

AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING
MONDAY, MAY 16, 2011
6:30 P.M.**

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



AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL - CITY CLERK**
3. **SILENT INVOCATION AND PLEDGE TO THE FLAG:**
4. **APPROVAL OF MINUTES & AGENDA:**
 - A. **Minutes:**

Regular City Commission Meeting – May 2, 2011.

The Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of May 2, 2011 as presented.
 - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
 - A. **Proclamation – Emergency Medical Services (EMS) Week – May 15 - May 21, 2011.**
 - B. **Proclamation – Public Works Week - May 15 - May 21, 2011.**
 - C. **Proclamation – Police Week - May 15 - May 21, 2011.**
 - D. **Certificate of Recognition for Sherry Cannington as VCSO's Employee of the Quarter.**

E. Certificate of Recognition for VCSO's Investigator of the Quarter Investigator Heather Welch.

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

CONSENT All items marked with an * will be considered by one motion unless removed
AGENDA: 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:

- *A. **Request for consideration of change in Commission meeting dates for 2011/2012 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 5th; and*
- *Monday, December 19th.*

as well as Commission workshop meetings tentatively scheduled for December 12th and 26th.

At the Commission's May 9th Commission workshop, it was suggested and agreed upon informally to change the December Commission meeting schedule to include only one Regular Commission meeting on Monday, December 12th and no Commission workshop meetings during the month of December. This option is now presented to the Commission for formal consideration.

Approved by Consent Agenda – to change the December meeting schedule to include only one (1) Regular Commission meeting on Monday, December 12th and no Commission Workshops during the month of December 2011.

- *B. **Request for Ratification of Emergency Purchase from Ovivo USA, LLC.**

In accordance with the City's Procurement Policies and Procedures, the City Manager may authorize emergency purchases in excess of \$25,000 when the City Manager has determined circumstances require immediate requisition of goods and services. The City Manager will then justify said requisitions to the City Commission and request Commission ratification.

The Wastewater plant currently utilizes a Gravity Belt Thickener unit to dewater bio solids produced at the Wastewater Treatment Facility. This unit enables the Wastewater facility to maintain the proper inventory of bio solids in the plant. This piece of equipment allows for the removal of excess water from the bio solids making the sludge thicker for hauling and disposal.

Recently, the Gravity Belt Thickener has malfunctioned and is not operating therefore replacement parts are needed to repair the unit. The malfunction of the equipment has made it necessary to increase the bio solids hauling without thickening the bio solids. This has resulted in additional loads to be hauled and disposed of by our hauling contractor from 5 loads a week to 20 loads a week to maintain the proper inventory of the bio solids.

The proper operation of the Wastewater Facility is mandated by the operating permit issued by the Florida Department of Environmental Protection. Section IX (7) states that the permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of the permit.

Ovivo USA, LLC is the original equipment manufacturer of this specialized equipment and there are no regional distributors for replacement parts.

Approved by Consent Agenda – for ratification of emergency purchase from Ovivo USA, LLC at a total cost of \$40,314.00 and to approve a budget amendment to transfer funds from Water Department Repair and Maintenance Equipment to Water Department Repair and Maintenance Infrastructure to cover the costs associated with this purchase.

C. Request for approval for Orlando City Soccer-Temporary Shower Facilities.

On April 18, 2011 at the Commission Meeting, Mr. Phil Rawlins, President, Orlando City Soccer made a presentation to introduce the organization to discuss the potential opportunity for a long term partnership. Staff has communicated with Orlando City Soccer and it is their intention to move forward with a long term agreement. As you may recall, during the presentation, Mr. Rawlins indicated that some amenities could be added to enhance the attractiveness of the facility. It was suggested that the addition of a shower facility, and a team meeting room would satisfy that requirement on a temporary basis (June-September). Future discussions with staff and Orlando City Soccer will occur for a long term plan for more permanent facilities.

Staff has received quotes for a temporary shower facility on a monthly basis. In discussion with the lowest bidder, those facilities are available beginning June 2011. Cost for a portable eight (8) stall shower trailer is \$ 3,000.00 per month. The desired location will be adjacent to the restrooms, near the stage. Infrastructure

utilities/facilities are already in place to handle the portable shower trailer.

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After discussion the Commission voted 6 to 1 (with Commissioner Denizac voting against the motion) to approve the requisition for the amount of \$12,000.00 for a temporary eight (8) stall shower facility trailer, beginning in June 2011.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing – Ordinance No. 03-2011, An ordinance prohibiting the operations of internet cafes, at second and final reading.

Last fall, the Commission imposed a moratorium on the establishment of internet cafes. This ordinance permanently prohibits these types of operations as described in the Ordinance. The ordinance as initially drafted allowed any such operation currently in existence in Deltona to remain in existence unless the operation ceased for more than 90 days. As our code currently provides a 6 month period. The ordinance has been altered to 6 months to provide consistency. Cessation would normally be measured upon the lapse of an occupational license or the discontinuance of utilities. An established operation would not be prohibited from relocating under the ordinance. An established operation could also be sold and the license transferred to the new owner.

After discussion, the Commission voted unanimously to approve Ordinance No. 03-2011 with the following: remove the typo on Page 49 and on Page 52, section (g) the beginning of the fourth sentence should read, “extended or relocated” at second and final reading.

B. Public Hearing – Ordinance No. 07-2011, Amending Section 110-808.15, and to remove Section 110-808.05(e), Additional bufferyard requirements, of the City’s Land Development Code, by eliminating the requirement of a buffer wall or that provides for screen walls adjacent to parking facilities, for first reading.

Section 110-808 of the City's Code of Ordinances addresses the landscaping requirements for the City of Deltona. The section makes provisions for all categories of land uses within the City to ensure proper aesthetics on-site, buffering and screening from adjacent land uses for compatibility, the ability to provide for streetscape or right-of-way enhancement, and as a method to transition intensity and density between land uses.

Section 110-808 is comprehensive and includes some applicable criteria to promote better site development. However, the City is unique in that it has parcels that were platted to accommodate residential uses that have been converted to non-residential development or were platted to be utilized for neighborhood-oriented commercial. Reuse or redevelopment of these commercial sites can be a challenge because tracts usually are not large enough to accommodate contemporary Code requirements such as stormwater management systems, parking, access management, and solid waste collection. In addition, these commercial sites are typically not associated with the requisite land square footage to allow for project landscaping consistent with Section 110.808. Therefore, changes to Section 110-808 are proposed to facilitate more efficient reuse and redevelopment of existing commercial buildings within the City.

The addition of Section 110-808.15 adds the following criteria to accommodate developed sites within the City that cannot comport to current on-site landscaping requirements:

Except as provided herein, the requirements of Section 110-808 do not apply to properties that meet the following criteria:

- 1. The property is currently zoned for commercial or industrial use.*
- 2. The change in use will not require a rezoning.*
- 3. The proposed use is a Permitted or Conditional Use in the current zoning district.*
- 4. No expansion will occur to the building gross square footage.*

Development proposals that meet these criteria shall provide at least 15% of landscape coverage to include a variety of trees, shrubs, and other plant materials. The development plan shall integrate such green spaces within parking areas, along building foundations, and provide reasonable buffers that may include attractive fences, where appropriate, along the perimeter of the property to mitigate visual impacts and enhance the aesthetic value of the property.

Further, the proposed Ordinance No. 07-2011 includes language to eliminate Section 110-808.05(i), Additional bufferyard requirements, which states:

A minimum four-foot high wall having the appearance of or being of masonry, finished concrete, or brick construction shall be erected around the perimeter of parking lots that are situated behind the buffer yards, and not screened from view by an intervening building. Such walls shall not be required in side yards that abut common lot lines between vacant or developed properties not zoned or used for residential land uses. Masonry and concrete walls shall be finished on both sides with brick or with split face block or stucco. Split face block or stucco shall be in earth tones or pastel colors. Masonry and concrete walls shall be capped. The requirement for a four-foot high wall may be eliminated in the front and side buffer area if the following conditions apply: The existing platted commercial lot

has a lot depth of 150 feet or less; and the proposed commercial building has 10,000 square feet in area or less; and no parking spaces are proposed to face the public right-of-way; and there is only one access-way between the single row of parking spaces facing a building and the front landscape buffer; and the front and side buffer areas do not face a residential use or zoning district; and where there are no loading zones visible from the street.

Removal of this language from the Code allows for development to occur without having to provide the four-foot high screen wall adjacent to parking facilities. This item was presented to the Planning and Zoning Board (P&Z) at the April 20, 2011, meeting. The P&Z recommended that the City Commission approve Ordinance No. 07-2011.

After discussion, the Commission voted 5 to 2 (with Commissioner Carmolingo and Vice Mayor Treusch voting against the motion) to approve Ordinance No. 07-2011 amending the City's Code of Ordinances to add Section 110-808.15 and to remove Section 110-808.05(i), Additional bufferyard requirements, for first reading and to remove the word "reasonable" from paragraph (d) on Page 58 and to schedule second and final reading for June 6, 2011.

C. Public Hearing - Ordinance No. 08-2011, Modifications to the Land Development Code to expand opportunities for Group Homes and Nursing Homes, for first reading.

The City of Deltona currently allows Group Homes and Nursing Homes in several zoning classifications as a Conditional Use. The City, pursuant to Chapter 419, F.S., also allows as a Permitted Use within single family zoning classifications, "community residential homes." Community residential homes can house no more than six (6) unrelated persons provided that such uses are not located within a 1,000-ft. radius of another community residential home.

Approximately 30% of the City's population is over 45 years old. National trends indicate that the aging population includes a large number of people born between 1946 and 1964, commonly referred to as "baby boomers." With these demographics in mind, there is a need to provide services for an aging population, such as assisted care facilities. In addition, as the City grows, other institutional types of housing/care will be in demand for the disabled and other needy populations.

City staff is suggesting that the opportunities for Group Homes and Nursing Housing be expanded to facilitate more opportunity for Group and Nursing Homes in a greater number of zoning districts as a Conditional Use. The zoning proposed for the Conditional Use includes single-family, commercial, and multi-family classifications. The Conditional Use process provides the City the ability to review Group and Nursing Home applications on a case by case basis to ensure land use compatibly, proper siting, and appropriate utility provision. Finally, the

zoning regulations will be updated to recognize changes to Florida law pertaining to Group Homes and Nursing Homes. The changes proposed by this Ordinance are consistent with the City's Comprehensive Plan. This item was presented to the Planning and Zoning Board (P&Z) at the April 20, 2011, meeting. The P&Z recommended that the City Commission approve Ordinance No. 08-2011 with a modification that would exclude halfway houses and similar uses.

After discussion, the Commission voted unanimously to approve Ordinance No. 08-2011, adding Group Homes to the A, RE-1, RE-5, R-1AAA, AA, A, and R-1, R-1B, R-2, PB, and C-1 zoning districts as a Conditional Use and adding Nursing Homes to the A, RE-1, RE-5, R-1AAA, AA, A, and R-1, R-1B, R-2, RM-1, RM-2, PB, and C-1, as a Conditional Use; to update requirements for Group Homes and Nursing Homes; and to change the Group Homes and Nursing Homes definition to be consistent with State laws and regulations, at first reading; with the removal of Section (5) on Page 79 and to schedule second and final reading for June 6, 2011.

- D. Ordinance No. 10-2011, Amending Section 66-18(j) of the City's Code of Ordinances, Prohibiting vehicle repair service in residential areas, for first reading.**

During the work on the recently adopted home occupation ordinance, Mr. Baker related that vehicle repairs being conducted in residential neighborhoods is one of the most frequent complaints fielded by Enforcement Services. Based upon discussions about those problems, the Ordinance was created. The Ordinance prevents vehicle repairs for compensation at unlicensed locations. It allows, however, vehicles to be repaired on any premise so long as the repair is completed by the owner or occupant of the premise. This owner/occupant allowance also extends to the immediate family members of the the owner or occupant. The Ordinance also clarifies that routine maintenance is maintenance not taking more than 48 hours.

After discussion, the Commission agreed for staff to bring this item back at a later time.

- E. Ordinance No. 11-2011, Creating Section 38-140 of the City's Code of Ordinances, Prohibiting interference with funerals and memorial services, for first reading.**

A request was made to adopt an ordinance limiting the time, place and manner of funeral protests. The ordinance would make protesting and picketing within 1000 feet of a funeral illegal. The ordinance also prohibits interfering with a funeral.

After discussion, the Commission voted unanimously to approve Ordinance No.11-2011 on first reading, and to schedule second and final reading for June 6, 2011.

F. Public Hearing – Resolution No. 2011-12, Granting a Conditional Use to allow the property located at 1681 Providence Boulevard to be used as a funeral home.

Lohman's Funeral Home (Lohman's) is an operation throughout Volusia County and Central Florida that provides a range of funeral activities including memorial services, embalming and cremation. However, the proposal for this location by Lohman's is only to locate a memorial service viewing area with offices. (No cremation or embalming.) The site includes an existing ±4,500 square foot one-story building that has historically been used for office and restaurant uses. Per Section 714.03 of the City's Zoning Code, the defined Funeral Home use can be approved as a Conditional Use. This application is to achieve Conditional Use approval from the City Commission, prior to approval of a Final Site Plan for the project.

The existing building, existing parking facilities, and the location of a City drive aisle will remain in place. However, the applicant proposes aesthetic and functional changes to the site in the form of exterior facade treatment, additional parking in the rear of the lot, landscaping to enhance the site, and an awning to shade service attendees.

The proposed Conditional Use to allow a funeral home is consistent and compatible with adjacent existing commercial land uses. In addition, the use is separated from single-family residential areas located to the southeast by an alleyway, a Volusia County retention pond, and Gainesville Drive totaling over 250 feet in width. The proposed use will improve building appearance, result in the occupancy of an existing vacant structure, and enhance the commercial base of the City, which is a goal of the City.

The staff report addresses the technical issues for the project. However, the landscaping plan proposed is predicated on the City Commission approving Ordinance No. 07-2011. Ordinance No. 07-2011 states that development proposals that meet specific criteria listed in the Ordinance shall provide at least 15% of landscape coverage to include a variety of trees, shrubs, and other plant materials. In addition, the Ordinance proposes removal of the screen wall requirement adjacent to parking facilities.

Maintenance of traffic (MOT) is considered in the event of a memorial service that results in impacts to adjacent roadways. Finally, the proposed Conditional Use Permit application is consistent and compatible with the City's Comprehensive Plan. This item was presented to the Planning and Zoning Board (P&Z) at the April 20, 2011, meeting. The P&Z recommended that the City Commission approve Resolution No. 2011-12.

After discussion, the Commission voted unanimously to approve Resolution No. 2011-12, a Conditional Use Permit to locate a funeral home at 1681

Providence Boulevard, with the following Conditions of Approval:

- 1. Project landscaping for the site is predicated on City Commission adoption of Ordinance No. 07-2011 that would allow redeveloped sites to accommodate landscaping on a constrained parcel.**
- 2. Maintenance of traffic (MOT) be provided in the event that a memorial service is expected to impede or disrupt the flow of traffic as designed for along Providence Boulevard.**

G. Public Hearing – Request for Approval of Conceptual/Final Site Plan for a funeral home at 1681 Providence Boulevard: CSP 11-003/FSP 11-002.

Lohman's Funeral Home (Lohman's) is an operation throughout Volusia County and Central Florida that provides funeral services. The proposal for this location by Lohman's is to establish a memorial service use with offices (with no cremation or embalming services.) The site includes a vacant existing ±4,500 square foot one-story building that has historically been used for office and restaurant uses.

The site is a physically constrained ±0.50 acre property that includes an existing building, existing parking facilities, and a City drive aisle that encroaches on the property. The applicant proposes functional changes to the site in the form of exterior facade treatment, additional parking in the rear of the lot, landscaping to enhance the site, and an awning to shade service attendees.

The proposed site plan to allow a funeral home is consistent and compatible with adjacent existing commercial land uses. In addition, the use will not conflict with single-family residential uses located to the southeast. Residential uses are separated from the subject site by an approximately 250 wide area comprised of an alleyway, a Volusia County retention pond, and Gainesville Drive. Improvements to the building and site represents a significant positive upgrade to a property that has been associated with prolonged vacancies.

The staff report addresses the technical issues for the combined conceptual/final site plan. However approval of this plan is predicated on the City Commission decision for Ordinance No. 07-2011. Ordinance No. 07-2011 states that development proposals that meet specific criteria shall provide at least 15% of landscape coverage to include a variety of plant materials, as well as removal of the screen wall requirement adjacent to parking facilities. Finally, approval is also conditioned on the maintenance of traffic (MOT) being considered in the event of a memorial service that may result in impacts to adjacent roadways.

The proposed ±4,500 SF building is below the threshold for Planning and Zoning Board review and, therefore, only needs City Commission review and approval. This plan, as reviewed by staff, is consistent with the City's Comprehensive Plan and Land Development Code, pending adoption of Ordinance No. 07-2011 by the City Commission.

After discussion, the Commission voted unanimously to approve the combined Conceptual CSP11-003/Final FSP11-002 Site Plan for a funeral home at 1681 Providence Boulevard, based upon City Commission adoption of Ordinance No. 07-2011 for the second and final reading, on June 6, 2011.

H. Public Hearing – Request for approval of Conceptual/Final Site Plan for the Shops of DuPont Lakes: CSP 11-002/FSP 11-001.

The City of Deltona's Development Review Committee (DRC) reviewed and conditionally approved the combined Conceptual/Final Site Plan for the Shops of DuPont Lakes project on April 7, 2011. The vacant site has a Commercial future land use designation and (C-1), Retail Commercial, zoning classification that accommodates the proposed development. The proposed development is consistent with both the future land use and zoning designations for the site.

The applicant, Scarpello Development, LLC, proposes construction of a ±12,000 square foot (SF) one-story retail commercial building that can be subdivided into suites. The applicant has constructed a similar building within the WalMart shopping complex near SR 415. To accommodate the proposed use, the applicant will provide an exfiltration stormwater management system and will tie into the existing water and sanitary sewer lines nearby. The site plan is designed with appropriate horizontal control measures and accommodates a service area at the rear of the project. There are no encroachments into wetlands/water bodies. The allocation of solid waste collection, access management, and on-site parking meets appropriate Code requirements. Due to the proposed square footage of the project at ±12,000 SF, this item was not reviewed by the Planning and Zoning Board.

After discussion, the Commission voted unanimously to approve the combined Conceptual CSP 11-002 and Final FSP 11-001 Site Plan for the Shops of DuPont Lakes.

9. OLD BUSINESS:

A. Request for Approval of Correction of Easement Agreement with Howland Crossings.

After discussion, the Commission voted 5 to 2 (with Commissioners Denizac and Zischkau voting against the motion) to approve the staff amendment to the easement agreement and to authorize the City Manager to execute the amendment.

10. NEW BUSINESS:

A. Request for approval to piggyback on the City of DeLand's bid for website development, maintenance and hosting with e-City Services, LLC with funds to come from the General Fund Contingency.

Over the past two (2) years the services provided by the City's existing website host have diminished. After review of several websites which are hosted by e-City it is staff's recommendation that the City utilize e-City Services LLC to develop and maintain its Web page.

The City Attorney will need to write a letter to cancel website hosting services with the City's current vendor, at which time e-City will simultaneously duplicate the City's current website which will take three (3) weeks at a cost of \$10,000.00. Once the City's site is duplicated e-City and staff will develop an improved website to include a Buy Local Program for current and new Deltona businesses to advertise their services or products at no cost to the City, the City's check register of expenditures (transparency feature described at the May 3rd Commission workshop), rotating banners/pictures of City facilities which will make the site more appealing and the ability to place emergency messages on the home page of the website from any location for immediate release in case of a disaster. The estimated cost for the new improved website is not to exceed \$25,000 which includes the \$10,000 mentioned above.

After discussion, the Commission voted unanimously to approve the proposal of e-City Services LLC for development, maintenance and hosting of City Web page with funds to come from the General Fund Contingency.

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.