

City of Deltona

Mayor
John Masiarczyk

Vice Mayor
Chris Nabicht
District 6

Commissioners:

Mitch Honaker
District 1

Diane Smith
District 2

Heidi Herzberg
District 3

Nancy Schleicher
District 4

Brian Soukup
District 5

City Manager
Jane K. Shang

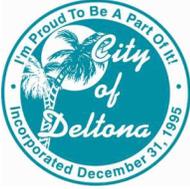
PUBLIC NOTICE

**CITY OF DELTONA
2345 Providence Blvd.
Deltona, FL 32725**

**City Manager Agenda Review Meeting
2nd Floor Conference Room
Monday, April 18, 2016
5:30 P.M.**

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.



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Regular Commission Meeting

City Commission

Mayor John C. Masiarczyk Sr.
Vice Mayor Chris Nabicht
Commissioner Heidi Herzberg
Commissioner Gary Mitch Honaker
Commissioner Nancy Schleicher
Commissioner Diane J. Smith
Commissioner Brian Soukup

Monday, April 18, 2016

6:30 PM

Deltona Commission Chambers

1. CALL TO ORDER:

2. ROLL CALL – CITY CLERK:

3. INVOCATION AND PLEDGE TO THE FLAG:

A. [Invocation Presented by Commissioner Smith](#)

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.

4. APPROVAL OF MINUTES & AGENDA:

A. [Approval of minutes - Regular Commission Meeting of April 4, 2016 - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

Background:

N/A

Attachments: [April 4, 2016 Minutes](#)

5. PRESENTATIONS/AWARDS/REPORTS:

A. [Recognition to Christian Estridge, Ricky Dobbyn and Malachi Walters who were chosen to participate in the DMAXX All-American Youth Football Bowl Game in New Rochelle, New York.](#)

Background:

Deltona residents, Christian Estridge, Ricky Dobbyn and Malachi Walters were selected from athletes around the country to play in the DMAXX All-American Youth Football Bowl Game in New Rochelle, New York. This elite event will take place June 29th - July 3rd and

there are 2 teams consisting of 25 members per team for grades 3rd through 8th. Christian will play center and Ricky will play quarterback for the 4th grade. Malachi will play quarterback for the 3rd grade.

Christian and Ricky attend Spirit Elementary and Malachi attends Sunrise Elementary.

Attachments: [Recognition-DMAXX Youth Football](#)

B. [Recognition to Brielle Walker - State of Florida Goodwill Ambassador for the Muscular Dystrophy Association](#)

Background:

Brielle, a vivacious seventeen-year-old from Deltona, FL, has been named State Goodwill Ambassador for the Muscular Dystrophy Association.

As the new State Goodwill Ambassador, Brielle will make public appearances throughout the state, representing kids and adults with muscular dystrophy, ALS and related life-threatening diseases that severely weaken muscle strength and mobility in Florida.

In Brielle's new role, she will be essential in motivating the public to support MDA's mission by donating funds and raising awareness to help provide families with life-saving resources and support that will open new possibilities - so that individuals just like her can live longer and grow stronger.

Brielle is the daughter of Natasha Durham. She was diagnosed with Facioscapulohumeral Muscular Dystrophy (FSHD) at the age of eleven. FSHD is one of the muscle diseases covered by MDA's research and care programs.

Brielle's passions include art, government, and social issues. She hopes to study sociology after high school. Brielle enjoys attending the MDA Gala. She loves rock climbing and swimming at camp and has been an MDA camper since 2012. She loves to travel and has seen most of the East Coast. One day she plans to run for city council.

The MDA State Goodwill Ambassador program helps put a face on MDA's mission by calling upon individuals affected by muscle-debilitating diseases to share their personal stories and inspiring support of MDA. Former ambassadors have grown up to fulfill life goals and achieve distinction, earning advanced degrees and making their marks as successful business professionals. Many continue in volunteer roles for MDA, serving on various committees on public awareness and appearing at large events to tell MDA's story of progress.

C. [Presentation - Quarterly Reports of City Advisory Boards/Committees - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

Background:

Quarterly Reports of City Advisory Boards/Committees:

- 1) Parks and Recreation Advisory Committee - (Written Report Only)
 - Senior Advisory Sub-Committee
 - Youth Advisory Sub-Committee
 - Citizen Accessibility Advisory Sub-Committee
- 2) William S. Harvey Deltona Scholarship Advisory Report - (Written Report Only)
- 3) Affordable Housing Advisory Committee - (Written Report Only)
- 4) Ordinance Review Committee - (Written Report Only)

Attachments:

[P&R 2016 First Quarter Report](#)
[WSH 2016 First Quarter Report](#)
[AHAC 2016 First Quarter Report](#)
[ORC 2016 First Quarter Report](#)

6. CITY COMMISSION SPECIAL REPORTS:

7. PUBLIC FORUM: - Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.

Citizen comments for any items. (4 minute maximum length per speaker)

CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

8. CONSENT AGENDA:

9. ORDINANCES AND PUBLIC HEARINGS:

- A. [Public Hearing - Ordinance No. 09-2015, Amending Section 110-806 of the Land Development Code for Fences, Walls, and Hedges, at first reading - Chris Bowley, Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Goal: Economic Development: Update the Economic Development Plan including the Land Development Code \(LDC\).](#)

Background:

In 2015, the City Commission created the Ordinance Review Committee (ORC) to review specific ordinances that they direct to the ORC. The first item for ORC review was Ordinance No. 09-2015, which amends Section 110-806 of the LDC pertaining to fences, walls, and hedges. The initial concept was to focus on hedge heights within front yards, particularly how they relate to visibility between the sidewalk and driveway for public safety. The ORC reviewed the ordinance and made recommendations that also apply to the entire lot, specifically screen material height and opacity percentage (see attached). On February 22, 2016, Ordinance No. 09-2015 was also reviewed by the City Commission at their workshop and additional recommendations were made to the ordinance. On March 16, 2016, the Planning and Zoning Board review both the ORC and City Commission recommendations and unanimously voted to recommend adoption of the ordinance by the City Commission.

Attachments: [Ordinance No. 09-2015](#)

- B. [Public Hearing - Ordinance No. 12-2016, Comprehensive Plan Amendment adding Tivoli Drive between Saxon Blvd. and Providence Blvd., to the City's Thoroughfare Map, at first reading - Chris Bowley, Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Goal: Fiscal Issues: Transportation/CIP \(i.e. Tivoli Drive Expansion\).](#)**Background:**

The expansion of Tivoli Drive has been a long-standing discussion by past City Commissions to the extent that construction plans were begun and not completed. There was also discussion about that expansion receiving transportation planning organization (TPO) or other grant funding. No alternative funding can occur without the roadway being placed on the City's Thoroughfare Map within its Comprehensive Plan as a long-range project. Ordinance No. 12-2016 and supplemental documents (see attached) are for a policy decision. This project is one of several submitted to the River to Sea TPO to receive funding. Inclusion of this segment of Tivoli Drive on the City's Thoroughfare Map makes it eligible to receive TPO or other agency funding. As proposed, the rational nexus for widening Tivoli Dr. is a response to continued growth in Deltona and the importance of Tivoli Dr. as a regional-serving road to the area roadway network. Finally the Planning and Zoning Board reviewed this application at their March 16, 2016, public hearing and voted 3-3 (for and against, with one member absent) on the ordinance.

Attachments: [Ordinance No. 12-2016](#)
[Staff Report 022416](#)
[Tivoli Drive Map](#)
[EXHIBIT A Thoroughfare Designation resized](#)
[EXHIBIT B 14 Numb Lanes map 2015 resized](#)
[Exhibit C Roadway Lanes Table](#)

- C. [Public Hearing - Ordinance No. 13-2016, Creating a new Article II, "Distribution of Unsolicited Materials," of Chapter 38, "Environment," of the Code of Ordinances, at first reading and to schedule second reading - Becky Vose, Legal Department \(407\) 448-0111.](#)

[Strategic Goal: Public Safety - focus on the City's beautification program.](#)

Background: This ordinance would prohibit and prevent the indiscriminate throwing of unsolicited newspapers, handbills, advertisements, or other paper materials on lawns, driveways, rights of way, or porches, when such materials can be blown around, can cause unsightly littering and the clogging of storm drains, and can cause the general decrease in the aesthetic quality of neighborhoods with associated lowering of property values.

Attachments: [Ordinance No. 13-2016 \(Distribution of Unsolicited Materia](#)

- D. [Request for Approval of Ordinance No. 17-2016, Amending the Firefighters' Pension Plan to Comply with Internal Revenue Code and its Associated Regulations and to add a Share Plan as a requirement of the recently adopted Chapter 2015-39 Laws of Florida - Becky Vose, Legal Department - \(407\) 448-0111.](#)

[Strategic Goal: Internal & External Communication - Improve Intergovernmental Coordination](#)

Background: With the recent adoption by the Florida Legislature of Chapter 2015-39, Laws of Florida, and changes to the Internal Revenue Code (IRC) and its associated regulations, as well as guidance from the Internal Revenue Service (IRS), the City is bringing forth amendments to the Firefighters' Pension Plan in order to comply with these new regulations.

The changes in Sections 1 through 8 of the proposed Ordinance reflect the changes needed to comply with the revised IRS requirements. Sections 1 through 7 represent clarifications of definitions while Section 8 addresses IRS changes in connection to the Deferred Retirement Option Plan (DROP).

Section 46-26, Definitions; is being amended for IRC changes and requirements, to amend the definitions of: i) "Creditable" (or "Credited") Years of Service to clarify IRC regulations on leave conversions; ii) "Firefighter" to update a reference in Florida Statutes; and iii) "Spouse" to clarify the definition in accordance with a recent US Supreme Court ruling.

Section 46-27, Participation-Conditions of Eligibility, is amended to limit those individuals eligible to opt-out of the system, to comply with recent IRC Treasury Regulation requirements.

Section 46-29, Finances and Fund Management, is amended to further incorporate recent IRC requirements with regard to investments in commingled funds.

Section 46-33, Benefit amounts and eligibility, is being amended to change the Normal Retirement Date to include IRC required language regarding Normal Retirement Age and Normal Retirement Date.

Section 46-35, Disability, is being amended to more clearly identify those individuals who may be eligible to apply for a disability pension who have been terminated by the City due to medical reasons.

Section 46-43, Maximum Pension, has had several subsections amended to comply with IRC changes.

Section 46-44, Minimum Distribution of Benefits, is being amended for a reference clarification in subsection (b)(2)d.

Section 46-54, Deferred Retirement Option Plan, is being amended in accordance with recent direction from the IRS in connection with the issuance of several recent Favorable Determination Letters to: i) clarify investment returns on DROP accounts, ii) clarify when interest and earnings are calculated and paid, and iii) add several sections clarifying the DROP provisions as required by the IRS.

Section 9 adds Section 46-59, "Supplemental Benefit Component for Special Benefits; Chapter 175 Share Accounts". The adoption of a "Share Plan" is a requirement of recently adopted Chapter 2015-39, Laws of Florida, for all pension plans that are subject to the provisions of Chapter 175.

This Ordinance has been prepared by the Firefighters' Pension Plan's Pension Attorney and has been reviewed and approved by the Firefighters' Pension Board of Trustees.

Attachments: [O-17-2016 Revised FF Pension Ordinance](#)

- E. [Approval of Ordinance No. 20-2016; Amending Chapter 94, "Impact Fees," Section 94-8, "Payment," of the Code of the City of Deltona; Changing when Impact Fees are Paid and Conditions of Payment, for first reading. - Becky Vose, Legal Department \(407\) 448-0111.](#)

[Strategic Goal: City infrastructure improvement and related funding.](#)

Background:

Ordinance No. 20-2016 revises the regulations regarding the payment of impact fees; changing when impact fees are paid and the conditions of payment. Formerly, impact fees were due prior to certificate of occupancy, but under the new ordinance, they will be due upon issuance of building permit.

Attachments: [Ordinance No. 20-2016](#)

- F. [Request for approval of the 2016-2017, 2017-2018 and 2018-2019 SHIP Local Housing Assistance Plan - Resolution No. 2016-14 - Chris Bowley, Planning and Development Services \(386\) 878-8602](#)

[Strategic Goal: Fiscal Issues, Maintain On-going Grants.](#)

Background:

The City is an entitlement community and receives funds from the Florida Housing Finance Corporation (FHFC) through the Strategic Housing Initiatives Partnership (SHIP). Every local government that participates in the SHIP program is required to adopt a Local Housing Assistance Plan (LHAP). An LHAP contains strategies that outline how SHIP money can be allocated within an entitlement community. This is what has been done for the three (3) years the City has received the funds.

The FHFC requires that a local government LHAP be updated every three years. The intent is to ensure a plan does not become stale and it reflects current community values. To adhere to the FHFC LHAP update requirement, City staff has proposed changes to the Deltona LHAP. These changes have also been reviewed by the City Affordable Housing Advisory Committee (AHAC) and the AHAC recommends that the City Commission approve the updated LHAP and transmit the LHAP to the Florida Housing Finance Corporation for Review.

A copy of the updated LHAP is attached. The updated LHAP represents a significant rewrite with some fundamental changes including a new format. Ideally, the new LHAP would have been presented in an underline and strikethrough style. However, it was not feasible to present the changes in an underline and strikethrough style due to the required format change. In an effort to assist in the review of the revised document, major changes to the LHAP are

summarized as follows:

- 1) Format has changed to comport with the style preferred by the FHFC;
- 2) The Acquisition and Rehabilitation of Homes strategy has been eliminated. This strategy was intended to bolster the City Neighborhood Stabilization Program (NSP). However, NSP is coming to a close and this strategy is no longer needed;
- 3) Addition of two new strategies to include Rental Assistance and a Central Sewer Assistance. The Rental Assistance strategy is intended to help people that may be behind on rent to help avoid housing loss. The Central Sewer strategy will help low income individuals defray the costs of central sewer connection if and when such an event comes to fruition. In addition, the Rental Assistance strategy will promote homeless prevention which is a major City goal; and
- 4) Other changes to existing strategies to provide clarification or ease implementation.

Attachments:

[LHAP 2017-2019 Mar 18](#)

[Exhibit A - Admin Budget 2017-2019](#)

[Exhibit B - Timeline for SHIP Expenditures](#)

[Exhibit C - Housing Delivery Goals Chart - 2017-2019](#)

[Exhibit D - 50-Certification Form - effective 10-2014](#)

[Exhibit E - Resolution LHAP 2017-2019](#)

[Exhibit F - Program Information Sheet 2017-2019](#)

10. OLD BUSINESS:

11. NEW BUSINESS:

- A. [Request for approval of the City of Deltona Fiscal Year \(FY\) 2016 HOPWA Grantee Re-Designation Agreement - Chris Bowley, Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Goal: Economic Development - Create more diversified and high-quality housing opportunities.](#)

Background:

The City of Deltona (City) qualifies as an 'entitlement community', as defined by the U.S. Department of Housing and Urban Development (HUD). HUD grant funds are often provided for Housing Opportunities for Person with AIDS (HOPWA) for statistical areas nationwide. The statistical area that the City is within is named for

the largest municipality, in this case the Deltona-Daytona Beach-Ormond Beach Municipal Statistical Area (MSA), and the HOPWA funds are intended to serve that entire area. Thus, our MSA includes all of Volusia and Flagler Counties and the FY2016 CDBG HOPWA funds total \$383,437 for that area.

A separate factor from the amount of funds, is the ability to effectively operate the HOPWA program. This entails administration of the funds, often performed by health experts. Thus, in past years, the City re-designated its HOPWA funds to the Florida Department of Health (Health Department) as the experts with the capacity and regional presence to serve City residents within the MSA. This has resulted in care being administered, as well as an intergovernmental partnership between the City, HUD, and the Health Department.

Based on the above, this proposal is to re-designate the FY2016 HOPWA allocation to the Health Department to continue that administrated care and partnership. As has been done in the past, the City through the attached agreement, also requests that the re-designated HOPWA funds be utilized within our MSA.

Attachments:

[2016 HOPWA Allocation Letter](#)

[HOPWA FY 2016 Re-Designation Agreement](#)

12. CITY ATTORNEY COMMENTS:

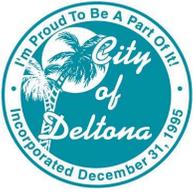
13. CITY MANAGER COMMENTS:

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

AGENDA ITEM: A.

TO: Mayor and Commission

AGENDA DATE: 4/18/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 3 - A

SUBJECT:

Invocation Presented by Commissioner Smith

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.

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

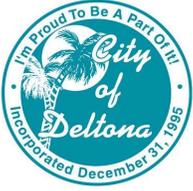
City Manager's Office

STAFF RECOMMENDATION PRESENTED BY:

N/A - Invocation Only

POTENTIAL MOTION:

N/A - Invocation Only



Agenda Memo

AGENDA ITEM: A.

TO: Mayor and Commission

AGENDA DATE: 4/18/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 4 - A

SUBJECT:

Approval of minutes - Regular Commission Meeting of April 4, 2016 - Joyce Raftery, City Clerk (386) 878-8502.

LOCATION:

N/A

BACKGROUND:

N/A

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

City Clerk's Office

STAFF RECOMMENDATION PRESENTED BY:

City Clerk Joyce Raftery - That the Commission approve the minutes of the Regular Commission Meeting of April 4, 2016.

POTENTIAL MOTION:

"I move to approve the minutes of the Regular Commission Meeting of April 4, 2016, as presented."



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, April 4, 2016

6:30 PM

Deltona Commission Chambers

1. CALL TO ORDER:

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

2. ROLL CALL – CITY CLERK:

Present: 8 - Commissioner Herzberg
Commissioner Schleicher
Commissioner Smith
Commissioner Soukup
Vice Mayor Nabicht
Mayor Masiarczyk
City Manager Shang
City Attorney Vose

Excused: 1 - Commissioner Honaker

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Silent Invocation Presented by Mayor Masiarczyk

Mayor Masiarczyk led everyone in a silent invocation and the pledge to the flag.

The National Anthem was sung by Bianca Castillo, a Galaxy Middle School 8th Grader.

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes - Regular Commission Meeting of March 21, 2016 - Joyce Raftery, City Clerk (386) 878-8502.

Motion by Commissioner Schleicher, seconded by Commissioner Herzberg, to approve the minutes of the Regular Commission Meeting of March 21, 2016, as presented. The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

5. PRESENTATIONS/AWARDS/REPORTS:

A. Proclamation - Water Conservation Month

Mayor Masiarczyk and the Commission presented a Proclamation to recognize the month of April as "Water Conservation Month" and to encourage each resident, visitor and business to help protect our precious resources by practicing water conservation measures and becoming more aware of the need to conserve water.

B. Proclamation - Recognition of Peggy Fisher

Mayor Masiarczyk and the Commission presented a Proclamation recognizing Margaret "Peggy" Fisher for her years of service to the residents of Deltona and Volusia County.

C. Presentation of Inductee to the Wall of Fame - Margaret (Peggy) Fisher and Thomas (Tom) Burbank.

Mayor Masiarczyk and the Commission presented Certificates of Recognition to Margaret "Peggy" Fisher and Thomas "Tom" Burbank for being appointed to the Deltona Wall of Fame.

D. Presentation - William S. Harvey Deltona Scholarship Award Certificates.

Mayor Masiarczyk and the Commission presented Certificates of Recognition to the 2016 William S. Harvey Deltona Scholarship Award recipients.

E. Super Star Student of the Month Certificates for March 2016

Mayor Masiarczyk and the Commission presented Certificates of Recognition to the Super Star Students of the Month for March, 2016.

Mayor Masiarczyk called for a brief recess at 7:03 p.m. and reconvened at 7:06 p.m.

6. CITY COMMISSION SPECIAL REPORTS:

Commissioner Herzberg stated she attended the annual luncheon on Tuesday for the Daytona State College Center for Woman and Men, Judge Judy Davidson was honored and she thanked everyone that participated. She stated this is the only west side program, the City is really working to promote the Fresh Start Program and to get students involved in the program. She stated if anyone needs any information regarding the program to contact the City or Daytona State College.

Mayor Masiarczyk stated about three (3) years ago the City of Deltona became a Sister City with the City of Sanford and that it was renewed. He stated he was invited along with the Mayor from DeBary to speak at the Heathrow Country Club last week, there was an exchange of ideas between the Mayors of Deltona, Lake Mary, Sanford and DeBary, he thanked everyone for participating and he looks forward to bigger and better things to come out of the alliance Deltona has with the cities in Seminole County.

7. PUBLIC FORUM: - Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.

None.

CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

8. CONSENT AGENDA:

None.

9. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 02-2016, Request to Amend the Deltona Welcome Center Business Planned Unit Development (BPUD) to a New BPUD for Lots 2 and 3, at second and final reading - Chris Bowley, Planning and Development Services, (386) 878-8602.

Strategic Goal: Economic Development: Work with existing businesses to expand/grow.

Motion by Commissioner Schleicher, seconded by Vice Mayor Nabicht, to adopt Ordinance No. 02-2016, amending Lots 2 and 3 of the Welcome Center Drive BPUD for a new BPUD, with the proposed changes to the Development Agreement, at second and final reading.

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

City Attorney Becky Vose read the title of Ordinance No. 02-2016 for the record.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, REZONING THE BUSINESS PLANNED UNIT DEVELOPMENT (BPUD) AS BPUD FOR LOT 2, DELTONA WELCOME CENTER, PER MAP BOOK 45, PAGE 17 AND LOT 3 DELTONA WELCOME CENTER REPLAT, PER MAP BOOK 50, PAGE 37, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOTALING APPROXIMATELY ±1.98 ACRES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Ordinance No. 02-2016 was adopted at 7:15 p.m.

B. Public Hearing - Racetrac Deltona Welcome Center Final Plat for Lots 2 and 3 (FP 15-004) - Chris Bowley, Planning and Development Services, (386) 878-8602.

Strategic Goal: Economic Development: Work with existing businesses to expand/grow.

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

Motion by Commissioner Herzberg, seconded by Vice Mayor Nabicht, to approve the Racetrac Deltona Welcome Center Final Plat for Lots 2 and 3 (FP 15-004). The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

C. Public Hearing - Gold Choice Assisted Living Facility Final Plat (FP 15-003) - Chris Bowley, Planning and Development Services, (386) 878-8602.

Strategic Goal: Economic Development.

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

Motion by Commissioner Schleicher, seconded by Commissioner Herzberg, to approve the Gold Choice Assisted Living Facility Final Plat (FP 15-003). The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

D. Public Hearing - Ordinance No. 04-2016; Land Development Code Amendment Phase III, at second and final reading - Chris Bowley, Planning and Development Services, (386) 878-8602.

Strategic Goal: Economic Development; Update the Economic Development Plan, including the Land Development Code (LDC).

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

Motion by Commissioner Herzberg, seconded by Vice Mayor Nabicht, to adopt Ordinance No. 04-2016, amending the Code of Ordinances Subpart B, Land Development Code, by adding, revising, and deleting certain provisions of Chapter 70 Section 30, "Definitions; Chapter 74, "Administration"; Chapter 75, "Site Plan"; Chapter 86, "Concurrency Management"; Chapter 94, "Impact Fees"; Chapter 96, "Improvements"; Chapter 98, "Natural Resources Protection"; Chapter 106, "Subdivisions"; and Chapter 110, "Zoning", as presented in Exhibit A, at this second and final reading.

City Attorney Becky Vose read the title of Ordinance No. 04-2016 for the record.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AMENDING CODE OF ORDINANCES SUBPART B, LAND DEVELOPMENT CODE, BY ADDING, REVISING, AND DELETING CERTAIN PROVISIONS OF CHAPTER 70, SECTION 30 "DEFINITIONS"; CHAPTER 74, "ADMINISTRATION"; CHAPTER 75, "SITE PLAN"; CHAPTER 86, "CONCURRENCY MANAGEMENT"; CHAPTER 94, "IMPACT FEES"; CHAPTER 96, "IMPROVEMENTS"; CHAPTER 98, "NATURAL RESOURCES PROTECTION"; CHAPTER 106, "SUBDIVISIONS"; AND CHAPTER 110, "ZONING"; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Ordinance No. 04-2016 was adopted at 7:21 p.m.

- E. Public Hearing - Ordinance No. 08-2016, Creating a new Article VII, "Fire Protection System", of Chapter 42, "Fire Prevention and Protection", of the Code of the City of Deltona, at second and final reading - Becky Vose, Legal Department, (407) 448-0111.**

Strategic Goal: Public Safety.

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

Motion by Vice Mayor Nabicht, seconded by Commissioner Schleicher, to adopt Ordinance No. 08-2016, creating a new Article VII, "Fire Protection System", of Chapter 42, "Fire Prevention and Protection", of

the Code of the City of Deltona, at second and final reading.

City Attorney Becky Vose read the title of Ordinance No. 08-2016 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, CREATING A NEW ARTICLE VII, "FIRE PROTECTION SYSTEM", OF CHAPTER 42, "FIRE PREVENTION AND PROTECTION", OF THE CODE OF THE CITY OF DELTONA; PERTAINING TO FIRE PROTECTION SYSTEMS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Ordinance No. 08-2016 was adopted at 7:23 p.m.

F. Public Hearing - Resolution No. 2016-15, Request for Approval to Transfer General Fund Appropriations from the Parks and Recreation Department to the Law Enforcement Department Budget for Certain Building Repairs - Robert Clinger, Finance, (386) 878-8552.

Strategic Goal: Infrastructure

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

Motion by Commissioner Herzberg, seconded by Commissioner Smith, to approve Resolution No. 2016-15, Request for Approval to Transfer General Fund Appropriations from the Parks and Recreation Department to the Law Enforcement Department Budget for Certain Building Repairs.

Mayor Masiarczyk read the title of Resolution No. 2016-15 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA; AMENDING THE ANNUAL GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016 BY TRANSFERRING APPROPRIATIONS BETWEEN DEPARTMENTS; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Resolution No. 2016-15 was adopted at 7:25 p.m.

G. Public Hearing - Resolution No. 2016-12 - Initial resolution to establish Lake McGarity Special Assessment District - Becky Vose, Legal Department (407) 448-0111

Strategic Goal: Public Safety/Beautification

Mayor Masiarczyk opened the public hearing.

Jay Barfield, CEO for Allied Group USA Inc., 5315 N. Lake Burkett Lane, Winter Park, spoke about a nonchemical way of cleaning the lake by removing the food source and he is asking the Commission to consider this way of doing the lake clean-up and adding the word "Nonchemical" into the Resolution.

Barbi Landt, 1205 Portillo Court, Deltona, spoke about the majority of the residents wanting the lake to be cleaned up so it can be used again and there were 10 residents that voted no and 89 residents that voted yes.

Dave Pasch, 958 Rosetta Court, Deltona, spoke about calling nine (9) real estate agents regarding the sales price of homes on or off the lake and it varied and that his taxes have not gone down with the quality of the lake.

Gary Witzke, 1358 West Portillo Drive, Deltona spoke about being opposed to the lake treatment and concerned residents are more concerned about the recreational use of the lake instead of the lake quality.

Mayor Masiarczyk closed the public hearing.

Motion by Vice Mayor Nabicht, seconded by Commissioner Herzberg, to adopt Resolution 2016-12, the initial resolution to establish the Lake McGarity Special Assessment District, and to direct the City Manager to take the required steps prior to the final resolution establishing the district on May 2, 2016.

Mayor Masiarczyk read the title of Resolution No. 2016-12 for the record.

A RESOLUTION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA PERTAINING TO A SPECIAL ASSESSMENT DISTRICT FOR AQUATIC WEED CONTROL OF LAKE MCGARITY; DESCRIBING THE AQUATIC WEED CONTROL SERVICES ("SERVICES") TO BE PROVIDED; ESTIMATING THE COST OF THE SERVICES TO BE ASSESSED; DESCRIBING THE METHOD OF APPORTIONING THE ASSESSED COSTS OF THE SERVICES AND THE COMPUTATION OF THE ASSESSMENT FOR SPECIFIC PROPERTIES; PROVIDING A SUMMARY DESCRIPTION OF THE PARCELS OF PROPERTY RECEIVING A SPECIAL BENEFIT FROM THE PROVISION OF THE SERVICES; ESTABLISHING AN ASSESSMENT RATE FOR THE UPCOMING FISCAL YEAR; DIRECTING THE CITY MANAGER TO

PREPARE THE INITIAL ASSESSMENT ROLL, PUBLISH THE NOTICE REQUIRED BY SECTION 54-12 OF THE CODE OF ORDINANCES AND MAIL THE NOTICE REQUIRED BY SECTION 54-13 OF THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Resolution No. 2016-12 was adopted at 7:56 p.m.

- H. **Public Hearing - Approval of Resolution No. 2016-04, authorizing condemnation proceedings for the acquisition of two (2) parcels of land for the successful completion of stormwater improvements to the City's stormwater system on Tivoli Drive - Becky Vose, Legal Department (407) 448-0111.**

Strategic Goal: Fiscal Issues - Transportation/CIP (Tivoli Drive expansion).

Motion by Commissioner Herzberg, seconded by Commissioner Schleicher, to approve Resolution No. 2016-04.

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

Mayor Masiarczyk read the title of Resolution No. 2016-04 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA; RELATING TO THE ACQUISITION OF CERTAIN PROPERTIES FOR THE SUCCESSFUL COMPLETION OF STORMWATER IMPROVEMENTS TO THE CITY'S STORMWATER SYSTEM ON TIVOLI DRIVE; APPROVING ACQUISITION OF PARCEL NOS. 8130-07-44-0200 AND 8130-07-44-0210, BY GIFT, PURCHASE OR EMINENT DOMAIN, FOR THE PURPOSE OF STORMWATER IMPROVEMENTS; PROVIDING FOR AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Resolution No. 2016-04 was adopted at 7:59 p.m.

11. NEW BUSINESS:

None.

10. OLD BUSINESS:

None.

12. CITY ATTORNEY COMMENTS:

None.

13. CITY MANAGER COMMENTS:

None.

14. CITY COMMISSION COMMENTS:

a. Commissioner Soukup thanked Commissioner Honaker for putting the Relay For Life car wash fundraiser together. He stated there are students at Galaxy Middle School going to the national competition for science, the Science Olympiad and he encouraged everyone to participate in their dinner fundraiser at Galaxy Middle School on April 29th at 6:00 p.m.

b. Commissioner Herzberg thanked Commissioner Honaker and Top Shelf car wash for the Relay For Life fundraiser and she encouraged everyone to participate in the Relay For Life event on May 14th or to support the event in some way. She thanked the residents for their participation on the Lake McGarity Taxing District, this is the way public service and democracy and working with the community should work by being open minded and making things work for the community.

c. Commissioner Schleicher thanked Commissioner Honaker for putting the Relay For Life car wash fundraiser together and she thanked Commissioner Soukup and Herzberg for washing her car. She recognized Peace Lily Corporation of Orange City for donating lilies to the classrooms of Discovery Elementary School to help clean the air in the school, that research has shown that plants calm down students in order to help them learn better and to teach kids how to take care of plants. She honored Deltona Lakes Elementary School and she gave a brief history of the school.

d. Commissioner Smith stated there was an article in the paper regarding the Brannon Center in New Smyrna, the Commission had a discussion regarding the proposed Community Center and the Events Manager position and she suggested to City Manager Shang reaching out to them to see how they are handling things.

e. Mayor Masiarczyk stated the Commission has a presentation, the Commissioner works well together and he stated has never been prouder to work with a Commission than this current one. At the Mayor's direction the entire Commission stood up and did a brief presentation for City Manager Shang of "Trash, it goes in the bin".

Mayor Masiarczyk stated he, City Manager Shang and Commissioner Schleicher attended a service that was done for the four chaplains and he stated that one of the chaplains had a pin on that had the Star of David on it with a cross in the center and he

presented one of the pins to Commissioner Schleicher and to City Manager Shang.

Commissioner Soukup stated it is nice to have Vice Mayor Nabicht here and healthy. Mayor Masiarczyk stated Saturday he visited Vice Mayor Nabicht in the hospital, but that he was okay tonight.

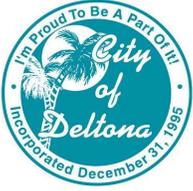
15. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:12 p.m.

John C. Masiarczyk, Sr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK



Agenda Memo

AGENDA ITEM: A.

TO: Mayor and Commission

AGENDA DATE: 4/18/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 5 - A

SUBJECT:

Recognition to Christian Estridge, Ricky Dobbyn and Malachi Walters who were chosen to participate in the DMAXX All-American Youth Football Bowl Game in New Rochelle, New York.

LOCATION:

N/A

BACKGROUND:

Deltona residents, Christian Estridge, Ricky Dobbyn and Malachi Walters were selected from athletes around the country to play in the DMAXX All-American Youth Football Bowl Game in New Rochelle, New York. This elite event will take place June 29th - July 3rd and there are 2 teams consisting of 25 members per team for grades 3rd through 8th. Christian will play center and Ricky will play quarterback for the 4th grade. Malachi will play quarterback for the 3rd grade.

Christian and Ricky attend Spirit Elementary and Malachi attends Sunrise Elementary.

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

City Manager's Office

STAFF RECOMMENDATION PRESENTED BY:

N/A - Recognition Only

POTENTIAL MOTION:

N/A - Recognition Only

Certificate of Recognition



Presented to

Christian Estridge

D-MAXX ALL-AMERICAN YOUTH FOOTBALL CENTER

In recognition for being selected as center for the 4th grade team
in the D-MAXX All-American Youth Football Bowl Game

John Masiarczyk, Mayor

April 18, 2016

Date

Certificate of Recognition



Presented to

Ricky Dobbyn

D-MAXX ALL-AMERICAN YOUTH FOOTBALL QUARTERBACK

In recognition for being selected as quarterback for the 4th grade team
in the D-MAXX All-American Youth Football Bowl Game

John Masiarczyk, Mayor

April 18, 2016

Date

Certificate of Recognition



Presented to

Malachi Walters

D-MAXX ALL-AMERICAN YOUTH FOOTBALL QUARTERBACK

In recognition for being selected as quarterback for the 3rd grade team
in the D-MAXX All-American Youth Football Bowl Game

John Masiarczyk, Mayor

April 18, 2016

Date



Agenda Memo

AGENDA ITEM: B.

TO: Mayor and Commission

AGENDA DATE: 4/18/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 5 - B

SUBJECT:

Recognition to Brielle Walker - State of Florida Goodwill Ambassador for the Muscular Dystrophy Association

LOCATION:

N/A

BACKGROUND:

Brielle, a vivacious seventeen-year-old from Deltona, FL, has been named State Goodwill Ambassador for the Muscular Dystrophy Association.

As the new State Goodwill Ambassador, Brielle will make public appearances throughout the state, representing kids and adults with muscular dystrophy, ALS and related life-threatening diseases that severely weaken muscle strength and mobility in Florida.

In Brielle's new role, she will be essential in motivating the public to support MDA's mission by donating funds and raising awareness to help provide families with life-saving resources and support that will open new possibilities - so that individuals just like her can live longer and grow stronger.

Brielle is the daughter of Natasha Durham. She was diagnosed with Facioscapulohumeral Muscular Dystrophy (FSHD) at the age of eleven. FSHD is one of the muscle diseases covered by MDA's research and care programs.

Brielle's passions include art, government, and social issues. She hopes to study sociology after high school. Brielle enjoys attending the MDA Gala. She loves rock climbing and swimming at camp and has been an MDA camper since 2012. She loves to travel and has seen most of the East Coast. One day she plans to run for city council.

The MDA State Goodwill Ambassador program helps put a face on MDA's mission by calling upon individuals affected by muscle-debilitating diseases to share their personal stories and inspiring support of MDA. Former ambassadors have grown up to fulfill life goals and achieve distinction, earning advanced degrees and making their marks as successful business professionals. Many continue in volunteer roles for MDA, serving on various committees on public awareness and appearing at large events to tell MDA's story of progress.

COST:

N/A

AGENDA ITEM: B.

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

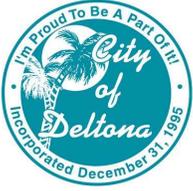
City Manager's Office

STAFF RECOMMENDATION PRESENTED BY:

N/A - Recognition Only

POTENTIAL MOTION:

N/A - Recognition Only



Agenda Memo

AGENDA ITEM: C.

TO: Mayor and Commission

AGENDA DATE: 4/18/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 5 - C

SUBJECT:

Presentation - Quarterly Reports of City Advisory Boards/Committees - Joyce Raftery, City Clerk (386) 878-8502.

LOCATION:

N/A

BACKGROUND:

Quarterly Reports of City Advisory Boards/Committees:

1) Parks and Recreation Advisory Committee - (Written Report Only)

- Senior Advisory Sub-Committee
- Youth Advisory Sub-Committee
- Citizen Accessibility Advisory Sub-Committee

2) William S. Harvey Deltona Scholarship Advisory Report - (Written Report Only)

3) Affordable Housing Advisory Committee - (Written Report Only)

4) Ordinance Review Committee - (Written Report Only)

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

City Clerk's Department

STAFF RECOMMENDATION PRESENTED BY:

N/A - Presentation Only.

POTENTIAL MOTION:

N/A - Presentation Only.

**PARKS & RECREATION DEPARTMENT
QUARTERLY REPORT
JANUARY, FEBRUARY, MARCH 2016**

Parks & Recreation Advisory Board

First quarter:

- There was no meeting this quarter.

Citizen Accessibility Advisory Sub-Committee

First quarter:

- This sub-committee met in January and continued brain-storming accessibility issues.
- There was no more meeting for this quarter.

Youth Advisory Sub-Committee

First quarter:

- There was no meeting this quarter.

Senior Advisory Sub-Committee

First quarter:

- This sub-committee met in January and discussed the upcoming Sweetheart Italian Dinner on February 6th. Mr. Moore did a brief overview of the new community center being planned.
- This sub-committee met in March. They did a wrap-up of the dinner and brainstormed other senior projects.

Respectfully submitted,
Steve Moore, Director
Parks and Recreation Department

William S. Harvey Deltona Scholarship Advisory Board

Quarterly Report

The William S. Harvey Deltona Scholarship Advisory Board met on Thursday March 10, 2016 at 6PM.

- The Board reviewed and recommended two (2) additions to the Wall of Fame – Margaret (Peggy) Fisher and Thomas (Tom) Burbank.
- The Board discussed and ranked scholarship applications based on the total average scores and recommended awarding scholarships to 25 applicants.
- The Board discussed and recommended adding to the application that “high school” transcripts are a requirement even if the applicant is currently enrolled in college.

Elizabeth Keys, Board Secretary – March 11, 2016



City of Deltona

FIRST QUARTER 2016 AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC) REPORT

MEETING DATES:

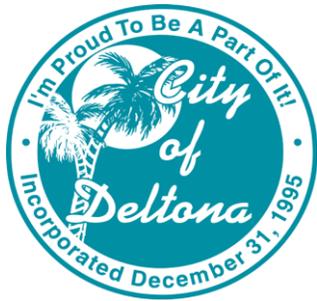
AHAC Committee meetings were held on January 26, March 1 (meeting cancelled-no quorum), and March 15th 2016.

ITEMS HEARD AT THE AHAC MEETINGS:

- 1.) Reviewed the City of Deltona's Local Housing Assistance Plan (LHAP). The LHAP is a State Housing Initiative Program (SHIP) planning document that is required to be submitted to Florida Housing every three (3) years.
- 2.) Reviewed recommendations and changes to the updated LHAP. A motion was made to recommend that the City Commission approve and transmit the 2017-2019 LHAP to the State.
- 3.) The Committee discussed and approved combining the social services meetings with the AHAC committee meetings throughout the coming year.

DISSUSSIONS/FUTURE ACTIONS:

The AHAC members responded favorably to the suggestion, that the City Commissioners be presented with a plan to combine the Social Service meetings with the AHAC committee meetings. AHAC members will meet with Attorney Wade Vose, Esq. in April. Mr. Vose will present Sunshine Law and Roberts Rules of Orders as it relates to the inclusion of the social services meetings with the AHAC committee meetings. The AHAC members, with staff's assistance, will compile a list of topics to be discussed and goals to be achieved by the AHAC board and the social services entities.



City of Deltona

FIRST QUARTER (1st) 2016 ORDINANCE REVIEW COMMITTEE REPORT

MEETING DATES:

An Ordinance Review Committee (Committee) meeting was held on January 7 and March 3, 2016. There was no meeting on February 4, 2016.

ITEMS HEARD AT THE ORDINANCE REVIEW COMMITTEE MEETINGS:

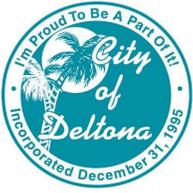
ORDINANCES & ASSOCIATED RESEARCH REVIEWED	2
DISCUSSIONS/ORIENTATION/ELECTIONS	1

- A. **Ordinance No. 09-2015, Amending Section 110-806, Fences, Walls, and Hedges.**
The Committee voted to amend Section 110-806 of the Land Development Code to not only include language addressing clear sight distances at the intersection of sidewalks and driveways, but also the percentage of opacity in relation to fences, walls, and hedges in relation to golf course and waterfront lots, their height in general, and clarification on where the screening material is measured from.
- B. **Section 110-828, Off-Street Parking and Loading Regulations.**
The Committee began discussion on addressing off-street parking regulations in Section 110-828 of the Land Development Code as it pertains to residential lots and the retrofit of residential lots in the various range of platting and physical conditions to accommodate uniform regulations City-wide. Discussion is continuing into the next quarter, so that specific regulation recommendations can be proposed in an ordinance format.

DISCUSSIONS/ORIENTATION/ELECTIONS:

- A. **By the Board.**
Due to the resignation of Chairman Latham, the Committee nominated Member Roberts and retained Member Kihlmire as the Vice Chair. There is no Secretary Officer position. The City Commission will be appointing a replacement to the Committee at the March 21, 2016, City Commission public hearing.
- B. **By the City Attorney:**
None

C. **By Planning & Development Services Staff:**
None



Agenda Memo

AGENDA ITEM: A.

TO: Mayor and Commission

AGENDA DATE: 4/18/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 9 - A

SUBJECT:

Public Hearing - Ordinance No. 09-2015, Amending Section 110-806 of the Land Development Code for Fences, Walls, and Hedges, at first reading - Chris Bowley, Planning and Development Services, (386) 878-8602.

Strategic Goal: Economic Development: Update the Economic Development Plan including the Land Development Code (LDC).

LOCATION:

City-wide

BACKGROUND:

In 2015, the City Commission created the Ordinance Review Committee (ORC) to review specific ordinances that they direct to the ORC. The first item for ORC review was Ordinance No. 09-2015, which amends Section 110-806 of the LDC pertaining to fences, walls, and hedges. The initial concept was to focus on hedge heights within front yards, particularly how they relate to visibility between the sidewalk and driveway for public safety. The ORC reviewed the ordinance and made recommendations that also apply to the entire lot, specifically screen material height and opacity percentage (see attached). On February 22, 2016, Ordinance No. 09-2015 was also reviewed by the City Commission at their workshop and additional recommendations were made to the ordinance. On March 16, 2016, the Planning and Zoning Board review both the ORC and City Commission recommendations and unanimously voted to recommend adoption of the ordinance by the City Commission.

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

Planning and Development Services

STAFF RECOMMENDATION PRESENTED BY:

Chris Bowley, Director, Planning and Development Services - Staff recommends that the City Commission approve Ordinance No. 09-2015, as amended, at first reading.

AGENDA ITEM: A.

POTENTIAL MOTION:

“I hereby move to approve Ordinance No. 09-2015, as amended, at first reading.”

ORDINANCE NO. 09-2015

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTION 110-806, "FENCES, WALLS, AND HEDGES," OF ARTICLE VIII, "SUPPLEMENTARY REGULATIONS", OF CHAPTER 110 "ZONING", OF THE LAND DEVELOPMENT CODE OF THE CITY OF DELTONA; PROVIDING FOR AMENDMENTS ADDRESSING STRUCTURAL HEIGHT, DEFINITION, OPACITY, AND PUBLIC SAFETY; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Deltona adopted Article VIII, Supplementary Regulations, and Chapter 110, Zoning, as its "Zoning Code"; and

WHEREAS, the City of Deltona has included Chapter 110, Zoning, within the Land Development Code; and

WHEREAS, Section 110-806, "Fences, Walls and Hedges", of Article VIII, "Supplementary Regulations", of Chapter 110, "Zoning", of the Land Development Code shall be amended to address the maximum allowable height and opacity percentage for fences, walls, and hedges, and increased public safety, a strategic goal within the City of Deltona.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1. The Ordinance for Section 110-806, "Fences, Walls and Hedges", of Article VIII, "Supplementary Regulations", of Chapter 110, "Zoning", of the Land Development Code of the City of Deltona, is hereby amended to read, as follows:

Sec. 110-806. - Fences, walls and hedges.

(a) Purpose and intent. Fences, walls, and hedges are a recognized method to establish property boundaries, provide a level of privacy and security, and contain domesticated animals. However, fences, especially along roads, can alter the streetscape, where vistas associated with the open space and natural characteristics of the city are diminished. In addition, fencing along roads can harmfully impact pedestrian and motorist safety by

impeding sightlines and visibility. The requirements of this section are intended to ensure that the benefits of fencing, walls, and hedges remain an option, while protecting the scenic characteristics of the city and maintaining a level of safety for the traveling public.

(b) A fence permit is required prior to building or installing any fence or wall within the City of Deltona.

(c) Walls erected in accordance with this section shall meet the requirements of the Florida Building Code, as amended.

(d) Materials.

(1) Fences or walls may be constructed of wood, chain link, masonry, concrete, vinyl, or wrought iron and with a uniform percentage of opaqueness. It shall be the homeowner's responsibility to maintain fences, walls, and hedges on their property.

(2) Agricultural fencing along the perimeter of a property, such as razor wire, barbed wire, chicken wire, and electric fences are prohibited in residential zoning districts or for development; with the exception that electric fences to contain horses are permitted in the RE-5 and RE-1 zoning districts, where lots are 2.45 acres or larger and horses are present on the lots.

(e) Height and setback requirements. The measurement of fence, wall, and hedge height shall be taken from the natural contour of the ground of adjoining lots or the particular lot above the natural grade and relative to adjoining properties (whichever is lower). Refer to section 70-30 (Definitions) for graphic illustration of yard areas. For fence height and setback requirements on waterfront and golf course lots, refer to section 110-806(g).

(1) Front yard. Fences, walls, and hedges no higher than ~~four (4)~~ five (5) feet may be erected, placed, or maintained within any front yard and a minimum six (6) foot visibility triangle be maintained from the intersection of a sidewalk and a driveway.

(2) Rear yard. Any fence or wall constructed along the rear property line shall not exceed six (6) feet in height. ~~For fence height and setback requirements on waterfront and golf course lots, refer to section 110-806(g).~~

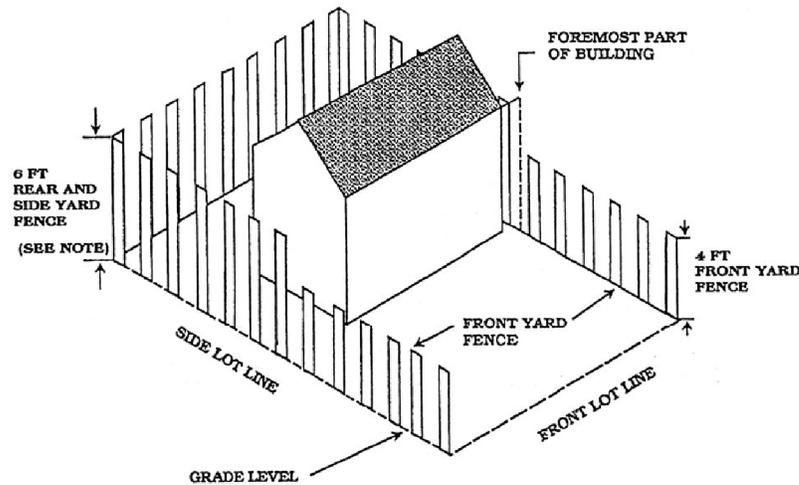
(3) Side yard. Any fence or wall constructed along a side lot line between properties shall not exceed six (6) feet in height.

(4) Side street yard. Any fence or wall constructed along a side street yard shall not exceed six (6) feet in height and may be placed within the side street yard, as allowed below, in order to facilitate greater use of the yard.

- a. The nearest exterior wall of the dwelling;
 - b. The side street setback line; or
 - c. The side street accessory structure setback line for the R1-AAA, AA, A, and R1, per section 110-307(e).
- (f) ~~Residential~~ ~~f~~ Fences shall be constructed with the finished side facing outward from the property. Fence posts and support beams shall be on the side of the fence facing away from the neighboring property.
- (g) Fences, walls, and hedges on waterfront, or golf course lot. ~~On waterfront or golf course properties, f~~ Fences, walls, and hedges constructed along the rear or side yard property/lot line and within that portion of the side lot lines located within the rear yard shall comply with the following on a waterfront or golf course lot, shall be of uniform height and opacity along the property perimeter. Fences, walls, and hedges shall not exceed six (6) feet in height if it has less than 25 percent opacity; and shall not exceed four (4) feet in height if it has 25 percent or greater opacity, as measured from above natural grade.
- ~~(1) Up to four (4) feet in height: Fences, walls, and hedges constructed on a waterfront or golf course lot with opacity of 25 percent or more shall not exceed four (4) feet in height, above natural grade.~~
 - ~~(2) Up to six (6) feet in height: Fences, walls, and hedges constructed on a waterfront or golf course lot with an opacity of 25 percent opacity or less shall not exceed six (6) feet in height, above natural grade.~~
 - ~~(3) Fences shall be built with a uniform percentage of opaqueness.~~
- (h) Fences, walls, and hedges on vacant lots. On vacant lots, the permitted fencing is the same as that for developed lots in the same zoning district. On vacant corner lots, fences, walls, and hedges shall be located only within the minimum allowable setback area. If a dwelling is added later, the fence, wall or hedge may need to be relocated with possible height adjustments to meet code requirements.
- (i) Non-conforming fences. Unless it is integral or a necessary part of another structure, whether principal or accessory, at such time that an entire fence on a property is destroyed or planned to be replaced, the property owner shall obtain a building permit and locate the new fence in accordance with the provisions of the City Code. In cases where the fence is integral or a necessary part of the structure noted above, the type, size, and location of the fence may be replaced in-kind.
- (j) The above regulations also apply to residential uses within non-residential zoning districts.

(k) This section shall not be applied to any agricultural, commercial, industrial, resource protection (RP), public (P) use classifications, or any publicly used property.

FENCING REQUIREMENTS



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. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DELTONA, FLORIDA THIS _____ DAY OF _____, 2016.**

First Reading: _____

Advertised: _____

Second Reading: _____

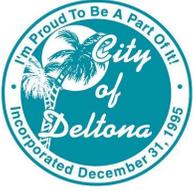
BY: _____
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

JOYCE RAFTERY, CMC, MMC, 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

AGENDA ITEM: B.

TO: Mayor and Commission

AGENDA DATE: 4/18/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 9 - B

SUBJECT:

Public Hearing - Ordinance No. 12-2016, Comprehensive Plan Amendment adding Tivoli Drive between Saxon Blvd. and Providence Blvd., to the City's Thoroughfare Map, at first reading - Chris Bowley, Planning and Development Services, (386) 878-8602.

Strategic Goal: Fiscal Issues: Transportation/CIP (i.e. Tivoli Drive Expansion).

LOCATION:

Tivoli Drive between Saxon Blvd. and Providence Blvd.

BACKGROUND:

The expansion of Tivoli Drive has been a long-standing discussion by past City Commissions to the extent that construction plans were begun and not completed. There was also discussion about that expansion receiving transportation planning organization (TPO) or other grant funding. No alternative funding can occur without the roadway being placed on the City's Thoroughfare Map within its Comprehensive Plan as a long-range project. Ordinance No. 12-2016 and supplemental documents (see attached) are for a policy decision. This project is one of several submitted to the River to Sea TPO to receive funding. Inclusion of this segment of Tivoli Drive on the City's Thoroughfare Map makes it eligible to receive TPO or other agency funding. As proposed, the rational nexus for widening Tivoli Dr. is a response to continued growth in Deltona and the importance of Tivoli Dr. as a regional-serving road to the area roadway network. Finally the Planning and Zoning Board reviewed this application at their March 16, 2016, public hearing and voted 3-3 (for and against, with one member absent) on the ordinance.

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

Planning and Development Services

STAFF RECOMMENDATION PRESENTED BY:

Chris Bowley, Director, Planning and Development Services - Staff recommends that the City Commission approve Ordinance No. 12-2016, adding Tivoli Drive between Saxon Blvd. and Providence Blvd., to the City's Thoroughfare Map, at first reading.

AGENDA ITEM: B.

POTENTIAL MOTION:

“I hereby move to approve Ordinance No. 12-2016, adding Tivoli Drive between Saxon Blvd. and Providence Blvd., to the City’s Thoroughfare Map, at first reading.”

ORDINANCE NO. 12-2016

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE THOROUGHFARE ROADWAY SYSTEM 2025 MAP, THE ROADWAY NUMBER OF LANES 2025 MAP, AND THE ROADWAY NUMBER OF LANES TABLE OF DELTONA'S COMPREHENSIVE PLAN BY ADDING THE SEGMENT OF TIVOLI DRIVE FROM PROVIDENCE BOULEVARD TO SAXON BOULEVARD AS A THOROUGHFARE; FINDING CONFORMITY WITH STATE STATUTES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELTONA; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Deltona has adopted a Comprehensive Plan through its Ordinance No. 32-98 and subsequent amendments thereto; and

WHEREAS, the Deltona Planning and Zoning Board acting as the local planning agency, held a public hearing on March 16, 2016, to consider said Comprehensive Plan amendment; and

WHEREAS, the transmittal and adoption public hearings on the proposed Comprehensive Plan Map amendment hereinafter described were duly advertised and held by the City Commission of the City of Deltona, and at such hearings interested parties and citizens for and against the proposed plan amendments were heard; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AS FOLLOWS:

SECTION ONE: This Ordinance is adopted in conformity with and pursuant to the Local Government Comprehensive Planning and Land Development Regulation

Act, Sections 163.3161 et. seq., and the Municipal Home Rule Powers Act, Sections 166.011 et. seq.

SECTION TWO: The Thoroughfare Roadway System 2025 Map of the City of Deltona is hereby amended to show Tivoli Drive from Providence Boulevard to Saxon Boulevard as thoroughfare, as depicted in **Exhibit A**.

SECTION THREE: The Roadway Number of Lanes 2025 Map of the City of Deltona is hereby amended to show Tivoli Drive from Providence Boulevard to Saxon Boulevard as a four lane road, as depicted in **Exhibit B**.

SECTION FOUR: The Roadway Number of Lanes Table 1 is hereby amended to add Tivoli Drive from Providence Boulevard to Saxon Boulevard, as depicted in **Exhibit C**.

SECTION FIVE: Any and all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION SIX: If any provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, the invalidity shall not affect other, provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION SEVEN: Effective Date. This Ordinance shall become effective immediately upon issuance of a certificate of consistency by the Volusia Growth Management Commission and by the issuance of a Notice of Intent by the Florida

Department of Economic Opportunity as provided in Sections 163.3184 and 163.3189,
Florida Statutes.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY
OF DELTONA, FLORIDA, THIS _____ DAY OF _____ 2016.**

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

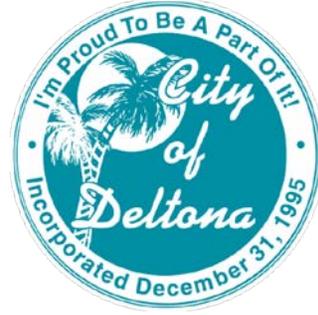
BY: _____
JOHN C. MASIARCZYK, SR., Major

ATTEST:

JOYCE RAFTERY, CMC, MMC, City Clerk

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

GRETCHEN R.H. VOSE, City Attorney



Staff Report

To: Planning and Zoning Board

From: Ron A. Paradise, Assistant Director Planning and Development Services

Date: February 24, 2016

Re: Comprehensive Plan Amendment, Ordinance No. 12-2016

A. Summary of Application: The request to amend the City of Deltona Comprehensive Plan to add a 0.8 mile segment of Tivoli Dr. between Saxon Blvd. and Providence Blvd. on the City Thoroughfare Map as a Principal Arterial and recognize the road as a future four lane facility on both the Comprehensive Plan Number of Lanes Map and Roadways Number of Lanes Table.

Applicant: City of Deltona

Request:

Property Location: 0.8 mile segment of Tivoli Dr, located between Saxon Blvd. and Providence Blvd.

B. Existing Zoning: Most of the corridor of Tivoli Dr. is zoned R-1. There is a C-1 zoned area located at the intersection of Tivoli Dr. and Providence Blvd.

C. Background:

Tivoli Dr. is located in the center of the City and extends from Providence Blvd. to Normandy Blvd. However, this Comprehensive Plan amendment covers only the segment of Tivoli Dr. located between Saxon Blvd. and Providence Blvd. because of the existing volumes of traffic on that segment at certain times of the day. The subject segment of Tivoli Dr. was platted as part of Unit 7 and Unit 14 of the Deltona Lakes subdivision in the early 1960's. Tivoli Dr. was platted as a 70' wide right of way but a two lane roadway was constructed which is still in use today. The subject segment of Tivoli Dr. is depicted on the attached location map.

Most of the local roads in Deltona feature 60' right of way widths. The 70' right of way width indicates that the subject segment of Tivoli Dr. was intended to be improved/expanded to support future transportation needs as the community grew. Notwithstanding there was anticipation the subject segment of Tivoli Dr. would be improved beyond just a two lane facility, the majority of Tivoli Dr. is flanked by individual residential lots with individual driveway cuts onto the road. The only non-residential land uses along the subject segment of Tivoli Dr. are the commercial corners located at the Tivoli Drive and Providence Blvd. intersection.

Tivoli Dr., as platted, was contemplated as an east/west connection between two major thoroughfares – Saxon Blvd. and Providence Blvd. Originally, Tivoli Dr. provided access to I-4 via Deltona Blvd. for development occurring along the Providence and Ft. Smith Blvd. corridors. Currently, Tivoli Dr. represents a connection to shopping and service venues developed along Saxon Blvd. extending into the Orange City area. Tivoli Dr. is also used as an alternative access to Spirit Elementary School. Growth and development in the vicinity of the subject Tivoli Dr. segment has and will impact Tivoli Dr. Examples include the new Wal-Mart Neighborhood Center, ancillary retail space near the Wal-Mart, and the Florida Hospital medical clinic. Bethune Cookman University has established an auxiliary campus within an existing office complex located off of Saxon Blvd. near the Tivoli Dr. and Saxon Blvd. intersection. New residential activity such as Lake Baton Estates is also occurring near the Saxon Blvd. to Providence Blvd. segment of Tivoli Dr. In addition, there is other vacant land entitled for residential uses in the vicinity of the subject segment of Tivoli Dr. which will, when developed, generate additional trips onto Tivoli Dr.

In the 1990's, the Saxon Blvd./I-4 interchange was constructed providing another much needed Deltona outlet to the interstate. The interchange development was also associated with Saxon Blvd. being upgraded to five lanes between Tivoli Dr. and the interchange. The direct connection to Interstate 4 and greatly enhanced mobility afforded by the Saxon Blvd. lane expansion has led to an increased reliance on Tivoli Dr. for internal traffic circulation.

These dynamics, in conjunction with high population growth rates within the City has created a condition where traffic congestion, especially during am and pm peak hours is common, and typically manifests as lengthy traffic queues at the signalized intersections of Tivoli Dr. and Providence Blvd. and Saxon Blvd. Traffic congestion is further exacerbated by a plethora of residential driveway cuts and related turning maneuvers. Occurring at less frequent intervals, trash pick-up and mail delivery further complicate mobility along the subject segment of Tivoli Dr.

D. Support Information

Public Facilities:

- a. Potable Water: to be supplied by City of Deltona Utilities
- b. Sanitary Sewer: to be supplied by City of Deltona Utilities
- c. Fire Protection: Fire station on Providence Blvd. is the nearest fire station.
- d. Law Enforcement: Volusia County Sheriff's Office (VCSO)
- e. Electricity: N/A

E. Matters for Consideration:

Section 110-1101, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for amendments to the Comprehensive Plan:

1. Whether it is consistent with all adopted elements of the Comprehensive Plan.

Recognizing the subject segment of Tivoli Dr. as a four lane thoroughfare facility is intended to maintain and improve mobility within the City and is consistent with the Comprehensive Plan. The following provisions are applicable:

Policy T1-1.3

The City of Deltona shall maintain a City-wide network of thoroughfare and related transportation system corridors. 9J-5.019(4)(c)(4)

The purpose of this amendment to recognize Tivoli Dr. between Saxon Blvd. and Providence Blvd. as a four lane thoroughfare is an effort to maintain the City transportation network. The Tivoli Dr. Thoroughfare designation is intended to help ensure the City road network continues to operate effectively and efficiently.

OBJECTIVE T1-3

*The City of Deltona shall continue to coordinate with other local governments, the MPO, and other entities to provide a coordinated system of arterials, collectors, and local streets.
9J-5.019(4)(b)(3)*

The Federal Highway Administration considers the subject segment of Tivoli Dr. and as an 'Urban Major Collector' on the Federal Functional Highway Classification System. The "Urban Major Collector" designation implies the subject segment of Tivoli Dr. serves a greater function than just a local road. The

inclusion of the Tivoli Dr. segment between Saxon Blvd. to Providence Blvd. would further the above Objective.

2. Its impact upon the environment or natural resources.

The 0.8 mile segment of Tivoli Dr. proposed for inclusion as a thoroughfare extends through an area that is developed almost exclusively with detached dwellings on individual lots. Therefore, the impact on natural resources would be non-applicable.

3. Its impact upon the economy of any affected area.

Mobility is important to the economic well-being of any community. Recognizing the subject segment of Tivoli Dr. as a four lane thoroughfare will set the stage for improved access in the area which could enhance economic opportunity within various commercial nodes located within the City.

4. Notwithstanding the provisions of Article XIV of the Land Development Code, Ordinance No. 92-25 [Chapter 86, Code of Ordinances] as it may be amended from time to time, its impact upon necessary governmental services, such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.

a. Schools:

N/A

b. Sewage Disposal:

N/A

c. Potable Water:

N/A

d. Drainage:

All drainage will be designed and permitted consistent with City other applicable government regulations.

e. Transportation Systems

As has been mentioned, traffic along the subject segment of Tivoli Dr. has increased with much of the congestion driven by community population growth. According to 2015 traffic counts, the segment of Tivoli Dr. between Saxon Blvd. and Providence Blvd. supported 12,359 average annual daily trips (AADT). For comparison, in 2013 the same Tivoli Dr. segment was associated with 11,058 recorded AADT. The difference is represented by a 12% increase in trips.

Currently, the subject segment of Tivoli Dr. has almost exceeded the Comprehensive Plan level of service “D” for a local road (12,740 AADT) and will undoubtedly surpass the LOS “D” threshold in the very near future. This statement is predicated on City growth projections promulgated by the Shimberg Center for Housing, University of Florida. Table 1 below indicates future growth trends in the City through the 2025 planning horizon:

Table 1

Year:	2015	2020	2025
Total Population Deltona:	87,367	92,995	98,018
% Change from 2015 Population:	-----	6.4	12.2

Source: Shimberg Center for Housing, University of Florida

The above population projections suggest more traffic not only on the study segment of Tivoli Dr., but throughout the City as a whole. Therefore, to quantify future traffic demands on Tivoli Dr. between Saxon Blvd. and Providence Blvd. the trip ends were projected for two year intervals until 2025 utilizing a traffic growth rate (multiplier of 1.117). The 1.117 multiplier was derived from the 11.7% growth rate of traffic along the subject segment of Tivoli Dr. observed between 2013 and 2015. Table 2 below illustrates the projected trips on Tivoli Dr.

Table 2

Year:	2013	2015	2017	2019	2021	2023	2025
Projected Trips on Tivoli (1.117 Multiplier)	11,058	12,359	13,805	15,420	17,224	19,240	21,491

Source: City of Deltona Planning and Development Services

Table 2 above indicates, that by 2017, the segment of Tivoli Dr. between Saxon Blvd. and Providence Blvd. will exceed the present LOS of “D” reserved for local roads. In addition, in 2017, the projected 13,805 trips will surpass the level of service “E” trip capacity (13,640 AADT) associated with

City two lane thoroughfare facilities. Furthermore, by 2025 over 21,000 trips are forecasted for the study segment of Tivoli Dr. and to support the 2025 trip projection, Tivoli Dr. would need to be improved to increase capacity. Such improvements will include, at minimum, lane mile expansion and intersection redesigns.

5. Any changes in circumstances or conditions affecting the area.

Changes in traffic rates associated with Tivoli Dr. between Saxon Blvd. and Providence Blvd. have been documented elsewhere in this report which clearly indicates changed conditions along the subject segment of Tivoli Dr.

6. Any mistakes in the original classification.

No known mistakes.

7. Its effect upon the public health, welfare, safety, or morals.

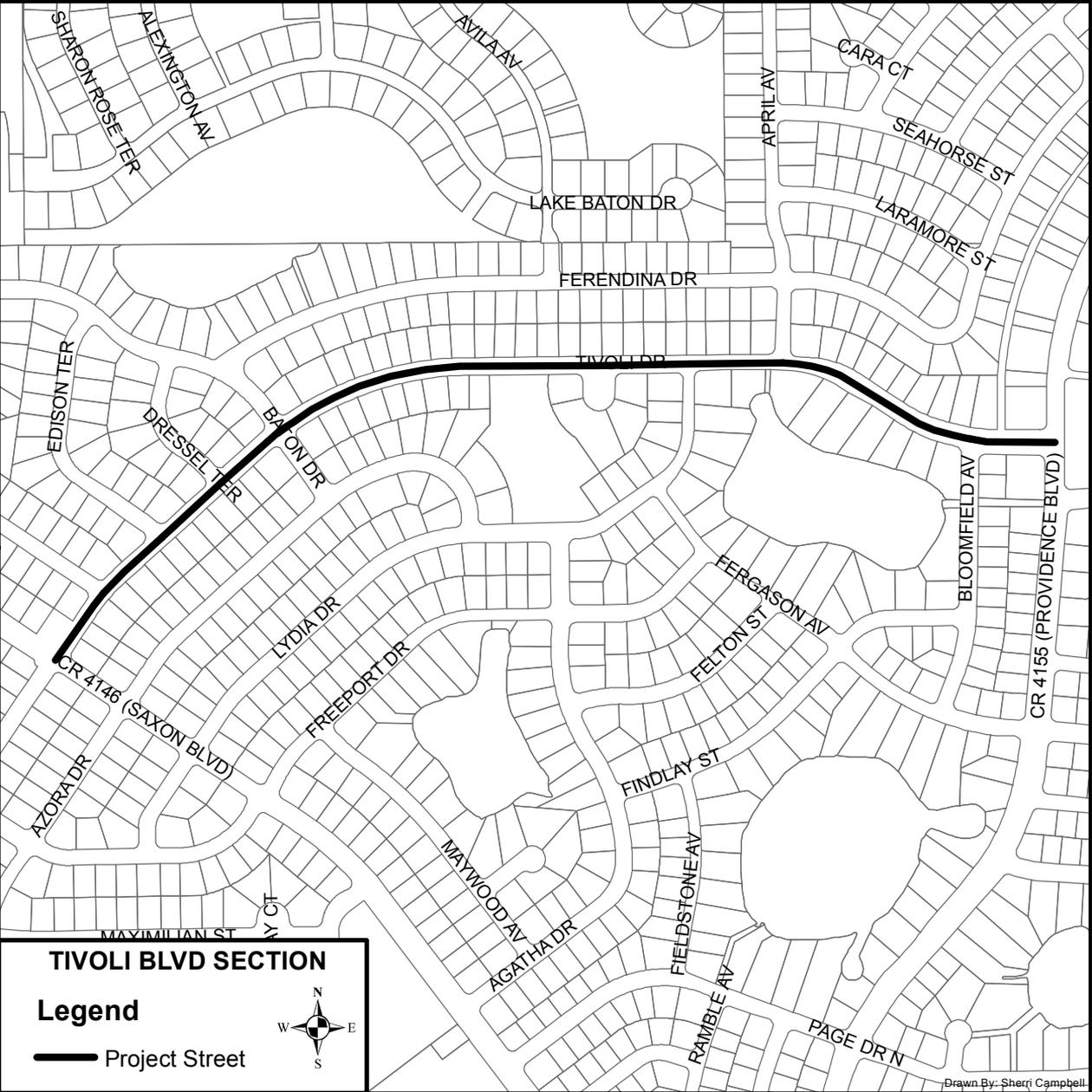
The proposal to recognize Tivoli Dr. from Saxon Blvd. to Providence Blvd. will not be counter to the public health, welfare, safety or morals of the City.

CONCLUSION/STAFF RECOMMENDATION:

Since Tivoli Dr. connects two Principal Arterials (Saxon Blvd. and Providence Blvd.) and is an essential part of the City transportation network, the subject segment of Tivoli Dr. needs to be considered a Principal Arterial on the City Thoroughfare Map. Based on the projected 2025 AADT of over 21,000 trips, the City is proposing that the segment of Tivoli Dr. between Saxon Blvd. and Providence Blvd. appear on the Comprehensive Plan Roadway Number of Lanes 2025 Map as a four lane facility.

From a planning perspective, recognizing Tivoli Dr. between Saxon Blvd. and Providence Blvd. as a Comprehensive Plan Thoroughfare establishes a linkage between City capital initiatives and established policy. Also, Tivoli Dr. is considered an Urban Major Collector under the Federal Highway Administration Classification nomenclature. The Federal designation certainly indicates Tivoli Dr. is more than a local road. The proposed amendment essentially recognizes the status of Tivoli Dr. as being a facility that carries high traffic volumes and is integral to meeting appropriate mobility expectations of the City and greater southwest Volusia area. Finally, the designation of the subject segment of Tivoli Dr. as a Thoroughfare facility will expand funding opportunities and options through grants.

City Staff recommends that the Planning and Zoning Board recommend the City Commission transmit the Comprehensive Plan that recognizes Tivoli Dr. between Saxon Blvd. and Providence Blvd. as a Principal Arterial on the Thoroughfare Map and also includes the subject segment of Tivoli Dr. as a four lane facility on the Roadway Number of Lanes Map and Roadway Number of Lanes Table.

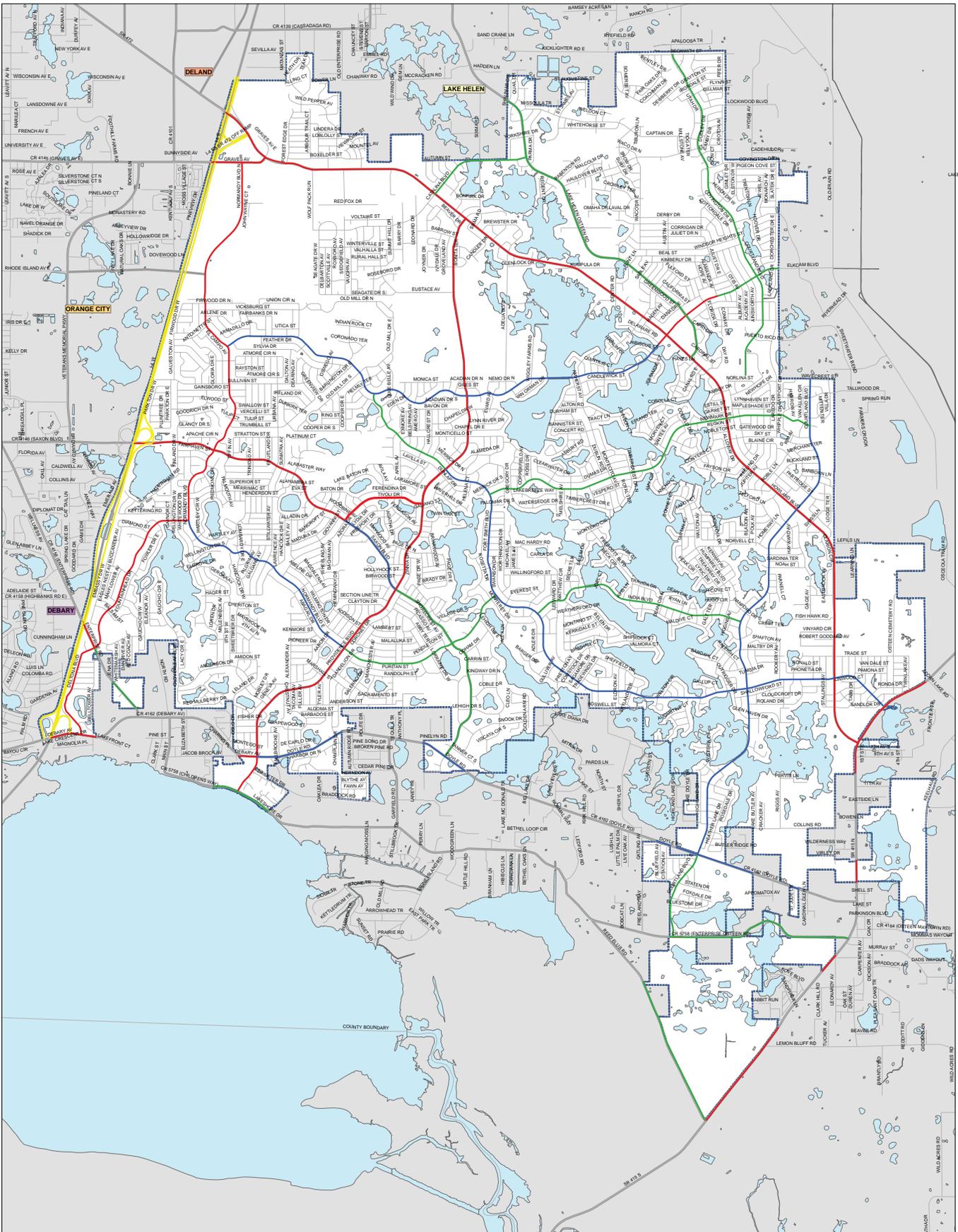


TIVOLI BLVD SECTION

Legend

 Project Street





THOROUGHFARE DESIGNATIONS MAP
PREPARED BY:
CITY OF DELTONA
PLANNING AND DEVELOPMENT SERVICES
2345 PROVIDENCE BLVD., DELTONA, FL, 32725
PHONE: (386) 878-8600 FAX: (386) 878-8601

SHEET NO. 1 of 1
DRAWN BY: SHERRI CAMPBELL
UPDATED: 01/11/2016
APPROVED BY: CHRIS BOWLEY, AICP
DIRECTOR PLANNING AND DEVELOPMENT SERVICES

- Legend**
- CITY T-FARE DESIGNATIONS**
- Interstate
 - Principal Arterial
 - Minor Arterial
 - Collector
 - County
 - Streets
 - City Boundary
 - Lakes

GIS MAP DISCLAIMER:
 THIS MAP IS NOT TO BE USED FOR TRANSFER OF PROPERTY AND DOES NOT REPRESENT A SURVEY.
 This map was created by the City of Deltona staff using data gathered by the City and Volusia County. No warranties involving a risk of economic loss or physical injury should be made in reliance on the Map nor should it be used as a substitute for a survey. The information provided on this document should be used as a guide only. The City of Deltona shall not be held liable for any claim for any loss or damage as a result of reliance on the information contained in this document.
 Please report any inaccuracies to the City of Deltona GIS Department at 386-878-8600.
 Deltona, Steve Phipps, NADEN HARRN



EXHIBIT C

DRAFT
1/11/2016

ROADWAY NUMBER OF LANES

TABLE 1

Street Segment	Current Number of Lanes	2025 Number of Lanes
Howland -I-4 to Graves	4	6
Howland - Graves to Providence	4	4
Howland - Providence to Elkcam	2	4
Howland - Elkcam to Courtland	4	4
Howland - Courtland to Tabb	2	4
Howland - Tabb to SR 415	4	4
Lake Helen Osteen - Captain to Elkcam	2	2
Lake Helen Osteen - Elkcam to Howland	2	3
India - Howland to Ft. Smith	2	2
Newmark - Howland to Ft Smith	2	2
Elkcam - Normandy to Howland	2	2
Elkcam - Howland to Lk Helen Osteen	2	4
Providence - Howland to Ft. Smith	2	4
Providence - Ft. Smith to Tivoli	4	4
Providence - Tivoli to Normandy	2	4
Providence - Normandy to Sacramento	3	4
Providence - Sacramento to Doyle	2	4
Saxon - I-4 to Normandy	5	5
Saxon - Normandy to Tivoli	5	5
Saxon - Tivoli to Providence	2	3
Saxon - Providence to E. Normandy	2	2
Saxon - E. Normandy to Doyle	2	2
N. Normandy - Graves to Firwood	2	5
N. Normandy - Firwood to Elkcam	4	4
N. Normandy - Elkcam to Saxon	4	4

Street Segment	Current Number of Lanes	2025 Number of Lanes
N. Normandy - Saxon to Deltona	2	3
E. Normandy - Deltona to Tivoli	2	3
E. Normandy - Tivoli to Providence	2	3
E. Normandy - Providence to Saxon	2	2
E. Normandy - Saxon to Ft. Smith	2	2
Ft. Smith - Elkcam to Providence	2	3
Ft. Smith - Providence to Newmark	2	3
Ft. Smith - Newmark to E. Normandy	2	3
Ft. Smith - E. Normandy to India	3	3
Ft. Smith - India to Courtland	3	3
Ft. Smith - Courtland to Howland	2	3
Ft. Smith - Howland to SR 415	2	3
Courtland - Beckwith to Chamberlain	2	2
Courtland - Wavecrest to Howland	2	2
Courtland - Howland to India	2	3
Courtland - India to Ft. Smith	2	5
Courtland - Ft. Smith to Doyle	2	4
Deltona - N. Normady to Enterprise	4	4
Deltona - Doyle/Dirkson to Enterprise	3	3
Doyle (Dirkson) - I-4 to Providence	4	4
Doyle - Providence to Saxon	2	4
Doyle - Saxon to SR 415	2	4
Enterprise - I-4 to Deltona	4	4
Enterprise - Deltona to Doyle	2	2
<u>Tivoli – Providence to Saxon</u>	<u>2</u>	<u>4</u>



Agenda Memo

AGENDA ITEM: C.

TO: Mayor and Commission

AGENDA DATE: 4/18/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 9 - C

SUBJECT:

Public Hearing - Ordinance No. 13-2016, Creating a new Article II, "Distribution of Unsolicited Materials," of Chapter 38, "Environment," of the Code of Ordinances, at first reading and to schedule second reading - Becky Vose, Legal Department (407) 448-0111.

Strategic Goal: Public Safety - focus on the City's beautification program.

LOCATION:

City-wide

BACKGROUND:

This ordinance would prohibit and prevent the indiscriminate throwing of unsolicited newspapers, handbills, advertisements, or other paper materials on lawns, driveways, rights of way, or porches, when such materials can be blown around, can cause unsightly littering and the clogging of storm drains, and can cause the general decrease in the aesthetic quality of neighborhoods with associated lowering of property values.

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

Legal Department

STAFF RECOMMENDATION PRESENTED BY:

Becky Vose, Legal Department - Staff recommends approval on first reading of Ordinance No. 13-2016, creating a new Article II, "Distribution of Unsolicited Materials," of Chapter 38, "Environment," of the Code of Ordinances, and to schedule second reading.

POTENTIAL MOTION:

"I move to adopt on first reading Ordinance No. 13-2016, creating a new Article II, "Distribution of Unsolicited Materials," of Chapter 38, "Environment," of the Code of Ordinances, at first reading and to schedule second and final reading."

ORDINANCE NO. 13-2016

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, CREATING A NEW ARTICLE II, "DISTRIBUTION OF UNSOLICITED MATERIALS", OF CHAPTER 38, "ENVIRONMENT," OF THE CODE OF ORDINANCES, MAKING FINDINGS, PROVIDING DEFINITIONS, PROHIBITING CERTAIN ACTS AND EXCEPTIONS, AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City Commission recognizes an individual's first amendment right of free speech and that some kinds of distribution of unsolicited newspapers, handbills, advertisements, or other paper materials have first amendment implications; and

WHEREAS, the City Commission finds that the indiscriminate throwing of unsolicited newspapers, handbills, advertisements, or other paper materials on lawns, driveways, rights of way, or porches, when such materials can be blown around, can cause unsightly littering, visual blight and eyesores, and the clogging of storm drains, and can cause the general decrease in the aesthetic quality of neighborhoods with associated lowering of property values and lowering of property tax receipts; and

WHEREAS, the City of Deltona has a substantial public interest in maintaining the aesthetic qualities of its neighborhoods, the maintenance of cleanliness and beauty of its homes and streets, and in preventing littering; and

WHEREAS, it is the intent of the City of Deltona in this ordinance to narrowly tailor its restrictions to serve its substantial public interests, and to only put reasonable time, place and manner restrictions on the exercise of free speech as reflected in the distribution of unsolicited newspapers, handbills, advertisements, or other paper materials; and

WHEREAS, the collection of numerous unsolicited newspapers, handbills, advertisements or other paper materials at unoccupied houses is unsightly and also contributes to the potential for crime since they draw attention to such houses and their unoccupied status; and

WHEREAS, it is reasonable to believe that when newspapers, handbills, advertisements or other paper materials are specifically desired and solicited by homeowners, such homeowners will both collect these materials before they become litter or eyesores, and assume the responsibility, as they do with other home door-step deliveries, to suspend delivery or to arrange for these materials to be picked up in their absence, thus making the regulation of specifically solicited materials unnecessary to accomplish the goals of this ordinance; and

WHEREAS, the City Commission finds establishing an ordinance to address and prevent the indiscriminate throwing of unsolicited newspapers, handbills, advertisements, or other paper materials on lawns, driveways, rights of way, or porches, when such materials can be blown around, can cause unsightly littering and the clogging of storm drains, and can cause the general

decrease in the aesthetic quality of neighborhoods with associated lowering of property values; and

WHEREAS, the regulations of this ordinance constitute the minimum regulations necessary relating to the time, place and manner of the distribution of unsolicited newspapers, handbills, advertisements, or other paper materials, while at the same time providing a reasonable method of delivering such materials to homes without violating the provisions of this ordinance.

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

SECTION 1. The foregoing “Whereas” clauses are true and correct and are hereby ratified and confirmed by the City Commission.

SECTION 2. Article II, “*Distribution of Unsolicited Materials*”, of Chapter 38, “*Environment*” of the Code of Ordinances of the City of Deltona is hereby created to read as follows:

Sec. 38-31. Definitions

- (a) Door hanger means i) a plastic or cardboard sign cut to hang from the handle or knob of a door, and/or ii) a bag supported by a rubber band, twist tie or other hanger, which contains materials and is hung from the handle or knob of a door.
- (b) Materials means newspapers, handbills, advertisements, or other similar paper materials, whether or not located inside a plastic or other wrapper or bag.
- (c) Solicited materials means materials specifically requested or purchased by the homeowner.
- (d) Unsolicited materials means materials not specifically requested or purchased by the homeowner.

Sec. 45-2. Certain distribution of materials regulated/prohibited; exception

- (a) It shall be unlawful for any person or entity, directly or through an agent, independent contractor, or employee, to distribute, throw, deposit or place, or cause to be distributed, thrown, deposited or placed, any unsolicited material on any right of way, yard, driveway or porch within the City of Deltona. Unsolicited materials may be handed to any person, or may be hung on any handle or knob of any door.
- (b) It shall be unlawful for any person or entity, directly or through an agent, independent contractor, or employee, to deposit or place, or cause to be deposited or placed, any door hanger or unsolicited material on any handle or knob of any door earlier than two hours after sunrise or later than sunset.

(c) The provisions of this Section shall not apply to door hangers or materials left by any governmental representative, the U.S. Postal Service, or by any recognized delivery service such as Federal Express, UPS, or similar services.

Sec. 45-3. Penalty

Any person or entity that commits any act declared unlawful in this chapter shall be punished by a fine not exceeding \$500.00, or imprisonment for a term not exceeding sixty (60) days, or by both such fine and imprisonment in the discretion of the court. If committed in the presence of a law enforcement officer, any act declared unlawful in this chapter shall be considered to be an arrestable offense. Alternatively, this Article may be enforced through the Special Magistrate as an ordinance violation with a penalty of up to \$250.00 for the first offense, and up to \$500.00 for the second and subsequent offenses.

SECTION 3. 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 4. 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 5. 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 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2016.

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

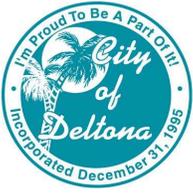
JOHN C. MASIARCZYK SR., MAYOR

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

AGENDA ITEM: D.

TO: Mayor and Commission

AGENDA DATE: 4/18/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 9 - D

SUBJECT:

Request for Approval of Ordinance No. 17-2016, Amending the Firefighters' Pension Plan to Comply with Internal Revenue Code and its Associated Regulations and to add a Share Plan as a requirement of the recently adopted Chapter 2015-39 Laws of Florida - Becky Vose, Legal Department - (407) 448-0111.

Strategic Goal: Internal & External Communication - Improve Intergovernmental Coordination

LOCATION:

Fire Department

BACKGROUND:

With the recent adoption by the Florida Legislature of Chapter 2015-39, Laws of Florida, and changes to the Internal Revenue Code (IRC) and its associated regulations, as well as guidance from the Internal Revenue Service (IRS), the City is bringing forth amendments to the Firefighters' Pension Plan in order to comply with these new regulations.

The changes in Sections 1 through 8 of the proposed Ordinance reflect the changes needed to comply with the revised IRS requirements. Sections 1 through 7 represent clarifications of definitions while Section 8 addresses IRS changes in connection to the Deferred Retirement Option Plan (DROP).

Section 46-26, Definitions; is being amended for IRC changes and requirements, to amend the definitions of: i) "Creditable" (or "Credited") Years of Service to clarify IRC regulations on leave conversions; ii) "Firefighter" to update a reference in Florida Statutes; and iii) "Spouse" to clarify the definition in accordance with a recent US Supreme Court ruling.

Section 46-27, Participation-Conditions of Eligibility, is amended to limit those individuals eligible to opt-out of the system, to comply with recent IRC Treasury Regulation requirements.

Section 46-29, Finances and Fund Management, is amended to further incorporate recent IRC requirements with regard to investments in commingled funds.

Section 46-33, Benefit amounts and eligibility, is being amended to change the Normal Retirement Date to include IRC required language regarding Normal Retirement Age and Normal Retirement Date.

Section 46-35, Disability, is being amended to more clearly identify those individuals who may be

AGENDA ITEM: D.

eligible to apply for a disability pension who have been terminated by the City due to medical reasons.

Section 46-43, Maximum Pension, has had several subsections amended to comply with IRC changes.

Section 46-44, Minimum Distribution of Benefits, is being amended for a reference clarification in subsection (b)(2)d.

Section 46-54, Deferred Retirement Option Plan, is being amended in accordance with recent direction from the IRS in connection with the issuance of several recent Favorable Determination Letters to: i) clarify investment returns on DROP accounts, ii) clarify when interest and earnings are calculated and paid, and iii) add several sections clarifying the DROP provisions as required by the IRS.

Section 9 adds Section 46-59, "Supplemental Benefit Component for Special Benefits; Chapter 175 Share Accounts". The adoption of a "Share Plan" is a requirement of recently adopted Chapter 2015-39, Laws of Florida, for all pension plans that are subject to the provisions of Chapter 175.

This Ordinance has been prepared by the Firefighters' Pension Plan's Pension Attorney and has been reviewed and approved by the Firefighters' Pension Board of Trustees.

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

City Attorney

STAFF RECOMMENDATION PRESENTED BY:

Becky Vose, City Attorney - Recommends approval of Ordinance No. 17-2016, amending the Firefighters' Pension Plan to comply with Internal Revenue Code and its associated regulations and to add a Share Plan as a requirement of the recently adopted Chapter 2015-39, Laws of Florida.

POTENTIAL MOTION:

"I move to approve Ordinance No. 17-2016, amending the Firefighters' Pension Plan to comply with Internal Revenue Code and its associated regulations and to add a Share Plan as a requirement of the recently adopted Chapter 2015-39 Laws of Florida on first reading, and to schedule second reading and final adoption on May 16, 2016."

ORDINANCE NO. 17 -2016

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 46, ARTICLE II, FIREFIGHTERS' PENSION PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF DELTONA BY AMENDING SECTION 46-26, DEFINITIONS; AMENDING SECTION 46-27, PARTICIPATION - CONDITIONS OF ELIGIBILITY; AMENDING SECTION 46-29, FINANCES AND FUND MANAGEMENT, AMENDING SECTION 46-33, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 46-35, DISABILITY; AMENDING SECTION 46-43, MAXIMUM PENSION; AMENDING SECTION 46-44, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 46-54, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 46-59, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: Chapter 46, Article II, Firefighters' Pension Plan, of the Code of Ordinances of the City of Deltona is hereby amended by amending Section 46-26, "Definitions," so as to amend the definitions of "*Creditable (or credited) years of service*", "*Firefighter*", and "*Spouse*", to read as follows:

* * *

Creditable (or credited) years of service means the total number of years, and fractional parts of years, of service of any participant completed after October 1, 1997 omitting intervening years and fractional parts of years, when such participant may not be employed by the city. However, a participant may receive creditable years of service for service completed prior to October 1, 1997 under the plan under section 46-32, subject to the requirements and limitations contained therein. Service completed prior to October 1, 1997 that is credited pursuant to section 46-32 is sometimes referred to as "years of past service credit". However, no participant will receive credit for years or fractional parts of years of service for which he or she has withdrawn his or her accumulated contributions to the fund for those years or fractional parts of years of service, unless the participant repays into the fund the accumulated contributions he or she has withdrawn, with interest, as determined by the board, within 90 days after reemployment. Further, a participant may voluntarily leave his or her accumulated contributions in the fund for a period of five years after leaving the employ of the fire department, pending the possibility of being rehired by the same department, without losing credit for the time he or she was a participant. If he or she is not reemployed as a firefighter, with the same department within five years, his or her accumulated contributions shall be returned to him or her only upon his or her written request. If a participant who is not vested is not reemployed as a firefighter with the fire department within five years, his accumulated contributions, if \$1,000.00 or less, shall be returned. If a participant who is not vested is not reemployed within five years, his accumulated contributions, if more than \$1,000.00, will be returned only upon the written request of the participant and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the board.

The years or fractional parts of a year that a participant performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a firefighter with the city to perform training or service, shall be added to his or her years of credited service for all purposes, including vesting, provided that:

- (1) The participant is entitled to reemployment under the provisions USERRA.
- (2) The participant returns to his or her employment as a firefighter within one year from the earlier of the date of his or her military discharge or his or her release from active service, unless otherwise required by USERRA.
- (3) The maximum credit for military service pursuant to this paragraph shall be five years.
- (4) This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a participant dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the participant had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by section 414(u)(12) of the code, an individual receiving differential wage payments (as defined under section 3401(h)(2) of the code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

Leave conversions of unused accrued paid time off shall not be permitted to be applied toward the accrual of credited service either during each plan year of a participant's employment with the City or in the plan year in which the participant terminates employment.

* * *

Firefighter means an actively employed full-time person employed by the city, including his or her initial probationary employment period, who is certified as a firefighter as a condition of employment in accordance with the provisions of F.S. § 633.35408, and whose duty it is to extinguish fires, to protect life and to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters.

* * *

Spouse means the lawful wife or husband of a participant or retiree participant's or retiree's spouse under applicable law at the time benefits become payable.

* * *

SECTION 2: Chapter 46, Article II, “Firefighters’ Pension Plan,” of the Code of Ordinances of the City of Deltona is hereby amended by amending Section 46-27, “Participation - Conditions of Eligibility,” to read as follows:

Sec. 46-27. Participation – Conditions of eligibility.

All full-time firefighters shall, as a condition of employment, become participants in this plan as of the later of October 1, 1997 or his or her date of employment (or reemployment, if applicable) with the city. Notwithstanding the previous sentence, a new employee who is hired as the fire chief may, within the first three months of upon employment as fire chief, or within thirty (30) days of the effective date of the ordinance adopting this provision, notify the board and the city, in writing, of his election to not be a member participant of the system. Current employees of the city who are selected to become fire chief are not eligible for the opt-out provided for herein. In the event of any such election, he shall be barred from future membership in the system ~~and any contributions made after employment and prior to opting out shall be refunded.~~ Thereafter, contributions to the plan in accordance with Section 46-31 shall not be required, he shall not be eligible to be elected as a member trustee on the board or vote for a member trustee and shall not be eligible for any other benefits from the plan.

SECTION 3: Chapter 46, Article II, “Firefighters’ Pension Plan,” of the Code of Ordinances of the City of Deltona is hereby amended by amending Section 46-29, “Finances and Fund Management,” subsection (g)(2)j, to read as follows:

* * *

- (g)(2) j. The board may, upon recommendation by the board’s investment consultant, make investments in group trusts meeting the requirements of Internal Revenue Service Revenue Ruling 81-100, ~~and Revenue Ruling 2011-1, IRS Notice 2012-6 and Revenue Ruling 2014-24~~ or successor rulings or guidance of similar import, and operated or maintained exclusively for the commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under section 401(a) of the code, individual retirement accounts that are exempt under section 408(e) of the code, eligible governmental plans that meet the requirements of section 457(b) of the code, and governmental plans under 401(a)(24) of the code. For this purpose, a trust includes a custodial account or a separate tax favored account maintained by an insurance company that is treated as a trust under section 401(f) or under section 457(g)(3) of the code. While any portion of the assets of the fund are invested in such a group trust, such group trust is itself adopted as a part of the system or plan.
1. Any collective or common group trust to which assets of the fund are transferred pursuant to subsection j. shall be adopted by the board as part of the plan by executing appropriate participation, adoption agreements, and/or trust agreements with the group trust’s trustee.
 2. The separate account maintained by the group trust for the plan pursuant to subsection j. shall not be used for, or diverted to, any purpose other than for the exclusive benefit of the participants and beneficiaries of the plan.
 3. For purposes of valuation, the value of the separate account maintained by the group trust for the plan shall be the fair market

value of the portion of the group trust held for the plan, determined in accordance with generally recognized valuation procedures.

SECTION 4: Chapter 46, Article II, “Firefighters’ Pension Plan,” of the Code of Ordinances of the City of Deltona is hereby amended by amending Section 46-33, “Benefit Amounts and Eligibility,” subsection (a), *Normal Retirement Date*, to read as follows:

* * *

(a) *Normal retirement age and date.* ~~A participant's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age 55 and the completion of ten years of credited service or the completion of 25 years of credited service years regardless of age. A participant may retire on his or her normal retirement date or on the first day of any month thereafter, and each participant shall become 100 percent vested in his or her accrued benefit on the participant's normal retirement date. Normal retirement under the system is retirement from employment with the city on or after the normal retirement date. A participant's normal retirement age is the earlier of the attainment of age 55 and the completion of ten years of credited service or the completion of 25 years of credited service, regardless of age. Each participant shall become one hundred percent (100%) vested in his accrued benefit at normal retirement age. A participant's normal retirement date shall be the first day of the month coincident with or next following the date the participant retires from the City after attaining normal retirement age.~~

* * *

SECTION 5: That Chapter 46, Article II, “Firefighters’ Pension Plan,” of the Code of Ordinances of the City of Deltona is hereby amended by amending Section 46-35, “Disability,” subsection (a)(3), to read as follows:

* * *

(3) ~~Terminated persons, either vested or non-vested, are not eligible for disability benefits, except that those terminated by the city for medical reasons may apply for a disability within 30 days after termination. Notwithstanding the previous sentence, if a participant is terminated by the city for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above.~~

* * *

SECTION 6: Chapter 46, Article II, “Firefighters’ Pension Plan,” of the Code of Ordinances of the City of Deltona is hereby amended by amending Section 46-43, “Maximum Pension,” subsections (f), (h), (l)(2), and by adding subsection (m), to read as follows:

* * *

(f) *Less than Ten (10) Years of Participation or Service.* ~~The maximum retirement benefits payable under this section to any participant who has completed less than ten (10) years of credited service with the City participation shall be the amount determined under subsection (a) of this section multiplied by a fraction, the numerator of which is the number of the participant's years of credited service participation and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection~~

shall not be applicable to pre-retirement disability benefits paid pursuant to Sec. 46-35 or pre-retirement death benefits paid pursuant to Sec. 46-34.

* * *

(h) *Ten Thousand Dollar (\$10,000) Limit; Less Than Ten Years of Service.* Notwithstanding anything in this section 46-43 , the retirement benefit payable with respect to a participant shall be deemed not to exceed the limit set forth in this subsection (h) of section 46-43 if the benefits payable, with respect to such participant under this system and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars (\$10,000) for the applicable limitation year and or for any prior limitation year, and the City has not at any time maintained a qualified defined contribution plan in which the participant participated; provided, however, that if the ~~member~~ participant has completed less than ten (10) years of credited service with the City, the limit under this subsection (h) of section 46-43 shall be a reduced limit equal to ten thousand dollars (\$10,000) multiplied by a fraction, the numerator of which is the number of the ~~member's~~ participant's years of credited service and the denominator of which is ten (10).

* * *

- (1)(2) No participant of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the participant is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter ~~67~~ 1223, Title 10, U.S. Code.

(m) *Effect of Direct Rollover on 415(b) Limit.* If the plan accepts a direct rollover of an employee's or former employee's benefit from a defined contribution plan qualified under Code Section 401(a) which is maintained by the employer, any annuity resulting from the rollover amount that is determined using a more favorable actuarial basis than required under Code Section 417(e) shall be included in the annual benefit for purposes of the limit under Code Section 415(b).

SECTION 7: Chapter 46, Article II, "Firefighters' Pension Plan," of the Code of Ordinances of the City of Deltona is hereby amended by amending Section 46-44, "Minimum Distribution of Benefits," subsection (b)(2)d., to read as follows:

* * *

- d. If the participant's surviving spouse is the participant's sole designated beneficiary and the surviving spouse dies after the participant but before distributions to the surviving spouse begin, this subsection (b)(2), other than subsection (b)(2)a., will apply as if the surviving spouse were the participant.

For purposes of this subsection (b)(2) ~~and subsection (e)~~, distributions are considered to begin on the participant's required beginning date or, if subsection (b)(2)d. applies, the date of distributions are required to begin to the surviving spouse under subsection (b)(2)a. If annuity payments irrevocably commence to the participant before the participant's required beginning date (or to the participant's surviving spouse before the date distributions are required to begin to the surviving spouse under subsection (b)(2)a.) the date distributions are considered to begin is the date distributions actually commence.

* * *

SECTION 8: Chapter 46, Article II, “Firefighters’ Pension Plan,” of the Code of Ordinances of the City of Deltona is hereby amended by amending Section 46-54, “Deferred Retirement Option Plan,” to read as follows:

Sec. 46-54. Deferred retirement option plan.

- (a) *Definitions.* As used in this section 46-55, the following definitions apply:
- (1) "*DROP*" --The City of Deltona Firefighters' Pension Plan Deferred Retirement Option Plan.
 - (2) "*DROP account*" --The account established for each DROP participant under subsection (c).
 - (3) "Total return of the assets" -- For purposes of calculating earnings on a participant's DROP account pursuant to subsection (c)(2)b.2., for each fiscal year quarter, the percentage increase (or decrease) in the interest and dividends earned on investments, including realized and unrealized gains (or losses), of the total Plan assets.
- (b) *Participation.*
- (1) *Eligibility to participate.* In lieu of terminating his or her employment as a Firefighter, any participant who is eligible for normal retirement under the system may elect to defer receipt of such service retirement pension and to participate in the DROP.
 - (2) *Election to participate.* A participant's election to participate in the DROP must be made in writing in a time and manner determined by the board and shall be effective on the first day of the first calendar month which is at least 15 business days after it is received by the board.
 - (3) *Period of participation.* A participant who elects to participate in the DROP under subsection (b)(2), shall participate in the DROP for a period terminating not later than the earlier of:
 - a. ninety-six (96) months from the date his or her election to participate in the DROP first becomes effective; or
 - b. the completion of thirty-five (35) total years of service (including service while in the DROP and including any years purchased for prior military service or prior fire service); or
 - c. the attainment of age sixty (60) years of age.An election to participate in the DROP shall constitute an irrevocable election to resign from the service of the city not later than the date provided for above. A participant may participate only once.
 - (4) *Termination of participation.*

- a. A participant's participation in the DROP shall cease at the earlier of:
 - 1. The end of his or her permissible period of participation in the DROP as determined under subsection (b)(3); or
 - 2. Termination of his or her employment as a firefighter.
 - b. Upon the participant's termination of participation in the DROP, pursuant to subsection 1 above, all amounts provided for in subsection (c)(2), including monthly benefits and investment earnings and losses or interest, shall cease to be transferred from the system to his or her DROP account. Any amounts remaining in his or her DROP account shall be paid to him in accordance with the provisions of subsection (d) when he terminates his or her employment as a Firefighter.
 - c. A participant who terminates his or her participation in the DROP under this subsection (b)(4) shall not be permitted to again become a participant in the DROP.
- (5) *Effect of DROP participation on the system.*
- a. A participant's credited service and his or her accrued benefit under the system shall be determined on the date his or her election to participate in the DROP first becomes effective. The participant shall not accrue any additional credited service or any additional benefits under the system (except for any supplemental benefit payable to DROP participants or any additional benefits provided under any cost-of-living adjustment for retirees in the system) while he is a participant in the DROP. After a participant commences participation, he shall not be permitted to again contribute to the system nor shall he be eligible for disability or pre-retirement death benefits, except as provided for in section 46-56.
 - b. No amounts shall be paid to a participant from the system while the participant is a participant in the DROP. Unless otherwise specified in the system, if a participant's participation in the DROP is terminated other than by terminating his or her employment as a firefighter, no amounts shall be paid to him from the system until he terminates his or her employment as a firefighter. Unless otherwise specified in the system, amounts transferred from the system to the participant's DROP account shall be paid directly to the participant only on the termination of his or her employment as a firefighter.
- (c) *Funding.*
- (1) *Establishment of DROP account.* A DROP account shall be established for each participant participating in the DROP. A participant's DROP account shall consist of amounts transferred to the DROP under subsection (c)(2), and earnings or interest on those amounts.
 - (2) *Transfers from retirement system.*
 - a. As of the first day of each month of a participant's period of participation in the DROP, the monthly retirement benefit he would have received under the system had he terminated his or her employment as a Firefighter and elected to receive monthly benefit payments thereunder shall be transferred to his or her DROP account, except as otherwise provided for

in subsection (b)(4)b. A participant's period of participation in the DROP shall be determined in accordance with the provisions of subsections (b)(3) and (b)(4), but in no event shall it continue past the date he terminates his or her employment as a firefighter.

b. Except as otherwise provided in subsection (b)(4)b., a participant's DROP account under this subsection (c)(2) shall be debited or credited ~~after each fiscal year quarter, based on the balance in the account at the beginning of the previous quarter, by electing one of the following investment options with either:~~

1. ~~A fixed interest rate~~ Interest at an effective rate of six percent per annum compounded quarterly, determined on the last business day of the prior quarter's ending balance and credited to the participant's DROP account as of such date (to be applicable to all current and future DROP participants); or
2. Earnings, to be credited or debited to the participant's DROP account, determined as of the last business day of each fiscal year quarter and debited or credited as of such date, determined as follows:

The average daily balance in a participant's DROP Account shall be credited or debited at a rate equal to the net investment rate return realized by the retirement system for each that quarter. "Net investment rate return" for the purpose of this paragraph is the total percentage rate of return of the assets in which the participant's DROP account is invested by the board net of brokerage commissions, transactions costs, account fees and management fees.

For purposes of calculating earnings on a participant's DROP account pursuant to this subsection (c)(2)b.2., brokerage commissions, transaction costs, and management fees shall be determined for each quarter by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these quarterly contractual fees to the board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.

either: Upon electing to participate in the DROP, the participant shall select

Option 1--Fixed interest rate, or

Option 2--Net investment interest.

Only once during his or her DROP participation may the participant elect to change his or her selection. Such request to change the investment option shall be in writing. An election to change the investment option shall be effective beginning the following quarter after the election is received by the ~~firefighters' pension~~ board.

- c. A participant's DROP account shall only be credited or debited with interest and monthly benefits while the participant is a participant in the DROP. A participant's final DROP account value for distribution to the participant upon termination of participation in the DROP shall be the value of the account at the end of the quarter immediately preceding termination of participation ~~date~~ plus any monthly periodic additions made to the DROP account subsequent to the end of the previous quarter and prior to distribution. If a participant fails to terminate employment after participating in the DROP for the permissible period of DROP participation, then beginning with the participant's first month of employment following the last month of the permissible period of DROP participation, the participant's DROP account will no longer be credited with interest, nor will monthly benefits be transferred to the DROP account. All such non-transferred amounts shall be forfeited and continue to be forfeited while the participant is employed by the Fire Department. A participant employed by the Fire Department after the permissible period of DROP participation will be eligible for pre-retirement death or disability benefits and will accrue additional credited service only as provided for in section 46-56.
- (d) *Distribution of DROP accounts on termination of employment.*
- (1) *Eligibility for benefits.* A participant shall receive the balance in his or her DROP account in accordance with the provisions of this subsection (d) upon his or her termination of employment as a firefighter. Except as provided in subsection (d)(5), no amounts shall be paid to a participant from the DROP prior to his or her termination of employment as a firefighter.
- (2) *Form of distribution.*
- a. Unless the participant elects otherwise, distribution of his or her DROP account shall be made in a lump sum, subject to the direct rollover provisions set forth in subsection (d)(6). Elections under this paragraph shall be in writing and shall be made in such time or manner as the board shall determine.
- b. If a participant dies before his or her benefit is paid, his or her DROP account shall be paid to his or her beneficiary in such optional form as his or her beneficiary may select. If no beneficiary designation is made, the DROP account shall be distributed to the participant's estate.
- (3) *Date of payment of distribution.* Except as otherwise provided in this subsection (d), distribution of a participant's DROP account shall be made as soon as administratively practicable following the participant's termination of employment.
- (4) *Proof of death and right of beneficiary or other person.* The board may require and rely upon such proof of death and such evidence of the right of any beneficiary or other person to receive the value of a deceased participant's DROP account as the board may deem proper and its determination of the right of that beneficiary or other person to receive payment shall be conclusive.
- (5) *Distribution limitation.* Notwithstanding any other provision of this subsection (d), all distributions from the DROP shall conform to the "minimum distribution of benefits" provisions as provided for herein.
- (6) *Direct rollover of certain distributions.* This subsection applies to distributions

made on or after January 1, 2002. Notwithstanding any provision of the DROP to the contrary, a distributee may elect to have any portion of an eligible rollover distribution paid in a direct rollover as otherwise provided under the system in section 46-51.

- (e) *Administration of DROP.*
- (1) *Board administers the DROP.* The general administration of the DROP, the responsibility for carrying out the provisions of the DROP and the responsibility of overseeing the investment of the DROP's assets shall be placed in the board. The participants of the board may appoint from their number such subcommittees with such powers as they shall determine; may adopt such administrative procedures and regulations as they deem desirable for the conduct of their affairs; may authorize one or more of their number or any agent to execute or deliver any instrument or make any payment on their behalf; may retain counsel, employ agents and provide for such clerical, accounting, actuarial and consulting services as they may require in carrying out the provisions of the DROP; and may allocate among themselves or delegate to other persons all or such portion of their duties under the DROP, other than those granted to them as trustee under any trust agreement adopted for use in implementing the DROP, as they, in their sole discretion, shall decide. A trustee shall not vote on any question relating exclusively to himself.
- (2) *Individual accounts, records and reports.* The board shall maintain records showing the operation and condition of the DROP, including records showing the individual balances in each participant's DROP account, and the board shall keep in convenient form such data as may be necessary for the valuation of the assets and liabilities of the DROP. The board shall prepare and distribute to participants participating in the DROP and other individuals or file with the appropriate governmental agencies, as the case may be, all necessary descriptions, reports, information returns, and data required to be distributed or filed for the DROP pursuant to the Code and any other applicable laws.
- (3) *Establishment of rules.* Subject to the limitations of the DROP, the board from time to time shall establish rules for the administration of the DROP and the transaction of its business. The board shall have discretionary authority to construe and interpret the DROP (including but not limited to determination of an individual's eligibility for DROP participation, the right and amount of any benefit payable under the DROP and the date on which any individual ceases to be a participant in the DROP). The determination of the board as to the interpretation of the DROP or its determination of any disputed questions shall be conclusive and final to the extent permitted by applicable law.
- (4) *Limitation of liability.*
 - a. The trustees shall not incur any liability individually or on behalf of any other individuals for any act or failure to act, made in good faith in relation to the DROP or the funds of the DROP.
 - b. Neither the board nor any trustee of the board shall be responsible for any reports furnished by any expert retained or employed by the board, but they shall be entitled to rely thereon as well as on certificates furnished by an accountant or an actuary, and on all opinions of counsel. The board shall be fully protected with respect to any action taken or suffered by it in good faith in reliance upon such expert, accountant, actuary or counsel, and all actions taken or suffered in such reliance shall be conclusive upon any person with any interest in the DROP.

- (f) *General provisions.*
- (1) *The DROP is not a separate retirement plan.* Instead, it is a program under which a participant who is eligible for normal retirement under the system may elect to accrue future retirement benefits in the manner provided in this section 46-54 for the remainder of his employment, rather than in the normal manner provided under the plan. Upon termination of employment, a participant is entitled to a lump sum distribution of his or her DROP account balance or may elect a rollover. The DROP account distribution is in addition to the participant's monthly benefit.
- (2) *Notional account.* The DROP account established for such a participant is a notional account, used only for the purpose of calculation of the DROP distribution amount. It is not a separate account in the system. There is no change in the system's assets, and there is no distribution available to the participant until the participant's termination from the DROP. The participant has no control over the investment of the DROP account.
- (3) *No employer discretion.* The DROP benefit is determined pursuant to a specific formula which does not involve employer discretion.
- (4) *IRC limit.* The DROP account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).
- (4 5) *Amendment of DROP.* The DROP may be amended by an ordinance of the city at any time and from time to time, and retroactively if deemed necessary or appropriate, to amend in whole or in part any or all of the provisions of the DROP. However, except as otherwise provided by law, no amendment shall make it possible for any part of the DROP's funds to be used for, or diverted to, purposes other than for the exclusive benefit of persons entitled to benefits under the DROP. No amendment shall be made which has the effect of decreasing the balance of the DROP account of any participant.
- (2 6) *Facility of payment.* If a participant or other person entitled to a benefit under the DROP is unable to care for his or her affairs because of illness or accident or is a minor, the board shall direct that any benefit due him shall be made only to a duly appointed legal representative. Any payment so made shall be a complete discharge of the liabilities of the DROP for that benefit.
- (3 7) *Information.* Each participant, beneficiary or other person entitled to a benefit, before any benefit shall be payable to him or on his or her account under the DROP, shall file with the board the information that it shall require to establish his or her rights and benefits under the DROP.
- (4 8) *Prevention of escheat.* If the board cannot ascertain the whereabouts of any person to whom a payment is due under the DROP, the board may, no earlier than three years from the date such payment is due, mail a notice of such due and owing payment to the last known address of such person, as shown on the records of the board or the city. If such person has not made written claim therefor within three months of the date of the mailing, the board may, if it so elects and upon receiving advice from counsel to the system, direct that such payment and all remaining payments otherwise due such person be canceled on the records of the system. Upon such cancellation, the system shall have no further liability therefor except that, in the event such person or his or her beneficiary later notifies the board of his or her whereabouts and requests the payment or payments due to him

under the DROP, the amount so applied shall be paid to him in accordance with the provisions of the DROP.

(5 9) *Written elections, notification.*

- a. Any elections, notifications or designations made by a participant pursuant to the provisions of the DROP shall be made in writing and filed with the board in a time and manner determined by the board under rules uniformly applicable to all employees similarly situated. The board reserves the right to change from time to time the manner for making notifications, elections or designations by participants under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.
- b. Each participant or retiree who has a DROP account shall be responsible for furnishing the board with his or her current address and any subsequent changes in his or her address. Any notice required to be given to a participant or retiree hereunder shall be deemed given if directed to him at the last such address given to the board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the participant or Retiree notifies the board of his or her address.

(6 10) *Benefits not guaranteed.* All benefits payable to a participant from the DROP shall be paid only from the assets of the participant's DROP account and neither the city nor the board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.

(7 11) *Construction.*

- a. The DROP shall be construed, regulated and administered under the laws of Florida, except where other applicable law controls.
- b. The titles and headings of the subsections in this section 46-49.4 are for convenience only. In the case of ambiguity or inconsistency, the text rather than the titles or headings shall control.

(8 12) *Forfeiture of retirement benefits.* Nothing in this section shall be construed to remove DROP participants from the application of any forfeiture provisions applicable to the system. DROP participants shall be subject to forfeiture of all retirement benefits, including DROP benefits.

(9 13) *Effect of DROP participation on employment.* Participation in the DROP is not a guarantee of employment and DROP participants shall be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.

SECTION 9: Chapter 46, Article II, “Firefighters’ Pension Plan,” of the Code of Ordinances of the City of Deltona is hereby amended by adding Section 46-59, “Supplemental Benefit Component for Special Benefits; Chapter 175 Share Accounts,” to read as follows:

Sec. 46-59. Supplemental benefit component for special benefits; Chapter 175 share accounts.

There is hereby established an additional plan component to provide special benefits in the form of a supplemental retirement, termination, death and disability benefits to be in addition to the benefits provided for in the previous Sections of this Plan, such benefit to be funded solely and entirely by F.S. Chapter 175, premium tax monies for each plan year which are allocated to this supplemental component as provided for in F.S. §175.351. Amounts allocated to this supplemental component ("Share Plan"), if any, shall be further allocated to the participants and DROP participants as follows:

(a) *Individual Participant Share Accounts.* The board shall create individual "participant share accounts" for all actively employed plan participants and DROP participants and maintain appropriate books and records showing the respective interest of each participant or DROP participant hereunder. Each participant or DROP participant shall have a participant share account for his share of the F.S. Chapter 175 tax revenues described above, forfeitures and income and expense adjustments relating thereto. The board shall maintain separate participant share accounts, however, the maintenance of separate accounts is for accounting purposes only and a segregation of the assets of the trust fund to each account shall not be required or permitted.

(b) *Share Account Funding.*

(1) Individual participant share accounts shall be established as of December 31, 2015 for all participants and DROP participants who were actively employed as of December 31, 2015. Individual participant share accounts shall be credited with an allocation as provided for in the following subsection (c) of any premium tax monies which have been allocated to the share plan for that calendar year, beginning with the year ending December 31, 2015.

(2) Any forfeitures as provided in subsection (d), shall be used to reduce the City's required pension contributions in the current plan year.

(c) *Allocation of Monies to Share Accounts.*

(1) *Allocation of Chapter 175 Contributions.*

a. Effective as of December 31, 2015, the amount of any premium tax monies allocated to the share plan shall be allocated to individual participant share accounts as provided for in this subsection. Actively employed participants and DROP participants on December 31, 2015 shall receive an allocation. In addition, all premium tax monies allocated to the share plan in any subsequent plan year shall also be allocated as provided for in subsection b. Available premium tax monies shall be allocated to individual participant share accounts at the end of each year on December 31 (a "valuation date").

b. On each valuation date beginning December 31, 2015, each current actively employed participant of the plan not participating in the DROP and each DROP participant shall receive a share allocation as follows:

The total funds subject to the initial allocation on December 31, 2015 shall be one-half (\$145,605) of the excess state monies reserve, which shall be allocated to each participant share account of those eligible for an allocation in an amount equal to a fraction of the total amount, the numerator of which shall be the individual's total years and fractional

parts of years of credited service as of the valuation date, and the denominator of which shall be the sum of the total years and fractional parts of years of credited service as of the valuation date of all individuals to whom allocations are being made.

The total funds subject to subsequent allocations of available funds on each valuation date shall be divided equally among those persons eligible for an allocation and allocated to the participant share account of those eligible for an allocation.

- c. Re-employed retirees shall be deemed new employees and shall receive an allocation based solely on the credited service in the reemployment period.

- (2) Allocation of Investment Gains and Losses. On each valuation date, each individual participant share account shall be adjusted to reflect the net earnings or losses resulting from investments during the year. The net earnings or losses allocated to the individual participant share accounts shall be the same percentage which is earned or lost by the total plan investments, including realized and unrealized gains or losses, net of brokerage commissions, transaction costs and management fees.

Net earnings or losses are determined as of the last business day of the calendar year, which is the valuation date, and are debited or credited as of such date.

For purposes of calculating net earnings or losses on a participant's share account pursuant to this subsection, brokerage commissions, transaction costs, and management fees for the immediately preceding calendar year shall be determined for each year by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these annual contractual fees to the board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.

- (3) Allocation of Costs, Fees and Expenses. On each valuation date, each individual participant share account shall be adjusted to allocate its pro rata share of the costs, fees and expenses of administration of the share plan. These fees shall be allocated to each individual participant share account on a proportionate basis taking the costs, fees and expenses of administration of the share plan as a whole multiplied by a fraction, the numerator of which is the total assets in each individual participant share account (after adding the annual investment gain or loss) and the denominator of which is the total assets of the fund as a whole as of the same date.

- (4) No Right to Allocation. The fact of allocation or credit of an allocation to a participant's share account by the board shall not vest in any participant, any right, title, or interest in the assets of the trust or in the Chapter 175 tax revenues except at the time or times, to the extent, and subject to the terms and conditions provided in this Section.

- (5) Participants and DROP participants shall be provided annual statements setting forth their share account balance as of the end of the calendar year.

(d) Forfeitures. Any participant who has less than ten (10) years of service credit and who is not otherwise eligible for payment of benefits after termination of employment with the city as provided for in subsection (e) shall forfeit his individual participant share account. Forfeited amounts shall be used to reduce the City's required pension contribution in the current plan year.

(e) Eligibility For Benefits. Any participant (or his beneficiary) who terminates employment as a firefighter with the City or who dies, upon application filed with the board, shall be entitled to be paid the value of his individual participant share account, subject to the following criteria:

(1) Retirement Benefit.

- a. A participant shall be entitled to one hundred percent (100%) of the value of his share account upon normal or early retirement pursuant to Section 46-33, or if the participant enters the DROP, upon termination of employment.
- b. Such payment shall be made as provided in subsection (f).

(2) Termination Benefit.

- a. In the event that a participant's employment as a firefighter is terminated by reason other than retirement, death or disability, he shall be entitled to receive the value of his share account only if he is vested in accordance with Section 46-36 and he does not request a refund of his contributions.
- b. Such payment shall be determined as provided in subsection (f), but shall not be distributed until monthly benefits actually commence.

(3) Disability Benefit.

- a. In the event that a participant is determined to be eligible for either an in-line of duty or not in-line of duty disability benefit pursuant to Section 46-35, subsection (a), he shall be entitled to one hundred percent (100%) of the value of his share account.
- b. Such payment shall be made as provided in subsection (f).

(4) Death Benefit.

- a. In the event that a participant or DROP participant dies while actively employed as a firefighter, one hundred percent (100%) of the value of his participant share account shall be paid to his designated Beneficiary as provided in Section 46-34.
- b. Such payment shall be made as provided in subsection (f).

(f) Payment of Benefits. If a participant or DROP participant terminates employment for any reason or dies and he or his beneficiary is otherwise entitled to receive the balance in the participant's share account, the participant's share account shall be valued as of the immediately preceding valuation date prior to the date of termination of employment or death. Payment of the calculated share account balance shall be payable as soon as administratively practicable, but not later than sixty (60) days, following termination or death, and shall be paid in one lump sum

payment. No optional forms of payments shall be permitted, but the payment may be subject to a rollover.

(g) *Benefits Not Guaranteed.* All benefits payable under this Section 46-59 shall be paid only from the assets accounted for in individual participant share accounts. Neither the City nor the board shall have any duty or liability to furnish any additional funds, securities or other assets to fund share account benefits. Neither the board nor any trustee shall be liable for the making, retention, or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the participant share account balances, except due to his or its own negligence, willful misconduct or lack of good faith. All investments shall be made by the board subject to the restrictions otherwise applicable to fund investments.

(h) *Notional account.* The participant share account is a notional account, used only for the purpose of calculation of the share distribution amount. It is not a separate account in the system. There is no change in the system's assets, and there is no distribution available to the participant or DROP participant until the participant's or DROP participant's termination from employment. The participant or DROP participant has no control over the investment of the share account.

(i) *No employer discretion.* The share account benefit is determined pursuant to a specific formula which does not involve employer discretion.

(j) *Maximum Additions.* Notwithstanding any other provision of this Section, annual additions under this Section shall not exceed the limitations of Section 415(c) of the code pursuant to the provisions of Section 46-43, subsection (k).

(k) *IRC limit.* The share account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).

SECTION 10. 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 11. 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 re-lettered to accomplish such intention.

SECTION 12. 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 13. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2016.

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

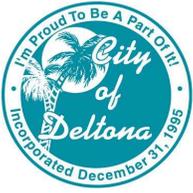
JOHN C. MASIARCZYK SR., MAYOR

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

AGENDA ITEM: E.

TO: Mayor and Commission

AGENDA DATE: 4/18/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 9 - E

SUBJECT:

Approval of Ordinance No. 20-2016; Amending Chapter 94, "Impact Fees," Section 94-8, "Payment," of the Code of the City of Deltona; Changing when Impact Fees are Paid and Conditions of Payment, for first reading. - Becky Vose, Legal Department (407) 448-0111.

Strategic Goal: City infrastructure improvement and related funding.

LOCATION:

City wide

BACKGROUND:

Ordinance No. 20-2016 revises the regulations regarding the payment of impact fees; changing when impact fees are paid and the conditions of payment. Formerly, impact fees were due prior to certificate of occupancy, but under the new ordinance, they will be due upon issuance of building permit.

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

City Attorney's Office

STAFF RECOMMENDATION PRESENTED BY:

Becky Vose, City Attorney - That the City Commission adopt Ordinance No. 20-2016 at first reading, and to schedule second and final reading for May 2, 2016.

POTENTIAL MOTION:

"I hereby move that the City Commission adopt Ordinance No. 20-2016 at first reading, and to schedule second and final reading for May 2, 2016."

ORDINANCE NO. 20-2016

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA,
AMENDING CHAPTER 94, "IMPACT FEES," SECTION 94-8,
"PAYMENT," BY CHANGING WHEN IMPACT FEES ARE PAID
AND CONDITIONS OF PAYMENT; AND PROVIDING FOR
CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE
DATE.**

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

SECTION 1. Section 94-8, "Payment," of Chapter 94, "Impact Fees," is hereby amended to read as follows:

Sec. 94-8. - Payment.

- (a) *Time of payment.* The person applying for the issuance of a building permit shall pay the total amount of the impact fee due:
 - (1) ~~Prior to the issuance of a certificate of occupancy.~~ At the time the building permit is issued; or
 - (2) If no written permit is issued, such as in the event of a change of use, occupancy, or ownership that warrants the need for impact fee payment, then at the time of payment of ~~the permit or~~ any inspection fee(s).
- (b) *Statement.* The collecting agency shall issue an impact fee statement to the applicant for a building permit, based on the use provided by the applicant and this use shall be verified for issuance of a certificate of occupancy or business tax receipt. Changes to the proposed use following building permit issuance that warrant an increased impact fee shall require payment of that increased amount at the time of payment of any inspection fee(s). The impact fee statement shall set forth the amount of impact fees due.
- (c) *Obligations run with land.* The obligation for payment of the impact fee shall run with the land. However, this section shall not be construed to relieve an applicant of responsibility or liability for payment of the impact fees imposed by this chapter.
- (d) *Late payment.* Late payment fees shall not be considered. All impact fees shall be paid in full at the time of building permit issuance or inspection fee payment. The city reserves the right to not issue a building permit, conduct an inspection, or

~~withhold a certificate of occupancy or business tax receipt until all impact fees are paid in full. If the impact fee is not paid prior to the issuance of a certificate of occupancy for the affected impact construction, the city may collect the impact fee, together with interest from the date payment was due at the rate fixed by law for judgments, a penalty of five percent per month (not to exceed 25 percent), the costs of such collection, and a reasonable attorney's fee. Interest and penalties shall be remitted for addition to the trust fund, and the recovered costs and fees for collection shall be retained by or remitted to the government incurring the expense of collection. The city attorney may execute, serve upon the owner by certified mail and record a notice of nonpayment in the official records of the city, which shall contain the legal description of the property and the amount of the impact fee liability. Such notice shall thereupon operate as a lien against such property for the amount of the impact fee, together with interest, penalties, and the costs and fees for collection, coequal with the lien of all state, county, district and city taxes.~~

(e) *Interest and administrative; penalty.* Interest at the rate set by law for judgments shall be due on all fees due under this article from the time such fee was due as required by this chapter. The inclusion in this chapter of provisions concerning interest due is cumulative of the city's rights already existing as a matter of law to prejudgment interest upon sums which are certain and due and payable at a specific time. Accordingly, the requirement for the payment of interest shall be deemed to apply retroactively to all fees which have previously become due under the terms of this article; and nothing in this article shall be construed in derogation of such right otherwise existing at law.

~~(f) *Change in fee amount.* If the impact fee rate for a particular land use is changed subsequent to the issuance of a building permit and before the issuance of a certificate of occupancy, the impact fee shall be the amount in effect on the date payment is received. If no building permit is required upon a change of use of a structure, the fee imposed by this chapter shall be payable at such time as the person making such change shall be required to apply for a city occupational license or use permit.~~

(f) *Method of payment.* Payment of impact fees shall be made to the city.

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 _____, 2016.

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

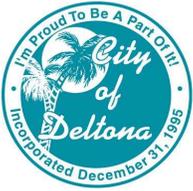
JOHN C. MASIARCZYK SR., MAYOR

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

AGENDA ITEM: F.

TO: Mayor and Commission

AGENDA DATE: 4/18/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 9 - F

SUBJECT:

Request for approval of the 2016-2017, 2017-2018 and 2018-2019 SHIP Local Housing Assistance Plan - Resolution No. 2016-14 - Chris Bowley, Planning and Development Services (386) 878-8602

Strategic Goal: Fiscal Issues, Maintain On-going Grants.

LOCATION:

N/A

BACKGROUND:

The City is an entitlement community and receives funds from the Florida Housing Finance Corporation (FHFC) through the Strategic Housing Initiatives Partnership (SHIP). Every local government that participates in the SHIP program is required to adopt a Local Housing Assistance Plan (LHAP). An LHAP contains strategies that outline how SHIP money can be allocated within an entitlement community. This is what has been done for the three (3) years the City has received the funds.

The FHFC requires that a local government LHAP be updated every three years. The intent is to ensure a plan does not become stale and it reflects current community values. To adhere to the FHFC LHAP update requirement, City staff has proposed changes to the Deltona LHAP. These changes have also been reviewed by the City Affordable Housing Advisory Committee (AHAC) and the AHAC recommends that the City Commission approve the updated LHAP and transmit the LHAP to the Florida Housing Finance Corporation for Review.

A copy of the updated LHAP is attached. The updated LHAP represents a significant rewrite with some fundamental changes including a new format. Ideally, the new LHAP would have been presented in an underline and strikethrough style. However, it was not feasible to present the changes in an underline and strikethrough style due to the required format change. In an effort to assist in the review of the revised document, major changes to the LHAP are summarized as follows:

- 1) Format has changed to comport with the style preferred by the FHFC;
- 2) The Acquisition and Rehabilitation of Homes strategy has been eliminated. This strategy was intended to bolster the City Neighborhood Stabilization Program (NSP). However, NSP is coming to a close and this strategy is no longer needed;
- 3) Addition of two new strategies to include Rental Assistance and a Central Sewer Assistance. The

AGENDA ITEM: F.

Rental Assistance strategy is intended to help people that may be behind on rent to help avoid housing loss. The Central Sewer strategy will help low income individuals defray the costs of central sewer connection if and when such an event comes to fruition. In addition, the Rental Assistance strategy will promote homeless prevention which is a major City goal; and

4) Other changes to existing strategies to provide clarification or ease implementation.

COST:

N/A

SOURCE OF FUNDS:

Florida Housing Finance Corporation, Strategic Housing Initiatives Partnership

ORIGINATING DEPARTMENT:

Planning and Development Services

STAFF RECOMMENDATION PRESENTED BY:

Ron Paradise, Assistant Director, Planning and Development Services recommends the LHAP be approved and transmitted to the FHFC for review.

POTENTIAL MOTION:

"I hereby move to approve Resolution No. 2016-14 adopting the City of Deltona 2016-2017, 2017-2018 and 2018-2019 Local Housing Assistance Plan and transmit the Plan to the Florida Housing Finance Corporation for review."

City of Deltona

SHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP)

2016-2017, 2017-2018, and 2018-2019

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I. PROGRAM DETAILS:

A. Name of the participating local government:

City of Deltona, Florida

Is there an Interlocal Agreement: Yes No

B. Purpose of the program:

Creation of the LHAP Plan (Plan) is for the purpose of meeting the housing needs of the very low, low, and moderate income households, to expand production of and to preserve affordable housing, and to further the housing element of the local government Comprehensive Plan that is specific to affordable housing.

C. Fiscal years covered by the Plan: 2016-2017, 2017-2018 and 2018-2019

D. Governance:

The SHIP Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37, Florida Administrative Code (F.A.C.). The City of Deltona's (City) Affordable Housing Assistance Program was enacted by the passage of Ordinance 08-2001 on May 1, 2001, and was signed into law on May 7, 2001. Thus, the SHIP Program is consistent with and furthers the Housing Element of the local government Comprehensive Plan.

E. Local Housing Partnership:

The City's SHIP Program encourages building active partnerships between government, lenders, builders and developers, real estate professionals, and advocates for low-income persons and community groups.

F. Leveraging:

The intent of the LHAP is to protect the existing housing stock and increase the availability and diversity of affordable residential units by combining local resources and cost saving measures into a local housing partnership and using public and private funds to reduce the cost of housing. SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs and to provide a local match to obtain federal housing grants or programs.

G. Public Input:

Public input was solicited through in-person meetings with housing providers, social service providers and local lenders and neighborhood associations. Public input was solicited through the local newspaper by advertising the Local Housing Assistance Plan and the Notice of Funding Availability. In addition, the City's Affordable Housing Committee (AHAC), consisting of community members representing various disciplines and walks of life, provided extensive input for the LHAP.

H. Advertising and Outreach:

The City shall advertise the Notice of Funding Availability (NOVA) in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.

I. Discrimination:

In accordance with the provisions of ss.760.20-760.37, it is unlawful to discriminate on the basis of race, creed, religion, color, age, sex, marital status, familial status, national origin, sexual preference, or handicap in the award application process for eligible housing.

J. Support Services and Counseling:

Support services are available from various sources. Available support services may include but are not limited to homeownership counseling (pre and post), credit counseling, tenant counseling, financial literacy coursework, and transportation modes.

K. Purchase Price Limits:

The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning no earlier than the fourth (4th) calendar year prior to the year in which the award occurs. The sales price of new and existing units, may be lower, but may not be 90% of the median area purchase price established by the U.S. Treasury Department or as described above.

The methodology used is:

U. S. Treasury Department

Local HFA Numbers

The purchase price limit for a new and existing home is shown on the Housing Delivery Goals and Charts:

Maximum Sales Price: \$258,691.00

L. Income Limits, Rent Limits and Affordability:

The Income and Rent Limits used in the SHIP Program are updated annually from the United States Department of Housing and Urban Development (HUD) and distributed by the Florida Housing Finance Corporation. The term “affordable” means that monthly rents or mortgage payments, including taxes and insurance, do not exceed 30% of that amount which represents the percentage of the median annual gross income for the households, as indicated in Sections 420.9071 (19), (20) and (28), F.S. The intent is not to limit an individual household’s ability to devote more than 30% of its income for housing. Housing for a household that devotes more than 30% of its income shall be deemed affordable when the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30% benchmark and, in the case of rental housing, for rents that do not exceed those rental limits adjusted for bedroom size. Lender will be required to provide documentation of “substantial” compensating factors for any ratio exceptions.

M. Welfare Transition Program:

Should an eligible sponsor be used, the City has developed a qualification system and selection criteria for applications for awards to eligible sponsors. This includes a description that demonstrates how eligible sponsors, including those employed personnel from the Florida Welfare Transition Program, will be given preference in the selection process.

N. Monitoring and First Right of Refusal:

In the case of rental housing, the staff or entity that has administrative authority for implementing the local housing assistance plan for rental developments shall annually

monitor and determine tenant eligibility or, to the extent that another governmental entity provides the same monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of \$3,000 or less shall not be subject to annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored on an annual basis for a minimum of 15 years or the term of assistance; whichever is longer, unless as specified above.

O. Sponsors:

As an option and for the continued occupancy of eligible persons, eligible sponsors that offer rental housing before the 15-year period of the loan, or have a remaining mortgage funded under this program, must give a right of first refusal to an eligible nonprofit organization for home purchase at the current market value.

P. Administrative Budget:

A detailed listing, including a line-item budget of proposed Administrative Expenditures, is attached as Exhibit A. These are presented on an annual basis for each State fiscal year submitted. The City finds that the money deposited in the local housing assistance trust fund shall be used to administer and implement the Local Housing Assistance Plan.

A county or an eligible municipality may not exceed the 5% limitation on administrative costs, unless its governing body finds by resolution that 5% of the local housing distribution, plus 5% of program income, is insufficient to adequately pay the necessary costs of administering the Local Housing Assistance Plan. The cost of administering the program may not exceed 10 percent of the local housing distribution, plus 5% of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(17) and eligible municipalities receiving a local housing distribution of up to \$350,000, may use up to 10% of program income for administrative costs.

The City of Deltona has adopted the above findings in the attached resolution. Please see Exhibit E.

Q. Program Administration:

Administration of the local housing assistance plan is the responsibility of the City. Should a third party entity or consultant contract for all or part of the administrative or other functions of the program, detail of the duties, and the qualification and selection criteria will be made available.

R. Essential Service Personnel:

The City will operate as defined in accordance with Rule Chapter 67-37.002(8) F.A.C. and Chapter 67-37.005(10), F.A.C. and Section 420.9075(3) F.S. Essential Service Personnel means, pursuant to Chapter 2006-69, Laws of Florida, persons in need of affordable housing who are employed in occupations or professions in which they are considered essential service personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to Section 420.9075(3)(a), F.S. The City shall consider at minimum public school teachers and public safety workers as essential personnel.

S. Section 420.9075(3)(d), F.S:

Green techniques for energy conservation and water conservation include the careful use of salvaged/recycled materials, the preservation of wildlife habitat, incorporation of healthy

environmental provisions, and the usage of durable and sustainable products. This includes the use of energy-efficient products and materials. Green building techniques, such as those previously mentioned and those described in City Ordinance No. 42-2008, will be promoted in the various Deltona SHIP strategies that involve construction/rehabilitation.

T. Homebuyer Education, Financial Literacy and Counseling:

Homebuyer education and counseling is a service provided by a HUD certified housing counselor in conjunction with the City's Purchase Assistance, Owner Occupied Repair and other strategies to assist households in learning about how to purchase a home, maintain a home after purchase, and to prevent future foreclosures. As part of the qualification process, all applicants will be required to attend homebuyer education and maintenance classes. Financial literacy, money management, counseling for credit issues and other matters will be provided, as needed, in order to prepare an eligible applicant for homeownership, and self-sufficiency.

U. Refinancing:

If a dwelling is refinanced, SHIP loans are to be re-paid immediately, for the amount as consistent with the loan. However, the City may allow, on a case by case basis, refinancing with continued loan subordination only if the following criteria are met;

1. No cash back to the owner either in lump sum, through monthly payments or other mechanisms;
2. Loan terms are not extended beyond existing loan life;
3. Interest rates are substantially lower;
4. Fees and points are not excessive;
5. Monthly payments may not increase;
6. Owner must pay closing costs out of pocket; and
7. Other terms may apply in order for the City to allow continued subordination.

V. Priorities:

Per Section 420.9075(1)(a), F.S., preference will be given to those eligible recipients with special housing needs, including but not limited to, homeless people, the elderly, migrant farm workers, and person with disabilities; if in accordance with all applicable Federal or State laws.

II. LHAP HOUSING STRATEGIES:

A.

Purchase Assistance with Potential Rehabilitation Program	Code 1
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- a. Summary of Strategy:** This strategy assists eligible first time homebuyers with a deferred payment loan to be applied as gap-financing, based on need, towards down payment, closing costs, interest rate buy-down, and/or principal reduction and potential rehabilitation for the purchase of eligible housing; which includes single family homes, or other fee simple purchase including State approved manufactured buildings (pursuant to Chapter 553.35 F.S.) mobile homes ineligible. Eligible housing types under this strategy include existing and newly constructed homes.

b. Fiscal Years Covered: 2016-2017, 2017-2018 and 2018-2019

c. Income Categories to be served: Household incomes that are at or below 120% of the area median income adjusted for household size are eligible to be served in the program. For the purposes of the SHIP Program, very low, low and moderate income households are defined in SHIP Statute Section 420.9071. The income limits are annually provided by HUD and distributed by the Florida Housing Finance Corporation. Preference will be given to applicants that are below 50% level.

d. Maximum award: (Includes Closing Costs)

<u>Income Limit</u>	<u>Max DPA</u> +	<u>Max Rehab</u>	=	<u>Max Award/ Per Unit</u>
Very Low	\$25,000	\$10,000	=	\$35,000
Low	\$20,000	\$10,000	=	\$30,000
Moderate	\$15,000	\$10,000	=	\$25,000

e. Terms, Recapture, and Default:

1. The maximum Down Payment Assistance for this strategy will be provided in the form of a second subordinate mortgage to the first mortgage that has a zero (0%) interest deferred payment, forgivable loan for a term of 30 years. The loan term is 30 years. At the end of 30 years, the loan is forgiven. An applicant will be awarded the minimum amount possible to facilitate home purchase.
2. If a default occurs during a 30-year loan term, the entire balance of the loan is due and payable.
3. When SHIP funds are combined with Florida Housing Finance Corporation Programs for purchase assistance, the SHIP Administrator has the option of allowing the City's SHIP funds to be awarded as a third mortgage.
4. Mortgage payments, including taxes and insurance, may not exceed 30% of an amount representing the percentage of the annual gross income for the household. No more than 45% of the combined mortgage payment shall include taxes insurance and overall debt.
5. Repairs to the home, if applicable, may not begin until after the closing. Therefore, City SHIP funds will be provided as a subordinate third mortgage to the City SHIP funds at zero (0%) interest, deferred payment, for a forgivable loan for 10 years.
6. The deferred payment forgivable loans shall immediately become due and payable to the City, if any of the following occurs:
 - A. Homeowner sells, transfers, or disposes of the property by any means, including bankruptcy, foreclosure, short sale, or deed in lieu of foreclosure;
 - B. Homeowner no longer occupies the unit as their principal residence;
 - C. Homeowner dies, or if a married couple, the survivor dies;
 - D. Homeowner refinances their first mortgage (See Program Description for a potential exception), or requires subordination for a new second mortgage or obtains a reverse mortgage; or
 - E. An heir may assume the debt as long as they are income eligible and become the owner-occupant.
7. Recipients of SHIP awards will be required to contractually commit to program guidelines. The recipients will execute a mortgage and a promissory note for the value of the award received. The mortgage

encumbering the real property will promptly be recorded in the public records of the Clerk of the Circuit Court for Volusia County.

f. Recipient Selection Criteria: Funds will be made available on a first come, first qualified, first served basis while funds are available;

1. All dwelling units will be within the Deltona city limits;
2. HUD defined manufactured homes (mobile homes) are not eligible for assistance;
3. Applicants are required to submit a completed City of Deltona SHIP Application and provide all written documentation requested including income, and other eligibility and qualification parameters;
4. A first time homebuyer is defined as an eligible applicant who has not owned a home within the last three (3) years preceding the application for SHIP assistance. However, someone who has lost his or her home as a result of divorce within the last three years, a single parent, or a very low or low income person living in a substandard dwelling that cannot be brought into compliance with local building codes for less than the cost of constructing a permanent structure, meets the first-time homebuyer definition;
5. Applicants must be credit ready and have sufficient income required to obtain mortgage financing from participating, institutional lenders;
6. Applicants must attend, and complete, and pass a Homebuyer Education Counseling course, including a financial literacy component, provided by or approved by the City; and
7. A Home Quality Standards (HQS) inspection must be conducted by the applicant's certified housing inspector or the City Housing Program's designated HQS inspector.
8. Mortgage payments, including taxes and insurance, may not exceed 30% of an amount representing the percentage of the annual gross income for the household and no more than 45% combined mortgage payment, including taxes, insurance, fees and overall debt.
9. Persons who qualify for SHIP assistance must contractually agree to all SHIP Program guidelines and City of Deltona requirements, recapture provisions, and certify that the unit assisted will be their principal residence. The City shall periodically monitor applicants that obtain a dwelling through this strategy to ensure that the terms of the program are implemented and to authenticate application information.

g. Sponsor Selection Criteria, if applicable: The City of Deltona may choose a sponsor to assist in the administration of this strategy consistent with Deltona's purchase and procurement guidelines. The sponsors may be a private corporation, a not for profit corporation, or a community-based organization. Selection is based on the sponsor's ability to proceed, past experience in related fields, and performance.

h. Additional Information:

1. Institutional first mortgage lender with no private owner financing;
2. First mortgages shall be at a fixed rate. The rate may not exceed two (2) points above the current 60-day Fannie Mae par pricing;
3. The term of the loan shall be for 30 years;

4. Loan origination and broker fees as combined, may not exceed 2% of the sales price;
5. The purchase price may not exceed the sales price of the home;
6. There is no pre-payment penalty;
7. There is “No Cash Back” to the borrower; must be reflected on the Settlement Statement;
8. Funds will be encumbered for eligible applicants whose contracted homes are deemed repairable according to program guidelines;
9. The City or its designee will facilitate the work write up on inspections to ensure that all work is performed by a licensed and insured contractor; and
10. The rehabilitation element of this strategy will be limited to code, health and safety items. The rehabilitation amount represents the maximum possible granted. Actual amounts allocated per house may be less than the maximum amount.

B.

Owner Occupied Rehabilitation Assistance Program:	Code 3
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- a. **Summary of Strategy:** This strategy offers eligible homeowners assistance with needed and program verifiable repairs, and possible alterations to improve their health, and safety. Assistance to make a home barrier free for special needs households is also eligible.
- b. **Fiscal Years Covered:** 2016-2017, 2017-2018 and 2018-2019
- c. **Income Categories to be served:** Serviceable categories are for household incomes that are at or below 80% of the area median income adjusted for household size. For the purposes of the SHIP program, very low, and low income households are defined in SHIP Statute Section 420.9071. The income limits are annually provided by HUD and distributed by the Florida Housing Finance Corporation.
- d. **Maximum award, as follows:**

<u>Income Limit</u>	<u>Maximum</u>
Very Low	\$30,000
Low	\$30,000
- e. **Terms, Recapture, and Default:** The City of Deltona will provide a second mortgage deferred payment, zero interest (0%), forgivable loan for a term of up to 15 years. However, the Owner Occupied Repair strategy is need-based and applicants are only entitled to the least amount of possible award for which they are qualified;
 - Minimum affordability period is:
15 Years Assistance - \$0 - \$30,000

The deferred payment forgivable loan shall immediately be due and payable to the City if any of the following occurs:

1. Homeowner sells, transfers, or disposes of the property by any means, including bankruptcy, foreclosure, short sale, or deed in lieu of foreclosure;

2. Homeowner no longer occupies the unit as their principal residence;
3. Homeowner dies, or if a married couple, the survivor dies;
4. Homeowner refinances their first mortgage (See Program Description for a possible exception.) or requires subordination for a new second mortgage or reverse mortgage;
5. An heir may assume the debt, as long as they are income eligible and become the owner-occupant;
6. Recipients of SHIP awards will be required to contractually commit to program guidelines. The recipients will execute a mortgage and a promissory note for the value of the award received. The mortgage encumbering the real property will promptly be recorded in the public records of the Clerk of the Circuit Court for Volusia County; and
7. Legal fees associated with dispute shall be the responsibility of the homeowner or successor in title.

f. Recipient Selection Criteria: Funds will be made available on a first come, first complete, first served basis, while funds are available:

1. All dwelling units will be within the Deltona city limits;
2. HUD defined manufactured homes (mobile homes) are not eligible for assistance;
3. Applicants are required to submit a completed City of Deltona SHIP Application and provide all written documentation requested including income, and other eligibility and qualification parameters;
4. Persons who qualify for SHIP assistance must contractually agree to all SHIP Program guidelines, City of Deltona requirements, including recapture provisions and certify that the assisted unit is their principal and only residence/dwelling. Applicants must attend, complete and pass a Homebuyer Education Counseling course, including a homeowner maintenance and financial literacy component provided by or approved by the City; and
5. A Home Quality Standards (HQS) inspection must be conducted by the City Housing Program's designated HQS inspector.

g. Sponsor Selection Criteria, if applicable: The City of Deltona may choose a sponsor to assist in the administration of this strategy by using the City's purchasing and procurement guidelines. The sponsors may be a private corporation, a not for profit corporation, or a community based organization. Selection is based on the sponsor's ability to proceed, past experience in related fields, and performance.

h. Additional Information: If it is determined by the City of Deltona SHIP program that the applicant meets income eligibility guidelines, a home inspection and work write-up will be completed by the City or its designee:

1. Funds will be encumbered for eligible applicants whose homes are deemed repairable according to program guidelines;
2. The City or its designee will perform a work write up and conduct inspections. All construction will be performed by a licensed and insured contractor;
3. All insurance, mortgages, taxes, and special assessments must be current and paid;

4. All homes eligible for rehabilitation must be owner-occupied with fee simple title encumbered with a first mortgage only. Applicants with second or third mortgages or reverse mortgages will not be eligible; and
5. The City, or its designee, will manage the contractor bid process and inspections to ensure that all work is performed by a licensed and insured contractor.
6. If there is a determination that a dwelling will require more than the \$30,000 award to rehabilitate, the applicant will be considered ineligible for Owner Occupied Rehabilitation.
7. In no instances shall a client be able to contribute any funds to upgrade materials, work, etc. as part of this strategy.
8. Applicants that stop work, or otherwise interfere with City hired contractors or associated subcontractors will potentially have an approved rehabilitation project terminated. If a project is terminated the contractor will be paid for work done and a lien, as per LHAP requirements, will be placed on the dwelling to cover money invested in the dwelling. Any disputes, questions, or concerns about contractor work needs to be coordinated through City staff.

i. Rehabilitation Prioritization and Standards: Rehabilitation activities will be prioritized. The first rehabilitation activity shall be the priority with subsequent actions, if warranted, taken as award amounts allow. The HQS inspection will be used to help prioritize rehabilitation activities;

1. Code Compliance related Health, Welfare and Safety. With regard to unpermitted construction, including unpermitted rooms, porches, etc. restoration back to original condition or demolition of these improvements will be the method of which to address complying with applicable code.
2. Roof Work or Replacement. Roofing will be replaced with code compliant asphalt shingles. Metal, tile, etc. will not be an option even if originally constructed with such material.
3. Septic Tank/Drain-field. Drain-field repair will not cover the costs of non-code complaint turf and/or landscaping replacement or the costs to repair/replace irrigation systems and/or fences disrupted as a result of septic work. Finally, drain-field repair cannot be used to upsize a septic system as a result of unpermitted room addition(s).
4. Heating, ventilation and air conditioning.

Owner Occupied Repair awards shall not be used to fund non-structural, non-code related items.

The prioritization of work performed on a dwelling will be the decision of the City. Based on the limited amount of funds available to spend on a single project, not all work, even to comply with code requirements, may be possible. Finally, if rehabilitation work is too extensive and may exceed the \$30,000 limit, as per section “h” of this Strategy, the applicant will be determined ineligible for assistance.

C.

Multi-Family Rental Units, New Construction, & Rehabilitation:	Code 21
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a. Summary of Strategy: SHIP funds may be used as part of the local contribution

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when participating in programs such as, the Low Income Housing Tax Credit (LIHTC) program, State Apartment Incentive Loan (SAIL) program, the State HOME program and other programs, as applicable, when they are used to perform new construction and/or rehabilitation of multi-family rental housing developments. Eligible activities include payment of impact fees, infrastructure expenses, and soft/hard costs.

- b. Fiscal Years Covered:** 2016-2017, 2017-2018 and 2018-2019
- c. Income Categories to be served:** Household incomes that are at or below 80% of the area median income adjusted for household size. For the purposes of the SHIP Program, very low, low and moderate income households are defined in SHIP Statute Section 420.9071. The income limits are annually provided by HUD and distributed by the Florida Housing Finance Corporation. Per Section 420.9075(1)(a), F.S., preference will be given to those eligible recipients with special housing needs, including, but not limited to, homeless people, the elderly, migrant farm workers, and person with disabilities, in accordance with all applicable Federal or State laws.
- d. Maximum award:** Maximum award of \$50,000 per project. A project shall be considered a multi-family development occurring on a parcel of record that can be feasibly developed at a density of no less than eight units per acre and no more than twenty units per acre.
- e. Terms, Recapture, and Default:** Assistance is provided to an eligible developer/sponsor through payment of impact fees, infrastructure expenses, and construction hard/soft costs. The assistance shall be provided in the form of a loan. All properties are subject to recapture of funds through a lien placed on the property to recapture funds, if the property is sold. The loan is a 15-year term, with a zero (0%) percent interest rate. No payments are due until the end of the loan terms of other funding partners, not to exceed a 15-year term. For the purpose of the Agreement between the City and the property owner, "sold" shall mean the property is sold in a fee-simple arms-length transaction, and the title transferred. Rental units receiving SHIP funds shall be monitored appropriately for compliance with tenant income and affordability requirements by the City for 15 years, as required by the SHIP program. The development will be monitored for compliance with an FHFC funding source that meets or exceeds this requirement and that compliance is acceptable for SHIP compliance. The City shall rely on State monitoring efforts to assist in local monitoring.
- f. Recipient Selection Criteria:** An eligible recipient shall be assisted on a first come, first ready basis. The beneficiary shall only serve households with an income at or below 80% of the area median income that is adjusted for household size and shall meet all eligibility requirements of the SHIP Program.
- g. Sponsor Selection Criteria, if applicable:** An eligible developer/sponsor may submit applications at any time for assistance. Eligible costs include payment of impact fees, infrastructure expenses, and/or construction soft/hard costs. Applicants will be evaluated and awarded based upon the following criteria: the financial strength of the developer/sponsor such as financing commitments, verifiable income listed in tax returns, up to date independent audits, etc.; capacity; features of the

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proposed development, including but not limited to the number of bedrooms, interior/exterior treatments, amenities, etc.; marketing plan for the proposed project; site control; affordability of the development; previous similar work experience; and whether or not personnel from the Florida Welfare Transition Program will be employed. Eligible developers/sponsors must contractually commit to follow the guidelines of the SHIP Program. Any monetary commitment made by the City under this strategy must be approved by the City Commission during a regularly scheduled hearing as an item appearing on the agenda.

- h.** Additional Information: In the case of rental housing, there will be monitoring and first right of refusal for the City’s SHIP Program. Staff or entity (State) that has administrative authority for implementing the LHAP in assisting rental developments shall appropriately monitor and determine tenant eligibility. Tenant eligibility will be monitored annually for at least 15 years or the term of assistance; whichever is longer, unless as specified otherwise and the City will rely on State monitoring efforts to determine compliance.

D.

Foreclosure Prevention Assistance Program:	Code 7
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- a. Summary of Strategy:** This strategy is used to provide homeowners the opportunity to avoid foreclosure and retain their homes. This is a one-time per household assistance strategy and may not be combined with any other foreclosure assistance program such as Hardest Hit.
- b. Fiscal Years Covered:** 2016-2017, 2017-2018 and 2018-2019
- c. Income Categories to be served:** Household incomes at or below 80% of the area median income adjusted for household size. For the purposes of the SHIP Program, very low and low income households are defined in SHIP Statute Section 420.9071. The income limits are annually provided by HUD and distributed by the Florida Housing Finance Corporation.
- d. Maximum award:**
 - Income Limits
 - Very Low \$7,500
 - Low \$7,500
- e. Terms, Recapture, and Default:** The City of Deltona will provide a 0% interest deferred payment forgivable loan for 5 years. The deferred payment forgivable loan shall immediately become due and payable to the City if any of the following occurs:
 1. Homeowner sells, transfers, or disposes of the property by any means, including bankruptcy, foreclosure, short sale, or deed in lieu of foreclosure;
 2. Homeowner no longer occupies the unit as their principal residence;
 3. Homeowner dies, or if married couple, the survivor dies;
 4. Homeowner refinances their first mortgage (See Program Description for potential exception.), obtains a reverse mortgage, or requires subordination

- for a new second mortgage; and
5. An heir may assume the debt as long as they are income eligible and become the owner-occupant.

Recipients of SHIP awards will be required to contractually commit to program guidelines. The recipients will execute a mortgage and a promissory note for the value of the award received. The mortgage encumbering the real property will promptly be recorded in the public records of the Clerk of the Circuit Court for Volusia County.

f. Recipient Selection Criteria, if applicable:

1. Funds will be made available on a first come, first complete, first served basis while funds are available;
2. All dwelling units will be within the Deltona city limits. HUD defined manufactured homes (mobile homes) are not eligible for assistance;
3. Applicants are required to submit a completed City of Deltona SHIP Application and provide all written documentation requested including income, and other eligibility and qualifications parameters;
4. Applicants must be at least 2 months arrears in mortgage payments and have received notification in writing from their lender that foreclosure proceedings will begin;
5. Applicants who apply for assistance and who need more than the foreclosure assistance that is offered in this strategy must have the additional funds to pay all the remaining unpaid delinquency;
6. Applicants must be income qualified and have sufficient income required to maintain their mortgage after foreclosure assistance is received;
7. Applicants may receive the foreclosure strategy one time only;
8. Applicants must demonstrate through documentary evidence that non-payment of their mortgage is due to one of the following reasons:
 - a. Sudden Loss of Income;
 - b. Sudden Medical Expenses;
 - c. Divorce or Separation;
 - d. Death of a Family member that generated household income; and
 - e. Unforeseen home repair bills; and
9. Persons who qualify for SHIP assistance must contractually agree to all SHIP Program guidelines, and City of Deltona requirements, including recapture provisions and certify that the unit assisted is their principal residence. Applicants must attend, complete and pass a Homebuyer Education Counseling course, including a homeowner maintenance and financial literacy component provided by or approved by the City.

- g. Sponsor Selection Criteria, if applicable:** The City of Deltona may choose a sponsor to assist in the administration of this strategy by advertising using the City of Deltona purchase and procurement guidelines. The sponsors may be a private corporation, a not for profit corporation or a community based organization. Selection is based on the sponsor's ability to proceed, past experience in related fields, and performance.

E.

Rental Assistance Program	Code 23
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- a. **Summary of Strategy:** This strategy is used to provide tenants with the ability to obtain rental assistance. There is recognition that the Florida Finance Housing Commission has not officially approved this type of strategy. Until the FHFC does approve this type of strategy, the Rental and Utility Assistance program will be considered a placeholder. An objective of this strategy is to prevent homelessness by providing limited assistance for rent. In order to be eligible for this strategy, an applicant(s) will be required to prove residence within the City for a period of one full year.
- b. **Fiscal Years Covered:** 2016-2017, 2017-2018 and 2018-2019
- c. **Income Categories to be served:** Household incomes at or below 80% of the area median income adjusted for household size. For the purposes of the SHIP Program, Very Low and Low Income Households are defined in SHIP Statute Section 420.9071. The income limits are annually provided by the U.S. Department of Housing and Urban Development (HUD) and distributed by the Florida Housing Finance Corporation (FHFC).
- d. **Maximum award:** \$2,000 maximum per household.
- e. **Terms, Recapture and Default:** Recipients of SHIP awards under this strategy will be required to contractually commit to program guidelines, including income/asset verification and residency. There are no recapture terms.
- f. **Recipient Selection Criteria:**
 - 1. Funds will be made available on a first come, first complete, first served basis while funds are available;
 - 2. All dwelling units within the Deltona City limits;
 - 3. Applicants will be required to provide a valid lease for the place of residence;
 - 4. A written notice, pursuant to Florida Statutes 83 of non-payment of rent from landlord needs to be submitted;
 - 5. All applicants will be required to prove at least one year of continuous residency within the City to be eligible for this strategy;
 - 6. All requisite applicant information should be entered into the HMIS as applicable;
 - 7. Landlords will be required to accept rent payment directly from the City and sign a release ending the eviction notice process;
 - 8. Applicants are required to submit a completed City of Deltona SHIP Application or other application if this strategy is implemented by a sponsor; and
 - 9. Persons who qualify for SHIP assistance must contractually agree to SHIP Program guidelines, and City of Deltona requirements.
- g. **Sponsor Selection Criteria, if applicable:** The City of Deltona may choose a sponsor to assist in the administration of this strategy. Selection of a sponsor will be

consistent with City of Deltona purchase and procurement guidelines. The sponsors may be a private corporation, a not for profit corporation, or a community based organization. Selection is based on the sponsor's ability to proceed, past experience in related fields, and performance.

h. Additional Information:

1. Applicants who apply for assistance and need more than one (1) month rental payment must have the funds to pay all the arrears rental and associated fees illustrated within the terms of the lease;
2. Applicants must demonstrate through documentary evidence that non-payment of rent payment is due to one of the following reasons:
 1. Sudden Loss of Income;
 2. Sudden Medical Expenses;
 3. Divorce or Separation; or
 4. Death of a Family member that generated household income.
3. Applicants will need be demonstrate that they have the ability to continue with the terms of the lease.

F.

Disaster Mitigation/Recovery Assistance Program:	Code 5
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- a. **Summary of Strategy:** In the event of a Federal or State declared disaster affecting all or part of the City of Deltona, the City Commission reserves the right to utilize unencumbered SHIP funds to support this contingency strategy. Regulations require that the disaster be declared by Executive Order.

SHIP disaster mitigation/recovery funds may be used to provide assistance to income eligible households. Funds will be leveraged, when feasible, with the homeowner's flood insurance policy, homeowners insurance policy, FEMA Hazard Mitigation Grant Program and/or other or disaster funds. SHIP disaster awards must be directly related to assisting disaster victims. SHIP disaster funds may be used for items such as, but not limited to:

1. Purchase of emergency supplies for eligible households to weatherproof damaged homes;
2. Interim repairs to avoid further damage—such as tree and debris removal required to make the individual housing unit habitable;
3. Construction of wells or repair of existing wells where public water is not available;
4. Payment of insurance deductibles for rehabilitation of homes covered under homeowners insurance policies;
5. Security deposit, rental assistance for the duration of Florida Office of the Governor Executive Order No. 04-182, for eligible recipients that have been displaced from their homes due to damage from the disaster; and
6. Owner occupied rehabilitation; for eligible households with disaster damages in need of repairs to improve their health, safety and well-being or contribute to structural integrity and preservation of their owner occupied home.

- b. **Fiscal Years Covered:** 2016-2017, 2017-2018 and 2018-2019

c. **Income Categories to be served:** Household incomes at or below 120% as defined by the U.S. Department of Housing (HUD) and adopted by the State of Florida and distributed by the Florida Housing Finance Corporation for the use in the SHIP Program.

d. **Maximum award:**

<u>Income Limit</u>	<u>Maximum</u>
Very Low	Up to \$40,000
Low	Up to \$40,000
Moderate	Up to \$40,000

e. **Terms, Recapture, and Default:** SHIP funds for this activity will be in the form of a grant and shall not be subject to recapture, in the form zero (0%) deferred payment forgivable loan, for a term of 15 years.

The deferred payment forgivable loan shall immediately become due and payable to the City if any of the following occurs:

1. Homeowner sells, transfers, or disposes of the property by any means, including bankruptcy, foreclosure, short sale, or deed in lieu of foreclosure;
2. Homeowner no longer occupies the unit as their principal residence;
3. Homeowner dies, or if married couple, the survivor dies;
4. Homeowner refinances their first mortgage (See Program Description for an exception), obtains a reverse mortgage, or requires subordination for a new second mortgage; or
5. An heir may assume the debt as long as they are income eligible and become the owner-occupant.

Recipients of SHIP awards will be required to contractually commit to program guidelines. The recipients will execute a mortgage and a promissory note for the value of the award received. The mortgage encumbering the real property will promptly be recorded in the public records of the Clerk of the Circuit Court for Volusia County.

f. **Recipient Selection Criteria:**

1. Funds will be made available on a first come, first complete, first served basis while funds are available;
2. All dwellings will be within the Deltona city limits;
3. HUD defined manufactured homes (mobile homes) are not eligible for assistance;
4. Applicants are required to submit a completed City of Deltona SHIP Application and provide all written documentation requested including income, eligibility and qualification-parameters;
5. Persons who qualify for SHIP assistance must contractually agree to all SHIP Program guidelines, City of Deltona requirements, including recapture provisions and certify that the unit assisted is their principal residence;
6. Applicants must attend, complete and pass a Homebuyer Education Counseling course, including a homeowner maintenance and financial literacy component provided by or approved by the City;
7. A Home Quality Standards (HQS) inspection must be conducted by the City Housing Program's designated HQS inspector; and

8. Rehabilitation activities shall be administered and prioritized utilizing the criteria illustrated under the Owner Occupied Rehabilitation strategy.
- g. **Sponsor Selection Criteria, if applicable:** The City of Deltona may choose a sponsor to assist in the administration of this strategy by advertising using the City of Deltona purchase and procurement guidelines. The sponsors may be a private corporation, a not for profit corporation, or a community based organization. Selection is based on the sponsor's ability to proceed, past experience in related fields, and performance.
- h. **Additional Information:**
 1. Applicants for disaster mitigation/recovery will be given priority above others on the waiting lists for other strategies.
 2. Funds will not be allocated to this strategy except in the case of a Federal or State declared disaster.

G.

Central Sewer Assistance Program:	Code 8
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- a. **Summary of Strategy:** There is a potential that certain neighborhoods or areas of the City may be retrofitted with central sewer to eliminate septic tanks that are failing, creating environmental or health hazards, etc. The requirement for individual residents to connect to a central sewer facility may constitute a financial burden. Therefore, this strategy is intended to assist qualified households defray some of the cost associated with the connection to central sewer.
- b. **Fiscal Years Covered:** 2016-2017, 2017-2018 and 2018-2019
- c. **Income Categories to be served:** Household incomes at or below 80% of the area median income adjusted for household size. For the purposes of the SHIP Program, Very Low and Low Income Households are defined in SHIP Statute Section 420.9071. The income limits are annually provided by the U.S. Department of Housing and Urban Development (HUD) and distributed by the Florida Housing Finance Corporation (FHFC).
- d. **Maximum award is noted on the Housing Delivery Goals Charts:** Very Low and Low income households are eligible for a one time assistance to connect to central sewer of no more than \$10,000. The assistance amount may be less if the cost to connect is less than \$10,000.
- e. **Terms, Recapture, and Default:** The City of Deltona will provide a second mortgage deferred payment, zero interest (0%), forgivable loan for a term of up to 15 years.
- f. **Recipient Selection Criteria:**
 1. Funds will be made available on a first come, first complete, first served basis while funds are available;
 2. The City will spend no more than 75% of a yearly SHIP allocation on this strategy;

3. All dwelling units within the Deltona City limits;
 4. All homes eligible for sewer retrofit must be owner-occupied with fee simple title encumbered with a first mortgage only. Applicants with second or third mortgages or reverse mortgages will not be eligible;
 5. The City, or its designee, will manage the contractor bid process and inspections to ensure that all work is performed by a licensed and insured contractor;
 6. If a sewer connection project will cost more than the \$10,000 grant, a homeowner can provide extra money derived through any legit source to facilitate connection. However, the City shall be responsible for hiring a contractor to perform needed work;
 7. Applicants are required to submit a completed City of Deltona SHIP Application;
 8. Persons who qualify for SHIP assistance must contractually agree to SHIP Program guidelines, and City of Deltona requirements; and
 9. Sewer connection will include all impact and permit fees; plumbing from the house to the City sewer line; and code compliant septic tank abandonment.
- g. **Sponsor Selection Criteria, if applicable:** The City of Deltona may choose a sponsor to assist in the administration of this strategy. Selection of a sponsor will be consistent with City of Deltona purchase and procurement guidelines. The sponsors may be a private corporation, a not for profit corporation, or a community based organization. Selection is based on the sponsor's ability to proceed, past experience in related fields, and performance.
- h. **Additional Information:** None.

III. LHAP INCENTIVE STRATEGIES:

In addition to the **required Incentive Strategy A and Strategy B**, include all adopted incentives with the policies and procedures used for implementation as provided in Section 420.9076, F.S.:

- a. **Name of the Strategy:**
 1. **Expedited Permitting;** Permits as defined in S. 163.3164(7) and (8) for affordable housing projects are expedited to a greater degree than other projects.
 - a. **Established Policy and Procedures;** The City of Deltona will maintain the policy that affordable housing projects can be placed ahead of other projects to prevent delays. All SHIP-funded projects requiring a permit or any designated affordable housing project, which have been coordinated with the Department of Planning and Development Services will receive expedited permit processing. All such applications will be put on colored paper in order to easily identify them from other permit requests. In addition, the City is prepared to memorialize this policy by adding a provision in the Comprehensive Plan.
- b. **Name of the Strategy:**
 1. **Ongoing Review Process;** There is an on-going review process for local

policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption.

- a. **Established Policy and Procedures;** For established policy and procedures, when any local policies, ordinances, regulations, and plans are prepared that would increase the cost of housing, the City shall provide a draft of said policies, ordinances, regulation, and plans to the Community Development Division for their review. Analysis and comments on how such initiative(s) may impact the cost of housing for lower income households.

- c. **Name of the Strategy:**
 - 1. **The Reservation of Infrastructure:** Add to the Comprehensive Plan, the establishment capacity threshold of up to 120% for affordable housing projects relating to traffic level of service.
 - a. **Established Policy and Procedures:** Infrastructure, such as water/sewer, roads, drainage, parks and public safety capacity must be available to support development. Capacity is funded through impact fees, exactions, general taxes, and by federal, state and local units of government. Class “A” Concurrency items are managed by the City Comprehensive Plan. The City plans to add a policy to the Comprehensive Plan allowing a concurrency threshold of 120% for affordable housing projects.

- d. **Name of Strategy:**
 - 1. **Other Strategies:** Illustrated in the latest 2015 AHAC Incentive, Review and Recommendation Report.

IV. EXHIBITS:

- A. Administrative Budget for each fiscal year covered in the Plan, Exhibit A.
- B. Timeline for Encumbrance and Expenditure: Chapter 67-37.005(6)(d) and F.A.C. A separate timeline for each fiscal year covered in this plan is attached as Exhibit B.
- C. Housing Delivery goals Chart (HDGC) For Each Fiscal Year Covered in the Plan. Completed HDGC for each fiscal year is attached as Exhibit C.
- D. Certification Page: Signed Certification will be submitted with the final document.
- E. Adopting Resolution: A Resolution will be submitted with the final document.
- F. Program Information Sheet: The completed Program Information Sheet is attached as Exhibit F.
- G. Ordinance: N/A
- H. Interlocal Agreement: N/A

LHAP 2009-001

Exhibit A

Revised: 6/2015

City of Deltona

Fiscal Year: 2016-2017		
Estimated Allocation for Calculating:	\$	420,000.00
Salaries and Benefits	\$	40,000.00
Office Supplies and Equipment	\$	500.00
Travel Per diem Workshops, etc.	\$	1,000.00
Advertising	\$	1,500.00
Other*	\$	
Total	\$	43,000.00
		0.102381
Fiscal Year: 2017-2018		
Estimated Allocation for Calculating:	\$	420,000.00
Salaries and Benefits	\$	40,000.00
Office Supplies and Equipment	\$	500.00
Travel Per diem Workshops, etc.	\$	1,000.00
Advertising	\$	1,500.00
Other*	\$	
Total	\$	43,000.00
		0.102381
Fiscal Year 2018-2019		
Estimated Allocation for Calculating:	\$	420,000.00
Salaries and Benefits	\$	40,000.00
Office Supplies and Equipment	\$	500.00
Travel Per diem Workshops, etc.	\$	1,000.00
Advertising	\$	1,500.00
Other*	\$	
Total	\$	43,000.00
		0.102381

*All "other" items need to be detailed here and are subject to review and approval by the SHIP review committee. Project Delivery Costs that are outside of administrative costs are not to be included here, but must be detailed in the LHAP main document.

Details: Projected administration allowance is based on a projected allocation of \$420,000 (10% for admin) = \$42,000 and program income of \$20,000 (5% for admin) = \$1,000. Total admin allowance \$42,000 + \$1,000 = \$43,000.

Source Document:

http://apps.floridahousing.org/StandAlone/FHFC_ECM/AppPage_ListPage.aspx?PageID=35

Exhibit B
Timeline for SHIP Expenditures

City of Deltona

_____ affirms that funds allocated for these fiscal years will
(local government)
meet the following deadlines:

Fiscal Year	Encumbered	Expended	1st Year AR	2nd Year AR	Closeout AR
2016-2017	6/30/2018	6/30/2019	9/15/2017	9/15/2018	9/15/2019
2017-2018	6/30/2019	6/30/2020	9/15/2018	9/15/2019	9/15/2020
2018-2019	6/30/2020	6/30/2021	9/15/2019	9/15/2020	9/15/2021

If funds allocated for these fiscal years is not anticipated to meet any of the deadlines in the table above, Florida Housing Finance Corporation will be notified according to the following chart:

Fiscal Year	Funds Not Encumbered	Funds Not Expended	1st Year AR Not Submitted	2nd Year AR Not Submitted	Closeout AR Not Submitted
2016-2017	3/30/2018	3/30/2019	6/15/2017	6/15/2018	6/15/2019
2017-2018	3/30/2019	3/30/2020	6/15/2018	6/15/2019	6/15/2020
2018-2019	3/30/2020	3/30/2021	6/15/2019	6/15/2020	6/15/2021

Requests for Expenditure Extensions (close-out year ONLY) must be received by FHFC by June 15 of the year in which funds are required to be expended. The extension request shall be emailed to robert.dearduff@floridahousing.org and terry.auringer@floridahousing.org and include:

1. A statement that “(city/county) requests an extension to the expenditure deadline for fiscal year _____.
2. The amount of funds that is not expended.
3. The amount of funds that is not encumbered or has been recaptured.
4. A detailed plan of how/when the money will be expended.

Note: an extension to the expenditure deadline (June 30) does not relieve the requirement to submit (September 15) the annual report online detailing all funds that have been expended. Please email terry.auringer@floridahousing.org when you are ready to “submit” the AR.

Other Key Deadlines:

AHAC reports are due for each local government by **December 31** of the year prior to the local government’s LHAP being submitted. Local governments receiving the minimum or less allocation are not required to report.

**CERTIFICATION TO
FLORIDA HOUSING FINANCE CORPORATION**

Local Government: City of Deltona, Florida

- (1) The local government will advertise the availability of SHIP funds pursuant to Florida Statutes.
- (2) All SHIP funds will be expended in a manner which will insure that there will be no discrimination on the basis of race, creed, religion, color, age, sex, familial or marital status, handicap, or national origin.
- (3) A process for selection of recipients for funds has been developed.
- (4) The eligible municipality or county has developed a qualification system for applications for awards.
- (5) Recipients of funds will be required to contractually commit to program guidelines.
- (6) The Florida Housing Finance Corporation will be notified promptly if the local government (or interlocal entity) will be unable to comply with the provisions the plan.
- (7) The Local Housing Assistance Plan shall provide for the expenditure of SHIP funds including allocation, program income and recaptured funds within 24 months following the end of the State fiscal year in which they are received.
- (8) The plan conforms to the Local Government Comprehensive Plan, or that an amendment to the Local Government Comprehensive Plan will be initiated at the next available opportunity to insure conformance with the Local Housing Assistance Plan.
- (9) Amendments to the approved Local Housing Assistance Plan shall be provided to the Corporation within 21 days after adoption.
- (10) The trust fund shall be established with a qualified depository for all SHIP funds as well as moneys generated from activities such as interest earned on loans.
- (11) Amounts on deposit in the local housing assistance trust fund shall be invested as permitted by law.
- (12) The local housing assistance trust fund shall be separately stated as a special revenue fund in the local governments audited financial statements, copies of the audits will be forwarded to the Corporation as soon as available.

RESOLUTION NO. 2016-14

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA APPROVING THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida enacted the William E. Sadowski Affordable Housing Act, Chapter 92-317 of Florida Sessions Laws, allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing; and

WHEREAS, the State Housing Initiatives Partnership (SHIP) Act, ss. 420.907-420.9079, Florida Statutes (1992), and Rule Chapter 67-37, Florida Administrative Code, requires local governments to develop a one- to three-year Local Housing Assistance Plan outlining how funds will be used; and

WHEREAS, the SHIP Act requires local governments to establish the maximum SHIP funds allowable for each strategy; and

WHEREAS, the SHIP Act further requires local governments to establish an average area purchase price for new and existing housing benefiting from awards made pursuant to the Act; The methodology and purchase prices used are defined in the attached Local Housing Assistance Plan; and

WHEREAS, as required by section 420.9075, F.S. It is found that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan. The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5% of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(17), and eligible

municipalities receiving a local housing distribution of up to \$350,000 may use up to 10 percent of program income for administrative costs.

WHEREAS, the Economic and Community Development Department has prepared a three-year Local Housing Assistance Plan for submission to the Florida Housing Finance Corporation; and

WHEREAS, the City Commission finds that it is in the best interest of the public for the City of Deltona to submit the Local Housing Assistance Plan for review and approval so as to qualify for said documentary stamp tax funds; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:

Section 1: The City Commission of the City of Deltona hereby approves the Local Housing Assistance Plan, as attached and incorporated hereto for submission to the Florida Housing Finance Corporation as required by ss. 420.907-420-9079, Florida Statutes, for fiscal years 2017-2019.

Section 2: The Mayor is hereby designated and authorized to execute any documents and certifications required by the Florida Housing Finance Corporation as related to the Local Housing Assistance Plan, and to do all things necessary and proper to carry out the term and conditions of said program.

Section 3: This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, _____.

JOHN C. MASIARCZYK, SR., MAYOR

ATTEST:

JOYCE RAFTERY, CMC, MMC, City Clerk

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

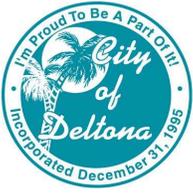
GRETCHEN R.H. VOSE, ESQ, City Attorney

**STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM
PROGRAM INFORMATION SHEET**

The following information must be furnished to the Corporation before any funds can be disbursed.

Local Government	City of Deltona, Florida
Chief Elected Official	Mayor John C. Masiarczyk, Sr.
Address	2345 Providence Blvd., Deltona, FL 32725
SHIP Administrator	Mari Leisen, Financial Analyst
Address	2345 Providence Blvd., Deltona, FL 32725
Telephone	386-878-8603
EMAIL	mleisen@deltonafl.gov
Alternate SHIP Contact	Ron Paradise, Assistant Director Planning and Development
Telephone	386-878-8610
EMAIL	rparadise@deltonafl.gov
Interlocal Agreement (list other local governments in interlocal)	N/A
Local Government Employer Federal ID #	59-3348668
Disbursement (list bank account information if changed from previous)	N/A
Other Information	

Please attach this form as Exhibit F and submit along with your completed LHAP.



Agenda Memo

AGENDA ITEM: A.

TO: Mayor and Commission

AGENDA DATE: 4/18/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 11 - A

SUBJECT:

Request for approval of the City of Deltona Fiscal Year (FY) 2016 HOPWA Grantee Re-Designation Agreement - Chris Bowley, Planning and Development Services, (386) 878-8602.

Strategic Goal: Economic Development - Create more diversified and high-quality housing opportunities.

LOCATION:

City-wide

BACKGROUND:

The City of Deltona (City) qualifies as an 'entitlement community', as defined by the U.S. Department of Housing and Urban Development (HUD). HUD grant funds are often provided for Housing Opportunities for Person with AIDS (HOPWA) for statistical areas nationwide. The statistical area that the City is within is named for the largest municipality, in this case the Deltona-Daytona Beach-Ormond Beach Municipal Statistical Area (MSA), and the HOPWA funds are intended to serve that entire area. Thus, our MSA includes all of Volusia and Flagler Counties and the FY2016 CDBG HOPWA funds total \$383,437 for that area.

A separate factor from the amount of funds, is the ability to effectively operate the HOPWA program. This entails administration of the funds, often performed by health experts. Thus, in past years, the City re-designated its HOPWA funds to the Florida Department of Health (Health Department) as the experts with the capacity and regional presence to serve City residents within the MSA. This has resulted in care being administered, as well as an intergovernmental partnership between the City, HUD, and the Health Department.

Based on the above, this proposal is to re-designate the FY2016 HOPWA allocation to the Health Department to continue that administrated care and partnership. As has been done in the past, the City through the attached agreement, also requests that the re-designated HOPWA funds be utilized within our MSA.

COST:

N/A

SOURCE OF FUNDS:

HUD HOPWA Funds

AGENDA ITEM: A.

ORIGINATING DEPARTMENT:

Planning and Development Services

STAFF RECOMMENDATION PRESENTED BY:

Chris Bowley, Director, Planning and Development Services - Staff recommends the City Commission approve the City of Deltona FY2016 HOPWA Grantee Re-Designation Agreement with HUD and the Florida Department of Health.

POTENTIAL MOTION:

“I move to approve the City of Deltona FY2016 HOPWA Grantee Re-Designation Agreement with HUD and the Florida Department of Health.”



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF THE ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

February 16, 2016

The Honorable John C. Masiarczyk Sr.
Mayor of Deltona
2345 Providence Blvd
Deltona, FL 32725-1806

Dear Mayor Masiarczyk:

I am pleased to inform you of your jurisdiction's Fiscal Year (FY) 2016 allocations for the Office of Community Planning and Development's (CPD) formula programs, which provide funding for housing, community and economic development activities, and assistance for low and moderate-income persons and special populations across the country. President Obama signed Public Law 114-113 on December 18, 2015, which includes FY 2016 funding for these programs. Your jurisdiction's FY 2016 available amounts are:

Community Development Block Grant (CDBG)	\$465,757
HOME Investment Partnerships (HOME)	\$ 0
Housing Opportunities for Persons with AIDS (HOPWA)	\$383,437
Emergency Solutions Grants (ESG)	\$ 0

This letter highlights several important points related to these programs. First, Secretary Julián Castro is committed to making HUD the "Department of Opportunity" and has established a number of initiatives intended to achieve that goal. In 2015, we celebrated the 50th anniversary of the Department's establishment, and these initiatives build on HUD's mission to promote homeownership, support community development, and increase access to affordable housing free from discrimination. The Department is working hard with grantees on these key goals and urges you to review the entire plan at: <http://portal.hud.gov/hudportal/HUD?src=/hudvision>. In an era when the nation's severe shortage of affordable rental housing creates substantial housing instability—contributing to homelessness, family mobility and unequal educational attainment—I am particularly interested in working with grantees to increase affordable housing production through our CPD formula programs.

Second, HUD recommends that grantees effectively plan and implement programs that leverage these critical Federal financial resources to achieve the greatest possible return for the communities and individuals they are intended to assist.

- HUD urges grantees to consider using CDBG funds, to the extent possible, to support investments in predevelopment activities for infrastructure and public facilities activities that can provide multiple benefits for communities.
- HUD has created a Renewable Energy Toolkit specifically tailored to CPD grantees. To the extent that grantees are interested in using funds for renewable energy projects, please feel free to access that toolkit online at www.hudexchange.info.
- If you would like assistance from CPD in redesigning, prioritizing or targeting your programs,

either you or the head of the agency that administers your program may request assistance through your local CPD Director.

Third, CPD is asking grantees to renew their focus on administration and management of these programs as part of an effort to ensure effective use of the funds. Throughout 2016, CPD and HUD's Office of the Inspector General expect to issue a range of guidance that will highlight particular areas where grantees commonly stumble. I urge grantees to actively review their policies and procedures governing these programs and to strengthen management practices, particularly with regard to recordkeeping, in order to avoid problems and risk this vital funding. This focus on administration is particularly critical because the Integrated Disbursement and Information System (IDIS), which is HUD's financial and data system for managing these formula programs, will no longer commit and disburse grant funds on a first-in first-out (FIFO) basis beginning with the FY 2015 grants. All FY 2015 and future grants will be committed and disbursed on a grant specific basis.

The Office of Community Planning and Development is looking forward to working with you to promote simple steps that will enhance the viability and performance of these critical programs and successfully meet the challenges that our communities face. Please contact your local CPD office if you or your staff has any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Harriet Tregoning", with a large, stylized flourish at the end.

Harriet Tregoning
Principal Deputy Assistant Secretary

**CITY OF DELTONA FISCAL YEAR 2016
HOPWA GRANTEE RE-DESIGNATION AGREEMENT**

The City of Deltona elects to re-designate the Fiscal Year 2016 HOPWA grantee funds for the Deltona, Florida Metropolitan Statistical Area (MSA) to the State of Florida, Department of Health. The State of Florida, Department of Health is the designated grantee and recipient of the HOPWA funds for services benefiting clients within their service area that includes Volusia and Flagler Counties.

The City of Deltona hereby relinquishes complete responsibility for grant management activities and administrative oversight for said Deltona MSA Fiscal Year 2016 HOPWA funds to the State of Florida, Department of Health, effective immediately. The State of Florida, Department of Health also accepts the designation to receive HOPWA funds on behalf of the Deltona MSA client, effective for the Federal Fiscal Year 2016.

The U.S. Department of Housing and Urban Development (HUD) acknowledges this re-designation and shall incorporate the HOPWA fund allocation for the Deltona MSA into the State of Florida, Department of Health allocation as one grant for the Federal Fiscal Year 2016.

CITY OF DELTONA

BY: _____
JOHN C. MASIARCZYK, SR.
MAYOR

DATE: _____

ATTEST:

JOYCE RAFTERY, CMC,
CITY CLERK

APPROVED AS TO FORM:

DATE: _____
GRETCHEN R.H. VOSE, ESQ.,
CITY ATTORNEY

STATE OF FLORIDA, DEPARTMENT OF HEALTH

BY: _____
ANNA LIKOS, MD, MPH
ACTING DEPUTY SECRETARY FOR HEALTH

DATE: _____

UNITED STATES OF AMERICA, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:

BY: _____
GARY A. CAUSEY
CPD DIRECTOR

DATE: _____