

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

CALL TO ORDER

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

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

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

INVOCATION

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

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

PLEDGE OF ALLEGIANCE

Mayor Apgar led the Pledge of Allegiance.

ROLL CALL

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

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

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

PRESENTATIONS

1. Proclamation – National Kids to Parks Day

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

PROCLAMATION

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

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

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

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

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

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

Kids to Parks Day

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

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

/s/ Robert F. Apgar
Mayor

Attest:

/s/ Julie A. Hennessy
City Clerk-Auditor

2. Proclamation – DeLand Alumnae Delta Sigma Theta Sorority Group

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

PROCLAMATION

Thelma Alderman*

Barbara Bing

Dorothy Brown

Julia Cherry*

Annie Mae Cropper*

Brenda Cusack

Carolyn Dandridge*

Sheena Ferguson

Ruth Hankerson

Joeretha Hayes

Sharon Hill

Gwendolyn Jackson

Ruth Jackson

Irene Johnson*

Lavern Kelly

Araminta Lake

Joan Lane

Melba Lee*

Martha Livingston

Catherine Martin*

Nellie Miller*

Stephanie Neal

Linda Simmons

Elvy Stiles*

Erlene Turner

Celestine Williams

Helen Worthy

****In Memory Of***

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

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

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

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

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

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

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

/s/ Robert F. Apgar

Mayor

Attest:

/s/ Julie A. Hennessy

City Clerk-Auditor

3. Proclamation – Older Americans Month

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

PROCLAMATION

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

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

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

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

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

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

Older Americans Month

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

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

/s/ Robert F. Apgar
Mayor

Attest:

/s/ Julie A. Hennessy
City Clerk-Auditor

4. Proclamation – Public Works Week

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

PROCLAMATION

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

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

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

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

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

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

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

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

National Public Works Week

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

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

/s/ Robert F. Apgar

Mayor

Attest:

/s/ Julie A. Hennessy

City Clerk-Auditor

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

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

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

CONSENT AGENDA

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

Mayor Apgar removed item 6 from the consent agenda.

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

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

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

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

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

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

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

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

OLD BUSINESS

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

Mr. Elkind read the ordinance by title only.

ORDINANCE NO. 2022-07

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

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

Mayor Apgar opened the Public Hearing.

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

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

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

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

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

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

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

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

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

Mayor Apgar said while this ordinance is not a comprehensive response to the affordable housing crisis, it provides some opportunities noticed by the city. It is a starting point for addressing the issue. The City Commission talked through each of the changes made to the ordinance which

include the number of parking spaces required for each unit, square footage minimums and maximums.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Elkind read the ordinance by title only.

ORDINANCE NO. 2022-08

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

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

Mayor Apgar opened the Public Hearing.

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

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

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

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

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

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

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

Mr. Elkind read the ordinance by title only.

ORDINANCE NO. 2022-09

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

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

Mayor Apgar opened the Public Hearing.

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

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

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

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES

Commissioner Reid YES
Mayor Apgar YES

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

Mr. Elkind read the ordinance by title only.

ORDINANCE NO. 2022-10

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

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

Mayor Apgar opened the Public Hearing.

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

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

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

Michael Woods, of the Cobb Cole Law Firm, explained what has been worked on since January for Trinity Gardens. The Traffic Engineer, Engineer and Landscape Architect are all present to

inform the City Commission of what they are doing for the project in terms of Low Impact Design (LID) standards.

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

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

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

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

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

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

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

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

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

The motion carried upon roll call vote:

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

NEW BUSINESS

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

Mayor Apgar entertained public comments. There were none.

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

CITY COMMISSION REPORTS

1. Report re: Elected Officials Round Table

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

Mayor Apgar stated additional legislative updates are forthcoming.

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

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

2. Report re River-to-Sea TPO

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

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

Commissioner Cloudman continued by providing updates to various projects:

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

3. Report re River of Lakes Heritage Corridor

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

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

CITY MANAGER REPORT

1. Appoint Voting Delegate to the Florida League of Cities

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

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

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

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

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

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

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

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

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

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

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

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

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

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

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

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

ADJOURNMENT

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

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

Approved on:
07/06/2026
Date