

**MINUTES FOR A REGULAR MEETING OF  
THE CITY COMMISSION OF THE CITY OF DELAND  
HELD ON MONDAY, OCTOBER 3, 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**

Mayor Apgar, on behalf of the Commission, thanked Michael Pleus, City Manager, the Department Directors and all City of DeLand employees for their dedicated efforts in preparing for Hurricane Ian. Crews were out making preparations prior to the storm and have been working since immediately after the storm, to get the city cleaned up and back to normal. He asked Mr. Pleus to give an overview on what has or is being done before, during and after the storm.

Mr. Pleus said last week Hurricane Ian, an unprecedented storm, happened which dropped at least 20 inches of rain in the City of DeLand. Investments the City has made into stormwater infrastructure over past years served the residents well even though there were a couple of localized areas of flooding near Orange Camp, Beresford and Amelia roadways. The areas of localized flooding which occurred back in 2004 did not flood again during Hurricane Ian. The amount of tree debris was far less than during previous storm events which was helpful with power restoration. Duke Energy has indicated 272 people still do not have power due to localized issues that are being addressed.

Mr. Pleus advised DRC, the city's debris contractor, cannot pick up vegetative debris in plastic bags.

Ray Underwood, Public Works Director, said DRC is the city's main debris hauler. The debris to be picked up must be in the right of way and not in plastic bags. The debris that is already in bags may be picked up by GFL, the city's solid waste contractor, based on their contract. Therefore, depending upon the number of bags, all debris may not be picked up during one stop. Moving forward, GFL will leave notes for residents that any yard waste will have to be placed in clear plastic bags. Mr. Underwood said on Wednesday, crews will begin working to remove any leaning trees or hanging debris.

Mr. Pleus commented about the debris contractor requirements. The city receives FEMA reimbursement for debris pick up and the amount of reimbursement is dependent upon the process as defined by FEMA. He noted the cost to taxpayers would be significant if the city were not eligible for FEMA reimbursement.

Vice Chair Barb Girtman, Volusia County Council, thanked the City Commission, DeLand staff, first responders and residents for being responsive and responsible during Hurricane Ian. She also thanked the City Commission for supporting her as a County Council member over the past four years and during the upcoming year as Vice Chair.

Father Comforted, St. Barnabas Episcopal 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 Kisthart, 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; Rick Hall, Parks and Recreation Director; Chris Graham, Community Information Manager, members of the public and press.

## **PRESENTATIONS**

### **1. Super Star Students of the Month**

Mayor Apgar stated the Super Star Student program was paused for approximately two years due to the pandemic. The City is delighted to restart this program. Each student will be called forward and presented with a certificate. The students were asked to remain up front for a group picture once all certificates have been presented.

Commissioner Davis read the student names along with a short description of why the student was chosen as a Super Star. Commissioner Cloudman presented the certificates:

**Blue Lake Elementary:** Spencer Salinetto  
**Citrus Grove Elementary:** Chase Grebosz  
**DeLand High School:** no submission  
**DeLand Middle School:** Hannah Wycuf  
**DeLand Preparatory Academy:** no submission  
**Freedom Elementary:** Aryan Rahman  
**George Marks Elementary:** no submission  
**Southwestern Middle School:** Caiden Adams  
**St. Barnabas:** Ryan Murray  
**St. Peter's Catholic School:** Giselle Santos  
**Starke Elementary:** Jaylen Harris  
**Stetson Baptist:** De'Niya Padgett  
**TOP Academy:** no submission  
**Woodward Avenue:** Quiestanna Long

## **2. Certificates of Recognition to CATALYST Student Summer Intern Program**

Mayor Apgar asked Commissioner Paiva to read the students' names. Commissioner Davis made the presentations. Commissioner Davis asked Ms. Benzo, CEO, to join her and Commissioner Paiva. The City of DeLand recognized:

Dakahrie Robinson  
Chunijah Whie  
Iamhia-Passion Bingham  
Brad Lee, Jr.  
Samaria Wyche  
Damian Dillard  
My'Kerria Jackson  
Abby Reid Williams  
Carlos Arnaiz

Robin King, Executive Director of Career Source, expressed her gratitude to the City Commission.

Ms. Benzo thanked the parents and the preceptors for the young people who have participated in the CATALYST Student Summer Intern Program. The City of DeLand should be very proud of their youth. She also thanked Ms. Girtman and Ms. King for making this program possible.

## **3. Proclamation, Fire Prevention Week**

Mayor Apgar asked Commissioner Reid to read the Fire Prevention Week Proclamation. He mentioned the National Night Out event will be held on October 4, 2022. Commissioner Paiva presented the Proclamation to Todd Allen, Fire Chief.

**Whereas**, since 1922, the National Fire Protection Association has sponsored the public observance of Fire Prevention Week making it the longest-running public health observance in the United States of America; and

**Whereas**, the DeLand Fire Department, in partnership with the National Fire Protection Association, is steadfastly committed to ensuring the safety and security of all those residing in and visiting DeLand, Florida; and

**Whereas**, Fire Prevention Week is observed each year during the week of October 9<sup>th</sup> in commemoration of the Great Chicago Fire which began on October 8, 1871 and caused devastating damage. This horrific conflagration killed more than 250 people, left 100,000 homeless, destroyed more than 17,400 structures, and burned more than 2,000 acres of land; and

**Whereas**, the 2022 Fire Prevention Week theme, “Fire Won’t Wait, Plan Your Escape,” effectively serves to remind us that we need to take personal steps to increase our safety from fire; and

**Whereas**, statistics indicate the vast majority of citizens are at risk of structure fire in their homes. In 2016, more than 2,700 citizens across our country lost their lives due to residential fires and Fire Departments across the United States responded to 352,000 home fires; and

**Whereas**, during Fire Prevention Week, children, adults, and educators learn to stay safe in case of a fire and Firefighters provide lifesaving public outreach in an effort to drastically decrease casualties caused by fire.

**Now, therefore**, I, Robert F. Apgar, Mayor of the City of DeLand, do hereby proclaim, October 9-15, 2022 as:

**“Fire Prevention Week”**

in the City of DeLand and urge all citizens to remember “Fire Won’t Wait, Plan Your Escape.”

**Done and proclaimed** this 3<sup>rd</sup> day of October 2022.

Attest:

/s/ Julie A. Hennessy  
City Clerk-Auditor

/s/ Robert F. Apgar  
Mayor

4. Employee Years of Service Awards

Recognizing Craig Leonard, Parks & Recreation Department, for 40 years of dedicated service.

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

Mayor Apgar read the recognition celebrating Mr. Leonard's 40 years of employment with the City of DeLand.

5. Resolution No. 2022-80, Honoring the Retirement of Pam Godfrey

Commissioner Cloudman read Resolution No. 2022-80. Mayor Apgar presented the resolution to Pamela Godfrey, celebrating 38 years of service with the City of DeLand.

**RESOLUTION NO. 2022-80**

**A RESOLUTION OF APPRECIATION AND RECOGNITION BY THE CITY COMMISSION OF THE CITY OF DELAND, FLORIDA, TO PAMELA GODFREY UPON HER RETIREMENT AFTER 38 YEARS OF SERVICE TO THE CITY OF DELAND; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Pamela Godfrey began her employment with the City of DeLand in 1984 as a part-time Office Assistant in the Parks and Recreation Department where she learned how to copy from stencil to a mimeograph machine, then to a new contraption called a computer; she served well and faithfully as the "dinosaur" of Parks and Recreation until her retirement; and

**WHEREAS**, Pam also performed many other duties assigned by former Director Tom Sperling such as booking assignments for the Central Florida Basketball Officials Association, and ticket taking duties during the annual American Legion Firecracker Baseball Tournament. In addition, Pam has been the Head Chef or all of the Parks and Recreation Luncheons and also for all of the hurricane staff feedings; and

**WHEREAS**, Pam worked tirelessly and diligently to accomplish much to enhance parks and recreation for the citizens of DeLand; she was responsible for signing patrons up for a sport, renting pavilions and buildings, and teaching the young Rick Hall the ropes of Parks and Recreation; and

**WHEREAS**, her performance of her duties and responsibilities, has been characterized by professionalism and dedication to work in partnership with Parks and Recreation staff and the citizens of DeLand to improve the quality of life for all; and

**WHEREAS**, Pam was for many years instrumental in assisting with the annual budget preparation and her expertise in this area will certainly be missed; and

**WHEREAS**, Pam had the responsibility to train many employees that were hired for the Parks and Recreation Department; and

**WHEREAS**, Pam also served on many committees throughout her time including the Benevolent and Retirement Committees

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

**Section 1.** That the City Commission of the City of DeLand does hereby honor Pamela Godfrey for her 38 years of service to the City and for the faithful, diligent and responsible manner in which she performed her duties.

**Section 2.** This resolution shall be spread upon the minutes of the City Commission of the City of DeLand as part of the permanent memento of the City's thanks and appreciation to Pamela Godfrey.

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

**PASSED AND DULY ADOPTED** this 3<sup>rd</sup> day of October 2022.

/s/ Robert F. Apgar  
Mayor

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

Commissioner Cloudman made a motion to approve Resolution No. 2022-80. Commissioner Paiva seconded the motion, which carried by a unanimous vote.

Mayor Apgar stated Mr. Elkind, City Attorney, has indicated the ordinance pertaining to amending the Land Development Regulations for Affordable Housing would need to be continued at the request of staff.

Mr. Elkind stated the genesis for this density bonus ordinance is the church, The Sanctuary. The property is owned by the church, and they have also asked that this item be continued until October 17, 2022.

Mayor Apgar stated this is a countywide issue and the City is trying to work with everyone involved to create greater opportunities for affordable housing.

Commissioner Cloudman stated even though this ordinance was not site specific, there were still several questions associated with the document.

Mr. Elkind advised when this item is presented at the next meeting, staff will explain exactly how enforcement will work for this federally funded program. Provisions will also be added to the ordinance for clarification.

Commissioner Paiva made a motion to continue the ordinance listed as number 1 under New Business, which pertains to amending the Land Development Regulations for Affordable Housing, to October 17, 2022. Commissioner Reid seconded the motion, which carried by a unanimous vote.

## **CONSENT AGENDA**

1. Consideration re Change Order No. 2, Sanderson Concrete Construction
2. Consideration re Change Order No. 2, Melching Field Improvements Contract
3. Consideration re Change Order No. 1, Melching Field Stadium Improvements – Wharton Smith Contract
4. Consideration re Collective Bargaining Agreement (CBA) with the IAFF Local 4347 Fire Union for FY 2022-2023 and FY 2023-2024
5. Consideration re Cooperative Purchase Agreement for Emergency Debris Removal Services

Commissioner Paiva made a motion to approve consent agenda items 1-5. Commissioner Reid seconded the motion.

Mr. Elkind stated Commissioner Cloudman has asked if he has a conflict of interest with items 2 and 3 of the consent agenda. Mr. Elkind advised with these items being for convenience to the City and for pricing changes, and there is no potential for private gain or loss given Commissioner Cloudman's indirect employment with Stetson University.

Mayor Apgar called for a vote. The motion to approve the consent agenda carried by a unanimous vote.

## **PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT**

Raymond Long, 1884 Palmetto Road, read a letter of commendation to the DeLand Fire Department where he and his wife had children's car seats installed. Little did they know, they would be transporting their grandchildren sooner than anticipated due to Hurricane Ian.

Mr. Long also thanked the City Commission for doubling the size of a retention pond in his neighborhood. Many residents avoided flooding due to the diligent work in keeping the drain pipes clean and functional.

Mr. Long gave some kind sentiments to Mayor Apgar. He shared some of his history with Mayor Apgar who was a member of Mr. Long's gym for 18 years, always faithful and loyal. Growing up, Mayor Apgar was an outstanding athlete and scholar. In 1964, Mayor Apgar received the Tom

McCain's Countywide Football Academic Award and in 1965 was nominated for the Olsen Award as outstanding athlete for Volusia County. Naming of the Apgar Sports Complex is a rightly deserved tribute to Mayor Apgar for his service to the City of DeLand and its citizens. Mr. Long stated Mayor Apgar has always had the skill, but also has the will and is truly a Champion.

Sam Manning, 230 E Howry Avenue, spoke about a skydiving incident that happened today in DeLand. She noted there was a post about the incident on the Police Department Facebook page, prior to the next of kin being notified. She felt this was extremely insensitive and inappropriate.

Commissioner Davis thanked Ms. Manning for bringing this to the City Commission. She offered condolences to Ms. Manning, as well as, to the victim's family and friends. She advised Ms. Manning to continue communications with the Police Department.

Dr. Wendy Anderson, 505 E. Victoria Trails Blvd, thanked the City Commission and staff for all that has been done to deal with Hurricane Ian. She also spoke about climate change and the effects of overdevelopment.

## **OLD BUSINESS**

1. Second Reading of Ordinance No. 2022-23, Changing the Zoning on Approximately 2.09 Acres of Property, Located at 425 South Woodland Boulevard

Mr. Elkind read the ordinance by title only.

### **ORDINANCE NO. 2022-23**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE 425 SOUTH PLANNED DEVELOPOMENT (PD), ON PROPERTY LOCATED AT 425 SOUTH WOODLAND BOULEVARD; APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 2.09 +/- ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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

Commissioner Paiva made a motion to approve Ordinance No. 2022-23 with the changes as recommended by the Planning Board. Commissioner Davis seconded the motion.

Commissioner Cloudman noted discussion at first reading pertaining to parking. He asked if everything had been resolved. Mike Holmes, Planning Director, stated the developer did address the Planning Board comments and also removed and relocated parking spaces.

Mayor Apgar called for a vote. The motion carried by a roll call vote.

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

2. Second Reading of Ordinance No. 2022-24, Annexing 466 Acres of Property Located at 475 Blue Lake Avenue (The Oaks Phase III)

Mr. Elkind read the ordinance by title only.

**ORDINANCE NO. 2022-24**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ANNEXING APPROXIMATELY 4.66 ACRES OF PROPERTY LOCATED AT 475 SOUTH BLUE LAKE AVENUE; AMENDING CITY BOUNDARIES TO INCLUDE THE ANNEXED PROPERTY; AFFIRMING COMPLIANCE WITH STATUTORY PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Apgar opened the Public Hearing.

Mike Holmes, Planning Director, stated this series of applications has been complicated and provided an overview of the five applications on the agenda. He said moving forward it will be easier having everything under one agreement.

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

Commissioner Paiva made a motion to approve Ordinance No. 2022-24. Commissioner Reid seconded the motion, which carried by a roll call vote.

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

3. Second Reading of Ordinance No. 2022-25, Annexing 6.73 Acres of Property Located on the East Side of South Blue Lake Avenue, South of Saffron Trail (The Oaks Phase V)

Mr. Elkind read the ordinance by title only.

## **ORDINANCE NO. 2022-25**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ANNEXING A PARCEL OF LAND TOTALING APPROXIMATELY +/- 6.73 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF SOUTH BLUE LAKE AVENUE, SOUTH OF SAFFRON TRAIL; AMENDING CITY BOUNDARIES TO INCLUDE THE ANNEXED PROPERTIES; AFFIRMING COMPLIANCE WITH STATUTORY PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.**

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

Commissioner Paiva made a motion to approve Ordinance No. 2022-25. Commissioner Reid seconded the motion, which carried by a roll call vote.

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

4. Second Reading of Ordinance No. 2022-26, Changing the Land Use from Volusia County Urban Low Intensity to City of DeLand Low Density Residential for 4.66 Acres of Property Located at 475 South Blue Lake Avenue (The Oaks Phase III)

Mr. Elkind read the ordinance by title only.

## **ORDINANCE NO. 2022-26**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED AT 475 SOUTH BLUE LAKE AVENUE FROM VOLUSIA COUNTY'S URBAN LOW INTENSITY TO CITY OF DELAND'S LOW DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

This application is the third of five applications on the agenda related to The Oaks Mobile Home Community.

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

Commissioner Paiva made a motion to approve Ordinance No. 2022-26. Commissioner Reid seconded the motion which carried by a roll call vote.

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

5. Second Reading of Ordinance No. 2022-27, Changing the Land Use from Volusia County Urban Low Intensity to City of DeLand Urban Low Intensity for 6.73 Acres of Property Located on the East Side of South Blue Lake Avenue South of Saffron Trail (The Oaks Phase V)

Mr. Elkind read the ordinance by title only.

#### **ORDINANCE NO. 2022-27**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED ON THE EAST SIDE OF SOUTH BLUE LAKE AVENUE, SOUTH OF SAFFRON TRAIL; FROM VOLUSIA COUNTY'S URBAN LOW INTENSITY FUTURE LAND USE DESIGNATION TO CITY OF DELAND'S URBAN LOW INTENSITY FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

This application is the fourth of five applications on the agenda related to The Oaks Mobile Home Community.

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

Commissioner Paiva made a motion to approve Ordinance No. 2022-27. Commissioner Davis seconded the motion which carried by a roll call vote.

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

6. Second Reading of Ordinance No. 2022-28, Changing the Zoning from Volusia County RR (Rural Residential), City of DeLand R-M (Residential-Mobile Home) and City of DeLand The Oaks PD to The Oaks Community Expanded PD 2022 for 51.86 Acres of Property Located Generally at the Southeast Corner of Voorhis Avenue and South Blue Lake Avenue

Mr. Elkind read the Ordinance by title only.

**ORDINANCE NO. 2022-28**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S RR, RURAL RESIDENTIAL, CITY OF DELAND'S R-M, RESIDENTIAL-MOBILE HOME AND THE OAKS PLANNED DEVELOPMENT TO CITY OF DELAND'S THE OAKS COMMUNITY EXPANDED PD 2022, PLANNED DEVELOPMENT, ON PROEPRTY LOCATED AT THE SOUTHEAST CORNER OF EAST VOORHIS AVENUE AND SOUTH BLUE LAKE AVENUE, APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 51.86 ACRES OF PROEPRTY MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPEHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

This application is the fifth of five applications on the agenda related to The Oaks Mobile Home Community.

Mayor Apgar opened the Public Hearing.

Mike Holmes, Planning Director, noted emergency access has been added to the new phases.

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

Commissioner Cloudman mentioned affordable housing options need to include a variety of options. This product brings in more options for affordable housing.

Commissioner Paiva made a motion to approve Ordinance No. 2022-28. Commissioner Cloudman seconded the motion which carried by a roll call vote.

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

7. Second Reading of Ordinance No. 2022-29, Changing the Zoning of Approximately 28.64 Acres of Property, located at the Southeast Corner of Martin Luther King Boulevard and Cassadaga Road, from County R-4C & R-4 to CTC DeLand PD to Develop a Multi-Family Residential Project

Mr. Elkind read the ordinance by title only.

## **ORDINANCE NO. 2022-29**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S R-4C, URBAN SINGLE-FAMILY RESIDENTIAL-THOROUGHFARE CORRIDOR AND R-4, URBAN SINGLE-FAMILY RESIDENTIAL TO CITY'S PLANNED DEVELOPMENT, CTC DELAND PD, ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF DR. MARTIN LUTHER KING, JR., BOULEVARD AND CASSADAGA ROAD; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 28.64 +/- ACRES OF PROPERTY MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

Mayor Apgar opened the Public Hearing.

Mike Holmes, Planning Director, stated the Commission asked for several changes to the PD Agreement at first reading. He reviewed those items which were set forth from the staff report:

1. This project is located in a commercial and industrial area which requires better protection from noise. Note – Landscape buffer and wall proposed along the west and south boundaries should help to reduce noise in the complex. However, as noted previously, the wall should be designed to be aesthetically appealing rather than just a plain precast concrete wall.
2. Increase the surrounding buffers, especially at the intersection of Cassadaga Road and Martin L. King Blvd. Note – 40' landscape buffer is proposed along the east and north boundaries.
3. Emphasize that no burning of cleared vegetation will be permitted. Note – text added under the phasing section to prohibit open burning.
4. Clearly state that this project will be protective of the environment through methods such as Low Impact Development, drought and Florida Friendly plant materials, tree protection for historic trees and generally more plantings provided. Note – Standards added under the environmental Considerations section that address historic tree removal must follow current city provisions. Low impact development strategies and Florida Friendly landscaping will be used in the development.
5. Clearly state what amenities will be provided. Note – has not specifically stated which amenities will be provided, but lists the ones that may be provided.
6. Consider how this project will be integrated into the rest of the activity center. Note – Pedestrian connections have been added to the south and the east.

Commissioner Paiva referred to previous commentary pertaining to the placement of trees along the back yard, between the homes. Mr. Holmes said it is difficult to show individual trees on the plan, but this is something that could be asked of the developer.

Nika Hosseini, Cobb Cole Attorneys at Law, 231 N. Woodland Blvd, stated there have been multiple renderings of what this development might look like upon completion. She gave a presentation which included information about updates to the plan.

Commissioner Cloudman said part of the original first reading being brought back for another first reading had to do with the compatibility of other projects. He stated as more compact or multi-family housing is developed, it is important to make sure there is accessibility to shopping, groceries and other amenities in the surrounding area. Commissioner Cloudman asked about the compatibility of this development for the tech park. Ms. Hosseini said additional information will be presented during the next agenda item.

Commissioner Paiva asked about the wording “may” versus “shall” regarding the common areas. His concern is “may” does not provide assurance for the city. Mayor Apgar concurred there seemed to be a reluctance associated with specificity of amenities. Ms. Hosseini said there are a couple of amenities in each of the developments, but the remainder of the amenities are to be determined. She stated the development agreement may be revised to indicate there “will” be amenities. Mark Watts, Cobb Cole, concurred this concern can be addressed with a minor amendment to the document. Mr. Watts discussed the amenities that “shall” be included, pointing out proposed trail connections.

Commissioner Paiva asked for more detail on what the wall will look like. He is looking for something sturdy, long-lasting and aesthetically pleasing. Ms. Hosseini said the wall will be decorative, pre-cast with columns and will be properly maintained. That language can also be added into the development agreement.

Darren Elkind, City Attorney, asked to include an exhibit as to the aesthetics of a typical section of the wall. He stated it would be appropriate to approve the wall during second reading.

Commissioner Reid stated previous discussion included ideas for offering some type of rebate or affordability incentive for employees of the Tech Park. He asked if additional consideration had been given to incentivizing Tech Park employees to live at CTC DeLand. Ms. Hosseini stated the developer is amenable to working with businesses/employers who move into Tech Park as they develop. It would be difficult to spell this type of program out in the PD Agreement prior to business commitments for the Tech Park.

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

Commissioner Davis asked about the stormwater area compatibility for the community in the event of a flood. Mr. Holmes stated the City Engineer is very good with stormwater design and he believes the project will be designed so as not to impact neighbors.

Mr. Pleus has asked Ray Bahrami, City Engineer, to look at increasing the City's stormwater standards. There was a discussion pertaining to heavier rains and being prepared for future weather events that take place, prompting a closer look at amending stormwater standards.

Mayor Apgar noted the green areas have also been increased, which will help with stormwater management.

Commissioner Paiva asked if the stormwater pond would be landscaped. Ms. Hosseini said engineering has not addressed the stormwater ponds but LID standards will be implemented.

Commissioner Paiva made a motion to approve Ordinance No. 2022-29 on second reading with inclusion of amenities to include "shall" for the trails as shown on the plan, the clubhouse, swimming pool, dog park and butterfly garden. In addition, an exhibit showing a typical section of the wall is to be included. Commissioner Reid seconded the motion, which carried by a roll call vote.

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

Mayor Apgar recessed the meeting at 8:43 p.m. The meeting reconvened at 8:48 p.m.

8. Second Reading of Ordinance No. 2022-30, Changing the Zoning from Volusia County R-4C, R-4, A-1C, A-1, I-1C & I-1 to DeLand Tech Park PD, Located in the Northwest Quadrant of SR 472 and Interstate 4, for approximately 143.2 Acres of Property

Mr. Elkind read the Ordinance by title only.

#### **ORDINANCE NO. 2022-30**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA CHANGING THE ZONING FROM VOLUSIA COUNTY'S, R-4, R-4C (URBAN SINGLE AMILY RESIDENTIAL); VOLUSIA COUNTY'S A-1C, A-1 (PRIME AGRICULTURE); AND VOLUSIA COUNTY'S I-1C, I-1 (LIGHT INDUSTRIAL); TO CITY'S PLANNED DEVELOPMENT, DELAND TECH PARK PD, ON PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF STATE ROAD 472 AND INTERSTATE 4; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 143.2 +/- ACRES OF PROPERTY MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

Mayor Apgar opened the Public Hearing.

Mayor Apgar disclosed his former wife is related to one of the property owners, but he has no financial interest in the outcome of this agenda item.

Mike Holmes, Planning Director, stated the developer has put tree replacement, based on inches as opposed to exact dollar amount, in the PD Agreement. Staff has not received a definitive answer from Volusia County Traffic Engineering as to what they would allow for the access point.

Commissioner Cloudman questioned the need to make procedural changes since this scenario has happened in the past where there was not clear direction from the county, and therefore the city approved something and then the county made changes. Mr. Holmes said the county prefers to review what the city is going to be approving, rather than having to review proposals. Mr. Holmes said the developer did show the county what the City Commission had approved but they still required the full access. Staff hopes the developer will be successful with the county as it is possible both this PD and the previously approved PD would have to be changed.

Nika Hosseini, Cobb Cole Attorneys at Law, 231 N. Woodland Blvd, advised language has been included in the PD Agreement contemplating whole access points and road networks being subject to county review and engineering. Legal staff has been working with the county to obtain comments.

Ms. Hosseini reviewed the Southwest Activity Center (SWAC) Land Use Guidelines included in the PD Agreement. Her firm has been working with the City's Forrester in order to address comments from the City's perspective, updates have been made accordingly. Planned uses are defined in the PD Agreement, indicating specified locations for various types of businesses. Ms. Hosseini reviewed the LID standards indicating the commitment of the developer to follow same. In addition, SWAC maximum trip generation data was presented.

Mayor Apgar referred to the orientation of buildings along I-4, and asked what constitutes the requirement to incorporate architectural standards.

Mr. Elkind, City Attorney, said the idea was the narrow end of the buildings would face I-4 and would not have loading docks or other aspects of the "working end" of the buildings. His understanding was administrative offices with architectural embellishments would be positioned along the east side of the buildings that face I-4. Mr. Elkind asked Mayor Apgar to clarify what he is looking for in terms of the part of the buildings that face I-4. Ms. Hosseini concurred. Mr. Elkind will make sure language is clearly written into the agreement, and reflective of City Commission desires.

Mayor Apgar does not want retail and service land uses to be the largest traffic generator, because as such, it would take away from the ability to create higher paying employment opportunities. He asked if there could be a square footage maximum on retail sales and service uses.

Mark Watts, Attorney, stated the trip matrix does establish the maximum number of trips, which make up components that are part of the TIA being done in conjunction with the project. The uses are restricted to corresponding parcels. He said the maximum square footages included in the TIA and every other component in the review process, relate to use classifications for the property. Areas have been identified for Warehouse and Distribution Centers, Light Industrial and Manufacturing, Retail Commercial, Professional Offices, and Hotels, Restaurants and other support uses. The areas set forth for each use are not interchangeable.

Mayor Apgar asked since a concept plan is attached to the PD, if limitations should be specified in the PD Agreement. Mr. Elkind advised the concept plan forms part of the Agreement and to the extent the concept plan has specific limitations, it forms a part of the agreement unless the written language in the agreement specifically says to ignore limitations. Mr. Elkind said it would be easier for the applicant, rather than amending the concept plan, to make changes in the PD Agreement. Ms. Hosseini said language will be added into the agreement.

Mayor Apgar said the signage language seems to indicate City of DeLand as a partner. He would prefer the language to the effect that "there will be a sign along I-4 that is approved specifically by the City of DeLand that identifies the area as being part of DeLand". Mayor Apgar's concern is for the signage to be clear about the Tech Park being in the City of DeLand. He said this area is a gateway to the City of DeLand.

On the question of partnership, Mr. Watts said the intent of the language is for the City to have ultimate approval of what the signage will look like. The City will be specified as not an equity partner, but a partner in that the Commission approves the signage.

Commissioner Cloudman expressed possible concern with traffic on 472 and the number of driveways along the section from I-4 to MLK, which is already heavily traveled. Ms. Hosseini said Volusia County is looking at this, and the applicant is working on a TIA that will show the network and the impact on same network.

Commissioner Reid expressed hesitancy with how traffic is going to impact MLK Jr Beltway. He asked if anyone is aware of improvements being discussed by the State or Volusia County. Ms. Hosseini said that as part of the TIA process, Volusia County will look at impacts to roadways and then will work on a proportionate fair share agreement. Commissioner Reid is more interested in a timeframe for potential issues to be addressed.

Mr. Watts, Attorney, provided some background on the coordination taking place to address traffic concerns. There may be some changes to the access along MLK based on volumes and safety. There is a traffic signal at Cassadaga Road to make the intersection safer. Coordination of planning

also includes AdventHealth and other property owners, to better address potential future traffic issues.

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

Darren Elkind, City Attorney, asked the applicant, in Section 6 – Architectural Standards, there is a reference to primary industrial buildings. He asked if these standards could be applied to all buildings oriented toward I-4. Ms. Hosseini said the applicant is okay with that for principal buildings, but not for accessory buildings. Mr. Watts suggested the Architectural Standards only apply to primary buildings oriented toward I-4. Mr. Elkind stated that language can be incorporated into the agreement that is satisfactory with the City Commission.

Mr. Elkind inquired if the applicant would be agreeable to removing truck courts from the I-4 side of the buildings and the applicant agreed.

Mr. Elkind said regarding the sign, the word “partnership” should be removed, and the sign would be approved by the City Commission.

Commissioner Cloudman reminded Mr. Elkind of his suggestion for the residential area facing side to include architectural standards since the residents will be looking at the buildings over a small wall. Mr. Elkind said that is something that will have to be addressed. Mr. Holmes added square footage of commercial/industrial will be added to the PD Agreement.

Commissioner Paiva asked for further clarification on accessory structures. Mr. Elkind said additional language will be included to clarify accessory buildings, which means it would have to be an accessory building to an industrial building. The idea is for no loading docks to face I-4, for aesthetic purposes.

Commissioner Paiva made a motion to approve Ordinance No. 2022-30, to include: removal of truck courts from what is allowed on the east side of the buildings and buffer; clarify in Section E, that facades of principal industrial buildings will be required to meet the architectural standards; add a maximum square footage of commercial/retail space in the body of the PD Agreement; and provide in the sign provision the City is not a partner, but is to approve the signage. 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 |

## **NEW BUSINESS**

1. First Reading of Ordinance Amending Land Development Regulations to Address Density Bonus for Affordable Housing

At the beginning of the meeting, following presentations, the City Commission voted to continue this agenda item to a future date (October 17, 2022)

2. Resolution Approving Final Plat, Beresford Woods Phase 1 Subdivision

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

**CITY MANAGER REPORT**

Mr. Pleus had nothing additional to report.

**CITY ATTORNEY REPORT**

Mr. Elkind had nothing additional to report.

**CITY CLERK REPORT**

City Clerk Hennessy stated Florida League of Cities Policy Committee meetings will be virtual this week due to the hurricane.

**CITY COMMISSION**

Commissioner Davis appreciated the thoughtfulness staff put into GlassHouse in the 2050 plan and she thanked everyone for continuing to work toward collecting all necessary input pertaining to this project. She appreciates the collaborative meetings that have been held.

Commissioner Davis expressed appreciation for the communications during Hurricane Ian and the importance of continuing dialogue in order to ensure the city is prepared for future weather events. She participated in the distribution team with her church, providing supplies to residents in areas impacted by Hurricane Ian.

Commissioner Reid reiterated thankfulness to the staff for continually planning, thinking ahead and reviewing plans after events such as Hurricane Ian.

Commissioner Cloudman echoed the appreciation expressed to staff and leadership during Hurricane Ian.

Commissioner Paiva also echoed the appreciation expressed. It is always nice to see the community come together to help each other.

Mayor Apgar thanked the City Commission for time spent on the first reading of GlassHouse. He stated Monday night, October 10, 2022, a CRA workshop will be held at 6:00 p.m. followed by a 7:00 p.m. Special Meeting of the City Commission. Both meetings are conceptual types of approval. There will be no official action on the agenda items.

Mayor Apgar provided additional comments pertaining to his tenure as Mayor and Commissioner in the City of DeLand. He has not served in order to leave a legacy but believes the future will determine what, if any legacy he has, which will also belong to the City Commission and staff since 2001.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:20 p.m.

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Julie Hennessy, MMC  
City-Clerk Auditor

Prepared by:  
Dale Arrington  
Interim City Clerk

APPROVED:  
07/20/2026

