

AFTER ACTION AGENDA

REGULAR CITY COMMISSION MEETING
MONDAY, OCTOBER 1, 2012
6:30 P.M.

DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA

AGENDA

1. CALL TO ORDER
2. ROLL CALL - CITY CLERK
3. INVOCATION AND PLEDGE TO THE FLAG:
 - A. Invocation Presented by Commissioner Lowry - Rev. Ricardo Rodriguez Pastor Centro de Familia Cristiana and Amanda Melito sang the National Anthem.
4. APPROVAL OF MINUTES & AGENDA:
 - A. Approval of Minutes - Regular City Commission of September 17, 2012 and Special City Commission Meeting of September 24, 2012.

The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of September 17, 2012 and the Special City Commission Meeting of September 24, 2012 as presented.
 - B. Additions or Deletions to Agenda.
5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Presentation - Superstar Students of the Month Certificate - Covers August and September 2012.
 - B. Proclamation - Italian Heritage Month - October, 2012.
 - C. Proclamation – Battle of the Boulevard (not on the agenda).

**6. PUBLIC FORUM – Citizen comments for any items.
(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.

7. CONSENT AGENDA:

A. Request for approval of award of Bid #PW12-13 Instrumentation Repair and Service for Deltona Water.

Purchasing solicited bids seeking qualified and experienced companies to provide as needed instrumentation service to calibrate, repair and perform scheduled maintenance on instrumentation for Deltona Water. The bid was posted on Demandstar and 755 suppliers were notified. There were 21 plan holders and three bids were received. The overall low bidder was Paralee Company, Inc.

After discussion, the Commission voted unanimously to approve award of bid PW#12-13 for Instrumentation Service and Repairs to Paralee Company, Inc. at the budgeted total of \$28,000 for Fiscal Year 2012-2013 and renewed annually, upon mutual agreement of both parties, for three additional one-year periods at an annual cost not to exceed the Commission appropriated total for each fiscal year.

B. Request for approval of Bid #PW12-16, 11th Avenue and Access Road Construction.

Purchasing solicited bids for the 11th Avenue and Access Road Project. Without this roadway, the Eastern Water Reclamation facility would not have an entrance road or underground utilities and therefore, would not be ready for construction in future years. This project will provide the paired roadway and the utility mains with those recently installed in the SR415 ROW. Future development in the City's growth areas and the SR 415 corridor depend upon utility service being available.

The bid was broadcast to 1238 companies. There were 69 plan holders and seven bids were received. The low bid was from Masci Corporation at a total of \$2,184,639.56.

After discussion, the Commission voted 4 to 3 (with Commissioners Denizac, Lowry and Zischkau voting against the motion) to approve award of bid PW#12-16 for the 11th Avenue and Access Road Project to Masci Corporation at a total of \$2,184,639.56.

*** C. Request for award of Bid #13003 for Sod.**

Purchasing solicited bids for sod on an as needed basis, as an annual contract for a period of two years with the option to renew for two additional one year periods. The sod is used for many of the drainage projects throughout the City as well as other projects. The bid was posted on demandstar and went out to 34 companies. There were 4 companies that downloaded the bid. Only one bid was received. The bid was from Deltona Sod. The City has been using Deltona Sod and has been very satisfied with the service they provide. Their pricing has remained the same on some of the types of sod and has only gone up slightly on others.

Approved by Consent Agenda to award Bid #13003 to Deltona Sod for an initial period of two years with the option to renew to two additional one year periods upon appropriation of funds for each renewal period.

*** D. Request for approval to piggyback the City of Lake Wales' bid for Ultra chlor 12.5% Sodium Hypochlorite with Odyssey Manufacturing Company.**

Deltona Water uses Sodium Hypochlorite for its Wastewater Treatment plant to minimize inert material such as Zinc. By using Sodium Hypochlorite, biosolids (sludge), which is the end product of the Wastewater Treatment Facility, are able to meet requirements specified under 62-640.300. The quality also results in fewer products being used to maintain the required chlorine residuals as mandated by 62-600.440, which results in an overall savings vs. using a product of lesser quality and requires a higher usage.

The City of Lake Wales recently awarded a contract for Sodium Hypochlorite to Odyssey Manufacturing Co. at .68 per gallon for an initial period of one year with the option to renew for two additional one year periods. Odyssey provides 24 hour service and is able to deliver bulk shipments on demand within two hours.

Approved by Consent Agenda to approve piggybacking the City of Lakes Wales agreement with Odyssey Manufacturing Co. for Sodium Hypochlorite at .68 per gallon for an initial period of one year with the option to renew for two additional one year periods upon Commission appropriation of funds for each additional year.

*** E. Request for approval of Ratification of Emergency Roof work needed at Water Department.**

The Water Department needs to replace the existing roof. This project was budgeted for replacement this year as the roof has been nearing the end of its life expectancy and will have no impact on the FY 12/13 budget year. Unfortunately, the roof has experienced several leaks over the past few rain storms where water

has leaked through the ceiling tiles and onto the desks. The equipment in the building is in jeopardy as leaks can appear overnight and cause equipment to be damaged.

The cost of the new roof is \$36,504 from Roof USA, LLC which is a division of Progressive Roofing Company. The City can use the TCPN (The Cooperative Purchasing Network) contract to use this company. TCPN is a national governmental purchasing cooperative that the City is a member of. They competitively bid and award contracts to national vendors. Contracts are available for use, and benefit, public and private schools, colleges and universities, cities, counties, non-profits and all government entities.

Approved by Consent Agenda to ratify the emergency purchase from Roof USA, LLC at a total cost of \$36,504.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing – Ordinance No. 12-2012, Pine Ridge Fellowship Small Scale Future Land Use Map Amendment, at second and final reading.

The City of Deltona received an application from Pine Ridge Fellowship Church (the applicant) to amend the City's Future Land Use Map by changing three (3) contiguous parcels totaling ±4.68 acres from Low Density Residential (LDR) to Commercial (C). The existing Future Land Use Map designation for the subject sites is Low Density Residential (LDR) that allows for a density of up to six (6) units per acre. The applicant recently subdivided the three (3) subject parcels from the roughly 25-acre parent tract and is requesting to change the entitlements for those properties through future land use map and zoning amendments.

The Commercial future land use designation would allow the parcels to be rezoned and the applicant has applied for a zoning amendment from RE-1 to C-1, in conjunction with this amendment. Land uses allowed within the C-1 zoning district are neighborhood-oriented and are intended to serve residential areas with a range of supporting goods and services. Permitted activities within C-1 include a list of retail uses, such as car washes, grocery stores, convenience stores, and service activities. The C-1 zoning designation allows ample commercial opportunity, but the uses tend not to be as intensive as commercial uses permitted within the C-2 or C-3 zoning districts.

The City is underserved by commercial uses and the proposed amendment will foster greater commercial opportunity and potential employment within the City. Greater commercial opportunity will also help address the City's over-reliance on a residentially-dominated tax base. Promoting more commercial development and tax base diversification are long standing economic development goals within the City. Further, the proposed amendment is consistent with the City's Comprehensive Plan and can be served by existing public infrastructure. Volusia County has plans to widen Howland Boulevard from two to four lanes directly

adjacent to the subject sites, thereby adding roadway capacity to the regional roadway network and benefiting the parcels upon their development in the future.

Finally, the City Commission reviewed and approved Ordinance No. 12-2012 at the August 6, 2012, Public Hearing. The Ordinance was transmitted to the Volusia Growth Management Commission (VGMC) on August 7, 2012 and, due to the fact that there were no comments or objections received, the Ordinance was placed on the October 1, 2012, City Commission Public Hearing Agenda for second and final reading.

After discussion, the Commission voted unanimously to approve Ordinance No. 12-2012, Pine Ridge Fellowship Small Scale Future Land Use Map Amendment, at second and final reading.

B. Public Hearing – Ordinance No. 13-2012, Pine Ridge Fellowship Zoning Amendment, at first reading.

This proposed zoning amendment for Ordinance No. 13-2012 includes the same property proposed to be changed to a Commercial future land use designation and follows Ordinance No. 12-2012. The application is to rezone the property from RE-1 (Rural Estate One) that allows a density of one unit per acre, to C-1 (Retail Commercial). The C-1 zoning allows a range of neighborhood-oriented uses, such as restaurants, offices, and other retail activities.

The purpose of this rezoning application is to position the site for future commercial development by taking advantage of an existing traffic signal and Howland Boulevard, which is proposed to be improved to four lanes. Thus, the adjacent land uses should match the capacity and design of the roadway that can accommodate commercial uses. Both currently and in the proposed widened four-lane condition, Howland Boulevard is suitable for commercial land uses. The existing zoning designation of RE-1 for very low density/large lot residential development is under-utilizing the roadway frontage for which it is designed to accommodate greater traffic volumes. Further, there is an existing approximately 10-acre parcel across from the proposed commercial properties with commercial entitlements. Commercial land uses and entitlements on the proposed three lots would be consist and compatible with the existing commercial designations across Howland Boulevard.

The proposed C-1 zoning on site is consistent with the City Comprehensive Plan. On August 15, 2012, the Planning and Zoning Board heard the proposed rezoning application and recommended that the City Commission deny rezoning the sites to C-1 citing concerns from nearby residents and traffic issues associated with Howland Boulevard.

After discussion, the Commission voted unanimously to approve Ordinance No. 13-2012, that provides for a rezoning on the subject parcels from RE-1 to

C-1, at first reading and to schedule second and final reading for October 15, 2012.

C. Public Hearing – Conceptual Site Plan (CSP12-002)/Final Site Plan (FSP12-003) for the proposed Dollar General Retail Store to be located at 3016 Howland Boulevard.

The applicant, MVG/Development, has submitted a combined conceptual and final site plan application to develop a ±9,026 square foot Dollar General store located on a ±1.38 acre site at 3016 Howland Boulevard. This item was reviewed and conditionally approved by the Development Review Committee (DRC) on August 16, 2012. The DRC cited the need to include a cross-access easement that will facilitate future inter-parcel access without the need to access Howland Boulevard. Other DRC conditions pertain to the provision of adequate landscaping, building design, fire safety requirements, and pavement markings to meet Volusia County traffic control standards. All DRC conditions have been met. The proposed retail use is located on property planned for commercial use and zoned C-2 (General Commercial) and will conform to the provisions of the City's Comprehensive Plan and Land Development Code.

After discussion, the Commission voted unanimously to approve Conceptual Site Plan (CSP12-002)/Final Site Plan (FSP12-003) and the associated cross access easement for the proposed Dollar General to be located at 3016 Howland Boulevard.

D. Public Hearing – Ordinance No. 23-2012, Providing for an Amendment to Section 110-600, “Types of Nonconformity”, of Article VI, “Nonconformity”, of Chapter 110, “Zoning” of the Code of Ordinances of the City of Deltona, Providing that certain dimensional non-conformities can be continued after damage to a residence, for first reading.

On August 15, 2012, City staff was made aware that an existing home does not conform to the minimum floor area requirements of the R-1 zoning district. The home featured ±1,068 square feet of living area that does not conform to the 1,200 square foot (SF) minimum living area requirement listed in the City's Code of Ordinances for the R-1 zoning district. This housing condition is not unusual in Deltona, as the City has numerous such structures throughout the community dating back to its early history.

Both the R-1 zoning classification and the 1,200 SF minimum floor area requirement for dwelling units within the R-1 zoning was adopted by the City in 2003 as part of a major revision to the City's zoning regulations. Before 2003, the City was implementing zoning requirements that were similar to the Volusia County Code, which was a minimum floor area for residential areas of 1,000 square feet. The 1,000 square foot minimum floor area threshold can be traced back to the Deltona Lakes Development Plan that was created in the mid 1970's.

Requiring a minimum floor area for dwelling units is not unique to municipalities to establish development consistency, uniform block faces good housing stock for land values, and uniform construction criteria. The City's minimum floor area requirement is similar to standards within the Codes of Volusia County, Port Orange, Deland, Ormond Beach, etc.

According to the City zoning regulations, homes that are smaller than 1,200 square feet are considered legally non-conforming structures. Owners of a non-conforming home enjoy all of the rights of a conforming homeowner. However, if the non-conforming structure is damaged in excess of 75% of its replacement value, the home would have to come into compliance with the Code performance standards. Currently, the only way that a destroyed house could be built back below the minimum square foot requirement is through the variance process.

The proposed amendment to Section 100-600, Types of Nonconformity, would allow for reconstruction of a single family dwelling unit that has been destroyed in excess of 75% of its replacement value, by no fault of the owner, to the original square foot area, but no less, even if the living area is less than what the requisite zoning requires. The proposed changes, in an underline format, are presented as part of Ordinance No. 23-2012.

At the time of the agenda packet preparation, the September 26th Special Planning & Zoning Board meeting had not been held, therefore, staff will provide the results of the Planning & Zoning Board meeting to the City Commission at the October 1st Commission meeting.

After discussion, the Commission voted 6 to 1 (with Commissioner Herzberg voting against the motion) to approve Ordinance No 23-2012, an amendment to Types of Nonconformity, to allow for a structure to be rebuilt to the same or larger square footage when damage occurs to the structure through no fault of the owner, at first reading and to schedule second and final reading for October 15, 2012.

- E. Public Hearing - Ordinance No. 24-2012, Providing for an Amendment to Section 110-827(c)(1)(k) and (l), "Accessory Uses and Structures", of Article VIII, "Supplementary Regulations" of Chapter 110, "Zoning" of the City's Code of Ordinances, for first reading.**

The City of Deltona is primarily developed with single family detached dwelling units situated on individually owned lots. Most of the lots within the City are roughly ±0.25 acres in size, which affords the homeowner the ability to construct accessory structures including sheds, gazebos, swimming pools, etc.

Attractive accessory structures typically complement a primary structure, are functional, sometimes increase property values, and can be an asset to the community. Conversely, unattractive accessory structures often have the opposite effect. Based on the popularity of accessory structures and the recognition that

accessory structures should be regulated, the City in its early history opted to institute more detailed zoning requirements to manage the development of accessory structures. In 2000, the City adopted accessory use regulations that were incorporated into City zoning regulations as Section 110-827 of the Land Development Code.

Within Section 110-827, Section 110-827(c) (1) (k) exempts structures of 120 SF or less from the requirement to be compatible with the design and material construction of the principal structure. Also, Section 110-827(c)(1)(l) allows two accessory structures of 120 square feet (SF) or less to be built on one lot; for a total of up to 240 SF.

In an attempt to further the aesthetic goals of the City, Sections 110-827(c)(1)(k) and (l) are proposed to be changed to allow for only one shed of no more than 240 SF on residential lots of 20,000 SF or less. The reduction of the number of sheds will result in a concentration of out-building square footage and further the City's goal of maintaining a distinction between principal and accessory uses.

After discussion, the Commission voted 6 to 1 (with Commissioner Herzberg voting against the motion) to approve Ordinance No. 24-2012, an amendment to Accessory Uses and Structures, to allow one or two accessory structures that (in the aggregate) do not exceed 240 square feet for residential lots of 20,000 square feet or less, at first reading and to schedule second and final reading for October 15, 2012.

F. Public Hearing – Resolution No. 2012-30, Community Redevelopment Area (CRA) Findings & Declarations of Necessity.

The City of Deltona is undertaking the establishment of a Community Redevelopment Area (CRA). Although several areas of the City were considered, the logical first location of a CRA is in the most historic and physically constructed area of the City - the southwest portion.

Within that general area of the City, staff analyzed the most advantageous location for a CRA that would ensure the greatest return on investment, based on a logical base-year to begin the CRA (i.e. with lower property values). The major criteria considered were the proximity to interchanges along Interstate 4 (I-4), physical deterioration of infrastructure (i.e. functional obsolescence), potential to improve/expand existing utility lines, the presence of blight or disinvestment, the need for stormwater management, anti-sprawl/redevelopment, land stewardship, and to increase economic development potential. Ranking criteria was established to quantify the process and the southwest part of the City achieved the highest ranking.

As a result, a ±256-acre area was selected that focused on I-4 interchange locations at Saxon Boulevard to the north and Debary Avenue to the south. The proposed CRA boundary also includes the Deltona Boulevard corridor and portions of Normandy Boulevard (East and North) as connection points. An

emphasis was placed on the preservation of residential homes, the redevelopment of commercial sites, and upgrades to the existing infrastructure. The major goal is to create a viable and safe corridor for Deltona to expand commercial and office use opportunities, create jobs for the region, efficiently use natural resources and public services, create civic pride, and enhance the appearance of the corridor.

Finally, Resolution No. 2012-30 is for the adoption of the City of Deltona CRA Findings and Declarations of Necessity. This document was created following the criteria established in Part III, Chapter 163, Florida Statutes, that requires a local government to determine whether conditions exist within the proposed CRA boundary to warrant the creation of a CRA. Of the criteria listed in Section 163.340, Florida Statutes, the proposed CRA boundary includes 12 of the 14 listed issues that warrant the establishment of a CRA. By bringing the Findings and Declarations of Necessity to the City Commission, staff is respectfully requesting that the City Commission qualify the document to be used going forward with approval from Volusia County as a partner and for ultimate establishment of a Redevelopment Plan, a Community Redevelopment Agency, public participation, and to eventually establish an ad valorem tax increment financing district.

At the August 23rd Commission workshop, the Commission reviewed a complete draft of the Findings and Declarations of Necessity and directed staff to move forward in the process to create a Community Redevelopment Area and this agenda item is for formal adoption of that report as the first major step in the process to create the CRA.

After discussion, the Commission voted 6 to 1 (with Commissioner Zischkau voting against the motion) to approve Resolution No. 2012-30, the City of Deltona Community Redevelopment Area Findings and Declarations of Necessity.

9. OLD BUSINESS:

A. Request for consideration of one (1) Commission representative as the City's appointment to Team Volusia's Board of Directors.

At the Regular City Commission Meeting held on Monday, September 17, 2012 the Commission appointed Commissioner Lowry as the City's representative to Team Volusia's Board of Directors in place of Vice Mayor Treusch. Since that meeting Commissioner Lowry has declined the appointment due to his busy schedule.

Team Volusia Economic Development Corporation is focused on economic development efforts to bring new businesses to Volusia County to benefit all Volusia residents. The Corporation is a public/private partnership venture to encourage economic development. From services to education, manufacturing and not-for-profit, all of its partners have pledged their commitment to the

success of economic development in Volusia County. They are a powerful, united team with a strong belief in the future of our community.

After discussion, the Commission voted unanimously to appoint Commissioner Herzberg as the City's appointment to Team Volusia's Board of Directors to replace Commissioner Lowry.

10. NEW BUSINESS:

- A. Request for consideration to adopt Resolution No. 2012-33, by freezing the water and sewer rate increase that would otherwise take place on October 1, 2012 until further resolution of the City Commission.**

The City acquired the Utility late in 2003 and prior to 2008 the City had not yet had a rate increase. Moreover, the rates that were in place at that time the City acquired the Utility were last updated in 1995.

In 2008, the City Commission authorized staff to hire Burton and Associates, a rate consultant, to review the Utility's current rate structure and identify refinements to comply with various criteria such as, common industry practice, financial stability, equity, legal precedence, conservation, affordability, etc.

The objective was to develop more aggressive conservation based rates that would send a stronger price signal to high consumption water users in order to promote water conservation, minimize impacts upon low volume users, and provide adequate revenues to meet the identified revenue requirements.

The new rate structure was presented and approved by the City Commission on November 3, 2008.

The rate change was initiated with a rate increase of 17.25% each year through October 1, 2013.

After discussion, the Commission voted 6 to 1 (with Vice Mayor Treusch voting against the motion) to adopt Resolution No. 2012-33 with the amending language as follows: "Freezing the water and sewer rates at the current rates as of September 30, 2012 until further resolution of the City Commission".

- B. Request for adoption of Resolution No. 2012-32, opposing Amendment #4.**

The Florida Legislature has sponsored five (5) constitutional amendments dealing with property taxes that will appear on the 2012 general election ballot. One of the amendments, Amendment 4, makes several significant changes to the State's property tax system. The amendment changes the current assessment limit on commercial property, vacant property and second homes; gives first-time homebuyers an additional homestead exemption; and allows the Legislature to

prohibit increases in the assessed value of a property if the just value of the property decreases.

The Florida League of Cities adopted a resolution at its annual conference in August 2011 opposing Amendment 4 and is asking Florida Cities to adopt a similar resolution opposing this amendment. Included in the agenda packet is a proposed Resolution for the Commission's consideration, a copy of the Ballot Summary and Language and background information on Florida's Property Tax System (provided by Florida League of Cities).

The League has identified four (4) reasons why they feel that Amendment 4 will be bad for Florida including the following:

- 1. "If passed, it will put new and growing business at a disadvantage by making these new or growing businesses pay higher taxes;*
- 2. Makes an already complicated property tax system even more difficult to understand.*
- 3. Is unfair to Florida residents. It favors out-of-state and second home property owners and even owners of huge tracts of vacant land. It shifts the costs of paying for public services to long-time residents.*
- 4. It is not equitable. Under Amendment 4, for identical properties, the owners' property taxes will be different."*

A very preliminary estimate of the annual cost to our City (decline in property tax revenue) is \$500,000; because of the many nuances and components of this complicated legislation developing a more definitive estimate of revenue loss is quite difficult.

After discussion, the Commission voted 5 to 2 (with Commissioners Carmolingo and Herzberg voting against the motion) to take no action on this agenda item.

C. Request for consideration of appointment of one (1) member to the William S. Harvey Deltona Scholarship Advisory Board (Vice Mayor Treusch's appointment).

Ms. Karen Chenoweth (appointed by Vice Mayor Treusch) of the William S. Harvey Scholarship Selection Committee has resigned from the Committee effective September 18, 2012. The City has run press releases, and posted the opening on the City's Webpage and bulletin boards. To date, the City has received applications from the following interested individuals: Lori Burbank, Peggy Fisher, Ruth Garcia, Ken Grant, Donna Hodges, Jennifer Luke and Harry Meeks.

After discussion, the Commission voted unanimously to confirm the appointment of Peggy Fisher to the William S. Harvey Deltona Scholarship Advisory Board for a term to expire on May 31, 2013.

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, Joyce Kent 48 hours in advance of the meeting date and time at (386) 878-8500.