

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

CALL TO ORDER

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

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

INVOCATION

Mayor Apgar asked that everyone remember the family of Vince Gould in their thoughts and prayers.

Pastor Wendell Raulerson, Greater Bethlehem Baptist Church, gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Apgar led the Pledge of Allegiance.

ROLL CALL

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

ALSO PRESENT: Michael Pleus, City Manager; Darren Elkind, City Attorney, Julie Hennessy, City Clerk-Auditor; Michael Grebosz, Assistant City Manager; Jason Umberger, Police Chief; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Mike Holmes, Planning Director; Jim Ailes, Deputy Public Service/Utilities Director; Ray Underwood, Public Works Director; Chad Gamble, Public Services Director; Rick Hall, Parks & Recreation Director; Nick Conte, Economic Development Director; Greg Whidden, Information Technology Director; Ray Bahrami, City Engineer, members of the public and press.

PRESENTATIONS

1. Super Star Students of the Month

Mayor Apgar stated each student present will be called forward and given a certificate. The students were asked to remain up front for a group picture once all certificates had been presented.

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

Blue Lake Elementary: Jerome Butler
Citrus Grove Elementary: Reese Harris
DeLand High School: no submission
DeLand Middle School: Grant Giddens
DeLand Preparatory Academy: Sophia Peppers-Bates
Freedom Elementary: Hendrick Carreno
George Marks Elementary: Rishard Inman
Southwestern Middle School: Mayah Lee
St. Barnabas: no submission
St. Peter's Catholic School: Bryce Martin
Starke Elementary: no submission
Stetson Baptist: Zachary Floyd
TOP Academy: Deahn Pressley
Woodward Avenue: Glenna Buller

2. Proclamation, James H. "Jimmy" Ford Day

Commissioner Paiva read the Proclamation and Mayor Apgar made the presentation.

PROCLAMATION

Whereas, James H. Ford (Jimmy), at the age of 30 after only 11 years with (then) Florida National Bank, was promoted to Bank President, the youngest in the State of Florida; and

Whereas, after retiring from Florida National Bank in 1986, Jimmy was called back to banking by the directors of Vista Bank to assist in increasing profits and finding a viable buyer for the bank; and

Whereas, upon orchestrating the sale of Vista Bank to SouthTrust Bank, Jimmy was promoted to CEO and grew that bank to the fourth largest in a multi-state holding company; and

Whereas, Jimmy's passion for helping people and providing excellent customer service became the foundation of the Bank's retail sales strategy rollout to all 42 market banks in eight states and was deemed the Cornerstone Retail Sales Process; and

Whereas, after retiring from SouthTrust in June 2004, Jimmy was approached by the founders of Mainstreet Community Bank to discuss a Board of Directors position where he has served for 18 years; and

Whereas, Jimmy's leadership at Mainstreet Community Bank was an integral part in the recruitment of bank principals and the continued sustainability of the bank, today as it approaches its anniversary in DeLand with additional branches in Lake, Marion, and Seminole Counties; and

Whereas, in addition to the current Mainstreet Community Bank CEO, Ben Flowers, Jimmy Ford has also mentored 16 other bankers who have gone on to become CEO of their own banks for which Jimmy is justly proud; and

Whereas, after a highly successful 64 years in banking, Jimmy and his wife of 61 years, Sharon, are looking forward to spending more time with their two sons and grandson, traveling, and visiting friends and family in DeLand and North Carolina.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, do hereby proclaim, November 7, 2022, as:

"James H. "Jimmy" Ford Day"

in the City of DeLand and urge all citizens of DeLand to recognize James H. "Jimmy" Ford for his illustrious and legendary DeLand banking career and for his service to our community.

Done and proclaimed this 7th day of November 2022.

/s/ Robert F. Apgar
Mayor

Attest:

/s/ Julie A. Hennessy
City Clerk-Auditor

3. Police Department Introduction of New Officers: Angel Mercado, Jermaine McQueen, Javon Kelly, Anthony Denatale, Jr.

Jason Umberger, Chief of Police, introduced the new officers. He provided a brief bio for each of the new members of the Police force, welcoming them to the City of DeLand. A pinning ceremony was held.

Jermaine McQueen was born and raised in Pennsylvania. Jermaine holds a Master's Degree in Criminal Justice from St. Joseph's University with a concentration in federal law enforcement. Jermain is excited to continue his law enforcement career with the City of DeLand.

Angel Mercado was born in New York and is of Puerto Rican descent. His passion for service started early. He is extremely excited to apply past experiences to better serve the citizens of the City of DeLand.

Javon Kelly was born and raised in DeLand, Florida. He is currently enrolled in Daytona State College where he will graduate in 2023 with his Associates Degree in Criminal Justice. Javon was in Air Force ROTC for three years where he became a flight commander. During his free time, he volunteers at the Boys and Girls Club of Spring Hill. Javon is looking forward to a long career with the City of DeLand Police Department.

Anthony Denatale, Jr., was born and raised in New York. His parents served the New York City Police Department, retiring with the rank of Sergeant. Following his parents' footsteps, he graduated from Valencia Community College with an Associates Degree in Criminal Justice. He was sworn in on January 9, 2012, as a Police Officer for the City of New York. Anthony is excited to continue his law enforcement career with the City of DeLand.

The introductions were followed by a pinning ceremony.

Mayor Apgar, on behalf of the City Commission, wished these new police officers well and welcomed them to the City of DeLand.

4. Employee Years of Service Awards

Juan Millan, Police Department, being recognized for 20 Years of Service to the City of DeLand, was unable to attend the meeting.

Mayor Apgar presented a plaque to Travis Sawyer, Fire Department, in recognition of 15 Years of Service to the City of DeLand.

5. Resolution No. 2022-86, In Honor of the Retirement of Mayor F. Apgar

Commissioner Paiva read Resolution No. 2022-86, honoring Mayor F. Apgar for his retirement from the City of DeLand.

RESOLUTION NO. 2022 - 86

A RESOLUTION OF APPRECIATION AND RECOGNITION BY THE CITY COMMISSION OF THE CITY OF DELAND, FLORIDA, TO THE HONORABLE ROBERT F. APGAR UPON HIS RETIREMENT AFTER 33 YEARS AND EIGHT MONTHS OF SERVICE TO THE CITY OF DELAND; AND PROVIDING AN EFFECTIVE DATE.

Whereas, Robert F. Apgar is being honored by family and friends on the occasion of his retirement; and

Whereas, born on February 24, 1947 Bob was born in Washington, D.C. and has been a resident of DeLand since 1959; and

Whereas, Bob is a 1965 graduate of DeLand High School. He earned a Bachelor of Arts in psychology from Davidson College, Davidson, North Carolina in 1969. He earned his law degree at the University of Florida College of Law in 1971; and

Whereas, Bob as served his community as a member of the City Commission as a Commissioner for thirteen years and Mayor of the City of DeLand for twenty-one years; and

Whereas, Bob has served on numerous boards to include Florida League of Mayors, Volusia League of Cities, Florida League of Cities, and Congress of Regional Leaders; and

Whereas, Bob adheres to the highest ethical standards and has strong creditability with the citizens of DeLand and other local and state elected officials; and

Whereas, as Mayor of the City of DeLand, Bob Apgar continues to support and endorse programs and activities for both young and old in this community; he has always been at the forefront for improvements; and

Whereas, Bob has earned many high awards to include the E. Harris Drew Lifetime Achievement Award and Home Rule Hero Award from the Florida League of Cities, Elected Official of the Year Award and the Blaine O'Neal Award of Excellence from the Volusia League of Cities, and West Volusia Citizen of the Year; and

Whereas, Bob has a genuine concern for people, and is a shining example of leadership, citizen involvement, community spirit and civic responsibility; and

Whereas, Bob has truly earned the respect and affection of people from all walks of life and of all ages and will be truly missed as our Mayor.

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 The Honorable Robert F. Apgar for his 33+ years of service to the City and for the faithful, diligent and responsible manner in which he performed his duties.

Section 2. As a result of the duration of public service rendered to the City of DeLand, the City Commission does hereby bestow upon Robert F. Apgar the honorary title of "Mayor Emeritus".

Section 3. 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 The Honorable Robert F. Apgar.

Section 4. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 7th day of November 2022.

/s/ Charles Paiva

Vice-Mayor

Attest:

/s/ Julie A. Hennessy

City Clerk-Auditor

CONSENT AGENDA

1. Resolution re Surplus Equipment
2. Resolution Approving the Retirement and Sale of K-9 Lancelot
3. Consideration re Amendment to Existing Ground Lease, Schalk Enterprises, LLC
4. Consideration re Ground Lease, Kingspan Insulation US
5. Consideration re Approval of Ground Lease Renewal, Crete Carrier Corporation
6. Consideration re Additional Purchase of 300 Profile Unity Licenses with 3 Year Support, and Purchase of 3 Year Co-Term License for the Current 150 Profile Unity Licenses
7. Resolution Approving Sole Source Purchase of Traffic jet Xpert Avery Dennison Printing System – Sign Shop
8. Resolution Approving Sole Source Purchase for Selectron Technologies, Inc. Managed Services
9. Resolution Approving Sole Source Parts and Services for Performance Enhancement of Utilities Remote Telemetry System
10. Resolution Approving Amendment #2 to FDOT Public Transportation Grant Agreement FM 438416-1-94-01 for Hangars – Construction
11. Consideration re Approval of Construction Services – AVCON, Inc. for Airport Hangars
12. Consideration re Award for Bid for Aviation T-Hangars
13. Consideration re Approval of Joint Project Agreement between Volusia County and the City for Utility Line Extension Concerning Blue Lake Avenue Extension Construction
14. Consideration re Approval of Interlocal Maintenance Agreement between the City of DeLand and Volusia County – Greenway Trail Part A
15. Consideration re Cresswind Residential Subdivision Utility Service Agreement
16. Consideration re Cresswind Residential Subdivision Development Proportionate Share Agreement
17. Resolution Certifying Election Results of 2022 General and Special Elections; and, Setting Date for Organizational Meeting

Commissioner Paiva made a motion to approve consent items 1-11 and 14-17. Commissioner Davis seconded the motion, which carried by a unanimous vote.

Commissioner Reid expressed concern with the Award for Bid for Aviation T-Hangars. He said many of the bids that have come before the commission recently, have ended up with an increase in overall cost. Mr. Pleus said the bid price is a good price and with the exception of any change orders that may be presented, the city is protected from increase over the bid amount.

Commissioner Reid made a motion to approve consent agenda item 12. Commissioner Paiva seconded the motion, which carried by a unanimous vote.

Mayor Apgar thanked Volusia County for their hard work in securing the rights of way with the Blue Avenue extension. The City is looking forward to the joint project agreement and is anxious to get it build.

Commissioner Paiva made a motion to consent agenda item 13. Commissioner Cloudman seconded the motion, which carried by a unanimous vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

There were none.

NEW BUSINESS

1. Resolution Approving the Proposed Amendment to Volusia County Comprehensive Plan; I-4 Frontage Road Project South of Cassadaga

This Resolution, if approved, would authorize removal of the I-4 Frontage Road project south of Cassadaga from the Thoroughfare Future Needs List set forth in the Volusia County Comprehensive Plan.

Since the city has now approved the DeLand Tech park PUD with Kirk Drive providing a north-south connection between State Road 472 and Cassadaga Road, the county has requested the city to formally request an amendment to the County Thoroughfare Future Needs List to remove the section off I-4 frontage road located south of Cassadaga Road.

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

2. Consideration re Approval of Agreement for Transfer of Certain Roads from Volusia County to the City of DeLand for Jurisdiction and Maintenance Pursuant to Section 335.0415 F.S.

Mayor Apgar noted items 2, 3, 4 and 5 are somewhat interrelated. He thanked the city staff for working with Volusia County and the School Board on these items. He appreciates the diligence staff has shown in working with the other jurisdictions.

Mr. Pleus recognized Ben Bartlett, Volusia County Public Works Director and Michael Ulrich, Volusia County Utilities Director, the individuals who have worked closely with City of DeLand staff on these items. Mr. Pleus said it is great to work with professionals as those at the county.

Mr. Elkind noted the road transfer agreement is part of the Utility Service Agreement which follows. The agreement in the agenda packet has been modified, but no modifications of substance, only scrivener's error corrections. He stated the city will be accepting responsibility for the local roads described herein. The City Commission's acceptance on this is contingent upon approval of the next agenda item.

The proposed agreement would transfer certain roads from Volusia County to the City of DeLand.

Russell Paiva, 825 N Boundary Ave, displayed a picture of his property and surrounding properties, and asked regarding the right-of-way, stating while the survey and the plat of 1893 seemed to be correct, when the road was paved, the physical road was offset to the East, starting at Oakdale Avenue. When this was done, there was no consideration given to the future use of underground utilities. He said every time utilities are added, the easement ends up encroaching on his property. Mr. Paiva said this issue is something the city may have to address in the future. He has been in communication with county staff trying to get the road straightened.

Mr. Elkind said rights-of-way, when they are platted, are generally wider than the area that is paved. The road is not going to be moved and Mr. Elkind said the city does not want to create an expectation that the road is going to be torn up and repaved in a different location because it is not going to happen. If there is a claim or any portion that the publicly maintained right-of-way is on private property, that is something the courts could address.

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

3. Consideration re Amendment to Utility Services Agreement (Interlocal Agreement) between Volusia County and the City Realigning the Utility Service Boundary Area and the Parties' Responsibilities for Construction of Force and Water Mains along US HWY 17.

The proposed amendment to the Utility Services Agreement (Interlocal Agreement) between Volusia County and the City realigns the Utility Service Boundary area and the Parties' Responsibilities for Construction of Force and Water Mains along US Hwy 17.

Mr. Elkind stated there are several elements to this agreement. The county, with county and state funding, is running a sewer line up to the DeLeon Springs area, which from an environmental

perspective, is an important step. The city is contributing \$1 million to that effort from the water and sewer fund and that line will be run to the City of DeLand's treatment plan. The City will be the utility provider for that area. There is a map in the agreement that shows the specific area where the city will be the utility provider. The school and DeLeon Springs State Park will convert from septic to the city utilities. There are four areas, two to the east along SR 44 and additionally more in the northeast, where the city is looking at installing some more potable water wells. From an economic perspective, from SR 472 north to align to area north of Cassadaga Road and west, to the South of Victoria Park, is all area where the city will become the retail utility service provider. The city will purchase, at an agreed upon wholesale rate, water and sewer treatment services and reclaimed water from Volusia County to sell at retail. West of MLK toward the TG Lee Dairy, will also become the city's utility service area. The existing utility service area agreement provides for an annexation boundary that is smaller than the water and sewer service boundary. The boundary is being expanded to include the areas described. In addition, the existing agreement is relatively old, and this was a good opportunity to address and update issues that will not impact service delivery to the customers.

Mr. Pleus noted there are no covenants to ever annex DeLeon Springs area into the City of DeLand. However, the city will be the utility service provider.

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

4. Consideration re Approval of Interlocal Agreement between the School Board of Volusia County, the County and the City Realigning the Utility Service Boundary Area and the Parties' Responsibilities for Construction of Force and Water Mains Along US Hwy 17

Astrid De Parry, 113 Lake Winnemissett Drive, recognized the efforts of the city staff and commission, as well as colleagues at the school board and Volusia County, to make this happen.

Mr. Elkind stated there were a lot of people involved in this item. He also thanked everyone who worked through making this agreement come to fruition. He thanked Ms. DeParry for the help and cooperation of she and her client to make something like this come together to benefit all jurisdictions.

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

5. Consideration re Approval of Deeds Related to Beresford Avenue Extension

This item is a quit claim deed and acceptance of a warranty deed to revise the property boundaries of Lakewood Park / Beresford Avenue property dedication to the City of DeLand.

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

CITY COMMISSION REPORTS

There were none.

CITY MANAGER REPORT

Mr. Pleus said the unfortunate news is the incoming Hurricane Nicole, projected to generate anywhere from 4-8 inches of rain. Currently, sandbags are available to residents and the city is also staging pumps around the city where recent localized flooding was experienced.

Mr. Pleus reminded all about the change in dates for garbage pick-up. Additional information is also on the website for anyone who would like more.

Mr. Pleus wished Mayor Apgar a fond farewell. He said it has been the privilege of a lifetime to work with Mayor Apgar. Mr. Pleus stated Mayor Apgar has been a friend, a mentor, an absolute gentleman, and a consummate professional. The many ideas Mayor Apgar has brought to the city has propelled the city in a forward direction. Mr. Pleus said he will miss the working relationship and conversations.

CITY ATTORNEY REPORT

Mr. Elkind thanked Mayor Apgar for the knowledge he has gained through working together with him. Being the city attorney can be difficult at times but with Mayor Apgar at the helm, the difficult job has been more of a bearable job. Mayor Apgar has made it such a pleasure to sit through the City Commission. He also complemented Mayor Apgar on the way he has mentored and assisted new commissioners.

CITY CLERK REPORT

Ms. Hennessy stated she has served with Mayor Apgar for most of his years in the City of DeLand and he has made her job easier for which she is very thankful. She said he has shared in watching her children grow and her grandchildren come along. She appreciates the guidance and tutelage Mayor Apgar has extended to her. It has been her absolute distinct pleasure to work with Mayor Apgar.

CITY COMMISSION

Commissioner Reid said it has been an honor to serve with Mayor Apgar. What he has done for the city in terms of stability, leadership and respect, not only for the residents but also for his fellow

commissioners has been incredible. As the current newest member of the commission, it has been an honor for Commissioner Reid to learn from Mayor Apgar. The bar has been set high for any elected officials in DeLand and Mayor Apgar will be missed. Commissioner Reid said he is sad to see Mayor Apgar go after all these years, but the memories will live on. Saying thank you just doesn't seem like enough. Commissioner Reid promised to keep the movement Mayor Apgar has brought forth moving forward.

Commissioner Davis thanked Chief Umberger for the emergency community meeting held on Friday evening. She thanked him for the effort he continually puts into the City of DeLand.

Commissioner Davis stated Mayor Apgar can be depended upon to be fair and respectful. She stated he has encouraged her to learn and grow. The City of DeLand is a great place to serve because of the standard Mayor Apgar has set for everyone to follow. She is grateful for the eight years she has had the pleasure of serving next to Mayor Apgar.

Commissioner Cloudman treasures the years he has had to serve beside Mayor Apgar who has been a mentor and a guiding force for the City Commission. He said to see and experience how people all over the state love and respect Mayor Apgar is incredible. Mayor Apgar has been a wonderful model and mentor to the entire commission. He has set the bar high.

Commissioner Paiva could not have asked for a better teammate when they were elected on the same day in 2001. He said the one thing that can never be doubted is Mayor Apgar's love for DeLand and his love for people. He expressed appreciation to Mayor Apgar for giving him direction prior to his deciding to run for office. Being born in DeLand, Commissioner Paiva has seen a lot of changes, but DeLand is a better place and in part, because of the guiding force Mayor Apgar has brought to the city. Commissioner Paiva said he will miss the debates. Never once has he ever doubted Mayor Apgar's love for and commitment to the City of DeLand.

Mayor Apgar stated as of late this afternoon, the Veteran's Day event on Friday was still not confirmed. If the weather is clear, the Veteran's Day parade will proceed as scheduled.

Mayor Apgar remarked that after almost 34 years, he doesn't quite know what to say. The last year has been an emotional and humbling time. He has had the opportunity to serve his hometown and a place that he loves, it has been a labor of love. As far as being Mayor, he has put his heart and soul into his service. He thanked the commission and everyone for their kind remarks and compliments. He also thanked the commission for the naming of the sports complex "Apgar Sports Complex" and for the resolution read this evening. He stated if anyone on the dais or staff would like to reach out to him, he would be happy to be responsive as a resource, a sounding board or even a historian. His plan is to not meddle in the business of the city. He will stay out of the business of the city as long as no one does anything that makes him really mad. He stated citizens and each of the staff need to allow the new Mayor to be his own man and do his own thing in the position. He asked everyone to embrace and to allow the change to occur. Mayor Apgar said when

he first became Mayor, he was working full time and he hopes people will be understanding of a new Mayor who may not be always readily available.

Mayor Apgar spoke about the culture of the City Commission and staff. They have always worked together as a team to get things accomplished. He said when one person gets criticized, he feels that person's pain because it is tough to face a room full of people where whatever a commissioner does or says could be looked upon positively or negatively. He believes the City Commission has always done a good job leaving the official disagreements in the council chamber and he hopes everyone will continue to keep this attitude and practice. The commission has never had any problem with backstabbing or criticizing one another. He said political revenge is a dangerous way to govern, especially at the local level. The City of DeLand has been so successful because of stability at the staff and the commission levels. Stability is important.

Mayor Apgar stated from top to bottom, DeLand has a great professional staff. He said for the commission to excel, the professional recommendations of staff are necessary. Mayor Apgar urged the commission to trust the recommendations of staff, but to challenge when appropriate. He encouraged the commission to respect the Charter provisions, and not micromanage the city manager or staff. He said the bottom line is, value your staff, trust them, respect and appreciate them. Mayor Apgar asked all city staff to stand and be recognized. He thanked the staff both personally and on behalf of the commission for making things happen for the city.

Mayor Apgar said this evening is bittersweet and he appreciates the citizens of DeLand entrusting the title of Mayor to him. He will miss running meetings and learning at various opportunities as an elected official. It is difficult to leave his city family and the relationships he has developed both locally and throughout the state. The city family is a bunch of good people who do a phenomenal job. Mayor Apgar is happy to be retiring but he will miss serving. He stated he leaves the commission with a strong sense of accomplishment and pride. He leaves knowing the City is in good hands, is well prepared for the future and that DeLand is and will continue to be a great place to live, work and play. He thanked Teresa for her love and support as well as the rest of his family. He also thanked staff again for all they have done to make him look good. He thanked his present and past colleagues, friends and supporters, and the sitting City Commission for all that has been done to recognize his service. Lastly, Mayor Apgar thanked the citizens of DeLand for their confidence in him to serve as Mayor. It has been a great honor.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:46 p.m.

Julie Hennessy, MMC
City-Clerk Auditor

Prepared by:
Dale Arrington
Interim City Clerk

APPROVED:
07/20/2026



