

## AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING  
MONDAY, AUGUST 4, 2014  
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 Commissioner Bellizio – Nick Pizza, Pizza Family Ministry.
4. APPROVAL OF MINUTES & AGENDA:
  - A. Approval of Minutes – Special & Regular City Commission Meeting of July 21, 2014.

The Commission voted unanimously to approve the minutes of the Special & Regular City Commission Meeting of July 21, 2014, as amended.
  - B. Additions or Deletions to Agenda.

City Manager Dave Denny requested to pull Agenda Item 8-D.

#### PRESENTATIONS/AWARDS/REPORTS:

- A. 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:**

**8. ORDINANCES AND PUBLIC HEARINGS:**

**A. Public Hearing - Resolution No. 2014-21: Community Development Block Grant (CDBG) Annual Action Plan for Program Year (PY) 2014-15.**

*The City of Deltona, as an entitlement community, receives Community Development Block Grant (CDBG) funds from the U. S. Department of Housing and Urban Development (HUD). The City is therefore eligible to receive monies for Program Year (PY) 2014-2015 to implement eligible activities within the community. These activities were identified in the 2013-2017 City of Deltona's Five Year Consolidated Plan, which was approved by the City Commission on August 5, 2013. The Five Year Consolidated Plan is the long-range strategic planning document that is segmented into annual Program Years that follow HUD-defined fiscal years.*

*The City is eligible to receive a formula-based grant in the amount of \$440,094 for PY 2014-2015. In addition, any monies not spent in prior years within the Consolidated Plan can be carried forward. The \$151,172 of unused CDBG funds is thus added to the \$440,094 for a total of \$591,266 eligible to be spent for PY 2014-2015. To receive the CDBG allocation, the City is required to develop an Annual Action Plan (AAP) and submit a list of projects to HUD to be undertaken during the PY 2014-2015 by August 16, 2014. With this City Commission hearing, that deadline can be achieved.*

*In accordance with program requirements, the City advertised the Notice of Funding Availability (NOFA) on February 23, 2014, to provide organizations that are proposing public services in the City an opportunity to apply for CDBG funds. Upon receipt of the applications, the proposed projects were ranked for conformity to CDBG national objectives, one of which is for activities to benefit very low and low income persons. Recommendations for funding were made based on the rankings of the proposals received, a budget was created, and the appropriate advertisements posted. Two required (2) public hearings were held for citizen input regarding the expenditure of the proposed funds – on July 4 and July 15, 2014. Activities for the proposed 2014-2015 AAP are included as Exhibit B: Program Year 2014-2015 Proposed Projects (please see the attached).*

**After discussion, the Commission voted unanimously to approve Resolution No. 2014-21, the Community Development Block Grant Annual Action Plan for Program Year 2014-2015.**

**B. Public Hearing - Resolution No. 2014-08, Iglesia Misionera Eslabon de Dios (IMED) Church Conditional Use Application (CU14-003).**

*In 2011, IMED Church filed a Conditional Use application that was approved to allow for a maximum of 700 seats. That Conditional Use approval expired. This new Conditional Use application (CU14-003) is for the same location by the same applicant to allow for a house of worship within the RE-1 (Residential Estate One) zoning district. However, the church now proposes only 210 fixed seats for the facility. This reflects an intensity reduction of 490 seats. The subject property is ±24.73 acres and includes an existing building. The lot has been cleared and graded and the site needs to be finished-out prior to occupation.*

*The Planning and Zoning Board reviewed this item on July 16, 2014, and unanimously recommended that the City Commission approve Resolution No. 2014-08 for the Conditional Use application, with conditions of approval that require buildings be no closer than 50 feet from any property line, that off-street parking areas meet the landscape buffer and parking surface requirements, that the maximum capacity of the church per this Conditional Use application shall be limited to no more than 210 seats, and that traffic mobility in the Lake Helen-Osteen Road right-of-way meets all appropriate regulatory provisions and standards.*

**After discussion, the Commission voted unanimously to approve Resolution No. 2014-08, the Conditional Use application (CU14-003) for IMED Church, located at 2745 Lake Helen-Osteen Road with the conditions of approval that require buildings be no closer than 50 feet from any property line, that off-street parking areas meet the landscape buffer and parking surface requirements, that the maximum capacity of the church per this Conditional Use application shall be limited to no more than 210 seats, and that traffic mobility in the Lake Helen-Osteen Road right-of-way meets all appropriate regulatory provisions and standards.**

**C, Public Hearing - Ordinance No. 15-2014, an amendment to allow Changeable Copy Signs for Houses of Worship, at second and final reading.**

*Chapter 102 of the City's Code of Ordinances is the City's sign code. In many cities, a sign code is a dynamic document seeking to use the most current signage technology, establish a balance between the ability to advertise and promote businesses, events, public facilities, etc. and the overall aesthetics of a community. The purpose and intent listed in Section 102-1 of the sign code outlines the purpose of signage regulations, lists the aesthetic intent, and ensures compatibility between land uses.*

*The City received a request to consider electronic changeable copy signs for houses of worship that allows them to have the most current signage technology. Houses of worship have the ability to be placed in a variety of zoning classifications. As such, commercial-oriented signage can be located within residential neighborhoods, which is not typically afforded to other types of land uses. To allow for electronic changeable copy signs, staff created the proposed amendments to Chapter 102-78, Houses of worship, and Chapter 102-102,*

*Changeable copy signs, included within the attached Ordinance No. 15-2014. In summary, the proposed amendments include the following - 1) Further clarify the existing regulations through minor revisions to the sign code; 2) Adds electronic changeable copy sign language to Section 102-78 to allow houses of worship to have that type of signage and to place evening hour illumination limitations on them to respect the residential character of area neighborhoods; and 3) For electronic changeable copy signs, limits the number, orientation, land use types, and location of sign placement; particularly along arterial roadway rights-of-way.*

*Currently, there are 39 houses of worship within the City, with 31 or 80% in residentially zoned areas and 8 or 20% in non-residentially zoned districts. Of these facilities, there are 32 or 82% houses of worship located along arterial roadways, 7 or 18% of them are not along arterial roadways, and 24 or 60% of them are within residentially zoned areas and along arterial roadways.*

*Finally, the proposed amendment is consistent with the City's Comprehensive Plan. The Planning and Zoning Board heard this item on June 18, 2014, and recommended that the City Commission approve Ordinance No. 15-2014, and the ordinance received City Commission approval for first reading at the July 21, 2014, public hearing.*

**After discussion, the Commission voted unanimously to approve Ordinance No. 15-2014, an amendment to allow changeable copy signs for houses of worship, at second and final reading.**

- D. Public Hearing - Ordinance No. 05-2014, an amendment to rezone ±8.67 acres of land located at 110 Howland Boulevard from the Volusia County zoning designation of Rural Residential (RR) to the City of Deltona zoning designation of Retail Commercial (C-1), at first reading and to schedule second and final reading for August 18, 2014.**

*The City has received an application to amend the Official Zoning Map from the Volusia County (County) zoning classification of Rural Residential (RR) to the City of Deltona (City) zoning classification of Retail Commercial (C-1), for ±8.67 acres located at 110 Howland Boulevard. The area proposed to be rezoned is currently vacant and wooded, with the exception of two (2) single family dwelling units and ancillary structures.*

*The subject property was annexed into the City in 2004. The County future land use designation of Urban Low Intensity was changed to the City future land use designation of Commercial (C) in 2006. As part of the Future Land Use Map amendment process, the Volusia Growth Management Commission (VGMC) conditionally approved the change to Commercial that included a limitation on intensity, which resulted in a floor area ratio (FAR) cap of 0.22, as well as a limitation to the amount of curb-cuts allowed onto SR 415. These conditions will*

*be adhered to throughout the development process and is supported by the FDOT design of the improved SR 415.*

*This rezoning request is consistent with the City's Comprehensive Plan and is compatible with surrounding existing and planned land uses. The City has the public service capacity to support the proposed development of the property under the C-1 zoning. The rezoning action will encourage commercial development within the City. Finally, on June 18, 2104, the Planning and Zoning Board recommended that the City Commission approve Ordinance No. 05-2014.*

**This item was pulled from the agenda by the City Manager.**

- E. Ordinance No. 13-2014, Amending the Firefighter's Pension Plan by allowing the Fire Chief the option of Opting Out of Participation, at first reading and to schedule second and final reading for August 18, 2014.**

*At the present time, the pension ordinance provides that all full-time firefighters shall, as a condition of employment, become participants in this plan as of the later of the October 1, 1997 or his or her date of employment (or reemployment, if applicable) with the city. However, the fire chief shall have the option to participate in the plan or to participate in the City of Deltona General Employees' Pension Plan.*

*Ordinance No. 13-2014 will amend Chapter 46, "Pension plans," Article II, "Firefighter's Pension Plan," of the Code of Ordinances of the City of Deltona, Section 46-27, "Participation – Conditions of eligibility," amending the Firefighter's Pension Plan by allowing the Fire Chief the option of Opting Out of Participation without participating in the general employee's pension plan. The Deltona general employee's pension plan does not permit a firefighter to belong.*

*At the Commission Workshop on Monday, July 28, 2014 the Commission concurred to place the ordinance for first reading on Regular Commission Meeting to be held on August 4, 2014.*

**After discussion, the Commission voted unanimously to approve Ordinance No. 13-2014, at first reading and to schedule second and final reading for August 18, 2014.**

- F. Ordinance No. 19-2014, Question #1 – Charter Amendment removing initial incorporation/transition provisions, boundary descriptions, and language changing candidate qualifying provisions, at first reading and to schedule second and final reading.**

*At the City Commission Workshop held on Monday, July 28, 2014, the Commission directed the City Attorney to create separate ordinances for all five*

*(5) charter amendment questions so the Commission could vote on them individually.*

**After discussion, the Commission voted unanimously to approve Ordinance No. 19-2014, at first reading and to schedule second and final reading.**

- G. Ordinance No. 20-2014, Question #2 – City Charter Amendment removing City Manager Residency Requirement, at first reading and to schedule second and final reading.**

*At the City Commission Workshop held on Monday, July 28, 2014, the Commission directed the City Attorney to create separate ordinances for all five (5) charter amendment questions so the Commission could vote on them individually.*

**After discussion, the Commission voted unanimously to approve Ordinance No. 20-2014, at first reading and to schedule second and final reading.**

- H. Ordinance No. 21-2014, Question #3 – City Charter Amendment removing term limits on Mayor and City Commissioners, at first reading and to schedule second and final reading.**

*At the City Commission Workshop held on Monday, July 28, 2014, the Commission directed the City Attorney to create separate ordinances for all five (5) charter amendment questions so the Commission could vote on them individually.*

**After discussion, the Commission voted 3 to 4 (Commissioner Barnaby, Commissioner Bellizio, Commissioner Denizac and Vice Mayor Herzberg voted against the motion) to approve Ordinance No. 21-2014, at first reading.**

- I. Ordinance No. 22-2014, Question #4 – City Charter Amendment removing in-house City Attorney residency requirement, at first reading and to schedule second and final reading.**

*At the City Commission Workshop held on Monday, July 28, 2014, the Commission directed the City Attorney to create separate ordinances for all five (5) charter amendment questions so the Commission could vote on them individually.*

**After discussion, the Commission voted unanimously to approve Ordinance No. 22-2014, at first reading and to schedule second and final reading.**

- J. Ordinance No. 23-2014, Question #5 – City Charter Amendment changing compensation of Mayor and City Commission, at first reading and to schedule second and final reading.**

*At the City Commission Meeting held on Monday, June 2, 2014, the Commission requested that Ordinance No. 08-2014 be brought back at a Workshop to be held on Monday, June 9, 2014 at 5:30 p.m. for discussion regarding the charter question dealing with the Commission's compensation.*

*At the City Commission Workshops held on Monday, June 9, 2014 and Monday, July 28, 2014, the Commission discussed several compensation options. The Commission directed the City Attorney to change the original language of the charter Question #5 regarding compensation to the average of all 16 Volusia County cities, the Volusia County Council and Volusia County School Board and to place the ordinance on the regular Commission Meeting to be held on Monday, August 4, 2014.*

**After discussion, the Commission voted 4 to 3 (Commissioner Barnaby, Commissioner Bellizio and Commissioner Denizac voted against the motion) to approve Ordinance No. 23-2014, at first reading and to schedule second and final reading.**

**9. OLD BUSINESS:**

**10. NEW BUSINESS:**

**A. Interlocal Agreement with the River-to-Sea Transportation Planning Organization.**

*As a result of the demographic changes in the counties of Volusia and Flagler per the 2010 U.S. Census count, the Daytona/Port Orange Urbanized Area was expanded to include portions of Flagler County, including areas of the cities of Palm Coast and Bunnell. The population changes created a condition where a portion of Palm Coast, a portion of Bunnell, and a portion of Flagler County would be reapportioned into the Volusia Transportation Planning Organization (TPO) domain.*

*The City of Deltona formally recognized and supported the TPO reapportionment on April 15, 2013, through the approval of Resolution No. 2013-10. Since that time, the Volusia TPO changed its name to the River-to-Sea TPO to represent a more inclusive governing body. The planning boundaries for the new TPO have been finalized, the voting structure per State law has been approved by the TPO, and the City of Deltona will retain its one vote on the TPO. The last stage is for the participating governments to approve the new and updated Interlocal Agreement included as an attachment to this document.*

**After discussion, the Commission voted unanimously to approve the Interlocal Agreement for Creation of the Metropolitan Planning Organization and to authorize the Mayor to sign the Agreement as the Authorized Representative of the City.**

**B. Request for consideration of proposed change to Real Estate Purchase Agreement for Dupont Lakes Park extending the Closing Date to earlier of site plan review or December 31, 2014.**

*The City of Deltona ("Seller") and RTC Development Company ("Purchaser") entered into a Real Estate Purchase Agreement for Dupont Lakes Park dated February 17, 2014.*

*The Purchaser has requested that the Agreement be amended to extend the due diligence period for a month to end July 17, 2014 and at the Regular City Commission Meeting on June 16, 2014, the Commission approved extending the inspection date to July 17, 2014.*

*The Purchaser has now requested a Second Amendment to the Agreement that the closing date be moved from August to the earlier of site plan approval or December 31, 2014.*

**After discussion, the Commission voted 6 to 1 (Commissioner Schleicher voted against the motion) to restructure the agreement with the proposed change to the Real Estate Purchase Agreement extending the closing date to earlier of site plan review or December 31, 2014 based on the \$10,000 deposit being non-refundable, an additional \$10,000 on October 31, 2014 and including the monthly updates.**

**11. CITY ATTORNEY COMMENTS:**

**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.