

AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING
MONDAY, OCTOBER 6, 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 Barnaby – Pastor William Bradley, Jr., New Hope Baptist Church.
4. APPROVAL OF MINUTES & AGENDA:
 - A. Approval of Minutes – Regular City Commission Meeting of September 15, 2014.

The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of September 15, 2014.
 - B. Additions or Deletions to Agenda.

The Acting City Manager requested to table Item 8-A and Item 8-B, the applicant withdrawn its application and the Commission concurred.
5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Presentation - Super Star Student of the Month Certificates for August/September, 2014.
 - B. Proclamation - Deltona Professional Fire Fighters Local 2913

Fire Fighter Appreciation Day - October 6, 2014.

- C. Proclamation - Domestic Violence Awareness Month - October, 2014.**
- D. Presentation by Deltona's Lobbyist.**
- E. Presentation by The Volusia Manufacturer's Association (VMA) on the status of manufacturing in Volusia County.**

**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:

- A. Request for approval of the Long Term Facility Use Agreement with the Boys & Girls Club of Volusia/Flagler Counties.**

The Boys & Girls Club of Volusia/Flagler Counties is a Florida non-profit organization who has maintained a Long Term Facility Use Agreement with the City of Deltona for the use of the facilities at the Harris Saxon Park since 2006.

The Club meets weekdays (Monday-Friday) from 2:00-6:00 PM in the Meeting Rooms and Main Hall of the facility. The Club has met the criteria requirements for a Long Term Facility Use Agreement with the City. As a non-profit corporation providing services to the Community for after school activities, tutoring and mentoring for the youth at risk, the Boys & Girls Club is asking the Commission to waive all fees.

After discussion, the Commission voted unanimously to approve the Long Term Facility Use Agreement with the Boys & Girls Club of Volusia/Flagler Counties for use of the Harris M. Saxon Park facility for a period of one (1) year, with the option for a total of three (3) one-year renewals upon written agreement of both parties.

- *B. Request for approval of the Long Term Facility Use Agreement for Deltona Lodge 756.**

Deltona Lodge 756 is a Florida non-profit organization who has maintained a Long Term Facility Use Agreement with the City of Deltona since 2006. The Deltona Lodge is a Subordinate Lodge of the Most Worshipful Union Grand Lodge, Florida.

Deltona Lodge 756 meets on the second and fourth Tuesday of each month from 8:00 to 10:00 PM in the Little Red Schoolhouse facility located at the Deltona Community Center. The Lodge shall be responsible for paying a Category II Facility Use Fee rate of \$ 15.00 per hour, less the 20% discount awarded for entering into a long-term agreement with the City.

Deltona Lodge 756 has met the criteria requirements for a Long Term Facility Use Agreement with the City.

Approved by Consent Agenda – to approve the Long Term Facility Use Agreement with Deltona Lodge 756 for use of the Little Red Schoolhouse facility at the Deltona Community Center for a period of one (1) year, with the option for a total of three (3) one-year renewals upon written agreement of both parties.

***C. Request for approval of the Long Term Facility Use Agreement for La Iglesia del Senor, Inc., for use of the Deltona Community Center.**

La Iglesia del Senor, Inc., is a Florida non-profit religious organization who has maintained a Long Term Facility Use Agreement with the City of Deltona since 2006.

La Iglesia del Senor, Inc., meets on Sundays from 9:30 AM to 12:30 PM in the Main Hall and the Kelso Room of the Deltona Community Center facility. The Church shall be responsible for paying a Category II Facility Use Fee rate of \$ 55.00 per hour, less 20% discount awarded for entering into a Long Term Agreement with the City.

Le Iglesia del Senor Inc., has met the criteria requirements for a Long Term Facility Use Agreement with the City.

Approved by Consent Agenda - to approve the Long Term Facility Use Agreement with La Iglesia del Senor, Inc., for use of the Main Hall and Kelso Room at the Deltona Community Center facility for a period of one (1) year, with the option for a total of three (3) one-year renewals upon written agreement of both parties.

***D. Request for approval of selection of underwriters for issuance of the Utility System Revenue Bonds, Series 2014.**

The City is in the process of issuing Utility System Revenue Bonds, Series 2014 to fund Utility System capital improvement projects and to payoff the existing Bond Anticipation Note (BAN) which has a current balance of \$7 million. The bond issue is expected to be up to \$23 million.

Because of the small size of this bond issue, Staff recommends that the City select only two underwriters from the existing Bond Underwriting Team of JP Morgan Chase, Bank of America/Merrill Lynch, Raymond James and RBC Capital Markets. The Underwriter(s) will be responsible for the sale of the bonds to investors.

As one of the first steps in this process, on September 18, 2014, the City's Financial Advisor, Mark Galvin from First Southwest, requested updated pricing from the City's existing Bond Underwriting team with the goal of selecting a senior managing underwriter and a co-managing underwriter for this bond issue.

Upon consultation with Mark Galvin from First Southwest, staff makes the following recommendation regarding the selection of the senior managing and co-managing underwriters:

- *Senior Managing Underwriter: Raymond James*
- *Co-Manager Underwriter: Bank of America/Merrill Lynch*

Approved by Consent Agenda - to approve award and enter into agreements with Raymond James as Senior Managing Underwriter and Bank of America/Merrill Lynch as Co-Managing Underwriter for the Utility System Revenue Bonds, Series 2014.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing - Resolution No. 2014-22, Conditional Use Application (CU 14-004) for the site located at 1948 Saxon Boulevard.

The applicant, Dr. Lester Carrero, seeks to open a medical office/clinic at the subject property, in keeping with the City's Commercial future land use designation and the existing Office Residential (OR) zoning designation for the site. The proposed use is consistent with the Commercial future land use designation, but needs Conditional Use approval to allow for medical office/clinic in the OR zoning district. This resolution accompanies a variance application at the same location (Resolution No. 2014-24) to allow for an existing residential home site to be used for non-residential uses, which results in design and use constraints.

The proposed use is for a chiropractic clinic that will not be occupied for residential use. The site was constructed for a single family residence and was affected by the widening of Saxon Boulevard. The applicant proposes to remove

driveways, no expansion of the home, preservation of specimen trees, accommodation of stormwater management, removal of a pool, add parking for staff and clients, and provide landscaping for screening along the south property line. To achieve conversion of the home from a residential unit to a medical office/clinic, Conditional Use approval is needed that shall conform to Sections 110-313(c), 110-817, and 110-1102 of the City's Code of Ordinances.

Finally, Resolution No. 2014-22 was reviewed at the September 17, 2014, Planning and Zoning Board meeting. The Board recommended that the Conditional Use application (CU 14-004) be denied by the City Commission and directed staff to seek a solution for the area, rather than for one parcel that requires several variances to achieve development.

Item was tabled by the Acting City Manager, the applicant withdrew its application.

B. Public Hearing - Resolution No. 2014-24, Variance Application (VR 14-001) for the site located at 1948 Saxon Boulevard.

The applicant, Dr. Lester Carrero, seeks to open a medical office/clinic at the subject property, in keeping with the City's Commercial future land use designation and the existing Office Residential (OR) zoning designation for the site. The proposed use is consistent with the Commercial future land use designation, but needs variances to allow for the residential-developed lot to be used for non-residential uses.

The proposed use is for a chiropractic clinic that will not be occupied for residential use. The site was constructed for a single family residence and was affected by the widening of Saxon Boulevard. The applicant proposes to remove driveways, no expansion of the home, preservation of specimen trees, accommodation of stormwater management, removal of a pool, add parking for staff and clients, and provide landscaping for screening along the south property line.

Finally, Resolution No. 2014-22 was reviewed at the September 17, 2014, Planning and Zoning Board meeting. The Board recommended that the variance application (VR 14-001) be denied by the City Commission and directed staff to seek a solution for the area, rather than for one parcel that requires several variances to achieve development. Dr. Carrero has since withdrawn his request for conditional use and variances.

Item was tabled by the Acting City Manager, the applicant withdrew its application.

C. Public Hearing - Resolution No. 2014-29, East Coast Dragon Tattoo Conditional Use Application (CU 14-005).

The City of Deltona received a Conditional Use application for the proposed East Coast Dragon Tattoo parlor. Per Section 110-316 of the City's Code of Ordinances (Code), tattoo parlors can be a Conditional Use within the C-2 (General Commercial) zoning district, which the subject site is located. Any proposed tattoo parlor would also have to conform to the standards for Conditional Uses that are listed within Section 110-817 and Section 110-1102 of the Code for Conditional Use review.

Upon staff review, the proposed location and Conditional Use criteria in the Code would allow for the proposed tattoo parlor to be located within the Deltona Square Plaza. The proposed parlor would be compatible to other non-residential uses within the plaza, there is an existing surface parking facility for shopping center parking, there is ample access management and roadway capacity along Deltona Boulevard, there is appropriate multi-tenant signage potential for the use, there is scaling, massing, and orientation away from nearby residential uses, there is proper commercial zoning for the site, and the proposed use will be within an existing building designed to accommodate a variety of non-residential uses. The proposed use would occupy a vacant commercial suite and allow a Deltona resident to have a Deltona business (currently located in Daytona Beach).

Since the City is suburban in character and tattoo parlors are typically located in more urban locations, for example along International Drive and in downtown Orlando, and tend to cluster as a land use, staff recommends the following conditions to be added to the Conditional Use: 1) the tattoo parlor can only operate from 10:00 AM to 10:00 PM; 2) no neon or neon-like signs or similar apparatus can be displayed at the tattoo parlor; and 3) all other signage for the tattoo parlor shall comply with Chapter 102 of the City's Land Development Code.

Finally, Resolution No. 2014-29 was reviewed at the September 17, 2014, Planning and Zoning Board meeting and the Board recommended that the Conditional Use application be approved by the City Commission, subject to the conditions of approval listed within the resolution.

After discussion, the Commission voted 6 to 1 (Commissioner Schleicher voted against the motion) to approve Resolution 2014-29 (CU 14-005), a Conditional Use to allow the East Coast Tattoo parlor to be located within the Deltona Square Plaza at 577 Deltona Boulevard, subject to the conditions of approval listed within the resolution.

D. Public Hearing - Ordinance No. 10-2014, Medical Marijuana, at first reading and to schedule 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 (Commissioners Barnaby and Denizac voted against the motion) to approve Ordinance No. 10-2014, at first reading and to schedule second and final reading for October 20, 2014.

E. Public Hearing - Ordinance No. 24-2014, to amend alarm ordinance to include false fire alarms, at second and final reading.

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, at second and final reading.

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.

After discussion, the Commission voted unanimously to approve Ordinance No. 25-2014, at second and final reading.

G. Public Hearing - Ordinance No. 26-2014, Residential Prison Diversion Program, at first reading and to schedule 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 on first reading and to schedule second and final reading for October 20, 2014.

H. Public Hearing - Ordinance No. 27-2014, an amendment to Section 110-827, Accessory Uses and Structures, pertaining to Shed Design Standards; at first reading and to schedule 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. height.

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.

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. 27-2014, an amendment to Section 110-827, Accessory Uses and Structures, pertaining to shed design standards; at first reading and to schedule second and final reading for October 20, 2014.

I. Public Hearing - Ordinance No. 28-2014; Repealing Business Tax Receipt for Rental Properties, at second and final reading.

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 5 to 2 (Commissioners Barnaby and Denizac voted against the motion) to approve Ordinance No. 28-2014 at second and final reading.

J. Resolution No. 2014-32, Transportation Impact Fees Amendment.

The city passed resolutions that identified impact fee schedules for designated land uses in 2006 and 2007. Following a recent review of this schedule and staff discussion, it was agreed that the current transportation impact fee should be clarified and assigned with respect to five land uses. These include 'racquet club/health club/spa/dance studio', 'automotive parts sales', 'convenience store', 'gas station with convenience market', and 'business park'. The 'racquet club/health club/spa/dance studio' and the 'automotive parts sales' uses equate to retail/service activities and this recommended resolution assigns the customary transportation impact fees, as currently identified for retail and service uses, to ensure reasonable equality and consistency. Transportation impact fees for 'convenience store' use reflects the figure cited in the Resolution number 2006-47 and the 'gas station with convenience market' reflects the figure cited in Resolution number 2007-11. The fifth use, 'business park', is characterized by two or more complementary uses to form an integrated development project that may include office, hotel, institutional and limited support retail uses. The proportion of this land use mix varies according to market conditions, investment opportunities and public policy goals and, as such, offers flexible development options. Hence, the transportation impact fee schedule for business parks would proportionately apply the fees currently established for specific uses (i.e. office,

hotel, etc.) to the requested uses as desired for a proposed project. The attachment includes these five recommendations for City Commission consideration.

After discussion, the Commission voted 6 to 1 (Commissioner Barnaby voted against the motion) to approve Resolution No. 2014-32 amending the Transportation Impact Fees.

- K. Resolution No. 2014-33, appoint the Affordable Housing Advisory Committee through the Requirements of the State Housing Initiative Partnership Program.**

The State Housing Initiative Partnership (SHIP) Act and Rule require that in order to continue to qualify for funding, local governments must appoint an Affordable Housing Advisory Committee (AHAC). The AHAC committee shall evaluate and report to the City Commission on established policies, procedures, ordinances, land development regulations, and review the Comprehensive Plan to recommend changes.

After discussion, the Commission voted unanimously to approve Resolution No. 2014-33, to appoint the Affordable Housing Advisory Committee through the requirements of the State Housing Initiative Partnership Program.

9. OLD BUSINESS:

10. NEW BUSINESS:

- A. Request for approval to execute Amendment #1 to the Cost Share Agreement with the St. Johns River Water Management District for the Reclaimed Water Pumping and Storage Expansion Project.**

The City has already entered into a Cost Share Agreement with the St. Johns River Water Management District for the Reclaimed Pumping and Storage Expansion project. An amendment is needed to extend the contract date from September 30, 2014 to September 30, 2015.

The intent of this project is to promote conservation, development and proper utilization of surface and ground water. The Cost Share Agreement provides the City with funding from the St. Johns River Water Management District for an amount not to exceed 40% of the total construction costs of projects that fall within these parameters.

This project will provide a new reclaimed water pumping station and a 1.0 million gallon (MG) ground storage tank for the City's reclaimed water system. The new pump station and ground storage tank will provide reclaimed water to

the golf course with the remaining reclaimed water distributed to subdivisions that are equipped with reclaimed lines. The additional reclaimed water storage will allow the City to expand its' customer base and further reduce augmentation with its groundwater wells for irrigation purposes. These new facilities will be located on City property, which is located north of Doyle Road and west of Providence Boulevard in Deltona. The southernmost 44 acres of the 122-acre RIB site will be utilized for reclaimed water facilities, including those described for this project.

A Cost Share Agreement with SJRWMD would cover 40% of the costs to construct the reclaimed water pumping station and the 1.0 million gallon (MG) ground storage tank. The District's committed amount for this project would be 40% of the total cost of the Project, but shall not exceed \$720,000. Construction for this project would be completed in FY 2014-2015.

Funds have been transferred from another project to cover the costs of this project in order to take advantage of this cost share agreement. No additional budget dollars are needed in FY 2013/2014 to cover the cost of this project.

After discussion, the Commission voted unanimously to approve and execute Amendment #1 of the Cost Share Agreement with the St. Johns River Water Management District for the Reclaimed Pumping and Storage Expansion project.

B. Request for approval to execute Amendment #1 to the Cost Share Agreement with the St. Johns River Water Management District for the Howland Blvd. Phase 3 Reclaimed Water Construction Project.

The City has already entered into a Cost Share Agreement with the St. Johns River Water Management District for the Howland Blvd. Phase 3 Utility Relocate Project. An amendment is needed to extend the contract date from September 30, 2014 to September 30, 2015.

The intent of this project is to promote conservation, development and proper utilization of surface and ground water. The Cost Share Agreement provides the City with funding from the St. Johns River Water Management District for an amount not to exceed 40% of the total construction costs of projects that fall within these parameters.

This project will relocate and upgrade utilities as part of the overall City-wide road widening plan. A cost sharing agreement with SJRWMD would cover 40% of the costs to install any new reclaimed water mains on Howland Blvd. from Courtland Blvd. to SR415, at the Wal-Mart center. The District's committed amount for this project would be \$196,000. Construction for this project should be completed in FY 2014-2015.

This action supports the City's intent to secure maximum eligibility for all anticipated water construction projects utilizing alternative costs with available funding and grants available.

After discussion, the Commission voted unanimously to approve and execute Amendment #1 to the Cost Share Agreement with the St. Johns River Water Management District for the Doyle Road Reclaimed Water Interconnect Project and the reclaimed portion of the Howland Blvd. Phase 3 Utility Relocate Project.

- 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.