



# City of Deltona

## AFTER ACTION AGENDA

### REGULAR CITY COMMISSION MEETING MONDAY, AUGUST 17, 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 Commissioner Honaker.**
4. **APPROVAL OF MINUTES & AGENDA:**
  - A. **Approval of Minutes – Regular City Commission Meeting of August 3, 2015 – Joyce Raftery, City Clerk (386) 878-8502.**  
  
After Discussion, the Commission voted unanimously to approve the minutes of the Regular Commission Meeting of August 3, 2015, as presented.
5. **PRESENTATIONS/AWARDS/REPORTS:**
6. **CITY COMMISSION SPECIAL REPORTS:**
7. **PUBLIC FORUM – Citizen comments for any items.**  
(4 minute maximum length per speaker)

**CONSENT** All items marked with an \* will be considered by one motion  
**AGENDA:** 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 consideration of Commissioner Soukup's appointment to the Ordinance Review Committee - Joyce Raftery, City Clerk (386) 878-8502.**

*At the Regular Commission Meeting held on August 3, 2015 Commissioner Soukup requested to table his appointment to the Committee until the next Regular Commission Meeting.*

*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 DTV, the City's web page and on bulletin boards.*

[Approved by Consent Agenda - to confirm Commissioner Soukup's appointment of Melissa Roberts to the Ordinance Review Committee with a two \(2\) year term to expire on August 3, 2017.](#)

- \*B. Request for approval of Interlocal Agreement for Groundwater Monitoring, Modeling, and Related West Volusia Water Supply Plan Planning and Implementation Services - Gerald Chancellor, Public Works Department (386) 878-8998.**

*The St. Johns River Water Management District has approved a Prevention and Recovery Strategy for Blue Spring to include a Water Supply Plan (Plan) for the West Volusia area. Where the City of DeLand, the City of Deltona, the City of Orange City and the County of Volusia are all water suppliers and the Strategy and Water Supply Plan was developed based upon input from the Suppliers. The City of Deltona formally recognized and supported the Plan in a prior interlocal agreement amongst the Suppliers. The Suppliers desire to jointly fund the costs for an engineering firm to continue to monitor groundwater and to continue to assist with planning and implementation of the Water Supply Plan.*

[Approved by Consent Agenda - to approve the Interlocal Agreement Between the City of DeLand, City of Deltona, City of Orange City and County of Volusia for Groundwater Monitoring, Modeling, and Related West Volusia Water Supply Plan Planning and Implementation Services and authorize the Mayor to sign the Agreement as the Authorized Representative of the City.](#)

- \*C. Request for approval of Resolution No. 2015-27, adopting the 2015 Volusia County Mitigation Strategy as approved by the Florida Division of Emergency Management and FEMA – Mark Rhame, Fire Department (386)**

## **575-6902.**

*Volusia County's hazard mitigation planning efforts began in 1997 with the formation of the Volusia Prepares Committee. The Volusia 2020 Committee developed the first Local Mitigation Strategy (LMS) in 1999, as part of the Florida Department of Community Affairs LMS Initiative. The last version of the LMS was updated in 2009 (adopted in 2010). This multijurisdictional planning effort was led by Volusia Prepares, with support from the Mitigation 20/20 program and all municipalities.*

*The 2015 LMS update was prepared by the Volusia Prepares LMS Working Group with assistance from PBS&J, a consultant who provided professional mitigation planning services. The LMS Update process was led by the LMS Working Group Chair, Volusia County Emergency Management Plans Coordinator Larry LaHue and Volusia County LMS Coordinator Pat White.*

*Local hazard mitigation planning is the process of organizing community resources, identifying and assessing hazard risks and determining how to best minimize or manage those risks. This process results in a hazard mitigation plan that identifies specific mitigation actions, each designed to achieve both short-term planning objectives and a long-term community vision. To ensure the functionality of a hazard mitigation plan, responsibility is assigned for each proposed mitigation action to a specific individual, department or agency along with a schedule or target completion date for its implementation. Plan maintenance procedures are established for the routine monitoring of implementation progress, as well as the evaluation and enhancement of the mitigation plan itself. These plan maintenance procedures 35 Item 8C ensure that the plan remains a current, dynamic and effective planning document over time that becomes integrated into the routine local decision making process.*

*Mitigation planning offers many benefits, including:*

- saving lives and property*
- saving money*
- speeding recovery following disasters*
- reducing future vulnerability through wise development and post-disaster recovery and reconstruction*
- expediting the receipt of pre-disaster and post-disaster grant funding*
- demonstrating a firm commitment to improving community health and safety*

*The version presented (June 2015) has been reviewed by the Florida Division of Emergency Management and by FEMA. This plan meets all of the requirements of the Disaster Mitigation Act of 2000. A current LMS is a specific requirement for any local government applying for federal mitigation grant funds. Our current LMS expired March 31st, 2015.*

Approved by Consent Agenda - to adopt Resolution No.2015-27 adopting the 2015 Volusia County Local Mitigation Strategy as approved by the Florida Department of Emergency Management and FEMA.

- \*D. Request for approval of Resolution No. 2015-33 and approval to establish and adopt Title VI and Nondiscrimination Policy and Plan – Becky Vose, City Attorney (407) 448-0111 (Cell).**

*The City of Deltona, as a recipient of federal funding from the State for various activities, is required to ensure that its services, programs and related benefits are conducted and distributed in a manner that is not inconsistent with the Title VI of the Civil Rights Act of 1964 (“Title VI”) and other related federal and state laws and regulations. Title VI and the related nondiscrimination laws forbids federal aid recipients from excluding from participation, denying the benefits of or subjecting to discrimination anyone on the basis of race, color or national origin. Accordingly, a Title VI Policy and Plan has been drafted for City Commission’s approval and adoption. The resolution that shall serve to authorize the establishment and implementation of the Title VI and Nondiscrimination Policy and Plan is attached to this Memorandum as Exhibit “1”.*

*Deltona values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. The City does not tolerate discrimination in any of its programs, services or activities. By approving and accepting the attached resolution that shall serve to immediately establish the Title VI and Nondiscrimination Policy and Plan attached thereto, the City assures that no person shall, on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI and related nondiscrimination laws and regulations, be denied the benefits or be otherwise subjected to discrimination or retaliation under any program, service or activity provided by the City. However, the Title VI and Nondiscrimination Policy and Plan will not apply to complaints relating to employment by the City as there are other procedures and processes available for those types of 42 Item 8D complaints.*

Approved by Consent Agenda - to approve Resolution No. 2015-33 and approval to establish and adopt the Title VI and Nondiscrimination Policy and Plan.

**9. ORDINANCES AND -PUBLIC HEARINGS:**

- A. Public Hearing - Ordinance No. 05-2015, Fernanda Place Subdivision Rezoning Application, RZ15-002, at second and final reading - Chris Bowley, Planning and 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 52 Item 9A 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 changes suggested to the development agreement by City staff to include but not limited to the streets and other applicable infrastructure being dedicated to the City and the Home Owners Association being responsible for maintaining and beautifying retention pond areas.**

- 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 second and final reading - Chris Bowley, Planning and 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:**
- 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.