# CITY OF DELAND
## REGULAR MEETING OF THE CITY COMMISSION
## SEPTEMBER 18, 2023 AT 7:00 PM
## CITY HALL, COMMISSION CHAMBERS
## 120 SOUTH FLORIDA AVENUE

## MINUTES

**CALL TO ORDER**

**INVOCATION-Pastor Mark Schrade, City Sanctuary Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** Charles Paiva, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner

**Absent:** Commissioner, Jessica Davis

**ALSO PRESENT:** Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk-Auditor; Adam Kisthardt, Deputy Police Chief; Todd Allen, Fire Chief; Michael Grebosz, Assistant City Manager; Dan Stauffer, Finance Director; Keith Riger, Interim Public Services Director; Jim Ailes, Deputy Public Service/Utilities Director; Ray Bahrami, City Engineer; Rick Hall, Parks and Recreation Director; Ray Underwood, Public Works Director; Carol Kuhn, Planning Director; Debi Glick, Land Development Manager; Greg Whidden, Information Technology Director; Chris Graham, Community Information Manager; Mariellen Calabro, City Forrester/Deputy Public Works Director; Heidi VanEtten, Assistant Finance Director; Nick Segel, Budget Manager; Vicki Karr, Community Information Specialist; members of the public and press.

**PUBLIC HEARING**

1. Resolution Approving FY 23-24 Final Millage Rate.

**RESOLUTION NO. 2023 - 67**

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, ADOPTING A FINAL MILLAGE RATE FOR FISCAL YEAR 2023-24; REPEALING RESOLUTION 2023-60 WHICH ADOPTED A TENTATIVE MILLAGE RATE FOR FISCAL YEAR 2023-24; AND PROVIDING AN EFFECTIVE DATE.**

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| **RESULT:** | **ADOPTED** |
| **MOVER:** | Charles Paiva, Commissioner |
| **SECONDER:** | Dan Reed, Commissioner |
| **VOTE:** | Yes-Charles Paiva, Commissioner<br>Yes-Dan Reed, Commissioner<br>Yes-Kevin Reid, Commissioner<br>Yes-Christopher M. Cloudman-Mayor-Commissioner |
| **NAYS:** | None |

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| **ABSENT:** | Jessica Davis, Commissioner |

2. Resolution Approving FY 23-24 Final Budget.

**RESOLUTION NO. 2023 - 68**

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, ADOPTING THE FINAL BUDGET FOR THE FISCAL YEAR 2023-24; REPEALING RESOLUTION 2023-61 WHICH ADOPTED A TENTATIVE BUDGET FOR FISCAL YEAR 2023-24; AND PROVIDING AN EFFECTIVE DATE.**

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| **RESULT:** | **ADOPTED** |
| **MOVER:** | Charles Paiva, Commissioner |
| **SECONDER:** | Dan Reid, Commissioner |
| **VOTE:** | Yes-Charles Paiva, Commissioner<br>Yes-Dan Reed, Commissioner<br>Yes-Kevin Reid, Commissioner<br>Yes-Christopher M. Cloudman-Mayor-Commissioner |
| **NAYS:** | None |
| **ABSENT:** | Jessica Davis, Commissioner |

**CONSENT AGENDA**

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| **RESULT:** | **APPROVED, ITEMS 1-4, 6, 8, 10-12** |
| **MOVER:** | Charles Paiva, Commissioner |
| **SECONDER:** | Kevin Reid, Commissioner |
| **AYES:** | Charles Paiva, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner |
| **NAYS:** | None |
| **ABSENT:** | Jessica Davis, Commissioner |

1. Approval of Minutes.

2. Resolution Approving FY 2022-2023 Budget Amendment.

**RESOLUTION NO. 2023 – 69**

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE BUDGET FOR THE GENERAL FUND, GOVERNMENTAL IMPACT FEES TRUST FUND, GRANTS AND SPECIAL REVENUE FUND, CAPITAL FUND, WATER AND SEWER FUND, WATER TRUST FUND, WASTEWATER TRUST FUND, AIRPORT FUND, STORMWATER FUND AND PERMITS AND INSPECTIONS FUND FOR THE FISCAL YEAR 2022-2023; AND PROVIDING AN EFFECTIVE DATE.**

3. Consideration re Award of Bid to Kerin Solutions, LLC for City Pest Control Services.

4. Consideration re Approval for Sale & Consumption of Alcoholic Beverages on City Property for the DeLand Abbey Bar.

5. Consideration re Approval of Property/Casualty, General Liability, Auto Insurance, Worker's Compensation and Ancillary Coverage Renewal.

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| **RESULT:** | **APPROVED-THIS ITEM WAS PULLED FROM CONSENT** |
| **MOVER:** | Charles Paiva, Commissioner |
| **SECONDER:** | Dan Reed, Commissioner |
| **AYES:** | Charles Paiva, Commissioner; Dan Reed, Commissioner; Christopher M. Cloudman, Mayor-Commissioner |
| **NAYS:** | None |
| **ABSENT:** | Jessica Davis, Commissioner |
| **CONFLICT OF INTEREST:** | Kevin Reid, Commissioner |

6. Consideration re DeLand Police Athletic League FY 2023-2024 Agreement Renewal and MOU.

7. Consideration re Renewal of Contract for Long Term Disability (LTD) Insurance for Participants in the Defined Contribution (DC) Retirement Plan.

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| **RESULT:** | **APPROVED-THIS ITEM WAS PULLED FROM CONSENT** |
| **MOVER:** | Charles Paiva, Commissioner |
| **SECONDER:** | Dan Reed, Commissioner |
| **AYES:** | Charles Paiva, Commissioner; Dan Reed, Commissioner; Christopher M. Cloudman, Mayor-Commissioner |
| **NAYS:** | None |
| **ABSENT:** | Jessica Davis, Commissioner |
| **CONFLICT OF INTEREST:** | Kevin Reid, Commissioner |

8. Consideration re Memorandum of Understanding (MOU) to Modify the Fire Department Collective Bargaining Agreement for FY 2023-2024.

9. Consideration re Renewal Contract for Fire Department Critical Care Cancer Insurance Policy.

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| **RESULT:** | **APPROVED-THIS ITEM WAS PULLED FROM CONSENT** |
| **MOVER:** | Charles Paiva, Commissioner |

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| **SECONDER:** | Dan Reed, Commissioner |
| **AYES:** | Charles Paiva, Commissioner; Dan Reed, Commissioner; Christopher M. Cloudman, Mayor-Commissioner |
| **NAYS:** | None |
| **ABSENT:** | Jessica Davis, Commissioner |
| **CONFLICT OF INTEREST:** | Kevin Reid, Commissioner |

10. Consideration re Award of Bid, Greenway Trail North Extension.

11. Consideration re Award of Bid - Annual Cooperative Bid for Water & Wastewater Chemicals.

12. Consideration re Approval of Promissory Note relating to the DeLand Municipal Airport Fund and the City's General Fund.

**PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT**

None

**OLD BUSINESS**

1. Second Reading of Ordinance No. 2023-17, Amending Chapter 33, Land Development Regulations to Modify the Conditional Use Requirements for Tattoo Parlors (First Reading 08-21-23).

**ORDINANCE NO. 2023 - 17**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING VARIOUS SECTIONS WITHIN THE CODE OF ORDINANCES OF THE CITY OF DELAND/LAND DEVELOPMENT REGULATIONS (LDR'S) RELATING TO CONDITIONAL USE CRITERIA PERTAINING TO TATTOO ESTABLISHMENT; BY AMENDING SECTION 33-12 "DEFINITIONS"; BY AMENDING SECTION 33-17.23 "ALLOWED USES IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS"; BY AMENDING SECTION 33-19.09 "TATTOO PARLORS AND RELATED USES"; BY AMENDING SECTION 33-92.02(B) TO UPDATE THE ALLOWED USES TABLE; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

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| **RESULT:** | **ADOPTED** |
| **MOVER:** | Dan Reed, Commissioner |
| **SECONDER:** | Kevin Reid, Commissioner |
| **VOTE:** | Yes-Dan Reed, Commissioner<br>Yes-Kevin Reid, Commissioner |

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| | Yes-Christopher M. Cloudman-Mayor-Commissioner |
| **NAYS:** | No-Charles Paiva, Commissioner |
| **ABSENT:** | Jessica Davis, Commissioner |

**NEW BUSINESS**

1. Resolution Approving the State Revolving Fund (SRF) Loan.

**RESOLUTION NO. 2023 – 70**

**A RESOLUTION OF CITY OF DELAND, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.**

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| **RESULT:** | **ADOPTED** |
| **MOVER:** | Charles Paiva, Commissioner |
| **SECONDER:** | Kevin Reid, Commissioner |
| **AYES:** | Charles Paiva, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner |
| **NAYS:** | None |
| **ABSENT:** | Jessica Davis, Commissioner |

2. Consideration re Construction Contract for Wiley M. Nash Water Reclamation Facility Upgrade.

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| **RESULT:** | **APPROVED** |
| **MOVER:** | Charles Paiva, Commissioner |
| **SECONDER:** | Kevin Reid, Commissioner |
| **AYES:** | Charles Paiva, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner |
| **NAYS:** | None |
| **ABSENT:** | Jessica Davis, Commissioner |

3. Consideration re Task Order Assignment, Wiley M. Nash WRF Expansion and Upgrade CEI and EOR Services.

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| **RESULT:** | **APPROVED** |
| **MOVER:** | Charles Pavia, Commissioner |
| **SECONDER:** | Dan Reed, Commissioner |
| **AYES:** | Charles Paiva, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner |
| **NAYS:** | None |

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| **ABSENT:** | Jessica Davis, Commissioner |

4. Resolution Approving the Removal of Three Historic Trees, Located at the Wiley M. Nash WRF Expansion Project at 1101 South Amelia Avenue.

**RESOLUTION NO. 2023 – 71**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELAND; FLORIDA, APPROVING THE REMOVAL OF THREE HISTORIC TREES LOCATED AT THE PROPOSED EXPANSION OF THE WILEY M. NASH WRF EXPANSION PROJECT AT 1101 S AMELIA AVE.; AND PROVIDING FOR AN EFFECTIVE**

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| **RESULT:** | **ADOPTED** |
| **MOVER:** | Charles Paiva, Commissioner |
| **SECONDER:** | Dan Reed, Commissioner |
| **VOTE:** | Yes-Charles Paiva, Commissioner<br>Yes-Dan Reed, Commissioner<br>Yes-Kevin Reid, Commissioner<br>Yes-Christopher M. Cloudman-Mayor-Commissioner |
| **NAYS:** | None |
| **ABSENT:** | Jessica Davis, Commissioner |

5. Resolution Approving Loan Agreement of Debt to Webster Bank, N.A.

**RESOLUTION NO. 2023-72**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELAND, FLORIDA, AUTHORIZING BORROWING OF AN AMOUNT NOT EXCEEDING $4,995,000 TO PAY THE COSTS OF CERTAIN CAPITAL PROJECTS WITHIN THE CITY; PROVIDING FOR THE ISSUANCE OF A REVENUE NOTE TO EVIDENCE THE CITY'S OBLIGATION TO REPAY SUCH AMOUNT; PROVIDING FOR THE PAYMENT OF THE NOTE AND THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT IN CONNECTION THEREWITH; COVENANTING TO BUDGET AND APPROPRIATE FROM NON-AD VALOREM REVENUES AMOUNTS NECESSARY TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH NOTE; AUTHORIZING FURTHER OFFICIAL ACTION IN CONNECTION WITH THE DELIVERY OF THE NOTE; AND PROVIDING AN EFFECTIVE DATE.**

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| **RESULT:** | **ADOPTED** |
| **MOVER:** | Charles Paiva, Commissioner |
| **SECONDER:** | Kevin Reid, Commissioner |
| **VOTE:** | Yes-Charles Paiva, Commissioner<br>Yes-Dan Reed, Commissioner<br>Yes-Kevin Reid, Commissioner<br>Yes-Christopher M. Cloudman-Mayor-Commissioner |

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| **NAYS:** | None |
| **ABSENT:** | Jessica Davis, Commissioner |

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

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| **RESULT:** | **APPROVED** |
| **MOVER:** | Charles Paiva, Commissioner |
| **SECONDER:** | Dan Reed, Commissioner |
| **VOTE:** | Yes-Charles Paiva, Commissioner<br>Yes-Dan Reed, Commissioner<br>Yes-Kevin Reid, Commissioner<br>Yes-Christopher M. Cloudman-Mayor-Commissioner |
| **NAYS:** | None |
| **ABSENT:** | Jessica Davis, Commissioner |

7. Resolution Amending Resolution No. 2023-53, Revising Fee and Charge Schedule re Solid Waste and Recycle Collection Services.

**RESOLUTION NO. 2023 - 73**

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING RESOLUTION NO. 2023-53 BY REVISING THE FEE AND CHARGE SCHEDULE PERTAINING TO SOLID WASTE AND RECYCLE COLLECTION SERVICES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE OF THE RESOLUTION AND OF THE FEES AND CHARGES.**

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| **RESULT:** | **APPROVED** |
| **MOVER:** | Charles Paiva, Commissioner |
| **SECONDER:** | Kevin Reid, Commissioner |
| **VOTE:** | Yes-Charles Paiva, Commissioner<br>Yes-Dan Reed, Commissioner<br>Yes-Kevin Reid, Commissioner<br>Yes-Christopher M. Cloudman-Mayor-Commissioner |
| **NAYS:** | None |
| **ABSENT:** | Jessica Davis, Commissioner |

8. Resolution Approving Cresswind, Phase 1 Final Plat, Located at East State Road 44.

**RESOLUTION NO. 2023 – 74**

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, APPROVING THE FINAL SUBDIVISION PLAT FOR CRESSWIND, PHASE I, LOCATED AT EAST STATE ROAD 44; AND PROVIDING FOR A CONDITION**

**AND AN EFFECTIVE DATE.**

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| **RESULT:** | **ADOPTED** |
| **MOVER:** | Charles Paiva, Commissioner |
| **SECONDER:** | Kevin Reid, Commissioner |
| **VOTE:** | Yes-Charles Paiva, Commissioner<br>Yes-Dan Reed, Commissioner<br>Yes-Kevin Reid, Commissioner<br>Yes-Christopher M. Cloudman-Mayor-Commissioner |
| **NAYS:** | None |
| **ABSENT:** | Jessica Davis, Commissioner |

**CITY COMMISSION REPORTS**

1. Report re Elected Officials Round Table.
   Report Given

2. Report re River-to-Sea TPO.
   Report Given

3. Report re River of Lakes Heritage Corridor.
   Report Given

**CITY MANAGER REPORT**

Report Given

**CITY ATTORNEY REPORT**

No Report

**CITY CLERK REPORT**

No Report

**CITY COMMISSION**

Reports Given

**ADJOURNMENT**

8:34 P.M.