

## AFTER ACTION AGENDA

### **REGULAR CITY COMMISSION MEETING MONDAY, MARCH 18, 2013 6:30 P.M.**

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

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## **AGENDA**

1. **CALL TO ORDER**
2. **ROLL CALL - CITY CLERK**
3. **INVOCATION AND PLEDGE TO THE FLAG:**
  - A. **Invocation Presented by Vice Mayor Denizac's son, Joed Denizac.**
4. **APPROVAL OF MINUTES & AGENDA:**
  - A. **Approval of Minutes - Regular City Commission Meeting of March 4, 2013.**

The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of March 4, 2013 as presented.
  - B. **Additions or Deletions to Agenda.**

Mrs. Vose pulled Item 8-C and Commissioner Herzberg asked to add-on Item 10-C, Discussion of Volusia County's CRA resolution to be adopted on Thursday, March 21, 2013.
5. **PRESENTATIONS/AWARDS/REPORTS:**
  - A. **Certificate of Recognition - Barbara Sanchez has been selected as Volusia's 2012-2013 Sunshine State Scholar.**
  - B. **Certificates of Recognition - Harris Saxon Boys and Girls Club, staff, and youth for winning three awards.**
  - C. **Annual Audit Presentation: Comprehensive Annual Financial Report for the Year Ended September 30, 2012 - Mark White, Tim Westrate and Laurie Walker of Purvis Gray and Company.**

**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. 05-2013, reinstating the Affordable Housing Advisory Committee (AHAC), at second and final reading.**

*Through the adoption of Ordinance No. 08-2001 on May 7, 2001, the City of Deltona became eligible to receive funding from the Florida Housing Finance Corporation, State Housing Initiatives Partnership (SHIP) Program.*

*In July 2007, the Florida Legislature passed House Bill 1375 requiring cities and counties receiving SHIP funds to appoint an "Affordable Housing Advisory Committee" (AHAC).*

*The SHIP Act and Rule requirement has been reinstated per SHIP statute (420.9076 F.S. and Rule 67-37.010) that in order to continue to qualify for funding, the local government must appoint the Affordable Housing Advisory Committee members by resolution.*

*The City of Deltona adopted Ordinance No. 07-2008 on March 3, 2008 which, in part, created an Affordable Housing Advisory Committee.*

*Revisions to Ordinance No. 07-2008 which were adopted by the City Commission on March 17, 2008 included increasing the AHAC membership from 8 to 11 members and additional reporting requirements.*

*In 2009, after their one (1) year term and finishing their work, the Affordable Housing Advisory Committee was sunset.*

*The Affordable Housing Advisory Committee shall be comprised of eleven (11) persons and shall recommend specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.*

*It is in the best interest of the City of Deltona to reinstate the Affordable Housing Advisory Committee upon the conditions (except for its ending term) under which it existed just prior to its sunset.*

**After discussion, the Commission voted unanimously to adopt Ordinance No. 05-2013 at second and final reading.**

- B. Ordinance No. 07-2013, Emergency ordinance permitting a one-time Flea Market to take place on April 20, 2013, at Deltona Plaza parking lot for a 501(c)(3) non-profit organization.**

*At the Workshop on Monday, March 11, 2013 the Commission directed the City Attorney to create an emergency ordinance to allow for a one-time Flea Market to take place on April 20, 2013 at Deltona Plaza parking lot for a 501(c)(3) non-profit organization.*

*This emergency ordinance does not need to be advertised and must pass by a two thirds (2/3) vote of the City Commission.*

**After discussion, the Commission voted 5 to 2 (Commissioner Nabicht and Vice Mayor Denizac voted against the motion) to adopt Emergency Ordinance No. 07-2013.**

- C. Ordinance No. 20-2012, Revising Section 14-2 and 14-3 regarding public nuisance animals and prohibited animals; Adding Article VII, "Responsible Pet Ownership and Licensing Standards", to Chapter 14, "Animals", of the City's Code of Ordinances, at first reading and to schedule second and final reading on April 1, 2013.**

*This is a re-write of the previously read "spay and neuter" ordinance. Because of the change in the title, it must go through first reading again. This ordinance provides an additional exception to the requirement for spaying or neutering for those dogs and cats that have been cited by code enforcement, and that are not allowed to run at large.*

**Item was pulled from the agenda by City Attorney Becky Vose.**

- D. Request for approval of Resolution No. 2013-09, Vacation of plats for Enterprise Heights First Division, MB 21, Page 107; Second Subdivision, MB 21, Page 108; and Third Division MB 10, Page 54.**

*In 2000, the City bought several large tracts of land located in the southwestern section of the City. One tract, located off of Saxon Boulevard, was developed as Dewey O. Boster Park. The other property, consisting of ±120 acres was never developed and is currently forested with dense vegetation. The site is associated with three (3) subdivision plats that were recorded in 1925: Enterprise Heights, First Division, MB 21, Page 107, Enterprise Heights, Second Subdivision, MB 21,*

*Page 108, and Enterprise Heights, Third Division, MB 10, Page 54. However, none of the lots or roads that were platted as part of the subdivisions were ever developed and are thus considered paper rights-of-way.*

*The intent of Resolution No. 2013-08 is to vacate the subdivisions, including all of the paper rights-of-way and lots, consistent with Section 106-32 of the City's Land Development Code (LDC) and revert the subdivisions back to unplatted acreage. Upon vacation, the City Legal Department will record two (2) deeds as an exempt subdivision as per Section 106-27(a)(1) of the LDC. One deed will be for an approximately 40-acre parcel located in the southern area of the ±120 acre tract and the other parcel will account for the balance of that tract. The approximately 40-acre parcel is earmarked for water management projects, including rapid infiltration basins, to be undertaken by the City's Public Works Department. Use of the remaining property is yet to be determined and will be reserved for future public benefit uses.*

**After discussion, the Commission voted unanimously to approve the vacation of the following plats: Enterprise Heights, First Division, MB 21, Page 107, Enterprise Heights, Second Subdivision, MB 21, Page 108, and Enterprise Heights, Third Division, MB 10, Page 54.**

**9. OLD BUSINESS:**

**10. NEW BUSINESS:**

**A. Request for a Waiver of all Fees – SE 13-003, American Cancer Society – Relay For Life 2013.**

*The American Cancer Society (ACS) has submitted a special event application for the Annual Relay for Life fundraiser that takes place at the Dewey Boster Sports Complex every year. The special event application was submitted in accordance with the 90 day review period required by ordinance. Lee Benjamin, ACS Community Representative, has requested a waiver of all fees for this event. Typically, the Deltona Fire Department and Volusia County Sheriff's Office do not provide staffing for this event, but are in a stand-by mode, should a need arise for any services. The associated fees/costs for this event are listed below:*

*Sheriff's Office - \$ 0 (do not provide staffing for this event)  
Fire Department - \$ 0 (do not provide staffing for this event)  
Parks & Recreation - \$ 1,505.00  
Public Works - \$ 750.00*

*Total - \$2,255.00*

*In the past the City staff has been more involved on the actual planning committee for the event with American Cancer Society personnel and the event was on a smaller scale without a large number of participants from the general public*

*other than the members on the different Relay teams. Since the change was made last year to a Saturday/Sunday event, the event organizers are anticipating more attendance from the general public.*

After discussion, the Commission voted 6 to 1 (Commissioner Nabicht voted against the motion) to grant the request by Lee Benjamin, on behalf of the American Cancer Society to waive all fees associated with the annual Relay for Life event scheduled to take place at the Dewey Boster Sports Complex on Saturday, April 13th and Sunday, April 14th, 2013.

**B. Discussion and provide direction to staff as a result of the recent Rate Study Workshop.**

*Burton & Associates has recently conducted interactive presentations at the Commission Workshops held on January 28th and February 25th, 2013. The workshops served as a means for Burton & Associates to report their findings of the recent rate study that they conducted per the City Commission's request and display possible options for future rate structure and stability.*

*Several options were discussed in the workshops with the primary discussion focusing on whether or not a surcharge will be assessed on those customers who reside outside of city limits and also the schedule as to how and when rates will be increased.*

*Staff is requesting direction from the City Commission as to which options the City Commission wishes to proceed with so that public notification can be conducted prior to the adoption of the rates by Resolution.*

After discussion, the Commission voted unanimously to adopt the rate structure with no increase in FY 2013, the rate structure going up 2.5% for FY 2014 and as stated in the report the following years and to update as recommended by Burton & Associates report the commercial rate structure, to correct the inequity in the commercial rate structure increases.

After discussion, the Commission voted unanimously to direct staff to prepare a commercial rate resolution and notification and that an annual review be done so that the percentages can be adjusted if necessary annually from FY 2014 on, to make sure that the City is following or tracking according to the study results.

**C. Add-On Agenda Item: Discussion of Volusia County's CRA Resolution.**

After discussion, the Commission concurred to have the Acting City Manager draft and distribute a letter to the Volusia County Council against the proposed resolution establishing policy for delegation of authority to establish or enlarge community redevelopment areas to be adopted at on Thursday, March 21, 2013 and to have a strong presence at the meeting.

**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 Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.