

AFTER ACTION AGENDA

REGULAR CITY COMMISSION MEETING MONDAY, FEBRUARY 18, 2013

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 Nabicht – Fire Department Chaplain Jim Lathan.**
 - B. **Local Deltona talent Adrian Sutton sang the National Anthem.**
4. **APPROVAL OF MINUTES & AGENDA:**
 - A. **Approval of Minutes - Regular City Commission Meeting of February 4, 2013.**

[The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of February 04, 2013 as presented.](#)
 - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
 - A. **Certificate of Recognition – France’s Legion of Honor Medal presented to Deltona resident Douglas “Doug” Hallahan.**
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:

8. ORDINANCES AND -PUBLIC HEARINGS:

- A. Public Hearing –Ordinance No. 01-2013, Amending and revising Article VIII, "Rental Properties", of Chapter 22, Businesses, of the City's Code of Ordinances, to revise the date of application and matters of delinquencies, revocation and penalties, at second and final reading.**

Ordinance No. 01-2013 is a proposed amendment to Chapter 22, Article VIII, of the City's Code of Ordinances. The intent is to revise the date of application to comport with state statute, and to revise matters of delinquencies, revocation and penalties.

At the time of the first reading, a question was posed by former commissioner, Herb Zischkau, as to whether a separate business tax receipt was required for each individual rental house when a person owned more than one rental house. In order to clarify the ordinance, the following language was added to the proposed ordinance: "A separate business tax receipt is needed for each and every tax parcel on which a residential rental property is located." Otherwise, the proposed ordinance remains unchanged since the first reading.

After discussion, the Commission voted 6 to 1 (Commissioner Barnaby voted against the motion) to adopt Ordinance No. 01-2013 at second and final reading.

- B. Public Hearing - Ordinance No. 03-2013, Amending Chapter 46 of the City's Code of Ordinances, pertaining to the Firefighters' Pension Plan, at second and final reading.**

The attorney for the pension board submitted a draft ordinance amending the City's Firefighters' Pension Plan. This ordinance is recommended by the Board for adoption and amends the definition of Salary to identify that unscheduled overtime is 'non Fair Labor Standards Act (FSLA) hours' and also proposes changes in their investment policy which gives the fund's managers greater latitude to choose investments.

Also submitted was a draft of the Investment Policy Statement approved by the Board for operation if the proposed ordinance changes are approved by the Commission. The IPS is the overall policy set for investment activity and provides

a summary of how the Board intends to proceed with the authority granted in the ordinance.

After discussion, the Commission voted unanimously to adopt Ordinance No. 03-2013 at second and final reading.

C. Request for approval of Resolution No. 2013-02: Proposed City of Deltona Impact Fee Moratorium.

On April 20, 2009, the City Commission adopted Resolution No. 2009-15 that provided an impact fee moratorium on the collection of City of Deltona (City) non-residential impact fees for Fire and Law Enforcement public services for a period of one (1) year. On March 21, 2011, the City Commission adopted a second impact fee moratorium with Resolution No. 2011-09 that provided a moratorium on the collection of Fire and Law Enforcement impact fees for both residential and non-residential building permit applications submitted during the moratorium period. On March 19, 2012, a third impact fee moratorium was adopted by the City Commission with Resolution No. 2012-06 that will expire on March 21, 2013.

Resolution No. 2013-02 is the fourth proposed impact fee moratorium and is identical to Resolution No. 2012-06 in structure. Approval of Resolution No. 2013-02 will suspend the collection of Fire and Law Enforcement impact fees for non-residential building permit applications submitted during the one (1) year period of this moratorium; which would commence on March 22, 2013 and end on March 21, 2014.

After discussion, the Commission voted unanimously to approve Resolution No. 2013-02 imposing a moratorium on the collection of the City of Deltona non-residential impact fees for fire and law enforcement for a period of one (1) year, commencing on March 22, 2013 and ending on March 21, 2014.

9. OLD BUSINESS:

A. Discussion re: donation of property located at 1221 Abigail Drive.

Carolyn Lawrence, Attorney, has forwarded a letter on behalf of the property owner, Emmanuel Zulueta, to the City offering the donation of the single family lot and existing home located at 1221 Abigail Drive to the City.

The home is 1,388 sq. ft. and City staff has not been inside the home to determine the condition of the home from the inside. The photographs show what appear to be settlement cracks at the rear of the home and one of the photos shows that a door at the back of the home is approximately 5' from the property edge that drops down to the pond.

Staff has estimated that the cost to demolish the property would be approximately \$8,500-\$10,000, based on the following needed steps and previous comparable single family home demolition costs:

- 1. Demolition permit cost;*
- 2. Environmental testing and removal for lead based paint and/or asbestos;*
- 3. Materials and labor to demo the home and remove the driveway;*
- 4. Hauling of debris and landfill costs;*
- 5. Removal of the septic system (crush and fill); and*
- 6. Re-grading of the lot and seeding for erosion control.*

There is a vacant lot on one side of the subject property and a single family home on the other side of it. While the City and Habitat for Humanity partnered in the NSP program for a home at 1242 Abigail across from this home, the majority of the platted lot for this site is within the adjacent Pioneer Lake. The lot is environmentally constrained and would not be considered for the NSP program, as it would be cost prohibitive to construct a new home on the site following re-grading and bringing the lot completely out of the 100-year flood plain. If acquired, likely use of the site would be to allow the adjacent property owners to acquire the tract, a home for Habitat for Humanity to acquire, or use as open space. Chief Rogers from the Fire Department has looked at the house and determined it is suitable for various Fire Department training exercises.

Staff is seeking direction from the Commission as to whether or not to accept the donation of this property.

After discussion, the Commission voted 5 to 2 (Commissioner Barnaby and Vice Mayor Denizac voted against the motion) that the City acquire the property located at 1221 Abigail Drive as soon as possible because the property is an attractive nuisance and a danger to the community.

10. NEW BUSINESS:

A. Discussion re: Potential agreement with Halifax Humane Society (HHS) benefiting the City government and the citizens of the City.

At the City Commission meeting on February 4, 2013, Commission Herzberg informed the Commission of the possibility of an agreement with the Halifax Humane Society (HHS) that would be beneficial to the City government and to the citizens of the City.

Deltona Code Enforcement has several older F250 trucks that are surplus and scheduled to be sold at auction. HHS recently acquired an animal transport vehicle through a grant, but the HHS is in need of a truck to pull the transport vehicle.

Deltona Code Enforcement historically incurs expenses of approximately \$180,000 in animal impound fees per year, not including the cost of transport and salaries, dealing with stray animals, including feral cats. The fact that many cats and dogs in Deltona are not spayed or neutered greatly exacerbates the drain on City of Deltona resources caused by stray animals. The spaying/neutering of Deltona animals would be expected to reduce the costs to the City of dealing with stray animals and have the added benefit of freeing up Code Enforcement Officers to do other much needed work in the City. The potential agreement with HHS is summarized as follows:

- 1. Deltona would donate to HHS one of its surplus F250 trucks which would otherwise have been sent to auction.*
- 2. There would be press releases by the City and HHS celebrating the donation.*
- 3. The press releases would include an invitation to Deltona Citizen's to private "Deltona Spay/Neuter Days at the HHS's Redinger Clinic".*
- 4. The number of days will be determined by the value of the donated vehicle as compared to direct costs of spaying/neutering performed.*
- 5. On these days Deltona Citizen's pets will be picked up at a predetermined location in Deltona and transported to and from the Redinger Clinic.*
- 6. The Deltona Spay/Neuter Days will include S/N, vaccination, nail trims, ear tipping (if applicable) and microchips for Deltona Citizens. A non-refundable reservation fee of \$10 will be assessed to reduce no-shows. The reservation fee will be applied back to the value of the trade to increase the number of animals served. The reservation fee is negotiable but HHS has found it reduces cancellations by 40%. Cancellations drastically reduces the efficiency of HHS spay/neuter programs.*

After discussion, the Commission voted unanimously to accept the potential agreement.

B. Request approval of Resolution No. 2013-03, recommending the name of former serviceman David G. Ledgerwood for the S.R. 415 road designation. (Requested by Mayor Masiarczyk.)

The City received an e-mail from Hilda Quintero from Representative David Santiago's Office regarding state highway designation for the new road portion of S.R. 415 that passes through the Deltona City limits. The Mayor suggested the road be dedicated to the memory of David G. Ledgerwood, the first resident of Deltona killed in action in Vietnam. The exact name would be David G. Ledgerwood Memorial Highway.

After discussion, the Commission voted unanimously to adopt Resolution No. 2013-03.

- 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.