

AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING
TUESDAY, JANUARY 21, 2014
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.
4. APPROVAL OF MINUTES & AGENDA:
 - A. Approval of Minutes - Regular City Commission Meeting of January 6, 2014.

The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of January 6, 2014.
 - B. Additions or Deletions to Agenda.

City Attorney requested to pull Item 9-B.
5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Presentation – Providing Autism Links & Support Inc. (PALS), presented by the Deltona Dunkin Donuts/Baskin Robbins franchise and property owners Gary and Peggy Heckel.
 - B. Presentation - Certificate of Recognition - 4th Annual Holiday Parade of Homes winner.
 - C. Presentation – Quarterly Reports of City Advisory Boards/Committees.
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. 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 approval of proposed changes to the Parks and Recreation Advisory Committee By-Laws.

At the Regular City Commission Meeting on Monday, August 15, 2011 the City Commission approved the proposed "generic" Advisory Board/Committee/Sub-Committee By-Laws and rescinded all prior Board, Committee and Sub-Committee specific By-Laws.

After reviewing the By-Laws with the Committee both the Committee Liaison and the Committee are requesting some minor changes to their By-Laws, specifically Article XII. Sub-Committees, as follows:

- 1. Page 5, remove "Section 2";*
- 2. Page 5, Add the following to the end of Section 3 "The Staff Liaison to the Sub-Committee shall select volunteers from among residents of the City, to serve on each Sub-Committee.";*
- 3. Page 5, Section 6, change the age from 15 thru 20 to "15 thru 18"; and*
- 4. Page 5, correct the Section numbers (after Section 2 is removed).*

After discussion, the Commission voted unanimously to approve changes to the Parks and Recreation Advisory Committee By-Laws.

***B. Request for approval of Sole Source award to Menzi USA Sales for an AEBI Terratrak TT210 Machine.**

The Stormwater Division currently mows steep slopes in all of the City's drainage retention ponds. The current AEBI mower, utilized to perform this service, has reached the end of its service life and needs to be replaced.

The AEBI Terratrak TT210 machine is specialized and technologically advanced in its ability to mow on banks with steep slopes and is versatile in its performance, providing the capability to mow in both ditches and flat areas. The machine has the ability to balance itself with a hydraulic "crab mechanism" while in operation. The machine is enclosed, cabbed and structured to eliminate safety issues and concerns with the operator while performing services on steep slopes and banks, as well as protecting them from the elements.

Multiple requests have been made to other tractor manufacturers and distributors to provide an equivalent machine capable of mowing on such steep slopes and banks. No other vendors have been able to provide an equivalent to this machine.

This machine has been budgeted in the current FY2013/2014 budget and will be replacing an older model in the City's current fleet, which will be sent to auction when the new one arrives.

Approved by Consent Agenda - to approve award to Menzi USA Sales, Inc. for one (1) AEBI Terratrak TT210 machine at a total cost not to exceed \$117,410.00.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing – Ordinance No. 18-2013, Phase II-B, amendments to the Land Development Code, at first reading and to schedule second and final reading.

Since 2011, the City Commission has adopted a series of amendments to the Land Development Code (LDC) designed to achieve a variety of important goals Phase I was for organizational improvements and Phase II-A was for substantive changes for the highest priority of amendments to the LDC.

Phase II-B is the second cycle of amendments to the LDC that affects four (4) chapters of the LDC (Chapters 70, 74, 106, and 110) and enacts a new Chapter 75 (Site Plan). The proposed amendments advance the goal of further improving the effectiveness and efficiency of our Code. The goals are accomplished by adjusting or removing certain provisions or steps in the development review process that, in our view, are unnecessary, burdensome, costly, or inefficient.

Implementation of the proposed amendments will significantly increase Deltona's competitive edge by further streamlining the development review process, reclassifying certain types of development applications, and clarifying a number of related Code provisions. Certain zoning revisions relating to fences, accessory uses, and refinements to other provisions are also recommended as part of this initiative.

A City Commission Workshop was held on October 28, 2013, and the Commission reviewed and gave staff direction to proceed with the Phase II-B Amendment cycle that includes additions, deletions, and revisions to certain provisions of Chapter 70, Section 30, "Definitions"; Chapter 74, "Administration"; Chapter 106, "Subdivisions"; Chapter 110, "Zoning"; and add new Chapter 75, "Site Plan". Finally, the Planning and Zoning Board reviewed Phase II-B on December 18, 2013, and recommended that the City Commission approve Ordinance No. 18-2013.

After discussion, the Commission voted unanimously to approve Ordinance No. 18-2013, that amends the Code of Ordinances Subpart B, Land Development Code, by adding, revising, and deleting certain provisions of Chapter 70, Section 30, "Definitions"; Chapter 74, "Administration";

Chapter 75, "Site Plan"; Chapter 106, "Subdivisions"; and Chapter 110, "Zoning" at first reading and to schedule second and final reading.

B. Public Hearing – Ordinance No. 01-2014, Tractor Supply Company Amendment to the Official Zoning Map (RZ13-007).

The City of Deltona received an application to amend the Official Zoning Map from the Volusia County classification of Rural Residential (RR-C) to the City's C-1 Retail Commercial zoning designation. The proposed area to be rezoned is approximately five (5) acres that are currently vacant and wooded. There are plans for a Tractor Supply Company retail store to be located at this location that follows the prototype of the recently constructed in Mims, Florida.

The subject property was annexed into the City in 2004. In 2006, a County future land use designation of Urban Low Intensity was changed to a City Commercial designation. As part of the Future Land Use Map Amendment process, the Volusia Growth Management Commission (VGMC) conditionally approved the change to City Commercial to include a limitation on intensity with a 0.22 floor area ratio (FAR) and a limitation on the number of curb cuts along SR 415. The proposed conditions will be adhered to by the applicant with this development.

The subject property is also dependant upon the vacation of the 2nd Addition to the Carnell Plat, an antiquated subdivision, which occurred on December 16, 2013. The applicant is working with the City and the underlying property owner (Pell) to create a 50-ft. wide cross-access easement along the Tractor Supply Company site's southern boundary. Finally, the ordinance and application was reviewed by the City's Planning and Zoning Board at the December 18, 2013, meeting and the Board recommended that the City Commission approve Ordinance No. 01-2014 with the conditions that there be no access to Sandlor Drive to the north, there be screening and buffering along the north side of the Tractor Supply Company site, there be directional lighting away from the residences along Sandlor Drive, and there is a fence installed along the north side of the Tractor Supply Company site. The applicant has agreed to accommodate those conditions and will also provide additional landscape buffer width that exceeds the minimum Code requirements. Finally, the item was continued, date-certain, from the January 6, 2014, City Commission public hearing to the January 21, 2014, City Commission public hearing.

After discussion, the Commission voted unanimously to approve Ordinance No. 01-2014, for the rezoning of approximately five (5) acres for Rural Residential (RR-C) to the City's C-1 Retail Commercial (Project RZ13-007), at first reading and to schedule second and final reading.

9. OLD BUSINESS:

A. Saxon Ridge Homeowners' Association - Acceptance of streets.

The Saxon Ridge Homeowners' Association appeared before the City Commission at a workshop on August 25, 2011, to request that the City take responsibility for the maintenance and repair of their streets and sidewalks. Issues regarding whether there ever had been a dedication of the streets to the City were raised and debated. There were particular concerns that Saxon Ridge has many decorative features integral to its streets, and the maintenance and repair of those features would be very expensive for the City. After the workshop, City staff had several meetings with HOA representatives. A compromise was reached that appears to satisfy the concerns of both the City and the HOA. The HOA has agreed to accept sole responsibility for the maintenance and repair of all decorative brick inlaid crosswalks and traffic circles on the streets in the subdivision as well as the maintenance and repair of all stormwater and surface water systems, decorative subdivision street name signs, and arbor streetscape. The city recently repaired several potholes in the subdivision streets. In the future, if the HOA does not fulfill its responsibilities, such as repairing stormwater and surface water systems that may impact streets, the city can make the repairs and bill the HOA. If such bill is not paid, then the city can place a non-ad valorem assessment on the tax bills of the property owners. This agreement was specifically written in a way that forecloses the HOA from attempting to force the City to do other improvements to the subdivision, and eliminates any potential issue about the installation of a wall along I-4.

After discussion, the Commission voted 5 to 1 (Commissioner Nabicht voted against the motion) to approve the Settlement Agreement between the City of Deltona and the Saxon Ridge Homeowners' Association.

B. Bus Benches – Update – Waverly Media and Maverick Bench Media.

On July 1, 2001, the City of Deltona entered into an Agreement with Maverick Bench Media Company, Inc., which permitted Maverick to install benches at bus stops and other public places with advertising on the benches. In exchange for the permission to install the benches and sell advertising on the benches, Maverick was to pay Deltona a percentage of the advertising revenues. Maverick Bench Media Company was later acquired by Waverly Media, and the Agreement with the City has been continued through Maverick which is now a wholly owned subsidiary of Waverly Media. The city recently conducted a financial audit of payments by Maverick and Waverly to the city and it was determined that Maverick and Waverly had complied with the financial terms of the Agreement. The Agreement also requires Maverick to pull permits for the installation of benches and to fully comply with all city, state and federal laws. Maverick has failed to pull permits for the installation of benches, and the vast majority (if not all) of the benches currently do not comply with code requirements, including ADA requirements. On December 13, 2013, the City Attorney served a default letter on Maverick and Waverly Media, indicating the actions needed to bring the Agreement into compliance. The default letter was received by Maverick and

Waverly on December 18, 2013. Waverly Media responded to the default letter on January 9, 2014, through a letter from its attorney, Douglas Gartenlaub.

Item was pulled from the agenda by the City Attorney.

10. NEW BUSINESS:

A. Request for consideration of a Commercial Sewer Feasibility Study of the Saxon/N. Normandy Blvd. intersection area.

The Saxon Boulevard commercial cluster is an intensive, urban high traffic, high commercial demand area within the City of Deltona. The primary restrictions for commercial development in this area are (1) the majority of residential properties and (2) the lack of commercial sewer. Currently, developers and their representatives are doing lot assemblage in this area, which leaves the lack of commercial sewer as the primary handicap for future commercial development.

Staff review has determined that a sewer system engineering and feasibility study be performed to assess the existing conditions and potential expansion of the sanitary sewer system to allow for future commercial development. Quentin L. Hampton Associates, Inc., who currently contracts with the City of Deltona, has agreed to perform this study for \$10,600.00.

After discussion, the Commission voted unanimously to direct staff to commence with the sanitary sewer feasibility study of the Saxon/N. Normandy Blvd. intersection area.

11. CITY ATTORNEY COMMENTS:

12. CITY MANAGER COMMENTS:

After discussion, the Commission voted unanimously to accept the full asking price for the Dupont Lakes property, and provided the City Manager permission to move forward with the sale.

A. Lobbyist Update.

13. CITY COMMISSION 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.