

AFTER ACTION AGENDA

REGULAR CITY COMMISSION MEETING MONDAY, FEBRUARY 3, 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. **Silent Invocation Presented by Mayor Masiarczyk.**
4. **APPROVAL OF MINUTES & AGENDA:**
 - A. **Approval of Minutes - Regular City Commission Meeting of January 21, 2014.**

[The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of January 21, 2014 and for staff to review the audio regarding whether or not there was a second to Commissioner Barnaby's amended motion on Page 13 and amend the minutes as necessary.](#)
 - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
 - A. **Presentation - Super Star Student of the Month Certificates for January 2014.**
 - B. **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 to award quote for Builders Risk Insurance on the Eastern Water Reclamation Facility construction project.**

Public Works, with the assistance and input from the City's Risk Manager, requested proposals from insurance companies to provide Builders Risk Insurance coverage for the Eastern Water Reclamation Facility construction project. This coverage would protect the City's property at the Eastern WRF site and the buildings during the construction portion of the project. This coverage can be carried by the General Contractor during construction of the project. However, because of the magnitude of this project, it would be less expensive for the City to purchase this coverage directly from an insurance provider, versus the General Contractor purchasing and passing along those costs to the City.

The City contacted its current Broker for Property and Casualty Insurance and requested a solicitation seeking quotes for Builders Risk Insurance. Five (5) proposals were submitted. After review it was the consensus of Public Works and the Risk Manager that the City should obtain this coverage from the American Zurich Insurance Company. The Zurich proposal, while not the lowest cost, provided the best coverage and the most value. It has all the lines of coverage necessary and the lowest deductible for the most significant peril, windstorm damage. Zurich has a very high rating and financial solvency.

Approved by Consent Agenda - to make award of proposal to provide Builders Risk Insurance on the Eastern Water Reclamation Facility construction project to American Zurich Insurance Company at a total cost of \$73,828.00.

- B. Request for Fee Waiver – Deltona Little League-Annual Opening Day Parade.**

Kim Schneider, Secretary of Deltona Little League, has submitted a special event application for their annual opening day parade scheduled for Saturday, March 8, 2014. Deltona Little League is requesting a waiver of all fees (police, fire, parks, etc.) for this event.

The total fees associated with this parade are \$410.00 which includes the following:

*Public Works-0-
VCSO \$ 360.00
Fire Dept -0-
Parks and Recreation Application Fee \$ 50.00*

After discussion, the Commission voted unanimously to waive all fees (police, fire, parks, etc.) associated with the Deltona Little League Opening Day Parade.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 17-2013, An Amendment to the Capital Improvements Element of the City's Comprehensive Plan, at second and final reading.

Pursuant to 163.3177(3)(b) F.S., the Capital Improvements Element (CIE) of the Comprehensive Plan must be reviewed and updated on an annual basis. It is recommended to send the CIE Report to the Department of Economic Opportunity (DEO) when it is adopted each year by the City Commission.

Staff has reviewed the current Class "A" capital improvements and summarized the expenditures and funds carried forward for the next five years. The City's CIE has also been reviewed to ensure compliance with the City's adopted level of service (LOS) standards. In collaboration with the City's Finance Department and other departments, adjustments have been made to update the CIE.

The City Commission reviewed Ordinance No. 17-2013, at first reading, on January 6, 2014. Finally, a typographical error on Page 22 of the document has been corrected and Exhibit A, reflects the revised CIE document.

After discussion, the Commission voted unanimously to adopt Ordinance No. 17-2013, at second and final reading, that amends and updates the City of Deltona's Comprehensive Plan Capital Improvements Element and the Five-Year Schedule of Capital Improvements.

B. Public Hearing – Ordinance No. 18-2013, Phase II-B, amendments to the Land Development Code, at 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". The Planning and Zoning Board reviewed Phase II-B on December 18, 2013, and recommended that the City Commission approve Ordinance No. 18-2013. Finally, the City Commission voted unanimously to approve the ordinance at the January 21, 2014, public hearing.

After discussion, the Commission voted unanimously to adopt 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 second and final reading.

C. Public Hearing – Ordinance No. 01-2014, Tractor Supply Company Amendment to the Official Zoning Map (RZ13-007), at second and final reading.

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 store 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 designation of Commercial. As part of the Future Land Use Map Amendment process, the

Volusia Growth Management Commission (VGMC) conditionally approved the change to City Commercial designation 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 was dependent upon the vacation of the 2nd Addition to the Carnell Plat, 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. 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. Finally, the applicant has agreed to accommodate those conditions and will also provide additional landscape buffer width that exceeds the minimum Code requirements.

After discussion, the Commission voted unanimously to adopt 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 second and final reading.

- D. Public Hearing - Ordinance No. 03-2014, Amending and updating the City's Floodplain Management Regulations as listed in Chapters 70, Section 30, Definitions, and Chapter 90, Flood Hazard Management, of the City's Code of Ordinances, as well as adopting new FEMA Flood Insurance Rate Maps, dated February 19, 2014, at first reading and to schedule second and final reading.**

On September 19, 2011, the City adopted new floodplain regulations under Chapter 90 of the Code of Ordinances and new Flood Insurance Rate Map (FIRM) panels were approved as required by the Federal Emergency Management Agency (FEMA) for the City to remain within the National Flood Insurance Program (NFIP). If the City did not adopt the maps and regulations by September 29, 2011, the City would have been sanctioned by FEMA by being suspended from the issuance of NFIP-backed Preferred Risk Policy (reduced) insurance premiums for City residents.

Following the 2011 adoption of the new maps and regulations, City staff initiated application for the FEMA Community Rating System (CRS) program. Obtaining a CRS rating for the City can result in lower flood insurance premiums (i.e. from 10-45%) for NFIP-insured residents. The first step has been to participate in a

community assistance visit (CAV), which the City was approved in October of 2013, with a recommendation that the City proceed to the CRS stage.

As part of the 2010 revisions to the Florida Building Code (FBC), floodplain management provisions that involve construction techniques within flood hazard areas were revised in the new FBC. The Florida Division of Emergency Management (DEM) and FEMA asserted that many local government floodplain management regulations, including the City's, were now inconsistent with the new FBC. The State then mandated that all local government floodplain management ordinances be standardized to their new model floodplain ordinance and failure to adopt a new ordinance and FIRM panels by February 19, 2014, will lead to suspension from the NFIP. This could lead to a myriad of issues for homeowners.

As examples, comparing and contrasting existing Chapter 90 to the newly proposed floodplain management ordinance reveals that requirements for construction techniques, such as foundation anchoring, vent walls, etc. are not part of the new floodplain management ordinance. However, the requirement for a finish floor elevation of one (1) foot above the base flood elevation (BFE) for structures within the floodplain remains.

As with the 2011 FIRM panels, the February 19, 2014, panels are similar to and based on one-foot contour intervals, for greater accuracy than pre-2011 maps. However, FEMA and their consultants revisited the City's 100-year floodplain polygons and made revisions to reduce many of the polygon areas, several of which are a benefit to homesteads. While more work is needed to establish BFEs for some basins, the new map lines are based on greater science and will remain intact for the foreseeable future, with minor adjustments allowed. Adoption of the new regulations and maps is also required for application into the CRS program.

Finally, the Planning and Zoning Board heard Ordinance No. 03-2014 on January 15, 2014, and unanimously recommended that the City Commission adopt the updated regulations and new FEMA floodplain maps.

After discussion, the Commission voted 5 to 1 (Commissioner Barnaby voted against the motion) to approve Ordinance No. 03-2014 for the City's Code of Ordinances, repealing and replacing the existing Chapter 90, as well as, amending Chapter 70, Section 30, and adopting new FEMA Flood Insurance Rate Maps, as mandated by FEMA, at first reading.

9. OLD BUSINESS:
10. NEW BUSINESS:
11. CITY ATTORNEY COMMENTS:
 - A. Charter Review Committee Update.

12. CITY MANAGER COMMENTS:

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.