

AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING
MONDAY, OCTOBER 20, 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 Vice Mayor Herzberg – Jianna M. Green, 3rd year college student at Adventist University of Health Sciences majoring in Radiography & Nuclear Medicine.
4. APPROVAL OF MINUTES & AGENDA:
 - A. Approval of Minutes – Regular City Commission Meeting of October 6, 2014.

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

Vice Mayor Herzberg requested adding an update on the merger of the Volusia League of Cities and Volusia Council of Government (VLOC & VCOG), the Commission concurred and Mayor Masiarczyk stated it would be Item 5 – D and there will be another presentation that will be made which will be Item 5 - C.
5. PRESENTATIONS/AWARDS/REPORTS:

- A. **Presentation by Florida Department of Transportation (FDOT) of the Volusia County Transit Connector Study.**
- B. **Presentation – Quarterly Reports of City Advisory Boards/Committees.**

After discussion, the Commission voted unanimously to approve the Parks and Recreation Advisory Board and its Sub-Committee’s written report.

- C. **ADD-ON ITEM: Presentation by Denise White with Allstate and the Allstate Foundation.**
- D. **ADD-ON ITEM: Update on the merger between the Volusia League of Cities and Volusia Council of Government (Requested by Vice Mayor Herzberg).**

**6. PUBLIC FORUM – Citizen comments for any items.
(4 minute maximum length)**

CONSENT AGENDA: All items marked with an * will be considered by one motion unless removed 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: None.

8. ORDINANCES AND -PUBLIC HEARINGS:

- A. **Public Hearing - Ordinance No. 10-2014, Medical Marijuana, at second and final reading for October 20, 2014.**

The City Commission requested that an ordinance be drafted to address the location of and the regulations relating to medical marijuana that would become effective if medical marijuana is approved by Florida voters in November, 2014. At the City Commission workshop on July 28, 2014, numerous changes to the proposed ordinance were suggested. The ordinance as now written allows medical marijuana dispensaries in zoning categories C-1, C-2, and C-3 as a conditional use. The regulations do not apply if the medical marijuana is sold at a licensed pharmacy.

This ordinance came before the Planning and Zoning Board for consideration on September 17, 2014, and the board recommended approval.

After discussion, the Commission voted 5 to 2 (Commissioner Barnaby and Commissioner Denizac voted against the motion) to approve Ordinance No. 10-2014, at second and final reading as it was originally approved at first reading.

B. Ordinance No. 26-2014, Residential Prison Diversion Program, at second and final reading for October 20, 2014.

This ordinance regulates residential prison diversion programs. It was inspired by what occurred recently in the City of Bunnell. Several months ago a “non-profit” purchased a house in the middle of a residential area in Bunnell and announced that they were establishing a residential prison diversion program. The facility would house convicted criminals who would otherwise go to prison, but due to prison crowding, courts allow the prisoners to live in a facility operating a diversion program if the prisoner pays the fees to live there. Apparently these facilities are extremely profitable to the “non-profits” operating them.

This ordinance is a proactive attempt to be prepared in the event someone wants to place a similar facility in a Deltona residential neighborhood. This ordinance came before the Planning and Zoning Board for consideration on September 17, 2014, and the board recommended approval.

After discussion, the Commission voted unanimously to approve Ordinance No. 26-2014, the Residential Prison Diversion Program, at second and final reading with the addition of a 1,000 foot buffer placed in Section 99.3 of location, add 1,000 foot buffer around all “Houses of Worship”.

C. Public Hearing - Ordinance No. 27-2014, an amendment to Section 110-827, Accessory Uses and Structures, pertaining to Shed Design Standards; at second and final reading for October 20, 2014.

The City of Deltona’s predominant land use is for single family residential development. The lotting pattern of these uses is typically on large lots that accommodate central water service and septic tanks. The large lot typically affords a buffer for both the principal structure/home and ancillary structures (i.e. sheds, detached garages, etc.) The City also includes smaller single family lots and non-residential lots that can accommodate sheds.

There is a provision within Section 110-827, Accessory Uses and Structures, that sheds shall match the design and/or architecture of the principal structure for sheds over 240 SF. This affects both residential and non-residential uses and has proven difficult to meet when sheds are erected. Also, the heights of sheds are currently limited at 10.5 feet, measured from the average finished grade of the ridge-line from the finished grade to the peak on the front of the structure. This height limitation does not comport with many prototypical sheds on the market

and does not account for the base of the structure, where it does not rest on-grade (i.e. on cross-ties, pilings, concrete blocks, etc.) In conducting research for shed heights in other communities, there is often a 15-ft. maximum height limitation.

Based on the above, Ordinance No. 27-2014 proposes amendments to Section 110-827, to update standards in Subsection (c) and to increase the maximum height limitations for accessory sheds. Finally, Ordinance No. 27-2014 was recommended for approval by the Planning and Zoning Board at their September 17, 2014, meeting and the proposed ordinance is consistent with the City's Comprehensive Plan.

After discussion, the Commission voted unanimously to adopt Ordinance No. 27-2014, at second and final reading.

- D. Public Hearing - Ordinance No. 31-2014, Adding Article VII, "Trap, Neuter, Release Program, of Chapter 14, "Animal", of the City's Code of Ordinances, relating to a one-year pilot program for trap, neuter and release of feral cats, for first reading.**

Acting City Manager Dale Baker requested authorization at the workshop held on October 13, 2014 to present an ordinance permitting him to institute a one-year pilot program for trap, neuter, and release to deal with the current feral cat problem in Deltona. This ordinance would permit such a pilot program to go forward.

After discussion, the Commission voted unanimously to adopt Ordinance No. 31-2014, at first reading and to schedule second and final reading for November 3, 2014.

9. OLD BUSINESS:

10. NEW BUSINESS:

- A. Request for approval of Facility Use Agreement for Healthy Start Coalition of Flagler and Volusia Counties, Inc. for Use of the Classroom at Deltona City Hall.**

Healthy Start Coalitions were created by the Florida Legislature in 1991 as part of the landmark Healthy Start initiative. The intent of the Healthy Start initiative is to improve the health and well-being of Florida's pregnant women and young children. The goal of Healthy Start is to reduce infant mortality, reduce the number of low birth weight babies, and improve health and developmental outcomes. Some of their services provided include preconception and inter-conception care, access to prenatal health care, child abuse and neglect prevention programs, community education and awareness, childbirth and parenting education, and leadership development.

The Healthy Start Coalition of Flagler and Volusia Counties, Inc., was established in 1992 and is a 501(c)3 not-for-profit organization. In fiscal year 2013-2014, 961 Deltona residents received at least one service from Healthy Start. 138 Deltona residents received services through the Healthy Families Program and 649 Deltona residents received services through the Mom Care Program.

The Healthy Start Coalition of Flagler and Volusia Counties, Inc., will be available to see clients Monday through Friday from 8:30 AM to 5:00 PM, (unless otherwise coordinated in advance) in Room 151, located at Deltona City Hall. The anticipated size of the room is larger than what was available at the Craft Building located at the Deltona Community Center and there the rate was for a Category III Facility Use Fee of \$ 175.00 per day. As a not-for-profit corporation providing services to the Community, the Healthy Start Coalition of Flagler and Volusia Counties, Inc., is asking the City Commission to waive the standard fees.

The Healthy Start Coalition of Flagler and Volusia Counties, Inc., has met the criteria requirements for a Long Term Facility Use Agreement with the City. Staff recommends a one (1) year Long Term Facility Use Agreement with an option to renew for three (3) additional one-year terms, subject to the receipt and acceptance of a timely Facility Use Renewal Form.

After discussion, the Commission voted unanimously to approve the Facility Use Agreement for Healthy Start Coalition of Flagler and Volusia Counties, Inc., for the use of the Classroom at Deltona City Hall.

- 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.