



City of Deltona

REGULAR CITY COMMISSION MEETING
MONDAY, MARCH 16, 2015
6:30 P.M.

Mayor
John Masiarczyk

Vice Mayor
Nancy Schleicher
District 4

Commissioners:

Mitch Honaker
District 1

Diane Smith
District 2

Heidi Herzberg
District 3

Brian Soukup
District 5

Chris Nabicht
District 6

Acting City Manager
Dale Baker

DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA

AGENDA

- 1. CALL TO ORDER:**
- 2. ROLL CALL – CITY CLERK:**
- 3. INVOCATION AND PLEDGE TO THE FLAG:**
 - A. Invocation Presented by Commissioner Soukup.**
- 4. APPROVAL OF MINUTES & AGENDA:**
 - A. Approval of Minutes - Regular City Commission Meeting of March 2, 2015.**
 - B. Additions or Deletions to Agenda.**
- 5. PRESENTATIONS/AWARDS/REPORT:**
 - A. Certificate of Achievement presented to Deltona resident Raymond Morales of the Harris Saxon Club for receiving the Boys & Girls Clubs of Volusia/Flagler Counties 2015 Youth of the Year Award.**

- B. **Presentation of Certificates - Deltona High School Wolves Boys Basketball Team, 5 Star Conference Blue Division Champions.**
- C. **Annual Audit Presentation: Comprehensive Annual Financial Report for the Year Ended September 30, 2014**

6. CITY COMMISSION SPECIAL REPORTS:

- 7. **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. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

8. CONSENT AGENDA:

- *A. **Request for approval of Saxon Sewer Phase I Engineering Design Calculations, Construction Plans, Contract, and Specifications Scope of Services and Corresponding Budget Amendment.**
- *B. **Power Service Request for the Alexander Avenue Ground Storage Tank & Pump Station Project.**
- *C. **Request approval of Resolution No. 2015-06, requesting that the Florida legislature not enact the proposed HB 391 and SB 896.**

9. ORDINANCES AND PUBLIC HEARINGS:

- A. **Public Hearing - Ordinance No. 02-2015, Amending Chapter 14, "Animals," by adding Article VII "Chickens" providing for a one year trial period for the issuance of limited number of special permits which allow the keeping of chickens in limited numbers and under specific conditions, at second and final reading.**

10. OLD BUSINESS:

11. NEW BUSINESS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

- A. **Lobbyist Update.**

14. CITY COMMISSION COMMENTS:

15. 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:** 3/16/2015
FROM: Dale Baker, Acting City Manager **AGENDA ITEM:** 3 - A
SUBJECT: Invocation Presented by Commissioner Soukup.

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:	<hr/> Dale Baker, Acting City Manager



AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 3/16/2015
FROM: Dale Baker, Acting City Manager **AGENDA ITEM:** 4 - A
SUBJECT: Approval of Minutes - Regular City Commission Meeting of March 2, 2015.

LOCATION:	N/A
BACKGROUND:	N/A
ORIGINATING DEPARTMENT:	City Clerk's Office
SOURCE OF FUNDS:	N/A
COST:	N/A
REVIEWED BY:	City Clerk
STAFF RECOMMENDATION PRESENTED BY:	City Clerk Joyce Raftery - To approve the minutes of the Regular City Commission Meeting of March 2, 2015.
POTENTIAL MOTION:	"I move to approve the minutes of the Regular City Commission Meeting of March 2, 2015."
AGENDA ITEM APPROVED BY:	<hr/> Dale Baker, Acting City Manager
ATTACHMENTS:	<ul style="list-style-type: none">• Minutes of March 2, 2015

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, MARCH 2, 2015**

1 A Regular Meeting of the Deltona City Commission was held on Monday, March 2, 2015 at the City
2 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	Nancy Schleicher	Present
12	Commissioner	Heidi Herzberg	Present
13	Commissioner	Mitch Honaker	Present
14	Commissioner	Chris Nabicht	Present
15	Commissioner	Diane Smith	Present
16	Commissioner	Nancy Soukup	Present
17	Acting City Manager	Dale Baker	Present
18	City Attorney	Becky Vose	Present
19	City Clerk	Joyce Raftery	Present

20
21 Also present: Public Works/Deltona Water Director Gerald Chancellor; Planning and Development
22 Services Director Chris Bowley; Deputy Fire Chief Rafferty; and VCSO Captain Eagan.

23
24 **3. INVOCATION AND PLEDGE TO THE FLAG:**

25
26 **A. Invocation Presented by Vice Mayor Schleicher – VCSO Senior Chaplain, Mike**
27 **Carroll.**

28
29 The National Anthem was sung by the Timbercrest Elementary Tiger Choir.

30
31 **4. APPROVAL OF MINUTES & AGENDA:**

32
33 **A. Minutes:**

34
35 **1. Approval of Minutes – Regular City Commission Meeting of February 16, 2015.**

36
37 **Motion by Commissioner Herzberg, seconded by Vice Mayor Schleicher, to approve the minutes**
38 **of the Regular City Commission Meeting of February 16, 2015 as presented.**

39
40 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**
41 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;**
42 **Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**

43
44 **B. Additions or Deletions to Agenda:** None.

45
46 **5. PRESENTATIONS/AWARDS/REPORTS:**

47
48 **A. Presentation – Super Star Student of the Month Certificates for February, 2015.**

49

1 Mayor Masiarczyk and the Commission presented Certificates of Recognition to the Super Star
 2 Students for the month of February, 2015.

3
 4 Mayor Masiarczyk, the Commission and Sheriff Ben Johnson presented a plaque to Captain Brannon in
 5 appreciation of his many years of service to the City of Deltona and the residents of Deltona as District
 6 4 Commander. Captain Brannon is transferring to the DeLand District and Captain Eagan was
 7 introduced as the new District 4 Commander.

8
 9 **6. CITY COMMISSION SPECIAL REPORTS:**

10
 11 Commissioner Herzberg stated she attended the Boys and Girls Club Annual Meeting where once
 12 again the Deltona Harris Saxon Club had for the third year in a row the youth of the year which was
 13 awarded to Raymond Morales and she asked to honor Mr. Morales and other volunteers from the
 14 Boys and Girls Club at a future date. She congratulated Joe Sullivan for keeping the Boys and Girls
 15 Club on track.

16
 17 Commissioner Smith stated she attended the Volusia County Schools Oversight Committee Meeting
 18 for school facility planning and there was a lot of discussion about school capacity, the ½ cent sales
 19 tax and projects and she will forward that information to the Commission.

20
 21 Commissioner Nabicht stated he attended the monthly meeting of the River to Sea Transportation
 22 Planning Organization (TPO) and he reported on the \$800,000 from Congressman Mica that was
 23 earmarked for the study of the I-95 to Hwy 417 connector and that there may be some difficulty
 24 utilizing that money. He stated it seemed to be the Florida Department of Transportation's (FDOT)
 25 interpretation specifically that the connector had to connect from I-95 directly to Hwy 417 but he
 26 had a follow-up discussion with Congressman Mica's office who checked with the budget office in
 27 Washington and that is not exactly correct. He stated as interpreted by Congressman Mica's office
 28 the study can be done to include whether it is better to connect directly to Hwy 417 or can it connect
 29 to Hwy 415 now that Hwy 415 connects directly to Hwy 417. He stated there needs to be more
 30 conversation with the TPO and he believed there was a great deal of interest to move that study
 31 forward for economic development and for an additional evacuation route.

32
 33 Mayor Masiarczyk stated envision going out Elkcam Blvd. all the way to Hwy 415 and then going
 34 eastward to Hwy 442 in Edgewater being the preliminary line; it would take some planning and
 35 would take several months and he will be attending the meeting of the Transportation Sub-
 36 Committee being held in Daytona at 8:30 a.m. Tuesday.

37
 38 Commissioner Herzberg asked if anyone will be attending the Southeast Volusia Summit being held
 39 in Edgewater this Saturday because she will not be able to attend and Mayor Masiarczyk replied that
 40 Senator Hukill had proposed forming a group meeting similar to the West Volusia Summit and there
 41 has not been an invite sent as it is just an organizational meeting.

42
 43 Commissioner Nabicht stated he had spoken with Councilwoman Denys who stated the meeting
 44 would just be a rehash of the DeLand discussion.

45
 46 **7. PUBLIC FORUM – Citizen comments for items not on the agenda.**

47
 48 a) Victor Ramos, 1555 Saxon Blvd., Deltona, stated Bethune Cookman College (BCC) will be

1 holding a re-launch on Friday, March 20th at 10:00 a.m., that the college obtained the placement of a
 2 directional sign to the BCC campus on Saxon Blvd. at Normandy Blvd. and he is hoping the City can
 3 help out with a directional sign on Saxon Blvd. at Tivoli Drive. He stated in August BCC will be
 4 offering dual enrollment for students in Deltona High, Pine Ridge High and University High.
 5

6 b) Michael Putkowski, 2736 Courtland Blvd., Deltona, gave an update on the re-launch of the soup
 7 kitchen offered by the Community Life Center which recently served about 150 people and the next
 8 soup kitchen will take place on March 27th at 5:00 p.m. at 1045 N. Normandy Blvd., Deltona.
 9

10 c) Wallace Thurston, 608 Saxon Blvd., Deltona stated he had concerns with the Code Enforcement
 11 staff overstepping its bounds and Mayor Masiarczyk suggested Mr. Thurston speak with Mr. Baker
 12 about the issue.
 13

14 **8. CONSENT AGENDA:**
 15

16 Vice Mayor Schleicher requested to pull Item 8-C for clarification.
 17

18 **Motion by Commissioner Herzberg, seconded by Commissioner Nabicht to approve Consent**
 19 **Agenda Items 8-A, B and D.**
 20

21 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**
 22 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;**
 23 **Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**
 24

25 ***A. Request for approval of First Amendment to Interlocal Agreement Between the City of**
 26 **DeLand, City of Deltona, City of Orange City, and County of Volusia, to Install Reclaimed**
 27 **Water System Interconnects.**
 28

29 **Approved by Consent Agenda – approve the First Amendment to Agreement between the City**
 30 **of DeLand, City of Deltona, City of Orange City, and County of Volusia, to Install Reclaimed**
 31 **Water System Interconnects.**
 32

33 ***B. Request for approval of Interlocal Agreement for the Operation, Administration, and**
 34 **Maintenance of Reclaimed Water Interconnects.**
 35

36 **Approved by Consent Agenda - to approve the Interlocal Agreement for the Operation,**
 37 **Administration, and maintenance of Reclaimed Water Interconnects.**
 38

39 **C. Request for approval of Resolution No. 2015-04, amending the City Commission**
 40 **Operating Guidelines and Meeting Rules and Procedures.**
 41

42 Vice Mayor Schleicher asked for clarification on Page 61, Section 2, last paragraph where the
 43 Commission discussed looking into the electronic or telephone conferencing into a regular meeting and
 44 Mayor Masiarczyk replied approving this does not address that, staff is looking into that option.
 45

46 **Motion by Vice Mayor Schleicher, seconded by Commissioner Herzberg to approve Resolution**
 47 **No. 2015-04 and the City Commission Operating Guidelines and Meeting Rules and**
 48 **Procedures as amended.**

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

5
 6 ***D. Request for approval of Resolution No. 2015-05, declaring certain property of the City**
 7 **as surplus and authorizing the sale or disposal of such property.**

8
 9 **Approved by Consent Agenda - to adopt Resolution No. 2015-05 declaring certain property of**
 10 **the City as surplus and authorizing the sale or disposal of such property,**

11
 12 **9. ORDINANCES AND PUBLIC HEARINGS:**

13
 14 **A. Public Hearing – Resolution No. 2015-02, Conditional Use Application CU15-001 for**
 15 **Iglesia De Dios Pentecostal Church.**

16
 17 Mr. Bowley gave a brief description of the project at 840 Ft. Smith Blvd. where the applicant wants
 18 to add 2,880 square feet to the existing building, respecting the 50 foot buffer to the North side as
 19 well as landscaping according to the conditions for approval.

20
 21 Mayor Masiarczyk asked Mr. Bowley if the applicant would have to comply with the new rules for
 22 paving and Mr. Bowley replied the applicant is allowed to use the crushed concrete/shell parking and
 23 is required to add drainage facilities.

24
 25 Commissioner Nabicht asked Mr. Bowley if this was a standalone or in addition to an existing
 26 building and Mr. Bowley replied it is standalone behind the existing building.

27
 28 Mayor Masiarczyk asked Mr. Bowley if there would be a walkway and Mr. Bowley replied there
 29 would be a pedestrian connection.

30
 31 Commissioner Smith asked Mr. Bowley how much additional parking there is and if notification
 32 was made to the surrounding neighborhood regarding the expansion and Mr. Bowley replied there
 33 are 30 added parking places and there is not a requirement to do a mail out on the resolution but,
 34 there is a buffer on all four (4) sides.

35
 36 Mayor Masiarczyk opened the public hearing.

37
 38 Larry Rosecrans, 848 Mentmore Circle, Deltona, stated he is the general contractor and he clarified
 39 that the addition is attaching to the existing building with a walk through.

40
 41 Commissioner Nabicht asked Mr. Chancellor if there was an eight (8) inch water main there because
 42 if not there may need to be an upgrade done and Mr. Chancellor replied he did not know. Mr.
 43 Rosecrans stated he believed there was an eight (8) inch main there.

44
 45 Mayor Masiarczyk suggested Mr. Rosecrans speak with staff to verify the size of the water main and
 46 after discussion it was determined it was a 16 inch main.

47
 48 Mayor Masiarczyk closed the public hearing.

1
 2 **Motion by Commissioner Nabicht, seconded by Vice Mayor Schleicher to approve Resolution**
 3 **No. 2015-02 (CU15-001), allowing for the expansion of the house of worship and its parking**
 4 **facilities that are located at 840 Fort Smith Boulevard; subject to the following Conditions of**
 5 **Approval:**

6
 7 **1. Per Section 110-817 of the City Code of Ordinances, buildings on-site are required to be no**
 8 **closer than 50 feet from any property line; and**

9 **2. Off-street parking areas shall meet the landscape buffer and parking lot surface**
 10 **requirements listed in the Code of Ordinances."**

11
 12 Mayor Masiarczyk read the title of Resolution No. 2015-02.

13
 14 **A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, GRANTING A**
 15 **CONDITIONAL USE TO EXPAND A HOUSE OF WORSHIP WITHIN AN R-1, SINGLE**
 16 **FAMILY RESIDENTIAL ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 840**
 17 **FORT SMITH BOULEVARD, WITHIN THE CITY OF DELTONA; PROVIDING FOR**
 18 **CONDITIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

19
 20 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**
 21 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;**
 22 **Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**

23
 24 Resolution No. 2015-02 was adopted at 7:12 p.m.

25
 26 **B. Ordinance No. 02-2015, amending Chapter 14, "Animals," by adding Article VII**
 27 **"Chickens" providing for a one year trial period for the issuance of limited number of special**
 28 **permits which allow the keeping of chickens in limited numbers and under specific conditions,**
 29 **at first reading and to schedule second and final reading.**

30
 31 Mayor Masiarczyk opened the public hearing.

32
 33 Jim Pescha, 1120 N. Old Mill Drive, Deltona, spoke about the ordinance needing changes
 34 recommending the 25 foot setback be adjusted to the standard lot size, that chicken coops be exempt
 35 from requiring a permit like dog houses, language be re-inserted that building structures over 100
 36 square feet require a permit and the requirement of the six (6) foot opaque fence to shield the coop
 37 from view include fencing and/or landscaping.

38
 39 Wayne Elam, 2449 Derby Drive, Deltona, stated he wanted three (3) issues addressed with the first
 40 being the 25 foot setback and wanting it to be changed to the standard lot size requirement of 10 feet
 41 in the rear and 6 feet on the side, he asked staff to interpret "opaque" fencing and he asked that there
 42 be a screening option of landscaping and that the typical coop is less than 100 square feet and should
 43 be exempt from requiring a building permit like dog houses, play houses and other small accessory
 44 structures.

45
 46 Mayor Masiarczyk closed the public hearing.

1 Mayor Masiarczyk asked Mrs. Vose if she had checked into the building permit under State law and
2 Mrs. Vose replied that was the first time she had heard that complaint but, was unaware of any
3 prohibition of it.
4

5 Commission Honaker stated he had contacted the Building Code Office for Florida in Tallahassee
6 and that office replied it is left up to each municipality and county to define an accessory structure
7 and decide if it requires a permit or not.
8

9 **Motion by Commissioner Honaker, seconded by Commissioner Smith to approve Ordinance**
10 **No. 02-2015, amending Chapter 14, “Animals,” by adding Article VII “Chickens” providing**
11 **for a one year trial period for the issuance of limited number of special permits which allow**
12 **the keeping of chickens in limited numbers under specific conditions, amending the setbacks to**
13 **10% and illuminating the requirement for a building permit under specific conditions, at first**
14 **reading and to schedule second and final reading.**
15

16 Mayor Masiarczyk asked Commissioner Honaker if he had that motion printed anywhere as he was
17 under the impression Commissioner Honaker was going to follow the staff recommended motion
18 and Commissioner Honaker replied he changed the motion a little. Mayor Masiarczyk asked if
19 Commissioner Honaker could write the motion out so the Commission could have a chance to go
20 over it.
21

22 Commissioner Herzberg stated she would not be voting on the motion without it being restated so it
23 will be clear and she asked if an opaque fence could be a solid fence or a regular fence.
24

25 Commissioner Nabicht stated the Commission discussed the procedure on how it would proceed
26 with these issues and he thought the Commission had agreed that a consensus was reached on draft
27 language for the ordinance at a workshop and that language was what would be brought forward. He
28 stated Commissioner Honaker has the right to amend the ordinance under Roberts Rules of Order
29 but, every time the Commission does this things come back to bite the Commission. He stated it is
30 the principle of the process and if the Commission is going to redraft the ordinance at the dais he
31 would suggest tabling it to another workshop.
32

33 Vice Mayor Schleicher stated she concurred with Commissioner Nabicht that the Commission had
34 received the draft ordinance from Mrs. Vose, reviewed it and now the Commission is being asked to
35 vote on something the Commission does not have in front of it, has not been discussed and she
36 cannot support without having an opportunity to discuss it.
37

38 Commissioner Smith stated she felt that a workshop is a place where the Commission irons out
39 things and that she was confused as to whether or not there was consensus after the ordinance was
40 discussed at the workshop. She had some questions after the workshop which were answered by Mr.
41 Baker and Mrs. Vose. She stated the Commission meetings are the place to have these discussions
42 as the public is invited, the meeting is televised so residents can hear what is said and “yes”,
43 workshops are open but, there is no audio or video. She agreed that Commissioner Honaker is
44 within his rights to amend the recommended motion; however, she believed the Commission should
45 see the amended motion.
46

47 Mayor Masiarczyk stated he would call for a short break so Commissioner Honaker can get with
48 Mrs. Vose and spell out the changes so the Commission can see where the changes are inserted into

1 the motion and how it reads in the ordinance. He stated he could see where exceptions could be
 2 made regarding the setbacks but, like Commissioner Nabicht he is in favor of moving this forward,
 3 trying it for a year and then making changes later as needed.

4
 5 Mayor Masiarczyk called for a recessed at 7:27 p.m. and reconvened at 7:50 p.m.

6
 7 Mayor Masiarczyk asked the Commission to make sure each of them had the version being handed
 8 out by the City Clerk so everyone is on the same page. He asked Mrs. Vose how the Commission
 9 should move forward and asked if the previous motion and 2nd should be withdrawn.

10
 11 **Commissioner Honaker withdrew his motion and Commissioner Smith withdrew her second.**

12
 13 **Motion by Commissioner Honaker, seconded by Commissioner Smith to adopt Ordinance No.**
 14 **02-2015, amending Chapter 14, “Animals,” by adding Article VII “Chickens” providing for a**
 15 **one year trial period for the issuance of limited number of special permits which allow the**
 16 **keeping of chickens in limited numbers amending the setbacks to the standard setback and**
 17 **requiring a Florida Code Building permit for any structure over 100 square feet under specific**
 18 **conditions, at first reading and to schedule second and final reading.**

19
 20 Commissioner Herzberg asked if there was going to be discussion on the motion now and Mayor
 21 Masiarczyk replied each Commissioner will be able to speak one (1) more time before the final vote
 22 according to Roberts Rules of Order.

23
 24 Commissioner Soukup asked when saying “standard setbacks” does that refer to the six (6) and 10
 25 foot setbacks and Mr. Baker replied “yes”.

26
 27 **Amended motion by Commissioner Herzberg, seconded by Vice Mayor Schleicher to change**
 28 **the standard setbacks in (h) to “...10 feet from the rear and side property line” and remove**
 29 **“...comply with standard setbacks.”; and (i) “A building permit is required under the Florida**
 30 **Building Code with a 60 day window where the permitting fee for the building permit will be**
 31 **waived.”**

32
 33 Commissioner Nabicht asked for clarification that the amended motion is to waive the building
 34 permit fee for the coop and not the fence or the screening and Commissioner Herzberg replied “yes”.
 35 Commissioner Nabicht asked what the estimated cost is for waiving the building permit fee and re-
 36 inspection fees if applicable and Commissioner Herzberg replied \$30 for each permit.

37
 38 Commissioner Smith asked why the City is treating this group differently than other groups and she
 39 reminded everyone that this is a one (1) year trial and she wants to get this done tonight as she is not
 40 in support of workshopping this issue again.

41
 42 **Amended motion failed with members voting as follows:**

43		
44	Commissioner Herzberg	For
45	Commissioner Honaker	Against
46	Commissioner Nabicht	For
47	Commissioner Smith	Against
48	Commissioner Soukup	For

1 **Vice Mayor Schleicher** **Against**
 2 **Mayor Masiarczyk** **Against**

3
 4 **Motion carried with members voting as follows:**

5
 6 **Commissioner Herzberg** **Against**
 7 **Commissioner Honaker** **For**
 8 **Commissioner Nabicht** **Against**
 9 **Commissioner Smith** **For**
 10 **Commissioner Soukup** **Against**
 11 **Vice Mayor Schleicher** **For**
 12 **Mayor Masiarczyk** **For**

13
 14 Mayor Masiarczyk read the title of Ordinance No. 02-2015.

15
 16 **ORDINANCE No. 02-2015 OF THE CITY OF DELTONA, FLORIDA, AMENDING**
 17 **CHAPTER 14, “ANIMALS,” BY ADDING ARTICLE VII “CHICKENS” PROVIDING FOR**
 18 **A ONE YEAR TRIAL PERIOD FOR THE ISSUANCE OF A LIMITED NUMBER OF**
 19 **SPECIAL PERMITS WHICH ALLOW THE KEEPING OF CHICKENS IN LIMITED**
 20 **NUMBERS AND UNDER SPECIFIC CONDITIONS, PROVIDING FOR CONFLICTS,**
 21 **CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE AS AMENDED.**

22
 23 Ordinance No. 02-2015 was adopted at 8:18 p.m.

24
 25 **10. OLD BUSINESS:** None.

26
 27 **11. NEW BUSINESS:** None.

28
 29 **12. CITY ATTORNEY COMMENTS:** None

30
 31 **13. CITY MANAGER COMMENTS:**

32
 33 Mr. Baker stated he forwarded the County’s resolution regarding Amendment One and the City’s letter
 34 of support to the City’s lobbyist and he asked the lobbyist to keep an eye on that issue. He stated he had
 35 forwarded the latest information on the City Manager search to the Commission via email.

36
 37 Mayor Masiarczyk stated he was following up on a resident request to have photos of volunteers
 38 displayed at City Hall and he requested that any volunteer who has served during the last 20 years on a
 39 board or committee submit a 3x5 or 5x7 photo to be posted on the wall and an acknowledgement will
 40 be made at the City’s 20th Anniversary.

41
 42 **A. Lobbyist Update:** None.

43
 44 **14. CITY COMMISSION COMMENTS:**

45
 46 a) Commissioner Soukup stated he attended the West Volusia Chamber meeting where he
 47 mentioned that the Commission had discussed bringing in all the Chambers and the Chambers were
 48 excited about the idea. He stated he met with the groups from the Osteen and Enterprise area and he

1 would like to have a meeting with them at a workshop to discuss some issues the groups have.

2
3 b) Commissioner Herzberg stated she attended the 2015 NASCAR Diversity Awards luncheon at
4 the Daytona International Speedway and it was great to see a large organization like NASCAR embrace
5 and honor diversity in so many ways.

6
7 c) Commissioner Honaker gave accolades to the 8th Grade students at Heritage Middle School for
8 the surprise visit from 1st Lady Michelle Obama while the class was touring Washington DC, he
9 announced that several Pine Ridge High students received scholarships and awards, the City received
10 50 applications for the William S. Harvey Scholarships, he recognized Kurt Vroman for contributing to
11 the Special Olympics Florida event by participating, he attended the grand opening of the Oak Park
12 Senior Center by John Knox Village and he attended the Neighborhood Watch #49. He listed
13 upcoming events: Wags & Whiskers, his District 1 resident meeting – Let’s Talk Deltona, the Volusia
14 County Fire meetings regarding increasing fees and the possible closing of four (4) fire stations in
15 unincorporated Volusia County and lastly Orange City is looking at increasing the stormwater
16 management and fire services assessment fees and he would like to add this as a future workshop
17 discussion.

18
19 d) Commissioner Smith stated she helped celebrate Dr. Seuss’ Birthday by cooking Green Eggs
20 and Ham for a 1st grade class, she suggested when the Commission has an amendment like the
21 amendment for the ordinance proposed tonight that it should be made available ahead of time for the
22 Commission and the residents to see and lastly she welcomed Captain Eagan.

23
24 e) Vice Mayor Schleicher stated she attend the “Coffee with a Cop” event, she attended the long
25 range transportation meeting where the cities could look at placing the roads, she spoke about a new
26 Florida Statute regarding smoke detectors, she suggested everyone read the City newsletter and
27 reminded everyone to turn the clocks ahead this weekend.

28
29 Commissioner Herzberg mentioned the Deltona TV channel has changed and Ms. Raftery stated the
30 channel to watch the live Commission meetings on BrightHouse has changed to Channel 491.

31
32 f) Mayor Masiarczyk asked Vice Mayor Schleicher to stand in for him at the Daytona State College
33 (DSC) Listening Session on March 10th due to a conflict, he thanked staff for the work done to make the
34 requested changes in the Chambers, he congratulated and welcomed Captain Eagan to Deltona and
35 reminded everyone about the open house at Bethune Cookman University (BCC) on March 20th.

36
37
38 **14. ADJOURNMENT:**

39
40 There being no further business, the meeting adjourned at 8:20 p.m.

41
42
43
44

John Masiarczyk Sr., Mayor

45 **ATTEST:**

46
47
48

Janet Day, Deputy City Clerk



AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 3/16/2015
FROM: Dale Baker, Acting City Manager **AGENDA ITEM:** 5 - A
SUBJECT: Certificate of Achievement presented to Deltona resident Raymond Morales of the Harris Saxon Club for receiving the Boys & Girls Clubs of Volusia/Flagler Counties 2015 Youth of the Year Award.

LOCATION:

N/A

BACKGROUND:

Raymond Morales is a Junior at Pine Ridge High School. His Grandmother, Darlene Cervantes, is actively involved with the local Boys and Girls Club and Raymond has been a member of this Harris Saxon Club for 7 years. In 2014 Raymond had over 1,000 service hours in our local community. He is a very active young man and is currently involved in AVID (Advancement Via Individual Determination), Students Against Drunk Driving, JROTC, and is enrolled in the Medical and Health Academy. Raymond is also a recipient of the Take Stock in Children Scholarship, where he will receive 120 credits for college for free if he keeps his grades up and does not get in trouble with the law. Raymond also enlisted this year in the Army Reserve. His goal is to become a Mechanical Engineer and be able to give back to his community which has given him so much.

ORIGINATING DEPARTMENT:

City Manager's Office

SOURCE OF FUNDS:

N/A

COST:

N/A

REVIEWED BY:

Dale Baker, Acting City Manager

STAFF RECOMMENDATION PRESENTED BY:

N/A - Presentation only.

POTENTIAL MOTION:

N/A - Presentation only.

**AGENDA ITEM
APPROVED BY:**

Dale Baker, Acting City Manager

ATTACHMENTS:

- Certificat of Achievement - Raymond Morales

City of Deltona Certificate of Achievement



Presented to

Raymond Morales

Harris Saxon Club

*For receiving Boys & Girls Clubs of Volusia / Flagler Counties'
2015 Youth of the Year Award.*

March 16, 2015

John Masiarczyk, Mayor



AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 3/16/2015
FROM: Dale Baker, Acting City Manager **AGENDA ITEM:** 5 - B
SUBJECT: Presentation of Certificates - Deltona High School Wolves Boys Basketball Team, 5 Star Conference Blue Division Champions.

LOCATION:

N/A

BACKGROUND:

The 2014-15 Deltona High School Boys Basketball team set a school record this season with their district championship and region runner-up Elite Eight finish in the state 6A playoffs. The Wolves finished the season with a 25-5 record and were champions of the 5 Star Conference Blue Division. The Elite Eight finish was the best in school history. Recently, the Daytona Beach News Journal selected the Wolves Evan Hinson as Boys Basketball Player of the Year for the area and named Coach Denny Hinson as Coach of the Year.

ORIGINATING DEPARTMENT:

City Manager's Office

SOURCE OF FUNDS:

N/A

COST:

N/A

REVIEWED BY:

City Clerk

STAFF RECOMMENDATION PRESENTED BY:

N/A - Presentations only.

POTENTIAL MOTION:

N/A - Presentations only.

AGENDA ITEM APPROVED BY:

Dale Baker, Acting City Manager



AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 3/16/2015
FROM: Dale Baker, Acting City Manager **AGENDA ITEM:** 5 - C
SUBJECT: Annual Audit Presentation: Comprehensive Annual Financial Report for the
Year Ended September 30, 2014

LOCATION:	City Hall
BACKGROUND:	<p>The City's auditors, Purvis Gray & Company, will make a presentation of the City's audit for the fiscal year ended September 30, 2014.</p> <p>NOTE: The audit document was previously distributed to the Commission. Please bring your copy of the Audit document to the meeting. The Auditors may make reference to it during the presentation.</p>
ORIGINATING DEPARTMENT:	Finance
SOURCE OF FUNDS:	N/A
COST:	N/A
REVIEWED BY:	Finance Director, City Attorney, Acting City Manager
STAFF RECOMMENDATION PRESENTED BY:	Robert Clinger, Finance Director - To accept the City's annual CAFR for FY 2013 / 2014 as presented.
POTENTIAL MOTION:	"I move to accept the City of Deltona's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2014 as presented."
AGENDA ITEM APPROVED BY:	<hr/> Dale Baker, Acting City Manager



AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 3/16/2015
FROM: Dale Baker, Acting City Manager **AGENDA ITEM:** 8 - A
SUBJECT: Request for approval of Saxon Sewer Phase I Engineering Design Calculations, Construction Plans, Contract, and Specifications Scope of Services and Corresponding Budget Amendment.

LOCATION:

Generally located at the intersection of Saxon Boulevard and Finland Drive.

BACKGROUND:

Quentin L. Hampton & Associates (QLH) as a general engineering consultant to the city of Deltona (City) has provided the attached Scope of Services (Scope) for the engineering design calculations, construction plans, contract, and specifications to create 100% construction plans that can be used for the installation of commercial sanitary sewer lines.

The attached Scope provides greater detail as to the cost breakdown and the proposed location of the sanitary sewer lines. As written, the proposed Scope is focused on commercial sewer provision for Phase I only and the creation of "shovel ready" 100% construction plans that can be used in their entirety or in phases for any proposed non-residential development or to connect existing non-residential development. As listed, the construction plans will address the construction of a gravity sewer line along Apache Circle and side streets from Finland Drive to Elgin Court; construction of a lift-station (LS) on City property adjacent to Finland Drive; construction of a force main to City LS #32 with upgrades to LS #32; and potential upgrade of sewer lines and LS #1 along Whitewood Drive.

This project was not budgeted and requires a budget amendment. The requested amendment is to move funding in the amount of \$118,000 from the General Fund Economic Development fund balance reserve to Deltona Water for proper project tracking and accounting (GL # 401-650-650100-43016).

ORIGINATING

DEPARTMENT:	City Manager's Office
SOURCE OF FUNDS:	Economic Development Fund Balance Reserve
COST:	\$117,720
REVIEWED BY:	Planning Director, Finance Director, City Attorney
STAFF RECOMMENDATION PRESENTED BY:	Jerry Mayes, Economic Development Manager - Staff recommends that the City Commission approve the attached Scope of Services for Saxon Sewer Phase I Engineering Design Calculations, Construction Plans, Contract, and Specifications and that the City Commission approve the corresponding budget amendment to provide for funding.
POTENTIAL MOTION:	"I hereby move to approve the Scope of Services for Saxon Sewer Phase I Engineering Design Calculations, Construction Plans, Contract, and Specifications. I also move to approve a budget amendment to move \$118,000 from the General Fund Economic Development fund balance reserve to Deltona Water (GL # 401650-650100-43016)."
AGENDA ITEM APPROVED BY:	<hr/> Dale Baker, Acting City Manager
ATTACHMENTS:	<ul style="list-style-type: none"> • Saxon Sewer Scope QLH 022415 • Budget Amendment

**ATTACHMENT 'A': SCOPE OF SERVICES
SAXON BOULEVARD SEWER SYSTEM: PHASE 1 - APACHE CIRCLE
CITY OF DELTONA, FLORIDA**

GENERAL

The proposed scope of services to be provided by QLH includes preparation of engineering design calculations, construction plans, contract and specifications for the installation of a new sanitary sewer system generally along the north side of Saxon Boulevard from Interstate 4 to Normandy Boulevard as shown in the attached **Figure 1**. This project is to serve existing and future commercial development in this area and is not intended to replace existing residential septic systems.

The CITY requests Design, Permitting Assistance, and Bidding Assistance services to be provided by QLH for the "Saxon Boulevard Sewer System: Phase 1 – Apache Circle" project. This is an action resulting from the "Saxon Boulevard Sewer System Engineering Report and Feasibility Study" by QLH dated July 2014. The proposed project will include following elements:

1. Construction of +/- 4,000 LF of gravity sewer along Apache Circle and side streets generally from Finland Drive to Elgin Court, paralleling the north side of Saxon Boulevard. Gravity, also including gravity sewer service to the existing commercial properties on the north side of Saxon Boulevard between Finland Drive and Interstate 4.
2. Construction of a new City-owned lift station and accompanying site improvements near the power line easement on the east side of Finland Drive.
3. Construction of a new force main +/- 1,800 LF along Finland Drive from the power line easement south to Archer Street where it will manifold with an existing sanitary force main from City Lift Station #32 located behind the Publix supermarket at the southwest corner of Saxon Boulevard and Finland Drive.
4. Analysis and upgrades (if necessary) to the pumps at LS #32.
5. Analysis and upgrades to the pumps at LS #1 located on Whitewood Drive south of Wellington Drive.

The preliminary estimate of construction cost for this project is approximately \$1,206,000. It is estimated that the design and permitting phase will require a total of six (6) months. The bid and award phase will take approximately two (2) months and construction will require approximately eight (8) months.

Route Survey and Utility Investigations

Survey elements include:

1. Underground Utility Surveys – Abel Surveying will map underground utilities or facilities, which will include all storm drainage, gas, potable water piping, existing on-site sewage facilities at commercial properties, as well as other utilities such underground telephone and cable TV as marked in the field by the City of Deltona, utility locating services or utility companies. Pipe sizes, types, connections and inverts will be obtained (where available) along with top elevations on manhole and inlets. Where these underground

lines connect to structures that are located outside the mapping limits, they will also be located with underground information provided. This will assure the flow and connectivity of adjoining utilities will be taken into account in the design. Additional elevations on underground utilities as provided by Abel Surveying will also be incorporated into the final database.

2. Apparent Rights of Ways – Abel Surveying will perform necessary right of way map and plat research, to be used to determine the apparent rights of way and easement locations. Existing property corners along the project corridor will be located to help establish right of way alignment. We will then incorporate the underground utility and apparent right of way information supplied by Abel Surveying into the final database.
3. An allowance is included as part of this proposal to perform vertical verification and inspection (VVH) using ‘Soft Dig’ technology to enhance the accuracy of utility locates. For the purposes of this proposal, an allowance for 2 days at \$1,200/day is included. Additional VVH sites deemed necessary will be billed at this rate.

Public Meetings

1. Attend up to two (2) public meetings and commission workshops, as necessary to inform the public and secure Commission approvals. Attendance of additional public meetings will be billed on a time / materials basis.

Design

During the design phase, QLH will complete the following work:

1. Collection of field information
2. Analysis of existing pumps at LS #32 and selection of new impellers, motors, and/or pumps as necessary. Analysis of LS #1 and selection of new impellers, motors, and/or pumps. Analysis of each lift station will include reviewing City historical information (runtime, discharge pressure, etc.), Master Plan information / recommendations, and limited use of the City’s force main model.
3. Preparation of design plans. Minimum plan requirements include: civil, mechanical, and electrical drawings, which accurately depict existing features and proposed improvements. Drawings shall include plan sheets and detail drawings as required.
4. Lettering size of plans shall be suitable for one-half size reduced drawings.
5. Preparation of Contract Documents. Contract Documents are defined in the City’s General Conditions of the Construction Contract and include, but are not limited to, the Drawings, Specifications, and front-end documents (Bid, Agreement, General Conditions, Supplementary Conditions, and Post Bid Documentation).
6. A minimum of four (4) review meetings with City Staff (one at the design start, one at 30%, one at 60% and one at 90% or design completion).
7. Submittal of three (3) sets of plans to the City for review and comment at each of the above required design meetings. Submittal of two (2) sets of specifications to the City for review and comment at the 60% and 90% review meetings.
8. Submittal of an Engineer’s preliminary opinion of cost at each of the above required design meetings. Cost estimates shall be itemized with unit costs indicated as appropriate.

9. Incorporation of the City Staff review comments in the Contract Documents.
10. Furnish three sets and one electronic copy of Contract Documents to the City for Staff use during construction.
11. Obtain geotechnical information, to consist of a single 20ft deep auger boring at the proposed lift station site and 10ft deep borings at 500 LF intervals along the route of the proposed force main.

Permitting

During the design and construction phases, QLH will also provide permitting assistance:

1. Preparation and submittal of permit applications at the 90% stage including: FDEP Wastewater System Construction Permit, Volusia County R/W Utilization and any others as applicable. Permit fees are to be paid by the City.
2. Response to reasonable Requests for Additional Information from the permitting agencies.
3. Submittal of completion certifications or requests for clearances from the permitting agencies upon completion of construction.

Bidding

During the bidding phase, QLH will:

1. Provide Advertisement for Bids to the City staff for publishing in the legal newspaper.
2. Prior to advertising, provide the City with a current cost estimate in writing.
3. Prepare a Contractor's list and mail the Advertisement for Bids to selected Contractors.
4. Provide one set of contract documents (excluding Drawings) to the City's Purchasing Coordinator.
5. Distribute Plans and Specifications to selected Plan Houses, Contractors and Suppliers.
6. Provide plan and specification clarification and prepare and distribute addenda.
7. Conduct a Pre-Bid meeting. Prepare minutes of the meeting and distribute to all attendees and plan holders.
8. Attend the Bid Opening and collect a copy of each bid submitted.
9. Review and check the bids and prepare detailed bid tabulation.
10. Contact the low bidder and obtain references.
11. Prepare an award recommendation letter.
12. After bid award by the City Commission, prepare a construction contract (five sets required) and mail the contracts to the Contractor. The Contractor is to return the construction contracts to the Engineer for review of the contract, insurance certificates and bonds. Provide an electronic copy of the construction plans to the City.
13. This scope of work assumes the City will bid the project as a single bid/project. Additional fees may be necessary if multiple bids/projects are required.
14. Attend City Commission meetings for bid award and requisite project updates.

Exclusions

The scope of work does not include any effort related to zoning modification, annexation, comprehensive plan amendments, easement acquisition, title search services, groundwater monitoring/remediation, permitting fees, wetland/ecological assistance, and/or legal services. No funding is included to compensate property owners for easements.

No funding is included for construction phase Engineer of Record services, contract administration, or project inspection. If desired, a separate proposal for these services can be submitted to the CITY.

COMPENSATION:

The project is anticipated to be ready to bid within six (6) months from authorization of this Task Assignment. Total compensation for all services, materials, supplies and any other items or requirements necessary to complete the work described herein shall be performed for a lump sum, not to exceed fee of **\$117,720**. A cost worksheet is included which describes the basis of this fee according to project phase.

PURSUANT TO FLORIDA STATUTE SECTION 558.0035, AN INDIVIDUAL EMPLOYEE OR AGENT OF QUENTIN L. HAMPTON ASSOCIATES, INC. MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.

Attachment 'B': Estimated Manhours and Fees

Project: Saxon Boulevard Sewer System: Phase 1 - Apache Circle

Date: 2/24/2015

Estimated Construction Cost: \$1,206,000

Est. Construction Time: 8 Months

Est. Design/Permitting Time: 6 Months

Est. Bidding Time: 2 Months

RECLAIMED WATER MAIN	Person/Item	Hourly Rate	Survey and Data Collection		Project Design		Permitting		Bidding Assistance	
			Estimated Hours	Cost	Estimated Hours	Cost	Estimated Hours	Cost	Estimated Hours	Cost
	Project Manager	\$ 175	4	\$ 700	56	\$ 9,800	2	\$ 350	8	\$ 1,400
	Project Engineer	\$ 140	8	\$ 1,120	96	\$ 13,440	16	\$ 2,240	12	\$ 1,680
	Engineering Technician	\$ 75	8	\$ 600	80	\$ 6,000	32	\$ 2,400	0	\$ -
	CADD Technician	\$ 70	16	\$ 1,120	580	\$ 40,600	64	\$ 4,480	8	\$ 560
	Administrative Aide	\$ 45	16	\$ 720	32	\$ 1,440	40	\$ 1,800	16	\$ 720
	Construction Project Rep. (allowance)	\$ 62	0	\$ -	0	\$ -	0	\$ -	0	\$ -
	Subtotals			\$ 4,260		\$ 71,280		\$ 11,270		\$ 4,360
	Survey Subconsultant Allowance	n/a		\$ 15,000		\$ -		\$ -		\$ -
	U/G Utility Locates	n/a		\$ 2,400		\$ -		\$ -		\$ -
	Geotechnical Subconsultant	n/a		\$ 4,000		\$ -		\$ -		\$ -
	Allowance for Public Meetings	n/a		\$ -		\$ 3,000		\$ -		\$ -
	Printing Allowance	n/a		\$ 200		\$ 600		\$ 750		\$ 600
	Subtotals			\$ 21,600		\$ 3,600		\$ 750		\$ 600
	Totals			\$ 25,860		\$ 74,880		\$ 12,020		\$ 4,960
	Pre-Construction Total									\$ 117,720
	TOTAL									\$ 117,720

*Allowances will be billed at actual cost plus 10% administrative fee.



AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 3/16/2015
FROM: Dale Baker, Acting City Manager **AGENDA ITEM:** 8 - B
SUBJECT: Power Service Request for the Alexander Avenue Ground Storage Tank & Pump Station Project.

LOCATION:	601 Mobley Avenue, Deltona, Florida; as depicted on the attached map.
BACKGROUND:	The subject project is under construction and a major component to achieve project completion is to provide power to the site from Duke Energy Florida, Inc. Power service is not readily available from Mobley Avenue. The closest and most feasible location is to extend power lines from Alexander Avenue west into the site.
ORIGINATING DEPARTMENT:	Public Works/Deltona Water
SOURCE OF FUNDS:	N/A
COST:	N/A
REVIEWED BY:	Public Works Director
STAFF RECOMMENDATION PRESENTED BY:	Gerald Chancellor, Public Works Director – Staff recommends approval granting a power easement to Duke Energy Florida, Inc. for the provision of electrical services to the Alexander Avenue Ground Storage Tank & Pump Station project.
POTENTIAL MOTION:	“I move to approve granting a power easement to Duke Energy Florida, Inc. for the provision of electrical services to the Alexander Avenue Ground Storage Tank & Pump Station project.”
AGENDA ITEM APPROVED BY:	<hr/>

ATTACHMENTS:

Dale Baker, Acting City Manager

- Duke Energy Florida, Inc. Easement
- Easement Location Depicted Map

Volusia County, Florida
Work Request #: 888160
Address: 601 Mobley Drive
Deltona, FL 32725
STR: 31-18S-31E

EASEMENT

THIS EASEMENT (“**Easement**”) is made this ___ day of _____, 2014 (“**Effective Date**”), from **CITY OF DELTONA** (“**GRANTOR**,” whether one or more) to **DUKE ENERGY FLORIDA, INC., d/b/a DUKE ENERGY**, a Florida corporation, Post Office Box 14042, St. Petersburg, Florida 3373, and its successors, lessees, licensees, transferees, permittees, apportionees, and assigns (“**GRANTEE**”);

WITNESSETH:

THAT **GRANTOR**, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto **GRANTEE**, the perpetual right, privilege, and easement to install, operate and maintain in perpetuity, such Facilities as may be necessary or desirable for providing electric energy and for communication purposes over, under, upon, across, through and within the following described lands in Volusia County, Florida, and referred to hereinafter as the Easement Area to wit:

A 10.00 foot wide Easement Area defined as lying 5.00 feet on each side of **GRANTEE**'s facilities to be installed at mutually agreeable locations over, under, across and through the following described property to accommodate present and future development:

Lots 1, 2, 3, and 4, Block 4, ENTERPRISE HEIGHTS, FIRST DIVISION, according to the Plat thereof recorded in Map Book 7, Page 111, Public Records of Volusia County, Florida

Tax Parcel Number: 31-18-31-03-01-0010

The rights herein granted to **GRANTEE** by **GRANTOR** specifically include the right: (a) for **GRANTEE** to patrol, inspect, alter, improve, add to, repair, rebuild, relocate, and remove said facilities; (b) for **GRANTEE** to increase or decrease the voltage and to change the quantity and type of facilities; (c) ingress and egress over the Easement Area and over portions of **GRANTOR**'s adjoining property for the purpose of exercising the rights herein granted; (d) to trim, cut or remove from the Easement Area, at any time, trees, limbs, undergrowth, structures or other obstructions; (e) to trim, cut or remove and to keep trimmed or remove dead, diseased,

This document prepared by Kristy Parker, Esquire
 Return to: Duke Energy
 3300 Exchange Place, NP4A
 Lake Mary, FL 32746

weak or leaning trees or limbs outside of the Easement Area which, in the opinion of **GRANTEE**, might interfere with or fall upon the Facilities; (f) to allow third parties to attach equipment to the Facilities including but not limited to wires, cables and other apparatus; (g) and all other rights and privileges reasonably necessary or convenient for **GRANTEE**'s safe, reliable and efficient installation, operation, and maintenance of the Facilities and for the enjoyment and use of the Easement for the purposes described herein.

GRANTOR shall have the right to use the Easement Area in any manner that is consistent with the rights granted to **GRANTEE** herein; provided however, without the prior written consent of **GRANTEE**, **GRANTOR** shall not (a) place, or permit the placement of, any obstructions within the Easement Area including but not limited to, any building, house, or other above-ground or underground structure, or portion thereof; (b) excavate or place, or permit the excavation or placement of any dirt or other material upon or below the Easement Area; or (c) cause, by excavation or placement of material, either on or off the Easement Area, a pond, lake, or similar containment vehicle that would result in the retention of water in any manner within the Easement Area. **GRANTEE** shall have the right to remove any such obstruction(s) at **GRANTOR**'s expense. Excluding removal of vegetation and obstructions as provided herein, any physical damage to the surface of the Easement Area and/or **GRANTOR**'s adjoining property caused by **GRANTEE** or its contractors shall be repaired to a condition reasonably close to the previous condition. The rights and easement herein granted are exclusive as to entities engaged in the provision of electric energy service and **GRANTOR** reserves the right to grant rights to others affecting said Easement Area provided that such rights do not create an unsafe condition or conflict with the rights granted to **GRANTEE** herein.

GRANTOR hereby warrants and covenants (a) that **GRANTOR** is the owner of the fee simple title to the premises in which the above described Easement Area is located, (b) that **GRANTOR** has full right and lawful authority to grant and convey this easement to **GRANTEE**, and (c) that **GRANTEE** shall have quiet and peaceful possession, use and enjoyment of this easement. All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the heirs, successors, lessees and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the said GRANTOR has caused this easement to be signed by its proper officers thereunto duly authorized and attested this _____ day of _____, 2014, and is effective as of the Effective Date herein.

GRANTOR:

CITY OF DELTONA

Name of Municipality

ATTEST:

City Clerk

Mayor

Print or Type Name

Print or Type Name

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

Grantor(s) mailing address:

Signature of First Witness

2345 Providence Blvd.

Deltona, FL 32725

Print or Type Name of First Witness

Signature of Second Witness

Print or Type Name of Second Witness

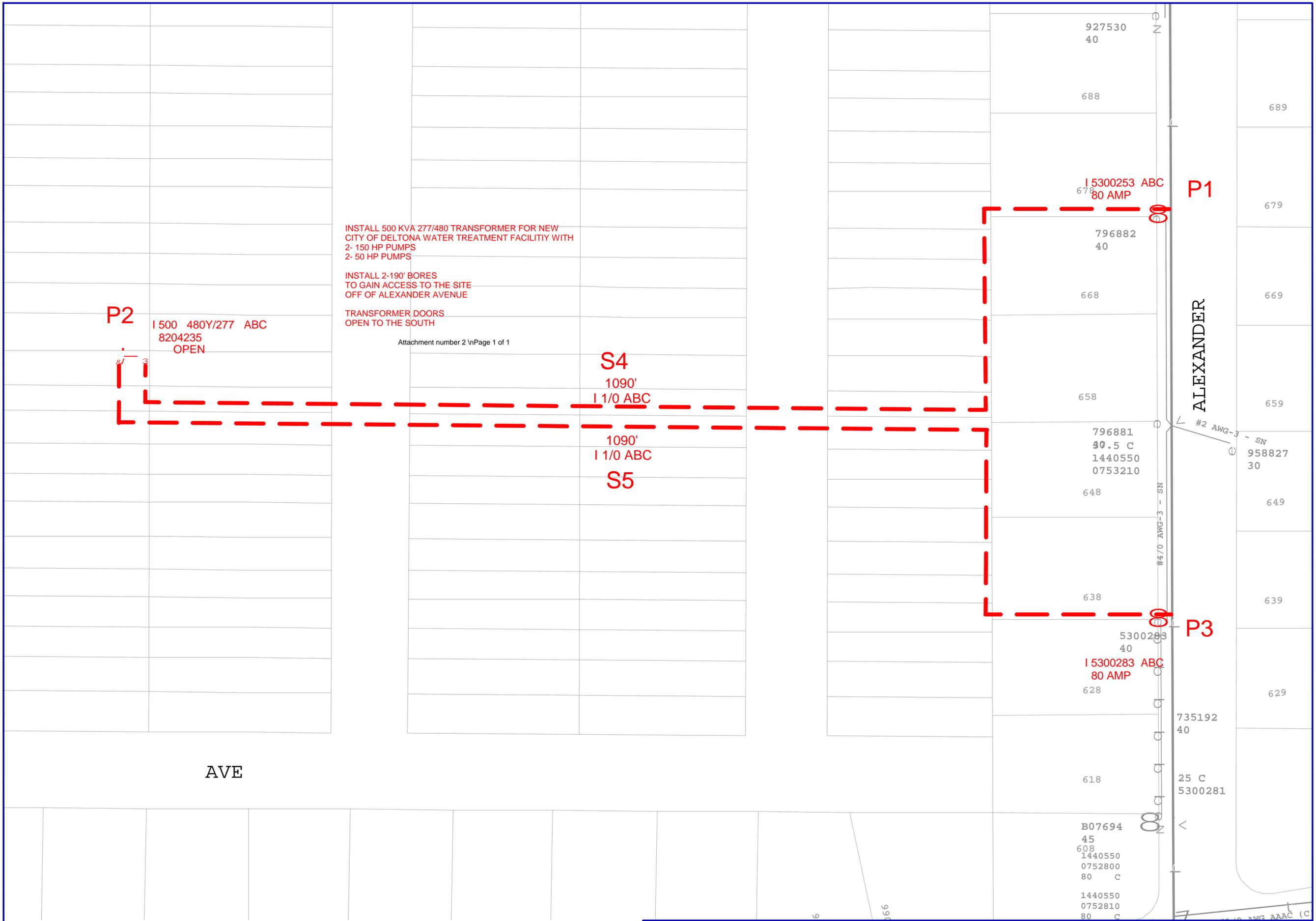
State of _____)
County of _____) ss

The foregoing Easement was acknowledged before me this _____ day of _____, 20____, by _____ and _____, its Mayor and its City Clerk, respectively of CITY OF DELTONA, who is/are personally known to me or who has/have produced _____ as identification.

NOTARY SEAL

Name:
Notary Public
Serial Number:
My Commission Expires:

This document prepared by Kristy Parker, Esquire
Return to: Duke Energy
3300 Exchange Place, NP4A
Lake Mary, FL 32746



INSTALL 500 KVA 277/480 TRANSFORMER FOR NEW CITY OF DELTONA WATER TREATMENT FACILITY WITH 2- 150 HP PUMPS 2- 50 HP PUMPS

INSTALL 2-190' BORES TO GAIN ACCESS TO THE SITE OFF OF ALEXANDER AVENUE

TRANSFORMER DOORS OPEN TO THE SOUTH

Attachment number 2 \nPage 1 of 1

P2
1500 480Y/277 ABC
8204235
OPEN

S4
1090'
I 1/0 ABC

1090'
I 1/0 ABC
S5

P1

ALEXANDER

P3

AVE

Duke Energy - Florida Region		PRE-JOB SAFETY BRIEFING REQUIRED BEFORE STARTING WORK		
601 MOBLEY DR DELTONA, FL 32725	DRAWN BY: Herring, Jeffery S. DATE: 12/5/2014 TRUCK ACCESS: undefined TAKING AUTHORITY: VOLUSIA S-T-R: N/A	BREAKER: W0130 UPSTREAM PROTECTION DEVICE RECLOSER 6024862	WORK REQUEST: 888160 OPERATION CENTER: DELAND TA: DL17 LAT LONG: 28.88016, -81.24805	SHEET 1 OF 1



AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 3/16/2015
FROM: Dale Baker, Acting City Manager **AGENDA ITEM:** 8 - C
SUBJECT: Request approval of Resolution No. 2015-06, requesting that the Florida legislature not enact the proposed HB 391 and SB 896.

LOCATION:	N/A
BACKGROUND:	The 2015 Florida legislature is considering enactment of HB 391 and SB 896 which would put the financial burden of relocating utilities on the local government when there is construction/widening/re-design of a right of way by a local government. This resolution requests that the Florida legislature not enact the proposed legislation. The Florida League of Cities is also opposed to this legislation.
ORIGINATING DEPARTMENT:	City Attorney's Office
SOURCE OF FUNDS:	N/A
COST:	N/A
REVIEWED BY:	City Attorney, Acting City Manager, City Engineer
STAFF RECOMMENDATION PRESENTED BY:	Public Works/Deltona Water Director Gerald Chancellor - That the Commission approve Resolution No. 2015-06, and request that the City Manager give this Resolution to the City's lobbyists for transmission to the appropriate legislative officials.
POTENTIAL MOTION:	"I move to approve Resolution No. 2015-06, and request that the City Manager give this Resolution to the City's lobbyists for transmission to the appropriate legislative officials."
AGENDA ITEM APPROVED BY:	<hr/> Dale Baker, Acting City Manager
ATTACHMENTS:	<ul style="list-style-type: none">• Resolution #2015-06

RESOLUTION NO. 2015-06**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, URGING THE FLORIDA STATE LEGISLATURE TO UPHOLD THE CURRENT FLORIDA STATUTE PROVIDING FOR PAYMENT OF EXPENSES CAUSED BY THE INTERFERENCE OF UTILITY FACILITIES WITH TRANSPORTATION PROJECTS; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, local government relies heavily on its statutorily-authorized police powers to best serve the interests of its citizens; and

WHEREAS, one of the essential functions of local government is to provide for the health, safety, and welfare of its citizens, particularly in the area of physical infrastructure; and

WHEREAS, local government can and must address the critical needs of its citizens by providing safe roadways and transportation corridors for pedestrians and vehicles; and

WHEREAS, under Florida common law, established over 100 years ago, and under statutory law, particularly §337.403 of the Florida Statutes, local government has utilized its home rule authority to conduct local transportation projects and to require electric and other utilities to relocate utility equipment when necessary for the completion of such projects and to require utilities to pay for such relocations; and

WHEREAS, recent Florida case law directly on the issue of local government's exercise of its authority under §337.403 upheld that authority and resulted in a judgment in favor of local government and against a utility's claims based on equipment locations within rights of way and public utility easements; and

WHEREAS, HB 391 and SB 896, currently before the State Legislature, would dramatically and negatively affect local government's ability to fulfill its obligations to its

citizens in the area of transportation projects by transferring the costs of utility relocations to local government and its constituent taxpayers, thereby further burdening local government and its taxpayers with heretofore non-existent costs; and

WHEREAS, in particular, HB 391 and SB 896 would prevent local government from requiring utilities to pay the costs of relocation unless the utilities are in a "right-of-way" as opposed to the current common sense requirement for utility relocations occurring "upon, over, under, or along" a roadway; and

WHEREAS, additionally, HB 391 and SB 896 would require local government, and not the utility, to bear the cost of relocating a utility's equipment if such equipment is located within a utility easement, regardless of the private or public nature of the easement; and

WHEREAS, the expense of relocating a utility's equipment in the public easement/ right of way will greatly increase the costs of completing transportation projects at a time when local governments continue to struggle with funding for such projects; and,

WHEREAS, local transportation projects often are the catalyst for economic development and the result of growth within a community, which benefit the utility in terms of expanded customer base.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. That the City Commission of the City of Deltona does hereby encourage the Florida State Legislature to preserve Florida common law and statutory law by rejecting HB 391 and SB 896 and any further attempts to limit local government's ability to serve its citizens.

SECTION 2. All resolutions or parts thereof that are in conflict with this Resolution, be and the same are hereby repealed.

City of Deltona, Florida
Resolution No. 2015-06
Page 3 of 3

SECTION 3. This Resolution shall become effective immediately upon its adoption.

ADOPTED BY the City Commission of the City of Deltona, Florida this _____ day of _____, 2015.

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:** 3/16/2015

FROM: Dale Baker, Acting City Manager **AGENDA ITEM:** 9 - A

SUBJECT: Public Hearing - Ordinance No. 02-2015, Amending Chapter 14, "*Animals*," by adding Article VII "*Chickens*" providing for a one year trial period for the issuance of limited number of special permits which allow the keeping of chickens in limited numbers and under specific conditions, at second and final reading.

LOCATION:

Citywide

BACKGROUND:

The City Commission has discussed the topic of allowing chickens within the City limits since 2012. At the Regular City Commission Meeting held on Monday, July 13, 2013 the Commission concurred to not discuss the chicken issue any further. Since then the issue has come up several times during both regular and workshop meetings and the Commission concurred to revisit the Ordinance at a workshop.

The Commission approved Ordinance No. 02-2015 at first reading on Monday, March 2, 2015.

At the Commission Workshop held on February 9, 2015 the Commission concurred to have the City Attorney revise Ordinance No. 02-2015 and bring it before the Commission for first reading at the Regular City Commission to be held on Monday, February 16, 2015.

ORIGINATING DEPARTMENT:

City Attorney's Office

SOURCE OF FUNDS:

N/A

COST:

N/A

REVIEWED BY:

City Attorney

**STAFF
RECOMMENDATION
PRESENTED BY:**

Becky Vose, City Attorney - That the Commission consider approval of Ordinance No. 02-2015 as presented.

**POTENTIAL
MOTION:**

"I move to approve Ordinance No. 02-2015, at second and final reading."

**AGENDA ITEM
APPROVED BY:**

Dale Baker, Acting City Manager

ATTACHMENTS:

- Ordinance No. 02-2015

ORDINANCE NO. 02 – 2015

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 14, “ANIMALS,” BY ADDING ARTICLE VII “CHICKENS” PROVIDING FOR A ONE YEAR TRIAL PERIOD FOR THE ISSUANCE OF A LIMITED NUMBER OF SPECIAL PERMITS WHICH ALLOW THE KEEPING OF CHICKENS IN LIMITED NUMBERS AND UNDER SPECIFIC CONDITIONS, PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:

SECTION 1. Chapter 14, “*Animals*” of the Code of Ordinances of the City of Deltona is hereby amended by adding Article VII, “*Chickens*” to read as follows:

Article VII. Chickens

Sec. 14-280. A one-year trial period for the keeping of chickens shall be instituted. No more than twenty-five (25) trial period special permits may be granted for chickens to be kept, harbored, raised, or maintained in Chicken coops as laying hens for eggs as accessory to a residential single-family structure, (“Residence”), but only subject to the following:

(a) No more than five (5) chickens may be kept on a lot, with roosters prohibited.

(b) The Residence shall be owner-occupied.

(c) The special permit applicant must sign a statement acknowledging that the special permit may be revoked at the end of the one year trial period if the program is not continued in the city, or for any violation of this ordinance, and may be revoked if this ordinance is amended in the future, and the City of Deltona will not be held responsible or liable for any losses to the applicant if such special permit is revoked.

(d) Ducks, geese, turkeys, peafowl, or any other poultry or fowl are not allowed under the provisions of this section of the code.

(e) Chickens and associated activities shall be kept for personal use only. Selling chickens, eggs, or chicken manure, or the breeding of chickens is prohibited.

(f) The coop and enclosure must be screened from the neighbor’s view, using

an opaque fence.

(g) The coop and enclosure must be located in the rear yard, as defined by the City's Code of Ordinances. No coop or enclosure shall be allowed in any front or side yard.

(h) The coop or enclosure must comply with standard setbacks.

(i) The coop and enclosure shall provide a minimum of four (4) square feet per chicken to permit free movement of the chickens. The coop and enclosure may not be taller than five and one-half (5 1/2) feet, measured from the natural grade, must be at least six (6) inches lower than the fence to screen them, and must be easily accessible for cleaning and maintenance. A building permit is required under the Florida Building Code if the coop exceeds 100 square feet. The coop shall not exceed a maximum of 200 square feet.

(j) The coop and enclosure shall be covered and ventilated, and a fence enclosure/run is required. The coop and enclosure must be completely secured from predators, including all openings, ventilation holes, doors and gates (fencing or roofing is required over the enclosure in addition to the coop, in order to protect the chickens from predators).

(k) All stored feed must be kept in a rodent and predator-proof container.

(l) Chickens shall be kept within a coop and enclosure from dusk until dawn. No person shall release or set any chicken free from such coop and enclosure unless under the supervision of a person, and no person shall slaughter a chicken.

(m) Chicken coops and enclosures shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.

Sec. 14-281. Procedures for the granting of special permits for keeping chickens. The Building and Enforcement Services Director, under the direction of the City Manager, is authorized and directed to administer the special permit process for the keeping of chickens as follows:

- (1) A special permit will be issued once an applicant has completed an application, met all conditions, and staff concurs with the issuance of a special permit.
- (2) There will be a \$25.00 fee for the special permit and initial inspection.
- (3) Once a special permit has been issued for a chicken that is maintained under this section, the location will be subject to an annual inspection to ensure that the area is being maintained in a manner that is safe and sanitary for the animal and does not burden the neighbors of the Residence.
- (4) If any condition of the special permit has been violated, the city may revoke

the special permit immediately if the violation has not been remedied after seven (7) days' notice, or if it is a repeat violation. The city is responsible for the determination of compliance with the requirements of this article. In matters of interpretation, the Building and Enforcement Services Director has the authority to determine compliance with the Code of Ordinances.

- (5) A person aggrieved by a decision of the Building and Enforcement Services Director in the issuance, denial or revocation of a special permit may appeal to the City Manager. A person aggrieved by a decision of the City Manager may appeal to the City Commission.
- (6) Persons granted a special permit will be encouraged to attend an appropriate training session to learn safe chicken and egg practices.

Sec. 14-282. *Animals killing chickens.* No dog or cat that kills a chicken will, for that reason alone, be considered a dangerous or aggressive animal.

Sec. 14-283. *Not required for A zoning district.* A special permit is not required for the keeping of chickens in the A (agricultural) zoning district.

Sec. 14-284. *Review after one year trial period.* The Building and Enforcement Services Department will track complaints and compliance issues regarding the special permits during the one year trial period and make a report to the City Commission as to the results. The City Commission will review the results after the completion of the one year trial period and take action as deemed appropriate 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. 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.

City of Deltona, Florida
Ordinance No. 02-2015
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PASSED AND ADOPTED THIS ____ DAY OF _____, 2015.

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

JOHN C. MASIARCZYK SR., MAYOR

ATTEST:

JOYCE RAFTERY, CMC, CITY CLERK

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

GRETCHEN R. H. VOSE, CITY ATTORNEY