

# City of Deltona

**REGULAR CITY COMMISSION MEETING**  
**MONDAY, OCTOBER 20, 2014**  
**6:30 P.M.**

*Mayor*  
John Masiarczyk, Sr.

*Vice Mayor*  
Heidi Herzberg  
*District 3*

Zenaida Denizac  
*District 1*

Webster Barnaby  
*District 2*

Nancy Schleicher  
*District 4*

Anthony Bellizio  
*District 5*

Chris Nabicht  
*District 6*

*Acting City Manager*  
Dale Baker

**DELTONA COMMISSION CHAMBERS**  
**2345 PROVIDENCE BLVD.**  
**DELTONA, FLORIDA**

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## AGENDA

1. **CALL TO ORDER:**
2. **ROLL CALL – CITY CLERK:**
3. **INVOCATION AND PLEDGE TO THE FLAG:**
  - A. **Invocation Presented by Vice Mayor Herzberg - Jianna M. Green, 3rd year college student at Adventist University of Health Sciences majoring in Radiography & Nuclear Medicine.**
4. **APPROVAL OF MINUTES & AGENDA:**
  - A. **Approval of Minutes - Regular City Commission Meeting of October 6, 2014.**
  - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORT:**
  - A. **Presentation by Florida Department of Transportation (FDOT) of the Volusia County Transit Connector Study.**
  - B. **Presentation - Quarterly Reports of City Advisory**

**Boards/Committees.**

**6. PUBLIC FORUM - Citizen comments for any items.  
(4 minute maximum length)**

**CONSENT AGENDA:** All items marked with an ✱ will be considered by one motion unless removed from the Consent Agenda by a member of the City Commission.

**7. CONSENT AGENDA:**

**8. ORDINANCES AND PUBLIC HEARINGS:**

- A. Public Hearing - Ordinance No. 10-2014, Medical Marijuana, at second and final reading.**
- B. Public Hearing - Ordinance No. 26-2014, Residential Prison Diversion Program, at second and final reading.**
- C. Public Hearing - Ordinance No. 27-2014, an amendment to Section 110-827, Accessory Uses and Structures, pertaining to Shed Design Standards at second and final reading.**
- D. Public Hearing - Ordinance No. 31-2014, Adding Article VII, "Trap, Neuter, Release Program, of Chapter 14, "Animals", of the City's Code of Ordinances, relating to a one-year pilot program for trap, neuter and release of feral cats, for first reading.**

**9. OLD BUSINESS:**

**10. NEW BUSINESS:**

- A. Request for approval of Facility Use Agreement for Healthy Start Coalition of Flagler and Volusia Counties, Inc. for Use of the Classroom at Deltona City Hall.**

**11. CITY ATTORNEY COMMENTS:**

**12. CITY MANAGER COMMENTS:**

- A. Lobbyist Update.**

**13. CITY COMMISSION COMMENTS:**

**14. ADJOURNMENT:**

**NOTE:** If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the

testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 10/20/2014

**FROM:** Dale Baker, Acting City Manager      **AGENDA ITEM:** 3 - A

**SUBJECT:** Invocation Presented by Vice Mayor Herzberg - Jianna M. Green, 3rd year college student at Adventist University of Health Sciences majoring in Radiography & Nuclear Medicine.

**LOCATION:**

N/A

**BACKGROUND:**

At the Regular City Commission Meeting on Monday, October 17, 2011, the City Commission approved to have each Commissioner by District schedule someone to present the invocation at each Regular City Commission meeting rotating each Commissioner by District starting with District #1, #2, #3, #4, #5, #6 and the Mayor.

**ORIGINATING DEPARTMENT:**

City Manager's Office

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

Acting City Manager

**STAFF RECOMMENDATION PRESENTED BY:**

N/A - Invocation Only.

**POTENTIAL MOTION:**

N/A - Invocation Only.

**AGENDA ITEM APPROVED BY:**

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Dale Baker, Acting City Manager



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 10/20/2014  
**FROM:** Dale Baker, Acting City Manager            **AGENDA ITEM:** 4 - A  
**SUBJECT:** Approval of Minutes - Regular City Commission Meeting of October 6, 2014.

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<b>LOCATION:</b>	N/A
<b>BACKGROUND:</b>	N/A
<b>ORIGINATING DEPARTMENT:</b>	City Clerk's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Clerk
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	City Clerk Joyce Raftery - To approve the minutes of the Regular City Commission Meeting of October 6, 2014.
<b>POTENTIAL MOTION:</b>	"I move to approve the minutes of the Regular City Commission Meeting of October 6, 2014."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Dale Baker, Acting City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Minutes of October 6, 2014</li></ul>

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, OCTOBER 6, 2014**

1 A Regular Meeting of the Deltona City Commission was held on Monday, October 6, 2014 at the  
2 City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

3  
4 **1. CALL TO ORDER:**

5  
6 The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

7  
8 **2. ROLL CALL:**

9			
10	Mayor	John Masiarczyk	Present
11	Vice Mayor	Heidi Herzberg	Present
12	Commissioner	Webster Barnaby	Present
13	Commissioner	Anthony Bellizio	Present
14	Commissioner	Zenaida Denizac	Present
15	Commissioner	Chris Nabicht	Present
16	Commissioner	Nancy Schleicher	Present
17	Acting City Manager	Dale Baker	Present
18	City Attorney	Becky Vose	Present
19	City Clerk	Joyce Raftery	Present
20			

21 Also present: Planning and Development Services Director Chris Bowley; Acting Deputy City  
22 Manager Gerald Chancellor; Fire Chief Mark Rhame; Parks and Recreation Director Steve Moore;  
23 and VCSO Captain Dave Brannon.

24  
25 **3. INVOCATION AND PLEDGE TO THE FLAG:**

26  
27 Silent Invocation Presented by Commissioner Barnaby – Pastor William Bradley, Jr., New Hope  
28 Baptist Church.

29  
30 The National Anthem was sung by Mia Gomez.

31  
32 **4. APPROVAL OF MINUTES & AGENDA:**

33  
34 **A. Minutes:**

35  
36 **1. Approval of Minutes – Regular City Commission Meeting of September 15, 2014.**

37  
38 **Motion by Vice Mayor Herzberg, seconded by Commissioner Denizac to approve the minutes of**  
39 **the Regular City Commission Meeting of September 15, 2014.**

40  
41 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
42 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
43 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

44  
45 **B. Additions or Deletions to Agenda:**

46  
47 **Acting City Manager requested to table Item 8-A and Item 8-B, at the applicant's request and the**  
48 **Commission concurred.**

1 Commissioner Denizac stated she read in the agenda packet that the applicant pulled its request pending  
 2 a study in the Saxon Blvd. area and she asked if there is a time frame. Acting City Manager Dale Baker  
 3 replied there is no timeframe; staff is going to look at how to look at that whole area because the single  
 4 family homes are not large enough to do anything with and how to deal with that, the Planning and  
 5 Zoning Board recommended denying the application and staff will look at different options that might  
 6 benefit the applicant.

7  
 8 **5. PRESENTATIONS/AWARDS/REPORTS:**

9  
 10 **A. Presentation – Super Star Student of the Month Certificates for August/September,**  
 11 **2014.**

12  
 13 Mayor Masiarczyk and the Commission presented Certificates of Recognition to the Super Star  
 14 Students for the months of August and September, 2014.

15  
 16 **B. Proclamation – Deltona Professional Fire Fighters Local 2913 Fire Fighter**  
 17 **Appreciation Day – October 6, 2014.**

18  
 19 Mayor Masiarczyk and the Commission presented a Proclamation to Deltona Professional Fire  
 20 Fighters Local 2913 in recognition of Fire Fighter Appreciation Day, October 6, 2014.

21  
 22 **C. Proclamation – Domestic Violence Awareness Month – October, 2014.**

23  
 24 Deputy City Clerk read into the record a Proclamation in recognition of Domestic Violence Awareness  
 25 Month, October, 2014 and Mayor Masiarczyk stated the Proclamation will be forwarded to the National  
 26 Chapter for Domestic Violence.

27  
 28 **D. Presentation by Deltona’s Lobbyist.**

29  
 30 Kirk Pepper and Dean Cannon with Capital Insight gave a brief presentation on the 2014 Legislative  
 31 Update which included Deltona defensive priorities, offensive priorities, short-term goals, long-term  
 32 goals, outlook for 2014-15, 2014 political overview, and 2015 session planning process.

33  
 34 **E. Presentation by the Volusia Manufacturer’s Association (VMA) on the status of**  
 35 **manufacturing in Volusia County.**

36  
 37 Mrs. Jayne C. Fifer, CAE, President/CEO for VMA, Elisha Bethany, President of Universal  
 38 Packaging & Manufacturing Sales Corp stated October is Manufacturing Month and she gave a brief  
 39 presentation which included universal packaging, Thompson Pumps, Costa Sunglasses, Florida  
 40 Production Engineering, Fox Mattress, Performance Designs, Silversphere, boats, manufacturing  
 41 facts, spreading the word, and what VMA is. She introduced Mrs. Jayne C. Fifer, CAE,  
 42 President/CEO for VMA at the request of Mayor Masiarczyk.

43  
 44 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

45  
 46 a) Bob Garcia, 101 Sunrise Blvd., Debarry, stated to look at Deltona’s future, going after every  
 47 penny possible, set a vision with a plan and direction, Deltona not taking its proper place, letting  
 48 Deltona’s voice be heard, educational opportunities, mandates without proper funding, water and septic  
 49 tank issues, forming partnerships with other cities and organizations, being confronted with regional

1 issues, working with the State, mandates shifting the burden down to the cities, marketing Deltona,  
2 future funding mechanism and is what is being done, being done for the best interest of the City by  
3 putting the people first.

4  
5 b) Robert Hewitt, 919 Loren Drive, stated there is a feral cat issue, people feeding cats, and  
6 breeding of cats throughout Deltona.

7  
8 Commissioner Denizac asked who told him to attend the meeting regarding this issue and Mr. Hewitt  
9 replied two (2) Code Officers, but he did not know their names.

10  
11 c) Edyie McCormick, 1330 Fawn Avenue, stated there is a feral cat issue, cats spraying, cats  
12 screaming, feeding of cats, breeding of cats, and those feeding the cats needing to take ownership of  
13 them.

14  
15 d) Deborah Suitt-Green, 1531 Toluca Court, stated the American Association of Retired Persons  
16 (AARP) is promoting boomers to come to the area, looking at internal workings and the in-fighting  
17 stopping the area from reaching its goals, having a diverse community which needs proper  
18 representation, property maintenance and developers coming into the City, the City needing curb  
19 appeal, Fason Circle being used as a race track, the need for a Mayoral debate with actual resumes and  
20 having the City Manager required to live in the City limits.

21  
22 e) Michael Williams, 2889 Cottageville Street, stated National Association for the Advancement  
23 of Colored People (NAACP) on October 4<sup>th</sup> from 6:30 – 8:30 p.m. at New Hope Baptist Church meet  
24 the candidate forum and getting a 99% return on that event, getting questions from around the  
25 community, and the event being a controlled question environment. On January 17, 2015 for the Martin  
26 Luther King Celebration the guest speaker will be Donald L. Brown who attended law school with  
27 President Barack Obama and First Lady Michelle Obama and Mr. Brown saw the Dream Keepers  
28 website and reached out to be the speaker for the event.

29  
30 Mayor Masiarczyk called a recess at 7:42 p.m. and reconvened at 7:46 p.m.

31  
32 f) Kurt Vroman, 166 Wildwood Drive, read an e-mail from a department head to a City vendor  
33 that he found very concerning “Jeff, the Commission folded at the 11<sup>th</sup> hour. We now have a status quo  
34 plus, plus contract. Steve, you’ll be able to continue to quote that Deltona has the worst contract in the  
35 State from a management perspective.” He stated that in his opinion the e-mail is conduct unbecoming  
36 of a department head, if he were a Commissioner he would direct the Acting City Manager to fire the  
37 department head and that if he did not he would fire him. He stated the department head has slandered  
38 the Commission, told one (1) of the vendors to “continue” to quote “that Deltona has the worst contract  
39 in the State from a management perspective” and in his opinion he is basically saying go out talk bad  
40 about the organization that employs and pays my bills. He stated to have a department head that is  
41 making close to or if not six (6) figures or more to tell two (2) vendors this, he believes immediate  
42 action should be taken and he handed the e-mail over to the City Clerk for the record.

43  
44 Mayor Masiarczyk thanked Mr. Vroman for bringing the e-mail to the Commission’s attention; it needs  
45 to be distributed to all the members of the Commission and the Commission’s contact should be with  
46 the Acting City Manager who handles employee issues.

47  
48 Commissioner Barnaby stated he finds the allegations very troubling, this being the first time it has

1 come to his attention, he is grateful it happened in the sunshine and he asked the name of the  
2 department head who wrote the e-mail and Mr. Vroman replied “Tom Acquaro, the HR Director.”

3  
4 Mayor Masiarczyk stated to allow the Acting City Manager will research the information and then have  
5 a conversation with the Commission as to the outcome. The Commission does not get involved with  
6 City employee matters except on policy and he thinks the Commission is going down a dangerous road  
7 if it discusses the matter any further.

8  
9 Commissioner Barnaby asked if everyone was hearing about the e-mail for the first time and  
10 Commissioner Nabicht replied “No, he had heard it before.” Commissioner Barnaby continued to state  
11 he hoped to get to the bottom of the issue because the City has a systemic problem and he hoped the  
12 Acting City Manager would get all of the facts and straighten out the problem.

13  
14 Commissioner Denizac stated before she leaves the meeting she would like to have a copy of the e-  
15 mails and she explained the reason why.

16  
17 Commissioner Nabicht stated Mr. Vroman did speak to him about the e-mail, he suggested that Mr.  
18 Vroman contact the Acting City Manager and forward the information to him, and the Commission  
19 would receive the information via the Acting City Manager. He stated as a current Commissioner he  
20 will not tolerate this type of behavior by a department head talking about the Commission and decisions  
21 it makes and he wanted to make that very clear to Acting City Manager, Dale Baker and Commissioner  
22 Denizac replied “me neither.” Commissioner Nabicht continued to state he expects an immediate  
23 investigation by the Acting City Manager’s office with a full report to the Commission and swift action  
24 accordingly.

25  
26 Mayor Masiarczyk called for a recess at 7:55 p.m. and reconvened at 8:04 p.m.

27  
28 Mayor Masiarczyk asked if all the Commission had an opportunity to view the e-mail that was  
29 presented and that the suggestion by Commissioner Nabicht was to have staff investigate and take  
30 appropriate action if necessary and the Commission concurred.

31  
32 Commissioner Denizac stated as far as she was concerned, everything is in black and white and it is  
33 crystal clear there is not much of an investigation to be done.

34  
35 Commissioner Bellizio stated there needs to be an investigation done and the Commission cannot jump  
36 to any sort of conclusion.

37  
38 Mayor Masiarczyk stated the Acting City Manager is the person that deals with employee matters, it is  
39 outside of the realm of the Commission’s duties to do that so the needs to turn the matter over to him for  
40 action. Okay, moving on, ah, that was the end of the public forum, ah, we’re going to go into Consent  
41 Agenda and hopefully move forward.

42  
43 **7. CONSENT AGENDA:**

44  
45 Vice Mayor Herzberg asked to pull Consent Agenda Item 7-A.

46  
47 **Motion by Commissioner Nabicht, seconded by Commissioner Denizac to approve Items 7-B, 7-C**  
48 **and 7-D.**

1  
 2 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
 3 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
 4 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

5  
 6 **A. Request for approval of the Long Term Facility Use Agreement with the Boys & Girls**  
 7 **Club of Volusia/Flagler Counties.**

8  
 9 Vice Mayor Herzberg stated she wanted to say a few words about the Boys & Girls Club of which  
 10 she is a board member. In March, 2014, D. James was named the 2014 Professional of the Year and  
 11 Shane Smith was named 2014 Youth of the Year, both from the Harris Saxon Boys & Girls Club.  
 12 She spoke about a young man from Pine Ridge High School who was in the Reserve Officer  
 13 Training Corps (ROTC) program which he excelled in that needed \$350 to continue with the  
 14 program and several board members from all sides (elected officials, private corporation  
 15 representatives, etc.) opened their wallets to provide checks to him so he was able to do so. The club  
 16 services 258 members, 94% of the members receive free lunch in school, it is a needed organization,  
 17 how proud she is to be a member, which \$530 dollars in membership fees were collected by the  
 18 families which are .0042% of the budget and she thanked them for what the organization does for the  
 19 youth of City.

20  
 21 Commissioner Denizac stated this is any example of what Deltona does to help the youth, she too is  
 22 proud of the organization, the organization helps the youth that is at risk and what the City does to  
 23 subsidize the program is an investment in the City's youth.

24  
 25 **Motion by Commissioner Denizac, seconded by Vice Mayor Herzberg to approve the Long**  
 26 **Term Facility Use Agreement with the Boys & Girls Club of Volusia/Flagler Counties for use**  
 27 **of the Harris M. Saxon Park facility for a period of one (1) year, with the option for a total of**  
 28 **three (3) one-year renewals upon written agreement of both parties.**

29  
 30 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
 31 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
 32 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

33  
 34 **\*B. Request for approval of the Long Term Facility Use Agreement for Deltona Lodge 756.**

35  
 36 **Approved by Consent Agenda – to approve the Long Term Facility Use Agreement with**  
 37 **Deltona Lodge 756 for use of the Little Red Schoolhouse facility at the Deltona Community**  
 38 **Center for a period of one (1) year, with the option for a total of three (3) one-year renewals**  
 39 **upon written agreement of both parties.**

40  
 41 **\*C. Request for approval of the Long Term Facility Use Agreement for La Iglesia del**  
 42 **Senor, Inc., for use of the Deltona Community Center.**

43  
 44 **Approved by Consent Agenda - to approve the Long Term Facility Use Agreement with La**  
 45 **Iglesia del Senor, Inc., for use of the Main Hall and Kelso Room at the Deltona Community**  
 46 **Center facility for a period of one (1) year, with the option for a total of three (3) one-year**  
 47 **renewals upon written agreement of both parties.**

1 **\*D. Request for approval of selection of underwriters for issuance of the Utility System**  
 2 **Revenue Bonds, Series 2014.**

3  
 4 **Approved by Consent Agenda - to approve award and enter into agreements with Raymond**  
 5 **James as Senior Managing Underwriter and Bank of America/Merrill Lynch as Co-Managing**  
 6 **Underwriter for the Utility System Revenue Bonds, Series 2014.**

7  
 8 **8. ORDINANCES AND PUBLIC HEARINGS:**

9  
 10 **A. Public Hearing - Resolution No. 2014-22, Conditional Use Application (CU 14-004) for**  
 11 **the site located at 1948 Saxon Boulevard.**

12  
 13 **Item was tabled by the Acting City Manager, at the applicant's request.**

14  
 15 **B. Public Hearing - Resolution No. 2014-24, Variance Application (VR 14-001) for the site**  
 16 **located at 1948 Saxon Boulevard.**

17  
 18 **Item was tabled by the Acting City Manager, at the applicant's request.**

19  
 20 **C. Public Hearing - Resolution No. 2014-29, East Coast Dragon Tattoo Conditional Use**  
 21 **Application (CU 14-005).**

22  
 23 Planning & Development Assistant Director Ron Paradise gave a brief explanation of the area, the  
 24 zoning being C-2 (General Commercial), and staff recommending approval with the condition to  
 25 limit the hours of operation from 10:00 a.m. – 10:00 p.m., not allowing neon signs, and the  
 26 applicant must abide by all other sign regulations.

27  
 28 The Commission and staff discussed the reason for not allowing neon signs, the sign regulations  
 29 limiting neon signs, the hours of operation, other businesses in the plaza and their hours of operation,  
 30 staff looked into the types of crimes in the area, if a tattoo parlor has ever been allowed in the City  
 31 limits before, Chapter 102 of the City's Code limiting the square footage of neon signs, staff  
 32 suggesting to omit the condition regarding the neon sign, staff over regulating or requiring  
 33 conditions for certain businesses, and no other business in the City having its hours regulated.

34  
 35 **Motion by Commissioner Nabicht, seconded by Commissioner Barnaby to approve Resolution**  
 36 **2014-29 (CU 14-005), a Conditional Use to allow the East Coast Tattoo parlor to be**  
 37 **located within the Deltona Square Plaza at 577 Deltona Boulevard, subject to the conditions**  
 38 **one (1) and two (2) being removed within this resolution.**

39  
 40 Mayor Masiarczyk read the title of Resolution No. 2014-29.

41  
 42 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA;**  
 43 **GRANTING A CONDITIONAL USE TO PERMIT A TATTOO PARLOR WITHIN THE C-**  
 44 **2, GENERAL COMMERCIAL, ZONING DISTRICT, FOR THE PROPERTY LOCATED**  
 45 **AT 577 DELTONA BOULEVARD; WITHIN THE CITY OF DELTONA; PROVIDING FOR**  
 46 **CONDITIONS OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

47  
 48 Mayor Masiarczyk opened the public hearing.

1  
 2 Terri Maxwell, 1627 Montecito Drive, thanked Commissioner Nabicht for his motion, he is looking at  
 3 Deltona as a future location for a business, not tying a business to certain hours, and that neon signs can  
 4 be purchased everywhere.

5  
 6 Mayor Masiarczyk closed the public hearing.

7  
 8 **Motion carried with members voting as follows:**

9  
 10 **Commissioner Barnaby For**  
 11 **Commissioner Bellizio For**  
 12 **Commissioner Denizac For**  
 13 **Commissioner Nabicht For**  
 14 **Commissioner Schleicher Against**  
 15 **Vice Mayor Herzberg For**  
 16 **Mayor Masiarczyk For.**

17  
 18 Resolution No. 2014-29 was adopted at 8:23 p.m.

19  
 20 **D. Public Hearing - Ordinance No. 10-2014, Medical Marijuana, at first reading and to**  
 21 **schedule second and final reading for October 20, 2014.**

22  
 23 Commissioner Barnaby stated on Page 6, Separation Distances, it states 500 feet from any school, but it  
 24 does not stipulate “churches or houses of worship” as he discussed in the workshop and he also has a  
 25 problem with distance. City Attorney Becky Vose replied when she drafted the ordinance was done in  
 26 a different way and then at the workshop there were specific requests to remove the part about distance  
 27 from churches. She stated she believes once the State Statute gets finalized it will require a distance  
 28 from churches which means it would apply to the City anyway, but she was instructed at the workshop  
 29 to remove the distance requirement.

30  
 31 The Commission discussed what was talked about at the workshop relating to the distance requirement,  
 32 leasing space that would provide the medical grade marijuana and limiting the distance within churches  
 33 and/or houses of worship, the ordinance being incomplete, and adding a stipulation in the ordinance to  
 34 be 5 miles or 500 feet or 5,000 feet from schools, churches or houses of worships were children are  
 35 present.

36  
 37 Mr. Vose stated she can add whatever the majority of the Commission directs.

38  
 39 The Commission discussed adding 500 feet to any “free” standing church or house of worship, the  
 40 Commission looking at being proactive as it relates to this ordinance, going to the State’s website to  
 41 research the issue, limiting the hours of operation or when the medical marijuana can be sold, the  
 42 legislation being flawed, trying to regulate a business that is being authorized by the State, not  
 43 regulating pharmacies where other drugs are sold, looking at the ordinance after the law passes and  
 44 making changes then, the comments made at the workshop by the public, having a 2,500 foot distance  
 45 requirement from a church or house of worship would not work for a strip plaza, getting ahead of  
 46 Amendment #2 by trying to have guidelines, the State only having five (5) medical marijuana  
 47 dispensaries, control coming from the State and State law superseding the City’s regulations, and the  
 48 ordinance being the frame work.

1  
 2 **Motion by Commissioner Schleicher, seconded by Commissioner Nabicht to approve**  
 3 **Ordinance No. 10-2014, at first reading and to schedule second and final reading for October**  
 4 **20, 2014.**

5  
 6 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

7  
 8 City Attorney Becky Vose read the title of Ordinance No. 10-2014.

9  
 10 **AN ORDINANCE AFFECTING THE USE OF LAND IN THE CITY OF DELTONA,**  
 11 **FLORIDA, CREATING A NEW ARTICLE XIV, “MEDICAL MARIJUANA**  
 12 **DISPENSARIES”; TO ALLOW MEDICAL MARIJUANA DISPENSARIES AS A**  
 13 **CONDITIONAL USE IN THE C-1, C-2 AND C-3 ZONING CATEGORIES; BY SETTING**  
 14 **FORTH SITING STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA**  
 15 **DISPENSARIES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION,**  
 16 **AND AN EFFECTIVE DATE.**

17  
 18 **Motion carried with members voting as follows:**

19		
20	<b>Commissioner Barnaby</b>	<b>Against</b>
21	<b>Commissioner Bellizio</b>	<b>For</b>
22	<b>Commissioner Denizac</b>	<b>Against</b>
23	<b>Commissioner Nabicht</b>	<b>For</b>
24	<b>Commissioner Schleicher</b>	<b>For</b>
25	<b>Vice Mayor Herzberg</b>	<b>For</b>
26	<b>Mayor Masiarczyk</b>	<b>For</b>
27		

28 Ordinance No. 10-2014 was adopted at 8:43 p.m.

29  
 30 **E. Public Hearing - Ordinance No. 24-2014, to amend alarm ordinance to include false fire**  
 31 **alarms, at second and final reading.**

32  
 33 Mayor Masiarczyk passed the gavel to the Vice Mayor Herzberg at 8:45 p.m. and left the meeting.

34  
 35 Vice Mayor Herzberg opened and closed the public hearing as there were no public comments.

36  
 37 **Motion by Commissioner Schleicher, seconded by Commissioner Denizac to approve**  
 38 **Ordinance No. 24-2014, at second and final reading.**

39  
 40 City Attorney Becky Vose read the title of Ordinance No. 24-2014.

41  
 42 **AN ORDINANCE AMENDING DIVISION 2 OF CHAPTER 34, “EMERGENCY**  
 43 **SERVICES” OF THE CODE OF THE CITY OF DELTONA, FLORIDA, ADDING FIRE**  
 44 **ALARMS TO REGULATIONS GOVERNING OTHER EMERGENCY SERVICE**  
 45 **ALARMS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN**  
 46 **EFFECTIVE DATE.**

47  
 48 Vice Mayor Herzberg called for a recess at 8:46 p.m. and Mayor Masiarczyk reconvened the meeting at

1 8:50 p.m.

2  
3 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
4 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
5 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

6  
7 Ordinance No. 24-2014 was adopted at 8:51 p.m.

8  
9 **F. Public Hearing - Ordinance No. 25-2014, Sales of Food on House of Worship Property,**  
10 **at second and final reading.**

11  
12 **Motion by Commissioner Nabicht, seconded by Vice Mayor Herzberg unanimously to approve**  
13 **Ordinance No. 25-2014, at second and final reading.**

14  
15 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

16  
17 City Attorney Becky Vose read the title of Ordinance No. 25-2014.

18  
19 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING ARTICLE VI,**  
20 **“STREET VENDORS”, OF CHAPTER 22 “BUSINESSES”, OF THE CODE OF THE CITY**  
21 **OF DELTONA, MAKING AN EXCEPTION FOR FOOD SALES ON HOUSE OF WORSHIP**  
22 **PROPERTY UNDER CERTAIN CONDITIONS; PROVIDING FOR ISSUANCE OF**  
23 **PERMITS; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND**  
24 **FOR AN EFFECTIVE DATE.**

25  
26 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
27 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
28 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

29  
30 Ordinance No. 25-2014 was adopted at 8:52 p.m.

31  
32 Mayor Masiarczyk stated that a question arose where the City is allowing one (1) vendor at a church  
33 and from what he understands this does not affect special events and Mrs. Vose replied “no.”

34  
35 **G. Public Hearing - Ordinance No. 26-2014, Residential Prison Diversion Program, at first**  
36 **reading and to schedule second and final reading for October 20, 2014.**

37  
38 The Commission and staff discussed the level of offense and it being up to the judge for the people the  
39 ordinance pertains to, the intent of the program, houses being turned into “mini prisons”, the purpose of  
40 the ordinance being to keep this type of program out of residential areas, staff not having any experience  
41 dealing with this type of program, if it would be better to incorporate this specific type of use within the  
42 zoning ordinance, and the City Attorney explained how she found out about the program, the ordinance  
43 being a copy of one that was passed by the City of Bunnell and the ordinance has worked in court.

44  
45 Commissioner Barnaby asked if there were any houses in Deltona that housed inmates and Captain  
46 Brannon replied none that he is aware of.

1 **Motion by Vice Mayor Herzberg, seconded by Commissioner Schleicher to approve Ordinance**  
 2 **No. 26-2014, the Residential Prison Diversion Program on first reading and to schedule second**  
 3 **and final reading for October 20, 2014.**

4  
 5 Mayor Masiarczyk opened the public hearing.

6  
 7 Bill Maxwell, 1671 Montecito Drive, stated the ordinance pertains to “criminals”, not wanting criminals  
 8 in his neighborhood, criminals not abiding by rules, criminals being perpetual and not able to be  
 9 reformed, there being ways to stop the program by the number of people and the number of bathrooms  
 10 in a home and he asked the Commission to reconsider passing the ordinance.

11  
 12 Commissioner Bellizio asked if someone finds a loop hole in the zoning would another safe guard be  
 13 required or is there another safe guard the City has and Mrs. Vose replied it would be very difficult for  
 14 someone to find one of these commercially zoned properties in Deltona because it is so heavily zoned  
 15 residential and that would comply with the distance requirements.

16  
 17 Sylvia Barnaby, 2242 E. Fairbanks Drive stated she does not want this type of element in commercial or  
 18 residential areas of Deltona.

19  
 20 Terri Maxwell, 1671 Montecito Drive, stated she understands what the Commission is trying to do, the  
 21 City having a lot to offer, but if there is a loop hole it will be utilized and needing to look at a solid  
 22 reason for not allowing this type of business in the City.

23  
 24 Mayor Masiarczyk closed the public hearing.

25  
 26 Commissioner Denizac asked if the City could say this type of business is “absolutely not” allowed in  
 27 the City and Mrs. Vose replied probably not, this will make it easier for the business to go elsewhere.

28  
 29 City Attorney Becky Vose read the title of Ordinance No. 26-2014.

30  
 31 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA AMENDING THE DELTONA**  
 32 **CODE OF ORDINANCES BY THE CREATION OF CHAPTER 99, RESIDENTIAL**  
 33 **PRISON DIVERSION PROGRAMS; PROVIDING REGULATIONS FOR THE LOCATION**  
 34 **AND OPERATION OF RESIDENTIAL PRISON DIVERSION PROGRAMS; PROVIDING**  
 35 **REQUIREMENTS FOR ISSUANCE OF A RESIDENTIAL PRISON DIVERSION**  
 36 **PROGRAM REGULATORY LICENSE; PROVIDING FOR CONFLICTING PROVISIONS,**  
 37 **SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.**

38  
 39 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
 40 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
 41 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

42  
 43 Ordinance No. 26-2014 was adopted at 9:13 p.m.

44  
 45 **H. Public Hearing - Ordinance No. 27-2014, an amendment to Section 110-827, Accessory**  
 46 **Uses and Structures, pertaining to Shed Design Standards; at first reading and to schedule**  
 47 **second and final reading for October 20, 2014.**

1 Mayor Masiarczyk suggested not to exceed 15 feet and Mr. Bowley replied it is addressed in the  
2 ordinance.

3  
4 Mayor Masiarczyk opened and closed public hearing as there were no public comments.  
5

6 **Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to approve Ordinance**  
7 **No. 27-2014, an amendment to Section 110-827, Accessory Uses and Structures, pertaining to**  
8 **shed design standards; at first reading and to schedule second and final reading for October**  
9 **20, 2014.**

10  
11 City Attorney Becky Vose read the title of Ordinance No. 27-2014.  
12

13 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SUBSECTION**  
14 **(C), DESIGN STANDARDS, OF SECTION 110-827, ACCESSORY USES AND**  
15 **STRUCTURES, OF ARTICLE VIII, SUPPLEMENTARY REGULATIONS, OF CHAPTER**  
16 **110, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF DELTONA,**  
17 **AMENDING THE DESIGN STANDARDS FOR SHEDS; PROVIDING FOR**  
18 **CODIFICATION; CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.**  
19

20 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
21 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
22 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**  
23

24 Ordinance No. 27-2014 was adopted at 9:16 p.m.  
25

26 **I. Ordinance No. 28-2014; Repealing Business Tax Receipt for Rental Properties, at**  
27 **second and final reading.**  
28

29 **Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to approve**  
30 **Ordinance No. 28-2014 at second and final reading.**  
31

32 Mayor Masiarczyk opened the public hearing.  
33

34 Steve Goldhersh, 7769 Snowberry Circle, Orlando, stated pays a higher tax rate than homesteaded  
35 individuals, donating money to library and YMCA, stopped donations and buying property because of  
36 this ordinance, he encouraged the Commission to look at before and after pictures of property he has  
37 invested in, bringing jobs to the City, the fee only being \$20 and that the fees would need to be passed  
38 onto the tenants, the City's fees not being competitive, the Commission not serving the needs of the  
39 community and he asked how he would be notified of the changes.  
40

41 Acting City Manager Dale Baker stated notices are being prepared now and there being an extension  
42 provided.  
43

44 Vice Mayor Herzberg explained why Mr. Goldhersh was speaking under this item.  
45

46 Mayor Masiarczyk closed the public hearing as there were no public comments.  
47

1 **Motion by Commissioner Schleicher, seconded by Commissioner Bellizio to approve**  
2 **Ordinance No. 28-2014 at second and final reading.**

3  
4 City Attorney Becky Vose read the title of Ordinance No. 28-2014.

5  
6 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, REPEALING ARTICLE VIII,**  
7 **“RENTAL PROPERTIES” OF CHAPTER 22, “BUSINESSES”, OF THE CODE OF**  
8 **ORDINANCES OF THE CITY OF DELTONA, REPEALING THE REQUIREMENT FOR**  
9 **BUSINESS TAX RECEIPT FOR RENTAL PROPERTIES; AND PROVIDING FOR**  
10 **CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

11  
12 **Motion carried with members voting as follows:**

13		
14	<b>Commissioner Barnaby</b>	<b>Against</b>
15	<b>Commissioner Bellizio</b>	<b>For</b>
16	<b>Commissioner Denizac</b>	<b>Against</b>
17	<b>Commissioner Nabicht</b>	<b>For</b>
18	<b>Commissioner Schleicher</b>	<b>For</b>
19	<b>Vice Mayor Herzberg</b>	<b>For</b>
20	<b>Mayor Masiarczyk</b>	<b>For</b>
21		

22 Ordinance No. 28-2014 was adopted at 9:25 p.m.

23  
24 Mayor Masiarczyk stated due to some confusion, he will allow the public to speak on Ordinance No.  
25 11-2014 regarding the rental regulation fee that is not on this agenda.

26  
27 Don Hutchins, Hutchins Realty, stated he was surprised this ordinance was not more noticed, he  
28 explained how he found out about the \$20 rental regulation fee changing to \$50.00, the rental inspector  
29 delaying the renting of property.

30  
31 Vice Mayor Herzberg requested to re-visit the Ordinance regarding the rental regulation No. 11-2014,  
32 assured all advertising being done legally and whether it is enough and that the fee is to register a home.

33  
34 The Commission discussed the fee and the delay in the notices, some Commissioners wanting to re-visit  
35 the ordinance, the people who spoke not being the issue, owners coming back and turning their homes  
36 into rental properties, and adding an exception that provides for responsible landlords who have not had  
37 code compliance issues.

38  
39 **The Commission concurred to re-visit Ordinance No. 11-2014 at the next workshop.**

40  
41 **J. Resolution No. 2014-32, Transportation Impact Fees Amendment.**

42  
43 Commissioner Denizac asked if the City is just adding several items and Mr. Bowley replied Yes  
44 that in 2007 the City had a citywide impact study done and in doing so the City addressed fees for  
45 certain land uses but not for all land uses so this completes those missing land uses.

46

1 Mayor Masiarczyk asked what impact fees are being charged currently and Mr. Bowley replied there  
 2 were three moratoriums in succession, the last one expired March, 2014 and we are just adding the  
 3 ones that were left out.

4  
 5 Commissioner Denizac stated this is adding and not eliminating fees.

6  
 7 **Motion by Vice Mayor Herzberg, seconded by Commissioner Nabicht to approve Resolution**  
 8 **No. 2014-32 amending the Transportation Impact Fees.**

9  
 10 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

11  
 12 Mayor Masiarczyk read the title of Resolution No. 2014-32.

13  
 14 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA,**  
 15 **AMENDING APPENDIX A, “FEE SCHEDULE”, SECTION ENTITLED “CHAPTER 94,**  
 16 **IMPACT FEES” OF THE DELTONA CODE OF ORDINANCES, BY ADDING CERTAIN**  
 17 **FEES TO “TABLE 94-2, TRANSPORTATION IMPACT FEES”; PROVIDING FOR**  
 18 **CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

19  
 20 **Motion carried with members voting as follows:**

21		
22	<b>Commissioner Barnaby</b>	<b>Against</b>
23	<b>Commissioner Bellizio</b>	<b>For</b>
24	<b>Commissioner Denizac</b>	<b>For</b>
25	<b>Commissioner Nabicht</b>	<b>For</b>
26	<b>Commissioner Schleicher</b>	<b>For</b>
27	<b>Vice Mayor Herzberg</b>	<b>For</b>
28	<b>Mayor Masiarczyk</b>	<b>For</b>
29		

30 Resolution No. 2014-32 was adopted at 9:40 p.m.

31  
 32 **K. Resolution No. 2014-33, appoint the Affordable Housing Advisory Committee through**  
 33 **the requirements of the State Housing Initiative Partnership Program.**

34  
 35 **Motion by Vice Mayor Herzberg, seconded by Commissioner Bellizio to approve Resolution**  
 36 **No. 2014-33, to appoint the Affordable Housing Advisory Committee through the**  
 37 **requirements of the State Housing Initiative Partnership Program.**

38  
 39 Mayor Masiarczyk read the title of Resolution No. 2014-33.

40  
 41 **A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, APPOINTING MEMBERS TO**  
 42 **THE CITY OF DELTONA AFFORDABLE HOUSING ADVISORY COMMITTEE;**  
 43 **PROVIDING FOR AN EFFECTIVE DATE.**

44  
 45  
 46  
 47 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
 48 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**

1 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

2  
 3 Resolution No. 2014-33 was adopted at 9:43 p.m.

4  
 5 Michael Williams, 2889 Cottageville Drive, stated he wanted to point out this is not a new Committee  
 6 for Deltona and Deltona once had a very effective AHAC Committee that allowed the City to receive  
 7 State and Federal dollars and he hopes this will be set in place in short order.

8  
 9 Vice Mayor Herzberg stated the SHIP program had its wings clipped and the State raided the trust fund  
 10 so that Tallahassee could fund its budget.

11  
 12 **9. OLD BUSINESS:** None.

13  
 14 **10. NEW BUSINESS:**

15  
 16 **A. Request for approval to execute Amendment #1 to the Cost Share Agreement with the St.**  
 17 **Johns River Water Management District for the Reclaimed Water Pumping and Storage**  
 18 **Expansion Project.**

19  
 20 **Motion by Vice Mayor Herzberg, seconded by Commissioner Barnaby to approve and execute**  
 21 **Amendment #1 of the Cost Share Agreement with the St. Johns River Water Management**  
 22 **District for the Reclaimed Pumping and Storage Expansion project.**

23  
 24 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

25  
 26 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
 27 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
 28 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

29  
 30 **B. Request for approval to execute Amendment #1 to the Cost Share Agreement with the St.**  
 31 **Johns River Water Management District for the Howland Blvd. Phase 3 Reclaimed Water**  
 32 **Construction Project.**

33  
 34 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

35  
 36 **Motion by Commissioner Barnaby, seconded by Commissioner Nabicht to approve and execute**  
 37 **Amendment #1 to the Cost Share Agreement with the St. Johns River Water Management**  
 38 **District for the Doyle Road Reclaimed Water Interconnect Project and the reclaimed portion of**  
 39 **the Howland Blvd. Phase 3 Utility Relocate Project.**

40  
 41 The Commission and staff discussed what the money is being spent on which is reclaimed storage at  
 42 122 acres, a pumping station and chlorination, it has already been bid, money is in the budget FY  
 43 2014/2015 match of \$725.

44  
 45 The second is a a one (1) year extension of the expansion of Howland Blvd. Phase 3 from Courtland to  
 46 Walmart to four (4) lane the road, the County opened the bid a week ago but have not released the  
 47 number yet, the numbers for intersection improvements at Howland and Ft. Smith and utility portion of  
 48 the work are all within the budget amounts the Commission approved in September.

1  
2 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
3 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
4 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

5  
6 **11. CITY ATTORNEY COMMENTS:** None.

7  
8 **12. CITY MANAGER COMMENTS:**

9  
10 Acting City Manager Dale Baker stated Purchasing Agent Kate Krauss asked that the scoring sheets for  
11 the City Manager search firm be turned in today and he asked if the Commission needed an extension to  
12 submit the score sheets. **The Commission concurred to provide the score sheets to staff before the**  
13 **next workshop.**

14  
15 The Commission discussed the Commission's tally sheets referenced on Page 14 which does not  
16 exist, receiving the e-mail with the tally sheets on Thursday and them needing to be turned in on  
17 Friday, and if the tally sheets were important enough to make a decision at the 11<sup>th</sup> hour it should  
18 have been important enough to place a call when they were ready.

19  
20 **A. Lobbyist Update:**

21  
22 **13. CITY COMMISSION COMMENTS:**

23  
24 a) Commissioner Barnaby questioned whether Mr. Baker has the authority to hire and fire and Mr.  
25 Baker replied yes. Commissioner Barnaby stated he is concerned with the e-mail that was provided  
26 from the Human Resources Director Tom Acquaro and he suggested Mr. Baker take a strong look at  
27 Mr. Acquaro's competence, the issue cannot be swept under the carpet, there being other systemic  
28 issues that have been floating around and Mr. Baker has his support.

29  
30 b) Commissioner Denizac stated there comes a time where you only want to praise people, catch  
31 someone doing nice things, but we have to be accountable. The issue with the e-mail is totally  
32 appalling and it does not have to be put up with. If another employee had sent the e-mail, that employee  
33 would have been fired, Mr. Acquaro needs to be held accountable and if she could fire him it would be  
34 done tonight.

35  
36 c) Commissioner Denizac stated that the e-mails and communications between the Acting City  
37 Manager and the Commission needs to be done, the agenda needs to be distributed on time, equipment  
38 in the Chambers needs to be working and these things need to be made right.

39  
40 d) Commissioner Nabicht gave praise to Captain Brannon regarding the bomb threat at Pine Ridge  
41 High School. The Fire Chief is taking some positive and bold steps such as Deltona having a pink fire  
42 truck and the uniform shirts being pink for the day, participating in MDA and breast cancer awareness,  
43 there being a team effort to put on the Annual Fire Safety Day on November 2<sup>nd</sup> in conjunction with the  
44 pink fire truck tour. Last Thursday and Friday he was out of town attending the State of Florida  
45 Firefighters' Memorial in Ocala where a Lieutenant from Orange City who lost his life in the line of  
46 duty was honored. Three property owners dictated a response to question something the Commission  
47 workshopped thoroughly and he cautioned the Commission about letting a small number of people  
48 represent an industry as the Commission has a greater responsibility to the 86,000 people that are here

1 to make sure the City oversees and regulates that type of business within our city And he hopes the City  
2 does not cut off our nose to spite our face when it revisits this. He has known Mr. Hutchins a long time,  
3 worked with him on numerous properties where there were incidents and he cautioned the Commission  
4 to move in an informed manner before they change this ordinance again.  
5

6 e) Commissioner Bellizio stated the Commission is adamant and upset about the e-mail regarding  
7 the employee, part of the culture is set forth by supervisors, but beyond that for me it falls on the  
8 Commission as the speaking heads out in the public, the one thing that occurred that I hoped would not  
9 is an allegation toward an individual and what if the email was doctored, we do not operate proper  
10 decorum or at a higher level of professionalism, reserving judgment is something the Commission is not  
11 good at, but he is. Once the individuals name was brought up the Commission lost a lot of credence  
12 without an investigation.  
13

14 f) Commissioner Schleicher stated something that was seen tonight was there were communication  
15 problems, the agenda being received late, and on top of that around 7:30 p.m. she received a lot of calls  
16 that the Latin Festival was supposed to be over per the website which stated the event ended at 7:00  
17 p.m. Everything that goes out must be 100% as accurate as it can be and not just once in a while.  
18

19 g) Vice Mayor Herzberg thanked Florida Hospital for hosting the Heart Healthy Womens Health  
20 Conference, there was a lot of participation and she was proud to be a part of it. Wednesday night at  
21 Athens Theater in DeLand will be a viewing of the River of Lakes Heritage Corridor DVD Also on  
22 Wednesday there is a transition team meeting for the League of Cities and VCOG and lastly thanked  
23 VSCO for the excitement of Air One looking for an individual near her home.  
24

25 h) Mayor Masiarczyk asked the Commission to say move forward or opt out;  
26

27 Girl Scouts need a place to meet, the group has no funds and he wants to work with Mr. Moore for a  
28 location in the City if it is available and the Commission concurred.  
29

30 Best City's for Successful Aging pledge, he has signed the pledge, provide opportunities for the older  
31 adults to work in the City and do all we can in certain areas and lists Deltona as a City looking out for  
32 the elderly and the Commission concurred.  
33

34 Asking DSC to set land aside for us for future parks, talked about when the Commission talked about  
35 building a stadium, and is there any objection to sending the letter, some money was set aside for grants  
36 in the budget, the letter could be held another six months, and the Commission concurred to delay  
37 sending the letter.  
38

39 Gentleman requested to have his house, roof and driveway pressure cleaned, but he only uses less than  
40 2500 gallons of water a month, the City has a waiver for filling a pool or has a crack and the last six  
41 months is averaged so you only pay the water bill and this seems like it would qualify for the same  
42 thing and the Commission concurred that would not work.  
43

44 Volusia Charter Amendment petition form being requested by the Volusia County for vehicular access  
45 to the beach and he distributed it to the Commission to do what they want with it.  
46

47 He was invited by an employee to dinner in Orange City at United Methodist Church by Drew Dancy, it  
48 is more of a concern than he thought, Deltona was not a City they had contact with, hoping the agency

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27

will intercede and help a victim and take them to a location to be protected.

The homelessness issue is going to be a very interesting issue, but be careful; there is a lot of different information and varied opinions that is one you want to study up on.

Commissioner Nabicht commented about 2 or 3 years ago Hector Garcia brought a program thru the Florida Dept. of Law Enforcement Assoc. a class of what to look for or watch for, it was good training for those staff out in the field, human trafficking happens in Florida and it is a significant issue especially in south Florida. Mayor Masiarczyk commented a major push will be done during Biketoberfest which is one of the worst times of the year.

**14. ADJOURNMENT:**

There being no further business, the meeting adjourned at 10:29 p.m.

\_\_\_\_\_  
**John Masiarczyk Sr., Mayor**

**ATTEST:**

\_\_\_\_\_  
**Janet Day, Deputy City Clerk**



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 10/20/2014  
**FROM:** Dale Baker, Acting City Manager      **AGENDA ITEM:** 5 - A  
**SUBJECT:** Presentation by Florida Department of Transportation (FDOT) of the Volusia County Transit Connector Study.

**LOCATION:**

N/A

**BACKGROUND:**

FDOT is conducting the Volusia County Transit Connector Study to identify, evaluate, and document the need for providing transit service within a corridor extending from U.S. 1 in Volusia County to S.R. 46 in Seminole County. The goal of the systems planning study is to identify a recommended alternative, which can then be evaluated as part of the National Environmental Policy Act (NEPA) phase of project development.

As part of the initial steps of this project, FDOT wants to notify all agency partners of the study. Ms. Libertad Acosta-Anderson, FDOT Project Manager, and Mr. Alan Danaher, FDOT Consultant Project Manager, shall present an introduction of the study team, an overview of the scope of services for the study, a description of key activities that will take place for the study, the need for public and public agency involvement, and a potential project schedule.

In addition, FDOT created a Project Advisory Group (PAG) that serves as a technical resource for the regional planning study. Input from the PAG will assist FDOT and their consultants in a variety of decision-making activities; such as defining the project purpose and need, developing alternatives for enhanced transit service within the study area, establishing project goals, objectives, and performance measures to evaluate project alternatives, and preparing documentation necessary to identify a recommended alternative.

**ORIGINATING DEPARTMENT:**

Planning and Development Services

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

Planning and Development Director, City Attorney

**STAFF  
RECOMMENDATION  
PRESENTED BY:**

N/A - Presentation Only.

**POTENTIAL  
MOTION:**

N/A - Presentation Only.

**AGENDA ITEM  
APPROVED BY:**

---

Dale Baker, Acting City Manager

**ATTACHMENTS:**

- FDOT Transit Connector Study Presentation

# Volusia County Transit

## • C O N N E C T O R S T U D Y •



Project Kickoff Presentation

# Deltona City Commission

October 20, 2014



# Project Kickoff Presentation

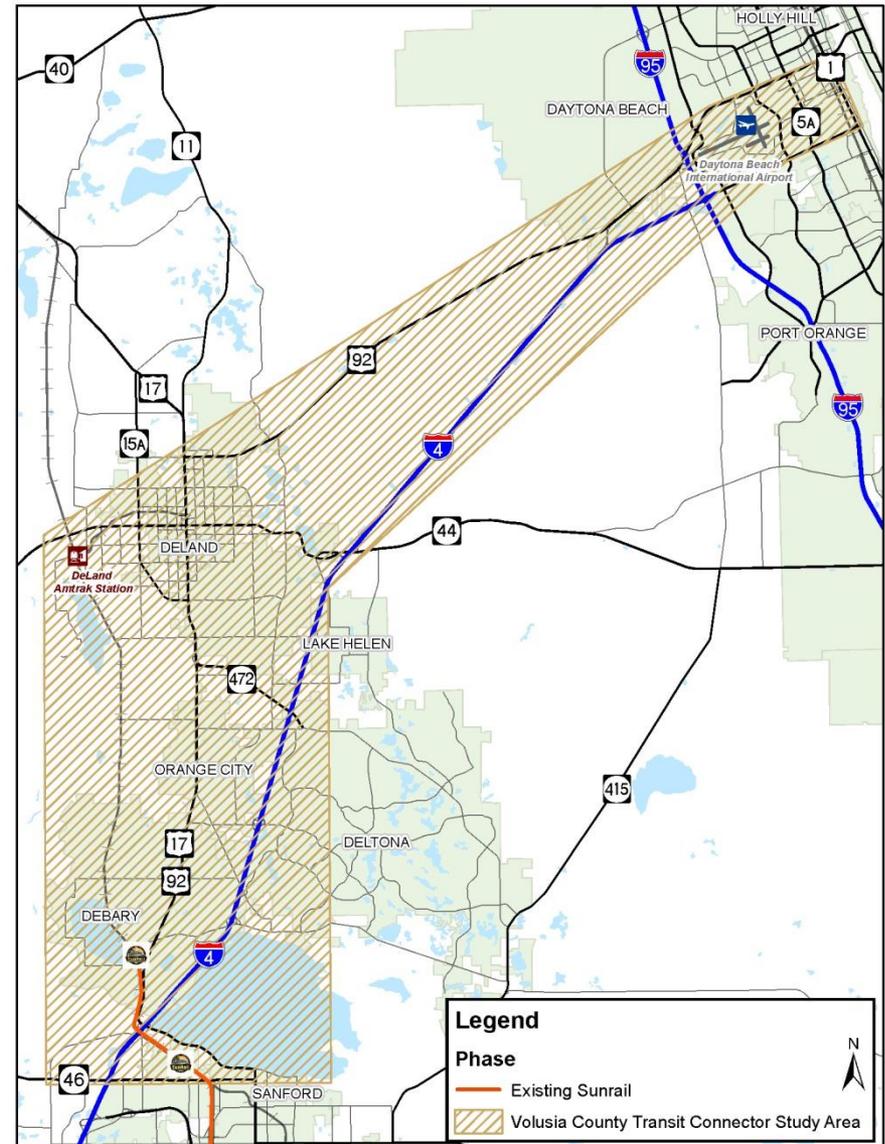
- Purpose is to notify local government agencies that the study has started
- Introduce the project team
- Provide brief description of study scope, planning process and project schedule
- Describe approach to public and public agency program

# Project Team

- Libertad Acosta-Anderson, PE
  - FDOT Project Manager
  - Phone: 407.482.7861
  - E-mail: [libertad.acosta-anderson@dot.state.fl.us](mailto:libertad.acosta-anderson@dot.state.fl.us)
  
- Alan Danaher, PE, AICP, PTOE
  - Project Manager
  - Parsons Brinckerhoff, Inc.
  - Phone: 407.587.7835
  - E-mail: [danaher@pbworld.com](mailto:danaher@pbworld.com)
  
- Ralph Bove
  - Deputy Project Manager
  - Parsons Brinckerhoff, Inc.
  - Phone: 407.587-7817
  - E-mail: [bovers@pbworld.com](mailto:bovers@pbworld.com)

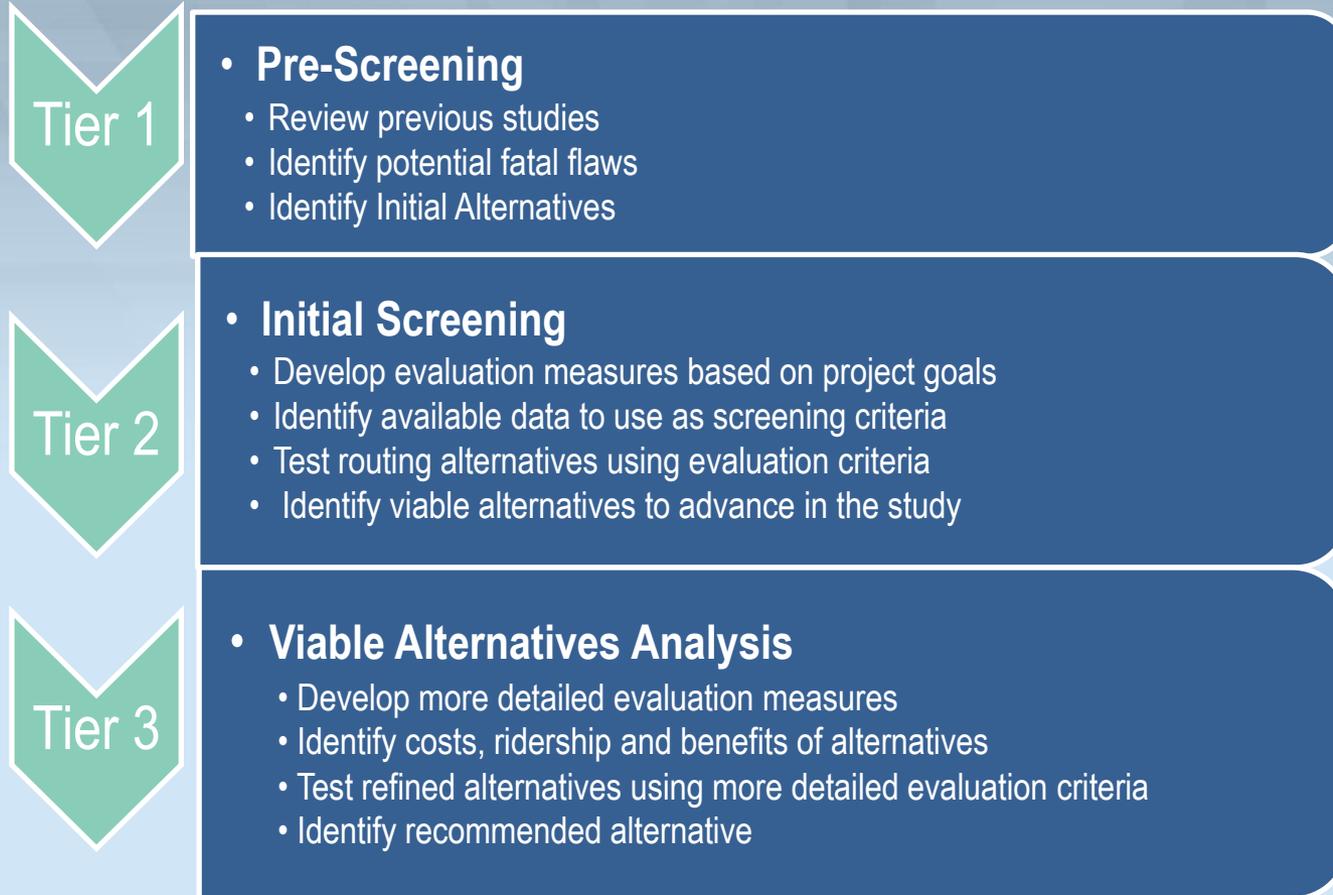
# The Study Area

- **Limits:**
  - SR 46 in Seminole Co. to US 1 in Volusia Co.
- **Scope of Services:**
  - Systems Planning Study
  - Identify need for enhanced transit service
  - Develop/evaluate alternatives
  - Documentation to enter FTA Project Development process
  - Comprehensive public and public agency coordination program



Item 5A

# Tiered Screening Process



# FDOT's Approach Feeds Into FTA Process

## New Starts Process



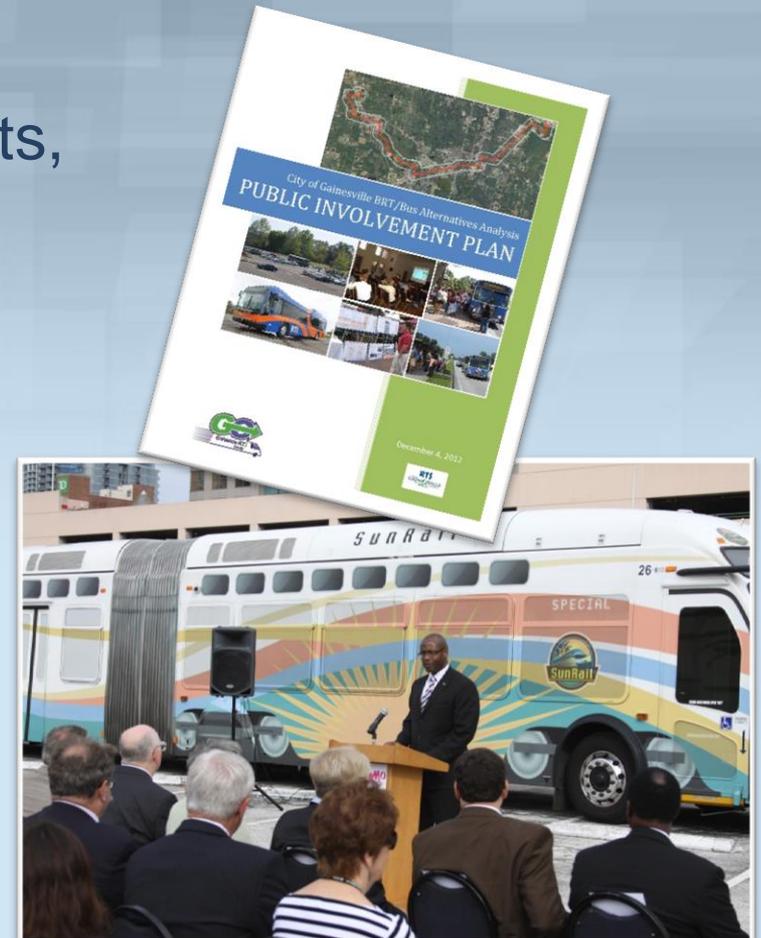
## Small Starts Process



FTA Acceptance
  FTA Evaluation, Rating, Approval

# Public Outreach Objectives

- Coordinate with local governments, transit agencies, and separate corridor stakeholders
- Solicit input from community organizations
- Provide opportunities for public at large to comment on study
- Develop a variety of communications and public involvement programs
- Comply with FHWA/FTA Title VI program



# Project Advisory Group

- FDOT
- River to Sea TPO
- MetroPlan Orlando
- Volusia County
- Seminole County
- Votran
- LYNX
- Daytona Beach Airport
- Cities



# Public Information Materials

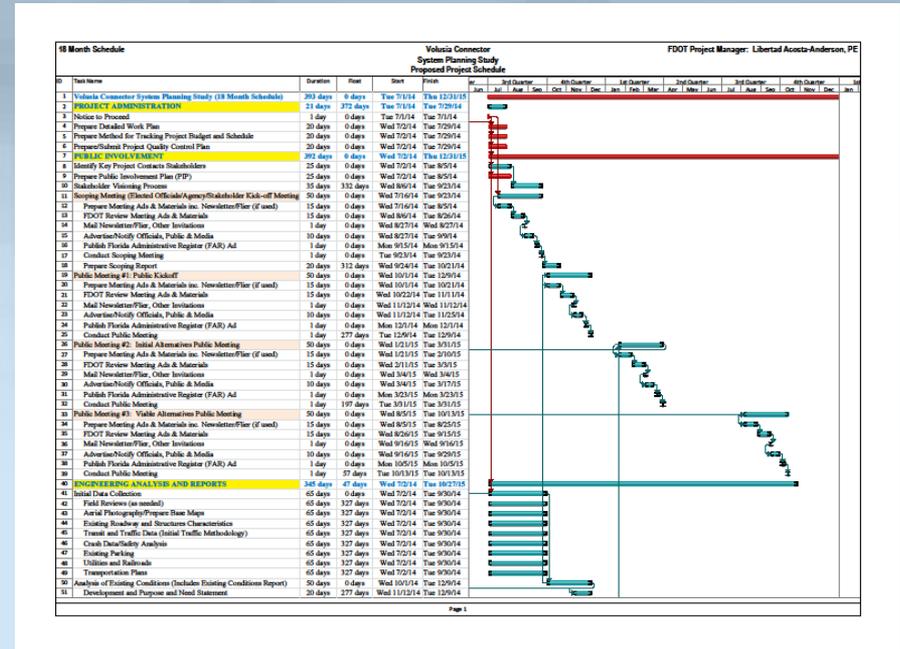
- Traditional
  - Webpage
  - Media releases/advertisements
  - Meetings/Workshops/Open Houses
  - Comments and coordination packages
  - Visualization graphics
- Creative
  - Grassroots “Go to the People”
  - Use of technology to increase participation



We've learned from  
the US 441 Corridor  
Study that we must..  
*Go to the People  
and  
Technology  
Increases  
Participation*

# Project Schedule

- 18 month duration
- Logical sequencing of tasks
- NTP: June 25, 2014
- Agency Kickoff Meetings: September/October 2014
- Public Kickoff: December 2014
- Initial Alternatives: March 2015
- Viable Alternatives: October 2015
- Study Complete: December 2015



# FDOT Contacts

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- Alternate

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# Volusia County Transit

## • CONNECTOR STUDY •



Project Kickoff Presentation

## Deltona City Commission

October 20, 2014





## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 10/20/2014  
**FROM:** Dale Baker, Acting City Manager      **AGENDA ITEM:** 5 - B  
**SUBJECT:** Presentation - Quarterly Reports of City Advisory Boards/Committees.

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<b>LOCATION:</b>	N/A
<b>BACKGROUND:</b>	Quarterly Reports of City Advisory Boards/Committees:  1) Parks and Recreation Advisory Committee - (Written Report Only) <ul style="list-style-type: none"><li>• Senior Advisory Sub-Committee</li><li>• Youth Advisory Sub-Committee</li><li>• Citizen Accessibility Advisory Sub-Committee</li></ul>
<b>ORIGINATING DEPARTMENT:</b>	City Clerk's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Clerk
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	N/A - Presentation Only.
<b>POTENTIAL MOTION:</b>	N/A - Presentation Only.
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Dale Baker, Acting City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Parks and Recreation Quarterly Report</li></ul>

# PARKS & RECREATION DEPARTMENT

## QUARTERLY REPORT

### JULY, AUGUST, SEPTEMBER 2014

#### **Parks & Recreation Advisory Board**

##### **Third quarter:**

- This board met in July to review applications for the Senior Advisory Sub Committee.
- 2 new members were added in July and introduced to the board at the September meeting.
- This board recommended approval for three (3) new members for the Senior Advisory Sub Committee at their September meeting.

#### **Citizen Accessibility Advisory Sub-Committee**

##### **Third quarter:**

- Members of this sub-committee volunteered 8 hours for the 4<sup>th</sup> of July event.
- This sub-committee met in July and worked out the details for their ADA video-taping scheduled for August.
- Video-taping of handicapped parking issues was demonstrated by the board members and recorded by Lee Lopez on August 14<sup>th</sup>. A recorded interview session followed the recorded demonstration.

#### **Youth Advisory Sub-Committee**

##### **Third quarter:**

- This sub-committee was on hiatus for the months of July and August.
- Members of this sub-committee volunteered 20 hours for the 4<sup>th</sup> of July event.

#### **Senior Advisory Sub-Committee**

##### **Third quarter:**

- This sub-committee met in July to finalize their plans for the Senior Breakfast.
- This sub-committee volunteered 20 hours for the senior breakfast.
- Two (2) new members were introduced to this sub-committee at the August meeting.
- They did a wrap-up of the Senior Breakfast and discussed the Fall Arts and Craft Festival scheduled for November.

Respectfully submitted,  
 Steve Moore, Director  
 Parks and Recreation Department



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 10/20/2014  
**FROM:** Dale Baker, Acting City Manager            **AGENDA ITEM:** 8 - A  
**SUBJECT:** Public Hearing - Ordinance No. 10-2014, Medical Marijuana, at second and final reading.

**LOCATION:**

N/A

**BACKGROUND:**

The City Commission requested that an ordinance be drafted to address the location of and the regulations relating to medical marijuana that would become effective if medical marijuana is approved by Florida voters in November, 2014. At the City Commission workshop on July 28, 2014, numerous changes to the proposed ordinance were suggested. The ordinance as now written allows medical marijuana dispensaries in zoning categories C-1, C-2, and C-3 as a conditional use. The regulations do not apply if the medical marijuana is sold at a licensed pharmacy.

This ordinance came before the Planning and Zoning Board for consideration on September 17, 2014, and the board recommended approval.

**ORIGINATING DEPARTMENT:**

City Attorney's Office

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

Acting City Manager, City Attorney, Planning and Development Director

**STAFF RECOMMENDATION PRESENTED BY:**

Becky Vose, City Attorney - Approve Ordinance 10-2014, at second and final reading.

**POTENTIAL MOTION:**

"I move to approve Ordinance No. 10-2014, at second and final reading."

**AGENDA ITEM  
APPROVED BY:**

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Dale Baker, Acting City Manager

**ATTACHMENTS:**

- Ordinance No. 10-2014

**ORDINANCE NO. 10 – 2014**

**AN ORDINANCE AFFECTING THE USE OF LAND IN THE CITY OF DELTONA, FLORIDA, CREATING A NEW ARTICLE XIV, “MEDICAL MARIJUANA DISPENSARIES”; TO ALLOW MEDICAL MARIJUANA DISPENSARIES AS A CONDITIONAL USE IN THE C-1, C-2 AND C-3 ZONING CATEGORIES; BY SETTING FORTH SITING STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSARIES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE**

**WHEREAS**, the State of Florida is considering legalizing the dispensing of marijuana for medical purposes; and

**WHEREAS**, the City Commission of the City of Deltona has determined that it is in the best interests of the citizenry and general public to regulate the location of medical marijuana dispensaries in the event the State of Florida legalizes said dispensaries; and

**WHEREAS**, the City Commission of the City of Deltona has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

**WHEREAS**, the City Commission of the City of Deltona has determined that given the potential impact on the surrounding area, that medical marijuana dispensaries should be allowed within the C-1, C-2, and C-3 zoning districts in the City, as a conditional use, after a hearing and finding by the Planning and Zoning Board that said dispensaries meet the requirements for granting a conditional use; and

**WHEREAS**, the City Commission of the City of Deltona has determined that it is advisable and in the public interest to set certain distance and other siting standards in regard to the location of operation of medical marijuana dispensaries; and

**WHEREAS**, the City Commission of the City of Deltona finds that this ordinance promotes general welfare.

**NOW, THEREFORE**, be it ordained by the City Commission of the City of Deltona, Florida, as follows:

**SECTION 1.** Code of Ordinances of the City of Deltona, Florida, Subpart B, Land Development Code, Chapter 110, a new Article XIV, “Medical Marijuana Dispensaries”, is hereby adopted to read as follows:

## Article XIV – Medical Marijuana Dispensaries

### Sec. 110-1400. Definition

The term “medical marijuana dispensary” shall mean any location at which medical marijuana (by whatever name) is sold or dispensed, except for licensed pharmacies.

### Sec. 110-1401. Zoning districts where allowed

Medical marijuana dispensaries shall be allowed as conditional uses in the C-1 – Retail Commercial District, C-2 – General Commercial District, and C-3 – Heavy Commercial District classifications, upon approval of a conditional use application.

### Sec. 110-1402. Requirements for operation and conditional use criteria

- (a) The following are requirements as to all medical marijuana dispensaries. Violation of any of the following shall be punishable as a violation of this code.
- (1) *Controlled Substances.* The on-site sale, provision, or dispensing of medical marijuana is prohibited except as specifically authorized by applicable law.
  - (2) *Loitering.* Medical marijuana dispensary shall provide adequate seating for its patients and business invitees. The medical marijuana dispensary shall not direct or encourage any patient or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. The medical marijuana dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.
  - (3) *Queuing of vehicles.* The medical marijuana dispensary shall ensure that there is no queuing of vehicles in the rights-of-way. The medical marijuana dispensary shall take all necessary and immediate steps to ensure compliance with this paragraph.
  - (4) *No Drive through service.* No medical marijuana dispensary shall have a drive through or drive in service aisle. All dispensing, payment for and receipt of said medical marijuana shall occur from inside the medical marijuana dispensary.

- (5) *Alcoholic Beverages.* No consumption of alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks, or rights-of-way. The medical marijuana dispensary shall take all necessary and immediate steps to ensure compliance with this paragraph.
- (6) *Separation Distances.* A medical marijuana dispensary shall not operate within five hundred (500) feet of any school, as that term is defined in Section 1002.01 or 1003.01, Florida Statutes, as it may be amended, or another medical marijuana dispensary. Distance requirements shall be documented by the applicant and submitted to the Planning and Development Services Department with the application. All distance requirements shall be measured by drawing a straight line from the nearest property line of the pre-existing protected use to the nearest property line of the proposed medical marijuana dispensary. The applicant may request a variance from the requirements of this paragraph as provided in the Deltona Land Development Code.
- (7) *Operating Hours.* Medical marijuana dispensaries shall only be allowed to operate between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Medical marijuana dispensaries shall not operate on Sundays.
- (8) *Growing of Marijuana.* Nothing in this ordinance shall be deemed to allow or permit the growing or cultivating of marijuana in or about a medical marijuana dispensary, or at any other location within the city limits of the City of Deltona.
- (b) When considering an application for a medical marijuana dispensary, the Planning and Zoning Board must consider the conditional use criteria listed in Section 110-1402 (a) (1) through (8). At a regularly scheduled public meeting, the Planning and Zoning Board shall review the conditional use application and make a recommendation to the City Commission to deny the request, approve the request, or approve with conditions the request. The Planning and Zoning Board may assign additional conditions and safeguards, as deemed necessary.

**SECTION 4. CONFLICTS.** All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

**SECTION 5. CODIFICATION.** The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

City of Deltona, Florida  
Ordinance No. 10-2014  
Page 4 of 5

**SECTION 6. SEVERABILITY.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

City of Deltona, Florida  
Ordinance No. 10-2014  
Page 5 of 5

**PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**FIRST READING:** \_\_\_\_\_

**ADVERTISED:** \_\_\_\_\_

**SECOND READING:** \_\_\_\_\_

\_\_\_\_\_  
**JOHN C. MASIARCZYK SR., MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JOYCE RAFTERY, CITY CLERK**

Approved as to form and legality for use  
and reliance by the City of Deltona, Florida

\_\_\_\_\_  
**GRETCHEN R. H. VOSE, CITY ATTORNEY**



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 10/20/2014  
**FROM:** Dale Baker, Acting City Manager      **AGENDA ITEM:** 8 - B  
**SUBJECT:** Public Hearing - Ordinance No. 26-2014, Residential Prison Diversion Program, at second and final reading.

**LOCATION:**

N/A

**BACKGROUND:**

This ordinance regulates residential prison diversion programs. It was inspired by what occurred recently in the City of Bunnell. Several months ago a “non-profit” purchased a house in the middle of a residential area in Bunnell and announced that they were establishing a residential prison diversion program. The facility would house convicted criminals who would otherwise go to prison, but due to prison crowding, courts allow the prisoners to live in a facility operating a diversion program if the prisoner pays the fees to live there. Apparently these facilities are extremely profitable to the “non-profits” operating them.

This ordinance is a proactive attempt to be prepared in the event someone wants to place a similar facility in a Deltona residential neighborhood. This ordinance came before the Planning and Zoning Board for consideration on September 17, 2014, and the board recommended approval.

**ORIGINATING DEPARTMENT:**

City Attorney's Office

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

City Attorney; Acting City Manager; Planning and Development Director

**STAFF RECOMMENDATION PRESENTED BY:**

Becky Vose, City Attorney - Approve Ordinance No. 26-2014, the Residential Prison Diversion Program, at second and final reading.

**POTENTIAL  
MOTION:**

"I move to approve Ordinance No. 26-2014, the Residential  
Prison Diversion Program, at second and final reading."

**AGENDA ITEM  
APPROVED BY:**

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Dale Baker, Acting City Manager

**ATTACHMENTS:**

- Ordinance No. 26-2014

**ORDINANCE NO. 26-2014**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA AMENDING THE DELTONA CODE OF ORDINANCES BY THE CREATION OF CHAPTER 99, RESIDENTIAL PRISON DIVERSION PROGRAMS; PROVIDING REGULATIONS FOR THE LOCATION AND OPERATION OF RESIDENTIAL PRISON DIVERSION PROGRAMS; PROVIDING REQUIREMENTS FOR ISSUANCE OF A RESIDENTIAL PRISON DIVERSION PROGRAM REGULATORY LICENSE; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes §166.01, the Municipal Home Rule Powers Act, authorizes cities to establish, coordinate and enforce the laws that are necessary for the protection of the public; and

**WHEREAS**, Florida Statutes do not provide regulations for residential prison diversion programs; and

**WHEREAS**, it is in the best interest of the health, safety and welfare of the citizens of the City of Deltona that residential prison diversion programs be regulated by the city; and

**WHEREAS**, under its home rule authority, the City of Deltona can pass legislation to regulate prison diversion programs, as long as these additional regulations are not preempted in the law and are consistent with statutory provisions.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DELTONA:**

**SECTION 1.** Chapter 99, “Deltona Residential Prison Diversion Programs Regulatory License Ordinance,” is added to the Code of Ordinances of the City of Deltona to read as follows:

**Sec. 99-1. Findings of Fact**

The City may adopt, pursuant to its police power, zoning ordinances and regulatory ordinances to protect the public health, welfare and safety that are consistent with the state and federal law, including the Fair Housing Act and the Fair Housing Act Amendments. The adoption of zoning ordinances, regulatory ordinances and land use planning are fundamental functions of local government. This chapter is enacted under the home rule power of the City and pursuant to Florida Statutes, Section 166.221.

Residential prison diversion programs are designed to provide services to people who have been convicted of a crime, and would have been sent to a correctional facility by a court of law because of that conviction, but have agreed to be court ordered to an alternative program to avoid being sent to a correctional facility. As a result, due to their status of meeting the criteria to be sent to a correctional facility, the people utilizing these programs may pose a danger to the safety of the community and any adjacent residents.

The fundamental precept of the City's Zoning Code provisions relative to residential zones is that individual dwelling units are intended for the occupancy and use of single-families. Accordingly, the City does not allow group residential uses, such as boarding or rooming houses, dormitories, motels, and single-room occupancy hotels in residential zoning districts in the City because such uses are frequently transient and institutional in nature and differ in character and create impacts on residential neighborhoods from single house units.

The more on-site services a program offers, the less suitable the program is for a residential setting. With the addition of services, the use becomes more commercial in nature rather than a use that would be appropriate for a residential area. Additionally, the need for easy access to services makes these uses more appropriate for a commercial setting, where these services would generally already be located.

The Florida Department of Corrections has reported that 37.3% of persons on parole will be returned to prison each year because they have either been convicted of new crimes or have violated the conditions of their parole. Residences housing two or more prison diversion candidates or parolees may pose a danger to the safety of the community and adjacent residents, and the City does not intend to permit such uses in residential areas.

## **Sec. 99-2. Definition**

For the purposes of this Ordinance, the following term, whether appearing in the singular or plural form, shall have the following meaning:

*Residential Prison Diversion Program.* A residence operated and maintained by an individual or a sponsoring private entity or governmental agency to provide services to two or more unrelated residents with at least one supervisor living on-premises, wherein one or more of the residents has been placed in the program via court order or such placement is voluntarily requested by the resident, for the purpose of or with the effect of avoiding being sentenced by a court of competent jurisdiction to confinement in a county jail, state Department of Corrections facility, federal corrections facility, or any other type of detention facility, and wherein the services being provided may include, but not be limited to, one or

more of the following: board, lodging, meals, supervision, controlled administration of medication, counseling, group sessions, therapy, education, job skill training and other services, as needed.

### **Sec. 99-3. Locational and Program Standards**

a. *Location.* Residential prison diversion programs shall be allowed by special exception in the C-2 General Commercial district, by special exception in the C-3 Heavy Commercial district, and by special exception in the I Industrial district.

b. *Distance requirements.*

1. No residential prison diversion program may operate within 1000 feet of any school or licensed child care facility.
2. No residential prison diversion program may operate within 1000 feet of any public park, public playground or public recreation center utilized by juveniles.
3. No residential prison diversion program may operate within 1000 feet of any other residential prison diversion program.
4. No residential prison diversion program may operate within 1000 feet of a single family residence.

c. *Parking.* Parking requirements for residential prison diversion programs shall be in accordance with the City's Land Development Code regarding off-street parking and loading relating to homes for the aged, sanitariums, convalescent or nursing homes.

d. *Program limits.* No more than six (6) residents may be housed at the program site at one time. This does not include the residential supervisor or staff provided as part of the program operations.

e. *Property standards.* Residential prison diversion programs shall meet the following property standards:

1. The facility shall abide by all fire safety codes for group home living.
2. The facility shall provide a full kitchen.
3. The facility shall provide each resident with adequate personal storage and living space.
4. The facility shall have one sink, one toilet, and one shower for every four people who reside at the facility.
5. The facility shall have laundry services available on-site.
6. The facility shall provide any necessary safety or security measures needed to provide for the safety of the residents and residents on adjacent properties.

This may include but is not limited to installing a perimeter fence, outdoor security lighting, an alarm system or security system, or any other reasonable security measure.

f. *Good Neighbor standards.* Residential prison diversion programs shall provide neighbors to the facility with contact information for the designated person who will address all neighbor complaints, even if it is not possible to resolve the issue.

#### **Sec. 99-4. Application and Residential Prison Diversion Program Regulatory License.**

a. *Application.* No person, private entity or governmental agency shall operate a residential prison diversion program without first obtaining a residential prison diversion program regulatory license. A person desiring to apply for such a regulatory license shall make an application in writing on a form prescribed by the City Manager, or designee.

1. The application shall include the following:

- (a) A written statement that the person, private agency or governmental agency will take reasonable safety precautions to provide for the safety of the citizens located around the program site, and an itemization of the steps contemplated to reach this goal.
- (b) A copy of any applicable state license(s) and/or documentation that the program has been contracted by an appropriate state agency to provide such services.
- (c) Copies of the licenses issued by the Florida Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling or other professional licensing board for any mental health counselors, social workers, marriage and family therapists, or other licensed professional providing services to the residents at the facility.
- (d) Documentation that the program meets all required standards, as listed in Section 99-3.

b. *Residential Prison Diversion Program Regulatory License Issuance.* As a prerequisite to the issuance of a residential prison diversion program regulatory license, an inspection shall be made of the premises by the City's fire inspector and the Volusia County Sheriff's Office.

#### **Sec. 99-5. Residential Prison Diversion Program Regulatory License Fee**

The City Commission of the City of Deltona shall annually, as a part of its budgeting process, set the amount of the Residential Prison Diversion Program Regulatory License Fee. Such fee shall be determined to generate revenue commensurate with the cost of the regulatory activity.

**Sec. 99-6. Operations and Records**

Each residential prison diversion program shall conform to the following operational and record keeping requirements:

- a. Each program, regardless of whether it is licensed under this article, shall create, establish and maintain a record of all workers of the business. The record shall contain the worker's full legal name and any aliases and all past or current aliases of the worker; his or her date of birth; his or her residential address; his or her telephone number (if any) and all pager numbers and other similar numbers used; his or her driver's license number and a photocopy of the license; his or her state or federally issued identification card number including the workers social security account number; the employment status of the worker including, but not limited to, whether the worker is a salaried employee, an independent contractor, a lessee, a sub-lessee, a subcontractor allowed to work at the establishment, or such other arrangement as may be in place; and a recent photograph of the worker as of the date of association with the business which accurately reflects the date on which the photograph was taken.
- b. The residential prison diversion program regulatory license holder or other designee shall be responsible for ensuring that all staff has the appropriate licenses and training required to perform the work at the program. Documentation shall be kept in the worker file.
- c. The residential prison diversion program regulatory license holder or other designee shall ensure that any resident who is required to register as a sex offender complies with the requirements of registration in accordance with 943.0435 F.S. and keep documentation of registration in the program records.

**Sec. 99-7. Implementing Administrative Actions**

The City Manager, or designee, shall implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules. All development orders shall be issued in a manner consistent with controlling law and rendered in appealable form with the City Clerk. Denials of development approvals shall be issued in accordance with controlling law to include, but not be limited to, Section 166.033, Florida Statutes.

**SECTION 2. CONFLICTS.** All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

**SECTION 3. CODIFICATION.** The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

**SECTION 4. SEVERABILITY.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**FIRST READING:** \_\_\_\_\_

**ADVERTISED:** \_\_\_\_\_

**SECOND READING:** \_\_\_\_\_

\_\_\_\_\_  
**JOHN C. MASIARCZYK SR., MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JOYCE RAFTERY, CITY CLERK**

Approved as to form and legality for use  
and reliance by the City of Deltona, Florida

\_\_\_\_\_  
**GRETCHEN R. H. VOSE, CITY ATTORNEY**



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 10/20/2014  
**FROM:** Dale Baker, Acting City Manager      **AGENDA ITEM:** 8 - C  
**SUBJECT:** Public Hearing - Ordinance No. 27-2014, an amendment to Section 110-827, Accessory Uses and Structures, pertaining to Shed Design Standards at second and final reading.

**LOCATION:**

Citywide

**BACKGROUND:**

The City of Deltona's predominant land use is for single family residential development. The lotting pattern of these uses is typically on large lots that accommodate central water service and septic tanks. The large lot typically affords a buffer for both the principal structure/home and ancillary structures (i.e. sheds, detached garages, etc.) The City also includes smaller single family lots and non-residential lots that can accommodate sheds.

There is a provision within Section 110-827, Accessory Uses and Structures, that sheds shall match the design and/or architecture of the principal structure for sheds over 240 SF.

This affects both residential and non-residential uses and has proven difficult to meet when sheds are erected. Also, the heights of sheds are currently limited at 10.5 feet, measured from the average finished grade of the ridge-line from the finished grade to the peak on the front of the structure. This height limitation does not comport with many prototypical sheds on the market and does not account for the base of the structure, where it does not rest on-grade (i.e. on cross-ties, pilings, concrete blocks, etc.) In conducting research for shed heights in other communities, there is often a 15-ft. maximum height limitation.

Based on the above, Ordinance No. 27-2014 proposes amendments to Section 110-827, to update standards in Subsection (c) and to increase the maximum height limitations for accessory sheds. Finally, Ordinance No. 27-2014 was recommended for approval by the Planning and Zoning Board at their September 17, 2014, meeting and the proposed ordinance is consistent with the City's Comprehensive Plan.

<b>ORIGINATING DEPARTMENT:</b>	Planning and Development Services
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	Planning and Development Director, City Attorney, Acting City Manager
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Chris Bowley, AICP, Director, Planning and Development Services - Staff recommends that the City Commission adopt Ordinance No. 27-2014, an amendment to Section 110-827, Accessory Uses and Structures, pertaining to shed design standards; at second and final reading.
<b>POTENTIAL MOTION:</b>	"I move to adopt Ordinance No. 27-2014, an amendment to Section 110-827, Accessory Uses and Structures, pertaining to shed design standards; at second and final reading."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Dale Baker, Acting City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"> <li>• Ordinance No. 27-2014: Strike-through Underline Draft</li> <li>• Ordinance No. 27-2014</li> </ul>

**ORDINANCE NO. 27-2014**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SUBSECTION (C), DESIGN STANDARDS, OF SECTION 110-827, ACCESSORY USES AND STRUCTURES, OF ARTICLE VIII, SUPPLEMENTARY REGULATIONS, OF CHAPTER 110, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF DELTONA, AMENDING THE DESIGN STANDARDS FOR SHEDS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Deltona has determined that it is advisable and in the public interest to set certain criteria for the use of sheds as accessory structures; and

**WHEREAS**, the City Commission of the City of Deltona finds that this ordinance promotes general welfare of the community.

**NOW, THEREFORE**, be it ordained by the City Commission of the City of Deltona, Florida, as follows:

**SECTION 1.** Subsection (c), Design Standards, of Section 110-827, Accessory Uses and Structures, of Article VIII, Supplementary Regulations, of Chapter 110, Zoning, of the Code of Ordinances of the City of Deltona, is hereby amended to read as follows:

Sec. 110-827. Accessory Uses and Structures

(c) *Design standards.*

(1) In all residential zoning districts for single-family projects only, accessory buildings, antennas and their supporting structures, and swimming pools shall be subject to the following requirements:

a. Swimming pools shall be allowed only in the rear and side yards.

b. Transmission towers for amateur radio antennas and their supporting structures shall be allowed in accordance with Chapter 82, Communication Antennas and Towers, Code of Ordinances of the City of Deltona, Florida, as it may be amended from time to time, and shall meet the standards as set forth in Chapter 82, division 2, Code of Ordinances, except that on single family residential and agricultural lots of five acres or more amateur radio antennas and their supporting structures shall be permitted uses up to a height of 199 feet measured from the finished grade at the base of the tower, and shall be set back from the nearest property line a distance equal to the height of the antenna plus the tower (i.e. the fall radius).

c. The zoning lot coverage for all accessory buildings and structures on a zoning lot shall be included as part of the calculation of maximum impervious areas for the particular zoning district in which the use is located. However, only half of the surface area of swimming pool basins (not including surrounding deck area) shall be considered impervious surface.

d. Accessory buildings and structures, other than lawn ornaments and fences built in accordance with this chapter, shall not be located in the front yard forward of the edge of the principal dwelling, or beyond any side street yard setback on lots of less than 2.45 acres. On lots of 2.45 acres or more, accessory uses and structures, other than swimming pools and their decks, may be located in the front yard and side street yard past the main building line provided they are set back a minimum of 100 feet from the front yard and the side street yard and 75 feet from any interior side lot line.

e. Accessory structures, including pools and screened pool enclosures, shall not be located in any platted easements.

f. Accessory buildings and structures shall not exceed the maximum height requirement for the particular district in which they are located.

g. [Reserved.]

h. [Reserved.]

i. [Reserved.]

j. Fences and walls, except those used in connection with a government use, and those required by Chapter 82, Communication Antennas and Towers, of the Code of Ordinances of the City of Deltona, Florida, shall be governed by the standards found in Article VIII, Section 110-806.

k. Up to two (2) sheds, not including other types of accessory buildings and structures, shall be permitted on a residential lot that is equal to or less than 20,000 square feet, so long as the sheds do not exceed 240 square feet in the aggregate. ~~If a shed exceeds 240 square feet in floor area, it must be constructed to follow the same design and facade presented by the principal structure, including but not limited to: structure material, exterior finish, and roofing.~~

l. Accessory buildings and structures may be permitted up to the maximum permitted lot coverage for buildings and impervious surfaces, as appropriate.

m. ~~Of A-accessory buildings and structures, only sheds shall~~ have a maximum height limitation of ~~ten and one-half~~ fifteen (15) feet from average finished grade to ridgeline, or ~~ten and one-half~~ fifteen (15) feet from finished grade to peak on the front of the structure. An accessory shed shall not be taller than the primary structure.

**SECTION 2. CODIFICATION.** All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

**SECTION 3. CONFLICTS.** The provisions of this Ordinance shall become codified and shall be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

**SECTION 4. SEVERABILITY.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance, which shall remain in full force and effect.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**FIRST READING:** \_\_\_\_\_  
**ADVERTISED:** \_\_\_\_\_  
**SECOND READING:** \_\_\_\_\_

\_\_\_\_\_  
**JOHN C. MASIARCZYK SR., MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JOYCE RAFTERY, CITY CLERK**

Approved as to form and legality for use  
and reliance by the City of Deltona, Florida

\_\_\_\_\_  
**GRETCHEN R. H. VOSE, CITY ATTORNEY**

**ORDINANCE NO. 27-2014**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SUBSECTION (C), DESIGN STANDARDS, OF SECTION 110-827, ACCESSORY USES AND STRUCTURES, OF ARTICLE VIII, SUPPLEMENTARY REGULATIONS, OF CHAPTER 110, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF DELTONA, AMENDING THE DESIGN STANDARDS FOR SHEDS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Deltona has determined that it is advisable and in the public interest to set certain criteria for the use of sheds as accessory structures; and

**WHEREAS**, the City Commission of the City of Deltona finds that this ordinance promotes general welfare of the community.

**NOW, THEREFORE**, be it ordained by the City Commission of the City of Deltona, Florida, as follows:

**SECTION 1.** Subsection (c), Design Standards, of Section 110-827, Accessory Uses and Structures, of Article VIII, Supplementary Regulations, of Chapter 110, Zoning, of the Code of Ordinances of the City of Deltona, is hereby amended to read as follows:

Sec. 110-827. Accessory Uses and Structures

(c) *Design standards.*

(1) In all residential zoning districts for single-family projects only, accessory buildings, antennas and their supporting structures, and swimming pools shall be subject to the following requirements:

a. Swimming pools shall be allowed only in the rear and side yards.

b. Transmission towers for amateur radio antennas and their supporting structures shall be allowed in accordance with Chapter 82, Communication Antennas and Towers, Code of Ordinances of the City of Deltona, Florida, as it may be amended from time to time, and shall meet the standards as set forth in Chapter 82, division 2, Code of Ordinances, except that on single family residential and agricultural lots of five acres or more amateur radio antennas and their supporting structures shall be permitted uses up to a height of 199 feet measured from the finished grade at the base of the tower, and shall be set back from the nearest property line a distance equal to the height of the antenna plus the tower (i.e. the fall radius).

- c. The zoning lot coverage for all accessory buildings and structures on a zoning lot shall be included as part of the calculation of maximum impervious areas for the particular zoning district in which the use is located. However, only half of the surface area of swimming pool basins (not including surrounding deck area) shall be considered impervious surface.
- d. Accessory buildings and structures, other than lawn ornaments and fences built in accordance with this chapter, shall not be located in the front yard forward of the edge of the principal dwelling, or beyond any side street yard setback on lots of less than 2.45 acres. On lots of 2.45 acres or more, accessory uses and structures, other than swimming pools and their decks, may be located in the front yard and side street yard past the main building line provided they are set back a minimum of 100 feet from the front yard and the side street yard and 75 feet from any interior side lot line.
- e. Accessory structures, including pools and screened pool enclosures, shall not be located in any platted easements.
- f. Accessory buildings and structures shall not exceed the maximum height requirement for the particular district in which they are located.
- g. [Reserved.]
- h. [Reserved.]
- i. [Reserved.]
- j. Fences and walls, except those used in connection with a government use, and those required by Chapter 82, Communication Antennas and Towers, of the Code of Ordinances of the City of Deltona, Florida, shall be governed by the standards found in Article VIII, Section 110-806.
- k. Up to two (2) sheds, not including other types of accessory buildings and structures, shall be permitted on a residential lot that is equal to or less than 20,000 square feet, so long as the sheds do not exceed 240 square feet in the aggregate.
- l. Accessory buildings and structures may be permitted up to the maximum permitted lot coverage for buildings and impervious surfaces, as appropriate.
- m. Of accessory buildings and structures, only sheds shall have a maximum height limitation of fifteen (15) feet from average finished grade to ridgeline, or fifteen (15) feet from finished grade to peak on the front of the structure. An accessory shed shall not be taller than the primary structure.

City of Deltona, Florida  
Ordinance No. 27-2014  
Page 3 of 3

**SECTION 2. CODIFICATION.** All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

**SECTION 3. CONFLICTS.** The provisions of this Ordinance shall become codified and shall be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

**SECTION 4. SEVERABILITY.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance, which shall remain in full force and effect.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**FIRST READING:** \_\_\_\_\_  
**ADVERTISED:** \_\_\_\_\_  
**SECOND READING:** \_\_\_\_\_

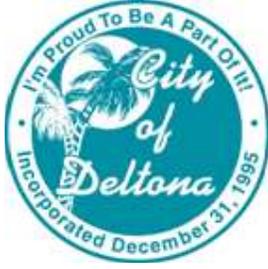
\_\_\_\_\_  
**JOHN C. MASIARCZYK SR., MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JOYCE RAFTERY, CITY CLERK**

Approved as to form and legality for use  
and reliance by the City of Deltona, Florida

\_\_\_\_\_  
**GRETCHEN R. H. VOSE, CITY ATTORNEY**



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 10/20/2014  
**FROM:** Becky Vose, City Attorney      **AGENDA ITEM:** 8 - D  
**SUBJECT:** Public Hearing - Ordinance No. 31-2014, Adding Article VII, "Trap, Neuter, Release Program, of Chapter 14, "Animals", of the City's Code of Ordinances, relating to a one-year pilot program for trap, neuter and release of feral cats, for first reading.

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<b>LOCATION:</b>	City-wide
<b>BACKGROUND:</b>	Acting City Manager Dale Baker requested authorization at the workshop held on October 13, 2014 to present an ordinance permitting him to institute a one-year pilot program for trap, neuter, and release to deal with the current feral cat problem in Deltona. This ordinance would permit such a pilot program to go forward.
<b>ORIGINATING DEPARTMENT:</b>	City Attorney's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Attorney
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Becky Vose, City Attorney - That the City Commission adopt Ordinance No. 31-2014 at first reading, and to schedule second and final reading for November 3, 2014.
<b>POTENTIAL MOTION:</b>	"I move to adopt Ordinance No. 31-2014 at first reading, and to schedule second and final reading for November 3, 2014."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Dale Baker, Acting City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Ordinance No. 31-2014</li></ul>

**ORDINANCE NO. 31-2014**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADDING ARTICLE VII, “TRAP, NEUTER, RELEASE PROGRAM, OF CHAPTER 14, “ANIMALS”, PROVIDING FOR A ONE YEAR PILOT PROGRAM FOR TRAP, NEUTER AND RELEASE OF FERAL CATS, PROVIDING FOR CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1.** A new Article VII, “Trap, Neuter, Release Program”, of Chapter 14, “Animals”, of the Code of the City of Deltona, Florida is adopted to read as follows:

**ARTICLE VII. TRAP, NEUTER, RELEASE PROGRAM**

**Sec. 14-280. – Authorization of Trap, Neuter, Release Program.**

The City Manager of the City of Deltona is hereby authorized to institute a pilot trap, neuter and release program to address concerns about feral cats in Deltona. The City Manager is directed to report the results of such pilot program to the City Commission after the program has been fully operational for a one year term. Any provision of Chapter 14 that is found by the City Manager to be contrary to the specific requirements of such pilot program shall be deemed not enforceable during such pilot program and any extension thereof authorized by the City Commission.

**SECTION 2. CONFLICTS.** All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

**SECTION 3. SEVERABILITY.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance on which shall remain in full force and effect.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

FIRST READING: \_\_\_\_\_

ADVERTISED: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

\_\_\_\_\_  
JOYCE RAFTERY, City Clerk

Approved as to form and legality for use  
and reliance of the City of Deltona, Florida

\_\_\_\_\_  
GRETCHEN R. H. VOSE, City Attorney



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 10/20/2014  
**FROM:** Dale Baker, Acting City Manager      **AGENDA ITEM:** 10 - A  
**SUBJECT:** Request for approval of Facility Use Agreement for Healthy Start Coalition of Flagler and Volusia Counties, Inc. for Use of the Classroom at Deltona City Hall.

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**LOCATION:**

Deltona City Hall, 2345 Providence Blvd. Deltona, FL 32725

**BACKGROUND:**

Healthy Start Coalitions were created by the Florida Legislature in 1991 as part of the landmark Healthy Start initiative. The intent of the Healthy Start initiative is to improve the health and well being of Florida's pregnant women and young children. The goal of Healthy Start is to reduce infant mortality, reduce the number of low birth weight babies, and improve health and developmental outcomes. Some of their services provided include preconception and inter-conception care, access to prenatal health care, child abuse and neglect prevention programs, community education and awareness, childbirth and parenting education, and leadership development.

The Healthy Start Coalition of Flagler and Volusia Counties, Inc., was established in 1992 and is a 501(c)3 not-for-profit organization. In fiscal year 2013-2014, 961 Deltona residents received at least one service from Healthy Start. 138 Deltona residents received services through the Healthy Families Program and 649 Deltona residents received services through the Mom Care Program.

The Healthy Start Coalition of Flagler and Volusia Counties, Inc., will be available to see clients Monday through Friday from 8:30 AM to 5:00 PM, (unless otherwise coordinated in advance) in Room 151, located at Deltona City Hall. The anticipated size of the room is larger than what was available at the Craft Building located at the Deltona Community Center and there the rate was for a Category III Facility Use Fee of \$ 175.00 per day. As a not-for-profit corporation providing services to the Community, the Healthy Start Coalition of Flagler and Volusia Counties, Inc., is asking the City Commission to waive the standard fees.

The Healthy Start Coalition of Flagler and Volusia Counties, Inc., has met the criteria requirements for a Long Term Facility Use Agreement with the City. Staff recommends a one (1) year Long Term Facility Use Agreement with an option to renew for three (3) additional one-year terms, subject to the receipt and acceptance of a timely Facility Use Renewal Form.

**ORIGINATING DEPARTMENT:**

Parks Recreation

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

Finance Director, City Attorney, Acting City Manager

**STAFF RECOMMENDATION PRESENTED BY:**

Steve Moore, Parks and Recreation Director - To approve the Long Term Facility Use Agreement with Healthy Start Coalition of Flagler and Volusia Counties, Inc., and to authorize a waiver of the standard fee for such usage.

**POTENTIAL MOTION:**

" I move to approve the Long Term Facility Use Agreement with the Healthy Start Coalition of Flagler and Volusia Counties, Inc., for the use of the Classroom, Room 151, Deltona City Hall for a period of one year, with an option to renew for three additional one year periods, upon written agreement of both parties and to waive the standard facility use fee."

**AGENDA ITEM APPROVED BY:**

---

Dale Baker, Acting City Manager

**ATTACHMENTS:**

- Healthy Start Documentation
- Healthy Start Agreement

# Healthy Babies = Healthy Futures

## DRUGS MAY CAUSE:

- Low birth weight
- Premature birth
- Respiratory Distress
- Poor growth
- Digestive problems

## SMOKING MAY CAUSE:

- Low birth weight
- Premature birth
- Serious lifelong health
- Problems
- SIDS



## ALCOHOL MAY CAUSE:

- Birth Defects
- Mental Retardation
- Vision Difficulties
- Learning Disorders
- Behavioral Problems

## DRUGS, ALCOHOL AND TOBACCO:

No amount is safe for you and your baby!

If you are pregnant and you smoke, drink alcohol, or use drugs, get help today.

Your health care provider can recommend programs to help you quit.

You and your baby will be off to a better future!

## **Healthy Start CAN Help**

**386-254-1226 or Toll Free 866-301-2066**

For additional resources for families and professionals,  
visit our website at [healthystartfv.org](http://healthystartfv.org).

**Build Strong Futures through Healthy Pregnancies**  
**A pregnant woman never uses substances alone.**



Dear Partners,

We are pleased to present this 2012-2013 Healthy Start Annual Report. This has been a year of unprecedented accomplishments in reducing disparities and incidents of infant mortality and serving our families who experienced a pregnancy or are caring for young children.

It has been an honor to serve as Board President for this last term, and there are so many to thank for making my tenure in this leadership role successful.

First and foremost I want to thank the volunteers who contribute their time and talent to our mission. This includes our members of the Board of Directors, our parent volunteers, members of the Marketing and Finance Committees, our Faith Community support, and our Fetal and Infant Mortality Case Review Team members. How fortunate we are to have such dedicated and selfless leaders!

In addition to our volunteers, special thanks are also extended to our funders and donors. We work hard to uphold exemplary fiscal standards to honor the confidence placed in us.

And finally, the Coalition and provider staff who do the heavy lifting each day are some of the most dedicated I have ever met and deliver exceptional services to families in our community. This is evidenced by continuing performance and indicator outcomes that well exceed all contractual expectations. These committed individuals made being Board President almost effortless.

As this year concludes, I look forward to welcoming new leadership and continuing to serve to support our community's families and future. I invite all of our community partners to join us in accomplishing our mission!

Sincerely,

*Patricia Northey*

The Honorable Patricia Northey  
Volusia County Council



Community Partners,

The 2012-2013 Healthy Start Annual Report reflects a year of dedication to safe pregnancy and healthy development for our babies and young children. This has provided a focus on reducing the exposure to harmful substances and behaviors and promoting nurturing and attachment for our newborns, infants, and children. Our theme this year is on Healthy Futures.

In 2012, the infant mortality rate for our service area was the lowest it has ever been, and several other indicators of maternal and child health were recorded at an all-time low. We are hopeful that these declines are due, in part, to our efforts and those of our partners, who promote healthy pregnancy and child well-being.

Through leveraging of additional dollars, our Coalition has been able to support more intensive outreach to our most vulnerable families, particularly those who have problems with substances, or those whose babies need neonatal intensive medical care when they are born. We have also been able to convene key stakeholders to improve processes and better coordinate resources for serving our high risk families.

The year to come will have many changes to our health care insurance systems, and we are focused on ensuring access to health care for all pregnant women, infants, children, and their families. Our hope is that we can all work together to protect our community's most vulnerable residents during the upcoming transitions. We thank all of our partners, volunteers, providers, and families who work together to build a stronger and healthier future.

Sincerely,

*Dixie Morgese*  
Dixie Morgese  
Executive Director



Healthy Start Coalition Board Members  
FY 13/14  
Standing (from left): Patricia M. Kruse, DNP, CHA, Carly Meek, Katrina Bell, Diane Smith, The Honorable Patricia Northey, John Meyers, MD, FACOG, Steven R. Feislyth, Eric Cole, Lovesso Walker  
Seated (from left): Ray Salazar, Kassandra Blouett, Michele Good-Barzetti, Bonnie Wiseman, Donita Sorenson, MD, Dixie Morgese, Brian Tietz, MD, Jennifer Morgan  
Not Pictured: Don Jones, Jessica Fox-Schnapstajler, Pamela Carlsene, MD, Patrick Johnson



Healthy Start Coalition Members  
FY 13/14  
Standing (from left): Patrick Meek, Peggy Cope, Amy Matt, Maria Lara, Susan LeBlanc, Patricia Kruse, Dixie Morgese, Karen Orsop, Linda Carson, Gladys Roman, Lisa Fairness, Thomas Bryant III  
Seated (from left): Cher Piller, Judy Ryan, Leslie Pearce, Nathalie Dauring, Bonnie Wilcox, Anita Dudley

## Healthy Futures through Healthy Pregnancy



### MomCare

Each year, over half the pregnant women in Flagler and Volusia Counties qualify for Pregnancy Medicaid and are eligible to receive MomCare services.

During Fiscal Year 12-13, MomCare Maternity Care Advisors:

- Served 6,291 women who qualified for Pregnancy Medicaid
- Linked 6,245 women to prenatal care
- Provided 5,265 referrals to WIC (Women, Infants and Children) nutritional support
- Provided 5,257 referrals to Healthy Start
- Gave additional follow-up, information and referrals to 6,264 women in their third trimester

### Healthy Start

Funded primarily by the Florida Department of Health, Healthy Start is a short term, voluntary program for parents who are expecting a baby or have a newborn. The Healthy Start program works to reduce risk and supports protective factors. Women and infants in the program receive services that reduce infant mortality and help ensure healthy pregnancies and better birth outcomes. In Fiscal Year 12-13, 100% of pregnant women received a Healthy Start Prenatal Screen, and 90% of newborn infants received a Healthy Start Infant Screen. A total of 7,595 moms and babies received 105,965 services which included the following Enhanced Services:

- Parenting education
- Interceptational care
- Childbirth education
- Breastfeeding education and support services
- Smoking cessation counseling
- Family support planning services



## Healthy Futures through Strong and Healthy Families



### Healthy Families

Healthy Families Volusia/Flagler (HFVF) is a nationally accredited, community based, voluntary home visitation program proven to prevent child abuse and neglect through promoting positive parent-child relationships and child health and development. During Fiscal Year 12-13, Family Assessment Workers completed 441 assessments and Parent Educators provided home visiting services to 173 families. Ninety-six percent (96%) of HFVF participants, after being in the program for 6 months, had no findings of verified maltreatment during their participation and one hundred percent (100%) of children in families that completed the Healthy Families Program 13 to 24 months before the report period had no verified maltreatment findings within 12 months after program completion.

### PYRAMID Community Café



This partnership project promotes family leadership and positive parenting. The Community Café uses the evidence based Strengthening Families approach to build relationships between agencies and family consumers of services.

### Public and Private Partnerships:

- Advanced Micro Systems
- Agape Midwifery
- Be Strong Families
- BJ's Wholesale Club
- Center for Business Excellence's One-Stop Employment System
- The Childs Academy
- Department of Children and Families
- Early Learning Coalition of Flagler & Volusia
- The Healthy Start Coalition of Flagler & Volusia Counties
- The House Next Door

### Between October 1, 2012 and September 30, 2013:

- Over 451 families and community leaders attended community dialogues
- Over 700 individuals received services
- Over 40 family leaders attended Strengthening Families training.
- 26 Community Dialogues were held
- Over 147 families attended our quarterly SWAP meets



provided by Our Donors (Donations for the period 7/1/12 through 12/31/13)

- Jabina Strides
- City of Deltona
- Gold-Hero
- BJ's Wholesale Club
- DumbBeebe Cleaning, LLC
- Cory Best
- Morgan Stanley Global
- Raposa & Young, PL
- SunTrust Foundation
- The Pilot Club of Halifax Area
- Milestone
- Daytona International Speedway
- Judy McAuliffe
- XC Originals, LLC
- Mary & Remy Verghese
- Mc and Mc, Bill Harden
- Priority Focus Media Group, LLC
- The Olive Garden
- VITAS Innovative Hospice Care
- ANGELS
- Artilla Swanson
- Ashley King
- Barbara & George LeBlanc
- Bonnie Gouham
- Brandy Kautz
- Bryan O'Sullivan
- Chai Akach
- Chris, Judd & Lillian DeLosa
- Cora Cola Bottling
- Col. John D. Adams
- Dance Express Productions
- Dance Morgese
- Donald Georger
- Dr. Brian Thieb
- Dunkin Donuts
- Edward Howard
- Clara Ramirez
- Georgann Luxon
- Halifax Health Medical Center
- Heather Anderson
- Hista Deemer
- Housing Headquarters, Inc.
- Hungry Howie's

- Angels Continued
- His Rodriguez
- Jamie Gaultbertson
- Jennifer Guadluch
- Jennifer Morgan
- Jessica Cuevas
- Jessica Fox-Schnapstajler
- Jessica Rodriguez
- John & Sheri Meyers
- Juan Galin
- Julicia Maya
- Kathryn Perez-Shanochz
- Katrina Bell
- Keith Holson
- Uvia & Donald Home
- Maria Loug
- Marlene Martinez
- Marya Lopez
- Oliver Diway
- Papa John's Pizza
- Patricia Kruse
- Pian Kirkland
- Ray Salazar
- Rogers Garment Restoration
- Rosha A. Loach
- Stefany Fain
- Sweeney
- Sue Snow
- SunTrust United Way Campaign
- Susan LeBlanc
- The Boulevard Del Inc.
- The Childs Academy, Inc.
- Tiffany Wiggins
- United Way of Volusia-Flagler Counties
- To find out how you can become a supporter of The Healthy Start Coalition, please contact us at 386.252.4277. Visit www.healthystartfv.org for information and resources for moms, babies, families, community citizens, and healthcare and social service professionals.

## The Healthy Start Coalition of Flagler and Volusia Counties, Inc. healthystartfv.org

### "Healthy Futures"



## 2012 - 2013 ANNUAL REPORT

### Our Mission:

The mission of the Healthy Start Coalition of Flagler and Volusia Counties is to promote a system of care that optimizes/maximizes healthy outcomes for pregnant women and young children.

## Healthy Futures through Public and Private Partnerships

Infant mortality is a sentinel indicator of the health of a community. In Volusia and Flagler Counties, there is a strong coalition of diverse members from the public and private sectors who work together to improve outcomes for infants and families. This includes our provider network, our major partners, and our Fetal and Infant Mortality Case Review Team.

### Our Providers

- Agape Midwifery Services
- Deltona Sub-Henry FIMR Maternal Interviewer
- Early Learning Coalition of Flagler & Volusia
- Healthy Communities
- The House Next Door
- Janet Elliot, FIMR Abstractor
- Jean Hubert, FIMR Abstractor
- Kandis Katalik, MSN, RN, IBCLC, FIMR Abstractor
- Karen Edmondson, RN, FIMR Abstractor
- State of Florida, Department of Health, Flagler County Health Department
- State of Florida, Department of Health, Volusia County Health Department
- Stewart-Altenman-Act Behavioral Healthcare, Inc.

### Our Partners

- Advanced Micro Systems and Solutions
- Allens Chapel A.M.E. Church, Rev. Nathan Magala
- Beithom-Gookman-University
- Center for Business Excellence's One-Stop Employment Center
- Children's Advocacy Center, Early Steps
- Children's Medical Services City of Deltona
- Community Partnership for Children
- The Childs Academy City of Deltona
- Daytona State College
- Department of Children and Families ACCESS
- Domestic Abuse Council
- Early Learning Coalition
- Family Life-Center
- Family Renewal
- Florida Hospital Deland
- Florida Hospital Memorial Medical Center Go Beyond, LL
- Greater Friendship Baptist Church
- Rev. Dr. L. Ronald Durham
- Health Alliance
- Healthcare OIG/OWA Associates
- Health Planning Council of Northeast FL
- Junior League of Daytona Beach
- KC Originals, LLC
- KidzWorld Community Services
- Mike Jaroszewski
- One Voice for Volusia Thrive by Five
- Our Lady of Lourdes Catholic Community, Father Phil Eggitto
- Redlands Christian Magnet Association
- The TEAS Foundation
- Tubman King Community Church, Rev. John T. Long III
- University of Central
- Florida Volusia County Sheriff's Office, Chaplain Don Jones
- Western Governors University



### Fetal Infant Mortality Review (FIMR) and Community Action

The FIMR Project of Healthy Start reviews cases of infant and fetal loss and makes recommendations for community action which are implemented by the Healthy Start Coalition. The volunteer Case Review Team (CRT) is comprised of medical experts, consumers, law enforcement, and representatives from the social service sector. Upon completion of the 28 cases reviewed in 2012-2013, the CRT recommended the following:

- Identify and treat maternal infection
- support healthy weight and good nutrition
- reduce prenatal use of alcohol, drugs & tobacco
- support healthy weight and good nutrition
- support nurturing & attachment
- improve access to perinatal health services

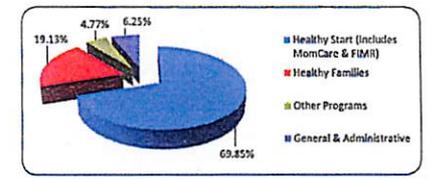
## Healthy Futures through Fiscal Responsibility

Fiscal Year 2012-2013

The Healthy Start Coalition convenes a volunteer Finance and Administrative Oversight Committee that reviews our budget and financial statements quarterly and during auditing activities. Recommendations from this committee are presented to the Board of Directors and the Coalition staff to continuously improve our processes and maintain exemplary fiscal accountability. Our completed independent audit and audited financial statements are available on our website.

94% of the Coalition's total FY12/13 expenditures of \$2,861,938 were for program services. In addition to providing Healthy Start services to pregnant women, moms, babies and their families, FY12/13 Healthy Start funding also:

- Leveraged over \$200,000 in cash and in-kind contributions and provider match;
- Leveraged \$853,946 in additional and match funding for related program services that benefit moms, dads, babies, and families;
- Supported more than 30 small business vendors in our community;
- Funded approximately 50 full time employees in our Healthy Start and Healthy Families Programs;
- Brought over 100 community constituents together to participate in our service delivery and Board activities.



### Thank You To Our Funders!





## Detail by Entity Name

### Florida Non Profit Corporation

THE HEALTHY START COALITION OF FLAGLER & VOLUSIA COUNTIES, INC.

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### Principal Address

109 EXECUTIVE CIRCLE  
DAYTONA BEACH, FL 32114

Changed: 02/09/2012

### Mailing Address

109 EXECUTIVE CIRCLE  
DAYTONA BEACH, FL 32114

Changed: 02/09/2012

### Registered Agent Name & Address

Morgese, Dixie L  
109 Executive Circle  
DAYTONA BEACH, FL 32114

Name Changed: 03/28/2014

Address Changed: 03/28/2014

### Officer/Director Detail

#### Name & Address

Title DP

SMITH, DIANE  
1355 VOLTAIRE STREET  
DELTONA, FL 32725

Title DV

MORGAN, JENNIFER  
1133 OCEAN SHORE BLVD  
ORMOND BEACH, FL 32176

Title DT

BELL, KATRINA  
2440 TECCA DRIVE  
NEW SMYRNA BEACH, FL 32168

Title DS

MORGESE, DIXIE  
109 EXECUTIVE CIRCLE  
DAYTONA BEACH, FL 32114

**Annual Reports**

Report Year	Filed Date
2013	03/20/2013
2014	01/22/2014
2014	03/28/2014

**Document Images**

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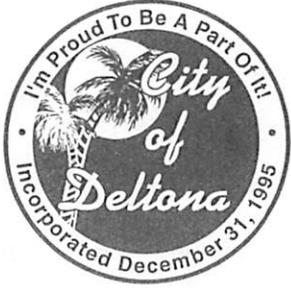
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State of Florida, Department of State



# City of Deltona

October 7, 2014

Carol McNally  
Executive Director  
Healthy Families Florida  
Ounce of Prevention Fund of Florida  
111 N. Gadsden Street, Suite 100  
Tallahassee, FL 32301-1507

RE: In-kind Contribution for Subcontract Agreement # HF-14-15-24

Dear Ms. McNally:

The City of Deltona is providing an in-kind contribution of \$3,000.00 to The Healthy Start Coalition of Flagler & Volusia Counties for the FY14/15 Volusia/Flagler Healthy Families Program.

The \$3,000.00 in-kind contribution for the period July 1, 2014 through October 31, 2014 is in the form of program office space at 964 Lakeshore Drive, Deltona, FL 32725. The monthly value of the use of this facility by Healthy Families is \$750.00 for 4 months of use totaling an in-kind contribution of \$3,000.00.

Sincerely,

A handwritten signature in cursive script that reads "Steve Moore".

Steve Moore  
Parks & Recreation Director  
smoore@deltonafl.gov

**THE HEALTHY START COALITION**  
**OF FLAGLER & VOLUSIA COUNTIES, INC.**  
**FACILITY USE AGREEMENT**

**THIS AGREEMENT** made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the CITY OF DELTONA, a Florida municipal corporation, with its principal place of business located at 2345 Providence Boulevard, Deltona, Florida, hereinafter referred to as “City”, and THE HEALTHY START COALITION OF FLAGLER & VOLUSIA COUNTIES, INC., a Florida non-profit organization, with its principal place of business located at 135 Executive Circle, Suite 101, Daytona Beach, Florida hereinafter referred to as “User”.

**WHEREAS**, User desires the non-exclusive use of room \_\_\_\_ located on the first floor of Deltona City Hall, at 2345 Providence Boulevard, Deltona, Florida 32725, (hereinafter referred to as the “Facility”) for conducting client services for the Healthy Start, Healthy Families and MomCare programs; and

**WHEREAS**, the City is desirous of increasing the opportunities for educational programs and activities for the community; and

**WHEREAS**, the City finds and determines that the programs, activities, and services rendered to the community by User and the land dedicated and provided by the City does serve a public purpose by providing a location for User to conduct client services for the Healthy Start, Healthy Families and MomCare programs; and

**WHEREAS**, the City has and, by these presents, does find and determine that it would be in the best interest of the public health, safety, and welfare to enter into this Agreement for facility use.

**NOW, THEREFORE**, the parties in consideration of the mutual covenants, terms and provisions hereof, and other good and valuable consideration, the receipt and sufficiency all of which is hereby acknowledged, do hereby desire and agree to be bound by the following terms and conditions of this agreement as follows:

**Article 1. Recitals**

The foregoing recitals are true and correct and incorporated herein by reference.

**Article 2. Use of Facilities**

2.1 The City does hereby agree to allow User the non-exclusive use of room \_\_\_\_ located on the first floor of Deltona City Hall, at 2345 Providence Boulevard, Deltona, Florida 32725, provided that the use of said facility conforms to the covenants and conditions herein contained. Said usage for the facility shall be Monday through Friday from 8:30 a.m. to 5:00 p.m.

2.2 Use of the facilities during any other time by User shall require the written approval of the Director. User shall submit a typed list of dates and activities to be conducted at the facilities fifteen (15) days prior to commencing the activities which shall be subject to approval or denial by the Director. City shall have the right to use the facilities anytime the facilities are not in actual use by User.

### **Article 3. Term**

3.1 This Facility Use Agreement (hereinafter referred to as the “Agreement”) shall remain in effect for a period of one (1) year from the date made and entered by the parties.

3.2 Written notice must be provided to the City by User of its intent to renew this Agreement on the City-approved Facility Use Renewal Form a minimum of sixty (60) days prior to the expiration of the term of this Agreement.

3.3 Upon receipt of a timely Facility Use Renewal Form, this Agreement may be renewed for one additional year, and may be renewed yearly up to a total of three additional years, upon written acceptance by the City prior to each successive renewal.

### **Article 4. Payment**

4.1 All Facility Use fees are waived by approval of the City Commission on October \_\_, 2014.

### **Article 5. Obligations of City**

The City shall be responsible for:

- A. Providing adequate trash receptacles at the facilities; and
- B. Coordinating sanctioned activities in an effort to minimize conflict with User’s use of the facilities; and
- C. Providing on-going facility preventive maintenance; and
- D. Ensuring buildings, fencing, and restrooms are monitored for cleanliness and safety.

### **Article 6. Obligations of User**

User shall be responsible for:

- A. Coordinating User’s activities and providing a representative to act as a liaison to the City for the term of the Agreement; and

- B. Providing adequate personnel, staffing, or volunteers to insure the proper use of the facilities and to provide for the adequate security, safety, and emergency medical needs of all its members, guests, visitors, and participants; and
- C. Maintaining the facilities in a clean and sanitary condition, free of paper and debris, during and after each use including the emptying of all trash containers into dumpsters provided by the City; and
- D. Submitting a typed list of names, addresses, phone numbers, qualifications, and certifications of all board members, and providing monthly updates of any changes to the list; and
- E. Providing the City with a written statement indicating that every staff member, employee, volunteer or contracted personnel has passed a Level II background check and submitting a copy of the results of each screening; and
- F. Providing any and all necessary equipment required for use of the facilities; and
- G. Repairing any damage to the facility resulting from User's use, even if the City determines that the facility is useable, without regard to the extent of damage, as solely determined by the Director; and
- H. Reporting any known or discovered damage or vandalism to the Director immediately by submitting a written description of the damage or vandalism and a brief statement of the incident, discovery, or cause within 24 hours, to the Director, using the City incident/accident report form; and
- I. Reporting all accidents or injuries occurring at the facilities to any staff, visitor, participant, or other person, to the City immediately by telephone and by submitting a written report of the accident or injury using the City incident/accident report form within 24 hours; and
- J. Refraining from any alteration, advertising, or signs on any fence, building, right-of-way, road, or facilities without the Director's prior written approval, including the distribution or placement of any advertisement related to the use of a City facilities; and
- K. Taking any and all reasonable and prudent steps necessary to be informed of and abide by all ordinances, rules, policies, laws and regulations of the City, State, and Federal government at all times; and
- L. Agreeing to always be in full compliance of all laws, rules, policies, and regulations affecting or applicable to User and its activities and programs; and
- M. Obtaining written permission from the Director prior to the purchase or lease of any equipment to be installed for use at the facilities; and

- N. Obtaining written permission prior to conducting any business, activity or program not approved by the Director in writing; and
- O. Refraining any other person or entity from conducting any type of business or enterprise at the facilities without prior written approval from the Director; and
- P. Allowing the City access to inspect the facilities at any time; and
- Q. Being solely responsible for all losses or damages suffered by User to its operation, equipment and property at the facilities.

### **Article 7. Insurance**

7.1 User, at its own cost and expense, shall have in force, during the term of this Agreement, insurance from an insurance company licensed in the State of Florida and rated "Class A" or better by A. M. Best or some other form of assurance approved by the City's Risk Manager. User shall not occupy the facility until City has received an acceptable certificate or certificates of insurance evidencing the required insurance, which is as follows:

7.2 Commercial General Liability Insurance insuring User against liability arising from its occupancy, use, or operation of the City's facilities necessary or incidental thereto. User shall name the City as an additional insured under the general liability policy. Except as otherwise agreed in writing by the City, the insurance shall be provided on a form no more restrictive than the Standard Commercial General Liability Form (ISO FORM CG 00 01) without any restrictive endorsements, and the City shall be included as an "Additional Insured" on a form no more restrictive than Form CG 20 10, Additional Insured-Owners, Lessees, or Contractors (Form B). The minimum limits (inclusive of amounts by an umbrella or excess policy) shall be:

\$1,000,000 General Aggregate  
 \$1,000,000 Products Liability/Completed Operation Aggregate  
 \$1,000,000 Personal and Advertising Injury  
 \$1,000,000 Each Occurrence

7.3 Worker's Compensation Insurance, as filed for use in Florida by the National Council on Compensation Insurance, without restrictive endorsements. In addition to coverage for the Florida Workers' Compensation Act, where appropriate, coverage is to be included for the Federal Employer's Liability Act and any other applicable Federal and State law. The minimum amount provided by an umbrella or excess policy shall be:

Part One-"Statutory" requirements  
 Part Two-\$500,000 Each Accident  
     \$500,000 Disease-Policy Limit  
     \$500,000 Disease Each Employee

7.4 Automobile Liability Insurance on a form no more restrictive than that provided by Section II (Liability Coverage) of the Standard Business Auto Policy (ISO Form CA 00 01) and shall cover User owned, non-owned, and hired autos used in any manner or incidental to the use of the facility. The minimum limits (inclusive of any amounts provided by an umbrella or excess policy) shall be \$1,000,000 per each Occurrence-Bodily Injury and Property Damage Combined.

7.5 Property Insurance. User and the City shall each be responsible for maintaining their own property and casualty insurance, regardless of whether User purchases property insurance, and whether the City is wholly, partially or otherwise at fault, or the City is in any way responsible or liable for causation of accidents, injuries or death, in whole or in part, and User hereby expressly waives, releases, and holds the City harmless relative to any cause of action or right of recovery which User may have hereafter against the City for any loss arising out of damage to User's property, whether covered by insurance or not.

7.6 Evidence of Insurance. The required insurance shall be evidenced by a certificate of insurance which must be submitted to the City prior to the effective date of this Agreement. A copy of all notices, from all insurance companies providing coverage, directly or indirectly related to the use of the facilities in this Agreement, must be provided to the City within five (5) days of receipt. All insurance companies shall be instructed to provide thirty (30) day notice of any cancellation to the City. Failure to comply with this section shall render this Agreement null and void. User shall provide the City with renewal or replacement evidence of insurance at least ten (10) days prior to expiration or termination of such insurance.

7.7 Additional Requirements:

(1) **City of Deltona shall be named and endorsed as an additional insured on the General liability policy.**

(2) The General Liability policy is to contain or be endorsed to name the City, its officers, officials and employees as additional insureds as respects to the liability arising out of the activities performed under this Agreement. Such coverage shall be primary to the extent of User's negligent acts or omissions or willful misconduct, and shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. In addition, a waiver of subrogation by the commercial liability insurer shall be provided that lists or names the additional insured as subject to the waiver. Coverage shall be on an "occurrence" basis and not "claims made".

### **Article 8. Special Terms and Conditions**

8.1 Termination. The parties may rescind this Facility Use Agreement at any time, for any reason, upon thirty (30) days written notice. Cancellation of this Agreement by User is subject to a reasonable fee for administrative costs by the City.

8.2 Default. Any violation of a provision or term of this Agreement will be considered a default of this Agreement, and if such default is not cured within five (5) days from the date of notice of such default, or if the default cannot be cured, then this Agreement shall terminate and be no longer in effect.

8.3 Dispute Resolution. This Agreement is made under, and in all respects shall be interpreted, construed, enforced, and governed by and in accordance with, the laws of the State of Florida. Venue for any legal action resulting from this Agreement shall lie solely in Volusia County, Florida.

8.4 Indemnification. User agrees to, and will at all times, indemnify, save and hold harmless the City, its officers, agents, and employees, from any and all liability, claims, demands, disputes, damages, costs, attorney's fees, and expenses (including prior to trial, through trial, and to and on appeal), as a result, directly or indirectly, of the use by User and/or its members, guests, visitors, spectators, players, programs and activities.

8.5 Non-Exclusive Agreement. Notwithstanding anything herein that may appear to the contrary, it is expressly understood and agreed upon by the parties that all rights granted under this Agreement are non-exclusive and the City reserves the right to grant similar privileges herein to others at any time. The City shall at all times be allowed to gain access to or use of all facilities. User agrees to provide a copy of keys to all locks used by User to restrict access to any part of a facility.

8.6 Sale of Prohibited Items. User is prohibited from the sale of alcoholic beverages, sexual content materials, and any tobacco related items. No type of advertisement, merchandise or signage related to alcoholic beverages, sexual content materials, or tobacco will be permitted.

8.8 Advertising. All on-site signs, informational kiosks, brochures, promotions or advertisements related to User shall be approved by the Director. User agrees to refrain from any commercial advertising without the Director's written approval.

## 8.9 Documentation and Record Keeping

### 1. Records to be Maintained

The User shall maintain all records required by the City, which are pertinent to the activities to have the standard facility use fees waived under this Agreement. Such records shall include but not be limited to:

- a) Records providing a full description of each activity undertaken; as listed herein below:
  1. Participant demographics and financial disclosure.
  2. Provide individual applicant services, referrals, and disclosure of applicable assessments for services.
- b) Records providing proof of compliance with agency review including but not limited to the following:
  1. Maintain and provide Board of Directors minutes from meetings.

2. Provide Chairperson's recorder and approved minutes.
3. Maintain and provide Board approved policy and procedure employee handbook.
4. Maintain a policy of avoidance of conflict of interest.
5. Provide verification of level 2 background screenings on staff and volunteers.

### **Article 9. General Conditions**

9.1 This Agreement shall be governed by the laws of the State of Florida, as well as applicable County of Volusia and City of Deltona Code of Ordinances and it shall become effective immediately upon execution by both parties hereto.

9.2 Any previously existing oral or written agreements between the parties shall be terminated as of the date of this Agreement and shall be deemed to be hereafter null and void and of no further force and effect. The entire agreement between the parties is incorporated herein. In addition to the terms of this Agreement, both parties agree to be bound by the policies and procedures regarding facility use, as adopted or amended by the City Commission.

9.3 This Agreement may not be assigned or transferred in any manner by User and any such assignment is expressly prohibited. Any attempt to assign this Agreement shall render this Agreement null and void.

9.4 No modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

9.5 The failure of any party hereto at any time to enforce any of the provisions of this Agreement will in no way constitute or be construed as a waiver of such provision or of any other provision hereof, nor in any way affect the validity of, or the right thereafter to enforce, each and every provision of this Agreement.

9.6 Under no circumstances does the City endorse, promote, condone, certify, vouch, or recommend, nor is it responsible for any of the contents, actions, agreements, activities, or services associated with User or its activities and programs.

9.7 In the event that the performance of this Agreement by the parties is prevented or interrupted as a consequence of any cause beyond the control of the City or User, including but not limited to acts of God or of a public enemy, national or local State of Emergency, allocation of or other governmental restriction upon the use or availability of labor or materials, rationing, civil insurrection, riot, embargo, flood, tidal wave, fire, explosion, bomb detonation, nuclear fallout, wind storm, hurricane, earthquake, or other casualty, disaster, or catastrophe, any governmental rules, acts, laws, ordinances, resolutions, restrictions, regulations, requirements, or orders, acts or actions of any government or public or governmental authority or commission, board, agency, agent, official or officer, the enactment of any

statute, law, ordinance, resolution, regulation, rule, ruling, order, decree, judgment, restraining order or injunction of any court, said parties shall not be liable for such nonperformance.

9.8 The headings used throughout this Agreement are for convenience of reference only and have no significance in the interpretation of the body of this Agreement.

#### **Article 10. Severability and Notice**

10.1 The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

10.2 Wherever provision is made in this Agreement for the giving, service or delivery of any notice, statement or other instrument, such notice shall be in writing and shall be deemed to have been duly given, served and delivered, if delivered by hand or mailed by United States mail or sent by facsimile, addressed as follows:

If to User:  
Dixie Morgese  
Executive Director  
Healthy Start Coalition  
135 Executive Circle, Suite 101  
Daytona Beach, Florida 32114

If to City:  
Steve Moore  
Parks & Recreation Director  
City of Deltona  
2345 Providence Blvd.  
Deltona, Florida 32725

And

Joyce Raftery  
City Clerk  
City of Deltona  
2345 Providence Boulevard  
Deltona, FL 32725-1806

Each party hereto may change its mailing address by giving to the other party hereto, by hand delivery or United States mail, notice of election to change such address.

#### **Article 11. Scope of Agreement**

11.1 This Agreement is intended by the parties hereto to be the final expression of their Agreement, and it constitutes the full and entire understanding between the parties with respect to the subject hereof, notwithstanding any representations, statements, or agreements to the contrary heretofore made.

11.2 This Agreement consists of the following:

This Agreement

Authorization to Occupy  
Facility Use Application  
Addendum, if any

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement for the purposes stated herein.

Signed, sealed and delivered in the presence of Witnesses:

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

USER:

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

CITY OF DELTONA:

By: \_\_\_\_\_  
DALE BAKER, Acting City Manager

ATTEST:

Date: \_\_\_\_\_

\_\_\_\_\_  
JOYCE RAFTERY, City Clerk

Mailing Address:  
2345 Providence Boulevard  
Deltona, FL 32725-1806

Approved as to form and legality for use and reliance of City of Deltona only:

\_\_\_\_\_  
GRETCHEN R.H. VOSE  
City Attorney