

AFTER ACTION REPORT

REGULAR CITY COMMISSION MEETING MONDAY, OCTOBER 18, 2010

6:30 P.M.

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



AGENDA

1. CALL TO ORDER – 6:30 p.m.
2. ROLL CALL - CITY CLERK
3. SILENT INVOCATION AND PLEDGE TO THE FLAG:
4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

Regular City Commission Meeting – October 4, 2010.

Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of October 4, 2010 as presented.

B. Additions or Deletions to Agenda.

Commissioner Deyette requested to add the Agenda Item from the October 12th Workshop: Implementation Strategies to Streamline Plan review and permitting procedures. The Commission agreed to keep the item for a workshop.

5. PRESENTATIONS/AWARDS/REPORTS:

- A. Presentations – Quarterly Board Reports of City Advisory Board/Committees.
- B. Proclamation – National Red Ribbon Week – October 23rd – 31st.
- C. Proclamation – Florida City Government Week – October 17th – 23rd.

6. PUBLIC FORUM – Citizen comments for items not on the agenda.
(4 minute maximum length)

CONSENT AGENDA: All items marked with an * will be considered by one motion unless removed from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

7. CONSENT AGENDA:

The Commission voted unanimously to approve Consent Items 7-A and 7-B.

- * A. Request for approval of a Budget Amendment to record receipt of State Homeland Security Grant funds and to adjust General Funds Budget for Publications, Membership, Training.

As a State of Florida designated USAR Technical Rescue Team (#532), the Deltona Fire Department is a subrecipient of this Homeland Security Grant for specialized technical rescue training. These funds can only be used to train or retrain members of the Special Operations Technical Rescue Team. The grant is administered by the Florida State Fire College in Ocala.

Approved by Consent Agenda – to approve receipt of the 2009-2010 State Homeland Security Grant in the amount of \$9,000 and to authorize a budget amendment and adjustment to FYE 2011 General Budget for Publications, Memberships & Training for the Fire Department.

- * B. Request for amendment of the budget for the annual Spooktacular event to reflect additional private donations.

The City has received private donations for Spooktacular higher than originally budgeted and would like to amend the budget to reflect these additional donations and increase budgeted spending by the same amount. This amendment has no affect on budgetary fund balance.

Approved by Consent Agenda – to approve the requested budget amendment as presented to increase the budgeted amount for private donations by \$7,500 and to increase the appropriation for promotional activities by \$7,500.

C. Request for waiver of fees – SE10-012 Volusia County Hispanic Association Cultural Awareness Latin Festival.

The City has received a request from Carlos Riveria, President, Volusia County Hispanic Association for waiver of the applicable costs and permit fee associated with the Volusia County Hispanic Association Cultural Awareness Latin Festival and the Celebration of Hispanic Heritage Month scheduled for Saturday, October 23, 2010 at the Deltona Amphitheater.

The costs associated with the request for waiver of fees and services from Fire and Sheriff's Department along with the amphitheater include the following:

*Application Fee - \$50.00
Amphitheater - \$4,335.00 (includes VCSO)
Fire/Rescue - \$375.00
Sheriff's Dept. - \$3,360.00
Public Works - \$0 _____
Total - \$4,610.00*

After discussion, the Commission voted unanimously to authorize staff to waive the fees associated with the rental of the Deltona Amphitheater for the Cultural Awareness Latin Festival and the Celebration of Hispanic Heritage Month, to be held from 5:00-9:00 PM, on October 23, 2010.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 14-2010, Proposing an Amendment to Section 110-810.02(b) of the City's Code of Ordinances Regarding Off-Street Parking Lot Lighting, for second and final reading.

Many of the existing provisions of the City's zoning ordinance pertaining to illumination of off-street parking lots provide adequate development review guidance. However, there is the ability to achieve reasonable flexibility in such lighting designs without compromising the fundamental goals of protecting the public's health, safety, and welfare. The proposed amendment includes language that helps avert a public nuisance caused by lighting that, by virtue of its type, size, or location, would create glare, annoyance, or discomfort for adjoining residents, motorists traveling on adjacent streets and air traffic. In addition, the currently adopted photometric standards limiting the intensity of illumination on adjoining properties remains unchanged. The proposed language provides uniform height requirements for lighting fixtures that are subject to this

Ordinance.

The item was reviewed by the Planning and Zoning Board (Board) at the September 15, 2010, meeting. The Board recommended that the City Commission adopt Ordinance No. 14-2010. The proposed Ordinance will be consistent and compatible with the City Comprehensive Policy Plan and Development Code.

After discussion, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to approve amending Section 110-810.02(b) of the City Code of Ordinances, as provided in Ordinance No. 14-2010 at second and final reading.

B. Public Hearing - Ordinance No. 15-2010, Providing for an amendment to Section 74-6, Zoning and Land Development Fees of the City's Code of Ordinances, for second and final reading.

The current development application fee schedule does not provide a distinct category for fees assigned to permits that are engineering-related. These fees include site engineering, stormwater management, right-of-way use, engineering inspection, land clearing, and stop-work order permits. In addition, there are no assigned fees to cover the administrative costs to perform re-inspections of engineering permits. The recommended changes to the fee schedule consolidate all engineering-related permits under one table and provide for reasonable and progressive increases in fee costs, when repeat inspections are required for projects subject to site engineering reviews.

Proposed amendments per this item are to Section 1 of Ordinance No. 15-2010, which accurately revises reference to the Land Development Code by removing a portion of the title that states, "Zoning and" Land Development Code. The Ordinance also adds the words "engineering permits" to Section 1 for the inclusion of those permitting fees. Amendments to the fee schedule are provided by the accompanying Resolution No. 2010-34.

This item was reviewed by the Planning and Zoning Board (Board) at the September 15, 2010, meeting. The Board recommended that the City Commission adopt Ordinance No. 15-2010. The proposed Ordinance will be consistent and compatible with the City Comprehensive Policy Plan and Land Development Code.

After Discussion, the Commission voted unanimously to approve Ordinance No. 15-2010 to amend Section 74-6, Zoning and Land Development Fees of the City's Code of Ordinances at second and final reading.

C. Public Hearing - Ordinance No. 16-2010, Providing for an Amendment to Section 110.814.09 of the City's Code of Ordinances regarding Metal Buildings, Related Facade Treatment, and Landscape Buffers, for second and final reading.

The current Code of Ordinances requires special façade treatment for all proposed metal buildings, whether principal or accessory structures, that face residential or defined public uses, such as schools and parks. Staff opines that the existing provision regarding façade treatment for principal structures is warranted and can co-exist with adjacent land uses through offset screening and buffering. However, the placement of metal buildings, scaling, massing, and orientation between land uses needs to be addressed in greater detail.

As proposed, Ordinance No. 16-2010 allows for the use of metal structures that are no greater than 240 SF in size on non-residential properties that are visible from adjoining residential, commercial, and/or public sites, as well as from adjacent streets. These provisions are similar to those that apply within certain residential zoning districts. However, optional mitigation methods are provided for larger metal structures that meet the locational criteria cited in this amendment to achieve an attractive and reasonable visual separation between such structures and adjoining residential, commercial, and/or public areas.

This item was reviewed by the Planning and Zoning Board (Board) at the September 15, 2010, meeting. The Board recommended that the City Commission adopt Ordinance No. 16-2010. The proposed Ordinance will be consistent and compatible with the City Comprehensive Policy Plan and Land Development Code.

After discussion, the Commission voted unanimously to adopt Ordinance No. 16-2010 to amend Section 110.814.09 of the City's Code of Ordinances at second and final reading.

D. Public Hearing – Request for Approval of a Final Site Plan Application (FSP10-006) for a Family Dollar Store proposed to be located at 2901 Howland Blvd.

The subject site includes a former bank building with drive-through lanes that was in operation since 1998 until recently. The proposed Final Site Plan is for a Family Dollar retail store to replace the existing bank structure that will be demolished. The land surrounding the signalized intersection of Howland Boulevard and Catalina Boulevard is an established commercial node that includes a grocery store, gas station, restaurant and office uses, along with vacant tracts that have similar entitlements. The proposed ±8,000 SF Family Dollar store will be consistent and compatible with the adjacent land uses and will comply with the City's Comprehensive Policy Plan, Land Development Code, and adopted design guidelines.

Daily capacity on this segment of Howland Boulevard is ±32,900 vehicle trips with a 2008 average daily trip count of ±30,109 trips. The traffic analysis reveals that the proposed retail use will generate fewer trips than the former bank use, causing a net gain of capacity on adjacent roadways. The applicant proposes a

30-ft. wide landscaped buffer along Howland Boulevard and is anticipating City Commission approval of Ordinance No. 13-2010 that will provide a minimum 25-ft. wide landscape buffer along this segment of Howland Boulevard. Along with other treatments, the Final Site Plan will meet the landscape requirements set forth in Section 110.808 of the Code of Ordinances.

Finally, the Final Site Plan went to the September 15, 2010, Planning and Zoning Board meeting for review and the Board recommended that the City Commission adopt the plan.

After Discussion, the Commission voted unanimously to approve the Final Site Plan application (#FSP10-006) for a Family Dollar Store to be located at 2901 Howland Boulevard, contingent on approval of text amendment Ordinance No. 13-2010.

9. OLD BUSINESS:

A. Resolution No. 2010-34, Proposing an Amendment to Section 74-6 of Appendix A, Fee Schedule, of the City's Land Development Code Eliminating Certain Development Service Permit Fees and Establishing Engineering Permit Fees.

The current development application fee schedule does not provide a distinct category for fees assigned to permits that are engineering-related. These fees include site engineering, stormwater management, right-of-way use, engineering inspection, land clearing, and stop-work order permits. In addition, there are no assigned fees to cover the administrative costs to perform re-inspections of engineering permits. The recommended changes to the fee schedule consolidate all engineering-related permits under one table and provide for reasonable and progressive increases in fee costs, when repeat inspections are required for projects subject to site engineering reviews. It is important to note the following:

- 1. Resolution No. 2010-34 only pertains to engineering-related fees.*
- 2. The proposed engineering-related fees are not for profit and are assessed to cover City expenditures to revisit the same issue. Re-inspections are not designed to be punch-list reviews.*

This item is tied to changes to Section 1 of Ordinance No. 15-2010, which accurately revises reference to the Land Development Code by removing a portion of the title that states, "Zoning and" Land Development Code. The Ordinance also adds the words "engineering permits" to Section 1 for the inclusion of those permitting fees. However, amendments to the fee schedule are provided by Resolution No. 2010-34. An excerpt of Appendix A, Fee Schedule, that specifically addresses the proposed revised fees, is provided as Attachment A to this memorandum. The entire Appendix A of the Land Development Code is not provided.

The related Ordinance No. 15-2010 was reviewed by the Planning and Zoning Board (Board) at the September 15, 2010, meeting. The Board recommended that the City Commission adopt Ordinance No. 15-2010 and any accompanying changes to the fee schedule. The proposed Resolution No. 2010-34 and corresponding Ordinance No. 15-2010 will be consistent and compatible with the City Comprehensive Policy Plan and Land Development Code.

This Resolution was presented to the City Commission on October 4, 2010, whereupon the motion to adopt failed by a 3 to 3 vote. The Resolutions is presented again for the Commission's consideration and/or direction to staff.

After Discussion, the Commission voted unanimously to approve amending Section 74-6 of Appendix A, Fee Schedule, of the City Land Development Code to eliminate certain Development Service Permit Fees and establish Engineering Permit Fees, as provided in Resolution No. 2010-34.

B. Ordinance No. 13-2010, Proposing an Amendment to Section 110-808.05(d)4.a., *Minimum Width*, of the City's Code of Ordinances Regarding Landscape Buffer Widths, for first reading.

On November 7, 2000, Section 110.808.05 of the City's Code of Ordinances was amended to create minimum landscaped buffer widths along City roadways. It established 15-ft. wide buffers along the edge of all local roads and 25-ft. wide buffers along most of the City's collector and arterial streets. These dimensions are viewed as reasonably proportionate to those roadway classifications and contribute to the aesthetic and environmental quality of the City. However, Section 808 also identifies seven (7) segments of collector and arterial roadways where minimum landscape buffer widths range from 30 to 65 feet. There is no purpose and need statement, documentation, and rational nexus provided that supports the buffer dimensions assigned to these corridors. Further, the varied landscape buffer widths do not typically provide the contiguous uniformity for effectiveness when established along corridors.

This initiative recommends revising the minimum landscape buffer width for these seven (7) roadway segments to a uniform width of 25 feet. This adjustment will help achieve a reasonable balance along both sides of the corridor that includes improving aesthetic quality, design, continuity, increases mobility/function, and enhances economic development opportunities. The 25-ft. buffer width is sufficient to create an attractive and consistent corridor design and to showcase the quality of site and building architecture, as recommended in the City's adopted Urban Design Pattern Book.

This item was reviewed by the Planning and Zoning Board (Board) at the September 15, 2010, meeting. The Board recommended that the City Commission adopt Ordinance No. 13-2010. Following that review, it was discovered that the formatting of Section 110-808.05 was incorrect. The formatting is also corrected by this Ordinance. The proposed Ordinance will be consistent and compatible

with the City Comprehensive Policy Plan and Land Development Code.

This Ordinance was presented at first reading on October 3, 2010, at which time two (2) motions failed by 3 to 3 tie votes. Thus, the Ordinance is again presented to the Commission for further consideration and/or direction to staff.

After Discussion, the Commission voted unanimously to adopt Ordinance No. 13-2010, to amend Section 110.808.05(d)4.a of the City's Code of Ordinances, at first reading and to schedule the Ordinance for second and final reading for November 1, 2010.

10. NEW BUSINESS:

- A. Request for approval of Facility Use Agreement for 2010-2011 for Healthy Start Coalition of Flagler and Volusia Counties, Inc. for use of the Craft Building at the Deltona Community Center site.**

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

The Healthy Start Coalition of Flagler and Volusia Counties, Inc. was established in 1992 and is a 501(c)3 not-for-profit organization. In fiscal year 2009-2010, 1,177 Deltona residents received at least one service from Healthy Start. In addition, 126 clients received services through the Healthy Families program. In fiscal year 2008-2009, 1,016 Deltona residents received service through the MomCare program. Deltona residents have been traveling to Daytona Beach to receive these services. The organization seeks to provide a location within the City of Deltona to better service these clients and others.

The Healthy Start Coalition will be available to see clients Monday through Friday from 8:30 a.m. to 5:00 p.m. in the Craft Building located at the Deltona Community Center. The Coalition would be responsible for paying a Category III Facility Use Fee rate of \$175.00 per day, less the 20% discount awarded for entering into a long-term lease agreement with the City. As a not-for-profit corporation providing services to the community, the Healthy Start Coalition is asking the City Commission to waive the standard fees.

The Healthy Start Coalition has met the criteria requirements for a Long Term Facility Use Agreement with the City. Staff recommends a one (1) year Long

Term Facility Use Agreement with an option to renew for three (3) additional one-year terms, subject to the receipt and acceptance of a timely Facility Use Renewal Form.

After Discussion, the Commission voted unanimously to approve the 2010-2011 Facility Use Agreement with the Healthy Start Coalition of Flagler and Volusia Counties, Inc., for the use of the Deltona Community Center Craft Building for a period of one (1) year, with the option to renew for three (3) additional one-year periods, upon written agreement of both parties and to waive the standard facility use fee.

B. Request for consideration of change in Commission meeting dates for 2010/2011 Holiday season.

In the past, the Commission has in some years chosen to change the Commission meeting schedule in December due to the holiday season, i.e. combining the two (2) meetings in December to one (1) meeting per month. The upcoming Commission schedule includes Regular Commission meetings on:

- *Monday, December 6th; and*
- *Monday, December 20th.*

Suggested possible options for December, 2011 Commission meetings are either Monday, December 6th or 13th.

This agenda item is for the Commission to discuss the possibility of changing the December Commission meeting dates.

After Discussion, the Commission concurred to table the item to November 15, 2010.

11. CITY COMMISSION COMMENTS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.