAVIT

1. I am over the age of 18 and I have personal knowledge of the matters set forth herein and execute this affidavit in order to comply with the requirements of Section 787.06(13), Florida Statutes.

2. I currently serve in the capacity listed below on behalf of the company listed below.

3. The company listed below does not use coercion for labor or services, as those terms are defined in Florida Statute 787.06.

4. This declaration is made in accordance with Florida Statute 92.525. I understand that making a false statement in this declaration may subject me to criminal penalties.

Under penalties of perjury, I declare that I have read the foregoing Human Trafficking Affidavit and that the facts stated in it are true.

Further Affiant sayeth naught.

Date executed _____.

COMPANY

_____

NAME OF BUSINESS ENTITY

_____

SIGNATURE

_____

NAME AND TITLE

CITY OF DELAND
Request for Commission Action
May 4, 2026

SUBJECT: Resolution re Surplus Equipment.

DEPARTMENT: City Clerk

PREPARED BY: Dale Arrington, Interim City Clerk

ATTACHMENTS: Resolution 2026-Fire AND Utility Department Surplus Equipment v2, Memorandum from Fire Department Requesting Surplus, Memorandum from Utilities requesting equipment surplus

APPROVED BY: Michael Pleus, City Manager, April 29, 2026

SUMMARY/HIGHLIGHT:

The proposed resolution declares equipment surplus and authorizes the City Manager to dispose of same. See the attached memorandum from Michael Vazquez, Division Chief of Administration, Fire Department, requesting disposal of equipment that is expired or reached the end of its service life. Also attached is a memorandum from Jim Ailes, Utilities Director, requesting that five pieces of equipment be declared surplus.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

n/a

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The proceeds from any sale of surplus equipment would be included as revenue in the City budget.

RECOMMENDATION:

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

BACKGROUND/DISCUSSION:

NA

RESOLUTION 2026 –

A RESOLUTION OF THE CITY COMMISSION 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:

DESCRIPTION

Section 1. The following described property is hereby declared surplus:

DEPT./ASSET NO.	QTY.	DESCRIPTION	MAKE/MODEL/SERIALNO./VIN
122	1	Positive Pressure Vent Fan	Tempest/VS1.2/1820113
122	1	Positive Pressure Vent Fan	Tempest/VS1.2/18250221
122	1	Positive Pressure Vent Fan	SuperVac/718B/U41423CMXGWAS02790-03
122	1	Power Washer	Crasftsman /3000PSI/03
122	1	Hydraulic Extrication Combi- Tool	AMKUS/AMK25L/02111255
122	1	Hydraulic Extrication Spreaders	AMKUS/M30-C/87106715
122	1	Hydraulic Extrication Cutters	AMKUS/AMK25/97065767
122	1	Hydraulic Extrication Cutters	AMKUS/AMK25/Unreadable
122	1	Hydraulic Extrication Combi- Tool	AMKUS/AMK 25-C/99050933
122	1	Hydraulic Extrication Ram 36"	AMKUS/36”/Unreadable
122	1	Hydraulic Extrication Ram 36"	AMKUS/36”/Unreadable
122/4545	1	Hydraulic Extrication Power Plant	AMKUS/NA/P6554H
122	1	Hydraulic Extrication Power Plant	AMKUS/6H2A-MC/03040037
122/5369	1	Hydraulic Extrication Power Plant	AMKUS/F.528672
122	1	Chain Saw	Echo/QV-8000/0028656
122	1	Chain Saw	Echo/CS-310/C3301-4097948
122	1	Winch Cable Come Along	Not Available
122	1	Box Light	Stream light/NA/06186
122	1	Hose Ledge Roller	Akron/NA/NA
122	1	Hydraulic Hose	AMKUS/NA/NA
122	1	Hydraulic Hose	AMKUS/NA/NA
122	1	Hydraulic Hose	AMKUS/NA/NA
122	1	Hydraulic Hose	AMKUS/NA/NA
122	1	Hydraulic Hose	AMKUS/NA/NA
122	1	Hydraulic Hose	AMKUS/NA/NA
122	1	Hydraulic Hose	AMKUS/NA/NA
122	1	Pinned Halligan	NA/NA/NA
122	1	Piercing Nozzle	NA/NA/NA
122	1	TNT Tool	NA/NA/NA
122	21	Radio Speaker Microphones	L3Harris/NA/NA
122	11	Radio Speaker Microphones	Otto/NA/NA
122	1	6Bank Radio Battery ChargerP7100	ACT/180/80130557

DEPT./ASSET NO.	QTY.	DESCRIPTION	MAKE/MODEL/SERIALNO.
122	1	SingleBank Radio Battery Charger P7100	ACT/I25/25161433
122	1	Radio Speaker	L3Harris/NA/6s1028824vrla
122	1	Radio Headset	Sigtronics/SE8/NA
122	1	P7100 Base Charger	L3Harris/NA/b1761617820r5a
122	1	Mobile Radio P17400 (Motorola)	AA1750RPF9AA3AN/NA/PNVE2091CANM
122	1	Mobile Radio P17400	MACOM/NA/REVR4B
122	1	Radio Battery Charger Single Bank	ACT/NA/IGER19BLIN
122	1	P7100 Portable Radio	L3Harris/HT7160881X/9P24035
122	1	Portable Radio	MACOM/MANT-T81NX/9152051
122	27	Portable Radio Batteries	L3Harris/P7100/NA
122	1	Turbo Jet Nozzle	NA/1”/NA
122	1	Select Flow Nozzle	Phantom1 /NA/NA
122	1	Turret Nozzle	Fire Pro/NA/NA
122	1	Turbo Jet Nozzle	Akron/1.5”/NA
122	1	Remote Control Box	High Tech/CH6675510/NA
122	1	Golf Cart charger	Links/3665/191600177
122	2	Cribbing Step Chock	NA/NA/NA
122	2	Rescue Crutches	NA/NA/NA
122	1	French Door Refrigerator 36”	Samsung/NA/NA
122	1	Top Bottom Door Refrigerator 30”	Frigidaire/NA/NA
122	1	Gas Stove	NA/NA/NA
122	4	Video Laryngoscopes	Clear Vue/NA/NA
122	1	Washer	GE/GTW725BPN0DG/TR165475G
4204/5417	1	FordF-250 2012 4X4Utility Body#94	1FTBF2A64CEB08747
4204/5495	1	FordF-250 2013 4X4Utility Body#97	1FTBF2A67DEB14088
4204/5416	1	FordF-250 2012 4X4Utility Body288	1FTBF2A69GEC17002
4205/5342	1	Ford Ranger 4X2Pickup Truck #210	IFTKR1AD7BPA14199
4206	1	Portable Hand Held Radio	M/A-COM/P7100/9153457

Section 2. The City Manager is hereby authorized to dispose of the surplus property listed in Section 1 above in a manner provided by law and to remove the surplus property from the City’s fixed assets.

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

PASSED AND ADOPTED this 4th day of May, 2026.

_____
Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

_____
Dale Arrington
Interim City Clerk-Auditor

APPROVED AS TO FORM AND LEGALITY:

_____
Darren J. Elkind
City Attorney

City of DeLand Fire Department
Office of the Fire Chief Fire Chief

Todd B. Allen
Fire Chief

MEMORANDUM

NUMBER: 26-004

DATE: April 6, 2026, 2026

TO: Dale Arrington, City Clerk

FROM: Michael Vazquez, Division Chief of Administration

SUBJECT: Surplus of expired equipment

The following equipment is recommended for surplus due to reaching its end of service life or current condition. Please include these items for surplus approval on the upcoming City Commission Agenda. See the attached spreadsheet.

Dept.	Asset#	Qty	Description	Make	Model	Serial#	Notes
122		1	Positive Pressure Vent Fan	Tempest	VS 1.2	1820113	
122		1	Positive Pressure Vent Fan	Tempest	VS 1.2	18250221	
122		1	Positive Pressure Vent Fan	SuperVac	718B	U41423	
122		1	Power Washer	Craftsman	3000PSI	CMXGWASO20790-03	
122		1	Hydraulic Extrication Combi- Tool	AMKUS	AMK25L	02111255	
122		1	Hydraulic Extrication Spreaders	AMKUS	M30-C	87106715	
122		1	Hydraulic Extrication Cutters	AMKUS	AMK25	97065767	
122		1	Hydraulic Extrication Cutters	AMKUS	AMK25	unreadable	
122		1	Hydraulic Extrication Combi-Tool	AMKUS	AMK 25-C	99050933	
122		1	Hydraulic Extrication Ram 36"	AMKUS	36"	unreadable	
122		1	Hydraulic Extrication Ram 36"	AMKUS	36"	unreadable	
122	4545	1	Hydraulic Extrication Power Plant	AMKUS		P6554H	
122		1	Hydraulic Extrication Power Plant	AMKUS	6H2A-MC	03040037	
122	5369	1	Hydraulic Extrication Power Plant	AMKUS	F	528672	
122		1	Chain Saw	Echo	QV-8000	0028656	
122		1	Chain Saw	Echo	CS-310	C3301-4097948	
122		1	Winch Cable Come Along				
122		1	Box Light	Stream light		06186	
122		1	Hose Ledge Roller	Akron			
122		1	Hydraulic Hose	AMKUS			

Dept.	Asset#	Qty	Description	Make	Model	Serial#	Notes
122		1	Hydraulic Hose	AMKUS			
122		1	Hydraulic Hose	AMKUS			
122		1	Hydraulic Hose	AMKUS			
122		1	Hydraulic Hose	AMKUS			
122		1	Hydraulic Hose	AMKUS			
122		1	Hydraulic Hose	AMKUS			
122		1	Pinned Halligan				
122		1	Piercing Nozzle				
122		1	TNT Tool	TNT			
122		21	21 Radio Speaker Microphones	L3Harris			
122		11	11 Radio Speaker Microphones	Otto			
122		1	6 bank radio battery charger P7100	ACT	I80	80130557	
122		1	Single bank radio battery charger P7100	ACT	I25	25161433	
122		1	Radio Speaker	L3Harris		6s102824v1r1a	
122		1	Radio Headset	Sigtronics	SE8		
122		1	P7100 Base Charger	L3Harris		b1761617820r5a	
122		1	Mobile Radio P17400	Motorola	AA1750RPF9AA3AN	PNVE2091CANM	
122		1	Mobile Radio P17400	MACOM		REVR4B	
122		1	Radio Battery Charger single bank	ACT		IGER19BLIN	
122		1	P7100 Portable Radio	L3Harris	HT7160881X	9P24035	
122		1	Portable Radio	MACOM	MANT-T81NX	9152051	
122		27	Portable Radio Batteries	L3Harris	P7100		

Dept.	Asset#	Qty	Description	Make	Model	Serial#	Notes
122		1	Turbo Jet Nozzle		1"		
122		1	Select Flow Nozzle	Phantom 1			
122		1	Turret Nozzle	Fire Pro			
122		1	Turbo Jet Nozzle	Akron	1.5"		
122		1	Remote Control Box	High Tech	CH6675510		
122		1	Golf Cart Charger	Links	3665	191600177	
122		2	Cribbing -Step Chock				
122		2	Rescue Crutches				
122		1	French Door Refrigerator 36"	Samsung			
122		1	Top Bottom Door Refrigerator 30"	Frigidaire			
122		1	Gas Stove 30"				
122		4	Video Laryngoscopes	Clear Vue			Internal Asset #VL2, VL3, VL4, and VL5
122		1	Washer	GE	GTW725BPN0DG	TR165475G	

MEMORANDUM

Date: April 21, 2026

To: Dale Arrington, Acting City Clerk

From: Jim Ailes, Utilities Director

Re: Surplus Equipment

Listed below is equipment that I need to surplus on the next available City Commission Agenda, if at all possible. These trucks have been turned over for surplus disposal at the Public Works Fleet garage.

Dept.	Asset #	Description	Make	Model	Serial #
4204	5417	2012 4x4 Utility Body (#94)	Ford	F-250	1FTBF2A64CEB08747
4204	5495	2013 4x4 Utility Body (#97)	Ford	F-250	1FTBF2A67DEB14088
4204	5616	2016 4x4 Utility Body (#288)	Ford	F-250	1FTBF2A69GEC17002
4205	5342	4x2 Pickup Truck (#210)	Ford	Ranger	1FTKR1AD7BPA14199
4206		Portable Hand Held Radio	M/A-COM	P7100	9153457

Cc. Kieu Moses, Risk/ Safety / Events Manager
Nick Segel, Budget Manager
Stepfanie Cooper-Whites, Administrative Coordinator

CITY OF DELAND
Request for Commission Action
May 4, 2026

SUBJECT: Consideration of CPH Task Assignment for Entry sign/feature at Kepler/Sr 44 and Orange Camp Road/MLK Roundabout Monument Signs.

DEPARTMENT: Public Works

PREPARED BY: Ray Underwood, Public Works Director

ATTACHMENTS: CPH DeLand Orange Camp Roundabout TA27 EWA1 (s)

APPROVED BY: Michael Pleus, City Manager, April 28, 2026

SUMMARY/HIGHLIGHT:

The City Commission previously approved a Task Assignment with CPH which included providing designs and services for the center feature located at two locations.

- SR44 and Kepler
- Orange Camp and MLK Blvd

The Orange Camp roundabout, after further investigation, proved to have design challenges related to speed and line of sight. CPH conducted several extra related studies and was provided plans from Volusia County to change the striping and add raised curbs. Through modeling this allowed the traffic to slow to acceptable speeds for a center feature to be constructed. In doing so, a large part of the available funds was utilized to cover the extra work authorized.

The subject amendment includes the following services:

1. CPH will provide Landscape Architecture, Rendering and Construction Design Services, and MOT plans for the Orange Camp roundabout center feature and approved modifications to the striping.

2. CPH will attend coordination meetings with the City, Volusia County and vendors.

3. Bid Phase Services

4. Post Design Services (both locations)

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Sense of Community

SUSTAINABILITY:

Green Infrastructure

FISCAL IMPACT:

Staff has negotiated a proposed fee of $38,154.00 to perform the professional services outlined in the attached

Task Assignment No. 27, Amendment #1. Funds are currently available to pay for these services in the Capital Fund.

RECOMMENDATION:

Staff recommends that the City Commission approve CPH Task Assignment No. 27, Amendment #1, which include design services, agency coordination, bid phase and post design services in the total amount of $38,154.00.

BACKGROUND/DISCUSSION:

A continuation of the previously approved Gateway Sign Project, CPH was tasked with designing concepts for the existing Orange Camp Rd and Dr. Martin Luther King Jr Beltway roundabout and the future SR 44 and Kepler Rd roundabout. These concepts were brought before the Commission for approval on February 19, 2024. Taking the approved design and comments from that meeting, Public Works tasked CPH with final design and construction plans.

TASK ASSIGNMENT NO. 27

CITY OF DELAND
KEPLER AND ORANGE CAMP ROAD
ROUNDABOUT MONUMENT SIGNS

Professional Services
Amendment #1

April 13, 2026

The following scope of services and associated compensation are based on work to be performed by CPH Consulting, LLC herein after called "CPH" for the Kepler and Orange Camp Road Roundabout Monument Signs**,** for the City of DeLand herein after called the "CITY". The proposed work is to be performed within the terms and conditions of the current continuing services agreement between CPH and The City of DeLand.

PROJECT DESCRIPTION

The CITY has requested CPH to provide professional services to deliver permittable construction documents for the Kepler and Orange Camp Road Roundabout Monument Signs. Following the completion of the Kepler/SR 44 Monument Sign design, post design services are required during the construction. Additionally, CPH assisted the CITY in coordinating with Volusia County to review and analyze the feasibility of adding the monument sign in the roundabout at Orange Camp and MLK Jr Beltway as the intersection has experienced several crashes since the intersection was constructed. Utilizing FDOT design criteria, it was determined the roundabout was not safe to add a feature in this intersection. Following additional analyses and coordination with the City and County, the County has agreed to modify the roundabout enabling a feature to be constructed. This amendment is for the additional plans production and bid phase services of the Orange Camp roundabout feature, and post design services for both the Kepler and Orange Camp roundabouts.

SCOPE OF SERVICES

1.0 Project Administration

CPH will provide general project management, including contract maintenance, project documentation, communication and coordination with the CITY and Volusia County, preparation of meeting materials and documentation, preparing project billings, preparing invoice reports, tracking the project budget and schedule, and attending general project meetings. Up to three (3) coordination meetings with Volusia County and their Consultant are included in this scope. Any additional meetings with other entities, the public, and other groups not previously mentioned are not included and will require an extra work authorization (EWA).

2.0 Landscape Architecture Construction Document Services

2.3 Construction Document Revisions

CPH will modify and update the existing design to be specific to the Orange Camp Roundabout. CPH will revise the base files utilizing the County's revised drawings. This plan which CPH shall prepare shall be commensurate with the current requirements for landscape architecture in the state of Florida and shall be for use in the permitting, bidding, and construction of the monument signs at the Kepler and Orange Camp Road sites.

CPH anticipates the construction documents will include the following plan sheets:

1. Key Sheet
2. Summary of Pay Items
3. General Notes
4. Hardscape / Sign Plans / Details
5. Landscape Plans / Details

3.0 Irrigation Services

N/A – Included in the original scope of services

4.0 Structural Engineering Services

N/A – Included in the original scope of services

5.0 Maintenance of Traffic Services

N/A – Included in the original scope of services

6.0 Permitting Services

N/A – Included in the original scope of services

7.0 Utility Coordination

N/A – Included in the original scope of services

8.0 Bid Phase Services

CPH will assist the CITY in advertising and obtaining bids for the prime contract. CPH will issue construction plans to all prospective bidders in electronic format (pdf). CPH will attend the pre-bid meeting administered by the CITY. CPH will provide meeting minutes, attendance log, and address any bid questions raised during the meeting. CPH will prepare amended plans as appropriate to interpret, clarify or expand the construction plans within the bid period. CPH will prepare bid tabulation summary and assist the City in evaluating bids. Provide written recommendations to the City for the award of construction contract to the lowest responsive and/or responsible bidder.

9.0 Post Design Services

CPH will assist the CITY during construction by providing limited post-design services at Kepler and Orange Camp. CPH will attend the preconstruction meetings held by the City. CPH will check shop drawings for compliance with the Plans, Specifications, and other Contract Documents. CPH will coordinate review and approval of the shop drawings. CPH will coordinate with the CITY to respond to RFI's from the Contractor. CPH will provide responses to issues related to changes or questions regarding design. For the purposes of this Scope of Services, it is assumed that the construction of the City's facilities will occur over a period of 3-Months. CPH will attend up to four (4) meetings during the construction period at the request of the CITY at either Kepler or Orange Camp sites. CPH will attend the substantial completion inspection with the CITY and prepare a "punch List" of items that are deficient or incorrect. CPH will attend the Final Completion inspection with the CITY to ensure the punch-list items were completed.

SERVICES NOT INCLUDED

The following services are not included in this task assignment:

- Surveying Services
- Geotechnical Engineering Services.
- Coordination / installation of utilities and utility connections.
- Coordination / installation of utility sleeves to provide irrigation to the sites.
- Lighting design, specification, purchase, installation, calibration, and the maintenance of.
- As-Built Drawings or review of, Record Drawings or review of, and Certification of the Project

Should work be required in any of the services listed above, or services not previously described, CPH will prepare a proposal or amendment, at the CITY's request, that details the scope of services, fee, and schedule required to complete the extra work authorization (EWA).

CITY PROVIDED SERVICES & INFORMATION

CPH will rely upon the timeliness, accuracy and completeness of CITY provided services and information to perform this task assignment. For this project, CPH will require the CITY to provide the following coordination services and technical data:

- Water and electrical utility connections will be required for the operation of the irrigation control systems at the Orange Camp Road sites. The CITY will coordinate with Volusia County / Duke Energy to determine the location and installation of these utility connections and indicate the connections in CAD drawing provided to CPH.

- This project will require the installation of utility sleeves to provide irrigation water to the monument sign landscape at the Orange Camp Road sites. The CITY will be required to coordinate these installations and provide CPH a CAD drawing detailing the installations and connection points.

- The CITY will be responsible for all lighting for this task assignment and will coordinate the selection / equipment specifications, purchase, installation, calibration, and maintenance of the solar lighting systems for the Orange Camp Road sites.

COMMENCEMENT OF THE TASK AGREEMENT

CPH will commence performance of the scope of services detailed in this agreement upon verbal authorization followed by written authorization within 7 days of the verbal authorization to proceed is received. The schedule is also subject to accurate and timely delivery of information by the CITY and is exclusive of CITY and stakeholder coordination of interim products. If the CITY requests that work under this agreement be stopped, the schedule is subject to renegotiation when written authorization to continue is received.

COMPENSATION

Labor

CPH will perform the scope of services detailed in this agreement as identified in each task, on a lump sum or hourly basis as shown below. The following is the breakdown of fees for each task.

Task No.	Task Description	Billing Method	Fee
1.0	Project Administration	Lump Sum	$6,468.00
2.0	Landscape Architecture, Rendering and Construction Document Services		
	2.1 Landscape Architecture Services		-
	2.2 Communication Renderings		-
	2.3 Construction Document Revisions		$13,692.00
3.0	Irrigation Services	Lump Sum	--
4.0	Structural Engineering Services	Lump Sum	--
5.0	Maintenance of Traffic Services	Lump Sum	--
6.0	Permitting Services	Lump Sum	-
7.0	Utility Coordination Services	Lump Sum	-
8.0	Bid Phase Services	Lump Sum	$4,082.00
9.0	Post Design Services	Hourly	$13,912.00
		Total	**$38,154.00**

Reimbursable Expenses

In addition to the labor compensation outlined above, CPH shall be reimbursed directly for project specific expenditures such as, but not limited to travel, printing and reprographics, postage, and phone usage.

SIGNATURE BLOCKS

ATTEST:

Printed Name: Alejandro Mejia
Title: Transportation Project Manager
Authorized Signatory of Entity

CPH Consulting, LLC

By: Justin Reck Digitally signed by Justin Reck Date: 2026.04.13 16:09:38-04'00'
Printed Name: Justin Reck
Title: Transportation Program Manager
Authorized Signatory of Entity

ATTEST:

Julie A. Hennessy, MMC
City Clerk - Auditor

Approved as to form and legal sufficiency.

Darren J. Elkind
City Attorney

CITY OF DELAND

By: _____
Chris Cloudman
Mayor - Commissioner
Date: _____

KEPLER AND ORANGE CAMP ROAD ROUNDABOUT MONUMENT SIGNS

City of DeLand, FL

Amendment #1

TASK	DESCRIPTION	Dicipline Manager $280.00	Project Manager IV $216.00	Landscape Architect III $150.00	Designer V $150.00	Engineer II $157.00	Designer II $103.00	Admin III $99.00	Expenses $	Cost by Task $
1.0	**Project Administration Services**									
	Project Administration Services	6	12	12				4		$6,468.00
										$0.00
									Service Total	**$6,468.00**

TASK	DESCRIPTION	Landscape Architect III $156.00	Designer V $150.00	Designer I $97.00				Admin III $99.00	Expenses $	Cost by Task $
2.0	**Landscape Architecture Services**									
2.1	Landscape Plan Development									$0.00
2.2	Communication Rendering Services									$0.00
2.3	Construction Documents	12	40	60						$13,692.00
										$0.00
									Service Total	**$13,692.00**

TASK	DESCRIPTION	Dicipline Manager $280.00	Project Manager IV $216.00	Landscape Architect III $150.00	Designer V $150.00	Engineer II $157.00	Designer II $103.00	Admin III $99.00	Expenses $	Cost by Task $
8.0	**Bid Phase Services**									
	Bid Phase Services	2	8	8				6		$4,082.00
										$0.00
									Service Total	**$4,082.00**

TASK	DESCRIPTION	Dicipline Manager $280.00	Project Manager IV $216.00	Landscape Architect III $150.00	Designer V $150.00	Engineer II $157.00	Designer II $103.00	Admin III $99.00	Expenses $	Cost by Task $
9.0	**Post Design Services**									
	Post Design Services (Hourly)	4	32	24		12		4		$13,912.00
										$0.00
									Service Total	**$13,912.00**
									PROJECT TOTAL	**$38,154.00**

CITY OF DELAND
Request for Commission Action
May 4, 2026

SUBJECT: Resolution Approving FY 2025-2026 Budget Amendment.

DEPARTMENT: Finance

PREPARED BY: Daniel Stauffer, Finance Director

ATTACHMENTS: Resolution, FY25-26 Budget Amendment Details

APPROVED BY: Michael Pleus, City Manager, April 29, 2026

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	$211,664
Water & Sewer Fund	$255,821
Airport Fund	$1,703
Stormwater Fund	$0
Permits & Inspections Fund	$0

RECOMMENDATION:

Staff recommends the City Commission adopt the Resolution amending the FY 25/26 budget as presented.

BACKGROUND/DISCUSSION:

The significant budget amendments in the General Fund are for transfers to the Capital Fund for land purchases for Fire ($145,000) and Public Works (580,000) and for the Sound System at Spec Martin Stadium ($56,908). All of these are being funded by excess revenue received to date over amounts budgeted.

The significant budget amendment in the Governmental Impact Fees Trust Fund is a transfer for the land

purchase for Public Works ($260,000) which is funded by excess General Government Impact Fees received to date over budgeted amounts as well as General Government reserves.

The significant budget amendments in the Capital Fund are the land purchases for Fire ($145,000) and Public Works ($840,000) and the Sound System at Spec Martin Stadium ($185,163). The Sound System is partially funded from a reclassification of the Video Board and Sound System ($128,255) with the remaining amount funded by a General Fund transfer ($56,908).

The significant budget amendments in the Water and Sewer Fund are additional equipment maintenance in Water Production ($30,000) due to ongoing well repairs and Well #5 Evaluation ($51,565). These are being funded by reductions to other expenditures that have been completed under budget and contingency.

The significant budget amendments in the Airport Fund are a reallocation of project budgets.

RESOLUTION NO. 2026 -

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE BUDGET FOR THE GENERAL FUND, HOMELESS SHELTER FUND, GOVERNMENTAL IMPACT FEES TRUST FUND, GRANTS AND SPECIAL REVENUE FUND, CAPITAL FUND, WATER AND SEWER FUND, AIRPORT FUND AND STORMWATER FUND FOR THE FISCAL YEAR 2025-2026; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to amend the budget for the City of DeLand for fiscal year 2025-2026; 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 2025-2026 is amended in the following manner:

GENERAL FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		**57,128,623**	**893,902**	**23,000**	**57,999,525**
	Other Taxes				
001-0000-314-100	UTILITY SVC TAX - ELECTRICITY	4,506,056	342,591	0	4,848,647
	Intergovernmental Revenue				
001-0000-331-550-IAN 22	HURRICANE IAN - 9/28/22	0	480,580	0	480,580
001-0000-334-500-IAN 22	HURRICANE IAN - 9/28/22	0	11,633	0	11,633
	Miscellaneous Revenue				
001-0000-369-910	CODE ENFORCEMENT LIENS	25,000	30,500	0	55,500
001-0000-369-920	INSURANCE PROCEEDS	0	28,598	0	28,598
	Other Sources				
001-0000-380-020	USE OF LOT MAINT RESERVES	23,000	0	23,000	0
EXPENDITURES		**57,128,623**	**1,023,296**	**152,394**	**57,999,525**
	Admin Services				
001-0106-549-100	OTHER OBLIGATIONS	3,950	6,350	0	10,300
	Code Enforcement				
001-1119-531-100	PROFESSIONAL SERVICES	25,131	7,500	0	32,631
	Fire				
001-1222-540-100	TRAVEL & TRAINING	126,600	0	5,546	121,054
001-1222-546-400	EQUIPMENT MAINTENANCE	81,100	28,598	0	109,698
001-1222-552-000	HARDWARE/SOFTWARE	80,700	2,347	0	83,047
001-1222-552-170	OPERATING SUPPLIES-EMS	92,945	0	2,347	90,598
001-1222-552-200	OPERATING CAPITAL	241,137	34,216	0	275,353
	Police				
001-1226-552-200	OPERATING CAPITAL	60,571	0	48,019	12,552
	Trees				
001-1303-531-100	PROFESSIONAL SERVICES	6,000	2,500	0	8,500
001-1303-534-100	CONTRACTUAL SERVICES	53,000	0	2,500	50,500
	Parks & Recreation Administration				
001-1401-552-000	HARDWARE/SOFTWARE	52,986	1,630	0	54,616

GENERAL FUND (Continued)

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
EXPENDITURES		**57,128,623**	**1,023,296**	**152,394**	**57,999,525**
	Parks				
001-1403-546-400	EQUIPMENT MAINTENANCE	37,947	1,525	0	39,472
001-1403-552-200	OPERATING CAPITAL	163,198	42,570	0	205,768
	Museums				
001-1406-546-200	PEST CONTROL	121	1,200	0	1,321
	Stadium				
001-1408-552-200	OPERATING CAPITAL	27,197	0	6,852	20,345
	Chisholm Center				
001-1410-552-200	OPERATING CAPITAL	20,299	2,225	0	22,524
	Contingency				
001-9990-999-100	CONTINGENCY	240,214	0	28,550	211,664
	Transfers				
001-9999-991-190	TRANSFER TO GRANTS & SPEC REV	813,161	23,795	0	836,956
001-9999-991-300	TRANSFER TO CAPITAL PROJECT FUND	6,755,643	868,840	58,580	7,565,903

HOMELESS SHELTER FUND

REVENUES		**817,643**	**0**	**0**	**817,643**
EXPENDITURES		**817,643**	**55**	**55**	**817,643**
120-1120-534-100	CONTRACTUAL SERVICES	789,285	0	55	789,230
120-1120-664-000-HO2601	NEW DISHWASHER FOR HOMELESS SHELTER	5,499	55	0	5,554

GOVERNMENTAL IMPACT FEE TRUST (GIFT) FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		**2,109,012**	**268,000**	**0**	**2,377,012**
	Impact Fees				
170-0000-324-910	IMPACT FEES - GEN GOVT RESIDENTIAL	0	167,090	0	167,090
	Other Sources				
170-0000-380-120	USE OF RESERVES - FIRE	330,000	8,000	0	338,000
170-0000-380-130	USE OF RESERVES - GEN GOV"T	80,000	92,910	0	172,910
EXPENDITURES		**2,109,012**	**268,000**	**0**	**2,377,012**
	Fire				
170-1222-664-000-FR2601	NEW LADDER TRUCK EQUIPMENT	92,000	8,000	0	100,000
	Transfers				
170-9999-991-300	TRANSFER TO CAPITAL PROJECT FUND	188,367	260,000	0	448,367

GRANTS & SPECIAL REVENUE FUND

REVENUES		**2,557,450**	**297,539**	**276,929**	**2,578,060**
	Intergovernmental Revenue				
190-0000-331-280-PD2610	FDLE - DRONE REPLACEMENT	25,000	0	25,000	0
190-0000-331-500-PR2522	CDBG 2025 - JACKSON LANE PARK PAVILION	102,642	0	102,642	0
190-0000-331-500-PW2501	CDBG 2025 - ADA IMPROVEMENTS	89,220	0	89,220	0
190-0000-334-210-PD2610	FDLE - DRONE REPLACEMENT	0	25,000	0	25,000
190-0000-337-210-FR2612	CO OF VOL - ZOLL AUTOPULSE DEVICES	0	188,244	0	188,244
	Charges for Service				
190-0000-343-700	TREE REPLACEMENT	25,000	60,500	0	85,500
	Other Sources				
190-0000-380-010	USE OF TREE RESERVES	348,734	0	60,067	288,667
190-9999-381-001	TRANSFER FROM GENERAL FUND	725,833	23,795	0	749,628
EXPENDITURES		**2,557,450**	**188,677**	**168,067**	**2,578,060**
	Fire				
190-1222-664-000-FR2612	CO OF VOL - ZOLL AUTOPULSE DEVICES	0	188,244	0	188,244
	Streets				
190-1302-663-000-PW2501	CDBG 2025 - ADA IMPROVEMENTS	89,220	0	89,220	0
	Trees				
190-1303-664-000-PW2602	ATTACHMENTS FOR THE MINI-SKID STEER	16,125	433	0	16,558
	Parks				
190-1403-662-000-PR2522	CDBG 2025 - JACKSON LANE PARK PAVILION	102,642	0	78,847	23,795

CAPITAL FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		**13,630,511**	**1,128,840**	**58,580**	**14,700,771**
	Other Sources				
300-9999-381-001	TRANSFER FROM GENERAL FUND	6,755,643	868,840	58,580	7,565,903
300-9999-381-170	TRANSFER FROM GIFT FUND	188,367	260,000	0	448,367
EXPENDITURES		**13,630,511**	**1,257,095**	**186,835**	**14,700,771**
	Fire				
300-1222-661-000-FR2613	LAND FOR NEW FIRE STATION NEAR SR44	0	145,000	0	145,000
300-1222-662-000-FR2604	STATION 82 UPGRADES	115,533	0	8,925	106,608
300-1222-664-000-FR2307	ENGINE REPLACEMENT 2007 CONTENDER	807,526	1,255	0	808,781
300-1222-664-000-FR2503	MACH ALERT 81-82-83	37,758	15,457	0	53,215
300-1222-664-000-FR2614	ENGINE REBUILD ON RESCUE VEHICLE	0	13,644	0	13,644
	Police				
300-1226-664-000-PD2611	HANDHELD PORTABLE RADIOS	0	48,019	0	48,019
	Public Works Administration				
300-1301-661-000-PW2408	422 E BERESFORD LAND PURCHASE	6,900	840,000	0	846,900
	Parks and Recreation				
300-1403-662-000-PR2606	TERMITE TENTING ADMIN BLDG & LEMON ROOM	19,520	0	5,560	13,960
300-1403-664-000-PR2611	ROBOT MOWERS	45,347	0	42,570	2,777
300-1403-664-000-PR2612	PULL BEHIND LIFT	46,200	1,705	0	47,905
300-1403-664-000-PR2618	REPLACE VIDEO BOARD & SOUND SYSTEM -SPEC	655,556	0	128,255	527,301
300-1403-664-000-PR2623	ICE MACHINE - SPEC MARTIN	0	6,852	0	6,852
300-1403-664-000-PR2624	SPEC MARTIN SOUND SYSTEM	0	185,163	0	185,163
300-1403-664-110-IT2612	CONNECT SPEC TO FIBER NETWORK	1,525	0	1,525	0

WATER & SEWER FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		**79,978,191**	**0**	**0**	**79,978,191**
EXPENDITURES		**79,978,191**	**101,368**	**101,368**	**79,978,191**
	Utilities Administration				
401-4201-664-000-UT2601	NEW VEHICLE FOR FOG INSPECTOR	52,094	0	7,000	45,094
401-4201-664-000-UT2602	INSPECTION GOLF CART	4,633	0	4,633	0
	Water Production				
401-4203-546-400	EQUIPMENT MAINTENANCE	65,000	30,000	0	95,000
401-4203-663-000-UT2641	WELL #5 EVALUATION	0	51,565	0	51,565
401-4203-664-000-UT2409	WATER PLANT SECURITY CAMERA REPLACEMENTS	39,374	0	39,372	2
401-4203-664-000-UT2605	WP#1 HIGH SERVICE WELL PUMP DRIVES 1OF3	17,249	0	0	17,249
401-4203-664-000-UT2608	WP#2 HIGH SERVICE WELL PUMP DRIVES 1OF3	13,775	3,520	0	17,295
401-4203-664-000-UT2609	WP#2 HIGH SERVICE WELL PUMP DRIVES 2OF3	13,775	3,520	0	17,295
401-4203-664-000-UT2610	WP#2 HIGH SERVICE WELL PUMP DRIVES 3OF3	13,775	3,520	0	17,295
401-4203-664-000-UT2611	WP#3 HIGH SERVICE WELL PUMP DRIVES 1OF3	17,249	50	0	17,299
401-4203-664-000-UT2612	WP#3 HIGH SERVICE WELL PUMP DRIVES 2OF3	17,249	50	0	17,299
401-4203-664-000-UT2613	WP#3 HIGH SERVICE WELL PUMP DRIVES 3OF3	17,249	50	0	17,299
	Water Distribution				
401-4204-664-000-UT2506	HYDRAULIC 6" DIESEL PUMP ON TRAILER (ONE	73,512	0	8,000	65,512
401-4204-664-000-UT2616	PICKUP TRUCK UTILITY BODY REPLACE #288	78,769	0	10,560	68,209
401-4204-664-000-UT2617	PICKUP TRUCK UTILITY BODY REPLACE #289	78,769	0	10,560	68,209
	Utilities Maintenance				
401-4206-664-000-UT2541	CDBG 2025 - LS#16 GENERATOR	61,129	2,678	0	63,807
401-4206-664-000-UT2630	L/S#28 REPLACEMENT & PANEL BOX	104,434	715	0	105,149
	Customer Service				
401-4209-546-100	BUILDING MAINTENANCE	32,229	5,700	0	37,929
	Contingency				
401-9990-999-100	CONTINGENCY	277,064	0	21,243	255,821

AIRPORT FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		**8,709,485**	**100,000**	**91,826**	**8,717,659**
	Intergovernmental Revenue				
430-0000-389-320-AP2601	FDOT- CONSTRUCT EAST HANGAR PHASE 1B	800,000	0	73,461	726,539
430-0000-389-320-AP2605	FDOT-SECURITY LIGHTING	0	80,000	0	80,000
	Other Sources				
430-0000-380-000	USE OF RESERVES	26,500	20,000	18,365	28,135
EXPENDITURES		**8,709,485**	**100,000**	**91,826**	**8,717,659**
430-4300-663-000-AP2605	FDOT-SECURITY LIGHTING	0	100,000	0	100,000
430-4300-663-000-AP2601	FDOT- CONSTRUCT EAST HANGAR PHASE 1B	1,000,000	0	91,826	908,174

STORMWATER FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		**3,982,999**	**0**	**0**	**3,982,999**
EXPENDITURES		**3,982,999**	**10,000**	**10,000**	**3,982,999**
450-4500-663-000-SW2603	MISC SW IMPROVEMENTS (NEIGHBORHOOD)	150,000	0	10,000	140,000
450-4500-663-000-SW2611	E EUCLID AVE STORM DRAIN IMPROVEMENTS	0	10,000	0	10,000

Section 2. In all other respects the Budget of the City of DeLand, Florida for fiscal year 2025-2026 is hereby ratified and confirmed as adopted by Resolutions 2025-73, 2025-93, 2026-04, & 2026-12.

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

PASSED AND DULY ADOPTED this 4th day of May, 2026.

_____
Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

_____
Dale V. Arrington
Interim City Clerk-Auditor

APPROVED AS TO FORM AND LEGALITY:

_____
Darren J. Elkind
City Attorney

FY 25-26 Budget Amendment Details

	Account Description	Increase	Decrease	Description
GENERAL FUND				
REVENUES		***893,902***	***23,000***	
001-0000-314-100	UTILITY SVC TAX - ELECTRICITY	342,591		increase funding from Electric Utility Taxes
001-0000-331-550-IAN 22	HURRICANE IAN - 9/28/22	480,580		increase funding from FEMA - Federal
001-0000-334-500-IAN 22	HURRICANE IAN - 9/28/22	11,633		increase funding from FEMA - State
001-0000-369-910	CODE ENFORCEMENT LIENS	30,500		increase funding from Code Enforcement Liens
001-0000-369-920	INSURANCE PROCEEDS	28,598		increase funding from Insurance Proceeds - Squad Engine 81 repair
001-0000-380-020	USE OF LOT MAINT RESERVES		23,000	decrease funding from Lot Maintenace Reserves
EXPENDITURES		***1,023,296***	***152,394***	
001-0106-549-100	OTHER OBLIGATIONS	6,350		increase appropriation for Circuit Breaker
001-1119-531-100	PROFESSIONAL SERVICES	7,500		increase appropriation for Special Magistrate Services
001-1222-540-100	TRAVEL & TRAINING		5,546	decrease appropriation for Travel and Training
001-1222-546-400	EQUIPMENT MAINTENANCE	28,598		increase appropriation for Squad Engine 81 repair
001-1222-552-000	HARDWARE/SOFTWARE	2,347		increase appropriation for WiFi Access Points at Station 83
001-1222-552-170	OPERATING SUPPLIES-EMS		2,347	decrease appropriation for Operating Supplies - EMS
001-1222-552-200	OPERATING CAPITAL	4,291		increase appropriation for FD Operating Capital
001-1222-552-200	OPERATING CAPITAL	29,925		increase appropriation for Station 82 upgrades -power washing and painting ($8,925) and equipment for new hires ($21,000)
001-1226-552-200	OPERATING CAPITAL		48,019	decrease appropriation for Handheld Portable Radios (reclass to capital)
001-1303-531-100	PROFESSIONAL SERVICES	2,500		increase appropriation for Tree Removal
001-1303-534-100	CONTRACTUAL SERVICES		2,500	decrease appropriation for Contractual Services
001-1401-552-000	HARDWARE/SOFTWARE	1,630		increase appropriation for Weather System Subscription
001-1403-546-400	EQUIPMENT MAINTENANCE	1,525		increase appropriation for Spec Martin Fiber Network (reclass from capital)
001-1403-552-200	OPERATING CAPITAL	42,570		increase appropriation for Robot Mowers (reclass from capital)
001-1406-546-200	PEST CONTROL	1,200		increase appropriation for Pest Control
001-1408-552-200	OPERATING CAPITAL		6,852	decrease appropriation for Ice Machine (reclass to capital)
001-1410-552-200	OPERATING CAPITAL	2,225		increase appropriation for Chisholm upgrades
001-9990-999-100	CONTINGENCY		28,550	decrease appropriation for Circuit Breaker ($6,350), Fire Equipment for new hires ($21,000) and Pest Control ($1,200)
001-9999-991-190	TRANSFER TO GRANTS & SPEC REV	23,795		increase appropriation for Jackson Lane Park Pavilion Plans
001-9999-991-300	TRANSFER TO CAPITAL PROJECT FUND	868,840		increase appropriation for Mach Alert Station ($15,457), Handheld Portable Radios ($48,019), Fire Engine Rebuild ($13,644), Engine Replacement ($1,255), Ice Machine ($6,852), Spec Martin Sound System ($56,908), Land Purchase for future Fire Station ($145,000), Land Purchase for future Fleet/Maintenance Building ($580,000), and Pull Behind Lift ($1,705)
001-9999-991-300	TRANSFER TO CAPITAL PROJECT FUND		58,580	decrease appropriation for Station 82 upgrades (reclass to operating $8,925), Robot Mowers (reclass to operating $42,570), Termite Tenting ($5,380) and Connect Spec to Fiber Network (reclass to Operating $1,525)
HOMELESS SHELTER FUND				
REVENUES		***0***	***0***	
EXPENDITURES		***55***	***55***	
120-1120-534-100	CONTRACTUAL SERVICES		55	decrease appropriation for new Dishwasher (moved from Operating to Capital)
120-1120-664-000-HO2601	NEW DISHWASHER FOR HOMELESS SHELTER	55		increase appropriation for new Dishwasher (moved to Capital from Operating)
GOVERNMENTAL IMPACT FEES TRUST FUND				
REVENUES		***268,000***	***0***	
170-0000-324-910	IMPACT FEES - GEN GOVT RESIDENTIAL	167,090		increase funding from General Government Impact Fees
170-0000-380-120	USE OF RESERVES - FIRE	8,000		increase funding from Fire Impact Fee Reserves
170-0000-380-130	USE OF RESERVES - GEN GOV"T	92,910		increase funding from General Government Impact Fee Reserves
EXPENDITURES		***268,000***	***0***	
170-1222-664-000-FR2601	NEW LADDER TRUCK EQUIPMENT	8,000		increase appropriation for Getac for new Ladder Truck
170-9999-991-300	TRANSFER TO CAPITAL PROJECT FUND	260,000		increase transfer to Capital Fund for land purchase for future Fleet/Maintenance Building

FY 25-26 Budget Amendment Details

	Account Description	Increase	Decrease	Description
GRANTS & SPECIAL REVENUE FUND				
REVENUES		***297,539***	***276,929***	
190-0000-331-280-PD2610	FDLE - DRONE REPLACEMENT		25,000	decrease funding for Drone Replacement Grant (reclassed)
190-0000-331-500-PR2522	CDBG 2025 - JACKSON LANE PARK PAVILION		102,642	decrease funding for Jackson Lane Park Pavilion Grant
190-0000-331-500-PW2501	CDBG 2025 - ADA IMPROVEMENTS		89,220	decrease funding for ADA Improvements Grant
190-0000-334-210-PD2610	FDLE - DRONE REPLACEMENT	25,000		increase appropriation for Drone Replacement Grant (reclassed)
190-0000-337-210-FR2612	CO OF VOL - ZOLL AUTOPULSE DEVICES	188,244		increase funding for Zoll Autopulse Devices
190-0000-343-700	TREE REPLACEMENT	60,500		increase funding from Tree Replacement
190-0000-380-010	USE OF TREE RESERVES		60,067	decrease funding from Tree Reserves
190-9999-381-001	TRANSFER FROM GENERAL FUND	23,795		increase funding for Jackson Lane Park Pavilion Plans
EXPENDITURES		***188,677***	***168,067***	
190-1222-664-000-FR2612	CO OF VOL - ZOLL AUTOPULSE DEVICES	188,244		increase appropriation for Zoll Autopulse Devices
190-1302-663-000-PW2501	CDBG 2025 - ADA IMPROVEMENTS		89,220	decrease appropriation for ADA Improvements Grant
190-1303-664-000-PW2602	ATTACHMENTS FOR THE MINI-SKID STEER	433		increase appropriation for Mini-Skid Steer
190-1403-662-000-PR2522	CDBG 2025 - JACKSON LANE PARK PAVILION		78,847	decrease appropriation for Jackson Lane Park Pavilion Grant
CAPITAL PROJECT FUND				
REVENUES		***1,128,840***	***58,580***	
300-9999-381-001	TRANSFER FROM GENERAL FUND		58,580	decrease funding for Station 82 upgrades (reclass to operating $8,925), Robot Mowers (reclass to operating $42,570), Termite Tenting ($5,560) and Connect Spec to Fiber Network (reclass to Operating $1,525)
300-9999-381-001	TRANSFER FROM GENERAL FUND	868,840		increase appropriation for Mach Alert Station ($15,457), Handheld Portable Radios ($48,019), Fire Engine Rebuild ($13,644), Engine Replacement ($1,255), Ice Machine ($6,852), Spec Martin Sound System ($56,908), Land Purchase for Future Fire Station ($145,000), Land Purchase for future Fleet/Maintenance Building ($580,000) and Pill Behind Lift ($1,705)
300-9999-381-170	TRANSFER FROM GIFT FUND	260,000		increase appropriation for Land Purchase for future Fleet/Maintenance Building ($252,993)
EXPENDITURES		***1,257,095***	***186,835***	
300-1222-661-000-FR2613	LAND FOR NEW FIRE STATION NEAR SR44	145,000		increase appropriation for Land Purchase for future Fire Station
300-1222-662-000-FR2604	STATION 82 UPGRADES		8,925	decrease appropriation for Station 82 upgrades (power washing and painting - reclass to operating)
300-1222-664-000-FR2307	ENGINE REPLACEMENT 2007 CONTENDER	1,255		increase appropriation for Engine Replacement
300-1222-664-000-FR2503	MACH ALERT 81-82-83	15,457		increase appropriation for Mach Alert Station
300-1222-664-000-FR2614	ENGINE REBUILD ON RESCUE VEHICLE	13,644		increase appropriation for Fire Engine Rebuild (reclass from operating)
300-1226-664-000-PD2611	HANDHELD PORTABLE RADIOS	48,019		increase appropriation for Handheld Portable Radios
300-1301-661-000-PW2408	422 E BERESFORD LAND PURCHASE	840,000		increase appropriation for Land Purchase for future Fleet/Maintenenace Building
300-1403-662-000-PR2606	TERMITE TENTING ADMIN BLDG & LEMON ROOM		5,560	decrease appropriation for Termite Tenting
300-1403-664-000-PR2611	ROBOT MOWERS		42,570	decrease appropriation for Robot Mowers (reclass to operating)
300-1403-664-000-PR2612	PULL BEHIND LIFT	1,705		increase appropriation for Pull Behind Lift
300-1403-664-000-PR2618	REPLACE VIDEO BOARD & SOUND SYSTEM -SPEC		128,255	decrease appropriation Video Board & Sound System
300-1403-664-000-PR2623	ICE MACHINE - SPEC MARTIN	6,852		increase appropriation for Ice Machine
300-1403-664-000-PR2624	SPEC MARTIN SOUND SYSTEM	185,163		increase appropriation for Spec Martin Sound System
300-1403-664-110-IT2612	CONNECT SPEC TO FIBER NETWORK		1,525	decrease appropriation for Spec Martin Fiber Network (reclass to operating)

FY 25-26 Budget Amendment Details

	Account Description	Increase	Decrease	Description
WATER & SEWER FUND				
REVENUES		***0***	***0***	
EXPENDITURES		***101,368***	***101,368***	
401-4201-664-000-UT2601	NEW VEHICLE FOR FOG INSPECTOR		7,000	decrease appropriation for vehicle for FOG Inspector
401-4201-664-000-UT2602	INSPECTION GOLF CART		4,633	decrease appropriation for Inspection Golf Cart
401-4203-546-400	EQUIPMENT MAINTENANCE	30,000		increase appropriation for Well Repair
401-4203-663-000-UT2641	WELL #5 EVALUATION	51,565		increase appropriation for Well #5 Evaluation
401-4203-664-000-UT2409	WATER PLANT SECURITY CAMERA REPLACEMENTS		39,372	decrease appropriation for Water Plant Security Camera
401-4203-664-000-UT2608	WP#2 HIGH SERVICE WELL PUMP DRIVES 1OF3	3,520		increase appropriation for WP #2 HSP Drive (1 of 3)
401-4203-664-000-UT2609	WP#2 HIGH SERVICE WELL PUMP DRIVES 2OF3	3,520		increase appropriation for WP #2 HSP Drive (2 of 3)
401-4203-664-000-UT2610	WP#2 HIGH SERVICE WELL PUMP DRIVES 3OF3	3,520		increase appropriation for WP #2 HSP Drive (3 of 3)
401-4203-664-000-UT2611	WP#3 HIGH SERVICE WELL PUMP DRIVES 1OF3	50		increase appropriation for WP #3 Well Pump Drive (1 of 3)
401-4203-664-000-UT2612	WP#3 HIGH SERVICE WELL PUMP DRIVES 2OF3	50		increase appropriation for WP #3 Well Pump Drive (2 of 3)
401-4203-664-000-UT2613	WP#3 HIGH SERVICE WELL PUMP DRIVES 3OF3	50		increase appropriation for WP #3 Well Pump Drive (3 of 3)
401-4204-664-000-UT2506	HYDRAULIC 6" DIESEL PUMP ON TRAILER (ONE		8,000	decrease appropriation for Hydraulic 6" Diesel Pump
401-4204-664-000-UT2616	PICKUP TRUCK UTILITY BODY REPLACE #288		10,560	decrease appropriation for Pickup Truck
401-4204-664-000-UT2617	PICKUP TRUCK UTILITY BODY REPLACE #289		10,560	decrease appropriation for Pickup Truck
401-4206-664-000-UT2541	CDBG 2025 - LS#16 GENERATOR	2,678		increase appropriation for LS #16 Generator
401-4206-664-000-UT2630	L/S#28 REPLACEMENT & PANEL BOX	715		increase appropriation for LS #28 Replacement & Panel Box
401-4209-546-100	BUILDING MAINTENANCE	5,700		increase appropriation for Call Center Cubicles
401-9990-999-100	CONTINGENCY		21,243	decrease appropriation for Well #5 Evaluation
AIRPORT FUND				
REVENUES		***100,000***	***91,826***	
430-0000-380-000	USE OF RESERVES	20,000		increase funding for Security Lighting Improvements at Airport
430-0000-380-000	USE OF RESERVES		18,365	decrease funding for East Hangar Phase 1B
430-0000-389-320-AP2601	FDOT- CONSTRUCT EAST HANGAR PHASE 1B		73,461	decrease funding for East Hangar Phase 1B
430-0000-389-320-AP2605	FDOT-SECURITY LIGHTING	80,000		increase funding for Security Lighting Improvements at Airport
EXPENDITURES		***100,000***	***91,826***	
430-4300-663-000-AP2605	FDOT-SECURITY LIGHTING	100,000		increase appropriation for Security Lighting Improvements at Airport
430-4300-663-000-AP2601	FDOT- CONSTRUCT EAST HANGAR PHASE 1B		91,826	decrease appropriation for East Hangar Phase 1B
STORMWATER FUND				
REVENUES		***0***	***0***	
EXPENDITURES		***10,000***	***10,000***	
450-4500-663-000-SW2603	MISC SW IMPROVEMENTS (NEIGHBORHOOD)		10,000	decrease appropriation for Misc SW Improvements
450-4500-663-000-SW2611	E EUCLID AVE STORM DRAIN IMPROVEMENTS	10,000		increase appropriation for E Euclid Ave Storm Drain Improvements

CITY OF DELAND
Request for Commission Action
May 4, 2026

SUBJECT: Approval of Minutes for the regular meetings of August 17, 2020, December 6, 2021, January 3 and January, 18, 2022; the Special Meeting of January 31, 2022; the regular meetings of February 21, March 7, March 21, April 4, April 18, 2022; the regular meetings of October 7, and October 21, 2024; the regular meetings of March 17 and April 21, 2025, and the regular meeting of April 20, 2026.

DEPARTMENT: City Clerk

PREPARED BY:

ATTACHMENTS: MIN CC 08.17.20 final- D, MIN CC 12.06.21 final-D, MIN CC 01.03.22 final-D, MIN CC 01.18.22 final-D, MIN CC SPECIAL 01.31.22 final-D, MIN CC 02.21.22 final - D, MIN CC 03.07.22 final-D, MIN CC 03.21.22 final-D, MIN CC 04.04.22 final-D, MIN CC 04.18.22.final-D, MIN CC 10.07.24 Final-D, MIN CC 10.21.24 Final-D, MIN CC 03.17.2025 final-D, MIN CC 04.21.2025 final-D, MIN CC 04.20.26 Final-D

APPROVED BY: Michael Pleus, City Manager, April 28, 2026

SUMMARY/HIGHLIGHT:

Attached are minutes for review and approval. Except for the August 17, 2020, and the April 20, 2026, minutes, these minutes were prepared by Ms. Gwen Keough-Johns, MMC, of City Clerk Associates, LLC. Staff reviewed minutes using notes made at the meeting and can attest that the minutes are accurate. The August 20, 2020, minutes were prepared by staff in order to validate the content of a resolution adopted at that meeting. Staff is currently preparing recent minutes (April 20, 2026) directly after the meeting. All are in order for approval.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

N/A

SUSTAINABILITY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Review and Approve the attached Minutes.

BACKGROUND/DISCUSSION:

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, AUGUST 17 2020, 2020, AT 7:00 P.M.
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

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

INVOCATION

Pastor Mike Modica, First Assembly DeLand, gave the Invocation.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie Hennessy, City Clerk-Auditor; Mike Grebosz, Assistant City Manager; Jason Umberger, Police Chief; Dan LaGrange, Division Chief; Rick Werbiskis, Community Development Director; Mark Hayward, Human Resources Director; Keith Riger, Public Services Director; Greg Whidden, Information Technology Director; Jim Ailes, Deputy Public Service / Utilities Director; Ray Bahrami, Director of Engineering; Dan Stauffer, Finance Director; Rick Hall, Parks and Recreation Director; Demetris Pressley, Public Works Director; Mike Holmes, Planning Director; Brandi Weaver, Finance Customer Service Manager; Stan Winzer, IT Systems Administrator; Mark Hayward, Human Resources Director; members of the public and press.

PRESENTATIONS

1. Resolution No. 2020-62 Honoring the Retirement of Kathy Edwards

Commissioner Cloudman read the Resolution. Mayor Apgar presented the Resolution to Kathy Edwards.

Commissioner Paiva made a motion to adopt the Resolution. Commissioner Cloudman seconded the motion, which carried unanimously 5-0.

2. Employee Years of Service Awards.

   Commissioner Paiva read and presented a 10 Years of Employee service award to Jennifer Wilder.

3. Presentation re Quarterly Financial Report for the Period Ending June 30, 2020.

   Dan Stauffer, Finance Director, presented the quarterly financial report.

CONSENT AGENDA

1. Resolution re Surplus Equipment.
   Staff requested that certain equipment be declared surplus and authorization be given to dispose of the property as set forth in the resolution.

2. Consideration re One-Year Renewal of Local Option Fuel Tax Interlocal Agreement.
   Staff recommended approval of the one-year renewal to the interlocal agreement for distribution of proceeds of local option fuel tax.

3. Consideration re Utility Service Agreement and Fair Share Agreement for Pelham Park.
   Staff recommended that the City Commission approve the Utility Service Agreement and Fair Share Agreement for Pelham Park.

4. Consideration re Change Order No., 4 The Bridge.
   Staff recommended that the City Commission approve Change Order No. 4 to Marcon Construction, LLC. In the amount of $99,900.

5. Consideration re Remote Worker Solution.
   It was recommended that the City Commission approve the purchase of the Virtual Desktop Infrastructure Solution.

Commissioner Reid pulled Item 1 from the Consent Agenda. Commissioner Cloudman pulled Item 5 from the Consent Agenda.

Commissioner Paiva made a motion to adopt items 2, 3, and 4 of the Consent agenda. Commissioner Reid seconded the motion which carried unanimously 5-0.

Commissioner Reid made a motion to adopt Item 1 of the Consent Agenda. Commissioner Paiva seconded the motion, which carried unanimously 5-0.

Commissioner Reid made a motion to adopt Item 5 of the Consent Agenda. Commissioner Paiva seconded the motion, which carried unanimously 5-0.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

OLD BUSINESS

1. Second Reading of Ordinance No. 2020-13, Annexing Approximately 2.33 Acres of Property, Located at 1632 Parade Circle.
   The applicant, Delmont Littlefield, owner, requested to annex approximately 2.33 acres. The proposed annexation consists of a single, developed parcel, located on the west side of Parade Circle.

   Mayor Apgar opened a Public Hearing. There being no discussion, Mayor Apgar closed the Public Hearing. Commissioner Paiva made a motion to adopt the Ordinance on Second Reading. Commissioner Cloudman seconded the motion, which carried unanimously 5-0.

2. Second Reading of Ordinance No. 2020-14, Changing the Land Use of Approximately 2.33 Acres of Property, Located at 1632 Parade Circle from (VC) Industrial to City Industrial/Warehouse.
   The applicant, Delmont Littlefield, requested the Future Land Use (FLU) designation be amended for a parcel located on the west side of Parade Circle, 360 feet north of its intersection with Old Daytona Road. They requested a change from Volusia County' s Industrial FLU to the City's Industrial/Warehouse FLU designation.

   Mayor Apgar opened a Public Hearing. There being no discussion, Mayor Apgar closed the Public Hearing. Commissioner Paiva made a motion to adopt the Ordinance on Second Reading. Commissioner Cloudman seconded the motion, which carried unanimously 5-0.

3. Second Reading of Ordinance No. 2020-15, Changing the Zoning of Approximately 2.33 Acres of Property, Located at 1632 Parade Circle, from County I-1 A to City M-1.
   The applicant, Delmont Littlefield, owner, requested a zoning change from Volusia County's I-1A, Light Industrial with Airport Overlay to City M-1, Industrial at 1632 Parade Circle.

   Mayor Apgar opened a Public Hearing. There being no discussion, Mayor Apgar closed the Public Hearing. Commissioner Paiva made a motion to adopt the Ordinance on Second Reading. Commissioner Cloudman seconded the motion, which carried unanimously 5-0.

4. Second Reading of Ordinance No. 2020-16, Amending Chapter 28 Regulating Parking and Associated Fees.
   It was recommended that the City Commission consider the enactment of the proposed ordinance on second reading.

   Mayor Apgar opened a Public Hearing. There being no discussion, Mayor Apgar closed the Public Hearing. Commissioner Paiva made a motion to adopt the Ordinance on Second Reading. Commissioner Reid seconded the motion, which carried unanimously 5-0.

5. Resolution Approving Parking Fees.
   It was recommended that the City Commission approve the resolution.

   Michael Pleus, City Manager, mentioned that there was no fine for overnight parking in the Resolution and they currently charge $18. Mr. Pleus stated he spoke to Darren Elkind, City Attorney, who told him they could just add it to the fee schedule. Mr. Elkind stated they would add a category for overnight parking.

   Commissioner Paiva made a motion to adopt the Resolution with the addition of overnight parking. Commissioner Reid seconded the motion, which carried unanimously 5-0.

6. Second Reading of Ordinance No. 2020-17, Amending Chapter 30 Relating to Utilities.
   It was recommended that the City Commission consider the enactment of the proposed ordinance on second reading.

   Mayor Apgar opened a Public Hearing. There being no discussion, Mayor Apgar closed the Public Hearing. Commissioner Paiva made a motion to adopt the Ordinance on Second Reading. Commissioner Reid seconded the motion, which carried unanimously 5-0.

7. Second Reading of Ordinance No. 2020-18, Regulating Small Wireless 5G Facilities.
   It was recommended that the City Commission consider the enactment of the proposed ordinance on second reading.

   Mayor Apgar opened a Public Hearing. There being no discussion, Mayor Apgar closed the Public Hearing. Commissioner Paiva made a motion to adopt the Ordinance on Second Reading. Commissioner Cloudman seconded the motion, which carried unanimously 5-0.

8. Resolution Approving Temporary Measures to Assist Downtown Restaurants and Bars During COVID-19.

Consideration of a Resolution requested to allow for temporary measures to assist downtown restaurants and bars during COVID- 19.

Commissioner Paiva made a motion to adopt the Resolution with the addition of the limited time frame put into the body of the Resolution. Commissioner Cloudman seconded the motion, which carried unanimously 5-0.

NEW BUSINESS

1. First Reading of Ordinance Annexing Approximately 87.36 Acres Property, Located at 1004 Overlook Drive.
   Staff recommended that the City Commission approve the annexation at first reading and delay second reading until the land use application is approved by the Volusia Growth Management Commission.

2. First Reading of Ordinance Changing the Land Use of Approximately 87.36 Acres of Property, Located at 1004 Overlook Drive, from (VC) Urban Medium Intensity & (VC) Agricultural Resource to Medium Density Residential.
   The applicant, Mark Watts, Esq., attorney for Meadowlea Venture I, LLC, owner, had submitted an application to change the land use at 1004 Overlook Drive from County Urban Medium Intensity and Agriculture Resource to Medium Density Residential.

3. First Reading of Ordinance Changing the Zoning of Approximately 87.36 Acres of Property, Located at 1004 Overlook Drive, from (VC) MH- 1A & A-1A to City RM, Residential Mobile Home.
   The applicant, Marks Watts, Esq., attorney for Meadowlea Venture I, LLC, owner, had submitted an application to rezone the subject property to R-M, Residential Mobile Home district. The subject property contains 87.36 acres.

   Commissioner Cloudman made a motion to continue Items 1, 2, and 3 to the first meeting in September. Commissioner Paiva seconded the motion, which carried unanimously 5-0.

4. First Reading of Ordinance Abandoning a Portion of an Unopened Platted Right-of-Way Known as Wisconsin Avenue, Located at Grandview Gardens Subdivision (West of Ridgewood Avenue).
   The applicant, Mike Woods, Esq., Cobb Cole (for the James K. Warner Trust), had submitted an application to abandon a portion of an unopened, platted 25-ft. right-of-way, known as Wisconsin Avenue, located within the bounds of the proposed Grandview Gardens subdivision (west of Ridgewood Avenue).

   Mayor Apgar opened a Public Hearing. There being no discussion, Mayor Apgar

closed the Public Hearing. Commissioner Paiva made a motion to approve the Ordinance on First Reading. Commissioner Cloudman seconded the motion, which carried unanimously 5-0.

5. First Reading of Ordinance Annexing Approximately 32.84 Acres of Property, Located at 450 and 490 Lake Gertie Road and 1251 North Stone Street.
   The applicant, City of DeLand and SMA Healthcare, Inc., have applied for annexation for property located at 450 and 490 Lake Gertie Road and 1251 N. Stone Street. The subject property contains approximately 32.84 acres.

   Mayor Apgar opened a Public Hearing. Michael Holmes, Planning Director, stated that this being an annexation it would have to be delayed a month so it would go to the second meeting in September. There being no further discussion, Mayor Apgar closed the Public Hearing. Commissioner Paiva made a motion to approve the Ordinance on First Reading. Commissioner Cloudman seconded the motion, which carried unanimously 5-0.

6. First Reading of Ordinance Annexing Approximately 9,084 Square Feet of Property, Located at 1200 South Garfield Avenue.
   The applicant, City of DeLand had applied for annexation for property located at 1200 South Garfield Avenue. The property contains 9,084 square feet. The proposed annexation consists of a single, residential parcel, located on the west side of South Garfield Avenue, directly south of the City's Public Services Complex.

   Mayor Apgar opened a Public Hearing. There being no discussion, Mayor Apgar closed the Public Hearing. Commissioner Paiva made a motion to approve the Ordinance on First Reading. Commissioner Cloudman seconded the motion, which carried unanimously 5-0.

7. First Reading of Ordinance Changing the Zoning of Approximately 1.08 Acres of Property, Located at 842 East New York Avenue from C-1 and R-1 to E-1.
   The applicant, Alex Ford, Jr., attorney for owner Frog Adventures, Inc., had submitted an application to rezone the subject property to E-1, Educational.

   Commissioner Paiva made a motion to continue the Ordinance until October 19. Commissioner Cloudman seconded the motion, which carried unanimously 5-0.

8. Resolution Approving Special Exception for a 800 Square Foot Accessory Dwelling Unit Located at 501 Shopes Place.
   The applicant, Sonni Stover & Clayton Wimer, owners, had submitted an application for a Special Exception to allow an accessory dwelling unit at 501 Shopes Place.

Commissioner Paiva made a motion to adopt the Resolution. Commissioner Cloudman seconded the motion, which carried unanimously 5-0.

CITY COMMISSION REPORTS

1. Report re Elected Officials Round Table.
   No Report Given

2. Report re Volusia-Flagler TPO.
   Commissioner Cloudman commented they didn't have the River-to-Sea meeting but there should be good discussion coming up in the August meeting.

3. Report re River of Lakes Heritage Corridor.
   Commissioner Cloudman stated that social media was doing well and were encouraged to send them events and stories to be put onto social media. Mr. Cloudman stated that River of Lakes is looking favorable to be named a scenic highway which would open up to potential grants and funding.

CITY MANAGERS REPORT

Mr. Pleus mentioned cancelling the fireworks display and working on alternative dates. Mr. Pleus stated the DeLand population has reached 37,000 and expects it to be over 40,000 in the next few years. Mr. Pleus commented they will be changing out the commercial loading zones to state 8 to 5.

CITY ATTORNEY REPORT

No Report Given.

CITY CLERK REPORT

Julie Hennessy reminded everyone that tomorrow is election day so everyone should get out and vote.

CITY COMMISSION REPORTS

Commissioner Reid thanked Parks and Rec for the success of the pickleball tournament and Public Works for the new signs.

Commissioner Cloudman reminded everyone of the Mayor's backpack giveaway this week.

Commissioner Davis asked for prayers for her Great Grandfather who caught Covid-19.

Mayor Apgar reminded the Commission that on August 25 is the second reading on Cresswind, and that on August 31 is the second reading on the mask ordinance.

ADJOURNMENT

7:58 p.m.

RESPECTFULLY SUBMITTED:

_____
Dale Arrington
Interim City Clerk – Auditor

APPROVED ON:

_____
Date

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, DECEMBER 6, 2021, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

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

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

INVOCATION:

Mayor Apgar stated no date has been established for another first reading of Beresford Reserve.

Mayor Apgar asked everyone to keep Michael Pleus, City Manager, family in their thoughts and prayers. Mr. Pleus' father is not doing well.

Mayor Apgar asked everyone to keep the following individuals and families in their thoughts and prayers:

Charlie Granger who passed away recently. He was a long time affiliate with the Stetson University.

Ian Best passed away. She was a long time resident of DeLand and had worked at the hospital for many years.

Jerry Deloach, a longtime resident of DeLand who worked for Cunningham Firestone, passed away.

Richard Slaughter, former Police Chief of DeLand, passed away.

Pastor Ben Brown, Tomoka Christian Church DeLand, gave the Invocation.

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

ROLL CALL

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

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk- Auditor; Mike Grebosz, Assistant City Manager; Jason Umberger, Police

Chief; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Chad Gamble, Public Services Director; Rick Hall, Parks and Recreation Director; Rick Werbiskis, Community Development Director; Ray Underwood, Public Works Director; Mark Hayward, Human Resources Director; Chris Graham, Community Information Manager; Jim Ailes, Deputy Public Service/Utilities Director; Raymond Bahrami, City Engineer; members of the public and press.

PRESENTATIONS

1. Employee Years of Service Awards

Mayor Apgar announced Kevin Griffiths has been serving the City of DeLand Utilities Department for ten years. He was joined by Jim Ailes, Deputy Public Service/Utilities Director. Commissioner Cloudman presented a plaque celebrating ten years of employment.

Commissioner Paiva presented a plaque celebrating ten years of employment to Ray Underwood, Public Works Director.

2. Introduction of New

Chris Graham, Community Information Manager, introduced Ava Hanner, newly hired Community Information Specialist. Ava joins the City of DeLand after serving the Volusia County Beach Community.

CONSENT AGENDA

1. Consideration re DeLand Police Athletic League Operations Agreement and Fiscal Year 2021-2022 Funding Memorandum of Understanding
2. Consideration re Utility Service Agreement, Winsupply
3. Consideration re Permit Rocket Software, LLC, Annual License Agreement
4. Consideration re Change Order No. 2 SGS Contracting Services, Inc.
5. Consideration re Final Ranking of Engineering Consultants – DeLand Wiley Nash, Water Reclamation Facility Expansion & Upgrades
6. Consideration re Neighborhood Center Mobile Home Lease Amendment
7. Consideration re Task Assignment-Sign/Feature Conceptual Design

Commissioner Cloudman requested removal of item 7 from consent agenda.

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

Commissioner Cloudman meant to pull item 5 from the consent agenda. He made a motion to approve item 7 on the consent agenda. Commissioner Paiva seconded the motion, which carried by a unanimous vote.

Commissioner Cloudman referencing consent agenda item 5, it was a pleasure to have to choose from two companies who have served the City of DeLand well.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

There were none.

NEW BUSINESS

1. Consideration re Limited Lease Agreement Between the City of DeLand and Stetson University for the use of Melching Field

Rick Hall, Parks and Recreation Director, stated there is a new lease agreement with Stetson University for the use of the Melching Field. The University is interested in entering into a new twenty-year agreement which would commence February 1, 2023, ending January 31, 2043. He explained several elements contained in the lease. Since the City is beginning to make improvements to Melching Field, Stetson University would share in the capital cost of the improvements to the field. This will be a non-exclusive right to use the field for games, practice, tournaments, and other events associated with the baseball program, during the months of September, October, November, January, February, March, April, and May. If they enter into a post season tournament, they will need the facility in June. The City will maintain the right to use the facility during Stetson's primary use period for community sports teams or youth programs and also for baseball rentals. In the agreement, Stetson should provide three community nights throughout their season for the City to use. Stetson's exclusive use includes first base side offices, locker rooms, and players' lounge, as well as shared use of the batting cages. During the non-primary use period, Stetson may use the facility for six additional events, four of those events being held June through August and two in December. This is geared toward camps run by Stetson University. Stetson will also have rights to concession and internal stadium advertising. Stetson will pay the City a base rent of $70k for the first four years of the term of agreement with each year after the base rate increasing equal to the consumer price index, not to exceed a 3% increase.

Commissioner Cloudman said his company is retained by Stetson University for services and therefore, he will abstain.

Commissioner Reid asked, in regard to the reference to two suites, there is also a section that reserves 16 general admission tickets for purchase by the city. He asked if the change in that terminology from event to game matters. Mr. Hall said he believes it is geared more toward games since that is primarily when Stetson would be holding events at Melching Field. It was clarified by Mr. Elkind, the lessee is granted use of the stadium as listed above, associated with the collegiate baseball program. During any times throughout the year not included in their use period, lessee must seek prior approval from the City for use of the stadium. The City permits lessee to use the stadium outside their primary use period for six extra events, four which may occur between June and August and two which may occur in December. There could be a situation where the City would authorize Stetson to do something else although that is not likely.

Commissioner Paiva made a motion to approve the agreement. Commissioner Reid seconded the motion.

The motion carried by a vote of 4 to 0, Commissioner Cloudman abstained from voting. Form 8B, Memorandum of Conflict, as filed by Commissioner Cloudman is attached to these minutes.

2. Consideration CPH Task Assignment 16 re Design Service Approval Greenway Trail Part A

Commissioner Paiva made a motion to approve the design service approval Greenway Trail Part A. Commissioner Davis seconded the motion, which carried by a unanimous vote.

3. Consideration re Change of Meeting Date, Dr. Martin Luther King, Jr., Holiday

Mayor Apgar stated the City Commission meeting would fall on January 17, 2022. He asked for a motion to move the regular City Commission meeting to Tuesday, January 18, 2022.

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

CITY MANAGER REPORT
Nothing to report.

CITY ATTORNEY REPORT
Nothing to report.

CITY CLERK REPORT
Julie Hennessy, City Clerk – Auditor, stated the next agenda, December 20, 2022, will be released in the new Civic Clerk software. She and Deputy Clerk Julia Hewitt will be meeting with each Commissioner to go over the software.

CITY COMMISSION
Commissioner Cloudman said the Christmas parade was great. It seems the City of DeLand is in the holiday spirit. He also commented on the lights.

Commissioner Cloudman suggested after the holidays, a discussion be held about the Star of the Month program with the local schools.

Commissioner Davis suggested a mailing to the schools given the current environment with COVID. She said it is important that this program does not disappear.

Commissioner Reid said there is a desire by local principals to get this program going again. Commissioner Cloudman mentioned the upcoming Christmas Boat parade.

Commissioner Davis said the holiday season is in full swing and the tree lighting was well attended. She said the Christmas parade was wonderful.

Commissioner Davis said on Sunday she had a very nice ride on the antique fire truck with Santa Claus. She thanked the Fire and Police Departments for escorting the fire truck.

Commissioner Reid said thank you to the Rotary Club and all staff members who assisted with the parade. There was an escalated law enforcement presence and he also extended his appreciation to the City of Orange City for their assistance.

Mayor Apgar thanked staff and the City Commission for the time that has been invested in special meetings for Beresford Reserve.

Mayor Apgar also mentioned the tree lighting and the Christmas parade.

Mayor Apgar took a moment to recognize the work invested to make events great. He thanked all who participated, including staff and the civic clubs who work tirelessly to keep the parade alive. He has asked that a letter be prepared and sent to each of the Club Presidents, to thank them for their assistance.

The Main Street DeLand party will take place on December 7, 2021. This party was added in the previous year in place of the parade, but it looks like it will continue to be an annual event.

Mayor Apgar mentioned an event coming up at the Earl Brown Park where the park is converted into a Christmas Village with a German/European Christmas Market theme.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:39 p.m.

_____

Julie A. Hennessy, MMC
City Clerk – Auditor

RESPECTFULLY SUBMITTED:

/s/ Gwen Keough-Johns
Gwen Keough-Johns, MMC
City Clerk Associates, LLC

APPROVED ON:

_____
City Commission Meeting Date

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, JANUARY 3, 2022, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

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

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

INVOCATION:

Mayor Apgar extended, on behalf of the Commission, appreciation for all who helped and supported the Winter Wonder DeLand event, as well as all other events held during the holiday season.

Mayor Apgar asked that everyone keep the families of Grady Jackson and Mike Jiloty in their thoughts and prayers. He also stated our own Michael Pleus, City Manager, and family will lay his father to rest on Thursday. He asked everyone to continue to remember them in their thoughts and prayers.

Pastor Mark Schrade, City Sanctuary Church, gave the Invocation.

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

ROLL CALL

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

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk- Auditor; Mike Grebosz, Assistant City Manager; Rick Werbiskis, Community Development Director; Jason Umberger, Police Chief; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Chad Gamble, Public Services Director; Rick Hall, Parks and Recreation Director; Ray Underwood, Public Works Director; Chris Graham, Community Information Specialist; members of the public and press.

PRESENTATIONS

1. Resolution No. 2022-01, Approving the Retirement of Danny Pope

Mr. Pope was unable to attend the meeting.

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

2. Proclamation, Dr. Martin Luther King, Jr., Day

Commissioner Davis gave an update on upcoming events pertaining to Dr. Martin Luther King, Jr., Day. Adjustments are being made due to COVID-19. However, marketing materials are forthcoming. The breakfast will not be held, but the Saturday festival is still scheduled from noon to 4:00 p.m. with an indoor event from 6:00 to 8:00 p.m. at the Sanctuary. The Martin Luther King, Jr., March will begin at 11:00 a.m. on Monday, since this is an outdoor event.

Proclamation

Whereas, Martin Luther King was born on January 15, 1929, and lived his life promoting peace, freedom, equality, and justice for all through non-violent means, becoming one of the outstanding civil rights leaders of our time; and

Whereas, Dr. Martin Luther King, Jr., inspired millions of Americans to participate in non-violent protest to support the ideals of equality for all and inspired citizens to serve their neighbors and communities. He was a motivating force behind a civil rights movement that had as its goal the creation of a society tolerant of all races, cultures, and nationalities; and

Whereas, this holiday is the only federal holiday commemorated as a national day of service, and offers an opportunity for Americans to make an ongoing commitment to service throughout the year; and

Whereas, the celebration of Dr. King's birthday is intended as a time for all Americans to reaffirm their commitment to the basic principles that underlie our Constitution – equality and justice for all; and

Whereas, as we honor and celebrate this man's extraordinary life, we remain committed to promoting equality and freedom through service to our community; and

Whereas, the ideals of Dr. Martin Luther King, Jr. and the City of DeLand's commitment to human rights are worthy of reflection and serve as a reminder that improving the quality of life for all members of society is the responsibility of every member of our community.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, do hereby proclaim Monday, January 17, 2022, as:

Dr. Martin Luther King, Jr., Day

in the City of DeLand, as a memorial to this apostle of non-violence in the crusade for human rights. I urge all residents to join me in rededicating ourselves to the principles of human rights, justice, and equality for all and to service to our community.

Done and Proclaimed this 3rd day of January, 2022.

/s/ Robert F. Apgar
Mayor

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

Commissioner Reid read the Proclamation, presented to Commissioner Jessica Davis.

3. Proclamation, Human Trafficking Awareness Day

Mayor Apgar invited the representative receiving the Proclamation to come up front.

Whereas, human trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of forced labor or sexual servitude; and

Whereas, human trafficking is a 32- billion dollar a year global criminal enterprise and is a crime as well as civil and human rights violation; and an estimated 25 million people are currently victims of human trafficking for both sex and labor; and

Whereas, human traffickers' prey on their victims by promising a life of hope and greater opportunity, while delivering only enslavement. Instead of delivering people to better lives, traffickers unjustifiably profit from the labor and toil of their victims, who they force – through violence and intimidation – to work in brothels and factories, on farms and fishing vessels in private homes, and in countless industries; and

Whereas, January is National Slavery and Human Trafficking Prevention Month, we commit ourselves to eradicating the evil of enslavement. Human trafficking is a modern form of the oldest and most barbaric type of exploitation and we proclaim it has no place in our city; and

Whereas, this month we do not simply reflect on this appalling reality. We pledge to do all in our power to end the horrific practice of human trafficking that plagues innocent victims not only around the world, but in our own neighborhoods; and

Whereas, more awareness and education is crucial to eradicating human trafficking in our communities, state, and nation; and

Whereas, Human Trafficking Awareness Day is observed on January 11th in municipalities across the country in order to educate the public and raise awareness about human trafficking; and the City of DeLand has a strong commitment to social justice.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, do hereby proclaim January 11, 2022, as:

Human Trafficking Awareness Day

in the City of DeLand and urge all citizens of DeLand to support efforts to take action to end human trafficking.

Done and proclaimed this 3rd day of January 2022.

/s/ Robert F. Apgar
Mayor

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

Commissioner Paiva read the Proclamation which was presented by Commissioner Reid.

Christy Gillis, Community Development Administrator and Chair of Freedom 7 Human Trafficking Task Force, Department of Children and Families, thanked the City Commission for presenting this Proclamation. She also announced upcoming events, also available on the Department of Children and Families social media.

4. Presentation re Glasshouse Annual Report

Mr. Alex Ford, Attorney, representing Glasshouse Square LLC, reported due diligence items under the contract which include a title search, a survey, and a Geotech phase I environmental study, are complete. The developer has completed a conceptual design and site layout to present. Two buildings are located on the New York Avenue side of the site, and on the right or southern side of the site where Georgia Avenue and another building is located. The New York Avenue exposure of the design was shown with a brick style aesthetic which will be used throughout the project. Several views of the building were displayed. Mr. Ford pointed out the pedestrian walkway and the courtyard square area.

Staff was provided the first draft of the PD agreement in January. There have been several iterations of the draft agreement. Parties have reached agreement on every aspect except parking. Mr. Ford is seeking insight from City Commissioners with regard to the agreement. The filing fee was not paid with submission of the rezoning application since the developer continues to look for guidance from City Commission. Parking is the only outstanding issue on this project. Mr. Ford

said his understanding, as well as his client, was that 31 parking spaces would be provided. This was included in the initial draft documents provided to staff. Thirty-one (31) spaces was used by the developer and team for creating a draft document. Subsequently, in or around April, the City indicated the need for at least 35 spaces to replace the number of spaces currently located on the jailhouse site. Later iterations of the developer's agreement included 35 spaces. When the application was ready to be filed, the City Planning Department staff provided a parking strategy and recommended a full parking study be conducted. Mr. Ford said there is no guarantee that staff would accept 35 spaces even if a full parking study was done that indicated 35 spaces would be adequate. In the meantime, the client has opined the notion of 100 parking spaces as shocking and has decided not to spend dollars on a parking study that would be based on pre-Covid data. Rather than continuing to negotiate the number of private parking spaces, the developer began looking at other alternatives. One alternative would be to put a significant amount of money into a fund the City could then use for public parking spaces. The City would have to determine where to place additional parking. Having a designated fund for parking spaces could prove beneficial to the downtown, as a whole.

Mr. Ford urged City Commissioners to consider historic exemption for properties such as this, stating if the current building were to be redeveloped, the redevelopment process could be navigated with no additional parking spaces included. He expanded upon this thought stating the Commission has an opportunity to do a very nice project with Glasshouse. However, he opined that with a PD development, the City Commission has an opportunity to determine what kind of parking will be required, if any. Being an infill project, the pandemic has had a great impact on this project and on the community. The scale of development has already decreased due to these impacts, it will now be a two-story building with a rooftop space. Mr. Ford firmly believes with the reiteration of the plan, the parking impact will be less. The developer would like to move the project forward, however provision of 100 parking spaces will not work.

Mr. Ford said the specific number his client suggested to be placed in a parking fund would be $170,000, although he is not expecting the City Commission to respond affirmatively or otherwise at this stage of the process.

Mayor Apgar said the original contemplation as a three-story building. At least one iteration along the way still had the facility as a three-story building even though all renderings provided showed a two-story building. He said the first thing that needs to be decided is square footage of the building(s). Nothing has been provided to date that shows a decision and a clear statement indicating detailed information about the project such as the square footage/number of stories of the building(s) and this information will be necessary for determining parking requirements. Mayor Apgar said the parking decision was collectively deferred in initial agreements. Since that time, it has become clear there is still a wide array of potential options. The main point is having done a number of RFP's, City staff, the Commission, and various developers have worked together and become invested in what was perceived to be a good project. It is not fair to anyone involved to continue to move forward without clear direction on both sides.

Commissioner Paiva noted the developer shows in Phase I, Exhibit C, a sizable parcel marked as parking for Glasshouse Squared. That is, by any measure, greater than 50-60 parking spots. If public parking is being removed, it must be replaced. Commissioner Paiva would need additional

information pertaining to required parking spaces, as well as the parking needs for the project. He said the City is looking at clearing costs and tax abatement. If scaled back, there is less tax return in the future for what is being given up by the City. Commissioner Paiva would like to see this project move forward and he agrees with all provisions except parking. He needs to know what the Land Development Regulations say with regard to parking and he is not okay with merely replacing the spaces because of what the City is giving up in three different areas. Commissioner Paiva said as for the $170,000 in a parking fund, he would need to have information from Public Works to indicate a reliable cost estimate for surface parking and how much parking could be provided for that amount of money.

Mr. Elkind, City Attorney, said he believes there are presently 35 public parking spaces that would be lost. He referred to the parking lot for Fire Station 81, stating the budget for 89 parking spaces is $500,000. In summary, which estimate plus a modest land value allowance would be somewhere in the neighborhood of $8500 per parking space.

Mayor Apgar suggested there could be a range for the appropriate number of parking spaces rather than an exact number. Commissioner Paiva feels 60-75 spaces is a fair assessment, although he does not have information available at this time to provide a number.

Commissioner Davis appreciates and acknowledged the discussion of how Covid has changed the way business is conducted. She is still trying to figure out exactly what the project is going to look like with the rooftop. There is already very little parking downtown and she feels 100 parking spaces would still be necessary, particularly when the rooftop event space is in use.

Commissioner Reid asked the timeline of the project if parking were settled tonight. Mr. Holmes said realistically, late 2023 to early 2024, depending on length of the administrative process. Commissioner Reid would not consider the existing lot viable parking spaces. He said the grading on that lot needs to be addressed. Commissioner Reid confirmed the additional parking lot is being constructed using CRA funds. He noted if there were additional funds to help pay for some of the parking spaces, the CRA funds could be used for other purposes.

Mr. Elkind said the land value was added to the parking estimate because the 89 spaces that would be created would address a need that already exists. The money set aside in a fund would be for additional parking. He also advised the possibility of the Best Cleaner lot as another possible location for parking since it will likely never be remediated.

Commissioner Reid sees this area as pedestrian friendly. There is a need for parking but this area is unique in that it is utilized more after business hours type activity. He would like to see more than 35 parking spaces and would settle more in the range of 55-60 spaces. This development is going to bring positive elements such as the rooftop event space and the courtyard. He also believes there is room for negotiation on the number of parking spaces.

Mr. Elkind clarified that 100 spaces was provided based on information contained in the Land Development Regulations (LDR), based on square footage.

Mr. Ford said the LDRs do include the PD process, which allows the Commission to forego any parking spaces. His understanding of the agreement with the county was that the jailhouse property would not be used for parking. Mr. Ford feels it should be parking for the specific use rather than general public parking.

Commissioner Cloudman asked if the parking funds would be in addition to 35 parking spaces. Mr. Ford said it would be in lieu of providing parking. Commissioner Cloudman asked if the 100 spaces were determined by the original square footage and Mr. Werbiskis said the original scope of the project would have required 120 parking spaces. With the reduction in the scope of the project, there would still be a requirement of 60-70 spaces.

Mayor Apgar said the City Commission, collectively, seems to be suggesting approximately 60 to 70 parking spaces.

Mr. Pleus confirmed the consensus for 60-70 parking spaces and stated staff will focus on same. He also noted the City Commission seemed interested in a paid parking fund to buy out some spaces in the new lot, as well as, finding space for a new lot. Mr. Pleus said the idea of the Best Cleaners property has been discussed and may be a good place to consider for future parking.

Mr. Elkind, City Attorney, advised from the start of this project that Covid has slowed the process significantly. However, it is best, since there is a contract in place, for staff to present a resolution to amend the contract and time frames in the contract in order to make sure everyone is following and in compliance with the contract, visa vie the time requirements.

Mr. Prelec, Jr., prospective developer, believes developing private parking is a waste of money. He shared recently when he was leaving a meeting with city staff on a Tuesday right at lunchtime, he couldn't help but notice the Georgia lot was fairly full. Parking on the jail site was fairly full, but over Woodland Blvd near Checkers, there were a significant number of empty parking spaces.

Commissioner Paiva confirmed the City owns the Best Cleaners property. He said for him that is close enough in proximity to meet the need for parking and since the City already owns the land, it may be a good compromise to get to a lower number and get the project developed.

Mr. Pleus said the engineering staff will do a parking layout and get an estimated cost. At this time, staff does not know what remediation of the property would cost. An order of magnitude number should be available once staff has the opportunity to look further into this idea of using the Best Cleaners property.

Mr. Elkind said staff needs to get together and determine what parking spaces would cost, make a decision whether the project is still viable on that basis and then move forward to report on the project within thirty days. Mr. Elkind will also draft a simple amendment to the agreement to reset the timeline.

5. Quarterly Financial Report for the Period Ending September 30, 2021

Dan Stauffer, Finance Director, presented the City's quarterly financial report. This report covers the full twelve-month period of fiscal year 2021 and represents 100% of the year. This is an interim report, not intended as a substitute for the audited financial report. The audit process is ongoing and some of the numbers in this report are subject to change.

There were no questions or comments upon completion of the presentation.

CONSENT AGENDA

1. Consideration re Approval of Consolidated Ground Lease, Kingspan Insulation US
2. Consideration re Award of Bid, Truck Mounted Paint Sprayer
3. Resolution Approving Budget Amendment for Fiscal Year 2021-22

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

Mayor Apgar commented when he met with staff and representatives of Kingspan, he learned the new facility is going to be a showcase of all the most modern technology being put into construction. Kingspan representatives expect, as a worldwide company, to bring customers from all over the world to DeLand to see the product that results from their building. He is very excited about this project.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

There were no public comments.

NEW BUSINESS

1. Consideration re Appointment of City Commission Member to the Construction Management Request for Qualification Selection Committee for the Utility Administration Building

Mayor Apgar stated Commissioner Cloudman has been serving and would like to continue to serve on the committee.

Commissioner Paiva made a motion to reappoint Commissioner Cloudman to the committee. Commissioner Davis seconded the motion, which carried by a unanimous voice vote.

2. Consideration re Approval of Opioid Litigation Agreement

Commissioner Paiva made a motion to approve the Agreement. Commissioner Davis seconded the motion.

Mayor Apgar asked if the City Commission would be appointing someone to the task force and if so, would be the sitting Commission or a new Commission following the election.

Mr. Elkind responded did not have a timeframe. The county has requested executed interlocal agreements be returned to them by January 21, 2022, all pre-supposing the settlement goes forward. Mayor Apgar asked if it contemplates that the appointment would be an elected official or a staff member. Mr. Elkind has attended ad hoc meetings for the task force and it has been predominantly technical staff participation.

The motion was approved by a unanimous voice vote.

MAYOR APGAR

Mayor Apgar stated the round table did not meet.

Commissioner Cloudman said TPO and River of Lakes have not had meetings since the last report was provided.

CITY MANAGER REPORT

Mr. Pleus thanked the City Commission from the bottom of his heart for their support and everything done to support his family recently during their time of loss.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Commissioner Paiva wished everyone a Happy New Year.

Commissioner Davis wished everyone a Happy New Year and thanked staff for getting a Proclamation done for Deacon Grady Jackson's funeral service. He was a great man.

Commissioner Davis asked the Commission's permission to attend the Florida Black Caucus through the Florida League of Cities, March 17 and 18, 2022, in Orlando. She is the Secretary and the Education Commission Chairperson. There was no objection.

Commissioner Reid wished everyone a Happy New Year and said to please keep all the teachers and children in your thoughts and prayers as they return to school.

Commissioner Cloudman wished everyone a Happy New Year and is looking forward to the upcoming year.

Commissioner Cloudman announced the upcoming 100th Anniversary Celebration for the Athens Theater.

Mayor Apgar said the Episcopal Church on Kepler Road will have a ribbon cutting for their new walking trail and reflective area on Saturday, January 9, 2022.

Mayor Apgar announced that January 13, 2022 is the Main Street DeLand Annual Meeting and the Volusia County League of Cities meeting.

Mayor Apgar announced January 15, 2022 at 9:00 a.m., the official ribbon cutting will be held for the City of DeLand's new Fire Station and Police Evidence Building.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:46 p.m.

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Julie A. Hennessy, MMC
City Clerk – Auditor

RESPECTFULLY SUBMITTED:

/s/ Gwen Keough-Johns
Gwen Keough-Johns, MMC
City Clerk Associates, LLC

APPROVED ON:

_____
City Commission Meeting Date

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

CALL TO ORDER

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

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

INVOCATION:

Mayor Apgar stated Beresford Reserve special meeting is still being planned for the 31st, to be confirmed by the end of the week. This will be a first reading of the ordinance.

Mayor Apgar asked everyone to remember the family of Walt Mentzer who was a very active member in the DeLand Chamber of Commerce.

Pastor Mike Modica, First Assembly of DeLand, gave the Invocation.

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

ROLL CALL

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

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

PRESENTATIONS

1. Introduction of (5) New Firefighters Joshua Brown, Jacob Farmwald, Justin Pacifico, Megan Milks, Ryan Kamine

Fire Chief Todd Allen stated one of the five new firefighters had to leave due to a call. He introduced the (4) firefighters present and gave a brief biography for each. Chief Todd also gave a brief biography on Jacob Farmwald, who had to leave.

2. Presentation Honoring the Retirement of Danny Pope

Mayor Apgar read the Resolution by title only and it was presented Danny Pope.

RESOLUTION NO. 2022-01

A RESOLUTION OF APPRECIATION AND RECOGNITION BY THE CITY COMMISSION OF THE CITY OF DELAND, FLORIDA, TO DANNY POPE UPON HIS RETIREMENT AFTER TWENTY-FIVE YEARS OF SERVICE TO THE CITY OF DELAND; AND PROVIDING AN EFFECTIVE DATE.

CONSENT AGENDA

1. Consideration re Approval of Development Order Relating to ADA Reasonable Accommodation; 347 East New York Avenue (Sober Living Room)
2. Consideration re Task Order Assignment, Reclaimed Water Main Extension- Phase 5 Design and Bidding Services
3. Consideration re Recognition of Lease Assignment and Assumption

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

Mayor Apgar commented on the PCDG lease assumption. It is a company with multiple subsidiaries and the President of PCDG is a Deland High School Graduate and attended Stetson Law School. He thanked Jeff Altier for the suggestion which has led to PCDG relocating part of their operations to the DeLand airport and the potential of a lot in the Northwest Industrial Park.

Mr. Elkind stated this approval is subject to closing of the transaction.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

There were none.

NEW BUSINESS

Mayor Apgar announced item 7 pertaining to the Atlantic Housing Downtown Redevelopment Incentive Grant Agreement that was heard at the CRA meeting and will be heard at this time.

7. Consideration re Approval of the Atlantic Housing Downtown Redevelopment Incentive Grant Agreement

Commissioner Paiva made a motion to approve the Atlantic Housing Downtown Redevelopment Incentive Grant Agreement under the same terms and conditions as was approved by the CRA. Commissioner Reid seconded the motion, which carried by a majority vote. Commissioner Cloudman voted no.

1. First Reading of Ordinance Annexing Approximately Three Parcels of Land Totaling Approximately 64 Acres of Property Located at 791 South Blue Lake Avenue

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

ORDINANCE 2022-_____

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

Mayor Apgar opened the Public Hearing.

This request is for approval to annex three parcels, totaling 64 acres, into the City of DeLand for development of a residential project with a mix of single-family lot sizes and townhomes. At the December 15, 2021, meeting, the Planning Board recommended approval of the annexation.

Michael Woods, Cobb Cole, provided a brief presentation pertaining to the request.

There being no comment, the Public Hearing was closed.

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

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES

Mayor Apgar YES

2. First Reading of Ordinance Changing the Land Use from Volusia County's Urban Low Intensity and City of DeLand Low Density Residential to City of DeLand Urban Low Density Residential for property located at 791 Blue Lake Avenue (Trinity Gardens)

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

ORDINANCE 2022-_____

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

Mayor Apgar opened the Public Hearing.

Mike Woods, of Cobb Cole, stated on this application, there are five parcels of part of the application. Three of those parcels absolutely need a land use change. He provided an overview of the project which includes the request to amend land use designation for the property. At the December 15, 2021 meeting, the Planning Board recommended approval of the land use amendment.

There being no comment, the Public Hearing was closed.

Commissioner Paiva made a motion to approve the ordinance upon first reading. Commissioner Reid seconded the motion, which was approved by the following roll call vote.

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

3. First Reading of Ordinance Changing the Zoning from City of DeLand Rural Residential, Volusia County's A-3, Transitional Agriculture to Trinity Gardens PD, Located at 791 South Blue Lake Avenue, Approximately 183.92 Acres of Property

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

ORDINANCE 2022-_____

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

Mayor Apgar opened the Public Hearing.

Mayor Apgar stated he met with Mr. Woods and his client prior to this item being heard by the Planning Board. He discussed the project, the density, and the mixed uses as well as density of surrounding residential neighborhoods.

Commissioner Reid stated he also had a meeting with representatives regarding the project.

Commissioner Cloudman stated he has met with the representatives on two separate occasions to discuss the project.

Commissioner Davis stated she has met with the representatives regarding the project.

Mr. Holmes, Planning and Zoning Director, stated the Planning Board held a fairly lengthy meeting and a list of recommendations and comments were included in the agenda memo. He stated the proposal is for 543 total units, 425 of which will be single family and 118 will be townhomes. Most comments at the Planning and Zoning Board level were for clarification. However, they really did want to make sure the Homeowner's Association would be responsible for taking care of items such as additional parking and decorative features included in the project.

Mr. Paiva asked about the densities of surrounding development. Mr. Holmes did not have that information with him, but said if City Commission would like, staff could produce a map for the next meeting.

Michael Woods, Cobb Cole, introduced Tony and Ben from Hanover Property Development. He indicated some of the surrounding development densities are available and will be presented. Mr. Woods noted most of the comments and questions from the Planning and Zoning Board have been addressed. The request is to construct a residential project with a mix of single-family lot sizes and townhomes. As currently designated, the properties for which the rezoning designations are sought

will be combined to create a single property which will eventually be developed for residential purposes. The applicants have applied for annexation and land use amendments to create the overall residential development. A summary of development and amenities was presented to the City Commission.

The project is proposed to be done in four phases. The overall density for the project is 2.95 units per acre. That is lower than some of the municipal densities that have been approved for single family residential subdivisions. This is not a small lot subdivision, it is a diversified housing product with low impact design standards. The developer has been working with the county with regard to traffic impact.

Mayor Apgar closed the Public Hearing.

Commissioner Cloudman expressed his appreciation to the developer for paying attention to the things that are important to the City of DeLand and incorporating much of what they have heard into their project. One of the highlighted features was inclusion of low impact design elements. He asked why, rather than being included under the stormwater drainage section, it was included under amenities. Mr. Wood said he was able to cut and paste that from other projects where the language matched up. It was easier.

Commissioner Davis also thanked the developer for the variation in lot size and the mixed uses. She does not understand the number of fifty foot lots. Mr. Woods said the developer has tried to strike a balance and he knew the forty foot lots were not desirable in large numbers. He said it is a conversation and in contrast with older developments where the lots are seventy five feet in width, the developer felt fifty and sixty foot lots were a good compromise.

Mayor Apgar commented that this project is a good example of the applicant listening and accommodating the elements of a project that are desirable for the City of DeLand as expressed by the commission. Mayor Apgar would like to see a requirement in the PD that denotes what areas are open to the public and what areas are for residents only.

Commissioner Reid said it seems like a good part of the development will exit off onto Blue Lake Road. He mentioned the narrowing of the road and Mr. Woods responded that traffic analysis is ongoing with the county. Commissioner Reid asked about the thought process for having an exit on Blue Lake with Beresford being so close to that location. Mr. Woods said connectivity in general is probably the thought process. When this development was in process, the developer was unable at that time to rely on Beresford being a definite. In general, whether people choose to use Blue Lake or Beresford, the interconnectivity is important from a long term perspective.

Commissioner Reid wants to be mindful that townhomes do not become the new forty-foot normal.

Commissioner Cloudman asked if conversations have taken place with the adjacent homeowners. He said there were no neighborhood meetings, but one resident showed up to the Planning meeting with regard to Beresford Road. There were some other conversations with regard to wildlife. Commissioner Paiva said housing variability with the smaller lots for townhomes should have created allowance for some larger lots. He feels the density is not overly aggressive, but he feels there is limit in the variability of housing stock. There are some elements to the development that make it a good project.

Commissioner Cloudman said he is comfortable with moving forward with the first reading. He indicated before final approval of any project, he would like to get some type of presentation from the school board and possibly either the traffic engineering department of the county or FDOT, simply to explain the process they are using and demonstrate how well they are taking everything into consideration when issuing approvals. There is some concern when bearing in mind the amount of development in process.

Commissioner Cloudman made a motion to approve the ordinance upon first reading with the additional signage to denote amenities available to residents only and amenities open to the public. Commissioner Reid seconded the motion which was approved by the following roll call vote.

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

4. Resolution Approving Preliminary Plat, Plum Tree

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

RESOLUTION 2022-_____

A RESOLUTION OF THE CITY COMMISSION OF THE DELAND, FLORIDA, APPROVING THE PRELIMINARY SUBDIVISION PLAT FOR PLUM TREE SUBDIVISION, LOCATED AT 613 WEST RICH AVENUE; PROVIDING FOR CONDITIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

5. Resolution Approving Final Plat, Addison Landing

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

RESOLUTION 2022-_____

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, APPROVING THE FINAL SUBDIVISION PLAT FOR ADDISON LANDING, LOCATED AT 1825 NORTH SPRING GARDEN AVENUE; PROVIDING FOR CONDITIONS AND AN EFFECTIVE DATE.

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

6. Consideration re Continued Appointment of City Commission Member to Selection Committee During the RFP/RFQ Processes for Melching Field Stadium Improvements

Commissioner Paiva made a motion to approve Mayor Apgar to serve on the member selection committee. Commissioner Davis seconded the motion which carried by a unanimous vote.

CITY COMMISSION REPORTS

1. Report re Elected Officials Round Table

Mayor Apgar stated there was an affordable housing update and the affinity groups are beginning their meetings.

An update was provided by the county attorney's office on open litigation.

A report on transportation was provided and a decision was made by the round table to form a sub-committee at their March meeting to discuss various options and funding mechanisms for transportation improvements.

Advent Health provided a report with regard to fitness challenges.

2. Report re River-to-Sea TPO

Commissioner Cloudman reported the TPO did not meet in December, but the Executive Committee met early in January. The members were provided roughly eighteen applications vetted by the recruitment agency. Committee members were underwhelmed by applications received. The deadline has been extended. The committee will reconvene in early February.

3. Report re River of Lakes Heritage Corridor

Commissioner Cloudman stated the River of Lakes met virtually. There was intent to have a celebration for recognition of being designated as a National Scenic Byway, however with the Omicron Variant of COVID-19, the committee decided to postpone that event to a later date TBD.

Roadside chats continue.
There is going to be a state workshop for scenic highways and byways in March, in St. Augustine. It is anticipate there will also be a virtual option.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

CITY CLERK REPORT

CITY COMMISSION
Commissioner Paiva thanked the Animal Services for assisting recently when he found a very well-behaved, friendly Rottweiler roaming free.

Commissioner Davis said she attended a great police evidence ribbon cutting. She was pleased with the event and how it was combined with the Fire Department.

Martin Luther King, Jr., Weekend held a community event at the City Sanctuary Church. Mayor Apgar was recognized as he retires this year. She stated her appreciation to the Mayor for all he has and continues to do. Commissioner Davis wants to continue to celebrate Mayor Apgar all year.

There was an MLK Walk event on Monday. Commissioner Davis thanked staff for all of their assistance. She said this year there was a great turnout from City officials and staff.

Commissioner Reid stated the ribbon cutting for the Fire Station and the Police Evidence Building was very well organized.

Commissioner Cloudman said the Athens 100 Year Anniversary was a success and he expressed his appreciation to staff. Looking forward to another 100 years.

Commissioner Cloudman said the Main Street Deland Installation Banquet was nice and Mayor Apgar was also honored at that event.

Mayor Apgar mentioned the Episcopal Church was having a walking trail dedication. He attended, the trail is open to the public and very well done. The trail is intended for meditation and reflection.

Mayor Apgar was pleased with the MLK events. He said they were very well attended and extended his thanks and appreciation to the county and the MLK Committee.

Mayor Apgar said Main Street DeLand held their annual meeting.

Arbor Day is this coming Friday at Freedom Elementary.
February 5, 2022, is the final run of the Me Strong 5K and registration for the Mayor's fitness challenge is on February 24, 2022, at the Chisolm Center.

DeLand Fire and Police Department ribbon cutting ceremony was a huge success and drew a nice crowd.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:41 p.m.

_____
Julie A. Hennessy, MMC
City Clerk – Auditor

RESPECTFULLY SUBMITTED:

/s/ Gwen Keough-Johns
Gwen Keough-Johns, MMC
City Clerk Associates, LLC

APPROVED ON:

_____
City Commission Meeting Date

MINUTES FOR A SPECIAL MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, JANUARY 31, 2022, AT 6:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

The meeting was called to order by Mayor Apgar at 6:00 p.m.

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

Mayor Apgar stated this meeting was called for sole purpose of the first reading of Beresford Reserve Planned Development Agreement and related matters. No other business is to be conducted at this time.

INVOCATION

An Invocation was given by Michael Pleus, City Manager, followed by Pledge of Allegiance to the Flag.

Mayor Apgar made some announcements and procedures for the meeting. He stated it imperative that each person act with civility and in an orderly and professional manner. This is a quasi-judicial proceeding and will be conducted as such.

The public hearing will be opened, followed by instructions and comments by Darren Elkind, City Attorney, to include the introduction of Pegeen Hanrahan, P.E., consultant representing the City of DeLand. Staff reports will be given and questions by the Commission will be heard followed by testimony by Ms. Hanrahan. At the conclusion of testimony, the Commission may ask questions of Ms. Hanrahan and Mr. Watts. Dr. DeGarmo will also be extended the opportunity to ask questions.

Mark Watts will be given fifteen minutes to present the proposed project and rezoning, followed by City Commission questions. Dr. DeGarmo will have an opportunity to provide additional environmental information followed by questions from the City Commission or Mr. Watts.

As a prelude to the public hearing, Mayor Apgar asked Dr. Anderson to speak, followed by questions.

During public comment, each person will be limited to three (3) minutes and no speaker may transfer their time to another person. No public questions will be answered, however, that is not to say members of the Commissioners will not ask similar questions in an appropriate manner.

Following public comment, Dr. DeGarmo will present concluding remarks followed by Mr. Watts. Subsequently, the Commission will act accordingly.

ROLL CALL

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

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk- Auditor; Rick Werbiskis, Community Development Director; Mike Holmes, Planning Director; Jason Umberger, Police Chief; Chad Gamble, Public Services Director; Mariellen Calabro, Deputy Public Works Director; Rick Hall, Parks, and Recreation Director; Ray Underwood, members of the public and press.

OLD BUSINESS

1. First Reading of Ordinance Changing the Zoning of Approximately 167.65 Acres of Property, Located North of East Beresford Avenue (C.R. 4112), East of South Boston Avenue and West of South Hill Avenue (C.R. 4105), from R-1A (Single Family) to Beresford Reserve PD [First Reading Continued from 5/3/21, 6/7/21, 7/19/21, 8/2/21 and 11/22/21].

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM CITY OF DELAND R-1A, SINGLE-FAMILY TO BERESFORD RESERVE PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED NORTH OF EAST BERESFORD AVENUE (C.R. 4112), EAST OF SOUTH BOSTON AVENUE AND WEST OF SOUTH HILL AVENUE (C.R. 4105); APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 167.65 ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

Mayor Apgar incorporated testimony from prior readings of this ordinance, as well as correspondence received by members of the Commission since November 22, 2021, into the record. A petition containing approximately 77 signatures from residents of Alexandria Pointe was submitted, representing those generally in favor of the project. Prior to the last meeting, a letter

from Dr. Anderson, commenting on the report along with other information compiled by the applicant's consultant was incorporated into the record. A letter from the Southridge Pointe Homeowner's Association was received and incorporated into the record, by reference.

Darren Elkind, City Attorney, stated this is a quasi-judicial hearing as opposed to a legislative hearing where the Commission sets policies, makes laws, enters into contracts, or spends money. In this case, the hearing will be conducted much like a courtroom hearing, in which evidence is received and applied to the laws that relate to rezoning. Importantly, any affected party including the applicant or any property owner in immediate vicinity of the property, may directly challenge the ultimate decision of the City Commission. The standards of review in this matter are three-fold: 1) there has to be competent substantial evidence; and 2) must apply the correct law which in this case is the law related to rezoning; and 3) must afford due process.

During the course of this evening, comments will be heard regarding density and other zoning issues. There will be information about the environmental condition of the property, including the former golf course with a dump on a portion of the property. The City Commission has discretion to approve or deny any rezoning request. However, when the Commission approves or denies, same must be done so under the rules and in accordance with the law. State law requires specific reasons for denial be provided in writing. One thing the City Commission cannot do is deny the application simply because it is a contaminated site. The Commission can impose conditions related to the contamination such as remediation of the site. Remember, this property is already zoned residential.

Since the last hearing, staff has engaged a team of professionals as per instruction of the City Commission. Greg Self, Geologist and Principal Scientist Terra-com, and Pegeen Hanrahan, P.E., Community and Conservation Solutions, LLC, have been hired and each have significant experience working with brownfields, as well as, holistic knowledge about working with properties such as the property being discussed this evening.

Mayor Apgar asked City Commissioners to disclose any exparte communications. In doing so, he noted Ms. Hanrahan is former Mayor of the City of Gainesville and between 2005 and 2010, he served on the Board of the Florida League of Mayors with her during that time. All dealings during that time were related to the Florida League of Mayors and there has been no contact since that time.

Mayor Apgar has read all e-mails received since the last meeting as well as correspondence and petitions. He had a meeting with Mr. Balitera, David Davidson, and Bob (inaudible) to talk about some projects done in Greenville, SC and they stayed away from discussing the subject property during their visit.

Commissioner Cloudman received some e-mails and correspondence which he has read and forwarded to the City Clerk. He had a meeting with the group to discuss future investment in the City.

Commissioner Reid had a phone call with attorney Mark Watts, outlining changes in the plan. He also received e-mails.

Commissioner Davis looked at the e-mails and had a conversation.

Commissioner Paiva received e-mails and documents, as well.

Mike Holmes, Planning Director, addressed the City Commission outlining changes made to the Planned Development being presented this evening. Currently, the proposal is around 3.5 units per acre which is less than the maximum allowed is under the City's land use designation. The Commission has requested the following changes be made to the project:

1. Reduce the number of residential units for the entire project;
2. Retain a mixture of housing types, however, consider removing the standard 40' wide lots;
3. Relocate/eliminate the commercial area away from the corner of Beresford Avenue and Boston Avenue;
4. Create additional green or open space throughout the project, but primarily new space in the southwestern portion of the project.
5. Number of small parks have been increased and a multi-use trail added along Beresford Avenue.

Mr. Holmes said the amenities center is going to be for the residents and has been relocated to a more central location within the development.

Commissioner Reid confirmed zoning is what can be built, not necessarily what will be built. Mr. Holmes said yes, the applicant would submit plans and go through the approval process. Commissioner Reid confirmed the plat process is what will actually be built once the approval process is complete. Mr. Holmes said it all starts with zoning but the City takes an overall look at what can be done. The school board, county and state wait until the actual plans are submitted to see what is actually being proposed. That is when those agencies make final determinations for concurrency. Commissioner Reid asked if the areas of the project known to be impacted by contamination could be broken out for development under the current zoning. He said the proposed PD links the platting process to the overall cleaning of the property to EPA standards. Mr. Holmes said yes. He added if someone went with straight zoning, they would still have the ability to clean up the property.

Ms. Hanrahan was asked to introduce herself and share her resume. She shared her professional credentials and described her professional relationship with Greg Self, Geologist. Ms. Hanrahan is a professional engineer, registered in the State of Florida continuously since 1996. She earned her bachelor's and master's degrees from the University of Florida, Gainesville, where she has been a lifelong resident. Ms. Hanrahan also holds a bachelor's degree in Sociology from the University of Florida. She worked approximately 5.5 years for Alachua County Environmental Protection Department where she was an engineer and managed the hazardous materials

management program which included petroleum cleanup, tank compliance, hazardous waste both household and business, and small business hazardous waste programs. Ms. Hanrahan advised Alachua County on issues around cleanup of multiple contaminated sites and was the lead on matters related to contamination at landfills, including construction and demolition debris landfills. Greg Self, Professional Geologist, founded Terra-Com in 1999 and Mr. Self is a person Ms. Hanrahan highly respects, particularly with regard to contaminated land. Ms. Hanrahan worked for Mr. Self for several years until making the decision to run for Mayor of Gainesville. She and Mr. Self have continued their professional relationship and have discussed this site. Ms. Hanrahan said the analysis of what is happening at a contaminated site typically is done by a professional geologist. The analysis of what to do about that contamination is usually done by professional engineers. They have worked together on several sites throughout Florida where he was the geologist of record and she, the engineer of record. Since 2005, Ms. Hanrahan has worked in some capacity for the Trust for Public Land, which is a non-profit business helping communities protect natural lands. Some of these projects have been in Volusia County, making her familiar with the area.

Ms. Hanahan and Mr. Self are working for the City of DeLand even though she has met with developer's representatives and board, as well as members of the public. Ms. Hanrahan recognizes there is not a single route toward reaching a desirable result in any brownfield cleanup. However, this is a program first started at the federal and state levels, designed to have a level of flexibility in terms of reaching clean up solutions for sites that have long been abandoned. These programs for cleaning up lands are voluntary. There are multiple decision makers throughout the process. City is the key decision maker, in addition, the land owner is expected to make decisions since they have entered into an agreement with the Florida Department of Environmental Protection.

The Florida DEP is charged with protection of Florida's soil including ground water, coastal areas, etc., and therefore, may have authority over cleanup of this site through a lengthy process of back and forth to decide what the contaminants are, what the cleanup plan is going to be, and monitoring the site throughout the cleanup process. The brownfield program is intended as voluntary even though there is regulatory programs. This particular program is for someone who did not create the contamination but has stepped forward and is willing to undertake the cleanup. A site designated for residential use requires a higher standard of cleanup than an industrial or commercial site. Residential development will drive the soil cleanup standards. The fact that the public's drinking water supply is close by will likely drive the groundwater component, as well as FDEP taking into consideration the private domestic wells located in the area.

This hearing is very early in the brownfield process. FDEP will consider proposed use of the land and there are minimum steps which include some optional steps set forth in the brownfield guidelines. The first step initiated is the site assessment report which has been provided to the City Commission. FDEP is currently reviewing the assessment report. Ms. Hanrahan and Mr. Self have carefully reviewed the content of the document. It is likely that FDEP will send comments back with conditional information. Once finalized, a remedial action plan will be created which must be signed and sealed by an engineer and will be within 90 days of approval. This action plan will

set forth exactly what cleanup will entail once the contamination analysis for site is complete. Subsequently, initiation of an operational active remediation plan will have to be adopted along with a timeline. A monitoring plan will be set into place and ultimately will get to a rehabilitation site completion order. Ms. Hanrahan said there are a large number of designated brownfield areas in Volusia County, few of which have reached the site rehabilitation completion order.

Ms. Hanrahan believes the City of DeLand has benefitted from active engagement of citizens and she encouraged the City Commission to continue engaging citizens.

Ms. Hanrahan stated there are a number of concerns. All of the test wells, some pre-existing, being used to water the golf course have been tested and are official wells. There may be a need for at least one or two Florida Aquifer wells to be tested since water is being used to serve the public with drinking water. There may be additional soil testing required on the site. Some citizens have pointed out potential for airborne released contaminants when the site is excavated and when remedial action occurs. Ms. Hanrahan and Mr. Elkind have discussed this potential and the necessity for air and dust control, as well as other site safety controls to protect the site workers and the residents. The main conditions that will drive the cleanup are residential development and location of residential areas, nearby water supplies and drinking water wells. It is believed all wells will need to be tested including approximately seventeen (17) adjacent domestic wells.

Dr. DeGarmo pointed out there has been a relatively small amount of information available about the dump area. All references in the documents reviewed by Ms. Hanrahan indicated it was primarily a construction and demolition debris disposal, but there has been some testimony indicating it may have been used for municipal or industrial waste. During that era there were fewer regulations and less sensitivity, therefore it is possible when digging begins, conditions not currently anticipated may be discovered. It is relatively common to find contaminants in former golf course properties.

The citizens have also provided evidence of gopher tortoises on the site, the City will require as part of its normal course of business reports of endangered species and if determined there are protected species, permitting will have to be sought through Florida Fish and Wildlife Conservation.

Greg Self, Geologist, has created a data table being used by Ms. Hanrahan to help with understanding the level of contamination on this site. She shared some of the types of contaminants on the site, including but not limited to heavy medals and mercury, some of which occurs naturally in Florida soil. The issues of greatest concern are likely from the golf course operation. The water is treated with chlorine to avoid bacteria. Water being used from fire hydrants could be a concern. While many of the levels are above the natural residential (or natural attenuation) cleanup level, they are not extraordinary or beyond the level of being remediated. A copy of the data table is available in the City Clerk’s Office.

One concern likely to be raised is the City's municipal drinking water supply. There are at least 17 known private wells according to information submitted by Kimley-Horn. These water supplies are between ½ and 1 mile from the site. Ms. Hanrahan recommends, as a precautionary measure, the City partner with the county to have those water sources tested for contaminants.

Mr. Hanrahan again emphasized the importance of citizen input regardless of what use is approved for the site. She pointed out issues pertaining to dust and controlling the contaminants which has been mentioned and is a legitimate concern that needs to be actively addressed. It should be addressed by FDEP based on OSHA records, but it is not illegal for there to be gas and other contaminants from what happens operationally at a construction site. She encouraged the City to be proactive.

The former dump site raises the biggest concern due to the gap in what has been presented during testimony and what has been found on site. It is important to continue investigating that site for contaminants that may be greater than standard construction and demolition debris.

A summary of recommendations was provided. Site assessment activities completed in 2018, 2020 and 2021 identified soil and groundwater impacts within the former golf course, maintenance/storage, and former sand mine dump areas. With respect to soil, these exceedances are generally limited to leachability and residential soil cleanup target levels (SCTL). With respect to groundwater, these exceedances are generally limited to the default groundwater and surface water cleanup target levels (GCTL) and, with limited exceptions, do not exceed the applicable natural attenuation default concentration (NADC). The lack of exceedances of commercial/industrial SCTLs and (NADC) demonstrate that the soil and groundwater impact at the site are likely the result of normal application and use of pesticides, herbicides, and fertilizers at the former golf course and not the result of a spill or release in addition, the COCs identified within the former sand mine dump area are typical of areas filled with construction and demolition debris.

Additional soil and groundwater sampling are necessary to complete the process vertically and horizontally, delineating the extent of soil and groundwater impacts within the former golf course, maintenance/storage, and former sand mine dump areas at the site. The future site assessment activities shall account for the proposed redevelopment plan of the property, such that a remedial action plan can be submitted to FDEP with the final volume of the site assessment report.

Based on the anticipated redevelopment of the property, the remedial strategy is to address soil impacts through a combination of off-site source removal, soil management, alternative cleanup target levels (e.g., for recreational/parks use in the former sand mine dump area) and institutional/engineering controls (where appropriate) to facilitate development of the site or residential and recreational/open space uses. The remedial strategy will address all soil impact above the applicable residential SCTLs such that the site can be redeveloped for residential use. In addition, post-remedial groundwater monitoring will occur following line implementation of the remedial action plan. As the property will be connected to the public utilities, a groundwater use

restriction that prohibits the installation and use of groundwater wells for any purpose will be proposed, where appropriate, under the applicable cleanup regulations.

With respect to the former sand mine dump area, Kimley-Horn recommends adherence to FDEPs *Guidance for Disturbance and Use of Closed Landfills or Waste Disposal Areas in Florida* (version 2.3 dated April 2, 2019) in the redevelopment of the Site under the Florida Brownfields Redevelopment Program. This document provides guidance on FDEPs requirements for using old, closed landfills and/or unpermitted waste disposal areas. Adherence to this guidance provides a framework to facilitate redevelopment of the Site for residential, open space and recreational uses, including but not limited to redevelopment/use assessment, excavation/management, remediation, and reporting requirements.

Ms. Hanrahan stated it is recommended the City remain flexible on the site plan and location of onsite featured uses and amenities so that areas where residential development should not be located can be designated by FDEP. It is also likely FDEP will require additional research and testing for both the former dump and golf cart areas.

Fundamentally, a Brownfield status does not prohibit a change in zoning from residential use to a planned development with residential and recreational uses. Under ideal circumstances, it would be helpful to have the site completely characterized and a remedial action plan in place prior to rezoning. However, FDEP can limit development in some areas if deemed necessary. This property will require an elevated cleanup standard because of the residential uses. If this developer were to abandon the project, a new party would have to complete the investigation and remediation. Ms. Hanrahan recommends the City consider appointing a site-specific Brownfield Committee.

Mayor Apgar asked if the Planned Development were adopted and had to be changed due to FDEP protocol if changes would be submitted to the City Commission for approval. Mr. Elkind, City Attorney, responded the planned development agreement allows flexibility where any change to the concept plan is driven strictly by FDEP requiring a shifting of lines, locations or uses. That will allow it to be done without additional hearing by City Commission, so long as changes are for the purpose of complying with FDEP requirements. He said if the Commission wanted to allow less flexibility in the PD, the document could be amended.

Mayor Apgar asked if, based on what is known at present, a timeframe is available for the proposed remediation process. Ms. Hanrahan stated that question would be best answered by Kimley-Horn. The Brownfield process is designed to go faster than a more traditional cleanup process. She did say it could be anywhere from 18 months to 5+ years; however, she would defer to someone who has been working more directly with FDEP representatives.

Mr. Elkind stated development of the site prior to the remedial action plan, as drafted, is a condition of the planned development agreement. He said Greg Self, Terra-Com, would be the primary foreman and would remain under contract with the City as an adjunct to staff during the remediation process.

Commissioner Davis sought clarity with regard to the process including whether the zoning plan, if approved by the City Council, would cause the process to move backward. Ms. Hanrahan believes the process can be addressed in either direction. If there was no idea as to where the residential area would be, it would be more difficult for FDEP to perform their analysis. It is helpful to begin with a layout. Ms. Hanrahan said staff understands that as the site investigation goes forth and as the remedial action plan is approved, there may be shifting of some of the lines where the City would have to exercise the flexibility built into the plan.

Dr. DeGarmo asked how cleanup of the site would be approached if something worse than anticipated shows up as a contaminant. Ms. Hanrahan said generally on a larger cleanup there is almost always something unknown that is discovered. If contaminants are found that were not expected, FDEP notification is required immediately and operations must halt until further direction. Dr. DeGarmo asked how much the process would be slowed if something unanticipated is discovered. Ms. Hanrahan shared a fair amount of ground penetrating radar has been done and it is known there are some storage tanks remaining on the site. The answer would be variable. Dr. DeGarmo asked about the cost of a remediation such as this and Ms. Hanrahan said she would guess in the millions for both investigation and remedial action. Dr. DeGarmo asked if it is possible to guarantee a cleaned-up brownfield site would create a safe and healthy environment, with so many unknowns. Ms. Hanrahan stated the environment in which everyone lives inherently is inclusive of unsafe circumstances. When the process is followed correctly and starts out with relatively low contaminants, remediation can be successful even though it isn't always economical for a private party to undertake the remedial process.

Mayor Apgar recessed the meeting at approximately 7:23 p.m.

Mayor Apgar reconvened the meeting at 7:31 p.m.

Mark Watts, Attorney from Cobb Cole representing Elevation Development, stated appreciation for the presentation by Ms. Hanrahan. The developer is very early in the Brownfield process. He referred to Michael Sznapstaijler, Jason Sheasley, Hydrogeologist with Kimley-Horn who were available to answer questions.

Mr. Watts reiterated earlier conversations pertaining to traffic, reminding City Commission there are several iterations of the PIA that have been provided to and reviewed by staff. The environmental reports have been submitted as required by the City's code and will have to be resubmitted. School capacity has been submitted even though the developer will have to go back to the schoolboard to reconfirm capacity periodically. He said the project began with a maximum of 861 units but based on incorporating elements suggested by the City Commission, the project is down to 597 units. Overall, the revisions reflected in this version of the plan includes 254 single family residential units and 343 townhomes. Approximately 50 of the 167 acres is open space and approximately 40 acres are parks. The balance is inclusive of pocket parks distributed throughout the site in an effort to preserve trees. The developer has worked to maintain a substantial buffer

and additional buffer will likely be incorporated. Mobility and connectivity have been planned throughout the site. Significant environmental standards and policies have been applied to the project. Some amenities have been relocated and the commercial area that was proposed has been taken out of the proposal. The number of 70 foot lots has also been increased. He said with the required additional environmental testing, the footprint of the project is subject to change even more. What is being proposed is a maximum of 597 units.

Mr. Watts said the southeast quadrant of the City is evolving and the City benefits from this development. A multi-model trail is planned in addition to other amenities which include the parks and an additional extension of the trail. This project contributes to a network of connected recreational areas.

Mike Sznapstaijler, Attorney with Cobb Cole, spoke about the environmental cleanup process, focusing on the big picture. He said knowing what the redevelopment is going to be will help drive this process. Moving forward, reporting, feedback and processes are important, which is why the Brownfield Cleanup Agreement is in place. The Florida Administrative Code requires the process be followed through to closure. He stated the contract for Brownfield cleanup has been incorporated by reference into the Planned Development. Mr. Sznapstaijler spoke about the solid waste investigations that have been done as well as soil testing, groundwater monitoring, and groundwater wells. He referred to solid waste investigation that has been done and stated clean fill has been reached at the termination point of a number of the investigations with the exception of a couple of areas where penetration was not successful. Through the testing that has been done, the developer feels confident in knowing the approximations necessary for designing the project. This does not mean obligations are complete and testing is done, it just shows what the testing looks like and what may be expected as a project footprint.

Mr. Sznapstaijler reiterated the conditions of the PD include no development authorization until the remedial action plan is complete. The recommendations presented by Ms. Hanrahan are very important and gives the City the ability to move forward with monitoring how the site is cleaned up.

Mr. Elkind said Mr. Gamble took him on a trip to talk about locations of a sentinel well off the site and the small footprint of same, as well as, requirements. Mayor Apgar asked if the City Commission would receive copies of all submissions and responses from GET and Mr. Sznapstaijler said absolutely. Mayor Apgar also asked if the developer would be willing to make quarterly reports to the City Commission and Mr. Sznapstaijler said yes.

Commissioner Cloudman said many positives have come out due to interaction with the public. The report identified that rather than remediating soil onsite, the soil would be removed. He asked if this would include removal of every tree in those areas. Mr. Sznapstaijler said FDEP allows clean fill to be brought in and blended into the area, thus reducing contaminants. In one of the recommendations, the developer offered to limit the PD in order to retain an area that has a higher level rather than blending. There are also other strategies that can be used and there will not be a

mass scraping of the site. Generally, the requirement includes site grading and clearing and is limited just to the space approved for development or as required to meet remedial action requirements. The developer has made provisions to preserve those pocket parks with historic trees as part of the development of the site.

Dr. DeGarmo, 279 Lewis Lane, Debary Florida, stated the dump area has a much different characterization, causing concern about contaminants that may be found in the dump. She has reached out to the FDEP to see if they would be willing to do a recharacterization or look at the area a bit closer in order to help reach conclusion as to what the impact will be in the surrounding area. There are still questions pertaining to toxic chemicals. What is new besides some of the ground penetrating radar, is there has been a detection of substances in wells drilled in October 2021, that are showing increased levels. Dr. DeGarmo would like a more comprehensive report of what is actually being dealt with at this time, in terms of cleanup. Without a comprehensive study, there is no guarantee of safety for the community. Dr. DeGarmo does not believe there has been an environmental inventory for Beresford Reserve. She also spoke about gopher tortoises on the site and stated in order to make sure those tortoises are protected, they have already been reported to the Fish and Wildlife Commission. She asked if the City and the developer would agree to hire a consultant to perform an inventory, making sure there are no endangered species located on the property. An online petition of more than 1,820 signatures has been submitted to the City.

Dr. DeGarmo said the Southridge Pointe Homeowner's Association has had no contact other than an August 2020 inquiry about a retaining wall and buffer, while the developer has certainly reached out to the Alexandria Pointe Homeowner's Association. Some citizens of the Southridge Pointe HOA are still not convinced that allowing development of multi-family homes on Beresford Reserve is the right decision. She encouraged the City Commission to vote no.

Commissioner Paiva commented that the City Commission is voting on this Planned Development, but even if the Commission were to deny, the developer could still move forward with a project.

Dr. DeGarmo said should the development be denied, she would like to see the property rezoned back to Parks and Recreational area.

Mr. Elkind mentioned the City's Land Development Code requires environmental assessments and every development is required within a certain period of time before development occurs, to make sure there are no endangered or threatened species on the property.

Mayor Apgar invited Dr. Wendy Anderson, 501 S. Victoria Park, to address the City Commission at this time. Ms. Anderson stated she has listened to the testimony and appreciates Ms. Hanrahan's presentation. She also appreciates Mr. Elkind and Mr. Watts explaining the process that will be followed throughout the testing that will be required by FDEP. She said the only reason there must be an agreement that getting this site cleaned up, is if there is a current contaminant leaching into the ground water. Dr. Anderson feels testing is necessary in order to determine whether there is an ongoing problem with contamination on the site.

J. Carl Payne, 130 Alexandria Circle, stated on behalf of 76 people who support Beresford Reserve and 6 who do not support out of a total of 102 occupied homes. He stated when this process started, the first meeting was a zoom meeting attended by both Southridge Pointe Homeowners and Alexandria Pointe Homeowners. Mr. Payne supports the development.

Buz Nesbit, 425 Victoria Hills Drive, stated it is imperative the question of toxicity be answered prior to moving forward to the next step. Mr. Nesbit was not supportive of the development.

Ray Johnson, 714 Pine Tree Court, did not speak in favor of the development. He stated there is overwhelming evidence that citizens would like to see the City Commission deny this project.

Catherine Samuels, 630 South Hill Avenue, stated her concern with chemicals on the golf course property. She asked about the safety of those living near the golf course during cleanup.

Donna Pepin, 416 N. Blue Lake Terrace, expressed concern about the toxic chemicals. She was not supportive of the development.

Kerrie Miller, 8 Fairway Court, submitted a speaker's card but did not come forward when he called upon to speak.

Susan Femind-Floyd, 669 Carya Court, was a no vote on the Alexandria Pointe information provided by Mr. Payne. She is also a board member on the HOA. Ms. Floyd stated she has a family member suffering from chemical exposure. She is concerned for this family member's safety during the cleanup process. She asked the City Commission to make sure the cleanup process is well monitored and conducted in such a way as to protect all residents.

Suze Peace, 1571 Alanson Drive, stated she is not in favor of the development. She said when Country Club Estates was approved, she was not supportive of the golf course. She stated this is a very scary issue. She said toxicity in the middle of DeLand is not a good thing and she is concerned with how the project will be managed.

Sharon Leboffe, 1487 W. Silver Hammock, thanked the City Commission for an opportunity to speak. She expressed concern with this project, as she has worked with the city on several environmental issues.

Jack Davis, 1440 Wyngate Drive, stated the citizens have said enough is enough. He has not received an answer on how the property zoning was changed from golf course to R-1A. He expressed concern with the way the process is being addressed and was not supportive of the development.

Kristine Macudzinski, 66 Elmwood, stated the Town of Dunedin received grant dollars to purchase less than 100 acres of a lake and an island they will keep in perpetuity as a nature reserve. She stated DeLand can do the same thing. She was not supportive of the development.

Beth Teskey, 752 S. Hill Avenue, referenced a book published by Randy Jackson, a DeLand resident and business owner. She encouraged City Commissioners to read the book and see what kind of city DeLand is and could be in the future. She said residents hope to see the abandoned property become an area for family activities and a place for visitors to enjoy. She was not supportive of the subject development.

Martha Sylvester, 804 S. Hill Avenue, joins everyone else in sharing her appreciation to the City Commission for listening to the residents. She also thanked the City for hiring consultants. She was not in favor of the development. Southridge Pointe Homeowners Association and all of the neighbors had a zoom call with Mr. Watts. Following that meeting and the plans that were proposed, the Southridge Pointe Homeowners Association employed an attorney with Clements Law Firm. At that point, all communities were conducted through the attorney. Therefore, the Southridge Pointe Homeowners Association was never contacted by Elevation Development. Southridge Pointe HOA did request a buffer and a 60' buffer is planned which was communicated through the attorney. The majority of residents agreed that a buffer would be necessary. She stated she is not opposed to development but feels this site could be something historical for DeLand.

Jim Esty, 511 S. Hill Avenue, addressed the City Commission expressing concern about endangered species as well as other issues. He believes something better could be done on the subject site. He was not supportive of the development.

Kurt Gaebel, 226 Pecan Street, expressed appreciation to the City Commission for allowing the public an opportunity to speak about this development. He feels the City dropped the ball a long time ago. He was not supportive of the development.

Carrie Lee Wolf, 712 S. Hill Avenue, asked how the City Commission has ended up here with a toxic site where houses should not be constructed. She is not supportive of the development. She purchased her condominium because of the view of the area adjacent. She expressed concern that it took residents asking the question, what is buried under the soil, for the discussion to reach this point.

Mayor Apgar recessed the meeting at approximately 9:03 p.m.

Mayor Apgar reconvened the meeting at 9:09 p.m.

Mayor Apgar asked Dr. DeGarmo to give final comments. Dr. DeGarmo clarified concern for the environment and what happens to people as the result of chemical contamination. She understands zoning requirements but she does not understand why it took her speaking about gopher turtles for the residents to find out it was part of the plan. She summarized her previous comments and stated

the investigation needs to be done before a rezoning is approved. Everyone needs to know what is there before moving forward.

Mayor Apgar asked Mr. Watts to give final comments. Mr. Watts reminisced as a kid in high school, playing golf on this property. That use isn't sustainable anymore and it isn't because someone decided to rezone the property. The current owner purchased the property several years ago and at that time, anyone could have purchased the property. There were questions asked at the beginning, and having reviewed Dr. DeGarma's professional resume, Mr. Watts offered responses. He stated Dr. DeGarma asked how the history of this site was documented as a sand mine and landfill. He said public records, historical aerial photographs and all other documentation that is in the public record of Volusia County. From 1950 to 1958 the property was operated as a sand mine, followed by backfill with construction and demolition debris. The area was closed after that and in 1958, converted to a golf course. There has been speculation the Navy was operating in town at the same time. Navy operation was from 1943 to 1946 and the Navy deeded the airport back to the City of DeLand in June 1947. With regard to the gopher tortoise survey, that information was included it he original submittal of the application as required by code. There is a consultant report by Biological Consulting Services, dated January 2018. That report is required prior to rezoning and any platting process. The report has to be continually updated so that it is no more than ninety (90) days old upon commencement of development on the property. With regard to discussion about lack of contact with the Southridge Pointe HOA, July 27, 2020, all surrounding property owners were invited to a virtual meeting at the height of COVID. Invitation to a zoom meeting was sent out with approximately 40± participants. Copies of all materials from that zoom meeting, including a list of attendees, were submitted to the City. Mr. Watts has e-mail confirmation of communications between his firm and the firm representing Southridge Pointe Homeowners. Final discussion of the issues necessary to resolve concerns included conduct of a survey where it was found 91% of the residents were in favor of a barrier wall. Mr. Watts has been following up to make sure there are no other issues, with the most recent communication being in June 2021.

Mr. Watts said Mr. Holmes, Planning Director, made a recommendation of approval on behalf of staff, because this use is consistent with the City's comprehensive plan, land use classification, and more recent update of that plan, and with the DeLand 2050 vision plan. That vision plan specifically designates this area of the City as an area appropriate for increased residential growth, preserving the outlying areas.

Mr. Watts pointed out in alternative documentation there were some questions about the Brownfield program. He spent some time looking through the documentation this afternoon and the reports. There were reports on effectiveness of the US EPA's brownfield program in the northeast part of the country, dealing primarily with industrialized cities being revitalized by a pilot program called brownfield. There is a follow-up article written approximately two years later, concluding the brownfield program, after a statistical review of approximately 359 communities that have used it, was an effective means of redeveloping communities for parks, community

facilities, and housing purposes. The Florida program learned some lessons from this earlier program and Florida has a much more robust program.

Mayor Apgar closed the Public Hearing.

Mayor Apgar stated that many public concerns have been raised regarding environmental issues. He asked Ms. Hanrahan if, based on what has been heard, the conclusions and recommendations, if incorporated in the PUD, would address most of the concerns.

Ms. Hanrahan does believe that, based on what she has observed on-site and the testimonies heard, there will likely be more testing done. However, the levels seen so far are well remediated using very standard practices and procedures. The site is beautiful, and the contamination is focused on where chemicals would have been applied in the greens, tees, storage, maintenance areas, and at the dump site. The question mark is really what the cost will be to rehabilitate the property. There could be a point where it does not make economic sense for them to take on this project.

Commissioner Davis stated she is bothered by 40 ft lots. She has heard a mixture of comments with regard to the project. In weighing all of the options and looking at the project as a whole, she is not pleased with the balance of the overall development. There are certain things about the project she really likes. At the current state of the project, she is not comfortable with the 40 ft lots or the overall balance of the site.

Commissioner Cloudman stated he appreciates the illustrations and information provided this evening. He stated the City is not getting anything as a result of this project. The City Commission represents the people and every decision made with the best interest of the people in mind. It is important to remember there are people within the neighborhood who are not represented at this meeting. There are many components that need to be considered when considering the overall character of the area. He said overall, there seems to be some issues expressed with multi-family housing. Project prototype, if this were to move forward Commissioner Cloudman believes there would be both official and unofficial oversight. He likes the suggestion of having an oversight committee for this project. Commissioner Cloudman said it was approximately two years ago when this site was designated as a brownfield area, meaning the City was not going to move forward with any development prior to criteria for brownfield designated lands being met. Commissioner Cloudman would feel more comfortable if additional information were available. He understands the City Commission does not have authority to deny a project based on roads and school concurrency, he does not feel confident in the information being given to the City Commission at this time.

Commissioner Reid believes the project does bring some benefits to the City, particularly the public parks. He is supportive of getting the site cleaned up, the result is a benefit for all citizens. Unless the ground contamination is removed or cleaned to an acceptable residential standard, nothing can be constructed on the property. The City needs multi-family housing, another benefit of this project. Commissioner Reid believes the first reading of this ordinance should be approved.

Mayor Apgar mentioned that there are already risks for the 17 existing wells. Remediation of the site is necessary. In addition, Mayor Apgar believes the City should defer to the School Board on school concurrency decisions. Almost everything the Commission has asked for is included in the proposed development, including a 20+ acre park that may be built by the developer for public use.

Commissioner Paiva pointed out that this developer has made all changes requested by the City Commission, including some suggested by surrounding residents. The reduction in density, the diversity of lot sizes and amenities the city will gain, brings a sense of comfort. In addition, cleaning up the site is another positive for the city.

Commissioner Paiva made a motion to approve the ordinance upon first reading with the addition of environmental concessions, a private consultant for the City, and quarterly reporting to the City Commission.

Ms. Hanrahan added that there were some recommendations about on-site airborne pollutant control. She also learned today that there was a request for the applicant to reimburse the City for the services of her and Mr. Self. She stated she has no independent conversations with the developer without the City present.

Commissioner Reid seconded the motion. The motion carried by the following roll call vote.

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

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:56 p.m.

Julie A. Hennessy, MMC
City Clerk – Auditor

RESPECTFULLY SUBMITTED:

/s/ Gwen Keough-Johns
Gwen Keough-Johns, MMC

APPROVED ON:

City Commission Meeting Date

City Clerk Associates, LLC

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, FEBRUARY 21, 2022, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

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

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

INVOCATION:

Mayor Apgar announced a meeting is tentatively scheduled March 28, 2022, for second reading of the Beresford Reserve ordinance.

Mayor Apgar commented that Stetson Baseball season opened this past weekend and retired NY Yankees pitcher CC Sabathia attended the game on Friday. On Saturday Lou Holtz, former Notre Dame Football head coach, attended.

Pastor Reggie Williams, Emmanuel Christian Church, gave the Invocation.

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

ROLL CALL

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

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk- Auditor; Jason Umberger, Police Chief; Dan LaGrange, Division Chief, DeLand Fire; Dan Stauffer, Finance Director; Chad Gamble, Public Services Director; Jim Ailes, Deputy Public Service/Utilities Director; Greg Whidden, IT Director; Rick Hall, Parks and Recreation Director; Mike Holmes, Planning Director; Chris Graham, Community Information Specialist; members of the public and press.

Mayor Apgar announced a Black History Month Proclamation and presentation of those who are being honored will be first under Presentations.

PRESENTATIONS

1. Proclamation, Black History Month and Presentation of Black History Month Banner Recipients

Mayor Apgar invited Black History Month Committee representatives to the front of the Chamber for this presentation.

Whereas, Black History Month began in 1926 as the Negro History Week by Carter G. Woodson and the Association for the Study of African American Life and History; and

Whereas, currently and throughout our history many African Americans have played significant roles in the City of DeLand's economic, cultural, spiritual, and political development; and

Whereas, African Americans embrace their cultural heritage in various ways including events sponsored by the African American Museum; and

Whereas, Black History Month is a time to reflect on and appreciate the contributions of African Americans to our city and country; and

Whereas, all of us should celebrate the many accomplishments and achievements of African Americans in every field of endeavors; and

Whereas, all citizens are encouraged to learn African American history today and every day; and

Whereas, during the month of February in the City of DeLand's historical downtown, Black History Month banners are displaying the faces and accomplishments of DeLand's black commu7nity members. The Black History Month banner program was created in 2019 by the Greater Union Life Center and local community leaders. Each year different recipients are chosen through an application and committee selection process; and

Whereas, the Greater Union Life Center felt the need in the community to showcase prominent black figures during black history month to educate, inform and inspire all who walk or drive through Downtown DeLand. The Black History Month banners have become a significant staple within our community and we are grateful for the opportunity to showcase such a great history.

Whereas, The City of DeLand is proud to honor the history and contributions of African Americans in our City and throughout the nation.

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

BLACK HISTORY MONTH

In the City of DeLand and encourage all citizens to celebrate Black History Month and to recognize the significant contributions of African Americans to our City and nation.

Done and Proclaimed this 21st day of February, 2022.

/s/ Robert F. Apgar
Mayor

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

Commissioner Paiva read the Proclamation which was presented to Black History Month Committee members.

In accordance with the above read Proclamation, Mr. Mario Davis presented sixteen Black History Month Banner Honorees as follows:

- Lavon Williams, Deacon and lifelong fire fighter and EMT professional, as well as mentor to many of the youth in the City of DeLand was recognized;
- Michael "Mike" Williams, local realtor, former President of NAACP, and Mr. Everything for Volusia County;
- Demetrius Pressley, former City of DeLand Public Works Director, Local Pastor and mentor and community leader;
- Troy A. Bradley, Sr., Senior Pastor of Greater Union First Baptist Church, community leader and local educator;
- Alzada Fowler, Volusia County's first Black educator, lifelong educator, community leader, individual who has contributed to and mentored the individuals with whom she is currently standing with;
- Rev. Angela Dallas-Johnson, local business owner, community leader, and ambassador for the youth;
- Shirley Ellison, community leader and youth advocate;
- Vivian Davenport, community leader, civil rights activist, and youth ambassador;
- Mitzi Caine, Entrepreneur, community leader;
- Robert "RJ" Simpson, community leader, youth advocate;
- Attorney Ted Small, Community leader, entrepreneur, civil rights activist;
- Stanley Jenkins, first AA Fireman in the City of DeLand, community leader, individual who had an opportunity to play football in the NFL;
- Dr. Terry Blanks, community leader, entrepreneur, youth advocate;
- Mamie Oatis, Principal, community leader, and youth advocate;
- Deacon Charlie and Mother Pauline Wyche, community leaders, religious leaders and youth advocacy;
- Joe Chisolm, was a community leader, has the Chisolm Community Center named after him. Mr. Chisolm was unable to attend this evening.

Volusia County Vice Chair Barbara Girtman was present to support the honorees. Each person being honored will be presented their banner at an upcoming Volusia Council meeting.

2. Presentation pertaining to Community Development Block Grant

MarLa Ivey, Community Development Coordinator, gave a presentation, offering an opportunity for the public to give comments, suggestions and apply for funding regarding capital improvement projects (i.e., street and sidewalk improvement) and program activities (i.e., community outreach initiatives) related to the future planning of the Community Development Block Grant program for Fiscal Year 2022-2023. Ms. Ivey also explained the City of DeLand may allocate a portion of CDBG funds to subrecipients which include Governmental Non-Profits, Private Non-Profits, and Private For-Profits.

She encouraged anyone interested in the CDBG program to complete an attendance sheet.

3. Proclamation, Rare Disease Day

Commissioner Reid read the Proclamation which was presented to the recipient.

Whereas, according to the National Institutes of Health, there are more than 7,000 diseases and conditions considered rare in the United States (each affecting fewer than 200,000 Americans); and

Whereas, while each of these diseases may affect small numbers of people, rare diseases as a group affect an estimated 30 million Americans; and

Whereas, rare diseases are serious and debilitating conditions that have a significant impact on the lives of those affected; and

Whereas, only 5% of rare diseases have FDA approved treatments, and millions of Americans still have rare diseases for which there is no approved treatment; and

Whereas, individuals and families affected by rare diseases often experience problems such as diagnosis delay, difficulty finding a medical expert, and lack of access to treatments or ancillary services; and

Whereas, while the public is familiar with some rare diseases and sympathetic to those affected, many patients and families affected by less widely known rare disease bear a large share of the burden of funding research, and raising public awareness to support the search for treatments, and thousands of residents of Florida are among those affected by rare diseases, since nearly one in 11 Americans has rare diseases; and

Whereas, the last day of February each year is recognized globally as Rare Disease Day, with thousands of patients and caregivers, medical professionals, researchers, companies developing orphan products to treat people with rare diseases, and others in the United States and around the world will participate in this observance.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, do hereby proclaim, February 28, 2022 as:

"Rare Disease Day"

in the City of DeLand and urge all citizens of DeLand to help raise awareness of Rare Diseases and support efforts being made to help those affected by these conditions.

Done and proclaimed this 21st day of February 2022.

/s/ Robert F. Apgar
Mayor

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

4. Presentation re: Quarterly Financial Report for the Period Ending December 31, 2021

Daniel Stauffer, Finance Director, presented the City's Quarterly Financial Report for the quarter ended December 31, 2021. This report is intended to provide information regarding the financial position of each fund and includes a review of balance sheets and schedules on revenues and expenditures.

The Quarterly Financial Report is an attempt to bring the City Commission and the public a concise and readable interim report and is not a substitute for the Comprehensive Annual Financial Report, issued at the end of each fiscal year after an independent audit of the City's financial records. This Quarterly Financial Report covers three months of the fiscal year, a representation of twenty-five percent of the year. Each major financial fund of the City was presented.

Mr. Stauffer asked City Commission to consider acknowledgment and acceptance of the Quarterly Financial Report as presented.

Commissioner Cloudman asked if there is any indication regarding the decrease in collection of current year taxes. Mr. Stauffer responded people just do not seem to be taking advantage of early discounts this year.

Commissioner Paiva asked if with rapid growth, impact fees are more than expected. Mr. Stauffer said the City is doing well compared to what was budgeted. He noted during the budget process impact fee revenues are projected based on known anticipated expenses rather than actual collection projections.

CONSENT AGENDA

1. Consideration re Approval of Minutes dated February 7, 2022 – PULLED
2. Resolution Approving Budget Amendment for FY 2021-22
3. Consideration re Recognition of Sublease Agreement, 600 Summerhill Drive
4. Resolution Approving Sole Source Provider of Land Management Permitting Software
5. Resolution Approving City Works Enterprise Annual Sole Source License Agreement
6. Resolution Approving Stetson Pole Banners on North Woodland Boulevard
7. Resolution Approving Sole Source Purchase of MTT Series Trailer
8. Consideration re Agreement for Professional Design Services Between Mead & Hunt and the City of DeLand for Wiley M. Nash Water Reclamation Facility Expansion and Upgrades
9. Consideration re Change Order No. 7 – Fire Station No. 81 and Police Evidence Building

Commissioner Reid requested item 1 be pulled for discussion.

Commissioner Reid made a motion to approve items 2–9 on the consent agenda. Commissioner Cloudman seconded the motion, which carried by a unanimous vote.

Commissioner Reid stated the minutes from February 7, 2022 should reflect during the School Board presentation, a statement was made that impact fees are not spent in the geographical area from which they were collected but are spent throughout the county to meet needs countywide.

Commissioner Reid made a motion to approve item 1 on the consent agenda, as amended. Commissioner Paiva seconded the motion, which carried by a unanimous vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

Mark Schrade, Pastor of City Sanctuary of DeLand, and Rob Cassata, Director, Volusia Initiative for Church and Community (VICC), were present to address the City Commission with the Heritage House Project plan for affordable housing.

VICC is a local LLC, non-profit institution with the vision of making affordable housing available, as well as creating wellness initiatives to provide purpose driven housing for the community. This organization is a member of the Florida Housing Association. Pastor Schrade provided a project and scope for senior affordable housing. He stated he has been advised by some developers to request an increase in density for the project. A preliminary conceptual elevation was presented to the City Commission. A conceptual site plan was also displayed as part of the presentation.

Pastor Schrade and Mr. Cassata presented options for the City to consider partnering with and assisting with the project. Florida Statute 420.615 gives local home rule authority for the award density bonuses. Also noted, funds from the American Rescue Plan are an authorized use for the provision of affordable housing. At this point, funding is the real issue and Pastor Schrade asked if the City Commission would be willing to assist with density bonuses or funding.

Commissioner Davis was appreciative of the presentation but asked additional questions with regard to the impact of awarding density bonuses, what is accomplished by awarding of density bonuses, and what other jurisdictions are doing when met with a similar request.

Mayor Apgar stated he has spoken to Mr. Elkind, City Attorney, about this type of request and it would likely require a comprehensive plan amendment. Mayor Apgar said with the community and Volusia County showing interest in providing affordable housing, now may be a good time to begin exploring options.

Michael Pleus, City Manager, noted the Planning and Zoning Board is going to schedule a special meeting to listen to ideas and discuss the City's code with regard to affordable housing. Density Bonuses may be part of those conversations with the Planning and Zoning Board.

Commissioner Paiva said affordable housing is a challenge and many developments are trying to lower density. Density bonus goes against a lot of the City's current planning methods, but in regard to the affordable housing initiative and a partnership, he would be open to consideration.

Commissioner Cloudman said if affordable housing is going to become a reality, it has to be a partnership. With proximity to the middle school, it would be nice if the subject property were family oriented, although there is also a need for senior affordable living.

Pastor Schrade would be open to discussing residency, as it has been a topic of discussion that some family oriented residents would be appropriate in that area.

Mayor Apgar said density bonuses would only be allowed to affordable housing and there would have to be a standard or policy to ensure affordable housing bonus is used for purpose intended.

Mr. Pleus will direct staff to work on something to bring back to the City Commission since this discussion was not a formal agenda item.

A copy of the presentation will be provided to the City Clerk.

BOARD APPOINTMENTS

1. Consideration re Appointments to the Historic Preservation Board

Commissioner Paiva made a motion to reappoint Scott Price to Seat 3 and Dagny Robertson to Seat 6 on the Historic Preservation Board, both terms will expire October 1, 2025. Commissioner Reid seconded the motion, which was approved by a unanimous vote.

OLD BUSINESS

1. Second Reading of Ordinance Ordinance No. 2022-01, Approving Code Enforcement Lien Amnesty Program.

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

ORDINANCE NO. 2022- 01

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, PERTAINING TO THE ESTABLISHMENT OF A CODE ENFORCEMENT LIEN AMNESTY PROGRAM; PROVIDING FOR PROGRAM DURATION, ACCEPTANCE OF APPLICATIONS, APPLICATION FEE, AND APPLICATION PROCEDURE WHEN MULTIPLE VIOLATIONS PRESENT; PROVIDING FOR INELIGIBLE LIENS; PROVIDING FOR ELIGIBILITY CRITERIA; PROVIDING FOR CALCULATION OF LIEN REDUCTIONS, DEADLINE FOR PAYMENT OF REDUCED LIEN, AND CONSEQUENCE OF NONPAYMENT OF REDUCED LIEN BY DEADLINE; PROVIDING FOR ACCEPTABLE METHODS OF PAYMENT OF APPLICATION FEES AND REDUCED LIENS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

There being no comment, the Public Hearing was closed.

Commissioner Paiva made a motion to approve Ordinance No. 2022-01 upon final reading. Commissioner Cloudman seconded the motion. The motion was approved by the following roll call vote.

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

NEW BUSINESS

1. First Reading of Ordinance Annexing Two Parcels of Property Totaling Approximately 26.01 Acres, Located at the Northwest Corner of South Blue Lake Avenue and East Taylor Road

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

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ANNEXING TWO PARCELS OF LAND TOTALING APPROXIMATELY 26.01+/- ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF SOUTH BLUE LAKE AVENUE AND EAST TAYLOR ROAD; AMENDING CITY BOUNDARIES TO INCLUDE THE ANNEXED PROPERTIES; AFFIRMING COMPLIANCE WITH STATUTORY PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

Mr. Holmes stated the issue has come up where annexation can potentially cause enclave situations. He wanted the record to reflect this annexation will reduce an existing enclave and the county has indicated they will not reject this annexation.

Michael Woods, Cobb Cole Attorneys at Law, was present representing the applicant. The Taylor Ridge Project Annexation located north of Victoria Oaks and Bridle Oaks on the south side of Taylor Road, as is the case with several properties in that area, has a power line easement. Two lots of record would be annexed and are currently located within the greater DeLand area.

There being no comment, the Public Hearing was closed.

Commissioner Paiva asked if with the current agricultural zoning and with approval of this annexation if the city would be required to provide a similar use as would currently be allowed. He also asked how the property is going to be used after annexation. Mr. Holmes said policy would have the property rezoned to a classification within the City, which would be compatible with what is already in the City.

Commissioner Cloudman said other properties have been annexed into the City and have not had rezoning or land use changes. Mr. Holmes acknowledged it has been done in the past, but for the last six plus years properties being annexed are being rezoned so as to achieve compatibility with land use zoning currently in place within the City of DeLand.

Commissioner Cloudman asked how the property could be used under its existing zoning and Mr. Holmes said agricultural uses and 5-acre lot size. This property is in the City of DeLand utility service area.

Following the discussion, Mayor Apgar passed the gavel and made a motion to approve the Ordinance on first reading. Commissioner Reid seconded the motion.

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

Motion failed by a majority vote and Mayor Apgar announced the following two agenda items will not be read or discussed.

Mayor Apgar commented that the property can now go through the process of seeking the same uses through the county and the City of DeLand will have to provide water and sewer services.

Mr. Elkind, City Attorney, affirmed Mayor Apgar's comment and stated pursuant to the City's agreement with Volusia County, when people seek utility services and it is within the contracted service/annexation area, they are required to voluntarily annex into the City. In the past, the City would allow people to develop in the county under their regulations with a signed covenant to support annexation. This would allow for a development to receive utilities from the City and subsequently annex into the City. DeLand adopted a new policy to require, prior to agreeing to the provision of utility services, property owners to annex in and rezone their property. The property owners still have the right to petition the County Council for development and the City does not have the right to refuse utility services.

Mr. Elkind advised the City Commission, annexation is a purely legislative decision. He added the City Commission can choose not to annex property even though it seems this particular property might appropriately be included in the City because of location. Annexation of the property and the allowed use of the property are two separate issues. The next step after annexation is a change of the land use. The point of rezoning is a quasi-judicial issue and the City Commission has broad discretion. When developers present a Planned Development, the City Commission has options. Not annexing property because you don't like what might be done on the property is not advisable as the county may approve a use the City really does not desire. He reminded City Commission of their discretion to not approve a proposed project under Planned Development.

Commissioner Davis stated based upon Mr. Elkind's comments, a dialogue with the county may be necessary.

Commissioner Cloudman said to Mr. Elkind's point, he made the clarification the City is no longer going to allow annexation to be separate from reassignment of land use, which is what changed the discussion this evening. He understands the City is not rural county, but the City does not have land uses that typically align with the less dense uses such as may be assigned at the county level.

Mayor Apgar noted if the developer has every right to approach the county, and the city will not have a say in how the property is used.

Commissioner Reid commented he would rather have it in front of the City Commission so that the commission has options, but his issue with this annexation is not having a density land use that would be more restrictive, they are asking for lowest density but if the commission decides to go that route and have straight zoning, the city still has very little autonomy in what the product will look like.

2. First Reading of Ordinance Changing the Land Use Designation of Certain Property Located on the Northwest Corner of South Blue Lake Avenue and East Taylor Road from Volusia County's Rural to City of DeLand Urban Low Intensity

This item was not heard by City Council following failure of motion on the first reading of annexation for subject property (item 1).

3. First Reading of Ordinance Changing the Zoning from Volusia County's A-2, Rural Agriculture, to City of DeLand Taylor Ridge Planned Development, Located at the Northwest Corner of South Blue Lake Avenue and East Taylor Road, Approximately 26.01 Acres of Property

This item was not heard by City Council following failure of motion on the first reading of annexation for subject property (item 1).

4. First Reading of Ordinance Changing the Zoning of Approximately 2.09 Acres of Property, Located at 425 South Woodland Boulevard, from City of DeLand's C-2, General Commercial and R-2, Single Family, to 425 South Planned Development

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

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM CITY OF DELAND'S C-2, GENERAL COMMERCIAL, AND R-1, SINGLE FAMILY, TO 425 SOUTH PD, PLANNED DEVELOPMENT, ON PROPERTY LOCATED AT 425 SOUTH WOODLAND BOULEVARD; APPROVING A PLANNED

DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 2.09 +/- ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

There being no comment, the Public Hearing was closed.

Commissioner Reid asked about the parking component of this Planned Development. Mr. Holmes responded with a PD, the developer can negotiate up or down from the City's standard. In this case the project requires roughly 71 spaces and they are providing 81. Commissioner Reid is okay with that and 81 seems like a large number of spaces, he would rather see those extra spaces used for tree preservation. He asked if there is an opportunity for tree preservation or improvements to walkability access.

Mr. Justin Munizzy, Attorney, stated he would pass suggestions along to the developer. The applicant is an LLC owned by his father.

Attorney Elkind suggested Mr. Munizzy communicate this conversation to his dad, and to the extent they would be willing to remove parking, it would save the developer money and allow for addition of trees. There will be a second reading of this, Mr. Elkind asked Mr. Munizzy to get an answer and get back with Mr. Holmes.

Commissioner Reid would like to see the front of the building more walkable. Mr. Holmes asked if access to the buildings is more important than landscaping and Mr. Reid said yes. He would like to see more walkability, particularly since the area is close to the stadium.

Commissioner Cloudman asked what the proposed buffer or screen is for the housing development and Mr. Holmes said 20' on the east side of subject property.

After discussion, a motion was made by Commissioner Paiva to approve the Ordinance upon first reading. Commissioner Davis seconded the motion which carried by the following roll call vote.

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

5. First Reading of Ordinance Amending Chapter 4 of the Code Relating to the Tethering of Dogs and Cats

Mayor Apgar stated he received an email from Debbie Dorino, expressing her appreciation to City Commission for listening to her request.

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

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING CHAPTER 4 "ANIMAL CONTROL" OF THE CODE OF ORDINANCES OF THE CITY OF DELAND; BY AMENDING SECTION 4-3 "DEFINITIONS"; BY ADDING A NEW SECTION 4-5.1 "PROHIBITING THE TETHERING OF DOGS AND CATS TO STATIONARY OBJECTS WHILE OUTDOORS; SUBJECT TO SPECIFIC EXCEPTIONS"; BY ADDING A NEW SECTION 4-5.2 "IMPLEMENTING ADMINISTRATIVE ACTIONS AND ENFORCEMENT / PENALTIES" PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CONFLICTS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

There being no comment, the Public Hearing was closed.

Mayor Apgar asked if with below 50 degree and above 85 degree temperatures being suggested as conditions in which animals should not be tethered if such limitations should be incorporated into the ordinance.

Mr. Pleus City Manager, and staff will research temperature condition limitations.

Commissioner Davis asked if levels of penalty would be skipped or if every incident would be handled on a step by step basis as set forth in the ordinance.

Mr. Elkind advised the penalty section (section 4 of ordinance), has non-criminal sanctions. It is a civil code enforcement sanction.

Page 506, section 4-5.2, is not criminal but is civil code enforcement. Mr. Elkind said this ordinance will be governed under Chapter 162 for Code Enforcement and there is a very specific process.

After brief discussion, a motion was made by Commissioner Paiva to approve Ordinance upon first reading. Commissioner Reid seconded the motion which carried by the following roll call vote.

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

6. Resolution Approving Final Plat, Woodland Village

RESOLUTION

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, APPROVING THE FINAL SUBDIVISION PLAT FOR WOODLAND VILLAGE, LOCATED AT 204 MOHAWK AVENUE; PROVIDING FOR CONDITIONS AND PROVIDING AN EFFECTIVE DATE.

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

7. Resolution Approving Preliminary Plat, Manchester Neighborhood PD, Phase 1A

RESOLUTION

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, APPROVING THE PRELIMINARY SUBDIVISION PLAT FOR MANCHESTER NEIGHBORHOOD PD, PHASE 1A, LOCATED ON THE WEST SIDE OF NORTH STONE STREET, NORTH OF WEST PLYMOUTH AVENUE; PROVIDING FOR CONDITIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Mike Woods, Cobbs Cole, noted there have been questions about the service road and the request for a sidewalk to be provided at this time. The developer will be asking to have the sidewalk requirement removed at this time although there is potential in the future to revisit the requirement. As of right now, there is no actual sidewalk along Stone Street.

Commissioner Paiva clarified the area being discussed as Stone Street to the entrance, and Phase 1 and Phase 2. Mr. Woods said there will be sidewalks inside the development. Commissioner Paiva asked how it would be included in the language to ensure the sidewalk is provided in the future. Howard Lefkowitz from Manchester, stated the whole community concept is a closed concept with one half mile of sidewalks within the community. The community is designed so

every house has a connection to the common walking area for residents to have the opportunity to get exercise and be involved in the community.

The question was raised whether or not the PD has a provision that would excuse the developer from placing a sidewalk along the road. Mr. Holmes said the LDRs do require sidewalks along all roadways. Mr. Reid is fine with approving the plan, however, does not feel the City Commission has discretion to remove a sidewalk requirement.

Mr. Elkind said if the code is silent with regard to whether the road is private or public where waiver of sidewalk requirement is being requested, then the City Commission has discretion.

Mr. Woods withdrew the request for a waiver of the sidewalk requirement.

After a brief discussion, Commissioner Paiva made a motion to approve the resolution as set forth in the preliminary plat with a sidewalk. Commissioner Reid seconded the motion which carried by a unanimous voice vote.

8. Resolution Approving Preliminary Plat, Manchester Neighborhood PD, Phase 1B

RESOLUTION

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, APPROVING THE PRELIMINARY SUBDIVISION PLAT FOR MANCHESTER NEIGHBORHOOD PD, PHASE 1B, LOCATED ON THE WEST SIDE OF NORTH STONE STREET, NORTH OF WEST PLYMOUTH AVENUE; PROVIDING FOR CONDITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

9. Consideration re TPO Grant for Feasibility Study to Determine Multimodal Route to SunRail Station

Michael Pleus, City Manager, said the City Commission needs to decide on a path for the Sunrail. A feasibility study would be the best thing to do and there is a grant program for the funding of such studies. Subsequently, funding may be obtained for the construction.

Commissioner Paiva made a motion to approve a TPO Grant for Feasibility Study. Commissioner Cloudman seconded the motion which was approved by a unanimous voice vote.

CITY COMMISSION REPORTS

1. Report re Elected Officials Round Table

Nothing to report.

2. Report re River-to-Sea TPO

Commissioner Cloudman said the enterprise museum presentation was given and invitation to a social has been sent out for the corridor. A date is being decided on for an official ribbon cutting and designation of being a national scenic highway, in addition to being a Florida scenic highway.

3. Report re River of Lakes Heritage Corridor

Commissioner Cloudman said the TPO continues to move forward in looking for an executive director. Findings will be presented back to the committee and TPO will choose 3-5 finalists to be brought back along with public recommendations. Goal to bring recommendation to full board by end of April and from there, contract negotiations.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

CITY CLERK REPORT

CITY COMMISSION

Commissioner Davis – Nothing to report.

Commissioner Reid was happy to see a lot of activity in the Stetson area this past weekend. There were a lot of nice cars in the car show and he offered big thanks to all volunteers. A significant amount of money was raised for local charities this past weekend.

Commissioner Cloudman echoed Commissioner Reid and stated with the City heading into heavy event season and that is what makes DeLand. Looking forward to a successful Jazz Festival this year.

Commissioner Paiva – Nothing to report.

Mayor Apgar stated Florida League Cities Action Days was attended by four, counting City Manager Pleus. Commissioners met with every member of the delegation except for Representative Brenner. It was a successful trip.

Commissioner Cloudman followed up stating this year's Legislative Action Days was even more successful than the past two with Senator Hutson voting no on a topic discussed with DeLand Commissioners.

Mayor Apgar said Wawa and Panda Express are new businesses off to a good start.

Mayor Apgar announced the upcoming briefing ceremony in meeting room at the Police Department.

Mayor Apgar stated the First Methodist Church is doing their first responders appreciation this year.

The upcoming Bike fest was mentioned.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:56 p.m.

_____
Julie A. Hennessy, MMC
City Clerk – Auditor

RESPECTFULLY SUBMITTED:

/s/ Gwen Keough-Johns
Gwen Keough-Johns, MMC
City Clerk Associates, LLC

APPROVED ON:

_____
City Commission Meeting Date

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

CALL TO ORDER

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

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

INVOCATION:

Mayor Apgar announced a meeting for the second reading of Beresford Reserve tentatively scheduled on March 28, 2022. This meeting is subject to a response from FDEP on the submission.

Mayor Apgar congratulated Julie Hennessy, City Clerk, for recently becoming an Athenian Fellow, the highest recognition in the Athenian Leadership Society. This has been achieved through participation in the Florida Association of City Clerks Athenian programs and Ms. Hennessy has completed at least ten Athenian Dialogues.

Mayor Apgar asked everyone to remember the family of Mickey Madigan. Mickey was the husband of Nancy Madigan, a long-time city employee and currently serving on the employee retirement pension board. Mr. Madigan was also step father to Lisa Lewis' from the Supervisor of Elections Office.

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

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

ROLL CALL

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

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk- Auditor; Mike Grebosz, Assistant City Manager; Rick Werbiskis, Community Development Director; Jason Umberger, Police Chief; Todd Allen, Fire Chief; Dan

Stauffer, Finance Director; Rick Hall, Parks and Recreation Director; Chris Graham, Community Information Specialist; members of the public and press.

PRESENTATIONS

1. Proclamation, Senior Nutrition Month

Mayor Apgar asked the representative from Council for Aging to come forward.

Whereas, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older American's Act of 1965 and established a national nutrition program for seniors 60 years and older; and

Whereas, the Meals on Wheels Association of America established the National March for Meals Campaign in March 2002 to recognize this historic month, the importance of Older Americans Act Senior Nutrition Programs and raise awareness about senior hunger in America; and

Whereas, the 2022 observance of the Senior Nutritional as well as Meals on Wheels Programs provided an opportunity to support the Volusia County Council on Aging Senior Nutrition Programs that deliver vital and critical services by donating, volunteering, and raising awareness about senior hunger; and

Whereas, for more than 50 years, Council on Aging of Volusia County has been the only local non-profit focused exclusively on providing vital services to Volusia County seniors and our staff and volunteers are trusted advocates to the growing number of our elderly neighbors in critical need of assistance to maintain their independence; and

Whereas, the mission of the Council on Aging Senior Nutrition Programs in Volusia County provides a much-needed socialization opportunity for seniors to help combat loneliness and isolation; and

Whereas, the Council on Aging volunteers and staff deserve recognition for the contributions they have made and will continue to make to our local communities.

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

Senior Nutrition Month

in the City of DeLand to recognize Senior Nutrition and Meals on Wheels Programs, the seniors they serve and the volunteers who care for them. Our recognition and involvement in the 2022 Nutrition Program can enrich our entire community.

Done and Proclaimed this 7th day of March, 2022.

/s/ Robert F. Apgar
Mayor

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

Commissioner Paiva read the Proclamation which was presented to Council on Aging representatives; Commissioner Cloudman made the presentation.

2. Introduction of Two (2) Police Officers, Vittorio Custode, and Corey Muller

Police Chief Umberger introduced two officers who have joined the force in the City of DeLand. He read a brief bio for each of the new officers.

Corey Muller, born in Sanford, Florida and raised in Middletown, New York, graduated from high school in 2014 and attended the State of New York Orange College for one year. He moved back to Florida in 2019 to pursue a career in law enforcement. Officer Muller attended the Daytona State College Police Academy and graduated in January. Officer Muller's girlfriend, Alyssa, pinned his badge.

Vittorio Custode, from Plantation Florida, attended Embry-Riddle University and graduated with a bachelor's degree in aerospace and occupational health and safety and a minor in Human Factors. He also attended the Daytona State College Police Academy and is looking forward to serving the City of Deland. A friend of Officer Custode's family, Nate, pinned his badge.

Mayor Apgar, on behalf of the City Commission and citizens of DeLand, welcomed both officers to the City of DeLand.

3. Firefighter Badge Pinning Ceremony for Dejah Wood

Fire Chief Todd Allen, introduced Dejah Wood, Firefighter who completed her one-year probationary period in February. Five written tests and five bi-monthly practicals have been completed by Ms. Wood and she is currently enrolled in Paramedic school Ms. Wood's mother pinned her badge.

Mayor Apgar, on behalf of the City Commission and citizens of DeLand, welcomed Ms. Wood to the City of DeLand.

CONSENT AGENDA

1. Consideration re Approval for Sale and Consumption of Alcoholic Beverages on City Property, "The Chili Throw Down," by Issues Bar
2. Consideration re Grant of Easement to Duke Energy, Perryman Farms
3. Consideration re Lease Assignment and Assumption of Ground Lease, Rosch Atlantic, LLC (1380 Flightline Boulevard)

Items Pulled from Consent Agenda

Commissioner Reid pulled item 1 from the consent agenda.

Commissioner Paiva made a motion to approve items 2 and 3 on the consent agenda. Commissioner Davis seconded the motion, which carried by a unanimous vote.

Commissioner Reid requested clarification on the map where the barrier was located since it seemed to stop access to some private property. He said right behind where Boston Coffee is, there are some vehicles parked. Typical protocol for events is the event coordinator contacting everyone involved.

Commissioner Reid made a motion to approve item 1 on the consent agenda. Commissioner Paiva seconded the motion which passed unanimously.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

Debra Abel, P.O. Box 5114, Deltona FL, owner of property on Lyons Drive, made an inquiry pertaining to surveyors who marked out water lines in the area. She said all of the residents in that area are on well and septic tanks and she asked how the City decided to place water lines in an unincorporated county area. She also asked what rights the residents have if they do not wish to have water lines in their neighborhood.

Mayor Apgar advised Ms. Abel that Mr. Gamble is the appropriate person to assist with her inquiries, and the City Clerk's Office will assist with public record requests. He also said there is a service agreement between Volusia County and the City of Deland. While the City tries to be respectful of property owners, sometimes it is necessary for lines to be installed through unincorporated Volusia properties in order to provide service for all City parcels. The agreement with Volusia County has been in place since approximately 1996.

OLD BUSINESS

1. Second Reading of Ordinance No. 2022-02, Correcting Ordinance No. 2021-36, which Annexed Property Located at 230 East Taylor Road, to Correct a Scrivener's Error therein

Mr. Elkind, City Attorney, read Ordinance No. 2022-02 by title only.

ORDINANCE NO. 2022-02

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION FOR THE ANNEXATION ORDINANCE BEARING ORDINANCE NUMBER 2021-36 AND THEREBY ANNEXING BY VOLUNTARY PETITION CERTAIN REAL PROPERTY

(TAX IDENTIFICATION PARCEL NUMBER 702800000560) WHICH IS APPROXIMATELY 1.37 ACRES IN SIZE AND GENERALLY ADDRESSED AS 230 EAST TAYLOR ROAD LOCATED CONTIGUOUS TO THE CITY OF DELAND IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR LEGAL DESCRIPTION AND A MAP AND PROVIDING FOR THE INCORPORATION OF THAT EXHIBIT; PROVIDING FOR FINDINGS; DIRECTING THE CITY CLERK TO RECORD THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICE OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner Paiva made a motion to approve Ordinance No. 2022-02, upon second reading. Commissioner Davis seconded the motion which passed by the following roll call vote.

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

2. Consideration re GlassHouse Annual Report

Mayor Apgar commented while Alex Ford, Attorney for GlassHouse, provided the redraft of a PD, the Planned Development Ordinance was not advertised and therefore, discussion will be limited. The PD will be presented to City Commission for first and second reading, assuming the project moves forward after the report this evening.

Mr. Pleus stated staff received an e-mail from Mr. Ford on Friday, which included a letter and the PD agreement. He had not seen the letter and was unaware of the new proposal pertaining to parking. Mr. Pleus asked Mr. Ford to explain what was included in his correspondence since that information was not included in the agenda packet.

On January 3, 2022, the City Commission received an annual report from staff and GlassHouse Square, LLC, regarding the status of the project. The main issue discussed at the meeting was related to the number and location of off-site vehicle parking spaces to be provided for the project. As outlined in the approved Acquisition and Redevelopment Agreement (ARA), parking for the project was to be provided as follows: "Parking may be provided off-site to each parcel to be developed. Except as otherwise provided, specific parking ratios and standards shall be addressed in the P.D. Agreement applicable to each parcel."

Mr. Alex Ford, 145 E Rich Avenue, Attorney representing the GlassHouse applicant, stated the application fees have been paid making the application complete and they are ready to move forward with the PD rezoning. The proposal in that PD rezoning has not been advertised, but guidance provided by the City Commission was taken into consideration and fifty parking spaces have been provided. The fifty proposed parking spaces would be private, paid for and developed by GlassHouse rather than a cash submittal or other concession to the City. After speaking with staff and getting some comments, the applicant felt this would be a good way to address parking. The PD agreement was revised to address comments made by Mayor Apgar with regard to designating whether building 1 would be two stories or three stories with a rooftop. The building will be two stories plus a rooftop. The applicant has clarified that building 1 will be constructed first and they have provided for the phasing of parking, using fifty spaces of which forty would be associated with building 1 and ten spaces will be associated with building 2. Also, provided that while building 2 could be commenced prior to building 1, the Certificate of Occupancy would not be issued for building 2 until building 1 is complete. These are safeguards to ensure building 1 will be built first.

Mayor Apgar said this evening, the real issue is a determination on the number of parking spaces. An article in the Beacon and letters received from citizens about intrafamily issues will need to be discussed; however, tonight is not an appropriate setting in which to have those discussions. First priority has to be reaching an agreement on parking.

Mayor Apgar restated the offer is fifty parking spaces, paid for by GlassHouse, forty of which will be put in with building 1 and the remaining 10 to be constructed with building two. At the last meeting, City Commissioners were talking about sixty parking spaces.

Mr. Elkind, City Attorney, advised City Commission that when applicant and city staff have come before the City Commission on this in the past, it has been to solicit guidance on parking due to that element of the project having changed since early conversations. Mr. Elkind cautioned the commission, they will not be voting or deciding on a binding parking number, which will be done during the statutory hearing process. However, it is fine to discuss and provide some guidance.

Commissioner Davis asked, from a legal perspective, where City Commissioners are with all of the correspondence received from outside of the City. Mr. Elkind stated those correspondences have no bearing on decision making and the decision that needs to be made on the acquisition and development agreement. For the purpose of contractual obligations and zoning processes, those are not issues the Commission should be considering.

Commissioner Paiva said he was unable to read the specifics of the proposed PD Agreement. He asked to clarify the proposals presented. He felt comfortable with 60 spaces vs 50 spaces. Also, if those spaces are to be located onsite, there will be enough room left for the second building.

Mr. Ford said in the proposed agreement, parking could be onsite for phase 1 in both the pedestrian walkway and in what is proposed as the square area. For phase 2, it would only be in the pedestrian walkway and only permitted to the extent it would not interfere with its intent as a pedestrian walkway. The remaining parking in phase 2 would be located within 800 feet of the property.

Commissioner Paiva asked if the parking for phase 1 was onsite, if there would be enough room for phase 2 to be built, or would phase 2 require relocation of existing parking. Mr. Ford said some parking spaces would be removed to build phase 2 and spaces would be provided within 800 feet of the project.

Commissioner Cloudman referred to a parking lot on the old drycleaners site, and in the past there have been discussions about placing parking where the former fire station was located. He asked if using more city property is being contemplated for this project. Mr. Ford said if parking is being removed from the property for phase 2 and at that time environmental changes have occurred making the drycleaner's property available, it would be considered by the developer.

Mr. Elkind advised the Commission the plan is the developer will figure out where to get parking whether on or off site. He said typically when a PUD plan is provided, the parking on site would be shown as part of the PUD.

Mr. Ford stated his client would have liked to have done that but Mr. Elkind understands the issue with the parking area. Commissioner Cloudman asked if the City is looking at providing more property in the future. Mr. Elkind said absolutely not.

Mr. Ford said under the contract, Mr. Elkind required the client to provide proof of financial ability to get the project done prior to demolition. This clause in the contract protects the City.

Mr. Elkind noted the City's obligation to demolish the building does not accrue until such time the site is fully permitted and has posted security to guarantee the project will be built.

Commissioner Reid said in his mind one of the benefits to this project was the pedestrian friendly component. He understands some things have changed, and what is now being proposed is private parking onsite. He is okay with the numbers, however, does not want to use city resources to produce a comprehensive plan, he feels the developer has been moved toward putting more vehicles in an area that is also being looked at as a pedestrian friendly area.

Commissioner Davis expressed agreement with parking remaining as open to the public as possible, regardless of location. She also said it is important to be strategic about where parking is located.

Commissioner Paiva said without seeing a parking plan, he is concerned there is not enough of a shift in parking for phase two. There is potential for a good bit of public parking to be forfeited.

Mr. Ford said there is not a drawing at this point and the plaza area is contemplated for phase two.

Commissioner Davis said some of these issues were discussed prior to COVID and she asked if some of the employees are going to return to the office. Mr. Michael Frolick, 994 Allen Grove Drive, stated almost everyone is back in the office a minimum of three days per week with a foreseeable increase to four days per week.

Commissioner Davis asked if that would make it more important for the Commission to stick with the sixty parking spaces.

Mr. Elkind reiterated the PUD plan will have to include where the parking will be located and how many spaces will be constructed.

Commissioner Paiva does not want purchase of the "Trilogy" lot to be an option. He would like it to be protected since it is already utilized.

Mr. Ford clarified the Commission would like the option parcel to be nullified. Mayor Apgar said yes, that allows for greater clarity in reaching an agreement relevant to parking.

The City Commission agreed the developer should consider sixty or more parking spaces.

NEW BUSINESS

1. Resolution Approving Sole Source Purchase of Lighting for Melching Field – Musco Lighting

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

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, RELATING TO PURCHASING BY THE CITY UNDER THE PROVISIONS OF ARTICLE VIII, SECTION 63 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND RELATING TO AN EXCEPTION TO COMPETITIVE BIDDING PERTAINING TO PURCHASES WITHOUT COMPETITIVE BIDDING WHEN AVAILABLE ONLY FROM A SINGLE SOURCE; PROVIDING FOR A SOLE SOURCE PROCUREMENT RELATING TO MELCHING FIELD AT CONRAD PARK FROM MUSCO SPORTS LIGHTING, LLC; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AN EXHIBIT PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

As part of the Melching Field project, new LED field lights are scheduled to be installed. The LED lights will be a significant energy savings and will also increase the life span of the lights. One hundred percent of all fields and courts have Musco-designed lighting. Melching Field lights are included in this. The lights at Melching will include all Musco products including the poles, brackets, electrical, and all other hardware. Due to the existing items being Musco, the cost of using Musco for the lighting and installation will be a savings to the City. Additionally, Musco LED light glare and spillage is the best in the industry. This is significant as it will reduce glare from nearby traffic, businesses, and residences. Musco also has the best warranty, as it provides 10-year parts and service at no cost to the customer. Also included, Musco's Control-Link System which provides comprehensive scheduling assistance, system monitoring, secure password protected access, automated equipment controls, and valuable usage data. In addition to all of the aforementioned benefits, by procuring the lights directly, there will be a cost savings in taxes as well as contractor mark-up.

Commissioner Paiva made a motion to approve the resolution. Commissioner Reid seconded the motion.

The motion was approved by a unanimous vote.

2. Consideration re Short List Recommendations from Melching Field Stadium Improvements – Design Build RFQ

Pursuant to Florida State Statutes 287.055(9), which outlines the design-build criteria and selection process, and the policies and procedures of the City of DeLand, staff has advertised the Request for Qualifications. The objective of this RFQ was to identify and seek competitive qualifications from qualified Design-Build Teams to provide services to design, permit and construct improvements to Melching Field in accordance with the supplied design criteria package and design book. The City received four submittals in response to the RFQ on or before the deadline of 3:00 p.m., Tuesday, February 15, 2022.

Staff recommends the City Commission find the following companies to be qualified to submit proposals for the Melching Field Stadium Improvements: Scorpio Corporation; Coleman Goodemote Construction Company, Inc., Wharton-Smith, Inc.

If found to be qualified, the City staff will issue a Melching Field Stadium Improvements Design Build Request for Proposals package on March 11, 2022, based upon the design criteria created for the City by CPH Engineers.

Commissioner Paiva made a motion to approve the ranking. Commissioner Cloudman seconded the motion.

The motion was approved by a unanimous vote.

3. Resolution Approving Procurement of K-9s Using "Special Law enforcement Trust Fund"

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

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, RELATING TO A PURCHASE BY THE CITY AND APPROVING THE EXPENDITURE FROM THE SPECIAL LAW ENFORCEMENT TRUST FUND FOR THE PURCHASE OF K-9s WHICH EXPENDITURE IS NOT A NORMAL OPERATING EXPENSE OF THE CITY OF DELAND POLICE DEPARTMENT; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AUTHORIZATION FOR THE PROCUREMENT AND EXPENDITURE; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

The procurement of K-9s using funding from the "Special Law Enforcement Trust Fund" is being proposed for approval by the City Commission. Staff recommends that the City Commission approve the Resolution which authorizes procurement of K-9s using funds derived from this fund.

Adoption of this resolution will authorize staff to expend law enforcement trust funds for the purpose described therein, and the funds are available in the Special Law Enforcement Trust Fund account. The proposed use is not a normal operating expense of the Police Department.

Commissioner Paiva made a motion to approve the Resolution. Commissioner Reid seconded the motion.

The motion was approved by a unanimous vote.

MAYOR APGAR

Mayor Apgar has spoken with City Manager Pleus and City Attorney Elkind about a recent annexation that was denied by the City Commission. While he respects the decision, it came as a shock to him since apparent issues were more about land use than about the annexation.

Mayor Apgar proposed City Commission consider adoption of a policy at the next meeting, to prohibit the acceptance of applications for voluntary annexation for residential development. This policy would not be applicable to commercial, enclaves or any of those projects already in progress. This policy change would be temporary through August 31, 2022.

Mr. Elkind stated such a policy would not be a moratorium on development. The Mayor has suggested the City Commission adopt a Resolution notifying developers that the commission is generally not willing to take applications for residential development at the current time. This does

not preclude someone who wishes to apply for annexation to do so even though the policy is in place and notification has been given. This also would not preclude a developer from taking their project to the county if their property is located in unincorporated Volusia County.

Commissioner Davis stated her appreciation to Mayor Apgar for bringing this idea forward. She has been hearing from constituents, they would like a break from the residential growth. She is also in favor of a joint meeting allowing discussion about what is going to be best for the City moving forward. Commissioner Davis would also like to have more discussion pertaining to affordable housing.

Commissioner Cloudman stated in general, he does not feel annexation has been an issue. The most recent annexation was an issue because of zoning going from County Agriculture which requires five acres for one unit, to the City's minimum land use allowing four units per acre. He stated the City Commission couldn't move forward with the annexation without agreeing to four units per one acre, which was the problem.

Commissioner Paiva feels that one "no" vote should not create a paradigm shift in what the Commission wishes to accomplish. He recognizes that every parcel is different and the solution would be to have something less than guaranteeing four units per acre. While Commissioner Paiva is not opposed to slowing down, he does not feel that one denial of an annexation changes the philosophy by which the Commission has acted in the past.

Mayor Apgar stated the City is in the urban service delivery business. Transfer from A-2 to some different designation still needs to qualify as an urban density rather than a rural agricultural density.

Commissioner Reid would like to be very clear on the timeframe being considered and also to provide clear direction to staff.

Mayor Apgar stated staff will draft a Resolution to create a policy.

CITY MANAGER REPORT

Reminder next week will be the Annual Strategic Planning Session.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Commissioner Reid is happy to see activity downtown.

Commissioner Cloudman expressed concern with the Planning Board scheduling a special meeting after he heard an item was on the agenda and subsequently pushed to another meeting because of time.

Mr. Elkind, City Attorney, assured the City Commission the Planning Board is a good, hard working group of people. The board members are busy and their meetings go long since they have to get into all details of the agenda item, in addition to, conducting variance quasi-judicial hearings. There has been an agenda item taking a long time, and the board asked if a special meeting could be scheduled in order to give special attention to the item which involves affordable housing. The board asked for a meeting with nothing else on the agenda to allow them to be focused on the item at length. Mr. Elkind was supportive of scheduling a special meeting because it made perfect sense. The Planning Board has not been known to delay agenda items.

Commissioner Cloudman expressed some frustration with the length of the process given the fact affordable housing was one of the strategic planning priorities from last year.

Commissioner Paiva had nothing to report.

Commissioner Davis stated the Greater Union Life Center are recipients of the African American Cultural Historical Grant in the amount of $500,000 to continue with the J.W. Wright building. The Church thanked everyone who has been working on the initiative and are hoping the receipt of these funds will bring the project to a close. She encouraged Commissioners to follow them on social media.

Mayor Apgar commented the dog parade was well attended as well as the bike rally.

Laura Roth's annual biker wedding drew a crowd. She would like to receive additional publicity outside of the Deland social media area. She is also going to speak with the tourism authority about additional advertising. Mayor Apgar asked Chris Graham to reach out to her with any ideas of how she may promote the biker weddings outside of the Volusia County environment.

March 16, 2022, the Parks & Recreation Department will hold their annual Shamrocks and Shenanigans event.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:47 p.m.

Julie A. Hennessy, MMC
City Clerk – Auditor

RESPECTFULLY SUBMITTED:

/s/ **Gwen Keough-Johns**
Gwen Keough-Johns, MMC
City Clerk Associates, LLC

APPROVED ON:

City Commission Meeting Date

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, MARCH 21, 2022, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

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

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

INVOCATION:

Mayor Apgar announced the meeting for Beresford Reserve is tentatively scheduled for May 9, 2022. This will allow time for the applicant to meet with the Department of Environmental Protection (DEP) to go over protocols necessary for further testing of the site.

Mayor Apgar mentioned a few people the community has lost recently. Tommy Smith, long time announcer at Stetson Athletic Events and grew up in DeLand; Brenda Krist, former owner of the Airport Restaurant; William Bradley, father of Regina White, Troy Bradley and William Bradley, Jr., passed away recently. Mayor Apgar asked everyone to keep those families in their thoughts and prayers.

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

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

ROLL CALL

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

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk- Auditor; Mike Grebosz, Assistant City Manager; Rick Werbiskis, Community Development Director; Jason Umberger, Police Chief; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Heidi Van Etten, Assistant Finance Director; Chad Gamble, Public Services Director; Rick Hall, Parks and Recreation Director; Ray Underwood, Public Works Director; Chris Graham, Community Information Specialist; members of the public and press.

PRESENTATIONS

1. Presentation of the Annual Comprehensive Financial Report (ACFR) for fiscal year ended September 30, 2021

The City's Charter, Section 31, provides for the City Commission to designate a firm of certified public accountants to perform an independent audit of the City's financial records. The City Commission renewed a contract with James Moore & Co., P.L. to audit its financial statements for a term of five years. Fiscal year ending September 30, 2021, is the third year of the five year contract.

Zack Chalifour, James Moore, presented the findings from the City of DeLand's recent audit. He stated the audit of financial records for fiscal year 2020-2021 is complete and staff has prepared the Annual Comprehensive Financial Report (ACFR) presented in the agenda packet. The ACFR provides a complete set of financial statements that are prepared in conformity with Generally Accepted Accounting Principles (GAPP) that represent the financial position of the City and the result of operations as of September 30, 2021. The City has received an unmodified audit opinion, which is the highest level of opinion the auditor can give and is, therefore, the opinion sought each year.

The ACFR provides an overview and narrative of financial activity and trends along with detailed and consolidated financial statements for all City funds. GAAP requires that management provide a narrative introduction, overview, and analysis to accompany the basic financial statements in the form of Management's Discussion and Analysis (MD&A). The City MD&A can be found immediately following the independent auditor's report.

Julie Hennessy, City Clerk – Internal Auditor, stated the audit was pretty good other than a couple of software implementation issues, which were worked out.

Commissioner Reid mentioned a policy item with regard to payroll. Mr. Pleus noted staff is already addressing the item Commissioner Reid mentioned, the policy will need to be changed.

Commissioner Davis asked when the policy was implemented and Mr. Pleus said the policy relates back to the manual timecards that are no longer used and has been obsolete for nearly 20 years.

Mayor Apgar publicly thanked James Moore for a job well done. He said the report demonstrates good stewardship of the City's money. Mayor Apgar noted the City Commission receives quarterly statements of how the City is doing during the course of the budget year. This practice has proven very effective. He also mentioned four budget workshops held annually during the budget process and he feels the Commission does a very thorough job of budgeting and being open and transparent.

CONSENT AGENDA

1. Consideration re Contract Agreement with Florida Department of Health for Fluoride and Equipment

2. Consideration re Award of Bid, DeLand Airport Northwest Industrial Business Access Road
3. Consideration re Construction Engineering Inspection (CEI) and Material Testing – DeLand Airport Northwest Industrial Business Park Access Road Proposal
4. Consideration re Construction Administration Services – DeLand Airport Northwest Industrial Business Park Access Road Agreement
5. Consideration re Change Order No. 1, 2021 Water Main Improvements
6. Consideration re Volusia County Joint Participation Agreement, Amelia Avenue (Voorhis Avenue to East Ohio Avenue)
7. Consideration re Subordination Agreement, Prospect Real Estate DeLand, LLC

Commissioner Paiva made a motion to approve items 1-3 and 5-7 on the consent agenda. Commissioner Davis seconded the motion, which carried by a unanimous vote.

Darren Elkind, City Attorney, noted as he was reviewing the agreement, he had the consultant make some change to the standard terms of their agreement.

Commissioner Paiva made a motion to approve item 4 as amended. Commissioner Davis seconded the motion, which carried by a unanimous vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

There were none.

OLD BUSINESS

1. Second Reading of Ordinance No. 2022-03, Amending Chapter 4 of the Code Relating to the Tethering of Dogs and Cats

Mr. Elkind, City Attorney, read Ordinance No. 2022-03 by title only.

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING CHAPTER 4 "ANIMAL CONTROL" OF THE CODE OF ORDINANCES OF THE CITY OF DELAND; BY AMENDING SECTION 4-3 "DEFINITIONS"; BY ADDING A NEW SECTION 4-5.1 "PROHIBITING THE TETHERING OF DOGS AND CATS TO STATIONARY OBJECTS WHILE OUTDOORS; SUBJECT TO SPECFIC EXCEPTIONS"; BY ADDING A NEW SECTION 4-5.2 "IMPLEMENTING ADMINISTRATIVE ACTIONS AND ENFORCEMENT / PENALTIES"; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

Police Chief Umberger addressed City Commission to comment on the tethering ordinance. He said one thing learned is there may be an unintended consequence to this ordinance. The Animal Control Officer expressed concern in the way the ordinance is written, it may end up having an unintended impact on residents. There is a possibility that a resident who tethers their dog may decide to turn the dog loose rather than facing penalties. Having roaming animals could potentially be dangerous to both pedestrians and citizens walking their dogs. The Animal Control Officer shared her experience and rationale is many dogs are tethered outside to provide protection for their residents. Chief Umberger felt it necessary to share this concern.

Commissioner Davis thanked Chief Umberger for bringing this information forward. She said some people do not see tethering as an abusive behavior, sharing her own concern even though she could not offer a solution.

Chief Umberger noted state law provides that any dog left outside does have to be provided water and shelter. There is some enforcement authority in the state law, but this ordinance will fundamentally disallow the tethering of animals.

Mr. Elkind, City Attorney, said the ordinance allows for a dog to be tethered for up to thirty (30) minutes. However, folks who tether their dogs for extended periods of time, such as a work day, would be found in violation of the ordinance.

Chief Umberger said DeLand has some varied demographics which should be taken into consideration. Commissioner Davis followed up asking if there would be community education prior to the enforcement of this ordinance.

Mr. Pleus, City Manager, said an educational campaign would be recommended upon approval of the ordinance.

Mayor Apgar commented that the Police Department and Code Enforcement are focused on habitual abusers and animals that are not being cared for properly.

Commissioner Reid referred to the intent of the ordinance and asked Chief Umberger if a time limit would be a deciding factor on whether or not to find someone in violation. Chief Umberger responded that people may very well call if they see a dog tethered for longer than the designated limit. He also said the county does not have a tethering ordinance at this time and county property is located right across the street from city property. He expressed concern that one side of the street may be under different regulations than the other side in this case.

Commissioner Davis suggested staff contact the county to determine what their direction will be with regard to the tethering of animals. She expressed concern with the penalties and people becoming defiant, which may lead to further penalty.

Commissioner Cloudman said this is an ordinance that can be amended or repealed if deemed necessary at a future date. While he does not have a problem waiting to see what direction the county takes, the intent of this ordinance is to prohibit animals chained to trees. These animals being tethered are in all weather conditions including extreme heat, extreme cold, thunder and lightening storms while tethered to a fixed object. The intent of this ordinance is to protect animals from this type situations. He does not think this ordinance is going to lead to packs of animals roaming city streets.

Commissioner Reid feels the concerns expressed are reasonable and deserve further attention. There is no harm in communicating with the county and we would also find value in looking at ways to manage the potential release of animals. Having an educational campaign that is clear and concise is important, moving forward.

Mr. Elkind pointed out there are some dog owners who tether their dogs for just a few minutes at a time so the dogs can do their business. This particularly applies to residents who do not have a fenced yard.

Commissioner Paiva is not objecting to communication with the county, but he does feel the City Commission needs to vote on what is right for the animals in the City of DeLand. Tethering animals is not kind and believes this ordinance is appropriate and the right thing for DeLand.

Commissioner Paiva said to put this in perspective, there have been eleven complaints out of a population of 30,000. He said the ordinance is a tool to help the City change behaviors with respect to tethering of animals.

Mayor Apgar closed the Public Hearing.

Commissioner Paiva made a motion to approve the Ordinance, amending the 30 minute provision to 1 hour. Commissioner Cloudman seconded the motion, which carried by the following roll call vote.

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

NEW BUSINESS

1. First Reading of Ordinance Changing the Zoning from Volusia County's R-4, Urban Single-Family to City of DeLand Parks' Toyota PD, Located at 230 East Taylor Road, for Approximately 2.36 Acres of Property

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

ORDINANCE NO. 2022-___

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S R-4, URBAN SINGLE-FAMILY TO CITY'S PLANNED DEVELOPMENT (DELAND TOYOTA PD), ON PROPERTY LOCATED AT 230 EAST TAYLOR ROAD; AMENDING THE PLANNED DEVELOPMENT PLAN BY ADDING APPROXIMATELY ±2.36 ACRES OF PROPERTY; BY AMENDING ORDINANCE NO. 2012-03; WHICH APPROVED THE DEVELOPMENT PLAN FOR DELAND TOYOTA PD; AND AS AMENDED BY ORDINANCE NO. 2015-13; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

Commissioner Cloudman found it interesting having two items related to car dealerships on the agenda when inventory is so low at all of the dealerships.

Mike Holmes, Planning Director, stated the process does take some time and the Toyota dealership plans have been in process for a while. The other dealership is a large storage area.

Mayor Apgar noted this is part of a large tract of land and this project was just a matter of needing some additional space.

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

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

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

2. First Reading of Ordinance Amending Chapter 33 "Land Development Regulations" Amending Section 33-17.23 "Allowed Uses in Commercial and Industrial Zoning Districts to Allow Veterinary Services Use in a P-1 Classification

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

ORDINANCE NO. 2022-___

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING CHAPTER 33 "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF ORDINANCES FOR THE CITY OF DELAND; BY AMENDING SECTION 33-17.23 "ALLOWED USES IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS"; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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

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

3. Resolution Approving Special Exception for Car Sales, Located at 2308 South Woodland Boulevard

Mr. Holmes clarified the previously heard car dealership was zoned to a PD, but this one is zoned C-2, thus requiring a Special Exception Use.

Commissioner Cloudman asked if this item will come back before the Commission. He also asked what staff will do to ensure the adjacent neighborhood maintains some privacy. He suggested leaving some of the tree line. Mr. Holmes responded the existing buffer is 30 to 40 ft and once a tree survey is complete the forester will make sure plant material is sufficient to meet regulations. If necessary, the developer will have to plant additional vegetation in order to supplement the buffer area. In addition, a fence is being added along the west side and there is a wall on the south side of the property.

Kate Cole, Attorney, Will Ward Henderson Law, Clearwater FL, stated the applicant hosted a neighborhood meeting and out of that meeting, expanded the buffer in some areas in addition to the fence. One of the neighbors also presented some recommendations that were accepted by the applicant and incorporated into the plan.

Commissioner Davis clarified the recommendations that were presented to the Planning Commission that were incorporated into the plan. She specifically asked about residential addresses along Crystal Oak drive. Ms. Cole said the three residents from that street were the ones

who requested a fence in the area. A wall was constructed. They also made a special request for the west side of the property to provide a natural buffer rather than re-landscaping the area. However, there will be some clearing in the buffer area.

Commissioner Paiva made a motion to approve the Resolution. Commissioner Reid seconded the motion.

The motion was approved by a unanimous voice vote.

4. Resolution Approving Temporary Slow Down on Future Residential Annexations

Mr. Elkind noted the point of this resolution is to pronounce the position of City Commission, letting the public know how the Commission intends to address requests for future residential annexations. This does not preclude anyone from filing an application and decisions are legislative, not quasi-judicial with respect to residential annexations. Mr. Elkind also said there is nothing in the resolution that would prohibit the City Commission's privilege to vote if someone does choose to submit an application.

Commissioner Paiva noted this resolution came about after the Commission recently denied a request for annexation. His hope is for some of the more transitional land uses to be submitted to the City. However, voting against that particular annexation was due to the fall back terms of where they were and how they were zoned in the county versus what would be allowed under straight city zoning upon annexation.

Commissioner Cloudman expressed interest in knowing more about how this resolution will impact or help staff with the work load.

Rick Werbiskis, Community Development Director, opined this resolution would not help much with the daily workload.

Commissioner Cloudman said the zoning categories (county and city) need to be reviewed, particularly if they have not been reviewed in several years. Ultimately, he would not object to having some larger properties, estate home or even some farmland in the city limits.

Commissioner Reid said there were a number of issues that kept him from voting to approve the previously requested annexation that was denied. While he does not believe this resolution is the answer, he is supportive of having this in place and requested regular updates from staff with regard to looking at alternatives for annexation and zoning moving forward.

Mayor Apgar noted when the smart growth initiative occurred, one thing everyone agreed on was that the Commission would enter into joint planning agreements with neighboring jurisdictions. Shortly after these conversations, the great recession happened and other things took priority over those anticipated JPAs.

Mr. Werbiskis noted there may be some relief in the workload, but this resolution is not going to free up significant time for staff. Discussions have already begun with county staff members with regard to land use and zoning categories. The County Council will be holding a growth workshop the morning of April 12, 2022, and there will be city staff present to participate in that workshop.

Mike Woods, 231 N. Woodland Blvd, addressed the City Commission. He stated his feelings with regard to this action are mixed. Having read the document earlier, his first response was extreme frustration and confusion. Mr. Wood can see the intention of the Commission. However, he asked what the City Commission is going to do after six months of taking a break. He feels the opportunity for annexation is being temporarily eliminated. He asked what the appropriate density is for anything less than what is now in place. He asked how the City Commission would reconcile the issues with policies that are already in place. Mr. Woods suggested the City Commission commit to an aggressive timeline and provide a product. The need is for there to be less guidelines and more definitive policies.

Ann Shapley, 1301 Egleson Drive, spoke in favor of the resolution. She is glad the City Commission is taking some time to look at what is happening in the way of growth so it can be addressed appropriately. She stated her residence is in Victoria Gardens and many of her neighbors share the opinion that this is a good thing for DeLand.

Wendy Anderson, 505 East Victorious Blvd, also spoke in favor of the resolution. However, she would like to see some changes in the language of the document. She noted there are many things to think about where the code is concerned. As some examples, she suggested inclusion of low impact development strategies as requirements, providing incentives for preserving more green space, promotion of agricultural practices within the City and in the same developments as residential single or multi-family neighborhoods.

For the benefit of those present, Mr. Elkind provided a summary of the difference between land use and zoning.

April Jury, 4537 Mills Court, said DeLand has experienced a lot of growth. She stated her appreciation to the City Commission for having this resolution prepared and for the direction being taken.

Commissioner Davis made a motion to approve the Resolution. Commissioner Paiva seconded the motion.

The motion was approved by a unanimous voice vote.

MAYOR APGAR'S REPORT

Mayor Apgar stated the Strategic Planning Workshop was successful. A representative was present from the Department of Health to give an update on Covid, which was informative.

AdventHealth Advocacy for the Mayor's Fitness Challenge is aimed for 2023.

A Legislative update from John Booker and consultant George McCallen on some of the legislative bills that have passed was presented.

Discussion was held regarding the impact on budgets that will happen with additional homestead exemption for firefighters, school teachers, etc.

General discussion took place with regard to ordinances that affect 15% of business revenues. Staff will be copying and sending out some information to the City Commission.

There was discussion about the Transportation Subcommittee with regard to growth in general. Chairman Brower indicated the county would be having some meetings on some of the subjects to help provide further definition and information with regard to what is happening.

This is the first time Mayor Apgar remembers the City of DeLand having several members designated as Home Rule Heroes through the Florida League of Cities. He thanked Mr. Grebosz and Commissioners for their work and congratulated them on the designation as Home Rule Heroes.

REPORT RE RIVER OF LAKES HERITAGE CORRIDOR

Commissioner Cloudman said the River of Lakes has started virtual meetings this month for simplicity. Every other month the meetings will be held in person. The next meeting is in DeLeon Springs and Commissioner Cloudman invited anyone who wishes to attend. River of Lakes representatives are revisiting the idea to encourage jurisdictions to start sending their representatives to the meetings. DeLand has always had someone present at the meetings. Commissioner Cloudman stated they also spoke about the FDOT Scenic Highway Byway state workshop that will be held in St. Augustine later this month. Updates from membership organizations were provided and he spoke about the success of the recent dog parade in DeLand.

River of Lakes is still working on signage, there is a delay in receiving the signs for the Scenic Highway designation.

REPORT RE VOLUSIA-FLAGLER TPO

River to Sea TPO continues to search for an executive director. Commissioner Cloudman said there are five finalists who will be interviewed next week. On Thursday, March 31, 2022, executive search members will meet with the finalists and at 5:00 p.m. that evening there will be a meet and greet for public participation. The following day, TPO members will have roughly seven hours of interviews with the entire executive search committee and one candidate will be chosen as a recommendation to the full board at their April meeting.

The TPO is updating their unified work plan and will have a presentation this month during the annual call for projects and the project prioritization process. A vote will take place the following month after the presentation.

CITY MANAGER REPORT

Mr. Pleus appeared in front of the Volusia Forever Board on March 10, 2022, to discuss acquisition of a 126 acre parcel immediately north of the Gardens. The purpose of the meeting was to determine whether the project would go on the "A" or the "B" list and it was placed on the "A" list. This is great news for the City of DeLand and the recommendation will go to the County Council for approval. Once A-list projects are approved, negotiations will begin with the appraisal process in place to determine cost of the properties. The City would then commit to a matching amount as determined by an appraisal. The City's intent would be to turn this property into a passive park.

Commissioner Cloudman mentioned positive feedback he has heard from members of the Volusia Forever board on how well Mr. Pleus presented. They are very positive about the City's commitment.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Commissioner Reid thanked the Finance Department for their efforts on the audit process. He looks forward to serving on that committee again in the future.

Commissioner Cloudman thanked the Parks and Recreation Department for the Shamrock and Shenanigans event. There was pretty good attendance and it was a nice public event. He also mentioned the childhood cancer foundation was active on St. Patrick's Day with approximately 300 attendees to support the cause.

Commissioner Davis thanked staff for the opportunity for strategic planning. It was good to interact with staff and learn of their great insights. She reported having attended the Black Caucus, as Secretary on the Board, and she has presented the idea of a field trip to Kissimmee City Hall to observe their above and underground city recycling systems.

Commissioner Davis met with Dr. Tara Williams, St. Petersburg College, and is finding a lot of students who do not want to be employees, but favor being entrepreneurs. She stated everyone is going to have to start rethinking employment in the future rather than just thinking about hiring full time employees. The trend seems to be people want to work on contract rather than being full time.

Commissioner Davis said Sharon Berrian, Director, Membership Relations at Florida League of Cities, will be retiring. She has done a lot for the Cities and a Proclamation will be requested from the City of DeLand.

Mayor Apgar reported attending the Team Volusia meeting recently.

Mayor Apgar announced the upcoming Volusia League of Cities dinner on Thursday evening.

Mayor Apgar said March 30, 2022, three individuals will be honored at the Sanborn Center including members of the City of DeLand Fire and Police Departments as well as someone from the Sheriff's Office.

April 1, 2022, is the Mayor's golf tournament and sign ups are available and welcome.

This Saturday is the wildflower festival in downtown DeLand. CPS and other members of the skydive industry will host parachutes for patriots at the same time. The Outdoor Art Festival is Saturday and Sunday in the park. He also mentioned Little League opening ceremonies will be held at 1:30 p.m. on Saturday and he will be speaking.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:57 p.m.

_____
Julie A. Hennessy, MMC
City Clerk – Auditor

RESPECTFULLY SUBMITTED:

/s/ **Gwen Keough-Johns**
Gwen Keough-Johns, MMC
City Clerk Associates, LLC

APPROVED ON:

_____
City Commission Meeting Date

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, APRIL 4, 2022, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

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

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

Mayor Apgar added agenda item #6 – Election Resolution, under New Business.

INVOCATION:

The second reading of Beresford Reserve is tentatively scheduled for May 9, 2022.

Commissioner Paiva is out of town and will not be joining the meeting this evening.

Pastor Mike Carroll, First Assembly DeLand, gave the Invocation.

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

ROLL CALL

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

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

PRESENTATIONS

1. Art in Public Places, Blue Lake Elementary

Mayor Apgar stated artwork has been displayed on the second floor of City Hall. Commissioner Davis read a list of names for each student receiving a certificate of appreciation for their participation in the Art in Public Places program through Blue Lake Academy. Commissioner Cloudman presented certificates to the following students:

Emma Rathbun	Emma-Grace Bordonada	Chesti Duarte
Julie Kunzer	Margarito Ugarte	Kaia King
Uriah Rodriguez	Ariays Mares	Iyonna Godwin
Sophia Fiumano	Delanie Hughes	Teresita Rassi
Elaina Skeek	Anna Wager	Annabelle Foster
Tony Taylor	Logan Davis	Wes Winewica
Carter McKay		

2. Proclamation, National Healthcare Decisions Month

Commissioner Davis read the Proclamation for National Healthcare Decisions Month. Commissioner Reid presented the Proclamation to Hospice.

Whereas, National Healthcare Decision Day is recognized across our nation on April 16, 2022, to raise public awareness of the need to plan ahead for health-care decisions, especially those related to end of life care and medical decision-making when patients are unable to speak for themselves, and to encourage the specific use of advanced directives to communicate these important health care decisions; and

Whereas, many DeLand residents have not yet prepared for health-care decisions in times of crisis or at end of life, nor had important conversations with their families and their healthcare with their families and documented those decisions; and

Whereas, it is likely a significant reason for these low percentages is that there is both a lack of awareness and an uncertainty in the public about Advanced Directives; and

Whereas, one of the goals of Healthcare Decisions Day is to raise awareness and provide clear and consistent information to the public about advanced directives, as well as to encourage medical professionals and lawyers to volunteer their time and efforts to improve public knowledge and increase the number of citizens with advanced directives; and

Whereas, Haven Hospice and other healthcare providers endorses this event and are committed to educating the public during the month of April to stress the importance of discussing health care choices and executing advance directives to make their wishes known.

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

National Healthcare Decisions Month

in the City of DeLand and urge all citizens of DeLand to recognize and raise awareness to National Healthcare Decisions Month.

Done and Proclaimed this 4th day of April 2022.

/s/ Robert F. Apgar
Mayor

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

3. Proclamation, Water Conservation Month

Commissioner Cloudman read the Proclamation. Commissioner Davis presented the Proclamation to Chad Gamble, Public Services Director.

Whereas, water is a basic and essential need of every living creature; and

Whereas, the State of Florida, Water Management Districts and DeLand are working together to increase awareness about the importance of water conservation; and

Whereas, DeLand and The State of Florida has designated April, typically a dry month when water demands are most acute, Florida's Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources; and

Whereas, DeLand has always encouraged and supported water conservation, through various educational programs and special events; and

Whereas, every business, industry, school, and citizen can help by saving water and thus promote a healthy economy and community.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, do hereby proclaim January 3, 2022 as:

Water Conservation Month

in the City of DeLand and urge all citizens of DeLand to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

Done and Proclaimed this 4th day of April 2022.

/s/ Robert F. Apgar
Mayor

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

4. Introduction of New Police Officer, Griffin Bernardo

Police Chief Umberger introduced Officer Griffin Bernardo, sworn in on March 14, 2022. Officer Bernardo was born in Longwood, Florida and notes he is the oldest of three with two sisters. He graduated from Lake Brantley High School, subsequently graduating from the University of Central Florida with a Criminal Justice Degree. Officer Bernardo attended the Daytona State Police Academy and graduated in March. Jenna, Officer Bernardo's fiancé pinned his badge.

5. Certificate of Appreciation in Honor of the Retirement of Detective Thomas Gillan

Commissioner Cloudman read the Certificate of Appreciation for Detective Thomas Gillan. Commissioner Davis presented the Certificate to Detective Gillan.

Whereas, Detective Thomas Gillan, after thirteen years of service to this community, retired as a sworn Police Officer on March 24, 2022; and

Whereas, Detective Thomas Gillan has dedicated his career to the safety and protection of our community, serving well and faithfully as an Officer of the DeLand Police Department; and

Whereas, Detective Gillan was hired as a Police Officer by the City of DeLand on July 7, 2008; and

Whereas, Detective Gillan began his career with DeLand Police Department serving as an officer in the Patrol Division and has worked as a detective in the Criminal Investigations Division since 2018; and

Whereas, during Detective Gillan's professional career he received numerous commendations and letters of recognition in honor of his outstanding performance. He has been loyal to his fellow officers and the community throughout his career; and

Whereas, Detective Thomas Gillan's dedication and commitment to the City of DeLand and to the DeLand Police Department has earned the respect, admiration, and high regard of his superiors and his fellow officers, as well as that of the citizens of this community; and

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, and on behalf of the DeLand City Commission do hereby present to Detective Thomas Gillan this Certificate of Recognition and extend to him our appreciation for his dedicated commitment to the City of DeLand, to his fellow employees and to the members of the community.

Done and Proclaimed this 4th day of April 2022.

/s/ Robert F. Apgar
Mayor

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

Commissioner Cloudman made a motion to approve consent agenda item #1, award of Detective Gillan's service weapon. Commissioner Reid seconded the motion, which carried by a unanimous vote.

6. Resolution No. 2022-23, in Honor of the Retirement of Lieutenant Chris Jaques

Mayor Apgar announced Lieutenant Jaques was unable to attend the meeting this evening. He asked for a motion to adopt the resolution and consent agenda item #2.

Commissioner Cloudman made a motion to approve the retirement resolution and consent agenda item #2, award of Lieutenant Jaques' service weapon. Commissioner Reid seconded the motion, which carried by a unanimous vote.

CONSENT AGENDA

1. Resolution Approving Surplus of Glock Firearm for Detective Thomas Gillan Upon His Retirement – approved under Presentations
2. Resolution Approving Surplus of Glock Firearm for Lieutenant Chris Jaques Upon His Retirement – approved under Presentations
3. Resolution Approving Budget Amendment for FY 21-22
4. Resolution Approving Sole Source Purchase, ESRI 3-Year Agreement
5. Consideration re Settlement re John Anderson, et al vs. City of DeLand (Workman Compensation Case)
6. Consideration re First Amendment to Property Access Agreement for Brownfield Program Groundwater Testing
7. Consideration re Award of Bid for South Reclaim Pump House & Reclaimed Water Main Extension
8. Consideration re Task Order Assignment, South Reclaim Pump Station CEI Services
9. Consideration re West Volusia Water Suppliers Interlocal Agreement for Water Capital Project Planning and Programming
10. Consideration re Award of Bid for Melching Field – Field Improvements – Bid No. 22-08
11. Consideration re Recognition of "Right of First Refusal" between MT Propeller USA, Inc., and the City of DeLand
12. Consideration re Agreement for Acquisition of Parcels from Jose Ramirez, Relating to the Utility Administration Center and the Upgrading and Improvement of the Utility Plant Complex and Facilities

Commissioner Davis made a motion to approve items 3 - 12 on the consent agenda. Commissioner Reid seconded the motion, which carried by a unanimous vote.

Mayor Apgar commented on consent agenda item #9, one of the best decisions that all of West Volusia has ever made. He said this agreement allows cooperative work to ensure a long-term sustainable and affordable potable water supply for all of west Volusia which includes the City of DeLand.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

There were none.

OLD BUSINESS

1. Second Reading of Ordinance No. 2022-04, Changing the Zoning from C-2, Commercial and R-1, Single Family to 425 South Planned Development at 425 South Woodland Boulevard

Mr. Elkind, City Attorney, read Ordinance No. 2022-04 by title only.

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM CITY OF DELAND'S C-2, GENERAL COMMERCIAL AND R-1, SINGLE FAMILY TO 425 SOUTH PD, PLANNED DEVELOPMENT, ON PROPERTY LOCATED AT 425 SOUTH WOODLAND BOULEVARD; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 2.09 ± ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

Michael Holmes, Planning Director, noted two comments regarding parking accommodations. The developer recognized and acknowledged the comments but did not make the physical change in the PD at this time.

Mayor Apgar closed the Public Hearing.

Commissioner Davis made a motion to the Ordinance. Commissioner Reid seconded the motion, which carried by the following roll call vote.

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

2. Second Reading of Ordinance No. 2022-05, Changing the Zoning from Volusia County R-4, Urban Single-Family, to City of DeLand Park's Toyota PD, Located at 230 East Taylor Road, for approximately 2.36 Acres of Property

Mr. Elkind, City Attorney, read Ordinance No. 2022-05 by title only.

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S R-4, URBAN SINGLE-FAMILY TO CITY'S PLANNED DEVELOPMENT (DELAND TOYOTA PD), ON PROPERTY LOCATED AT 230 EAST TAYLOR ROAD; AMENDING THE PLANNED DEVELOPMENT PLAN BY ADDING APPROXIMATELY ± 2.36 ACRES OF PROPERTY; BY AMENDING ORDINANCE NO. 2012-03; WHICH APPROVED THE DEVELOPMENT PLAN FOR DELAND TOYOTA PD; AND AS AMENDED BY ORDINANCE NO. 2015-13; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing. There being no comment, the Public Hearing was closed.
Commissioner Davis made a motion to approve the Ordinance upon second reading.
Commissioner Reid seconded the motion, which carried by the following roll call vote.

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

3. Second Reading of Ordinance Amending Chapter 33 "Land Development Regulations" Amending Section 33-17.23 "Allowed Uses in Commercial and Industrial Zoning Districts to Allow Veterinary Services Use in a P-1 Classification

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

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING CHAPTER 33 "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF ORDINANCES FOR THE CITY OF DELAND; BY AMENDING SECTION 33-17.23 "ALLOWED USES IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS";

PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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

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

NEW BUSINESS

1. Resolution Approving Community Development Block Grant (CDBG) Budget for Fiscal Year 2022-2023

Commissioner Cloudman asked if the board has become repetitive with regard to getting a quorum, or if it is just due to the meetings not being held often. Mr. Elkind said there are some vacancies on the board.

Ms. Hennessy, City Clerk-Auditor, stated the vacancies have been advertised and will be announced at the end of the meeting. At this time there are no applications on file.

Commissioner Cloudman made a motion to approve the Resolution. Commissioner Davis seconded the motion.

The motion was approved by a unanimous vote.

2. Resolution Approving Final Subdivision Plat – Victoria Oaks Phase D, Located West of the Terminus of Camilla Drive and Diana Way

Commissioner Reid made a motion to approve the Resolution. Commissioner Cloudman seconded the motion.

The motion was approved by a unanimous vote.

3. Consideration re Tree Replacement/Funding Agreement for Cresswind DeLand Phase 1

Commissioner Cloudman asked for clarification with regard to the applicant bonding the remaining amount. If things change and future phases are not built out, the City will be protected by the bond.

Commissioner Cloudman made a motion to approve the agreement. Commissioner Davis seconded the motion.

The motion was approved by a unanimous vote.

4. Consideration re Agreement to Exchange Real Property with DEPROP, LLC, Relating to the Beresford Avenue Extension Road Improvement Project

Mayor Apgar said with the forthcoming change in administration at the school board, it is important to get issues such as this approved and moving forward.

Mr. Pleus said the school board meeting is April 7, 2022, where they will approve the agreement for the remainder of the property. Mr. Elkind continues to make contact with the school board.

Commissioner Cloudman made a motion to approve the agreement. Commissioner Davis seconded the motion.

The motion was approved by a unanimous vote.

5. Consideration re Agreement with Volusia County School Board for Use of Athletic Facilities

Mr. Pleus said the goal is to get the longer-term agreement done before the beginning of the school year and before Dr. Fritz vacates office.

Commissioner Davis made a motion to approve the agreement. Commissioner Paiva seconded the motion.

The motion was approved by a unanimous vote.

6. Resolution Calling for General, Special and Run-off Elections (added to the agenda)

Commissioner Reid made a motion to approve the resolution. Commissioner Cloudman seconded the motion.

The motion was approved by a unanimous vote.

MAYOR APGAR

CITY MANAGER REPORT

Mr. Pleus stated at the last meeting City Commission approved a resolution placing a pause on annexations. During the pause, staff has been directed to evaluate options for adding new land use categories or amending existing land use categories to provide lower densities that may be more

appropriate for certain areas in the City. Staff has been directed to provide an estimated timeline to present to the Commission. It is believed by the end of July staff will have something prepared for consideration by City Commission.

Staff has been working on an overhaul of the Land Development Regulations, and that process will begin in the fall. It will present a good opportunity for public engagement to talk about some ideas, and staff has already begun to consider elements that have been discussed by City Commissioners, including low impact development and Florida friendly landscaping. The City has contracted with the Central Florida Regional Planning Council, but he believes it will also be good to have a technical group to take the ideas generated and turn them into Land Development Regulations. This process is anticipated to take about one year to complete.

Some Commissioners discussed the previous overhaul of the Land Development Regulations.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Ms. Hennessy announced vacancies for the CATF.

Ms. Hennessy will be out of the office next week to tend to her ailing father.

CITY COMMISSION

Commissioner Cloudman said event season has begun. It is a great time to be in DeLand.

Commissioner Davis mentioned the board appointments. She asked if vacancies could be advertised on social media more frequently.

Commissioner Reid said as CFO for House Next Door, he proposed a book drive to the City Commission, and he would like to call it the DeLand Commission Reading Book Drive. The way this would work is, students would earn a book every week to grow their personal libraries. The program would be targeted toward the grade levels and work with local independent bookstores, using them as the purchase point for books. Many of the books cost $5.00 or less. This program would begin April 30, 2022 and go through the end of May with a goal of raising over 400 books to distribute to local children.

Commissioner Davis was very supportive. Commissioner Reid said with the reading counts, students would be ready to test when school starts. Many of the children served in this program come from lower economic areas and if everyone just did one book, it would be a great help.

Commissioner Davis mentioned there will be no FSA beginning next year. Commissioner Reid said Scholastic has the reading count lists.

Mayor Apgar mentioned the golf tournament and thanked all sponsors who made it possible. He said the weather held off and it was a successful event. He also thanked staff for their hard work in making the event a success.

Mayor Apgar mentioned the Volusia League of Cities Dinner event and stated it was great. He thanked all who worked on that event.

Mayor Apgar said this coming Thursday is the State of the Region at the Center in Deltona at 11:30 a.m.

Mayor Apgar mentioned May 27, 2022, is the scheduled date for the annual hurricane lunch and staff education for emergency preparedness.

Mayor Apgar will be out of town next week on vacation returning on Sunday, April 17, 2022.

ADJOURNMENT

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

_____
Julie A. Hennessy, MMC
City Clerk – Auditor

RESPECTFULLY SUBMITTED:

/s/ **Gwen Keough-Johns**
Gwen Keough-Johns, MMC
City Clerk Associates, LLC

APPROVED ON:

_____
City Commission Meeting Date

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

CALL TO ORDER

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

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

INVOCATION:

Pastor Wendell Raulerson, Greater Bethlehem Baptist Church, gave the Invocation.

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

ROLL CALL

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

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk- Auditor; Mike Grebosz, Assistant City Manager; Rick Werbiskis, Community Development Director; Jason Umberger, Police Chief; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Michael Holmes, Planning Director; Rick Hall, Parks and Recreation Director; Ray Underwood, Public Works Director; Ray Bahrami, City Engineer; members of the public and press.

PRESENTATIONS

1. Promotion of Division Chief Justin Desy

Mayor Apgar asked Chief Allen and Justin Desy to come forward.

Fire Chief Allen conducted the ceremony to recognize the promotion of Division Chief Justin Desy. Justin will be replacing Division Chief Dan LaGrange who is retiring end of this week. Justin was hired in December 2004 and has seventeen years of service with the City of DeLand. He was promoted to Engineer in 2007, promoted to Lieutenant in 2015 and promoted to Battalion

Chief in 2018. Last month, Justin graduated from the National Fire Academy's Executive Officers Program. The program is known to have a very rigid selection process with only 30% of participants achieving completion. The program consists of four years attendance at the academy, and four additional thesis style projects, the last one of which Justin had defended in front of a peer review committee. A very select group, representing approximately 1% of fire service senior staff positions in the United States, has finished the National Fire Academy's Executive Officers Program. Justin recently obtained credentials as a Chief Fire Officer which involves a process that ensures professional development and career excellence in the profession. He holds a Master' Degree in Public Administration from Barry University. The City of DeLand is fortunate to have employees like Division Chief Desy, joined by his mother Gail and his children Justin and Olivia.

CONSENT AGENDA

1. Resolution Approving the Support of the Alabama Greenway ECHO Application – FY 2022/2023
2. Resolution approving the Support of Melching Field ECHO Application – FY 2022-2023
3. Resolution Approving the Support of Jackson Lane Playground ECHO Application – FY 2022-2023
4. Consideration re Amendment to Ground Lease Agreement, Daytona Airport Hangars, Inc.
5. Consideration re Utility Service Agreement and Fair Share Agreement for Beresford Woods
6. Recommendation re Public Service Department Complex Improvements 2022 RFP
7. Resolution Approving Sidewalk Café for The Parched Oak Located at 145 North Woodland Boulevard
8. Resolution Approving Temporary Sidewalk Café, El Taco Rico Mexican Kitchen LLC, at 210 North Woodland Boulevard
9. Resolution Authorizing Election of Standard Allowance for Revenue Loss (ARPA Funds)

Commissioners as to have items 1 – 3 removed from the consent agenda for discussion.

Commissioner Paiva made a motion to approve items 4 - 9 on the consent agenda. Commissioner Cloudman seconded the motion, which carried by a unanimous vote.

Commissioner Cloudman noted the City is applying for three different ECHO applications to improve the lifestyle and enjoyment for the citizens of DeLand.

Commissioner Paiva thanked staff for working hard and being diligent with the ECHO application process. He is very excited about all three projects. He is confident the City of DeLand will be successful in receiving the ECHO funds. This will create more options for DeLand to be a pedestrian friendly city.

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

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

George Graves, 1215 S. Spring Garden Avenue and retired City of DeLand Fire Chief, stated it was great seeing the promotion earlier this evening. Mr. Graves asked for some help with regard to Beresford Woods subdivision which surrounds him on two sides. Last night there was flooding and the water flowed to the inside of his house. Recently land clearing was done from the north side of Gail Drive from Spring Garden out to the Truck Route. Subsequently, sod was laid, which made that property a higher elevation than Mr. Graves' property. He said the newly sodded area is even higher in elevation than the center of the road.

Michael Pleus, City Manager, stated Ray Bahrami, City Engineer, will contact Mr. Graves promptly and arrange a visit to evaluate what can be done to rectify this problem. The City will take a look at the situation and work with the developer to find a solution.

NEW BUSINESS

1. First Reading of Ordinance Amending Land Development Regulations Changes to Address Affordable Housing and Nonconforming Conditions

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

ORDINANCE NO. 2022-___

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING VARIOUS SECTIONS WITHIN THE CODE OF ORDINANCES OF THE CITY OF DELAND/LAND DEVELOPMENT REGULATIONS (LDRS) RELATING TO AFFORDABLE HOUSING, NONCONFORMING BUILDINGS, STRUCTURES, LOTS AND USES, AND OTHER LAND DEVELOPMENT MATTERS TO INCLUDE, BUT NOT BE LIMITED TO, SECTION 33-12; SECTION 33-17; SECTIONS 33-17.01 THROUGH SECTIONS 33-17.05; SECTIONS 33-17.07 THROUGH SECTION 33-17.12; SECTION 33-17.17; SECTION 33-17.23; SECTION 33-19; SECTION 33-19.13; SECTION 33-25; SECTION 33-91.03; SUBSECTION (F); SECTION 33-101; SECTION 33-101.01; SECTION 33-102; SECTION 33-102.02; SECTION 33-102.03; SECTION 33-102.04; SECTION 33-102.05; SECTION 33-103; SECTION 33-103.01; SECTION 33-103.02; SECTION 33-103.03; SECTION 33-103.04; SECTION 33-103.05; BY CREATING NEW PROVISIONS OF THE LDRS; REPEALING SECTIONS 33-33.01 (E)(10) AND SECTION 33-145.04 WHILE ALSO ELIMINATING AND REVISING THE TEXT OF NUMEROUS PROVISIONS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR WAIVER OR DEFERRAL OF IMPACT FEES FOR AFFORDABLE HOUSING AS AUTHORIZED BY SECTION 163.31801 (11), FLORIDA STATUTES; PROVIDING FOR DIVERSE IMPLEMENTING ADMINISTRATIVE ACTIONS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION ACTIONS OF A DIVERSE NATURE TO INCLUDE, BUT NOT BE LIMITED TO, MOVING SUBSECTION 33-102.04 (D) TO

ARTICLE VII OF CHAPTER 33 WITH REGARD TO THE REGULATION OF SIGNS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

Mayor Apgar stated the Commission has held discussions over the past several meetings about changes needed in the Land Development Regulations. This is not a comprehensive resolution but will be instrumental in providing more options to ensure affordable housing in the community.

Mike Holmes, Planning Director, stated there are a few amendments staff was directed to make in order to simplify development in the core area under current straight zoning. This will not impact existing Planned Developments.

The ordinance proposes updates to the LDRs by providing amendments to existing regulations intended to remove impediments and provide greater flexibility for the creation of affordable housing units. The two broad areas that the proposed amendments address are: 1) lessening/relaxing onerous LDR requirements to promote the construction of dwellings by developers and organizations to provide reasonably priced units; and 2) to allow exiting structures or lots that currently don't comply with current regulations to be renovated or expanded by removing the stigma of properties or structures being labeled as nonconforming. One of the key components to these revisions is to reduce the minimum size of living units. Currently, the minimum size of single-family dwellings ranges from 1,000 to 1,800 square feet. Staff originally recommended that the minimum for all single-family dwellings be reduced to 900 sq ft for all categories, which could be reduced further if directed by the Commission. At the Planning Board hearing, testimony was received by a representative from Habitat for Humanity requesting the minimum house size (minimum floor area under heat and air) be further reduced to 500 sq ft to mirror the size of existing houses within neighborhoods that are creating new housing and to also provide greater affordability for new housing units. The Planning Board, as a whole, was not opposed to a further reduction in house size but ultimately decided to go along with the staff recommendation and revisit it at a later date, if necessary. Community Development staff is supportive of incorporating this further reduction for Commission second reading. Also, the minimum living area for housing units in the downtown is being proposed to be removed entirely to create greater flexibility.

The Planning Board held a special meeting on March 9, 2022, to hear and act upon the proposed amendments. Two additional revisions have been proposed by staff to further address affordable housing: 1) change the definition of multifamily dwelling to include the entire site of a project and not just the buildings. This will allow small development that may contain 3 or more units on the same parcel, but not in the same building. This will allow existing multifamily in single family zoning districts to be addressed with the changes in the nonconforming section of the LDRs. It will also accommodate a new trend in multifamily projects that utilizes single family style structures in the rental arena. 2) simplifying the ADU (accessory dwelling unit) definition to state the maximum size of the ADUs is 800 sq ft rather than basing the size of the ADU on the lot size.

The number of parking spaces and the amount of impervious will be the limiting factors for the ultimate size of the unit. Staff is recommending approval of this ordinance upon first reading. If necessary, revisions will be made to the ordinance to address comments and suggestions from the Commission prior to the second reading.

Commissioner Reid said in looking at PDs and making changes to multifamily, his main concern is the parking component. Reducing the parking down to two may create additional parking issues to those issues already being experienced by the city. Mr. Holmes responded the reduction in parking will not correct parking on yards or streets, regardless of the number of spaces provided. The changes are intended to ensure existing dwelling units with a single car garage are considered conforming uses. This is being done to reduce costs. The requirement, as proposed, would be two paved parking spaces and a garage would not be required.

Commissioner Reid expressed concern with this ordinance as proposed because it could create a situation where residents end up parking on their lawns or on the street. He understands eliminating the garage requirement but really prefers the four spaces.

Mr. Pleus suggested a compromise where the new standard could be tied to the square footage of a structure. Commissioner Reid asked if an ancillary dwelling unit could be constructed with a 900 sq ft house. Mr. Holmes said it would depend upon how many bedrooms there are in the ADU.

Rick Werbiskis, Community Development Director, stated historically the City has generally required two parking spaces. The four parking spaces is fairly new and DeLand is unique in using this requirement. The industry standard is for two parking spaces per dwelling unit.

Commissioner Paiva said with the number of parking issues he does not see enforced throughout the City, he agrees with Commissioner Reid when it comes to a reduction in the requirement for fewer parking spaces.

Commissioner Davis thanked staff members for all efforts being made to accommodate and create affordable housing. Mr. Holmes said this affordable housing initiative is to allow the opportunity for someone to build more modestly priced homes. Staff is waiting to find out what action the County will take for the provision of affordable housing. Commissioner Davis does see how this ordinance could be used for an intent other than the intent for which it is being considered.

Commissioner Cloudman said the intent of this ordinance is to make affordable housing available, even though it is not the ultimate answer. He would be interested in a discussion pertaining to the allowance of less than 900 sq ft homes. He asked why there has to be a minimum square footage requirement.

Randy Jenkins, 3727 Atlantic Blvd, Daytona Beach Shores and Executive Director and CEO of West Volusia Habitat for Humanity, pointed out one of the best ways to have affordable housing is to take advantage of nonconforming lots throughout the city. Habitat for Humanity needs the

ability to place 600 – 700 sq. f.t homes, as well as, to use smaller lots. He encouraged the Commission to allow enough flexibility that the existing inventory can be used for affordable housing.

Mayor Apgar closed the Public Hearing.

Mayor Apgar said the goal is to use infill for affordable housing. In the downtown commercial district, there is no square footage requirement for certain multifamily units. However, the City still has a health- safety obligation. He feels there should be a minimum square footage.

Mr. Werbiskis said staff will look into this further but the Florida Building Code does contain minimum living standards.

Mayor Apgar asked if there needs to be a distinction between a fully equipped kitchen ADU capped at 800 sq ft versus another category that does not include a fully equipped kitchen. His point was with today's tabletop appliances such as crock pots, instant pots, microwave ovens, etc., a person could potentially live without a fully functional kitchen. Mayor Apgar also mentioned situations in where there may not be fully equipped kitchen in individual living units, but in addition to tabletop small appliances which serve the daily need, the neighborhood may have a larger room or building where a fully equipped kitchen is located for the purpose of gathering and socialization. He said it is important to consider these types of things in order to solve the affordable housing crisis.

Commissioner Cloudman expressed concern about over thinking or over regulating affordable housing to the point where it becomes unaffordable. He said the Commission could empower staff to get projects through the process more efficiently.

Mr. Pleus said last year two basic strategies were identified by the City Commission. One was infill and the other was new development. With recommendations that will be made to the County Council, city staff will be attending those meetings and informing the Commission. In addition, with a major overhaul of the LDRs, affordable housing will be addressed throughout the process.

Commissioner Davis asked about the 30% salary requirement used by Habitat for Humanity homeowners. Mr. Jenkins said they are focused on the 30% salary and that is what drives the price of the homes. He said probably the biggest impact is the volunteer labor and donated materials.

Commissioner Cloudman asked with the county having a minimum of 600 sq ft if the Commission would consider the same or similar. He continues to feel concerned about those properties in the City that are adjacent to county parcels.

Mayor Apgar would not be opposed to 600 sq ft but thinks it might be better to take it slower in order to get a basic foundation. The square footage can be revisited at a later time if necessary.

Mr. Holmes reiterated points made during the discussion and stated staff will bring some information back with regard to multi-family, no minimum square footage requirements downtown and community kitchens, as well as non-conforming lots and trying to find ways to make them buildable.

Commissioner Paiva made a motion to approve the ordinance on first reading. Commissioner Reid seconded the motion.

Commissioner Cloudman would like for DeLand to be aligned with the county.

Commissioner Reid asked staff to find out the minimum size home in the county. Mr. Holmes said all of the information discussed tonight will be collected and made available.

The motion carried by the following roll call vote.

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

2. Resolution Approving Special Exception to Allow an Accessory Dwelling Unit, Located at 515 West Florence Avenue

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

Commissioner Paiva made a motion to approve the resolution. Commissioner Davis seconded the motion.

The motion was approved by a unanimous vote.

3. Resolution Approving Final Plat, Canopy Terrace Subdivision

Commissioner Reid made a motion to approve the Resolution. Commissioner Davis seconded the motion.

The motion as approved by a unanimous voice vote.

4. Consideration re Appointment of City Commission Member to Solid Waste Contract Selection Committee

Commissioner Paiva made a motion to approve the Appointment of Mayor Apgar. Commissioner Davis seconded the motion.

The motion as approved by a unanimous voice vote.

CITY COMMISSION REPORTS

1. Report re Elected Officials Round Table – did not meet

2. Report re River-to-Sea TPO

Commissioner Cloudman said there will be a board meeting next week. At the last meeting, there were a couple of action items. They amended the 2020-2045 long range transportation plan to include work at the US 1 interchange with Interstate 95, and adding to the scope of the LPGA interchange. There was a UPWP amendment to de-obligate approximately $67,000 in SU funds from the current fiscal year to the next fiscal year. The 2022-2023 to 2023-2024 unified work plan draft was presented to the board. Public comments are being received through April 25, 2022 and adding to it a scope of school safety from being bi-ped to now include vehicle circulation. DeBary recently had some success working with the county and FDOT on one of their schools. With the ever-increasing amount of parent pick-up, blockages have been created which prohibit people from accessing their homes.

The executive/search committee has made a recommendation to the full board to do a six-month extension on the status of interim executive director. She will be presenting a strategic plan to the board for moving forward and at the end of those six months, the board will revisit the search for a permanent executive director.

Commissioner Cloudman said the state-wide FDOT Secretary moved to the Orlando International Airport and he was grateful the district secretary was staying. Jared Perdue has now been appointed to become the State Secretary in Tallahassee.

3. Report re River of Lakes Heritage Corridor

The committee met at the beginning of April and the meeting at DeLeon Springs was rescheduled to next month on the first Monday. The meeting that was held reverted back to online and most of the discussion revolved around last minute submittals for a grant to obtain dollars for advertising and promotion. The local Scenic Byway was not awarded a grant.

CITY MANAGER REPORT

Mr. Pleus stated at the last meeting there was discussion about removing the COVID-19 barriers. He asked if the Commission wanted to address that at this time. Commissioner Paiva had no objection. Commissioner Davis would like to maintain the separated seating.

Mayor Apgar said if the Commission stays spaced out, he said sometimes it is hard for him to hear and understand what everyone is saying. He would be fine with moving the commissioners back together.

Commissioner Davis said others who use the Commission Chamber should have the option to use the barriers.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Commissioner Cloudman – Nothing to report.

Commissioner Paiva – Nothing to report.

Commissioner Davis – stated she attended the first Joyce Cusack Easter Egg hunt which had a nice turnout.

Commissioner Reid – stated the David Rigsby Memorial will be held on April 30, 2022 at Stetson with the dedication of a tree and some benches. The memorial will begin at 2:00 p.m.

Mayor Apgar said the State of the Region was well attended and all messages were well received. The tree giveaway by the breakfast rotary was a success.

Mayor Apgar announced the upcoming retirement event for Dan LaGrange on Thursday at 3:00 p.m. at the firehouse.

Mayor Apgar announced the upcoming scout dinner at 6:00 p.m. at the Sanborn Center this Thursday.

Saturday is Clean Up DeLand and Shred Day.

Also on Saturday, Saint Barnabas will celebrate the 50th anniversary of their school.

Mayor Apgar wished Rick a Happy Birthday, now part of the official record of the City of DeLand.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:29 p.m.

_____
Julie A. Hennessy, MMC
City Clerk – Auditor

RESPECTFULLY SUBMITTED:

/s/ **Gwen Keough-Johns**
Gwen Keough-Johns, MMC
City Clerk Associates, LLC

APPROVED ON:

_____
City Commission Meeting Date

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, OCTOBER 7, 2024, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

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

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

INVOCATION:

Pastor Wendell Raulerson, Greater Bethlehem Baptist Church, gave the Invocation.

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

ROLL CALL

Commissioner Charles Paiva	Present
Commissioner Jessica Davis	Present
Commissioner Dan Reed	Present
Commissioner Kevin Reid	Present
Mayor Chris Cloudman	Present

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk-Auditor; Michael Grebosz, Assistant City Manager; Jason Umberger, Police Chief; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Jim Ailes, Deputy Public Service/Utilities Director; Ray Underwood, Public Works Director; Carol Kuhn, Planning Director; Emily Kunkle, Planner II; Mark Hayward, Human Resources Director; Deborah Glick, Land Development Manager; Belinda Williams-Collins, Senior Planner; Rick Hall, Parks & Recreation Director; Alberto Cirelli, Interim Information Technology Director; Chris Graham, Community Information Manager, and members of the public and the press.

PRESENTATIONS

1. Hometown Hero's Banner Presentation.

Mayor Cloudman introduced Chris Graham, Community Information Manager. Mr. Graham stated there were 39 participants from the community. He noted the program had been ongoing for six years and he read the name of each participant and presented them with a replica banner.

2. City of DeLand Super Star Students of the Month.

Vice Mayor Paiva read about each Super Star Student, and Commissioner Davis presented the certificates.

3. Resolution No. 2024-75, Honoring the retirement of Lieutenant Paul Proctor.

Mayor Cloudman asked Commissioner Dan Reed to read Resolution No. 2024-75 into the record.

RESOLUTION NO. 2024-75

A RESOLUTION OF APPRECIATION AND RECOGNITION BY THE CITY COMMISSION OF THE CITY OF DELAND, FLORIDA, TO LIEUTENANT PAUL PROCTOR UPON HIS RETIREMENT AFTER THIRTY-NINE YEARS OF SERVICE TO THE CITY OF DELAND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Police Lieutenant Paul Proctor has dedicated his career to the safety and protection of our community and the DeLand Police Department, and has been loyal to his fellow officers and the community throughout his career; and

WHEREAS, Lieutenant Paul Proctor was hired as a Police Officer by the City of DeLand on February 11, 1985. He was transferred to the position of Investigator on October 1, 1991. During his career, he was promoted three times. First to the rank of Corporal on June 13, 1992, second to the rank of Sergeant on February 14, 1998, and again to the rank of Lieutenant on October 1, 2000. He retired from the City of DeLan on March 1, 2018, and continued to work for the police department as a part-time Reserve Officer in the Training Division; and

WHEREAS, in 1008, then Corporal Paul Proctor was the team leader for a Special Response Team Competition, and their team finished 17th out of 64 entries in the Special SWAT Association competition. In addition, Cpl. Proctor won first place in the Safariland handgun shooting competition and third place in the Glock Manufacturing individual handgun competition; and

WHEREAS, he was an instructor in the first Citizens Police Academy in 2001. He had the distinct honor of attending the FBI National Academy in 2002. During his career, Lieutenant Proctor earned numerous letters of appreciation and commendations. He was nominated for the DeLand Jaycees Officer of the Year in 1992 after completing a four-year assignment as a drug investigator that resulted in the arrest of nine defendants. In addition, he was nominated for the DeLand American Legion Post 6, Officer of the Year in 1998 for his leadership of the DeLand Entry Team; and

WHEREAS, Lieutenant Paul Proctor was instrumental in the design of two state of the art training facilities: the DeLand PD Firearms Range and the Tactical Training Facility which is used by our officers and outside agency Deputies and Officers to master critical shooting skills keeping both officers and community members safe; and

WHEREAS, Lieutenant Paul Proctor in his capacity as a Reserve Firearms and Range Instructor, conducted outstanding firearms and use of force training for DeLand police officers ensuring officers were highly trained and competent with the use of their duty weapons; and

WHEREAS, Lieutenant Proctor, after thirty-nine years of service to this community, will retire as a sworn Police Lieutenant. His dedication and commitment to the City of DeLand and to the DeLand Police Department has earned the respect, admiration, and high regard of his superiors and his fellow officers, as well as that of the citizens of this community; and

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

Section 1. That the City Commission of the City of DeLand does hereby honor Lieutenant Paul Proctor for his thirty-nine years of service to the City of DeLand and the DeLand Police Department for the duty, honor, courage, integrity, caring, respect, and loyalty he has devoted to the community.

Section 2. This resolution shall be spread upon the minutes of the City Commission of the City of DeLand as part of the permanent memento of the City's thanks and appreciation to Lieutenant Paul Proctor.

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

PASSED AND DULY ADOPTED this 7th day of October 2024.

/s/ Christopher M. Cloudman
Mayor - Commissioner

Attest:

/s/ Julie A. Hennessy
City Clerk - Auditor

4. Proclamation, Fire Prevention Week.

Mayor Cloudman asked Commissioner Davis to read the Proclamation for Fire Prevention Week. Commissioner Kevin Reid presented the Proclamation to Fire Chief Todd Allen.

5. Police Recognition Promotional Changes: Lieutenant Jean Casseus, Corporal Stephanie Nelson. **This item was removed from the Agenda.**

6. Employee Years of Service Awards.

Vice Mayor Paiva read and presented a service award for twenty-five years of dedicated service to Paris Hayden, Sr., Parks and Recreation Department.

Commissioner Dan Reed read and presented a service award for ten years of dedicated service to Timothy E. Hunt, Utilities Department.

CONSENT AGENDA

1. Resolution Approving Surplus of Glock Firearm for Lieutenant Paul Proctor upon his Retirement.

2. Resolution Amending Lead Service Line SRF Loan.

3. Resolution Approving Procurement of Pistol-Mounted Red Dot Sights Using "Special Law Enforcement Trust Fund."

4. Consideration re Award of Request for Proposal 24-04, Impact Fee Study.

5. Consideration re Task Order Assignment, Lift Station #1 Re-Design, Permitting, and Bidding Assistance Services.

6. Consideration re Utility Service Agreement for Taylor Ridge Subdivision.

7. Consideration re Approval of Lease Agreement for the City Health Clinic, Located at 750 West Plymouth Avenue with AAE Management, LLLP.

8. Consideration re Acceptance of License for Landscaping Improvements in Right-of-Way Canopy Terrace Homeowner's Association, Inc.

9. Consideration re Subordination, Non-Disturbance, Attornment and Estoppel Agreement, Prospect Real Estate DeLand, LLC.

Vice Mayor Paiva made a motion to approve consent agenda items 1-0. Commissioner Dan Reed seconded the motion, which carried by a unanimous vote of 5-0.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

Randy Williams addressed the City Commission to discuss his positive experience at a local nondenominational church.

OLD BUSINESS

1. Second Reading of Ordinance No. 2024-38, Changing the Zoning of ±9.51 Acres of Property from Volusia County Transitional Agriculture (A-3) to City of DeLand Single-Family Dwelling (R-1A) Located at 1338 West Plymouth Avenue.

Mr. Elkind read Ordinance No. 2024-38 by title only.

ORDINANCE NO. 2024-38

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA CHANGING THE ZONING FROM VOLUSIA COUNTY'S A-3, TRANSITIONAL AGRICULTURE TO CITY OF DELAND'S R-1A, SINGLE-FAMILY DWELLING ON PROPERTY LOCATED AT 1338 WEST PLYMOUTH 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; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Cloudman opened the public hearing.

Emily Kunkle, Planner II, presented the details of this request for rezoning.

The public hearing was closed.

Vice Mayor Paiva made a motion to approve Ordinance No. 2024-38 on second reading. Commissioner Kevin Reid seconded the motion, which carried by a unanimous vote of 5-0.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Dan Reed	YES
Commissioner Kevin Reid	YES
Mayor Cloudman	YES

2. Second Reading of Ordinance No. 2024-39, Amending the Comprehensive Plan.

Mr. Elkind read Ordinance No. 2024-39 by title only.

ORDINANCE NO. 2024-39

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND BY REVISING THE FOLLOWING ELEMENTS: FUTURE LAND USE, TRANSPORTATION, HOUSING, PUBLIC SERVICES, CONSERVATION, RECREATION AND OPEN SPACE, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENT, AND PUBLIC SCHOOL FACILITIES; AND BY ADDING TWO ADDITIONAL ELEMENTS: ECONOMIC DEVELOPMENT AND PLACEMAKING; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Cloudman opened the public hearing.

Carol Kuhn, Planning Director, presented the details of this request to amend the comprehensive plan. She discussed the comprehensive plan update process that had been followed over the last several months.

The public hearing was closed.

Vice Mayor Paiva made a motion to approve Ordinance No. 2024-39 on second reading. Commissioner Dan Reed seconded the motion, which carried by a unanimous vote of 5-0.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Dan Reed	YES
Commissioner Kevin Reid	YES
Mayor Cloudman	YES

3. Resolution Approving Towns at Summit Preliminary Plat, Located at I-4 and North Summit Avenue (County Road 4139) Continued from 08-05-2024.

Emily Kunkle, Planner II, gave an update on the Resolution for Towns at Summit Preliminary Plat. She presented the concept plan for the project, which is anticipated to be completed in two phases.

Mark Watts, Attorney with Cobb Cole Law Firm, 231 North Woodland Boulevard, stated he could answer any questions. He thanked the City of DeLand staff for their assistance throughout the process and noted the changes that had been made to the project. He said that the city needs to update development standards, and he has volunteered to serve on the committee that will be working on the land development code rewrites.

Mr. Watts stated that he continues to work with City staff regarding sidewalks and the installation of a multi-use trail along Summit Avenue. Mr. Elkind advised that the county has taken a similar position on several projects to avoid sidewalks. When he called the county and explained that a sidewalk was necessary, there were no objections. Mr. Pleus said the bicycle and trail master plan also includes the segment from Earl Brown Park out to Summit Avenue.

Vice Mayor Paiva made a motion to approve the Resolution with replacement of the sidewalk to a multi-use trail. Commissioner Davis seconded the motion, which carried by a unanimous vote of 5-0.

NEW BUSINESS

1. First Reading of Ordinance Changing the Zoning of ± 9.02 Acres of Property, Located at 1600 Orange Camp Road, to Repeal and Replace the Existing I-4 Automall Planned Development with The Orange Camp DeLand Planned Development "Orange Camp DeLand PD."

Mr. Elkind read the Ordinance by title only.

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE I-4 AUTOMALL PLANNED DEVELOPMENT (PD) BY CHANGING THE ZONING OF APPROXIMATELY ±9.02 ACRES OF LAND FROM I-5 AUTOMALL PLANNED DEVELOPMENT (PD) TO ORANGE CAMP DELAND PLANNED DEVELOPMENT (PD) ON PROPERTY LOCATED AT 1600 ORANGE CAMP ROAD; APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY ±9.02 ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPEHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Cloudman opened the public hearing.

Belinda Williams-Collins, Senior Planner, presented the details of this request, and explained two outstanding items of concern from staff regarding the Orange Camp PD. The first was regarding proposed signage for the project, and the second was the 6-foot wall along the site's western boundary.

Michael Woods, an Attorney with Cobb Cole, 231 Woodland Boulevard, presented the project. He discussed the thought process behind the plan, the two points of disagreement with staff, and the applicant's concerns. He provided extensive background information about the subject property and answered questions.

Commissioner Reid expressed safety concerns about the volume of traffic during rush hour trying to exit I-4, knowing there are several various opportunities to change lanes. He asked what type of trigger points would cause potential changes to lighting or signage.

Mr. Woods asked the traffic engineer, Matthew West, LTG Incorporated, 1450 West Grenada Blvd, Ormond Beach, to explain the expected future of this intersection over the next several years. Mr. West stated that his role is transportation planner, not engineer. Part of the overall picture was that the focus of the property being rezoned was not to increase the number of trips that were allowed under the former Planned Development. Commissioner Reid said his concern was more about the timing of trips, with the Automall delivering vehicles during off-peak hours. He said during rush hour, traffic backs up on the existing ramp, taking up a good portion of the existing road infrastructure. He would have liked the entire project to have been developed as a single

project. Mr. Woods stated that because of FDOT's requirement, Stuart is being closed down. All accesses have been shifted as far as possible away from potential conflict points.

Commissioner Davis was in favor of the staff recommendation for an eight (8) foot wall to provide additional sound buffer. While she did not have a preference on the signage, she was willing to consider some type of compromise.

Commissioner Dan Reed agreed with retaining the eight (8) foot wall, given the use of the property. He also thought that compromise could be reached with regard to signage.

Thomas Totin, 214 Stowington Way (Victorian Gardens), discussed the location of the wall. He said the neighbors would appreciate the additional two (2) feet of wall height, as it would also buffer the night lights. He did not express any concern about the signage.

Mr. Kuhn clarified that when the short side of the building is facing a roadway, and there are multiple tenants, signage is calculated off the frontage of the road, which is the shorter side of the building. Staff decided to address this proactively in the PD, providing additional signage. When the monument signs came up, staff felt there was excessive signage, given the fact that there had already been some concessions made for the calculation of signage. She said that under the code, the applicant may have four monument signs without any reallocation of signage.

Mr. Woods said the allocation of the wall signage is less important to the applicant than the allowance for monument signs.

Commissioner Reid wanted to know if the intent of the plaza sign was for buildings on the Lake Helen side. Mr. Woods said the predominant concern was for the Lake Helen side since they would all be using the subject roadway as their access point. Commissioner Reid said Orange Camp is the entrance into DeLand and it is a very nice gateway. Therefore, he was concerned about additional signage for a parcel in the back with another frontage road, even though the proposed signs were nice. Commissioner Reid would prefer another directional monument sign to where the plaza or development sign would be located.

Mayor Cloudman said the whole project is going to appear to be in the City of DeLand. He acknowledged issues that had been discussed. He also affirmed that there would not be any alignment with the off-ramps on the Lake Helen Side. Mr. Woods said FDOT had directed the applicant to locate the accesses as far as possible away from their interchange.

Vice Mayor Paiva was fine with the total amount of signage, but he thought that the plaza sign should be located more toward the middle rather than at the corner.

Mr. Elkind advised the Commission that a meeting will be held tomorrow morning with Lake Helen's City Administrator. There is a settlement agreement that is in large part obsolete. The plan is to rescind that agreement and, at the same time, adopt a new settlement agreement that will

include some issues that are important to Lake Helen, the most important of which is for the City to provide utilities to that area. When they get to the point of doing a development, the City needs to ensure that whatever development takes place in Lake Helen has some cohesiveness with the Victoria Park development since that is the gateway.

The public hearing was closed.

Vice Mayor Paiva made a motion to approve the Ordinance, to include the staff recommendation of the wall and sign placement on first reading. Commissioner Kevin Reid seconded the motion which on roll call, carried by a unanimous vote of 5-0.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Dan Reed	YES
Commissioner Kevin Reid	YES
Mayor Cloudman	YES

2. Continuation of the First Reading of an Ordinance Amending the DeLand Cloisters Planned Development to: add a 1.0-acre lot to the Planned Development; Remove the 55+ Age Restriction; and add uses (DeLand Cloisters).

Vice Mayor Paiva made a motion to continue the Ordinance on first reading to the November 18 2024, meeting. Commissioner Davis seconded the motion which on roll call, carried by a unanimous vote of 5-0.

3. Continuation of First Reading of Ordinance Changing the Land Use Designation for Approximately ± 0.2 Acres of Property, located at 400 East Howry Avenue from Medium Density Residential to High Density Residential (DeLand Cloisters).

Vice Mayor Paiva made a motion to continue the Ordinance on first reading to the November 18, 2024, meeting. Commissioner Davis seconded the motion, which carried by a unanimous vote of 5-0.

CITY MANAGER REPORT

Mr. Pleus spoke about staff preparations for Hurricane Milton. There was a brief discussion.

Mr. Pleus announced that he received a 30-year plaque as a member of the International City Manager's Association.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Vice Mayor Paiva welcomed Commissioner Elect Richard Paiva. He shared sentiments about Hurricane Milton.

Commissioner Dan Reed attended the grand opening of Northwest Square. He shared sentiments about Hurricane Milton.

Commissioner Davis thanked the City Commission for adding the after-school program to the Super Stars recognitions. She shared sentiments about Hurricane Milton.

Commissioner Kevin Reid attended the TPO meeting and stated he would give a report at the next meeting. He shared sentiments about Hurricane Milton.

Mayor Cloudman echoed sentiments shared with regard to managing Hurricane Milton.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 9:40 p.m.

_____
Julie A. Hennessy, MMC
City Clerk – Auditor

RESPECTFULLY SUBMITTED:

/s/ **Gwen Keough-Johns**
Gwen Keough-Johns, MMC
City Clerk Associates, LLC

APPROVED ON:

_____
City Commission Meeting Date

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, OCTOBER 21, 2024, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

The meeting was called to order by Mayor Cloudman at 7:28 p.m.

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

INVOCATION:

Pastor Don Jagers, LifePoint Community Church, gave the Invocation.

PLEDGE OF ALLEGIANCE: A local Boy Scout Troop led the Pledge of Allegiance.

ROLL CALL

Commissioner Charles Paiva	Present
Commissioner Jessica Davis	Present
Commissioner Dan Reed	Present
Commissioner Kevin Reid	Present
Mayor Chris Cloudman	Present

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk-Auditor; Todd Allen, Fire Chief; Michael Grebosz, Assistant City Manager; Jim Ailes, Utilities Director; Raymond Bahrami, Director of Engineering; Ray Underwood, Public Works Director; Rick Werbiskis, Community Development Director; Carol Kuhn, Planning Director; Deborah Glick, Development Services Manager; Nick Conte, Economic Development Manager; Chris Graham, Community Information Manager; members of the public and press.

Mayor Cloudman recognized and thanked City staff for their efforts before, during, and after Hurricane Milton. He noted there are still issues from the storm that are being addressed.

PRESENTATIONS

1. Presentation re the Quarterly Report from the DeLand and Greater West Volusia Chamber of Commerce.

Janet Knauff, CEO of DeLand and Greater West Volusia Chamber of Commerce, gave the business Retention and Expansion 2023-2024 Annual Report.

2. Proclamation, Community Planning Month.

Commissioner Kevin Reid read the Community Planning Month Proclamation, which Commissioner Dan Reed presented to the City of DeLand Planning Staff members.

3. Proclamation, Florida City Government Week.

Vice Mayor Paiva read the Florida City Government Week Proclamation, which Commissioner Davis presented to Michael Pleus, City Manager.

4. Proclamation, Elder Abuse and Exploitation Awareness Week.

Commissioner Dan Reed read the Elder Abuse and Exploitation Awareness Week Proclamation. No presentation was made.

5. Introduction of New Firefighter – Duke Thorsen.

Fire Chief Allen read a short biography and introduced the Fire Department's newest firefighter, Duke Thorsen. Firefighter Thorsen was joined by a friend, who pinned his badge.

CONSENT AGENDA

1. Resolution Approving FY 2023-2024 Budget Amendment.

2. Resolution Approving Sole Source Purchase of Mach Alert Fire Station Alerting Enhancements from Motorola Solutions.

3. Consideration re Acceptance of Right-of-Way Deed – Garfield Avenue.

4. Consideration re Utility Service Agreement for R&C Quality Homes.

5. Consideration re Utility Service Agreement for 1455 McDonald Avenue.

6. Consideration re Agreement for Services Between West Volusia Humane Society, Inc. DBA New Hope Animal Shelter.

7. Consideration re Managed Services Agreement for Gray Quarter.

8. Consideration re Agreement for Disaster Debris Removal, Reduction, and Disposal Services with DRC Emergency Services, LLC.

9. Consideration re Agreement for Disaster Debris Monitoring Services with Thompson Consulting Services LLC.

Vice Mayor Paiva made a motion to approve items 1- 9 on the consent agenda. Commissioner Davis seconded the motion, which carried by a unanimous vote, 5-0.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

The following individuals spoke to the City Commission about the impacts, including flooding, from Hurricane Milton. Some of the speakers displayed photographs and made suggestions for mitigating the impacts of future major weather events.

Raymond Long, 1884 Palmetto Road
Keith Chester, c/o 880 N Kansas Ave
Kent Cooper, 225 N Hill Ave, discussed stormwater runoff near his property in the City of DeLand.
Joan Lee, 424 Lake Winnemissett Drive
Jon Cheney, 1521 Wyngate Drive
Jeaneen Kembro, 1270 Man O War Drive
Lisa Smith, 1520 Rockingham Lane
Ann Miller, 1505 Rockingham Lane
JC Figueredo, 1359 Jackson Woods Road
Heavenly Figueredo, 1359 Jackson Woods Road
Joni Gonzalez, 2225 E New York Ave
Nancy LaRiviere, 2215 E New York Ave
Mara Whitridge, 631 W May St
Donna Pepin, 416 N Blue Lake Terrace
Russell Grant, 1676 Red Mangrove Drive
Earle Hunt, 2520 E New York Ave
Pat Joslin, 1330 E Taylor Road
Susan Shaughnessy, 1323 Jackson Woods Road
Jorge Figuerelo, Sr., 723 Ravenshill Way
Pam Teator, 1335 E Taylor Road

Mr. Pleus presented an update from Hurricane Milton storm impacts. He had photographs of several sustained flooding areas. He said this was the worst rainfall event he had ever seen in DeLand, with more than twenty inches of rain. He discussed specific issues in the City and said staff had estimated approximately $19,724,306 in total damage throughout the City, with 61 properties damaged, 29 being flood-related. He stated that city staff would continue to deal with flooded roads and structures. He provided information about debris collection. He announced that debris should not be placed in bags. Also, construction and demolition (C&D) waste must be separated from storm debris. Mr. Pleus discussed disaster relief supply locations, disaster assistance, and small business emergency loans. He also reviewed the City's Stormwater Masterplan Efforts and assured the public and the City Commission that staff is committed to trying to find solutions through the prioritization and development of a funding and action plan.

OLD BUSINESS

1. Continuation of Second Reading of Ordinance No. 2024-41, Annexing ±0.99 Acre of Property Located on the South Side of Cassadaga Road, West of Interstate 4 (DeLand Tech Park).

Mr. Elkind read Ordinance No. 2024-41 by title only.

ORDINANCE NO. 2024-41

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ANNEXING A PARCEL OF LAND TOTALING APPROXIMATELY ±0.99 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF CASSADAGA ROAD, WEST OF INTERSTATE 4 (DELAND TECH PARK); AMENDING THE CITY BOUNDARIES TO INCLUDE THE ANNEXED PROPERTIES; AFFIRMING COMPLIANCE WITH STATUTORY PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Cloudman opened the public hearing.

Vice Mayor Paiva made a motion to continue the second reading of Ordinance No 2024-41, to the November 4, 2024, City Commission Meeting. Commissioner Dan Reed seconded the motion, which carried with a unanimous vote of 5-0.

2. Continuation of Second Reading of Ordinance No. 2024-42, Changing the Land Use for Approximately 0.987 Acre of Property, Located on the South Side of Cassadaga Road, West of Interstate 4, from Volusia County Urban Low Intensity to City of DeLand Commerce (DeLand Tech Park).

Vice Mayor Paiva made a motion to continue the second reading of Ordinance No 2024-42, to the November 4, 2024, City Commission Meeting. Commissioner Davis seconded the motion, which carried with a unanimous vote of 5-0.

3. Continuation of Second Reading of Ordinance No. 2024-43, First Amendment to the DeLand Tech Park Planned Development: Approximately 143.24 Acres of Property Located on the South Side of Cassadaga Road, West of Interstate 4, to add 3.73 Acres of Property to Allow for off-site Tree Protection Areas. (DeLand Tech Park).

Vice Mayor Paiva made a motion to continue the second reading of Ordinance No 2024-43, to the November 4, 2024, City Commission Meeting. Commissioner Davis seconded the motion, which carried with a unanimous vote of 5-0.

4. Continuation of Second Reading of Ordinance Replacing the I-4 Automall Planned Development with the Orange Camp DeLand Planned Development is Requested to the November 4, 2024 City Commission Meeting.

Vice Mayor Paiva made a motion to continue the second reading of the Ordinance to the November 4, 2024, City Commission Meeting. Commissioner Dan Reed seconded the motion, which was carried with a unanimous vote of 5-0.

NEW BUSINESS

1. Emergency Ordinance Waiving Building Permit Fees and Tree Removal Fees Associated with Impacts from Hurricane Milton.

Mr. Elkind read the Ordinance by title only.

ORDINANCE NO. 2024-__

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ENACTING TEMPORARY EMERGENCY PROCEDURES FOR THE PROCESSING OF BUILDING PERMITS AND WAIVING BUILDING PERMIT FEES FOR HURRICANE REPAIRS, AND WAIVING THE REQUIREMENT FOR PERMITS FOR THE REMOVAL AND REPLACEMENT OF HURRICANE-DAMAGED TREES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Cloudman opened the public hearing.

Mr. Pleus said this type of ordinance is typical during storms. It waives the building permit and tree removal fees associated with storm impact. Mayor Cloudman noted that permits would still be needed, but no fees would be collected.

Vice Mayor Paiva made a motion to approve the Emergency Ordinance. Commissioner Dan Reed seconded the motion, which carried by a unanimous vote of 5-0.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Dan Reed	YES
Commissioner Kevin Reid	YES
Mayor Cloudman	YES

2. Resolution Denying Parking Reduction and Allowance for Off-Site Parking for 84 Affordable Housing Units at 225 West New York Avenue.

Carol Kuhn, Planning Director, presented the resolution and explained the reasoning behind the request. She reviewed staff recommendation of denial for this request.

Vice Mayor Paiva said if dedicated off-site parking was provided for this development specifically, whether it would be acceptable. MS. Kuhn said staff had offered deferred parking, an option in the code.

Mark Watts, Cobb, Cole Law Firm, 231 N Woodland Blvd, gave a presentation about the NY Avenue Apartments. He discussed the request and what led to the request for parking reduction and allowance for off-site parking for residential use. He noted that there was a parking garage dedicated for the 52 bicycles to be stored. He felt there were effective strategies for providing for sufficient parking to serve the development and data analysis to support the reduced parking for the overall site.

Vice Mayor Paiva pointed out from the comparative study that there was no bicycle parking savings on either Taylor Place or the Pines. Mr. Watts affirmed.

Shawn Wilton, Blue Skies, advocated for approval of the request for reduced parking and an off-site parking allowance. He discussed the walkability of the area, and he thought it would bring a new kind of vibrancy to DeLand.

Commissioner Dan Reed discussed parking spaces in DeLand. He did not support the reduction, as requested.

Commissioner Davis said that parking had been an issue in DeLand, and she was hesitant to follow the staff's recommendation. However, she was willing to look into ways of reaching a compromise.

Commissioner Kevin Reid also expressed concern about parking. He noted there were projects around downtown that would also reduce parking in the future. He was open to offsite parking if it was designated for the project, with spots allocated to the residents. However, he was not supportive of a situation where the residents would have to worry about having their vehicles towed away.

Mayor Cloudman shared his remarks, which were consistent with those of his fellow commissioners. He did not necessarily think there would be fewer motor vehicles, although he was not necessarily opposed to having designated parking spaces somewhere down the block. He was not keen on the concept of sharing the county parking lot.

Vice Mayor Paiva made a motion to approve the Resolution to Deny. Commissioner Dan Reed seconded the motion, which carried by a unanimous vote of 5-0.

3. Consideration re Mural Appeal Located at 102 ½ West Rich Avenue.

Mr. Elkind, the City Attorney, provided some background information regarding the appeal of a mural located at 102 ½ West Rich Avenue. He explained the process for murals within the City

and advised that there was a Mural Art Committee. After explaining the Mural Art Committee's process, Mr. Elkind encouraged the City Commissioners to attend one of their meetings. He noted that the committee is composed of artists who collaborate on public art projects, and that they are doing a good job.

Mr. Elkind explained the background of Scott Price's mural, "Back the Blue/Blue Lives Matter," which occurred during the development of a City mural art program. Mr. Price advocated for himself as he appealed the decision made by the City's Mural Art Committee. He discussed the agreement stating that the term of his mural would expire at the end of 2023. He explained why he created the mural in support of law enforcement. Mr. Price did not think it was fair that he had already been through the approval process and had to go through the same process again. He thought the murals were a positive contribution to downtown, and he felt he was being treated differently than others who have murals.

The quality of the mural was discussed during a lengthy discussion. It was suggested that Mr. Price be allowed time to design an alternative design, which may be the same subject matter but better quality. This was thought to be a viable option for Mr. Price.

Mr. Elkind advised the City Commission of what had transpired with the mural, and what action they may take if desired.

Commissioner Davis did not see any issues with the mural. She did not think there was an issue, as long as safety was not in question.

Kieu Moses, Administrator for the Mural Art Committee, emphasized the issue was not with the subject matter, but with the quality of the artwork. There was another mural that was recently painted over because the art was never approved. She encouraged the City Commission to uphold the opinion rendered by the Mural Art Committee.

Bobbie Baugh, 1718 Pine Avenue, Chair of the Mural Committee, explained the deliberation process of the Mural Committee. She said the committee wanted to ensure the murals in DeLand were good quality. She said the location of the mural was inappropriate because it covered architectural elements on a door, and the mural was not well rendered.

Vice Mayor Paiva felt that the mural should be there but should be redone to improve the quality. He also did not think that funding for the mural was an issue.

Mr. Elkind, Attorney, stated that ultimately this is the City's mural art program. This situation is unique because it was done without approval. He advised the City Commission that they have wide discretion. He explained the process by which this mural ended up being appealed to the City Commission.

Vice Mayor Paiva made a motion to uphold the findings of the Mural Art Committee, supporting their decision. Commissioner Dan Reed seconded the motion, which was approved by a vote of 3 -2. Mayor Cloudman and Commissioner Kevin Reid dissented.

CITY COMMISSION REPORTS

Report re Elected Officials Round Table - Nothing to report.

Report re River-to-Sea TPO - Councilmember Kevin Reid gave a report.

Report re River of Lakes Heritage Corridor - Nothing to report.

CITY MANAGER REPORT

Mr. Pleus provided a presentation on storm response and expressed appreciation to the City Commission for their support and also to staff for their hard work.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Vice Mayor Paiva had nothing to report.

Commissioner Davis commented on the storm response and thanked staff for their continued efforts.

Commissioner Dan Reed commented on the storm response.

Commissioner Kevin Reid commented on the storm response.

Mayor Cloudman made announcements and commented on the storm response.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:22 p.m.

Julie A. Hennessy, MMC
City Clerk - Auditor

RESPECTFULLY SUBMITTED:

/s/ **Gwen Keough-Johns**
Gwen Keough-Johns, MMC
City Clerk Associates, LLC

APPROVED ON:

City Commission Meeting Date

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, MARCH 17, 2025, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

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

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

INVOCATION: Pastor Conrad Reid, Royal Temple Free Methodist Church, gave the invocation.

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

ROLL CALL

Commissioner Richard Paiva	Present
Vice Mayor Jessica Davis	Present
Commissioner Dan Reed	Present
Commissioner Kevin Reid	Present
Mayor Chris Cloudman	Present

ALSO PRESENT: Michael Grebosz, Assistant City Manager; Darren J. Elkind, City Attorney; Julia .Hewitt, Deputy City Clerk; Jason Umberger, Police Chief; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Heidi Van Etten, Assistant Finance Director; Rick Werbiskis, Community Development Director; Jim Ailes, Utilities Director; Ray Bahrami, City Engineer; Ray Underwood, Public Works Director; Mariellen Calabro, Deputy Public Works Director; Carol Kuhn, Planning Director; Mark Hayward, Human Resources Director; Rick Hall, Parks and Recreation Director; Chris Graham, Community Information Manager; Debi Glick, Land Development Manager; Kendall Story, Senior Planner; members of the public and press.

PRESENTATIONS

1. Presentation – Volunteer of the Year.

Stephanie Garcia-Mullins and Savannah Griffin were present representing the committee that reviewed all of the applicants. They spoke about the program and announced the Volunteers of the Year.

The nominees in the under 40 category were introduced:

Jaclyn Carrell
Mark Higbee
Marie Johnson
Gary Levesque
Aaron Preston

Aaron Preston was announced as Volunteer of the Year. A biography was shared, and Mr. Preston was congratulated.

The nominees in the over 40 category were introduced:

Georgia Carter-Turner
Anne Marie Willaker

Georgia Carter-Turner was announced as Volunteer of the Year. A biography was shared, and Ms. Carter-Turner was congratulated by the Mayor and City Commission.

Ms. Garcia-Mullins recognized the Volunteer of the Year Committee members and thanked them for their dedicated service. She announced that on March 24, 2025, at 5:30 p.m., a plaque unveiling will be hosted in front of the DeLand Main Street Association building.

2. Introduction of New Police Officers: Tico Stone and Adam Evans.

Police Chief Umberger introduced the new police officers. He read a biography for each of the new officers. Each of the officers recently graduated from the Daytona State Police Academy.

Officer Tico Stone was pinned by his wife, Kimberly Stone.

Officer Adam Evans was pinned by his mother, Mandy Evans.

3. Employee Years of Service Awards.

Commissioner Paiva presented Kenneth Nycum, Parks and Recreation Department, with a plaque for 25 years of dedicated service.

Vice Mayor Davis presented Kim Grebosz, Public Works Department, with a plaque for 20 years of dedicated service.

CONSENT AGENDA

1. Resolution re: Surplus Equipment.

2. Consideration re: Gateway Grant Request for 933 North Woodland Boulevard.

3. Resolution Approving Single-Source Purchase with Boulevard Tire Center for Tire Services Contract.

4. Resolution Approving Sole Source Purchase from Petroleum Technicians, Inc.

5. Resolution Approving Sole Source Purchase City Works Enterprise Annual Software License Agreement.

6. Resolution Approving Final Plat, Trinity Gardens Phase I, located at 791 South Blue Lake Avenue.

7. Resolution Approving Final Plat for Cresswind Phases 2 and 3, located East of Lake Winnemissett and North of Service Road.

8. Resolution Approving Procurement of K-9 using "Special Law Enforcement Trust Fund."

9. Consideration re: Change Order #1 to Freese and Nichols Professional Design Services for David E. Disney Tennis Center/Pickleball Court Expansion and Upgrade.

10. Consideration re: Master Professional Services Agreement with Avcon, Inc. – DeLand Municipal Airport.

11. Consideration re: Utility Service Agreement for Trinity United Methodist Church DeLand.

12. Consideration re: Agreement with Southeast Volusia Humane Society, Inc.

13. Consideration re: Approval of Minutes.

Commissioner Reid requested that items 6-8 be removed from the Consent Agenda.

Vice Mayor Davis made a motion to approve Consent Agenda items 1-5 and 9-13. Commissioner Dan Reed seconded the motion, which carried by a unanimous vote.

In reference to item 6, Commissioner Kevin Reid noted that items 6 and 7 were placed under the Consent Agenda for the first time. He confirmed that the plats had been properly reviewed and were ready for approval.

Commissioner Kevin Reid made a motion to approve Consent Agenda Items 6 and 7. Commissioner Paiva seconded the motion, which carried by a unanimous vote.

In reference to item 8, Commissioner Kevin Reid asked if Chief Umberger knew what type of K-9 was being sought. Chief Umberger stated that this K-9 would be a Labrador Retriever, trained for tracking drugs and human beings.

Commissioner Kevin Reid made a motion to approve Consent Agenda Item 8. Commissioner Dan Reed seconded the motion, which carried by a unanimous vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

Brad Simons, President of the DeLand Shuffleboard Club, noted that the shuffleboards were not included in Consent Agenda Item 9, and he would like to see them included in that project. He also asked if the shuffleboard courts would still have light and if the club members could play during the construction.

OLD BUSINESS

1. Second Reading of Ordinance No. 2025-03, Amending Portions of Section 33-94 of the City of DeLand Land Development Regulations.

Mr. Elkind read the Ordinance by title only.

ORDINANCE NO. 2025-03

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 33-94.01; BY AMENDING SECTION 33-94.02 (C); BY AMENDING SECTION 33-94.03(A)5; BY AMENDING SECTION 33-94.03(H)4; BY AMENDING SECTION 33-94.04; BY AMENDING SECTION 33.94.04 (B); BY AMENDING SECTION 33-94.06(A)(5); AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cloudman opened the public hearing.

Carol Kuhn, Planning Director, presented the Ordinance. She noted the changes were providing for clarifications in the code.

The public hearing was closed.

Commissioner Paiva made a motion to approve the Ordinance on second reading. Commissioner Dan Reed seconded the motion. The motion carried by a unanimous vote.

Vice Mayor Paiva	YES
Commissioner Davis	YES
Commissioner Dan Reed	YES
Commissioner Kevin Reid	YES
Mayor Cloudman	YES

NEW BUSINESS

1. Continuation of First Reading of Ordinance Abandoning 0.198 Acres of Right-of-Way of Church Street, North of Lots 1-7 of the Delmay Subdivision Plat to the April 7, 2025, City Commission Meeting.

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

2. Resolution Approving Combined Preliminary and Final Plats, located at 355 North McDonald Avenue.

Mr. Elkind explained the approval process for plats, which is part of the subdivision approval process.

Belinda Collins, Senior Planner, presented the details of the request to approve combined preliminary and final plats. There was a brief discussion about the lot sizes.

Tommy Braswell, 908 East Ohio Avenue, expressed concern about flooding and asked that the City ensure that there will be a good drainage system for the project. A brief discussion ensued. Mr. Bahrami, City Engineer, explained the requirements for drainage. Mr. Elkind also provided clarifying comments.

Commissioner Kevin Reid made a motion to approve the Resolution. Commissioner Dan Reed seconded the motion, which carried by a unanimous vote.

CITY COMMISSION REPORTS

1. Report re Elected Officials Round Table – Mayor Cloudman gave a report.

2. Report re River-to-Sea TPO – Mayor Cloudman gave an update.

3. Report re River of Lakes Heritage Corridor – No report was given.

CITY MANAGER REPORT

Mr. Grebosz gave a report. He announced the upcoming Legislative Action Days and the Volusia County League of Cities Dinner on March 27, 2025, at the Sanborn Center.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Commissioner Dan Reed had nothing to report.

Commissioner Paiva gave a report. He spoke about his recent ride-along with DeLand Police Officers.

Commissioner Kevin Reid spoke about the LDR Selection Committee and commented on the quality of the City of DeLand staff members.

Vice Mayor Davis gave a report. She recently attended the Team Volusia meeting. She announced the new officers. She announced the March 23, 2025, at 3:00 p.m., 100th Anniversary Celebration at Macedonia Missionary Baptist Church.

Mayor Cloudman announced upcoming events.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:21 p.m.

_____
Julie A. Hennessy, MMC
City Clerk – Auditor

RESPECTFULLY SUBMITTED:

/s/ **Gwen Keough-Johns**
Gwen Keough-Johns, MMC
City Clerk Associates, LLC

APPROVED ON:

_____
City Commission Meeting Date

MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, APRIL 21, 2025, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

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

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

INVOCATION: Pastor Reggie Williams, Emmanuel Christian Church.

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

ROLL CALL

Commissioner Richard Paiva	Present
Vice Mayor Jessica Davis	Present
Commissioner Dan Reed	Absent
Commissioner Kevin Reid	Present
Mayor Chris Cloudman	Present

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julia .Hewitt, Deputy City Clerk; Jonathan Jacob, Document Imaging/Records Specialist; Jason Umberger, Police Chief; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Rick Werbiskis, Community Development Director; Ray Bahrami, City Engineer; Ray Underwood, Public Works Director; Carol Kuhn, Planning Director; Rick Hall, Parks and Recreation Director; Chris Graham, Community Information Manager; Jim Ailes, Utilities Director; Justin Desy, Deputy Fire Chief; Emily Kunkel, Planner II; Debi Glick, Land Development Manager; Kendall Story, Senior Planner; Chris Carson, Senior Planner; members of the public and press.

PRESENTATIONS

1. Introduction of New Firefighters: Madison Alberts, Brandon Bermudez, Evyn Insalaco, Karlie Marini, and Michael Palmer.

Fire Chief Allen introduced the new fire fighters and their families and read a biography for each. Mayor Cloudman and the City Commission welcomed them to the City of DeLand.

Michael Pleus, City Manager, introduced Destiny Wiggins, Public Information Officer for the Public Safety Division. Mayor Cloudman and the City Commission welcomed her to the City of DeLand.

2. Presentation re Fire Accreditation Plaque.

Fire Chief Allen, along with his Union President and Ross Pelletier, announced being the first fire department in the county to become an accredited agency. He commended his team for a job well done in preparing for accreditation.

3. Certificate of Thanks and Appreciation to Jennifer Wilder.

Commissioner Reid read a certificate of thanks and appreciation to Jennifer Wilder and Vice Mayor Davis presented the certificate.

4. Presentation re Employee Years of Service Award.

Mayor Cloudman presented Rick Hall, Parks and Recreation Department, with a plaque for 15 years of dedicated service.

5. Proclamation, Sexual Assault Awareness Month.

Vice Mayor Davis read, and Commissioner Paiva presented the proclamation.

6. Proclamation, Water Safety Month.

Commissioner Paiva read, and Commissioner Reid presented the proclamation.

CONSENT AGENDA

1. Consideration re Utility Service Agreement and Fair Share Agreement for Edgewood Subdivision, Located at the Southwest Corner of the Intersection of West Baresford Avenue and Fatio Road.

2. Consideration re: JL2Architecture Design Services, Jackson Lane Memorial Park Restroom and Pavilion Addition.

Vice Mayor Davis made a motion to approve Consent Agenda items 1-2. Commissioner Kevin Reid seconded the motion, which carried by a unanimous vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

Randy Williams, DeLand/Traverse City, MI shared his journey dealing with alcoholism and addiction. He shared his story with the hope that it would help someone else struggling with addiction.

OLD BUSINESS

1. Continuation of Second Reading of Ordinance Abandoning .0198 Acre of Right-of-Way of Church Street, North of Lots 1-7 of the Delmay Subdivision Plat (Continue to May 5, 2025 Meeting).

Commissioner Kevin Reid made a motion to continue the second reading of the Ordinance to May 5th, 2025. Vice Mayor Davis seconded the motion. The motion carried by a unanimous vote.

NEW BUSINESS

1. First Reading of Ordinance Changing the Zoning for 18.3 Acres of Property. Located at 450 North McDonald Avenue, from Multiple-Family Dwelling District (R-12) to McDonald Property Planned Development (PD).

Mr. Elkind read the Ordinance by title only.

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM CITY OF DELAND'S R-12 MULTI-FAMILY TO MCDONALD PROPERTY PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED 450 NORTH MCDONALD AVENUE; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 18.39± ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTION CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Cloudman opened the public hearing.

Carol Kuhn, Planning Director, presented the Ordinance. She noted the changes were providing for clarifications in the code.

Commissioner Kevin Reid clarified that any development in the future would be required to meet the most updated engineering requirements including the 100-year 24-hour storm event.

Mark Karet of Zev Cohen & Associated, Inc. was present representing the developer and available to answer and questions.

Bruce McDermott, 715 East Michigan Ave, President of Beverly Villas, asked for clarification about the project. He was not in favor of the zoning change. Mr. Karet responded.

The public hearing was closed.

Commissioner Paiva made a motion to approve the Ordinance on first reading. Commissioner Kevin Reid seconded the motion. The motion was carried by a 3-1 vote as follows:

Commissioner Paiva	YES
Vice Mayor Davis	NO
Commissioner Kevin Reid	YES
Mayor Cloudman	YES

2. Resolution Approving Community Development Block Grant (CDBG) Budget for Fiscal Year 2025-2026.

Emily Kunkel, Senior Planner for the City of DeLand, presented the budget resolution. She noted the new changes with the allocation process, allowing for large-scale and impactful projects. She proposed the project for the Old Daytona Road Rebuild and was available for questions. There were no questions.

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

3. Consideration re Approving Extension Request for Class II Site Plan Application, Located at the Northwest Corner of South Woodland Boulevard and Cliff Street.

Chris Carson, Senior Planner, presented the request for a 180-day extension on the application from Clayton Coffee LLC.

Vice Mayor Davis made a motion to approve the Resolution. Commissioner Paiva seconded the motion. The motion was carried by a unanimous vote.

4. Resolution Denying Parking Reduction and Allowance for Off-Site Residential Parking for 84 Affordable Housing Units at 225 West New York Avenue.

Discussions to reduce the required parking by 68 spaces and to allow the use of off-site parking for residential uses, where 188 parking spaces are allowed. The Land Development Code does not allow for off-site parking for residential uses, nor do the Regulations provide for a parking reduction for affordable housing.

Carol Kuhn, Planning Director at the City of DeLand, presented the item. Blue Sky Communities submitted the application. The city does not have parking or off-site residential parking for affordable housing provisions.

Applicant's attorney, Mark Watts, with the law firm Cobb Cole, DeLand commented about the parking spaces needed. Mr. Watts compared the demand for parking spaces within different communities in the area.

Rev. Todd Campbell Jr, of 700 Integra Dunes Circle, DeLand, Chaplin of Stetson University. He expressed concern about the cost for young adults and bright futures for them and is against the additional parking.

Rev. Caitlin Swann, 435 E. Rich Ave, DeLand and serves as a campus Administrator for Stetson University, stated she is for the New York Ave apartments but against the off-site residential parking.

Devon Morris, of 309 S Hayden Ave, DeLand, Executive Producer for Walkable Volusia, indicated that he is against additional parking.

Savannah Jane Griffin, 2861 Shenandoah Road, DeLand, CEO of Neighborhood Center of West Volusia, supports affordable housing with Blue Sky Communities and wants to see the community move forward with parking.

Sarah Delano, 129 E Voorhis Ave, DeLand, is against the off-site parking.

Steve Tonjes, of 423 W. Pennsylvania Ave, DeLand, commented that he is against the additional parking that will be needed.

Mr. Watts was available for additional questions. There was a discussion about budgets, the number of parking spaces compared to the number of residents and traffic/cars per housing unit.

Commissioner Kevin Reid made a motion to amend and approve a 94-car spaces onsite, with a condition that the project be an affordable housing project for a term of 50 years. There will be a condition that 13 units be dedicated for the neighborhood center for the term of 30 years. They will enter into an agreement for 20 additional vehicle parking spots offsite available at all times, and particulars will be approved by the City Commission and site plans will be approved at a later date. Commissioner Paiva second the motion. The motion was carried by a 3-1 vote, with Vice Mayor Davis dissenting.

CITY MANAGER REPORT

Nothing to report.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

1. Announcement of Board Vacancies.

Historic Preservation Board has three vacant seats to be filled.
Three seats on the DeLand Planning Board are vacant.
Seat 5 on the Beresford Reserve Brownfield Advisory Committee is vacant.

These positions have been posted to the website and Facebook.

CITY COMMISSION

Commissioner Kevin Reid had nothing to add.

Commissioner Paiva commended the Easter event. He thanked Rick Werbiskis for his years of service at the City of DeLand.

Mayor Cloudman announced that they had the Mock City Commission meeting of the DeLand School of Government. The Chamber presented the city staff with a plaque commemorating the fact that it is the 20th year of that program.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:47 p.m.

_____
Julie A. Hennessy, MMC
City Clerk - Auditor

CITY OF DELAND
REGULAR MEETING OF THE CITY COMMISSION
APRIL 20, 2026 AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

MINUTES

CALL TO ORDER

Mayor Cloudman called the meeting to order at 7:02p.m.

INVOCATION- Pastor Boris Diaz, Santuario Las Escrituras

Pastor Boris Diaz could not attend the meeting. The Invocation was given by Pastor Don Jagers of LifePoint Community Church.

PLEDGE OF ALLEGIANCE

Mayor Cloudman lead the Pledge of Allegiance.

ROLL CALL

Present: Richard Paiva, Commissioner; Jessica Davis, Vice-Mayor-Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner.

Also Present: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Dale Arrington, Interim City Clerk-Auditor; Michael Grebosz, Assistant City Manager; Jason Umberger, Police Chief; Todd Allen, Fire Chief; Jeremy Wiggins, Human Resources Director; Alberto Ceirelli, IT Director; Dan Stauffer, Finance Director; Rick Werbiskis, Community Development Director; Jim Ailes, Deputy Public Services/Utilities Director; Ray Bahrami, City Engineer; Ray Underwood, Public Works Director; Jeff Borden, Streets and Stormwater Superintendent; Carol Kuhn, Planning Director; Sara Lux, Community Information Manager; Emily Kunkle, Planner II, and members of the public and press.

PUBLIC HEARING

PRESENTATIONS

1. FCCMA recognition for 100 years of the Commission-Manager form of government.

Mayor Chris Cloudman explained how DeLand was celebrating 100 years of the Commission-Manager form of government and the governmental structure of that type of municipal government. City Manager Michael Pleus introduced Ken Parker from the International City Manager's Association to make the presentation as well as other managers in the room, including Ben Johnson, whose father was a City Manager of DeLand, and Mike Abels, the immediate prior City Manager.

Mr. Ken Parker gave a presentation focusing on the history of the Commission-Manager form of government in the State of Florida, Volusia County, and the City of DeLand. He presented a Certification of Appreciation recognizing 100 years of the Commission-Manager form of Government In DeLand.

Mayor Cloudman recognized former Mayor Bob Apgar and invited all past and present Commisisoners and Managers to join him in receiving the Certificate and taking a photograph.

2. Presentation of Home Rule Hero Awards by Nancy Miller, President, Volusia League of Cities.
Mayor Cloudman introduced Nancy Miller, Mayor of Daytona Beach Shores and President of the Volusia League of Cities. Ms. Miller explained the purpose of the Home Rule Award Program and presented awards to City Manager Michael Pleus, Assistant City Manager Michael Grebosz and Mayor Chris Cloudman outlining each individual's work accomplishments and activities.

3. Introduction of four new Firefighters: Duke Hopper, Michael Sao-Pagan, Shaun Taylor and Tyler Walker.
Fire Chief Todd Allen introduced four new firefighters to the City Commission and the public and provided a brief biographical description of Duke Hopper, Michael Sao-Pagan, Shaun Taylor, and Tyler Walker.

The City Commission extended a warm welcome to each Firefighter.

4. Badge pinning ceremony for end of probationary period for four Firefighters: Madison Alberts, Brandon Bermudez, Evyn Insalaco, Karlie Marini.
Fire Chief Todd Allen explained the probationary process for Firefighters and the work accomplished by each of the firefighters being pinned tonight.
Firefighter Madison Alberts was pinned by her father, Jeff Alberts, Deputy Fire Chief for Volusia County.
Firefighter Brandon Bermudez was pinned by his father, Herra Bermudez.
Firefighter Evyn Insalaco was pinned by Fire Chief Allen.
Firefighter Karlie Marini was pinned by Tony Marini.

The City Commission extended their thanks and appreciation to each Firefighter.

5. Fire promotion to Engineer for Dejah Woods.
Fire Chief Todd Allen outlined the work accomplishments contributing to Dejah Woods' promotion to Engineer.
Tay Woods pinned the Badge on Engineer Dejah Woods.

6. Fire promotion to Lieutenant for Adam Bruce.
Fire Chief Todd Allen outlined the work accomplishments contributing to Adam Bruce's promotion to Lieutenant. Retired DeLand Fire Department Lieutenant Roy Bruce pinned the Badge on Lieutenant Adam Bruce.

7. Presentation of Certificates of Appreciation to students of George Marks Elementary School for Participation in the City's Art in Public Places Program.
Mayor Cloudman explained the Art in Public Places program. He called each of the following students and Vice Mayor Davis presented an Award to each student present:
Paris Acosta
Tyler Baker
Ricardo Castaneda
Aiden Chambers
Ellery Chavara
Libby Costa
Aubrey Folan
Natividad Garcia Vargas
Madelyn Martinez
Finn Matuszczak

Fernanda Medrano
Jenesis Ocampo
Ethan Tresierra
Ava Woodard
Matthew Zebelle

Mayor Cloudman expressed his appreciation to George Marks Elementary School administration and faculty.

8. Presentation of Employee Years of Service Awards.
Mayor Cloudman asked City Commissioners to assist in the presentation of the Employee Years of Service Awards.
Commissioner Kevin Reid presented a plaque to Paul Murray for 20 years of service.
Commissioner Dan Reed presented a plaque to Ken Ramkissoon for 15 years of service.
Vice Mayor Davis presented a plaque to Richard Cash for 10 years of service.
Commissioner Paiva presented a plaque to William Cooper for 10 years of service with the City.

CONSENT AGENDA

1. Consideration for approval of an Interlocal Agreement for the Provision of Municipal Fleet Maintenance Services by County of Volusia to the City of DeLand.

2. Consideration, FDOT Public Transportation Grant Award 458236-1-94-01 for Airport Security Lighting on Central Apron Construction Project.

3. Consideration, FDOT Public Transportation Grant Award 438416-2-94-02 for Airport East Hangar Complex Phase 1b Construction Project.

4. Consideration re Approval of Professional Engineering Services - AVCON, Inc. for Central Apron Security Lighting.

5. Approval of Minutes for the Special Meeting held on March 28, 2026, the Special Meeting held on March 30, 2026 and the regular Meeting held on April 6, 2026.

Commissioner Paiva moved to approve consent agenda items 1 through 5. Commissioner Dan Reed seconded the motion. The motion was unanimously adopted.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

Randy Williams offered his opinion that the City of DeLand needed two parking decks to be constructed downtown. He expressed thanks to various businesses that helped him in times of need, and concluded with a prayer.

Mr. Benjamin Schultz explained that he and his family moved to DeLand in September and they

love the City. They begin each day with a walk along Church Street and they have noticed a large volume of trash along the street, largely composed of various liquor containers. He held up an example and stated that his family had collected 57 pounds of liquor containers. He stated that this trash comes from McCabe's, and that people are driving while drinking and they exceed the speed limit. He requested that the City Commission consider three requests: 1) please close the drive-through at Mccabe's 2) if that cannot be accomplished, please place a curb and median on Church Street to force traffic onto Wisconsin; and 3) consider placing speed bumps on Church Avenue.

Mr. Jim Cameron, expressed thanks to various staff members for assistance with his property.

BOARD APPOINTMENT

OLD BUSINESS

1. Second Reading of Ordinance Changing the Zoning for ±1.47 Acres of Property, Located northeast of the intersection of South Amelia Avenue and East Howry Avenue, from C-2 (General Commercial) to Ace Hardware PD (Planned Development).
Darren Elkind read the title of the ordinance.

ORDINANCE NO. 2026 - 09

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM C-2 GENERAL COMMERCIAL TO ACE HARDWARE PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH AMELIA AVENUE AND EAST HOWRY AVENUE; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 1.47 ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Cloudman opened the Public Hearing. Emily Kunkle presented the staff report outlining the reasons staff was recommending approval of this request. She went over the design elements of the proposed site plan including landscaping, historic trees, buffering, access and parking.

No one from the public spoke.

Mayor Cloudman closed the Public Hearing.

Upon motion by Commissioner Paiva, seconded by Commissioner Dan Reed, the ordinance rezoning the property to ACE Hardware PD was unanimously adopted on second reading.

2. Second reading of Ordinance Amending Sections 28-9, 28-10 and adding a new Section 28-10.1 regarding e-bikes, micromobility devices and bicycle operation on downtown sidewalks and use of helmets by riders 16-17 years of age.

City Attorney Darren Elkind read the title of the ordinance:

ORDINANCE NO. 2026 - 08

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING SECTION 28-9 "DEFINITION" AND SECTION 28-10 "OPERATION OF BICYCLES OR OTHER WHEELED DEVICES ON STREETS AND SIDEWALKS; PENALTIES" OF THE CODE OF ORDINANCES OF THE CITY OF DELAND TO INCLUDE THE TERM "MICROMOBILITY DEVICE" IN SECTIONS 28-9 AND 28-10 AND TO REVISE PENALTIES IN SECTION 28-10(b); AND ADDING AN NEW SECTION 28-10.1 REQUIRING THE USE OF HELMETS BY PERSONS AGE 16 – 17; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Elkind outlined the genesis and components of this legislation.

Vice Mayor Davis stated that she has been receiving many calls about both e-bikes and other motorized devices. Mr. Pleus explained the City was working on an educational campaign about the use of all motorized devices.

Commissioner Paiva asked Mr. Elkind about streets in the written description. Commissioner Paiva also questioned whether a larger fine would serve as a better deterrent to infractions, and questioned if a $25.00 fine was too little.

Vice Mayor Davis expressed her viewpoint that education, not fines, needed to be the focus of an awareness campaign.

Commissioner Kevin Reid asked who receives the ticket in the case of a minor breaking the rules; the child or the parent or guardian? He also asked if the fines could be placed into a special fund to purchase helmets for distribution.

Commissioner Dan Reed indicated that he was indifferent about the amount of fine, but would support higher fines if helmets could be purchased.

Chief Umburger stated that citations are issued to the violator and in the instance the violator is a minor, his office would contact the parents. Chief Umberger also outlined the efforts his office is undertaking to find grant dollars for helmet purchase and distribution.

In response to questions, Darren Elkind stated that the State fine for not wearing a helmet is $15.00.

Commissioner Paiva expressed his concern that low fines do not motivate helmet use. The need for education and helmets was discussed. Mr. Elkind stated that the City cannot change the State fine amount. Following discussion, the consensus of the majority of the Commission was that the City fine amounts should be in line with the state fine amounts.

Mayor Cloudman opened the Public Hearing.

One unidentified woman spoke voicing her concerns not only for the safety of bike riders but for the people who get in their way on public sidewalks, reminding the Commission that she had been knocked over on a sidewalk right in front of the Museum.

Mayor Cloudman closed the Public Hearing.

Commissioner Paiva moved that the Ordinance be adopted with a clarification of the boundary limits for Woodland Blvd. from Wisconsin to Voorhis Avenue, and for Voorhis Avenue from Alabama to Florida Avenues, be added to the written description; and that the fine amount be linked to the State of Florida fine amount. Vice Mayor Davis seconded the motion, which passed unanimously upon roll call vote.

3. Second Reading of Ordinance Amending Section 30-7(f) of the Code of Ordinances.
Darren Elkind read the ordinance by title.

ORDINANCE NO. 2026 - 10

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING SECTION 30-7 "WATER AND SEWER SERVICE AVAILABILITY; REQUIREMENT FOR CONNECTION AND ANNEXATION" OF THE CODE OF ORDINANCES OF THE CITY OF DELAND BY REVISING THE REFERENCE TO THE UTILITY SERVICE AREA AGREEMENT BETWEEN THE CITY OF DELAND AND VOLUSIA COUNTY TO REFLECT THE AMENDMENT TO THAT AGREEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Cloudman opened the public hearing.

Mr. Elkind explained the proposed ordinance.

There were no speakers.

Mayor Cloudman closed the public hearing.

Upon motion by Commissioner Dan Reed, seconded by Commissioner Richard Paiva, the ordinance amending Section 30-7 of the Code of Ordiances was unanimously adopted.

NEW BUSINESS

1. First Reading of Ordinance Changing the Zoning for ±23.33 Acres of Property, Located at the Northeast Corner of International Speedway Blvd. and N. Spring Garden Ave., from VC R-3C (Single Family), to BR (Business Retail).
Attorney Darren Elkind read the Ordinance by title only.

ORDINANCE NO. 2026 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S R-3C (URBAN SINGLE-

FAMLY) TO CITY OF DELAND'S BR, BUSINESS RETAIL ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF INTERNATIONAL SPEEDWAY BOULEVARD AND NORTH SPRING GARDEN AVENUE; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Cloudman opened the public hearing on this application.

Carol Kuhn, Planning Director, presented the staff report outlining the reasons why staff recommended approval of this ordinance. She opened by showing an aerial photograph and pointing out the commercial zoning and developments in the area. She stated that the property was annexed into the City and received a Comprehensive Plan Land Use Map designation of BR, Business Retail, twenty years ago. At that time, the current Volusia County zoning classification was not compatible with the County Comprehensive Plan and the applicant did not ask to change it when applying to the City. Thus, it did not go through a change of zone classification and still retains a Volusia County Zoning designation of Residential-3 with a thoroughfare overlay. The zoning does not provide for agricultural uses, but it does have a tax exemption for agricultural uses from the Voulusia County Property Appraiser. Before the property can be developed, it must be rezoned to a classification consistent with the Comprehensive Plan, and the only two categories allowable under the BR comprehensive plan designation are the straight BR zone classification or a PD classification that allows only uses within the BR Comprehensive Plan designation. Residential development is not a permitted use.
In response to questions, Ms. Kuhn explained that there is no current application for a change to the current Land Use Map designation that has been filed.

In response to questions from Commsioner Kevin Reid, Ms. Kuhn explained that there would be only small changes allowed to the BR classification if a PD were applied for.

In response to a question from Commissioner Paiva, Mr. Elkind explained that he could not identify any legitimate reasons for denying this request as this is a quasi-judicial decision that only provides for BR or a BR styled PD to be applied to this property.

Ms. Kuhn answered questions from Vice Mayor Davis and explained that the applicant never asked for the County zoning to be changed until now, but the owner of the property may not develop the site until a change of zone to a designation that is consistent with the Comprehensive Plan is obtained.

Mayor Cloudman provided a short history of the rezoning.

Michael Woods of Cobb Cole, spoke on behalf of the applicant. He stated that the purpose of this request is to obtain compliance with the Comprehensive Plan and that the use of the property has not been finalized. He explained land uses in the area and stated that the BR zone classification is presumed to be consistent with the Plan.

Mr. Glen Schwanebeck stated that he moved to DeLand to get away from rezones and land

development. He expressed his concerns about traffic and how BR development would make it worse.

Mr. Doug Green expressed his concerns about traffic in the area and how he thought this rezoning would adversely impact the value of homes in the area. He distributed a memorandum from Volusia County about traffic concerns on Greens Dairy Road to the Commission, a copy of which is attached. He thought Greens Dairy Road should be protected.

Ms. Ashley Biggs stated that she was concerned that this green space would be developed, that the citizens love the green space and cows on the property. She wanted to know why the City Commission couldn't just say no to this request and preserve the land.

Ms. Pauline Hackathorn of 980 Cedar Ridge Lane, DeLand, explained she has been resident since 1998 and that she did not think this rezoning is needed because the use of the property should be known before the rezoning. She did not think any additional stores or retail structures are needed. She explained that there is a home on the property and the property should be retained as agricultural.

Mr. Woods was given an opportunity for last comments. He explained that this is a request to achieve consistency with the comprehensive plan and outlined the reason the BR zone is appropriate.

Mayor Cloudman closed the public hearing.

Commissioner Kevin Reid explained why he thought the BR zoning Classification was proper.

Commissioner Paiva explained how the BR zone is appropriate given the narrow choices available.

Vice Mayor Davis expressed her desire that this property allow for residential zoning. Mr. Elkind explained that could have been the case when the application for annexation and comprehensive plan designations were considered 20 years ago, but that the choices today are limited based upon those prior decisions.

Commissioner Dan Reed explained why he would need to vote for the application.

Mayor Cloudman stated that he needed to follow the choices allowed by law under the current Comprehensive Plan designation.

Commissioner Dan Reed moved that the ordinance requesting BR zoning be approved. Commissioner Kevin Reid seconded the motion. Upon a call for vote, the motion passed 4 - 1 with Vice Mayor Davis voting No.

2. Approval of Employment Contract with City Clerk-Auditor.

Mayor Cloudman outlined the negotiation process. He asked Jeremy Wiggins if he had any additional comments. Mr. Wiggins indicated that Mr. Christian Gowan was present. Commissioner Paiva made a motion to approve the contract as presented. Vice Mayor Davis seconded the motion. The motion carried 5 - 0. Mr. Gowan expressed his thanks to the Commission and complimented everyone on a superior selection process.

3. Consideration of Purchase Contract for Future East Side Fire Station Site.

City Manager Micheal Pleus stated the selection of this location was based on call volume analysis. Commissioner Kevin Reid expressed concerns about providing non-compensated service to the unincorporated area and that should be considered when looking at future sites. Commissioner Richard Paiva made a motion to approve the contract. Commissioner Dan Reed seconded the motion. The motion passed 5 -0.

CITY COMMISSION REPORTS

CITY MANAGER REPORT

No report.

CITY ATTORNEY REPORT

No report.

CITY CLERK REPORT

Ms. Arrington explained that she was receiving minutes from the consultant and would start placing them on the agenda.

CITY COMMISSION

Commissioner Paiva plans to attend the meeting for the State of West Volusia Region.

Vice Mayor Davis stated that she attended the florida Black Caucus of Local Officials and outlined their activities and some of the concerns they are experiencing.

Commissioner Dan Reed stated that he heard DeLandapalazoo was very well attended.

Commissioner Kevin Reid gave a shout-out to City Staff and Blue Lake elementary for an upcoming tree planting.

Mayor Cloudman stated that Starke Elementary was awarded the Chamber's Award of Excellence for going from a D rating to an A rating in one year. Only two schools in the State achieved this accomplishment. He also mentioned the State of the Region and the upcoming Thin Man Watts jazz festival.

ADJOURNMENT

Mayor Cloudman adjourned the meeting at 10:00 p.m.

Respectfully submitted, **Approved On:**

_____ _____

Dale Arrington, Interim City Clerk-Auditor

CITY OF DELAND
Request for Commission Action
May 4, 2026

SUBJECT: Consideration, Award of Bid, Westside Interceptor ARV Replacements.

DEPARTMENT: Utilities

PREPARED BY: Whitney Zittle, Project Coord.

ATTACHMENTS: B2609Tabulation, 20260427160018247

APPROVED BY: Michael Pleus, City Manager, April 29, 2026

SUMMARY/HIGHLIGHT:

In April of 2026, the subject project was advertised via demandstar, vendorlink, and the Daytona Beach News Journal. Bids were received from eight (8) vendors. The results are detailed in the attached bid tabulation. The scope of this project is to replace four (4) Air Release Valves along the Westside Interceptor Force Main which pose significant threat to the integrity of the main.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The lowest bidder, Hazen Construction, submitted a responsive bid in the amount of $46,761.00. There are funds available in the Utilities Enterprise Account to cover this project. Hazen Construction has successfully completed multiple projects for the City and maintains a good working relationship.

RECOMMENDATION:

Staff recommends awarding the bid to the lowest responsive bidder, Hazen Construction, resulting in a total obligation of $46,761.00.

BACKGROUND/DISCUSSION:

N/A

120 S. Florida Ave.
DeLand, FL 32720
Phone: 386-626-7000
Fax: 386-626-7140

BID TABULATION SHEET

Bid Title: Westside Interceptor ARV Replacements
Bid No: B-26-09
OPENING DATE & TIME: Apr 15, 2026 3:00 P.M.
POSTING DATE: April 16, 2026 **POSTED BY: Corey McMillen**

Vendor	City, State	Bid Amount
Hazen Construction	**New Smyrna Beach, FL**	**$46,761.00**
G3 Contracting dba Industry Standard	New Smyrna Beach, FL	$73,233.00
R&M Service Solutions, LLC	San Antonio, FL	$75,000.00
All State Civil Construction, Inc.	Daytona Beach, FL	$94,708.33
Danus Utilities, Inc.	Sanford, FL	$99,812.00
General Underground, LLC	Lake Helen, FL	$132,000.00
GPS Civil Construction	Holly Hill, FL	$156,000.00
Prime Construction Group, Inc.	Winter Garden, FL	$189,000.00

Tabulation represents the lowest-responsive bidder and the recommended awardee of the City of DeLand. *Bid tabulations are posted to DemandStar at www.demandstar.com & VendorLink at www.vendorlink.com.*

SECTION 00500

AGREEMENT

THIS AGREEMENT, entered into this _____, by the City of DeLand, Florida, hereinafter called the OWNER, Party of the First Part, and a CORPORATION known as Hazen Construction, organized and existing under the laws of the State of Florida, with a mailing address of 1599 Tionia Rd, New Smyrna Beach, FL, 32168, hereinafter called the CONTRACTOR, Party of the Second Part.

WITNESSETH: That the parties hereto do mutually agree as follows:

ARTICLE I

A. The Contractor agrees to furnish all labor, superintendence and materials to perform all work necessary for or incidental to, and to perform all other obligations imposed by this Contract for the Construction of

PROJECT TITLE
Bid No. 26-09

herein called for, in strict accordance with the Drawings and Project Manual, which Contract include, but is not limited to, the following Contract Documents:

a . Invitation
b . Bid Form
c . This Agreement
d. Insurance
e. Specifications

ARTICLE II

A. The Contractor agrees that the work shall be started not later than the date indicated in the Notice to Proceed and that the work on **WESTSIDE INTERCEPTOR ARV REPLACEMENTS** shall be completed as outlined in Contract documents.

B. The Contractor further agrees that for each calendar day, with the exception of Sundays and legal holidays, that any work shall remain uncompleted after the completion times stipulated above, the sum of **$500 (FIVE- HUNDRED**

DOLLARS) shall be deducted from monies due the Contractor, not as a penalty, but as liquidated damages. If the Contractor is declared in default in accordance with the provisions of the Project Manual, liquidated damages shall be charged as provided herein, and such amounts shall be deducted from the final amount payable to the Contractor or his Surety. Should the total amount chargeable as liquidated damages exceed the amount due or payable to the Contractor or his Surety, then such excess shall be paid to the Owner by the Contractor or his Surety.

ARTICLE III

A. The Contractor shall receive and accept the compensation for the performance of the Contract (subject to additions or deductions noted therein) in accordance with the prices stipulated in the Proposal, and in the manner provided in Article IV for the Contract Price of **$46,761.00** and for additions or revisions approved in Change Orders at Unit Prices.

ARTICLE IV

A. Payment to the Contractor shall be made as follows:

1. Not more than thirty (30) days after the invoice for the work has been submitted and approved.

2. Upon completion of the entire work under Contract, the designated representative from the Owner shall make a final inspection and certify such completion to the Owner. Upon approval of the completion certificate by the Owner, the Owner shall notify the Contractor and the Surety of the satisfactory completion of the

work and except as otherwise provided in the Project Manual, final payment therefore shall be made to the Contractor within thirty (30) days after written acceptance by the Contractor of the final certificate computation.

ARTICLE V

A. The Contractor shall not sublet, sell, transfer, assign, or otherwise dispose of the Contract or any portion thereof, or his right, title, or interest therein, without written consent of the Owner.

ARTICLE VI

A. The work shall be subject at all times to the supervision of Owner's designated representative and his/her authorized assistants. The designated representative shall decide all questions which may arise relative to the Drawings, Project Manual, and the performance of the work. Any doubt concerning the meaning of the Specifications or the Drawings, or any ambiguity or obscurity in their wording or intent of them shall be decided by the designated representative. Such decisions shall be binding upon both parties hereto, and shall not be subject to arbitration.

ARTICLE VII

A. The Contractor shall guarantee his work and shall remedy, without cost to the Owner, any defects which may develop therein during a period of one (1) year from the date of the Owner's approval of the Completion Certificate issued by the Engineer.

ARTICLE VIII

A. In the event of conflict between any of the Contract Documents, the provisions of this Agreement shall govern.

IN WITNESS WHEREOF, the Parties hereto have signed this Contract in quintuplicate the day and year first above written.

ATTEST:

City Clerk

CITY OF DELAND, FLORIDA

By: _____
Christopher M. Cloudman, Mayor

CONTRACTOR Huzen Construction

By: _____
Signature

Chad S. Huzen
Printed Name

President
Title

END OF SECTION

CITY OF DELAND
Request for Commission Action
May 4, 2026

SUBJECT: Resolution Approving Revised Building Permit Fee Schedule.

DEPARTMENT: Community Development

PREPARED BY: Rick Werbiskis, Community Dev. Director

ATTACHMENTS: Resolution revised permit fees May 2026, Exhibit A-Building Fees May 2026

APPROVED BY: Michael Pleus, City Manager, April 29, 2026

SUMMARY/HIGHLIGHT:

In 2019, the Florida Building Code was amended to restrict the value of un-expended building permit revenue fees that are carried over from a prior year. In 2024 and 2025, the Building Permit fees were reduced to achieve statutory compliance. Currently, the average operating budget for the Building Department for the past four years is $3,442,298. The unrestricted fund balance, at the end of September 2025, was approximately $4,009,289. Owing to State, Federal and Global economic and political factors, the Building Division has experienced a significant reduction in Building Permit activity and associated revenues. At the end of April 2026, that reserve has been reduced to $2,388,655 and staff projects it will be reduced to $1,162,778 by the end of this fiscal year. Due to this revenue shortfall, Building Permit fees will need to be increased by 25% to ensure that operating costs are covered to ensure that the department's high level of customer service is maintained into the future. Staff will continue to monitor the revenues and request further adjustments if necessary. In addition, all hiring has been frozen for vacant positions in the Building Division.

In addition, Inspection Fees were adjusted to reflect the true cost of this service.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

Adoption of this resolution will result in a temporary increase of fees collected related to the administration of the Florida Building Code.

RECOMMENDATION:

It is recommended that the City Commission approve the resolution.

BACKGROUND/DISCUSSION:

In 2019, FS 553.80(7) was amended to include the following restriction related to unexpended Building Revenue Fees - *A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years.* Adoption of the proposed

resolution will allow for the balance of the unexpended fees to be reduced and brought into conformity with state statute.

RESOLUTION NO. 2026 –

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, APPROVING A TEMPORORARY INCREASE IN BUILDING PERMIT FEES FOR PERMITS AND OTHER RELATED CHARGES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in 2019, the Florida Building Code was amended to restrict the value of unexpended building permit revenue fees that are carried over from a prior year; and

WHEREAS, due to a significant revenue shortfall, Building Permit fees will need to be increased by 25% to ensure that annual operating costs are covered and that the department's high level of customer service is maintained into the future; and

WHEREAS, the building permit fees listed on the attached Exhibit "A" will be increased by 25% from the amounts shown on the attached Exhibit "A", with the exception of the highlighted fees which shall not be increased at all, for the time period during which this Resolution is in effect; and

WHEREAS, it is the City's intention that this Resolution be of limited duration and that a new resolution will be brought forth re-setting the building permit fees once the building permit reserve deficiency is eliminated and revenues are maintained to offset annual operating costs.

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

Section 1. The City Commission for the City of DeLand, hereby approves an increase of 25% in the amounts of the building permit fees listed on the Building Permit Fee schedule attached hereto as Exhibit "A" with the exception of the fees highlighted on the attached schedule, which fees shall not be increased at all

Section 2. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the remaining portions of this Resolution.

Section 3. This Resolution shall become effective on June 1, 2026, and shall remain in effect until repealed or otherwise revised by further action of the City Commission.

PASSED AND DULY ADOPTED this 4th day of May, 2026.

_____
Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

_____
Dale Arrington
Interim City Clerk - Auditor

APPROVED AS TO FORM AND LEGALITY:

_____
Darren J. Elkind
City Attorney

"EXHIBIT A"
BUILDING PERMIT FEES

With the exception of fees highlighted below, all fees shall be increased by 25%

Residential Building Fee		
Submittal Fee		**$100**
Building Permit Fees (additional fees include trades noted below along with Impact Fees and State-required fees)	**Based on the Current Edition of the ICC Building Valuation Data Table or actual value, whichever is higher**	**0.75% of Valuation Minimum $50**

Commercial Building Fees		
Submittal Fee		**$200**
Building Permit Fee (additional fees include trades noted below along with Impact Fees and State-required fees)	**Based on the Current Edition of the ICC Building Valuation Data Table or actual value, whichever is higher**	**0.75% of Valuation Minimum $100**

Townhome Building Fees		
Submittal Fee		**$100**
Foundation Fee (separate permit)		**$100**
Building Permit Fee (per townhome unit) (additional fees include trades noted below along with Impact Fees and State-required fees)	**Based on the Current Edition of the ICC Building Valuation Data Table or actual value, whichever is higher**	**0.75% of Valuation Minimum $100**

Master File		
Residential Submittal Fee		**$100**
Residential Fee		**$0.40 per $1,000 total valuation $40 minimum charge**
Commercial and Multiple Family Submittal Fee		**$200**
Commercial and Multiple Family Fee		**$1.15 per $1,000 total valuation $100 minimum charge**

Re-Roof Fee		
Minimum Roof Permit Fee		**$90**
Residential		**$3 per Square**
Commercial		**$7 per Square**

Mechanical Fee		
Residential		**$50 plus $8 per Ton**
Commercial		**$75 plus $10 per Ton**

Plumbing Fee		
Residential		**$50 plus $5 per Fixture**
Commercial		**$75 plus $6 per Fixture**

Backflow		**$50 each**

Electrical Fee		
Minimum Residential Fee		**$50**
Minimum Commercial Fee		**$100**
Single Phase		**$0.50 per Amp**
Three Phase =< 240 Volt		**$0.75 per Amp**
Three Phase > 240 Volt		**$1.00 per Amp**
Temp Pole Residential		**$50**
Temp Pole Commercial		**$100**

Gas Permit Fee		**$50 plus $6 per outlet**

Sign Permit Fee		
New	**Per Sign**	**$100**
Alteration/Repair	**Per Sign**	**$75**

Pool Fee		
Residential (Above Ground)		**$100**
Residential (Below Ground)		**0.75% of Valuation**
Commercial		**0.75% of Valuation**

Inspection Fee (553.80 F.S.)		
Initial & Second Inspections		**$50**
Third & Subsequent Inspections		**$200**

After-Hours Inspection Fee		**$100/Hour Minimum $300**

Temporary Certificate of Occupancy		**$150**

Access Drive Permit Fee		**$50 per Driveway**

Plan Review Fee (Applications requiring plan review)		
Residential Building	**One- and two-family dwellings and structures, mobile home, remodels, additions, alterations, accessory structures, swimming pools and spas**	**$0.40 per $1,000 total valuation $40 minimum charge**
Commercial and Multiple Family	**Commercial and multiple family buildings and structures, remodels, additions, alterations, accessory structures,**	**$1.15 per $1,000 total valuation $100 minimum charge**
Plan review fee for third and subsequent reviews	**All residential and commercial buildings**	**$20 per plan page**
Plan revisions submitted after permit issuance	**All residential and commercial buildings**	**$20 per plan page**

NOTES:

- **All fees are non-refundable**

- **Valuation of work shall be based on the Current Edition of the ICC Building Valuation Data Table or actual contractual value, whichever is higher. Signed contracts may be required to be submitted to verify valuations.**

DCA State Surcharge fee
(This is a pass-through charge imposed by the State in accordance with 553.721, Florida Statutes. The amount of this surcharge is subject to change whenever the Statutorily-required fee changes.)

BCAI State Surcharge fee
(This is a pass-through charge imposed by the State in accordance with 468.631, Florida Statutes. The amount of this surcharge is subject to change whenever the Statutorily-required fee changes.)

ALTERNATIVE PLANS REVIEW AND INSPECTION SERVICES

In accordance with the provisions of Section 553.791 Florida Statutes, the following cost savings shall be applied to Building Permit fees when an applicant is utilizing a private provider to perform plans review and/or building inspections in lieu of the local building official:

Plans Review – Plans Review fees waived
Building Inspections - $50.00 credit per required inspection

WORK CONDUCTED WITHOUT A VALID PERMIT

Applicants applying for permits for construction or work started, without a permit for which a permit is required, will be charged a double permit fee for the first occurrence. For the second or any subsequent occurrences an applicant conducts work without a permit, a $295.00 additional penalty plus the double permit fee will be charged and a complaint filed with the Department of Business and Professional Regulation.

CITY OF DELAND
Request for Commission Action
May 4, 2026

SUBJECT: Termination of Acquisition and Redevelopment Agreement - GlassHouse.

DEPARTMENT: Legal

PREPARED BY: Darren Elkind, City Attorney

ATTACHMENTS: Glasshouse Acquisition and Redevelopment Agreement, GlassHouse Notice of Default

APPROVED BY: Michael Pleus, City Manager, April 28, 2026

SUMMARY/HIGHLIGHT:

The City Commission held a new hearing, pursuant to a court order, on the requested rezoning for the GlassHouse project. It is now time for the CRA and City Commission to consider authorizing the City Attorney to deliver a formal notice of termination of the Acquisition and Redevelopment Agreement ("ARA"), which is required under the terms of the ARA when canceling the contract.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High value government.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

There is no direct fiscal impact related to terminating the ARA. The attorney for Glasshouse indicated that they are seeking damages for what they believe is the City's breach of the ARA that is being terminated.

RECOMMENDATION:

City staff recommends that the City Commission approve termination of the contract.

BACKGROUND/DISCUSSION:

The City and the CRA both entered into the ARA with GlassHouse Square, L.L.C. in June 2020. The ARA required GlassHouse to obtain the PD rezoning for the former jail site. The ARA specifically called out the fact that the City, in its capacity as the land use authority conducting a quasi-judicial hearing when it considered the rezoning request, could not agree to grant any particular rezoning. Following several hearings in 2023, the City Commission ultimately denied the requested rezoning, primarily due to the failure of GlassHouse to provide adequate parking for the project. At that point the City delivered a default notice to Glasshouse under the terms of the ARA. A copy of that notice is included with this agenda item. GlassHouse was successful in its challenge to the City's original denial of the rezoning request and, in accordance with the Circuit Court's order as well as the ARA, on April 6, 2026, the City Commission conducted a new quasi-judicial hearing on GlassHouse's rezoning request. The City denied the requested rezoning and GlassHouse's representative announced that no appeal of that decision would be made. Accordingly, GlassHouse has failed to cure the

default(s) set forth in the default notice and termination is now appropriate under the terms of the ARA. Following approval by both the CRA and City Commission, the City Attorney will provide a final termination notice to GlassHouse.

STATE OF FLORIDA
COUNTY OF VOLUSIA

ACQUISITION AND REDEVELOPMENT AGREEMENT

THIS ACQUISITION AND REDEVELOPMENT AGREEMENT (this "Agreement") is entered into as of the 9th of July, 2020 (the "Effective Date"), by and between the City of DeLand, a Florida municipal corporation (the "City"), the City of DeLand Downtown Community Redevelopment Agency (the "CRA") and GlassHouse Square, LLC, a Florida limited liability company ("GlassHouse").

STATEMENT OF PURPOSE

The City is the owner of certain property with frontage on W. New York Avenue and W. Georgia Avenue which is the former site of the Volusia County Jail, being more particularly described on Exhibit A, attached hereto and incorporated by this reference (the "Property"). The Property is located within the DeLand Downtown Redevelopment District as well as the City's Historic District. The existing jail building is in a deteriorated condition, contains asbestos, is unsightly, and is hindering the continued redevelopment that is and has been occurring in the immediate area in which the jail building is located. The City desires that the Property be redeveloped for a mixed use, in-fill project with a variety of uses including, without limitation, professional offices, retail, commercial, multifamily residential and residential lofts, and entertainment and event spaces, all of which are to be consistent with the aesthetic qualities of downtown DeLand, and in furtherance of the City's Downtown Community Redevelopment Plan, and the Florida Community Redevelopment Act of 1969, Florida Statutes, Chapter 163.

The City is the owner of certain property with frontage on W. Georgia Avenue which is the former site of a Volusia County employee parking lot, being more particularly described on Exhibit B, attached hereto and incorporated by this reference (the "Option Parcel"). The City desires that the Option Parcel be redeveloped for an in-fill project allowing a variety of uses, including, without limitation, retail commercial, multifamily residential and residential lofts, entertainment and event space uses, consistent with the aesthetic of downtown DeLand, and in furtherance of the City's Downtown Community Redevelopment Plan, and the Florida Community Redevelopment Act of 1969, Florida Statutes, Chapter 163.

The City issued a Request for Proposals (the "RFP") seeking private sector proposals for redevelopment of the Property and the Option Parcel, GlassHouse responded to the RFP, and the City selected GlassHouse as the developer with whom it desired to negotiate an agreement for redevelopment of the Property and the Option Parcel. Pursuant to a public hearing on May 28th, 2019, the City and GlassHouse executed a "Memorandum of Understanding" summarizing the development and business terms pursuant to which Glasshouse would redevelop the Property with a mix of uses anchored by the Deltran Operations U.S.A. Inc. world headquarters. The parties desire to enter into a binding contract related to this project as set forth in this Agreement.

GlassHouse is undertaking considerable financial risk by agreeing to develop the Property pursuant to this Agreement. The City, finding this economic development opportunity to be in the best interest of the City and the health, safety and welfare of the citizens of DeLand, has offered to facilitate the downtown redevelopment project by providing certain economic incentives to GlassHouse with the expectation that the City's involvement will encourage and accelerate the timing of the redevelopment, thus generating additional tax revenues, benefiting the downtown economy and enhancing the potential for future development of neighboring properties.

The City finds that City's provision of the economic incentives pursuant to this Agreement constitutes a public purpose, and the Florida Legislature has found that government sponsored public-private arrangements and the promotion and support, including financial assistance, of economic development activities are in the public interest and achieve a public benefit.

The CRA, is a community redevelopment agency created by the City pursuant to the Community Redevelopment Act of 1969, Part III, Chapter 163, Florida Statutes (the "Act") and is charged with undertaking redevelopment functions and managing the tax increment fund for the City of DeLand's Downtown Community Redevelopment Area.

The CRA finds that the obligations undertaken by it pursuant to this Agreement are consistent with the intent and requirements of the Act, and that the provisions of this Agreement are consistent with and further the goals and objectives of the Downtown DeLand Redevelopment Plan.

The parties hereto have agreed to memorialize the terms and conditions pursuant to which the City will convey the Property to GlassHouse and convey the Option Parcel to GlassHouse if GlassHouse exercises its option, and under which GlassHouse shall redevelop the Property and (if applicable) the Option Parcel, and under which the CRA shall pay and otherwise perform as provided herein. Nothing in this Agreement is intended to bind the City, the CRA or any agency or employee thereof with regard to any required zoning or development related approval, receipt of such approvals being a condition of performance by GlassHouse as more particularly set forth herein.

NOW, THEREFORE, in consideration of the foregoing matters, which are incorporated herein by reference, mutual covenants contained herein, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged by all parties, the parties hereto agree as follows:

1. **Definitions**. In addition to terms defined elsewhere in this Agreement, the following terms shall have the following meanings:

   1.1. *City Code* - The Code of Ordinances of City of DeLand.

   1.2. *Completion* - The date when the City issues certificates of occupancy for the majority of units or certificates of completion (or similar approval) for a majority of units which are ready for tenant/owner finishes before occupancy, for a particular Phase or Project.

1.3. *Development Order* - Rezoning to a planned unit development, site plan approval, issuance of a building permit or similar action by the City and all other government entities with jurisdiction over a Project necessary for GlassHouse to develop a Project pursuant to the requirements of this Agreement including, without limitation, all permits required from the U.S. Army Corps of Engineers, St. Johns River Water Management District, Florida Department of Environmental Protection, Florida Department of Transportation, County of Volusia, and the City of DeLand.

1.4. *Month* - When used with reference to calculation of dates, shall refer to the monthly anniversary of the starting date or event; for example, two months after February 15, 2020, is April 15, 2020.

1.5. *PD Agreement* - The Planned Development Agreement, as amended from time to time, by and between the City and GlassHouse rezoning the Property for the redevelopment program contemplated herein. It is acknowledged that the Option Parcel, if the option therefor is exercised by GlassHouse, will be developed under a separate planned development agreement.

1.6. *Parcel* – One of the parcels of real estate upon which a Project or Projects may be constructed. The Parcels shall be described as set forth in Section 3.3 below.

1.7. *Phase* - One or more of the phases of development of the Property or, as applicable, the Option Parcel. The term is sometimes used in connection with the Project to be constructed as a Phase. The term is somewhat interchangeable with "Project" but is primarily used with reference to the order of development of a Project vis-à-vis other Projects.

1.8. *Project* - One or more of the following development projects contemplated to be developed by GlassHouse under this Agreement:

1.8.1. GlassHouse Square Project - The development of the Property pursuant to this Agreement, as set forth in Section 3.4.1.a.

1.8.2. Option Parcel Project - The plans for development of the Option Parcel pursuant to this Agreement, as set forth in Section 3.4.1.c.

2. **Purpose.** The purpose of this Agreement is to provide for the redevelopment of the Property and, if applicable, the Option Parcel, in accordance with Section 3, so as to enhance the quality of life and the aesthetic and useful enjoyment of the DeLand downtown area, fulfill the goals of the RFP, promote economic development and investment in the downtown area, and further the objectives of the Downtown Community Redevelopment Plan, all while providing GlassHouse with the tools to gain financial reward commensurate with the risk it is undertaking.

3. **Redevelopment Program.** Subject to the provisions of this Agreement, GlassHouse shall redevelop the Property pursuant to the provisions of this Section and the PD Agreement and, if applicable, the Option Parcel pursuant to a separate planned unit development

agreement. GlassHouse's redevelopment of the Property and, if applicable, the Option Parcel, consistent with this Agreement and in furtherance of the RFP and Downtown Community Redevelopment Plan is a material inducement for the City and the CRA to enter into this Agreement. The ability of GlassHouse to redevelop the Property and, if applicable, the Option Parcel, consistent with this Agreement is a material inducement for GlassHouse to enter into this Agreement. GlassHouse shall develop each Project on the Property in a manner which is consistent with the Conceptual Development Plan, attached hereto as Exhibit C and incorporated by reference (the "CDP"). The conceptual development plan for the Option Parcel has not yet been developed, and development of the Option Parcel will be governed by a separate planned unit development agreement that will need to be approved by the City. The obligations as set forth in Sections 3.4.3, 3.5, 5.2.2, 5.2.4, 5.3, 5.6, 5.7, 5.9, 5.10, 5.11, 6.3 and any other provision of this Agreement which expressly survives or by its terms is logically and necessarily intended to survive the conveyance of the Property and, as applicable, the Option Parcel, shall in fact survive the conveyance of the Property and, as applicable, the Option Parcel, to GlassHouse.

3.1. Right to Market. Prior to the earlier of conveyance of the Property and the Option Parcel, or termination of this Agreement, GlassHouse shall have the right to market the Property and the Option Parcel for sale or lease consistent with the CDP. In conducting such marketing activities, GlassHouse shall make clear that it does not act on behalf of, or as an agent of, the City or the CRA. The City agrees that it will not market the Property or the Option Parcel during the term of this Agreement. The City and others on its behalf shall, however, be entitled to advertise, promote and otherwise refer to the redevelopment of the Property and Option Parcel as contemplated by this Agreement. GlassHouse shall also have the right to seek any development order associated with redevelopment of the Property or the Option Parcel consistent with the CDP for the Project, as applicable. The City shall not, during the term of this Agreement, market the Property or the Option Parcel, or attempt to sell or lease either of them, except pursuant to this Agreement or with the express written consent of GlassHouse. GlassHouse's rights to market and redevelop the Property and the Option Parcel consistent with this Agreement is a material term of this Agreement.

3.2. Land Use and Zoning.

3.2.1. The parties intend that the Property and, if applicable, the Option Parcel, be redeveloped as described in this Section 3 and as to the Property as shown on the CDP. The parties understand that the Projects, as may be modified pursuant to the terms of this Section, are not currently consistent with the Property's and Option Panel's C-2A with Historic Overlay zoning designation but are consistent with their "Downtown Commercial" Future Land Use classifications under the City's Comprehensive Plan. GlassHouse's obligations hereunder are contingent upon obtaining rezoning of the Property and, as applicable, the Option Parcel, to PD, with a PD Agreement in form and content satisfactory to GlassHouse in its sole and absolute discretion, as well as all other necessary Development Orders for Phase 1 and 2, as required for each Project under that Phase as described in

this Agreement. Should the City not approve a PD Agreement acceptable to GlassHouse in its sole and absolute discretion within twelve (12) months of the Effective Date, then GlassHouse may terminate this Agreement by providing notice of termination to the City within thirteen (13) months of the Effective Date, following which this Agreement shall be of no further force or effect. The permitted uses for the Property shall be as provided in the PD Agreement, and for the Option Parcel as provided in a separate planned unit development agreement, provided that nothing herein prevents future amendment of the PD Agreement or any other planned unit development agreement through the City's amendment process. Open space requirements for the Property shall be satisfied with the Green Square/water feature area/gathering space and pedestrian walkway proposed on Parcel 1 and 2, as shown on the CDP. Landscape and hardscape areas, site design, and architectural design shall all be consistent with the CDP.

3.2.2. The parties acknowledge that the CDP represents only conceptual development plans for the Property, based on the parties' reasonable understanding of market demands, design feasibility, and urban planning best practices. Additional engineering and market feasibility studies shall be required to ensure an economically viable redevelopment program, which is in all parties' best interests. Therefore, layouts and design of each Project may be modified pursuant to the City's development review process, which changes shall not require amendment of this Agreement provided that the changes are consistent with the other provisions of this Section 3, including those concerning section 3.4.1.

3.3. Parcels.

3.3.1. The Property and the Option Parcel are currently two (2) separate legal lots each of which shall be the location for construction of the Project(s) described with reference thereto, but in the future they may be combined or further subdivided in accordance with the City's subdivision ordinance. The CDP depicts the approximate configurations of the Parcels for the Property.

3.3.2. Each Project shall be constructed on a Parcel. Concurrent with submission of site plan applications for each Project to be developed on the Property and, as applicable, the Option Parcel, GlassHouse shall submit to the City, together will all other documents required by the City's Land Development Regulations, a survey of the legal description of the Parcel or portion of the Parcel upon which the Project is to be constructed.

3.4. Redevelopment Program for the Property and Option Parcel. GlassHouse shall redevelop the Property and, as applicable, the Option Parcel, consistent with the CDP, and the provisions of this Section. GlassHouse shall seek to reasonably maximize the redevelopment potential of the Property and, if applicable, the Option Parcel, consistent with economic conditions and in an architectural style that is complementary to the brick architecture which currently exists along Georgia Avenue, as determined by GlassHouse in its reasonable discretion. Except as

otherwise provided in this Agreement, GlassHouse shall undertake the development program set forth in this Section 3 at its sole cost and expense.

3.4.1. The Redevelopment Program for the Property shall be for mixed-use, allowing a variety of uses including office, entertainment, commercial, and if applicable, for the Option Parcel shall allow for such uses and for residential uses, to be developed in Phases, consistent with the terms set forth in the PD Agreement or, as it relates to the Option Parcel, a separate planned unit development agreement, as exists from time to time.

a. The anticipated redevelopment of the Property is described as follows:

PROJECT/ PHASE	PARCEL	STORIES (NOT TO EXCEED)	PERMITTED USE(S)
Phase 1: Building 1	1	3, plus rooftop assembly use space	FIRST FLOOR Up to 10,000 GSF Office*/Commercial to be further defined in the PD Agreement *No more than 30% of 1st floor space to be office.
			SECOND FLOOR Up to 10,000 GSF office/commercial to be further defined in the PD Agreement
			THIRD FLOOR Up to 10,000 GSF office/commercial to be further defined in the PD Agreement
			ROOFTOP Up to 10,000 GSF Rooftop assembly use space (event space) to be further defined in the PD Agreement. Rooftop space is contemplated to have an elevator landing, enclosed restroom and other incidental enclosures, and all enclosures shall be set back an appropriate distance, to be identified in the PD Agreement, from the edge of

PROJECT/ PHASE	PARCEL	STORIES (NOT TO EXCEED)	PERMITTED USE(S)
			the roof. The top of all enclosures shall be less than eighty (80') feet above the finished floor elevation of the first floor of the building.
			Up to 1,500 GSF of Gallery/ event space.
Phase 2: Building 2	2	2	Ground floor up to 3,500 GSF Office*/Commercial to be further defined in the PD Agreement *No more than 30% of 1st floor space to be office.
			Second floor up to 5,000 GSF office/commercial, Gallery/event space and/or up to 5 "Artist's Lofts" to be further defined in the PD Agreement
Phase 1: Gathering Space		N/A	Green square / water feature area and/or other gathering space to be further defined in the PD Agreement
Phase 1: Pedestrian Walkway		N/A	To be further defined in the PD Agreement, to include provisions for an easement (the "Easement") for underground utilities, stormwater vaults, emergency access and the right to grant temporary ingress and egress to adjacent property owners with zero lot line buildings for periodic maintenance of those buildings. It is GlassHouse's current intention that the pedestrian walkway will generally remain open for access by members of the public as invitees as is the case with the nearby Artisan Alley. It is also GlassHouse's intention to construct a portion of Building 2 over a portion of

PROJECT/ PHASE	PARCEL	STORIES (NOT TO EXCEED)	PERMITTED USE(S)
			the pedestrian walkway, leaving approximately 14' of airspace from the ground level to the overhanging portion of Building 2.
Phase 1: Private Parking Lot		N/A	Private parking lot to serve needs of GlassHouse, location to be determined in the PD Agreement.

b. Building 1 in Phase 1 shall be not less than two (2) stories and not less than 20,000 gross square feet.

c. The anticipated redevelopment of the Option Parcel, if applicable, shall be in accordance with a PD agreement to be entered into in accordance with rezoning of the Option Parcel, and if applicable, other lands. Buildings on the Option Parcel shall be limited to three (3) stories and shall not have any rooftop event space.

d. Parking may be provided off-site to each Parcel to be developed. Except as otherwise provided, specific parking ratios and standards shall be addressed in the PD Agreement applicable to each Parcel.

e. Any residential units shall be constructed to provide exterior sound attenuation to standards to be addressed in the PD Agreement. There shall be no residential units on the first floor adjacent to Georgia Avenue.

f. The references to square feet of non-residential use and number of residential units in Section 3.4.1. are only estimates. Adoption of square footages in the PD Agreement approved by the City through the normal rezoning / development review process shall be deemed to modify this Agreement without the need for any written amdendment to this Agreement. If GlassHouse fails within 180 days of the Effective Date to make a complete application for a planned development rezoning, then the City may follow the procedures outlined under Section 9.2 of this Agreement regarding notice and opportunity to cure, and City shall thereafter be entitled to terminate this Agreement.

3.4.2. The order of Phases described in Section 3.4.1. is the presently anticipated order of development and is used only for descriptive purposes. For example, GlassHouse may, in its sole discretion, commence development of Phase 2 as the initial Phase of development for the Property. In addition, GlassHouse may commence development of more than one Phase consistent with the terms of this Agreement. In any event, development of the Phases shall be designed to minimize the disruption to the existing public parking on the Option Parcel without unreasonably interfering with construction of the Project(s). The site plan for each Phase shall include measures to mitigate disruption to such existing public parking, which shall be part of the City's review process and shall be depicted on the site plan for each respective Phase. Such mitigation measures may include Glasshouse maintaining its laydown area and all construction staging operations on the Property or on the City's lot located at 224 South Florida Avenue and possibly other measures to avoid impacts to Georgia Avenue. GlassHouse will use its best efforts to ensure that, prior to its provision of substitute public parking that is reasonably equivalent to that which is currently on the Option Parcel, as set forth in Section 3.5 below, its construction force does not park in the public parking currently located on the Option Parcel. The City may implement additional off-site mitigation measures including, but not limited to, informational signage directing visitors to alternative public parking areas. The City shall allow Glasshouse to use the City owned vacant lot located at 224 South Florida Avenue at no cost to Glasshouse for construction staging and construction worker parking. GlassHouse shall provide liability insurance in an amount no less than one million ($1,000,000.00) dollars per occurrence, two million ($2,000,000.00) dollars annual aggregate limit covering property damage and personal injury liability for that lot during the time that it is used for construction parking and such insurance shall name the City of DeLand as an additional insured.

3.4.3. The City represents that as of the Effective Date, neither the City's land development regulations, nor any other applicable regulation of the City, imposes any on site storm water treatment or storage requirements which are in any way greater than the requirements of the St. Johns River Water Management District. The City shall have the option to install, or upsize as the case may be, and maintain, stormwater vaults underneath the Easement area, and beneath the Pedestrian Walkway, to the extent space is available therefor, as determined by sound engineering principles. The cost for installation thereof, or the cost related to upsizing as the case may be, shall be the sole cost of the City. The City shall pay all costs for future maintenance if it installs its own stormwater vaults, or for its proportionate share (determined by the percent of total capacity comprised of the City's upsizing) of future maintenance costs,if it upsizes Glasshouse's Stormwater Vaults.

3.5. Public Parking Lot. If GlassHouse exercises its option to purchase the Option Parcel and the City conveys the Option Parcel to GlassHouse as provided herein, GlassHouse will replace all currently existing regular and handicap accessible public parking spaces displaced by any Project to be developed on the Option Parcel with an equal number of such parking spaces, at its sole cost and expense. In addition to the provisions of Section 6, closing on the Option Parcel shall be in accordance with the following standards:

3.5.1. The parking lot containing the replacement public parking spaces (the "Public Parking Lot") shall be completed not later than closing on the Option Parcel or, at GlassHouse's option, GlassHouse may grant to the City a temporary easement for such public parking on the Option Parcel until the replacement public parking is provided and receive title to the Option Parcel. The term of such temporary parking easement shall have a duration which is no longer than the term of the Option or the date that title to the Option Parcel is reconveyed to the City, all as set forth in Section 5.10. If any public parking spaces located on the Option Parcel are agreed, in the PD Agreement for the Option Parcel, to be left in service for public parking after closing on the Option Parcel, City shall reserve an easement as to those spaces and the existence of those spaces shall be addressed in the PD Agreement on the Option Parcel.

3.5.2. GlassHouse shall construct the Public Parking Lot on lands to be conveyed to the City, which lands shall be located within two hundred fifty (250') feet of the Option Parcel. After closing on the Option Parcel, City shall be responsible for the operation and maintenance of the Public Parking Lot. If any public parking spaces are left on the Option Parcel after closing on the Option Parcel, GlassHouse shall maintain those spaces pursuant to a separate maintenance agreement with the City, executed prior to closing on and conveyance of the Option Parcel to GlassHouse.

4. **Other GlassHouse Obligations.** Unless otherwise provided in this Agreement, GlassHouse shall undertake the actions set forth in this Section 4 at its sole cost.

4.1. Other Obligations. GlassHouse shall provide the information required in Section 6.1 and acquire the Parcels as set forth in Section 6.

4.2. Deadlines. Subject to the deadlines provided below and following closing on each respective Parcel, GlassHouse shall control the timing for construction of each Phase on the Property.

4.2.1. Within the later of nine (9) months of approval of the PD Agreement or eighteen (18) months of the Effective Date, GlassHouse shall submit the following, consistent with the CDP:

4.2.1.1. Preliminary and final plats - The initial plat which may divide the site into at least two (2) lots will be prepared during the first phase. The two (2) lots will consist of the sites for Parcel 1 (for Building 1), and Parcel 2 (for Building 2). The City will execute without delay such owner authorizations required by the City's applicable land development regulations when same are presented to the City for signature. The final plat for the Property will be fully executed at or prior to closing, and delivered to the City Attorney in escrow for recording immediately following the closing.

4.2.1.2. A site plan for development of the first Phase (i.e., the site improvements necessary for the preliminary and final plats for the Parcel and associated easements). The City will execute without delay such owner authorizations required by the City's applicable land development regulations when same are presented to the City for signature.

4.2.1.3. Complete construction plans for Building 1 (recognizing that any part of the interior of Building 1 may be unfinished shell space).

4.2.2. GlassHouse shall make commercially reasonable efforts to obtain approval for the above permit applications for the first Phase within twenty-four (24) months of the Effective Date.

4.2.3. GlassHouse shall make commercially reasonable efforts to commence construction of the first Phase within fifteen (15) months of approval of the PD Agreement. GlassHouse shall make commercially reasonable efforts to complete construction of the first Phase within twenty-four (24) months of commencement of construction.

4.3. Extensions. Extensions to deadlines provided for in this Agreement can only be approved by the parties hereto in writing.

4.4. Report to City Commission. Until the Redevelopment Program for the Property has been completed, GlassHouse shall appear before the City Commission at least once per year to provide a report on the progress of the proposed Projects and the performance of its obligations under this Agreement.

4.5. Compliance with Other Provisions of Applicable Law.

4.5.1. GlassHouse shall construct each Project in compliance with all applicable laws, regulations and ordinances, including but not limited to provisions of the City's Land Development Code regulating platting.

4.5.2. The City shall join in any plat of the Property or, as applicable, the Option Parcel, to the extent necessitated by any easement or other rights therein retained by the City, provided that such plat(s) do not interfere with the

development or use of the Property or Option Parcel so acquired by GlassHouse under this Agreement.

5. **City and CRA Obligations.** In consideration of GlassHouse undertaking the Projects, the City and the CRA shall undertake the actions set forth in this Section. Unless otherwise provided below, the City and the CRA shall undertake such actions at their sole cost.

5.1. Joinder and Applications. The City, as owner of the Property and the Option Parcel shall join in any application for development orders associated with redevelopment of the Property and, if applicable, the Option Parcel consistent with the Redevelopment Programs, including, but not limited to, applications for final rezoning, site plan or plat approval and stormwater permits, and other Development Orders. Nothing in this Agreement shall be intended to bind the City or otherwise impose upon the City any obligation to approve any applications in which the City joins pursuant to this Agreement.

5.2. City and CRA Contributions.

5.2.1. The City shall convey the Property and, if applicable, the Option Parcel, to GlassHouse pursuant to the terms of Section 6, free and clear of any liens or encumbrances except as otherwise provided in Section 6.7. Conveyance of the Property shall occur prior to GlassHouse's commencement of construction of Phase 1.

5.2.2. GlassHouse shall pay all City application fees in regard to all applications for Development Orders, all City and County impact fees subject to any applicable credits and any other fees customarily required for obtaining development permits. GlassHouse shall be entitled to all impact fee and connection fee credits currently available to the Property and, as applicable, the Option Parcel.

5.2.3. Except as otherwise provided herein, GlassHouse shall pay all city, state or federal application or permit fees, and such general and usage fees or charges for water, sewer, or other services provided by the City to the Property or, as applicable, the Option Parcel, following closing on such lands.

5.2.4. The City and GlassHouse shall collaborate to establish a parking signage program for the public parking on the Public Parking Lot, which shall be designed to be consistent with the design and character of the Projects, and shall be installed on the Parcels as set forth on the site plan for the respective Parcels. The City shall provide such information as is necessary for inclusion on the respective site plan in a timely manner to permit GlassHouse to submit its site plans consistent with the schedule set forth in Section 4.2. The City or the CRA shall pay all costs relating to the parking signage improvements, shall install such improvements on the Parcels as set forth on the site plan for such Parcels, and shall thereafter maintain such signage, pursuant to a separate maintenance agreement.

5.2.5. The City or the CRA shall, at their sole cost and expense, procure a boundary and topographic survey of the Property. The survey shall include the boundaries of the Property, all public utilities located on public property within seventy five (75') feet of the Property including visible surface and invert depths, and elevations of the property from the edge of the buildings to the property line. The boundary survey shall be in ALTA form. The survey shall be certified to GlassHouse, its lender and title insurer. The City or the CRA shall provide the survey to GlassHouse not later than ninety (90) days from the Effective Date.

5.2.6. The City or the CRA shall, at their sole cost and expense, cause to be performed, a Phase I Environmental Site Assessment for the Property and, the Option Parcel (the "Phase I"), and a Phase 2 Environmental Site Assessment if the Phase 1 assesment identifies any Recognized Environmental Condition (as defined by the Phase I). The parties shall cooperate in good faith to fund through the Florida or federal brownfield program incentives, as available, any additional Phase II environmental site assessment and/or remediation of the Property and, if applicable, the Option Parcel and adjust the deadlines in Section 4.2 to address any delays associated with additional site assessment and/or remediation which the parties agree to undertake. Should the City reasonably determine that the length of time and or the cost to perform additional environmental assessments or remediate the site is too great, the City shall have the right in its sole discretion to terminate this Agreement upon thirty (30) days written notice. The environmental site assessments shall be certified to GlassHouse, its lender and title insurer. City and CRA shall provide three (3) originals of the Phase I environmental site assessments to GlassHouse not later than one hundred fifty (150) days from the Effective Date.

5.2.7. The City or the CRA shall, at their sole cost and expense, cause the Property to have a geotechnical survey completed. The geotechnical survey will be based upon geotechnical borings conducted in appropriate locations within the parking areas of the Property, and nothing in this Agreement shall be deemed to require the City or CRA to conduct borings within the locations on the Property that are currently occupied by structures. The geotechnical survey shall include foundation design recommendations for the planned heights of the buildings, and percolation analysis for underground exfiltration storm water systems subject to any limitations imposed by the presence of buildings being located on the Property. The geotechnical survey shall be certified to GlassHouse, its lender and title insurer. The City or the CRA shall provide three (3) originals of the Geotechnical Survey to GlassHouse not later than one hundred twenty (120) days from the Effective Date.

5.2.8. The City or the CRA shall cause the aforesaid survey, environmental inspection reports and geotechnical survey to be certified to GlassHouse and

shall name GlassHouse as an intended third-party beneficiary of the contract between the City and the provider of such reports.

5.2.9. The City or the CRA shall, at their cost and expense, cause such underground stormwater vaults as they deem appropriate, consistent with the intended use and development of the Pedestrian Walkway, to be constructed simultaneously with or prior to GlassHouse's development of the Pedestrian Walkway.

5.3. Acceptance and Maintenance of Public Improvements. If applicable, following the City's customary procedures for acceptance of public improvements, the City shall accept, and thereafter maintain pursuant to the provisions of Section 3.5, the Public Parking Lot improvements.

5.4. Other Obligations. The City shall provide technical assistance with respect to the development order applications filed by GlassHouse for the Projects. City shall maintain the Property and the Option Parcel in its current condition during the term of this Agreement prior to conveyance of the Property and, if applicable, the Option Parcel except as otherwise provided for in this Agreement. City shall comply with the provisions of Section 6 of this Agreement.

5.5. City Cooperation. The City shall exercise its best efforts and cooperate with GlassHouse in submitting and obtaining any state and federal licenses, permits, and governmental authorizations necessary to the completion of the Projects; provided, however, except as otherwise provided herein, all costs associated therewith shall be the sole responsibility of GlassHouse. The City's obligations shall not affect the City's right and authority to act in regulatory matters in accordance with applicable laws or ordinances. GlassHouse acknowledges that the City does not, and as a matter of law cannot, agree by way of a contract to pre-approve its applications. This is because the law forbids the government from contracting away its legislative authority in the land development approval process. GlassHouse acknowledges that it has no claim or cause of action against the City in the event that the Project, and all elements thereof, are not approved by the City through the development review and approval process.

5.6. Available Incentives. The City and GlassHouse shall cooperate to obtain any incentives available pursuant to the Florida Brownfields Program or the federal brownfields program, including, but not limited to, obtaining Brownfield Assessment Grant funds from the U.S. Environmental Protection Agency to conduct the Phase 1 assesment.

5.7. Easements.

5.7.1. The City shall grant to GlassHouse a temporary construction easement for the purpose of allowing GlassHouse to utiliize the vacant lot located at 224 S. Florida Avenue for staging and parking related to the construction of the Projects and the Public Parking Lot, as set forth in the site plans for each respective Phase. These easements shall be identified and agreed upon not

later than approval of the PD Agreement on the Property or the Option Parcel, as applicable, and shall be delivered upon the closings on the Property and the Option Parcel, as applicable.

5.7.2. Concurrent with the conveyance of the Property as set forth in Section 6, the City shall:

5.7.2.1. Convey to GlassHouse a ten (10') foot wide easement, in a location reasonably acceptable to GlassHouse and the City, for pedestrian ingress and egress across the Option Parcel, connecting the Property to lands lying South of the Option Parcel. Such easement shall run with the land and inure to the benefit of the individual unit buyers, property owners or condominium owner's association, and successors and assigns, to the Property.

5.7.2.2. The City shall reserve the Easement over, upon, under and across the Pedestrian Walkway.

5.8. No Pledge of Full Faith and Credit. The City's and the CRA's payment obligations hereunder do not, and shall not be deemed to, constitute a general obligation of the City or the CRA, nor do they constitute a pledge of the full faith and credit of the City or the CRA within the meaning of the Constitution and laws of the State of Florida. They shall be binding obligations only to the extent that City or CRA has funds available to meet them, and shall be subject to the City's or CRA's appropriation of such funds. GlassHouse' obligations to meet the deadlines set forth in Section 4.2 shall be tolled an equal time for any period in which the City or CRA fails to appropriate such funds.

5.9. Upon GlassHouse obtaining all necessary permits, approvals and authorizations from all applicable governmental authorities for the site development of the Property and construction of Building 1, GlassHouse will provide to the City a letter from a lending institution or other party reasonably acceptable to the City ("Loan Commitment"), or other reasonably acceptable evidence of financial capacity or other reasonably acceptable security guaranteeing completion of Phase 1 of the Project ("Proof of Financial Capacity"). Thereafter, the City will demolish the former Volusia County Jail building ("Jailhouse"), leave the Property cleared and development-ready, and remove all Asbestos from the Property, to be completed not later than one hundred twenty (120) days following the City's approval of the Loan Commitment in accordance with the following standards:

5.9.1. City has caused a survey of the Property to be conducted according to Florida Statutes, Chapter 469 ("Survey"), which was performed by an Asbestos Surveyor acting under the direction of a Florida licensed Asbestos Consultant. Within thirty (30) days of the Effective Date, the City shall provide GlassHouse with a copy of the Survey.

5.9.2. Prior to demolition of the Jailhouse and not later than one hundred twenty (120) days following the Effective Date, the City shall cause Abatement

specifications for Abatement of all Asbestos on the Property to be prepared by and under the direction of a Florida licensed Asbestos Consultant. The Abatement specifications shall provide for Abatement to be by Removal and Disposal of the Asbestos on the Property and not by Encapsulation, Enclosure or other means besides Removal and Disposal. The proposed Abatement specifications shall be provided to GlassHouse for review not later than thirty (30) days prior to the City releasing bids for the demolition work. GlassHouse shall have fourteen (14) days from receipt of the Abatement specifications to comment on them, but shall have no duty to comment and shall have no duty to the City or any other party in regard to any comment which GlassHouse makes in regard to the proposed Abatement specifications. Any comment made by GlassHouse is solely for the benefit of Glasshouse and for the benefit of no other person or party.

5.9.3. The Removal and Disposal of all Asbestos-containing Materials must be performed by a Florida licensed Asbestos Contractor and monitored by a Florida licensed Asbestos Consultant.

5.9.4. All Asbestos-containing Materials must be abated according to all applicable laws, rules and regulations including, without limitation, AHERA, ASHARA, NESHAP, NIOSH, Florida Statutes Ch. 469 and FAC Ch. 61E-1, and those of the United States Environmental Protection Agency, OSHA and the Florida Department of Environmental Protection.

5.9.5. Prior to closing and subsequent to the Abatement, and not later than thirty (30) days following completion of the Jailhouse demolition, the City shall cause an inspection of the Property to be performed by a Florida licensed Asbestos Consultant and the City shall provide a new or updated Survey reporting the results of said inspection to GlassHouse upon receipt of said Survey to provide reasonable assurance that the Asbestos on the Property has been abated.

5.9.6. GlassHouse's review of and comment on the asbestos Surveys and the Abatement specifications as described herein, and all other provisions of this section or otherwise related to Asbestos on the Property, the Abatement of Asbestos on the Property, the asbestos Surveys and the Abatement specifications, or any one or more of them, are solely for the benefit of GlassHouse, and do not, and shall not, create any duty on the part of GlassHouse arising from or related thereto.

5.9.7. All capitalized terms in this Section 5.9 which are not otherwise defined herein shall have the meaning as defined under Section 469.001, Florida Statutes, unless the context requires otherwise.

5.9.8. Each Asbestos Consultant and Asbestos Contractor as described herein must be licensed and financially responsible under the provisions of Florida law including, without limitation, FAC 61E1 and Florida Statutes Chapter 469.

If the cost to demolish the Jailhouse and remove the Asbestos exceeds the sum of three hundred thousand ($300,000.00) dollars, the City shall give notice to GlassHouse within thirty (30) days of the City's receipt of the bid therefor but not later than one hundred twenty (120) days from the Effective Date, within which to notify GlassHouse of the amount of the overage. Upon the City giving such notice, GlassHouse will have the option of paying the excess amount or terminating this Agreement. GlassHouse must exercise its option to terminate by giving written notice of its election to do so within thirty (30) days of its receipt of notice of the amount of overage from the City. Following the City's receipt of GlassHouse's notice of termination, this Agreement will be deemed terminated and of no further force or effect. If GlassHouse does not notify the City of its election to terminate in said thirty (30) day period, then GlassHouse shall be deemed to have agreed to pay the difference and the amount of such difference shall be paid by GlassHouse to the City within thirty (30) days thereafter.

5.10. The City grants to GlassHouse a five-year option to purchase the Option Parcel (the "Option" as further defined herein). A memorandum of the Option will be recorded in the Public Records of Volusia County at the time of conveyance of the Property. The term of the Option shall be for a period commencing with recording of the Memorandum and shall run through five (5) years following the issuance of the first certificate of occupancy for a Project. The Option shall provide that GlassHouse is entitled to buy the Option Parcel for the lesser of (a) the fair market value (based upon an MAI appraisal certified to City, GlassHouse and GlassHouse's lender paid for by GlassHouse but obtained by the City from an appraiser on the approved list of appraisers by GlassHouse's lender) of the Option Parcel as of the date of transfer of title to the Property, with an adjustment for the change in the Consumer Price Index for all Urban Consumers, published by the U.S. Bureau of Labor Statistics, from the date of the appraised value to the date the option is exercised or (b) the then current fair market value as of the exercise of the option, determined by an appraiser selected and paid in the same manner as set forth above. Conveyance of the Option Parcel to GlassHouse pursuant to this option shall be subject to the following conditions:

5.10.1. GlassHouse shall be required to replace the existing displaced parking spaces in the Option Parcel, and as set forth herein, as well as provide all parking required for the development of the Option Parcel. Such displaced parking will be within two hundred fifty (250') feet of the Option Parcel. For the sake of clarity, the nearest point on any parcel of property upon which replacement parking is located shall be within two hundred fifty (250') feet of any point on the boundary of the Option Parcel. GlassHouse shall convey to the City fee simple title to the area containing the replacement parking, which shall include a minimum of two (2) ADA compliant handicapped parking spaces, drive aisles sufficient to fully access all parking spaces, and areas to support light fixtures for the parking spaces. GlassHouse shall also grant to the City one or more perpetual easements, if

the configuration of the remainder of the parking area so requires, allowing for access to the parking spaces conveyed to the City.

5.10.2. In the event that GlassHouse does not develop the Option Parcel with a minimum of three thousand eight hundred (3,800) square feet of commercial or mixed use development within five (5) years of conveyance of the Option Parcel by the City to GlassHouse, then the City shall have the option to repurchase the Option Parcel. In order to exercise this repurchase option, the City shall, not later than twelve (12) months following the expiration of the five year development period described above in this Section 5.10.2 (ie. six (6) years from the date of conveyance of the Option Parcel to GlassHouse), provide written notice of the City's election to repurchase. GlassHouse shall have one hundred eighty (180) days following the giving of such notice to obtain a site plan and complete building permits for the Option Parcel, and if GlassHouse does obtain the same, an additional eighteen (18) months from issuance of the building permits to complete construction of the improvements on the Option Parcel. Should GlassHouse fail to meet either deadline following notice from the City as set forth in this Section 5.10.2, then GlassHouse shall convey the Option Parcel to the City. At the time of conveyance of the Option Parcel to the City, the City shall pay to GlassHouse the full amount originally paid to the City by GlassHouse for the purchase of the Option Parcel and any costs related to recording fees, documentary stamp taxes, etc. related to such purchase. At the time of the conveyance of the Option Parcel to GlassHouse by the City, a memorandum of thisrepurchase option, and any other document reasonably necessary to render it enforceable, shall be recorded in the Public Records.

5.10.3. Any building located on the Option Parcel shall be limited to three (3) stories in height.

5.10.4. Any residential units shall be constructed to provide exterior sound attenuation, to an identifiable standard as set forth in the applicable PD Agreement. No residential units may be located on the first floor of the building fronting West Georgia Avenue.

5.11. Commencing with the first calendar year after the year of issuance of the certificate of occupancy for Phase 1, Building 1 (for the sake of clarity, January 1 of the year immediately following issuance of the said certificate of occupancy), and for a period of ten (10) years, forty five (45) days following payment by GlassHouse of the ad valorem taxes due in that year, the CRA shall pay GlassHouse an amount equal to the "pro rata portion" of ad valorem tax collections for Volusia County and the City of DeLand millage paid into the Downtown DeLand Community Redevelopment Trust Fund for Building 1 and the underlying lot on which it sits. The "pro rata portion" shall be determined by applying the ratio of the square

footage under roof that the offices for the company or employer referred to in the next to last sentence of this Section 5.11, up to a maximum of ten thousand (10,000) gross square feet or thirty three and 1/3 percent (33.33%) of the gross square footage of the building under roof, whichever is less, bears to the total square footage under roof of Building 1. The payment due each year will be made only after the ad valorem taxes for the entire Property have been paid for that year. In the event the said taxes on the Property have not been paid for any year, the aforesaid payment to GlassHouse shall be made by the CRA within sixty (60) days after the taxes have been paid. As a condition of this payment, during the year for which the payment is due, there must have been maintained on the Property during the year for which the payment is due one company or employer with a minimum of thirty (30) full time equivalent employees with an average annual salary of at least sixty seven thousand one hundred forty two and (00/100) dollars ($67,142.00). There shall be no extension of the term of the abatement nor any partial or pro-rated payment for any year that they do not meet the minimum employment and salary standards and GlassHouse or any subsequent owner of Parcel 1 will not seek grants from the CRA during the abatement period.

6. **Conveyance of Parcels.**

6.1. Adequate Assurances. As a condition precedent to the City's obligation to convey the Property (but not the Option Parcel) as required by Section 5.2.1, GlassHouse shall provide and deliver its proof of Financial Capacity to the City at or before closing on the Property.

6.2. Conveyance. Conveyance of the Property shall be subject to the City's determination that GlassHouse has obtained all permits required to construct and has the financial ability to develop Phase 1, such determination not to be unreasonably withheld. In the event that construction of Phase 1 is to be financed through a private lending institution, equity group, or by means other than a commercial lending institution, then the City's determination shall be to the City's reasonable satisfaction of the financial ability of that entity.

6.3. Closing Date. Unless otherwise agreed to by the parties in writing, the closing date for conveyance of the Property shall be ninety (90) days after the Jailhouse has been removed from the Property, the Abatement of the Asbestos has been completed and the Property is cleared and ready for development (the "Closing Date"). As and when applicable, the closing date for conveyance of the Option Parcel shall be the later of GlassHouse completing the improvements for the Public Parking Lot required by Section 3.5 of this Agreement (unless the temporary easement as described in Section 3.5.1 is provided) or sixty (60) days following GlassHouse providing the City with notice that it is exercising the said option. The Closing Date or the closing date for the Option Parcel may be extended for up to one month pursuant to a written agreement executed by GlassHouse and the City Manager without the necessity of amending this Agreement.

6.4. Form of Conveyance and Closing Costs. The City shall convey the Property and, as applicable, the Option Parcel, to GlassHouse pursuant to a special warranty deed. Documentary stamp taxes, if any, on the special warranty deed shall be the expense of GlassHouse. GlassHouse shall pay for the cost of recording curative instruments, the title insurance commitment, and the owner's title policy if issued, recording of the deed and all expenses associated with any financing. Each party shall pay its respective attorney's fees. Conveyance shall be subject to a reservation by the City of the Easement, the terms and conditions of which shall be agreed upon between the City and GlassHouse in the PD Agreement applicable to the Property (but which may be subsequently amended by agreement between them without amending the PD Agreement). The Easement shall provide for the City to restore any damage caused by or related to its use of the Easement including, without limitations, arising out of its maintenance, repair or replacement of the City's facilities within the Easement.

The conveyance of the Property shall also be subject to a reverter clause ("Reverter Clause") reserved by the City. The terms and conditions for the Reverter Clause shall be agreed upon between the City and GlassHouse prior to closing on the Property. The general conditions of the Reverter Clause shall be that, unless extended by this Agreement (including, without limitation, Sections 4.5 and 12) or by mutual agreement of City and GlassHouse, construction of Phase 1, Building 1 must have commenced within twenty four (24) months from the closing on the Property, and must be ready for occupancy within thirty six (36) months from the commencement of construction. If either deadline is not achieved, the City may at any time thereafter (while that condition continues to exist) serve GlassHouse with the City's notice of intention to invoke the Reverter Clause, which notice shall state with specificity what deadline has not been met. GlassHouse shall have one hundred-eighty (180) days after receipt of the City's notice within which to cure that condition. After the expiration of the one hundred eighty (180) day period and prior to the time the condition has been cured, City may then invoke the Reverter Clause by providing written notice to GlassHouse of such election. Within fifteen (15) days of such notice, GlassHouse shall convey title of the Property by special warranty deed. Upon the City sending such notice, the Option shall automatically terminate. Should GlassHouse fail to convey the Property to the City, the City shall be entitled to immediately seek specific performance of this provision in a court of competent jurisdiction. A memorandum setting forth the terms of the Reverter Clause shall be recorded in the Public Records of Volusia County, Florida. The City will subordinate the reversionary interests evidenced by the Reverter Clause to any commercially reasonable mortgage recorded against the Property which mortgage is solely for the development of the Property. Once development of the Property is completed, this reversionary interest will terminate and otherwise be deemed to be extinguished, and the City shall record a notice of the termination of the reversionary interest in the Public Records upon completion of the development of the Property.

6.5. Payment by GlassHouse. Except as otherwise set forth herein, GlassHouse shall provide payment of the following:

6.5.1. Closing costs as set forth herein associated with conveyance of the Property and as applicable, the Option Parcel, except that the City shall bear is own attorney fees.

6.5.2. City application fees associated with the entitlement process.

6.5.3. City and County impact fees, subject to any applicable credits.

6.5.4. City permit fees.

6.5.5. All other typical development fees related to development of the Project.

6.6. AS IS. Except as otherwise provided in this Agreement, the City is not making and specifically disclaims any warranties or representations of any kind or character, express or implied, with respect to the Property and, as applicable, the Option Parcel. GlassHouse agrees that with respect to the Property and the Option Parcel, GlassHouse has not relied upon and will not rely upon, either directly or indirectly, any representation or warranty of the City (except as expressly set forth in this Agreement) or any agent of the City. GlassHouse represents that it is a knowledgeable purchaser of real estate and that (except as to the express representations and warranties as set forth in this Agreement), it is relying solely on the Geotechnical Survey, Phase 1 (and Phase 2, as applicable), and the surveys and Survey provided by City pursuant to Sections 5.2.5, 5.2.6 and 5.9, respectively), and its own expertise and that of its consultants, and that in addition to the inspection reports provided by the City, GlassHouse will conduct such inspections and investigations of the Property and, if applicable, the Option Parcel, including, but not limited to, the physical and environmental conditions thereof, and shall rely upon same, and, upon closing, shall assume the risk that adverse matters, including, but not limited to, adverse physical and environmental conditions, which may not have been revealed by those inspections and investigations. GLASSHOUSE ACKNOWLEDGES AND AGREES THAT UPON CLOSING, THE CITY SHALL SELL AND CONVEY TO GLASSHOUSE, AND GLASSHOUSE SHALL ACCEPT THE PROPERTY AND, AS APPLICABLE, THE OPTION PARCEL "AS IS, WHERE IS," WITH ALL FAULTS, AND THERE ARE NO ORAL AGREEMENTS, WARRANTIES, OR REPRESENTATIONS (EXCEPT AS SPECIFICALLY PROVIDED HEREIN OR IN THE DEED TO BE DELIVERED AT CLOSING), COLLATERAL TO OR AFFECTING THE PROPERTY AND, IF APPLICABLE, THE OPTION PARCEL BY CITY, ANY AGENT OF THE CITY OR ANY THIRD PARTY ACTING FOR OR ON BEHALF OF THE CITY. The terms and conditions of this Section shall expressly survive the closing and not merge into the deed(s) to be executed and delivered at Closing.

6.7. Title Insurance.

6.7.1. GlassHouse shall obtain, at GlassHouse's expense, within thirty (30) days of the Effective Date, a commitment (the "First Commitment") for an

Owner's Title Insurance Policy agreeing to insure title to the Property and the Easements or, at GlassHouse's election, the Property, the Easement and the Option Parcel, in an amount that GlassHouse estimates is equal to the value of the Property, the Easement and, as applicable, the Option Parcel. The First Commitment shall be subject to: no exceptions other than those matters herein permitted; those which will be discharged prior to or at Closing; and the standard printed exceptions and exclusions from coverage customarily contained in an Owner's Policy from the title company.

6.7.1.1. GlassHouse shall provide the City a copy of the First Commitment within ten (10) days of receipt of same.

6.7.1.2. Within thirty (30) days of its receipt of the First Commitment, GlassHouse shall notify the City of any objections thereto. If GlassHouse fails to do so, it shall be deemed to have accepted the First Commitment and title to the Property and the Easements and, as applicable, the Option Parcel, as evidenced thereby.

6.7.1.3. GlassHouse shall take title subject to zoning, restrictions and prohibitions imposed by governmental authority which would not inhibit, restrict or prohibit redevelopment of the Property, the Easements and Option Parcel consistent with the CDP. No other restrictions and/or easements shall affect the title.

6.7.1.4. If the First Commitment discloses unpermitted exceptions or matters that render the title non-marketable or otherwise objectionable to GlassHouse in its sole discretion, the City, at its option, shall have forty-five (45) days from the date of receiving written notice of defects from GlassHouse within which to have the exceptions removed from the First Commitment, or the defects cured to the reasonable satisfaction of GlassHouse. If the City fails to have the First Commitment exceptions removed or the defects cured within the specified time, GlassHouse may terminate this Agreement, or GlassHouse may elect, upon notice to the City within ten (10) days after the expiration of the curative period, to take title as it then is notwithstanding such exceptions or title defects.

6.7.2. Thereafter, GlassHouse may obtain at GlassHouse's expense, within thirty (30) days prior to Closing on the Property, the Option Parcel, or both, an updated commitment (a "Subsequent Commitment") for an owner's title insurance policy.

6.7.2.1. In the event that a Subsequent Commitment contains any unpermitted exceptions or matters that render the title non-marketable; and such exceptions or matters were not set forth in the First Commitment, the following provisions shall apply:

6.7.2.1.1. In the event that the new exceptions or matters arise by, though, under or against the Property or, as applicable, the Option Parcel, the City shall exercise reasonable diligence in the curing of any such exceptions or matters, including the payment and discharge of any liens or encumbrances affecting the title of the subject lands.

6.7.2.1.2. Otherwise, the provisions of Section 6.7.1.4 shall apply.

6.7.3. At closing, the City shall provide a standard seller's affidavit so the title company may provide GlassHouse with standard "gap" coverage in the custom as established by title insurance practices in Florida.

6.7.4. Subsequent to closing, the title company, at GlassHouse's expense, shall provide an owner's title policy showing good and marketable title in GlassHouse through the date of recording the special warranty deed and subject only to the permitted exceptions and any matters created at closing.

6.7.5. The Closing of each Parcel shall be thirty (30) days after the later of: (a) the date that the City advises GlassHouse that it elects not to cure the title defects or the expiration of the time frame for the City to cure the defects (if it elects to do so); or (b) the time for closing expressly set forth in the Agreement.

7. **Representations and Warranties of the City and the CRA.** The City and the CRA hereby represent and warrant the following:

7.1. This Agreement and each document contemplated hereby to which the City and the CRA will be a party has been duly authorized and will be executed and delivered by the City and the CRA and neither their execution and delivery, nor compliance with the terms and provisions of this Agreement: (i) require the approval and consent of any other party, except as have been obtained or as are specifically noted herein, (ii) contravene any existing law, judgment, governmental rule, regulation or order applicable to or binding upon the City or the CRA, or (iii) contravenes or results in any breach of, default under or result in the creation of any lien or encumbrance on the City or the CRA.

7.2. This Agreement and each document contemplated hereby to which the City and the CRA will be a party, will constitute a legal, valid and binding obligation of the City or the CRA enforceable against the City or CRA in accordance with the terms thereof, except as such enforceability may be limited by public policy or applicable bankruptcy, insolvency or similar laws from time to time in effect which affect creditors' rights and subject to usual equitable principles if equitable remedies are involved.

7.3. To the knowledge of the City and the CRA, there is no suit, litigation or action pending or threatened against the City or the CRA which questions the validity of this

Agreement or any document contemplated hereunder or challenges the power or any approvals of the City or the CRA to authorize the execution and delivery of same.

7.4. The City and the CRA shall use their best efforts to timely fulfill all of the conditions and obligations expressed in this Agreement which are within the control of the City or the CRA and shall act so as not to unreasonably delay the completion of the Projects.

7.5. The City and the CRA shall cause to continue to be in effect those instruments, documents, certificates and events contemplated by this Agreement that are applicable to and the responsibility of the City and the CRA.

7.6. The City shall assist GlassHouse in accomplishing the development of the Projects in accordance with this Agreement and the plans for the Projects, and will not violate any applicable laws, ordinances, rules, regulations, orders, contracts, or agreements, or approve or enter into any agreement that will result in this Agreement or any part hereof, or any other instrument contemplated hereby, to be in violation thereof.

7.7. The City and the CRA shall discharge, vacate, or release any lien, encumbrance, easement, right-of-way or other property interest the City or the CRA has or owns on or in the Property and, as applicable, the Option Parcel (other than those arising under this Agreement) on or before the closing of the conveyance of the Property and, as applicable, the Option Parcel to GlassHouse.

7.8. The City and the CRA represent that the Property and the Option Parcel are not on any "Superfund" list under any applicable environmental law, nor is the Property or the Option Parcel currently subject to any lien related to any environmental matter. Except as specifically set forth herein, the City and the CRA make no other representations or warranties, expressed or implied, concerning the environmental condition of the Property or the Option Parcel.

7.9. Seller is and, as of the Closing Date and the closing date for the Option Parcel, will be:

7.9.1. In possession of the Property and, as applicable, the Option Parcel, free of any tenants and rights of third-parties.

7.9.2. The Owner of fee simple legal and beneficial title to the Property and, as applicable, the Option Parcel.

8. **Representations and Warranties of GlassHouse.** GlassHouse hereby represents and warrants the following:

8.1. GlassHouse is a validly existing limited liability company under the laws of the State of Florida, has all requisite power and authority to carry on its business, to own and hold property, to enter into and perform its obligations under this Agreement and consents to service of process on its registered agent in Florida.

8.2. This Agreement and each document to which GlassHouse is or will be a party has been duly authorized and will be executed and delivered by GlassHouse and neither their execution and delivery, nor compliance with the terms and provisions: (i) requires the approval and consent of any other party, except as have been obtained or as are specifically noted herein, (ii) contravenes any existing law, judgment, governmental rule, regulation or order applicable to or binding on GlassHouse, or (iii) results in any default or results in the creation of any lien on the property or assets of GlassHouse which will have a material adverse effect on its ability to perform its obligations hereunder.

8.3. This Agreement and each document contemplated to which GlassHouse will be a party, will constitute a legal, valid and binding obligation of GlassHouse enforceable against GlassHouse in accordance with the terms thereof, except as such enforceability may be limited by applicable bankruptcy, insolvency or similar laws from time to time in effect which affect creditors' rights and subject to usual equitable principles if equitable remedies are involved.

8.4. To the knowledge of GlassHouse, there is no suit, litigation or action pending or threatened against GlassHouse, which questions the validity of this Agreement or which will have a material adverse effect on its ability to perform its obligations hereunder.

8.5. GlassHouse shall use its best efforts to timely fulfill all of the conditions and obligations expressed in this Agreement which are within the control or are the responsibility of GlassHouse.

8.6. During the period the obligations of GlassHouse are in effect, GlassHouse shall cause to continue to be in effect those instruments, documents, certificates and events contemplated by this Agreement that are applicable to and the responsibility of GlassHouse.

8.7. GlassHouse shall use its best efforts to accomplish the development of the Projects in accordance with this Agreement, the Proposal and the Project plans, and will not violate any applicable laws, ordinances, rules, regulations or orders in its efforts to do so.

8.8. GlassHouse has or will use its best efforts to obtain all state and local permits or other governmental authorizations and approvals required by law in order to proceed with the development of the Projects, subject to the fee waivers contemplated or permitted herein, if any.

8.9. GlassHouse shall not take any action or omit to take any action which would knowingly and intentionally cause the taxable value of the Property or, as applicable, the Option Parcel to diminish (other than the right as provided by law to petition the Value Adjustment Board or to otherwise challenge the valuation assigned to the Property or, as applicable, the Option Parcel by the Volusia County Property Appraiser).

8.10. GlassHouse shall promptly notify the City Manager in writing of any actual or reasonably anticipated delays in the construction of the Projects.

9. Default

9.1. Force Majeure. Neither party shall be held in default of this Agreement for any delay or failure of such party in performing its obligations pursuant to this Agreement if such delay or failure is caused by Force Majeure as set forth below.

9.2. Notice and Opportunity to Cure.

9.2.1. Prior to declaring a default hereunder, other than with regard to the situations specifically enumerated in Sections 3.2.1, 3.4.1, 5.2.6, 5.9 and 6.4, the non-defaulting party must provide the defaulting party with written notice and at least thirty (30) days to cure such default; provided, however, if the default is of a nature that cannot be reasonably cured within such 30-day period, then the defaulting party shall be allowed a reasonable period of time to cure such default provided that it diligently commences the cure within the 30-day period and thereafter diligently undertakes and pursues such cure to completion.

9.2.2. Further provided, however, that no prior notice or opportunity to cure needs to be provided in the event the defaulting party has previously breached a provision of this Agreement, and thereafter breaches the same provision.

9.3. Remedies. If a default occurs, the non-defaulting party may terminate this Agreement as to any portion of the Property or Option Parcel that have not yet been conveyed, institute an action to compel specific performance or seek other equitable relief, or suspend its own performance hereunder, or pursue any other remedy available at law or equity other than a suit for damages. In the event that the City shall fail to convey the Property or Option Parcel pursuant to this Agreement, and GlassHouse shall not otherwise be in material and substantial default of this Agreement, then GlassHouse shall provide the City written notice of such default. The City shall have thirty (30) days from receipt of such notice to cure its default. If the City shall fail to cure such default within the thirty (30) day time period, then GlassHouse shall be entitled to bring an action for declaratory relief, specific performance or other equitable relief as allowed by law as against a governmental entity or, notwithstanding the other provisions of this Section, terminate this Agreement and recover all reasonable fees and costs incurred in the performance of its obligations set forth in Sections 3 and 4 within thirty (30) days of written termination of this Agreement by GlassHouse as its sole remedy. The specified rights and remedies to which the City and GlassHouse are entitled under this Agreement are not exclusive and are intended to be in addition to any other means of redress which the City or GlassHouse may have, including specific performance. The foregoing notwithstanding, under no circumstances will the City or GlassHouse be liable for consequential damages, including lost profits, the right to such damages being expressly waived.

9.4. No Waiver. The failure by the City, the CRA or GlassHouse to promptly insist on strict performance of any provision of this Agreement shall not be deemed a waiver of any right or remedy that the City, the CRA or GlassHouse may have, and shall not be deemed a waiver of a subsequent default or nonperformance of such provision.

9.5. Effect of Termination. In the event that a party terminates this Agreement under this Section 9 or any other provision of this Agreement, such termination shall not affect the obligations of the parties as to Projects the land for which has been conveyed by the City to GlassHouse.

10. **Agreement to Run with Land.** This Agreement shall run with the Property and, as applicable, the Option Parcel and any portion thereof.

10.1. This Agreement, and any amendments hereto, shall be binding and inure to the benefit of, and be enforceable by, the City, the CRA and GlassHouse, and the heirs, successors and assigns of the foregoing.

10.2. In the event of a conveyance of any portion of the Property or the Option Parcel, this Agreement may be amended by the owner of one portion thereof without the necessity of joinder or consent of other owner(s) provided that the amendment does not amend the rights or obligations of such other owner(s). This Section supplements Section 15.4 and 15.5 of this Agreement.

11. **Survival.** Notwithstanding the termination of this Agreement or the prior performance by the parties hereunder, Sections 16 through 37 of this Agreement, as well as those provisions set forth in Section 3 of this Agreement, shall survive and remain effective.

12. **Force Majeure.** Delays in performance due to: fire; flood; hurricane; tornado; earthquake; windstorm; sinkhole; unavailability of materials, equipment or fuel; war; declaration of hostilities; terrorist act; civil strife; strike; labor dispute; epidemic; archaeological excavation; declaration of a state of emergency by an applicable jurisdiction; or act of God, shall be deemed events of "Force Majeure" and such delays shall be excused in the manner herein provided. If such party is delayed in any work pursuant to this Agreement for occurrence of an event of Force Majeure, the date for action required or contemplated by this Agreement shall be extended by the number of days equal to the number of days such party is delayed. The party seeking to be excused based on an event of Force Majeure shall give written notice of the delay indicating its anticipated duration. Each party shall use its best efforts to rectify any conditions causing the delay and will cooperate with the other party, except for the occurrence of unreasonable additional costs and expenses, to overcome any loss of time that has resulted.

13. **Insurance.**

13.1. In addition to the insurance required by Section 3.4.2, GlassHouse agrees to maintain during development or construction of any Project the following insurance policies:

13.1.1. Builder's Risk Insurance Policy for physical damage or loss, as a result of fire, flood, and other hazards or risks customarily insured against in DeLand, FL.

13.1.2. Comprehensive General Liability Coverage of at least one million ($1,000,000.00) dollars per occurrence, two million ($2,000,000.00) dollars annual aggregate.

13.1.3. Workers' Compensation Coverage as required by the laws of the State of Florida.

13.2. Prior to commencement of construction, and within ten (10) days of the City's request thereafter, GlassHouse shall furnish to the City proof of compliance with these insurance provisions.

13.3. All insurance policies required by this Agreement shall provide such policies or agreements cannot be substantially modified or canceled until after at least one (1) month prior written notice has been given to the City.

14. **Notice.**

14.1. All notices, requests, consents and other communications required or permitted under this Agreement shall be in writing and shall be (as elected by the person giving such notice) hand delivered by messenger or courier service or mailed by Registered or Certified Mail (postage pre-paid), Return Receipt Requested, addressed as follows or to such other addresses as any party may designate by notice complying with the terms of this Section:

14.1.1. For the City and CRA: Community Development Director, City of DeLand, 120 South Florida Ave., DeLand, FL 32720.

14.1.2. For GlassHouse: 801 E International Speedway Blvd., DeLand, FL 32724, Attn: Michael Prelec, Jr., with a copy to F.A. (Alex) Ford, Jr., Landis Graham French PA, 145 East Rich Avenue, Suite C, DeLand, FL 32724.

14.2. Each such notice shall be deemed delivered: on the date of delivery if by personal delivery; and if the notice is mailed, on the earlier of: (a) the date upon which the Return Receipt is signed; (b) the date upon which delivery is refused; or (c) the date upon which notice is designated by the postal authorities as not delivered. Notwithstanding the foregoing, service by personal delivery delivered after 5:00 p.m. shall be deemed to have been made on the next day that is not a Saturday, Sunday or legal holiday.

14.3. If a notice is delivered by multiple means, the notice shall be deemed delivered upon the earliest date determined in accordance with the preceding subsection.

14.4. If the above provisions require notice to be delivered to more than one person (including a copy), the notice shall be deemed delivered to all such persons on the earliest date it is delivered to any of such persons.

15. **Assignment.**

15.1. Assignment.

15.1.1. GlassHouse shall be entitled to assign its rights and obligations under this Agreement as to one or more Projects to a parent, subsidiary, or affiliated entity in which GlassHouse or its members are the management authority and are members or interest holders, including but not limited to, a single-asset entity or joint venture entity. The foregoing or any other provision of this Agreement, GlassHouse shall not be entitled to assign its obligation to maintain its Headquarters on the Property in order to receive the payments provided for in Section 5.11.

15.1.2. Other than as provided for in Section 15.1.1, any assignment of GlassHouse's rights and obligations as to one or more Projects which is made prior to Completion of such Project shall require the consent of the City, which may be withheld or conditioned by the City in its sole discretion.

15.1.3. Otherwise, GlassHouse shall be entitled to assign its rights and obligations under this Agreement as to one or more Projects.

15.2. GlassHouse shall provide notice of a permitted assignment to the City prior to or simultaneously with making the assignment. The notice of assignment shall provide all information to the City sufficient for the City to verify that the assignment is a permitted assignment under Section 15.1 and the assignee's address for the purposes of notice under Section 14 of this Agreement. Upon the City's confirmation that the assignment is a permitted assignment, the City Manager shall execute a document acknowledging the City's acceptance of such assignment.

15.3. Upon any assignment, the rights and obligations contained herein shall be binding on successors in interest to the affected portion of the Property and, as applicable, the Option Parcel, and the terms and conditions of this Agreement shall bind and inure to the benefit of the parties hereto and any respective successors and assigns.

15.4. In the event of an assignment hereunder:

15.4.1. The assignee will have all rights and obligations of GlassHouse as to the Project that is the subject of the assignment.

15.4.2. The assignee shall be entitled to amend or terminate the provisions of this Agreement that concern the assigned Project without the necessity of joinder or consent of GlassHouse or any assignee of any other Project, provided that no such amendment or termination shall amend the rights or obligations of GlassHouse, or concerning any other Project or other portion of the Property or Option Parcel, without joinder or consent of the affected party.

15.5. By executing this Agreement, GlassHouse agrees, and by accepting any assignment, each assignee agrees, the foregoing provisions of this Section concerning the ability of an assignee to amend or terminate this Agreement as to the Project assigned to the assignee.

16. **Amendment.** The provisions of this Agreement may not be amended, supplemented, waived, or changed orally but only by a writing making specific reference to this Agreement signed by the party as to whom enforcement of any such amendment, supplement, waiver or modification is sought.

17. **City's Police Powers.** Nothing in this Agreement shall serve to affect or limit the City's police powers in the exercise of zoning or land development decisions or other governmental action associated with the proposed redevelopment of the Property or the Option Parcel, as applicable, or any development order associated therewith.

18. **Sovereign Immunity.** Notwithstanding any other provision set forth in this Agreement, nothing contained in this Agreement shall be construed as a waiver of the City's right to sovereign immunity under Section 768.28, Florida Statutes, or other limitations imposed on the City's potential liability under state or federal law.

19. **Resolving any Invalidity.** The City, the CRA and GlassHouse hereby agree that in the event this Agreement or the economic incentives described herein are ever challenged by any person and held to be invalid by a court of competent jurisdiction, each will cooperate with the other, in good faith, to resolve the invalidity or pursue a valid alternative means to secure a substantially similar and equitable financial arrangement which the parties acknowledge was the inducement for GlassHouse undertaking the Projects.

20. **Applicable Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

21. **Severability.** Any provision of this Agreement held by a court of competent jurisdiction to be invalid, illegal or unenforceable shall be severable and shall not be construed to render the remainder to be invalid, illegal or unenforceable.

22. **Relationship.** This Agreement does not evidence the creation of, nor shall it be construed as creating, a partnership or joint venture among the City, the CRA and GlassHouse, or any of them. Each party is acting for its own account, and it has made its own independent decisions to enter into this Agreement and as to whether the same is appropriate or proper for it based upon its own judgment and upon advice from such advisers as it has deemed necessary. Each party acknowledges that the other party hereto is not acting as a fiduciary for nor as an adviser to it in respect of this Agreement.

23. **Personal Liability.** No provision of this Agreement is intended, nor shall any be construed, as a covenant of any official (either elected or appointed), director, employee or agent of the City, the CRA or GlassHouse in an individual capacity and neither shall any such individuals be subject to personal liability by reason of any covenant or obligation of GlassHouse, the City or the CRA hereunder.

24. **Exclusive Venue.** The parties agree that the exclusive venue for any litigation, suit, action, counterclaim, or proceeding, whether at law or in equity, which arises out of or concerns or relates to this Agreement, any and all transactions contemplated hereunder, the performance hereof, or the relationship created hereby, whether sounding in contract, tort, strict liability, or otherwise, shall be in Volusia County, Florida.

25. **JURY WAIVER.** EACH PARTY HEREBY COVENANTS AND AGREES THAT IN ANY LITIGATION, SUIT, ACTION, COUNTERCLAIM, OR PROCEEDING, WHETHER AT LAW OR IN EQUITY, WHICH ARISES OUT OF CONCERNS, OR RELATES TO THIS AGREEMENT, ANY AND ALL TRANSACTIONS CONTEMPLATED HEREUNDER, THE PERFORMANCE HEREOF, OR THE RELATIONSHIP CREATED HEREBY, WHETHER SOUNDING IN CONTRACT, TORT, STRICT LIABILITY, OR OTHERWISE, TRIAL SHALL BE TO A COURT OF COMPETENT JURISDICTION AND NOT TO A JURY. EACH PARTY HEREBY IRREVOCABLY WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY. ANY PARTY MAY FILE AN ORIGINAL COUNTERPART OR A COPY OF THIS AGREEMENT WITH ANY COURT, AS WRITTEN EVIDENCE OF THE CONSENT OF THE PARTIES HERETO OF THE WAIVER OF THEIR RIGHT TO TRIAL BY JURY. NEITHER PARTY HAS MADE OR RELIED UPON ANY ORAL REPRESENTATIONS TO OR BY THE OTHER PARTY REGARDING THE ENFORCEABILITY OF THIS PROVISION. EACH PARTY HAS READ AND UNDERSTANDS THE EFFECT OF THIS JURY WAIVER PROVISION.

26. **Recording.** Except as expressly provided for herein, neither this Agreement nor any memoranda hereof, shall be recorded in the Public Records of Volusia County, Florida.

27. **Counterparts; Copies.** This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and all of which shall together constitute one and the same instrument. Additionally, signed facsimiles shall have the same force and effect as a signed original, and, in lieu of an original, any party hereto may use a photocopy of this Agreement in any action or proceeding brought to enforce or interpret any of the provisions contained herein.

28. **Language.** Whenever used in this Agreement: the singular form of a term or phrase shall include the plural and the plural of a term or phrase number shall include the singular, and the use of any gender shall include all genders where the context permits; references to Sections shall include all subsections (and other divisions) thereunder; the word "or" may be read "and," if the context permits or requires it; and the words "include," "includes," "including" shall be deemed to be followed by the phrase "without limitation."

29. **Attorney's Fees.** If any legal action or other proceeding (including, without limitation, appeals or bankruptcy proceedings) whether at law or in equity, which arises out of, concerns, or relates to this Agreement, any and all transactions contemplated hereunder, the performance hereof, or the relationship created hereby; or is brought for the enforcement of this Agreement; or because of an alleged dispute, breach, default or misrepresentation in connection with any provisions of this Agreement; then the successful or prevailing party or parties shall be entitled to recover reasonable attorney's fees, court costs and all expenses even if not taxable

as court costs, incurred in that action or proceeding, in addition to any other relief to which such party or parties may be entitled.

30. **Successors and Assigns.** All covenants, Agreements, warranties, representations, and conditions contained in this Agreement shall bind and inure to the benefit of the respective successors and permitted assigns of the parties to this Agreement.

31. **Waiver.** A failure to assert any rights or remedies available to a party under the terms of this Agreement shall not be deemed a waiver of such rights or remedies, and a waiver of the right to remedies available to a party by a course of dealing or otherwise shall not be deemed to be a waiver of any other right or remedy under this Agreement, unless such waiver of such right or remedy is contained in a writing signed by the party alleged to have waived his other rights or remedies.

32. **Construction of Agreement.** Each party acknowledges that all parties to this Agreement participated equally in the drafting of this Agreement and that it was negotiated at arm's length. Accordingly, no court construing this Agreement shall construe it more strongly against one party than another.

33. **Exhibits.** Any exhibits attached to this Agreement shall, by this reference, be incorporated into this Agreement.

34. **Further Action.** Each of the parties hereto shall execute and deliver any and all additional papers, documents, and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of the obligations hereunder and to carry out the intent of the parties hereto.

35. **No Third Party Beneficiaries.** No person or entity other than GlassHouse, the City and the CRA and their respective assigns are intended beneficiaries of this Agreement, and no person or entity other than them shall have any right to enforce the terms of this Agreement or claim any benefit of this Agreement.

36. **Time.** Time is of the essence of all of the provisions and terms of this Agreement.

37. **Entire Understanding.** This Agreement represents the entire understanding and agreement between the parties with respect to the subject matter hereof, and supersedes all other negotiations (if any) made by and between the parties with the exception of those specific provisions of a PD Agreement which, to the extent of conflict herewith, shall control over this Agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

THEREFORE, the parties have executed this Agreement on the Effective Date set forth above.

Signed, sealed and delivered in the presence of:

Vickie Belanger
Witness 1

Vickie Belanger
Print Name of Witness 1

Witness 2

Teri Byrnes
Print Name of Witness 2

THE CITY OF DELAND, FLORIDA, a Florida municipal corporation

By: _____
Robert F. Apgar, Mayor

Attest:

By: Julie A. Hennessy
Julie A. Hennessy
City Clerk-Auditor

Date: 7.9.2020

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 9th day of July, 2020 by ROBERT F. APGAR, Mayor and JULIE A. HENNESSY, City Clerk-Auditor, respectively, of the City of DELAND, Florida, a chartered municipal corporation, on behalf of the City, who are personally known to me or who have produced _____ as identification.

Julia M. Hewitt
Notary Public
Commission No.: GG 908791

JULIA M. HEWITT MY COMMISSION EXPIRES DECEMBER 29, 2023 #GG 908791 Notary Public Underwriters Bonded thru NOTARY PUBLIC, STATE OF FLORIDA

Approved as to legal form:

By: _____
Darren J. Elkind, City Attorney

Signed, sealed and delivered in the presence of:

THE DOWNTOWN COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF DELAND, FLORIDA, organized under Chapter 163, Part III, Florida Statutes

Vickie Belanger
Witness 1

By: _____
Robert F. Apgar, Chair

Vickie Belanger
Print Name of Witness 1

Attest:

_____
Witness 2

By: Julie A. Hennessy
Julie A. Hennessy,
City Clerk-Auditor

Teri Byrnes
Print Name of Witness 2

Date: 7.9.2020

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 9th day of July, 2020 by ROBERT F. APGAR, Chair of the Community Redevelopment Agency of the City of DeLand organized under Chapter 163, part III, Florida Statutes, on behalf of the Agency, who is personally known to me or who has produced _____ as identification.

JULIA M. HEWITT MY COMMISSION EXPIRES DECEMBER 29, 2023 #GG 908791 Notary Public Underwriters Bonded thru NOTARY PUBLIC, STATE OF FLORIDA

_____
Notary Public
Commission No.: GG908791

Approved as to legal form:

By: _____
Darren J. Elkind, City Attorney

Signed, sealed and delivered in the presence of:

GLASSHOUSE SQUARE, LLC, a Florida limited liability company

Witness 1

By: _____ JT
Managing Member

Tasheldon Starice
Print Name of Witness 1

Date: 7/6/20

Witness 2

Kristen Sparks
Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6 day of July, 2020 by Michael L Predec, a Florida resident, as managing member of GlassHouse Square, LLC, who is personally known to me or who has produced FLDL P642-552-82-1660 as identification.

DUSTIN KALMBACH
MY COMMISSION #GG283115
EXPIRES: DEC 11, 2022
Bonded through 1st State Insurance

Notary Public
Commission No.: GG283115

EXHIBIT A

(Legal Description for the Property)

That portion of Lot 3, Block 3, Howry's Addition to DeLand, as recorded in Deed Book "G", page 701, Public Records of Volusia County, Florida, lying West of the Westerly line of Miller Hardware Company's Re-subdivision Map Book 5, Page 156 of aforesaid Public Records, Less any portion lying within the Rights of Way of New York Avenue, a 66 foot wide R/W, and Georgia Avenue (F.K.A. Short Street). Together with that portion of Lot 4, Block 3, Howry's Addition to DeLand, as recorded in Deed Book "G", page 701, Public Records of Volusia County, Florida, lying East of the following described line; Beginning at a point on the South line of West New York Avenue, as now laid out 66 feet wide, said point being 191.9 feet East of the center line of S. Florida Avenue, said point also being 57 feet East of the established and recognized Northwest corner of said Lot 4, Block 3, Howry's Addition to DeLand, thence South at right angles to West New York Avenue 274.7 feet, more or less, to a point on the North side of Shore Street sometimes called Georgia Avenue, which point is 184.45 feet East of the center line of S. Florida Avenue, and 57 feet East of the Southwest corner of said Lot 4, Block 3, Howry's Addition as established and recognized and marked by an iron pipe.

Property Appraiser's Tax Parcel No. 7016-01-03-0030

EXHIBIT B

(Legal Description for the Option Parcel)

The Northeast ¼ of Lot 7, Block 3 and the West ½ of Lot 7 except the South 157.7 feet, Block 3, Map of Howery's addition to DeLand, Deed Book "G", Page 701, Public Records of Volusia County, Florida.

Property Appraiser's Tax Parcel No. 7016-01-03-0070

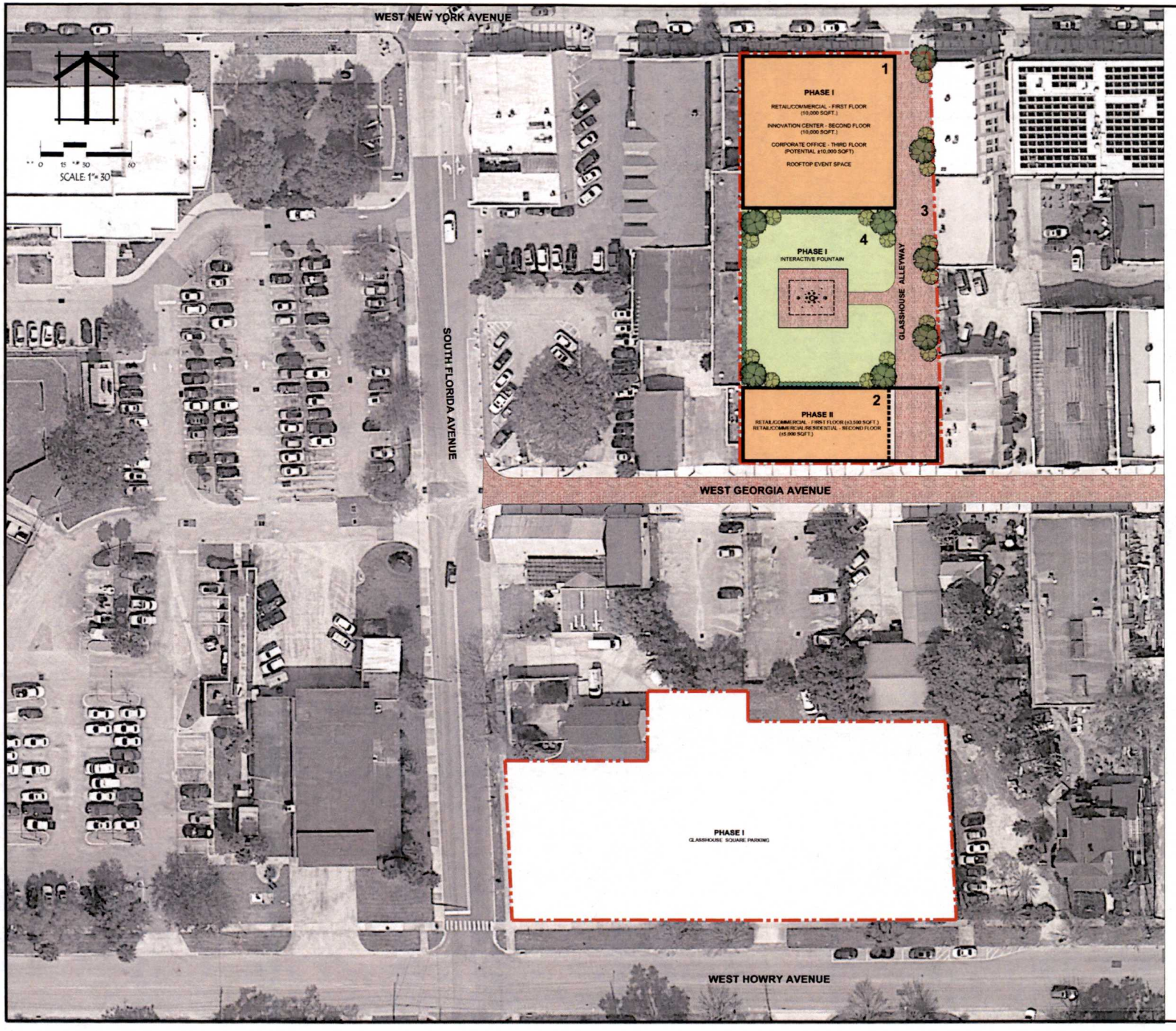


EXHIBIT C

No. 1 (Phase I)
BUILDING No. 1 (±30,000 SQFT)
- RETAIL/COMMERCIAL - FIRST FLOOR (10,000 SQFT.)
- INNOVATION CENTER - SECOND FLOOR (10,000 SQFT.)
- CORPORATE OFFICE - THIRD FLOOR (POTENTIAL ±10,000 SQFT)
- ROOFTOP EVENT SPACE

No. 2 (Phase II)
BUILDING No. 2 (±8,500 SQFT)
- RETAIL/COMMERCIAL - FIRST FLOOR (±3,500 SQFT.)
- RETAIL/COMMERCIAL/RESIDENTIAL - SECOND FLOOR (±5,000 SQFT.)

No. 3 (Phase I)
GLASSHOUSE ALLEYWAY
- PEDESTRIAN CONNECTION BETWEEN WEST GEORGIA AVENUE AND WEST NEW YORK AVENUE

No. 4 (Phase I)
AMENITY AREA
- INTERACTIVE FOUNTAIN
- VENDORS

PRELIMINARY SITE PLAN AND PARKING

GLASSHOUSE SQUARE

City of DeLand

"The Athens of Florida"

www.deland.org

120 South Florida Avenue
DeLand, Florida 32720-5481
Telephone: (386) 626-7000
Fax: (386) 626-7140

July 17, 2023

Via Federal Express Delivery

GlassHouse Square, L.L.C.
Attn: Michael Prelec, Jr.
801 E. International Speedway Boulevard
DeLand, FL 32724

and

GlassHouse Square, L.L.C.
Attn: Michael Prelec, Jr.
100 E. New York Avenue
DeLand, FL 32724

With copy to:

F.A. (Alex) Ford, Jr.
Landis, Graham, French, PA
145 East Rich Avenue, Suite C
DeLand, FL 32724

Re: Acquisition and Redevelopment Agreement dated July 9, 2020 between the City of DeLand and the City of DeLand Downtown Redevelopment Agency

NOTICE OF DEFAULT

Dear Mr. Prelec:

As you know, GlassHouse Square, LLC ("GlassHouse") entered into that certain Acquisition and Redevelopment Agreement dated July 9, 2020 (the "ARA") with the City of DeLand (the "City") and the City of DeLand Downtown Redevelopment Agency (the "CRA"). The ARA required GlassHouse to make application for approval of a rezoning

of the property which is the subject of the ARA to a planned development zoning (the "PD Zoning"). The PD Zoning was to be consistent with the conceptual development plan attached to the ARA as Exhibit C and otherwise meet the minimum requirements generally set forth in Section 3.4.1 of the ARA.

On March 4, 2022 GlassHouse submitted its rezoning application to the City of DeLand, which is the zoning authority for the property which is the subject of the ARA. The rezoning application did not specifically identify the location of the parking lot to serve the needs of the project. Through the rezoning application process, GlassHouse requested from the City certain concessions regarding the parking requirements. The City Commission of the City of DeLand held public meetings to provide input on the parking requirements for the PD. Ultimately, on June 5, 2023, the City Commission of the City of DeLand, in its capacity as the zoning authority, held a quasi-judicial hearing to consider the rezoning application for the PD Zoning and voted to deny same. The written notice of the City Commission's decision was thereafter issued on June 21, 2023.

The entirety of the ARA is premised upon GlassHouse obtaining approval of the PD Zoning for the subject property. Section 4.2.1 of the ARA outlines the additional development orders and permit approval(s) that GlassHouse was required to obtain following approval of the PD Zoning. Without approval of the PD Zoning, GlassHouse cannot proceed with the project or any of its other requirements under the ARA. Section 4.2.2 of the ARA required GlassHouse to make commercially reasonable efforts to obtain approval of not only the PD Zoning, but all the additional development orders and permit(s) within twenty-four months of the effective date of the ARA, which was July 9, 2020.

The City and the CRA have been more than accommodating by allowing extra time for GlassHouse to submit and attempt to obtain approval of the PD Zoning. However, due to the inability of GlassHouse to obtain such approval, it cannot continue with the project contemplated by the ARA. Accordingly, pursuant to Section 9.2.1 of the ARA, notice is hereby given by the City and the CRA that GlassHouse is in default for failure to obtain PD Zoning for the subject property, failure to obtain the additional development orders and permit approvals required in Section 4.2.1, and for failure to commence construction of the first phase of the project, all of which is, of course, not possible without first obtaining approval of the PD Zoning.

It is the intent of the City and the CRA to terminate the ARA pursuant to Section 9.3 of the ARA thirty (30) days from the date of delivery of this notice, but recognize that Glasshouse has the contractual and right to attempt to cure its default by seeking to have either the City Commission of the City of DeLand or the Circuit Court overturn the City Commission's

denial of the PD Zoning application. However, nothing in this notice is intended to modify the time frames for seeking to challenge the City Commission's denial of the PD Zoning application.

Sincerely,

s/ Darren J. Elkind

Darren J. Elkind, Esq.
Attorney for the City and CRA

CITY OF DELAND
Request for Commission Action
May 4, 2026

SUBJECT: Interlocal Agreement with Volusia County regarding Beresford Avenue extension.

DEPARTMENT: Legal

PREPARED BY: Darren Elkind, City Attorney

ATTACHMENTS: ILA Beresford Extension

APPROVED BY: Michael Pleus, City Manager, April 28, 2026

SUMMARY/HIGHLIGHT:

The City's professional staff has for quite some time planned ahead for the Beresford Avenue extension out to State Road 44 in order to alleviate congestion on State Road 44. Toward that end, the City has been working closely with Volusia County on the acquisition of properties by both entities. The City entered into an interlocal agreement (the "Western ILA") with Volusia County regarding the construction and ongoing maintenance of the western portion of the Beresford Avenue extension from Blue Lake Avenue to the Dr. Martin Luther King, Jr. Beltway. That portion is, of course, now complete. The Western ILA provided that the County would build the road and that the City would thereafter be responsible for maintenance of the road. The City and County also entered into a three-party agreement with the Volusia County School Board for the purpose of trading land through the School Board's property so that the eastern portion of the Beresford Avenue Extension could be completed from MLK to SR 44. That ILA does not address road maintenance. Through discussions between the City and County, both parties feel it makes more sense for the County to maintain the Beresford Avenue extension as it truly operates as a county road as opposed to a city road. There is a cost associated with maintenance however. As such, the city and county staffs have recommended that the County agree to maintain all of the Beresford Avenue extension and that, to create some equity for the County taking on this expense, that the City agree to maintain that portion of Minnesota Avenue from the east side of Amelia Avenue to the west side of Blue Lake Avenue, on account of the fact that road segment operates much more like a city road. City staff is requesting approval by the City Commission of the attached Interlocal Agreement which would terminate the Western ILA and address the changes referenced above.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High value government.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

There will be a cost savings to the City in terms of the reduced road maintenance responsibility. The exact amount of that savings has not been calculated.

RECOMMENDATION:

Approve the attached Interlocal Agreement.

BACKGROUND/DISCUSSION:

The City and County have been collaborating on the Beresford Road extension and have been good "partners" in that regard. The City purchased some of the property for the western portion of the extension and has required all development in the area, both east and west of MLK, to contribute additional right-of-way for the project. The City coordinated with the School Board and the County to acquire property owned by the School Board so that the eastern most extent of the project could be completed. Additionally, the County acquired property west of Blue Lake Avenue to accommodate the intersection at Blue Lake.

The City previously approved deeds for property east of MLK to the County but the County did not want to accept the transfer until such time as the issue of maintenance of that portion of the road was addressed. The City and County professional staffs ultimately determined that it really does not make sense for the City to maintain what is truly a county road. The portion of Minnesota Avenue that the City will be responsible for in the future has been inspected by the City's engineering staff and is in satisfactory condition such that there is not an immediate need for resurfacing. In order to document all agreements, a new interlocal agreement must be executed.

Prepared by:
County of Volusia, Florida
123 West Indiana Avenue
DeLand, Florida 32720

INTERLOCAL AGREEMENT FOR TRANSFER OF CERTAIN ROADS TO CITY OF DELAND FOR JURISDICTION AND MAINTENANCE PURSUANT TO SECTION 335.0415, F.S., ACCEPTANCE OF TRANSFER OF REAL PROPERTY FOR THE BERESFORD AVENUE EXTENSION, AND TERMINATION OF PRIOR INTERLOCAL AGREEMENT

This INTERLOCAL AGREEMENT FOR TRANSFER OF PUBLIC ROAD JURISDICTION AND MAINTENANCE PURSUANT TO SECTION 335.0415, F.S., AND TERMINATION OF PRIOR INTERLOCAL AGREEMENT (the "AGREEMENT") is made and entered into between the County of Volusia, a political subdivision of the State of Florida, 123 West Indiana Avenue, DeLand, Florida, 32720 (COUNTY), and the City of DeLand, a Florida municipal corporation, 120 South Florida Avenue, DeLand, FL 32720 (CITY), for the purposes and consideration set forth herein.

WHEREAS, the COUNTY and CITY enter into this AGREEMENT pursuant to section 163.01(5)(r) of Florida Statutes to facilitate the completion of the extension of Beresford Avenue from its current eastern terminus east to Summit Avenue (the "PROJECT") within the limits of the CITY in an effort to achieve greater operational efficiencies and in the spirit of intergovernmental coordination and for the purpose of addressing maintenance responsibilities for certain roadway segments; and

WHEREAS, the COUNTY and CITY previously entered into that certain Interlocal Agreement Between City of DeLand and County of Volusia Regarding Beresford Avenue Extension Project, signed by representatives of the CITY on August 2, 2021, and of the COUNTY on or about November 15, 2022 (the "BERESFORD WEST ILA"), for the purpose of extending Beresford Avenue from Blue Lake Avenue to Dr. Martin Luther King, Jr. Beltway (the "BERESFORD WEST SEGMENT"); and

WHEREAS, pursuant to the BERESFORD WEST ILA, the City has transferred or caused to be transferred real property to the COUNTY for the BERESFORD WEST SEGMENT and the COUNTY has constructed the BERESFORD WEST SEGMENT; and

WHEREAS, the PROJECT anticipates the further extension of Beresford Avenue from its current eastern terminus easterly of the Dr. Martin Luther King, Jr. Beltway to State Road 44; and

WHEREAS, the CITY has acquired real property for the construction of a portion of the PROJECT which the CITY intends to transfer to the COUNTY for the PROJECT and upon which a portion of the PROJECT has already been constructed; and

WHEREAS, the COUNTY has acquired title to additional property which, together with the real property to be conveyed by CITY to COUNTY pursuant to this AGREEMENT, will allow COUNTY to construct the entirety of the PROJECT; and

WHEREAS, the BERESFORD WEST ILA contains a provision that requires the CITY to maintain the BERESFORD WEST SEGMENT in perpetuity even though it is part of the county road system; and

WHEREAS, the COUNTY and CITY believe there will be greater operational efficiencies achieved in the future if the COUNTY maintains all of Beresford Avenue and the CITY takes over jurisdiction and maintenance responsibility permanently and indefinitely for Minnesota Avenue from Amelia Avenue to Blue

Lake Avenue, a parallel roadway which, although currently part of the county road system, functions as a local road, consistent with section 335.0415, Florida Statutes, which authorizes the COUNTY to transfer jurisdiction and maintenance responsibility.

NOW, THEREFORE, the COUNTY and the CITY hereby agree as follows:

1. Recitals.

The above recitals are true and correct and incorporated herein by reference.

2. Effective Date.

The effective date for this Agreement shall be the date on which it is executed by the last of the CITY and COUNTY (the "EFFECTIVE DATE").

3. The Project.

The PROJECT includes the design, permitting, and construction of the unfinished portion of Beresford Avenue from its current eastern terminus easterly of the Dr. Martin Luther King, Jr. Beltway east to State Road 44. An overall depiction of the general alignment of the Beresford Avenue Extension is shown on the attached Exhibit A. COUNTY issued the engineering contract for the design of the PROJECT and the plans are currently at 90% design. COUNTY will complete the PROJECT by October 24, 2028.

4. Property Transfers.

CITY has approved and executed the deeds for the portions of the real property owned by CITY which is necessary for the PROJECT. Copies of those deeds are attached hereto as Exhibits B and C. COUNTY hereby accepts the transfer of the real property described in the aforesaid deeds from CITY and authorizes CITY to record the said deeds in the public records. In addition, the City shall convey within sixty (60) days of the EFFECTIVE DATE, at no cost to COUNTY, the real property identified in the attached Exhibit D, upon which property a portion of Beresford Avenue, west of the Dr. Martin Luther King, Jr. Beltway, has already been constructed by a private developer.

5. Maintenance Responsibility for Beresford Avenue Extension & Rescission of Beresford West ILA.

All jurisdiction and maintenance responsibility for Beresford Avenue shall be and remain with Volusia County and said roadway shall be maintained as a part of the county road system. All of the obligations contained in the BERESFORD WEST ILA have either been performed or have been replaced with the obligations set forth in this Agreement. Accordingly, the BERESFORD WEST ILA is hereby terminated and of no further force or effect.

6. Transfer of Maintenance Responsibility for Minnesota Avenue from Amelia Avenue to Blue Lake Avenue .

All jurisdiction and maintenance responsibility for the section of Minnesota Avenue from the easterly side of Amelia Avenue to the westerly side of Blue Lake Avenue is hereby transferred, pursuant to Section 335.0415, Florida Statutes, from the COUNTY to the CITY and the CITY hereby accepts such transfer of jurisdiction and maintenance responsibility. From and after the effective date of this AGREEMENT, the COUNTY shall have no further jurisdiction or responsibility for the maintenance of this section of Minnesota Avenue.

7. Sovereign Immunity.

Each party to this AGREEMENT expressly retains all rights, benefits, and immunities of sovereign immunity that they presently enjoy under the Constitution and Statutes of the State of Florida, and particularly with respect to Chapter 768, Florida Statutes. Notwithstanding anything set forth in any article of this AGREEMENT to the contrary, nothing in this AGREEMENT shall be deemed as a waiver of immunity or limits of liability of either party beyond any statutory limited waiver of immunity or limits of liability which may have been adopted by the Florida Legislature or may be adopted by the Florida Legislature and any liability of either party for damages shall not exceed the statutory limits of liability, regardless of the number or nature of any claim which may arise including, but not limited to claims sounding in tort, equity, or contract. Nothing in this AGREEMENT shall inure to the benefit of any third party for the purpose of allowing any claim against any party, which would otherwise be barred under the Doctrine of Sovereign Immunity or by operation of law.

8. Entire Agreement.

This AGREEMENT contains the entire agreement of the Parties hereto, and no representations, inducements, promises or agreements, oral or otherwise, between the Parties not embodied herein shall be of any force or effect. Any amendment of this AGREEMENT shall not be binding upon the Parties to this AGREEMENT unless such amendment is in writing and executed by the Parties to this AGREEMENT.

9. Notices.

Any notice required to be given in this Agreement shall be provided via hand delivery or recognized overnight carrier service to the following persons:

CITY: City Manager
120 S. Florida Avenue
DeLand, FL, 32720

COUNTY: County Manager
Thomas C. Kelly Administration Center
123 W. Indiana Avenue
DeLand, FL, 32720

10. Third Parties.

In no event shall any of the terms of this AGREEMENT confer upon any third person, corporation, or entity other than the parties hereto any right or cause of action for damages claimed against any of the parties to this AGREEMENT arising from the performance of the obligations and responsibilities of the parties herein or for any other reason.

11. Severability.

If any provision of this AGREEMENT is found to be unconstitutional, illegal, or otherwise unenforceable by judgment of a court of competent jurisdiction, such judgment shall not invalidate the remainder of this AGREEMENT, unless such judgment renders the purpose or performance of this Agreement no longer practical for either party.

12. Counterparts.

This AGREEMENT may be executed by the COUNTY and the CITY in any number of counterparts, each of which shall be deemed an original, and all such counterparts shall be deemed one and the same contract and agreement. In the event that this AGREEMENT is executed in counterparts, the Effective Date of this Interlocal Agreement shall be determined with reference to the date of the last execution of any of the counterparts, in accordance with Section 2 of this AGREEMENT.

IN WITNESS WHEREOF, the COUNTY and the CITY have executed this AGREEMENT.

ATTEST:

BY:_____
GEORGE RECKTENWALD
COUNTY MANAGER

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

BY:_____
JEFFREY S. BROWER
COUNTY CHAIR

DATE:_____

ATTEST:

BY:_____
DALE ARRINGTON
INTERIM CITY CLERK

CITY OF DELAND, FLORIDA

BY: _____
CHRISTOPHER M. CLOUDMAN
MAYOR/COMMISSIONER

APPROVED AS TO FORM
AND LEGALITY:

DATE: _____

BY:_____
DARREN J. ELKIND
CITY ATTORNEY

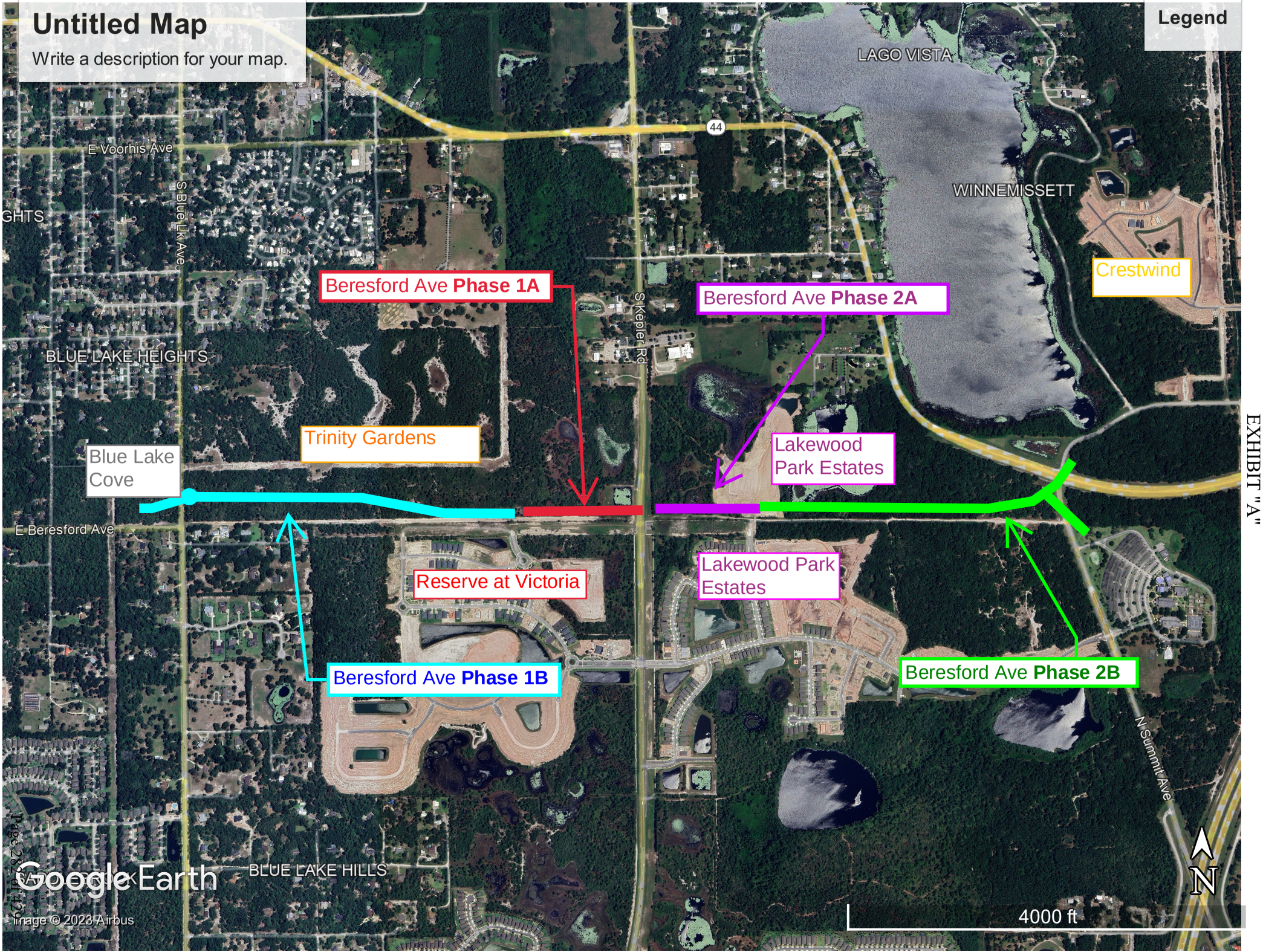

Untitled Map
Write a description for your map.
Legend
LAGO VISTA
WINNEMISSETT
Crestwind
E Voorhis Ave
S Blue Lk Ave
BLUE LAKE HEIGHTS
S Kepler Rd
Beresford Ave Phase 1A
Beresford Ave Phase 2A
Trinity Gardens
Blue Lake Cove
Lakewood Park Estates
E Beresford Ave
Reserve at Victoria
Lakewood Park Estates
Beresford Ave Phase 1B
Beresford Ave Phase 2B
N Summit Ave
BLUE LAKE HILLS
Google Earth
Image © 2023 Airbus
4000 ft
N

EXHIBIT "A"

This Instrument prepared by and return to:

Darren J. Elkind, Esquire
Paul, Elkind, Branz & Paul, LLP
142 E. New York Avenue
DeLand, FL 32724
386-734-3020

Parcel Identification Numbers 702300000015 & 702400000028

TITLE NOT EXAMINED OR APPROVED BY PREPARER

[Space Above This Line For Recording Data]

Special Warranty Deed

This Warranty Deed made this 19th day of May, **2025** between the **City of DeLand, a Florida municipal corporation**, whose post office address is **120 S. Florida Avenue, DeLand, Florida 32720**, GRANTOR, and the **County of Volusia**, whose post office address is **123 West Indiana Avenue, DeLand, Florida 32720**, GRANTEE:

Witnesseth, that said GRANTOR, for and in consideration of the sum TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said GRANTOR in hand paid by said GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said GRANTEE, and GRANTEE's heirs and assigns forever, all of its interest, the following described land, situate, lying and being in **Volusia County, Florida**, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

Further, GRANTOR does hereby release the automatic reservation in said lands, as provided for by virtue of Section 270.11, Florida Statutes.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the GRANTOR hereby covenants with said GRANTEE that the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under GRANTOR.

And the City Commission of the City of DeLand has complied with all requirements of law, including those within the Charter of the City of DeLand, in authorizing the execution of this Warranty Deed.

*** Signatures on following page ***

In Witness Whereof, GRANTOR has hereunto set GRANTOR's hand and seal the day and year first above written.

Signed, sealed and
delivered in the presence of:

Witness 1

Liz Batista
Print Name of Witness 1

Witness 2

Teri Byrnes
Print Name of Witness 2

THE CITY OF DELAND, FLORIDA, a Florida municipal corporation

By: _____
Christopher M. Cloudman, Mayor

ATTEST:

Julie A. Hennessy
Julie A. Hennessy, City Clerk

Date: 5.19.2025

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 19th day of May, 2025, by Christopher M. Cloudman and Julie A. Hennessy, Mayor and City Clerk of the City of DeLand, Florida, a chartered municipal corporation, on behalf of the City. He is personally known to me and did not take an oath.

JULIA M HEWITT
MY COMMISSION # HH 439240
EXPIRES: December 29, 2027

Notary Public: _____

Printed Name: Julia M. Hewitt
Commission No. HH 439240

EXHIBIT A

LANDS SITUATED IN SECTIONS 23 AND 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER COMMON TO SECTIONS 23 AND 24 BEING THE NORTHEAST CORNER OF SAID SECTION 23, TOWNSHIP 17 SOUTH, RANGE 30 EAST, THENCE S89°43'31"E, ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 1,869.06 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3755 PAGE 4964 OF THE PUBLIC RECORDS OF SAID VOLUSIA COUNTY; THENCE, ALONG SAID WESTERLY LINE, S29°22'36"W, A DISTANCE OF 143.06 FEET; THENCE N89°43'31"W, PARALLEL WITH AFORESAID NORTH LINE OF SECTION 24, A DISTANCE OF 654.77 FEET; THENCE S89° 31'24"W, A DISTANCE OF 1,372.05 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3999 PAGE 0521 OF THE AFORESAID PUBLIC RECORDS; THENCE N00°14'27"W, ALONG SAID EAST LINE, A DISTANCE OF 43.44 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE N89°36'53"W, ALONG THE NORTH LINE OF SAID LANDS, A DISTANCE OF 330.02 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF DR. MARTIN LUTHER KING JR. BELTWAY (FORMERLY KEPLER ROAD); THENCE N00°14'27"W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 91.60 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF AFORESAID SECTION 23; THENCE N 89°31'24" E, ALONG SAID NORTH LINE, A DISTANCE OF 558.51 FEET TO THE NORTHEAST CORNER THEREOF AND THE POINT OF BEGINNING.

HAVING AN AREA OF 300,826 SQUARE FEET, 6.91 ACRES, MORE OR LESS.

This Instrument prepared by and return to:

Darren J. Elkind, Esquire
Paul, Elkind, Branz & Paul, LLP
142 E. New York Avenue
DeLand, FL 32724
386-734-3020

Parcel Identification Number 702300000013

TITLE NOT EXAMINED OR APPROVED BY PREPARER

[Space Above This Line For Recording Data]

Special Warranty Deed

This Warranty Deed made this 19th day of May, **2025** between the **City of DeLand, a Florida municipal corporation**, whose post office address is **120 S. Florida Avenue, DeLand, Florida 32720**, GRANTOR, and the **County of Volusia,** whose post office address is **123 West Indiana Avenue, DeLand, Florida 32720**, GRANTEE:

Witnesseth, that said GRANTOR, for and in consideration of the sum TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said GRANTOR in hand paid by said GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said GRANTEE, and GRANTEE's heirs and assigns forever, all of its interest, the following described land, situate, lying and being in **Volusia County, Florida**, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

Further, GRANTOR does hereby release the automatic reservation in said lands, as provided for by virtue of Section 270.11, Florida Statutes.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the GRANTOR hereby covenants with said GRANTEE that the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under GRANTOR.

And the City Commission of the City of DeLand has complied with all requirements of law, including those within the Charter of the City of DeLand, in authorizing the execution of this Warranty Deed.

*** Signatures on following page ***

In Witness Whereof, GRANTOR has hereunto set GRANTOR's hand and seal the day and year first above written.

Signed, sealed and
delivered in the presence of:

Witness 1

Liz Batista
Print Name of Witness 1

Witness 2

Teri Byrnes
Print Name of Witness 2

THE CITY OF DELAND, FLORIDA, a Florida municipal corporation

By: _____
Christopher M. Cloudman, Mayor

ATTEST:

Julie A. Hennessy
Julie A. Hennessy, City Clerk

Date: 5.19.2025

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 19th day of May, 2025, by Christopher M. Cloudman and Julie A. Hennessy, Mayor and City Clerk of the City of DeLand, Florida, a chartered municipal corporation, on behalf of the City. He is personally known to me and did not take an oath.

JULIA M. HEWITT
MY COMMISSION # HH 439240
EXPIRES December 29, 2027

Notary Public: Julia M. Hewitt

Printed Name: Julia M. Hewitt
Commission No. 12/29/27

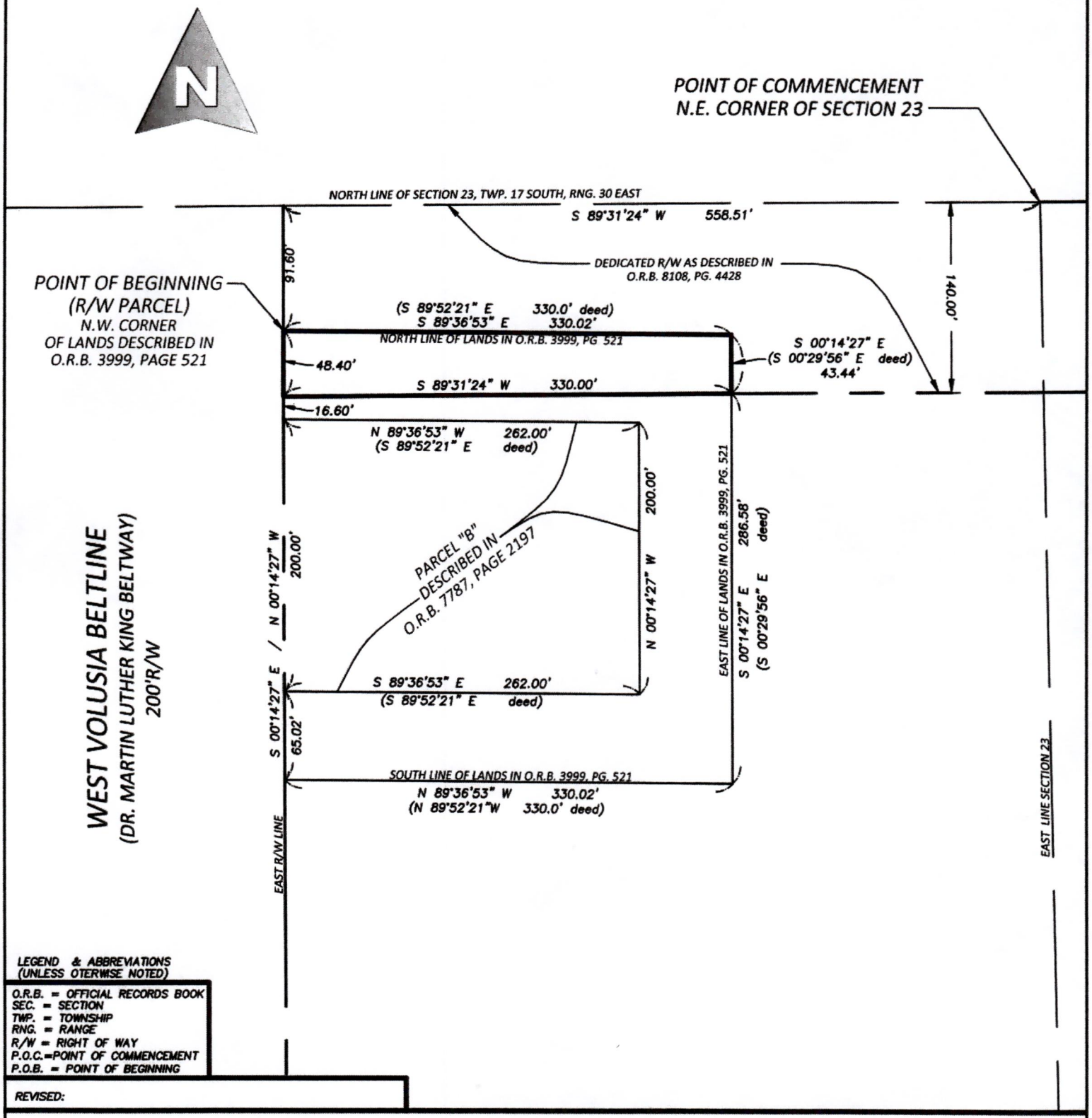
EXHIBIT A

LEGAL DESCRIPTION:

A portion of those lands as described in Official Records Book 3999, Page 521 of the Public Records of Volusia County, Florida being a portion of Section 23, Township 17 South, Range 30 East and being more particularly described as follows:

Commence at the Northeast corner of said Section 23; thence run S 89°31'24" W, along the North line of said Section 23, a distance of 558.51 feet to its intersection with the East right of way line of the West Volusia Beltline (know known as Dr. Martin Luther King Jr. Beltway), a 200.00 foot wide right of way; thence, departing said North line, run S 00°14'27" E, along said right of way line, a distance of 91.60 feet to the Northwest corner of those lands described in aforesaid Official Records Book 3999, Page 521 and the POINT OF BEGINNING: thence run S 89°36'53" E (S 89°52'21" E, deed), along the North line of said lands, a distance of 330.02 feet (330.0', deed) to the Northeast corner thereof; thence run S 00°14'27" E (S 00°29'56" E, deed), along the East line of said lands, a distance of 43.44 feet to a point on a line that is 140.00 feet south of and parallel with the North line of aforesaid Section 23; thence run S 89°31'24" W, along said line, a distance of 330.00 feet to the aforesaid East right of way line of the West Volusia Beltline; thence run N 00°14'27" W, along said right of way line, a distance of 48.40 feet to the Point of Beginning.

The above-described parcel contains 15,153.2 square feet +\-.



LEGEND & ABBREVIATIONS (UNLESS OTERWISE NOTED)

- O.R.B. = OFFICIAL RECORDS BOOK
- SEC. = SECTION
- TWP. = TOWNSHIP
- RNG. = RANGE
- R/W = RIGHT OF WAY
- P.O.C.=POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

REVISED:

ADDITIONAL R/W FOR BERESFORD AVE. EXTENSION
CITY OF DELAND PARCEL (EAST OF MLK BLVD)

SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY
SECTION 23, TWP. 17 SOUTH, RNG. 30 EAST, VOLUSIA COUNTY, FLORIDA

Volusia County FLORIDA

COUNTY OF VOLUSIA
PUBLIC WORKS DEPARTMENT
CONSTRUCTION ENGINEERING
SURVEY DIVISION
123 W. INDIANA AVE. DELAND, FL. 32720
PHONE 1-386-736-5967 FAX 1-386-822-5736

	NAME	DATE
CADD	MEM	1/22
SURVEY DATE	N/A	N/A
CHECKED	EAB	1/22

PLOT DATE:	1/05/22
SCALE:	X
DRAWING #	2508
PROJECT #	5779
FIELD BOOK	N/A
SHEET #	1 OF 2

LEGAL DESCRIPTION:

A portion of those lands as described in Official Records Book 3999, Page 521 of the Public Records of Volusia County, Florida being a portion of Section 23, Township 17 South, Range 30 East and being more particularly described as follows:

Commence at the Northeast corner of said Section 23; thence run S 89°31'24" W, along the North line of said Section 23, a distance of 558.51 feet to its intersection with the East right of way line of the West Volusia Beltline (know known as Dr. Martin Luther King Jr. Beltway), a 200.00 foot wide right of way; thence, departing said North line, run S 00°14'27" E, along said right of way line, a distance of 91.60 feet to the Northwest corner of those lands described in aforesaid Official Records Book 3999, Page 521 and the POINT OF BEGINNING: thence run S 89°36'53" E (S 89°52'21" E, deed), along the North line of said lands, a distance of 330.02 feet (330.0', deed) to the Northeast corner thereof; thence run S 00°14'27" E (S 00°29'56" E, deed), along the East line of said lands, a distance of 43.44 feet to a point on a line that is 140.00 feet south of and parallel with the North line of aforesaid Section 23; thence run S 89°31'24" W, along said line, a distance of 330.00 feet to the aforesaid East right of way line of the West Volusia Beltline; thence run N 00°14'27" W, along said right of way line, a distance of 48.40 feet to the Point of Beginning.

The above-described parcel contains 15,153.2 square feet +\-.

SKECTH NOTES:

1. *SKETCH OF DESCRIPTION ONLY.*
2. *BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH LINE OF 23, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA AS BEING N 89°31'24" (DEED) RECORDED IN O.R.B. 8108, PG.4428 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.*
3. *DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.*

ADDITIONAL R/W FOR BERESFORD AVE. EXTENSION
CITY OF DELAND PARCEL (EAST OF MLK BLVD)

SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY
SECTION 23, TWP. 17 SOUTH, RNG. 30 EAST, VOLUSIA COUNTY, FLORIDA

Volusia County FLORIDA

COUNTY OF VOLUSIA
PUBLIC WORKS DEPARTMENT
CONSTRUCTION ENGINEERING
SURVEY DIVISION
123 W. INDIANA AVE. DELAND, FL. 32720
PHONE 1-386-736-5967 FAX 1-386-822-5736

	NAME	DATE	PLOT DATE:	DRAWING #
CADD	MEM	1/22	1/05/22	
SURVEY DATE	N/A	N/A	SCALE: N/A	2508
CHECKED	EAB	1/22		
PROJECT # 5779			FIELD BOOK N/A	SHEET # 2 OF 2

Legal Description:

A portion of those lands as described in Parcel 1, Official Records Book 6015 Page 2134 of the Public Records of Volusia County, Florida lying in Section 23, Township 17 South, Range 30 East, being more particularly described as follows:

Commence at the North 1/4 corner of said Section 23. Thence run N 89°15'36" E (N 89°21'14" E deed), along the North line of said Section 23, a distance of 1681.63 feet (1681.51' deed) to the Northwest corner of the lands described in aforementioned Official Records Book 6015 Page 2134 and the POINT OF BEGINNING. Thence continue N 89°15'36" E (N 89°21'14" E deed), along said North line, a distance of 228.54 feet to a point on the westerly right of way line of Martin Luther King Blvd (formerly West Volusia Beltline) Volusia County Project 1113-2. Thence run S 00°29'56" E (S 00°24'37" E deed), along said right of way line, a distance of 100.00 feet; thence, departing said right of way line, run S 89°15'36" W, along a line that is 100.00 feet South of and parallel with the North line of Section 23, a distance of 228.54 feet; thence run N 00°29'56" W, parallel with said westerly right of way line, a distance of 100.00 feet to the POINT OF BEGINNING.

The above parcel contains an area of 22,854 Sq.Ft. or 0.525 Acres more or less.

LEGEND & ABBREVIATIONS
(UNLESS OTHERWISE NOTED)

BLDG=BUILDING
CHB= CHORD BEARING
CONC. = CONCRETE
CCR = CERTIFIED CORNER REPORT
L = ARC LENGTH
PC = POINT OF CURVATURE
P.O.B. = POINT OF BEGINNING
P.O.C.=POINT OF COMMENCEMENT
PP= POWER POLE
PRC = POINT OF REVERSE CURVE
PT = POINT OF TANGENCY
R = RADIUS
RNG. = RANGE
R/W = RIGHT OF WAY
SEC. = SECTION
STA = STATION
T = TANGENT
TWP. = TOWNSHIP
Δ = CENTRAL ANGLE
—◇— = POWER POLE

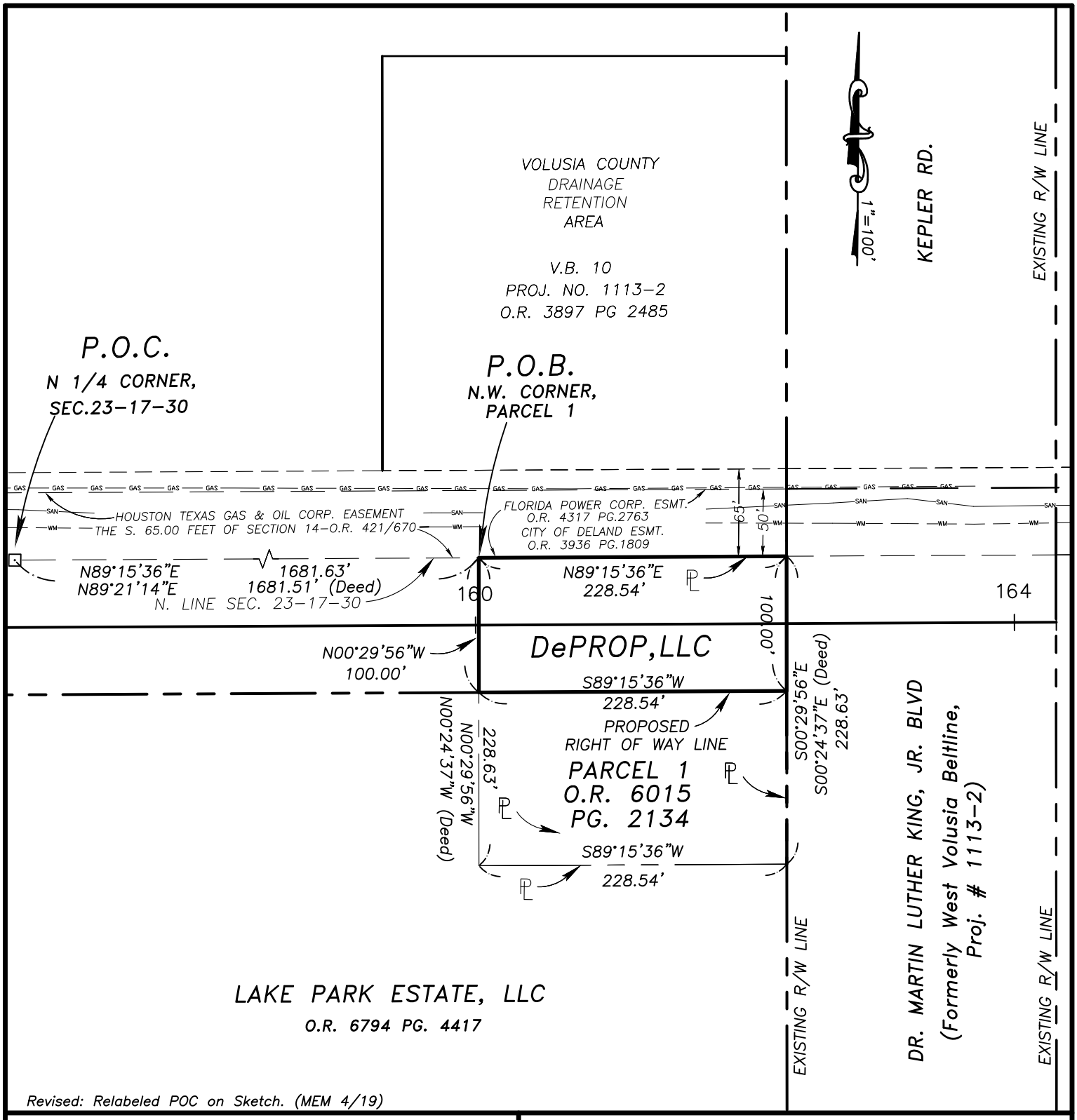
Revised: POC & Added Deed calls to description (MEM 4/19)

SKETCH OF DESCRIPTION ONLY
NOT A BOUNDARY SURVEY

DeProp, LLC

COUNTY OF VOLUSIA
PUBLIC WORKS DEPARTMENT
ENGINEERING & CONSTRUCTION
SURVEY DIVISION
123 W. INDIANA AVE. DELAND, FL. 32720
PHONE 1-386-736-5967 FAX 1-386-822-5736

	NAME	DATE	PLOT DATE: 8/25/17	PROJECT # 1358-1
CADD	Booth	8/17		
SURVEY DATE			SCALE:	
CHECKED	M McClain	8/17		
			FIELD BOOK	SHEET # 1 OF 2



Revised: Relabeled POC on Sketch. (MEM 4/19)

SKETCH OF DESCRIPTION ONLY
NOT A BOUNDARY SURVEY

DeProp, LLC

Volusia County
FLORIDA

COUNTY OF VOLUSIA
PUBLIC WORKS DEPARTMENT
ENGINEERING & CONSTRUCTION
SURVEY DIVISION
123 W. INDIANA AVE. DELAND, FL. 32720
PHONE 1-386-736-5967 FAX 1-386-822-5736

	NAME	DATE	PLOT DATE:	PROJECT #
CADD	Booth	8/17	8/25/17	
SURVEY DATE			SCALE: 1"=100'	1358-1
CHECKED	M McClain	8/17		
			FIELD BOOK	SHEET # 2 OF 2

CITY OF DELAND
Request for Commission Action
May 4, 2026

SUBJECT: Continuation of First Reading of Ordinance Abandoning ± 0.89 Acres of Right-of-Way of Bennett Drive, along lots 25-31 of the DeLand Business and Industrial Park plat.

DEPARTMENT: Planning

PREPARED BY: Emily Kunkel, Senior Planner

ATTACHMENTS: Continuation Memo

APPROVED BY: Michael Pleus, City Manager, April 29, 2026

SUMMARY/HIGHLIGHT:

The applicant, S A Casey Construction, is seeking to vacate a portion of the Bennett Drive right-of-way, lying along lots 25-31 of the DeLand Business and Industrial Park plat. The vacation of the right-of-way will allow the road to be used as a private driveway for the Coastline Power Solutions business. The right-of-way being abandoned is 552.68' in length and 50' in width, totaling ±0.89 acres.

Staff has not received any comments from the mailed notice, and the following utility providers provided letters of no-objection:
AT&T
Charter Communications
City of DeLand Utilites
Duke Energy
FL Gas Transmission Co.

This is a request to continue the first reading from May 4, 2026, to May 18, 2026.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Institute Smart Growth Principles.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The abandonment of this section of Bennett Drive right-of-way to the Coastline Power Solution property will result in the additional property being added to the City's tax rolls. This expansion of taxable property is expected to generate additional revenue for the City, thereby increasing funds available to support municipal services.

RECOMMENDATION:

This is a request to continue the first reading from May 4, 2026, to May 18, 2026.

BACKGROUND/DISCUSSION:

This is a request for vacation of a 50' wide, 552.68' long section of the Bennett Drive right-of-way, located along lots 25-31 of the DeLand Business and Industrial Park plat. This request is being made with the intention of the road being utilized as a private driveway into the Coastline Power Solutions business. The Bennett Drive right-of-way section being requested to be vacated is currently an improved right-of-way and is encumbered by regional public utilities. Therefore, all utility providers, including the City of DeLand will have access to the easements.

Planning Department

Memorandum

TO: City Commission

DATE: May 4, 2026

FROM: Emily Kunkel, Senior Planner

SUBJECT: Request to Continue First Reading of Ordinance Abandoning ± 0.89 Acres of Right-of-Way of Bennett Drive, along lots 25-31 of the DeLand Business and Industrial Park plat.

==========

This is a request for a continuance of the above-referenced application from the May 4, 2026, City Commission meeting to the May 18, 2026, City Commission meeting.

CITY OF DELAND
Request for Commission Action
May 4, 2026

SUBJECT: First Reading of Ordinance Changing the Zoning for ±1.90 Acres of Property, Located at 600 North Woodland Boulevard, from E-1 (Educational) to DeLand Atrium PD (Planned Development).

DEPARTMENT: Planning

PREPARED BY: Emily Kunkel, Senior Planner

ATTACHMENTS: Ordinance, Exhibit A - Legal Description, Exhibit B - PD Agreement, Exhibit A - Legal Description, Exhibit B - Concept Plan, Exhibit C - Current Leasable Area, Staff Report, Z25-206 Aerial, Z25-206 Zoning, Z25-206 Trip Generation Statement, Letter of Support from Museum of Art, Letter of Support from Stetson University

APPROVED BY: Michael Pleus, City Manager, April 29, 2026

SUMMARY/HIGHLIGHT:

The subject property is ±1.90 acres in size, with an existing 26,444 sq. ft. building and associated parking on the property. The building was previously occupied by the Museum of Arts, and when continued operation of the property was no longer sustainable, the Museum sold the subject property to the current owner (applicant). The applicant plans to operate the property as a vertical mixed-use space, retaining the flexibility to allow continued use for the arts, including Stetson University's current use of ±9,150 square feet of the property as a performing arts theater, along with the other permitted uses. The current zoning is E-1 (Educational), and the applicant is requesting to rezone to the Atrium DeLand PD (Planned Development) district. The subject property is located across from Stetson University, and the University currently uses the ±9,150 square feet (225-seat) performing arts theater. North of the property is developed commercial uses; south and east is Stetson University; and to the west are residential use properties.

On April 8, 2026, the Planning Board unanimously voted to recommend approval of the proposed Planned Development rezoning.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Institute Smart Growth Principles.

SUSTAINABILITY:

Approval of the PD will permit the continuance of commercial uses that align with the city's development requirements and will enable the city to continue active pursuit of its vision and strategic plan.

FISCAL IMPACT:

The property was previously tax-exempt, but has since been sold to a taxable commercial entity. As a result, it will be added to the City's tax rolls and will generate revenue to support municipal services.

RECOMMENDATION:

It is recommended that the City Commission approve the rezoning of this property from E-1 (Educational) to DeLand Atrium PD (Planned Development) on first reading.

BACKGROUND/DISCUSSION:

At this time, the applicant intends to continue the building's existing uses and allow for additional uses as outlined in the PD, with no plans for site redevelopment. Should redevelopment occur in the future, the site will be required to comply with the development standards of the PD, and existing conditions and layout for the site are identified on the Planned Development Plan.

ORDINANCE NO. 2026 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM E-1 EDUCATIONAL TO DELAND ATRIUM PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED AT 600 NORTH WOODLAND BOULEVARD; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 1.90 ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Applicant, 600 N. Woodland DeLand, LLC, owns approximately +/- 1.90 acres of land located at 600 North Woodland Boulevard, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the Applicant has applied for a change of zoning designation from E-1 Educational to DeLand Atrium Planned Development (PD); and

WHEREAS, the Applicant wishes to amend the zoning to planned development to develop the property as a vertical mixed-use space, retaining the flexibility to allow continued use for the arts, and other uses compatible within the community; and

WHEREAS, said rezoning is consistent with both the Comprehensive Plan and the purpose and intent of Section 33-32 of the Code of Ordinances of the City of DeLand (the "Code"); and

WHEREAS, the Applicant has submitted an application for the approval of a development plan in order to amend the property zoning designation so as to change certain development standards for the property described in Exhibit "A" (hereinafter the "Property" or the "Project"); and

WHEREAS, the proposed development plan meets or exceeds the minimum conditions and standards for the PD District with respect to minimum development size, perimeter setbacks, comprehensive plan consistency, internal compatibility, external compatibility, open spaces, sidewalks, environmental constraints, internal access and circulation, external transportation access, public facilities and unified control; and

WHEREAS, the proposed development plan is consistent with the Educational land use designation.

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

Section 1. The City Commission has held a public hearing to approve the change of zoning from E-1, Educational to DeLand Atrium Planned Development (PD) on the property located at 600 North Woodland Boulevard, consisting of approximately +/- 1.90 acres.

Section 2. Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City to include the land described in Exhibit "A" as DeLand Atrium PD, Planned Development District.

Section 3. The zoning of the Property as Planned Development District (PD), is made pursuant to Section 33-32 of the Code and the development of the Property shall take place in accordance with that Section and in substantial compliance with the Development Plan Agreement, Maps and other supporting documentation submitted by Applicant which shall be filed and retained for public inspection in the office of the City Planning Division and constitute a supplement to the official Zoning Map of the City.

Section 4. The approved Development Plan for DeLand Atrium PD, Planned Development District, including the Development Plan Agreement, Map and other supporting documentation (on file with the City Planning Division), are attached hereto as Exhibit "B" and by this reference made a part hereof.

Section 5. The failure of the approved Development Plan to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with any law governing said permitting requirements, conditions, terms or restrictions, as same may be amended or enacted from time to time in the future. All current land development regulations of the City are applicable to the PD District except to the extent that they conflict with a specific provision of the approved Development Plan.

Section 6. At the time of development, the Applicant shall comply with all relevant building codes and development standards contained in the City's Code of Ordinances or in the Development Plan; provided, however, that the development standards contained in the adopted Development Plan shall supersede comparable standards contained in the Code of Ordinances.

Section 7. Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

Section 8. 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 9. 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 10. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this _____ day of _____, 2026.

_____
Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

_____
Dale Arrington
Interim City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

_____
Darren J. Elkind
City Attorney

EXHIBIT "A"

Legal Description

Lots 1, 2 and 4, Palmetto Court, according to the map or plat thereof as recorded in Map Book 4, page 5, Public Records of Volusia County, Florida.

and

Lots 1, 2 and 3, Block A, University Place, according to the map or plat thereof as recorded in Map Book 2, page 35, Public Records of Volusia County, Florida.

"EXHIBIT B"

PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

Case #Z25-206
Application of 600 N. Woodland DeLand, LLC

ORDINANCE# 2026-_____

ORDER AND RESOLUTION GRANTING A REQUEST FOR CHANGE IN ZONING FROM E-1 TO DELAND ATRIUM PLANNED DEVELOPMENT (PD)

The application of 600 N. Woodland DeLand, LLC hereinafter, "Applicant", for rezoning was heard by and before the City Commission, DeLand Florida, on May 4, 2026 (First Reading) and _____, 2026 (Second Reading). Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Community Development, and other Departments and agencies of DeLand, Florida; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning Board on April 8, 2026, and otherwise being fully advised, the City Commission does hereby find and determine as follows:

GENERAL FINDINGS

A. That the application of 600 N. Woodland DeLand, LLC was duly and properly filed herein on December 12, 2025, as required by law.

B. That all fees and costs which are by law, regulation, or ordinance required to be borne and paid by the applicant have been paid.

C. That the Applicant is the owner of a 1.902 +/- acres parcel of land described in the attached Exhibit "A" (the "Property") that is the subject of this application and which land is situated in DeLand, Florida.

D. That the Applicant has complied with the Planned Development Plan provisions as required by the Land Development Regulations of the Code of Ordinances of the City of DeLand.

E. That the Applicant has complied with the "Due Public Notice" requirements of the Land Development Regulations of the Code of Ordinances of the City of DeLand.

F. That the Applicant, as the owner of the Property, agrees with the provisions of the Development Agreement adopted hereby.

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classifications of the Property from E-1 to DeLand Atrium Planned Development (PD).

B. That the said rezoning to DeLand Atrium PD is consistent with both the City of DeLand Comprehensive Plan and the intent and purpose of the City of DeLand Land Development Regulations contained in Chapter 33 of the Code of Ordinances of the City of DeLand (the "LDR") and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE BE IT RESOLVED AND ORDERED BY THE CITY OF DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS _____ DAY OF _____, 2026 AS FOLLOWS:

A. That the Application of 600 N. Woodland DeLand, LLC for the rezoning of the Property is hereby granted and the Development Agreement included herein is hereby approved and adopted by the City of DeLand.

B. That the zoning classification of the Property described in Exhibit "A" attached hereto is hereby amended from E-1 to DeLand Atrium PD as described in the LDR.

C. That the Official Zoning Map of the City of DeLand is hereby amended to show the rezoning of said parcel to DeLand Atrium PD.

D. That the provisions of the "Development Agreement" as hereinafter set forth are consistent with the LDR and with respect to any conflict between LDR and the

Development Agreement, the provisions of the Development Agreement shall govern. The LDR shall govern with respect to any matter not covered by the Development Agreement. The City of DeLand will ensure overall compliance with the Development Agreement.

E. Unless otherwise provided for in the Development Agreement, the LDR shall apply to the Property in the same manner as the E-1 zoning classification designated in the Development Agreement.

F. Except as otherwise stated herein, nothing in the Development Agreement is intended to abridge the requirements of the LDR or any other City Ordinances.

DEVELOPMENT AGREEMENT

The City of DeLand and the other parties executing this Development Agreement hereby enter into this Development Agreement which shall constitute a binding agreement but is not a statutory development agreement as provided for in Sections 163.3220-163.3243, Florida Statutes, the Florida Local Government Development Agreement Act.

A. Development Concept. The Property is a developed site and shall be maintained as the Atrium PD, substantially in accordance with the Planned Development Plan. The Planned Development Plan shall govern any change of use, redevelopment, or subdivision of the property and shall regulate the future use of the Property. Except as otherwise provided for herein, the LDR as applicable to the E-1 zoning district of the City of DeLand shall apply to this Atrium PD. The Property was originally developed in or around 1991. The Property was initially operated by Cultural Arts Center, Inc., as a center for visual and performing arts. As time progressed and some of the initial occupants were no longer involved, Cultural Arts Center, Inc., merged with Museum of Florida Art, Inc., now known as The Museum of Arts, DeLand, Florida, Inc. ("Museum"). When continued operation of the Property was no longer sustainable, the Museum sold the Property to the Applicant, its current owner.

B. The Applicant plans to operate the Property as a vertical mixed-use space, retaining the flexibility to allow continued use for the arts, including Stetson University's current use of ±9,150 square feet of the Property as a theater, along with the other permitted uses. The Property currently has a limited number of fifty-nine (59) parking spaces on-site because, when it was originally developed, it was not required to meet the parking standards required under the current LDR. Current parking needs associated with the theater use are satisfied off-site through Stetson University's campus-wide parking plan. Therefore, so long as Stetson

University continues to occupy the theater, that space shall not be required to meet any parking requirements on-site. At such time Stetson University vacates the Property (±9,150 square feet), other non-residential uses compatible with the surrounding neighborhood as set forth in Section D shall be accommodated in the current theater space; provided, however, that any such proposed uses that require beyond the existing fifty-nine (59) on-site parking spaces, shall provide parking in accordance with the requirements set forth in Section F, except that all residential uses shall accommodate parking on-site.

Any exterior modifications that increase the impervious surface area, beyond the maximum permitted impervious surface area or increase the building footprint, shall be considered Redevelopment for the purposes of this Development Agreement. For purposes of defining the term "Current Leasable Area," the total interior square footage of the building is ±26,444 square feet, of which ±6,339 square feet is common area/limited use area (including lobbies, restrooms, closets, stairways, elevators, etc.) and the remaining ±20,108 square feet is "Current Leasable Area." See Exhibit "C" for a graphic representation of the Current Leasable Area, as presently configured.

1. Planned Development Plan. The Planned Development Plan shall consist of the Development Plan prepared by Newkirk Engineering, Inc. dated January 26, 2026, and this Development Agreement. The Development Plan is hereby approved and incorporated in this Ordinance by reference as Exhibit "B". The Planned Development Plan shall be filed and retained for public inspection in the Planning Department, and it shall constitute a supplement to the Official Zoning Map of the City of DeLand.
2. Amendments. All amendments of the Planned Development Plan shall require the

review and recommendation of the Planning Board and action by the City Commission in the same manner as a rezoning of the parcel. No administrative amendments may be authorized except as permitted under the LDR as adopted or amended.

3. Final Site Plan Approval. This is a developed site, so no site plan approval is required at this time. After the Planned Development Plan is recorded, and prior to issuance of any permits for construction related to any expansion of the existing building or any increase in the total impervious surface, including clearing and landfill, a final site plan shall be prepared and submitted for review and approval in the manner required by the LDR, if otherwise required by the LDR.

C. Unified Ownership. The Applicant or its successors or assigns shall maintain unified ownership of the Property, except that all or a portion of the Property may be put into non-residential condominium ownership.

D. Land Uses Within the PD. The development of the Property shall be consistent with the uses prescribed for each area within the Property as set forth in the Planned Development Plan. The approximate location and size of said land use areas are shown on the Development Plan Map.

1. The following land uses shall be allowed as permitted principal uses and structures, along with their customary accessory uses and structures, as permitted uses by right, provided parking for the uses adheres to Section F, of this agreement.

Apothecary shops.

Bakery, pastry, gourmet, coffee and specialty beverage shops (retail).

Banquet facilities, the sale and service of alcoholic beverages for on-premise

consumption shall be permitted as an accessory use to any banquet facility operating within the Property, subject to applicable state and local requirements.

Beauty salons, barbershops and day spas.

Indoor recreation and amusement facilities.

Business colleges; professional or commercial schools.

Catering services.

Churches, houses of worship, and religious institutions, with their customary accessory educational and recreational uses and buildings, with the size of the sanctuary not to exceed the size of the current theatre space on the first floor

Colleges and universities, including sorority and fraternity houses, recreational, athletic and other normal accessory uses of such colleges and universities.

Craft food and beverage producer

Day care facilities (adult or child).

Dormitories; parking shall be accommodated on-site.

Financial Institutions

General/Professional Offices.

Government and public land uses and buildings.

Government facilities and land uses normally associated with the provision of government services

Grocery.

Medical office/clinic.

Museums and offsite storage of museum supplies and inventory.

Music, dance, gymnasium, art school or studio, excluding discotheques

Nursing homes and adult congregate living facilities.

Personal services.

Private clubs and lodges.

Public, private or parochial primary and secondary schools.

Restaurants (excluding fast food and/or drive-through facilities) and not to exceed an aggregate of 4,500 square feet. The sale and service of alcoholic beverages for on-premise consumption shall be permitted as an accessory use to any restaurant operating within the Property, subject to applicable state and local requirements.

Retail sales, including merchandising barns.

Retail sales; used materials or thrift shops (not junk yards).

Special events, the sale and service of alcoholic beverages for on-premise consumption shall be permitted as an accessory use to any special event operating within the Property, subject to applicable state and local requirements.

Theatres and assembly halls; not to exceed two hundred fifty (250) fixed seats, provided that, if this space ceases to be occupied by Stetson University, parking for other uses shall adhere to Section F of this agreement.

2. Accessory Structures/Outdoor Amenities:

Fire pit.

Gazebo/shade structure.

Outdoor Seating (including for dining).

Playground.

E. Development Standards (including existing conditions, which are permitted to continue absent Redevelopment)

Existing lot area (acres):	1.902 +/- acres
Building setbacks from Property perimeter:	Front (Woodland Blvd.): 25 ft. S. Side (W. University Ave.): 25 ft. N. Side: 25 ft. Rear (N. Palmetto Ct.): 30 ft. 7 feet from any property line for Accessory structures, other than existing as of the date hereof.
Maximum building height:	65 ft.
Existing/Maximum Impervious Area:	Existing: 63% (+/-1.19 acres) Maximum: 65% (+/-1.24 acres)
Existing/Minimum Off-street parking spaces:	59
Existing/Minimum Open Space:	37% (+/-0.26acres)

F. Parking Standards: The Property currently has a limited number of fifty-nine (59) parking spaces on-site. The existing size, location and configuration of these parking spaces is outlined in the table below.

Type	Size	Quantity
Standard (90 degree)	20’ x 9’	42
Angled (70 degree)	18’ x 9’	11
Parallel	22’ x 9’	3
ADA	22 x 12’	3
Total off-street parking spaces		59

Existing uses, proposed uses, as outlined in Section D, and any residential uses shall be permitted subject to accommodating parking on-site. On-site parking calculations shall be in accordance with the Land Development Regulations, provided that any use not specifically listed shall provide on-site parking at a ratio of 1 space per 250 square feet of net floor area. Provided, however, no parking requirements shall be imposed for Stetson University’s use of the Property. It is recognized that, applying the current LDR parking requirements to the uses originally approved for the

Property (theater and art gallery, with associated office space), it is currently under-parked by one hundred and one (101) parking spaces, providing only thirty seven percent (37%) of the required parking under the current LDR. Therefore, at such time that Stetson University vacates the Property, other non-residential uses, as set forth in Section D, shall be accommodated in the ±9,150 square feet; so long as parking is provided as set forth herein. The parking requirements shall be reduced to require not less than fifty (50%) percent of the parking spaces which would otherwise be required under the LDR. However, in no event shall the LDR requirements be reduced by more than fifty (50) parking spaces. Any such proposed non-residential uses that the LDR, as modified in this section, requires beyond the existing fifty-nine (59) on-site parking spaces shall accommodate parking off-site, through a deed, easement, license, lease or other special use temporary parking arrangements, in accordance with the Land Development Regulations.

G. Landscape and Buffer Standards. Existing conditions of the Property are shown in "Exhibit B". Existing conditions are permitted to continue, absent Redevelopment. Any Redevelopment of the Property requires that all landscaping and buffers shall utilize Florida-Friendly Landscaping, as defined by the University of Florida/Institute of Food and Agricultural Sciences ("UF/IFAS") Center for Landscape Conservation and Ecology, native, or low-water plant material. Redevelopment of the Property shall include landscape designs such that plants will serve environmentally friendly functions including, but not limited to, cooling, privacy screening, shade, aesthetics, and runoff pollution prevention.

1. Open Space. Existing conditions are permitted to continue, absent Redevelopment. Redevelopment of the Property shall meet the requirements of the LDR, except as otherwise expressly provided for in this Development Agreement.
2. Perimeter Buffers. Existing conditions are permitted to continue, absent Redevelopment. Except as otherwise specifically provided for in this Development Agreement, the perimeter Landscape buffers of any Redevelopment of the site shall

at a minimum comply with the landscape buffer width and planting requirements provided for in the LDR. As shown on Exhibit "B", the existing buffers are as follows:

LOCATION	TYPE
North	C
South	C
East	C
West	C

3. Tree Protection Area (TPA). Since the site is already developed, the Property currently does not have any TPA areas and existing conditions are permitted to continue, absent Redevelopment. No additional impervious surface area shall be added beyond the maximum permitted impervious surface area. Any Redevelopment shall meet the TPA requirements of the LDR.

H. Accessory Structures/Outdoor Amenities. Applicant shall be entitled to add additional outdoor amenities, outlined in Section D, as long as they are accessory uses to an allowed principal use, designed for patrons of businesses and does not require additional parking or increase the total impervious surface.

I. Signage. The existing signage includes 331.5 square feet of building sign(s) located on the eastern exposure of the building, 20 square feet of monument sign(s) located in the Woodland Boulevard facing yard, and the square footage of each sign type may be reallocated to other building exposures or yards, as applicable. Provided, however, in the event the signage permitted by this section is less than what is permitted under the LDR, the amount of signage permitted by the LDR shall prevail. The existing Stetson monument sign, as well as a

replacement thereof, is permitted to remain and shall not be included in the calculations of permitted signage. Further, a sign on the east side of the building identifying the name of the building, which contains nothing more than the name of the building, and is consistent with the building name signage Stetson University has for its buildings and campus, is permitted as additional signage. The design, construction and location of all of the existing signage, as aforementioned, is permitted. Any Redevelopment of the site shall meet the requirements of the LDR.

J. Environmental Considerations. The existing site was developed without addressing current requirements for preservation of environmental resources, as set forth in the LDR. Existing conditions are permitted to continue, absent Redevelopment. Any Redevelopment of the Property shall meet the requirements of the LDR related to preservation of environmental resources.

K. Sewage Disposal, Potable Water and Reclaimed Water. Provision for sewage disposal, potable and reclaimed water needs for the development of the Property will be provided in accordance with the City of DeLand Comprehensive plan, the LDR, and all other applicable regulations.

L. Stormwater Drainage. The existing site was developed without addressing current requirements for stormwater retention. Existing conditions are permitted to continue, absent Redevelopment. Any Redevelopment shall be required to meet stormwater retention standards as set forth in the LDR, Comprehensive plan and the following:

a. The stormwater retention system shall be designed to retain a 100-year, 24-hour storm event and to meet all other applicable governmental regulations. To the extent other applicable governmental regulations require retention greater than a 100-year, 24-hour

storm event, such greater requirement shall control.

b. There shall be no mass grading of the property.

c. On-site burning of cleared vegetation on the Property is prohibited and no vegetation and other biomass cleared from the Property during development may be incinerated on the Property.

M. Dark Sky Standards. All new outdoor lighting, if any, shall either carry the International Dark-Sky Association's Fixture Seal of Approval or comply with the International Dark Sky standards and be of the full cut-off, fully shielded variety in which the light source is recessed and shielded which prohibits upward light overspill into the night sky and off-site nuisance glare. Otherwise, existing conditions are permitted to continue, absent Redevelopment.

N. Access and Transportation System Improvements. This is an existing, developed site. Existing conditions are permitted to continue, absent Redevelopment. If Redevelopment of the Property occurs, the Property will need to comply with the LDR and any access or transportation improvements will be determined at the time of site plan review related to such Redevelopment.

O. Mechanical Equipment. All new mechanical equipment, roof-top mechanical equipment, and ground-mounted equipment, shall be visually screened from public roads and sidewalks. Otherwise, existing conditions are permitted to continue, absent Redevelopment.

P. Expiration: This is an existing, developed site, so the terms of this Development Agreement and all provisions of the Planned Development Plan are vested.

Q. Binding Effect of Plans; Recording; and Effective Date. This Development Agreement shall become effective upon the date of recording, along with the Ordinance

pursuant to which this Development Agreement was adopted, in the Public Records of Volusia County, Florida (the "Effective Date"). This Development Agreement, including any and all amendments hereto, shall bind and inure to the benefit of the Applicant and its successors in title or interest. The DeLand Atrium PD zoning, provisions of this Development Agreement, and all approved plans shall run with the land and shall be administered in a manner consistent with the LDR. This Ordinance and all subsequent amendments shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the City Commission, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Planning Division for placement in the public file.

DONE AND ORDERED:

by the City Commission, City of DeLand, Florida this ____day of _____, 2026.

ATTEST:

City Commission of DeLand Florida

_____
Michael Pleus
City Manager

_____
Chris Cloudman
Mayor Commissioner

_____
Dale Arrington
Interim City Clerk – Auditor

_____
Darren J. Elkind
City Attorney

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day _____, 2026 by Michael Pleus, Chris Cloudman, Dale Arrington, Darren J. Elkind, as City Manager, City Mayor, Interim City Clerk – Auditor, and City Attorney respectively, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

_____

Commission No.: _____

My Commission expires: _____

WITNESSES TO APPLICANTS:

_____

Witness name:_____

Address: _____

_____

Witness name:_____

Address: _____

_____

APPLICANT:

600 N. Woodland DeLand LLC

_____

By: Juddson T. Spore, its Manager

By: Solomon D. Greene, its Manager

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day _____, 2026 by Juddson T. Spore and Solomon D. Green**,** as Managers of 600 N. Woodland DeLand LLC, who ☐ are both personally known to me or ☐ has produced Florida Driver's License as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

_____

Commission No.: _____

My Commission expires: _____

EXHIBIT "A"
Legal Description

Lots 1, 2 and 4, Palmetto Court, according to the map or plat thereof as recorded in Map Book 4, page 5, Public Records of Volusia County, Florida.

and

Lots 1, 2 and 3, Block A, University Place, according to the map or plat thereof as recorded in Map Book 2, page 35, Public Records of Volusia County, Florida.

EXHIBIT "B"
Conceptual Development Plan

EXHIBIT "C"
CURRENT LEASABLE AREA

EXHIBIT "A"

Legal Description

Lots 1, 2 and 4, Palmetto Court, according to the map or plat thereof as recorded in Map Book 4, page 5, Public Records of Volusia County, Florida.

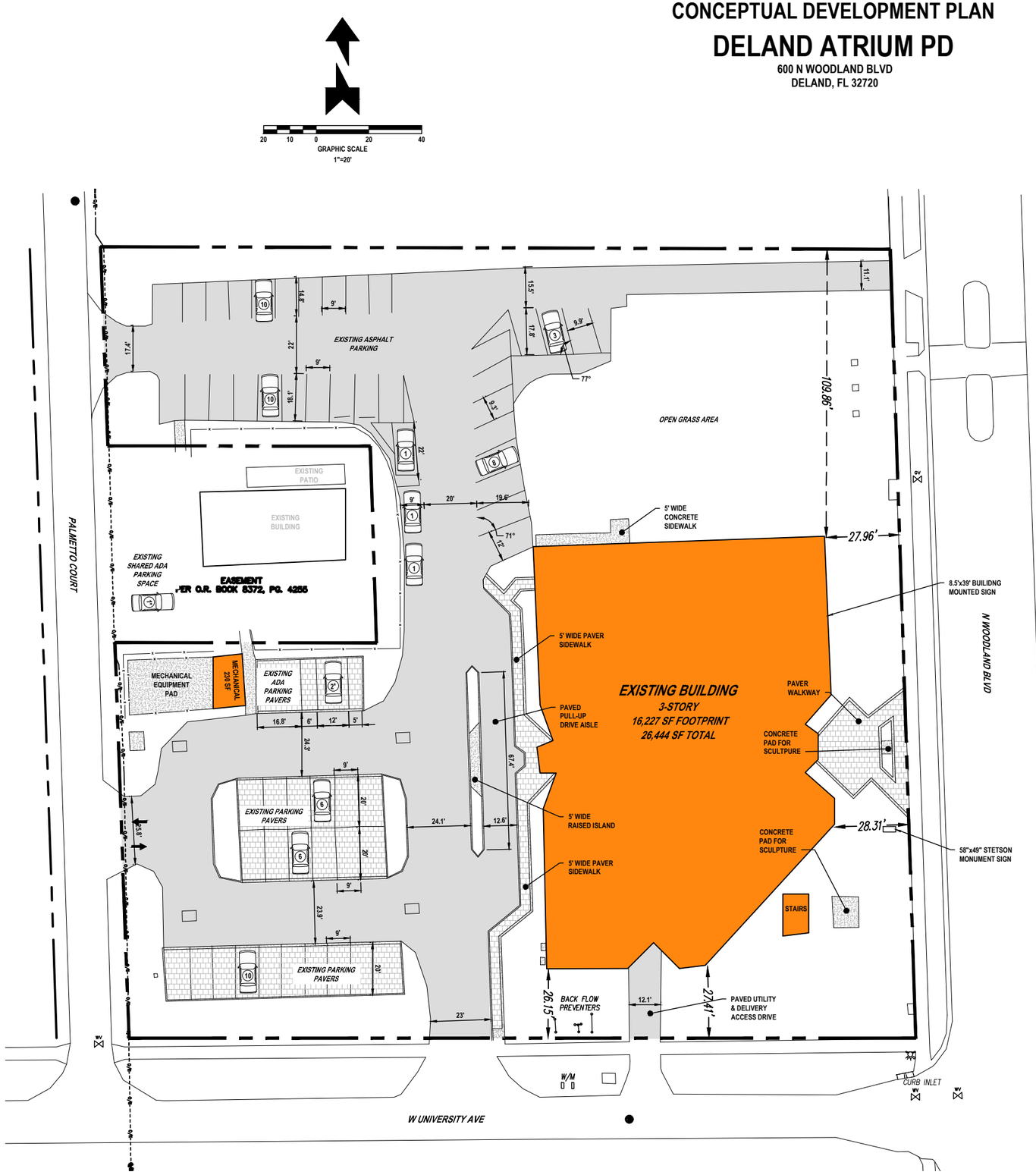
and

Lots 1, 2 and 3, Block A, University Place, according to the map or plat thereof as recorded in Map Book 2, page 35, Public Records of Volusia County, Florida.

CONCEPTUAL DEVELOPMENT PLAN

DELAND ATRIUM PD

600 N WOODLAND BLVD
DELAND, FL 32720



SITE DATA:

Site Address	600 N Woodland Blvd, DeLand, FL 32720	
Parcel ID(s)	7009-22-01-0020	
Jurisdiction	City of DeLand	
Building Size (sf)	26,444 sf (gross)(multi-story)	
Number of Floors	3	
Lot Size	82,842 SF	1.902 AC

Contact Information	
Planning and Zoning	**City of DeLand**
Contact Person:	Carol Kuhn - Planning Director
Address:	120 South Florida Avenue, DeLand, FL 32720
Phone Number:	(386) 626-7016
Email:	kuhnc@deland.org
PD Attorney	**Landis Graham French PA**
Contact Person:	Alex Ford, Jr.
Address:	145 East Rich Avenue, Suite C, DeLand, Florida 32724
Phone Number:	(386) 734-3451
Email:	aford@landispa.com
Engineer	**Newkirk Engineering, Inc.**
Contact Person:	Cody A. Bogart, PE
Address:	1230 N US Highway 1 Suite 3, Ormond Beach, FL 32174
Phone Number:	(386) 872-7794 x113
Email:	Cody@newkirk-engineering.com
Owner / Applicant	**600 N WOODLAND DELAND LLC**
Contact Person:	Tyler Spore
Address:	858 W Plymouth Ave, DeLand, 32720
Phone Number:	(386) 748-1945
Email:	tyler.spore@virtechsystems.com

EXISTING SITE COVERAGE			
AREA TYPE	**SF**	**ACRE**	**% OF SITE**
BUILDING	17,688	0.406	21.4%
PAVEMENT	25,829	0.593	0.0%
CONCRETE	2,161	0.050	2.6%
PAVERS	6,292	0.144	7.6%
GREEN SPACE	30,872	0.709	37.3%
TOTAL SITE	**82,842**	**1.902**	**100.0%**
TOTAL IMPERVIOUS	**51,970**	**1.193**	**62.7%**
TOTAL OPEN SPACE	**30,872**	**0.709**	**37.3%**

PARKING REQUIREMENTS				
BUILDING USE	**A. GSF**	**B. SPACES**	**C. PER GFA**	**D. REQ. SPACES**
UPSTAIRS OFFICE	5,406	1	200	28
OFFICE/COMMERCIAL	3,262	1	200	17
SMALL OFFICES	297	1	200	2
ART MUSEUM / STORAGE	1,763	1	STAFF	3
THEATRE (STETSON)	9,126	1	STAFF	4
LOBBY/COMMON AREA	6,590	0	N/A	0
TOTAL REQUIRED PARKING SPACES				**54**
REQUIRED ADA SPACES				3

EXISTING PARKING	%	PROV. SPACES
STANDARD PARKING SPACES	71.2%	42
ANGLED PARKING SPACES	18.6%	11
PARALLEL PARKING SPACES	5.1%	3
ADA PAKRKING SPACES	5.1%	3
TOTAL PROVIDED PARKING SPACES		**59**

Site Requirements & Zoning Information	
Current Zoning	E-1
Proposed Zoning	PD (C-1 Similar)
Future Land Use	MIXED COMMERCIAL & EDUCATIONAL
Overlay	Historical Corridor
Building Use	Art Museum, Theatre and Offices (see PD for extensive list)

Existing Setbacks			
	PROPOSED	C-1	E-1
Front (Woodland)	25	30	30
Rear (West)	60	30	30
Rear (Palmetto)	30	30	30
Side (North)	25	0	0
Side (W. University)	25	0	0

Notes: Setback requirements to be established in PD Plan/Agreement. The intent with the buffers and setbacks is to show a rounded down value for buffers and setbacks. PD Plan shows exact dimensions.

Existing Dimensions			
	PROPOSED	C-1	E-1
Open Space %	37.3%	40.0%	50.0%
Impervious Area %	62.7%	60.0%	50.0%
Building Area %	21.4%	*N/A*	*N/A*
FAR	0.34	*N/A*	*N/A*
Max Building Height	40.67'	35'	65'
Parking Spaces	59 (3 ADA)		

Notes: Dimensional requirements to be established in PD Plan/Agreement. PD Plan shows exact dimensions.

Adjacent Property Info		
Adjacent Property	**Zoning**	**Use**
North	C-1	MIXED COMMERCIAL
South	E-1 & H	EDUCATIONAL
East	E-1	EDUCATIONAL
West	R-1A	LOW DENSITY RES.

GENERAL NOTES:

1. THE SITE IS PROPOSED TO REMAIN IN THE SAME CONDITIONS AS SURVEYED AND SHOWN ON THIS CONCEPTUAL DEVELOPMENT PLAN.
2. MODIFICATIONS TO USES ALLOWED ON THIS PROPERTY ARE PROPOSED IN THE PD AGREEMENT.
3. NO STORMWATER MODIFICATIONS ARE PROPOSED TO THE EXISTING STORMWATER SYSTEM.
4. LANDSCAPE BUFFERS TO REMAIN IN EXISTING CONDITIONS.

REVISIONS

DATE	DESCRIPTION

1230 North US1, Suite 3
Ormond Beach, Florida 32174
Phone (386) 872-7794
www.Newkirk-Engineering.com
C.A. # 30209
L.C. # 26000584

© 2013
Civil Engineering, Transportation, CEI & Landscape Architecture

NEWKIRK ENGINEERING INC.

EXHIBIT C: CONCEPTUAL DEVELOPMENT PLAN
DELAND ATRIUM
600 N WOODLAND BLVD
DELAND, FL 32720

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THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY CODY A. BOGART, PE # 94133 ON

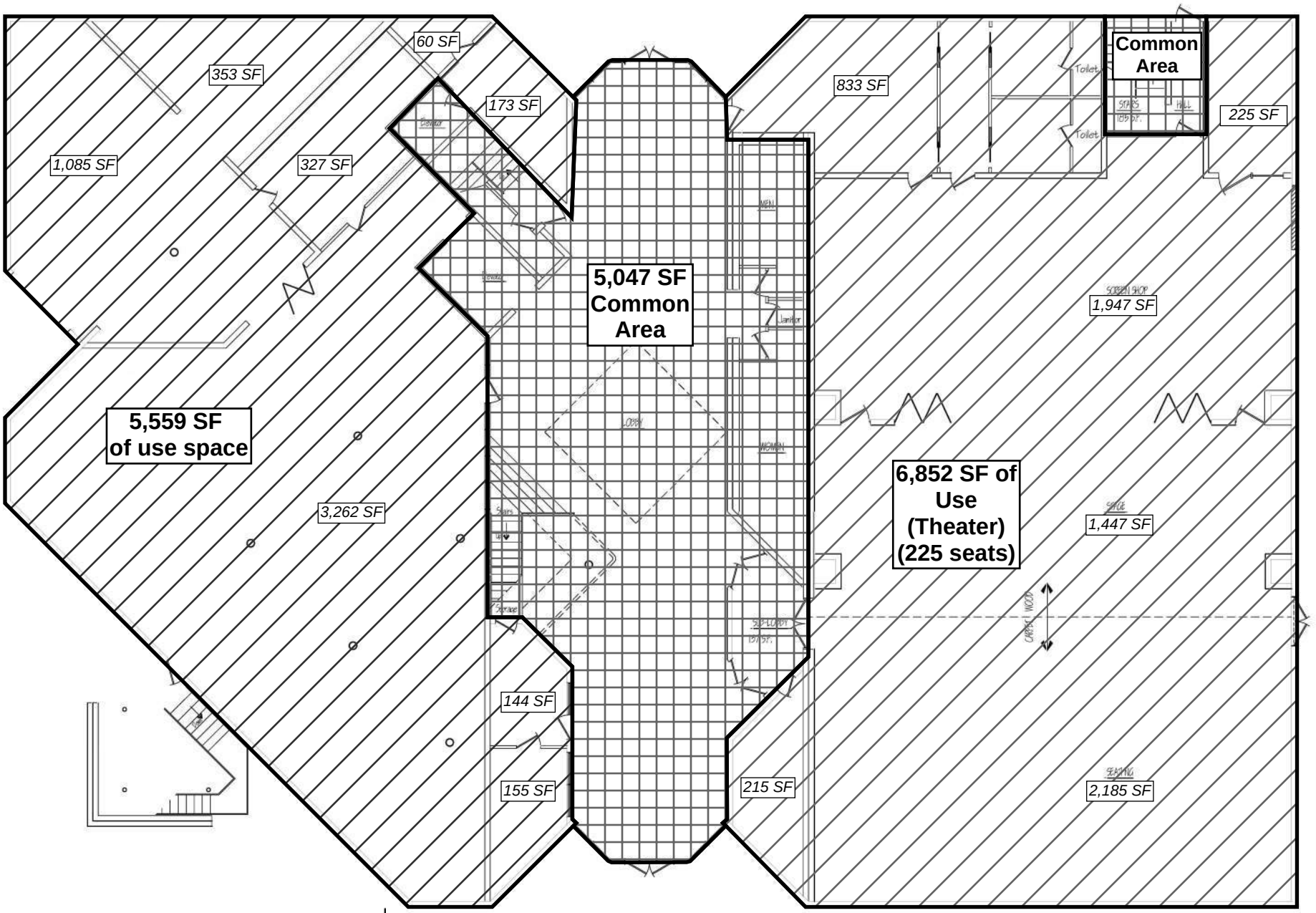
CODY A. BOGART LICENSE No. 94133 STATE OF FLORIDA PROFESSIONAL ENGINEER

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

PROJECT No:	2025-104
DATE:	JANUARY 2026
DESIGN BY:	CAB
DRAWN BY:	CAB
CHECKED BY:	HHN
SCALE:	CUSTOM

DRAWING NUMBER

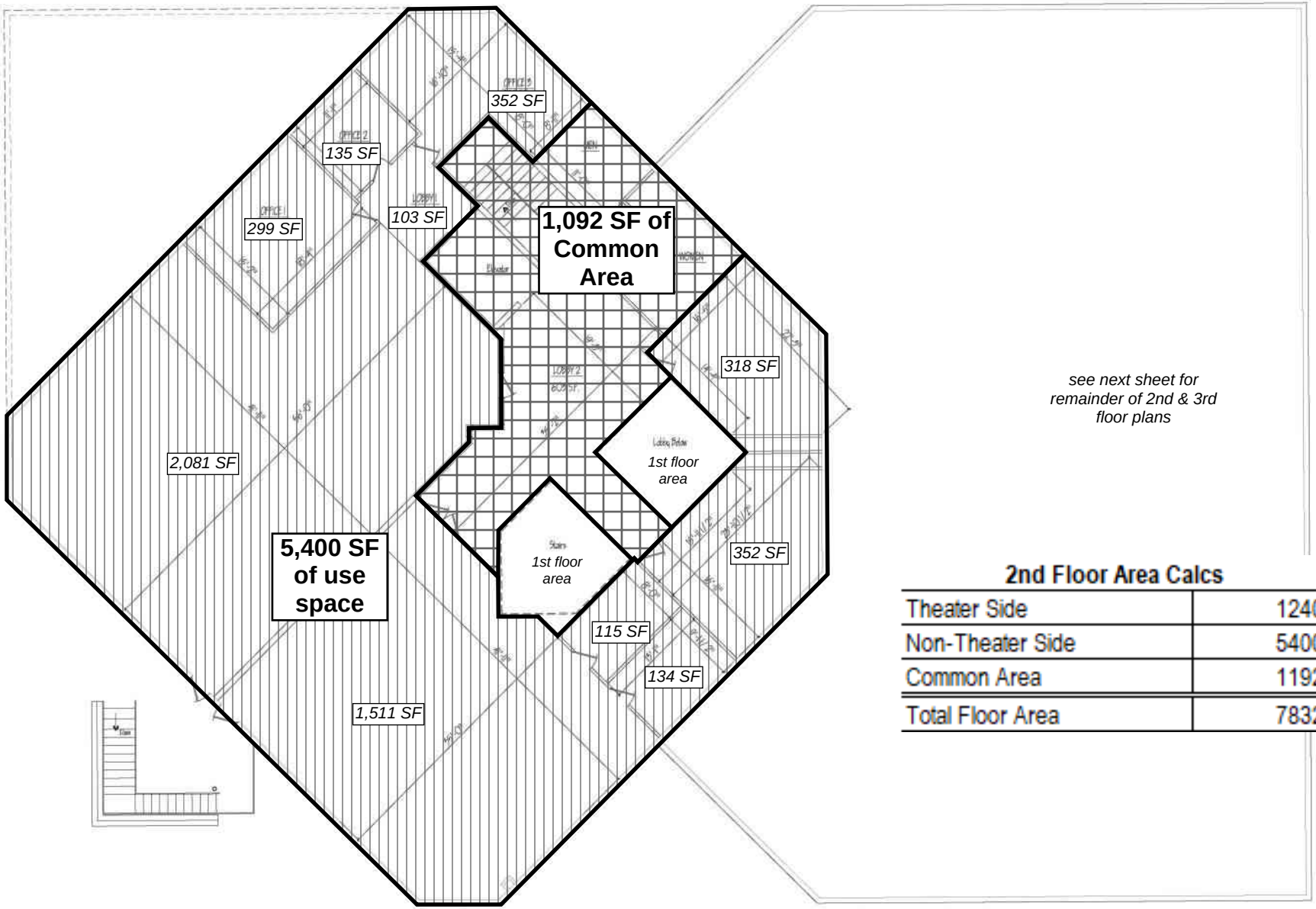
C



1st Floor Area Calcs	
Theater Side	6852
Non-Theater Side	5559
Common Area	5047
Total Floor Area	17458

17,458 SF Total Floor Area

1 A-1.1 First Floor Plan Museum Scale : 1/8 in. = 1 ft.

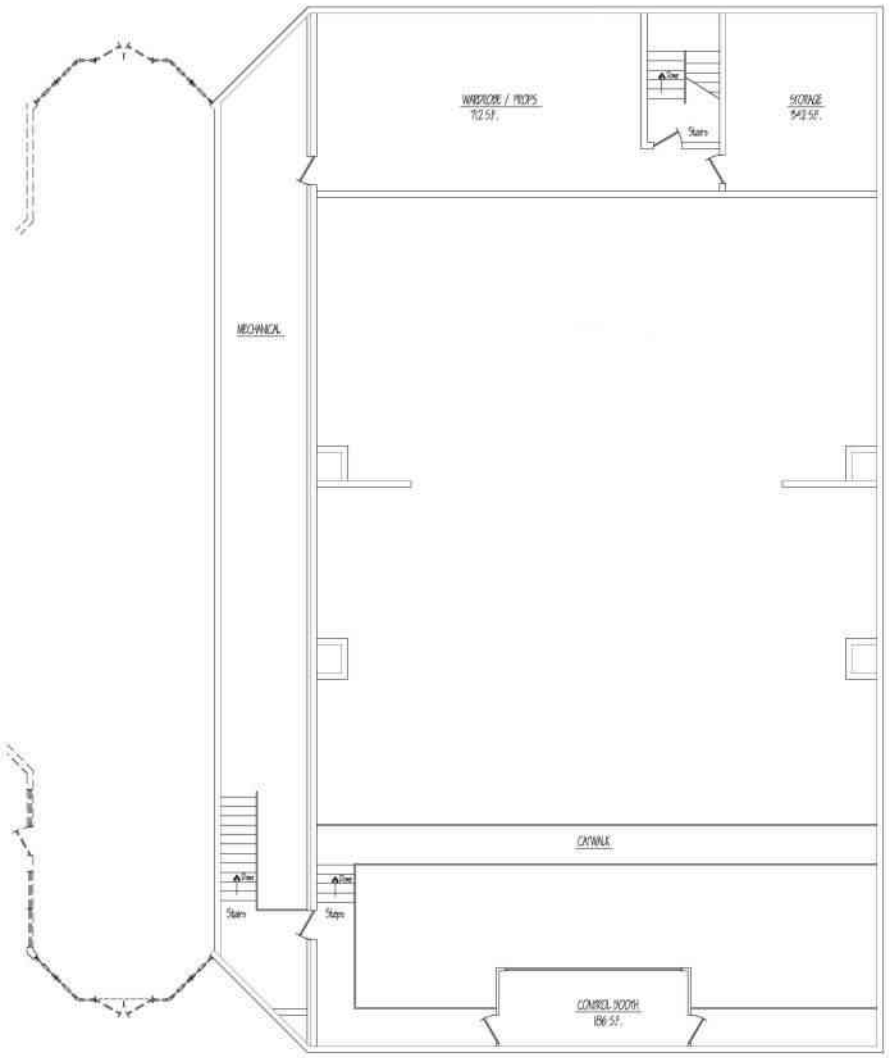


see next sheet for remainder of 2nd & 3rd floor plans

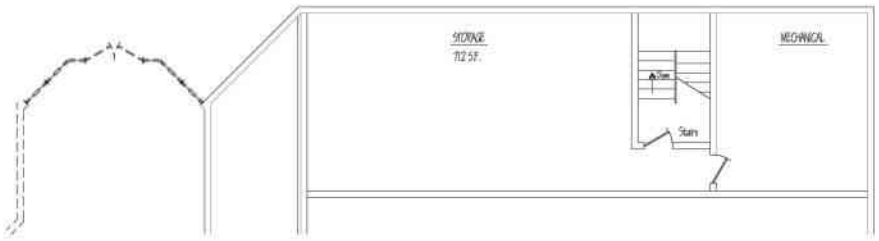
2nd Floor Area Calcs	
Theater Side	1240
Non-Theater Side	5400
Common Area	1192
Total Floor Area	7832

2 A-1.1 Second Floor Plan Museum Scale : 1/8 in. = 1 ft.

7,832 SF Total Floor Area



5 A-1.1 Second Floor Plan Theater Scale: 1/8 in. = 1 ft.



4 A-1.1 Third Floor Plan Theater Scale: 1/8 in. = 1 ft.

1st Floor Area Calcs	
Theater Side	6852
Non-Theater Side	5559
Common Area	5047
Total Floor Area	17458

2nd Floor Area Calcs	
Theater Side	1240
Non-Theater Side	5400
Common Area	1192
Total Floor Area	7832

3rd Floor Area Calcs	
Theater Side	1054
Non-Theater Side	0
Common Area	100
Total Floor Area	1154

Overall Floor Area Calcs	
Theater Side	**9146**
Non-Theater Side	**10959**
Common Area	**6339**
Total Floor Area	**26444**

PLANNING DIVISION STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD

April 8, 2026

A. **APPLICATION NO.:** Z25-206 (Atrium DeLand PD Rezoning)
APPLICANT/OWNER: 600 N Woodland DeLand, LLC
STAFF PLANNER: Emily Kunkel, *Senior Planner*
REQUEST: Changing of zoning for ±1.90 Acres of Property, from E-1 (Educational) to Atrium DeLand PD (Planned Development).

B. **APPLICABLE REGULATIONS:**

Article IV **OVERLAY AND FLOATING ZONES**
Sec. 33-32 – Planned Development District.

Article XII **ADMINISTRATION AND ENFORCEMENT**
Sec. 33-135 – Procedure for text amendments & rezoning.

C. **SITE FACTORS:**

PARCEL NUMBER*:* 700922010020
LOCATION: 600 North Woodland Blvd.
SIZE OF PROPERTY: ±1.90 acres

D. **LAND USE DESIGNATION & ZONING OF SUBJECT PROPERTY:**

Future Land Use: Educational
Existing Zoning: E-1 (Educational)
Existing Use: Commercial

E. **SURROUNDING LAND USE & ZONING:**

	LAND USE	ZONING
North:	Mixed Commercial	C-1 (Limited Neighborhood Commercial)
South:	Educational	E-1 (Educational)
East:	Educational	E-1 (Educational)
West:	Low Density Residential	R-1A (Single-Family Dwelling)

F. **BACKGROUND:** The subject property is ±1.90 acres in size, with an existing ±26,444 sq. ft. building and limited associated parking on the property. The building was previously occupied by the Museum of Arts. The applicant plans to operate the property as a vertical mixed-use space, retaining the flexibility to allow continued use for the arts, including Stetson University's current use of ±9,150 sq. ft. of the property as a performing arts theater, and to allow other uses compatible with the community, as outlined in Section D of the PD. The current zoning is E-1 (Educational), and the applicant is requesting to rezone to the Atrium DeLand PD (Planned Development) district. North of the property are developed commercial uses; south and east is Stetson University; and to the west are residential properties.

G. **ANALYSIS:** At this time, the applicant intends to continue the building's existing uses and allow for the opportunity for some additional uses as outlined in the PD, with no plans for site redevelopment. Should redevelopment or Stetson vacate the building (±9,150 sq. ft.) occur in the future, the site will be required to comply with the development standards of the PD, and Land Development Regulations.

All development for the property shall rely upon the standards outlined with the Planned Development, and existing conditions and layout for the site are identified on the Planned Development Plan (Exhibit B) and Current Leasable Area (Exhibit C).

In the table below, the existing perimeter landscape buffers are compared against the standard buffers for the development, to what the applicant is providing in the PD. As outlined in the chart, the buffer widths being provided for the south and east boundaries are exceeding the minimum width requirements.

LANDSCAPE BUFFERS		
	REQUIRED	**PROVIDED**
NORTH	Type C	Type C *(20ft – 35ft.)*
SOUTH	*N/A*	Type C *(20ft – 35ft.)*
EAST	*N/A*	Type C *(20ft – 35ft.)*
WEST	Type C	Type C *(20ft – 35ft.)*

The table below outlines that the Property currently has a limited number of fifty-nine (59) parking spaces on-site, because the parking associated with the theater use is satisfied off-site through Stetson University's campus-wide parking plan. Therefore, at such time Stetson University vacates the Property (±9,150 sq. ft.), other non-residential uses compatible with the surrounding neighborhood as set forth in Section C of the PD shall be accommodated; provided, however, that any such proposed uses that require beyond the existing fifty-nine (59) on-site parking spaces, shall provide parking in accordance with the requirements set forth in Section F of the PD, except that all residential uses shall accommodate parking on-site.

PARKING			
		REQUIRED	**EXISTING**
THEATER (±9,146 SF) (225 SEATS)	**1 space/2 seats + 5 spaces for employees**	118	56
OFFICE (±5,400 SF)	**1 space/200 SF of net floor area**	27	
RETAIL/COMMERCIAL (±5,559 SF)	**3 space/300 SF of net floor area and 1 space/ every additional 250 SF**	24	
LOBBY/COMMON AREA (±6,339 SF)	**N/A**	0	
ADA		2	3
	TOTAL	168	59

Per Sec. 33-32 of the Land Development Regulations, in return for flexibility in site design and development, Planned Developments (PDs) are expected to include exceptional design that

preserves critical environmental resources and incorporates creative design in the layout of buildings. All development for the property shall rely upon the standards set forth on the Planned Development Plan. Where the PD document is silent, the E-1 zoning regulations shall apply.

The E-1 zoning district allows for a variety of uses, such as residential, commercial, and educational, which are similar to the proposed uses in the Atrium DeLand. However, some educational (E-1) uses have been removed and some commercial uses have been added. Therefore, the applicant is requesting deviations from the city's E-1 zoning district and is proposing a PD that will create a tailored zoning district for the project. The code deviations from E-1 to the Atrium DeLand PD are outlined in the table below. The proposed PD also captures the existing site conditions, such as maximum impervious surface and setbacks.

DEVELOPMENT STANDARD DEVIATIONS				
	E-1 REQUIRED			**PROPOSED (PD)**
	Educational	**Single-Family**	**Multi-Family**	
Max. Impervious (total site)	50%	50%	30-50%	65%
Maximum Building height	65 ft.			65 ft.
Minimum lot area	N/A	7, 500 sq. ft.	10,000 [1]	+/- 1.902 acres
Minimum lot width	N/A	75 ft.		N/A
Minimum floor area	N/A	500 – 900 sq. ft. [2]	N/A	N/A
Minimum Building Separation	N/A	12 ft.	25ft. [5] 25 ft. [6] 50 ft. [7]	N/A
Minimum building setback	Front: 20-30ft. Side: 0ft. Side yard [3]: 15ft. Rear: 30ft.	Front: 30ft Rear: 25ft [4] Side: 15ft Side (Corner): 15ft	Front: 30ft Rear/Side: 20ft Interior: [8]	Front *(Woodland Blvd.):* 25 ft. S. Side *(W. University Ave.):* 25 ft. N. Side: 25 ft. Rear *(N. Palmetto Ct.):* 30 ft.

[1] Plus 2,725 sq. ft. for each add'l unit.
[2] One story: 900 sq. ft., Two story: Ground floor: 750 sq. ft., Second floor: 500 sq. ft.
[3] Abutting residentially zoned property
[4] For residences, where 60 percent of neighboring residential structures within 500 feet have an existing lesser setback staff may approve a matching setback.
[5] between sides of buildings
[6] between sides and rear of adjacent buildings
[7] between any combination of fronts or rears of adjacent buildings
[8] All buildings shall be set back at least ten feet from all interior private roads and common parking areas. An additional set back from private roads of one foot shall be required for every two feet of height for structures exceeding 35 feet

School Concurrency: For the purposes of public-school concurrency, nonresidential developments are deemed to be de minimis and are not subject to the public-school concurrency review, per Sec.33-41.07. However, residential uses are proposed as an allowed use in the PD, which if chosen as a use would require a school concurrency review prior to approval.

Traffic Analysis: A Traffic Impact memo was completed on November 24, 2025. The analysis determined that the existing uses generate 584 average daily trips, 30 peak hour A.M. and 87 P.M. hour trips. Per Sec. 33-41.04 of the code, a full Traffic Impact Analysis is not required for projects

that generate less than 1,000 daily trips. Any change in use that would result in any additional traffic generation, would require a new Traffic Impact memo, and potential for a full Traffic Impact Analysis.

Stormwater: This site is already developed, and as outlined within the PD agreement, any exterior modifications that change the impervious surface area, require additional parking, or increase the building footprint, shall comply with the requirements for preservation of environmental resources as set forth in the LDR, Comprehensive plan and the all required governmental regulations, and shall be designed to accommodate a 100-year, 24-hour storm event which will be retained on site.

H. LAND DEVELOPMENT REGULATIONS:

Sec. 33-32 – Planned Development District of the Land Development Regulations is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Developments (PD) which are not provided for or allowed in the zoning districts otherwise established by this chapter.

The proposed Planned Development rezoning will allow for expanded commercial uses, and the criteria and standards for approval have been reviewed and are outlined below.

Sec. 33-135 – Procedure for text amendments & rezoning of the Land Development Regulations provides the following factors to consider during the review of each application for rezoning or for changes in permitted uses, among the factors to be considered are the following:

1. **Is the proposed rezoning consistent with the Comprehensive Land Use Plan, the land use, zoning pattern and character of the surrounding area?**
   The proposed zoning of Planned Development (PD) is consistent with the Comprehensive Plan with an underlying land use designation of Educational. The Educational land use designation is considered compatible with the Planned Development (PD) zoning district, per the Comprehensive Plan.

   The subject property has been developed since 1991, surrounded by other existing development. To the south and east are Stetson University uses; north is developed commercial uses; and to the west is developed low density residential development. On the Future Land Use map, the surrounding properties are designated as Mixed Commercial to the north, Low Density Residential to the west and Educational to the south and east. The proposed Atrium DeLand PD fits in with the mix of residential, educational and commercial uses nearby by providing a neighborhood commercial component to serve the current and future residents of the City of DeLand.

2. **Will the proposed rezoning have an impact upon the environment or natural resources?**
   At this time, the applicant intends to continue the building's existing uses and allow for some additional uses as outlined in the PD, with no plans for site redevelopment. Should exterior modifications that change the impervious surface area, increase the building footprint, or require additional parking, the site will be required to comply with the development standards of the PD, as outlined in the PD. Such as, but not limited to, Tree Protection, landscaping, buffering, and stormwater. Low Impact Development (LID) standards may also apply, incorporating environmentally sustainable and Florida-friendly landscaping practices, as well as measures to prevent runoff pollution.

3. **Will the proposed rezoning have an impact upon the economy of the affected area?**
   The site is currently being utilized as a theater for Stetson University, storage and some office space; therefore, the redevelopment to a commercial use could have a positive economic impact on the city and the surrounding area. This development is in close proximity to Stetson University and a residential neighborhood which could have the potential for creating additional jobs, shopping, and convenience.

4. **Will the proposed rezoning have an impact upon governmental services?**
   Governmental services such as potable water, reclaimed water, sewer, code enforcement, police, and fire are available for the subject property and will be provided by the City. Any new proposed use change, would have to meet the potable water and sewer requirements.

5. **Are there changes in the circumstances or conditions affecting the area since the original assignment of zoning that will support the proposed zoning?**
   Since the original assignment of zoning, there have been changes in the market and demand of the area. The proposed zoning change will not facilitate any site improvements, and will remain consistent with the surrounding land uses and zoning.

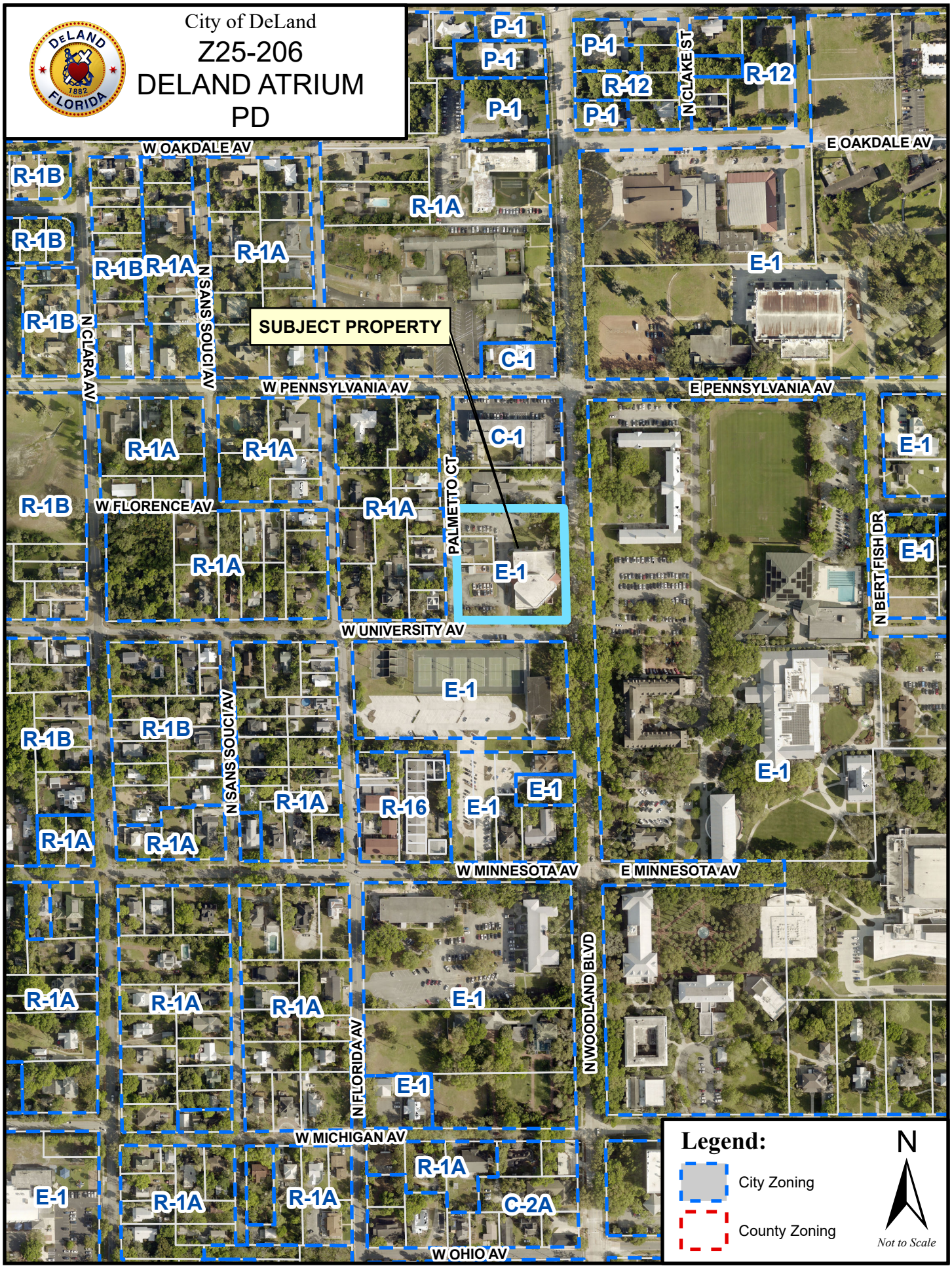
6. **Was there a mistake in the original classification?**
   During the initial project review, staff identified a scrivener's error in the zoning map that incorrectly depicted the property as split-zoned. The frontage along Woodland Blvd. was shown as E-1, while the rear along Palmetto Ct. was shown as C-1. Upon further research, staff confirmed this discrepancy was a mapping error, and the zoning map has since been corrected to reflect the entire property as E-1. Accordingly, any standards not specified in the PD agreement will default to the E-1 zoning district and applicable Land Development Regulations.

7. **Will the proposed rezoning have any effect upon the use or value of the affected area?**
   The proposed rezoning should have a positive impact upon the city's economy and surrounding area, as the number of allowed uses will be expanded.

8. **Will the proposed rezoning have an impact upon public health, safety and welfare?**
   There is no indication at this time that the new proposal will create additional impacts upon public health, safety or welfare, as all provided public services have the capacity needed to accommodate the proposed development. This rezoning would be consistent with the commercial, educational, and residential uses of the surrounding area.

I. **CONCLUSION:** The applicant is proposing to rezone the subject property from E-1 (Educational) to Atrium DeLand Planned Development (PD). At this time, the applicant intends to continue the building's existing uses, allowing for the opportunity for some additional uses as outlined in the PD, with no plans for site redevelopment. Should redevelopment or Stetson vacate the building (±9,150 sq. ft.) occur in the future, the site will be required to comply with the development standards of the PD, and Land Development Regulations.

J. **STAFF RECOMMENDATION**: Staff recommends that the Planning Board forward the application to the City Commission with a recommendation of approval for the request to rezone from E-1 (Educational) to Atrium DeLand Planned Development (PD).


City of DeLand
Z25-206
DELAND ATRIUM
PD
SUBJECT PROPERTY
W OAKDALE AV
E OAKDALE AV
W PENNSYLVANIA AV
E PENNSYLVANIA AV
W FLORENCE AV
W UNIVERSITY AV
W MINNESOTA AV
E MINNESOTA AV
W MICHIGAN AV
W OHIO AV
N CLARA AV
N SANS SOUCI AV
N CLAKE ST
PALMETTO CT
N BERT FISH DR
N FLORIDA AV
N WOODLAND BLVD
P-1
R-12
R-1A
R-1B
C-1
C-2A
E-1
R-16
Legend:
City Zoning
County Zoning
N
Not to Scale


City of DeLand
Z25-206
DELAND ATRIUM
PD
SUBJECT PROPERTY
W OAKDALE AV
E OAKDALE AV
E STETSON ST
W PENNSYLVANIA AV
E PENNSYLVANIA AV
W FLORENCE AV
W UNIVERSITY AV
W MINNESOTA AV
E MINNESOTA AV
W MICHIGAN AV
N CLARA AV
N SANS SOUCI AV
N CLAKE ST
PALMETTO CT
N BERT FISH DR
N FLORIDA AV
N WOODLAND BLVD
R-1A
R-1B
R-12
R-16
P-1
C-1
C-2A
E-1
R-2
Legend:
City Zoning
County Zoning
N
Not to Scale

NEWKIRK ENGINEERING, INC.
CIVIL ENGINEERING - TRANSPORTATION - CEI - LANDSCAPE ARCHITECTURE
1230 N US HWY 1, SUITE 3, ORMOND BEACH, FLORIDA 32174 386-872-7794

November 24, 2025

Carol Kuhn
Planning Director
120 S. Florida Ave
DeLand, FL 32720

RE: DeLand Atrium– Trip Generation Memo
600 N Woodland Blvd, DeLand, FL 32720
Parcel IDs: 70-09-22-01-0020

Ms. Kuhn,

This letter documents the transportation concurrency evaluation for the proposed DeLand Atrium Planned Development, located at 600 N. Woodland Boulevard. The analysis is based on the applicant's programmed interior space allocation and uses included in the PD submittal.

The existing 26,444-square-foot building contains **19,854 square feet of leasable area**, programmed as follows:

- **Performing Arts Theatre** – 225 seats
- **Museum Art Storage** – 1,763 SF
- **Office Uses (upper and lower levels)** – 7,334 SF
- **Ground-Floor Retail/Commercial** – 1,631 SF
- **Lobby/Common Areas** – 6,590 SF (non-leasable)

The performing arts theatre is operated in conjunction with the adjacent college and serves as the site's primary assembly use.

Trip generation estimates were prepared using planning-level rates consistent with ITE-based trip characteristics for theatres/assembly venues, general office, low-intensity storage, and small specialty retail. Theatre trips are calculated using **seat count** rather than gross floor area. Office, storage, and retail uses are calculated per 1,000 square feet of gross leasable area.
This approach reflects standard practice for concurrency and development review evaluations.

Land Use	Size / Units	Daily Trips	AM Peak Trips	PM Peak Trips
Performing Arts Theatre* (445)	*225 seats*	*396*	*14*	*65*
Museum Art Storage (580)	1,763 SF	4	~0	~0
Office (Upstairs + Downstairs) (710)	7,334 SF	80	11	11
Retail / Commercial (Downstairs) (814)	1,631 SF	104	5	11
Total Site Trips	—	**584**	**30**	**87**

* Assumed fully attend performance

Concurrency Determination
Based on the above trip generation, the proposed DeLand Atrium PD is anticipated to generate approximately:

- **584 daily trips**
- **30 AM peak-hour trips**
- **87 PM peak-hour trips**

These volumes represent a low to moderate impact consistent with infill redevelopment patterns along the North Woodland Boulevard corridor. The Stetson University performing arts theatre is the largest individual contributor to site traffic; however, its relatively limited 225-seat capacity results in peak-hour trip totals that remain within the operational capabilities of the surrounding roadway network, due to the multimodal facilities and surrounding university parking areas to serve the students and faculty that utilize the building.
There is no indication that the proposed PD will reduce available roadway level of service below adopted standards. The anticipated traffic demand can be accommodated without requiring off-site capacity improvements.

This review concludes that the DeLand Atrium Planned Development meets transportation concurrency requirements based on the projected trip generation and expected roadway operating conditions. No adverse impacts to the surrounding transportation system are anticipated, and the project may proceed through the PD approval process.

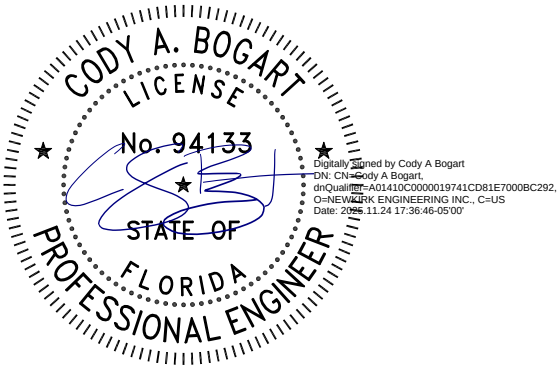
Access Summary
The site has existing driveways with no proposed changes to them under this PD Agreement:

- 11-ft wide driveway on Woodland Blvd (320 LF north of W University Ave)
- 23-ft wide driveway on W University Ave (200 LF west of N Woodland Blvd)
- 24-ft wide driveway on Palmetto Ct (110 LF north of W University Ave)
- 17.5-ft wide driveway on Palmetto Ct (292 LF north of W University Ave)

If you have any questions or need additional information, please feel free to call or email me at Cody@Newkirk-Engineering.com.

Sincerely,

NEWKIRK ENGINEERING, INC.



This report has been digitally signed & sealed by Cody A. Bogart, PE #94133

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Name: Cody A. Bogart
PE License No: 94133
Address: 1230 North US Highway 1
Suite 3
Ormond Beach, FL 32174

Movie Theater
(445)

Vehicle Trip Ends vs: **Seats**
On a: **Weekday**

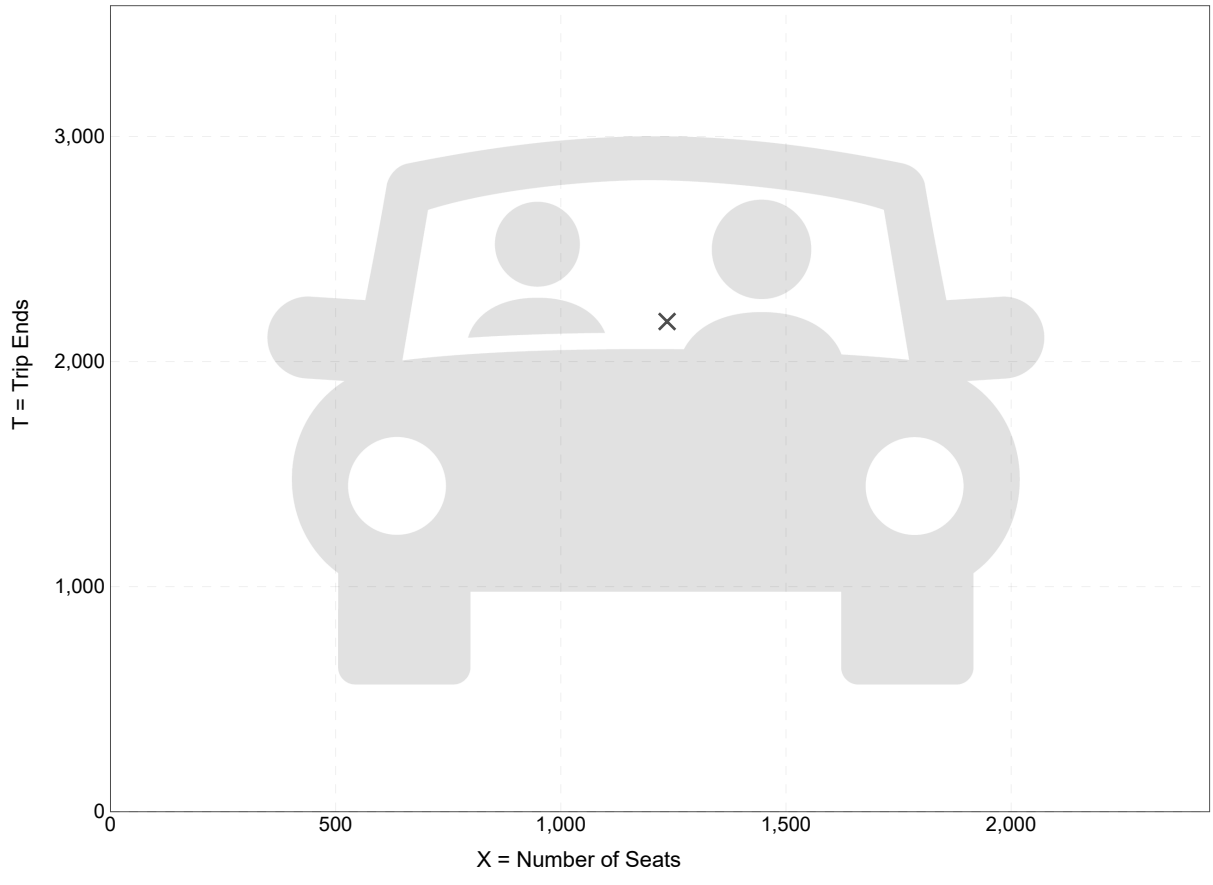
Setting/Location: **General Urban/Suburban**
Number of Studies: 1
Avg. Num. of Seats: 1236
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
1.76	1.76 - 1.76	*

Data Plot and Equation

Caution – Small Sample Size



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Movie Theater
(445)

Vehicle Trip Ends vs: **Seats**
On a: **Weekday,**
AM Peak Hour of Generator

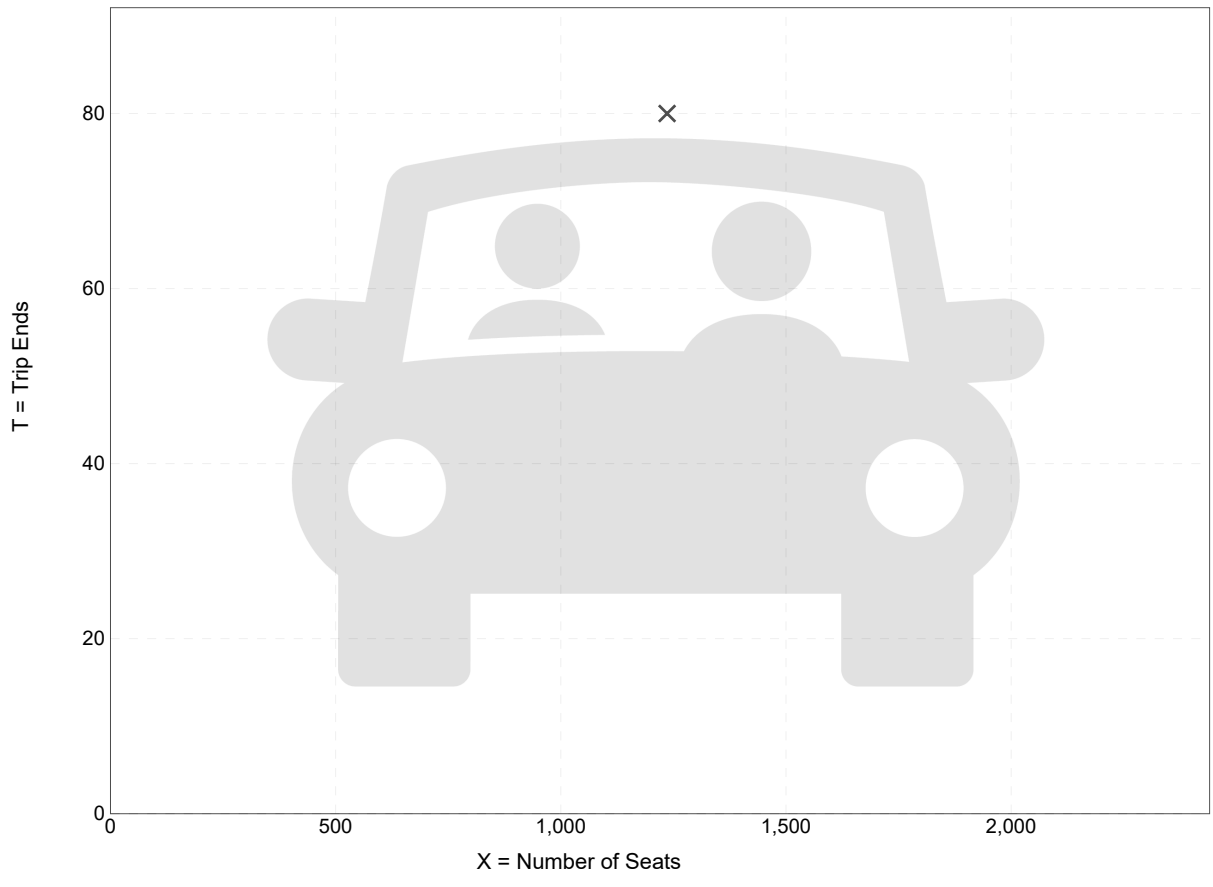
Setting/Location: **General Urban/Suburban**
Number of Studies: 1
Avg. Num. of Seats: 1236
Directional Distribution: Not Available

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.06	0.06 - 0.06	*

Data Plot and Equation

Caution – Small Sample Size



Fitted Curve Equation: Not Given

R^2= **

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Movie Theater
(445)

Vehicle Trip Ends vs: **Seats**
On a: **Weekday,**
PM Peak Hour of Generator

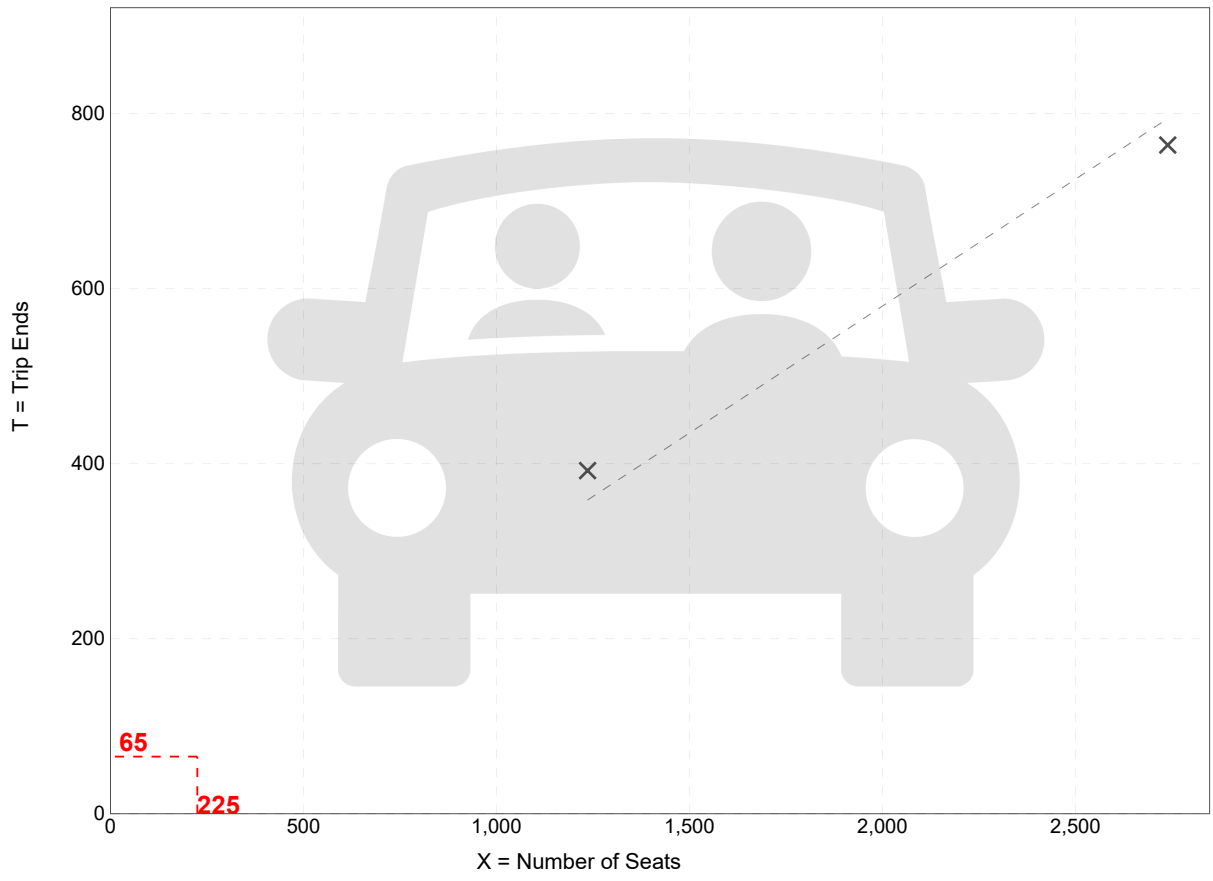
Setting/Location: **General Urban/Suburban**
Number of Studies: 2
Avg. Num. of Seats: 1988
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.29	0.28 - 0.32	*

Data Plot and Equation

Caution – Small Sample Size



Fitted Curve Equation: Not Given

R^2= **

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Movie Theater
(445)

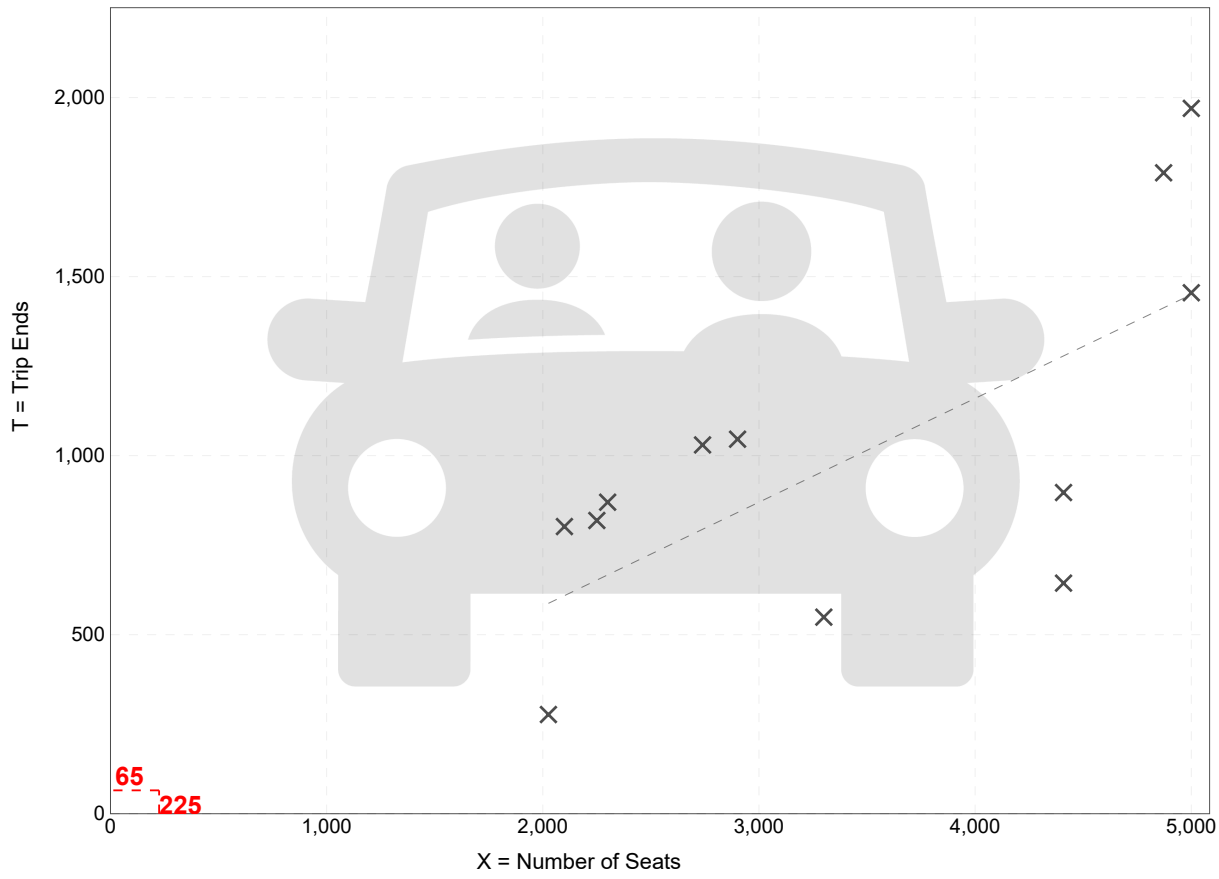
Vehicle Trip Ends vs: **Seats**
On a: **Friday,**
PM Peak Hour of Generator

Setting/Location: **General Urban/Suburban**
Number of Studies: 12
Avg. Num. of Seats: 3442
Directional Distribution: 59% entering, 41% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.29	0.14 - 0.39	0.10

Data Plot and Equation



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Movie Theater
(445)

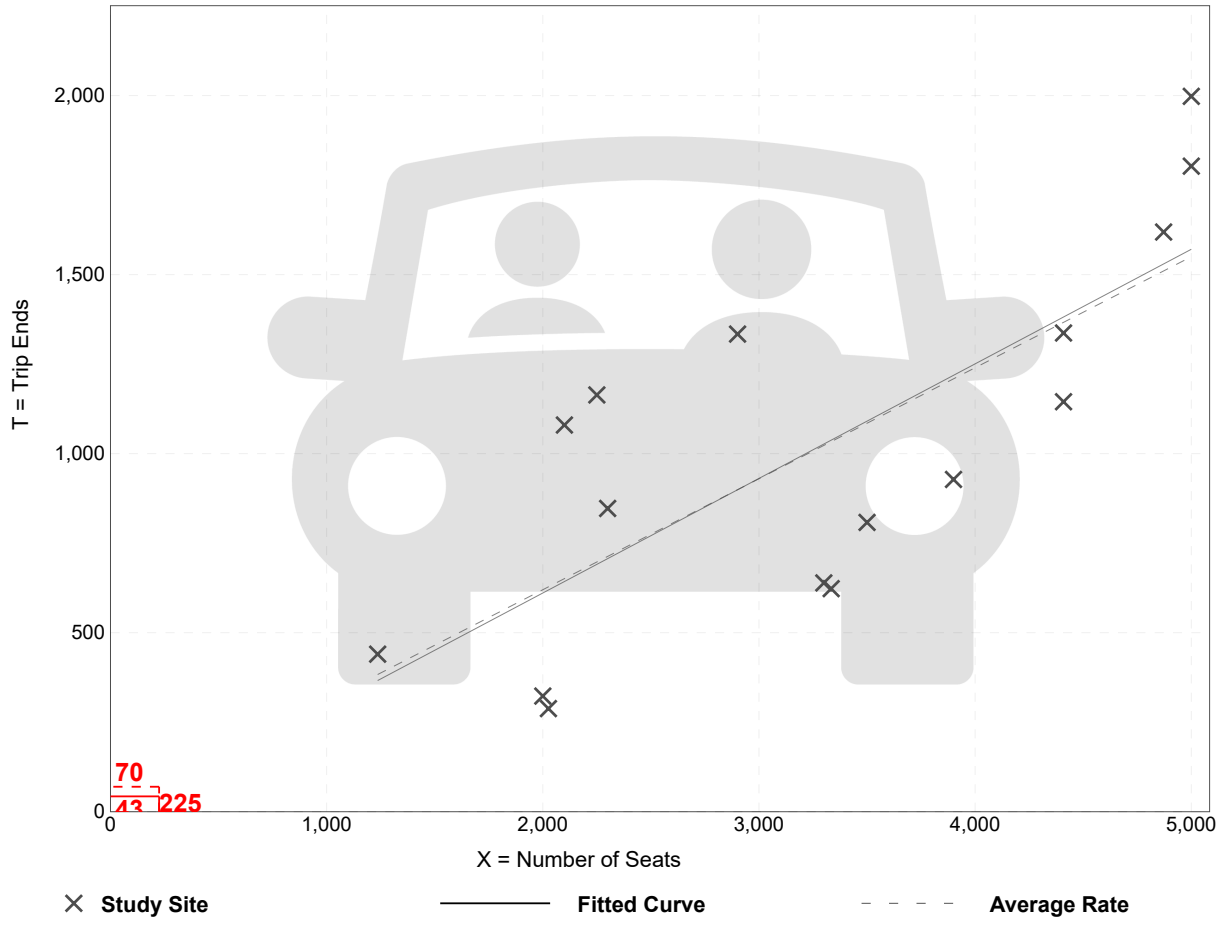
Vehicle Trip Ends vs: **Seats**
On a: **Saturday, Peak Hour of Generator**

Setting/Location: **General Urban/Suburban**
Number of Studies: 16
Avg. Num. of Seats: 3284
Directional Distribution: 52% entering, 48% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.31	0.14 - 0.52	0.11

Data Plot and Equation



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Movie Theater
(445)

Vehicle Trip Ends vs: **Seats**
On a: **Sunday, Peak Hour of Generator**

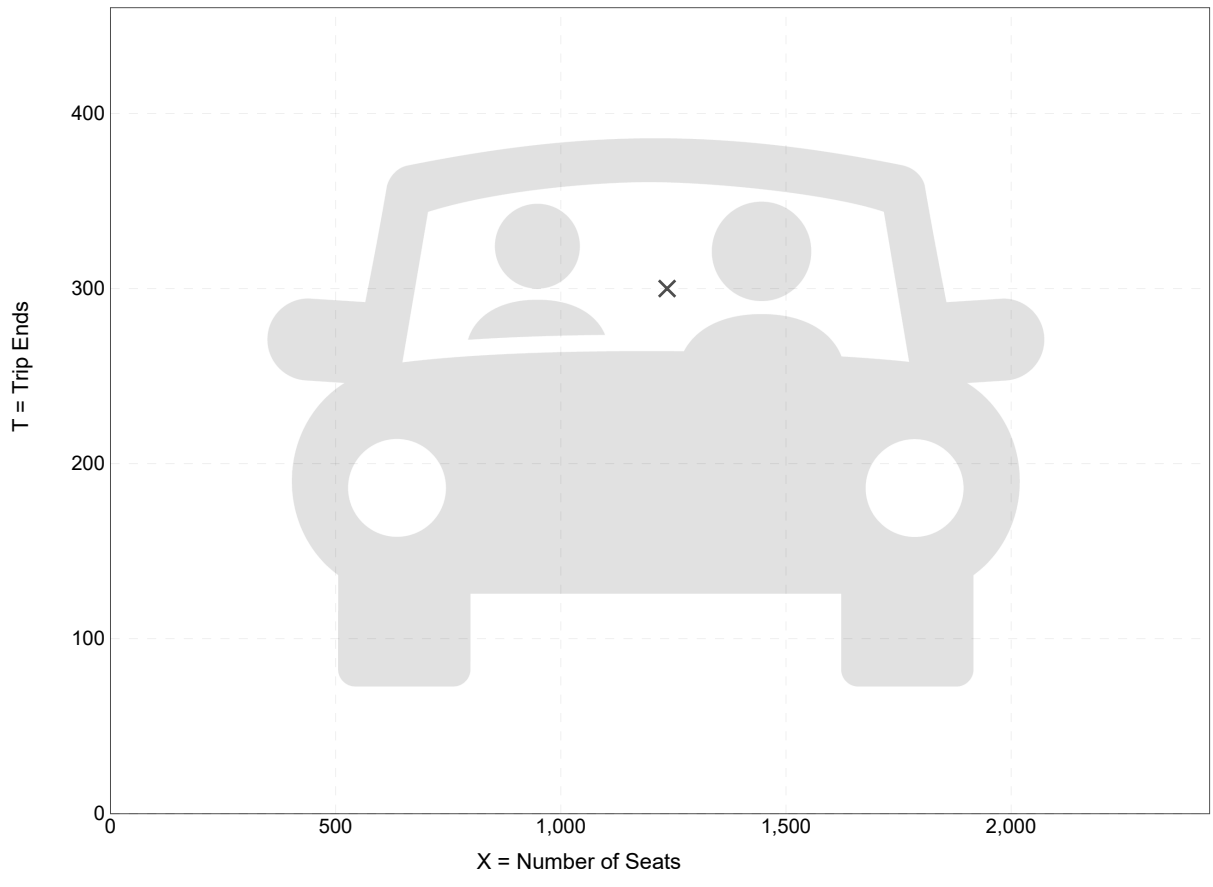
Setting/Location: **General Urban/Suburban**
Number of Studies: 1
Avg. Num. of Seats: 1236
Directional Distribution: Not Available

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.24	0.24 - 0.24	*

Data Plot and Equation

Caution – Small Sample Size



Fitted Curve Equation: Not Given

R^2= **

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Museum
(580)

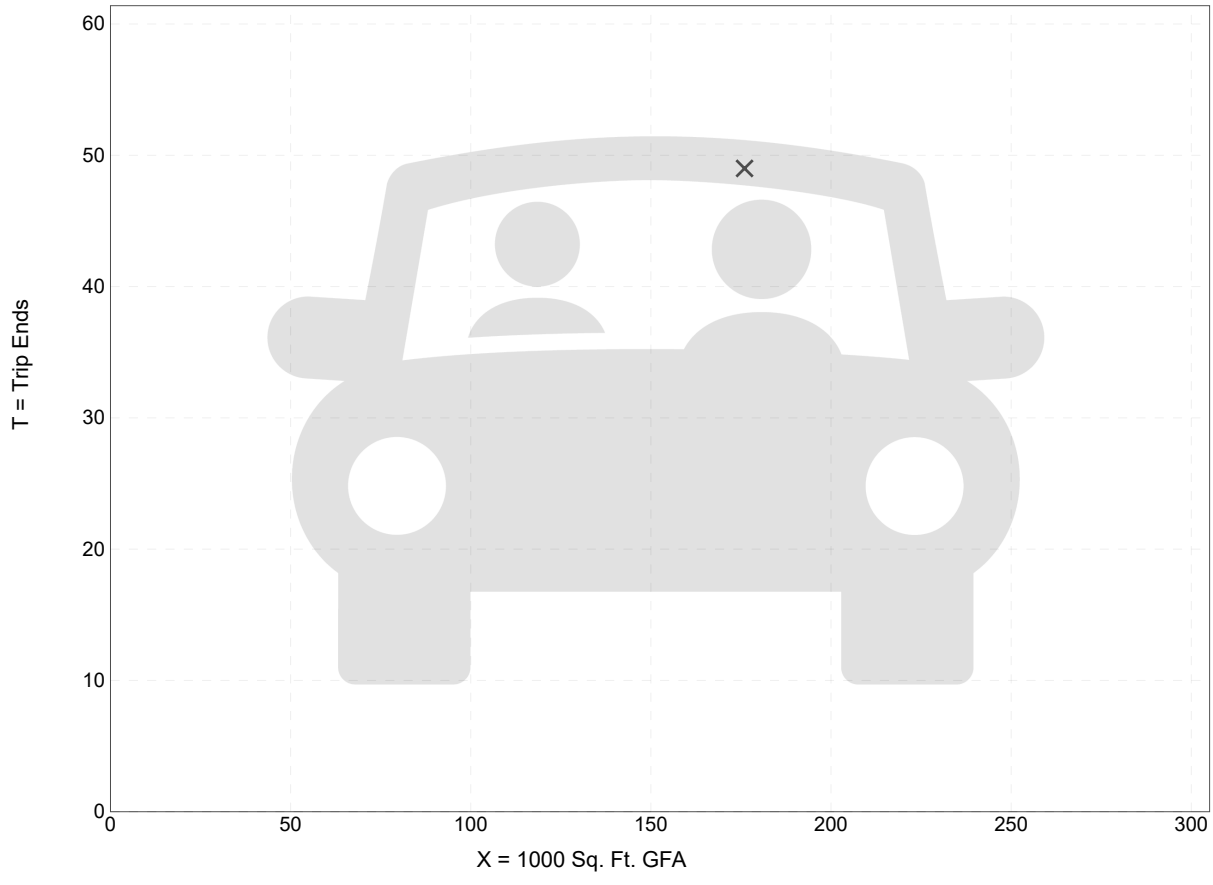
Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 1
Avg. 1000 Sq. Ft. GFA: 176
Directional Distribution: 86% entering, 14% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.28	0.28 - 0.28	*

Data Plot and Equation

Caution – Small Sample Size



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Museum
(580)

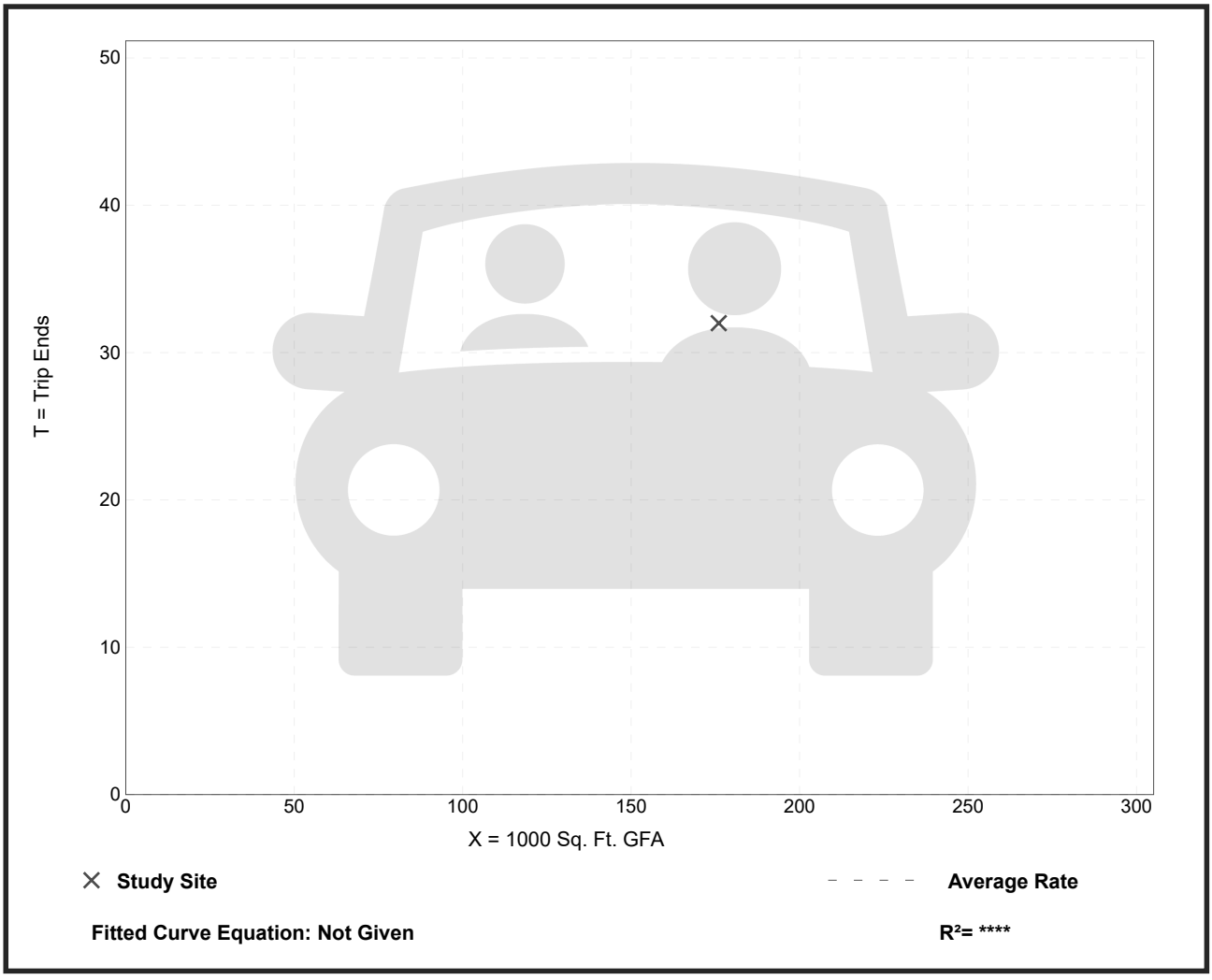
Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 1
Avg. 1000 Sq. Ft. GFA: 176
Directional Distribution: 16% entering, 84% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.18	0.18 - 0.18	*

Data Plot and Equation

Caution – Small Sample Size



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Museum
(580)

Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Saturday, Peak Hour of Generator**

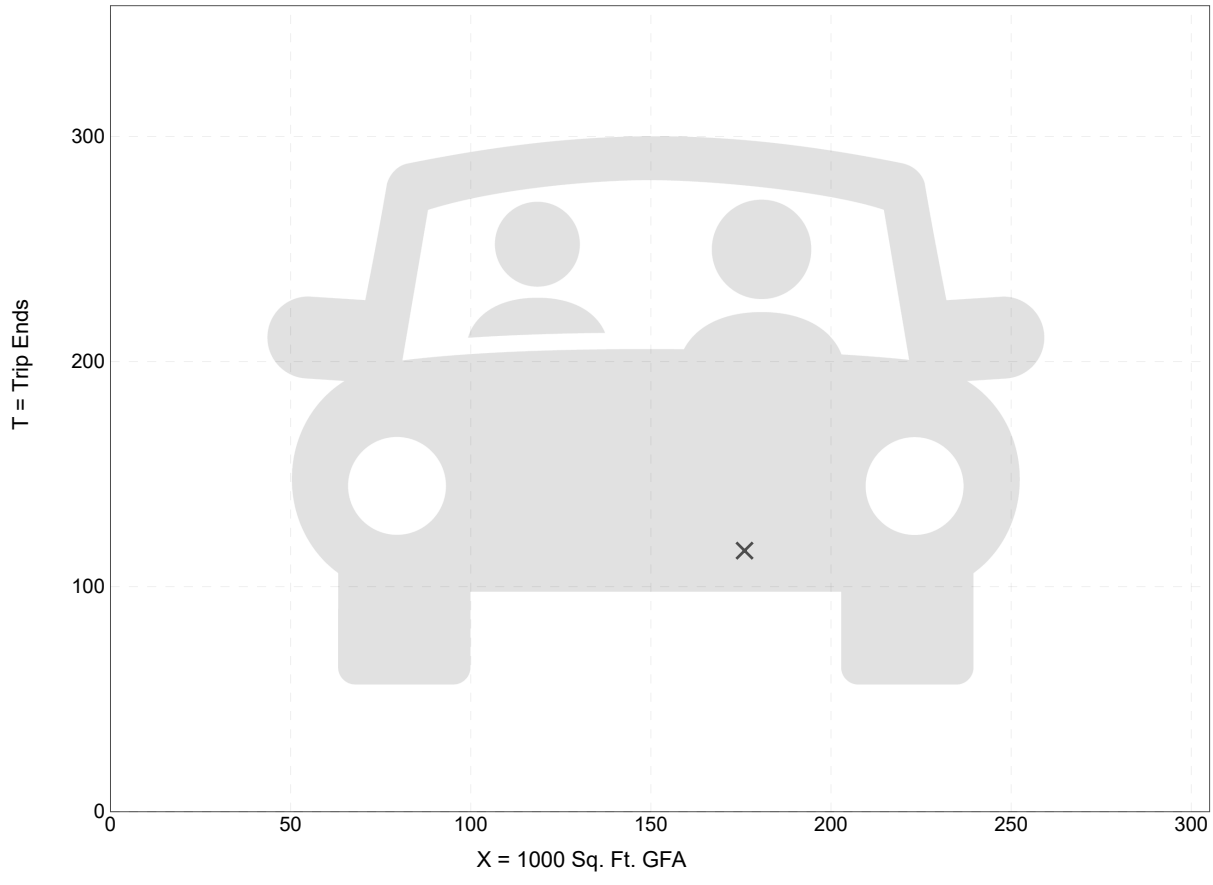
Setting/Location: **General Urban/Suburban**
Number of Studies: 1
Avg. 1000 Sq. Ft. GFA: 176
Directional Distribution: 71% entering, 29% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.66	0.66 - 0.66	*

Data Plot and Equation

Caution – Small Sample Size



Fitted Curve Equation: Not Given

R^2= **

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General Office Building
(710)

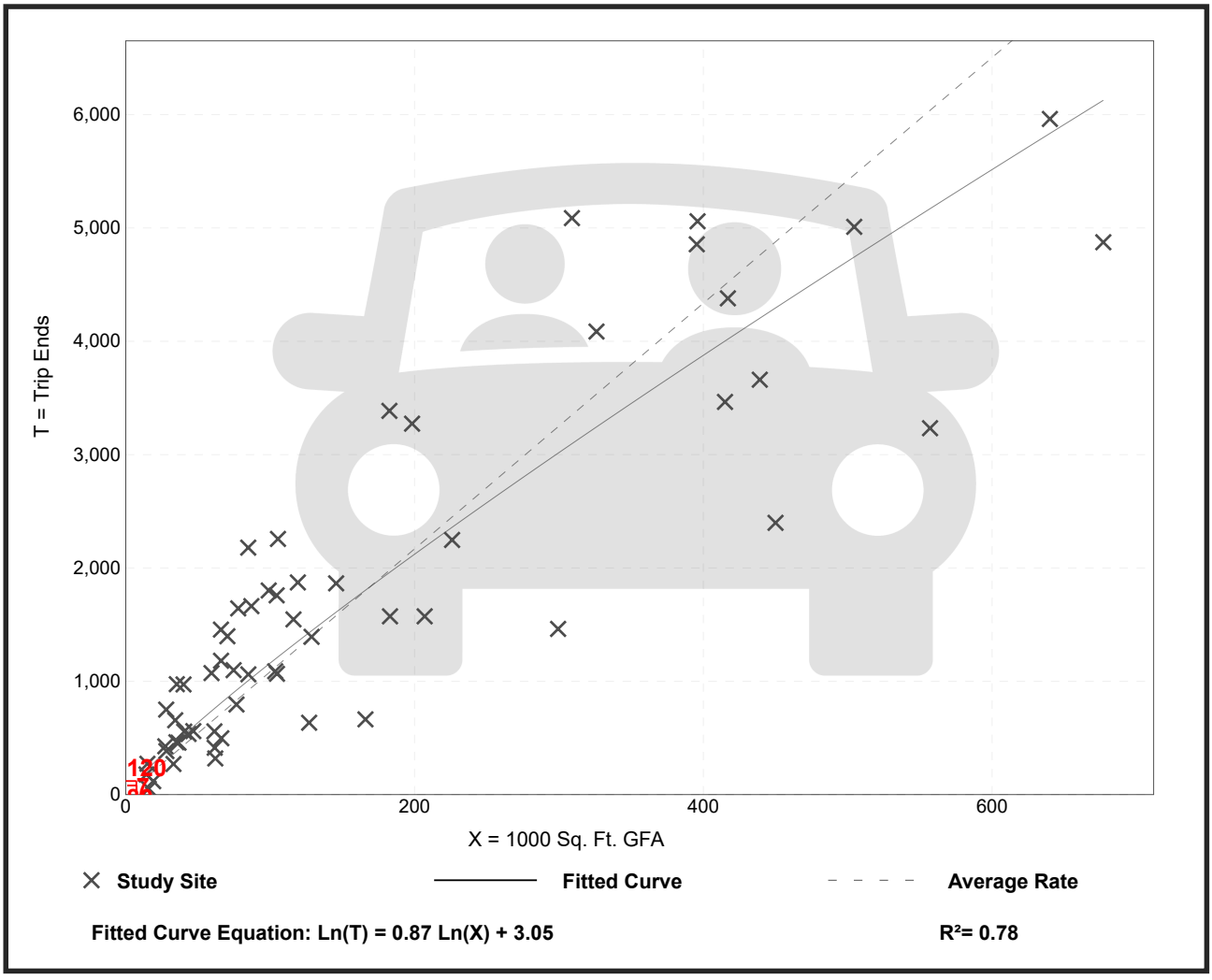
Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Weekday**

Setting/Location: **General Urban/Suburban**
Number of Studies: 59
Avg. 1000 Sq. Ft. GFA: 163
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
10.84	3.27 - 27.56	4.76

Data Plot and Equation



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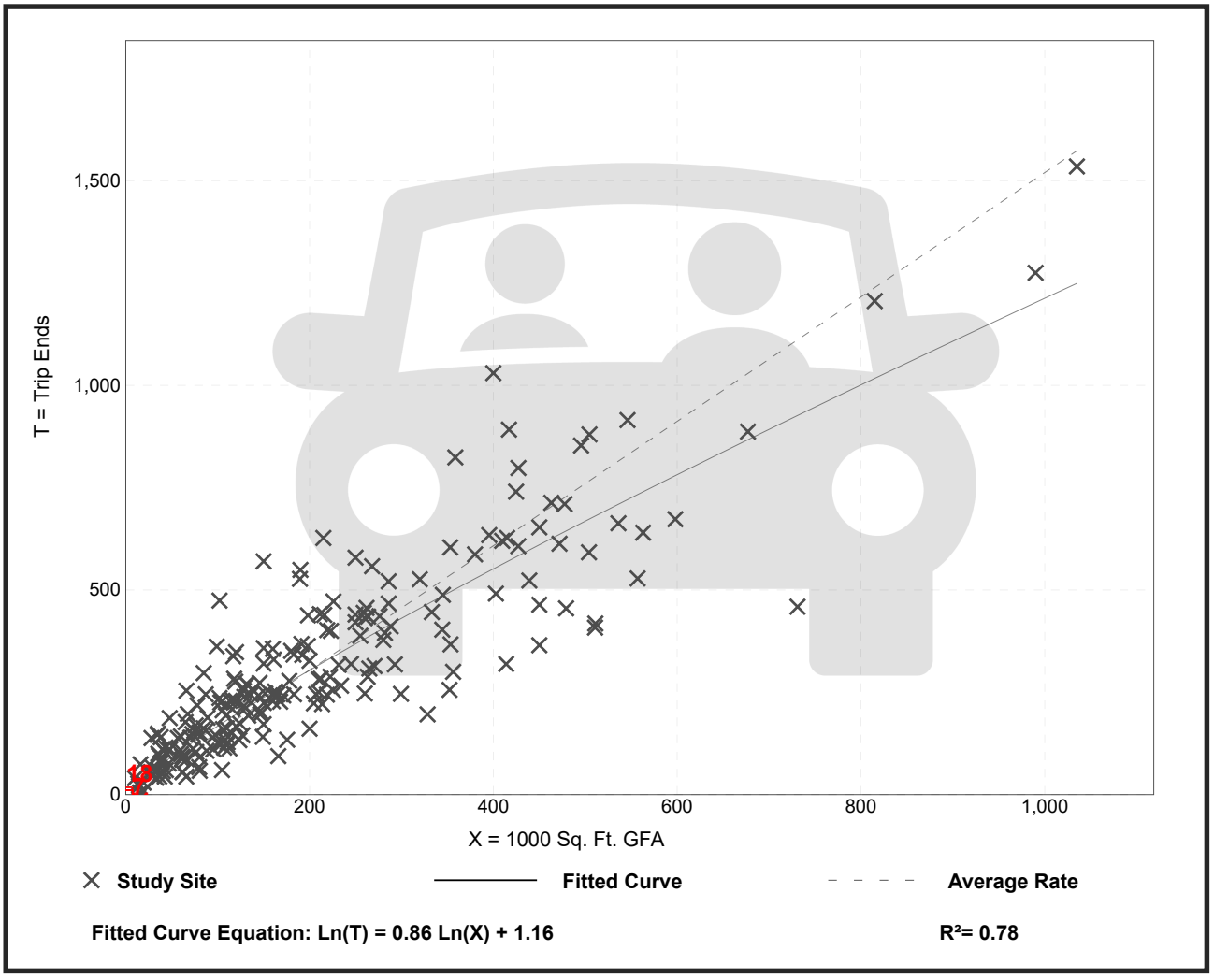
General Office Building
(710)

Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 221
Avg. 1000 Sq. Ft. GFA: 201
Directional Distribution: 88% entering, 12% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.52	0.32 - 4.93	0.58

Data Plot and Equation



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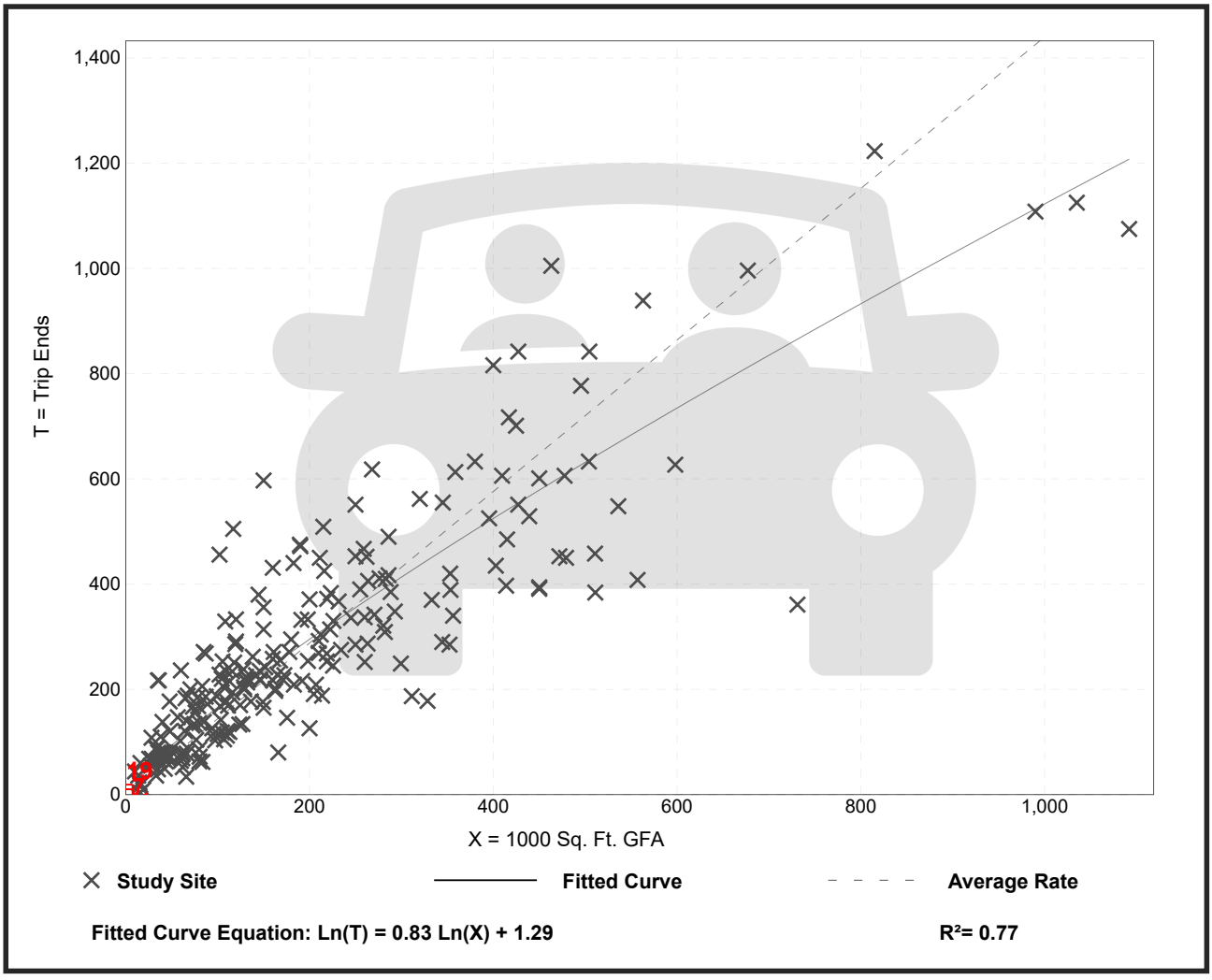
General Office Building
(710)

Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 232
Avg. 1000 Sq. Ft. GFA: 199
Directional Distribution: 17% entering, 83% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.44	0.26 - 6.20	0.60

Data Plot and Equation



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Variety Store
(814)

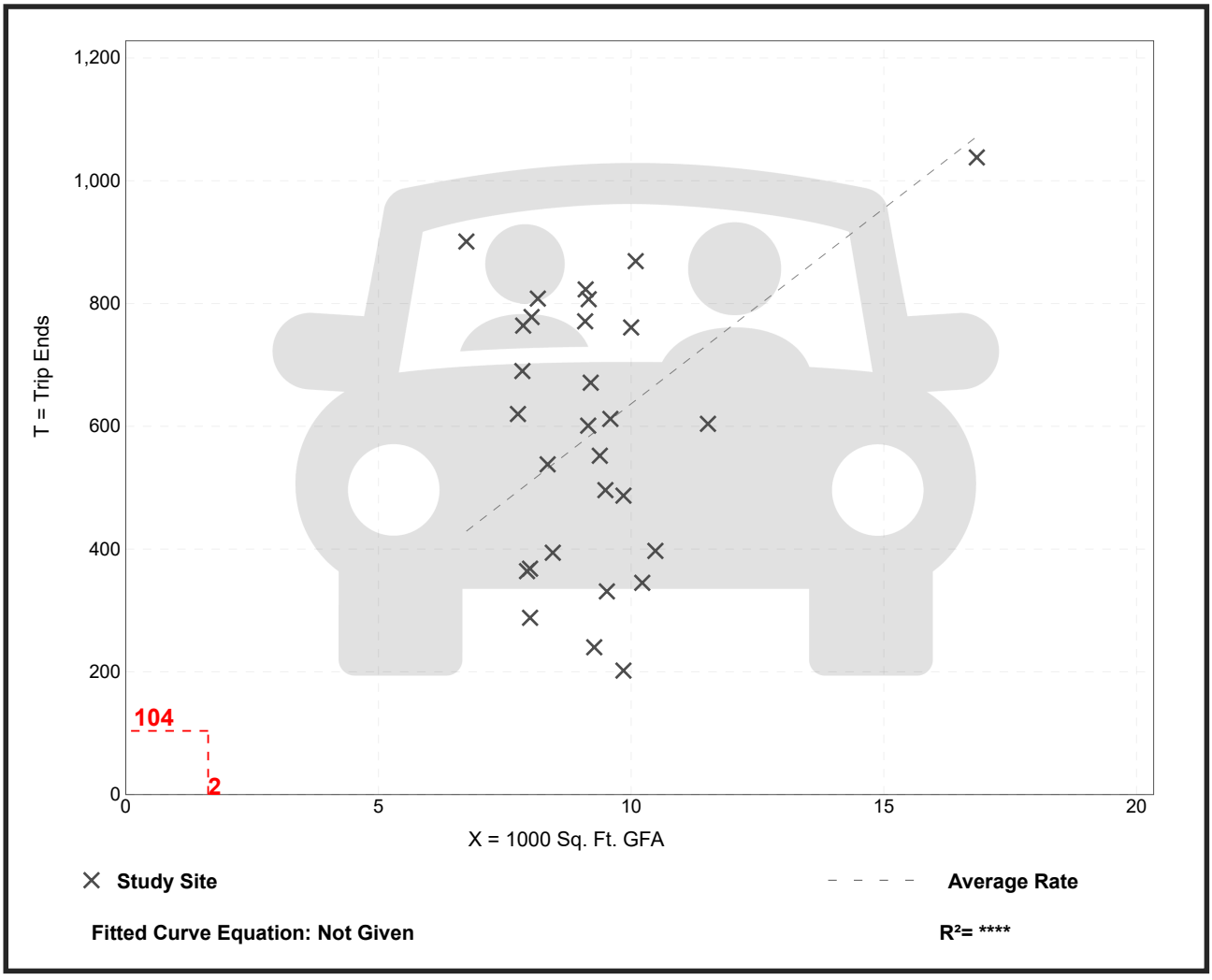
Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Weekday**

Setting/Location: **General Urban/Suburban**
Number of Studies: 29
Avg. 1000 Sq. Ft. GFA: 9
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
63.66	20.51 - 133.68	25.23

Data Plot and Equation



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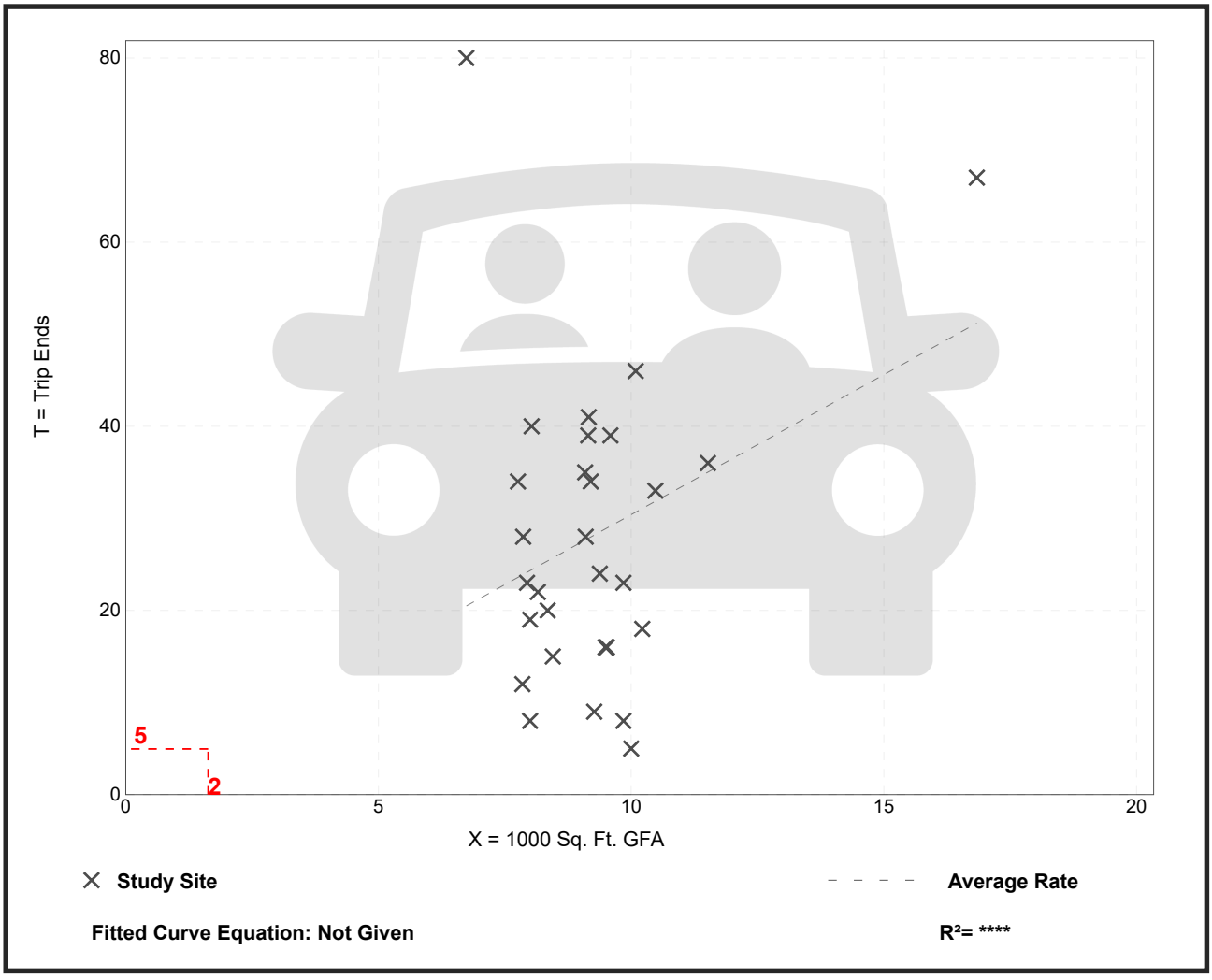
Variety Store
(814)

Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 29
Avg. 1000 Sq. Ft. GFA: 9
Directional Distribution: 55% entering, 45% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.04	0.50 - 11.87	1.91

Data Plot and Equation



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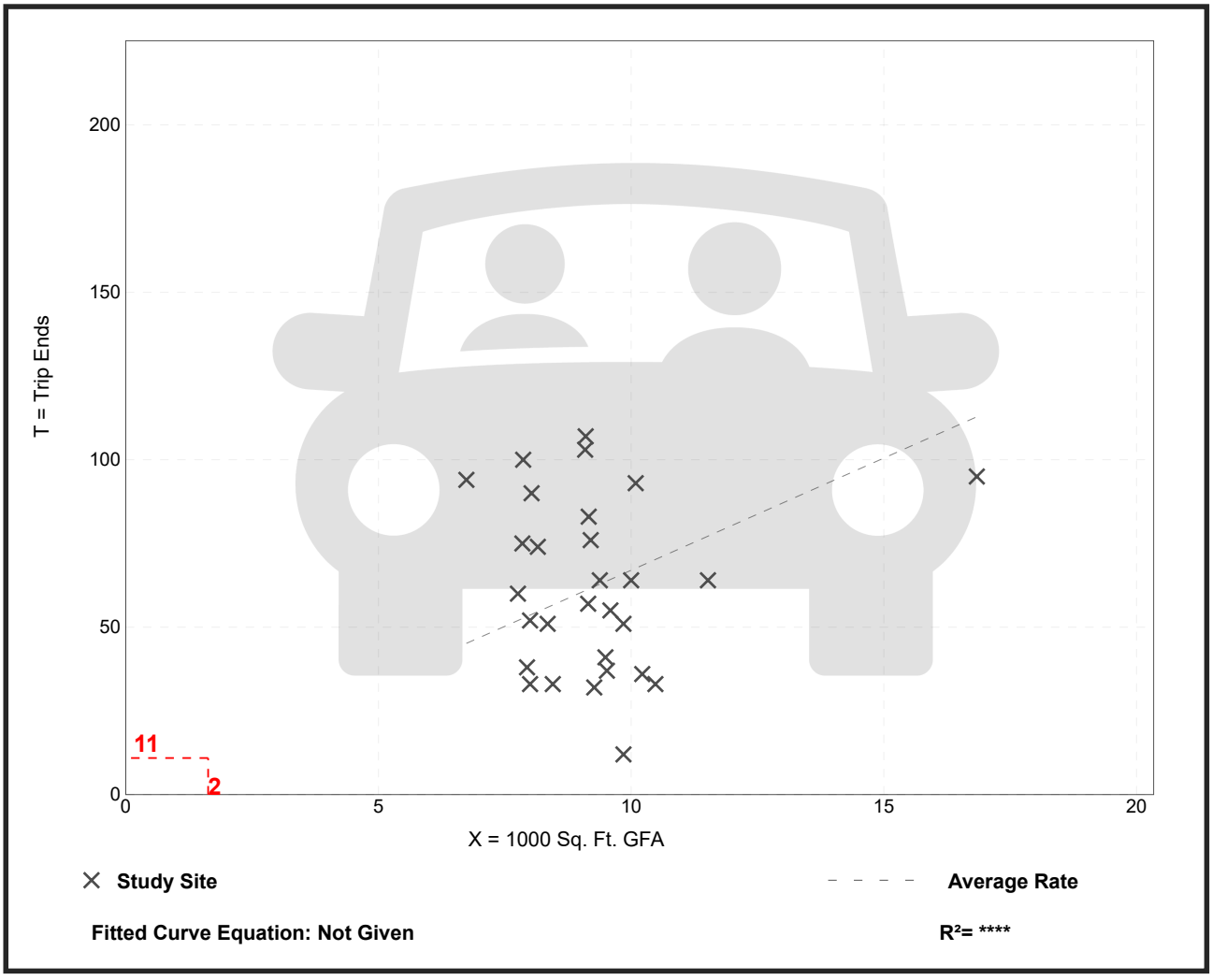
Variety Store
(814)

Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 29
Avg. 1000 Sq. Ft. GFA: 9
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
6.70	1.22 - 13.95	3.08

Data Plot and Equation



Trip Gen Manual, 11th Edition ● Institute of Transportation Engineers

Museum of Art - DeLand, Florida

February 16, 2026

City of DeLand
Community Development Department
Attn: Planning Director, Planning Board, and City Commission
120 S. Florida Avenue
DeLand, FL 32720

Re: Letter of Support — DeLand Atrium Planned Development (PD), 600 N. Woodland Boulevard

To the City of DeLand Mayor and City Commission, Planning Board, and Staff:

On behalf of the Museum of Art – DeLand, I would like to share our strong support for the Planned Development application submitted by 600 N. Woodland DeLand, LLC for the property located at 600 N. Woodland Boulevard.

The Museum has been a long-standing cultural anchor in downtown DeLand, and over the years we have developed a positive and collaborative relationship with the property's current ownership. They have worked thoughtfully with us to help ensure the Museum's stability and ability to serve the public. Through long-term, highly favorable lease arrangements, they have provided essential space for artwork storage and preparation at 600 N. Woodland, downtown parking that supports our visitors and programming, and additional downtown storage space that allows us to operate more effectively. These agreements have been meaningful to our organization and directly support our mission.

We support the approval of this PD because for the Museum, this request is not only about zoning flexibility, but about sustaining a building and partnership that makes arts, education, and community programming possible. The applicant has consistently approached conversations with openness and a willingness to find solutions that benefit both the Museum, the City, and the broader community.

Just as importantly, the proposed development helps ensure the long-term viability of the property itself. That stability, in turn, helps protect the Museum's ability to remain downtown and continue offering cultural opportunities to residents and visitors.

Museum of Art – DeLand, FL
100 N. Woodland Blvd, Suite 1., DeLand, FL 32720
MUSEUM: 386.734.4371 STORE: 386.279.7534
Contact@MoArtDeLand.org www.MoArtDeLand.org

Museum of Art - DeLand, Florida

For these reasons, we respectfully support approval of the DeLand Atrium Planned Development application submitted by 600 N Woodland DeLand, LLC. We believe this is a practical, community-positive path that supports downtown vitality, strengthens cultural programming, and benefits the City of DeLand and its residents.

Thank you for your time and consideration.

Sincerely,

Martha Underriner
Executive Director
Museum of Art – DeLand

Cc: 600 N. Woodland DeLand, LLC

Museum of Art – DeLand, FL
100 N. Woodland Blvd, Suite 1., DeLand, FL 32720
MUSEUM: 386.734.4371 STORE: 386.279.7534
Contact@MoArtDeLand.org www.MoArtDeLand.org

STETSON UNIVERSITY

February 13, 2026

City of DeLand
Community Development Department
Attn: Planning Director, Planning Board, and City Commission
120 S. Florida Avenue
DeLand, FL 32720

Re: Letter of Support — DeLand Atrium Planned Development (PD), 600 N. Woodland Boulevard

To the City of DeLand Mayor and City Commission, Planning Board, and Staff:

Stetson University, Inc. ("Stetson") strongly supports approval of the Planned Development (PD) application for 600 N. Woodland Boulevard (the "Property"), submitted by 600 N. Woodland DeLand, LLC.

Stetson currently uses approximately half of the building for our Theater Arts Program. The applicant has accommodated Stetson's needs in the building, and this PD will allow Stetson to continue our theater operations while creating additional opportunities to expand our footprint over time.

This PD is also critical to the long-term financial stability of the building. A stable, sustainable property supports Stetson's long-term objective of acquiring the building when the timing is right and ensures the facility can remain a positive asset for DeLand's downtown and the broader community.

For these reasons, Stetson respectfully requests that City staff, the Planning Board, and the City Commission approve the DeLand Atrium PD application.

Sincerely,

Jeremy DiGorio
Vice President of Finance and CFO

Cc: 600 N. Woodland DeLand, LLC

CITY OF DELAND
Request for Commission Action
May 4, 2026

SUBJECT: First Reading of Ordinance Annexing ±25.44 Acres of Property, Located South of Orange Camp Road, West of the I-4 Interchange.

DEPARTMENT: Planning

PREPARED BY: Christopher Carson, Senior Planner

ATTACHMENTS: Ordinance, Exhibit A - Legal Description, Staff Report AN24-212_OrangeCampCom, AN24-212 Aerial, AN24-212 Zoning, Justification Letter - Annexation

APPROVED BY: Michael Pleus, City Manager, April 29, 2026

SUMMARY/HIGHLIGHT:

The request is for voluntary annexation of ± 25.44 acres of property into the City limits of DeLand. The subject property is located in unincorporated Volusia County with Volusia County zoning designations of B-6, BPUD, and A-2 and is located within the City's emerging gateway corridor overlay zoning district. The property's Volusia County future land uses are Commercial and Rural.

The application for annexation is accompanied by requests for a small-scale future land use map amendment (SMLU24-213) and rezoning (Z26-041). If the requests are approved, the applicant intends to submit for platting and site plan review.

Chapter 171 of the Florida Statutes sets forth procedures for adjusting municipal boundaries to ensure sound urban development, accommodation for growth, and ensure that areas are not annexed unless municipal services can be provided in those areas. These procedures require the development be reasonably compact, not circuitous, and does not create an enclave. In addition, the City's guidelines for annexation require a property be sufficiently contiguous to property already within the city limits. The parcel is contiguous to the City's municipal's boundary on the north and west sides and is reasonably compact. Annexation of the property does not create an area that is enclosed and bounded on all sides by the City. Furthermore, the County and City have a long standing Utility Service Agreement that properties must annex to obtain City Utilities when contiguous with jurisdictional boundaries. Therefore, staff finds the annexation request to be consistent with Chapter 171 of the State Statutes, the City's Comprehensive Plan, and Land Development Regulations.

At their April 15, 2026, meeting, the Planning Board voted 5-0 to recommend approval of the voluntary annexation.

The request for the land use amendment will be transmitted to Volusia Growth Management Commission (VGMC) for review. After VGMC review, the annexation, land use and zoning requests are anticipated to go before the City Commission on June 15, 2026 for second reading.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Institute Smart Growth Principles - As outlined in the city's strategic plan: "To manage growth, the City will need to institute a number of smart growth principles. For reasons of both community identity and

governmental efficiency, an annexation strategy is required which will "square off' the City's boundaries." Approval of this request will further the city's goals to annex contiguous properties in order to ensure quality growth within the city limits.

SUSTAINABILITY:

Annexing the property into the City's jurisdiction will subject it to the City's adopted policies and allow implementation of the City's Sustainability Action Plan.

FISCAL IMPACT:

Annexing the property will increase the City's tax roll. Therefore, there is a positive fiscal impact.

RECOMMENDATION:

Staff recommends approval of First Reading for the Ordinance annexing ±25.44 Acres of property into the City limits of DeLand.

BACKGROUND/DISCUSSION:

The subject property is partially wooded and currently used for agricultural purposes. The property contains a burrow pit and wetlands and surface waters are present. However, the property is not located within a floodplain.

ORDINANCE NO. 2026 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ANNEXING PARCELS OF LAND TOTALING +/- 25.44 ACRES LOCATED SOUTH OF ORANGE CAMP ROAD AND WEST OF THE INTERSTATE 4 INTERCHANGE; AMENDING CITY BOUNDARIES TO INCLUDE THE ANNEXED PROPERTIES; AFFIRMING COMPLIANCE WITH STATUTORY PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Petitioner, Steve Landers, of Blackfin Partners on behalf of the owners, Maple & Tom Stewart, Debra & Walter Copeland, and State of Florida Department of Transportation, submitted a petition for annexation of approximately +/- 25.44 acres of land located south of Orange Camp Road and west of the Interstate 4 Interchange; and

WHEREAS, the subject property to be annexed is partially wooded and currently used for agricultural purposes. The subject property contains a burrow pit and wetlands and surface waters are present, however it is not located within a floodplain; and

WHEREAS, the area to be annexed is contiguous to the boundaries of the City of DeLand to the north and west sides, will not create an enclave if annexed, is reasonably compact, is not circuitous, and otherwise meets the requirements of *Chapter 171, Florida Statutes*.

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

Section 1. The following described parcels of land in Volusia County, Florida, for which a petition for annexation has been received from the Petitioner, Steve Landers on behalf of the owners, Maple & Tom Stewart, Debra & Walter Copeland, and State of Florida Department of Transportation, totaling approximately +/- 25.44 acres, located south of Orange Camp Road and west of the Interstate 4 Interchange is hereby annexed and made part of the City of DeLand, subject to the jurisdiction, obligations, benefits and privileges of property within the municipality:

See legal description(s) attached hereto as Exhibit "A"

Parcel Identification Nos. 703600000240, 703600000161, 703600000163

Section 2. The boundary lines of the City of DeLand are hereby changed and redefined to include the lands described in Section 1 above and depicted on the map attached hereto as Exhibit "B" and by this reference made a part hereof.

Section 3. The City Commission finds that a public hearing has been held on this Ordinance prior to adoption in the Commission Chambers, City Hall, 120 S. Florida Avenue, DeLand, Florida, at 7:00 p.m., on _____, after notice published in accordance with Florida Statutes Section 171.044.

Section 4. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this ____day of _____, 2026.

_____
Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

_____
Dale Arrington
Interim City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

_____
Darren J. Elkind
City Attorney

SKETCH OF DESCRIPTION

LEGAL DESCRIPTION:

A parcel of land lying in Section 36, Township 17 South, Range 30 East, Volusia County, Florida, being more particularly described as:

Commence at the Northwest corner of said Section 36; thence run N89°50'49"E along the North line of said Section 36, a distance of 662.36 feet to the Point of Beginning; thence N02°20'24"E, a distance of 103.52 feet to the North Right of Way line of Orange Camp Road as shown on Florida Department of Transportation Right of Way Map Section 79110, F.P. 408463 1; thence the following five (5) courses and distances along said North Right of Way line: thence N00°29'38"W, a distance of 1.63 feet; thence N89°24'03"E, a distance of 130.19 feet; thence S00°48'18"E, a distance of 14.90 feet; thence N89°39'42"E, a distance of 742.59 feet; thence N89°42'08"E, a distance of 100.77 feet; thence departing said North Right of Way line, run S00°09'19"E, a distance of 133.82 feet to the Intersection of the South Right of Way line of Orange Camp Road and the East Right of Way line of Frontage Road; thence departing said South Right of Way line, run S00°51'39"W, a distance of 326.81 feet; thence departing said East Right of Way line, run N89°08'21"W, a distance of 100.00 feet to the West Right of Way line of Frontage Road, said point also being a Point on a Non-Tangent Curve, Concave to the Northeast, having a Radius of 573.91 feet and a Central Angle of 54°01'07"; thence the following three (3) courses and distances along the West Right of Way line of said Frontage Road: run Southeasterly along the arc of said curve, a distance of 541.08 feet (Chord Bearing = S26°08'54"E, Chord = 521.27 feet); thence run S53°09'25"E, a distance of 235.16 feet to the Point of Curvature of a Curve, Concave to the West, having a radius of 380.00 feet and a Central Angle of 62°06'15"; thence run Southerly along the arc of said curve, a distance of 411.89 feet (Chord Bearing = S22°06'18"E, Chord = 392.02 feet); thence departing said West Right of Way line run N89°46'39"W, a distance of 754.36 feet; thence run N00°57'04"W, a distance of 666.91 feet; thence run S89°56'59"W, a distance of 664.61 feet; thence run N00°45'32"W, a distance of 665.68 feet to the Point of Beginning.

Containing 25.44 acres, more or less.

ABBREVIATIONS/LEGEND

SEC.	SECTION	R	RADIUS
TWP.	TOWNSHIP	L	LENGTH
RNG.	RANGE	CB	CHORD BEARING
S.	SOUTH	CD	CHORD DISTANCE
E.	EAST	Δ	CENTRAL ANGLE
O.R.B.	OFFICIAL RECORDS BOOK	PC	POINT OF CURVATURE
PGS.	PAGES	PT	POINT OF TANGENCY
TEMP.	TEMPORARY	NT	NON TANGENT
NO./#	NUMBER	PRC	POINT OF REVERSE CURVE
●	DESCRIPTIVE POINT	PCC	POINT OF COMPOUND CURVE
P.S.M.	PROFESSIONAL SURVEYOR & MAPPER		

NOTES:

BEARINGS AS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, (NAD 83, 2007 ADJUSTMENT). BEARING BASIS BEING THE NORTH LINE OF SECTION 36, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA BEING N89°50'49"E.
THIS SURVEYOR HAS NOT MADE A SEARCH OF THE PUBLIC RECORDS FOR EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHT OF WAYS.
THIS SKETCH IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY.
NO CORNERS WERE SET AS A PART OF THIS SKETCH.

REQUESTED BY: BLACKFIN PARTNERS, LLC

DATE OF SKETCH: 3/9/2026	REVISIONS:
SCALE: 1" = 200'/100'	
SEC. 36, TWP. 17 S, RNG. 30 E	
CAD FILE: S-L NEW ANNEXATION	
JOB NO.: 24-448 DRAWN BY: ELW	

JOHNSTON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 ● Fax (407) 847-6140 LB 966

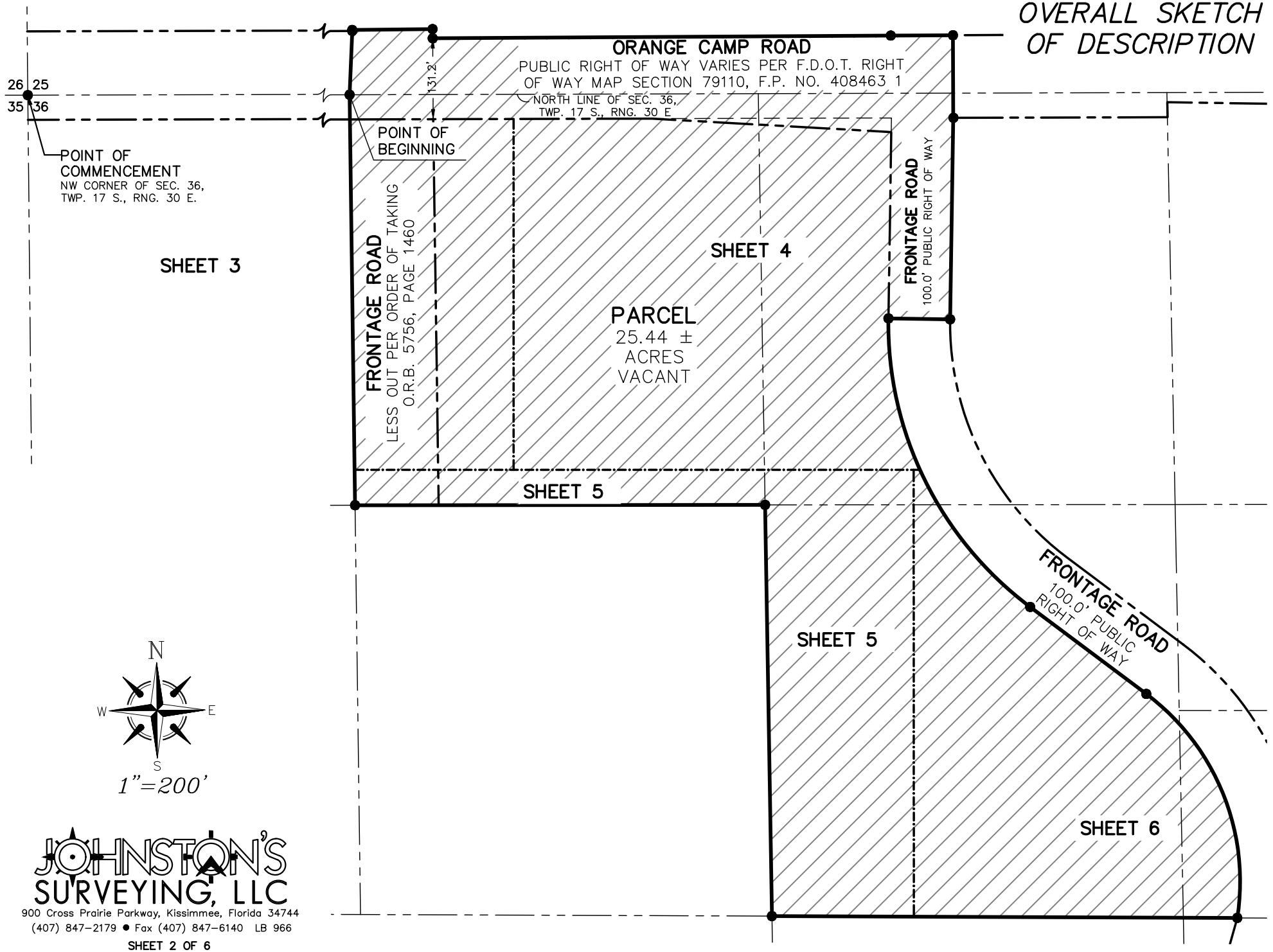
RICHARD D. BROWN, P.S.M. No. 5700 STATE OF FLORIDA

03/10/2026

RICHARD D. BROWN, P.S.M #5700 (DATE)

NOTE: NOT VALID WITHOUT RAISED SURVEYOR'S SEAL.

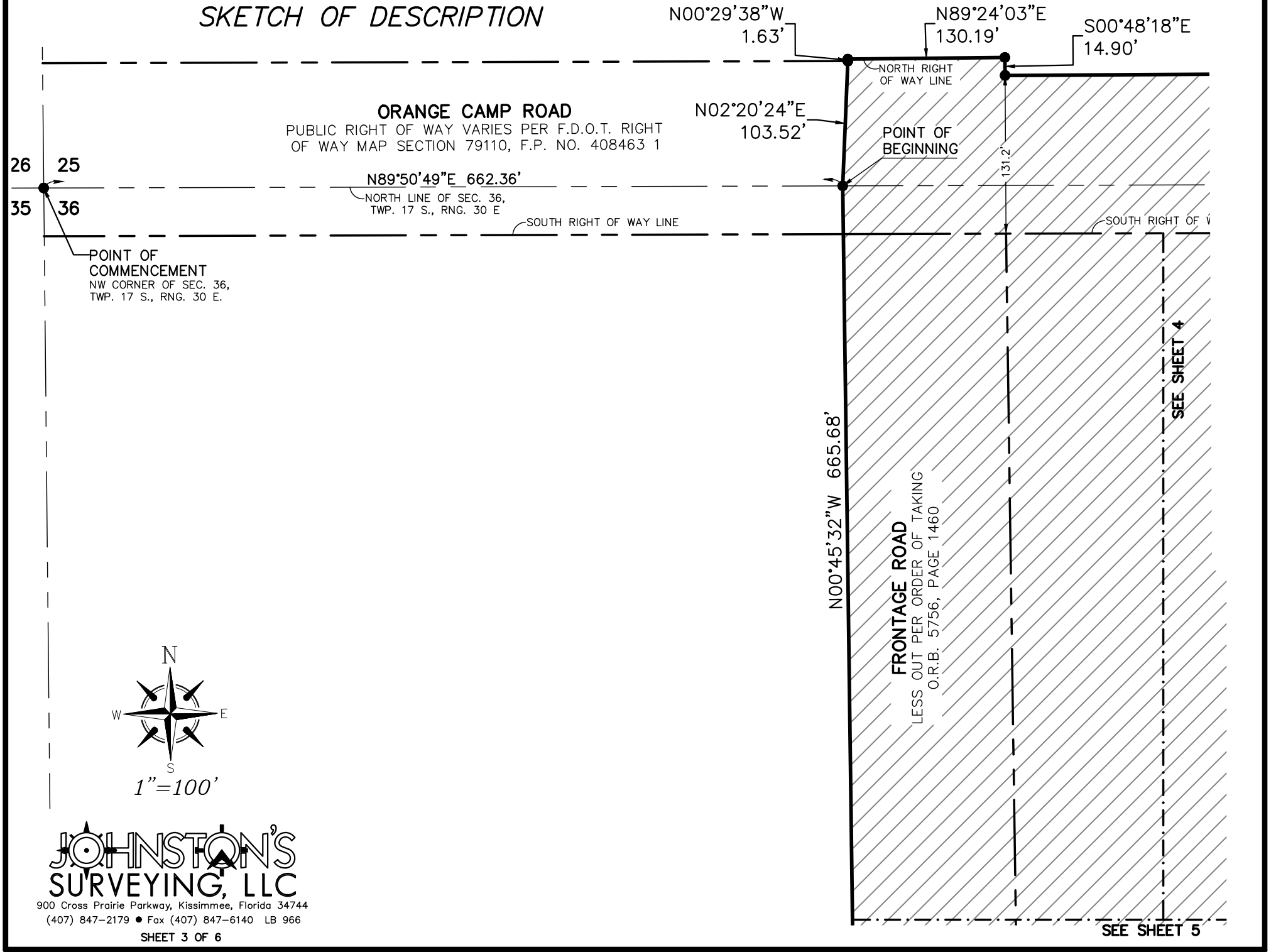
OVERALL SKETCH OF DESCRIPTION



JOHNSTON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 ● Fax (407) 847-6140 LB 966

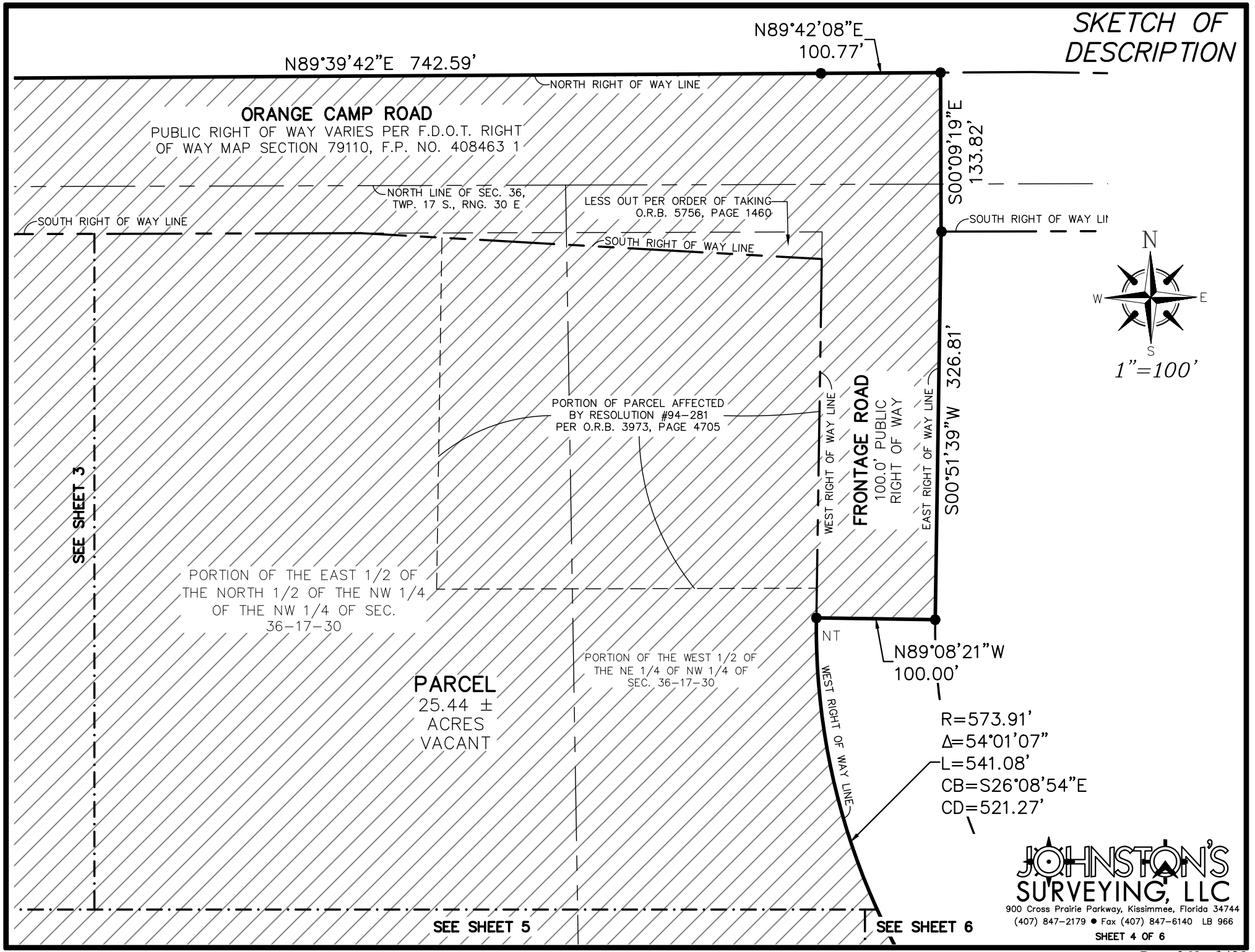
SHEET 2 OF 6

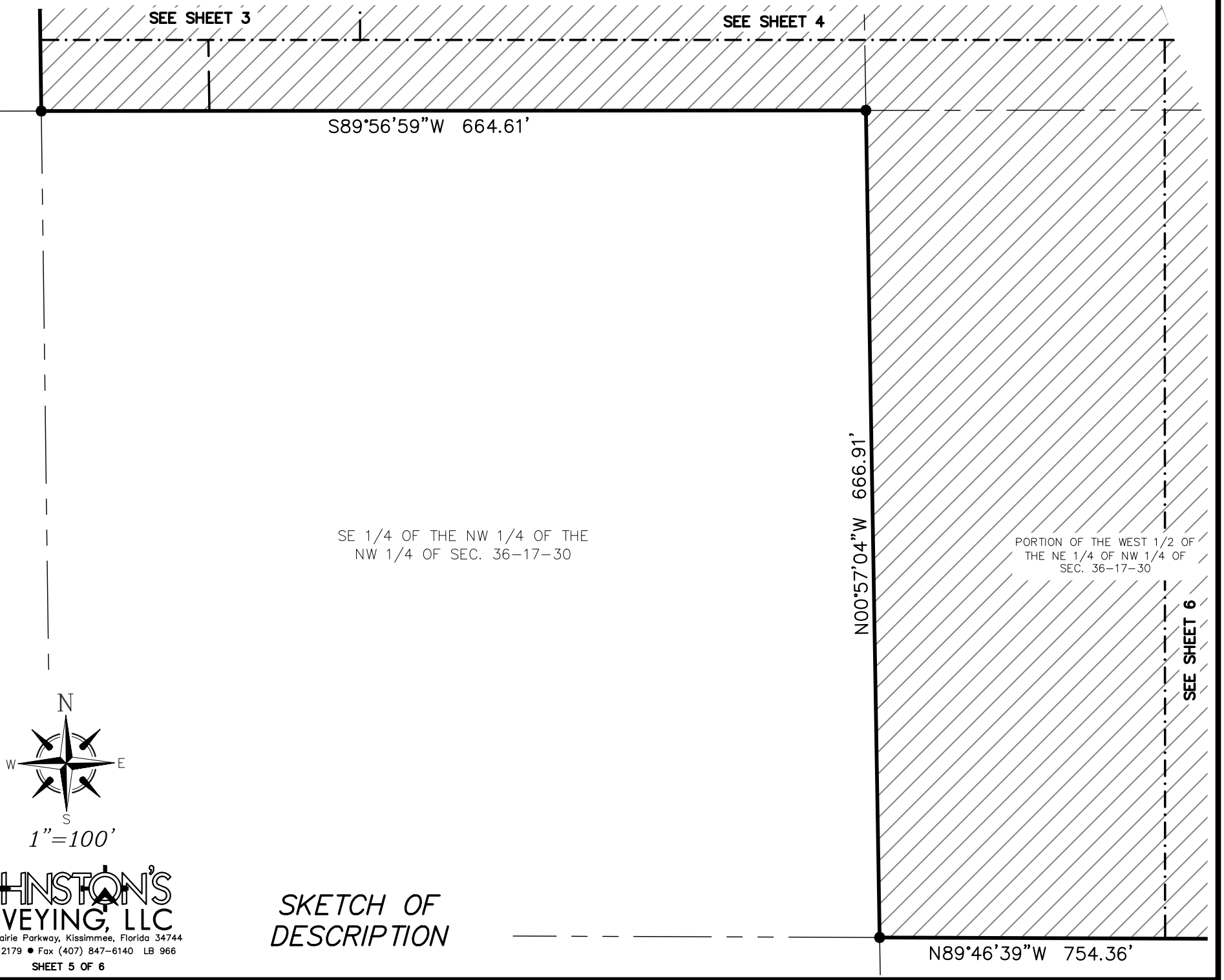
SKETCH OF DESCRIPTION



JOHNSTON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 • Fax (407) 847-6140 LB 966

SHEET 3 OF 6


SKETCH OF DESCRIPTION
N89°42'08"E
100.77'
N89°39'42"E 742.59'
NORTH RIGHT OF WAY LINE
ORANGE CAMP ROAD
PUBLIC RIGHT OF WAY VARIES PER F.D.O.T. RIGHT OF WAY MAP SECTION 79110, F.P. NO. 408463 1
S00°09'19"E
133.82'
NORTH LINE OF SEC. 36, TWP. 17 S., RNG. 30 E.
LESS OUT PER ORDER OF TAKING O.R.B. 5756, PAGE 1460
SOUTH RIGHT OF WAY LINE
SOUTH RIGHT OF WAY LINE
SOUTH RIGHT OF WAY LIN
N
W
E
S
1"=100'
PORTION OF PARCEL AFFECTED BY RESOLUTION #94-281 PER O.R.B. 3973, PAGE 4705
WEST RIGHT OF WAY LINE
FRONTAGE ROAD
100.0' PUBLIC RIGHT OF WAY
EAST RIGHT OF WAY LINE
S00°51'39"W 326.81'
SEE SHEET 3
PORTION OF THE EAST 1/2 OF THE NORTH 1/2 OF THE NW 1/4 OF THE NW 1/4 OF SEC. 36-17-30
PORTION OF THE WEST 1/2 OF THE NE 1/4 OF NW 1/4 OF SEC. 36-17-30
PARCEL
25.44 ±
ACRES
VACANT
NT
N89°08'21"W
100.00'
WEST RIGHT OF WAY LINE
R=573.91'
Δ=54°01'07"
L=541.08'
CB=S26°08'54"E
CD=521.27'
SEE SHEET 5
SEE SHEET 6
JOHNSTON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 • Fax (407) 847-6140 LB 966
SHEET 4 OF 6



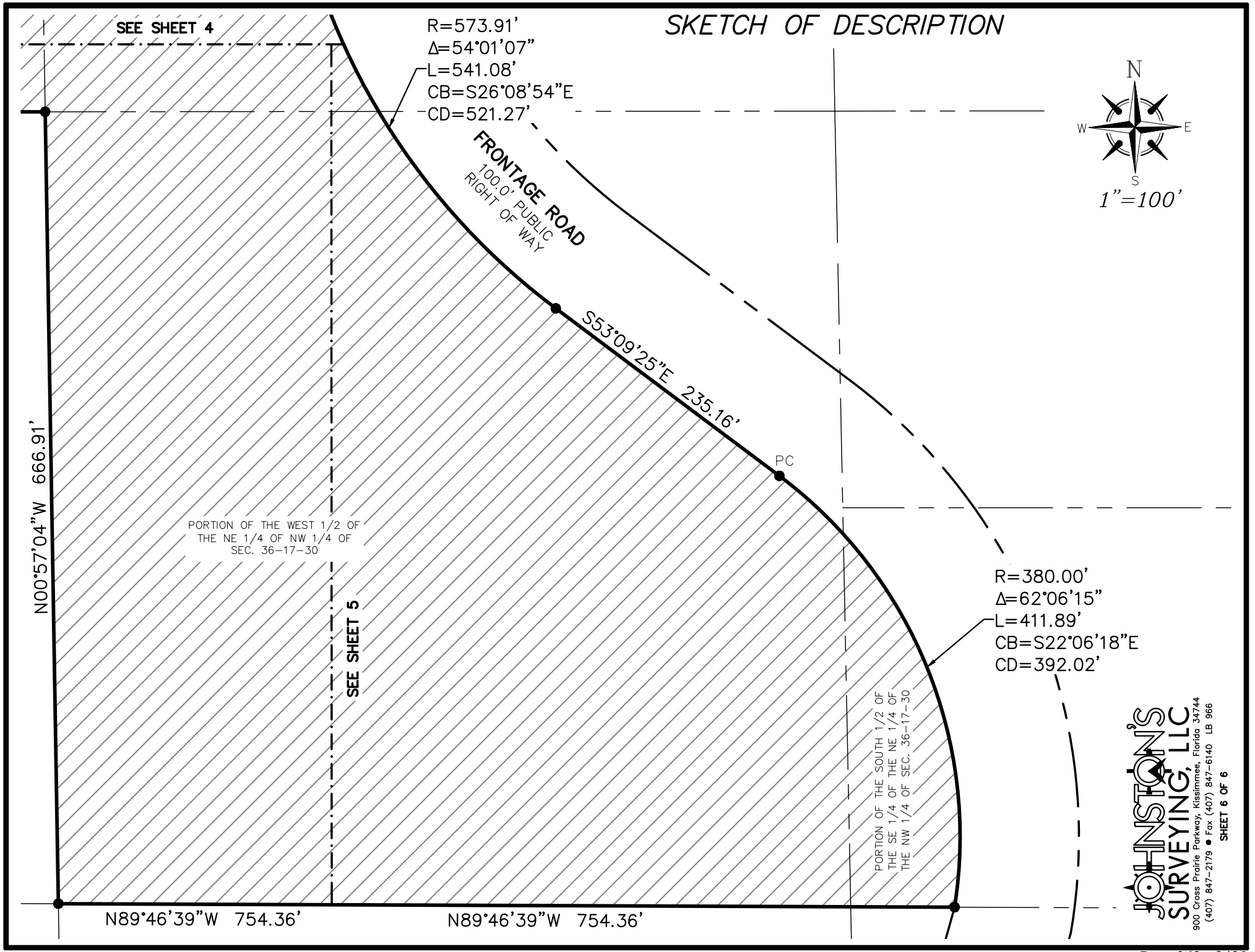
1"=100'

JOHNSTON'S SURVEYING, LLC

900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 • Fax (407) 847-6140 LB 966

SHEET 5 OF 6

SKETCH OF DESCRIPTION



JOHNSON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 • Fax (407) 847-6140 LB 966

SHEET 6 OF 6

PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD

April 15, 2026

A. **APPLICATION NO.:** AN24-212
APPLICANT: Steve Landers, Blackfin Partners
OWNER: Maple & Tom Stewart, Debra & Walter Copeland, State of Florida DOT
STAFF PLANNER: Chris Carson, AICP, Interim Principal Planner
REQUEST: Voluntary Annexation of ± 25.44 acres of property into the City limits of DeLand

B. **SITE FACTORS:**
PARCEL NUMBERS: 703600000240, 703600000161, 703600000163
LOCATION: South of Orange Camp Rd., and west of the I-4 interchange
SIZE OF PROPERTY: ±25.44 acres

C. **Surrounding Land Use & Zoning:**

Future Land Use: Volusia County: Commercial, Rural
Existing Zoning: Volusia County: B-6, BPUD, A-2
Existing Use: Agricultural/Undeveloped

	LAND USE	ZONING
North:	New Community Development (NCD), Highway Commercial (HC)	Victoria Park Planned Development (PD), Orange Camp DeLand PD
South:	VC: R	VC: A-2
East:	VC: COM, R	VC: BPUD, A-2
West:	NCD, VC: COM, R	Victoria Park PD

D. **Background:** The ± 25.44 acre subject property is located in unincorporated Volusia County with Volusia County zoning designations of B-6, BPUD, and A-2 and is located within the City's emerging gateway corridor overlay zoning district. The property's Volusia County future land uses are Commercial and Rural.

The property is partially wooded and currently used for agricultural purposes. The property contains a burrow pit and wetlands and surface waters are present, however it is not located within a floodplain. The application for annexation is accompanied by requests for a small-scale future land use map amendment (SMLU24-213) and rezoning (Z26-041). If the requests are approved, the applicant intends to submit for platting and site plan review.

E. Public Services & Utilities: The City's Utilities Department has determined that City water, sewer and reclaim are available to service the property through a 12" water main, 8" force main, and 12" reclaim along Orange Camp Road.

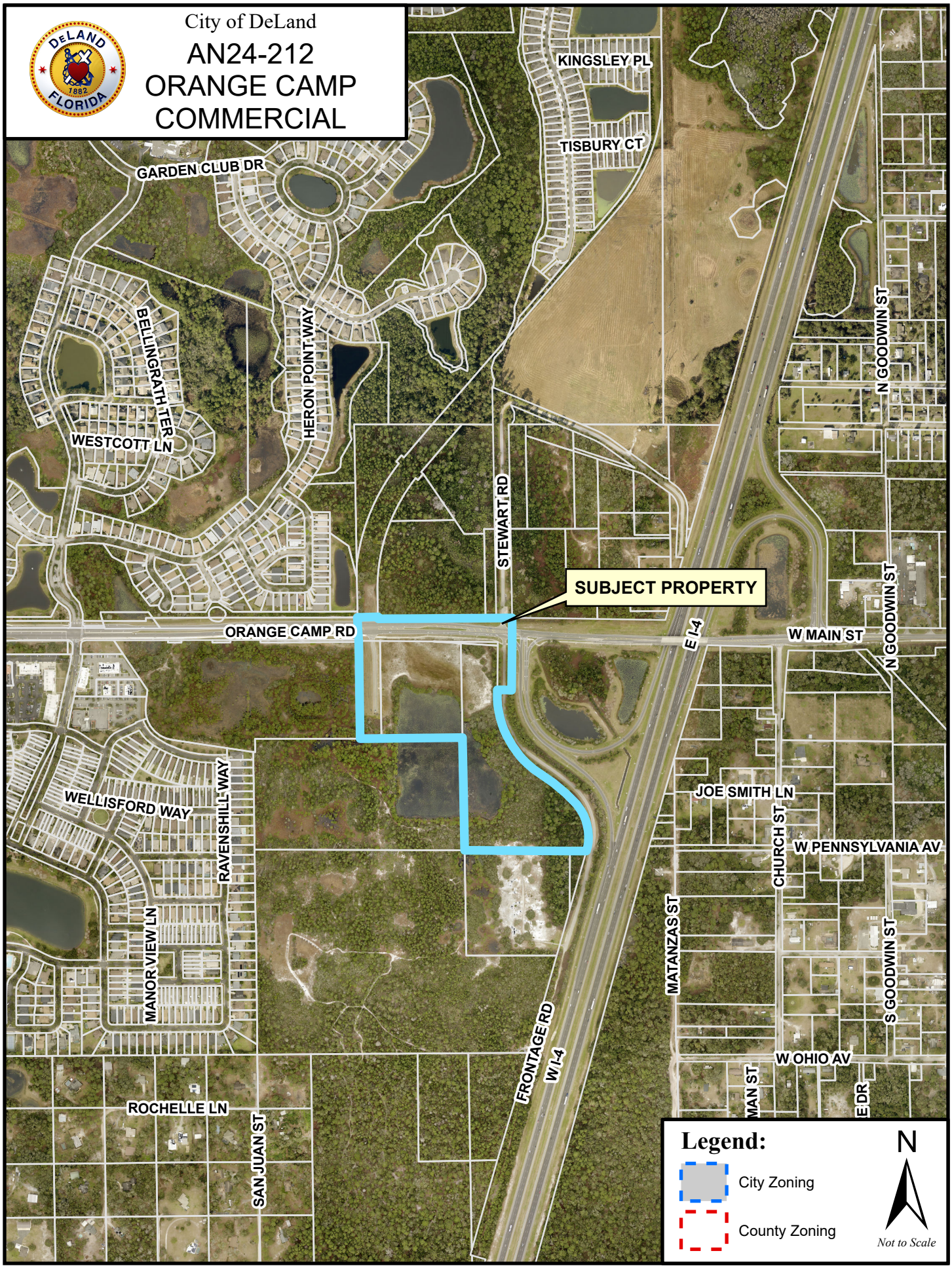
F. Growth Management Plan Consistency: The area surrounding the development is a mix of developed and undeveloped properties. To the north and west is the Victoria Park PD. Also to the north is the Orange Camp PD approved in 2024. While the property is currently vacant, there is a proposal under staff review for platting and infrastructure. To the east is I-4 and Lake Helen, and to the south is a cemetery and some rural properties.

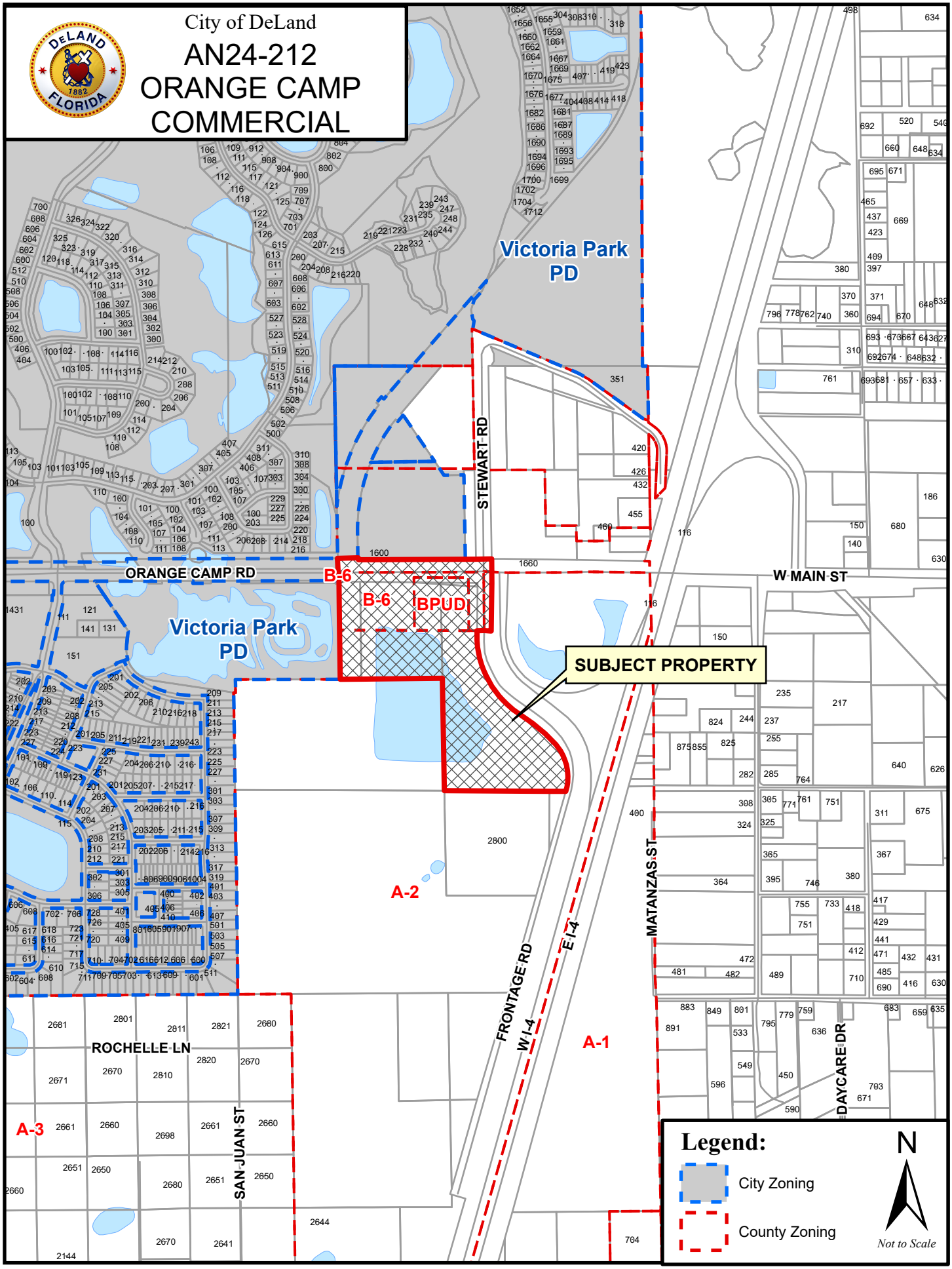
G. Analysis: Chapter 171 of the Florida Statutes sets forth procedures for adjusting municipal boundaries to ensure sound urban development, accommodation for growth, and ensure that areas are not annexed unless municipal services can be provided in those areas. These procedures require the development be **reasonably compact**, **not circuitous**, and **does not create an enclave**. In addition, the City's guidelines for annexation require a property be sufficiently **contiguous** to property already within the city limits. The parcel is contiguous to the City's municipal's boundary on the north and west sides and is reasonably compact. Annexation of the property does not create an area that is enclosed and bounded on all sides by the City. Furthermore, the County and City have a long standing Utility Service Agreement that properties must annex to obtain City Utilities when contiguous with jurisdictional boundaries. Therefore, staff finds the annexation request to be consistent with Chapter 171 of the State Statutes, the City's Comprehensive Plan, and Land Development Regulations.

H. Next Steps: The petition for voluntary annexation will go before the City Commission on May 4, 2026 for first reading. The future land use map amendment will then be forwarded to the Volusia Growth Management Commission (VGMC). After VGMC review, the request is anticipated to go before City Commission on June 15, 2026 for second reading.

I. Recommendation: Staff recommends that the Planning Board forward this annexation petition to the City Commission, with a recommendation for approval.

Based upon the concurrency requirements of the State of Florida and the City's concurrency management plan, as adopted in Article 5, Sec. 33-41 of the Land Development Regulations, approval of the proposed annexation does not automatically provide vested development rights. At the time the developer applies for a development permit, adequate infrastructure must exist to support the proposed development. If such infrastructure does not exist, the developer may be required to incur additional expense to ensure that the necessary infrastructure is provided.


City of DeLand
AN24-212
ORANGE CAMP
COMMERCIAL
KINGSLEY PL
TISBURY CT
GARDEN CLUB DR
BELLINGRATH TER
WESTCOTT LN
HERON POINT WAY
STEWART RD
N GOODWIN ST
SUBJECT PROPERTY
ORANGE CAMP RD
E I-4
W MAIN ST
WELLISFORD WAY
RAVENSHILL WAY
MANOR VIEW LN
JOE SMITH LN
CHURCH ST
W PENNSYLVANIA AV
MATANZAS ST
S GOODWIN ST
FRONTAGE RD
W I-4
W OHIO AV
ROCHELLE LN
SAN JUAN ST
Legend:
City Zoning
County Zoning
N
Not to Scale


City of DeLand
AN24-212
ORANGE CAMP
COMMERCIAL
Victoria Park
PD
Victoria Park
PD
STEWART RD
ORANGE CAMP RD
B-6
B-6
BPUD
W MAIN ST
SUBJECT PROPERTY
A-2
A-1
A-3
ROCHELLE LN
SAN JUAN ST
FRONTAGE RD
W I-4
E I-4
MATANZAS ST
DAYCARE DR
Legend:
City Zoning
County Zoning
N
Not to Scale

March 5, 2026

Ms. Carol Kuhn, AICP
Planning Director
120 S. Florida Avenue
DeLand, Florida 32720

Subject: Application for Annexation
Parcel I.D. 703600000240 (Alt Key 2318929)
Parcel I.D. 703600000161 (Alt Key 2318767)
Parcel I.D. 703600000163 (Alt Key 6558540)
Portion of Frontage Rd Right of Way
Portion of Orange Camp Rd Right of Way
Rezone Area: 25.44 acres

Dear Ms. Kuhn:

Please accept this application for annexation for the referenced parcels. This parcel land area is approximately 25.44 acres located southwest from the intersection of Orange Camp Road and Interstate 4. For reference, we have included the Orange Camp Planned Development Exhibit that shows project location relative to surrounding uses.

This application for rezone is required because of voluntary annexation in accordance with the interlocal agreement between Volusia County and the City of DeLand that provides for utility services with annexation when bordering the City of DeLand.

NEED AND JUSTIFICATION FOR CHANGE

Immediately north of the site's frontage to Orange Camp Road is Planned Development (I-4 Auto Mall PD, City of DeLand) zoning with Highway Commercial land use; to the east is Interstate 4 right-of-way; to the south and partially west is Volusia County A2 zoning with Rural land use; and to the west of the site's frontage to the Florida Department of Transportation frontage road is Planned Development (Victoria Park PD) with Residential land use.

Currently, the applicant's parcel contains Volusia County zoning/land use designations that include B6/Commercial (3.30 acres), BPUD/Commercial (2.10 acres – Miller Enterprises Inc.), and Agriculture A2/Rural (14.20 acres). The rezoning would allow the applicant to connect to City of DeLand utilities and unify the parcels under a complementary zoning that is consistent with the proximity of arterial roadways.

The proposed development would include commercial uses consistent with the proximity of the intersection between Interstate 4 and Orange Camp Road Interchange.

COMPATIBILITY WITH COMPREHENSIVE PLAN

The proposed annexation, land use, and rezoning is in accordance with the City of DeLand's Comprehensive Plan. The City provides guidelines for rezoning that include maintaining the City's character and neighborhoods, maintaining level of service, and increasing commercial uses that benefit the City.

More specifically, the Comprehensive Plan recognizes the need to provide highway commercial in outlying or newly developed areas of the City and encourages commercial land use outside of the Downtown so long as it does not replace the Downtown's role as the primary destination and center of commerce.

LEVEL OF SERVICE

Water and sewer services for this parcel will be provided by the City of DeLand Utilities. An existing 12-inch water line and 8-inch sewer forcemain along Orange Camp Road will provide water and sewer service to the site. Potable water production capacity exceeds current and committed demands, providing adequate service for the anticipated project demand.

The current sewer service area capacity and demand also provide an adequate level of service.

A traffic impact analysis prepared by Walsh Traffic, Inc. concludes that the surrounding roadway network is operating at an acceptable level of service and that the proposed development will not adversely impact traffic operations with appropriate mitigation.

IMPACT ON NATURAL ENVIRONMENT

The existing property is currently used for commercial and agricultural purposes and is part of an abandoned borrow pit. Due diligence identified no environmentally significant issues related to historic preservation or wetlands. The parcel is surrounded by developed properties, and the proposed commercial development will not negatively impact the natural environment.

Stormwater management will comply with City of DeLand, St. Johns River Water Management District, and Florida Department of Transportation requirements. The existing borrow pit will provide adequate drainage capacity, including support for the 100-year storm event.

Thank you for your consideration of our application. Please do not hesitate to contact me if you have any questions.

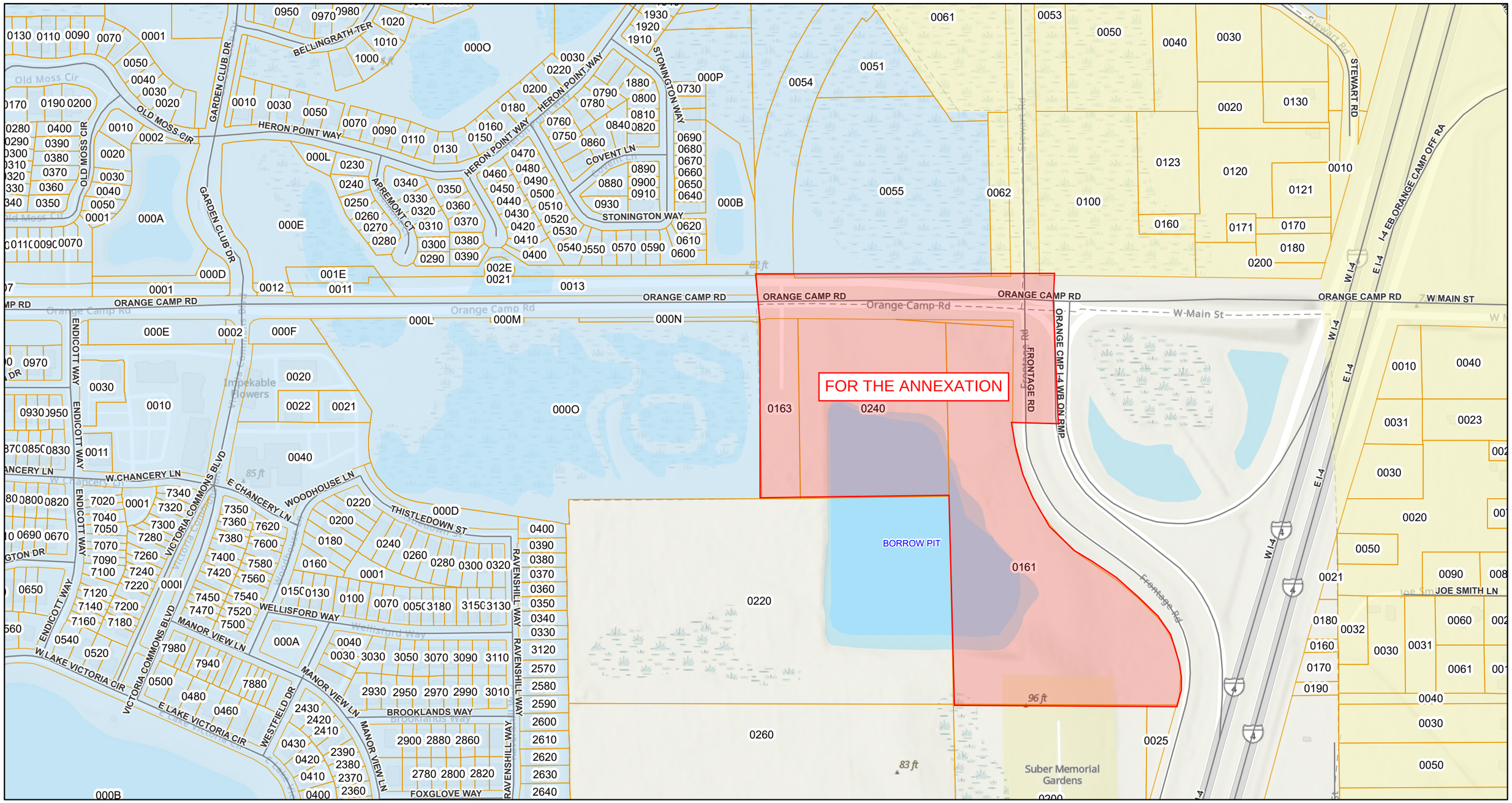
Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Derek E. Ramsburg, P.E.
Project Manager

Volusia County Property Appraiser



3/4/2026, 2:11:00 PM

Parcel
Streets
Parcel Text

Cities
DELAND
LAKE HELEN

Water Body Names
Water Bodies
County Boundary

1:4,514

0 0.05 0.1 0.2 mi
0 0.07 0.15 0.3 km

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland,

ArcGIS Web AppBuilder
VCPA 2021

CITY OF DELAND
Request for Commission Action
May 4, 2026

SUBJECT: First Reading of Ordinance Changing the Land Use for ±22.43 Acres of Property, Located South of Orange Camp Road, west of the I-4 Interchange, from Volusia County Commercial and Volusia County Rural to City of DeLand Highway Commercial (HC).

DEPARTMENT: Planning

PREPARED BY: Christopher Carson, Senior Planner

ATTACHMENTS: Ordinance, Exhibit A - Legal Description, Staff Report SMLU24-213_OrangeCampCom, SMLU24-213 Aerial, SMLU24-213 Zoning, SMLU24-213 Land Use Change, SMLU24-213 Proposed Land Use, Justification Letter - FLU, Traffic Analysis

APPROVED BY: Michael Pleus, City Manager, April 29, 2026

SUMMARY/HIGHLIGHT:

The applicant is requesting to amend the future land use designation for ±22.43-acres of property from Volusia County: Commercial and Volusia County: Rural land use designations to the Highway Commercial (HC) land use designation. The subject property is located within the City's emerging gateway corridor overlay zoning district. The request for a small-scale future land use map amendment is accompanied by requests for annexation (AN24-212) and rezoning (Z26-041). If the requests are approved, the applicant intends to submit for platting and site plan review.

Per the 2050 Vision plan, the subject property is located within the Category 2, Urban Core. The Urban Core is described as the area where the majority of the new growth will take place. The Comprehensive Plan describes the Highway Commercial land use designation as being typified by office, service-oriented, and commercial uses which provide retail and related goods and services to local-sub-regional and regional markets. Areas designated as Highway Commercial tend to be located in the outlying or newly developed areas of the city. Neighborhood convenience centers shall be located within easy walking distance of residents in the area, and where they will be compatible with the character of the surrounding area. Commercial uses located adjacent to residential uses shall utilize significant buffering and landscaping to minimize negative impacts. Future development will be reviewed to meet the requirements of the LDRs. Additionally, the applicant plans to develop commercial uses to serve the surrounding area. Therefore, the request is compatible with the Comprehensive Plan and the 2050 Vision Plan.

The proposed land use designation, Highway Commercial, is consistent with the surrounding area, and is not expected to create any land use incompatibilities.

In accordance with standard practice from the Florida Department of Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the currently adopted future land use designation versus the proposed designation. The facility analysis presented in the staff report suggests the proposed land use amendment should not cause any of the City's public infrastructure and services to degrade below the adopted or current operational level of service (LOS) based on the theoretical maximum impact analysis.

At the April 15, 2026, Planning Board meeting, the Board voted 5-0 to recommend approval of the request for a future land use map amendment.

The request for the land use amendment will be transmitted to Volusia Growth Management Commission (VGMC) for review. After VGMC review, the annexation, land use and zoning requests are anticipated to go before City Commission on June 15, 2026 for second reading.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Strategic Focus Area: Institute Smart Growth Principles

SUSTAINABILITY:

N/A

FISCAL IMPACT:

Inclusion of the subject property in the City's tax rolls will increase funds towards City services.

RECOMMENDATION:

Staff recommends approval of First Reading of the ordinance to amend the future land use of the subject property from Volusia County Commercial (COM) and Volusia County Rural (R) to City of DeLand Highway Commercial (HC).

BACKGROUND/DISCUSSION:

Recently the surrounding area has seen a shift from the AutoMall concept to the north to a more diverse mix of uses. A portion of the former AutoMall is now planned for 348 residential units in addition to other uses in Lake Helen. This was further supported when the City of Lake Helen updated its Comprehensive Plan to allow for multi-family residential. The Orange Camp PD was approved in 2024 which also diversified the uses from the former AutoMall concept. To the north and west of the subject property are the Victoria Park and Victoria Gardens developments. South of the subject property is a cemetery and rural properties.

The subject property is currently vacant and undeveloped. Therefore, the development should have a positive impact on the city and surrounding area by providing additional commercial and retail uses to the immediate area.

The subject property contains a burrow pit and wetlands, and surface waters are present. However, it is not located within a floodplain. Staff will review to ensure compliance with the Land Development Regulations at the time of plat or site plan review.

ORDINANCE NO. 2026 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED SOUTH OF ORANGE CAMP ROAD, WEST OF THE INTERSTATE 4 INTERCHANGE FROM VOLUSIA COUNTY'S COMMERCIAL AND VOLUSIA COUNTY'S RURAL FUTURE LAND USE DESIGNATIONS TO CITY OF DELAND'S HIGHWAY COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, F.S. §163.3161, et seq., creates the Community Planning Act (hereinafter the "Act"); and

WHEREAS, the Act allows each local government to approve comprehensive plan amendments related to small scale development activities at any time during the year under certain conditions; and

WHEREAS, the Act permits small area amendments to be approved without regard to statutory limits on the frequency of comprehensive plan amendments as long as:

1. The proposed amendment involves the change to the land use designation of a parcel of property that is 50 acres or less; and

2. The cumulative effect of the above amendment does not exceed 120 acres annually; and

WHEREAS, the City Commission adopted a comprehensive plan for the future growth and development of the City pursuant to Ordinance No. 90-4, as amended, (hereinafter the "Comprehensive Plan"); and

WHEREAS, the City Commission has received a request to amend the Comprehensive Plan by changing the land use designation of approximately +/- 22.43 acres of land located south of Orange Camp Road, west of the Interstate 4 Interchange; from Volusia County's Commercial and Volusia County's Rural future land use designations to City of DeLand's Highway Commercial future land use designation; and

WHEREAS, the Planning Board held a public hearing, after due public notice, for the purpose of recommending the adoption of the proposed Comprehensive Plan amendment; and

WHEREAS, the City Commission held a public hearing after due public notice, in accordance with F.S. §163.3184(11); and

WHEREAS, this land use amendment has been transmitted to and reviewed by the Volusia Growth Management Commission.

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

Section 1. The City Commission hereby amends the Future Land Use Map for the incorporated area by changing the land use designation of that certain parcel of land located south of Orange Camp Road, west of the Interstate 4 Interchange; consisting of approximately

+/- 22.43 acres of land from Volusia County's Commercial and Volusia County's Rural Future Land Use designations to City of DeLand's Highway Commercial Future Land Use designation, as more particularly described in the Exhibit "A" attached hereto and by this reference made a part hereof.

Section 2. 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 3. The effective date of this Ordinance shall be the later date of the following events: (1) the date of issuance of a certificate of consistency or conditional certificate of consistency with regard to the land use designation of the subject property by the Volusia Growth Management Commission; (2) thirty-one (31) days after its adoption by the City Commission; or (3) if properly challenged by an affected person, after the state land planning agency or the Administration Commission, respectively, issues a final order determining this adopted small scale development amendment to be in compliance. No development orders, development permits or land uses dependent on this Ordinance may be issued or commence before it has become effective.

PASSED AND DULY ADOPTED this ____ day of _____, 2026.

_____
Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

_____
Dale Arrington
Interim City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

_____
Darren J. Elkind
City Attorney

SKETCH OF DESCRIPTION

LEGAL DESCRIPTION:

A parcel of land lying in Section 36, Township 17 South, Range 30 East, Volusia County, Florida, being more particularly described as:

Commence at the Northwest corner of said Section 36; thence run N89°50'49"E along the North line of said Section 36, a distance of 662.36 feet; thence departing said North line run S00°45'32"E, a distance of 40.00 feet to a point on the South Right of Way line of Orange Camp Road as shown on Florida Department of Transportation Right of Way Map Section 79110, F.P. 408463 1 to the Point of Beginning; thence run N89°50'49"E along said South Right of Way line, a distance of 977.79 feet to the Intersection of the South Right of Way line of Orange Camp Road and the East Right of Way line of Frontage Road; thence departing said South Right of Way line, run S00°51'39"W, a distance of 326.81 feet; thence departing said East Right of Way line, run N89°08'21"W, a distance of 100.00 feet to the West Right of Way line of Frontage Road, said point also being a Point on a Non-Tangent Curve, Concave to the Northeast, having a Radius of 573.91 feet and a Central Angle of 54°01'07"; thence the following three (3) courses and distances along the West Right of Way line of said Frontage Road: run Southeasterly along the arc of said curve, a distance of 541.08 feet (Chord Bearing = S26°08'54"E, Chord = 521.27 feet); thence run S53°09'25"E, a distance of 235.16 feet to the Point of Curvature of a Curve, Concave to the West, having a radius of 380.00 feet and a Central Angle of 62°06'15"; thence run Southerly along the arc of said curve, a distance of 411.89 feet (Chord Bearing = S22°06'18"E, Chord = 392.02 feet); thence departing said West Right of Way line run N89°46'39"W, a distance of 754.36 feet; thence run N00°57'04"W, a distance of 666.91 feet; thence run S89°56'59"W, a distance of 664.61 feet; thence run N00°45'32"W, a distance of 625.68 feet to the Point of Beginning.

Containing 22.43 acres, more or less.

ABBREVIATIONS/LEGEND

SEC.	SECTION	R	RADIUS
TWP.	TOWNSHIP	L	LENGTH
RNG.	RANGE	CB	CHORD BEARING
S.	SOUTH	CD	CHORD DISTANCE
E.	EAST	Δ	CENTRAL ANGLE
O.R.B.	OFFICIAL RECORDS BOOK	PC	POINT OF CURVATURE
PGS.	PAGES	PT	POINT OF TANGENCY
TEMP.	TEMPORARY	NT	NON TANGENT
NO./#	NUMBER	PRC	POINT OF REVERSE CURVE
●	DESCRIPTIVE POINT	PCC	POINT OF COMPOUND CURVE
P.S.M.	PROFESSIONAL SURVEYOR & MAPPER	NW	NORTHWEST

NOTES:

BEARINGS AS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, (NAD 83, 2007 ADJUSTMENT). BEARING BASIS BEING THE NORTH LINE OF SECTION 36, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA BEING N89°50'49"E.
THIS SURVEYOR HAS NOT MADE A SEARCH OF THE PUBLIC RECORDS FOR EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHT OF WAYS.
THIS SKETCH IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY.
NO CORNERS WERE SET AS A PART OF THIS SKETCH.

REQUESTED BY: BLACKFIN PARTNERS, LLC

DATE OF SKETCH: 3/9/2026	REVISIONS:
SCALE: 1" = 200'/100'	
SEC. 36, TWP. 17 S, RNG. 30 E	
CAD FILE: S-L NEW REZONING	
JOB NO.: 24-448 DRAWN BY: ELW	

JOHNSTON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 ● Fax (407) 847-6140 LB 966

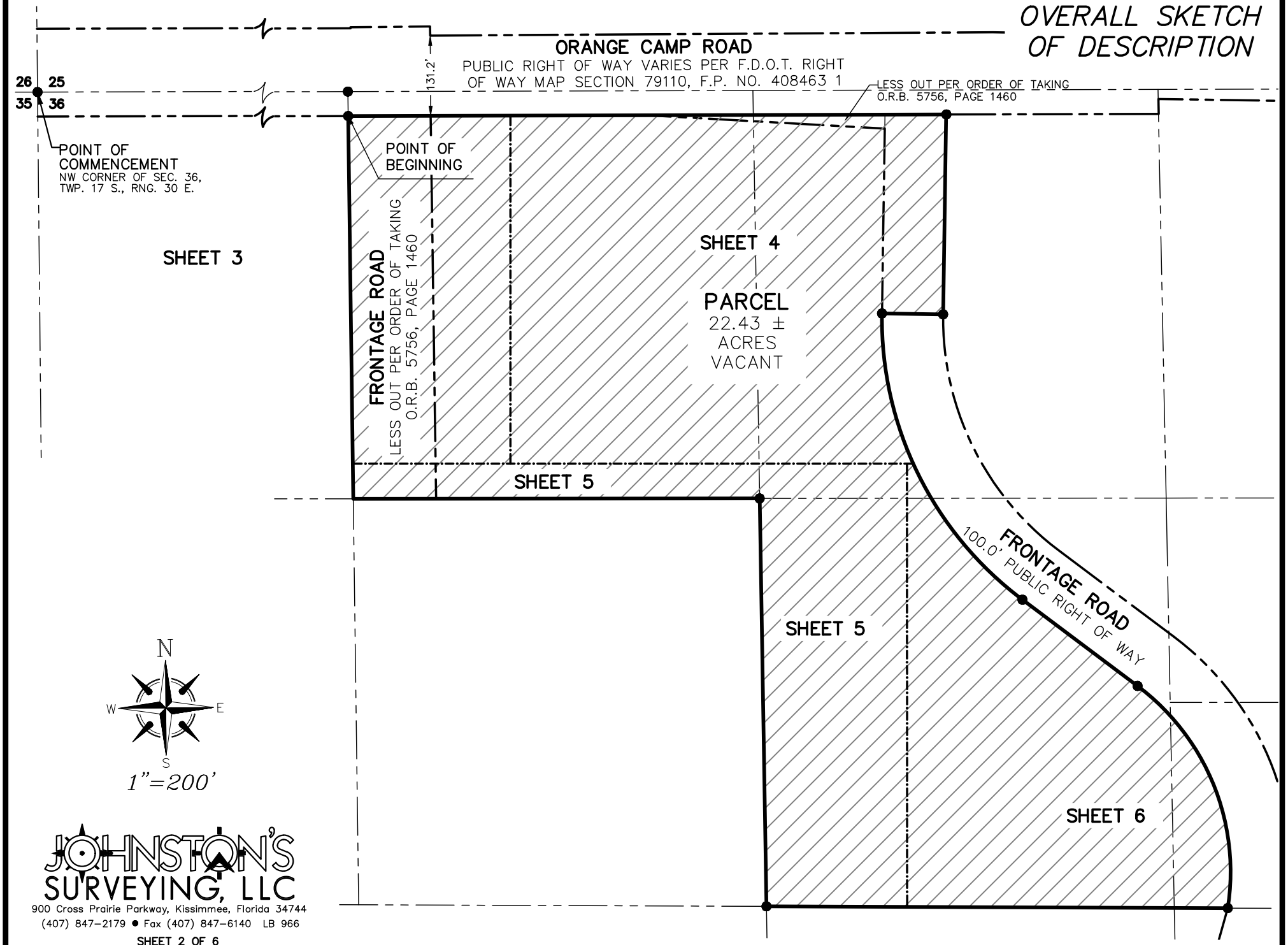
RICHARD D. BROWN CERTIFICATE No. 5700 STATE OF FLORIDA REGISTERED SURVEYOR & MAPPER

03/10/2026

RICHARD D. BROWN, P.S.M #5700 (DATE)

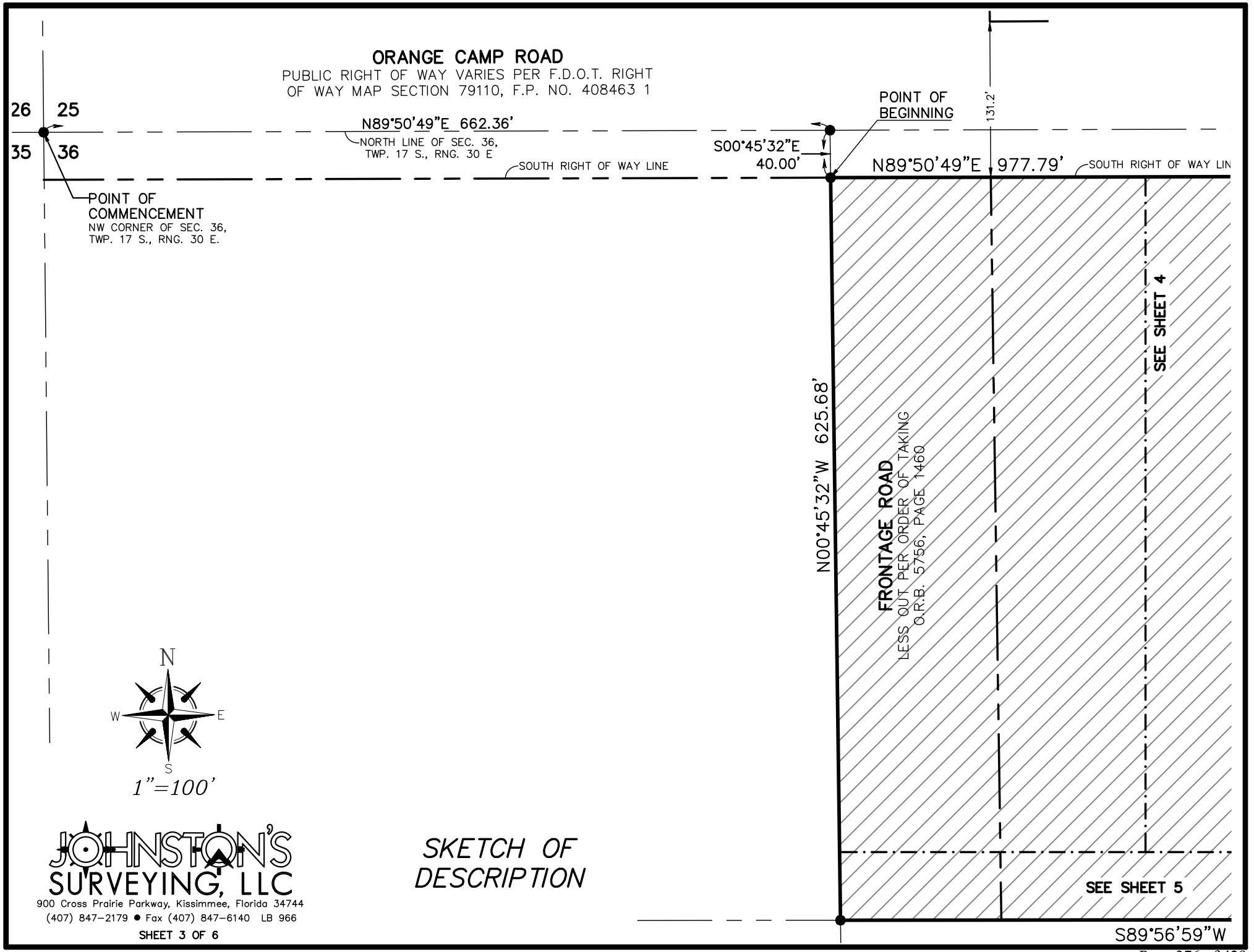
NOTE: NOT VALID WITHOUT RAISED SURVEYOR'S SEAL.

OVERALL SKETCH OF DESCRIPTION



JOHNSTON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 ● Fax (407) 847-6140 LB 966

SHEET 2 OF 6



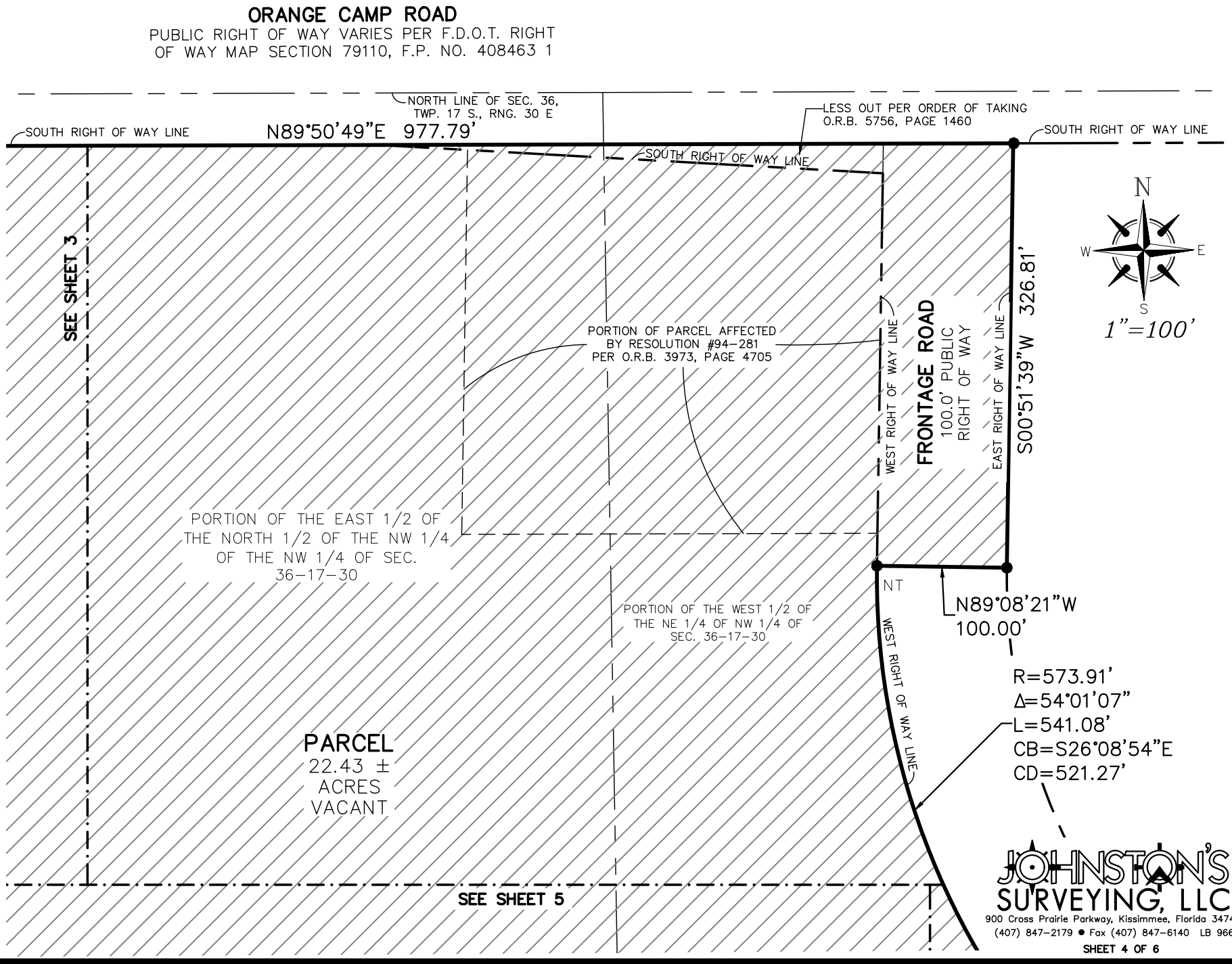
JOHNSTON'S SURVEYING, LLC

900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 • Fax (407) 847-6140 LB 966

SHEET 3 OF 6

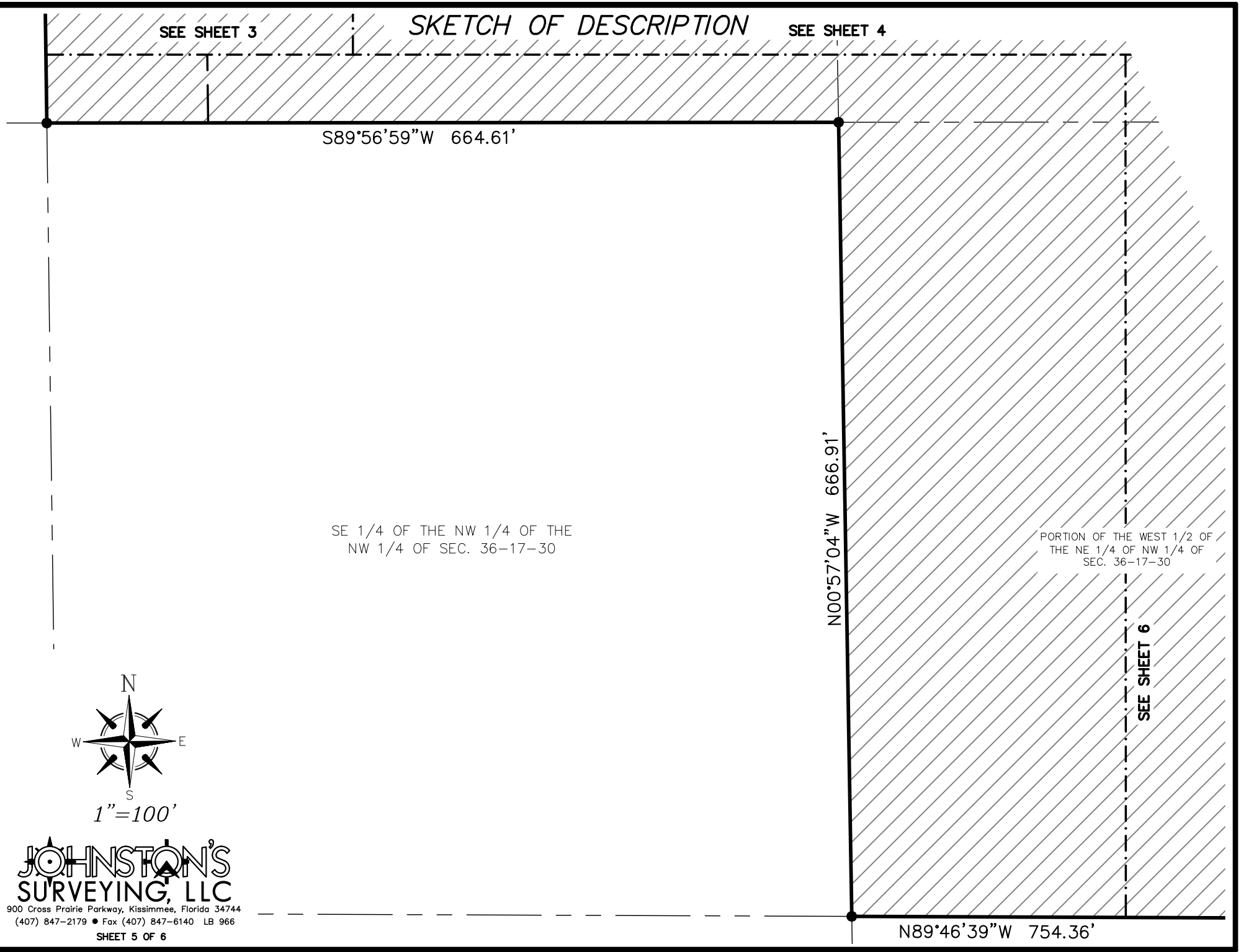
SKETCH OF DESCRIPTION

SKETCH OF DESCRIPTION



JOHNSTON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
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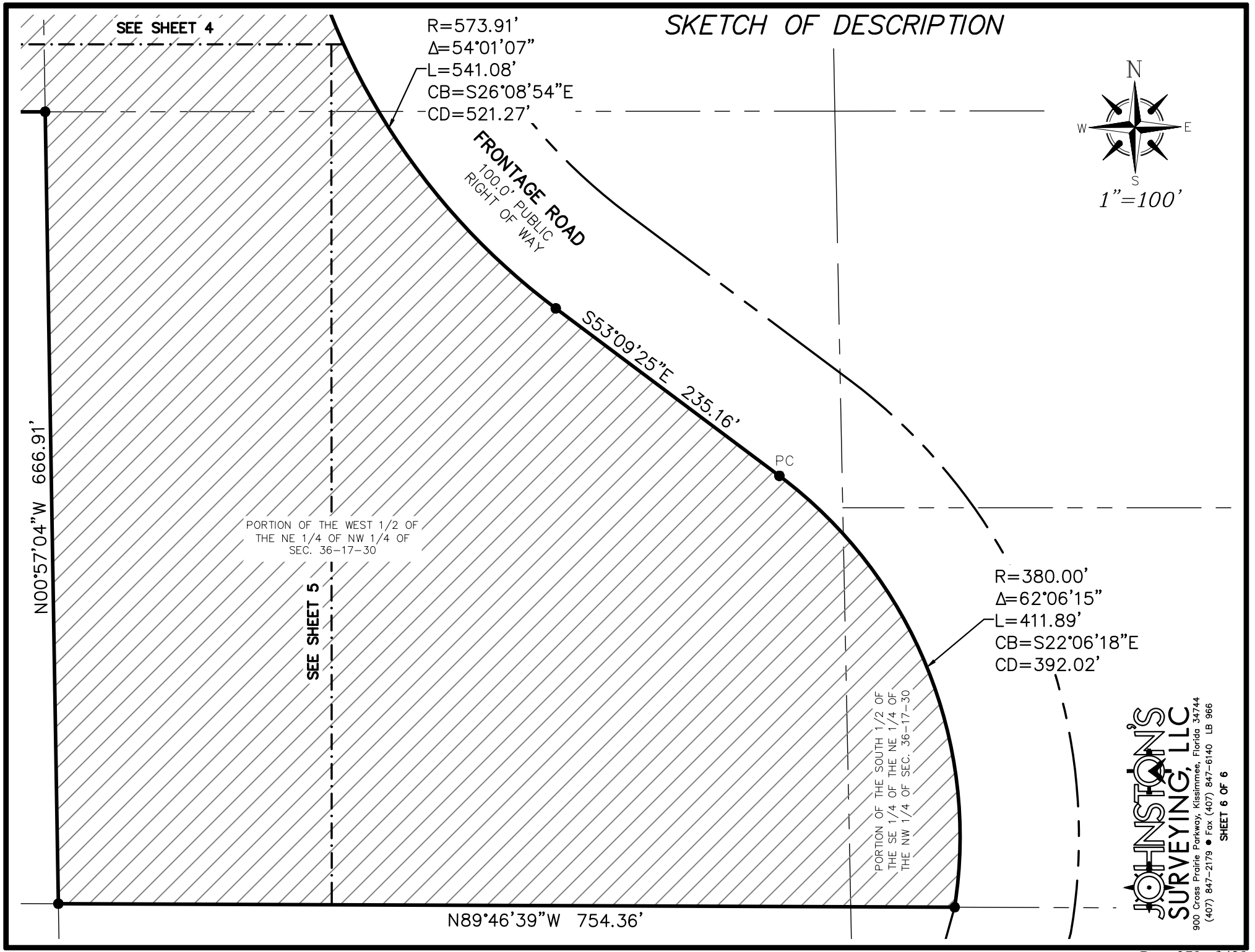
SKETCH OF DESCRIPTION



1"=100'

JOHNSTON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 • Fax (407) 847-6140 LB 966

SHEET 5 OF 6



JOHNSON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 • Fax (407) 847-6140 LB 966

SHEET 6 OF 6

PLANNING DIVISION STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD

April 15, 2026

A. APPLICATION NO.: SMLU24-213
APPLICANT: Steve Landers, Blackfin Partners
OWNER: Maple & Tom Stewart, Debra & Walter Copeland, State of Florida DOT
STAFF PLANNER: Chris Carson, AICP, Interim Principal Planner
REQUEST: To amend the land use designation from Volusia County Commercial (COM) and Volusia County Rural (R) to City of DeLand Highway Commercial (HC)

B. SITE FACTORS:
PARCEL NUMBER: 703600000240, 703600000161, 703600000163
LOCATION: South of Orange Camp Rd., and west of the I-4 interchange.
SIZE OF PROPERTY: ±22.43 acres

C. LAND USE DESIGNATION & ZONING OF SUBJECT PROPERTY:
Future Land Use: Volusia County: Commercial, Rural
Existing Zoning: Volusia County: B-6, BPUD, A-2
Existing Use: Agricultural/Undeveloped

D. SURROUNDING LAND USE & ZONING:

	LAND USE	ZONING
North:	New Community Development (NCD) Highway Commercial (HC)	Victoria Park Planned Development (PD), Orange Camp DeLand PD
South:	VC: R	VC: A-2
East:	VC: COM, R	VC: BPUD, A-2
West:	NCD, VC: COM, R	Victoria Park PD

E. REQUESTED ACTION:

1. **REQUEST:** The applicant is requesting to amend the future land use designation for ±22.43-acres of property located on the south side of Orange Camp Road, just west of the I-4 interchange from Volusia County: Commercial and Volusia County: Rural land use designations to the Highway Commercial (HC) land use designation. The request for a small-scale future land use map amendment is accompanied by requests for annexation (AN24-212) and rezoning (Z26-041).

F. ANALYSIS:

The purpose of this section is to analyze the reasonableness of the applicant's request for an amendment of the land use designation for the subject property. This analysis will include a description of the current and future land uses of the site and the surrounding area, potential impacts on the transportation system, and any significant adverse environmental impacts. Florida Statute 163.3187 allows for a Future Land Use Map amendment for area of use under 50 acres, and are not an area of critical state concern.

1. **Availability of Public Facilities *(water, sewer, drainage, traffic, and schools if residential):***

   The City's Utilities Department has determined that City water, sewer and reclaim are available to service the property through a 12" water main, 8" force main, and 12" reclaim on Orange Camp Road. The applicant will be required to tie in to these connections at the time of plat or site plan review.

   A Traffic Impact Analysis prepared by Walsh Traffic, Inc. concluded that the surrounding roadway network is operating at an acceptable level of service and that the proposed development will not adversely impact traffic operations. Staff will review the traffic methodology at the time of plat or site plan review. If the proposed development generates more than 1,000 average daily trips, a full traffic study will be required.

   There is no residential component of the proposed project, therefore a school capacity determination letter is not required at this time. If residential is included in a future development plan, the applicant will be required to obtain a capacity determination letter from Volusia County School Board.

2. **Compatibility with Land Use and Other Elements:** The Future Land Use element requires that the subject property be consistent with surrounding development. Per the 2050 Vision plan, the subject property is located within the Category 2, Urban Core. The Urban Core is described as the area where the majority of the new growth will take place.

   The Comprehensive Plan describes the Highway Commercial land use designation as being typified by office, service-oriented, and commercial uses which provide retail and related goods and services to local-sub-regional and regional markets. Areas designated as Highway Commercial tend to be located in the outlying or newly developed areas of the city. Neighborhood convenience centers shall be located within easy walking distances of residents in the area, and where they will be compatible with the character of the surrounding area. Commercial uses located adjacent to residential uses shall utilize significant buffering and landscaping to minimize negative impacts. Future development will be reviewed to meet the requirements of the LDRs. Additionally, the applicant plans to develop commercial uses to serve the surrounding area.

   Therefore, the request is compatible with the Comprehensive Plan and the 2050 Vision Plan.

3. **Future Land Use Map:** The proposed change in the land use designation to Highway Commercial (HC) will be shown on the revised Future Land Use Map. There will be no change in the 2050 Vision Map.

4. **Location of Lakes, Floodplains, and Wetlands:** The property contains a burrow pit and wetlands, and surface waters are present, however it is not located within a floodplain. Staff will review to ensure compliance with the Land Development Regulations at the time of plat or site plan review.

5. **Analysis of Natural Resources:**
   - **a.** *Soil types: Immokalee sand, Orsino fine sand,* Daytona sand
   - **b.** *Presence of Endangered Species*: None known at this time.

6. **Existing and Future Impact upon Infrastructure Capacity:**
   - **a.** ***Water and Sewer:*** The City's Utility Department has indicated sufficient water and sewer supply is available for the proposed land use designation. The fully engineered plans will be reviewed at the time of plat or site plan review.
   - **b.** ***Drainage:*** The subject property will be required to retain the 100-year frequency, 24-hour storm event for landlocked basins, on site. These criteria will be reviewed for compliance at the time of plat or site plan review.
   - **c.** ***Solid Waste:*** Solid waste services are available for the property. The County has landfill capacity available to receive waste projected to be generated from the development. The Volusia County Waste Management Facility has capacity for the next twenty-seven (27) years.
   - **d.** ***Transportation*****:** A Traffic Impact Analysis prepared by Walsh Traffic, Inc. concluded that the maximum development allowed under the proposed land use is projected to generate 10,408 total daily trips, 764 total AM peak-hour trips, and 939 total PM peak-hour trips. The maximum development allowed under the existing land use is projected to generate 17,112 total daily trips, 963 total AM peak-hour trips, and 1,580 total PM peak-hour trips. Therefore, the proposed land use amendment will have a net trip reduction on the adjacent roadway network and thus an overall transportation benefit.

7. **Impact upon Recreation and Open Space:** The future land use amendment will have no impact to the existing level of service.

8. **New Public Facilities Needed to Serve Land Use:** Per the feasibility analysis completed by staff, no need for new public facilities is anticipated.

9. **Impact Upon Existing Facilities:** The development should not have an impact to existing facilities.

10. **Impact upon Ability of the City to Fund Capital Improvements:** The development should not create an additional impact upon the City's ability to fund the projects listed in the adopted Five-Year Capital Improvement Program and will not require revision to the City's adopted Five-Year Capital Improvement Program.

11. **Compatibility with Existing Zoning Classification:** The proposed C-2 zoning designation would be compatible with the HC land use designation.

12. **Will the proposed land use change impact schools?** If a residential use is proposed in the future, the applicant would be required to provide a current Finding of Adequate Capacity letter from the Volusia County School Board, determining that capacity is available for the proposed use. The applicant will be required to reserve said capacity and submit an approval letter from the school board at the time of plat or site plan review if residential uses are included.

13. **How does this proposal fit with the guidelines developed for DeLand 2050 Vision and the City's Strategic Plan?**
    a. **2050 Vision Plan:** The proposed development is located within Category 2, "Urban Core" where the majority of new growth should take place.
    b. **DeLand Strategic Plan:** "One of the goals of the Strategic Plan is to Institute Smart Growth principals by require contiguous properties to annex.

G. CONCLUSION: The facility analysis presented in the above sections suggests the proposed land use should not cause any of the City's facilities to degrade below the adopted or current operational level of service (LOS). The proposed land use designation, Highway Commercial, is consistent with the surrounding area, and is not expected to create any land use incompatibilities.

H. NEXT STEPS: The request for a small-scale future land use map amendment will go before the City Commission on May 4, 2026, for first reading, followed by Volusia Growth Management Commission Review (VGMC). After VGMC review, the request is anticipated to go before City Commission on June 15, 2026 for second reading.

I. STAFF RECOMMENDATION: Staff recommends the Planning Board forward a recommendation of approval of the proposed amendment to the subject property's future land use designation to the City's Highway Commercial.

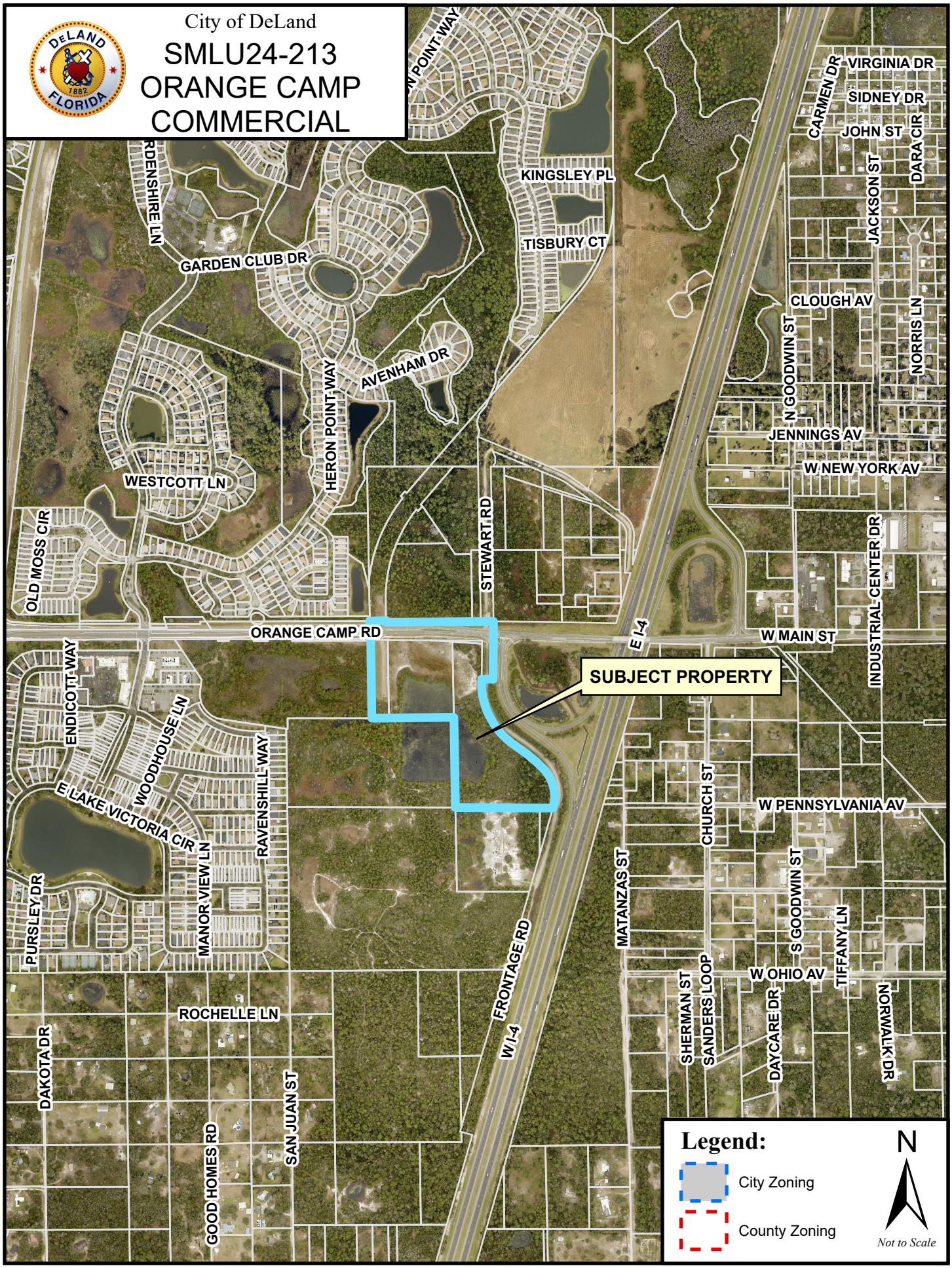
J. VGMC INFRASTRUCTURE IMPACT ASSESSMENT:

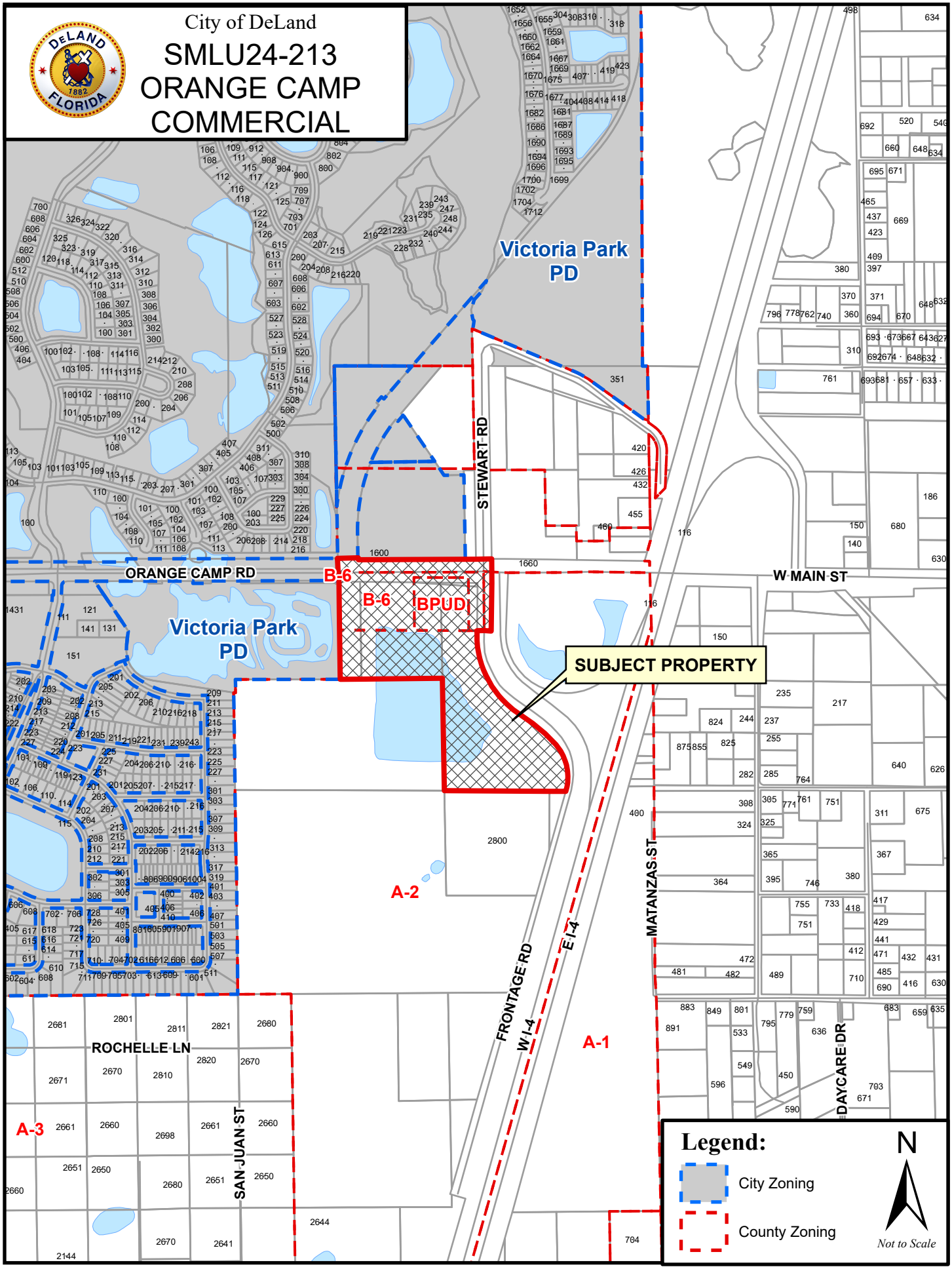
In accordance with standard practice from the Florida Department of Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the currently adopted future land use designation versus the proposed designation.

The following seven public facilities and services were examined (Table 4): Transportation, Stormwater Drainage, Sanitary Sewer, Recreation, Potable Water, Schools, and Solid Waste.

Table 4. Impact Analysis (Theoretical Maximums)

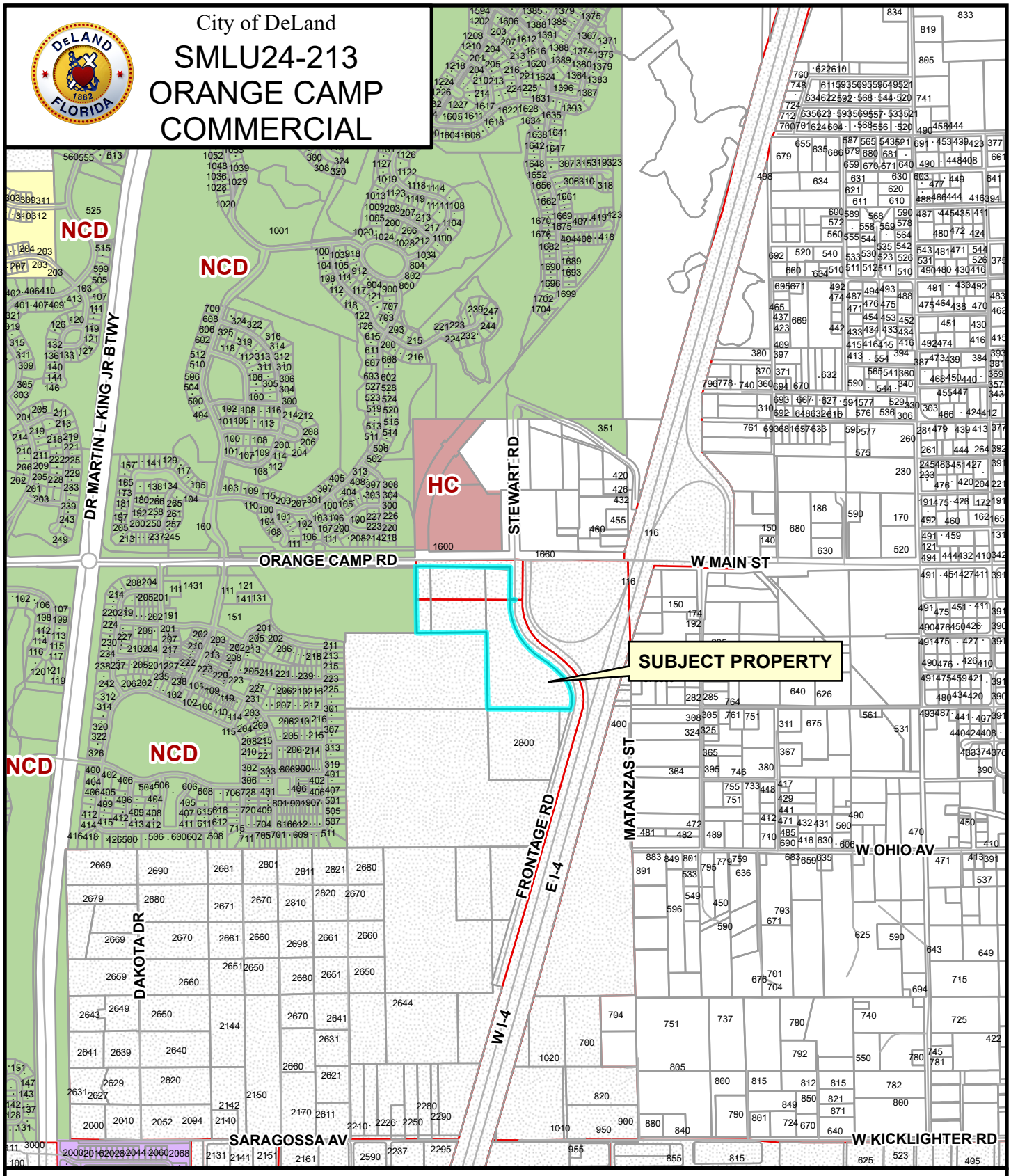
Development Variable	**Theoretical Maximums**		
	EXISTING ***Land Use***	**PROPOSED** ***HC***	**Net Change**
Non-residential Sq. Ft.	374,594	920,423	+ 545,829
Transportation ***(PM Peak Hr. Trips/Daily Trips)*** *(ITE Trip Generation Manual, 11th Edition)*	1,580 peak/17,112 ADT	1,155 peak/12,667 ADT	-425 peak/-4,445 ADT
Sanitary Sewer ***(gallons/day)*** *0.1 GPD per Non-residential Sq. Ft.*	37,459	92,042	+54,583
Potable Water ***(gallons/day)*** *0.1 GPD per Non-residential Sq. Ft.*	37,459	92,042	+54,583
Solid Waste ***(lbs/day)*** *1 employee / 500 Non-residential Sq. Ft. * 8.6*	6,443	15,831	+9,388
Stormwater Drainage *LOS Standard 100-yr/24-hr event. Drainage system to be designed to meet the req. of the LDR during subdivision or site plan review.*	N/A	N/A	N/A


City of DeLand
SMLU24-213
ORANGE CAMP
COMMERCIAL
W POINT WAY
KINGSLEY PL
TISBURY CT
GARDEN CLUB DR
RDENSHIRE LN
AVENHAM DR
HERON POINT WAY
WESTCOTT LN
OLD MOSS CIR
STEWART RD
ORANGE CAMP RD
SUBJECT PROPERTY
E I-4
W I-4
FRONTAGE RD
VIRGINIA DR
CARMEN DR
SIDNEY DR
JOHN ST
DARA CIR
JACKSON ST
CLOUGH AV
N GOODWIN ST
NORRIS LN
JENNINGS AV
W NEW YORK AV
INDUSTRIAL CENTER DR
W MAIN ST
ENDICOTT WAY
WOODHOUSE LN
E LAKE VICTORIA CIR
RAVENSHILL WAY
MANOR VIEW LN
PURSLEY DR
ROCHELLE LN
DAKOTA DR
GOOD HOMES RD
SAN JUAN ST
MATANZAS ST
CHURCH ST
W PENNSYLVANIA AV
S GOODWIN ST
TIFFANY LN
W OHIO AV
SHERMAN ST
SANDERS LOOP
DAYCARE DR
NORWALK DR
Legend:
City Zoning
County Zoning
N
Not to Scale


City of DeLand
SMLU24-213
ORANGE CAMP
COMMERCIAL
Victoria Park
PD
Victoria Park
PD
STEWART RD
ORANGE CAMP RD
B-6
B-6
BPUD
W MAIN ST
SUBJECT PROPERTY
A-2
A-1
A-3
ROCHELLE LN
SAN JUAN ST
FRONTAGE RD
W I-4
E I-4
MATANZAS ST
DAYCARE DR
Legend:
City Zoning
County Zoning
N
Not to Scale

City of DeLand

SMLU24-213
ORANGE CAMP COMMERCIAL



DeLand Future Land Use:

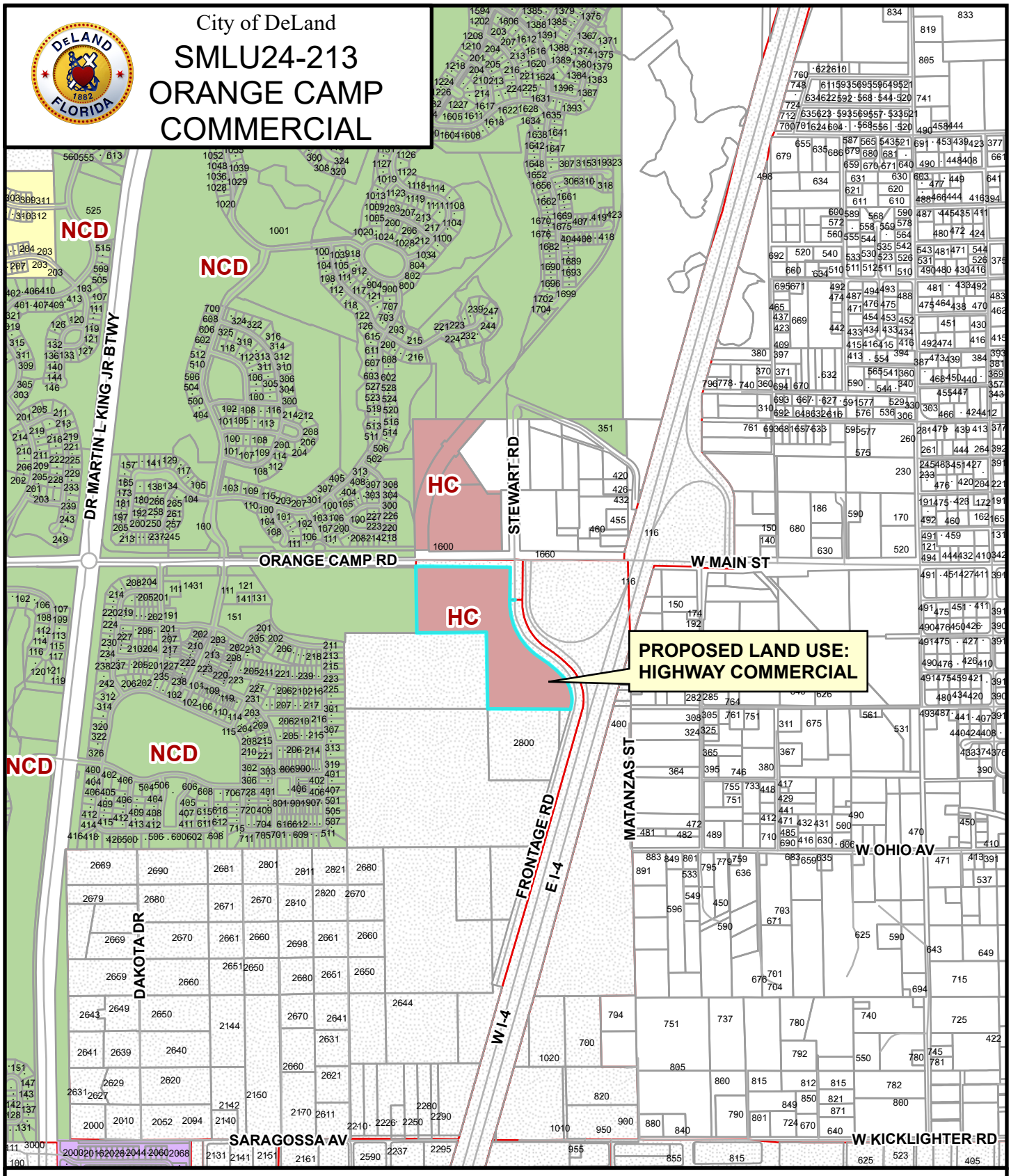
- Agricultural Conservation
- Urban Low Intensity
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Educational
- Mixed Office - Residential
- Mixed Commercial
- Business Retail
- Highway Commercial
- Downtown Commercial
- Redevelopment
- Gateway
- Rail Spur
- Industrial
- New Community Development
- Community
- Commerce
- West Central District
- County

N

Not to Scale

City of DeLand

SMLU24-213 ORANGE CAMP COMMERCIAL



DeLand Future Land Use:

- Agricultural Conservation
- Urban Low Intensity
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Educational
- Mixed Office - Residential
- Mixed Commercial
- Business Retail
- Highway Commercial
- Downtown Commercial
- Redevelopment
- Gateway
- Rail Spur
- Industrial
- New Community Development
- Community
- Commerce
- West Central District
- County

N

Not to Scale

March 5, 2026

Ms. Carol Kuhn, AICP
Planning Director
120 S. Florida Avenue
DeLand, Florida 32720

Subject: Application for Rezone and Future Land Use Amendment
Parcel I.D. 703600000240 (Alt Key 2318929)
Parcel I.D. 703600000161 (Alt Key 2318767)
Parcel I.D. 703600000163 (Alt Key 6558540)
Portion of Frontage Rd Right of Way
Rezone Area: 22.44 acres

Dear Ms. Kuhn:

Please accept this application for rezoning and future land use amendment for the referenced parcels. This parcel land area is approximately 22.44 acres located southwest from the intersection of Orange Camp Road and Interstate 4. For reference, we have included the Orange Camp Planned Development Exhibit that shows project location relative to surrounding uses.

This application for rezone is required because of voluntary annexation in accordance with the interlocal agreement between Volusia County and the City of DeLand that provides for utility services with annexation when bordering the City of DeLand.

NEED AND JUSTIFICATION FOR CHANGE

Immediately north of the site's frontage to Orange Camp Road is Planned Development (I-4 Auto Mall PD, City of DeLand) zoning with Highway Commercial land use; to the east is Interstate 4 right-of-way; to the south and partially west is Volusia County A2 zoning with Rural land use; and to the west of the site's frontage to the Florida Department of Transportation frontage road is Planned Development (Victoria Park PD) with Residential land use.

Currently, the applicant's parcel contains Volusia County zoning/land use designations that include B6/Commercial (3.30 acres), BPUD/Commercial (2.10 acres – Miller Enterprises Inc.), and Agriculture A2/Rural (14.20 acres). The rezoning would allow the applicant to connect to City of DeLand utilities and unify the parcels under a complementary zoning that is consistent with the proximity of arterial roadways.

The proposed development would include commercial uses consistent with the proximity of the intersection between Interstate 4 and Orange Camp Road Interchange.

COMPATIBILITY WITH COMPREHENSIVE PLAN

The proposed annexation, land use, and rezoning is in accordance with the City of DeLand's Comprehensive Plan. The City provides guidelines for rezoning that include maintaining the City's character and neighborhoods, maintaining level of service, and increasing commercial uses that benefit the City.

More specifically, the Comprehensive Plan recognizes the need to provide highway commercial in outlying or newly developed areas of the City and encourages commercial land use outside of the Downtown so long as it does not replace the Downtown's role as the primary destination and center of commerce.

LEVEL OF SERVICE

Water and sewer services for this parcel will be provided by the City of DeLand Utilities. An existing 12-inch water line and 8-inch sewer forcemain along Orange Camp Road will provide water and sewer service to the site. Potable water production capacity exceeds current and committed demands, providing adequate service for the anticipated project demand.

The current sewer service area capacity and demand also provide an adequate level of service.

A traffic impact analysis prepared by Walsh Traffic, Inc. concludes that the surrounding roadway network is operating at an acceptable level of service and that the proposed development will not adversely impact traffic operations with appropriate mitigation.

IMPACT ON NATURAL ENVIRONMENT

The existing property is currently used for commercial and agricultural purposes and is part of an abandoned borrow pit. Due diligence identified no environmentally significant issues related to historic preservation or wetlands. The parcel is surrounded by developed properties, and the proposed commercial development will not negatively impact the natural environment.

Stormwater management will comply with City of DeLand, St. Johns River Water Management District, and Florida Department of Transportation requirements. The existing borrow pit will provide adequate drainage capacity, including support for the 100-year storm event.

Thank you for your consideration of our application. Please do not hesitate to contact me if you have any questions.

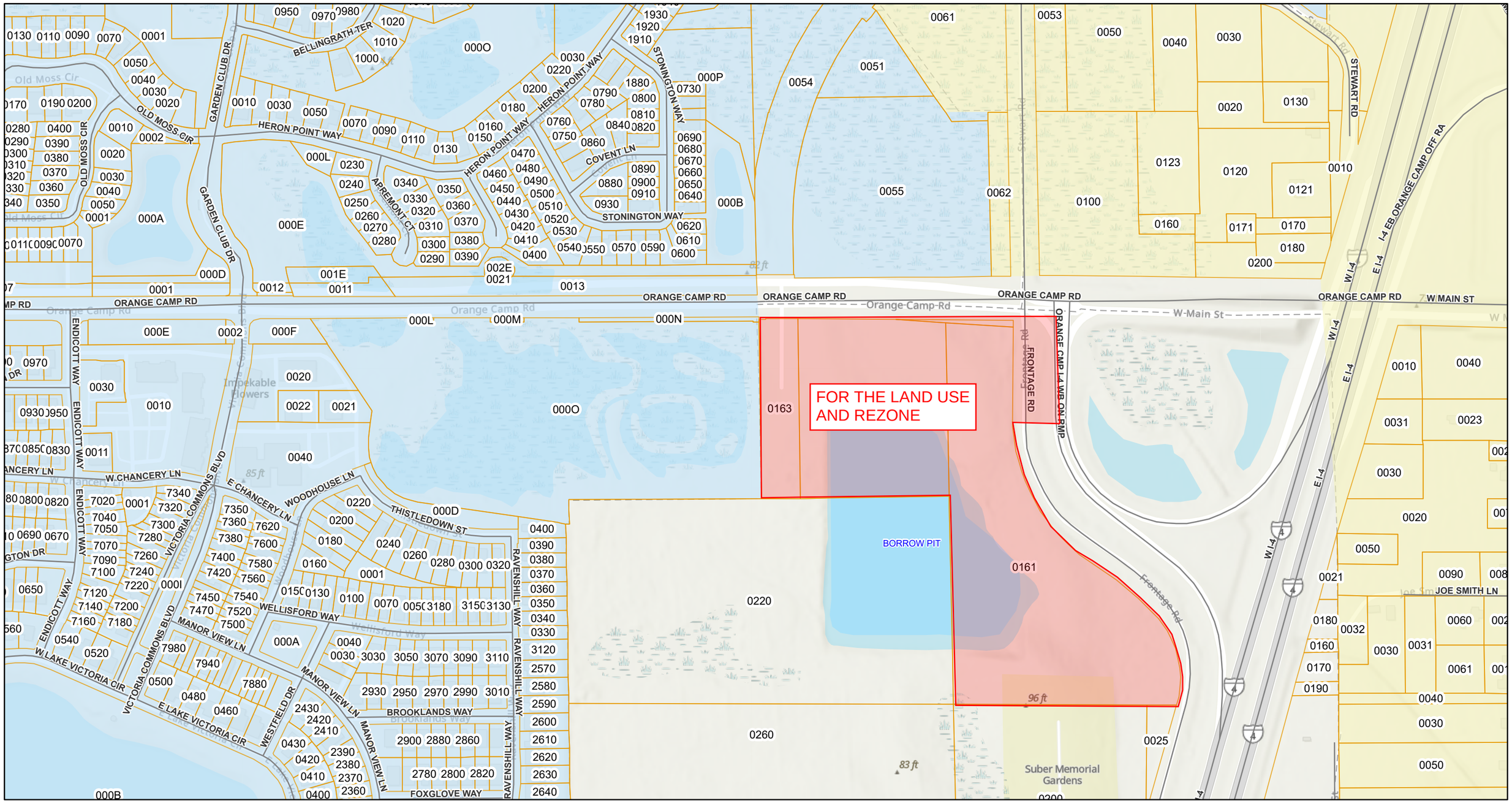
Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Derek E. Ramsburg, P.E.
Project Manager

Volusia County Property Appraiser



3/4/2026, 2:11:00 PM

1:4,514

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Parcel
Streets
Parcel Text

Cities
DELAND
LAKE HELEN

Water Body Names
Water Bodies
County Boundary

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland,

MEMORANDUM

To: Ms. Carol Kuhn, AICP – Planning Director, City of DeLand

From: Mr. Chris J. Walsh, P.E.

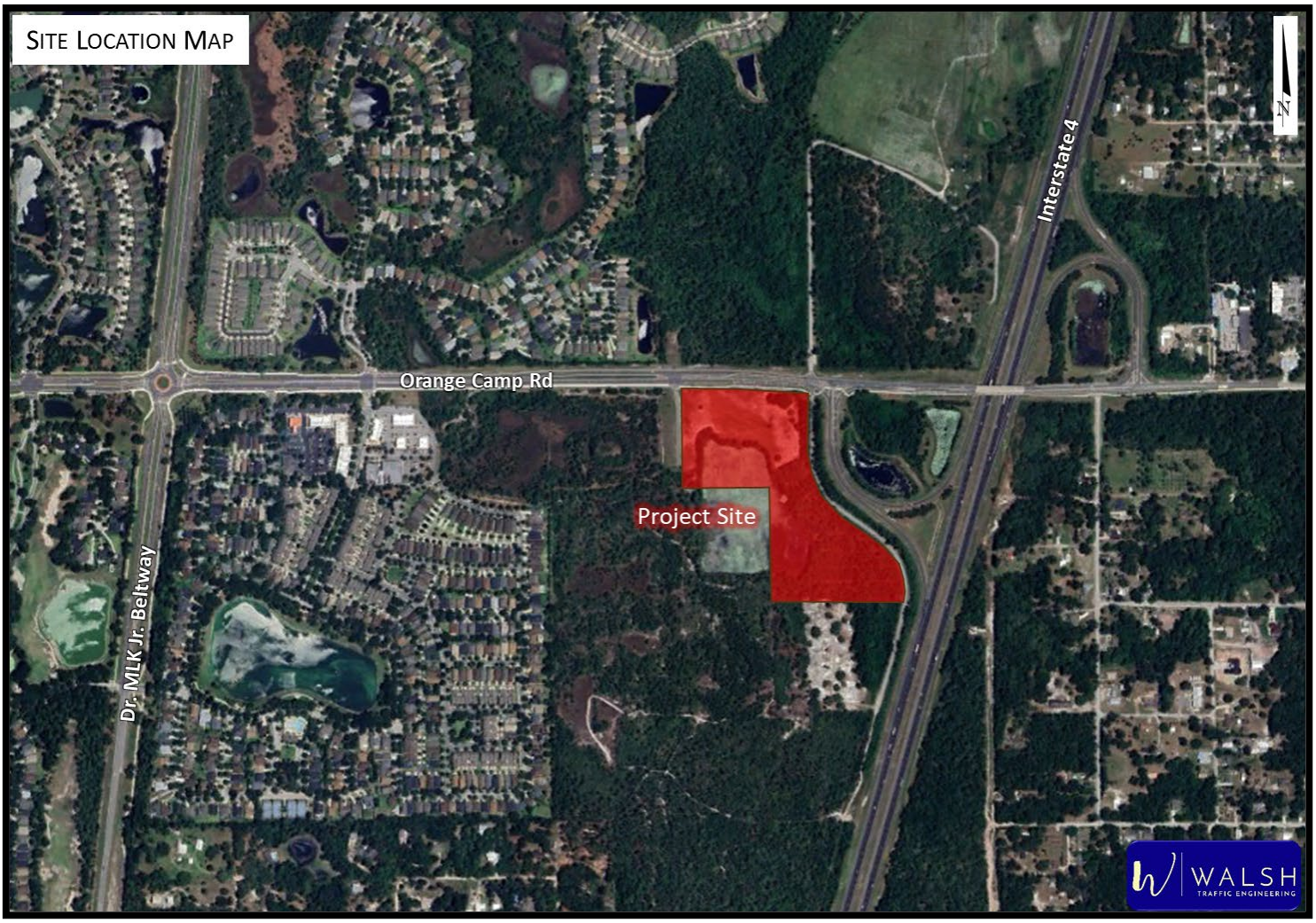
Date: September 15, 2025

Subject: Orange Camp Road at I-4 BPUD Rezoning Trip Generation Analysis
Volusia County, Florida

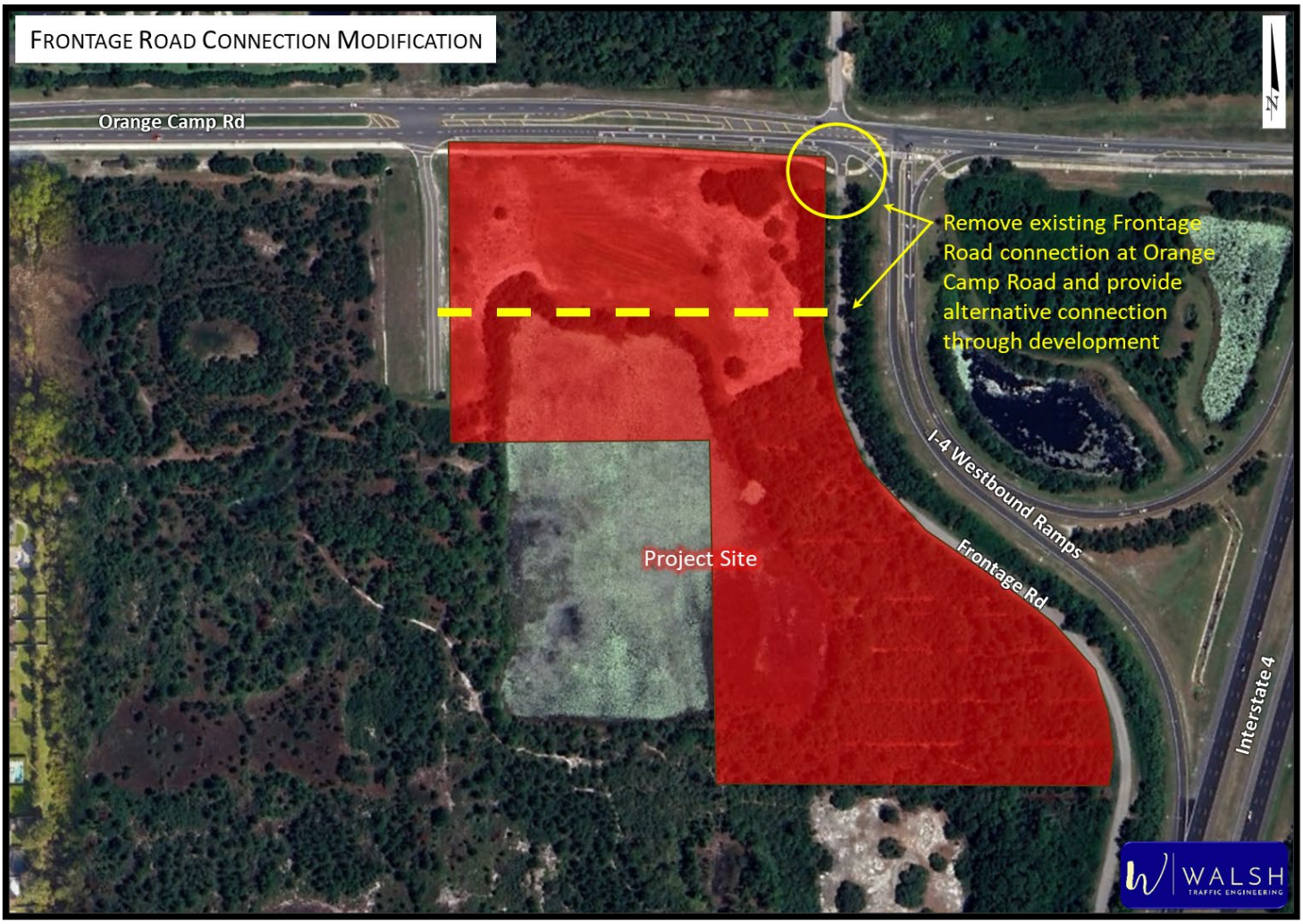
Walsh Traffic Engineering, LLC (Walsh Traffic) has been retained to conduct a trip generation analysis for a proposed BPUD to be located in the southwest quadrant of the Orange Camp Road at I-4 interchange (see ***Site Location Map*** on the following page). The property is currently vacant and located within unincorporated Volusia County. The two parcels (Alt Key 2318767 & 2318929) total approximately 19.6 acres. The north portion of the property has an existing County Future Land Use (FLU) of Commercial while the southern portion has a Rural FLU designation. Further, the northern portion is zoned B-6 (Highway Interchange Commercial) and County BPUD while the southern portion is zoned A-2 (Rural Agriculture). It is proposed to annex the entire property into the City of DeLand and change the FLU to City Commercial and concurrently rezone the entire property to City BPUD.

Access to the development will be provided via a full driveway connection to a currently unnamed north/south roadway that is located approximately 950 west of the I-4 westbound ramps. A right-in/right-out driveway is also proposed on Orange Camp Road. Additionally, it is proposed to remove the existing Frontage Road connection on Orange Camp Road, which is located immediately west of the I-4 westbound ramps intersection and provide an alternative connection through the project.

This memorandum is intended to demonstrate that the trip generation potential of the property under the proposed FLU/zoning is less than the maximum trip generation potential under the existing FLU/zoning. Therefore, the proposed FLU change and rezoning is projected to result in a net reduction in the maximum traffic impact on the adjacent roadway network.



Walsh Traffic Engineering
285 Palmetto Springs Street, DeBary, Florida 32713
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Trip Generation

The following table (***Table 1***) summarizes the existing FLU, existing zoning, and proposed zoning of the subject property and the associated maximum development intensities for each scenario:

Table 1 – Maximum Development Intensities for Existing FLU, Existing Zoning, and Proposed Zoning

		Acres	Max Density	Max # of Units
Existing FLU	*North Section*			
	Commercial	5.4	0.55	129,373 SF
	South Section		1 unit per 5	
	Rural	14.2	Acres	3 DU

		Acres	Max Density	# of Units
Existing Zoning	*North Section*	5.4		
	BPUD	2.1	0.35	32,017 SF
	B-6	3.3	0.35	50,312 SF
	South Section		1 unit per 5	
	A-2	14.2	Acres	3 DU

		Acres	Max Density	# of Units
Proposed Zoning	*North Section*	5.4		
	Commercial		-	25,500 SF
	South Section	14.2		
	Hotel		-	200 rooms
	Industrial		-	25,000 SF
	Commercial		-	25,000 SF

The rezoning will also provide for flexibility to allow for up to a maximum of 256 multi-family units on the southern section (14.2 acres) of the subject property. Based on the trip generation comparison in ***Table 2*** on the following page, the combined hotel/industrial/commercial development on the south section is projected to generate notably more trips (84% more daily trips and 130% more PM trips) than the optional multi-family development. Thus, for the purposes of this trip generation analysis and comparison against the existing FLU/zoning, the southern section was analyzed at the highest traffic impact use which is the combined hotel/industrial/commercial use.

Table 2 – Trip Generation Comparison of Hotel/Industrial/Commercial vs. Multifamily

Land Use	ITE Land Use Code	Intensity	Daily		
			Total Trips		
			In	Out	Total
Light Industrial	110	25.0 KSF	61	61	122
Hotel	310	200 RMS	872	872	1,744
Strip Retail Plaza	822	25.0 KSF	642	643	1,285
Total			**1,575**	**1,576**	**3,151**
Multifamily	220	256 DU	**858**	**858**	**1,716**
Trip Differential			**717**	**718**	**1,435**
					84%

Land Use	ITE Land Use Code	Intensity	PM Peak Hour		
			Total Trips		
			In	Out	Total
Light Industrial	110	25.0 KSF	2	14	16
Hotel	310	200 RMS	61	59	120
Strip Retail Plaza	822	25.0 KSF	82	83	165
Total			**145**	**156**	**301**
Multifamily	220	256 DU	**82**	**49**	**131**
Trip Differential			**63**	**107**	**170**
					130%

Regarding the development potential on the north section of the development under the proposed zoning, the following development program was used to provide a conservatively high trip impact assessment:

- Convenience store/gas station - 12 vehicle-fueling positions/5,000 square feet
- Fast-food restaurant with drive-thru – 4,500 square feet
- Drive-in bank – 5,000 square feet
- Automated car wash – 5,000 square feet/1 tunnel
- General retail (strip retail plaza) – 6,000 square feet

Proposed Zoning - The total daily, AM peak-hour and PM peak-hour trip generation potential for the maximum development intensity allowed under the proposed rezoning is provided on the following page (***Table 3***) based on trip generation equations/rates provided in the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 11th Edition.* As summarized on the following page, the maximum development allowed under the proposed rezoning is projected to generate 10,408 total daily trips, 764 total AM peak-hour trips (406 in, 358 out), and 939 total PM peak-hour trips (467 in, 472 out).

Internal capture was then estimated between the restaurant, retail, and hotel uses during the AM and PM peak hours in accordance with *NCHRP 684*. The internal capture worksheets are attached. The resulting internal capture rate for the AM peak hour is 14% and 17% for the PM peak hour.

Pass-by trips were then estimated based on ITE. More specifically, the AM peak-hour pass-by rates are 50% for the fast-food restaurant and 76% for the convenience store/gas station. The PM peak-hour pass-by rates are 35% for the drive-in bank, 55% for the fast-food restaurant, and 75% for the convenience store/gas station. The pass-by rate of 40% for LUC 821 was used for LUC 822 recognizing that smaller retail developments per LUC 822 will have comparable and typically higher pass-by rates than larger developments representative of LUC 821. Pass-by trips were then limited to 14% of the traffic volume on Orange Camp Road adjacent to the site. As summarized in ***Table 3***, the maximum development under the proposed rezoning is projected to generate 473 new external AM peak-hour trips (260 in, 213 out) and 619 new external PM peak-hour trips (307 in and 312 out).

Table 3
Trip Generation Summary for Proposed Rezoning
Orange Camp Road at I-4 BPUD

	Land Use	ITE Land Use Code	Intensity	Daily		
				Total Trips		
				In	Out	Total
South	Light Industrial	110	25.0 KSF	61	61	122
	Hotel	310	200 RMS	872	872	1,744
	Strip Retail Plaza	822	25.0 KSF	642	643	1,285
North	Strip Retail Plaza	822	6.0 KSF	241	242	483
	Drive-In Bank	912	5.0 KSF	251	251	502
	Fast Food w/ Drive Thru	934	4.5 KSF	1,052	1,052	2,104
	Convenience Store/Gas Station (9-15 VFP)	945	5.0 KSF	1,677	1,676	3,353
	Automated Car Wash*	948	5.0 KSF	408	407	815
	Total			5,204	5,204	10,408

* ITE does not have weekday rates for LUC 948. Thus, weekday to PM ratio from LUC 949 was applied since LUC 948 does have a PM trip rate.

	Land Use	ITE Land Use Code	Intensity	AM Peak Hour															
				Total Trips			ITE Internal Capture				ITE Pass-By				Applied Pass-By**			Net New External Trips		
				In	Out	Total	%	In	Out	Total	%	In	Out	Total	In	Out	Total	In	Out	Total
South	Light Industrial	110	25.0 KSF	16	3	19		0	0	0	0%	0	0	0	0	0	0	16	3	19
	Hotel	310	200 RMS	52	41	93		2	10	12	0%	0	0	0	0	0	0	50	31	81
	Strip Retail Plaza	822	25.0 KSF	35	24	59		3	3	6	0%	0	0	0	0	0	0	32	21	53
North	Strip Retail Plaza	822	6.0 KSF	8	6	14		0	0	0	0%	0	0	0	0	0	0	8	6	14
	Drive-In Bank	912	5.0 KSF	29	21	50		3	3	6	0%	0	0	0	0	0	0	26	18	44
	Fast Food w/ Drive Thru	934	4.5 KSF	102	99	201		32	16	48	50%	39	38	77	27	26	53	43	57	100
	Convenience Store/Gas Station (9-15 VFP)	945	5.0 KSF	141	142	283		12	19	31	76%	96	96	192	65	65	130	64	58	122
	Automated Car Wash*	948	5.0 KSF	23	22	45		2	3	5	0%	0	0	0	0	0	0	21	19	40
	Total			406	358	764	14%	54	54	108	41%	135	134	269	92	91	183	260	213	473

* ITE does not have an AM rate for LUC 948. Thus, AM to PM ratio from LUC 949 was applied since LUC 948 does have a AM trip rate.

** Pass-by limited to 14% of the traffic on the adjacent section of Orange Camp Road. Based on Volusia 2022 counts, AM peak volume is 1,310. 14% x 1,310 = 183 trip cap

	Land Use	ITE Land Use Code	Intensity	PM Peak Hour															
				Total Trips			ITE Internal Capture				ITE Pass-By				Applied Pass-By**			Net New External Trips		
				In	Out	Total	%	In	Out	Total	%	In	Out	Total	In	Out	Total	In	Out	Total
South	Light Industrial	110	25.0 KSF	2	14	16		0	0	0	0%	0	0	0	0	0	0	2	14	16
	Hotel	310	200 RMS	61	59	120		15	11	26	0%	0	0	0	0	0	0	46	48	94
	Strip Retail Plaza	822	25.0 KSF	82	83	165		9	8	17	40%	30	29	59	14	14	28	59	61	120
North	Strip Retail Plaza	822	6.0 KSF	20	20	40		1	1	2	40%	8	7	15	4	3	7	15	16	31
	Drive-In Bank	912	5.0 KSF	53	52	105		6	5	11	35%	17	16	33	8	8	16	39	39	78
	Fast Food w/ Drive Thru	934	4.5 KSF	77	72	149		26	35	61	55%	24	24	48	12	12	24	39	25	64
	Convenience Store/Gas Station (9-15 VFP)	945	5.0 KSF	136	137	273		17	13	30	75%	91	91	182	44	45	89	75	79	154
	Automated Car Wash	948	5.0 KSF	36	35	71		4	5	9	0%	0	0	0	0	0	0	32	30	62
	Total			467	472	939	17%	78	78	156	43%	170	167	337	82	82	164	307	312	619

** Pass-by limited to 14% of the traffic on the adjacent section of Orange Camp Road. Based on Volusia 2022 counts, PM peak volume is 1,170. 14% x 1,170 = 164 trip cap

Existing FLU - The total daily, AM peak-hour and PM peak-hour trip generation potential for the maximum development intensity allowed under the existing Future Land Use (FLU) is provided on the following page (***Table 4***) based on trip generation equations/rates provided in the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 11th Edition.* Under the existing FLU, the northern section can have a total of 129,373 square feet of retail development (see ***Table 1***). For purposes of providing consistency between the development scenarios (existing FLU, existing zoning, proposed rezoning), trip generation for the northern portion for each of the three scenarios included:

- Convenience store/gas station - 12 vehicle-fueling positions/5,000 square feet
- Fast-food restaurant with drive-thru – 4,500 square feet
- Drive-in bank – 5,000 square feet
- Automated car wash – 5,000 square feet/1 tunnel
- General retail (strip retail plaza) – 6,000 square feet

The above list of uses totals 25,500 square feet. Thus, the balance of retail uses (129,373 – 25,500 = 103,873) was evaluated as general retail using LUC 821. As summarized on the following page, the maximum development allowed under the existing FLU is projected to generate 17,112 total daily trips, 963 total AM peak-hour trips (531 in, 432 out), and 1,580 total PM peak-hour trips (774 in, 806 out).

Internal capture was then estimated between the restaurant and retail uses during the AM and PM peak hours in accordance with *NCHRP 684*. The internal capture worksheets are attached. The resulting internal capture rate for the AM peak hour is 12% and 7% for the PM peak hour.

Pass-by trips were then estimated based on ITE and then limited to 14% of the traffic volume on Orange Camp Road adjacent to the site. As summarized in ***Table 4***, the maximum development under the existing FLU is projected to generate 666 new external AM peak-hour trips (382 in, 284 out) and 1,312 new external PM peak-hour trips (640 in and 672 out).

Existing Zoning - The total daily, AM peak-hour and PM peak-hour trip generation potential for the maximum development intensity allowed under the existing zoning is provided in ***Table 5*** based on trip generation equations/rates provided in the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 11th Edition.* Under the existing zoning, the northern section can have a total of 82,329 square feet of retail development (see ***Table 1***). Trips for the retail were estimated based on the bulleted list above (25,500 square feet) plus 56,829 square feet of general retail uses evaluated using LUC 821. As summarized in ***Table 5***, the maximum development allowed under the existing zoning is projected to generate 12,667 total daily trips, 797 total AM peak-hour trips (428 in, 369 out), and 1,155 total PM peak-hour trips (570 in, 585 out).

Internal capture was then estimated between the restaurant and retail uses during the AM and PM peak hours in accordance with *NCHRP 684*. The internal capture worksheets are attached. The resulting internal capture rate for the AM peak hour is 12% and 9% for the PM peak hour.

Pass-by trips were then estimated based on ITE and then limited to 14% of the traffic volume on Orange Camp Road adjacent to the site. As summarized in ***Table 5***, the maximum development under the existing zoning is projected to generate 516 new external AM peak-hour trips (287 in, 229 out) and 887 new external PM peak-hour trips (436 in and 451 out).

Table 4
Trip Generation Summary for Existing Future Land Use
Orange Camp Road at I-4 BPUD

	Land Use	ITE Land Use Code	Intensity	Daily		
				Total Trips		
				In	Out	Total
South	Single-Family Detached Housing	210	3 DU	20	20	40
North	Strip Retail Plaza	822	6.0 KSF	241	242	483
	Drive-In Bank	912	5.0 KSF	251	251	502
	Fast Food w/ Drive Thru	934	4.5 KSF	1,052	1,052	2,104
	Convenience Store/Gas Station (9-15 VFP)	945	5.0 KSF	1,677	1,676	3,353
	Automated Car Wash	948	6.0 KSF	408	407	815
	Shopping Plaza (40-150k)	821	102.87 KSF	4,907	4,908	9,815
	Total			8,556	8,556	17,112

* ITE does not have weekday rates for LUC 948. Thus, weekday to PM ratio from LUC 949 was applied to LUC 948 PM trips

	Land Use	ITE Land Use Code	Intensity	AM Peak Hour															
				Total Trips			ITE Internal Capture				ITE Pass-By				Applied Pass-By**			Net New External Trips	
				In	Out	Total	%	In	Out	Total	%	In	Out	Total	In	Out	Total	In	Out	Total
South	Single-Family Detached Housing	210	3 DU	1	2	3		0	0	0	0%	0	0	0	0	0	0	1	2	3
North	Strip Retail Plaza	822	6.0 KSF	8	6	14		1	1	2	0%	0	0	0	0	0	0	7	5	12
	Drive-In Bank	912	5.0 KSF	29	21	50		2	3	5	0%	0	0	0	0	0	0	27	18	45
	Fast Food w/ Drive Thru	934	4.5 KSF	102	99	201		43	14	57	50%	36	36	72	24	24	48	35	61	96
	Convenience Store/Gas Station (9-15 VFP)	945	5.0 KSF	141	142	283		4	17	21	76%	100	99	199	68	67	135	69	58	127
	Automated Car Wash	948	6.0 KSF	23	22	45		2	3	5	0%	0	0	0	0	0	0	21	19	40
	Shopping Plaza (40-150k)	821	102.87 KSF	227	140	367		5	19	24	0%	0	0	0	0	0	0	222	121	343
	Total			531	432	963	12%	57	57	114	32%	136	135	271	92	91	183	382	284	666

* ITE does not have an AM rate for LUC 948. Thus, AM to PM ratio from LUC 949 was applied since LUC 948 does have a AM trip rate.

** Pass-by limited to 14% of the traffic on the adjacent section of Orange Camp Road. Based on Volusia 2022 counts, AM peak volume is 1,310. 14% x 1,310 = 183 trip cap

	Land Use	ITE Land Use Code	Intensity	PM Peak Hour															
				Total Trips			ITE Internal Capture				ITE Pass-By				Applied Pass-By**			Net New External Trips	
				In	Out	Total	%	In	Out	Total	%	In	Out	Total	In	Out	Total	In	Out	Total
South	Single-Family Detached Housing	210	3 DU	2	2	4		0	0	0	0%	0	0	0	0	0	0	2	2	4
North	Strip Retail Plaza	822	6.0 KSF	20	20	40		1	1	2	40%	8	7	15	2	2	4	17	17	34
	Drive-In Bank	912	5.0 KSF	53	52	105		2	2	4	35%	18	17	35	4	4	8	47	46	93
	Fast Food w/ Drive Thru	934	4.5 KSF	77	72	149		22	30	52	55%	27	26	53	7	6	13	48	36	84
	Convenience Store/Gas Station (9-15 VFP)	945	5.0 KSF	136	137	273		6	4	10	75%	99	98	197	24	24	48	106	109	215
	Automated Car Wash	948	5.0 KSF	36	35	71		2	1	3	0%	0	0	0	0	0	0	34	34	68
	Shopping Plaza (40-150k)	821	103.87 KSF	450	488	938		19	14	33	40%	181	181	362	45	46	91	386	428	814
	Total			774	806	1,580	7%	52	52	104	45%	333	329	662	82	82	164	640	672	1,312

** Pass-by limited to 14% of the traffic on the adjacent section of Orange Camp Road. Based on Volusia 2022 counts, PM peak volume is 1,170. 14% x 1,170 = 164 trip cap

Table 5
Trip Generation Summary for Existing Zoning
Orange Camp Road at I-4 BPUD

	Land Use	ITE Land Use Code	Intensity	Daily Total Trips In	Daily Total Trips Out	Daily Total Trips Total
South	Single-Family Detached Housing	210	3 DU	20	20	40
North	Strip Retail Plaza	822	6.0 KSF	241	242	483
	Drive-In Bank	912	5.0 KSF	251	251	502
	Fast Food w/ Drive Thru	934	4.5 KSF	1,052	1,052	2,104
	Convenience Store/Gas Station (9-15 VFP)	945	5.0 KSF	1,677	1,676	3,353
	Automated Car Wash*	948	6.0 KSF	408	407	815
	Shopping Plaza (40-150k)	821	55.83 KSF	2,685	2,685	5,370
	Total			6,334	6,333	12,667

* ITE does not have weekday rates for LUC 948. Thus, weekday to PM ratio from LUC 949 was applied since LUC 948 does have a PM trip rate.

	Land Use	ITE Land Use Code	Intensity	AM Peak Hour Total Trips In	Total Trips Out	Total Trips Total	ITE Internal Capture %	ITE Internal Capture In	ITE Internal Capture Out	ITE Internal Capture Total	ITE Pass-By %	ITE Pass-By In	ITE Pass-By Out	ITE Pass-By Total	Applied Pass-By** In	Applied Pass-By** Out	Applied Pass-By** Total	Net New External Trips In	Net New External Trips Out	Net New External Trips Total
South	Single-Family Detached Housing	210	3 DU	1	2	3		0	0	0	0%	0	0	0	0	0	0	1	2	3
North	Strip Retail Plaza	822	6.0 KSF	8	6	14		0	0	0	0%	0	0	0	0	0	0	8	6	14
	Drive-In Bank	912	5.0 KSF	29	21	50		1	1	2	0%	0	0	0	0	0	0	28	20	48
	Fast Food w/ Drive Thru	934	4.5 KSF	102	99	201		35	14	49	50%	38	38	76	26	25	51	41	60	101
	Convenience Store/Gas Station (9-15 VFP)	945	5.0 KSF	141	142	283		6	16	22	76%	99	99	198	66	66	132	69	60	129
	Automated Car Wash*	948	6.0 KSF	23	22	45		1	2	3	0%	0	0	0	0	0	0	22	20	42
	Shopping Plaza (40-150k)	821	55.83 KSF	124	77	201		6	16	22	0%	0	0	0	0	0	0	118	61	179
	Total			428	369	797	12%	49	49	98	39%	137	137	274	92	91	183	287	229	516

* ITE does not have an AM rate for LUC 948. Thus, AM to PM ratio from LUC 949 was applied since LUC 948 does have a AM trip rate.

** Pass-by limited to 14% of the traffic on the adjacent section of Orange Camp Road. Based on Volusia 2022 counts, AM peak volume is 1,310. 14% x 1,310 = 183 trip cap

	Land Use	ITE Land Use Code	Intensity	PM Peak Hour Total Trips In	Total Trips Out	Total Trips Total	ITE Internal Capture %	ITE Internal Capture In	ITE Internal Capture Out	ITE Internal Capture Total	ITE Pass-By %	ITE Pass-By In	ITE Pass-By Out	ITE Pass-By Total	Applied Pass-By** In	Applied Pass-By** Out	Applied Pass-By** Total	Net New External Trips In	Net New External Trips Out	Net New External Trips Total
South	Single-Family Detached Housing	210	3 DU	2	2	4		0	0	0	0%	0	0	0	0	0	0	2	2	4
North	Strip Retail Plaza	822	6.0 KSF	20	20	40		0	0	0	40%	8	8	16	3	3	6	17	17	34
	Drive-In Bank	912	5.0 KSF	53	52	105		2	2	4	35%	18	17	35	6	6	12	45	44	89
	Fast Food w/ Drive Thru	934	4.5 KSF	77	72	149		22	30	52	55%	27	26	53	9	9	18	46	33	79
	Convenience Store/Gas Station (9-15 VFP)	945	5.0 KSF	136	137	273		6	4	10	75%	99	98	197	33	33	66	97	100	197
	Automated Car Wash	948	5.0 KSF	36	35	71		2	1	3	0%	0	0	0	0	0	0	34	34	68
	Shopping Plaza (40-150k)	821	56.83 KSF	246	267	513		20	15	35	40%	96	95	191	31	31	62	195	221	416
	Total			570	585	1,155	9%	52	52	104	47%	248	244	492	82	82	164	436	451	887

** Pass-by limited to 14% of the traffic on the adjacent section of Orange Camp Road. Based on Volusia 2022 counts, PM peak volume is 1,170. 14% x 1,170 = 164 trip cap

Based on the trip generation projections, and as summarized in ***Table 6***, the maximum development allowed under the proposed rezoning is projected to generate less total AM and PM peak-hour trips and less new external AM and PM peak-hour trips than the maximum development allowed under the existing FLU and existing zoning. Therefore, the proposed rezoning will have a net trip reduction on the adjacent roadway network and thus an overall transportation impact benefit.

Table 6 – Trip Generation Comparison Summary

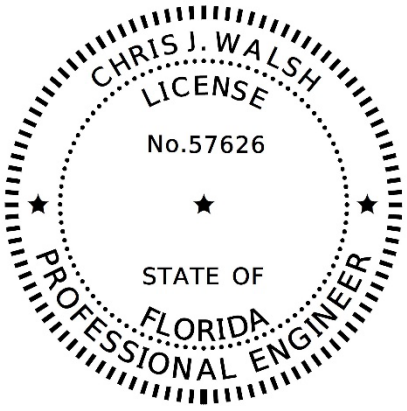
	Total Trips					
	AM Peak			PM Peak		
	In	Out	Total	In	Out	Total
Existing FLU	531	432	963	774	806	1,580
Existing Zoning	428	369	797	570	585	1,155
Proposed Rezoning	406	358	764	467	472	939

	New External Trips					
	AM Peak			PM Peak		
	In	Out	Total	In	Out	Total
Existing FLU	382	284	666	640	672	1,312
Existing Zoning	287	229	516	436	451	887
Proposed Rezoning	260	213	473	307	312	619

Conclusion

A trip generation analysis was conducted for a proposed BPUD to be located in the southwest quadrant of the Orange Camp Road at I-4 interchange. Based on the trip generation projections, the maximum development allowed under the proposed rezoning is projected to generate less total AM and PM peak-hour trips and less new external AM and PM peak-hour trips than the maximum development allowed under the existing FLU and existing zoning. Therefore, the proposed rezoning will have a net trip reduction on the adjacent roadway network and thus an overall transportation impact benefit.

Please let us know if you have any questions.



THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED BY:

Chris J Walsh Date: 2025.09.15 08:11:12 -04'00'

ON THE DATE ADJACENT TO THE SEAL

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES

Attachments

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 36, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 36; THENCE RUN N89°50'49"E ALONG THE NORTH LINE OF SAID SECTION 36, A DISTANCE OF 662.36 FEET; THENCE DEPARTING SAID NORTH LINE RUN S00°45'32"E, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ORANGE CAMP ROAD AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 79110, F.P. 4084631; THENCE RUN N89°50'49"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 134.85 FEET TO THE POINT OF BEGINNING; THENCE RUN THE FOLLOWING TWO (2) COURSES ALONG SAID SOUTH RIGHT OF WAY LINE: CONTINUE N89°50'49"E, A DISTANCE OF 354.65 FEET; THENCE RUN S86°47'06"E, A DISTANCE OF 388.54 FEET TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF ORANGE CAMP ROAD AND THE WEST RIGHT OF WAY LINE OF FRONTAGE ROAD; THENCE RUN THE FOLLOWING FOUR (4) COURSES ALONG SAID WEST RIGHT OF WAY LINE: RUN S00°51'39"W, A DISTANCE OF 302.21 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 573.91 FEET AND A CENTRAL ANGLE OF 54°01'07"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 541.08 FEET (CHORD BEARING = S26°08'54"E, CHORD = 521.27 FEET); THENCE RUN S53°09'25"E, A DISTANCE OF 235. 16 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 380.00 FEET AND A CENTRAL ANGLE OF 62°06'15"; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 411.89 FEET (CHORD BEARING = S22°06'18"E, CHORD = 392.02 FEET); THENCE DEPARTING SAID WEST RIGHT OF WAY LINE RUN N89°46'39"W, A DISTANCE OF 754.36 FEET; THENCE RUN N00°57'04"W, A DISTANCE OF 666.91 FEET; THENCE RUN S89°56'59"W, A DISTANCE OF 529.12 FEET; THENCE RUN N00°49'01"W, A DISTANCE OF 625.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.64 ACRES, MORE OR LESS.

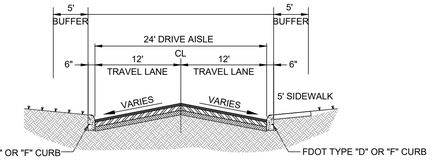
Development Notes:

OWNER OF RECORD
Stewart Tom B. III T.E. (50%)
Stewart Maple T.E. (50%)
Copeland Walter Thomas Jr. T.E. (50%)
Copeland Debra L. T.E. (50%)
3250 Beach Boulevard, Suite 3
Jacksonville, Florida 32207

APPLICANT
Blackfin Partners Investments, Inc.
4440 PGA Blvd Suite 600
Palm Beach Gardens, Florida 33410
Ph: (561) 299-0036

CIVIL ENGINEERS
CADJAZZ Engineering Consultants
117 E. Monument Avenue
Kissimmee, Florida 32741
Ph: (407) 738-1979

LAND SURVEYOR:
Johnston's Surveying, Inc
900 Cross Prairie Parkway
Kissimmee, Florida 34744
Ph: (407) 847-2179



TYPICAL INTERIOR ACCESS EASEMENT
NOT TO SCALE

0' 100' 200'
SCALE: 1" = 100'

Maximum Building Height
The maximum building height shall be 3 story; for hotel use, maximum height can be 75 feet.

Minimum Lot and Outparcel Area
The minimum permitted Lot and Outparcel area shall be nine thousand square feet , and at least 75 feet in width.

Maximum Impervious Surface Area
The overall Subject Property may be developed with a maximum impervious/open space area of 70%. Each individual Lot or Outparcel within the Subject Property may be developed with a maximum impervious surface area of 85% if connected to the master stormwater system.

Site Lighting
A Site lighting plan shall be submitted for review and approval per City of Deland LDC at time of final site plan review.

Building Setbacks
Minimum building setbacks shall be as follows:

a).	Front Yard:	25 feet (40 feet @ Orange Camp Road)
b).	Side Yard:	
	abutting residential zoned property	25 feet
	abutting public street	20 feet
	abutting internal private road	10 feet
	internal lot or outparcel lines	0 feet
c.)	Rear Yard:	
	abutting residential zoned property	25 feet
	abutting other, including internal road	10 feet
	internal lot or outparcel lines	0 feet

Perimeter Landscaped Buffers
Perimeter landscaped buffers shall comply as follows:
a). A minimum 40 foot landscape buffer shall be required along Orange Camp Road.
b). A minimum 10 foot landscape buffer shall be required along Frontage Road.
c). A minimum 5 foot landscape buffer shall be provided along at each side of the interior vehicular circulation roads.
d). A minimum 5 foot landscape buffer shall be provided along the perimeter of any Lot or Outparcel not abutting a public right of way.
e). Each building shall provide a minimum 5 foot buffer adjacent to all sides of building for facade landsaping.

Landscaping
Landscaping shall be in accordance with City of Deland Land Development Code Section 33-92, including Gateway Overlay Distrcit Section 33-36.

Sidewalks
Internal pedestrian sidewalks will be required to facilitate pedestrian access. The location and alignment of the sidewalks will be determined during the Final Site Plan review process. Frontage roads to include 6 feet wide public sidewalk on one side of the frontage road.

Site Signs
Each lot or outparcel shall be entitled to project sign in accordance with the City to Deland Land Development Code Section 33-71 and Emerging Gateway Section 33-75; if Owner/Developer has 2 acres or more located within Parcel B, they shall have offsite signage located along Orange Camp Road and/or either Frontage Roads that is one double faced sign per street frontage, with maximum 128 square of sign area per side.

PHASING SCHEDULE

Parcel A (Northern Section Fronting Orange Camp Road 6.08± acres)

Convenience Store with Gas	5,000 S.F. W/ 12 VFP
Restaurant Fast Food with Drive Thru / Drive-in Bank	4,500 S.F.
Car Wash (Automated)	5,000 S.F.
General Retail (Strip Retail Plaza)	5,000 S.F.
General Retail (Strip Retail Plaza)	6,000 S.F.
Parcel A Total	25,500 S.F.

FULL ACCESS REQUESTED BY VOLUSIA COUNTY FOR CROSS ACCESS EASEMENT FDOT TO PERMIT ACCESS. CROSS ACCESS TO REMAIN IN AFFECT UNTIL SUCH TIME THIS FRONTAGE ROAD IS EXTENDED SOUTH TO PROVIDE ACCESS TO CEMETERY.

Parcel B: (Southern Section 9.24± acres)

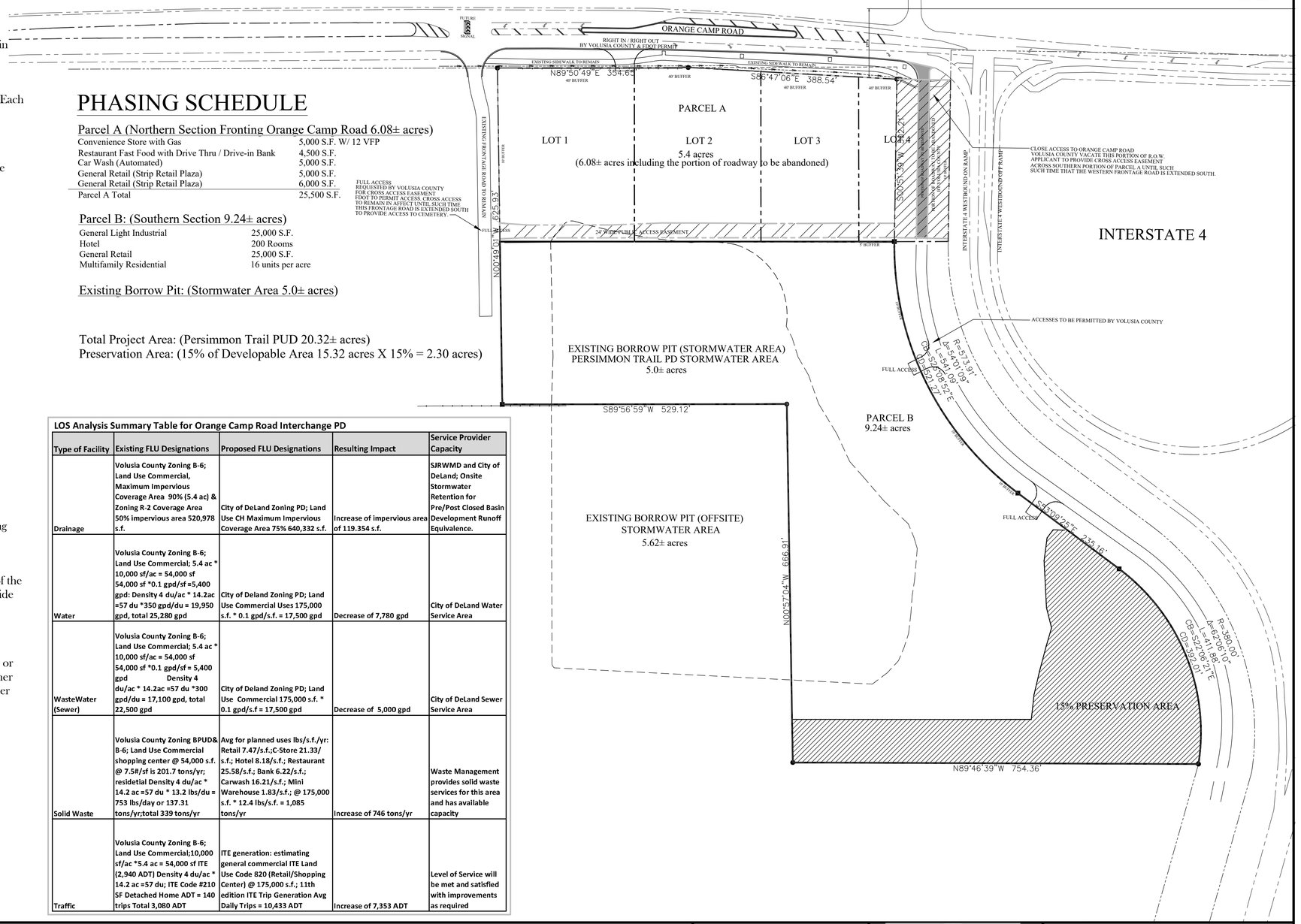
General Light Industrial	25,000 S.F.
Hotel	200 Rooms
General Retail	25,000 S.F.
Multifamily Residential	16 units per acre

Existing Borrow Pit: (Stormwater Area 5.0± acres)

Total Project Area: (Persimmon Trail PUD 20.32± acres)
Preservation Area: (15% of Developable Area 15.32 acres X 15% = 2.30 acres)

LOS Analysis Summary Table for Orange Camp Road Interchange PD

Type of Facility	Existing FLU Designations	Proposed FLU Designations	Resulting Impact	Service Provider Capacity
Drainage	Volusia County Zoning B-6; Land Use Commercial, Maximum Impervious Coverage Area 90% (5.4 ac) & Zoning R-2 Coverage Area 50% impervious area 520,978 s.f.	City of DeLand Zoning PD; Land Use CH Maximum Impervious Coverage Area 75% 640,332 s.f.	Increase of impervious area of 119.354 s.f.	SJRWMD and City of DeLand; Onsite Stormwater Retention for Pre/Post Closed Basin Development Runoff Equivalence.
Water	Volusia County Zoning B-6; Land Use Commercial; 5.4 ac * 10,000 sf/ac = 54,000 sf 54,000 sf *0.1 gpd/sf =5,400 gpd: Density 4 du/ac * 14.2ac =57 du *350 gpd/du = 19,950 gpd, total 25,280 gpd	City of Deland Zoning PD; Land Use Commercial Uses 175,000 s.f. * 0.1 gpd/s.f. = 17,500 gpd	Decrease of 7,780 gpd	City of DeLand Water Service Area
WasteWater (Sewer)	Volusia County Zoning B-6; Land Use Commercial; 5.4 ac * 10,000 sf/ac = 54,000 sf 54,000 sf *0.1 gpd/sf = 5,400 gpd Density 4 du/ac * 14.2ac =57 du *300 gpd/du = 17,100 gpd, total 22,500 gpd	City of Deland Zoning PD; Land Use Commercial 175,000 s.f. * 0.1 gpd/s.f = 17,500 gpd	Decrease of 5,000 gpd	City of DeLand Sewer Service Area
Solid Waste	Volusia County Zoning BPUD& B-6; Land Use Commercial shopping center @ 54,000 s.f. @ 7.5#/sf is 201.7 tons/yr; residetial Density 4 du/ac * 14.2 ac =57 du * 13.2 lbs/du = 753 lbs/day or 137.31 tons/yr;total 339 tons/yr	Avg for planned uses lbs/s.f./yr: Retail 7.47/s.f.;C-Store 21.33/ s.f.; Hotel 8.18/s.f.; Restaurant 25.58/s.f.; Bank 6.22/s.f.; Carwash 16.21/s.f.; Mini Warehouse 1.83/s.f.; @ 175,000 s.f. * 12.4 lbs/s.f. = 1,085 tons/yr	Increase of 746 tons/yr	Waste Management provides solid waste services for this area and has available capacity
Traffic	Volusia County Zoning B-6; Land Use Commercial;10,000 sf/ac *5.4 ac = 54,000 sf ITE (2,940 ADT) Density 4 du/ac * 14.2 ac =57 du; ITE Code #210 SF Detached Home ADT = 140 trips Total 3,080 ADT	ITE generation: estimating general commercial ITE Land Use Code 820 (Retail/Shopping Center) @ 175,000 s.f.; 11th edition ITE Trip Generation Avg Daily Trips = 10,433 ADT	Increase of 7,353 ADT	Level of Service will be met and satisfied with improvements as required



Parcel Identification:

703600000240 (Alt Key 2318929)
703600000161 (Alt Key 2318767)

Date: September 15, 2025

Persimmon Trail Planned Unit Development

BLACKFIN PARTNERS, LLC
City of DeLand, Florida

Sheet 1 of 1

Disclaimer:
This information is confidential and provided only for the intended user. All areas calculated are approximate, and are to be utilized for planning purposes only, and can be changed without notice.

BLACKFIN PARTNERS

CADJAZZ • Engineering Consultants •
PO BOX 450006 • KISSIMMEE, FL 34745
Phone: (407) 738-1979 Fax: (407) 348-7552

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Orange Camp Commercial	**Organization:**	WTE
Project Location:	DeLand, FL	**Performed By:**	
Scenario Description:	Proposed Zoning	**Date:**	7/14/2025
Analysis Year:		**Checked By:**	
Analysis Period:	**AM Street Peak Hour**	**Date:**	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail				451	236	215
Restaurant				201	102	99
Cinema/Entertainment				0		
Residential				0	0	0
Hotel				93	52	41
All Other Land Uses[2]				19	16	3
				764	406	358

Table 2-A: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		28	0	0	0
Restaurant	0	14		0	0	2
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	0	6	4	0	0	

Table 5-A: Computations Summary

	Total	Entering	Exiting
All Person-Trips	764	406	358
Internal Capture Percentage	14%	13%	15%
External Vehicle-Trips[5]	656	352	304
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	8%	13%
Restaurant	31%	16%
Cinema/Entertainment	N/A	N/A
Residential	N/A	N/A
Hotel	4%	24%

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-A vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made to Tables 5-A, 9-A (O and D). Enter transit, non-motorized percentages that will result with proposed mixed-use project complete.

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Orange Camp Commercial	**Organization:**	WTE
Project Location:	DeLand, FL	**Performed By:**	
Scenario Description:	Existing FLU	**Date:**	7/14/2025
Analysis Year:		**Checked By:**	
Analysis Period:	**AM Street Peak Hour**	**Date:**	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail				759	428	331
Restaurant				201	102	99
Cinema/Entertainment				0		
Residential				3	1	2
Hotel				0		
All Other Land Uses[2]				0		
				963	531	432

Table 2-A: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		43	0	0	0
Restaurant	0	14		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	0	0	0	0	0	

Table 5-A: Computations Summary

	Total	Entering	Exiting
All Person-Trips	963	531	432
Internal Capture Percentage	12%	11%	13%
External Vehicle-Trips[5]	849	474	375
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	3%	13%
Restaurant	42%	14%
Cinema/Entertainment	N/A	N/A
Residential	0%	0%
Hotel	N/A	N/A

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-A vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made to Tables 5-A, 9-A (O and D). Enter transit, non-motorized percentages that will result with proposed mixed-use project complete.

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Orange Camp Commercial	**Organization:**	WTE
Project Location:	DeLand, FL	**Performed By:**	
Scenario Description:	Existing Zoning	**Date:**	7/14/2025
Analysis Year:		**Checked By:**	
Analysis Period:	**AM Street Peak Hour**	**Date:**	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail				593	325	268
Restaurant				201	102	99
Cinema/Entertainment				0		
Residential				3	1	2
Hotel				0		
All Other Land Uses[2]				0		
				797	428	369

Table 2-A: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		35	0	0	0
Restaurant	0	14		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	0	0	0	0	0	

Table 5-A: Computations Summary

	Total	Entering	Exiting
All Person-Trips	797	428	369
Internal Capture Percentage	12%	11%	13%
External Vehicle-Trips[5]	699	379	320
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	4%	13%
Restaurant	34%	14%
Cinema/Entertainment	N/A	N/A
Residential	0%	0%
Hotel	N/A	N/A

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-A vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made to Tables 5-A, 9-A (O and D). Enter transit, non-motorized percentages that will result with proposed mixed-use project complete.

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Orange Camp Commercial	**Organization:**	WTE
Project Location:	DeLand, FL	**Performed By:**	
Scenario Description:	Existing FLU	**Date:**	7/14/2025
Analysis Year:		**Checked By:**	
Analysis Period:	**PM Street Peak Hour**	**Date:**	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office				0	0	0
Retail				1,002	491	511
Restaurant				149	77	72
Cinema/Entertainment				0	0	0
Residential				0	0	0
Hotel				0	0	0
All Other Land Uses[2]				4	2	2
				1,155	570	585

Table 2-P: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		22	0	0	0
Restaurant	0	30		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	0	0	0	0	0	

Table 5-P: Computations Summary

	Total	Entering	Exiting
All Person-Trips	1,155	570	585
Internal Capture Percentage	9%	9%	9%
External Vehicle-Trips[5]	1,051	518	533
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	6%	4%
Restaurant	29%	42%
Cinema/Entertainment	N/A	N/A
Residential	N/A	N/A
Hotel	N/A	N/A

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Orange Camp Commercial	**Organization:**	WTE
Project Location:	DeLand, FL	**Performed By:**	
Scenario Description:	Existing FLU	**Date:**	7/14/2025
Analysis Year:		**Checked By:**	
Analysis Period:	**PM Street Peak Hour**	**Date:**	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office				0	0	0
Retail				1,427	695	732
Restaurant				149	77	72
Cinema/Entertainment				0	0	0
Residential				0	0	0
Hotel				0	0	0
All Other Land Uses[2]				4	2	2
				1,580	774	806

Table 2-P: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		22	0	0	0
Restaurant	0	30		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	0	0	0	0	0	

Table 5-P: Computations Summary

	Total	Entering	Exiting
All Person-Trips	1,580	774	806
Internal Capture Percentage	7%	7%	6%
External Vehicle-Trips[5]	1,476	722	754
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	4%	3%
Restaurant	29%	42%
Cinema/Entertainment	N/A	N/A
Residential	N/A	N/A
Hotel	N/A	N/A

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Orange Camp Commercial	**Organization:**	WTE
Project Location:	DeLand, FL	**Performed By:**	
Scenario Description:	Proposed Zoning	**Date:**	7/14/2025
Analysis Year:		**Checked By:**	
Analysis Period:	**PM Street Peak Hour**	**Date:**	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office				0	0	0
Retail				654	327	327
Restaurant				149	77	72
Cinema/Entertainment				0	0	0
Residential				0	0	0
Hotel				120	61	59
All Other Land Uses[2]				16	2	14
				939	467	472

Table 2-P: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		22	0	0	10
Restaurant	0	30		0	0	5
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	0	7	4	0	0	

Table 5-P: Computations Summary

	Total	Entering	Exiting
All Person-Trips	939	467	472
Internal Capture Percentage	17%	17%	17%
External Vehicle-Trips[5]	783	389	394
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	11%	10%
Restaurant	34%	49%
Cinema/Entertainment	N/A	N/A
Residential	N/A	N/A
Hotel	25%	19%

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

CITY OF DELAND
Request for Commission Action
May 4, 2026

SUBJECT: First Reading of Ordinance Changing the Zoning for ± 22.43 Acres of Property, Located South of Orange Camp Road, west of the I-4 Interchange, from Volusia County B-6 (Highway Interchange Commercial), BPUD (Business Planned Unit Development), and A-2 (Rural Agriculture) to City Of DeLand C-2 (General Commercial).

DEPARTMENT: Planning

PREPARED BY: Christopher Carson, Senior Planner

ATTACHMENTS: Ordinance, Attachment A - Legal, Staff Report Z26-041_OrangeCampCom, Z26-041 Aerial, Z26-041 Zoning Map, Justification Letter, Z26-041_PublicComment

APPROVED BY: Michael Pleus, City Manager, April 29, 2026

SUMMARY/HIGHLIGHT:

The applicant is requesting to rezone the ±22.43-acre subject property from Volusia County B-6 (Highway Interchange Commercial), BPUD (Business Planned Unit Development), and A-2 (Rural Agriculture) to City Of Deland C-2 (General Commercial). The subject property is located within the City's emerging gateway corridor overlay zoning district. The application for rezoning is accompanied by requests for annexation (AN24-212) and a small-scale future land use map amendment (SMLU24-213). If the requests are approved, the applicant intends to submit for platting and site plan review.

The purpose of the C-2 zoning district is to provide for the general retail and service needs of the DeLand area which allows for uses such as retail, personal services, fast food restaurants, and convenience stores with gas pumps. Staff will review the traffic methodology at the time of plat or site plan review. If the proposed development generates more than 1,000 average daily trips, a full traffic study will be required per the Volusia Flagler Transportation Planning Organization traffic study guidelines. School concurrency will be reviewed if residential uses are proposed in a future development plan. Stormwater retention will be designed at the time of site plan or subdivision platting. The stormwater system shall be designed to retain the 100-year, 24-hour storm event on-site, and should be designed to incorporate LID (Low Impact Development). An environmental study is required at the time of plat or site plan review. The C-2 zoning district allows a maximum seventy percent impervious surface and fifteen percent of the site will need to be dedicated as Tree Protection Area. A 40' wide landscape buffer will be required along Orange Camp Road. Where the property abuts residential land uses, Type C buffers with opaque screening will be required.

The analysis presented in the staff report suggests the proposed rezoning meets the criteria of 33-135 and is consistent with the Comprehensive Plan, future land use, zoning and character of the surrounding area, and will not have an impact upon public health, safety and welfare.

At the April 15, 2026, Planning Board meeting, the Board voted 5-0 to recommend approval of the rezoning request.

The request for the land use amendment will be transmitted to Volusia Growth Management Commission (VGMC) for review. After VGMC review, the annexation, land use and zoning requests are anticipated to go before City Commission on June 15, 2026 for second reading.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Strategic Focus Area: Institute Smart Growth Principles.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

Rezoning the ± 22.4 acre subject property to C-2 will have a positive fiscal impact by allowing for development that increases the taxable value per acre compared to the existing use and zoning designations.

RECOMMENDATION:

Staff recommends approval of First Reading to rezone from Volusia County B-6 (Highway Interchange Commercial), BPUD (Business Planned Unit Development), and A-2 (Rural Agriculture) to City of DeLand C-2 (General Commercial.

BACKGROUND/DISCUSSION:

Recently the surrounding area has seen a shift from the AutoMall concept to the north to a more diverse mix of uses. A portion of the former AutoMall is now planned for 348 residential units amongst other uses in Lake Helen. This was further supported when the City of Lake Helen updated its Comprehensive Plan to allow for multi-family residential. The Orange Camp PD was approved in 2024 which also diversified the uses from the former AutoMall concept. To the north and west of the subject property are the Victoria Park and Victoria Gardens developments. South of the subject property is a cemetery and rural properties.

The subject property is currently undeveloped and used for agriculture. Therefore, the development should have a positive impact on the city and surrounding area by providing additional commercial and retail uses to the immediate area.

The subject property contains a burrow pit and wetlands, and surface waters are present. However, it is not located within a floodplain. Staff will review to ensure compliance with the Land Development Regulations at the time of plat or site plan review.

ORDINANCE NO. 2026 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S B-6, HIGHWAY INTERCHANGE COMMERCIAL, BPUD, BUSINESS PLANNED UNIT DEVELOPMENT AND A-2, RURAL AGRICULTURE TO CITY OF DELAND'S C-2, GENERAL COMMERCIAL, ON PROPERTY LOCATED SOUTH OF ORANGE CAMP ROAD, WEST OF THE INTERSTATE 4 INTERCHANGE; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the property located south of Orange Camp Road, west of the Interstate 4 Interchange, and more particularly described in the attached Exhibit "A", is currently zoned as B-6, Highway Interchange Commercial, BPUD, Business Planned Unit Development and A-2, Rural Agriculture, pursuant to Volusia County's Zoning Ordinances; and

WHEREAS, the property currently has a Land Use Designation of Highway 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 City of DeLand's C-2, General Commercial; and

WHEREAS, the C-2, General 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 Volusia County's B-6, Highway Interchange Commercial, BPUD, Business Planned Unit Development and A-2, Rural Agriculture to City of DeLand's C-2, General Commercial zoning designation, on the following described property:

See legal description attached hereto as Exhibit "A"

Tax Parcel Identification Nos. 703600000240, 703600000161, 703600000163

Section 2. The City Commission hereby finds that the City of DeLand's C-2 General Commercial zoning designation is consistent with the property's Highway 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 Volusia County's B-6, Highway Interchange Commercial, BPUD, Business Planned Unit Development and A-2, Rural Agriculture to City of DeLand's C-2, General Commercial zoning designation on the parcels 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 ___day of _____, 2026.

_____
Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

_____
Dale Arrington
Interim City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

_____
Darren J. Elkind
City Attorney

SKETCH OF DESCRIPTION

LEGAL DESCRIPTION:

A parcel of land lying in Section 36, Township 17 South, Range 30 East, Volusia County, Florida, being more particularly described as:

Commence at the Northwest corner of said Section 36; thence run N89°50'49"E along the North line of said Section 36, a distance of 662.36 feet; thence departing said North line run S00°45'32"E, a distance of 40.00 feet to a point on the South Right of Way line of Orange Camp Road as shown on Florida Department of Transportation Right of Way Map Section 79110, F.P. 408463 1 to the Point of Beginning; thence run N89°50'49"E along said South Right of Way line, a distance of 977.79 feet to the Intersection of the South Right of Way line of Orange Camp Road and the East Right of Way line of Frontage Road; thence departing said South Right of Way line, run S00°51'39"W, a distance of 326.81 feet; thence departing said East Right of Way line, run N89°08'21"W, a distance of 100.00 feet to the West Right of Way line of Frontage Road, said point also being a Point on a Non-Tangent Curve, Concave to the Northeast, having a Radius of 573.91 feet and a Central Angle of 54°01'07"; thence the following three (3) courses and distances along the West Right of Way line of said Frontage Road: run Southeasterly along the arc of said curve, a distance of 541.08 feet (Chord Bearing = S26°08'54"E, Chord = 521.27 feet); thence run S53°09'25"E, a distance of 235.16 feet to the Point of Curvature of a Curve, Concave to the West, having a radius of 380.00 feet and a Central Angle of 62°06'15"; thence run Southerly along the arc of said curve, a distance of 411.89 feet (Chord Bearing = S22°06'18"E, Chord = 392.02 feet); thence departing said West Right of Way line run N89°46'39"W, a distance of 754.36 feet; thence run N00°57'04"W, a distance of 666.91 feet; thence run S89°56'59"W, a distance of 664.61 feet; thence run N00°45'32"W, a distance of 625.68 feet to the Point of Beginning.

Containing 22.43 acres, more or less.

ABBREVIATIONS/LEGEND

SEC.	SECTION	R	RADIUS
TWP.	TOWNSHIP	L	LENGTH
RNG.	RANGE	CB	CHORD BEARING
S.	SOUTH	CD	CHORD DISTANCE
E.	EAST	Δ	CENTRAL ANGLE
O.R.B.	OFFICIAL RECORDS BOOK	PC	POINT OF CURVATURE
PGS.	PAGES	PT	POINT OF TANGENCY
TEMP.	TEMPORARY	NT	NON TANGENT
NO./#	NUMBER	PRC	POINT OF REVERSE CURVE
●	DESCRIPTIVE POINT	PCC	POINT OF COMPOUND CURVE
P.S.M.	PROFESSIONAL SURVEYOR & MAPPER	NW	NORTHWEST

NOTES:

BEARINGS AS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, (NAD 83, 2007 ADJUSTMENT). BEARING BASIS BEING THE NORTH LINE OF SECTION 36, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA BEING N89°50'49"E.
THIS SURVEYOR HAS NOT MADE A SEARCH OF THE PUBLIC RECORDS FOR EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHT OF WAYS.
THIS SKETCH IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY.
NO CORNERS WERE SET AS A PART OF THIS SKETCH.

REQUESTED BY: BLACKFIN PARTNERS, LLC

DATE OF SKETCH: 3/9/2026	REVISIONS:
SCALE: 1" = 200'/100'	
SEC. 36, TWP. 17 S, RNG. 30 E	
CAD FILE: S-L NEW REZONING	
JOB NO.: 24-448 DRAWN BY: ELW	

JOHNSTON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 ● Fax (407) 847-6140 LB 966

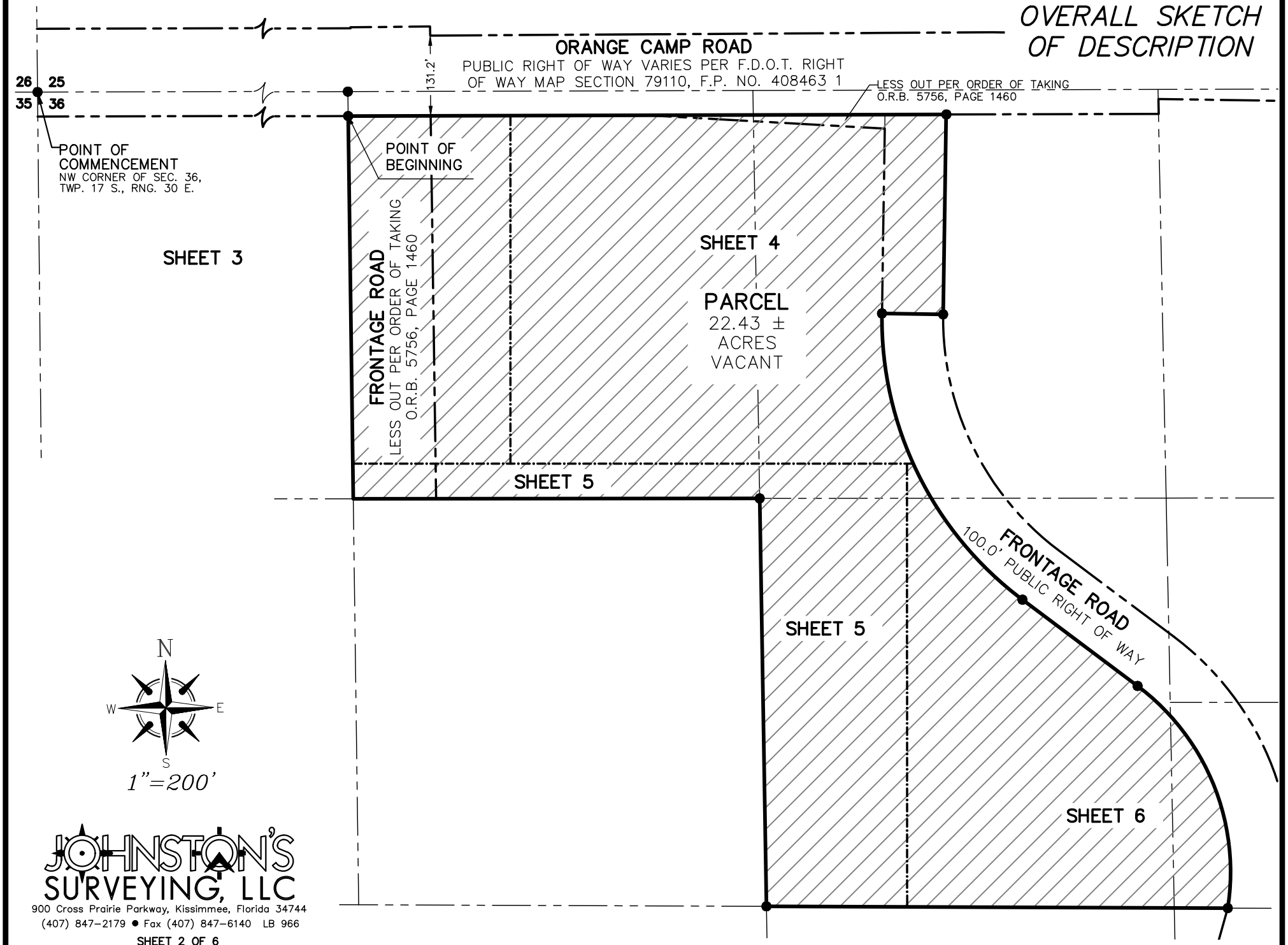
RICHARD D. BROWN CERTIFICATE No. 5700 STATE OF FLORIDA REGISTERED SURVEYOR & MAPPER

03/10/2026

RICHARD D. BROWN, P.S.M #5700 (DATE)

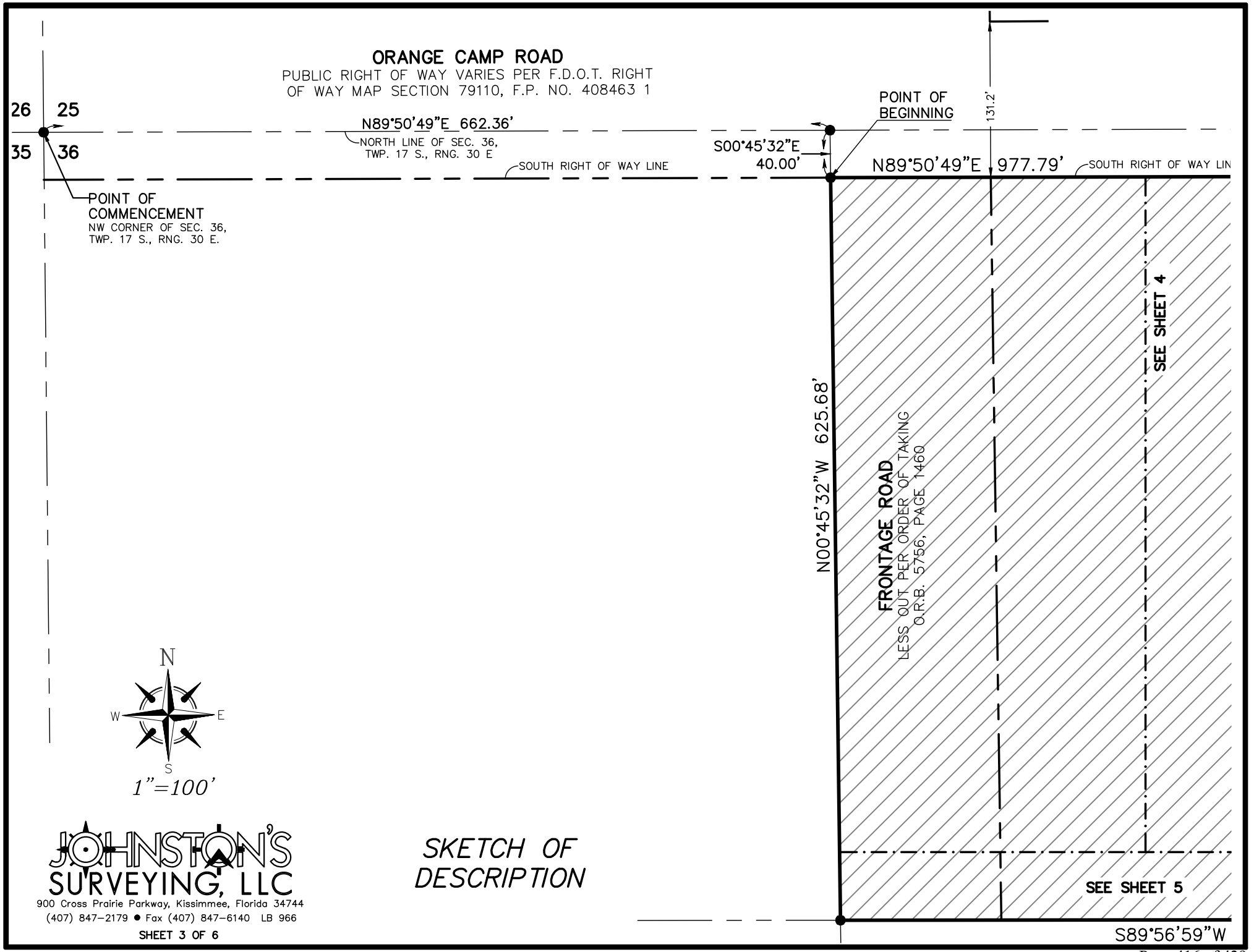
NOTE: NOT VALID WITHOUT RAISED SURVEYOR'S SEAL.

OVERALL SKETCH OF DESCRIPTION



JOHNSTON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 ● Fax (407) 847-6140 LB 966

SHEET 2 OF 6



JOHNSTON'S SURVEYING, LLC

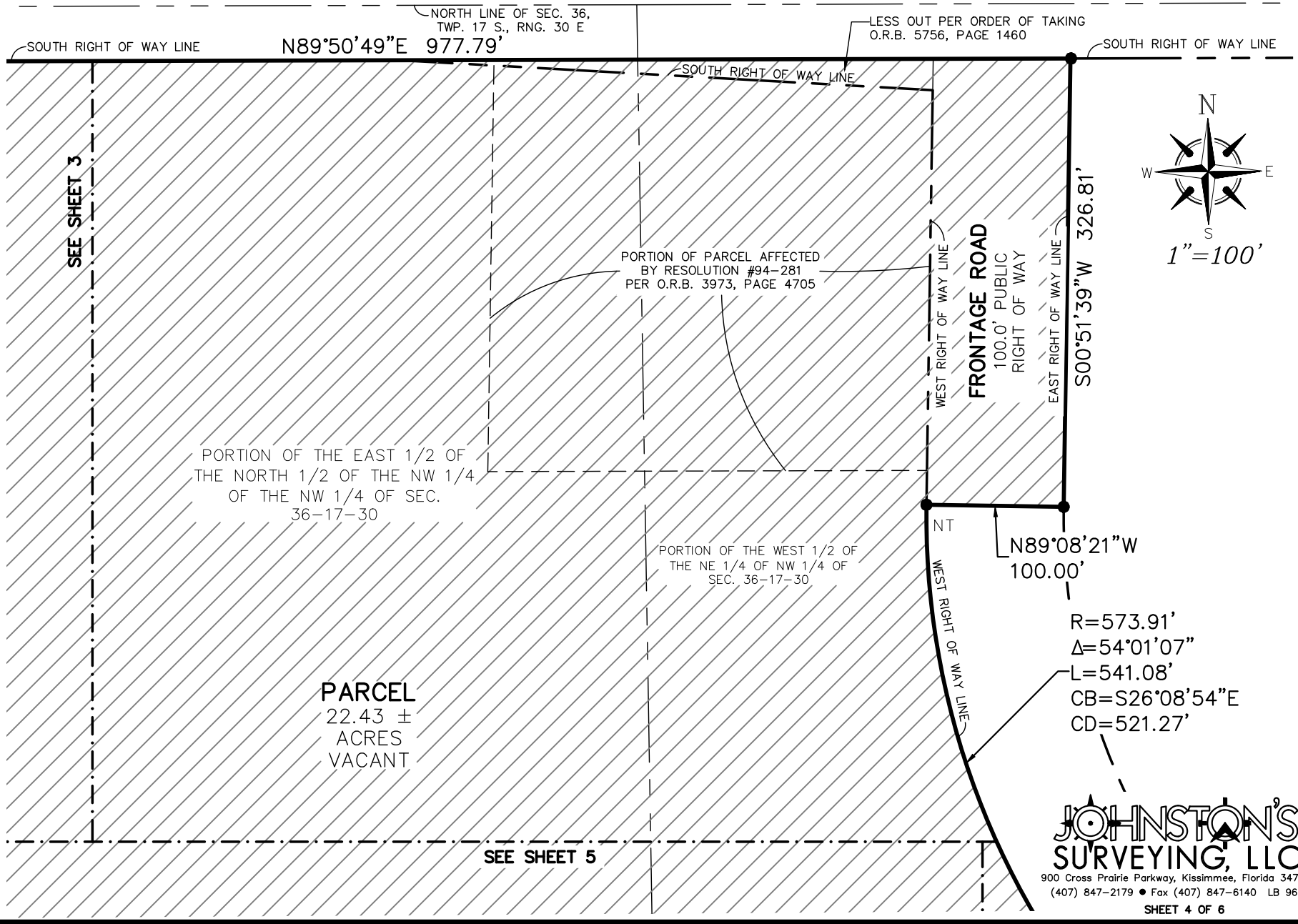
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 • Fax (407) 847-6140 LB 966

SHEET 3 OF 6

SKETCH OF DESCRIPTION

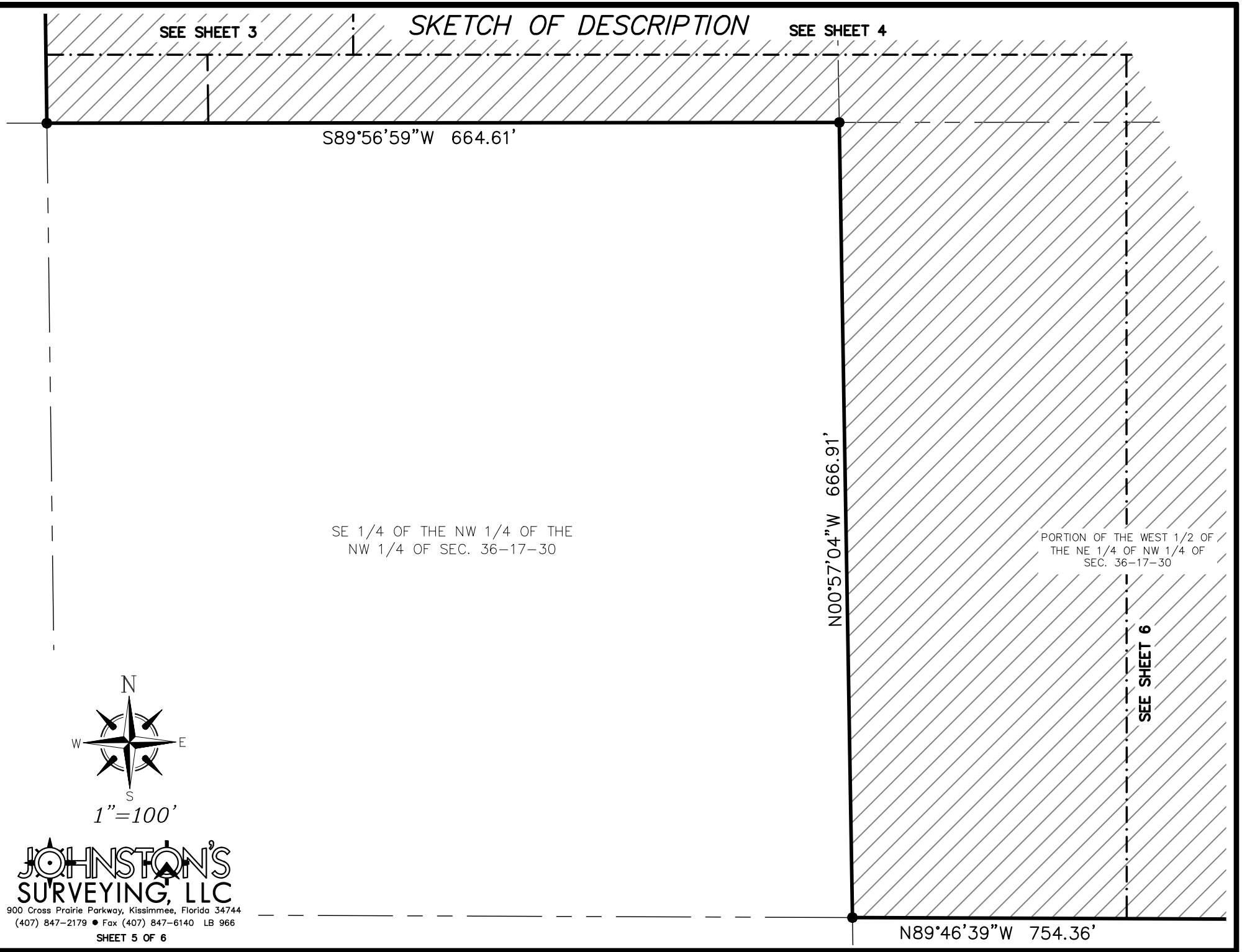
SKETCH OF DESCRIPTION

ORANGE CAMP ROAD
PUBLIC RIGHT OF WAY VARIES PER F.D.O.T. RIGHT OF WAY MAP SECTION 79110, F.P. NO. 408463 1



JOHNSTON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 ● Fax (407) 847-6140 LB 966

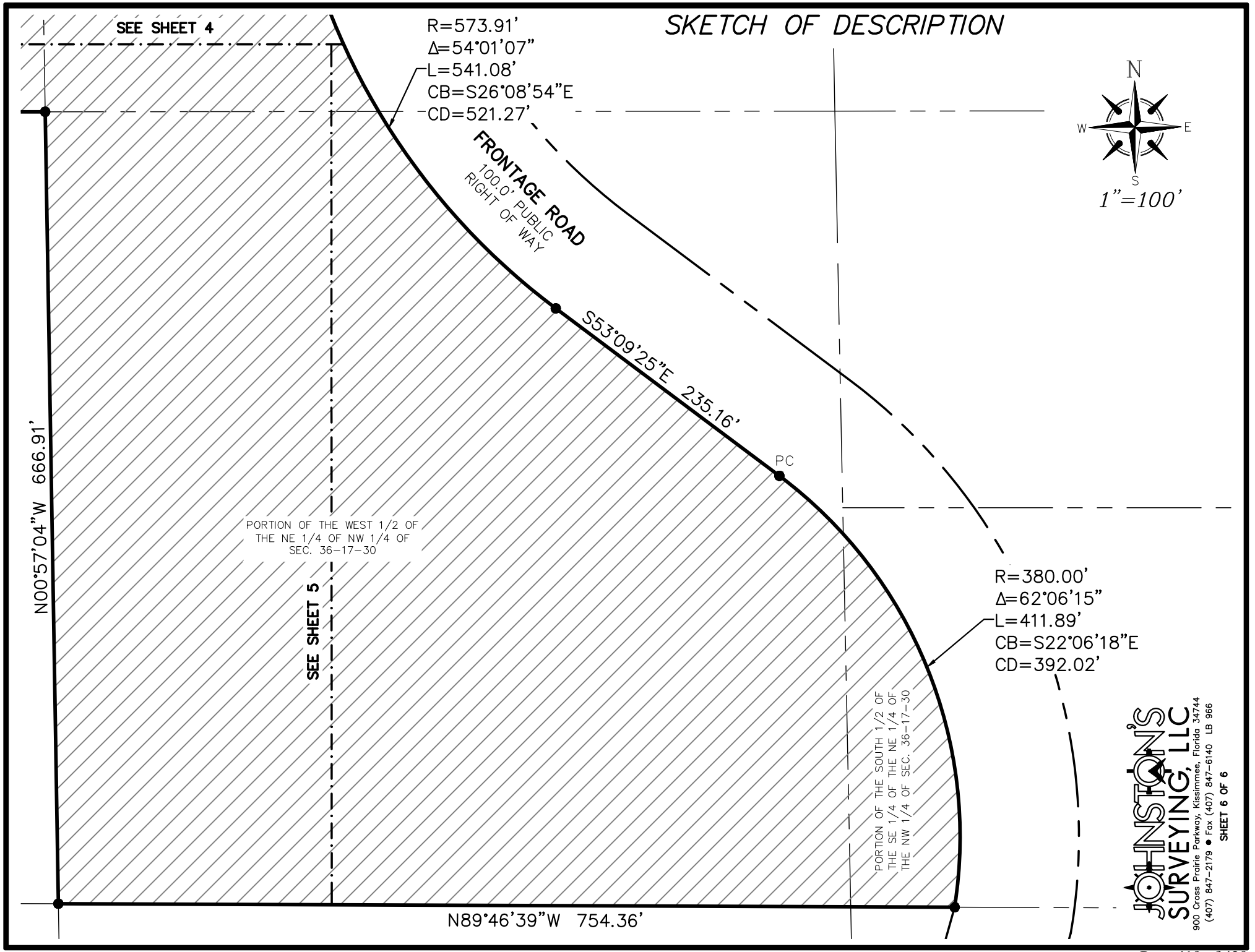
SKETCH OF DESCRIPTION



1"=100'

JOHNSTON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 • Fax (407) 847-6140 LB 966

SHEET 5 OF 6



JOHNSON'S SURVEYING, LLC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847-2179 • Fax (407) 847-6140 LB 966

SHEET 6 OF 6

PLANNING DIVISION STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD

April 15, 2026

A. **APPLICATION NO.**: Z26-041
APPLICANT: Steve Landers, Blackfin Partners
OWNER: Maple & Tom Stewart, Debra & Walter Copeland, State of Florida DOT
STAFF PLANNER: Chris Carson, AICP, Interim Principal Planner
REQUEST: Request for a rezone from Volusia County B-6 (Highway Interchange Commercial), BPUD (Business Planned Unit Development), A-2 (Rural Agriculture) to City of Deland C-2 (General Commercial)

B. **APPLICABLE REGULATIONS:**
Article XII **ADMINISTRATION AND ENFORCEMENT**
Sec. 33-135 – Procedure for text amendments & rezoning.

C. **SITE FACTORS:**
PARCEL NUMBER*:* 703600000240, 703600000161, 703600000163
LOCATION: South of Orange Camp Rd., and west of the I-4 interchange.
SIZE OF PROPERTY: ±22.43 acres

D. **LAND USE DESIGNATION & ZONING OF SUBJECT PROPERTY:**
Future Land Use: Volusia County: Commercial, Rural
Existing Zoning: Volusia County: B-6, BPUD, A-2
Existing Use: Agricultural/Undeveloped

E. **SURROUNDING LAND USE & ZONING:**

	LAND USE	ZONING
North:	New Community Development (NCD), Highway Commercial (HC)	Victoria Park Planned Development (PD) Orange Camp DeLand PD
South:	VC: Rural	VC: A-2
East:	VC: COM, R	VC: BPUD, A-2
West:	NCD, VC: COM, R	Victoria Park PD

F. **BACKGROUND:** The subject property is ± 22.43 acres, vacant, undeveloped with agricultural uses. The current zoning is Volusia County B-6, BPUD, and A-2 and is located within the City's emerging gateway corridor overlay zoning district. The applicant is requesting to rezone the property to C-2. The application for rezoning is accompanied by requests for annexation (AN24-212) and a small-scale future land use map amendment (SMLU24-213). The property is partially wooded and currently used for agricultural purposes. The property is adjacent to residential and commercial uses, and encumbered by I-4 to the east. If the requests are approved, the applicant intends to submit for platting and

infrastructure review to develop a convenience store with gas pumps and other commercial uses.

ANALYSIS: The purpose of the C-2 zoning district is to provide for the general retail and service needs of the Deland area which allows for uses such as retail, personal services, fast food restaurants, and convenience stores with gas pumps.

School Concurrency: School concurrency will be reviewed if residential uses are proposed in a future development plan.

Traffic Analysis: Staff will review the traffic methodology at the time of plat or site plan review. If the proposed development generates more than 1,000 average daily trips, a full traffic study will be required per the Volusia Flagler Transportation Planning Organization traffic study guidelines.

Stormwater: Stormwater retention will be designed at the time of site plan or subdivision platting. The stormwater system shall be designed to retain the 100-year, 24-hour storm event on-site, and should be designed to incorporate LID (Low Impact Development).

Section 33-135 of the Land Development Regulations provides the following criteria, which the City Commission shall utilize in reviewing any rezoning request:

1. **Is the proposed rezoning consistent with the Comprehensive Land Use Plan, the land use, zoning pattern and character of the surrounding area?**
   The C-2, E-1, and PD zoning districts are compatible with the Highway Commercial future land use designation; therefore, the proposed zoning classification of C-2 is consistent with the Comprehensive Plan. The subject property directly abuts I-4 to the east, residential and commercial uses to the north and west, and rural to the south. Where the property abuts residential land uses, significant buffering will be required.
2. **Will the proposed rezoning have an impact upon the environment or natural resources?**
   The subject property is currently undeveloped, wooded and being used for agriculture. Since the site is over 5 acres, an environmental study is required at the time of plat or site plan review. The C-2 zoning district allows a maximum seventy percent impervious surface and fifteen percent of the site will need to be dedicated as Tree Protection Area.
3. **Will the proposed rezoning have an impact upon the economy of the affected area?**
   The subject property is currently vacant and undeveloped; therefore, the development should have a positive impact on the city and surrounding area by providing commercial and retail uses to the immediate area.
4. **Will the proposed rezoning have an impact upon governmental services?**
   Governmental services such as potable water, reclaimed water, sewer, code enforcement, police, and fire are available and will be provided by the city. There is adequate infrastructure and facilities to service the development, therefore there will be no impact to the level of governmental services.
5. **Are there changes in the circumstances or conditions affecting the area since the original assignment of zoning that will support the proposed zoning?**

Recently the surrounding area has seen a shift from the Auto Mall concept to the north to a more diverse mix of uses. A portion of the former Auto Mall is now planned for 348 residential units amongst other uses in Lake Helen. This was further supported when the City of Lake Helen updated its Comprehensive Plan to allow for multi-family residential. The Orange Camp PD was approved in 2024 which also diversified the uses from the former Auto Mall concept.

6. **Was there a mistake in the original classification?**
   There were no mistakes in the original classification.

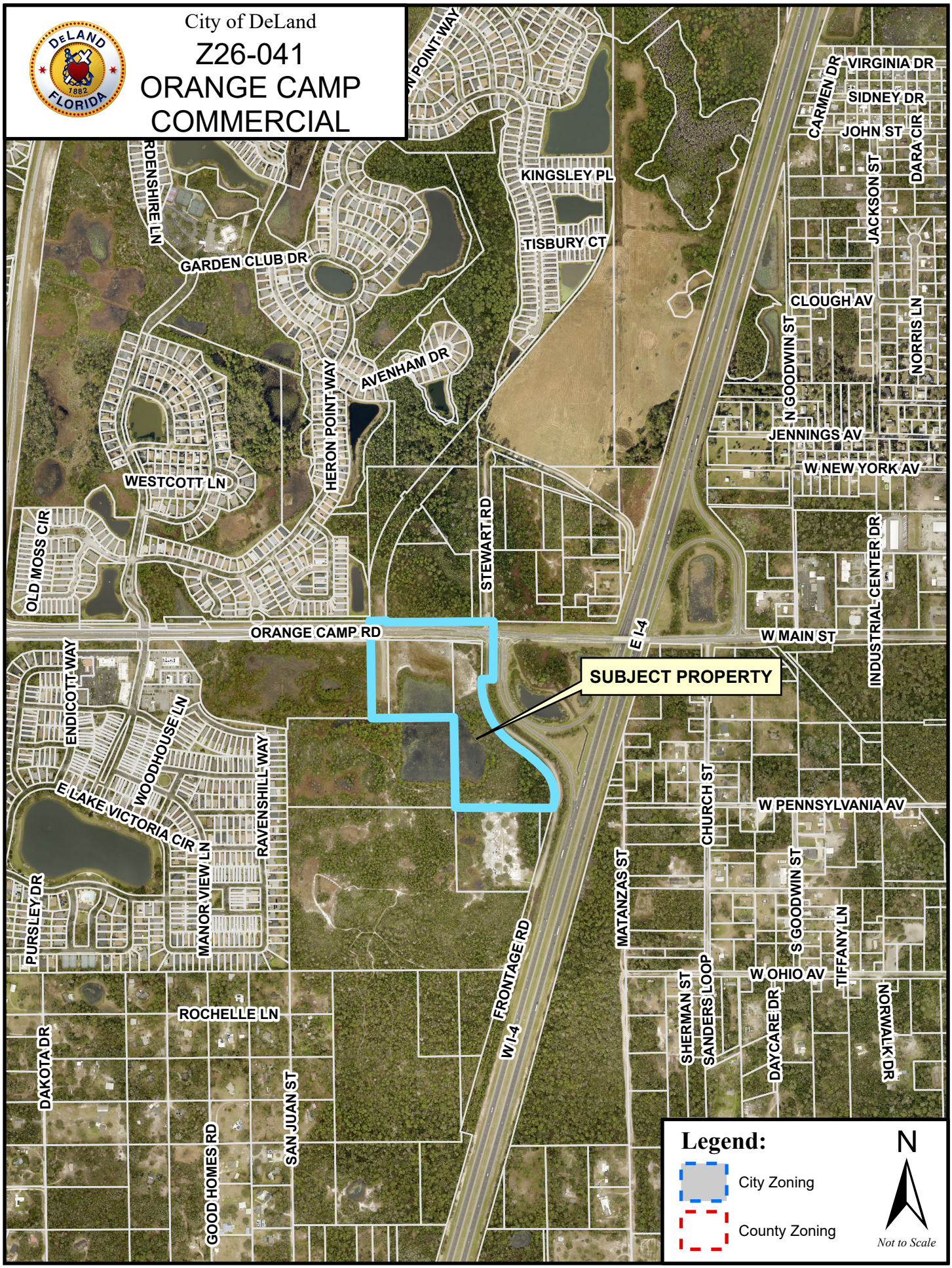
7. **Will the proposed rezoning have any effect upon the use or value of the affected area?**
   The proposed rezoning will provide additional commercial options for the existing residential uses.

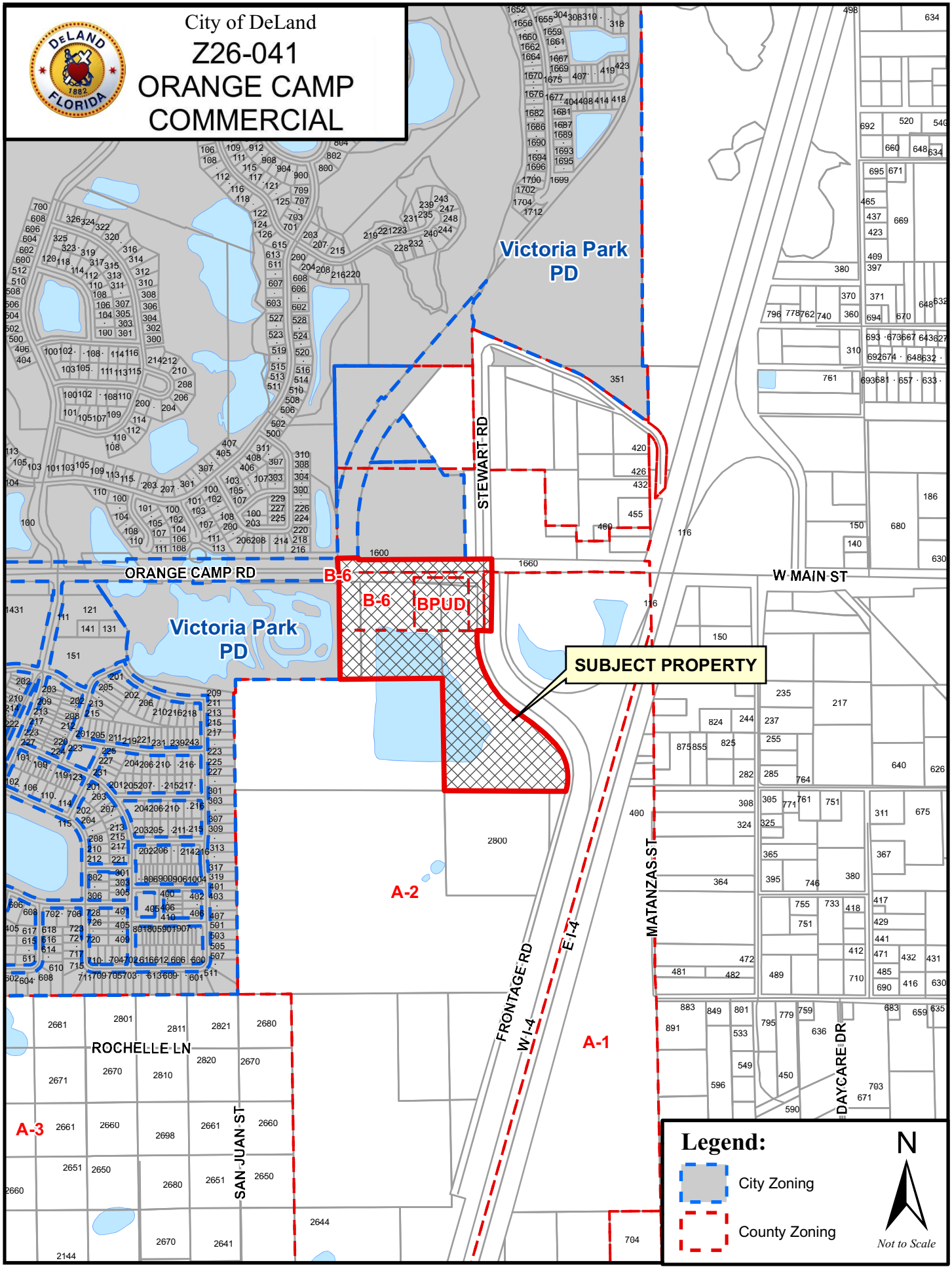
8. **Will the proposed rezoning have an impact upon public health, safety and welfare?**

   There is no indication at this time that the new proposal will create additional impacts upon the public health, safety or welfare, as all provided public services have the capacity needed to accommodate the proposed development. The rezoning would be consistent and compatible with the uses of the surrounding area.

G. **NEXT STEPS:** The request for a rezoning will go before the City Commission on May 4, 2026, for first reading. The request for the land use amendment will be transmitted to Volusia Growth Management Commission (VGMC) for review. After VGMC review, the request is anticipated to go before City Commission on June 15, 2026 for second reading.

H. **STAFF RECOMMENDATION**: Staff recommends that the Planning Board forward the application to the City Commission with a recommendation of approval for the request to rezone from Volusia County B-6 (Highway Interchange Commercial), BPUD (Business Planned Unit Development), and A-2 (Rural Agriculture) to City of DeLand C-2 (General Commercial.


City of DeLand
Z26-041
ORANGE CAMP
COMMERCIAL
N POINT WAY
KINGSLEY PL
TISBURY CT
GARDEN CLUB DR
RDENSHIRE LN
AVENHAM DR
HERON POINT WAY
WESTCOTT LN
OLD MOSS CIR
STEWART RD
ORANGE CAMP RD
SUBJECT PROPERTY
E I-4
W I-4
FRONTAGE RD
VIRGINIA DR
SIDNEY DR
JOHN ST
CARMEN DR
DARA CIR
JACKSON ST
CLOUGH AV
NORRIS LN
N GOODWIN ST
JENNINGS AV
W NEW YORK AV
INDUSTRIAL CENTER DR
W MAIN ST
ENDICOTT WAY
WOODHOUSE LN
E LAKE VICTORIA CIR
RAVENSHILL WAY
PURSLEY DR
MANOR VIEW LN
CHURCH ST
W PENNSYLVANIA AV
MATANZAS ST
S GOODWIN ST
TIFFANY LN
W OHIO AV
SHERMAN ST
SANDERS LOOP
DAYCARE DR
NORWALK DR
ROCHELLE LN
DAKOTA DR
SAN JUAN ST
GOOD HOMES RD
Legend:
City Zoning
County Zoning
N
Not to Scale


City of DeLand
Z26-041
ORANGE CAMP
COMMERCIAL
Victoria Park
PD
Victoria Park
PD
STEWART RD
ORANGE CAMP RD
B-6
B-6
BPUD
W MAIN ST
SUBJECT PROPERTY
A-2
A-1
A-3
ROCHELLE LN
SAN JUAN ST
FRONTAGE RD
W I-4
E I-4
MATANZAS ST
DAYCARE DR
Legend:
City Zoning
County Zoning
N
Not to Scale

March 5, 2026

Ms. Carol Kuhn, AICP
Planning Director
120 S. Florida Avenue
DeLand, Florida 32720

Subject: Application for Rezone and Future Land Use Amendment
Parcel I.D. 703600000240 (Alt Key 2318929)
Parcel I.D. 703600000161 (Alt Key 2318767)
Parcel I.D. 703600000163 (Alt Key 6558540)
Portion of Frontage Rd Right of Way
Rezone Area: 22.44 acres

Dear Ms. Kuhn:

Please accept this application for rezoning and future land use amendment for the referenced parcels. This parcel land area is approximately 22.44 acres located southwest from the intersection of Orange Camp Road and Interstate 4. For reference, we have included the Orange Camp Planned Development Exhibit that shows project location relative to surrounding uses.

This application for rezone is required because of voluntary annexation in accordance with the interlocal agreement between Volusia County and the City of DeLand that provides for utility services with annexation when bordering the City of DeLand.

NEED AND JUSTIFICATION FOR CHANGE

Immediately north of the site's frontage to Orange Camp Road is Planned Development (I-4 Auto Mall PD, City of DeLand) zoning with Highway Commercial land use; to the east is Interstate 4 right-of-way; to the south and partially west is Volusia County A2 zoning with Rural land use; and to the west of the site's frontage to the Florida Department of Transportation frontage road is Planned Development (Victoria Park PD) with Residential land use.

Currently, the applicant's parcel contains Volusia County zoning/land use designations that include B6/Commercial (3.30 acres), BPUD/Commercial (2.10 acres – Miller Enterprises Inc.), and Agriculture A2/Rural (14.20 acres). The rezoning would allow the applicant to connect to City of DeLand utilities and unify the parcels under a complementary zoning that is consistent with the proximity of arterial roadways.

The proposed development would include commercial uses consistent with the proximity of the intersection between Interstate 4 and Orange Camp Road Interchange.

COMPATIBILITY WITH COMPREHENSIVE PLAN

The proposed annexation, land use, and rezoning is in accordance with the City of DeLand's Comprehensive Plan. The City provides guidelines for rezoning that include maintaining the City's character and neighborhoods, maintaining level of service, and increasing commercial uses that benefit the City.

More specifically, the Comprehensive Plan recognizes the need to provide highway commercial in outlying or newly developed areas of the City and encourages commercial land use outside of the Downtown so long as it does not replace the Downtown's role as the primary destination and center of commerce.

LEVEL OF SERVICE

Water and sewer services for this parcel will be provided by the City of DeLand Utilities. An existing 12-inch water line and 8-inch sewer forcemain along Orange Camp Road will provide water and sewer service to the site. Potable water production capacity exceeds current and committed demands, providing adequate service for the anticipated project demand.

The current sewer service area capacity and demand also provide an adequate level of service.

A traffic impact analysis prepared by Walsh Traffic, Inc. concludes that the surrounding roadway network is operating at an acceptable level of service and that the proposed development will not adversely impact traffic operations with appropriate mitigation.

IMPACT ON NATURAL ENVIRONMENT

The existing property is currently used for commercial and agricultural purposes and is part of an abandoned borrow pit. Due diligence identified no environmentally significant issues related to historic preservation or wetlands. The parcel is surrounded by developed properties, and the proposed commercial development will not negatively impact the natural environment.

Stormwater management will comply with City of DeLand, St. Johns River Water Management District, and Florida Department of Transportation requirements. The existing borrow pit will provide adequate drainage capacity, including support for the 100-year storm event.

Thank you for your consideration of our application. Please do not hesitate to contact me if you have any questions.

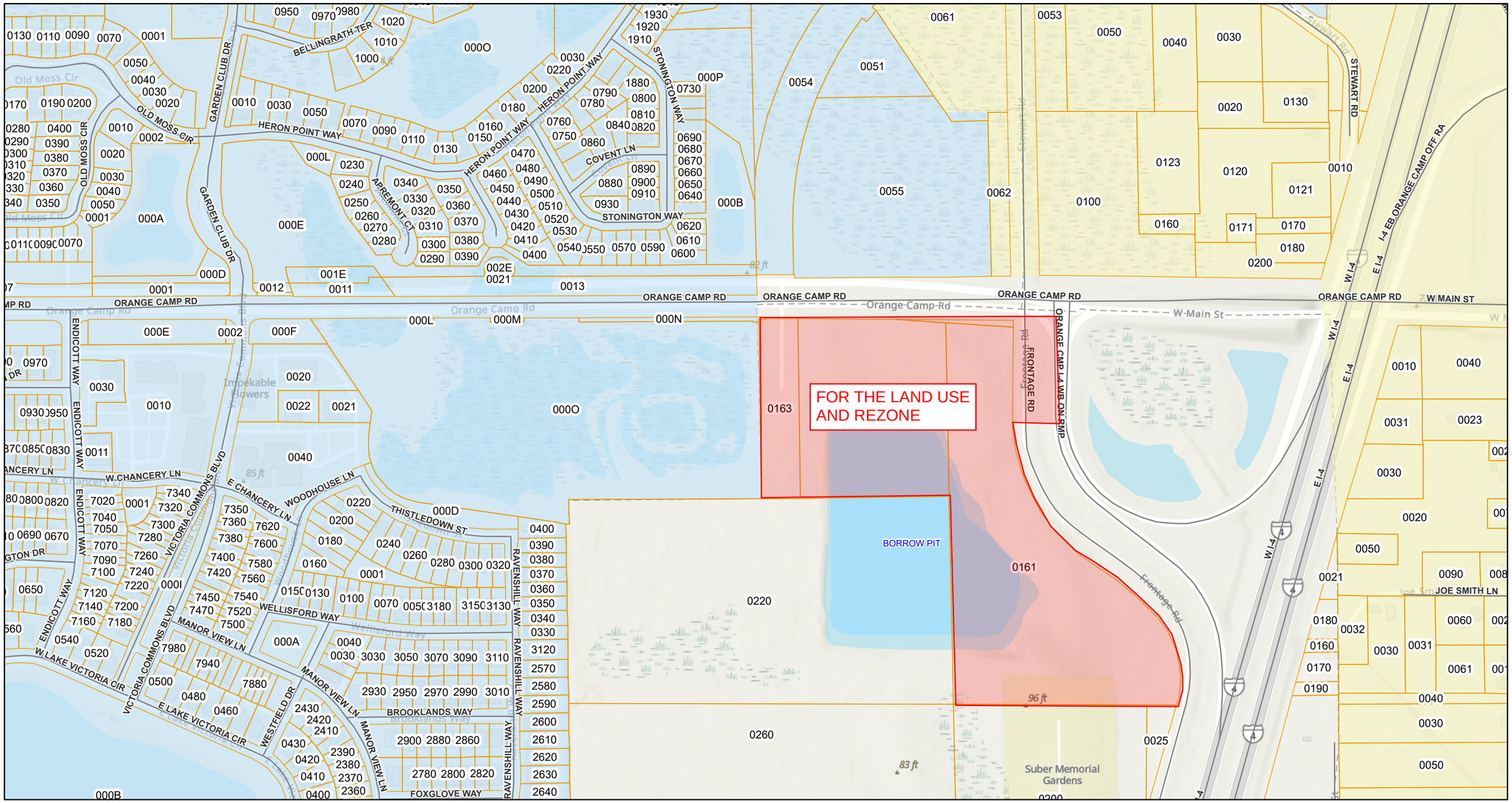
Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Derek E. Ramsburg, P.E.
Project Manager

Volusia County Property Appraiser



3/4/2026, 2:11:00 PM

Parcel
Streets
Parcel Text

Cities
DELAND
LAKE HELEN

Water Body Names
Water Bodies
County Boundary

1:4,514

0 0.05 0.1 0.2 mi
0 0.07 0.15 0.3 km

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland,

Christopher Carson

From: Bernadette Kuchinsky <bkuchinsky@icloud.com>
Sent: Monday, April 13, 2026 7:33 PM
To: Planning
Subject: Public Comment – Case Z26-041 Orange Camp Commercial Rezoning

April 13, 2026

Re: Case Z26-041 – Request to Rezone ±22.4 Acres to C-2, Orange Camp Road / I-4 Interchange

Dear Members of the Planning Board,

My name is Bernadette Kuchinsky and I am a resident at 216 Stonington Way, Deland, FL, located almost directly across Orange Camp Road from the subject property. I am writing to formally oppose the rezoning request as submitted and to request that specific conditions of approval be attached if the rezoning is ultimately granted.
I have significant concerns regarding the impact this development will have on our established residential neighborhood, including increased traffic, noise, light pollution, and diminished property values. I respectfully request the Planning Board consider the following conditions:

1. MASONRY BUFFER WALL

A minimum 8-to-10-foot reinforced concrete or masonry wall must be constructed along all property lines adjacent to or facing residential uses, prior to any site development. A standard wooden fence or landscaping alone is insufficient given the intensity of C-2 uses.

2. LANDSCAPE TRANSITION BUFFER

A minimum 25-to-50-foot landscape buffer zone must be established along all residential-facing boundaries, consisting of canopy trees and dense understory vegetation to absorb noise, block headlights, and screen visual impacts.

3. RESTRICTED OPERATING HOURS

All businesses on the subject property should be required to cease operations by 9:00 PM Sunday through Thursday and 10:00 PM Friday and Saturday. Drive-through facilities, if permitted, should be subject to the same restrictions.

4. DELIVERY AND LOADING RESTRICTIONS

Heavy truck deliveries and loading dock operations should be prohibited between 8:00 PM and 7:00 AM daily to prevent sleep disruption for adjacent residents.

5. FULL CUT-OFF LIGHTING

All exterior and parking lot lighting must use full cut-off fixtures directed downward, with zero light spillage onto adjacent residential properties. Pole heights should be limited to a maximum of 20 feet.

6. TRAFFIC IMPACT ANALYSIS

A full Traffic Impact Analysis (TIA) must be completed and reviewed prior to approval. I request that traffic calming measures be required to prevent commercial traffic from routing through residential streets, and that any required road improvements be funded by the developer.

7. SITE LAYOUT CONTROLS

The site plan should orient noisy or high-activity uses — including drive-throughs, dumpster enclosures, and loading docks — away from the residential-facing boundary. Passive uses such as parking and stormwater retention should be placed adjacent to the neighborhood.

8. MONUMENT SIGNAGE ONLY

Pole signs should be prohibited. Only low-profile monument signs should be permitted to reduce light pollution and visual clutter visible from residential properties.
I urge the Board not to approve a blanket C-2 rezoning without these conditions firmly attached. The intensity of general commercial zoning is significant, and the proximity to long-established neighborhoods demands a higher standard of compatibility than current minimum code requirements provide.

If the Board is unwilling to attach meaningful conditions, I respectfully request that the application be denied or that a less intensive zoning designation — such as C-1 or a Business PUD with negotiated conditions — be considered instead. Thank you for your time and consideration. I ask that this letter be entered into the official public record for Case Z26-041.

Respectfully,

Bernadette Kuchinsky
216 Stonington Way, Deland, FL 32724
Ph 253-353-3796
Email: bkuchinsky@icloud.com
Sent from my iPhone