



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Regular Commission Meeting

City Commission

Mayor John C. Masiarczyk Sr.
Vice Mayor Heidi Herzberg
Commissioner Anita Bradford
Commissioner Gary Mitch Honaker
Commissioner Robert D. McFall
Commissioner Chris Nabicht
Commissioner Victor M. Ramos

Monday, May 7, 2018

6:30 PM

Deltona Commission Chambers

1. CALL TO ORDER:

2. ROLL CALL – CITY CLERK:

3. INVOCATION AND PLEDGE TO THE FLAG:

A. [Invocation Presented by Commissioner Nabicht.](#)

Background:

At the Regular City Commission Meeting on Monday, October 17, 2011, the City Commission approved to have each Commissioner by District schedule someone to present the invocation at each Regular City Commission meeting rotating each Commissioner by District starting with District #1, #2, #3, #4, #5, #6 and the Mayor.

4. APPROVAL OF MINUTES & AGENDA:

A. [Approval of minutes - Regular Commission Meeting of April 16, 2018 and the Special Commission Meeting of April 30, 2018, as presented. - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

Background:

N/A

Attachments:

[April 16, 2018 RCM Minutes](#)
[April 30, 2018 SCM Minutes](#)

5. PRESENTATIONS/AWARDS/REPORTS:

A. [Super Star Student of the Month Certificates for April 2018](#)

Background:

Super Star Student of the Month Certificates for April 2018.

1. Deltona Lakes Elementary, Alexa Cutino, 4th grade

2. Discovery Elementary, Noah Reyes, 3rd grade
3. Enterprise Elementary, Mackenzie Viola, 1st grade
4. Forest Lake Elementary, Maria Martinez, 4th grade
5. Friendship Elementary, Charlotte Tainter, 5th grade
6. Pride Elementary, Imani Ihaza, 5th grade
7. Spirit Elementary, Kiana Tiscareno, 4th grade
8. Sunrise Elementary, Eli Kellom, 4th grade
9. Timbercrest Elementary, Rhyana Doliber, 4th grade
10. Volusia Pines Elementary, Kentrell Brooks, 4th grade
11. Deltona Middle, Lorena Zaldivar, 6th grade
12. Galaxy Middle, Brooke Ellis, 6th grade
13. Heritage Middle, Robert Miller, 8th grade
14. Deltona High, Maya Caron, 11th grade
15. Pine Ridge High, Diane Cintron, 12th grade
16. University High, Angel Candelario-Pagan, 10th grade

Attachments: [April 2018 Super Star Student Achievements](#)

B. [Proclamation - Teachers Appreciation Week](#)

Background: Proclaiming the week of May 7th through May 11th, 2018 as “Teachers Appreciation Week”, to recognize Volusia County Teachers, supporting staff, and administrators who help build our future by educating our children.

Attachments: [Teachers Appreciation Week](#)

C. [Proclamation - “NALC ‘Stamp Out Hunger’ National Food Drive Day”.](#)

Background: Proclamation to recognize the letter carriers who coordinate and help execute the Florida Letter Carriers Food Drive each year. The 26th anniversary of “Stamp Out Hunger” Food Drive will be held Saturday, May 12th, 2018. This event is the nation’s largest one-day effort to combat hunger.

Attachments: [NALC Stamp Out Hunger 2018](#)

D. [Recognition - Olivia Russo-Hood for receiving the 23rd annual Prudential Spirit of Community Award](#)

Background: Olivia Russo-Hood was named one of the top youth volunteers in Florida for 2018, in the 23rd annual Prudential Spirit of Community Awards. This is an extraordinary honor; more than 29,000 young people across the country participated in this year’s program. Students like Olivia represent the best of America’s youth, and are role models to their peers and their communities.

Olivia, nominated by the Four Townes Family YMCA, a sophomore at

University High School and the founder of “Save the Earth Projects (STEP)”, led an initiative that has collected about 30,000 pairs of shoes for people in need and donated thousands of dollars to a variety of good causes. Olivia’s group has also led and supported initiatives to raise awareness about nutrition, hunger and global water issues.

Attachments: [Olivia Russo-Hood-Prudential Spirit of Community Award](#)

- E. [Community Development Analysis of Impediments Summary- Chris Bowley, AICP, Director, Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Goal: Fiscal Issues - Other grants as approved by the City Commission.](#)

Background:

The City of Deltona (City) for the U.S. Department of Housing and Urban Development (HUD) is an entitlement community. As that, the City receives formula-based grants in the form of CDBG and NSP funds. There are many programmatic requirements for reporting and accountability for use of HUD grant funds that are in sequence. Every five (5) years, the City has to undertake an Analysis of Impediments to Fair Housing (AI) that states the progress of expenditures of CDBG funds and ensures that they are addressing the current needs of the community.

The City subconsults this work to experts in preparing this required document for HUD. The document also leads into the Annual Action Plan (AAP) efforts and the 5-Year Consolidated Plan (Con Plan). The AAP is created every year and the Con Plan is due to HUD this year. The Florida Housing Coalition has been hired to perform the AI and the draft in July 2018 will be provided to the City Commission for their review. The AI has to be adopted and sent to HUD by October 1, 2018, and will be brought to the City Commission for approval.

The AI will include the following public outreach that will include, but not be limited to:

1. Developing a survey published online and promoted through social media, at public meetings, and through other outlets.
2. Summary of two (2) public meetings for residents, stakeholders, persons protected by the Fair Housing Act, and/ or advocates for the protected classes. The purpose of the meetings is to raise public awareness of fair housing laws, enhance understanding of the AFFH obligation, and request input on impediments to fair housing choice in the City.

Finally, the Florida Housing Coalition will present the AI draft

findings to the City Commission in a public hearing and obtain feedback on these findings for incorporation into the final document in August 2018.

F. [Presentation - Quarterly Reports of City Advisory Boards/Committees - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

Background:

Quarterly Reports of City Advisory Boards/Committees:

- 1) Deltona Economic Development Advisory Board - (Written Report Only)
- 2) Planning and Zoning Board - (Written Report Only)
- 3) Firefighters' Pension Plan Board of Trustees - (Written Report Only)
- 4) Team Volusia - (Presented by Team Volusia's Vice President of Business Intelligence and Operations Matt Chesnut)

Attachments:

[DEDAB First Quarter 2018 Report](#)
[P&Z First Quarter 2018 Report](#)
[FFPP First Quarter 2018 Report](#)
[Team Voluisa First Quarter 2018 Report](#)

6. CITY COMMISSION SPECIAL REPORTS:

7. PUBLIC FORUM: - Citizen comments are limited to issues and concerns not on the agenda and comments on items listed on the agenda will take place after discussion of each item.

Citizen comments for any items. (4 minute maximum length per speaker)

CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

8. CONSENT AGENDA:

A. [Request for approval of appointment of one \(1\) member to fill the 5th position of the Firefighters' Pension Plan, Board of Trustees.](#)

Background:

The term of one citizen member of the Firefighters' Pension Plan, Board of Trustee, James Koczan, expired on January 15, 2018. In accordance with the City's Code of Ordinances, Sec. 46-28, "The fifth

member shall be chosen by a majority of the previous four members as provided for herein, and such person's name shall be submitted to the governing body of the City. Upon receipt of the fifth person's name, the governing body of the City shall, as a ministerial duty appoint such person to the board as its fifth member."

At the April 17, 2018 Board of Trustees' meeting, the Board unanimously voted to appoint Doug Watler as the fifth board member for a term to expire on January 15, 2022.

9. ORDINANCES AND PUBLIC HEARINGS:

- A. [Public Hearing - Ordinance No. 03-2018, Rezoning a ±3.5 Acre Tract from Professional Business \(PB\) to C-1 \(Retail Commercial\), at second and final reading - Ron A. Paradise, Assistant Director, Planning and Development Services, \(386\) 878-8610.](#)

[Strategic Goal: Economic Development - Focus on Howland Blvd. as the gateway for commercial growth.](#)

Background:

The proposal is to rezone a ±3.5 acre tract located along the Howland Blvd. corridor from Professional Business (PB) to C-1 (Retail Commercial). In the PB zoning district, permitted principal uses are limited to office and financial institutions, as well as single family residences are permitted. The requested C-1 zoning district has a more expansive list of permitted principal uses, with the intent of being neighborhood oriented and serving. This amendment request is in keeping with similar changes along Howland Blvd. from PB to C-1 (i.e. the Dunkin Donuts vacant land east of Roseapple Ave.)

The requested C-1 zoning amendment is consistent with the City's Comprehensive Plan. Further, as part of the rezoning application, a traffic impact analysis (TIA) was submitted that indicated that Howland Blvd. has capacity to serve the subject property with commercial uses. However, other roadway segments will be caused to operate below an acceptable concurrency level of service (LOS). Thus, options exist for the applicant to either improve off-site areas or provide proportionate fair-share mitigation. For more information regarding this rezoning request, please see the attached support documentation. On March 21, 2018, the Planning and Zoning Board voted 6-0, with one member absent, to recommend that the City Commission adopt Ordinance No. 03-2018. Also, on April 2, 2018, the City Commission approved the ordinance for first reading with a 5-0 vote, with one member absent and one member abstaining.

It has come to the attention of staff the due public notice for the May 7,

2018 meeting regarding this item is insufficient. Therefore, the second hearing must be tabled and deferred to a time certain hearing.

Attachments: [Ord No. 03-2018](#)
[Staff Report](#)
[Transportation Impact Analysis](#)
[TIA Peer Review](#)
[Map Series](#)

- B.** [Public Hearing - Ordinance No. 04-2018, Amending the Land Development Code for Brewpub/microbreweries, Microwineries and craft distilleries, at second and final reading - Ron A. Paradise, Assistant Director, Planning and Development Services, \(386\) 878-8610.](#)

[Strategic Goal: Economic Development - Work with existing business to expand/grow.](#)

Background:

The brewing, fermenting or distilling of alcoholic beverages on a small scale and at a local level is an emerging land use trend throughout the Country. Referred to as brewpubs/microbreweries, microwineries and craft distilleries, these uses include the limited, on-site production of malt/alcoholic beverages called craft alcohol activities. Craft alcohol activities attract alcoholic beverage connoisseurs and tourists looking for unique cuisines, while embracing local production and entrepreneurship.

Recently there are inquiries about establishing craft alcohol uses within the City; which have led to economic development activity in other communities. Therefore, staff has proposed changes to the Land Development Code (LDC) to encourage craft alcohol uses within the City. The proposed changes are explained as follows:

Amend Sec. 70-30 to define brewpubs/microbreweries, microwineries and craft distilleries. The definitions are intended to limit operation scale utilizing applicable annual production amounts and prohibit outside storage. The definitions also distinguish craft alcohol uses from other alcohol dependent uses.

Expand opportunities for craft alcohol uses, brewpubs/microbreweries, microwineries and craft distilleries are proposed to be added as permitted principal uses in both the C-1 and C-2 zoning classifications (Sec. 110-315 and Sec. 110-316).

Within Section 110-814, LDC, the City established separation distances between alcohol related operations. In addition, there are

setbacks between alcohol consumed on premises business and sensitive land uses such as schools, parks, and houses of worship. The goal of these buffers is to ensure land use compatibility and avoid a concentration of bars/night clubs in certain neighborhoods. While there are exceptions to the separation distances for certain hotels and seating exempt restaurants, locating a consumed on premises use within existing commercial structures has to be compatible with nearby land uses. While, bar/night club uses are well-represented within existing commercial space; it is not uncommon to find small sized religious congregations leasing space in that same complex. The end result is there is limited opportunity for new alcohol/consumed on premises uses to be located within existing commercial areas. Though this ordinance, it is anticipated that craft alcohol uses may be less impactful, compared to a bar/nightclub use. Due to federal law, craft alcohol uses would still be required to be setback from schools. For more information, please see the attached staff report. On April 2, 2018, the City Commission approved the ordinance at first reading, 6-0, with one member absent.

Attachments: [Ord No. 04-2018](#)
[Exhibit A LDC Changes](#)
[Staff Report](#)

- C. [Public Hearing - Resolution No. 2018-20, Conditional Use Application for a Community Residential Home at 502 Galloway Ave. - Ron A. Paradise, Assistant Director, Planning and Development Services \(386\) 878-8610.](#)

[Strategic Goal: Economic Development - Create more diversified and high-quality housing opportunities.](#)

Background: Resolution No. 2018-20 is for a Community Residential Home (CRH) to be located at 502 Galloway Ave. (Site). The Site consists of ±0.25-acres with ±2,300 square foot single family residential home. The surrounding area properties are also zoned R-1. The request is to serve up to six (6) residents with disabled individuals, which fall under the regulations of the State of Florida Agency for Persons with Disabilities (APD); including though not limited to health conditions of spinal bifida, autism, cerebral palsy, etc.

The purpose and intent of a CRH serving up to six (6) residents is to emulate a family unit within the permitted and constructed single family house in a residential neighborhood. The proposed CRH at 502 Galloway Ave. can comply with City Land Development Code (LDC) requirements. In addition, to enhance neighborhood compatibility the following conditions are suggested:

- a. The dwelling at 502 Galloway Ave. shall serve no more than six (6)

residents.

- b. All residents and related service shall be directly associated with and regulated by the Florida Agency for Persons with Disabilities (APD).
- c. The applicant shall remain the primary operator of the CRH at 502 Galloway Ave. and continue to live in/homestead the dwelling as a primary residence.
- d. Signage is limited to that for a home occupation.

For more information see the attached staff report and related supporting materials. At the April 18, 2018, Planning and Zoning Board hearing, the Board voted unanimously (5-0) with two (2) members absent to recommend approval of the CRH request at 502 Galloway Ave. Finally, consistent with LDC Sec. 110-1102(e), a Conditional Use must have City Commission super majority approval consisting of no less than five (5) City Commission votes.

Attachments: [Resolution No. 2018-20](#)
[Staff Report](#)
[Map Series](#)
[Support Documentation](#)

- D. [Public Hearing - Ordinance No. 13-2018, Amending the Firefighters' Pension Plan to reflect language agreed to in the 2016 Collective Bargaining Agreement, provide clarifying language for eligibility for disability benefits and moving language to a more appropriate section of the plan, at first reading and schedule second and final reading for May 21, 2018. - City Attorney \(386\) 878-8872.](#)

[Strategic Goal: Internal & External Communication - Improve Intergovernmental Coordination.](#)

Background:

Section 46-33, Benefit Amounts and Eligibility, is being amended to reflect the potential cost of living and retirement subsidy adjustments in the 2016 Collective Bargaining Agreement due to oversight the pension ordinance was not revised.

Section 46-35, Disability, is being amended to more clearly identify the eligibility requirements for members who apply for disability benefits.

Section 46-56, Retirement Subsidy, is being moved to the Benefit Amounts and Eligibility Section of the plan as subsection (g).

Attachments: [Ordinance No. 13-2018](#)

- E. [Public Hearing - Ordinance No. 11-2018, amending Chapter 96 - Improvements, Article II - Design and Construction Standards of Improvements.](#)

Sections 96-34 related to sewer connection, providing voluntary connection to sewer facilities for existing residential customers, at first reading and to schedule second and final reading for May 21, 2018. - City Attorney, (386) 878-8872.

Strategic Goal: Infrastructure - Include requirements for utilities when reviewing site plans for permitting.

Background:

The City Commission has identified that a need exists and there is a desire to amend provisions of Chapter 96 - Improvements and to include a provision which allows existing residential customers to voluntarily connect to the City of Deltona sewer system, if the customer so desires and if such sewer service is available, but does not under any circumstance force an existing residential customer to connect to the City of Deltona's sewer system.

Attachments:

Ordinance No. 11-2018

10. OLD BUSINESS:

- A. [Discussion and action regarding solid waste collection services - Dale Baker, Deputy City Manager \(386\) 878-8852.](#)

[Strategic Goal: Strengthen Code Enforcement and focus on the City's Beautification Program](#)

Background:

The City entered into an agreement with RCG Consulting, Inc. (Redman) to design and implement a procurement process culminating in the City entering into an agreement with a solid waste collection contract. Redman and staff have prepared a draft proposal identifying how garbage, recyclables, bulk waste and yard waste will be picked up. The draft proposal is based upon prior comments from the Commission. Once finalized Redman and staff will either (a) negotiate a new contract with Waste Pro or (b) issue a request for proposal for a new solid waste hauler. Both options will require the hauler to provide any deduction from the residential cost under a scenario that the hauler will be the sole hauler for commercial waste in Deltona. Pricing will also be requested for a scenario that excludes commercial waste.

Attachments:

[Solid Waste Residential Services](#)
[EXHIBIT H](#)

11. NEW BUSINESS:

12. CITY ATTORNEY COMMENTS:**13. CITY MANAGER COMMENTS:****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.