



City of Deltona

AFTER ACTION AGENDA

REGULAR CITY COMMISSION MEETING MONDAY, AUGUST 3, 2015 6:30 P.M.

**DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA**

Mayor
John Masiarczyk

Vice Mayor
Nancy Schleicher
District 4

Commissioners:

Mitch Honaker
District 1

Diane Smith
District 2

Heidi Herzberg
District 3

Brian Soukup
District 5

Chris Nabicht
District 6

City Manager
Jane K. Shang

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 – Special Commission Meeting of July 20, 2015 and Regular City Commission Meeting of July 20, 2015 – Joyce Raftery, City Clerk (386) 878-8502.**

[After Discussion, the Commission voted unanimously to approve the minutes of the Special Commission Meeting of July 20, 2015 and Regular Commission Meeting of July 20, 2015, as presented.](#)
5. **PRESENTATIONS/AWARDS/REPORTS:**
 - A. **Presentation – Quarterly Reports of City Advisory Boards/Committees – Joyce Raftery, City Clerk (386) 878-8502.**
6. **CITY COMMISSION SPECIAL REPORTS:**
7. **PUBLIC FORUM – Citizen comments for any items.
(4 minute maximum length per speaker)**

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.

8. CONSENT AGENDA:

- *A. Request for approval of Resolution No. 2015-31, Budget Amendment for FY 14/15 – Robert Clinger, Finance Department (386) 878-8552.**

The General Fund is on track to have another year of surplus budgeted funds. As discussed in the July 13, 2015 City Commission Workshop, the City Manager would like to reallocate some of the anticipated surplus in order to accomplish some significant projects that have been discussed, but not budgeted, in the past. Staff is presenting a Budget Amendment in order to formally allocate those funds. This Budget Amendment will provide the City Manager with the discretion to utilize the appropriated funds for the general categories and concepts reflected in the document entitled “Operating Budget,” while giving the City Manager the discretion to revise the types of plants to be used, revise certain exact locations, permit appropriate master planning, and permit funds to be used as matching funds for grants, all as deemed in the best interests of the city as determined by the City Manager.

[Approved by Consent Agenda – to approve Resolution No. 2015-31, FY 14/15 Budget Amendments 2015-33 and 2015-34 to reallocate anticipated surplus funds to other projects.](#)

- *B. Request for approval of Resolution No. 2015-32 changing the meeting date for the first budget hearing in September to September 9, 2015 at 5:30 p.m. – Robert Clinger, Finance Department (386) 878-8552.**

Each year the City schedules the date for the first public hearing to consider the proposed millage rate for the upcoming budget. Initially that date was set for September 8th, the Tuesday following the first Monday because the first Monday will be a National Holiday. Unfortunately, this year that date conflicts with the hearing for the Volusia County School Board which is not allowed under State law. Accordingly the first hearing date has been rescheduled for September 9th at 5:30 pm. The purpose of Resolution 2015-32 is to formally reschedule that hearing date.

[Approved by Consent Agenda - to adopt Resolution No. 2015-32 changing the meeting date for the first budget hearing in September to September 9, 2015 at 5:30 p.m.](#)

9. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing – Ordinance No. 05-2015, Fernanda Place Subdivision Rezoning Application, RZ15-002, at first reading – Chris Bowley, Planning & Development Services Department (386) 878-8602.

The property consists of two adjacent parcels – one is ±120 acres and is generally west of Osteen Cemetery Road and the other parcel is ±22 acres and is directly west of the ±120 acre site. None of the property has direct frontage on Howland Boulevard. Osteen Cemetery Road is a prescriptive right-of-way (ROW) to the south that provides access through the subject property to an adjacent cemetery to the east.

The subject property was annexed in 2005, as the Pender property. In 2009, following ownership change, the City Future Land Use Map for only the ±120 acre site was amended from Volusia County designations to City Low Density Residential and Conservation with a density cap established within the Policy FLU4-1.1 of the Future Land Use Element. The Conservation overlay designation is ±60 acres, is memorialized on the City's Future Land Use Map, and primarily coincides with environmental sensitive areas on-site and areas within the 100-year floodplain. During the Preliminary/Final Plat process, the subdivision will be designed in keeping with the Conservation overlay area.

In 2010, the ±120-acres were rezoned to Residential Planned Unit Development (RPUD) for an update to the former Pender subdivision with 240 single-family residential units. Access was approved for direct connection to Howland Boulevard that complied with the aforementioned density cap.

In 2014, following ownership change, an application was filed to add the ±22-acres and to change the Future Land Use designation on that parcel from Volusia County Agricultural Resource to City Low Density Residential (LDR). The adopted Comprehensive Plan Amendment with policy added, also followed the aforementioned density cap of up to two units per acre and limited the number of units on that tract to 45 units.

This proposal is to rezone both parcels to RPUD, as a unified project called Fernanda Place. The RPUD rezoning request would supersede the 2010 approved RPUD on the ±120 acre parcel and result in rezoning the ±22 acre parcel from A-1, a Volusia County designation, to City zoning that is consistent with the recently applied Low Density Residential City Land Use category. On July 15, 2015, the Planning & Zoning Board heard the rezoning request listed in Ordinance No. 05-2015 and recommended that the City Commission adopt the ordinance, with the condition that the internal roadways within the project remain privately owned and maintained, following construction, since they are specific only to this project.

After discussion, the Commission voted unanimously to approve Ordinance No. 05-2015, Fernanda Place rezoning with the modification that the streets will be public streets and not private streets taken care of by the Homeowners Association (HOA) and stormwater, streets and utilities will be built according to City specifications and then taken over by the City.

B. Public Hearing - Ordinance No. 27-2015: Amending Sections 58-34 and 58-37 of the City of Deltona’s Code of Ordinances allowing for an 811 Report to Release City Easement Abandonment, at first reading – Chris Bowley, Planning & Development Services Department (386) 878-8602.

The majority of the platted lots within the City of Deltona (City) are single-family residential lots created from the Deltona Lakes Plat (Plat). On the Plat, easements are established for drainage and utility purposes. However, the majority of the easements are not used for either purpose and, on occasion, proposed for vacation; especially associated with lot combinations. During the vacation process, there is a lengthy notification process for the potential utility providers to provide a letter of release. Oftentimes, the requests for the letters either goes unanswered or takes a great amount of time to receive (whether or not there is no objection to the action).

To provide greater customer service for residents or applicants and to ensure that no City easements are vacated that includes utilities, the provision of the 811 report has the potential to be used in lieu of receipt of the utility letters of release. If there are no utilities listed in the required 811 report and the City does not need the easement, then the 811 report verification will expedite the vacation process and allow land owners to use their property, as proposed, sooner.

After discussion, the Commission voted unanimously to approve Ordinance No. 27-2015, amending Sections 58-34 and 58-37 of the City of Deltona's Code of Ordinances that allows for either a utility letter of release or an 811 Report within the City easement abandonment process.

10. OLD BUSINESS:

11. NEW BUSINESS:

A. Consideration of appointment of seven (7) members to the Ordinance Review Committee. – Joyce Raftery, City Clerk (386) 878-8502.

On July 6, 2015 the City Commission approved Ordinance No. 08-2015, creating the Ordinance Review Committee.

The City has run press releases, posted the opening on D-TV, the City’s web page and on City bulletin boards. To date the City has received applications from the following individuals: John W. Adams, Joseph R. Cerrato, Charles Davidson, Aaron Diedrichs, Laurie English, Sonjia Kilmire, Curt Latham, Kelly Latham, Phillip J. Loranger, Melissa Roberts, Rossana Sepulveda, Wayne Shinkle, Floyd David Smothers, Thomas Walsh, Jerald “Jerry” Yaris and Cheri Taylor.

After discussion, the Commission voted unanimously to confirm the Commission member’s appointments for a two (2) year term to expire on August 3, 2017 to the Ordinance Review Committee.

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

A. Lobbyist Update.

14. CITY COMMISSION COMMENTS:

15. 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.