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

CALL TO ORDER

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

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

INVOCATION:

Mayor Apgar recognized Commissioner Elect Dan Reed and welcomed him. He also congratulated Commission Jessica Davis and Commissioner Kevin Reid, both who were re-elected.

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

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

ROLL CALL

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

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk- Auditor; Mike Grebosz, Assistant City Manager; Rick Werbiskis, Community Development Director; Jason Umberger, Police Chief; Matthew Whittier, Police Sergeant; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Heidi Van Etten, Assistant Finance Director; Nick Segel, Budget Manager; Chad Gamble, Public Services Director; Rick Hall, Parks & Recreation Director; Mark Hayward, Human Resources Director; Ray Underwood, Public Works Director; Chris Graham, Community Information Manager; Jim Ailes, Deputy Public Services/Utilities Director; members of the public and press.

PUBLIC HEARING

1. Resolution Approving FY 2022-2023 Tentative Millage Rate

Michael Pleus, City Manager, thanked the Commissioners for time this summer dedicated to the budget process. He also thanked Dan Stauffer, Finance Director; Heidi Van Etten, Assistant Finance Director and Nick Segel, Budget Manager for their work on the budget.

Mr. Pleus provided an overview of the tentative budget for FY 2022-2023, stating the process began with a strategic plan and setting priorities for the year. Smart growth principles, LID standards, protecting green space, additional park amenities and affordable housing with a comprehensive approach on annexation were all topics of focus. A lot of those priorities have been included in the recommended budget. Increase in the budget is largely a result of the capital program, most notably the $35 million upgrade to the Wastewater Treatment Plant. There are other items also included in the budget. Mr. Pleus stated the City has received grant funding for the trail. Typically, only the City's match would be included in the budget but now the grant with match dollars were moved from the capital fund to the grants and special revenue fund.

Mr. Pleus gave a brief summary of revenue changes stating the City lost a little bit in ad valorem taxes, mostly due to he and Mr. Stauffer identifying enough revenue and expenditure changes in the budget to achieve a 1/10 of a mill reduction, as requested by the City Commission. The decrease in use of reserves was largely due to grants rather than general fund revenue being used for projects.

State Revenue did increase a little but not as much as staff had anticipated. Mr. Pleus and Mr. Stauffer are recommending the City Commission utilize staff estimates for the FY 2022-23 budget. If staff estimates are incorrect, provisions have been made to hold additional positions open for no longer than six months to ensure those expenses will fit within the budget as projected.

Mr. Pleus gave a summary of expenditures in the general fund and explained the change pertaining to the fire inspector and the inspections fund. A decrease in transfer to debt service was also shown in the budget to reduce the amount of debt being paid in FY 2022-2023.

Mr. Pleus provided a list of items in the general fund which include the following:

- Major Capital Investment ($14,964,934)
  - Paiva Greenway Phase 2 (ECHO Match)
  - Lake Moore (Forever Match)
  - Southeast Regional Park (Recreation Fields)
  - Entry Features (Signage Construction)
  - Road Resurfacing
- Investment in Additional Personnel ($444,663)
- Land Development Regulations and Comprehensive Plan Update ($60,000)
- Advanced Life Support ($90,080)

Mr. Pleus said during the budget workshops, the City Commission set the tentative millage at 6.5841 mills. Staff is confident in recommending the City Commission set the millage rate at 6.5841, 7.02% over the rolled back rate. The budget tax scenarios were reviewed with City Commissioners, as well as a tax analysis by millage.

Gail Hendrix, 508 West Howry Avenue, stated great concern over rising property taxes.

Wendy Anderson, 505 E. Victoria Trails Blvd, stated that she is speaking as a very influential resident in Victoria Park. The Southeast Recreational Park budget item is an area the City Commission needs to approach with extreme caution. She stated the site proposed for this project is a wetland and has been mostly wet for the last four (4) years. Her concern is the amount of fill that will be required and how the fill will impact drainage. The community is concerned about flooding. She asked the City Commission to consider implementing a robust and thorough hydrologic study to evaluate the impact of bringing in fill to build the fields.

In response to Dr. Anderson's point, staff will be designing the Southeast Recreational Park and it is an appropriate time hear the concerns to consider during the design process.

Commissioner Cloudman liked the approach of staff bringing forth the budget balanced at a lower millage rate than the year prior. He thanked staff for a job well done.

Commissioner Davis also expressed her appreciation to the City staff for a job well done.

Commissioner Paiva likes that the City Commission has touched upon several areas of the strategic plan that are very exciting as DeLand moves into the future. He echoed the previously expressed appreciation to staff.

Commissioner Reid also thanked staff for the work that went into the budget process.

Mayor Apgar said the Commission has tried to address the uncertainty of next year's budget process with forthcoming legislation regarding educators, public safety employees and others who may qualify for additional homestead benefits. He also mentioned three years ago when the debt service millage was approved by voters for the new Police Station, the Commission made a passive commitment to leave 2/10 of a mill in the budget each year, reserved for capital, after that debt service millage phased out. He is pleased to see the millage reduced, however not reduced to the extent it would be a drastic increase in millage if significant revenue is lost in future years.

As per Florida Statutory requirement, Mr. Stauffer stated the tentative operating millage rate for the City of DeLand, necessary to fund the tentative budget for Fiscal Year 2022-2023, is 6.5841 mills. This rate is 7.02% above the rolled back rate of 6.1520 mills.

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

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

2. Resolution Approving FY 2022-2023 Tentative Budget

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

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

PRESENTATIONS

1. Promotion of Matthew Whittier from a Sergeant to the Rank of Lieutenant

Police Chief Umberger publicly recognized Matt Whittier who has recently been promoted to the rank of Lieutenant. Lt. Whittier graduated from Central Florida Community College Police Academy in 1996, subsequently beginning his career in law enforcement with the Ocala Police Department where he worked in the patrol division as a Police Officer, Corporal and FTO until 2004. He was then employed by the Marion County Sheriff's Office as a Corrections Officer until 2006. In 2006, Lt. Whittier was hired by the DeLand Police Department. During his tenure with the DeLand Police Department, patrol, criminal investigations, has served as a secondary crime scene technician, and has also been responsible for re-establishing the bicycle patrol and training of bicycle officers. Lt. Whittier was promoted to Sergeant in May 2015 and assigned to the patrol division where he served as squad sergeant for seven years. In November 2021, Chief Umberger asked Lt. Whittier if he would be reassigned to the community engagement unit where he spent his tenure leading up to the current promotion to Lieutenant. Chief Umberger stated Lt. Whittier has been loyal and steadfast in supporting what is being accomplished with the City of DeLand Police Department. Lt. Whittier has led by example and will be assigned to the field operations bureau patrol services division where he will serve as night watch commander. He is going to report to Captain Mike Quinn, Commander over the Special Operations Division. Chief Umberger invited Lt. Whittier's wife Cassie and his son, Sam, forward so his wife could pin his badge as Lieutenant. Lt. Whittier was issued his official Certificate of Promotion plaque.

2. Presentation re: Gateway Signs and Landscaping

Ray Underwood, Public Works Director, presented images of the proposed gateway signs and landscaping. He stated currently the signs state "Home of Stetson University" and "The Athens of Florida" is also being considered. He asked the City Commission to provide direction so their preference can be submitted to the design team.

Commissioner Cloudman – "Athens of Florida"
Commissioner Davis – "Athens of Florida"
Commissioner Paiva – Can do either although personal favorite was "Home of Stetson University"
Commissioner Reid – "Athens of Florida"

Mr. Underwood said the design team can get the Italics font bold and a little larger. The majority consensus was "Athens of Florida" and a bolder font so it will stand out. Mr. Underwood reviewed the proposed sign locations.

Mayor Apgar mentioned there needs to be consideration given to placing signage in the area where visitors enter the City of DeLand at the Interstate exchange with SR472, Highway 11 and in the vicinity of North Spring Garden Avenue at SR44. He is not advocating those, but believes they merit consideration.

Mr. Underwood said US 17 (Brandywine Water Plant) is an existing sign location and was chosen because FDOT is familiar with it, however, that sign could be moved further south to capture travelers along Highway 11, also.

Mr. Underwood addressed questions that have been raised about taking responsibility for more right of way maintenance. Taking over maintenance would add approximately 5-6 miles to the City. He said some subject areas have center islands and rights of way that will have to be maintained if those areas are taken over from FDOT. The landscape islands can be periodically placed in areas that would gather the most attention. Projected cost for installation and maintenance was discussed and would include landscaping, irrigation per island, employees and equipment. Exact cost will be determined based on where landscaping will be placed. He suggested the addition of employees for the sections. While maintenance could be outsourced, Mr. Underwood does not believe the level of service would be as good as if managed internally.

Currently, the City of DeLand has maintenance agreements with 92 and funding is received at a rate of approximately $18,000 annually. Funding from FDOT would increase as well as FDOT would likely pay for landscaping, but not design, maintenance and irrigation.

Commissioner Reid said a passive approach has been taken in some areas, such as heavily seeding wildflowers. He suggested there may be ways to curb some of the cost. Mr. Underwood said there are some wildflower areas along the median areas and if planted in between heavily landscaped areas, it would reduce the amount of mowing.

Commissioner Cloudman mentioned the developers are being asked to adopt standards of Florida friendly and Florida native plantings. As a City, he prefers looking at more maintenance free plantings.

Commissioner Davis asked if the City could get folks who are looking for community service hours to save with maintenance costs. Mr. Underwood said he would look into it.

Commissioner Paiva added xeriscaping may be something to look at prior to beginning the landscaping process. For him, moving forward with beautification landscaping in the City is important for the aesthetics and appeal of DeLand.

Mr. Pleus, City Manager, would like authorization to proceed with negotiations with FDOT on where these projects can be done, as well as, engaging a design team to see what can be done with

Florida friendly landscaping options. If no objection, a future budget amendment will be presented to get some preliminary design work done.

CONSENT AGENDA

1. <u>Consideration re: Renewal of Contract for City Paid Life Insurance with National Insurance (NIS)</u>

2. <u>Consideration re: Renewal of Contract for City Paid Life and ADD Insurance for Public Safety Employees with the Hartford Insurance Company</u>

3. <u>Consideration re: Agreement with Southeast Volusia Humans Society, Inc.</u>

4. <u>Resolution Approving Amendment #1 FDOT Public Transportation Grant Agreement Award for Construction to Rehabilitate Airfield Lighting Electrical Homeruns</u>

5. <u>Consideration re: Change Order No. 3 SGS Contracting Services, Inc.</u>

Item 2 was pulled from the consent agenda.

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

Mr. Elkind, City Attorney, stated Commissioner Reid contacted him regarding a possible conflict of interest on item two. Upon contacting the City's agent, it was determined there may be a conflict of interest and therefore Commissioner Reid is advised to abstain from the vote.

Commissioner Paiva made a motion to approve item 2 on the consent agenda. Commissioner Cloudman seconded the motion, which carried by a vote of 4 to 0. Commissioner Reid abstained from voting.

<u>PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT</u>

Mark Watts, Attorney with Cobb Cole, stated a letter was sent earlier today with a request the City Commission consider a motion to reconsider an item that was denied at the last City Commission meeting. He stated in Resolution No. 2008-95, where the City Commission adopted Robert's Rules of Order as the general guidelines for conduct of meetings. Under Robert's Rules, the legislative body is authorized to consider a motion to reconsider on the day of the vote or on the next exceeding day. The City Commission has been in recess since that last meeting.

The item to which Mr. Watts is referring is request for a PD to rezone property adjacent to the Cascades, which is part of the Cascades Planned Development currently entitled for multi-family development. Mr. Watts believes everyone recognized in that area, designated under the comprehensive plan and under the 2050 plan as areas appropriate for the proposed type of housing. It was generally viewed as a good use with a few items which may be reconsidered and addressed.

Mayor Apgar asked Mr. Elkind to advise. Mr. Elkind, City Attorney, did not provide a detailed overview of his analysis. However, he said if a motion were going to be made, it needed to be done at the very next meeting of the legislative body. The City Commission has full discretion to interpret and apply rules.

Commissioner Davis asked if the project would be presented the same and Mr. Elkind stated if there were a motion for reconsideration, that would be granting reconsideration of that first reading. That would need to be set and to the extent notice is provided for a first reading, same would have to be done. Just like any rezoning hearing, the applicant can make changes to try and accommodate what they know the elected body wishes to see in the project. It would be inappropriate at this time to discuss what any changes would be as it is a quasi-judicial matter.

Mr. Elkind added there is a waiting period and Planning staff could inform City Commissioners of the timing. The applicant could start over with their request again, and it would have to go through every step of the process again.

Commissioner Paiva made a motion to reconsider first reading of the Planned Development. Commissioner Davis seconded the motion. The motion carried by a unanimous vote.

Wendy Anderson, 505 Victoria Trails Blvd, addressed the Southwest Activity Center. The DeLand Commission is between first and second reading. She has a request prior to second reading. She stated there needs to be some coordination between the City of DeLand, Volusia County and Orange City. She said the site at the four corners of 472 and MLK was originally a DRI and was envisioned as a large retail center, gateway to DeLand. What she has been hearing from DeLand Tech Park and Orange City and the Volusia County PLDRC, is warehouses and distribution centers. Dr. Anderson cannot imagine a worse gateway to the City of DeLand. She would like for the City Commission to meet with counterpart staff and elected officials to talk about what will be best for the City of DeLand and the entire area. She stated collaboration and communication is important to get what is best for the community.

<u>OLD BUSINESS</u>

1. <u>Second Reading of Ordinance No. 2022-19 Relating to Gas System Franchise for Florida Public Utilities Company</u>

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

ORDINANCE NO. 2022-19

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, GRANTING TO FLORIDA PUBLIC UTILITIES COMPANY A NON-EXCLUSIVE FRANCHISE FOR A TERM OF 30 YEARS TO ERECT, CONSTRUCT, OPERATE AND MAINTAIN A GAS

SYSTEM; TO IMPORT, TRANSPORT, SELL AND DISTRIBUTE GAS WHETHER NATURAL, MANUFACTURED OR MIXED GAS; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE USE OF CITY RIGHTS OF WAY LOCATED WITHIN THE CITY FOR THE PURPOSE OF PROVIDING GAS UTILITY SERVICE; PROVIDING FOR IMPLEMENTING ADMINSITRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR NON-CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

There being no comment, the Public Hearing was closed.

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

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

2. <u>Second Reading of Ordinance No. 2022-20 Amending Chapter 16 of the Code of Ordinances re Solid Waste Rates</u>

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

ORDINANCE 2022-20

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, PROHIBITING THE OPEN BURNING OF LAND CLEARING DEBRIS AND REGULATING OTHER BURNING; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; AMENDING CHAPTER 12 AND SECTION 15-15 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND AND SECTION 33-12 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND/LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REGULATION CONSISTENT WITH CONTROLLING STATE LAW; PROVIDING FOR DEVELOPMENT ORDER AND DEVELOPMENT PERMIT CONDITIONS; PROVIDING FOR PROHIBITIONS, REGULATIONS AND ENFORCEMENT; PROVIDING FOR A DEFINITION; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AN PROVIDING FOR AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

There being no comment, the Public Hearing was closed.

Commissioner Paiva noted the two franchise agreements being voted on this evening do not agree in the recommendations. As clarification, Mr. Elkind said that is a function of the RCA's changing over time as the negotiations took place. To be clear, the ordinance and the franchise agreement are consistent. A rate resolution will set the rates. The contract provides for the rates at the beginning of the contact and that the contract will be adjusted annually in accordance with a 3% cap on CPI with the ability to ask for an adjustment or an amendment above the 3% CPI, should the CPI exceed 6 percent.

Commissioner Cloudman mentioned there are still containers that do not have the City logo on them and the Commission talked about making sure all containers have the City logo. He also confirmed the resident will choose which size recycling bin they receive.

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

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

3. Second Reading of Ordinance No. 2022-21 Amending Chapter 12, Chapter 15, Section 15-15; and Chapter 33, Section 33-12; of the Code of Ordinances Relating to Open Burning

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

ORDINANCE NO. 2022-21

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, PROHIBITING THE OPEN BURNING OF LAND CLEARING DEBRIS AND REGULATING OTHER BURNING; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; AMENDING CHAPTER 12 AND SECTION 15-15 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND AND SECTION 33-12 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND/LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REGULATION CONSISTENT WITH CONTROLLING STATE LAW; PROVIDING FOR DEVELOPMENT ORDER AND DEVELOPMENT PERMIT CONDITIONS; PROVIDING FOR PROHIBITIONS, REGULATIONS AND ENFORCEMENT; PROVIDING FOR A DEFINITION; PROVIDING FOR A SAVINGS

PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

There being no comment, the Public Hearing was closed.

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

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

4. First Reading of Ordinance No. 2022-22 Amending Article II, Chapter 2A of the Code of Ordinances Relating to the City's Economic Development Committee and Brownfield Advisory Committee

Mr. Elkind read the Ordinance by title only.

ORDINANCE NO. 2022-22

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, RELATING TO THE ECONOMIC DEVELOPMENT COMMITTEE AND BROWFIELD ADVISORY COMMITTEES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; AMENDING ARTICLE II, CHAPTER 2A OF THE CODE OF ORDINANCES OF THE CITY OF DELAND RELATING TO THE CITY'S ECONOMIC DEVELOPMENT COMMITTEE AND BROWNFIELD ADVISORY COMMITTEE; REVISING COMMITTEE STRUCTURES AND RELATED MATTERS; IMPLEMENTING THE PROVISIONS OF SECTION 288.075, FLORIDA STATUTES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing.

Martha Shaw Sylvester, 804 S. Hill Ave., stated on July 25th, Beresford Reserve was approved and her opinion has not changed. She stated she hopes the committee for Beresford Reserve is dynamic and represents a diverse group of individuals who will continue to support public health and safety.

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

Mayor Apgar stated on page 9, section b, the City Commission should strive to appoint members with training or expertise in the fields of environmental science and economic development. He stated "should strive" implies an obligation. He suggested the language be changed to reflect the City Commission "may appoint" members with training.

Mr. Elkind said the language "should strive" was intended to provide clear direction to the current and future City Commissions. The purpose of the language was to serve in the event there were not applicants with those areas of expertise, the commission would still be able to appoint others to the committee. He suggested the language "may appoint" could be used. Commissioner Cloudman expressed that he prefers "should strive."

Mr. Elkind advised adding the term "one or more members with training or expertise" to the phrase "should strive to appoint" would be appropriate.

Commissioner Paiva made a motion to approve the ordinance with additional change in language. Commissioner Cloudman seconded the motion, which carried by a roll call vote.

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

NEW BUSINESS

1. Resolution Relating to Fees and Charges for Solid Waste Services

Commissioner Cloudman expressed concern about the increase in fees as it is a much larger percentage than in the past. He also understands the City of DeLand is in the middle in regard to rates compared to other jurisdictions. The representative from GFL stated the large increase is taking place due to lack of incremental increases up to present.

Commissioner Reid would much rather see recycling containers transition from bins to carts rather than allowing for confusion of deciding which container is best suited for each resident.

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

2. Consideration re: Franchise Agreement with GFL Solid Waste Southeast, LLC, for Solid Waste Services within the City

Commissioner Paiva made a motion to approve the franchise agreement. Commissioner Reid seconded the motion. The motion carried by a unanimous vote.

3. Resolution Creating the Beresford Reserve Brownfield Advisory Committee

Mayor Apgar stated the resolution does not include a termination date, but it seems like when the final clearance letter is issued, there should be some benchmark to terminate the committee.
Mr. Elkind said a trigger can be written into the resolution to identify a date upon which the committee would end without having to take additional affirmative action by the Commission. He also said the City Commission has authority to change the time/date of the committee at any time. Issuance of a clearance letter from DEP was discussed as the possible trigger date.

Commissioner Davis believes there should be benchmarks and updates to City Commissioners from the committee. Also, she asked if there could be someone who is already on a City board also serve on this committee.

Mr. Elkind said there is a constitutional provision about dual office-holding. Unless someone from one board is serving as an ex-officio member from another board, typically they could not. This is an advisory committee so dual office-holding may not be implicated. He said there are some practical considerations with having someone on multiple boards because it is possible for the subject matter to overlap. Mr. Elkind recommended there be a City Manager designee serving as an ex officio member in order to provide for a good conduit between the City Commission and the Committee.

Commissioner Davis does not think all committee members should be experts. Mr. Elkind said the way the statute is written, the idea is to have people in the area of the brownfield serve on the committee. The purpose of the committee is not to manage the brownfield project, but to promote and foster community engagement.

Commissioner Paiva made a motion to approve the resolution as written. Commissioner Davis seconded the motion.

Commissioner Cloudman asked if the motion would include a termination date. Mr. Elkind said if collectively, most of the Commission would like to have an end date, please vote to approve with an end date and staff will bring the Resolution back to City Commissioners with an end date.

Commissioner Paiva amended his motion to include the addition of an end date. Commissioner David seconded the amended motion. The motion carried by a unanimous vote.

4. Consideration re:2022 Tax Abatement for Duraline Division of J.B. Nottingham Company Inc.

5. Consideration re: 2022 Tax Abatement for Total Renal Laboratories, Inc.

6. Consideration re: Rental Increases for DeLand Municipal Mobile Home Park

7. Resolution Amending Charter Threshold for Competitive Bidding

Mayor Apgar asked for a motion to approve New Business items 4 – 7.

Commissioner Paiva made a motion to approve New Business items 4 – 7. Commissioner Davis seconded the motion.
Commissioner Cloudman stated he would like to discuss items 6 and 7.

Commissioner Davis withdrew her second and Commissioner Paiva withdrew his motion for items 4 -7.

Commissioner Paiva made a motion to approve item 4 for Duraline tax abatement. Commissioner Davis seconded the motion. The motion carried by a unanimous vote.

Commissioner Paiva made a motion to approve item 5 for Total Renal Laboratories tax abatement. Commissioner Davis seconded the motion. The motion carried by a unanimous vote.

Commissioner Cloudman, with regard to rental increases for DeLand Municipal Mobile Home Park proposed under Item 6, stated the wording seemed like rates were being increased due to the City rate being below everyone else. He had made the assumption the rental rate was not covering the City's cost and that is correct. Commissioner Cloudman stated the rate increase is based on the fact the cost of utilities with these lots are greater than what was being collected from residents.

Mr. Pleus advised that embedded in the rates charged are utilities and taxes, not presently enough to cover the cost of the utilities. The intention is also to cover maintenance and other miscellaneous items.

Commissioner Paiva made a motion to approve item 6 for rental increases for DeLand Municipal Mobile Home Park. Commissioner Davis seconded the motion. The motion carried by a unanimous vote.

Commissioner Paiva made a motion to approve item 7 amending Charter Threshold for Competitive Bidding. Commissioner Davis seconded the motion. The motion carried by a unanimous vote.

CITY COMMISSION REPORTS

1. Report re: Elected Officials Round-Table

Mayor Apgar stated there was no Elected Official Round-Table in September. The next meeting will be in November.

Commissioner Cloudman stated he would begin with the River of Lakes Corridor report.

2. Report re: River of Lakes Heritage Corridor

Commissioner Cloudman reported in looking at the workplan for the upcoming year and new brochures that will be published. The West Volusia Tourism Authority has contributed $10,000 toward brochures. The next meeting will be held on Monday, September 12, 2022, at 10:00 a.m. at the Enterprise Museum. He invited anyone interested in serving to attend.

3. Report re: River-to-Sea TPO

Commissioner Cloudman stated a full board meeting was held followed by an executive committee meeting. Expenditure for study of the greenway going out towards the train station was approved. Action was also taken to approve a resolution authorizing an application to a safe streets and roads for all grant applications. In this the TPO will be applying for a $400,000 grant to be used for local projects. That grant would cover 80% with federal funds and the remaining 20% with local matches or state funding.

Commissioner Cloudman provided information and updates on local projects being completed.

The River-to-Sea TPO is nearing the end of the contact with the current Executive Director. A decision will be made as to whether or not negotiations will be entered to make her the full-time director.

CITY MANAGER REPORT

Nothing additional to report.

CITY ATTORNEY REPORT

Nothing additional to report.

CITY CLERK REPORT

Nothing additional to report.

CITY COMMISSION

Commissioner Paiva congratulated Dan Reed and stated he looks forward to working together. He also congratulated Jessica and Kevin on their re-election.

Commissioner Davis thanked everyone for the congratulations and wished those moving forward to November the best. She thanked the voters for their confidence in her service on the City Commission.

Commissioner Reid reiterated the congratulations. He stated it has been a busy week and he also appreciates the residents for believing in and re-electing him to office.

Commissioner Cloudman had the opportunity to celebrate a ribbon cutting for an occupational and physical therapy business.

Mayor Apgar suggested the City Commission name something in honor of Keith Riger and all he did for many years.

Mayor Apgar attended Stetson's Convocation this afternoon at the Boys' and Girls' Club encouraging reading among the youth.

Mayor Apgar announced several upcoming activities, festivals and ribbon cuttings.

Mayor Apgar shared his thoughts about post-election.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:16 p.m.

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