

AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING
WEDNESDAY, SEPTEMBER 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 August 18, 2014.

The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of August 18, 2014.
 - B. Additions or Deletions to Agenda.

The City Attorney requested to pull Item 8-G and the Acting City Manager requested to pull Item 5-B from the agenda.
5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Proclamation - Robert McFall Day - September 3, 2014.
 - B. Proclamation - Deltona Professional Fire Fighters Local 2913 Fire Fighter Appreciation Day - September 3, 2014.

Item was pulled from the agenda by the Acting City Manager.

**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 approval for budget amendment from General Fund to Parks Projects - Application for Incidental Take Authority for Florida Scrub-Jays located at the 122 Acres.**

B.K.I., Inc.-Consulting Ecologists (BKI) has prepared a Habitat Conservation Plan and has completed a Florida Scrub-Jay survey on a 122 acre site for the City of Deltona. The site's southern 35 acres were permitted in March 2014 to develop a public utility, water reclamation facility (Permit# TE 28377B-0). The permit is in effect and construction is underway. A Park project located north of the utility is now being proposed with consideration of Phase 1 of a multiple phase project. Development proposed consists of (4) baseball/softball fields, associated stormwater facilities, playground, pavilions, and parking area. It is not known when the additional phases will be constructed. The approximately 24 acre project will impact 0.45 acres of scrub-jay foraging habitat. The City of Deltona is applying for incidental take authority for the scrub-jays utilizing the additional foraging habitat on the project site. Mitigation has already been paid for the previous permitted impacts.

To mitigate for impacts to scrub-jays foraging habitat, the City of Deltona will remit payment to the Florida Scrub-Jays Conservation Fund. The Fund is administered by the Nature Conservancy to purchase lands and perpetually manage lands that are twice as much as the habitat being destroyed. A payment of \$ 13,500.00 represents two times the acreage of impact times the land acquisition costs for West Volusia County($[0.45 \times 2] \times \$14,801$) as outlined in the USFWS Florida Scrub-Jay Umbrella Habitat Conservation Plan revised August, 2013. This payment is in addition to the previous \$ 56,243.80 that was paid as a mitigation measure for the initial permit. The establishment of the site is to construct a facility that will benefit the regional water resources and a Park with ball fields for the citizens of the City of Deltona. To safeguard against unforeseen delays with funding, construction, and permitting the City of Deltona is requesting the maximum ITP duration of ten years (2024).

After discussion, the Commission unanimously approved the Budget Amendment from General Fund to Parks Projects.

*** B. Resolution 2014-30, amending the existing minimum fund balance policy to add a Grants Match reserve.**

The City adopted Resolutions 2011-31 and 2012-29 establishing a minimum fund balance policy for the City's General Fund. Staff is proposing the City add an additional reserve for a Grants Match in the amount of \$500,000. Many granting agencies operate on fiscal years that do not coincide with the City's fiscal year. Therefore, the purpose of this additional reserve is to provide funding for grant matches that staff was not aware of during the budget process and therefore were not included in the City's annual budget.

Approved by Consent Agenda – to approve Resolution 2014-30 establishing a \$500,000 Grants Match fund balance reserve.

C. Request for approval of Facility Use Agreement for Game Changer Sports Academy Basketball.

The Game Changer Sports Academy (GCSA) Inc., is a Florida nonprofit corporation whose main goal is to familiarize young participants with the fundamentals of Basketball. To provide young participants with the opportunity to play in an organized and supervised environment. Teaching that academics and athletics should be joint communal efforts. To provide an atmosphere conducive to the development of sound mind, body, and spirit. To provide a forum for the open discussion of all matters of youth interest.

The Facility Use Agreement between the City and GCSA is for non-exclusive use of the Wes Crile Park gymnasium. Their use is seasonal in nature. GCSA will be required to pay the City of Deltona, \$5 per child per participant who is registered and assigned to a team beginning on or before the end of the first month of the season being played. This program will operate four (4) seasons annually, averaging 65 hours of facility use or approximately 260 hour annually. The time of use will be on Monday's from 6:00-9:00 PM and Saturday's 12:00-8:00 PM.

GCSA has met the criteria requirements for a long term facility use agreement with the City. Staff has discussed the terms of this agreement and both parties are in agreement to move forward at this time. Staff recommends a one (1) year agreement, and may be renewed yearly up to a total of three (3) additional years, upon written acceptance by the City prior to each successive renewal.

After discussion, the Commission unanimously approved the Facility Use Agreement with Game Changer Sports Academy Inc., at Wes Crile Park Gymnasium for a period of one (1) year, with the option to renew for three (3) one-year periods upon written agreement by both parties.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing - Resolution No. 2014-16, Adopting the Tentative Millage Rate for FY 2014/2015.

State law requires that the City hold a public hearing on the tentative budget and proposed millage rate between 65 and 80 days from the date (July 1, 2014) of certification of taxable value provided by the Property Appraiser. This hearing was publicized via the TRIM Notice mailed by the County Property Appraiser on or about August 15, 2014.

At this hearing, the City will:

- *First discuss the percentage increase or decrease in millage over the rolled-back rate. The proposed millage rate reflects a 7.6% increase from the rolled-back rate.*
- *Adopt a tentative millage (Resolution No. 2014-16) and budget (Resolution No. 2014-17) by separate vote and in that order as required by State law.*
- *If the tentatively adopted millage rate exceeds the proposed rate presented in the TRIM Notice (7.9900), each taxpayer within the City must be notified of the increase by first class mail.*
- *Prior to adopting the millage-levy resolution, the name of the taxing authority (City of Deltona, Florida), the rolled-back rate (7.4250), and the percentage increase or decrease compared to the rolled-back rate (7.6%), and the millage rate to be levied (7.9900) must be publicly announced. The tentative millage rate and budget will be used to advertise the final hearing scheduled for September 15, 2014.*

After discussion, the Commission voted 5 to 2 (Commissioner Barnaby and Denizac voted against the motion) to approve Resolution No. 2014-16, adopting the tentative millage rate of 7.9900 mills for the levy of ad valorem taxes for fiscal year 2014/2015.

B. Public Hearing - Resolution No. 2014-17, Adopting the Tentative Annual Budget for FY 2014/2015.

State law requires that the City hold a public hearing on the tentative budget and proposed millage rate between 65 and 80 days from the date (July 1, 2014) of certification of taxable value provided by the Property Appraiser. This hearing was publicized via the TRIM Notice mailed by the County Property Appraiser on or about August 15, 2014.

At this hearing, the City will:

- *Amend the tentative budget and re-compute its proposed millage rate, and publicly announce the percent, if any, by which the recomputed proposed millage exceeds the rolled-back rate.*
- *Adopt a tentative millage (Resolution No. 2014-16) and budget (Resolution No. 2014-17), in that order.*
- *If the tentatively adopted millage rate exceeds the proposed rate presented in the TRIM Notice (7.9900), each taxpayer within the City must be notified of the increase by first class mail.*
- *The adopted tentative millage and budget will be used to advertise the final hearing scheduled for September 15, 2014.*

After discussion, the Commission concurred to move on Page 77 the labor attorney's fees from the City Manager's budget to the City Commission's budget.

After discussion, the Commission voted 5 to 2 (Commissioner Barnaby and Denizac voted against the motion) to approve Resolution No. 2014-17, adopting a tentative budget for fiscal year 2014/2015.

C. Public Hearing - Ordinance No. 17-2014, Halifax Crossings Business Planned Unit Development, at first reading and to schedule second and final reading for September 15, 2014.

The City recently processed a series of antiquated plats (Davis Park and Yourlando Farms) and right-of-way vacations to allow for this rezoning action. The vacation events are not reflected as part of the final legal description of the property and the rights-of-way and related lot patterns appear on the staff report map series because Volusia County has not yet updated their GIS coverage.

The City received an application to amend the Official Zoning Map from Agriculture (A) and Industrial (I) to Business Planned Unit Development (BPUD) for a ±148.13-acre property located within the Deltona Activity Center. Properties within the Deltona Activity Center are required to be rezoned to a form of PUD zoning classification and that is consistent with the Activity Center Commercial Power Center future land use designation for the site. The BPUD would allow for a mixture of land uses.

The proposed land uses for this application are warranted within the Activity Center that is designed to accommodate intensive land uses and maintains a functional regional roadway network. The staff report and supporting documents delve into land use and transportation matters associated with upgrades to the roadway network as proposed development creates 17,415 new external trips at project build-out.

The property is also adjacent to several neighborhoods and their residents have attended the Planning and Zoning Board and City Commission

meetings opposing interconnectivity between this project and their homes. As proposed, there will only be pedestrian connections (sidewalks) and an emergency vehicle access (20-foot wide, 32-ton stabilized, and unpaved) at Tealwood Terrace. Land use intensity measures were added to the east side of the BPUD property and to proposed building height bonuses.

Finally, the Ordinance No. 17-2014 was recommended for approval by the Planning and Zoning Board on July 16, 2014. The proposed BPUD rezoning is consistent with the City's Comprehensive Plan.

After discussion, the Commission voted unanimously to approve Ordinance No. 17-2014, an amendment to rezone ±148.13 acres of land from Agriculture (A) and Industrial (I) to BPUD that is located at the northeast quadrant of the SR 472/Interstate 4 interchange, along the north side of Howland Boulevard, and within the Deltona Activity Center; at first reading and to schedule second and final reading for September 15, 2014.

- D. Ordinance No. 14-2014, amending Section 42-186, of Article IV, “Fire Codes”, of Chapter 42, “Fire Prevention and Protection”, of the Code of the City of Deltona, Adopting More Recent Standard Code Provisions and Providing for New Methods of Appeals of Certain Decisions, at first reading and to schedule second and final reading for September 15, 2014.**

The current city code adopts the 2001 Florida Fire Prevention Code and the 1994 Life Safety Code. This ordinance adopts the most recent edition of the Florida Fire Prevention Code, as adopted by the State Fire Marshal, which contains the Florida specific version of NFPA 1, Fire Code and NFPA 101, Life Safety Code.

This ordinance also provides that appeals of decisions of the city Life Safety Manager pertaining to the codes may be appealed to the city Fire Chief. In the event a dispute occurs that is not resolved by the appeal to the Fire Chief, an appeal can be taken to the city's Special Magistrate.

After discussion, the Commission voted unanimously to adopt Ordinance No. 14-2014 at first reading, and to schedule second and final reading for September 15, 2014.

- E. Ordinance No. 24-2014, to amend alarm ordinance to include false fire alarms, at first reading and to schedule second and final reading for September 15, 2014.**

For the last year and 8 months the fire department responded to 583 false mechanical alarms. Of those and as it relates to habitual offenders, we ran on 9 addresses 3 times, 8 addresses 4 times and 2 addresses 5 times. The remainder were 2 calls or less at the same address during the 1 year and 8 months. On average the Deltona Fire Department runs one false mechanical alarm per day.

Although this is not excessive, a false alarm ordinance would be appropriate for the purpose of heading off future problematic single address false alarms.

After discussion, the Commission voted unanimously to approve Ordinance No. 24-2014 on first reading and to schedule second reading for September 15, 2014.

- F. Ordinance No. 25-2014, Sales of Food on House of Worship Property, at first reading and to schedule second and final reading for September 15, 2014.**

On July 21, 2014, the City Commission adopted Resolution 2014-23 which imposed a moratorium on the enforcement of city code provisions as to food sales on residentially zoned church property pending a review of city regulations on this subject and the enactment of an ordinance addressing this issue. A draft ordinance was reviewed at the City Commission workshop on August 25, 2014. Ordinance No. 25-2014 is an amendment to the Street Vendor Ordinance and would allow a house of worship to be granted a permit for the sale of food by one vendor at a time on the house of worship property during daylight hours. The vendors would have to remove all equipment used each day from church property by sunset. A \$20 fee would be charged for the permit and vendors would have to obtain a business tax receipt.

After discussion, the Commission voted unanimously to approve Ordinance No. 25-2014 on first reading and to schedule second reading for September 15, 2014.

- G. Resolution No. 2014-31; Setting Registration Fees for Implementation of Deltona Rental Regulatory License Ordinance.**

The City Commission recently adopted the Deltona Rental Regulatory License Ordinance that provided that fees under the ordinance would be set by resolution. This is the resolution setting the fees at \$50 annually per registration.

Item was pulled from the agenda by the City Attorney.

9. OLD BUSINESS:
10. NEW BUSINESS:
11. CITY ATTORNEY COMMENTS:
12. CITY MANAGER COMMENTS:
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.