

AFTER ACTION AGENDA

REGULAR CITY COMMISSION MEETING
MONDAY, SEPTEMBER 15, 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 Denizac.
4. APPROVAL OF MINUTES & AGENDA:
 - A. Approval of Minutes – Regular City Commission Meeting of September 3, 2014.

The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of September 3, 2014, as amended.
 - B. Additions or Deletions to Agenda.

Staff requested to table Item 8-E and Item 8-F to the October 6, 2014 Commission meeting.
5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Presentation of Certificates - West Volusia Youth Baseball League (WVYB) 13U All-Star State Champions.
 - B. Recognition - John Atkinson 2014 Secondary Principal of the

Year – September 15, 2014.

- C. Recognition and presentation to IT System Administrator Robert Cordero for completing the Certified Public Technology Manager at the top of his class.**

**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 consideration of change in Commission meeting dates for 2014 holiday season and approval of the 2015 holiday meeting schedule.**

In the past, the Commission has chosen to change the Commission meeting schedule in December due to the holiday season, i.e. combining the two (2) regular meetings in December to one (1) meeting in the middle of the month of December and to have no workshops during the month of December.

At the regular City Commission meeting on October 7, 2013, staff presented and the Commission approved the 2014 City Commission meeting schedule which included only one (1) regular City Commission meeting on Monday, December 15, 2014. Staff is presenting for the Commission's approval to not have any workshops in the month of December which are tentatively scheduled for December 8th and 22nd.

The proposed schedule for the 2015 City Commission meetings includes one (1) regular City Commission meeting and no workshops for the month of December, 2015 and for the Commission's information the invocation schedule for 2015.

After discussion, the Commission unanimously approved to change the December meeting schedule to include only one (1) Regular Commission meeting on Monday, December 15th and no Commission Workshop meetings in the month of December, 2014 and to approve the meeting and invocation calendars for 2015 as presented.

- B. Request for consideration and approval of Memorandum of Understanding (MOU) between the City of Deltona and the West Volusia Audubon Society,**

Inc.

The City of Deltona and the West Volusia Audubon Society, Inc., have certain common goals which include the preservation of important scrub jay habitat, the education of the public as to the importance of the preservation of natural resources and wildlife, and the encouragement of ecotourism consistent with both their goals.

They recognize that there is a mutual advantage in working together to accomplish certain goals common to both entities.

The purpose of this Memorandum of Understanding is to set forth terms and conditions under which the City of Deltona and the West Volusia Audubon Society, Inc., can cooperate in fulfilling common goals of both entities.

Under the MOU, Deltona and Audubon will work together to apply for and obtain grant funds and donations that will benefit both of the parties to the MOU.

After discussion, the Commission voted unanimously to table the item to a workshop.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing - Resolution No. 2014-18, Adopting the Final Millage Rate for FY 2014/2015.

State law requires that the City hold a public hearing to adopt the final millage rate and budget.

At this hearing, the City will:

- *First discuss the percentage increase or decrease in millage over the rolled-back rate. The millage rate reflects a 7.6% increase from the rolled-back rate.*
- *Adopt the millage rate and budget by separate votes with the millage adopted first. The millage rate adopted cannot exceed the millage rate tentatively adopted.*
- *Prior to adopting the millage-levy resolution, the name of the taxing authority (City of Deltona, Florida), the rolled-back rate (7.4250), the percentage increase (7.6%), and the millage rate to be levied (7.9900) must be publicly announced.*

After discussion, the Commission voted 5 to 2 (Commissioner Barnaby and Commissioner Denizac voted against the motion) for the approval of Resolution No. 2014-18, adopting the final millage rate of 7.9900 mills for the levy of ad valorem taxes for fiscal year 2014/2015.

B. Public Hearing - Resolution No. 2014-19, Adopting the Final Annual Budget for FY 2014/2015.

State law requires that the City hold a public hearing to adopt the final millage rate and budget. This agenda item is to adopt the final budget.

Under this agenda item the City will, after having adopted the final millage rate, adopt the final budget by separate vote.

After discussion, the Commission voted 5 to 2 (Commissioner Barnaby and Commissioner Denizac voted against the motion) to approve Resolution No. 2014-19, adopting the final General Fund, Special Revenue Funds, Enterprise Fund, and Capital Project Funds budgets for fiscal year 2014/2015.

C. Public Hearing - 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 second and final reading.

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 second and final reading.

D. Public Hearing - Ordinance No. 17-2014, Halifax Crossings Business Planned Unit Development, at second and final reading.

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, Ordinance No. 17-2014 was approved at first reading at the September 3, 2014, City Commission hearing and the proposed BPUD rezoning is consistent with the City's Comprehensive Plan.

After discussion, the Commission voted 4 to 3 (Commissioner Barnaby, Commissioner Schleicher and Mayor Masiarczyk voted against the motion) to adopt 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; with the designated 40 foot landscape buffer changed to natural vegetation and with the addition of a permitted use of silviculture/forestry utilizing best management practices as prescribed by the State of Florida for a period of five (5) years, to be readdressed at the request of the property owner six (6) months prior to the expiration of the five (5) year period, and change the trip cap on Lot 12 from 4,997 trips to 5,400 trips and incorporate the Master Development Plan as presented on September 15, 2014 into the Development Agreement.

- 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.

Item was tabled to the October 6, 2014 meeting.

F. Public Hearing - Ordinance No. 25-2014, Sales of Food on House of Worship Property, at second and final reading.

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.

Item was tabled to the October 6, 2014 meeting.

G. Public Hearing - Lake Baton Estates Phase Two; Final Plat Application (Project No. FP13-002).

The City of Deltona received an application for the Lake Baton Estates Phase Two (II) Final Plat for a ±52.17 acre site (Project No. FP13-002), which is the second and final phase within that residential subdivision. The approval and recordation of this Final Plat will create legal lots of record and tracts to be able to ultimately construct up to 90 single-family residential homes within Phase II. In addition, there are 48 residential units platted and being constructed within Phase I for a total of 138 units within the entire Lake Baton Estates subdivision.

After discussion, the Commission voted unanimously to approve the Lake Baton Estates Phase Two Final Plat (Project No. FP13-002).

H. Ordinance No. 28-2014; Repealing Business Tax Receipt for Rental Properties, for first reading and to schedule second and final reading for October 6, 2014.

The City of Deltona adopted Ordinance No. 11-2014 on July 21, 2014, as a regulatory ordinance as to rental houses. The City Commission has determined that it should not charge for a business tax receipt for rental houses in addition to charging for the new regulatory license for rental houses.

After discussion, the Commission voted unanimously to approve Ordinance No. 28-2014 at first reading, and to schedule second and final reading for October 6, 2014.

I. 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 per unit for a single family residence, and \$50 for multi-family residences plus \$10 per dwelling unit in each such multi-family residence.

After discussion, the Commission voted 5 to 2 (Commissioner Denizac and Vice Mayor Herzberg voted against the motion) to adopt Resolution No. 2014-31 for Setting Registration Fees for Implementation of Deltona Rental Regulatory License Ordinance.

9. OLD BUSINESS:

10. NEW BUSINESS:

A. Request for consideration of request from Dennis Chaffers for reduction of fine from \$320,900.00 assessed pursuant to Special Magistrate Case DEL-05-058.

An order Imposing Fine/Lien was entered on November 29, 2005, by the City of Deltona Special Magistrate, ordering Dennis Chaffers and/or John J. Garkowski to pay to the City of Deltona a fine in the amount of one hundred dollars (\$100.00) per day, each and every day the violations exist. The violation occurred when the respondent failed to obtain a permit for a shed he constructed on the property located at 2457 Shiprock Court. The respondent failed to come into compliance for 3209 days. The total accumulated amount due is \$320,900.00. On August 27, 2014 the owner Dennis Chaffers appeared before the Special Magistrate to request a recommendation to reduce the fine.

After discussion, the Commission voted 5 to 2 (Commissioner Nabicht and Commissioner Schleicher voted against the motion) to grant the request of Dennis Chaffers for a reduction of the fine concerning Case No. DEL-05-058 for the property located at 2457 Shiprock Court, Deltona, Florida, to the sum of \$1,000.00 to be paid within 30 days (October 15, 2014) or the fine(s) revert(s) back to the original amount.

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.