

**MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, DECEMBER 19, 2022, AT 7:00 P.M
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE**

CALL TO ORDER

The Regular Meeting of the City of DeLand City Commission was called to order by Mayor Cloudman on Monday, December 19, 2022, at 7:00 PM in the City Commission Chambers, 120 South Florida Avenue, DeLand, Florida.

INVOCATION

Pastor Mark Schrade, First Assembly DeLand, gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Cloudman led the Pledge of Allegiance.

ROLL CALL

Commissioner Charles Paiva	Present	Commissioner Kevin Reid	Present
Commissioner Jessica Davis	Present	Mayor Chris Cloudman	Present
Commissioner Daniel Reed	Present		

PRESENTATIONS

1. Employee Years of Service Awards

Commissioner Dan Reed presented a 15-year service award to Jonathan C. Jacob of the City Clerk's Office. Family members were invited to join for photographs.

2. Approving Resolution No. 2022-102, Honoring the Retirement of Chalen Godwin

Commissioner Jessica Davis read Resolution No. 2022-102 honoring the retirement of Sergeant Chalen Godwin for 23 years of service to the city. Commissioner Paiva moved approval of the Resolution. Commissioner Davis seconded the motion. The motion was unanimously adopted.

Mayor Cloudman called for Consent agenda 1 to be considered at this time.

Consent Agenda Item 1. Resolution Approving Surplus of Glock Firearm for Sergeant Chalen Godwin Upon His Retirement

Commissioner Paiva moved approval of this resolution. It was seconded by Commissioner Davis and unanimously adopted.

Chief Umberger expressed his appreciation of Sgt. Chalen and Members of the Commission offered their congratulations.

CONSENT AGENDA

2. Resolution Approving Carryforward for FY 2022-2023 Budget Amendment.
3. Resolution Approving FY 2022-2023 Budget Amendment
4. Consideration re Contract Renewal with ePermitHub
5. Consideration re Assignment and Assumption of Lease Agreement Gilbert Propane, Inc. to ThompsonGas, LLC.

Commissioner Paiva made a motion to approve consent items 2-5. Commissioner Kevin Reid seconded the motion, which carried by a unanimous vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT OLD BUSINESS

Mr. Anthony O'Dell addressed the City Commission regarding black bears and the importance of preserving their habitat and their prevalence near urban areas.

Mr. Robert Johnson addressed the City Commission regarding potential violations of the separation of church and state with religious groups stationing themselves and proselytizing directly in front of government institutions such as the Courthouse and the Library.

OLD BUSINESS

1. Second Reading of Ordinance No. 2022-32, Amending Chapter 21, Section 21-29 of the Code of Ordinances Relating to Panhandling.

Mr. Elkind read the ordinance by title only.

Mayor Cloudman opened the public hearing.

City Attorney Elkind presented the constitutional framework for developing this ordinance and its limitations in that panhandling cannot be prohibited city wide. City Manager Micheal Pleus answered questions about signage and a forthcoming educational campaign relating to the ordinance.

There were no public comments.

Mayor Cloudman closed the Public Hearing.

Commissioner Paiva moved approval of Ordinance. Commissioner Dan Reed seconded the motion, which was approved on roll call vote.

Commissioner Paiva	YES	Commissioner K. Reid	YES
Commissioner Davis	YES	Mayor Cloudman	YES
Commissioner D. Reed	YES		

2. Second Reading of Ordinance No. 2022-38, Changing the Land Use for Approximately 1.47 Acres of Property, Located on the Southeast Corner of South Clake Street and Voorhis Avenue, from Medium Density Residential to Downtown Commercial

Mr. Elkind read the ordinance by title only.

Mayor Cloudman opened the public hearing.

There were no public comments.

Mayor Cloudman closed the Public Hearing.

Commissioner Paiva moved approval of Ordinance 2022-38. Commissioner Davis seconded the motion, which was approved on roll call vote.

Commissioner Paiva	YES	Commissioner K. Reid	YES
Commissioner Davis	YES	Mayor Cloudman	YES
Commissioner D. Reed	YES		

Motion carried 5-0.

3. Second Reading of Ordinance No. 2022-39, Changing the Zoning from Palm Garden Cottages PD to C-2A, Downtown Commercial, on Approximately 1.47 Acres of Property, Located on the Southeast Corner of South Clake Street and Voorhis Avenue.

Mr. Elkind read the ordinance by title only.

Mayor Cloudman opened the public hearing.

There were no public comments.

Mayor Cloudman closed the Public Hearing.

Commissioner Paiva moved approval of Ordinance 2022-39. Commissioner Dan Reed seconded the motion, which was approved on roll call vote.

Commissioner Paiva	YES	Commissioner K. Reid	YES
Commissioner Davis	YES	Mayor Cloudman	YES
Commissioner D. Reed	YES		

Motion carried 5-0.

4. Resolution Approving Class IV Site Plan, DeLand Commons.

City Attorney Darren Elkind explained that this was a quasi-judicial hearing and that the criteria for approval or denial are based upon a determination of whether the site plan met the requirements of the code.

Planning Director Mike Holmes reviewed the Site Plan.

Commissioner Paiva inquired as to the connections to the bike lane and Mr. Holmes indicated that the lane would remain. Commissioner Paiva would like to reserve the right-of-way for a future linkage to the proposed West Voorhis bike lane.

Commissioner Kevin Reid inquired about whether screens would be allowed.

Mr. Holmes stated that could be addressed but he would defer to the applicant.

Mr. Mark Watts, Cobb Cole, was present on behalf of the developer and introduced members of the applicant's planning team. He reviewed a history of planning process and the site plan. Mr. Watts explained streetscaping, the landscape plan, and building facades on both Woodland and Voorhis Avenues. Mr. Watts stipulated that he would be happy to add a provision prohibiting screens on the Woodland Blvd. façade. He ended by showing standards for the townhomes.

Commissioner Paiva asked how concerns regarding the bike path could be addressed from a process standpoint.

Mr. Elkind stated a condition could be added or the application could be continued.

Mr. Watts explained how automobile and bicycle parking needs were determined.

In response to questions from Commissioner Kevin Reid, Mr. Watts stated that the oak trees in the right of way would remain. Mr. Watts also stated that parking would be assigned to residents and signage would be erected for commercial uses. Limitations on balcony usage, such as for towel drying, was also discussed.

Mayor Cloudman asked about signage. Mr. Watts stated that it would follow code requirements.

Mayor Cloudman asked about architectural elements. The architect for the project explained how he was trying to complement downtown elements. Jim Wachtel, with DJ Design, explained that he reviews architecture on behalf of the City and he explained that the initial review focused on Woodland Blvd. facades. He explained the motifs, and roof lines, and the different elements that were looked at. The attempt was to be complementary.

Commissioner Dan Reed said he was hoping the look would be more "vintage". Mr. Watts explained that the location of the building on the south side of downtown blends elements of architecture from buildings located north of New York Avenue with those of buildings located closer to the multi-modal center.

Commissioner Davis asked questions about parking and about affordable housing.

Peter Mollers who lives and walks through downtown, stated he did not like the boxy look of this building, and he did not think these buildings will stand the test of time.

Mr. William Hoffman stated that this is the gateway of historic downtown and the south side of the building does not create a sense of entry to downtown. In addition, he thought the entrances to the building needed to be improved as well as the roofline. He also does not think the use of Hardy board is in keeping with the historic area.

Mr. Tushar Patel asked about the setbacks of the building, and he was concerned that the height of buildings would block light to the Artisan. He was also concerned about damages to the Artisan during construction.

Mr. Watts stated the set back was fifteen feet from the Artisan property line, which exceeds the requirement. They will address construction impacts during the process and do not want to cause any concern.

Mr. Watts cited numerous examples of architecture styles and roof types that are similar to this proposed building. He explained that they have designed and resubmitted numerous times to achieve an architectural style that is complementary to the varied architecture of downtown. Mr. Watts also stated he would be willing to provide a mechanism to accommodate a tie-in to bike trails. There is also a mid-block pedestrian crossing shown on the plan.

Mayor Cloudman referenced the parking requirement waiver being requested, and questioned the number and type of bicycle parking spaces being provided.

Commissioner Dan Reed stated he did not think there was enough parking. Mr. Watts explained that the project would have a parking management plan, and that many successful businesses have operated with parking deferrals.

Commissioner Paiva indicated that he was comfortable with the number of spaces, but he would want them to be allowed for off-premise use in addition to what is provided in the building.

Mayor Cloudman expressed the need to develop an overall parking plan for downtown commercial uses, but that parking should be provided for the residents. Commissioner Reid agreed.

Mr. Watts indicated that they wanted people to enjoy downtown, and he is willing to work with staff to develop a parking management plan that would prevent people from being towed from their site for visiting a different downtown business.

Commissioner Paiva pointed out the parking improvements that are being planned in downtown.

Commissioner Dan Reed expressed his concerns about the architecture and the balconies on Woodland Blvd.

Commissioner Reid expressed his concerns regarding the architecture and the use of Hardy board on the Woodland Blvd. facade.

Mayor Cloudman explained that he thought the buildings were flat and could be improved.

In response to Commissioners Paiva's questions about process, Mr. Elkind stated the request could be continued to ask for additional information regarding the parking deferral and to also ask for some additional changes to building elements.

Commissioner Reid asked for the following along Woodland Blvd.: a staggered roof line; greater building relief than 16 inches so that it looks like the building is comprised of multiple

buildings; incorporation of architectural elements from the Artisan whether it be some stucco or archways. The building is too uniform as proposed along Woodland Blvd.

Commissioner Paiva asked for brickwork, or partial prick work, up to the third floor.

Mr. Watts said that he understood about the architecture. He would like clarification on the parking deferral, and asked if he came back with an acceptable parking management plan, would the number of spaces provided be acceptable?

Commissioner Paiva indicated numbers are acceptable, but a good management plan needs to be provided.

Mayor Cloudman closed the Public Hearing.

Commissioner Paiva moved to continue this application. Commissioner D. Reed seconded the motion, which was approved on roll call vote.

Commissioner Paiva	YES	Commissioner K. Reid	YES
Commissioner Davis	YES	Mayor Cloudman	YES
Commissioner D. Reed	YES		

Motion carried 5-0.

Mayor Cloudman recessed the meeting .

Mayor Cloudman called the meeting back to order at 9:50 pm.

5. Second Reading of Ordinance No. 2022-33, Changing the Zoning of 0.18 Acre of Property from R1A (Single-Family) to C-2A (Downtown Commercial) Located at 210 West Wisconsin.

Darren Elkind read the ordinance by title only

Mayor Cloudman opened the public hearing.

There were no public comments.

Mayor Cloudman closed the Public Hearing.

Motion to approve Ordinance No. 2022-33 on second reading was made by Commissioner Paiva and seconded by Commissioner Davis.

Commissioner Paiva	YES	Commissioner K. Reid	YES
Commissioner Davis	YES	Mayor Cloudman	YES
Commissioner D. Reed	YES		

Motion carried 5-0.

6. Second Reading of Ordinance No. 2022-34, Changing the Zoning from The Cascades PD to Pointe Grand Apartments PD to Develop a Multi-Family Residential Project, on Approximately 14.57 Acres of Property, Located on North Spring Garden Avenue, South of Clear Lake Drive.

Darren Elkind read the ordinance by title only

Mayor Cloudman opened the public hearing.

The applicant's representative confirmed that all three items outstanding from the first reading had been addressed: a definition of "medical professionals" was agreed upon with the City Attorney; the reserve allocation for medical professionals was increased from 15% to 20%; and the concept plan was revised to depict a 25-foot landscape buffer.

Mayor Cloudman closed the Public Hearing.

Motion to approve Ordinance No. 2022-34 on second reading was made by Commissioner Charles Paiva and seconded by Commissioner Kevin Reid.

Commissioner Paiva	YES	Commissioner K. Reid	YES
Commissioner Davis	YES	Mayor Cloudman	YES
Commissioner D. Reed	YES		

Motion carried 5-0.

7. Second Reading of Ordinance No. 2022-35, Annexing 4.87 Acres of Property Located at the North East Corner of East Wisconsin Avenue and Miller Road.

Darren Elkind read the ordinance by title only

Mayor Cloudman opened the public hearing.

There were no public comments.

Mayor Cloudman closed the Public Hearing.

Motion to approve Ordinance No. 2022-35 on second reading was made by Commissioner Charles Paiva and seconded by Commissioner Kevin Reid.

Commissioner Paiva	YES	Commissioner K. Reid	YES
Commissioner Davis	YES	Mayor Cloudman	YES
Commissioner D. Reed	YES		

Motion carried 5-0.

8. Second Reading of Ordinance No. 2022-36, Changing the Land Use of 4.87 Acres of Property, from Volusia County's Urban Low Intensity to City of DeLand Urban Low Intensity, for Property Located at the North East Corner of East Wisconsin Avenue and Miller Road

Darren Elkind read the ordinance by title only

Mayor Cloudman opened the public hearing.

There were no public comments.

Mayor Cloudman closed the Public Hearing.

Motion to approve Ordinance No. 2022-36 on second reading was made by Commissioner Charles Paiva and seconded by Commissioner Dan Reed.

Commissioner Paiva	YES	Commissioner K. Reid	YES
Commissioner Davis	YES	Mayor Cloudman	YES
Commissioner D. Reed	YES		

Motion carried 5-0.

9. Second Reading of Ordinance No. 2022-37, Changing the Zoning for 4.87 Acres of Property, Located at the NE Corner of E. Wisconsin Ave. and Miller Rd., from Volusia County R-3A to City of DeLand Planned Development (The Canopy at Blue Lake PD)

Darren Elkind read the ordinance by title only

Mayor Cloudman opened the public hearing.

There were no public comments.

Mayor Cloudman closed the Public Hearing.

Motion to approve Ordinance No. 2022-37 on second reading was made by Commissioner Charles Paiva and seconded by Commissioner Davis.

Commissioner Paiva	YES	Commissioner K. Reid	YES
Commissioner Davis	YES	Mayor Cloudman	YES
Commissioner D. Reed	YES		

Motion carried 5-0.

NEW BUSINESS

1. First Reading of Ordinance Changing the Zoning of 0.533 Acre of Property Located at 216 South Florida Avenue from C-2 (General Commercial) to C-2A (Downtown Commercial)

City Attorney Elkind read the ordinance title into the record.

Mayor Cloudman opened the Public Hearing.

The applicant's representative, George Denison, confirmed that the rezoning request was intended solely to bring the property into compliance with its existing Downtown Commercial land use designation. No commission questions or public comments were offered.

Mayor Cloudman closed the Public Hearing.

Motion to approve the First Reading of the Ordinance changing the zoning at 216 South Florida Avenue from C-2 to C-2A was made by Commissioner Paiva and seconded by Commissioner Kevin Reid.

Commissioner Paiva	YES	Commissioner K. Reid	YES
Commissioner Davis	YES	Mayor Cloudman	YES
Commissioner D. Reed	YES		

Motion carried 5-0.

2. Resolution Approving Preliminary Plat, Trinity Gardens Subdivision

Planning Director Holmes presented the item and noted the project was consistent with prior rezoning approval. The applicant's representative, Sean Fortier, P.E. of KCG Corp., was present. Mayor Cloudman inquired about potential stormwater concerns in light of recent storm events. Mr. Fortier noted that the project employs low-impact development (LID) techniques that exceed code requirements and that the site features positive drainage to the northeast corner, allowing for pond recovery—a key distinction from closed-basin situations that caused flooding issues in other parts of the city. Mayor Cloudman also inquired about traffic phasing and the future extension of Beresford Avenue. City Attorney Elkind confirmed that the resolution incorporates specific unit count limitations tied to the completion of a second access point, consistent with guidance from the county engineer, and that a proportionate share payment in excess of one million dollars is being paid by the developer to the county.

Motion to approve the Resolution Approving Preliminary Plat, Trinity Gardens Subdivision was made by Commissioner Paiva and seconded by Commissioner Kevin Reid.

Commissioner Paiva	YES	Commissioner K. Reid	YES
Commissioner Davis	YES	Mayor Cloudman	YES
Commissioner D. Reed	YES		

Motion carried 5-0.

3. Resolution Approving Final Plat for the Oak Grove Residential Subdivision

The applicant's representative, Lance Jackson of Amherst Homes, confirmed the plat had completed the review process. No further discussion occurred.

Motion to approve the Resolution Approving Final Plat for the Oak Grove Residential Subdivision was made by Commissioner Paiva and seconded by Commissioner Davis.

Commissioner Paiva	YES	Commissioner K. Reid	YES
Commissioner Davis	YES	Mayor Cloudman	YES
Commissioner D. Reed	YES		

Motion carried 5-0.

4. Consideration re Amendment and Restatement of Section 6 of Limited Lease Agreement Relating to Melching Field at Conrad Park Baseball Stadium

Mayor Cloudman recused himself due to his employment and turned the meeting over to Vice Mayor Paiva for this item.

Parks Department staff provided an update on construction progress and noted the deadline of February 17, 2023, at 7:00 PM, when the first pitch was scheduled. Staff expressed cautious optimism that the project would be delivered on time.

It was noted that the amendment increases the project budget cap to \$8.2 million, an increase of \$1.5 million, with Stetson University contributing half of the increase consistent with the existing cost-sharing arrangement. The additional cost is to be funded from the city's capital reserve. City Manager Michael Pleus confirmed Stetson's concurrence with the amendment.

Motion to approve the Amendment and Restatement of Section 6 of the Limited Lease Agreement Relating to Melching Field at Conrad Park Baseball Stadium was made by Commissioner Davis and seconded by Commissioner Kevin Reid.

Commissioner Paiva	YES	Commissioner K. Reid	YES
Commissioner Davis	YES	Mayor Cloudman	ABSTAINED
Commissioner D. Reed	YES		

Motion Carried 4-0 with Mayor Cloudman Abstaining

Mayor Cloudman returned to the dais

5. Consideration re Melching Field - Design Build Contract - Wharton Smith - Change Order Number 2

Motion to approve Change Order Number 2 to the Wharton-Smith Design Build Contract for Melching Field was made by Commissioner Paiva and seconded by Commissioner Kevin Reid.

Commissioner Paiva	YES	Commissioner K. Reid	YES
Commissioner Davis	YES	Mayor Cloudman	YES
Commissioner D. Reed	YES		

Motion Carried 5-0.

6. Consideration re Change of Meeting Date, New Year's Day Holiday

Staff recommended rescheduling the January 2, 2023 regular meeting to Tuesday, January 3, 2023, due to the federal observation of New Year's Day on January 2 and the associated city closure and school holiday.

Motion to reschedule the January 2, 2023 City Commission meeting to January 3, 2023, was made by Commissioner Paiva and seconded by Commissioner Dan Reed.

The motion carried unanimously.

CITY COMMISSION REPORTS

1. Report re Elected Officials Round Table

Mayor Cloudman reported that the Elected Officials Round Table convened and included a round-robin update from each city and the county on recovery efforts from Hurricanes Ian and Nicole. Presentations were provided by FEMA and the Small Business Administration highlighting available recovery resources, particularly for residents on the east side of the county. A presentation was also given on Barracks of Hope, a housing initiative for homeless veterans.

2. Report re River-to-Sea TPO

Mayor Cloudman reported that the River-to-Sea Transportation Planning Organization (TPO) now has a permanent Executive Director, Ms. Colleen Nicholson, following execution of her employment agreement. The TPO approved updated policies for current compliance and approved priority project applications for traffic operations and safety local initiative projects. A call for projects is open through the end of February for the next priority consideration cycle. A presentation and discussion on the I-95 corridor overview was held and will return for a vote the following month.

3. Report re River of Lakes Heritage Corridor

Commissioner Dan Reed reported on his first meeting as the Commission's representative to the River of Lakes Heritage Corridor committee. He noted that Florida has 1,600 miles of designated scenic highways, 860 of which are located in Volusia County. He also highlighted an upcoming active transportation workshop being coordinated through the River to Sea Loop Alliance, focused on improving trail accessibility and bike-walk-roll connectivity in Volusia and Seminole counties.

CITY MANAGER REPORT

City Manager Michael Pleus reported that he, Mayor Cloudman, Chad Gamble, and Mike Grebosz would be meeting with Representative Webster Barnaby and Senator Tom Wright the following day to discuss legislative budget appropriations. The two priority requests are the wastewater treatment plant and a bridge project, with both legislators being sought as sponsors. City Manager Pleus also extended holiday greetings to the Commission and public, thanking the Commission for their support of staff throughout the year.

CITY ATTORNEY REPORT

No report was given.

CITY CLERK REPORT

No report was given

CITY COMMISSION

Commissioner Paiva extended holiday greetings and expressed enthusiasm for the new Commission's first year ahead.

Commissioner Dan Reed extended holiday greetings and best wishes for the new year.

Commissioner Davis thanked the Police and Fire Departments for their participation in the annual "Riding with Santa and the Grinch" event on December 9th, noting that the event reached new neighborhoods and was enthusiastically received by residents.

Commissioner Kevin Reid extended holiday greetings and wished the public a Happy New Year.

Mayor Cloudman recognized several recent community events, including the Main Street Christmas party, the Second Annual Walkthrough Christmas organized by Parks and Recreation, and the Free Will Barbecue Christmas at the Neighborhood Center, where several hundred community members were served. He noted upcoming events including the SpringHill Resource Center toy giveaway on December 20th, a meeting with FDOT Secretary Tyler on January 4th, the Volusia County Council swearing-in ceremony on January 5th, the final leg of the Tiger Tugboat journey from Astor to DeLand on January 15th, and the Martin Luther King Jr. celebrations scheduled for the weekend of January 16th, including the return of the annual breakfast and march to Earl Brown Park.

ADJOURNMENT

There being no further business, Mayor Cloudman adjourned the meeting.

Julie A. Hennessy, MMC

City Clerk – Auditor

RESPECTFULLY SUBMITTED:



Christian D. Gowan, MPA, CMC

City Clerk

APPROVED ON:

07/20/2026

