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

CALL TO ORDER

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

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

INVOCATION

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

PLEDGE OF ALLEGIANCE

Mayor Apgar led the Pledge of Allegiance.

ROLL CALL

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

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

PUBLIC HEARING

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

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

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

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

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

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

PRESENTATIONS

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

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

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

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

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

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

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

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

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

Done and proclaimed this 1st day of August 2022.

/s/ Robert F. Apgar
Mayor

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

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

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

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

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

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

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

2. Employee Years of Service Award

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

10 Years of Service
Darryl Wilks, Utilities Department

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

CONSENT AGENDA

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

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

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

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

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

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

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

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

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

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

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

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

NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Presentation re Annexation Pause Update

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Change of Meeting Date, Labor Day Holiday

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

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

CITY MANAGER REPORT

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

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

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

Commissioner Paiva had nothing to report.

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

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

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

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

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

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

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

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

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

ADJOURNMENT

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

Prepared by:	Approved on:
Julie A. Hennessy, MMC	_07/06/2026____________________
City Clerk – Auditor	Date