

# City of Deltona

*Mayor*  
John Masiarczyk

*Vice Mayor*  
Chris Nabicht  
*District 6*

*Commissioners:*

Mitch Honaker  
*District 1*

Diane Smith  
*District 2*

Heidi Herzberg  
*District 3*

Nancy Schleicher  
*District 4*

Brian Soukup  
*District 5*

*City Manager*  
Jane K. Shang

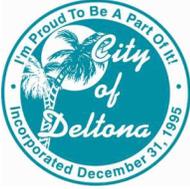
## PUBLIC NOTICE

**CITY OF DELTONA  
2345 Providence Blvd.  
Deltona, FL 32725**

**City Manager Agenda Review Meeting  
2<sup>nd</sup> Floor Conference Room  
Monday, September 19, 2016  
5:30 P.M.**

**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.



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Regular Commission Meeting

### City Commission

*Mayor John C. Masiarczyk Sr.*  
*Vice Mayor Chris Nabicht*  
*Commissioner Heidi Herzberg*  
*Commissioner Gary Mitch Honaker*  
*Commissioner Nancy Schleicher*  
*Commissioner Diane J. Smith*  
*Commissioner Brian Soukup*

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Monday, September 19, 2016

6:30 PM

Deltona Commission Chambers

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### REVISED AGENDA - SEPTEMBER 19, 2016

**1. CALL TO ORDER:**

**2. ROLL CALL – CITY CLERK:**

**3. INVOCATION AND PLEDGE TO THE FLAG:**

- A. [Invocation Presented by Commissioner Soukup - Tom Trageser, Director of Corporate Relations, Stetson University.](#)

**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 September 6, 2016 - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

**Background:**

N/A

**Attachments:**

[September 6, 2016 Minutes](#)

**5. PRESENTATIONS/AWARDS/REPORTS:**

**6. CITY COMMISSION SPECIAL REPORTS:**

**7. PUBLIC FORUM:** - Citizen comments limited to items 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:**

**9. ORDINANCES AND PUBLIC HEARINGS:**

- A. [Request for approval of Resolution 2016-44 adopting the final Millage Rate for the levy of ad valorem taxes for Fiscal Year 2016/2017 - Robert Clinger, Finance \(386\) 878-8552.](#)

[Strategic Goal: Fiscal Issues](#)

**Background:**

State law requires that the City hold a public hearing to adopt the final millage rate and budget.

At this hearing, the City will:

- First discuss the percentage increase or decrease in millage over the rolled-back rate. The millage rate reflects a 7.3% increase from the rolled-back rate.
- Adopt the millage rate (Resolution No. 2016-44) and budget (Resolution No. 2016-45) by separate vote, and in that order as required by State Law.
- Prior to adopting the millage-levy Resolution, the name of the taxing authority (City of Deltona, Florida) the rolled-back rate (7.4120), and the percentage increase or decrease compared to the rolled-back rate (7.3% increase), and the millage rate to be levied (7.9500) must be publicly announced.

**Attachments:** [2016-44-Resolution - Final Annual Millage Rate - Second t](#)

- B. [Approval of Resolution 2016-45 adopting the final Budget for Fiscal Year 2016/2017 - Robert Clinger, Finance Director \(386\) 878-8552.](#)

[Strategic Goal: Fiscal Issues](#)

**Background:**

State law requires that the City hold a public hearing to adopt the final millage rate and budget. This agenda item is to adopt the final Budget for Fiscal Year 2016/2017.

Under this agenda item the City will, after having adopted the final Millage Rate for Fiscal Year 2016/2017, adopt the final Budget for Fiscal Year 2016/2017 by separate vote.

**Attachments:** [2016-45-Resolution - Final Budget - Second Hearing - 9-19](#)

- C. [Public Hearing - Resolution No. 2016-37, Variance Request for a Proposed Dollar Tree Retail Store at 823-827 DeBary Ave. \(VR16-003\) - Chris Bowley, AICP, Director of Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Goal: Economic Development - work with existing businesses to expand and grow.](#)

**Background:**

The proposed variance application for the development of a Dollar Tree retail store to be located on the subject site has been requested by the applicant for continuation of the application, date-certain, to the September 21, 2016 Planning and Zoning Board meeting and October 17, 2016, City Commission public hearing. Because the resolution was advertised, this item is placed on the City Commission agenda for September 19, 2016.

- D. [Public Hearing - Resolution No. 2016-38, Conditional Use Permit for a House of Worship at 2745 Lake Helen Osteen Road - Chris Bowley, AICP, Director, Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Plan: Economic Development, work with existing businesses to expand and grow.](#)

**Background:**

The applicant, I.M.E.D. Church, is requesting a new Conditional Use permit for a house of worship use on a ±25-acre RE-1 zoned property. Houses of worship can be an approved Conditional Use in the RE-1 zoning district, per Section 110-306 of the City's Land Development Code (LDC). The previous Conditional Use permit received by the applicant for this site expired.

The Conditional Use request also complies with the applicable parameters of Sec. 110-817 and Sec. 110-1102 of the LDC and is consistent with the City's Comprehensive Plan. Staff is suggesting the expiration date for the Conditional Use be granted a full 24-months, given the numerous past requests for Conditional Use approvals for this site.

**Attachments:**     [Resolution No. 2016-38](#)  
                              [Staff Report](#)  
                              [Staff Report Maps](#)

- E. [Public Hearing - Ordinance No. 12-2016, Comprehensive Plan Amendment adding Tivoli Drive between Saxon Blvd. and Providence Blvd., to the City's Thoroughfare Map, at second and final reading - Chris Bowley, AICP, Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Goal: Fiscal Issues: Transportation/CIP \(i.e. Tivoli Drive Expansion\).](#)

**Background:**       Ordinance No. 12-2016 is for a policy decision to add Tivoli Drive to the City's Thoroughfare Map within the Comprehensive Plan (Comp Plan). This action is only for eligibility of River to Sea Transportation Planning Organization (TPO) grant funding. Any design, permitting, or construction activity will be considered separately from this policy action. On June 20, 2016, the City Commission approved Ordinance No. 12-2016 at first reading, and following the required Large Scale Amendment process, transmitted the ordinance to the Florida Department of Economic Opportunity (DEO) and to the Volusia Growth Management Commission (VGMC). On July 27, 2016, the DEO issued their review letter with no comments and on July 28, 2016, the VGMC provided the City with a Certificate of Consistency and associated VGMC staff report explaining its findings. Thus, the City is able to bring the ordinance forward to the City Commission for second and final reading.

**Attachments:**     [Ordinance No. 12-2016](#)  
                              [EXHIBIT A Thoroughfare Designation](#)  
                              [EXHIBIT B Number of Lanes Map 2015](#)  
                              [Exhibit C Roadway Lanes Table](#)  
                              [Staff Report 022416](#)  
                              [Tivoli Drive Map](#)  
                              [Consistency Certification Letter 072816](#)  
                              [VGMC Planning Report](#)  
                              [DEO Letter 072716](#)

- F. [Public Hearing - Ordinance No. 26-2016, Deltona Free Standing Emergency Room BPUD \(RZ16-001\), at second and final reading - Chris Bowley, AICP, Planning and Development Services, \(386\) 878-8602.](#)

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

**Background:**

The applicant, Central Florida Regional Hospital, is proposing a rezoning action to allow for a free standing emergency room within the Deltona Activity Center through Ordinance No. 26-2016. A new Business Planned Unit Development (BPUD) is proposed to be created through the attached Development Agreement and Master Development Plan (MDP). The proposed ±3.24-acre site is to be subdivided from an overall ±28-acre parent tract for the purpose of constructing a free standing emergency room (a.k.a. an emergency care facility). The attached DA outlines the proposed development program and infrastructure improvements for the project.

At the July 20, 2016, Planning & Zoning Board meeting, there was discussion and representation from legal counsel both for and against the project. The Board voted 7-0 to recommend that the City Commission adopt Ordinance No. 26-2016. On August 15, 2016, the City Commission heard the ordinance and held discussion concerning access management and proposed development program limiting the intensity of the site. The City Commission voted 4-2 to approve the ordinance with the provision that access management concerns could be addressed between the first and second reading of the ordinance. Staff met with the applicant and land owner and learned of additional alternatives for access management. With the ultimate goal of providing safe ingress and egress, the attached Development Agreement was updated to include language listed below that addresses that discussion and for the applicant to provide a safe access management option at the final site plan review and Volusia County Use Permit application:

*Safe access management for the public health, safety, and welfare is an expectation of the City and is recognized by the applicant as a needed requirement for development. Therefore, the applicant will be required to provide safe and efficient right-in/right-out movement or facilitate off-site connection to the existing traffic signal at the Graves Ave./N. Normandy Blvd. intersection. The final design to ensure safety will be addressed at the final site plan and Volusia County Use Permit application processes with City and County staff.*

**Attachments:**

[Ordinance No. 26-2016](#)

[FSER Development Agreement](#)

[FSER Staff Report](#)

- G. [Public Hearing - Ordinance No. 30-2016, Rezone Request for ±1.46 acres of land located near of the intersection of DeBary Ave. and Providence Blvd., at first reading - Chris Bowley, AICP, Director of Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Goal: Economic Development - work with existing businesses to](#)

[expand and grow.](#)

**Background:**

The subject site consists of a portion of several Deltona Lakes Plat lots and tracts, is developed with a single family dwelling, with the remainder of the site including vacant land. There is also a wetland area located at the rear of the property. The property is currently zoned as Professional Business (PB) and is designated as Commercial on the City's Future Land Use Map; thus the zoning designation is consistent with the future land use designation. The conventional PB and proposed C-1 zoning classifications are considered "by-right" designations that includes a range of permitted and conditional uses that has to conform to the associated performance standards.

The proposed rezoning from PB to C-1 (Retail Commercial) zoning will allow for a broader range of permitted and conditional land uses on-site. The parcel to the west has a PB zoning designation, with medical office, and to the east and south, a C-1 zoning designation. The property to the east is developed with a 7-11 convenience store. The proposed rezoning action proposes a joint driveway with the 7-11 site, with utilization of the existing driveway location as a right-in/right-out along the south side of DeBary Ave.

There is an RP (Resource Protection) zoned tract southeast of the site and R-1 zoned lands that are developed with single-family homes as part of the Deltona Lakes Plat to the north. The site is also within the Enterprise Commercial Overlay District that includes architectural elements, such as building design, color, and site development requirements consistent with the Florida vernacular style. Finally, the Spring-to-Spring recreational trail is adjacent to the property to the south.

Both the PB and C-1 zoning districts are consistent with the Commercial future land use designation. The proposed rezoning to C-1 meets adjacency to the 7-11 commercial property to the east and the facilitation along an arterial roadway to the north. The joint access driveway proposed facilitates coordinated access management in relation to the signalized intersection at Providence Blvd. and DeBary Ave.

While the C-1 zoning designation as a policy decision is consistent and compatible with the City's Comprehensive Plan, any development on-site that the rezoning action would assign development rights to has to meet the performance standards of that zoning district and accompanying land development regulations. Thus, development will have to comport to internal circulation and trip capture, utilize suitable soil, provide for safe ingress and egress of both pedestrians and vehicles, honor building setbacks and

landscape buffers, service area storage, turning radii, solid waste collection, stormwater management, and emergency response accommodation. Staff can support a policy decision that is consistent and compatible with development at intensities, scaling, and massing that properly utilizes access management on-site and similar to adjacent uses. However, any accompanying development application that proposes over-intensities, site constraints, and not honoring performance standards afforded through the assigned zoning district will not be supported by staff by not recommending approval.

On August 17, 2016, the City of Deltona Planning and Zoning Board heard the rezoning request and voted 5-2, with one member abstaining due to land ownership nearby, to recommend that the City Commission deny the rezoning request. The overarching reasons for the Board's denial were lack of horizontal control, resource protection, and land use compatibility.

**Attachments:** [Ordinance No. 30-2016](#)  
[Dollar Tree Staff Report](#)  
[Staff Report Maps](#)

- H. [Public Hearing - Ordinance No. 31-2016, Southwest Deltona Community Redevelopment Area \(CRA\) Board Action to create the Community Redevelopment Trust Fund, at second and final reading - Chris Bowley, AICP, Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Goal: Economic Development. Pursue the creation of a CRA for Deltona Blvd.](#)

**Background:**

The City of Deltona has taken the proper steps to create and establish the Southwest Deltona Community Redevelopment Area and the Redevelopment Agency, and review and approval of the Redevelopment Plan at all levels. The establishment of the Community Redevelopment Trust Fund is the next step in the process and Ordinance No. 31-2016 provides for that fund creation.

**Attachments:** [Ord No. 31-2016 - Establishing CRA Trust Fund](#)  
[County Res 2016-092 Deltona CRA 070716](#)  
[Southwest Deltona CRA Redev Plan 061016](#)

- I. [Ordinance No. 14-2016, Amending Division 3, "Collection and Use", of Article III, "Stormwater Utility", of Chapter 54, "Special Assessments", of the Code of the City of Deltona, by adding a provisions for stormwater utility fee credits, at first reading - Becky Vose, Legal Department \(407\) 448-0111.](#)

Strategic Goal: Infrastructure**Background:**

There has been a request to amend the stormwater utility fee ordinance relating to developed properties that have constructed and currently operate and maintain stormwater facilities that can reduce stormwater runoff impacts from the subject property and reduce the burden on the city to maintain, operate and provide capital improvements to the stormwater management system.

This ordinance was discussed at the workshop on August 22, 2016, at which time the question was raised as to the potential impact of the credit on the revenues to the stormwater utility. This question has been addressed by the City's consultant Tetra Tech, and it was concluded that the worst case impact on the utility revenues is less than 5%.

The proposed ordinance has been reviewed by the Deltona Business Alliance and the DBA has indicated its support of this ordinance.

**Attachments:**

[Tetra Tech Opinion](#)  
[Ordinance No. 14-2016](#)

**10. OLD BUSINESS:****11. NEW BUSINESS:**

- A. [Consideration of Commissioner Schleicher's appointment to the Planning and Zoning Board for the remainder of a term to expire on March 15, 2017 - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

Strategic Goal: Internal and external communication.**Background:**

Mr. Noble Olasimbo, Commissioner Schleicher's appointment, resigned from the Planning and Zoning Board on August 31, 2016. Per Article XII. Planning and Zoning Board, Sec. 110-1200. Creation (b), "The vacancy shall be filled within 30 days from the time it occurs." The appointment will serve for the remainder of a term to expire on March 15, 2017.

The City has run press releases, posted the opening on D-TV, the City's web page and bulletin boards. To date the City has received applications from the following individuals: Smiley Thurston.

**Attachments:**

[P&Z Member List](#)  
[Resignation - Olasimbo](#)  
[Application - Thurston](#)

- B. [Request for approval of Resolution No. 2016-46, amending the City](#)

[Commission Operating Guidelines and Meeting Rules and Procedures.](#)

**Background:** At the City Manager's Agenda Review Meeting and the Regular City Commission Meeting on Monday, August 1, 2016, Vice Mayor Nabicht requested to establish a policy to have a Volusia County Sheriff's Deputy attend any time the Commission comes together for a formal meeting, special meeting or public forum at a City facility.

**Attachments:** [Resolution No. 2016-46](#)  
[City Commission Operating Guidelines & Meeting Rules ar](#)

- C. [Request Approval for an Interlocal Agreement for the joint use of Real Property between the School Board of Volusia County and the City of Deltona - Steve Moore, Parks & Recreation Department, 386-878-8902](#)

[Strategic Goal: Infrastructure - Develop recreational programs in partnership with Volusia County middle school sites utilizing existing infrastructure.](#)

**Background:** The funding (\$23,450.00) for the Bullying Prevention was approved by the City Commission on September 6, 2016. The final step in this process in moving the Bullying Prevention Program in our City of Deltona schools is the Interlocal Agreement.

**Attachments:** [Interlocal Agreement School Board](#)

- D. [ADD-ON ITEM: Discussion of issues raised by Commissioner Soukup at the September 12th Workshop.](#)

**Background:** This item is to discuss issues raised by Commissioner Soukup at the September 12, 2016 Workshop.

**Attachments:** [Swisher Offer Letter & Worksheet](#)  
[Legal Memo](#)  
[City Manager Memo](#)  
[Verbatim record 9-12-16](#)  
[City Manager Summary](#)  
[Check to firefighter](#)  
[Explanation of Conversion Process](#)  
[Staff request to meet](#)  
[Opinion by attorney for union](#)

12. CITY ATTORNEY COMMENTS:

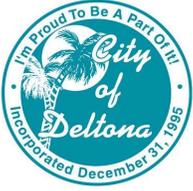
13. CITY MANAGER COMMENTS:

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.*



## Agenda Memo

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**AGENDA ITEM: A.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 3 - A

**SUBJECT:**

Invocation Presented by Commissioner Soukup - Tom Trageser, Director of Corporate Relations, Stetson University.

**LOCATION:**

N/A

**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

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

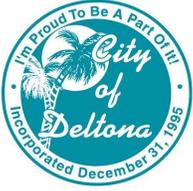
City Manager's Office

**STAFF RECOMMENDATION PRESENTED BY:**

N/A - Invocation Only

**POTENTIAL MOTION:**

N/A - Invocation Only



**Agenda Memo**

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**AGENDA ITEM: A.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 4 - A

**SUBJECT:**

Approval of minutes - Regular Commission Meeting of September 6, 2016 - Joyce Raftery, City Clerk (386) 878-8502.

**LOCATION:**

N/A

**BACKGROUND:**

N/A

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

City Clerk's Office

**STAFF RECOMMENDATION PRESENTED BY:**

City Clerk Joyce Raftery - That the Commission approve the minutes of the Regular Commission Meeting of September 6, 2016.

**POTENTIAL MOTION:**

"I move to approve the minutes of the Regular Commission Meeting of September 6, 2016, as presented."



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Minutes

### City Commission

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**Tuesday, September 6, 2016**

**6:30 PM**

**Deltona Commission Chambers**

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#### **1. CALL TO ORDER:**

The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

#### **2. ROLL CALL – CITY CLERK:**

**Present:** 9 - Commissioner Herzberg  
Commissioner Honaker  
Commissioner Schleicher  
Commissioner Smith  
Commissioner Soukup  
Vice Mayor Nabicht  
Mayor Masiarczyk  
City Manager Shang  
City Attorney Vose

#### **3. INVOCATION AND PLEDGE TO THE FLAG:**

##### **A. Invocation Presented by Commissioner Schleicher - Rev. Dr. Mark Winkler from Emmaus Lutheran Church.**

Commissioner Schleicher introduced Reverend Dr. Mark Winkler from Emmaus Lutheran Church, Orange City and led everyone in the pledge to the flag.

The National Anthem was sung by Chani Clark a 9th Grader from University High School.

#### **4. APPROVAL OF MINUTES & AGENDA:**

##### **A. Approval of minutes - Regular Commission Meeting of August 15, 2016 - Joyce Raftery, City Clerk (386) 878-8502.**

Commissioner Soukup asked to move Item 11-A after the Presentation for the West Volusia Youth Baseball T-Ball Champions.

**Motion by Commissioner Honaker, seconded by Commissioner Schleicher, to approve the minutes of the Regular Commission Meeting of August 15, 2016, as presented. The motion carried by the following vote:**

**For:** 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

## 5. PRESENTATIONS/AWARDS/REPORTS:

### A. Presentation - Certificate of Recognition to West Volusia Youth Baseball 2016 Florida T-Ball State Champions

Mayor Masiarczyk and the Commission presented Certificates of Recognition to the West Volusia Youth Baseball 2016 Florida T-Ball Champions.

## NEW BUSINESS - ITEM 11-A

### Request Approval for funding the Bullying Prevention Program with Volusia County School Board and Bully Armor, Inc. for the City of Deltona schools - Steve Moore, Parks & Recreation Department, 386-878-8902

#### Strategic Goal: Infrastructure - Develop recreational programs in partnership with Volusia County middle school sites utilizing existing infrastructure

Nick Pizza with Bully Armor, Inc. spoke about the Bullying Prevention Program with the Volusia County School Board and Bully Armor, Inc. for the City of Deltona schools and reminded everyone of a fundraiser which will be held on Saturday, September 10, 2016 at Dewey O. Boster Sports Complex.

**Motion by Commissioner Schleicher, seconded by Commissioner Herzberg, to approve the funding for the Bullying Prevention Program. The motion carried by the following vote:**

**For:** 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

## 6. CITY COMMISSION SPECIAL REPORTS:

Commissioner Herzberg stated she attended the Volusia League of Cities (VLOC) Executive Board Meeting and one of the topics of discussion was the free ethics training that will be held in the Deltona Commission Chambers on October 1st hosted by the Florida League of Cities (FLOC). Also discussed was the Volusia League of Cities Conference which she and Commissioner Honaker attended and there were discussions regarding water, public records requests, law enforcement, and more. Another big issue discussed was the water compact update, there are letters of support from cities and consensus support and a full update will take place at the December

meeting.

Commissioner Honaker recommended that the ethics training information be forwarded to the City's board/committee members. He stated he attended the Florida League of Cities (FLOC) Conference, that at least two (2) representatives from each City definitely need to attend and he recommended alternating each Commissioner that attends because there are so many workshops that one (1) person cannot attend each one (1). He went over several of the workshops he attended and gave a brief description of each. He stated he was selected to be on the Finance Taxation and Personnel Committee and will discuss issues facing the cities that are upcoming to the Legislature in 2017 and make recommendations on how our efforts should go, whether for or against.

Commissioner Schleicher stated she had a brief meeting with the Public Works Department because of the concerns that have arisen regarding sewer versus septic tanks and the Commission being on the record for being against moving to sewer. She stated she has asked Deputy Public Works Director Matt Doan to speak on the upcoming FDEP Volusia Blue Springs Basin Management Action Plan (BMAP) meeting.

Deputy Public Works Director Matt Doan stated at that the 6th meeting in the series of meetings on the BMAP there was no change in the message, that there are a lot of septic tanks in the BMAP and was changed from the high 40s to 54%, per the Senate Bill that passed any spring fed with a BMAP that has septic tanks over 20% must be addressed but, that does not mean they have to be switching to sewer, previous meetings focused on calculations, this was the first time different septic system conversions were discussed and that this is not a "for" sewer program, that further workshops will take place as necessary, simple math was discussed which may have caused some concerns but, again it does not have to be that way. Staff had requested to have the next meeting in Deltona so the residents could attend and it will take place on Wednesday, September 28th from 9:00 a.m. to 1:00 p.m. in the Deltona Commission Chambers.

Vice Mayor Nabicht stated he attended the River to Sea Transportation Planning Organization (TPO) meeting and the topics discussed was the IT components that are incorporated into transportation and which are part of the master plan for TPO, that there may be the opportunity to get dollars that relate to IT for things like electronic signage or intelligent transportation, and the City's IT staff needs to be looking at that when planning for projects. The Legislature is providing \$25 million every year for the next 10 years and the focus for that money is going to be to complete the trail sections that are incomplete now. Also, that this will free up Transportation Improvement Projects (TIP) dollars so other projects can qualify for the funds. He recommended to look at creating from the City's reserve fund, set aside \$250,000 to \$500,000 specifically for TPO projects and earmark those funds. The Passenger Operations Manager for the Florida Department of Transportation (FDOT) Brenda Young attended the TPO meeting and discussed the program "Alert Today ALive Tomorrow" or "Alert Today Alive Tonight", the website is [www.alerttodayflorida.com](http://www.alerttodayflorida.com) and the TPO is looking to get money from this program for passenger and bicycle safety. The Volusia County Sheriff's Office

(VCSO) is eligible to receive funds bicycle and pedestrian enforcement and he has discussed this with Captain Eagan. He stated that Fire Chief Snyder is also inviting the group to the Fire Department's Open House in October and they will have a display and a survey that residents can fill out.

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

Shelly Gonzales, 1191 Azora Dr., Deltona spoke about purchasing her perfect home in Deltona, the flooding issues on her street, that she met with the Steve LaMay Storm Drain Supervisor regarding the flooding issue, her property taxes doubling, having an additional tax for drainage and the value of her property with the current flooding issues.

Larry Kent, 235 River Village Dr., DeBary, spoke about the freedom of information act, meeting with residents who have been involved in code enforcement harassment after requesting a public records request, website information being harder to locate, the compensation study which he requested and received, the Commission's comments regarding the compensation study, the consultant's comments contradicting the compensation study that was presented, to far along in the budget process to, resident's trust being violated, he suggested passing a wage freeze until the compensation study issues can be resolved, the Commission having a fiduciary responsibility to the City and needing the health insurance costs before moving forward.

Lori Warnicke, 655 Lake Butler Ave., Deltona spoke about S.R. 415 and Collins Road, the issues with the line of site at this intersection, and people having trouble getting in and out because of the line of sight issues.

**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:**

**Motion by Commissioner Schleicher, seconded by Commissioner Herzberg, to approve Consent Agenda Items 8-A and 8-B.**

**For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk**

- A. **Request for approval of Interlocal Agreement for the operation, administration and maintenance of reclaimed water interconnects with Volusia County, City of Orange City and the City of Deland. Gerald Chancellor, P.E., Public Works Director, (386) 878-8998**

**Strategic Goal: Infrastructure**

Approved by Consent Agenda - to authorize the Mayor to execute the Interlocal Agreement providing for the operation, administration and maintenance of reclaimed water interconnects with the WVWS.

- B. **Request for approval to modify the scope of the License Plate Readers (LPR's) system from what was originally presented in the FY 2015/2016 budget - Captain Erik Eagan, VCSO, (386) 806-7030**

**Strategic Goal: Public Safety**

Approved by Consent Agenda - to modify the scope of the LPR systems program from four 4-camera License Plate Reader systems to a covert LPR speed trailer and a static LPR system for six (6) lanes of traffic.

**9. ORDINANCES AND PUBLIC HEARINGS:**

- A. **Public Hearing and approval of Resolution No. 2016-42, adopting the Tentative Millage Rate for the levy of ad valorem taxes for FY 2016/2017 - Robert Clinger, Finance Department (386) 878-8552.**

**Strategic Goal: Fiscal Issues**

Mayor Masiarczyk stated this is a public hearing to hear and consider comments and questions regarding the City's tentative millage rate and proposed annual budget for the coming fiscal year 2016/2017. The City of Deltona hereby proposes a tentative millage rate of 7.95. The tentative millage rate reflects a 7.3% increase from the rolled-back rate of 7.4120 mills.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

**Motion by Commissioner Herzberg, seconded by Commissioner Honaker, to approve Resolution No. 2016-42 adopting a tentative millage rate of 7.950 mills for the levy of ad valorem taxes for FY 2016/2017.**

City Attorney Vose read the title of Resolution No. 2016-42 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA;  
ADOPTING A TENTATIVE MILLAGE RATE FOR THE 2016-2017 FISCAL YEAR;

COMPARING TENTATIVE MILLAGE RATE WITH THE ROLLED-BACK RATE;  
ESTABLISHING A DATE, TIME, AND PLACE AT WHICH A PUBLIC HEARING WILL  
BE HELD TO ADOPT A FINAL MILLAGE RATE; PROVIDING FOR AN EFFECTIVE  
DATE.

**The motion carried by the following vote:**

**For:** 5 - Commissioner Herzberg, Commissioner Honaker,  
Commissioner Schleicher, Commissioner Soukup, and  
Mayor Masiarczyk

**Against:** 2 - Commissioner Smith, and Vice Mayor Nabicht

Resolution No. 2016-42 was adopted at 7:30 p.m.

**B. Public Hearing and approval of Resolution No. 2016-43 adopting the tentative annual budget for FY 2016/2017 - Robert Clinger, Finance Department (386) 878-8552.**

**Strategic Goal: Fiscal Issues**

Mayor Masiarczyk stated the City of Deltona has adopted a tentative millage rate of 7.95 mills for fiscal year 2016/2017. The tentative millage rate reflects a 7.3% increase from the rolled-back rate of 7.4120 mills. The proposed annual budget is summarized as follows: General Fund - \$57,113,387; Special Revenue Funds - \$39,227,829; Enterprise Fund - \$46,053,397; Capital Project Funds - \$13,596,795; and Total City-wide Budget - \$155,991,408.

Mayor Masiarczyk opened the public hearing.

Larry Kent, 235 River Village Dr., DeBary, spoke about the City Manager's memorandum and his concerns regarding the changes in the Code Enforcement budget, recent workshop discussions regarding staffing and the department's initiative.

Chris Alcantara, 574 Doral Ave., Deltona, spoke about how the budgets are formulated, Directors having to justify only those dollar amounts over the previous years budgeted dollars, and he suggested moving forward do a zero based budget to find more cost savings.

Mayor Masiarczyk closed the public hearing.

City Manager Shang stated she had two (2) requests, the first is that the Commission reconsider the reduction of code enforcement and she has provided a memorandum which explains the justification for the request, the positions are necessary, there are issues needing to be addressed by the City, visioning session showed the need to strengthen code enforcement, achieving compliance by education, implementing a

tracking system, and having emphasis on beautifying Deltona.

**After discussion, the Commission concurred to accept the City Manager's request to not have the two (2) Code Enforcement Officers absorbed by new positions, to not reduce the level of service on the weekends and to not separate the duties of animal control and code.**

City Manager Shang stated the second request is that the Commission reconsider implementing the wages and pay grade adjustments for the 71 hourly employees and for the remaining 12 employees or that at a minimum the hourly employees' salaries be adjusted.

**After discussion, the Commission concurred to accept the City Manager's request to implement the wages and pay grade adjustments for the 71 hourly employees and for the remaining 12 employees with the exception of Commissioner Soukup.**

**Motion by Commissioner Herzberg, seconded by Commissioner Honaker, to approve Resolution No. 2016-43 adopting the tentative budget for FY 2016/2017.**

City Attorney Vose read the title of Resolution No. 2016-43 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA;  
ADOPTING A TENTATIVE BUDGET FOR THE 2016-2017 FISCAL YEAR;  
ESTABLISHING A DATE, TIME, AND PLACE AT WHICH A PUBLIC HEARING WILL  
BE HELD TO ADOPT A FINAL BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

**The motion carried by the following vote:**

**For:** 6 - Commissioner Herzberg, Commissioner Honaker,  
Commissioner Schleicher, Commissioner Smith, Vice Mayor  
Nabicht, and Mayor Masiarczyk

**Against:** 1 - Commissioner Soukup

Resolution No. 2016-43 was adopted at 8:02 p.m.

- C. Request for approval of Resolution No. 2016-47 amending the FY 2015/2016 budget for the General Fund, Capital Equipment Fund, Parks Projects Fund, Municipal Complex Fund and Grants Match Fund in order to reallocate anticipated surplus funds to other projects - Robert Clinger, Finance Department - (386) 878-8552.**

**Strategic Goal: Fiscal Issues**

Mayor Masiarczyk opened and closed the public hearing as there were no public

comments.

**Motion by Commissioner Herzberg, seconded by Vice Mayor Nabicht, to approve Resolution No. 2016-47 amending the FY 2015/2016 budget for the General Fund, Capital Equipment Fund, Parks Projects Fund, Municipal Complex Fund and Grants Match Fund in order to reallocate anticipated surplus funds to other projects.**

Mayor Masiarczyk read the title of Resolution No. 2016-47 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA; AMENDING THE ANNUAL GENERAL FUND, CAPITAL EQUIPMENT FUND, PARKS PROJECTS FUND, MUNICIPAL COMPLEX FUND AND GRANTS MATCH FUND BUDGETS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016 BY ADJUSTING REVENUE AND EXPENSES; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**The motion carried by the following vote:**

**For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk**

Resolution No. 2016-47 was adopted at 8:05 p.m.

- D. Request for approval of Resolution 2016-48 to revise the City's Minimum Fund Balance Policy to increase the Grants Match Reserve by \$500,000 bringing the total for the Grants Match Reserve to \$1,000,000 - Robert Clinger, Finance (386) 878-8552.**

**Strategic Goal: Fiscal Issues**

**Motion by Commissioner Honaker, seconded by Commissioner Herzberg, to approve Resolution No. 2016-48 to change the City's Minimum Fund Balance Policy to increase the Grants Match Reserve by \$500,000 bringing the total for the Grants Match Reserve to \$1,000,000.**

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Mayor Masiarczyk read the title of Resolution No. 2016-48 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA; TO REVISE THE CITY'S MINIMUM FUND BALANCE POLICY TO INCREASE THE GRANTS MATCH RESERVE IN CONFLICT HEREWITH; REPEALING ALL

ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

**The motion carried by the following vote:**

**For:** 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Resolution No. 2016-48 was adopted at 8:08 p.m.

**E. Public Hearing - Resolution No. 2016-41, Southwest Deltona Community Redevelopment Area (CRA) Board Action on the Community Redevelopment Plan - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.**

**Strategic Goal: Economic Development. Pursue the creation of a CRA for Deltona Blvd.**

Mayor Masiarczyk left the meeting at 8:08 p.m.

Vice Mayor Nabicht opened and closed the public hearing as there were no public comments.

**Motion by Commissioner Herzberg, seconded by Commissioner Schleicher, to adopt Resolution No. 2016-41, the Southwest Deltona Community Redevelopment Area Redevelopment Plan.**

City Attorney Vose read the title of Resolution No. 2016-47 for the record.

A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; MAKING FINDINGS; ADOPTING A COMMUNITY REDEVELOPMENT PLAN; REPEALING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

**The motion carried by the following vote:**

**For:** 6 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, and Vice Mayor Nabicht

Resolution No. 2016-41 was adopted at 8:09 p.m.

**F. Public Hearing - Ordinance No. 31-2016, Southwest Deltona Community Redevelopment Area (CRA) Board Action to create the Community Redevelopment Trust Fund, at first reading - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.**

**Strategic Goal: Economic Development. Pursue the creation of a CRA for Deltona Blvd.**

Vice Mayor Nabicht opened and closed the public hearing as there were no public comments.

**Motion by Commissioner Honaker, seconded by Commissioner Herzberg, to approve Ordinance No. 31-2016, the Southwest Deltona Community Redevelopment Area Community Redevelopment Trust Fund, at first reading.**

Mayor Masiarczyk returned to the meeting at 8:11 p.m.

City Attorney Becky Vose read the title of Ordinance No. 31-2016 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ESTABLISHING A REDEVELOPMENT TRUST FUND; PROVIDING FOR THE FUNDING OF A REDEVELOPMENT TRUST FUND FOR COMMUNITY REDEVELOPMENT WITHIN THE SOUTHWEST DELTONA COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR ADMINISTRATION OF THE REDEVELOPMENT TRUST FUND; DETERMINING THE INCREMENT REVENUE TO BE DEPOSITED IN THE REDEVELOPMENT TRUST FUND; ESTABLISHING THE BASE YEAR FOR DETERMINING ASSESSED VALUES OF PROPERTY IN THE COMMUNITY REDEVELOPMENT AREA FOR INCREMENT REVENUE PURPOSES; PROVIDING FOR THE ANNUAL APPROPRIATIONS OF THE INCREMENT REVENUE BY TAXING AUTHORITIES IN THE COMMUNITY REDEVELOPMENT AREA; APPOINTING THE GOVERNING BODY OF THE SOUTHWEST DELTONA COMMUNITY REDEVELOPMENT AGENCY AS THE TRUSTEE OF THE REDEVELOPMENT TRUST FUND; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

**The motion carried by the following vote:**

**For:** 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Ordinance No. 31-2016 was adopted at 8:12 p.m.

**G. Public Hearing - Ordinance No. 24-2016, Vineland Reserve RPUD (RZ15-006), at second and final reading - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.**

**Strategic Goal: Create more diversified and high-quality housing opportunities.**

Mayor Masiarczyk asked if any of the Commissioners had any conflicts of interest to

report.

Commissioner Smith stated she met with Lori Warnicke to listen to her concerns regarding the density of the property, the 1/4 acre lots, and what the definition is of a berm.

Commissioner Schleicher stated she received a call from Lori Warnicke, but did not meet with her.

Commissioner Herzberg stated she received a call from Lori Warnicke and discussed the street traffic, Collins Blvd. being used as a cut through, the original Development Order versus what is presented now, and the new number of estimated homes to be built.

Commissioner Soukup stated he met with Lori Warnicke, he explained to her that he did not want to discuss the details of the project and discussed other things in the City such as how commercial properties look.

Vice Mayor Nabicht stated he had ex-parte communications with Lori Warnicke and discussed the berm, noise and the buffer situation, the emergency access portion or gate on Collins Road, what mechanisms can be done to solidify or make the emergency access only permanent.

Commissioner Honaker stated he received a call from Lori Warnicke, he originally scheduled a meeting, but cancelled it.

Vice Mayor Nabicht left the meeting at 8:28 p.m. and returned at 8:29 p.m.

Michael Woods, Law Firm Cobb Cole, 351 East New York Avenue, Suite 200, DeLand, spoke about limited the applicant which has not changed, the Planning & Zoning Board's recommendations, that the footprint does not impacted the surrounding neighbors, providing amenities internally but has up to now focused on external impacts, regarding Collins Road location and noise abatement the proposal has three (3) options, give some flexibility to what goes in, the project is buffering residential to residential and some of the provisions put in place are what you find in residential to commercial, that the developer does not ever want to be connected to Collins Road, the developer understands the concerns on Collins Road and anticipating the issues, the decimal level from the source property line and regulations already being in place, code provides for a minimum square footage for each home, stormwater will be designed to accommodate and assume the large building envelope on the lot, the Development Agreement provides for the minimum and not the maximum, and eliminating the extension from Doyle Road.

Mayor Masiarczyk opened the public hearing.

Sterl Weber, 640 Riggs Ave., Deltona, spoke about being a plumber and knows about

density, where residents in the project are going to have activities because of the small lot sizes, people running over a berm, that the property is not big enough for the housing proposed in 2007 and knowing exactly what the berm is going to be before approving the project.

Commissioner Honaker left the meeting at 8:50 p.m. and returned at 8:53 p.m.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Richard Taylor, 268 Collins Road, Deltona, spoke about the neighborhood going to be built and it being a matter of when and how many homes will be constructed. He requested a block wall and not a berm, the emergency gate was off-set from the rear and making it not look so much like a main road because if not the residents' will use it to access the property, the construction that will take place and what road will be used for the construction vehicles.

**Mayor Masiarczyk suggested to add language to the agreement that any building or construction of the project will take place off of Doyle Road and not off of Collins Road and the Commission concurred.**

Linda Patterson, 450 Collins Road, Deltona, spoke about attending the transportation meeting held today, a bus stop already being in place and another one being added because the bus cannot go into the development to pick up the kids for school, what times will construction occur and having to listen to the construction noise on the weekends, concerns regarding the noise, school kids having to fight with trucks to get to and from the bus stop.

Lori Warnicke, 655 Lake Butler Ave., Deltona, spoke about the southeast corner of the City being a welcome mat for visitors, commercial property all down S.R. 415, the concrete plant at the entrance of the City at Howland Blvd., the landowner having rights, what was wrong with what was passed in 2007, wanting to see a barrier wall installed, that landscape buffers do not work, who will be responsible for keeping up the barrier whether landscaping or a wall, how the City is going to protect her neighborhoods way of life, the project having rent written all over it, there being 90% homeowners in her community with the exception of one rental, the proposed lot sizes, concerned about the square footage of the proposed homes and the homes having 10 foot backyards.

Michael Woods, Law Firm Cobb Cole, 351 East New York Avenue, Suite 200, DeLand, spoke about the development having the potential and flexibility to build through, the setbacks and not having an end user, the 50 foot lots can also be found in the DeLand

Country Club area, the 10 foot setback is shallow but allows for a swimming pool, trying to build so homeowners do not have to get a variance later and the yard is not 10 feet, it is the setback.

Carol Amar, 1328 Sioux Trail, Enterprise, spoke about keeping high density growth out of Enterprise, the traffic that will be generated on Doyle Road, and how much more daily traffic will this create by this project.

Steven Chenowitz, Traffic Engineering Data Solutions (TEDS), DeBary, stated that if the area were to be completely built out Doyle Road would be operating at 50% of its capacity and can easily handle the development.

Carol Amar, 1328 Sioux Trail, Enterprise, stated that 25,000 cars travel on Doyle Road daily and she is against the zoning of this.

Mayor Masiarczyk closed the public hearing.

**Motion by Vice Mayor Nabicht, seconded by Commissioner Honaker, to adopt Ordinance No. 24-2016, Vineland Reserve RPUD (RZ15-006), at second and final reading.**

**Amended motion by Vice Mayor Nabicht, seconded by Commissioner Honaker, that the Development Agreement include that any building or construction of the project will take place off of Doyle Road and not off of Collins Road.**

City Attorney Becky Vose read the title of Ordinance No. 24-2016 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, REZONING AND AMENDING THE OFFICIAL ZONING MAP FOR APPROXIMATELY 102.7 ACRES OF LAND WITH A CITY OF DELTONA RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) TO RPUD LOCATED BETWEEN DOYLE ROAD AND COLLINS ROAD TO ALLOW FOR AN INCREASE IN THE NUMBER OF UNITS AND PROJECT REDESIGN; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

**The amended motion carried by the following vote:hnjj**

**For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk**

Ordinance No. 24-2016 was adopted at 9:26 p.m.

## **10. OLD BUSINESS:**

None.

#### 11. NEW BUSINESS:

- A. **Request Approval for funding the Bullying Prevention Program with Volusia County School Board and Bully Armor, Inc. for the City of Deltona schools - Steve Moore, Parks & Recreation Department, 386-878-8902**

**Strategic Goal: Infrastructure - Develop recreational programs in partnership with Volusia County middle school sites utilizing existing infrastructure**

**This Item was moved to after Presentations, Item 5-A, on the agenda.**

#### 12. CITY ATTORNEY COMMENTS:

None.

#### 13. CITY MANAGER COMMENTS:

None.

#### 14. CITY COMMISSION COMMENTS:

Vice Mayor Nabicht stated he would not be in attendance at the next Workshop on September 12th.

Commissioner Schleicher reminded everyone of the Fire Department's Pinning Ceremony on Thursday, September 8th at 6:00 p.m. in the Commission Chambers, the One Voice Deltona "Be the Change" event on Saturday, September 10th from 11:00 a.m. to 5:00 p.m. at Dewey O. Boster Park and the 9/11 Memorial Dedication Ceremony on Sunday, September 11th at 8:30 a.m. at Fire Station #65.

Commissioner Honaker requested a workshop on a liter law (illegal dumping), using the Florida's liter law (F.S. 403.413) as a base and adding City violations. He stated the final numbers are in for the 2016 Relay For Life fundraising, the Commission's team came in 2nd Place at \$4,061.84 and Deputy City Clerk Janet Day raised over \$1,200 herself.

Commissioner Herzberg stated most Cities budget for all their Commissioners to attend the Florida League of Cities (FLOC) Conference and she feels strongly that all Commissioners should have the opportunity to attend and it is a great learning experience. Mayor Masiarczyk stated the policy is that the Commissioners can attend two (2) in State trainings and one (1) out of State training.

Commissioner Herzberg stated on August 30th Senator Simmons did a tour of the new waste water treatment plant and drove by the Fisher Plant and the new storm water and lift station facility with Deputy Public Works Director Matt Doan, City Manager Shang and herself which was taped by Public Information Officer Lee Lopez and should appear

on DTV. She stated she will be going to the Lake Okeechobee Learning Collaborative regarding a compact, that iPhone users in Orange City can now use their new App (OC Cares) to report issues in the community and she suggested Deltona looking into doing the same thing, and she gave a shout out to a woman who stood outside for hours directing traffic during the incident on Providence Blvd. over the weekend when the road was shut down.

Commissioner Soukup stated going back to Orange City's new "App", everyone is always saying Deltona is the largest City, however, it does not act like it. He requested keeping commercial businesses accountable to maintain the required foliage around their properties, he does not understand why the City is allowing the power company two (2) months to mow their power lines, and he believes it is time to do something, relocate, about the concrete company at the Howland Blvd. gateway.

Mayor Masiarczyk stated that the concrete company, mentioned by Commissioner Soukup, is a thriving business in the Deltona community and he thanked Commissioner Honaker for the gifts he gave the Commission from his recent trip to Europe.

#### **15. ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:37 p.m.

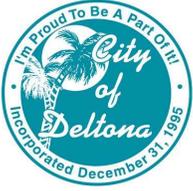
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John C. Masiarczyk, Sr., MAYOR

ATTEST:

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Joyce Raftery, CMC, MMC, CITY CLERK



## Agenda Memo

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**AGENDA ITEM: A.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 9 - A

**SUBJECT:**

Request for approval of Resolution 2016-44 adopting the final Millage Rate for the levy of ad valorem taxes for Fiscal Year 2016/2017 - Robert Clinger, Finance (386) 878-8552.

**Strategic Goal: Fiscal Issues**

**LOCATION:**

City-wide

**BACKGROUND:**

State law requires that the City hold a public hearing to adopt the final millage rate and budget.

At this hearing, the City will:

- First discuss the percentage increase or decrease in millage over the rolled-back rate. The millage rate reflects a 7.3% increase from the rolled-back rate.
- Adopt the millage rate (Resolution No. 2016-44) and budget (Resolution No. 2016-45) by separate vote, and in that order as required by State Law.
- Prior to adopting the millage-levy Resolution, the name of the taxing authority (City of Deltona, Florida) the rolled-back rate (7.4120), and the percentage increase or decrease compared to the rolled-back rate (7.3% increase), and the millage rate to be levied (7.9500) must be publicly announced.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

Finance

**STAFF RECOMMENDATION PRESENTED BY:**

Robert Clinger, Finance Director - Staff recommends approval of Resolution 2016-44 adopting the

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**AGENDA ITEM: A.**

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final Millage Rate of 7.9500 for the levy of ad valorem taxes for Fiscal Year 2016/2017.

**POTENTIAL MOTION:**

I move to approve Resolution 2016-44 adopting the final Millage Rate of 7.9500 for the levy of ad valorem taxes for Fiscal Year 2016/2017.

**RESOLUTION NO. 2016-44**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA; ADOPTING AN AD VALOREM MILLAGE RATE FOR THE 2016-2017 FISCAL YEAR; PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, on September 6, 2016, the City Commission adopted a tentative millage rate and a tentative budget, and established a date, time, and place for a public hearing to consider the final millage rate and the final budget for the 2016-2017 fiscal year; and

**WHEREAS**, the City Manager has delivered a recommended final budget for the 2016-2017 fiscal year; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA**, as follows:     **Section 1.**     A final ad valorem millage rate of 7.9500 mills is hereby adopted and levied for the 2016-2017 fiscal year.

**Section 2.**     The final ad valorem millage rate of 7.9500 mills is 7.3 percent more than the rolled-back rate of 7.4120.

**Section 3.**     This resolution shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DELTONA, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

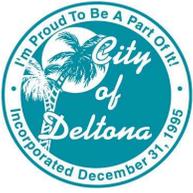
BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

\_\_\_\_\_  
JOYCE RAFTERY, City Clerk

Approved as to form and legality for use  
and reliance of the City of Deltona, Florida:

\_\_\_\_\_  
GRETCHEN R.H. VOSE, City Attorney



## Agenda Memo

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**AGENDA ITEM: B.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 9 - B

**SUBJECT:**

Approval of Resolution 2016-45 adopting the final Budget for Fiscal Year 2016/2017 - Robert Clinger, Finance Director (386) 878-8552.

**Strategic Goal: Fiscal Issues**

**LOCATION:**

City-wide

**BACKGROUND:**

State law requires that the City hold a public hearing to adopt the final millage rate and budget. This agenda item is to adopt the final Budget for Fiscal Year 2016/2017.

Under this agenda item the City will, after having adopted the final Millage Rate for Fiscal Year 2016/2017, adopt the final Budget for Fiscal Year 2016/2017 by separate vote.

**COST:**

Total sources and uses of funds is: \$155,991,408

**SOURCE OF FUNDS:**

Fiscal Year 2016/2017 Budget

**ORIGINATING DEPARTMENT:**

Finance

**STAFF RECOMMENDATION PRESENTED BY:**

Robert Clinger, Finance Director - Staff recommends to approve Resolution 2016-45 adopting the final Budget for Fiscal Year 2016/2017.

**POTENTIAL MOTION:**

"I move to approve Resolution 2016-45 adopting the final Budget for Fiscal Year 2016/2017.

**RESOLUTION NO. 2016-45**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA; ADOPTING THE FINAL ANNUAL GENERAL FUND, SPECIAL REVENUE FUNDS, ENTERPRISE FUND, AND CAPITAL PROJECT FUNDS BUDGETS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017; PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, on September 6, 2016, the City Commission adopted a tentative millage rate and a tentative budget, and established a date, time, and place for a public hearing to consider the final millage rate and the final budget for the 2016-2017 fiscal year; and

**WHEREAS**, the City Manager has delivered a recommended final budget for the 2016-2017 fiscal year; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA**, as follows:

**Section 1.** The City Commission hereby adopts the final General Fund, Special Revenue Funds, Enterprise Fund, and Capital Project Funds budgets, which are attached hereto and by reference made a part hereof, of the City of Deltona, Florida, for the fiscal year beginning October 1, 2016, and ending September 30, 2017, said budgets showing combined sources and uses of \$155,991,408.

**Section 2.** This resolution shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY  
OF DELTONA, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

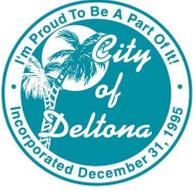
BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

\_\_\_\_\_  
JOYCE RAFTERY, City Clerk

Approved as to form and legality for use  
and reliance of the City of Deltona,  
Florida:

\_\_\_\_\_  
GRETCHEN R.H. VOSE, City Attorney



## Agenda Memo

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**AGENDA ITEM: C.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 9 - C

**SUBJECT:**

Public Hearing - Resolution No. 2016-37, Variance Request for a Proposed Dollar Tree Retail Store at 823-827 DeBary Ave. (VR16-003) - Chris Bowley, AICP, Director of Planning and Development Services, (386) 878-8602.

Strategic Goal: Economic Development - work with existing businesses to expand and grow.

**LOCATION:**

The property is located near the southwest corner of the intersection of DeBary Ave. and Providence Blvd.

**BACKGROUND:**

The proposed variance application for the development of a Dollar Tree retail store to be located on the subject site has been requested by the applicant for continuation of the application, date-certain, to the September 21, 2016 Planning and Zoning Board meeting and October 17, 2016, City Commission public hearing. Because the resolution was advertised, this item is placed on the City Commission agenda for September 19, 2016.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

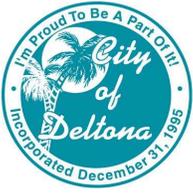
Planning and Development Services

**STAFF RECOMMENDATION PRESENTED BY:**

Presented by Chris Bowley, AICP, Director, Planning and Development Services - Staff recommends continuation of Resolution No. 2016-37, Dollar Tree DeBary Ave. Variance Application (VR16-003) to the date-certain September 21, 2016, Planning and Zoning Board meeting and the October 17, 2016, City Commission public hearing.

**POTENTIAL MOTION:**

"I hereby move to continue Resolution No. 2016-37, Dollar Tree DeBary Ave. Variance Application (VR16-003) to the date-certain September 21, 2016, Planning and Zoning Board meeting and the October 17, 2016, City Commission public hearing."



## Agenda Memo

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**AGENDA ITEM: D.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 9 - D

**SUBJECT:**

Public Hearing - Resolution No. 2016-38, Conditional Use Permit for a House of Worship at 2745 Lake Helen Osteen Road - Chris Bowley, AICP, Director, Planning and Development Services, (386) 878-8602.

Strategic Plan: Economic Development, work with existing businesses to expand and grow.

**LOCATION:**

The property is located at 2745 Lake Helen Osteen Road, west of the intersection of Collingswood Dr. and Lake Helen Osteen Road.

**BACKGROUND:**

The applicant, I.M.E.D. Church, is requesting a new Conditional Use permit for a house of worship use on a ±25-acre RE-1 zoned property. Houses of worship can be an approved Conditional Use in the RE-1 zoning district, per Section 110-306 of the City's Land Development Code (LDC). The previous Conditional Use permit received by the applicant for this site expired.

The Conditional Use request also complies with the applicable parameters of Sec. 110-817 and Sec. 110-1102 of the LDC and is consistent with the City's Comprehensive Plan. Staff is suggesting the expiration date for the Conditional Use be granted a full 24-months, given the numerous past requests for Conditional Use approvals for this site.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

Planning and Development Services

**STAFF RECOMMENDATION PRESENTED BY:**

Chris Bowley, AICP, Director, Planning and Development Services - Staff recommends approval of Resolution No. 2016-38 allowing a Conditional Use for a house of worship use at 2745 Lake Helen Osteen Road for up to 24 months.

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**AGENDA ITEM: D.**

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**POTENTIAL MOTION:**

“I hereby move to approve Resolution No. 2016-38 allowing a Conditional Use for a house of worship use at 2745 Lake Helen Osteen Road for up to 24 months.”

**RESOLUTION NO. 2016-38**

**A RESOLUTION OF CITY OF DELTONA, FLORIDA;  
GRANTING A CONDITIONAL USE TO PERMIT A HOUSE  
OF WORSHIP WITHIN AN RE-1, RESIDENTIAL ESTATE  
ZONING DISTRICT FOR THE PROPERTY LOCATED AT  
2745 LAKE HELEN-OSTEEN ROAD, WITHIN THE CITY OF  
DELTONA; PROVIDING CONDITIONS AND AN EFFECTIVE  
DATE.**

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**WHEREAS**, Iglesia Misionera Eslabon de Dios (IMED) has submitted an application for Conditional Use, CU16-038, to allow for a conditional use to permit a house of worship within an RE-1, Residential Estate, zoning district; and

**WHEREAS**, in accordance with Section 110-1102 Deltona City Code, the City of Deltona held a public hearing after due public notice to review the proposed Conditional Use Application, Project Number CU16-01.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA FLORIDA, AS FOLLOWS:**

**Section 1.** In accordance with the Code of the City of Deltona, Section 110-1102, the Deltona City Commission hereby grants a Conditional Use, CU14-003, for the construction and operation of a house of worship at 2745 Lake Helen Osteen Road, subject to the conditions, in part per Sections 110-817 of the Land Development Code that require buildings be no closer than 50 feet from any property line, that off-street parking areas meet the landscape buffer and parking surface requirements, that the maximum capacity of the church per this Conditional Use application shall be limited to no more than 210 seats, and that traffic mobility in the Lake Helen-Osteen Road right-of-way meets all appropriate regulatory provisions and standards.

**Section 2.** The Conditional Use shall be for the property as follows: That portion of the south 132 feet of the north 1/2 of the southeast 1/4 of section 10, township 18 south, range 31 east, Volusia County, Florida, lying east of Lake Helen-Osteen Road,

And

That portion of the north 264 feet of the southwest 1/4 of the southeast 1/4 of section 10, township 18 south, range 31 east, Volusia County, Florida, lying east of Lake Helen-Osteen Road.

And

That part of the southeast 1/4 of the southeast 1/4 of section 10, township 18 south, range 31 east, Volusia County, Florida, lying northerly and easterly of Lake Helen-Osteen road, right of way as described in official records book 2906, page 1263 of the public records of Volusia County, Florida.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its adoption and is valid for a period not to exceed twenty-four (24) months from the date of adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

\_\_\_\_\_  
JOYCE RAFTERY, CMC, MMC, City Clerk

Approved as to form and legality for use  
and reliance of the City of Deltona, Florida:

\_\_\_\_\_  
GRETCHEN R. H. VOSE, ESQ., City Attorney



# Staff Report

**To:** Planning and Zoning Board  
**From:** Scott McGrath  
**Date:** August 2, 2016  
**Re:** CU16-001, Resolution No. 38-2016, I.M.E.D. Conditional Use

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## A. Summary of Application:

**Applicant:** Pastor Kelly Santos  
I.M.E.D. Church  
P.O. Box 6047  
Deltona, FL 32738

**Request:** The City has received a Conditional Use application for the property located 2745 Lake Helen Osteen Road, to allow a house of worship in the RE-1 Zoning District.

**Tax Parcel No.:** 10-18-31-00-00-0160

**Property Acreage:** ±24.73 Acres

**Property Location:** 2745 Lake Helen Osteen Road

**Legal Description:** THAT PORTION OF THE SOUTH 132 FEET OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 18 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, LYING EAST OF LAKE HELEN-OSTEEN ROAD,

AND

THAT PORTION OF THE NORTH 264 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 18 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, LYING EAST OF LAKE HELEN-OSTEEN ROAD.

AND

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 18 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, LYING NORTHERLY AND EASTERLY OF LAKE HELEN-OSTEEN ROAD, RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 2906, PAGE 1263 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

**B. Existing Zoning: RE-1**

**C. Background:** The City has received a Conditional Use application to allow a house of worship in the RE-1 Zoning District for the property located 2745 Lake Helen Osteen Road. The subject property was issued a 12 month Condition Use on August 4, 2014, stipulating that a Certificate of Occupancy must be issued before the expiration of the Conditional Use. An administrative 12 month extension was granted on August 5, 2015 which expired August 5, 2016. Section 110-1102 of the Land Development Code only allows one extension to be issued. The applicant is seeking a new Conditional Use to replace the one that has expired. Staff is recommending a 24 month conditional use instead of the standard 12 months.

**D. Support Information**

**Public Facilities:**

- a. Potable Water: to be supplied by Deltona Water
- b. Sanitary Sewer: to be supplied by private septic system
- c. Fire Protection: Deltona Fire Station 63
- d. Law Enforcement: Volusia County Sheriff's Office (VCSO)
- e. Electricity: Florida Power and Light (FP&L)

**E. Matters for Consideration:**

Section 110-1102, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for conditional use:

**1. Is the proposed use consistent with the intent of chapter 110-1102?**

Yes, a house of worship is cited as a conditional use in residential zoning district RE-1 and the proposed use is consistent with the purpose and intent of the City's Land Development Code.

**2. Is the proposed use consistent with the Comprehensive Plan?**

Yes, the Comprehensive Plan recommends low density residential uses for this site and the proposed house of worship is compatible with the surrounding land uses.

3. **Will the proposal adversely affect the public interest?**

No, on the contrary, the proposed church is set on a large tract of land and is well buffered from adjacent residential uses.

4. **Can the applicant meet the expressed requirements of applicable City Conditional Use regulations?**

Yes, the project meets or exceeds the expressed requirements of this type of conditional use application per Land Development Code Section 110-817(d).

5. **Will the applicant be able to meet all requirements imposed by federal, state or local governments?**

Yes, it is understood that the applicant will be required to meet and adhere to all such requirements.

6. **Will the proposed use generate undue traffic congestion?**

No. According to the 9<sup>th</sup> Addition to the ITE Manual, a church would generate 36.63 trips per 1,000 square feet on a Sunday. Using this factor, the 21,461 square foot church would generate approximately 786 trips per day. The 2013 Volusia County traffic counts for the segment of Lake Helen Osteen from Haulover to Elkcam Boulevards, where the house of worship is proposed to be located, carries 9,570 Average Annual Daily Trips. At the LOS E threshold, the subject segment has a capacity of 13,640 daily trips available. Therefore, there is sufficient capacity to serve the proposed house of worship.

7. **Will the proposed use create a hazard, public nuisance or be dangerous?**

No, the church use of this property will not cause any hazard, public nuisance or danger.

8. **Will the proposed use materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings?**

No, churches are typically viewed as neighborhood institutions and are generally compatible with residential areas. This use is proposed to be located on a lot that is more than 20 acres in size. In addition, the property has direct access to a thoroughfare road. Finally, significant setbacks and buffer areas will be afforded to adjacent residential properties.

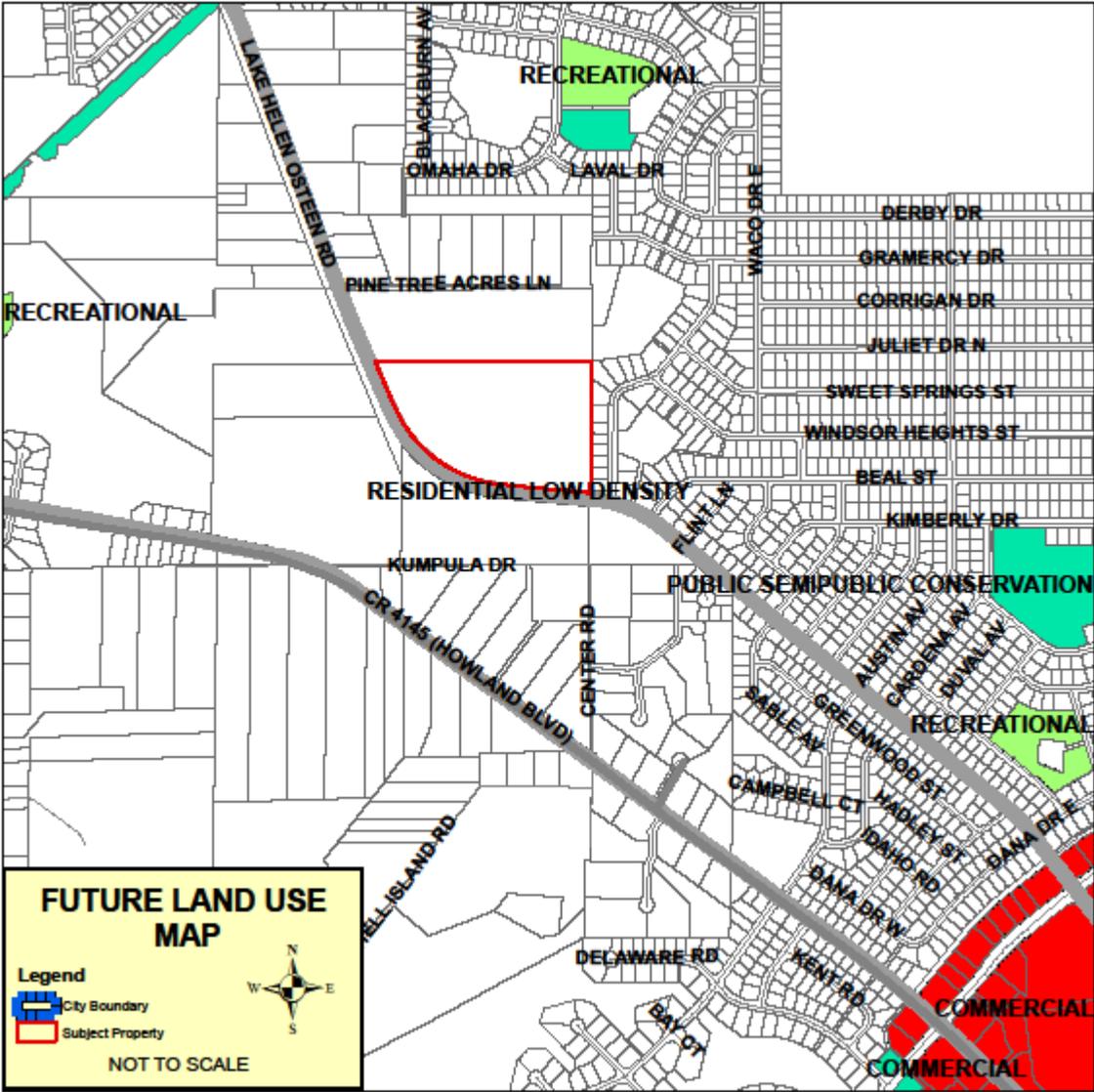
9. **Will the proposed use adversely affect the natural environment, natural resources or scenic beauty or cause excessive pollution?**

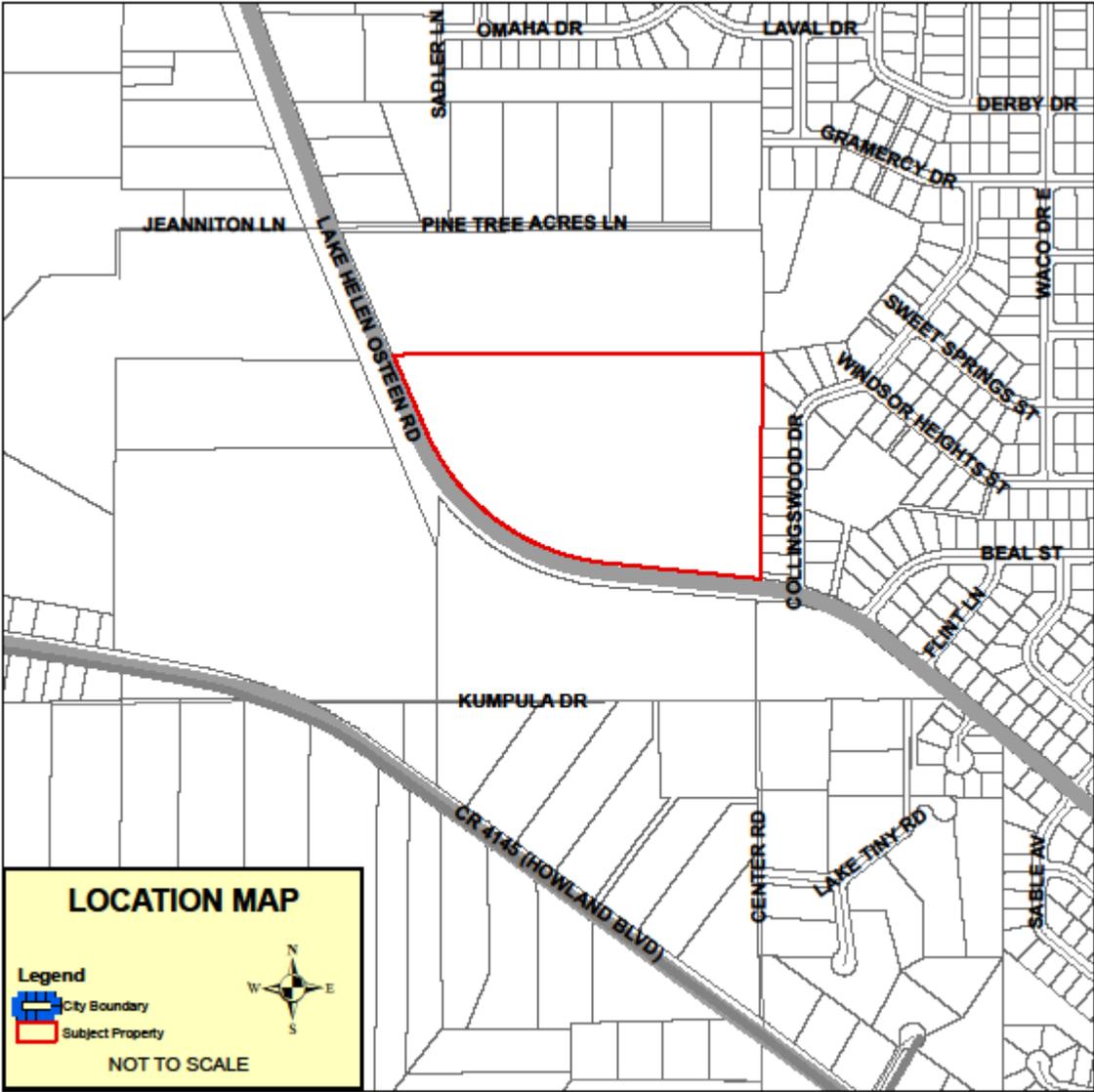
No, the natural setting will be not be adversely affected by this use.

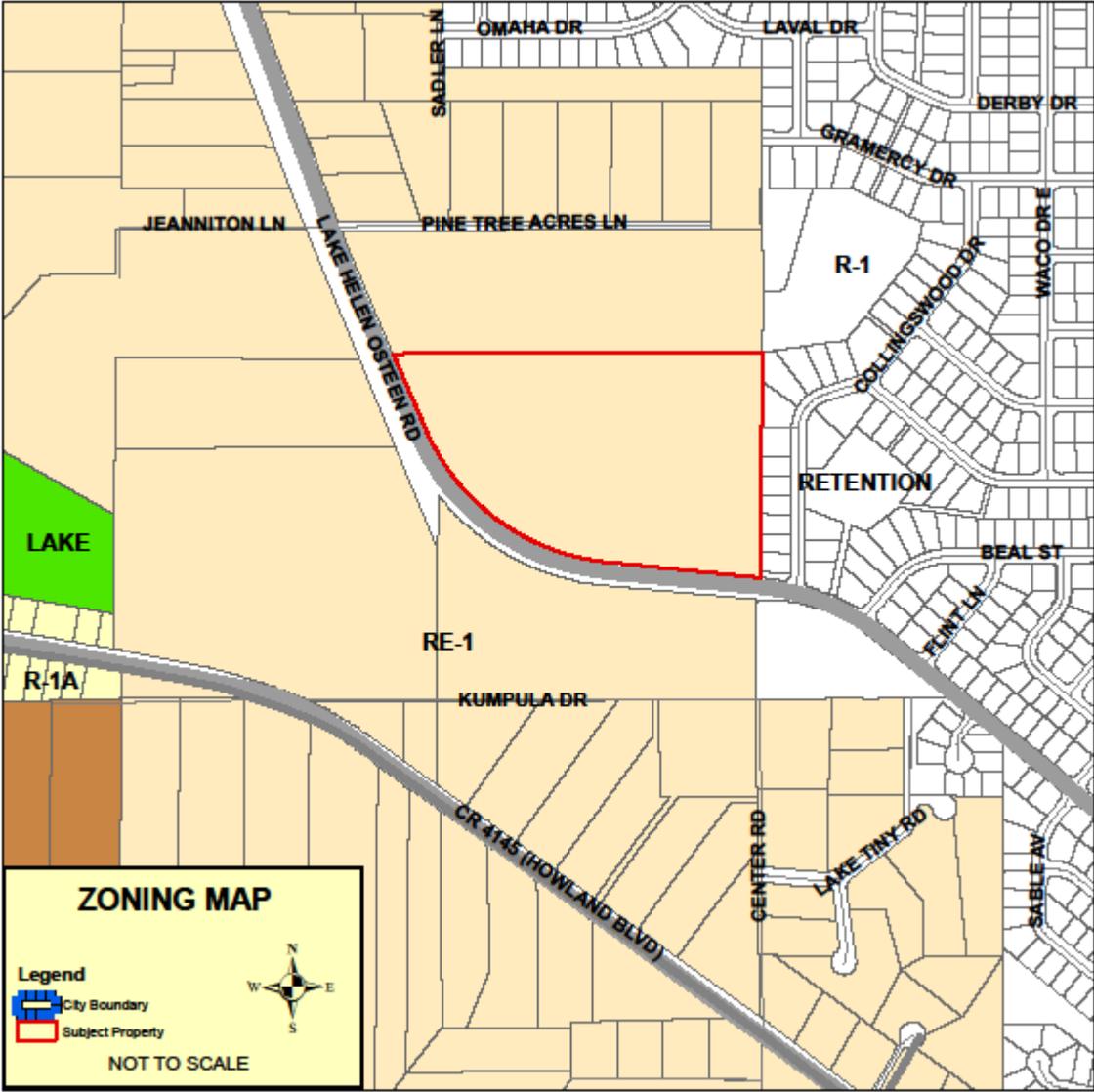
**CONCLUSION/STAFF RECOMMENDATION:**

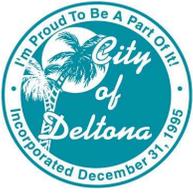
Staff recommends that the Planning and Zoning Board recommend the City Commission approve the 24 month Condition Use as noted in Resolution No. 38-2016.











## Agenda Memo

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**AGENDA ITEM: E.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 9 - E

**SUBJECT:**

Public Hearing - Ordinance No. 12-2016, Comprehensive Plan Amendment adding Tivoli Drive between Saxon Blvd. and Providence Blvd., to the City's Thoroughfare Map, at second and final reading - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.

Strategic Goal: Fiscal Issues: Transportation/CIP (i.e. Tivoli Drive Expansion).

**LOCATION:**

Tivoli Drive between Saxon Blvd. and Providence Blvd.

**BACKGROUND:**

Ordinance No. 12-2016 is for a policy decision to add Tivoli Drive to the City's Thoroughfare Map within the Comprehensive Plan (Comp Plan). This action is only for eligibility of River to Sea Transportation Planning Organization (TPO) grant funding. Any design, permitting, or construction activity will be considered separately from this policy action. On June 20, 2016, the City Commission approved Ordinance No. 12-2016 at first reading, and following the required Large Scale Amendment process, transmitted the ordinance to the Florida Department of Economic Opportunity (DEO) and to the Volusia Growth Management Commission (VGMC). On July 27, 2016, the DEO issued their review letter with no comments and on July 28, 2016, the VGMC provided the City with a Certificate of Consistency and associated VGMC staff report explaining its findings. Thus, the City is able to bring the ordinance forward to the City Commission for second and final reading.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

Planning and Development Services

**STAFF RECOMMENDATION PRESENTED BY:**

Chris Bowley, AICP, Director, Planning and Development Services - Staff recommends that the City Commission adopt Ordinance No. 12-2016, adding Tivoli Drive between Saxon Blvd. and Providence Blvd., to the City's Thoroughfare Map, at second and final reading.

**POTENTIAL MOTION:**

"I hereby move to adopt Ordinance No. 12-2016, adding Tivoli Drive between Saxon Blvd. and

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**AGENDA ITEM: E.**

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Providence Blvd., to the City's Thoroughfare Map, at second and final reading."

**ORDINANCE NO. 12-2016**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE THOROUGHFARE ROADWAY SYSTEM 2025 MAP, THE ROADWAY NUMBER OF LANES 2025 MAP, AND THE ROADWAY NUMBER OF LANES TABLE OF DELTONA'S COMPREHENSIVE PLAN BY ADDING THE SEGMENT OF TIVOLI DRIVE FROM PROVIDENCE BOULEVARD TO SAXON BOULEVARD AS A FOUR LANE THOROUGHFARE; FINDING CONFORMITY WITH STATE STATUTES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELTONA; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Deltona has adopted a Comprehensive Plan through its Ordinance No. 32-98 and subsequent amendments thereto; and

**WHEREAS**, the Deltona Planning and Zoning Board acting as the local planning agency, held a public hearing on March 16, 2016, to consider said Comprehensive Plan amendment; and

**WHEREAS**, the transmittal and adoption public hearings on the proposed Comprehensive Plan Map amendment hereinafter described were duly advertised and held by the City Commission of the City of Deltona, and at such hearings interested parties and citizens for and against the proposed plan amendments were heard; and

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AS FOLLOWS:**

**SECTION ONE:** This Ordinance is adopted in conformity with and pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 et. seq., and the Municipal Home Rule Powers Act, Sections 166.011 et. seq.

**SECTION TWO:** The Thoroughfare Roadway System 2025 Map of the City of Deltona is hereby amended to show Tivoli Drive from Providence Boulevard to Saxon Boulevard as thoroughfare, as depicted in **Exhibit A**.

**SECTION THREE:** The Roadway Number of Lanes 2025 Map of the City of Deltona is hereby amended to show Tivoli Drive from Providence Boulevard to Saxon Boulevard as a four lane road, as depicted in **Exhibit B**.

**SECTION FOUR:** The Roadway Number of Lanes Table 1 is hereby amended to add Tivoli Drive as a four lane road from Providence Boulevard to Saxon Boulevard, as depicted in **Exhibit C**.

**SECTION FIVE:** Any and all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION SIX:** If any provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, the invalidity shall not affect other, provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**SECTION SEVEN:** Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders,

development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY  
OF DELTONA, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016.**

FIRST READING: \_\_\_\_\_

ADVERTISED: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

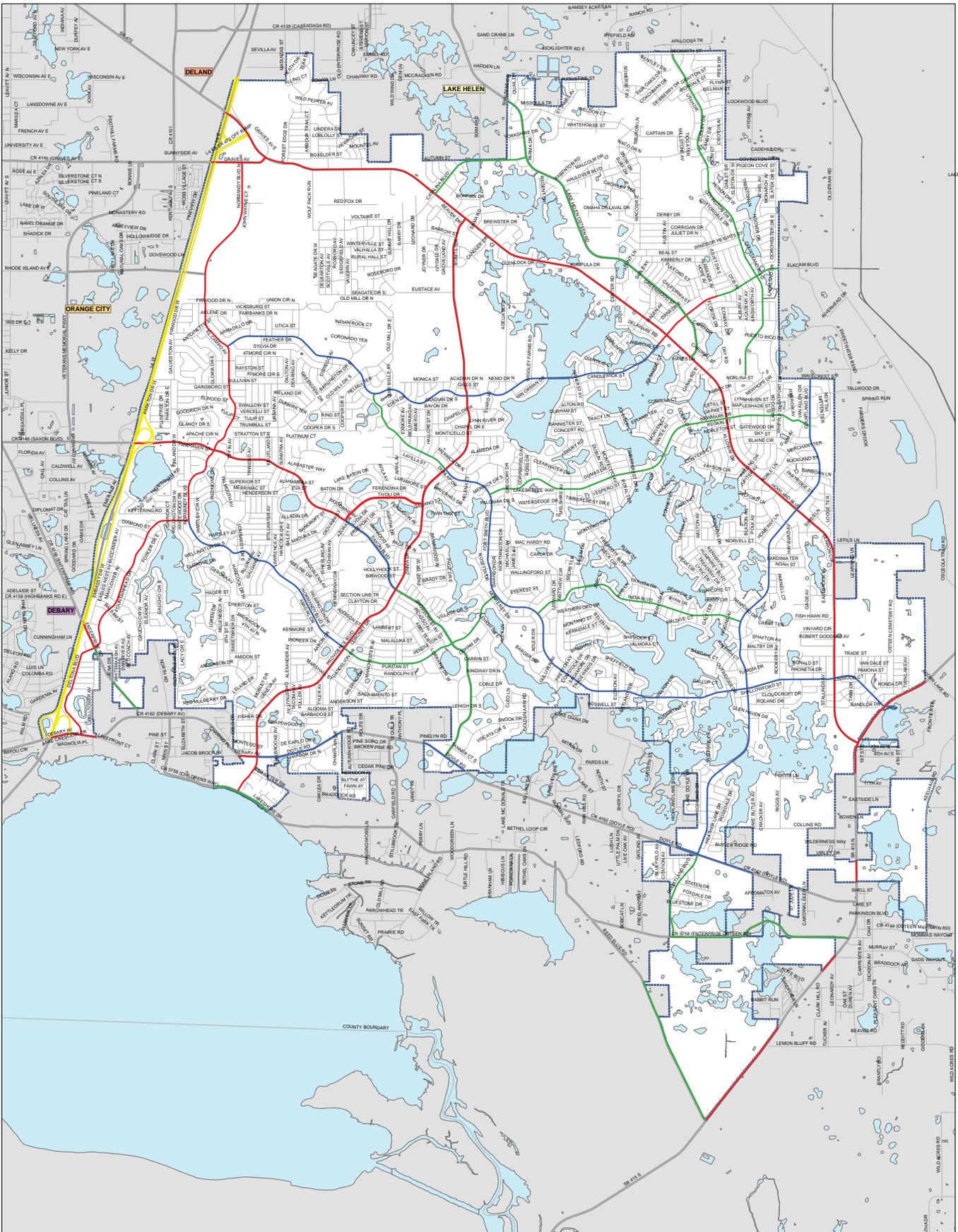
BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Major

ATTEST:

\_\_\_\_\_  
JOYCE RAFTERY, CMC, MMC, City Clerk

Approved as to form and legality for use and  
reliance by the City of Deltona, Florida

\_\_\_\_\_  
GRETCHEN R.H. VOSE, City Attorney



**THOROUGHFARE DESIGNATIONS MAP**  
**PREPARED BY:**  
**CITY OF DELTONA**  
**PLANNING AND DEVELOPMENT SERVICES**  
**2345 PROVIDENCE BLVD., DELTONA, FL, 32725**  
**PHONE: (386) 878-8600 FAX: (386) 878-8601**

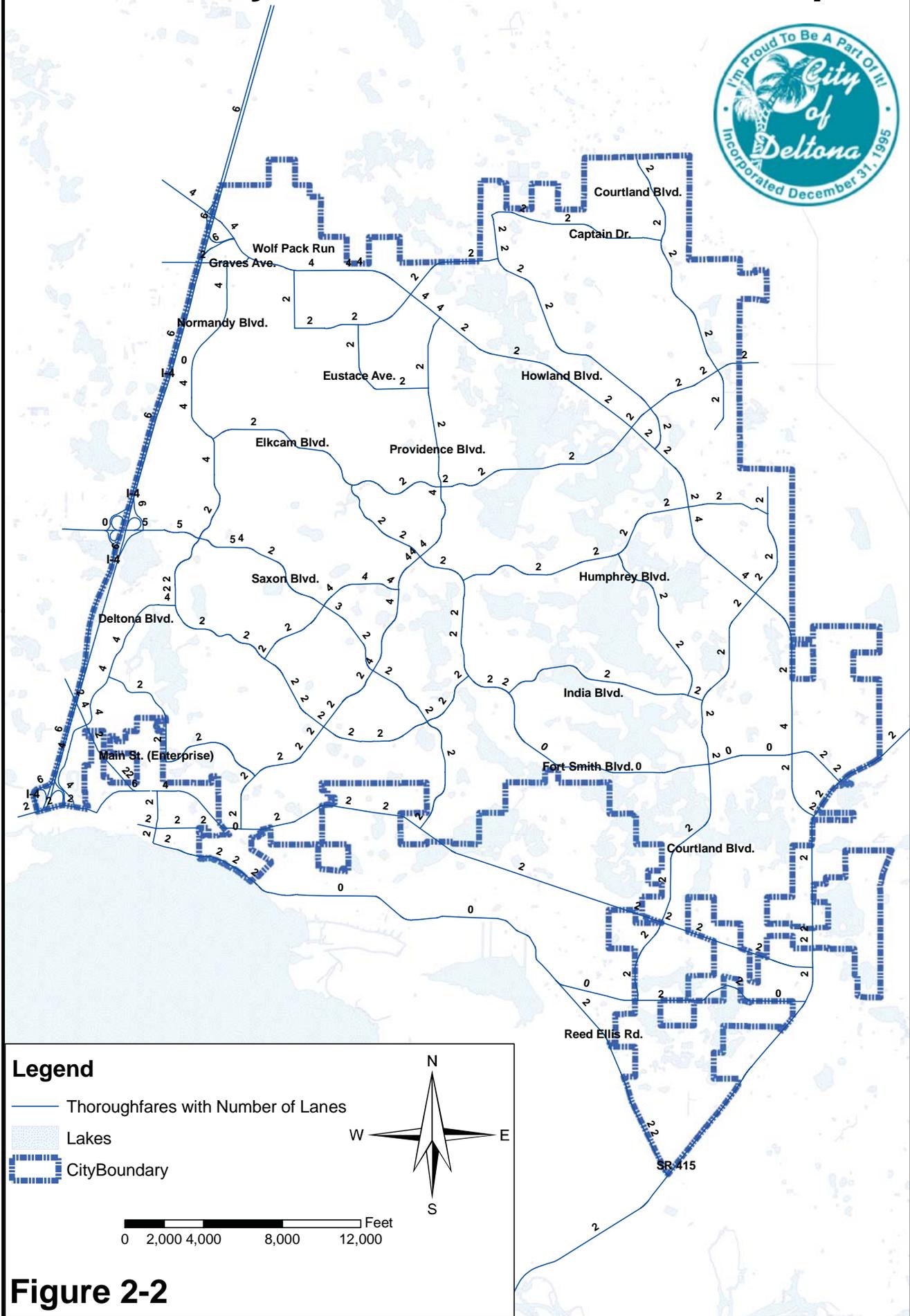
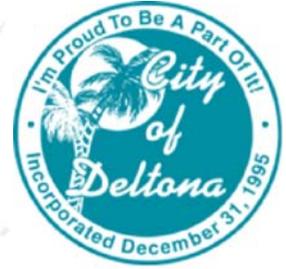
**SHEET NO.** 1 of 1  
**DRAWN BY:** SHERRI CAMPBELL  
**UPDATED:** 01/11/2016  
**APPROVED BY:** CHRIS BOWLEY, AICP  
**DIRECTOR PLANNING AND DEVELOPMENT SERVICES**

- Legend**
- CITY T-FARE DESIGNATIONS**
- Interstate
  - Principal Arterial
  - Minor Arterial
  - Collector
  - County
  - Streets
  - City Boundary
  - Lakes

GIS MAP DISCLAIMER:  
 THIS MAP IS NOT TO BE USED FOR TRANSFER OF PROPERTY AND DOES NOT REPRESENT A SURVEY.  
 This map was created by the City of Deltona staff using data gathered by the City and Volusia County. No warranties involving a risk of economic loss or physical injury should be made in reliance on the Map nor should it be used as a substitute for a survey. The information provided on this document should be used as a guide only. The City of Deltona shall not be held liable for any claim for any loss or damage as a result of reliance on the information contained in this document.  
 Please report any inaccuracies to the City of Deltona GIS Department at 386-878-8600.  
 Deltona, Steve Phipps, NADEN HARRN

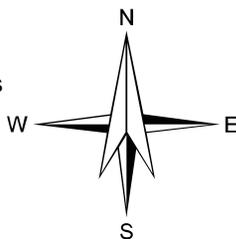


# Roadway Number of Lanes 2025 Map



## Legend

- Thoroughfares with Number of Lanes
- Lakes
- - - City Boundary



0 2,000 4,000 8,000 12,000 Feet

Figure 2-2

# EXHIBIT C

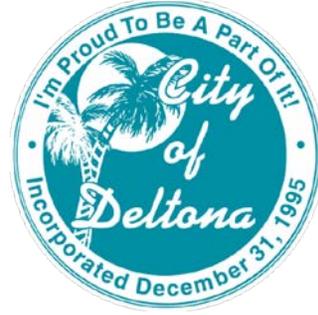
DRAFT  
1/11/2016

## ROADWAY NUMBER OF LANES

### TABLE 1

Street Segment	Current Number of Lanes	2025 Number of Lanes
Howland -I-4 to Graves	4	6
Howland - Graves to Providence	4	4
Howland - Providence to Elkcam	2	4
Howland - Elkcam to Courtland	4	4
Howland - Courtland to Tabb	2	4
Howland - Tabb to SR 415	4	4
Lake Helen Osteen - Captain to Elkcam	2	2
Lake Helen Osteen - Elkcam to Howland	2	3
India - Howland to Ft. Smith	2	2
Newmark - Howland to Ft Smith	2	2
Elkcam - Normandy to Howland	2	2
Elkcam - Howland to Lk Helen Osteen	2	4
Providence - Howland to Ft. Smith	2	4
Providence - Ft. Smith to Tivoli	4	4
Providence - Tivoli to Normandy	2	4
Providence - Normandy to Sacramento	3	4
Providence - Sacramento to Doyle	2	4
Saxon - I-4 to Normandy	5	5
Saxon - Normandy to Tivoli	5	5
Saxon - Tivoli to Providence	2	3
Saxon - Providence to E. Normandy	2	2
Saxon - E. Normandy to Doyle	2	2
N. Normandy - Graves to Firwood	2	5
N. Normandy - Firwood to Elkcam	4	4
N. Normandy - Elkcam to Saxon	4	4

Street Segment	Current Number of Lanes	2025 Number of Lanes
N. Normandy - Saxon to Deltona	2	3
E. Normandy - Deltona to Tivoli	2	3
E. Normandy - Tivoli to Providence	2	3
E. Normandy - Providence to Saxon	2	2
E. Normandy - Saxon to Ft. Smith	2	2
Ft. Smith - Elkcam to Providence	2	3
Ft. Smith - Providence to Newmark	2	3
Ft. Smith - Newmark to E. Normandy	2	3
Ft. Smith - E. Normandy to India	3	3
Ft. Smith - India to Courtland	3	3
Ft. Smith - Courtland to Howland	2	3
Ft. Smith - Howland to SR 415	2	3
Courtland - Beckwith to Chamberlain	2	2
Courtland - Wavecrest to Howland	2	2
Courtland - Howland to India	2	3
Courtland - India to Ft. Smith	2	5
Courtland - Ft. Smith to Doyle	2	4
Deltona - N. Normady to Enterprise	4	4
Deltona - Doyle/Dirkson to Enterprise	3	3
Doyle (Dirkson) - I-4 to Providence	4	4
Doyle - Providence to Saxon	2	4
Doyle - Saxon to SR 415	2	4
Enterprise - I-4 to Deltona	4	4
Enterprise - Deltona to Doyle	2	2
<u>Tivoli – Providence to Saxon</u>	<u>2</u>	<u>4</u>



# Staff Report

**To:** Planning and Zoning Board

**From:** Ron A. Paradise, Assistant Director Planning and Development Services

**Date:** February 24, 2016

**Re:** Comprehensive Plan Amendment, Ordinance No. 12-2016

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**A. Summary of Application:** The request to amend the City of Deltona Comprehensive Plan to add a 0.8 mile segment of Tivoli Dr. between Saxon Blvd. and Providence Blvd. on the City Thoroughfare Map as a Principal Arterial and recognize the road as a future four lane facility on both the Comprehensive Plan Number of Lanes Map and Roadways Number of Lanes Table.

**Applicant:** City of Deltona

**Request:**

**Property Location:** 0.8 mile segment of Tivoli Dr, located between Saxon Blvd. and Providence Blvd.

**B. Existing Zoning:** Most of the corridor of Tivoli Dr. is zoned R-1. There is a C-1 zoned area located at the intersection of Tivoli Dr. and Providence Blvd.

**C. Background:**

Tivoli Dr. is located in the center of the City and extends from Providence Blvd. to Normandy Blvd. However, this Comprehensive Plan amendment covers only the segment of Tivoli Dr. located between Saxon Blvd. and Providence Blvd. because of the existing volumes of traffic on that segment at certain times of the day. The subject segment of Tivoli Dr. was platted as part of Unit 7 and Unit 14 of the Deltona Lakes subdivision in the early 1960's. Tivoli Dr. was platted as a 70' wide right of way but a two lane roadway was constructed which is still in use today. The subject segment of Tivoli Dr. is depicted on the attached location map.

Most of the local roads in Deltona feature 60' right of way widths. The 70' right of way width indicates that the subject segment of Tivoli Dr. was intended to be improved/expanded to support future transportation needs as the community grew. Notwithstanding there was anticipation the subject segment of Tivoli Dr. would be improved beyond just a two lane facility, the majority of Tivoli Dr. is flanked by individual residential lots with individual driveway cuts onto the road. The only non-residential land uses along the subject segment of Tivoli Dr. are the commercial corners located at the Tivoli Drive and Providence Blvd. intersection.

Tivoli Dr., as platted, was contemplated as an east/west connection between two major thoroughfares – Saxon Blvd. and Providence Blvd. Originally, Tivoli Dr. provided access to I-4 via Deltona Blvd. for development occurring along the Providence and Ft. Smith Blvd. corridors. Currently, Tivoli Dr. represents a connection to shopping and service venues developed along Saxon Blvd. extending into the Orange City area. Tivoli Dr. is also used as an alternative access to Spirit Elementary School. Growth and development in the vicinity of the subject Tivoli Dr. segment has and will impact Tivoli Dr. Examples include the new Wal-Mart Neighborhood Center, ancillary retail space near the Wal-Mart, and the Florida Hospital medical clinic. Bethune Cookman University has established an auxiliary campus within an existing office complex located off of Saxon Blvd. near the Tivoli Dr. and Saxon Blvd. intersection. New residential activity such as Lake Baton Estates is also occurring near the Saxon Blvd. to Providence Blvd. segment of Tivoli Dr. In addition, there is other vacant land entitled for residential uses in the vicinity of the subject segment of Tivoli Dr. which will, when developed, generate additional trips onto Tivoli Dr.

In the 1990's, the Saxon Blvd./I-4 interchange was constructed providing another much needed Deltona outlet to the interstate. The interchange development was also associated with Saxon Blvd. being upgraded to five lanes between Tivoli Dr. and the interchange. The direct connection to Interstate 4 and greatly enhanced mobility afforded by the Saxon Blvd. lane expansion has led to an increased reliance on Tivoli Dr. for internal traffic circulation.

These dynamics, in conjunction with high population growth rates within the City has created a condition where traffic congestion, especially during am and pm peak hours is common, and typically manifests as lengthy traffic queues at the signalized intersections of Tivoli Dr. and Providence Blvd. and Saxon Blvd. Traffic congestion is further exacerbated by a plethora of residential driveway cuts and related turning maneuvers. Occurring at less frequent intervals, trash pick-up and mail delivery further complicate mobility along the subject segment of Tivoli Dr.

## **D. Support Information**

### **Public Facilities:**

- a. Potable Water: to be supplied by City of Deltona Utilities
- b. Sanitary Sewer: to be supplied by City of Deltona Utilities
- c. Fire Protection: Fire station on Providence Blvd. is the nearest fire station.
- d. Law Enforcement: Volusia County Sheriff's Office (VCSO)
- e. Electricity: N/A

## **E. Matters for Consideration:**

Section 110-1101, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for amendments to the Comprehensive Plan:

### **1. Whether it is consistent with all adopted elements of the Comprehensive Plan.**

Recognizing the subject segment of Tivoli Dr. as a four lane thoroughfare facility is intended to maintain and improve mobility within the City and is consistent with the Comprehensive Plan. The following provisions are applicable:

#### **Policy T1-1.3**

*The City of Deltona shall maintain a City-wide network of thoroughfare and related transportation system corridors. 9J-5.019(4)(c)(4)*

The purpose of this amendment to recognize Tivoli Dr. between Saxon Blvd. and Providence Blvd. as a four lane thoroughfare is an effort to maintain the City transportation network. The Tivoli Dr. Thoroughfare designation is intended to help ensure the City road network continues to operate effectively and efficiently.

#### **OBJECTIVE T1-3**

*The City of Deltona shall continue to coordinate with other local governments, the MPO, and other entities to provide a coordinated system of arterials, collectors, and local streets.  
9J-5.019(4)(b)(3)*

The Federal Highway Administration considers the subject segment of Tivoli Dr. and as an 'Urban Major Collector' on the Federal Functional Highway Classification System. The "Urban Major Collector" designation implies the subject segment of Tivoli Dr. serves a greater function than just a local road. The

inclusion of the Tivoli Dr. segment between Saxon Blvd. to Providence Blvd. would further the above Objective.

**2. Its impact upon the environment or natural resources.**

The 0.8 mile segment of Tivoli Dr. proposed for inclusion as a thoroughfare extends through an area that is developed almost exclusively with detached dwellings on individual lots. Therefore, the impact on natural resources would be non-applicable.

**3. Its impact upon the economy of any affected area.**

Mobility is important to the economic well-being of any community. Recognizing the subject segment of Tivoli Dr. as a four lane thoroughfare will set the stage for improved access in the area which could enhance economic opportunity within various commercial nodes located within the City.

**4. Notwithstanding the provisions of Article XIV of the Land Development Code, Ordinance No. 92-25 [Chapter 86, Code of Ordinances] as it may be amended from time to time, its impact upon necessary governmental services, such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.**

**a. Schools:**

N/A

**b. Sewage Disposal:**

N/A

**c. Potable Water:**

N/A

**d. Drainage:**

All drainage will be designed and permitted consistent with City other applicable government regulations.

**e. Transportation Systems**

As has been mentioned, traffic along the subject segment of Tivoli Dr. has increased with much of the congestion driven by community population growth. According to 2015 traffic counts, the segment of Tivoli Dr. between Saxon Blvd. and Providence Blvd. supported 12,359 average annual daily trips (AADT). For comparison, in 2013 the same Tivoli Dr. segment was associated with 11,058 recorded AADT. The difference is represented by a 12% increase in trips.

Currently, the subject segment of Tivoli Dr. has almost exceeded the Comprehensive Plan level of service “D” for a local road (12,740 AADT) and will undoubtedly surpass the LOS “D” threshold in the very near future. This statement is predicated on City growth projections promulgated by the Shimberg Center for Housing, University of Florida. Table 1 below indicates future growth trends in the City through the 2025 planning horizon:

**Table 1**

<b>Year:</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>
<b>Total Population Deltona:</b>	87,367	92,995	98,018
<b>% Change from 2015 Population:</b>	-----	6.4	12.2

Source: Shimberg Center for Housing, University of Florida

The above population projections suggest more traffic not only on the study segment of Tivoli Dr., but throughout the City as a whole. Therefore, to quantify future traffic demands on Tivoli Dr. between Saxon Blvd. and Providence Blvd. the trip ends were projected for two year intervals until 2025 utilizing a traffic growth rate (multiplier of 1.117). The 1.117 multiplier was derived from the 11.7% growth rate of traffic along the subject segment of Tivoli Dr. observed between 2013 and 2015. Table 2 below illustrates the projected trips on Tivoli Dr.

**Table 2**

<b>Year:</b>	<b>2013</b>	<b>2015</b>	<b>2017</b>	<b>2019</b>	<b>2021</b>	<b>2023</b>	<b>2025</b>
Projected Trips on Tivoli (1.117 Multiplier)	11,058	12,359	13,805	15,420	17,224	19,240	21,491

Source: City of Deltona Planning and Development Services

Table 2 above indicates, that by 2017, the segment of Tivoli Dr. between Saxon Blvd. and Providence Blvd. will exceed the present LOS of “D” reserved for local roads. In addition, in 2017, the projected 13,805 trips will surpass the level of service “E” trip capacity (13,640 AADT) associated with

City two lane thoroughfare facilities. Furthermore, by 2025 over 21,000 trips are forecasted for the study segment of Tivoli Dr. and to support the 2025 trip projection, Tivoli Dr. would need to be improved to increase capacity. Such improvements will include, at minimum, lane mile expansion and intersection redesigns.

**5. Any changes in circumstances or conditions affecting the area.**

Changes in traffic rates associated with Tivoli Dr. between Saxon Blvd. and Providence Blvd. have been documented elsewhere in this report which clearly indicates changed conditions along the subject segment of Tivoli Dr.

**6. Any mistakes in the original classification.**

No known mistakes.

**7. Its effect upon the public health, welfare, safety, or morals.**

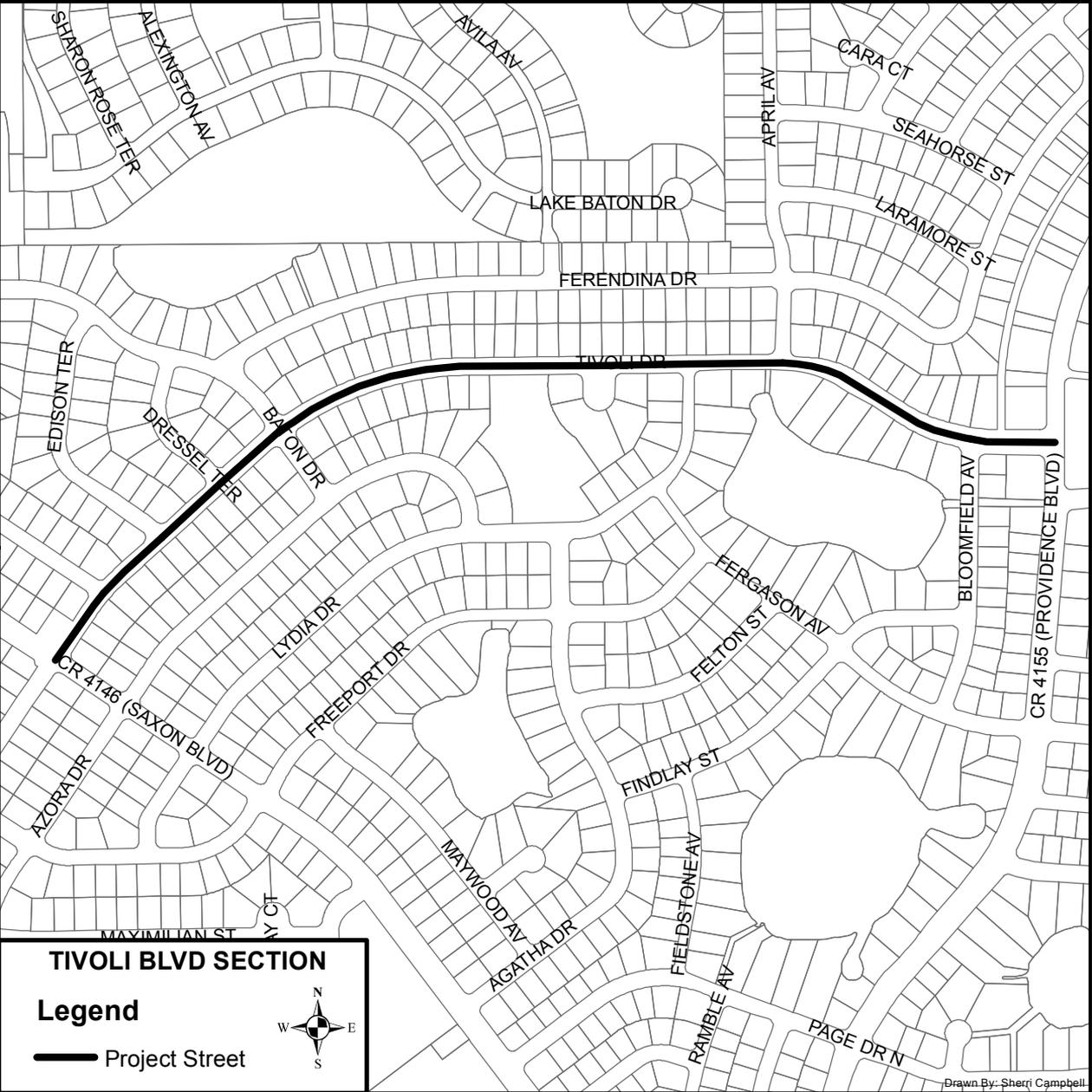
The proposal to recognize Tivoli Dr. from Saxon Blvd. to Providence Blvd. will not be counter to the public health, welfare, safety or morals of the City.

**CONCLUSION/STAFF RECOMMENDATION:**

Since Tivoli Dr. connects two Principal Arterials (Saxon Blvd. and Providence Blvd.) and is an essential part of the City transportation network, the subject segment of Tivoli Dr. needs to be considered a Principal Arterial on the City Thoroughfare Map. Based on the projected 2025 AADT of over 21,000 trips, the City is proposing that the segment of Tivoli Dr. between Saxon Blvd. and Providence Blvd. appear on the Comprehensive Plan Roadway Number of Lanes 2025 Map as a four lane facility.

From a planning perspective, recognizing Tivoli Dr. between Saxon Blvd. and Providence Blvd. as a Comprehensive Plan Thoroughfare establishes a linkage between City capital initiatives and established policy. Also, Tivoli Dr. is considered an Urban Major Collector under the Federal Highway Administration Classification nomenclature. The Federal designation certainly indicates Tivoli Dr. is more than a local road. The proposed amendment essentially recognizes the status of Tivoli Dr. as being a facility that carries high traffic volumes and is integral to meeting appropriate mobility expectations of the City and greater southwest Volusia area. Finally, the designation of the subject segment of Tivoli Dr. as a Thoroughfare facility will expand funding opportunities and options through grants.

City Staff recommends that the Planning and Zoning Board recommend the City Commission transmit the Comprehensive Plan that recognizes Tivoli Dr. between Saxon Blvd. and Providence Blvd. as a Principal Arterial on the Thoroughfare Map and also includes the subject segment of Tivoli Dr. as a four lane facility on the Roadway Number of Lanes Map and Roadway Number of Lanes Table.



**TIVOLI BLVD SECTION**

**Legend**

 Project Street





## Volusia Growth Management Commission

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July 28, 2016

Chris Bowley, AICP  
Director of Planning & Development Services  
City of Deltona  
2345 Providence Boulevard  
Deltona, FL 32725

**RE: VGMC Case #16-039, City of Deltona, City Ordinance No. 12-2016  
Certificate of Consistency**

Dear Mr. Bowley,

VGMC Case #16-039 qualifies for certification in accordance with Chapter 90, Article II. of the Volusia County Code of Ordinances, Volusia Growth Management Commission Consistency Certification Rules and Organization. Based upon the review by VHB and lack of objection filed by another unit of local government, VGMC Case #16-039 is hereby deemed certified as consistent without the need for a public hearing.

The Volusia Growth Management Commission appreciates the efforts of the City of Deltona to further intergovernmental cooperation and coordination in Volusia County. If you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,

James Wachtel  
Chairman

cc: FDEO



# Memorandum

**DATE:** July 26, 2016 **PROJECT NO.:** 62421.00  
**TO:** James Wachtel, VGMC Chairman  
**FROM:** Erika Hughes, VGMC Planner *EH*  
**CC:** Merry Chris Smith, Operations Manager  
Heather Ramos, VGMC Legal Counsel  
**SUBJECT:** VGMC Planning Report: Case No. 16-039 – City of Deltona  
City Ordinance No. 12-2016

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## Introduction

The purpose of this memorandum is to provide a summary of the proposed amendment and a determination by the VGMC planning staff of whether or not, according to the information provided by the submitting unit of local government, there may reasonably be significant adverse impacts as a result of the amendment.

## Summary

VGMC Case #16-039 – City of Deltona was received by VGMC Staff and deemed complete on June 29, 2016. In accordance with VGMC requirements, the case has been reviewed based on the information provided in the application; a summary has been provided below:

1. The request is for an amendment to Figure 2-1, Thoroughfare Roadway System 2025 Map, Figure 2-2, Roadway Number of Lanes 2025 Map and Table 1, Roadway Number of Lanes 2025 exhibits of the City of Deltona's Comprehensive Plan. The application specifically proposes to designate a 0.8 mile segment of Tivoli Drive between Saxon Boulevard and Providence Boulevard as a Principal Arterial on the City's Thoroughfare Map and recognize the road as a future four lane facility on both the Comprehensive Plan Number of Lanes Map, Figure 2-2 and Roadways Number of Lanes Table, Table 1.
2. Currently Tivoli Drive is a 2-lane roadway classified as a Major Collector – Urban with an adopted Level of Service (LOS) of D and a daily capacity of 10,660 daily trips. Based on Volusia County traffic counts, the 2015 Average Annual Daily Trips (AADT) is listed at 12,360 trips with a daily LOS of E.
3. Low density residential future land use designations are along the north and south sides of Tivoli Drive with some commercial at the Providence Boulevard intersection. Zoning classifications

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Engineers | Scientists | Planners | Designers



correlate with the FLU designations, as R-1 flanks both the north and south side of the corridor, and C-1 at the Providence Boulevard intersection.

4. Tivoli Drive was platted as a seventy (70) foot right-of-way in the early 1960's but only a 2-lane roadway was constructed. The Saxon Boulevard/I-4 interchange was then constructed in the 1990's providing the City an additional connection to I-4. Saxon Boulevard was improved to five lanes between Tivoli Drive and the new interchange, which, over time, has led to an increase of dependence on Tivoli Drive for traffic circulation.
5. The surrounding area of Tivoli Drive has seen a steady increase in development, both residential and non-residential, which generates additional trips for Tivoli Drive. This increase is evident in the 2015 traffic counts for the roadway and the almost 12% historical growth in trips Tivoli Drive has experienced.

## Findings

Upon review of the information provided by the City of Deltona, it may be concluded that:

1. All adjacent and affected local governments have been properly notified by the City of Deltona of the changes to the proposed Large Scale Amendment.
2. The proposed amendment to amend the City of Deltona's Comprehensive Plan to add a 0.8 mile segment of Tivoli Drive between Saxon Boulevard and Providence Boulevard on the City Thoroughfare Map as a Principal Arterial and recognize the road as a future four lane facility on both the Comprehensive Plan Number of Lanes Map and Roadway Number of Lanes table is consistent with the City's Comprehensive Plan. The additional capacity will provide relief for the area residents and increase internal traffic circulation. Therefore, the proposed City of Deltona, City Ordinance 12-2016 large scale amendment, VGMC Case No. 16-039 City of Deltona, is not anticipated to result in negative impacts on adjacent local governments in Volusia County.

In accordance with Volusia County Code Section 90-35(d)(2), units of local government have until July 27, 2016 (28 days from the date the application was deemed complete) to file an objection to this comprehensive plan amendment with the VGMC.

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

July 27, 2016

The Honorable John C. Masiarczyk, Sr.  
Mayor, City of Deltona  
City Hall, 2345 Providence Boulevard  
Deltona, Florida 32725

Dear Mayor Masiarczyk:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Deltona (Amendment 16-1ESR), which we received on June 27, 2016. We reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that would be adversely impacted by the amendment if adopted.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City considers appropriate changes to the amendment(s) based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment(s) after adoption.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

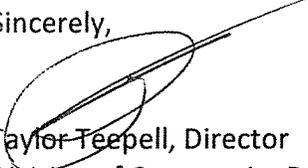
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Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Barbara Lenczewski, Planning Analyst at (850) 717-8502 or by email at [Barbara.Lenczewski@deo.myflorida.com](mailto:Barbara.Lenczewski@deo.myflorida.com).

Sincerely,

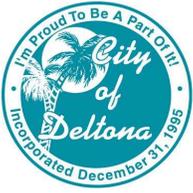


Taylor Teepell, Director  
Division of Community Development

TT/bl

Enclosure(s): Procedures for Adoption

cc: Ron Paradise, Assistant Director, Planning and Development Services, City of Deltona  
Hugh Harling, P.E., Executive Director, East Central Florida Regional Planning Council



## Agenda Memo

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**AGENDA ITEM:** F.

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 9 - F

**SUBJECT:**

Public Hearing - Ordinance No. 26-2016, Deltona Free Standing Emergency Room BPUD (RZ16-001), at second and final reading - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.

Strategic Goal: Economic Development - Focus on Howland Blvd. as the gateway for commercial growth.

**LOCATION:**

North of Graves Ave. and south of Howland Blvd. within the Deltona Activity Center.

**BACKGROUND:**

The applicant, Central Florida Regional Hospital, is proposing a rezoning action to allow for a free standing emergency room within the Deltona Activity Center through Ordinance No. 26-2016. A new Business Planned Unit Development (BPUD) is proposed to be created through the attached Development Agreement and Master Development Plan (MDP). The proposed ±3.24-acre site is to be subdivided from an overall ±28-acre parent tract for the purpose of constructing a free standing emergency room (a.k.a. an emergency care facility). The attached DA outlines the proposed development program and infrastructure improvements for the project.

At the July 20, 2016, Planning & Zoning Board meeting, there was discussion and representation from legal counsel both for and against the project. The Board voted 7-0 to recommend that the City Commission adopt Ordinance No. 26-2016. On August 15, 2016, the City Commission heard the ordinance and held discussion concerning access management and proposed development program limiting the intensity of the site. The City Commission voted 4-2 to approve the ordinance with the provision that access management concerns could be addressed between the first and second reading of the ordinance. Staff met with the applicant and land owner and learned of additional alternatives for access management. With the ultimate goal of providing safe ingress and egress, the attached Development Agreement was updated to include language listed below that addresses that discussion and for the applicant to provide a safe access management option at the final site plan review and Volusia County Use Permit application:

*Safe access management for the public health, safety, and welfare is an expectation of the City and is recognized by the applicant as a needed requirement for development. Therefore, the applicant will be required to provide safe and efficient right-in/right-out movement or facilitate off-site connection to the existing traffic signal at the Graves Ave./N. Normandy Blvd. intersection. The final design to ensure safety will be addressed at the final site plan and Volusia County Use Permit application*

---

**AGENDA ITEM: F.**

---

*processes with City and County staff.*

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

Planning and Development Services

**STAFF RECOMMENDATION PRESENTED BY:**

Chris Bowley, AICP, Director, Planning and Development Services - Staff recommends that Ordinance No. 26-2016 be adopted by the City Commission, at second and final reading.

**POTENTIAL MOTION:**

"I hereby move to adopt Ordinance No. 26-2016, Deltona Free Standing Emergency Room BPUD (RZ16-001), at second and final reading."

**ORDINANCE NO. 26-2016**

**AN ORDINANCE OF THE CITY OF DELTONA AMENDING THE OFFICIAL ZONING MAP TO REZONE APPROXIMATELY 3.24 ACRES OF LAND LOCATED IN THE SOUTHWEST CORNER OF THE INTERSECTION OF HOWLAND BLVD. AND GRAVES AVENUE FROM CITY OF DELTONA BUSINESS PLANNED UNIT DEVELOPMENT TO A NEW CITY OF DELTONA BUSINESS PLANNED UNIT DEVELOPMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS**, the City of Deltona, Florida has received an application to rezone approximately 3.24 acres from City Business Planned Unit Development (BPUD) to City Business Planned Unit Development (BPUD); and

**WHEREAS**, the City of Deltona, Florida and its Land Planning Agency have complied with the requirements of the Municipal Home Rule Powers Act, sections 166.011 et. seq., Florida Statutes, in considering the proposed BPUD rezoning; and

**WHEREAS**, after said public hearing, the City Commission of the City of Deltona, Florida, has determined that the BPUD zoning is consistent with the Comprehensive Plan of the City of Deltona, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:**

**Section 1.** Located in the City of Deltona, Florida the following property is hereby rezoned to BPUD:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 70, YOURLANDO FARMS AND GROVES PLAT (PLAT BOOK 10, PAGES 227 AND 228 OF THE OFFICIAL RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF PLATED LOT 70, NORTH 00°18'37" WEST A DISTANCE OF 10.10 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF GRAVES AVENUE AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, NORTH 89°23'10" WEST A DISTANCE OF 292.39 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE, NORTH 00°37'08" EAST A DISTANCE OF 381.01 FEET; THENCE NORTH 89°22'52" WEST A

DISTANCE OF 50.00 FEET; THENCE NORTH 00°37'08" EAST A DISTANCE OF 150.00 FEET; THENCE NORTH 55°56'49" EAST A DISTANCE OF 114.36 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF HOWLAND BLVD (S.R. 472); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE ALONG A CURVE TO THE LEFT AND BEING CONCAVE NORTH EAST HAVING A RADIUS OF 1748.64 FEET, A CENTRAL ANGLE OF 12°32'22" AND AN ARC LENGTH OF 382.70 FEET, THE CHORD OF SAID CURVE BEARS SOUTH 38°58'46" EAST A DISTANCE OF 381.93 FEET TO THE AFOREMENTIONED EASTERLY LINE OF LOT 70; THENCE SOUTH 00° 18'37" EAST A DISTANCE OF 301.79 FEET TO THE POINT OF BEGINNING

**Section 2.** This Ordinance is adopted in conformity with and pursuant to the Comprehensive Plan of the City of Deltona, the Local Government Planning and Development Act, sections 163.161 et. seq., Florida Statutes, and the Municipal Home Rule Powers Act sections 166.011 et. seq., Florida Statutes.

**Section 3.** Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 4.** Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications of this Ordinance which can be given effect without the invalid provision or application.

**Section 5.** Effective Date. This Ordinance shall take effect upon the signing by the property owner of the Development Agreement associated with this Ordinance and the recording of such Development Agreement among the Public Records of Volusia County, and if such Development Agreement has not been signed and recorded within sixty (60) calendar days after the second reading of this Ordinance, this Ordinance shall be null and void and shall never become effective.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DELTONA, FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

First Reading: \_\_\_\_\_

Advertised: \_\_\_\_\_

Second Reading: \_\_\_\_\_

BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

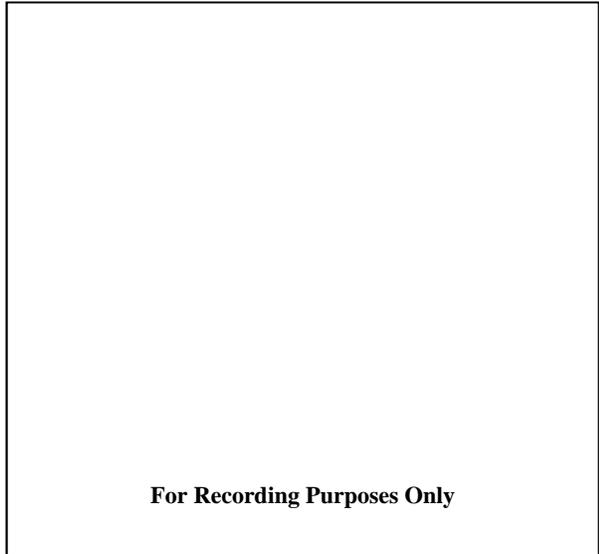
\_\_\_\_\_  
JOYCE RAFTERY, CMC, MMC City Clerk

Approved as to form and legality  
for use and reliance of the City of  
Deltona, Florida

\_\_\_\_\_  
GRETCHEN R. H. VOSE, ESQ, City Attorney

**THIS INSTRUMENT PREPARED BY  
AND AFTER RECORDING RETURN TO:**

Gretchen R. H. Vose, Esq.  
City Attorney  
City of Deltona  
2345 Providence Boulevard  
Deltona, Florida 32725



**Exhibit “A” to Ordinance No. 26-2016**

**DEVELOPMENT AGREEMENT**

for the project known as the Deltona Freestanding Emergency Room (FSER) Business Planned Unit Development (BPUD) located at the southwest corner of Graves Avenue and Howland Boulevard (hereinafter referred to as the “Subject Property”).

THIS DEVELOPMENT AGREEMENT (hereinafter referred to as the “Agreement”) is entered into and made as of the \_\_\_ day of \_\_\_\_\_, 2016, by and between the CITY OF DELTONA, a Florida municipal corporation, with a mailing address of 2345 Providence Boulevard, Deltona, Florida 32725, (hereinafter referred to as the “City”), and I-4 Howland Investments, LLC, (hereinafter referred to as the “Owner”), and Central Florida Regional Hospital, (hereinafter referred to as the “Developer.”)

**W I T N E S S E T H**

**WHEREAS**, the Owner warrants that it holds legal title to the lands located in Volusia County, Florida, and within the corporate limits of the City of Deltona, said lands being more particularly described in Exhibit “B”, Legal Description for the Subject Property, attached hereto and by this reference made a part hereof; and that the holders of any and all liens and encumbrances affecting such property will subordinate their interests to this Agreement; and

**WHEREAS**, the Owner has clear title of the Subject Property or the Developer is currently under contract to purchase the Subject Property and intends to develop such property as a planned

commercial development; and

**WHEREAS**, the Owner or Developer desires to facilitate the orderly development of the Subject Property in compliance with the policies, laws and regulations of the City and of other governmental authorities, and the Owner or Developer desires to ensure that its development is compatible with other properties in the area and planned traffic patterns; and

**WHEREAS**, the development permitted or proposed under this Development Agreement is consistent with the City's Comprehensive Plan, concurrency management system, and all land development regulations and this Agreement does not replace, supersede, or grant variances to those regulations, except as otherwise set forth herein; and

**WHEREAS**, it is the purpose of this Agreement to clearly set forth the understanding and agreement of the parties concerning the matters contained herein; and

**WHEREAS**, the Owner and/or Developer have sought the City's approval to develop the Subject Property, and the City approved Ordinance No. 26-2106, through rezoning the Subject Property to a Business Planned Unit Development (BPUD), as defined under the City's Land Development Code on \_\_\_\_\_. The BPUD shall consist of this Agreement as the Written Agreement of the BPUD and an Exhibit "C", Master Development Plan (MDP), attached hereto and by this reference made a part hereof as the Preliminary Plan, subject to the covenants, restrictions, and easements offered by the Owner or Developer and contained herein, (hereinafter the "Master Development Plan"). Where more detailed criteria for City required submittals exceed the criteria required for a Master Development Plan, the more detailed criteria applies.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Recitals and Definitions.** The recitals herein contained are true and correct and are incorporated herein by reference. All capitalized terms not otherwise defined herein shall be as defined and described in the City's Land Development Code as it may be amended from time to time, unless otherwise indicated.

2. **Ownership.** The legal and equitable owner of the Subject Property is: I-4 Howland Investments, LLC.

3. **Title Opinion/Certification.** The Developer will provide to the City, in advance of the City's execution and recordation of this Agreement, a title opinion from a licensed attorney in the state of Florida, or a certification by an abstractor or title company authorized to do business in the state of Florida, verifying marketable title to the Subject Property to be in the name of the Owner and any and all liens, mortgages, and other encumbrances that are either satisfied or not satisfied or released of record.

4. **Subordination/Joinder.** Unless otherwise agreed to by the City and if applicable, all liens, mortgages, and other encumbrances not satisfied or released of record, must be subordinated to the terms of this Agreement or the Lienholder join in this Agreement. It shall be the responsibility of the Owner and/or Developer to promptly obtain the said subordination or joinder, in form and substance that is acceptable to the City Attorney, prior to the execution and recordation of this Agreement.

5. **Duration.** The duration of this Agreement is binding and runs with the land in perpetuity, unless amended.

6. **Development of the Subject Property.** Development of the Subject Property shall be subject to performance standards listed in this Agreement. Where a land use listed below differs from a defined use in the City of Deltona's Code of Ordinances, the use listed in this Agreement shall prevail.

- A. Comprehensive Plan Policies specific to this Subject Property: None
- B. Permitted principal uses allowable on the Subject Property shall be: Freestanding Emergency Room. A free standing emergency room is a standalone medical facility featuring emergency care services, imaging, laboratory activities, and related administrative uses.
- C. Prohibited principal uses, if any: Any use besides a freestanding emergency room as described above.
- D. Proposed minimum intensity: no minimum
- E. Proposed maximum density or maximum intensity, if any: 0.08 FAR. The facility shall be limited to a maximum of 12 private care patient beds.
- F. Impervious surface ratio is not to exceed 70% of the gross square footage for the Subject Property.
- G. Maximum lot coverage 8%
- H. Minimum landscaping and buffer yard requirements shall be consistent with Sec. 110-808 as it may be amended from time to time.
- I. Minimum lot size area: 3.24 acres
- J. Minimum lot width: 100 feet
- K. Minimum yard setbacks:
  - 1. Front yard: 35 Feet

2. Side yard: 5 Feet
  3. Street side yard: 35 Feet
  4. Rear yard: 15 Feet
- L.** Maximum building height: 35 Feet
- M.** Minimum parking standards are per Sections. 110-828 and 110-829 of the City's Land Development Code as it may be amended from time to time.
- N.** Minimum lighting standards per the City's Land Development Code shall be included on a separate Illumination Plan to be provided at the time of site plan submittal.
- O.** Signs: Signs shall comply with Chapter 102 of the City Land Development Code as it may be amended from time to time.
- P.** Architectural controls and development on the Subject Property shall follow a common architectural theme and reflect a general appearance consistent with the City of Deltona Urban Design Pattern Book. The intent is to establish a high level of aesthetic within the Activity Center. For purposes herein, general appearance includes, but is not limited to, exterior wall finishes, construction materials, roof style, architectural details and ornamentation. The following requirements shall apply to development on the subject property:
1. The structure shall convey a sense of quality and permanence;
  2. Exterior walls facing public rights-of-way shall be constructed of finish materials such as stucco, natural brick or stone, finished concrete, or wood;
  3. All accessory structures, and signage shall be consistent with the overall theme of the principal use;
  4. Canopies shall be compatible with the architectural design of the principal structure and be designed consistent with other Fire Code and public safety oriented requirements; and
  5. All service areas and mechanical equipment visible from public rights-of-way (ground or roof) including, but not limited to, air conditioning condensers, heating units, electric meters, satellite dishes, irrigation pumps, and other mechanicals/utilities shall be screened using architectural features consistent with the structure or landscaping of sufficient density and maturity at planting to provide opaque screening.
- Q.** Utility provision and dedication: The Developer shall connect to Volusia County's central utility systems at their sole cost and expense. Utility fees shall be paid to Volusia County before any building permit is issued. Central utility systems are to be designed, permitted, and constructed to service provider specifications and dedicated to the service provider upon final inspection, clearance, and acceptance by the service provider.

- R. Stormwater:** The stormwater system shall not be dedicated to or become the responsibility of the City of Deltona. All environmental permitting, mitigation, and/or soil and erosion control for the property shall conform to all federal, state, and local permits/requirements; shall be the sole responsibility of the developer; and shall be maintained in good condition/standing with the applicable permitting authorities. Best Management Practices and conformance to National Pollutant Discharge Elimination System (NPDES) criteria are required.
- S. Transportation, site access, and traffic devices:** The Subject Property was included within the Traffic Impact Study (TIS) submitted to Volusia County (December 2009), which covered 804,000 square feet out of the 900,000 square feet in the Deltona Village BPUD and the Interstate Commerce Center (which was never recorded as a BPUD). A separate TIS was submitted to the City of Deltona (dated December 2009) which covered 96,000 square feet along the southern boundary of the Deltona Village BPUD. The subject property is geographically referenced in the TIS and therefore, it is the interpretation of the City of Deltona that the transportation provisions in the Development Agreement for the Deltona Village BPUD (Book 6482, Page 4234) apply to the Subject Property. The Subject Property is considered a sub-phase of the “County TIA Phase I” and will be responsible for proportionate share payments as outlined in sections 10 and 11 of the Development Agreement for the Deltona Village BPUD (Book 6482, Pages 4240-4245). The mitigation required includes payment towards making improvements to Graves Av. as outlined in the Deltona Village BPUD. Before a Certificate of Occupancy is issued for the project, the required mitigation must be accounted to the satisfaction of the County and City.

Based on a determination that a freestanding emergency room facility traffic generation rates are analogous to a hospital, it is projected (for the purpose of analyzing this BPUD) that the free standing emergency room use planned will generate 143 daily trips and no more than 10 peak hour trips. Therefore, a traffic impact analysis (TIA) consistent with the River to Sea Transportation Planning Organization (TPO) was not required for the project. Any change of use, increase in size or any other increase of intensity shall require a major amendment to this BPUD document and a TIA will be required to be prepared consistent with TPO guidelines.

~~Access to the Deltona FSER BPUD shall be provided as follows:~~

~~The Deltona FSER BPUD site shall be granted direct access to Graves Avenue. The access shall be limited to right in/right out turning movements. This access point and its northerly extension as shown on the Master Development Plan shall be constructed in conjunction with the development on the site and shall be completed prior to issuance of any Certificate of Occupancy for the site. The access and the northern extension of the access shall be designed to facilitate access to other property in the area. Drainage for the access will be incorporated into the stormwater design for the Deltona~~

~~Freestanding Emergency Room BPUD site. The access connection with Graves Av. shall be constructed with a raised, tapered concrete median ('pork chop') to maintain appropriate traffic flow. In addition, the developer will be required to construct a raised concrete median of sufficient height, width and length within the median of Graves Av. to effectively discourage left turning movements. The design of the raised median(s) and access to Graves Avenue shall be determined through the County Use Permit process but shall not include the use of quick curb or similar type of apparatus. All traffic management improvements associated with this access shall be completed before a Certificate of Occupancy is issued for the property. In the event the County of Volusia seeks to impose conflicting standards upon the Developer in regard to the Graves Avenue access connection, the City traffic engineer may approve the County's conflicting standards as a minor amendment to this Agreement, as set forth in section 110-319(k)(5)d of the City's Land Development Code.~~

Safe access management for the public health, safety and welfare is an expectation of the City and is recognized by the applicant as a needed requirement for development. Therefore, the applicant will be required to provide safe and efficient right-in/right-out movement or facilitate off-site connection to the existing traffic signal at the Graves Ave./N. Normandy Blvd. intersection. The final design to ensure safety will be addressed at the final site plan and County use permit application processes with City and County staff.

There shall be no access permitted to Howland Boulevard/SR 472. Other access points may be provided in the future in conjunction with development of nearby lands owned by Owner. As to any portions of the access roadway and other related improvements lying within dedicated right-of-way, such improvements shall be constructed to City and, if applicable, County specifications and standards. Access improvements outside dedicated right-of-way shall be as a minimum constructed to the specifications contained in section 96-40 of the City's Land Development Code. Any other access points to Graves Avenue serving the development will need to be addressed through a major amendment to this BPUD unless the new access points are associated with another BPUD rezoning request.

The internal circulation system, including driveway entrances on to the access road may need to be relocated and/or re-designed to accommodate development of nearby lands owned by Owner or to afford appropriate spacing and promote safe and functional traffic patterns. Therefore, while the MDP depicts certain driveway cuts and internal circulations, those traffic circulation features may need to be re-designed to comply with the aforementioned development needs or city land development code requirements.

- T. There shall be no limit on the hours of operation of a Free Standing Emergency Room use.

7. **Public Facilities/Land Dedication.** Facilities or tracts that either are or may become public facilities/tracts that will serve the development and/or are on the Subject Property are, as follows: Roadways and utility infrastructure as described elsewhere in this Development Agreement.

8. **Development Permits/Fees.** The Developer is responsible for obtaining, permitting, and the payment of all fees for facilities and services for the Subject Property. Any site permits shall be kept current with the respective permitting agency and shall ensure the protection of the public health, safety, and welfare of the community and the development. All impact fees are applicable and no impact fee credits shall be awarded through this Agreement.

9. **Obligations.** Should the Developer fail to undertake and complete its obligations as described in this Agreement to the City's specifications, then the City shall give the Developer thirty (30) days written notice to commence and ninety (90) days to complete said required obligation. If the Developer fails to complete the obligations within the ninety (90) day period, then the City, without further notice to the Developer, or its successors in interest, may, without prejudice to any other rights or remedies it may have, place liens and take enforcement action on the Subject Property. A lien of such assessments shall be superior to all others, and all existing lienholders and mortgagees, by their execution of the subordination or joinder documents, agree to subordinate their liens or mortgages to the City's said liens or assessments. Notice to the Developer and its successors in interest shall be deemed to have been given upon the mailing of notice to the address or addresses set forth in Paragraph (20) hereof.

10. **Site Plan/Plat Approval.** Exhibit "C", the Master Development Plan, is the Preliminary Plan of the PUD and this Agreement. The Master Development Plan shall not replace, supersede, or absolve the Developer from approvals for any site plan. Where more detailed criteria for City required submittals exceed the criteria required for a Master Development Plan, the more detailed criteria applies. As per the City Land Development Code any development on the property will be required to be processed through the Final Site Plan review process. No site plan application will be approved unless and until the lot has received plat approval by the City Commission, unless it is determined by the City to be exempt from formal platting requirements. At the request of the Owner or Developer, the City will process a Final Plat application at the same time as a Final Site Plan application, unless it is determined by the City to be exempt from formal platting requirements.

11. **Indemnification.** The Developer shall indemnify and hold the City harmless from any and against all claims, demands, disputes, damages, costs, expenses, (to include attorneys' fees whether or not litigation is necessary and if necessary, both at trial and on appeal), incurred by the City as a result, directly or indirectly, of the use or development of the Subject Property, except those claims or liabilities caused by or arising from the negligence or intentional acts of the City, or its employees or agents. It is specifically understood that the City is not guaranteeing the appropriateness, efficiency, quality or legality of the use or development of the Subject Property, including but not limited to, drainage or water/sewer plans, fire safety, or quality of construction, whether or not inspected, approved, or permitted by the City.

12. **Compliance.** The Developer agrees that it, and their successors and assigns, will abide by the provisions of this Agreement, the City's Comprehensive Plan and the City's Code of Ordinances, including but not limited to, the site plan regulations of the City as amended from time to time, which are incorporated herein by reference and such subsequent amendments hereto as may be applicable. Further, all required improvements, including landscaping, shall be continuously maintained by Developer, or their successors and assigns, in accordance with the City's Code of Ordinances. The City may, without prejudice to any other legal or equitable right or remedy it may have, withhold permits, Certificates of Occupancy or plan/plat approvals to the Subject Property, should the Developer fail to comply with the terms of this Agreement. In the event of a conflict between this Development Agreement and the City's Land Development Code, the more restrictive regulations shall govern the development of the Subject Property.

13. **Obligations for Improvements.** Any surface improvement as described and required hereunder included, but not limited to such as signalization, walls, stormwater management facilities, medians, and utilities, or any other surface improvement shall be performed, prior to the issuance of the first Certificate of Occupancy on that portion of the Subject Property that the surface improvement(s) relates or is otherwise scheduled in this Agreement. Should the Developer fail to undertake and complete its obligations as described in this Agreement and to the City's specifications, then the City shall give the Developer thirty (30) days written notice to commence and ninety (90) days to complete said required obligation at the sole expense of the Developer. If the Developer fails to complete the obligations within the ninety (90) day period, then the City, without further notice to the Developer and their successors and assigns in interest, may but shall not be required to, perform such obligations at the expense of the Developer or their successors and assigns in interest, without prejudice to any other rights or remedies the City may have under this Agreement. Further, the City is hereby authorized to immediately recover the actual and verified cost of completing the obligations required under this Agreement and any legal fees from the Developer in an action at law for damages, as well as record a lien against the Subject Property in that amount. The lien of such assessments shall be superior to all others, and all existing lienholders and mortgagees, by their execution of the subordination or joinder documents, agree to subordinate their liens or mortgages to the City's said liens or assessments. Notice to the Developer and their successors and assigns in interest shall be deemed to have been given upon the mailing of notice as provided in paragraph (24) of this Agreement.

14. **Concurrency and Vested Rights.** The Developer acknowledges and agrees that prior to the issuance of any development orders for the Property, the Developer must have received and be in the possession of a valid unexpired certificate of capacity/concurrency management system approval consistent with the City's Land Development Code. The capacity certificate/approval verifies the availability of infrastructure and service capacity sufficient to permit the proposed development of the Subject Property without causing a reduction in the levels of service adopted in the City's Comprehensive Plan. The certificate of capacity/approval shall be effective for a term, as defined in the City's Code of Ordinances. Neither this Agreement nor the approved Master Development Plan shall create or result in a vested right or rights to develop the Subject Property, as cited in Section 86-34 of the City's Land Development Code.

15. **Environmental and Tree Preservation.** The property may contain habitat that is suitable for scrub jays and gopher tortoises. As part of the Final Site Plan process, the property shall be surveyed to determine the presence and/or population density of scrub jays or gopher tortoises. If gopher tortoises are found to inhabit the development area then on-site preservation and/or removal shall be required in lieu of a 'take'. If scrub jays are noted on the property then any modification of scrub jay habitat shall be permitted consistent with the requirements of the U.S. Fish and Wildlife Service. Tree protection shall be in accordance with Chapter 98 of the City Land Development Code as it may be amended from time to time. Tree protection areas and habitat protection set aside land may coincide with buffer yards and other open space acreage. Irrigation shall comply with the requirements of the utility servicing the project and applicable permitting agencies. However, the use of potable water for irrigation shall be prohibited. The Developer shall install reuse infrastructure to support the irrigation and other non-potable water needs associated with the project. The Developer is responsible to obtain all site related permits and approval prior to any development activity on or for the Subject Property. This Agreement does not vest or exempt the Developer from any permitting and mitigation obligations needed to develop a Subject Property.

16. **Property Owners Association.** The charter and by-laws of any Property Owners Association ("POA"), if any, for the Subject Property and any deed restrictions related thereto shall be furnished to the City for review and comment by the City Attorney prior to the recording thereof in the Public Records of Volusia County, Florida. Such recording, if applicable, shall take place before a Certificate of Occupancy is issued for the first development project on land covered by this Agreement. The owner or developer (or both) may be responsible for establishing the POA, if applicable, and recording said information in the Public Records of Volusia County, Florida. The City is not responsible for the enforcement of any agreements or deed restrictions entered into between property owners or occupiers of the Subject Property. If maintenance for the Subject Property is not maintained following issuance of a Certificate of Occupancy, the City has Code Enforcement services.

17. **Enforcement.** Both parties may seek specific performance of this Agreement and/or bring an action for damages in a court within Volusia County, Florida, if this Agreement is breached by either party. In the event that enforcement of this Agreement by the City becomes necessary, and the City is successful in such enforcement, the Developer shall be responsible for the payment of all of the City's costs and expenses, including attorney fees, whether or not litigation is necessary and, if necessary, both at trial and on appeal. Such costs, expenses and fees shall also be a lien upon the Subject Property superior to all others. Should this Agreement require the payment of any monies to the City, the recording of this Agreement shall constitute a lien upon the Subject Property for said monies, until said are paid, in addition to such other obligations as this Agreement may impose upon the Subject Property and the Developer. Interest on unpaid overdue sums shall accrue at the rate of the lesser of eighteen percent (18%) compounded annually or at the maximum rate allowed by law.

18. **Utility Easements.** For any utility easement to service the subject property or

nearby lands owned by Owner, or both, which is not established on a plat for the Subject Property, the Owner or Developer shall provide to the City and/or County (as applicable) such utility easements and other legal documentation, in form mutually acceptable to the City Attorney and the Owner or Developer, as the City/County may deem reasonably necessary or appropriate for the installation and maintenance of the utility and other services, including but not limited to, sanitary sewer, potable water, and reclaimed water services, electric, cable, gas, fire protection and telecommunications.

19. **Periodic Review.** The City reserves the right to review the Subject Property in relation to this Agreement periodically to determine if there has been demonstrated good faith compliance with the terms of this Agreement. If the City finds that on the basis of substantial competent evidence that there has been a failure to comply with the terms of this Agreement, the City may not issue development orders or permits until compliance with this Agreement has been established.

20. **Notices.** Where notice is herein required to be given, it shall be by certified mail return receipt requested, hand delivery or nationally recognized courier, such as Federal Express or UPS. E-mail delivery of documents shall not replace or be in lieu of the aforementioned process. Said notice shall be sent to the following, as applicable:

**OWNER:**

I-4 Howland Investments, LLC  
939 Hollywood Blvd  
Deltona, FL 32725

With a copy to:

F.A. (Alex) Ford, Esq.  
Landis Graham French, P.A.  
145 E. Rich Avenue, Suite C  
Deland, FL 32724

**DEVELOPER'S REPRESENTATIVES:**

Central Florida Regional Hospital, Inc.  
One Park Plaza  
Nashville TN, 37203

With a copy to:

George Huddleston, PE  
Littlejohn Engineering Associates, Inc.  
1615 Edgewater Drive, Suite 200  
Orlando, FL 32804

**CITY'S REPRESENTATIVES:**

City Manager  
City of Deltona  
2345 Providence Boulevard  
Deltona, Florida 32725

With copy to:

Director  
Planning & Development Services  
City of Deltona  
2345 Providence Boulevard  
Deltona, Florida 32725

Should any party identified above change, it shall be said party's obligation to notify the remaining parties of the change in a fashion as is required for notices herein. It shall be the Owner or Developer obligation to identify its lender(s) to all parties in a fashion as is required for notices herein.

21. **Compliance with the Law.** The failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve the Owner or Developer of the Subject Property from the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

22. **Captions.** The captions used herein are for convenience only and shall not be relied upon in construing this Agreement.

23. **Binding Effect.** This Agreement shall run with the land, shall be binding upon and inure to the benefit of the Owner or Developer and their successors and assigns in interest, and the City and their successor and assigns in interest. This Agreement shall become effective upon its execution and recordation with the Public Records of Volusia County, Florida. This Agreement does not, and is not intended to, prevent or impede the City from exercising its legislative authority as the same may affect the Subject Property.

24. **Subsequently Enacted State or Federal Law.** If either state or federal law is enacted after the effective date of this Agreement that is applicable to and precludes the parties' compliance with the terms of this Agreement, this Agreement and correlating zoning amendment shall be modified or revoked, as is necessary, to comply with the relevant state or federal law.

25. **Severability.** If any part of this Development Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Development Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be affected. To that end, this Development Agreement is declared severable.

26. **Covenant Running with the Land.** This Agreement shall run with the Subject Property and inure to and be for the benefit of the parties hereto and their respective successors and assigns and any person, firm, corporation, or entity who may become the successor in interest to the Subject Property or any portion thereof.

27. **Recordation of Agreement.** The parties hereto agree that an executed original of this Agreement shall be recorded by the City, at the Developer's expense, in the Public Records of Volusia County, Florida.

28. **Applicable Law/Venue.** This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida. Venue of any litigation relating to this Agreement shall be in the courts of Volusia County, Florida.

29. **Time of the Essence.** Time is hereby declared of the essence to the lawful performance of the duties and obligations contained in this Agreement. The Developer shall execute this Agreement within ten (10) business days of the effective date of No. 26-2016. Failure to execute this Agreement within ten (10) business days of the effective date of such ordinance may result in the City not issuing development orders or permits until execution and recordation of this Agreement has occurred. The Developer agrees to pay the cost of recording this document in the Public Records of Volusia County, Florida

30. **Condition Precedent; Effect of ICC BPUD:** As a condition precedent to this Agreement, the Developer shall have purchased the Subject Property from the Owner, as conclusively established by the recording of a deed or deeds from the Owner to the Developer in the Public Records of Volusia County, Florida. Upon the recording of this Agreement, the Interchange Commercial Center (ICC) BPUD shall have no further applicability to the Subject Property. If the foregoing condition precedent has not occurred by \_\_\_\_\_, 2016, any party hereto may terminate this Agreement if after \_\_\_ days' notice to the other parties the said condition has still not occurred.

31. **Agreement; Amendment.** This Agreement constitutes the entire agreement between the parties, and supersedes all previous discussions, understandings and agreements, with respect to the subject matter hereof; provided, however, that it is agreed that this Agreement is supplemental to the City's Comprehensive Plan and does not in any way rescind or modify any provisions of the City's Comprehensive Plan.

32. **Effective Date.** The Effective Date of this Agreement shall be the day this Agreement is recorded in the Public Records of Volusia County, Florida.

**IN WITNESS WHEREOF**, the Owner, the Developer and the City have executed this Agreement.

**OWNER/DEVELOPER**

\_\_\_\_\_  
Signature of Witness # 1

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Signature of Witness #2

\_\_\_\_\_  
Print or type name

**By:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or type name

**As:**

\_\_\_\_\_  
Print or type

**ATTEST:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

**As:**

\_\_\_\_\_  
Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STATE OF FLORIDA**

**COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, by \_\_\_\_\_, and \_\_\_\_\_, of \_\_\_\_\_, who is/are personally known to me or who has/have produced \_\_\_\_\_ as identification and who did not (did) take an oath.

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Print or type name

(NOTARY SEAL)

**DEVELOPER**

**By:**

\_\_\_\_\_  
Signature of Witness # 1

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Signature of Witness #2

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or type name

**As:**

\_\_\_\_\_  
Print or type

**ATTEST:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

**As:**

\_\_\_\_\_  
Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, by \_\_\_\_\_, and \_\_\_\_\_, of \_\_\_\_\_, who is/are personally known to me or who has/have produced \_\_\_\_\_ as identification and who did not (did) take an oath.

\_\_\_\_\_  
Signature of Notary

(NOTARY SEAL)

\_\_\_\_\_  
Print or type name

**CITY OF DELTONA:**

**By:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_

**Date:** \_\_\_\_\_

Mailing Address:  
City of Deltona  
2345 Providence Boulevard  
Deltona, Florida 32725

**STATE OF FLORIDA**  
**COUNTY OF** \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by \_\_\_\_\_, and \_\_\_\_\_, who are personally known to me and acknowledge executing the same freely and voluntarily under authority vested in them by the City of Deltona.

\_\_\_\_\_  
Signature of Notary

(NOTARY SEAL)

\_\_\_\_\_  
Print or type name

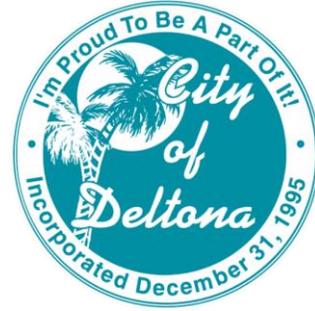
Approved as to form and legality for use and  
reliance by the City of Deltona, Florida

\_\_\_\_\_  
Gretchen R. H. Vose  
City Attorney

**EXHIBIT B**  
**LEGAL DESCRIPTION**

COMMENCE AT THE SOUTHEAST CORNER OF LOT 70, YOURLANDO FARMS AND GROVES PLAT (PLAT BOOK 10, PAGES 227 AND 228 OF THE OFFICIAL RECORDS OF VOLUSIA COUNTY, FLORIDA); THENCE ALONG THE EAST LINE OF PLATED LOT 70, NORTH 00°18'37" WEST A DISTANCE OF 10.10 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF GRAVES AVENUE AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, NORTH 89°23'10" WEST A DISTANCE OF 292.39 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE, NORTH 00°37'08" EAST A DISTANCE OF 381.01 FEET; THENCE NORTH 89°22'52" WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 00°37'08" EAST A DISTANCE OF 150.00 FEET; THENCE NORTH 55°56'49" EAST A DISTANCE OF 114.36 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF HOWLAND BLVD (S.R. 472); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE ALONG A CURVE TO THE LEFT AND BEING CONCAVE NORTH EAST HAVING A RADIUS OF 1748.64 FEET, A CENTRAL ANGLE OF 12°32'22" AND AN ARC LENGTH OF 382.70 FEET, THE CHORD OF SAID CURVE BEARS SOUTH 38°58'46" EAST A DISTANCE OF 381.93 FEET TO THE AFOREMENTIONED EASTERLY LINE OF LOT 70; THENCE SOUTH 00° 18'37" EAST A DISTANCE OF 301.79 FEET TO THE POINT OF BEGINNING.





# Staff Report

**To:** Planning and Zoning Board

**From:** Chris Bowley, AICP, Director Planning and Development Services

**Date:** May 26, 2016

**Re:** Ordinance No. 26-2016, Project No. RZ16-001, Deltona Free Standing Emergency Room, Business Planned Unit Development

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## A. Summary of Application:

**Applicant:** Matthew West, AICP, Littlejohn Engineering Assoc. Inc., representing Central Florida Regional Hospital.

**Request:**

**Tax Parcel No.:** a portion of 8106-04-00-0542

**Property Acreage:** ± 3.24 Acres

**Property Location:** The property is located in the southwestern corner of the intersection of Howland Blvd. and Graves Av. situated within the Deltona Activity Center.

**Legal Description:** COMMENCE AT THE SOUTHEAST CORNER OF LOT 70, YOURLANDO FARMS AND GROVES PLAT (PLAT BOOK 10, PAGES 227 AND 228 OF THE OFFICIAL RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF PLATED LOT 70, NORTH 00°18'37" WEST A DISTANCE OF 10.10 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF GRAVES AVENUE AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, NORTH 89°23'10" WEST A DISTANCE OF 292.39 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE, NORTH 00°37'08" EAST A DISTANCE OF 381.01 FEET; THENCE NORTH 89°22'52" WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 00°37'08" EAST A DISTANCE OF 150.00 FEET; THENCE NORTH 55°56'49" EAST A DISTANCE OF 114.36 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF HOWLAND BLVD (S.R. 472); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY

LINE ALONG A CURVE TO THE LEFT AND BEING CONCAVE NORTH EAST HAVING A RADIUS OF 1748.64 FEET, A CENTRAL ANGLE OF 12°32'22" AND AN ARC LENGTH OF 382.70 FEET, THE CHORD OF SAID CURVE BEARS SOUTH 38°58'46" EAST A DISTANCE OF 381.93 FEET TO THE AFOREMENTIONED EASTERLY LINE OF LOT 70; THENCE SOUTH 00° 18'37" EAST A DISTANCE OF 301.79 FEET TO THE POINT OF BEGINNING..

**B. Existing Zoning:** Interchange Commercial Center Business Planned Unit Development (BPUD)

**C. Background:** The ±3.24 acre property is a portion of a larger approximately 29 acre parent parcel. The 29 acre parent parcel was rezoned to Business Planned Unit Development (BPUD) in 2006 which was known as the Interchange Commercial Center. Even though the City adopted the rezoning Ordinance (Ordinance No. 22-2004), the BPUD Development Agreement was never executed. Recently, the City accepted an application to rezone ±3.24 acres of the Interchange Commercial Center BPUD. Essentially, the present BPUD request will replace the Interchange Commercial Center BPUD for the ±3.24 acres.

The use proposed is referred to as a freestanding emergency room. A freestanding emergency room is a relatively new medical land use and is a stand-alone facility where emergency medical care is provided. Other services include laboratories and imaging. The purpose of a freestanding emergency room is to provide fast and convenient emergency medical care. However, while freestanding emergency rooms may feature limited care beds, these facilities are not considered hospitals.

**D. Support Information Public Facilities:**

- a. Potable Water: to be supplied by Volusia County Utilities
- b. Sanitary Sewer: to be supplied by Volusia County Utilities
- c. Fire Protection: City of Deltona – Station 65
- d. Law Enforcement: Volusia County Sheriff's Office (VCSO)
- e. Electricity: Duke Energy

**E. Matters for Consideration:**

Section 110-1101, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for amendments to the Official Zoning Map:

- 1. Whether it is consistent with all adopted elements of the Comprehensive Plan.**

The property is located within a local planning area of the City referred to as the Deltona Activity Center. The Deltona Activity Center is strategically located at the SR 472/I-4 interchange and has the potential to provide needed economic development for the City of Deltona and southwest Volusia County. To realize the economic potential of the area, the Deltona Activity Center is associated with special planning and land use provisions.

***OBJECTIVE FLU2-1***

*Achieve an integrated and well-planned mixture of urban land uses within The Deltona Activity Center that encourages the creation of an employment center.*

The above objective illustrates the Deltona Activity Center is anticipated to be an employment center for the City. Medical uses typically are associated with higher wage skill sets oftentimes with benefits. Therefore, the rezoning would be consistent with this provision.

***Policy FLU2-1.7***

*Future development within the Deltona Activity Center shall require rezoning to a Planned Unit Development (PUD) or amendment to an existing PUD. Provided, however, that any development of an existing parcel that is 0.5 acres or less in size and which is permissible by the existing zoning classification assigned the parcel shall not require rezoning to PUD if the existing zoning classification is consistent with the Deltona Activity Center Plan future land use designation.*

The Business Planned Unit Development rezoning process for the property is required by this policy

***Policy FLU2-1.13***

*Individual developments within the Deltona Activity Center shall be designed consistent with the City of Deltona's Urban Design Pattern Book and Urban Design Master Plan as it may be updated from time to time to provide visual compatibility and functional continuity with other adjacent developments within the Deltona Activity Center.*

The project will be subject to the aesthetic requirements of this policy: Promote well designed and high quality development forms within the Deltona Activity Center.

The proposed development is also required to be consistent with the remaining Comprehensive Plan.

***Policy FLU1-1.11***

*The following public facilities and services shall be available for new development in all areas: roadways, solid waste collection, stormwater management, fire and police*

*protection, emergency medical services, potable water, sanitary sewer service, and public schools as defined in the Public School Facilities Element.*

The project will be served by adequate infrastructure including transportation. To address transportation improvements programed under a previously approved BPUD (Deltona Village), the project will be subject to traffic mitigation requirements to improve Graves Av.

***Policy FLU1-7.5***

*Subdivisions shall be designed so that all individual lots have access to the internal street system network with peripheral lots buffered from major roads and incompatible land uses.*

The BPUD rezoning does involve a subdivision and includes the beginning of an internal road system.

***Policy T1-1.4***

*The City of Deltona shall maintain land use regulations to facilitate safe and efficient transportation, which operates within the accepted levels of service as adopted by the City.*

Access off of Graves Av. will be limited to right in and right out movements. In addition, there is a requirement for the applicant to construct a raised median between the Graves Av. travel lanes. The intent of the raised median is to discourage left turns. The suggested improvements will promote safe ingress and egress to the facility and ensure appropriate traffic flow.

**2. Its impact upon the environment or natural resources.**

The property is associated with well drained, sandy soils. There are no wetlands on the property and none of the area proposed to be rezoned is located within the 100 year flood plain.

The property has been cleared in the past. The property can be described as a ruderal landscape comprised of scrub palmetto, oak saplings, dogfennel, broom grass, and various early successional weeds. While the property may have been cleared, the site may be suitable habitat for gopher tortoises and scrub jays. It is not unusual for mechanically manipulated areas to support populations of scrub jays and/or gopher tortoises. To determine if the property supports scrub jays or gopher tortoises, the applicant will be required to survey the property. If gopher tortoises are noted, then the tortoises will need to be relocated or preserved on site as per State permitting requirements. Scrub jays are a listed species protected under the Endangered Species

Act. Scrub jays and related habitat are regulated by the U.S. Fish and Wildlife Service and any impact to scrub jays or habitat will be subject to a Habitat Conservation Plan.

All listed species surveying and applicable permitting will be addressed during the site plan review process.

**3. Its impact upon the economy of any affected area.**

The proposed facility is a medical use and medical jobs typically feature relatively high wages, stable employment and oftentimes benefit packages. The facility will be staffed by approximately 30 personnel and will be open 24 hours a day. There is anticipation staff will operate in shifts. The project will bring in employment which has the potential to increase demand for retail service uses including restaurants.

**4. Notwithstanding the provisions of Article XIV of the Land Development Code, Ordinance No. 92-25 [Chapter 86, Code of Ordinances] as it may be amended from time to time, its impact upon necessary governmental services, such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.**

- a. **Schools:** N/A. The project is not residential and would have no impact on school workstation space.
- b. **Sewage Disposal:** Volusia County utilities will serve the project with central sewer. Currently, the County has over 350,000 gallons per day of wastewater treatment capacity available. Therefore there is ample capacity to serve the project.
- c. **Potable Water:** Volusia County utilities will serve the project with potable water. The County is currently providing a high potable water level of service within the Deltona North service area. The County does have the capacity to serve the property with potable water.
- d. **Drainage:** Stormwater will be managed in accordance with the City Land Development Code and the St. Johns River Water Management District.
- e. **Transportation Systems:** A freestanding emergency room is a new medical land use. The use is intended to provide quick and convenient emergency medical service. Emergency room service has typically been ancillary to hospitals where a full range of medical services are provided within a large central facility. Traffic generation rates associated with hospitals have been well studied by the Institute of Traffic Engineers and others. The trip generation characteristics of hospitals tend to be somewhat unique based on shift changes, visitation hours, patient

admission/discharges, etc. These characteristics are driven, in part, because a hospital tends to be open seven days a week and 24 hours a day.

Conversely, traffic generation rates for a freestanding emergency room have not been well documented. Since the freestanding emergency room has some commonalities with a hospital – 24/7 operation, medical services, etc., the hospital traffic generation rates were applied to determine traffic impacts associated with the proposed freestanding emergency room use.

Utilizing the above referenced methodology revealed the almost 11,000 square foot freestanding emergency room use would generate 143 trips with a pm peak of 10 movements to and from the facility. The trip generation rate of the use is well below the typical 1,000 trip threshold to perform a traffic impact analysis (TIA). However, the project is located in a congested area of the City. While none of the immediate roadway segments are failing, Graves Av., SR 472, and Howland Blvd. near the project are close to capacity. Furthermore, the local roadway geometry, signalization and traffic patterns create a condition where safety is of paramount importance. Notwithstanding the local roadway network has the capacity to support the 143 trips, the project needs to be carefully managed with regard to intensity, access and off-site transportation mitigation.

A road providing access to Graves Av. from the facility is planned. The access movement for the road will be limited to right in and right out. The intent of limiting the movement is because of the local curvature of Graves Av. which limits the view of on coming traffic. In addition, to ensure the right in and right out access is respected by drivers, the applicant will be required to install a raised concrete median down the center of Graves Av. near the project. The dimensions of the median will be determined by the County through the County Use Permit process (Graves Av. is a County Road).

In 2010, the City approved the Deltona Village Business Planned Unit Development. The Deltona Village BPUD mostly addressed 130 acres located south of the freestanding emergency room property. The Deltona Village BPUD transportation mitigation section addressed not only the 130 acres located south of Graves Av. but the 29 acre site of which the ±3.24 acre property is a part. According to the Deltona Village BPUD, the ±3.24 acre area is situated in “County Phase 1”. The subject phase is programed to provide mitigation. The mitigation associated with the Deltona Village BPUD mostly includes improvements to Graves Av. including a new Graves Av. west bound travel lane. The scope and size of the project will not trip the threshold for immediate improvements included within the Deltona Village BPUD. However, the owner and/or successor(s) in title is/are

responsible, as identified in the Deltona Village Development Agreement, to finance and implement transportation improvements.

The above mentioned access road featuring the right in and right out movement is one of three access points originally proposed by the applicant. The other two access points involve extending roads across land not proposed to be bought by the applicant. One access point would intersect at a right angle with Normandy Blvd. at the Graves Ave./Normandy Blvd. intersection. The other proposed access point was located further west towards the Graves Av. I-4 overpass. Both of these access points have merit and may be more functional than the right in right out access point planned to serve the property. However, the other access points involve unknown dynamics including ownership characteristics and other variables not suited to being adequately addressed under the subject BPUD document. Therefore, if access does change or is modified, the revised access network will need to be addressed through a PUD amendment or perhaps a new PUD involving abutting or nearby land.

**5. Any changes in circumstances or conditions affecting the area.**

None.

**6. Any mistakes in the original classification.**

No known mistakes.

**7. Its effect upon the public health, welfare, safety, or morals.**

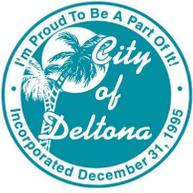
All Planned Unit Development zoning actions are associated with a written Development Agreement (DA). The DA establishes certain land uses, intensities and other development parameters intended to implement the mission of government – health, welfare, safety and morals. The DA is attached. The language of the DA suggested by City Staff is presented in an underline and strike through format. Highlights of the recommended changes to the DA include the following:

- a. Limitation on land use to a freestanding emergency room;
- b. Limitation on the intensity to reflect applicant proposal;
- c. Addition of aesthetic standards;
- d. Enumeration of various transportation conditions including access management;
- e. To recognize the ±3.24 acre area as a legal lot, the underlying plat needs to be vacated and the ±3.24 acre area platted; and

- f. The addition of language regarding scrub jay and gopher tortoise protection.

**CONCLUSION/STAFF RECOMMENDATION:**

The proposed freestanding emergency room use is consistent with the City vision for the Deltona Activity Center. The freestanding emergency room will create jobs with good wages and benefits. In addition, the rezoning seems to further a medical oriented land use trend for the Deltona Activity Center that started with the Halifax Hospital development located in the vicinity of the proposed freestanding emergency room. There is anticipation the initial medical uses in the Deltona Activity Center will promote ancillary medical development including doctor offices, etc. In addition, increased employment in the area will spur the development of services like restaurants. Finally, the proposed rezoning is consistent with the Comprehensive Plan and can be served by existing public services. Therefore, staff recommends the adoption of Ordinance No. 26-2016, rezoning the ±3.24 acres to Business Planned Unit Development.



## Agenda Memo

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### AGENDA ITEM: G.

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 9 - G

### SUBJECT:

Public Hearing - Ordinance No. 30-2016, Rezone Request for ±1.46 acres of land located near of the intersection of DeBary Ave. and Providence Blvd., at first reading - Chris Bowley, AICP, Director of Planning and Development Services, (386) 878-8602.

Strategic Goal: Economic Development - work with existing businesses to expand and grow.

### LOCATION:

The property is located near the southwest corner of the intersection of DeBary Ave. and Providence Blvd.

### BACKGROUND:

The subject site consists of a portion of several Deltona Lakes Plat lots and tracts, is developed with a single family dwelling, with the remainder of the site including vacant land. There is also a wetland area located at the rear of the property. The property is currently zoned as Professional Business (PB) and is designated as Commercial on the City's Future Land Use Map; thus the zoning designation is consistent with the future land use designation. The conventional PB and proposed C-1 zoning classifications are considered "by-right" designations that includes a range of permitted and conditional uses that has to conform to the associated performance standards.

The proposed rezoning from PB to C-1 (Retail Commercial) zoning will allow for a broader range of permitted and conditional land uses on-site. The parcel to the west has a PB zoning designation, with medical office, and to the east and south, a C-1 zoning designation. The property to the east is developed with a 7-11 convenience store. The proposed rezoning action proposes a joint driveway with the 7-11 site, with utilization of the existing driveway location as a right-in/right-out along the south side of DeBary Ave.

There is an RP (Resource Protection) zoned tract southeast of the site and R-1 zoned lands that are developed with single-family homes as part of the Deltona Lakes Plat to the north. The site is also within the Enterprise Commercial Overlay District that includes architectural elements, such as building design, color, and site development requirements consistent with the Florida vernacular style. Finally, the Spring-to-Spring recreational trail is adjacent to the property to the south.

Both the PB and C-1 zoning districts are consistent with the Commercial future land use designation. The proposed rezoning to C-1 meets adjacency to the 7-11 commercial property to the east and the facilitation along an arterial roadway to the north. The joint access driveway proposed facilitates coordinated access management in relation to the signalized intersection at Providence Blvd. and

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**AGENDA ITEM: G.**

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DeBary Ave.

While the C-1 zoning designation as a policy decision is consistent and compatible with the City's Comprehensive Plan, any development on-site that the rezoning action would assign development rights to has to meet the performance standards of that zoning district and accompanying land development regulations. Thus, development will have to comport to internal circulation and trip capture, utilize suitable soil, provide for safe ingress and egress of both pedestrians and vehicles, honor building setbacks and landscape buffers, service area storage, turning radii, solid waste collection, stormwater management, and emergency response accommodation. Staff can support a policy decision that is consistent and compatible with development at intensities, scaling, and massing that properly utilizes access management on-site and similar to adjacent uses. However, any accompanying development application that proposes over-intensities, site constraints, and not honoring performance standards afforded through the assigned zoning district will not be supported by staff by not recommending approval.

On August 17, 2016, the City of Deltona Planning and Zoning Board heard the rezoning request and voted 5-2, with one member abstaining due to land ownership nearby, to recommend that the City Commission deny the rezoning request. The overarching reasons for the Board's denial were lack of horizontal control, resource protection, and land use compatibility.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

Planning and Development Services

**STAFF RECOMMENDATION PRESENTED BY:**

Presented by Chris Bowley, AICP, Director, Planning and Development Services - Staff recommends approval of Ordinance No. 30-2016 rezoning ±1.46 acres located west of the DeBary Ave. and Providence Blvd. intersection from PB to C-1, at first reading.

**POTENTIAL MOTION:**

"I hereby move to approve Ordinance No. 30-2016 rezoning ±1.46 acres located west of the DeBary Ave. and Providence Blvd. intersection from Professional Business (PB) to Retail Commercial (C-1), at first reading."

**ORDINANCE NO. 30-2016**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICAL ZONING MAP PURSUANT TO CHAPTER 110, SECTION 1101, OF THE CITY CODE OF ORDINANCES FOR LOTS 2, 3, 4 AND TRACT C AND D, BLOCK 1396, DELTONA LAKES UNIT 52, MAP BOOK 28 PAGES 58-59 FROM PROFESSIONAL BUSINESS (PB) TO RETAIL COMMERCIAL (C-1); PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.**

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**WHEREAS**, the City has received an application to amend the zoning for five contiguous parcels, +/-1.46 total acres, Lots 2, 3, 4 and Tract C and D, Block 1396, Deltona Lakes Unit 52, Map Book 28 Pages 58-59 from Professional Business (PB ) to Retail Commercial (C-1); and

**WHEREAS**, the City of Deltona, Florida and its Land Planning Agency have complied with the requirements of the Municipal Home Rule Powers Act, sections 166.011 et. seq., Florida Statutes, in considering the proposed rezoning from Professional Business (PB) to Retail Commercial (C-1); and

**WHEREAS**, after said public hearing, the City Commission of the City of Deltona, Florida, has determined that the C-1 zoning is consistent with the Comprehensive Plan of the City of Deltona, Florida.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:**

**Section 1.** Located in the City of Deltona, Florida, the zoning for the following properties are hereby amended to C-1: Lots 2, 3, and 4, Block 1396, Deltona Lakes Unit Fifty-Two, according to the plat thereof as recorded in Map Book 28, Pages 58 and 59, Public Records of Volusia County, Florida.

And

A portion of Tract “C” and Tract “D” of Deltona Lakes Unit Fifty-Two, according to the plat thereof as recorded in Map Book 28, Pages 58 and 59, Public Records of Volusia County, Florida, being described as follows:

Beginning at the Southwest corner of Lot 2, Block 1396, of said Deltona Lakes Unit Fifty-Two; thence run South 87 degrees 00 minutes 35 seconds East, along the North line of said Tract "D", a distance of 237.13 feet to the Southeast corner of Lot 4 of said Deltona Lakes Unit Fifty-Two; thence run South 16 degrees 23 minutes 38 seconds West, 177.32 feet to the South line of said Tract "D", thence run North 89 degrees 53 minutes 06 seconds West, along the South line of said Tract "D" and the South line of said Tract "C", a distance of 130.93 feet to the Southwesterly line of said Tract "C"; thence run North 40 degrees 05 minutes 36 seconds West, along said Southwesterly line 144.85 feet; thence run South 87 degrees 00 minutes 35 seconds East, 34.23 feet to a point on the Northeasterly line of said Tract "C"; thence run North 02 degrees 33 minutes 38 seconds East, 73.27 feet to the Point of Beginning.

**Section 2.** This Ordinance is adopted in conformity with and pursuant to the Comprehensive Plan of the City of Deltona, the Local Planning and Land Development Act, Sections 163.161 et. seq., Florida Statutes, and the Municipal Home Rule Powers Act et. seq., Florida Statutes.

**Section 3.** Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 4.** Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5.** Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

First Reading: \_\_\_\_\_

Advertised: \_\_\_\_\_

Second Reading: \_\_\_\_\_

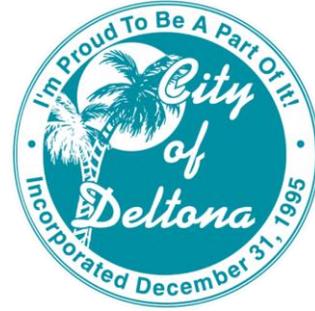
BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

\_\_\_\_\_  
JOYCE RAFTERY, CMC, MMC, City Clerk

Approved as to form and legality  
for use and reliance of the City of  
Deltona, Florida

\_\_\_\_\_  
GRETCHEN R. H. VOSE, City Attorney



# Staff Report

**To:** Planning and Zoning Board  
**From:** Scott McGrath, CFM  
**Date:** August 2, 2016  
**Re:** RZ16-002, Ordinance No. 30-2016, Dollar Tree 823-827 Debary Avenue.

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## A. Summary of Application:

**Applicant:** Peter Pensa, AICP  
Avid Group LLC.  
2300 Curlew Road, Suite 201  
Palm Harbor, FL 34683

**Request:** The City has received an application to rezone 1.46+/- acres located south and west of the intersection of Debary Avenue and Providence Boulevard, just west of the 7-11 convenience store.

**Tax Parcel No.:** 30-18-31-52-04-0020, 30-18-31-52-04-0030, 30-18-31-52-04-0040, 30-18-31-52-00-0040

**Property Acreage:** ± 1.46 Acres

**Property Location:** 823, 825, and 827 Debary Avenue

**Legal Description:** Lots 2, 3, and 4, excluding new Right of Way, Block 1396, Deltona Lakes Unit Fifty-Two, according to the plat thereof as recorded in Map Book 28, Pages 58 and 59, Public Records of Volusia County, Florida.

And

A portion of Tract "C" and Tract "D" of Deltona Lakes Unit Fifty-Two, according to the plat thereof as recorded in Map Book 28, Pages 58 and 59, Public Records of Volusia County, Florida, being described as follows:

Beginning at the Southwest corner of Lot 2, Block 1396, of said Deltona Lakes Unit Fifty-Two; thence run South 87 degrees 00 minutes 35 seconds East, along the North line of said Tract "D", a distance of 237.13 feet to the Southeast corner of Lot 4 of said Deltona Lakes Unit Fifty-Two; thence run South 16 degrees 23 minutes 38 seconds West, 177.32 feet to the South line of said Tract "D", thence run North 89 degrees 53 minutes 06 seconds West, along the South line of said Tract "D" and the South line of said Tract "C", a distance of 130.93 feet to the Southwesterly line of said Tract "C"; thence run North 40 degrees 05 minutes 36 seconds West, along said Southwesterly line 144.85 feet; thence run South 87 degrees 00 minutes 35 seconds East, 34.23 feet to a point on the Northeasterly line of said Tract "C"; thence run North 02 degrees 33 minutes 38 seconds East, 73.27 feet to the Point of Beginning.

**B. Existing Zoning:** Professional Business (PB)

**C. Background:** The City has received an application to rezone 1.46+/- acres located south and west of the intersection of Debarry Avenue and Providence Boulevard. The subject properties are located west of and adjacent to the existing 7-11 convenience store and fueling station. The intended use is a roughly 10,000 square foot standalone Dollar Tree retail store which will relocate from its current location in the nearby Deltona Landings Plaza. The site will have a right-in right-out from Debarry Avenue and access through the 7/11 site via existing access easement.

**D. Support Information**

**Public Facilities:**

- a. Potable Water: to be supplied by Deltona Water
- b. Sanitary Sewer: to be supplied by Deltona Water
- c. Fire Protection: Deltona Fire Station 61
- d. Law Enforcement: Volusia County Sheriff's Office (VCSO)
- e. Electricity: Duke Energy

**E. Matters for Consideration:**

Section 110-1101, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for amendments to the Official Zoning Map:

- 1. Whether it is consistent with all adopted elements of the Comprehensive Plan.**

The Future Land Use Category for the properties is Commercial (C). According to the Land Use/Zoning Matrix (Table 110-16), the proposed C-1 zoning is a preferred and compatible zoning classification that could be applied to land that is has a Commercial Land Use Designation.

**2. Its impact upon the environment or natural resources.**

The subject properties consists of two undeveloped lots, a lot with a single family residence, and a tract with a portion containing wetlands. The undeveloped lots are somewhat lower than the existing road and are covered with mix of vegetation predominately native palms, long needle pine trees, weeds and vines. The Tract located behind the frontage lots abuts the St Johns River 2 Sea Trail. The Tract contains a mix of long needle pines, sabal palms, and wetlands. The project will afford all appropriate wetland buffers. Any protected wildlife will be mitigated according to local, state, and federal guidelines.

According to the current official FEMA FIRM maps (dated 2/19/2014), the site is free of the 100-Year Flood Plain.

The soils are Paola Fine Sand and Orsino Fine Sand, both of which are suitable for development.

**3. Its impact upon the economy of any affected area.**

The proposed project will bring temporary construction jobs and spending to the area. The Dollar Tree may hire extra personnel to staff the expanded store. This development will also utilize 4 parcels, three of which are currently vacant, which be significant increase in taxable value of the properties.

**4. Notwithstanding the provisions of Article XIV of the Land Development Code, Ordinance No. 92-25 [Chapter 86, Code of Ordinances] as it may be amended from time to time, its impact upon necessary governmental services, such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.**

- a. **Schools:** The commercial development will not have any negative impact on the local schools or school district
- b. **Sewage Disposal:** The proposed development will connect to City sewers. Ample capacity is available.

- c. **Potable Water:** The proposed development will connect to City water. Ample capacity is available.
- d. **Drainage:** All stormwater will be stored on site through a combination of underground vault storage system and an open retention/detention area.
- e. **Transportation Systems:** The proposed development fronts on Debary Avenue, a major Volusia County Thoroughfare. According to the ITE manual, (9<sup>th</sup> edition) this use will produce an average of 640 trips per day, with an average of 40% being passer-by trips. Eliminating the current single family residence will reduce impacts by 10 trips per day, bringing the total new trips to 374 per day. Debary Avenue currently operates at a level of service D, accounting for 20,000 of the 30,000 available trips per day. Ample capacity is available on Debary Avenue to support the rezoning.

Votran bus service is also available at the nearby intersection of Debary and Providence.

**5. Any changes in circumstances or conditions affecting the area:**

In the last 5-10 years the area has seen significant change. The old power plant has been torn down; Debary Avenue was widened and reshaped; the River 2 Sea trail was constructed; the drainage system along Providence Boulevard leading to the lake was rebuilt; 75 residential units of Live Oaks Estates were completed; and the Thornby and Green Springs parks were opened. The area has seen significant infrastructure, recreation, and housing improvements. Therefore the request for C-1 zoning is appropriate to serve new development in the area.

**6. Any mistakes in the original classification:**

No known mistakes.

**7. Its effect upon the public health, welfare, safety, or morals.**

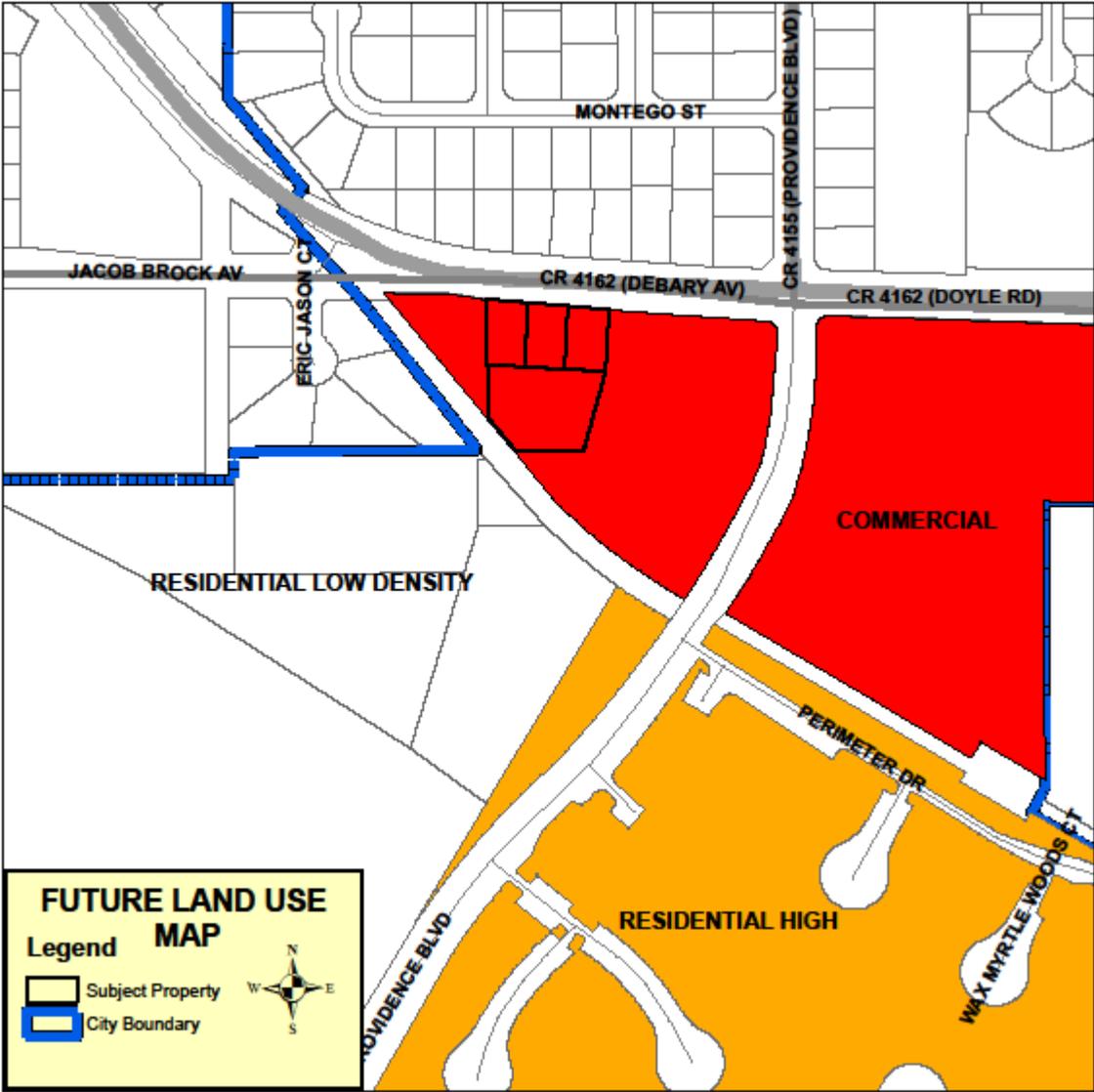
Any development of this site will required to meet or exceed the design guidelines of the Enterprise Commercial Overlay as set forth in Section 110-320 of the Land Development Code. The rezoning will not negate the overlay district.

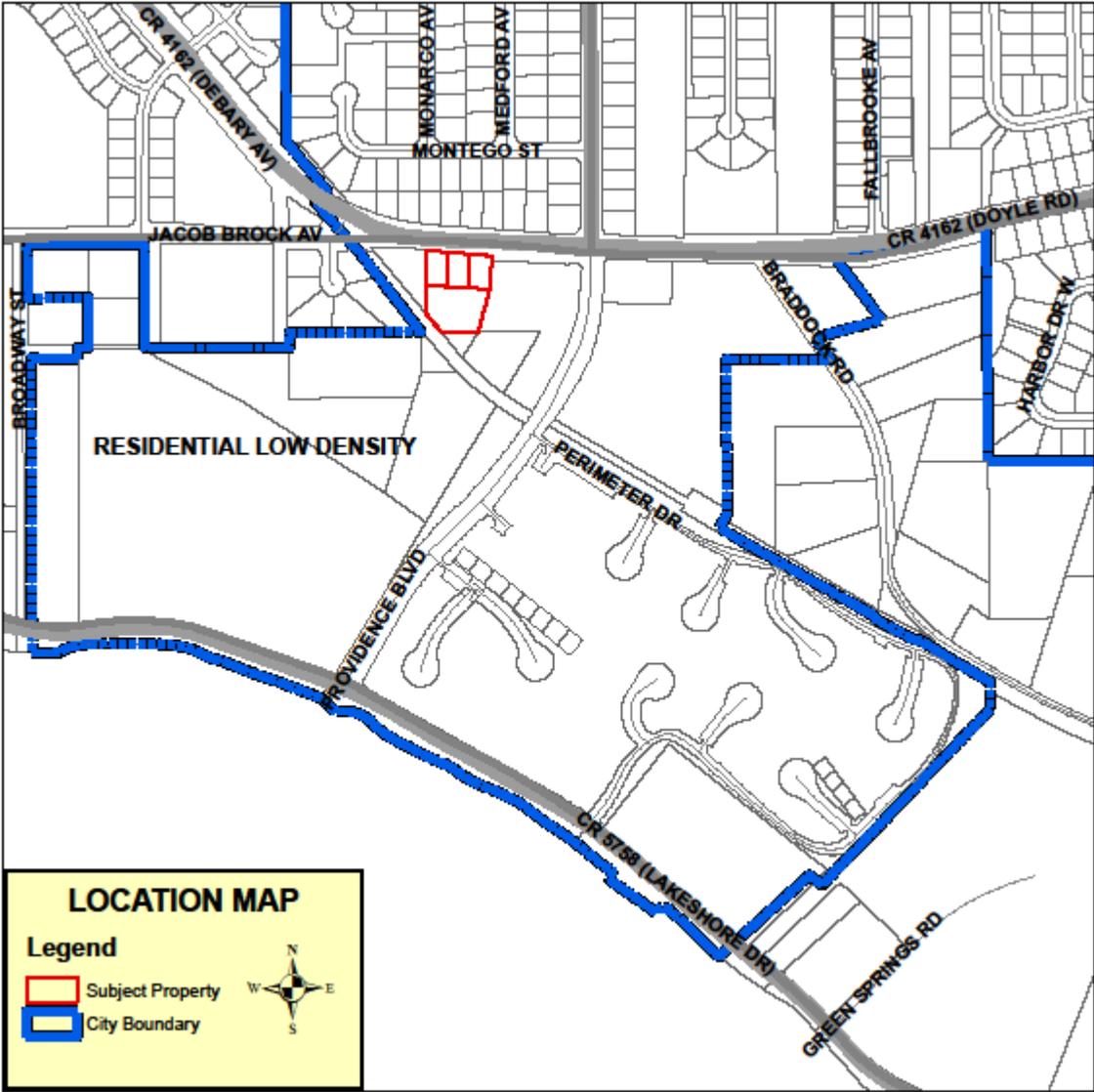
Staff finds that the change from Professional Business to C-1 will have no negative effects on the public health, welfare, safety or morals of the City.

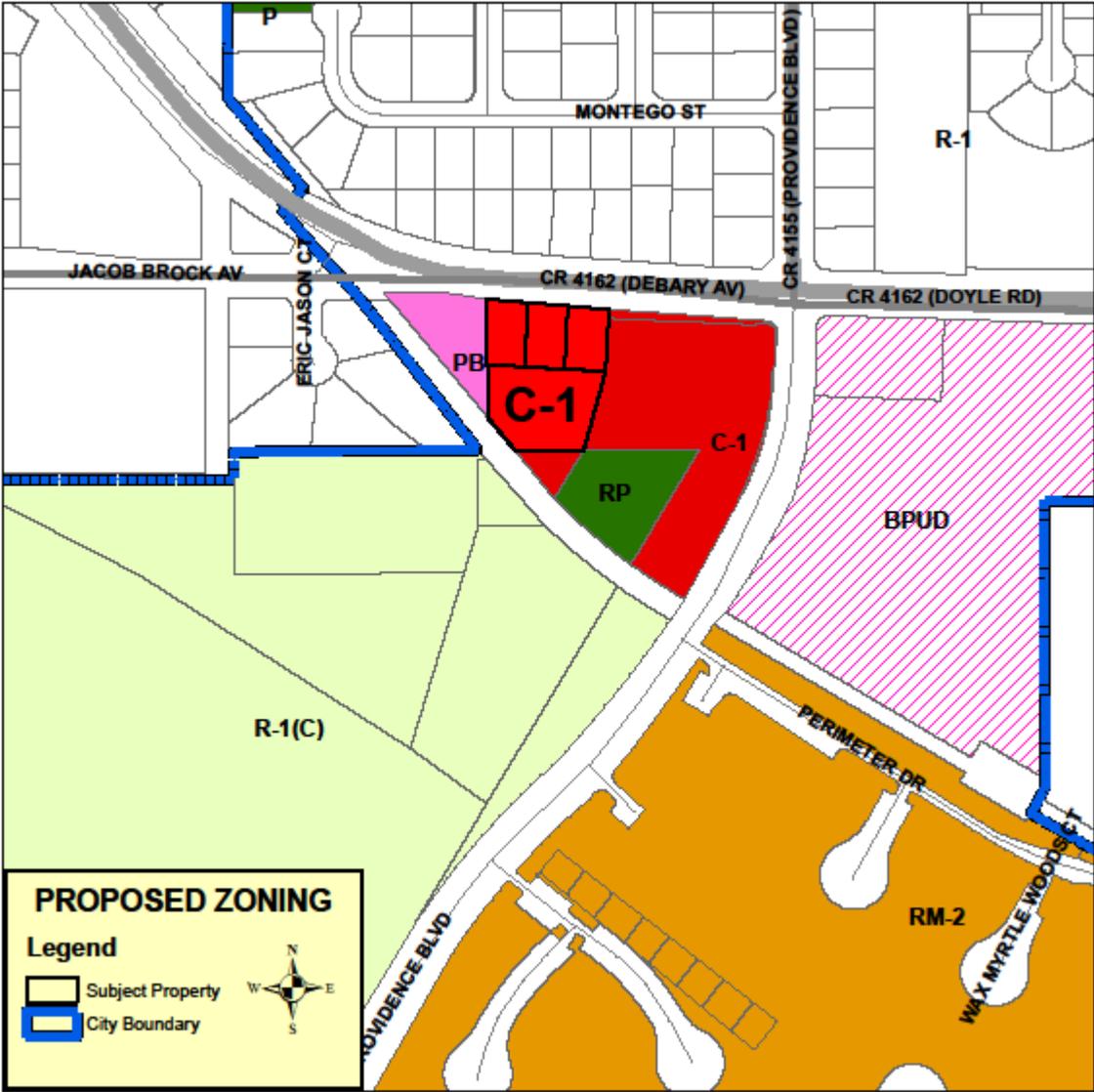
## **CONCLUSION/STAFF RECOMMENDATION:**

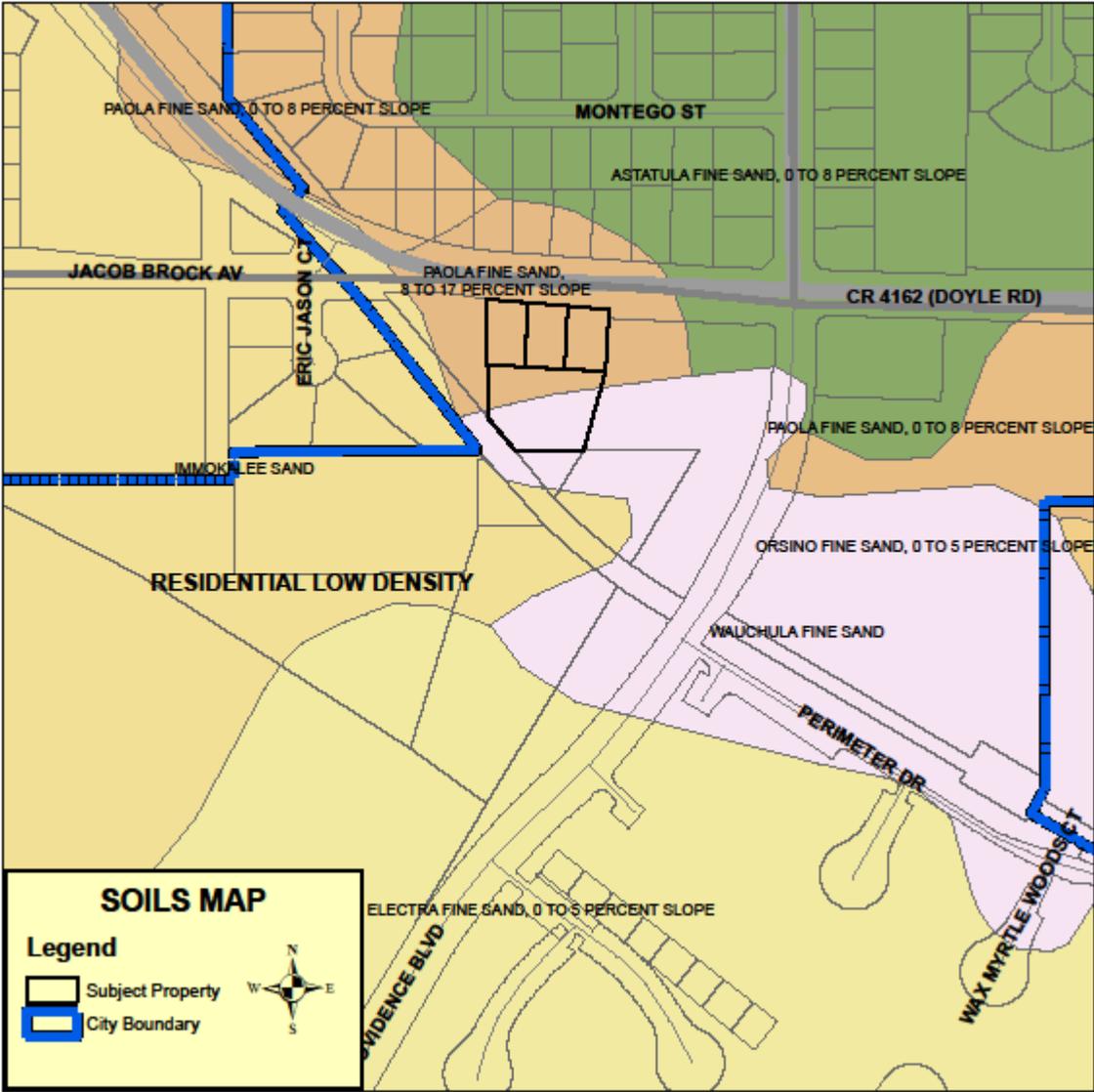
The City is underserved by commercial uses, and the proposed C-1 rezoning application will foster greater commercial opportunity within the City. Thus, staff recommends approval of this application at the policy level, provided any application for development comports with the performance standards of that zoning district. Greater commercial opportunity will also help address the City's over reliance on a tax base dominated by residential uses. Promoting more commercial development and tax base diversification are long standing City goals. However, in the case of this rezoning application, these goals will not be furthered at the expense of land use compatibility. The requested C-1 zoning, like the PB, is neighborhood oriented and the C-1 is intended to serve and be compatible with residential areas. Development will be required to be consistent with the historical character of the Enterprise community through compliance with the City's Enterprise Overlay District. Finally, the proposed rezoning is consistent with the Comprehensive Plan and can be served by existing public infrastructure (roads, central water and sewer).

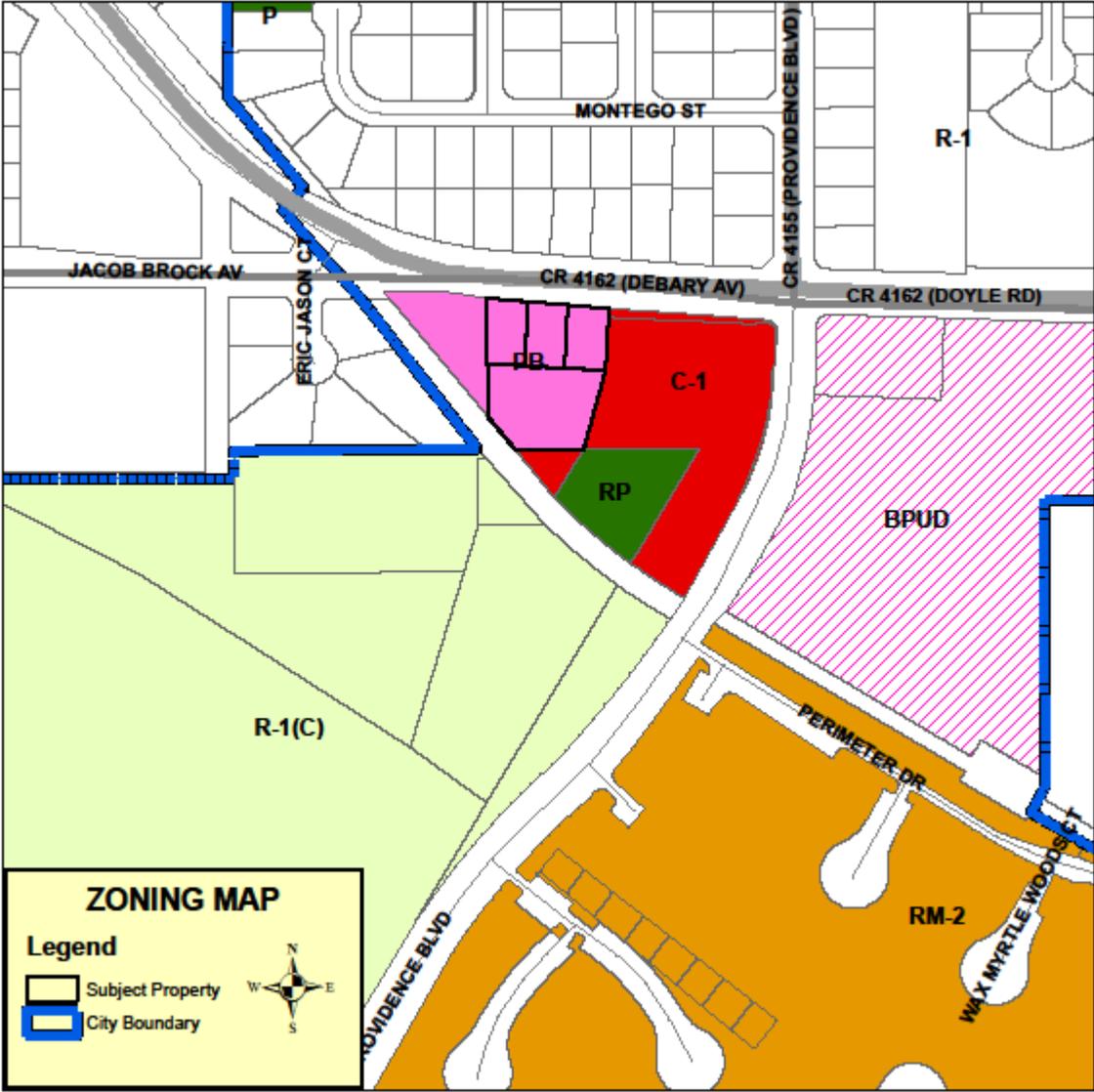


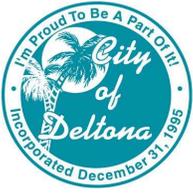












## Agenda Memo

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**AGENDA ITEM:** H.

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 9 - H

**SUBJECT:**

Public Hearing - Ordinance No. 31-2016, Southwest Deltona Community Redevelopment Area (CRA) Board Action to create the Community Redevelopment Trust Fund, at second and final reading - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.

Strategic Goal: Economic Development. Pursue the creation of a CRA for Deltona Blvd.

**LOCATION:**

City-wide.

**BACKGROUND:**

The City of Deltona has taken the proper steps to create and establish the Southwest Deltona Community Redevelopment Area and the Redevelopment Agency, and review and approval of the Redevelopment Plan at all levels. The establishment of the Community Redevelopment Trust Fund is the next step in the process and Ordinance No. 31-2016 provides for that fund creation.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

Planning and Development Services

**STAFF RECOMMENDATION PRESENTED BY:**

Chris Bowley, AICP, Director, Planning and Development Services - Staff recommends adoption of Ordinance No. 31-2016 by the City Commission, at second and final reading.

**POTENTIAL MOTION:**

"I hereby move to adopt Ordinance No. 31-2016, the Southwest Deltona Community Redevelopment Area Community Redevelopment Trust Fund, at second and final reading."

**ORDINANCE NO. 31-2016**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ESTABLISHING A REDEVELOPMENT TRUST FUND; PROVIDING FOR THE FUNDING OF A REDEVELOPMENT TRUST FUND FOR COMMUNITY REDEVELOPMENT WITHIN THE SOUTHWEST DELTONA COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR ADMINISTRATION OF THE REDEVELOPMENT TRUST FUND; DETERMINING THE INCREMENT REVENUE TO BE DEPOSITED IN THE REDEVELOPMENT TRUST FUND; ESTABLISHING THE BASE YEAR FOR DETERMINING ASSESSED VALUES OF PROPERTY IN THE COMMUNITY REDEVELOPMENT AREA FOR INCREMENT REVENUE PURPOSES; PROVIDING FOR THE ANNUAL APPROPRIATIONS OF THE INCREMENT REVENUE BY TAXING AUTHORITIES IN THE COMMUNITY REDEVELOPMENT AREA; APPOINTING THE GOVERNING BODY OF THE SOUTHWEST DELTONA COMMUNITY REDEVELOPMENT AGENCY AS THE TRUSTEE OF THE REDEVELOPMENT TRUST FUND; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

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**WHEREAS**, the Community Redevelopment Act of 1969 as codified in Part III of Chapter 163, Florida Statutes, the Redevelopment Act ("Act"), empowers counties and municipalities to undertake community redevelopment in order to eliminate, remedy or prevent slums and blighted areas and to provide affordable housing.

**WHEREAS**, Volusia County, Florida ("County") has adopted a home rule charter and it is necessary for the City Commission of the City of Deltona ("City") to obtain a delegation of the powers conferred upon the County by the Redevelopment Act, so that the City may exercise the authority and powers conferred by such act within the community redevelopment area ("Redevelopment Area") in the City.

**WHEREAS**, on July 20, 2015, the City adopted Resolution No. 2015-28 by which the City (1) ascertained, determined and declared certain Findings of Necessity as required by law; created the Southwest Deltona Community Redevelopment Area, also referred to as the Southwest Volusia Community Redevelopment Area ("Redevelopment Area"); and determined that the Redevelopment Area constituted a "blighted area" as defined in Section 163.340(8), Florida Statutes, (2) expressed the creation of the Southwest Deltona Community Redevelopment Agency ("Agency"), pursuant to Section 163.356, Florida Statutes to promote and encourage rehabilitation, conservation and redevelopment within the Redevelopment Area, and (3) sought approval from the County that the Redevelopment Area meets the criteria described in Section 163.340(8) and 163.355, Florida Statutes and requested delegation of authority to create the Agency, adopt a Community Redevelopment Plan and establish a Redevelopment Trust Fund.

**WHEREAS**, on December 17, 2015, the City submitted the Redevelopment Plan to the County for review and approval; and requested delegation of authority to create the Redevelopment Area.

**WHEREAS**, on July 7, 2016, the County found and determined that the establishment of the Redevelopment Area would serve a public purpose and would be consistent with the goals, objectives and policies of the Local Comprehensive Plan, and will otherwise be consistent with the controlling provisions of State law. Pursuant to Section 163.410, Florida Statutes, the County adopted Resolution No. 2016-092 which delegates to the City such authority, rights, and responsibilities conferred upon the County pursuant to Part III, Chapter 163, Florida Statutes to adopt the Redevelopment Plan.

**WHEREAS**, on August 17, 2016, the Planning and Zoning Board of the City of Deltona made findings that the Redevelopment Plan was conforms to the Local Comprehensive Plan.

**WHEREAS**, by Resolution No. 2016-41 adopted by the City Commission on September 6, 2016, the City Commission adopted the Redevelopment Plan for the Redevelopment Area as fully described in the Resolution and in Exhibit "A".

**WHEREAS**, in order to plan and implement the community redevelopment within the Redevelopment Area, it is necessary that a Redevelopment Trust Fund be established and created for said area as provided in Section 163.387, Florida Statutes.

**WHEREAS**, notice of the City Commission's intention to create a Redevelopment Trust Fund has been published in a local newspaper of general circulation and mailed to all "taxing authorities" in accordance with Section 163.346, Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:**

**Section 1.** The City Commission has the authority to adopt this Ordinance pursuant to Article VII of the Constitution of the State of Florida and Chapters 163 and 166, Florida Statutes.

**Section 2.** There is hereby established and created, in accordance with the provisions of the Act, a Community Redevelopment Trust Fund ("Trust Fund") for the Redevelopment Area, which Trust Fund shall be utilized and expended for the purposes of and in accordance with the Redevelopment Plan, including any amendments or modifications thereto, including any "community redevelopment" as that term is defined in Section 163.340(9), Florida Statutes, under the Plan.

**Section 3.** The monies to be allocated to and deposited into the Trust Fund shall be used to finance "community redevelopment" within the Redevelopment Area according to increment revenues attributed to the Redevelopment Area, which shall be appropriated by the Agency. The Agency shall utilize the funds and revenues paid into and earned by the Trust Fund for community redevelopment purposes as provided in the Redevelopment Plan and as permitted by law. The Trust Fund shall exist for the duration of the "community redevelopment" undertaken by the Agency pursuant to the Redevelopment Plan to the extent permitted by the Act

as stated in the Redevelopment Plan. Monies shall be held in the Trust Fund by the City, for and on behalf of the Agency, and disbursed from the Trust Fund as provided by the Agency.

**Section 4.** There shall be paid into the Trust Fund each year by each of the "taxing authorities" (City of Deltona and Volusia County), as that term is defined in Section 163.340(24), Florida Statutes, levying ad valorem taxes within the Redevelopment Area, a sum equal to ninety-five percent (95%) of the incremental increase in ad valorem taxes levied each year by that taxing authority, as calculated in accordance with Section 6 of this Ordinance and the Act, based on the base year established in Section 5 of this Ordinance (such annual sum being hereinafter referred to as the "tax increment"). There shall be a ceiling on annual County contributions of 95% of the tax increment share up to \$1 million; and 75% of the tax increment share over \$1 million up to \$2 million; and 50% over \$2 million until the sunset date.

**Section 5.** The most recent assessment roll used in connection with the taxation of property prior to the effective date of this Ordinance shall be the preliminary assessment roll of taxable real property in Volusia County, Florida, prepared by the Property Appraiser of Volusia County, Florida, and certified pursuant to Section 193.122, Florida Statutes reflecting valuation of real property for purposes of ad valorem taxation as of January 1, 2016 ("base year value") and all deposits into the Trust Fund shall be in the amount of tax increment calculated as provided in Section 6 hereof based upon the increases in valuation of taxable real property in the Area, prepared by the Property Appraiser of Volusia County, Florida, filed with the Department of Revenue pursuant to Section 193.1142, Florida Statutes.

**Section 6.** The annual funding of the Trust Fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds from the City and County in connection with the undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five percent (95%) the difference between:

- (a) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the Redevelopment Area; and
- (b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the Redevelopment Area as shown upon the most recent assessment roll used in the connection with the taxation of such property by each taxing authority prior to the effective date of this Ordinance providing for the funding of the Trust Fund (see Section 5 for such dates).

**Section 7.** All taxing authorities shall annually appropriate to and cause to be deposited in the Trust Fund the increment revenue determined pursuant to the Act and Section 6 of this Ordinance at the beginning of each fiscal year thereof as provided in the Act. The obligation of each taxing authority to annually appropriate the tax increment for deposit in the

Trust Fund shall commence immediately upon the effective date of this Ordinance and continue to the extent permitted by the Act so long as any indebtedness pledging "increment revenue" is to be paid and so long as the Redevelopment Plan is in effect.

**Section 8.** The Trust Fund shall be established and maintained as a separate trust fund by the Agency so that the Trust Fund may be promptly and effectively administered and utilized by the Agency expeditiously and without undue delay for its statutory purpose pursuant to the Redevelopment Plan.

**Section 9.** The governing body of the Agency shall be the trustee of the Trust Fund and shall be responsible for the receipt, custody, disbursement, accountability, management, investment and proper application of all monies paid into the Trust Fund.

**Section 10.** The Agency shall provide for an audit of the Trust Fund each fiscal year and a report of such audit to be prepared by an independent certified public accountant or firm. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the Trust Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which increment revenues are pledged and the remaining amount of the indebtedness. The Agency shall provide by registered mail a copy of the report to each taxing authority.

**Section 11.** The issuance of revenue bonds, notes or other obligations shall not create a pledge of the faith and credit of the County, but shall be payable solely from the increment revenues deposited in the Trust Fund together with any other non ad valorem revenues of the City or Agency as provided in the Plan.

**Section 12.** The City Clerk of the City is hereby authorized and directed to send a certified copy of this Ordinance to each of the taxing authorities and to the Property Appraiser of Volusia County, Florida.

**Section 13.** Conflict. All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

**Section 14.** Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

**Section 15.** Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DELTONA, FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

First Reading: \_\_\_\_\_

Advertised: \_\_\_\_\_

Second Reading: \_\_\_\_\_

BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

\_\_\_\_\_  
JOYCE RAFTERY, CMC, City Clerk

Approved as to form and legality  
for use and reliance of the City of  
Deltona, Florida

\_\_\_\_\_  
GRETCHEN R. H. VOSE, ESQ., City Attorney

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RESOLUTION 2016- 092

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, DELEGATING TO THE CITY OF DELTONA, FLORIDA, LIMITED COMMUNITY REDEVELOPMENT POWERS WITHIN A PORTION OF THE CITY, PROVIDING AN EFFECTIVE DATE

BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, THIS 7TH DAY OF JULY, 2016, AS FOLLOWS

SECTION 1 *Delegation of Authority* The county council delegates the community redevelopment powers conferred upon it by chapter 163, part III, Florida Statutes, to the City of Deltona for 20 years within that portion of the city legally described in exhibit A, subject to statutory requirements and the terms of this resolution. The city may not expand or modify the delegation. The county council reserves its right to revoke or amend the delegation.

SECTION 2 *Finding of necessity, creation of agency, adoption and review, and amendment of plan*

a The county council authorizes the city commission to find necessity pursuant to section 163 355 and 340(8), Florida Statutes, and approves and ratifies the city's July 20, 2015, finding made by exhibit B, within the boundaries for which authority is delegated.

b The city may create a community redevelopment agency, pursuant to 163 356, Florida Statutes, provided that the members of the city commission shall serve as members of the agency body pursuant to 163 357, Florida Statutes. The city commission as the governing body of the municipality shall adhere to the provisions of section 163 358, Florida Statutes.

c The city commission may adopt a community redevelopment plan, substantially in the form of exhibit C, pursuant to sections 163 358 and 360, Florida Statutes, provided that the plan approval shall be limited to only 20 years.

d Neither the city nor the agency shall deviate from the projects set forth in the plan, including their nature, size, design, location, schedule and estimated cost, without a plan

1 amendment The agency shall review the plan annually and update it every five years The  
2 agency prior to adoption shall submit to the county council for its review and approval any plan  
3 amendment which alters the use of the county increment for capital projects

4 SECTION 3 *Redevelopment Trust Fund*

5 a The city commission by ordinance shall establish a redevelopment trust fund  
6 pursuant to section 163 387, Florida Statutes, to which no other taxing district than the county or  
7 city need contribute The county shall contribute to the trust fund only from its general fund, not  
8 from any other, at a millage rate which does not exceed that of the city millage rate used to  
9 compute its contribution The most recent assessment roll used in connection with the taxation  
10 of property prior to adoption of the ordinance shall constitute the base year to compute the  
11 amount of any contribution by the county and the city

12 b Of the incremental revenue computed annually pursuant to the statute, the  
13 county shall pay 95% up to \$1 million, 75% between \$1 million and \$2 million, and 50% above  
14 \$2 million (For example, the county shall contribute \$950,000 of the first \$1 million increment )

15 c The county contribution will be used solely to fund the direct cost of any publicly  
16 owned capital projects identified in the redevelopment plan other than water, wastewater, and  
17 stormwater Direct cost may include the fully loaded compensation of city employees for time  
18 attributable directly to project design, survey, engineering, construction, testing and inspection,  
19 but shall not include any expenditure for administrative, supervisory, clerical, legal and support  
20 services Landscaping shall be considered a capital item only as subsidiary component of  
21 construction The county contribution shall fund no more than 50% of the direct cost of any  
22 capital project

23 d The city contribution may be used for the direct cost, as limited in c above, of  
24 any public infrastructure described in the redevelopment plan

1 e Neither county nor city contribution shall be used for personnel, administrative, or  
2 overhead costs of the agency, or for any other purpose of whatsoever nature

3 SECTION 4 *Reporting, budget*

4 a The agency shall conform to a uniform system of reporting established from time  
5 to time by the county and not less than annually shall make a presentation to the county  
6 council

7 b The agency shall submit its proposed budget for the next fiscal year to the county  
8 for review and comment prior to agency adoption and no later than August 1 of each year The  
9 county will respond with any questions or comments within 30 days of receipt of the proposed  
10 budget The agency shall not make any material changes to its budget without prior notice to the  
11 county

12 SECTION 5 *Coordination, Recognition*

13 a The agency shall ensure that the designated county representatives, including the  
14 appropriate Volusia County Council district member and a county staff representative shall be  
15 given timely notice, at least contemporaneously with the notice given to CRA board members,  
16 prior to any CRA meeting and given an opportunity to attend and participate

17 b The agency will include the county when recognizing contributing partners in print  
18 and electronic media as well as formal events such as groundbreakings, ribbon cuttings and  
19 activities celebrating CRA successes, including the following

- 20 1 Participation in planning and updating process,
- 21 2 Printed material including newsletters, flyers, advertisements and invitations,
- 22 3 Digital materials including websites, email campaigns and announcements,
- 23 and
- 24 4 Construction signs

1 SECTION 6 *Agreements* The agency may enter into agreements, including  
2 agreements with developers of real estate located within the boundaries of the redevelopment  
3 area, only as contemplated by and provided in the plan

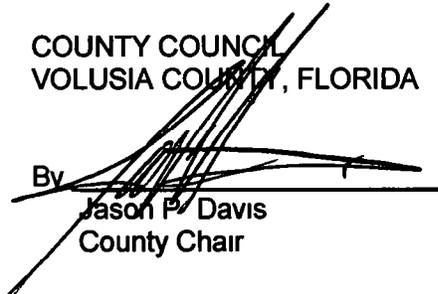
4 SECTION 7 *No county liability* Nothing contained herein shall impose any liability upon  
5 the county for any acts of the city or the agency

6 SECTION 8 *Non-severability* The provisions of this resolution are not severable If any  
7 part of this instrument is held invalid by a court of law or is superseded by statute, this resolution  
8 shall be deemed void and of no further effect

9 SECTION 9 *Effective date* This Resolution shall become effective immediately upon  
10 adoption

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13 DONE AND ORDERED IN OPEN MEETING

14  
15 COUNTY COUNCIL  
16 VOLUSIA COUNTY, FLORIDA

17  
18 By   
19 Jason P. Davis  
20 County Chair

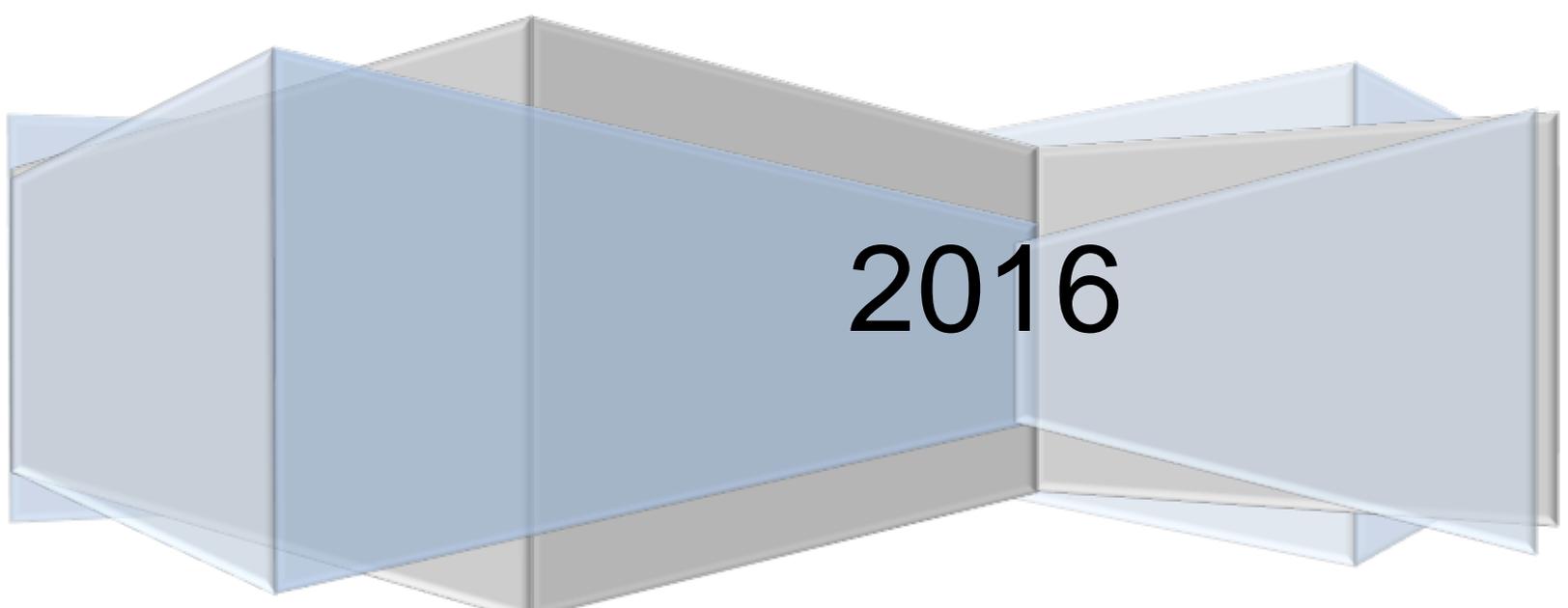
21  
22 ATTEST

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24 By   
25 James T. Dimheen  
26 County Manager  
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**City of Deltona**

**City of Deltona  
Southwest Deltona CRA  
Redevelopment Plan**



**2016**

## **CHAPTER 1 COMMUNITY REDEVELOPMENT PLAN ADOPTION**

### **1.1 PREPARATION OF COMMUNITY REDEVELOPMENT PLAN**

The Community Redevelopment Act, Section 163.360(4), Florida Statutes, states that a municipality or Community Redevelopment Agency (CRA) may prepare a Community Redevelopment Plan. In a home rule charter county such as Volusia, the City of Deltona (City) must request delegation of authority to create a CRA and establish a Redevelopment Trust Fund.

The City will submit the Finding of Necessity and the Community Redevelopment Plan (Plan) to Volusia County Council for review and approval, and request for delegation of authority to create a CRA, and establish a Redevelopment Trust Fund. This Plan has been prepared at the direction of the City Commission and represents a collaborative effort among the City, local residents, and the County.

Community input and direction were provided from Visioning Workshops conducted on October 17, 2015, and November 7, 2015, where the elected officials, City staff and citizens came together to begin the discussion of Deltona's vision for the future of the City. This interactive workshop was the initial step in the visioning process and developing a unified strategy to overcome barriers, such as challenges associated with the Deltona/Normandy/Saxon Boulevards CRA. Attached as **Exhibit C** is a draft of the proposed strategic plan that captures the essence of the visioning sessions.

### **1.2 PROCEDURE FOR CONSIDERING AND ADOPTING THE PLAN**

The Community Redevelopment Act, Section 163.360, Florida Statutes, outlines the procedure for considering and adopting the Southwest Deltona Community Redevelopment Plan.

This Plan will be forwarded to the Deltona Planning and Zoning Board for review and recommendation as to its conformity within the Comprehensive Plan. Upon reviewing this Plan, the City Planning and Zoning Board is expected to submit written recommendations to the City Commission with respect to the conformity of the proposed Community Redevelopment Plan with the Comprehensive Plan, which City staff will format.

Upon receipt of comment from the City Planning and Zoning Board, the City is required to submit this Plan, together with any written recommendations, to the governing body of each taxing authority levying ad valorem taxes on real estate contained within the Redevelopment Area.

The City will also submit the Finding of Necessity and the Community Redevelopment Plan to Volusia County Council for review and approval, and request for delegation of authority to create a Community Redevelopment Area, a Community Redevelopment Agency, and establish a Redevelopment Trust Fund.

After receiving delegation of authority from Volusia County Council, the City must provide proper notice to each of the governing bodies having the ability to impose taxes within the

Redevelopment Area and publish the notice as prescribed by Statute at least 15 days before such proposed action. The CRA redevelopment agency may only then consider and approve this Plan at a public hearing. After approval of the Plan, the CRA redevelopment agency can establish a Redevelopment Trust Fund under Section 163.387, Florida Statutes.

### **1.3 COMMUNITY REDEVELOPMENT AGENCY POWERS**

The City requests the delegation of authority from Volusia County to create a CRA Community Redevelopment Agency, adopt a Community Redevelopment Plan, establish a Redevelopment Trust Fund, and carry out the implementation of the Plan, as specified by Section 163.356, 163.360, 163.361 and 163.387, Florida Statutes (2012). The City views the request from the County as a partnership between the County and the City that represents a sound investment that will pay dividends for both units of governments.

The City Commission shall assume its capacity as the governing body of the Southwest Deltona CRA, pursuant to Section 163.356 and 163.357, Florida Statutes (2012). The CRA shall consist of the seven members of the City Commission, pursuant to Section 163.357(1)(c), Florida Statutes. If the City Commission appoints a CRA Advisory Board, such Board shall have County representation of at minimum one member appointed by the County Council. Such Advisory Board shall meet at least as often as the CRA holds its regular meetings and shall meet prior to meetings of the CRA in order to review and provide recommendations on matters to be considered by the CRA.

The City also requests specific powers from the County to promote and encourage investment, rehabilitation, and redevelopment within the Redevelopment Area, pursuant to Section 163.370 and Section 163.410, Florida Statutes. However, certain powers may not be granted to the Southwest Deltona CRA, pursuant to Section 163.358, Florida Statutes. The City recognizes that Volusia County retains exclusive authority to adopt, amend or modify a community redevelopment plan to change the boundaries, create a new redevelopment area or exercise any power under the Community Redevelopment Act outside the CRA, pursuant to Volusia County Resolution 2010-20 and 2015-046. Finally, there are no parking facilities planned to be funded as part of the CRA. Therefore, the parking fee language contained in County Resolution No. 2015-78 would not apply to the Southwest Deltona CRA.

## **CHAPTER 2 REDEVELOPMENT VISION, OBJECTIVES, AND STRATEGIES**

### **2.1 APPROACH**

This Chapter presents the vision for the Redevelopment Area. In addition, this Chapter identifies potential objectives and strategies, and lays a foundation for the programs and projects to be considered by the City of Deltona, the CRA, and private enterprise in implementing this vision.

Projects, costs, or budgets provided in the Southwest Community Redevelopment Plan are estimated, and will be refined as additional research, plans, and documents are prepared to implement the particular objectives, strategies, resulting programs, and projects. The costs given for budgeting purposes establish the framework for the financial planning analysis.

Costs or budgets should not be construed as exclusively the burden of the public sector. Costs or budgets are intended to be total costs with potential allocations to the public and private sectors assigned on the basis of the encouragement of private enterprise as a tool to carry out a significant portion of this Plan and apparent benefit, value, revenues, or other relevant factors.

### **2.2 VISION FOR THE COMMUNITY REDEVELOPMENT AREA**

The vision for the Redevelopment Area focuses on creating a sustainable commercial/mixed-use corridor that offer visitors and residents a high quality local destination featuring a safe transportation network, pedestrian connections and public space/recreation facilities in a manner that promotes a positive environment for the City. At the same time, redevelopment efforts shall be complimented with maintaining affordable housing options for residents of low or moderate income, including the elderly. The CRA will support infrastructure and not impact the City's ability to provide an adequate level of service within the Redevelopment Area.

The Redevelopment Area is envisioned to consist of a mix of medium to small service and retail stores, such as a supermarket, specialty retail uses, restaurants, art galleries, professional offices and institutional uses. Opportunity will be available for mixed use development formats with residential and office uses contained within the same buildings or neighborhoods.

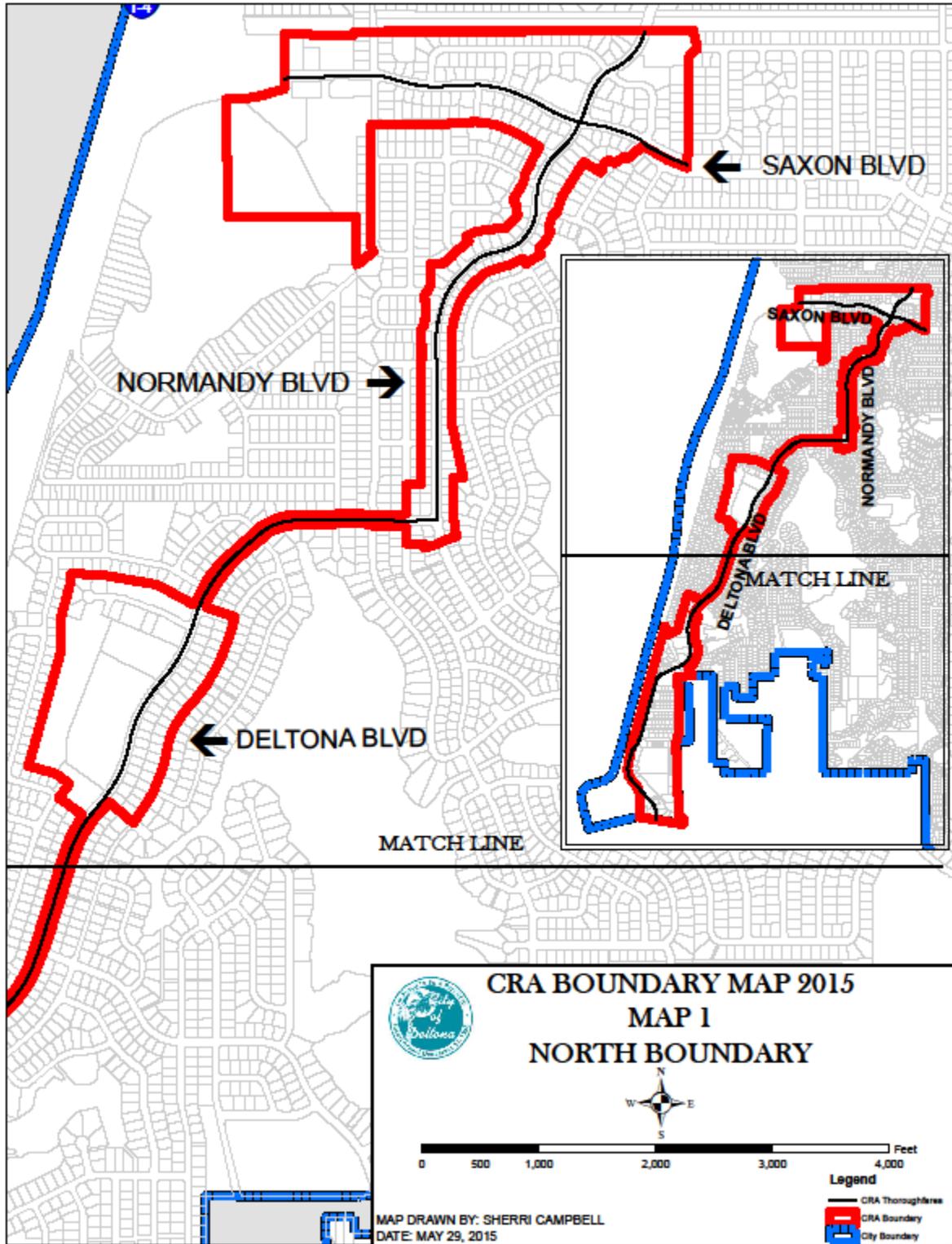
The development of certain segments of the subject corridors will lead to the conversion of the existing, non-sustainable, haphazard development pattern that has occurred along the corridors. The CRA will be treated with improved infrastructure intended to promote area rehabilitation and ultimately the highest and best use of structures. Landmarks will be developed at key intersections to identify entry to serve as focal points for the Community Redevelopment Area. Linear features will be beautified with landscape improvements and hardscapes.

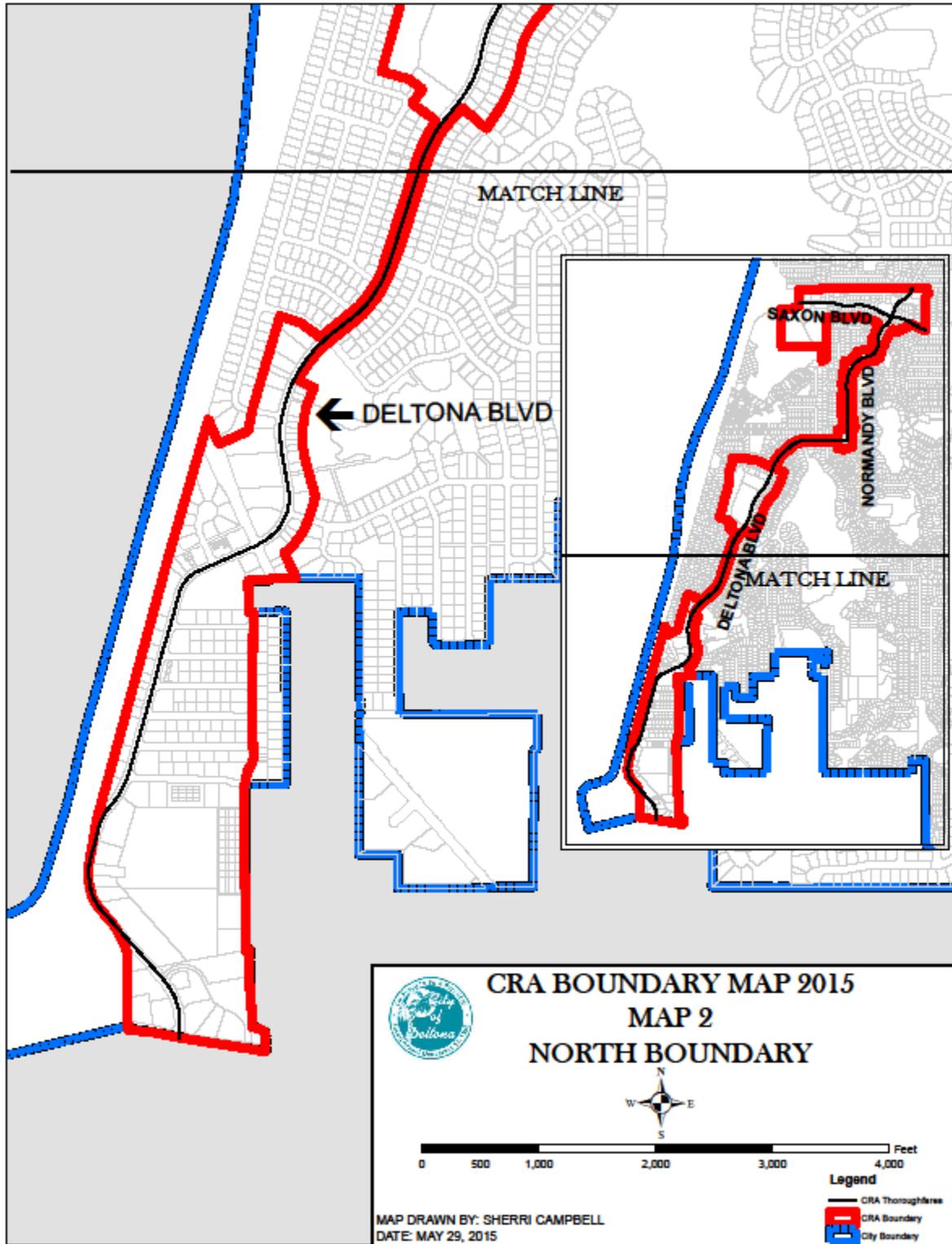
The intent of this Plan is to serve as a framework for guiding development and redevelopment in the Redevelopment Area. This Plan identifies redevelopment objectives, and lays the foundation for programs and capital projects to be undertaken, which will reverse and remove blight documented in the Findings of Necessity. This Plan addresses financing and implementation strategies as well as management and administrative opportunities. These programs, projects, funding/financing strategies, and administrative opportunities will continue to be refined as they are implemented. It is clearly understood that grants and other revenues (impact fees, general revenue, etc.) need be used in conjunction with available increment revenues to achieve these stated goals. While based on the most accurate data available, the various strategies and costs identified in this Plan will require additional study as specific programs and projects are initiated, refined, and implemented.

The focus of the Plan is the mitigation or correction of the various blighted area conditions documented in the adopted Finding of Necessity Report. Changing social, physical, and economic conditions could warrant the modification of this Plan. If the Plan is modified, the CRA must comply with Section 163.361, Florida Statutes and applicable County Resolutions.

As the redevelopment process unfolds, a Conceptual Diagram will be generated to illustrate specific improvements planned. The elements shown in the Conceptual Diagram may be relocated or realigned as part of future planning initiatives, so long as modifications are generally consistent with the vision articulated in this Plan. The Conceptual Diagram will consistently be evaluated and developed into a base Master Plan. This Master Plan will guide the redevelopment of the Redevelopment Area as it relates to function and aesthetics. The City Land Development Code (LDC) shall address the redevelopment area's urban design framework.

The CRA Boundary is depicted on the following map series.





## 2.3 REDEVELOPMENT OBJECTIVES AND STRATEGIES

In partnership with private enterprise and the County, the redevelopment initiative embodied in this Plan will reverse and remove the observed blighted conditions within the Redevelopment Area by leveraging public assets to improve the overall economic condition and the physical condition of the Redevelopment Area. Creating safe, viable, and sustainable corridors along Deltona/Normandy/Saxon Boulevards featuring more attractive mixed use and commercial opportunity will greatly enhance the quality of life not only for the residents but the population of the City and County at large.

Strategic initiatives are to be identified and placed into action to address, reverse, and remove the blighted area conditions, which have substantially impaired reinvestment activity within the Redevelopment Area; and ultimately will be substantially redeveloped and revitalized as a community focal point to the benefit of Deltona residents, businesses, property owners, and visitors through the implementation of this Redevelopment Plan.

Objectives have been identified as either "primary" or "community." The primary objectives are deemed the most important in addressing, removing, or mitigating blighted area conditions within the Redevelopment Area identified by the City within the Finding of Necessity Report. The community objectives are secondary to the principal focus of this Plan and are intended to pave the way for the redevelopment. Nonetheless, the community objectives are important and will be implemented as revenues or other resources permit. The objectives anticipate maximizing the use of private enterprise.

### 2.2.1 PRIMARY OBJECTIVES AND STRATEGIES

**Primary Objective 1:** Improve transportation facilities within the Redevelopment Area including sidewalks, crosswalks, bike paths, and other multi-modal options to enhance regional connection. These strategies will correct the blighted conditions of defective or inadequate street layout (*Pgs. 17, 18, 19, 20 and 23 of the Finding of Necessity Report*), roadways and public transportation facilities (*Pg. 19 and 23 of the Finding of Necessity Report*); and unsafe conditions (*Pgs. 21, 22, 23 and 25 of the Finding of Necessity Report*).

#### **Strategies:**

1. The transportation component for the Redevelopment Area will focus on developing an effective, safe, and efficient transportation system which will include multi-modal options.
2. The Primary Corridors along Deltona/Normandy/Saxon Boulevards enables the creation of gateways and focal points into the Redevelopment Area. Explore designing three (3) gateways/focal points. One at the north end (Saxon Boulevard near the I-4 interchange), the intersection of Normandy and Deltona Boulevard, and south end of the Redevelopment Area at or near the DeBary/Deltona Boulevard intersection.
3. Roadway and streetscape improvements will improve safety, access, and traffic flow characteristics. Such improvements will also provide for pedestrian and bicycle facilities and foster community beautification. The following will be considered as guidelines for roadway and streetscape improvements.
  - a. Undertake roadway and streetscape improvements along the Primary Corridors (Deltona/Normandy/Saxon Boulevards).

- b. Explore innovative intersection designs to alleviate traffic congestion along Deltona and Normandy Boulevards, such as roundabouts and signalization timing for better traffic flow.
  - c. Undertake roadway, sidewalk, and lighting improvements on appropriate streets, and provide safe pedestrian routes.
  - d. Implement roadway and streetscape improvements based on a phasing plan which emphasizes visual impact in addition to improved access and circulation.
  - e. Provide the ability for vehicles, pedestrians, and bicyclists to access an enhanced internal transportation network which connects, if applicable, the neighborhoods to services and commercial corridors.
  - f. Develop and incorporate landscape and lighting design standards to create a safe and inviting environment.
  - g. Integrate traffic calming techniques throughout the internal roadway system to enhance safety and facilitate a pedestrian/bicycle friendly environment. Traffic calming techniques may include the use of pavers or decorative concrete, raised pavement, roundabouts, change of landscape treatment, and the creation of pedestrian nodes at major intersection, mid-block crossings and other locations where potential conflicts exist between vehicles, pedestrians and bicyclists. Creative options to cross major streets should be investigated. Pedestrian safety and crime prevention design standards should be employed along with aesthetic considerations when evaluating, designing, and implementing pedestrian crossings.
  - h. Traffic lights, crosswalks, and regulatory/wayfinding signage will be used to enhance the safety of vehicles, pedestrians, and bicyclists in key locations throughout the Redevelopment Area
4. Improving transportation and pedestrian safety will positively transform the visual and real perception of the City of Deltona. The CRA shall develop transportation and pedestrian safety design guidelines and/or standards to focus on the following:
    - a. Establish driveway spacing to prevent a motorist from encountering more than one conflict at a time.
    - b. Address corner clearance and, wherever practical, control distance between driveways and the corner of an intersection.
    - c. Develop driveway designs to allow vehicles to quickly exit the through lane.
    - d. Encourage the use of roadway medians to provide a safe space for pedestrians to control turning movements, help to provide positive guidance to motorists, and allow beautification.
    - e. Promote shared parking and cross access easements to alleviate the traffic congestion along the three primary corridors.
    - f. Implement and incorporate lighting and landscape standards to design a safe and inviting environment.
  5. Promote the Redevelopment Area through designing and implementing a signage and wayfinding system directing traffic to and from the Redevelopment Area, the major connectors, and destinations in the region.
  6. Explore opportunities to partner with the Volusia Transportation Planning Organization (TPO), the County, and Votran to recognize/enhance connections to SunRail, and provide local and regional public transportation and associated facilities, such as bus stops, shelters, and hubs.

**Primary Objective 2:** Identify and promote a workable means to fund, finance, and deliver utility and infrastructure improvements needed for the redevelopment effort. These strategies will correct the blighted conditions of unsanitary or unsafe conditions (*Pgs. 23 – 25 of the Finding of Necessity Report*); and deterioration of site or other improvements.

**Strategies:**

1. Concurrent with roadway construction and repaving activities, the City/CRA shall coordinate the delivery of infrastructure and utility improvements (i.e., drainage structures, underground and overhead utilities, etc.).
2. The City/CRA shall implement and adhere to requisite stormwater and flood management requirements.
3. Design stormwater management and above ground utility features to serve as amenities to the Redevelopment Area and to improve aesthetics.
4. Increase central sewer coverage in the Redevelopment Area, to encourage more intensive development including expanded commercial opportunities. The goal is that by the sunset of the CRA, all commercial uses will be served by central sewer.
6. Upgrade undersized waterlines to continue to provide adequate flows, including fire flows, for the customers served and to foster redevelopment.

**Primary Objective 3:** Deliver an overall urban design and infrastructure initiative, which enhances basic utilities, and creates a positive identity. These strategies will correct the blighted conditions of unsanitary or unsafe conditions (*Pgs.23-25 the Finding of Necessity Report*); and deterioration of site or other improvements (*Pgs. 16-20 of the Finding of Necessity Report*).

**Strategies:**

1. A conceptual diagram for redevelopment activities will be developed as part of this project. The elements that will be shown on the conceptual diagram may be relocated or realigned as a result of future planning initiatives and related evaluations. This Redevelopment Plan will guide the redevelopment of the Redevelopment Area as it relates to function and aesthetics. The City LDC shall be implemented to address the envisioned urban design framework.
2. The City and the CRA shall encourage improved appearance through appropriate design for all projects both public and private. The City of Deltona Urban Design Pattern Book, City Land Development Regulations and, as applicable, Enterprise Development Standards (Sec. 110-320) shall provide guidance with regard to the location and design of streetscapes, architectural elements, building mass and location, landscaping, signage, public art, etc. The intent is to provide visual continuity and a positive environment throughout an area for both new and existing facilities. The City's Comprehensive Plan addresses land use intent, intensities, densities, open space, and conservation. The LDC shall balance aesthetic values with functional and economic considerations to create an attractive and safe environment for pedestrians, bicyclists, and motorists.

**Primary Objective 4:** Ensure regulatory measures are in place to promote the redevelopment of attractive, safe, viable, and sustainable commercial nodes along Deltona/Normandy/Saxon Boulevards. These strategies will correct the blighted conditions

of defective or unsafe conditions (*Pgs. 23-25 of the Finding of Necessity Report*); and deterioration of site or other improvements (*Pgs. 16-20 of the Finding of Necessity Report*).

**Strategy:**

1. Where feasible, implement Land Development Code and Comprehensive Plan mixed use urban design/development standards for the primary commercial corridors. The standards will address the incorporation of parking lot layout, building design, landscaping, signage, pedestrian connections, and linkages between land uses through a functional cross access system.

**Primary Objective 5:** Create attractive, safe, viable, and sustainable commercial corridors along Deltona/Normandy/Saxon Boulevards. These strategies will correct the blighted conditions of faulty lot layout (*Pgs. 18, 23, and 24 of the Finding of Necessity Report*); unsafe conditions (*Pgs. 23 – 25 of the Finding of Necessity Report*); and deterioration of site or other improvements (*Pgs. 16, 17 and 24 of the Finding of Necessity Report*).

**Strategies:**

1. Establish roadway beautification plans to improve the appearance of CRA corridors.
2. The commercial development shall be designed to provide safe vehicular access, as well as pedestrian and bicycle-friendly streets.
3. The City/CRA shall develop a streetscape plan for the commercial corridors. The Streetscape Plan may include site furnishings, lighting, landscaping, decorative pavers, and signage. Roadway and streetscape planning must include a phasing/prioritization plan to construct the recommended improvements. The CRA will implement the Streetscape Plan.
4. Innovative design which integrates environmentally sound best practices (e.g., green building design, dual water systems, and xeriscape) will be encouraged.

**Primary Objective 6:** Ensure regulatory measures are in place to promote the redevelopment of vibrant urban mixed-use corridors consisting of retail stores, supermarkets, restaurants, art galleries, professional offices, and service businesses with a potential for a mixture of residential and office in the same buildings or within the same neighborhood. These strategies will correct the blighted conditions of faulty lot layout (*Pgs. 18, 23 and 24 of the Finding of Necessity Report*); unsafe conditions (*Pgs. 19, and 21 - 25 of the Finding of Necessity Report*); and deterioration of site or other improvements (*Pgs. 16, 17, 20, and 24 of the Finding of Necessity Report*).

**Strategies:**

1. Investigate designating areas of the CRA with the Mixed Use Land Use Category.
2. Implement urban design/development standards such as criteria within the Land Development Code and if applicable, the Urban Design Pattern Book to integrate land uses to transportation corridors.

**Primary Objective 7:** Create a vibrant urban “Commercial Corridor” area with mixed-use developments. These strategies will correct the blighted conditions of faulty lot layout (*Pgs. 18, 23 and 24 of the Finding of Necessity Report*); unsafe conditions (*Pgs. 19 and 21 - 25 of the Finding of Necessity Report*); and deterioration of site or other improvements (*Pgs. 16, 17, 20 and 24 of the Finding of Necessity Report*).

**Strategies:**

1. The Deltona Boulevard Corridor shall consist of a mix of retail stores, supermarkets, restaurants, art galleries, professional offices, and service businesses with some areas earmarked for medium to high density residential. Mixed use development patterns may also be contemplated with residential and commercial contained within the same building or located in the same neighborhood.
2. Mixed use development shall be processed as a Planned Unit Development.
3. Deltona Boulevard Corridor shall be developed with destination-oriented uses to promote a synergistic commercial environment.
4. Commercial and mixed use developments shall be designed to be pedestrian and bicycle friendly and promote safe, convenient and comfortable access.
5. The City shall develop a streetscape plan for commercial corridors. The Streetscape Plan may include site furnishings, lighting, landscaping, decorative pavers, and signage. Roadway and streetscape planning must include a phasing/prioritization plan to construct the recommended improvements. The CRA in partnership with other agencies, as deemed appropriate, will implement the Streetscape Plan.
6. Innovative design which integrates environmentally sound best practices (e.g., green building design and xeriscape) will be encouraged.

**Primary Objective 8:** Encourage parcel assembly to facilitate redevelopment of the redevelopment area within commercial nodes along the Saxon/Normandy/Deltona Corridors. The below strategies will correct the blighted conditions of faulty lot layout in relation to size, adequacy, accessibility, or usefulness (*Pgs. 18, 19, 23 and 24 of the Finding of Necessity Report*).

**Strategies:**

1. Pursuant to the Community Redevelopment Act, Section 163.335(3), Florida Statutes, all public land acquisitions done for community redevelopment purposes will be done for public purposes. There is anticipation that public land acquisition will be limited to accommodate transportation improvements.
2. Pursuant to the Community Redevelopment Act, Section 163.360 (8) 4 (b), Florida Statutes - *"In the event the area is to be developed in whole or part for nonresidential uses, the governing body determines that: 1. Such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives"*.
3. Provide incentives such as City funded infrastructure improvements or enhanced land use entitlement for private properties to facilitate the aggregation of specially targeted or adjacent lots with multiple owners to create a single owner.
4. When feasible, the City should encourage acquisition and subsequent redevelopment by the private market. Other related activities that may be undertaken by the City include:
  - a. Map and index all commercial properties in the Redevelopment Area to provide detailed information on parcel boundaries, sizes, and ownership.
  - b. Identify and inventory all relevant substandard properties.
  - c. Document and analyze parking demands and infrastructure constraints throughout the Redevelopment Area.

- d. Document site criteria for modern mixed-use developments by business type to facilitate the understanding of contemporary developer site and parking requirements.
- e. The City may facilitate aggregation and redevelopment of “problem” or constrained parcels or groups of parcels.
- f. The City may assist in the purchase, sale, negotiation, and coordination of land assembly. However, the City shall not use eminent domain to acquire land that will be ultimately used or transferred for private development.
- g. Identify catalyst sites to serve as important strategic assets to cause an early and precedent-setting change in the community redevelopment area and to spur other growth. Two (2) catalyst areas have been identified:
  1. Deltona Plaza
  2. Saxon Blvd. Corridor

**Primary Objective 10:** Incorporate housing revitalization through housing maintenance programs and rehabilitation services. These strategies funded through the SHIP and CDBG programs will help correct the blighted conditions of unsanitary or unsafe conditions associated with residential uses (*Pgs. 18, 23 and 24 of the Finding of Necessity Report*); and deterioration of site or other improvements (*Pgs. 18, 23 and 24 of the Finding of Necessity Report*).

**Strategies:**

1. By addressing the problems associated with substandard and dilapidated housing, the City/CRA will mitigate contributing blight conditions within the Redevelopment Area.
2. In the same manner, redevelopment efforts shall be complimented with efforts to provide affordable/workforce housing to residents of low to moderate income, including the elderly.
3. Promote programs for homeowners to rehabilitate their homes. Such programs include zero interest loans or information on other funding sources for the repair of single and multi-family homes depending on the applicant’s income.
4. Assist low income households through the SHIP program with down payment and closing costs assistance. The assistance may be for the purchase of an existing structure.
5. Infrastructure improvements such as roadway improvements, stormwater, wastewater, and potable water make properties more conducive for development. The City may undertake infrastructure improvements in partnership with private entities. If determined improving the infrastructure of certain properties is beneficial to the City for housing revitalization and blight mitigation within the Redevelopment Area, the CRA may undertake capital improvements on these individual properties.

**Primary Objective 11:** Establish a creative, equitable, efficient and practical funding and financing mechanism to properly implement this Plan. These strategies will correct the blighted conditions of defective or inadequate street layout (*Pgs. 19, 20 and 23 of the Finding of Necessity Report*), parking facilities (*Pgs. 23 and 24 of the Finding of Necessity Report*), roadways and public transportation facilities (*Pgs. 19, 20, 23 and 24 of the Finding of Necessity Report*); faulty lot layout (*Pgs. 18, 23 and 24 of the Finding of Necessity Report*); unsanitary or unsafe conditions (*Pgs. 18, 23 and 24 of the Finding of Necessity Report*).

Report); and deterioration of site or other improvements (*Pgs. 18, 23 and 24 of the Finding of Necessity Report*).

**Strategies:**

1. It is important the City/CRA identify and secure all effective sources of funding including, but not necessarily limited to, increment revenues, non-ad valorem assessments, and grant funding revenue.
2. The City/CRA must be willing to contemplate the issuance of bonds, secure other financial instruments, seek and utilize grants, and seek out other sources and alternatives to aid in implementing this Plan. Such sources and alternatives may include, but are not limited to, special assessments imposed by the City of Deltona, ad valorem taxes imposed for municipal purposes through a municipal services taxing unit, or the imposition and pledge of ad valorem taxes upon a vote of the electors consistent with the Florida Constitution.

### 2.2.2 COMMUNITY OBJECTIVES AND STRATEGIES

**Community Objective 1:** Implement an aesthetic and planning review program to guide redevelopment and maintenance activities within the Redevelopment Area. These strategies will correct the blighted conditions of unsanitary or unsafe conditions (*Pgs. 18, 23 and 24 of the Finding of Necessity Report*); and deterioration of site or other improvements (*Pgs. 18, 23 and 24 of the Finding of Necessity Report*).

**Strategies:**

1. The City will review, consistent with City Land Development Regulations, plans for development within the Redevelopment Area, and coordinate with effected land owners to ensure the vision articulated in this Plan is achieved. The City will assign dedicated staff to coordinate and approve applicable development plans proposed for properties located within the Redevelopment Area.
2. Mixed-use redevelopment land use proposals will be processed as a PUD and will be associated with development/design standards for site, building, landscape, signage, and public areas for the commercial properties along the three corridors. The City's Pattern Design Book will act as a guideline to assist developers, builders, property owners, and individuals in preparing design/construction documents.
3. The City/CRA will assign staff or personnel to oversee the integrity of the CRA vision of the Redevelopment Area.

**Community Objective 2:** Ensure the Redevelopment Area is safe and clean over a period of time. These strategies will correct the blighted conditions of unsanitary or unsafe conditions (*Pgs. 18, 23 and 24 of the Finding of Necessity Report*); and deterioration of site or other improvements (*Pgs. 18, 23 and 24 of the Finding of Necessity Report*).

**Strategies:**

1. The Community Redevelopment Act encourages "community policing innovations." This concept is defined as policing techniques or strategies designed to decrease crime by reducing opportunities for, and increasing the perceived risks of engaging in, criminal activity through visible presence of law enforcement in the community, including, but not limited to, community mobilization, neighborhood watch programs, citizen patrol, foot patrol, or intensified motorized patrol. The City will review these

programs to improve the actual and perceived security, building safety, and appearance of the Redevelopment Area.

2. The City will identify, execute, and coordinate special maintenance standards and programs for public facilities, roadways, open space areas, entries, and commercial uses along the three corridors.

**Community Objective 3:** The City may plan, design, and deliver additional infrastructure improvements or services within the Redevelopment Area, if deemed those improvements enhance the quality or attractiveness of the Redevelopment Area especially with regard to public amenities. These strategies will correct the blighted conditions of unsanitary or unsafe conditions (*Pgs. 18, 23 and 24 of the Finding of Necessity Report*); and deterioration of site or other improvements (*Pgs. 18, 23 and 24 of the Finding of Necessity Report*).

**Strategies:**

1. Such additional infrastructure may include undergrounding utilities in certain areas to achieve a desired visual impact, upgrading technology, and telecommunications availability to attract businesses or the enhancement of landscape areas. Such additional improvements will complement the redevelopment plans for the Redevelopment Area.
2. Additional services may include extraordinary right-of-way or other public area maintenance, planning, and implementing cultural, charitable or place-making activities, events and related services which showcase the Redevelopment Area.
3. The City shall expand central sewer service for commercial areas of the CRA. The first priority will be the north side of the Saxon Blvd. corridor located west of the Saxon Blvd. and Normandy Blvd. intersection.

**Community Objective 4:** Establish a unique identity to promote the vision for the Redevelopment Area through branding and marketing programs. These strategies will correct the blighted conditions of deterioration of site or other improvements (*Pgs.18, 23 and 24 of the Finding of Necessity Report*).

**Strategies:**

1. Create page on the City website, which can be used to identify the Redevelopment Area.
2. Investigate branding the CRA area to be used on literature, banners, gateways and all types of promotional campaigns.
3. As deemed appropriate, support special events designed to attract residents and visitors to Deltona Boulevard.
4. Create a business recruitment package that is updated regularly with a listing of available properties, maps, building profiles, and information for current and planned events.

## **CHAPTER 3 STATUTORY COMPLIANCE**

### **3.1 STATUTORY COMPLIANCE**

The Community Redevelopment Act according to Sections 163.360 and 163.362, Florida Statutes requires every community redevelopment plan contain specific information relevant to its particular redevelopment initiative. This Chapter supplements and addresses the informational requirements articulated in the Community Redevelopment Act and serves to further describe the objectives and strategies presented in this Plan to implement the redevelopment initiative envisioned by the City for the Redevelopment Area.

This Plan is consistent with the requirements of the Community Redevelopment Act, Section 163.362(2), Florida Statutes. The City Land Development Code and Comprehensive Plan demonstrates: (1) the approximate amount of open space to be provided and street layout, (2) limitations on the type, size, height, number, and proposed use of buildings, (3) the approximate number of dwelling units, and (4) such property as is intended for use as public parks, recreation areas, streets, public utilities, and public improvements.

The development program discussed in Chapter 2 further describes the urban design intent and components of the developed landscape and how those areas could receive public improvements.

### **3.2 APPROXIMATE AMOUNT OF PARKS AND OPEN SPACE**

There are no park facilities within the CRA. The Redevelopment Area has an opportunity through investments in infrastructure to design a linear park that would utilize existing and planned sidewalk infrastructure. The linear park concept would provide connectivity between the commercial areas of the CRA and surrounding residential neighborhoods.

### **3.3 STREET LAYOUT**

The transportation component for the Redevelopment Area is expected to focus both on vehicular and pedestrian traffic expanding upon existing infrastructure within the CRA. Widened streets, intersection improvements, roadway design improvements along with sidewalk upgrades will create a pedestrian and bicyclist friendly, convenient, and safe travel environment. The ease of vehicle traffic through the Redevelopment Area enables the creation of gateways and wayfinding signage. The gateway and wayfinding signs will direct visitors and residents toward a revitalized Deltona Boulevard. The Redevelopment Area street improvements will enhance connectivity and produce pedestrian and bicycle amenities.

### **3.4 LIMITATIONS ON THE TYPE, SIZE, HEIGHT, NUMBER, DENSITY AND PROPOSED USE OF BUILDINGS**

The Redevelopment Area will be redeveloped as a commercial and residential corridor, utilizing distinct individual land use characteristics such as residential, commercial, institutional, and public. The overall vision embodies sound planning and design principles,

which focus on creating a sustainable community. The following provides development parameters for the Redevelopment Area.

1. The Redevelopment Area shall include residential neighborhoods offering a variety of housing options and price ranges. The existing residential densities will remain the same as specified by the Future Land Use Map:
  - a. Low Density Residential - 0 to 6 dwelling units per acre
  - b. Medium Density Residential – 6.1 - 12 dwelling units per acre
  - c. High Density Residential – 12.1 to 20 dwelling units per acre
2. The City may consider mixed use development formats with residential densities of up to 9.9 dwelling units per acre and allow a floor area ratio of 0.50. to achieve the overall vision for the Redevelopment Area. Any density modifications shall require amendment to the Future Land Use Map of the Comprehensive Plan.
3. Deltona Boulevard will be redeveloped to include a variety of non-residential uses including commercial, professional office, entertainment and service business uses. To promote more dense development patterns, the City may contemplate allowing floor area ratios of up to 0.55 through the planned unit development (PUD) zoning process.
4. Parcel assemblage of at least 1 acre is recommended to accommodate mixed use development formats.
5. Residential dwelling units will be allowed in the same buildings as office or commercial uses when associated with multi-use development sites.
6. Multi-use development on the same parcel must be compatible with surrounding land uses.
7. Commercial uses shall be limited to areas specifically classified as Commercial on the City of Deltona's Future Land Use Map. Parcel assemblage of at least 1 acre is recommended for a sustainable commercial development.
8. Building design, including height and location, is expected to reinforce a pedestrian-oriented character and include linkages between land uses through a functional bicycle-pedestrian system.
9. The City's Urban Development Pattern Design Book will serve as a guideline for building and development design.
10. In general, the land uses shall abide by the overall goals, objectives, policies, and standards, as outlined in the City's Comprehensive Plan.

### **3.5 INTENDED USE OF PROPERTY FOR PUBLIC PARKS, RECREATION AREAS, STREETS, PUBLIC UTILITIES, AND PUBLIC IMPROVEMENTS**

Public facilities such as parks, recreational facilities, bicycle paths/sidewalks, streets, and utilities shall be located throughout the community in a manner which offers convenient and safe access to public services and facilities while enhancing the aesthetic character of the Redevelopment Area. Utility lines shall be placed underground, wherever feasible. If above ground structures such as water tanks or transformer boxes must remain within the Redevelopment Area, they should be located and treated in a manner that is safe and aesthetically pleasing.

### **3.6 NEIGHBORHOOD IMPACT ELEMENT**

The Community Redevelopment Act, Section 163.362(3), Florida Statutes, requires that if a Community Redevelopment Area contains low or moderate income housing a neighborhood impact element shall be prepared to describe the impact of redevelopment upon the residents of the redevelopment area and the surrounding areas in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, and the effect on school population. The creation of the Redevelopment Area is mostly focused on non-residential development and is expected to generate minimum impact to existing neighborhoods.

Secondary impact on the residents relating to traffic circulation, environmental quality, availability of community services and facilities, effect on school population, and other matters affecting the physical and social quality of CRA neighborhoods are minimal. Impacts may involve temporary construction detours, noise, and dust. Overall, impacts are expected to be minimal while the benefits of redevelopment are long-lasting adding a higher quality of life to the City's residents and visitors.

Redevelopment planning efforts are focused on the improvement and strengthening of existing neighborhoods. Redevelopment planning efforts will not be directed towards large scale demolition and removal of existing structures. Rather, plans call for systematic improvement through a concerted effort aimed at rehabilitating homes and infill development, and creating identifiable neighborhoods.

### **3.7 REPLACEMENT HOUSING/RELOCATION**

The Community Redevelopment Act, Section 163.362, Florida Statutes, states the Community Redevelopment Plan shall assure that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the Redevelopment Area. The intent of this Plan is to create a revitalized commercial corridor with options for a mixed-use development format. This will improve the visual character of the area, which promotes a positive image for the City. Relocation is not anticipated. If relocation is required as a result of improvement activities, the City and the CRA will adhere to applicable laws and regulations, and provide assistance to minimize hardships to those being displaced, as appropriate.

### **3.8 DEMOLITION, CLEARANCE AND SITE PREPARATION**

The City does not intend to demolish, clear buildings, etc. within the CRA unless the clearing/demolition is associated with the provision of public facilities. The CRA is authorized to install and construct, or cause to be installed or constructed, the public improvements and public utilities necessary to carry out the Plan, subject to obtaining necessary permits and in compliance with all applicable laws.

### **3.9 DURATION**

Consistent with the provisions of the Community Redevelopment Act, Section 163.362(10), Florida Statutes, all redevelopment activities financed by increment revenues from the Redevelopment Trust Fund shall occur within 20 years after the fiscal year in which the Plan is approved or adopted. The duration of this Plan shall be for the maximum period allowed

by the Community Redevelopment Act and County Ordinance and shall expire and terminate 20 years after the creation of the CRA trust fund unless extended by mutual agreement of the City and the County. This 20-year duration is necessary due to the extent of defunct infrastructure; the low increment revenue projections, which will take nearly 10 years to start realizing appreciable revenue increment. This shows the need to use leverage and other funding sources for the improvements. It is further noted that the estimated revenues by year 20 will be a little over \$8 million.

The City believes that it will take, at minimum, 20 years to realize the dollars necessary to undertake some of the redevelopment initiatives identified within the Plan. However, the City understands the County's desire to manage the duration of community redevelopment areas. It is possible that economic conditions may improve more quickly than the increment revenue forecast currently demonstrates. As well, the City may be fortunate to obtain other funding sources, yet to be identified. Understanding this, the City suggests a sunset review with the County in year 20 (2036). The intent of the 2036 review is to determine if the redevelopment objectives, initiatives, and projects have been successful in reversing blight conditions as described within the *"Finding of Necessity"* and the Plan. If it is jointly determined that the CRA has accomplished the primary objectives outlined in the Plan, or most recent Plan Update, then the date for the sunset for the Community Redevelopment Area can be re-established for a period greater than 20 years.

### **3.10 REDEVELOPMENT PLAN MODIFICATION**

The Southwest Deltona Community Redevelopment Plan may be modified in a manner consistent with Section 163.361 Florida Statutes. After providing proper notice, the City of Deltona shall hold a public hearing for all modifications.

## **CHAPTER 4 FINANCIAL ANALYSIS AND PLANNING**

### **4.1 ESTIMATING INCREMENT REVENUES**

Estimates of prospective increment revenues that might be derived from the Redevelopment Area and paid into the Southwest Community Redevelopment Trust Fund (herein referred to as the "Redevelopment Trust Fund") were prepared by Strategic Planning Group, Inc. (SPG) (See **Appendix A**). The stream of prospective revenue is dependent on several factors, including the pace of redevelopment and development in the Redevelopment Area; the content of the development; the assessed and taxable values; the millage levied against the taxable base; the rate of appreciation in the existing tax base; and the level of public intervention. Together, these many variables suggest a wide range of outcomes. All are possible depending on the specific conditions imputed into the analysis.

Input from the City generated a possible scenario for the increment revenue projections based on a very conservative format. The information outlined in this Chapter is suitable for planning purposes particularly given the range of valuations and estimated improvements costs. However, as the Plan is executed, continual input and examination will be required to refine and update this analysis.

### **4.2 METHODOLOGY AND APPROACH**

The analysis is based on tax roll data obtained from the Volusia County Property Appraiser and expectations about the Development Plan. The data from the most recent assessment roll, used in connection with taxation by the Property Appraiser and the Tax Collector, will provide the base year taxable value. The base year will be determined using the assessment roll in use immediately prior to the adoption of the ordinance establishing the Redevelopment Trust Fund.

It is assumed for the purposes of this Plan, the base year will reflect the sum as the base year valuation. However, any differences that may occur through inclusion or exclusion are relatively immaterial in the context of the total valuation. A higher or lower base sum would, of course affect the ultimate tax collections to some degree. The actual number will be officially certified by the Volusia County Property Appraiser upon adoption of the Plan and the establishment of the Redevelopment Trust Fund, as part of the statutorily required administrative process.

Specific increases in the tax base are shown in terms of expected development and its value. This expected development is based exclusively on past patterns of activity. These programmatic assumptions offer a baseline for comparison with future potential development.

For this analysis, the City's 2015 millage rate has been used, and it is held constant over the planning horizon. For the last several years, the operating millage of the City has been relatively unchanged.

As for the revenues which may accrue, only the taxable value(s) net of the base year taxable value is considered in calculating current or future increment revenues. The general procedures used to calculate available revenues are shown in the following equations:

1. Assessed values, including new construction, LESS exemptions or exclusions EQUAL current taxable values;
2. Current taxable values LESS established base year taxable values EQUAL net valuations subject to applicable jurisdictional millages;
3. Net valuations MULTIPLIED by applicable millages EQUAL increment revenues. Pursuant to the Community Redevelopment Act, Section 163.387, Florida Statutes, the maximum revenue available to the Redevelopment Trust Fund will be 95% of the calculated increment revenues. The financial indicators, assumptions and results used in preparing this increment revenue analysis are attached hereto as **Appendix A**.

#### 4.3 INCREMENT REVENUE ANALYSIS

The availability of potential increment revenues is among the most attractive of the redevelopment tools provided in the Community Redevelopment Act. Increment revenues become available as the result of focused and continuing redevelopment activities within a community redevelopment area, and it may be used to fund or finance a variety of community redevelopment related capital and service initiatives. Increment revenues, when leveraged and combined by interlocal agreement with municipal service taxes or non-ad valorem assessments from a community redevelopment area, provide a particularly powerful tool to help Florida's local governments address and redevelop slum or blight in redevelopment areas.

This analysis focuses only on increment revenues, not other significant revenues and structural opportunities, which can be leveraged, combined and deployed in concert with increment revenues, and the leveraging affects they generate. A variety of local, state and federal programs may be connected to the increment revenues in a manner which leverages the increment revenues or obtains other dollars for redevelopment used for acquisition. Potentially, increment revenues may be used independently to service debt. They may be paired with a deliberately constructed non-ad valorem assessment program, which leverages the expected flow of increment revenues and uses the investment revenues to offset or buy down special assessments used to finance capital improvements.

Increment revenue forecasts in an area of future concentrated ownership, such as the Redevelopment Area, are extremely vulnerable to imminent development, land amendment, permitting, or any other activity which can quickly change the content of the tax roll. Once a generalized timing and development strategy is implemented, these projections will need to be re-examined periodically in the context of actual redevelopment and development activity. Re-examination is proposed at year 10, 15, 20, and if extended, every five years after to ensure revenue projects and appropriateness of projects. The revised increment revenues will be used to update the capital work program and the Plan.

#### 4.4 INCREMENT REVENUE SCENARIO

The scenario for the increment revenue projections for the City of Deltona was based on a very conservative format. The scenario (known as "anticipated growth scenario") identified the inclusion of anticipated development with an average yearly increase of four (4) percent. Assessed values from comparable structures within Volusia County were applied to

determine the estimated taxable values for each improved property. Under this scenario, approximately \$8,021,807 (*total City and County increment revenue contributions*) may be generated for the CRA over the next 20 years. In addition, the City agrees to set a ceiling on County's increment revenue contributions of no more than \$10,000,000 as stipulated in County Resolution 2015-046. Also, the Tax Increment Finance information as **Appendix A** utilizes a County millage rate of 6.8709 which is less than the City 7.99 millage rate used to project revenues. The lesser County millage rate is also consistent with County Resolution 2015-046. The County and the City will be the only taxing authorities contributing to the CRA TIF.

## CHAPTER 5 CAPITAL PLANNING

### 5.1 REDEVELOPMENT

Using contemporary planning methods and urban design techniques, the intent is the Redevelopment Area will represent a vibrant, urban area with safe, viable and sustainable commercial corridors; pedestrian-friendly, affordable, and attractive neighborhoods; and provide multi-modal transportation opportunities.

The central concepts represented by the redevelopment are as follows:

1. Explore innovative intersection designs to improve safety and alleviate traffic congestion along Saxon/Normandy/Deltona Boulevards. Intersection designs/improvements include, but are not limited to, roundabouts, signalization schemes for better and effective management of the junction delays, etc. Specific intersection locations include the following:
  - a. N. Normandy Blvd. and Deltona Blvd.
  - b. N. Normandy Blvd. and Saxon Blvd.
  - c. Deltona Blvd. and Enterprise Rd.
  - d. Deltona Blvd. and Dirksen Rd.
2. The redesign of primary corridors shall be enhanced in a manner which promotes internal, as well as regional connectivity to overall community aesthetics and function. This will present the City of Deltona as a destination place. Streetscape plans should be implemented along the corridors.
3. The primary corridors should be appropriately landscaped, incorporate traffic calming features, and contain pedestrian and bicycle facilities including attractive bus shelters, bicycle lanes and safe crossings.
4. The Redevelopment Area internal access network will include pedestrian facilities and bicycle ways, which will enhance interconnectivity and promote development.
5. Undertake roadway, sidewalk, landscaping and lighting improvements on all other streets to provide safe and pedestrian friendly connections.
6. Opportunities should be provided to integrate gathering places through pedestrian connections, bike paths/multi-use trails, open space and streetscapes.
7. Wayfinding and community identification gateways should be provided at major entry points into and within the Redevelopment Area.
  - a. Wayfinding signs at strategic locations to direct visitors to key destinations.
  - b. Gateways at the north (Saxon Boulevard), the Normandy/Deltona intersection and south end of the Redevelopment Area.
8. Create attractive, safe, viable and sustainable commercial corridors.
9. The Redevelopment Area will be redeveloped with a mixed-use Deltona Boulevard corridor with a distinct character featuring areas of residential and commercial land uses.
10. The mixed-use Deltona Blvd. corridor incorporates a wide mix of retail stores, such as markets, antiques shops, restaurants, art galleries, professional offices and service businesses with residential or office above these commercial uses.
11. Appropriate buffering techniques should be implemented between the higher density uses and the single family residential areas.
12. Potential redevelopment of catalyst sites to cause an early and precedent-setting change in the Deltona Boulevard corridor and to spur further growth.

## 5.2 CAPITAL PROJECTS

The Community Redevelopment Act, Section 163.362(4), Florida Statutes, requires identification of publicly funded capital projects to be undertaken within the Redevelopment Area. Such capital projects may include, but not limited to, the capital improvement program within **Appendix B**.

## 5.3 PROJECTED CAPITAL COSTS

The Community Redevelopment Act, Section 163.362(9), Florida Statutes requires the Plan to contain a detailed statement of projected costs related to the redevelopment initiative, including the amount to be expended on publicly funded capital projects in the Redevelopment Area and any indebtedness of the City of Deltona or CRA proposed to be incurred for such redevelopment if the indebtedness is to be repaid with revenues from the Redevelopment Trust Fund. To implement the Plan, it will be necessary to combine both public and private sources of capital, using both long and short term financing options. All projects financed by or in part through increment revenues will be completed prior to the sunset of the Community Redevelopment Area in year 20 (2036).

The Capital Work Plan projects and dollar amounts are primarily based on contemporary pricing. The projects and numbers listed in the work plan and operating budget have been used for budgetary purposes only, and are considered to be relatively conservative. The recommended costs for capital improvement projects include design and construction costs, as well as contingent costs for additional studies, data manipulation, or research needed to implement each project. The costs may not include costs of land acquisition and/or consolidation. In addition, the City will not use any County TIF contribution for administrative/overhead costs. Also, the County TIF will be earmarked for uses to be limited to roadway improvements.

The various costs associated with implementing the Redevelopment Plan have been identified as being either primarily a public responsibility. Public costs are those necessary to ensure that the general framework of the Development Plan is developed in the spirit and intention of the Redevelopment Area.

Those items identified as primarily public costs will be structured in a manner which private resources are committed in conjunction with, or in advance of public resources. In some cases, public expenditures will not be required to support the Plan. In other cases, these expenditures can be phased in accordance with the scale of the redevelopment effort, in a manner where costs are advantageously matched to the expected stream of increment revenues or other available revenues.

Due to the current and projected economic environment demonstrated through the increment revenue forecasts (see **Appendix A**) and the shortage of the dollars required to implement the intent of the Plan, it is critical that the City consider funding the projects identified within this Plan via the leverage of the increment dollars. The CRA can “package” many financial programs in order to have enough resources, especially when newly enacted to jump-start the Plan. While the bond market is not strong for CRA’s, many in Florida use a bank held Letter of Credit to fund large scale projects. Local governments commonly loan their CRA’s start-up funds as well, paid back over time as the increment revenues grow

from private investment. The following list shows other potential resources that can be coupled with or used to fund the projects outlined in the Redevelopment Plan.

1. Special revenue bonds.
2. General obligation bonds: for roadway improvements; curb and gutter addition/repair; intersection improvements; streetscaping; water, sewer and stormwater improvements; and a multi-use trail system.
3. Grants and loans to the agency from the City's special or general funds for start-up costs. This is a common practice for such planning, design and community objectives.
4. Commercial Loans: The CRA may directly borrow funds from local lending institutions, utilizing both short term and long term borrowing.
5. Private Contributions: While the direct infusion of private funds are not anticipated, the City would still be interested in matching grant arrangements for improvements to building facades, landscaping, signs, etc. In addition, voluntary contributions by private companies, foundations, and individuals are potential sources of income to the CRA. Although such contributions may account for only a small portion of redevelopment costs, they do provide opportunities for community participation with positive promotional benefits. The City's current land development code provides mechanisms to achieve this participation on such projects as roadway, streetscape and infrastructure improvements, including incentives and participating grants.
6. Special Assessment Districts: The City may also establish special assessment districts and Municipal Service Taxing Units (MSTU), (Florida Statutes Chapter 170) for the purpose of funding various capital improvements within an area or for the construction of a particular project. This may be an effective mechanism to support stormwater, water, and sanitary sewer improvements. However, it is noted that assessments may be difficult to pass without concessions on the City's millage rate, thus reducing overall revenues.
7. Grants from State and Federal funding sources are leveraged within CRA districts, many of which get extra points for being used to fund economic development and redevelopment projects. Specific projects for which grants will be sought include, but not limited to, trails, parks, streetscape, roadway, and environmental improvements. The world of grants is evolving, requiring local governments to be vigilant in the grants arena. Local matches are of utmost importance to be grant competitive.

The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the CRA. Advances and loans for operating capital may be provided by the City until adequate tax increment or other funds are available to repay the advances and loans, and to permit borrowing adequate working capital from sources other than the City. The City may also, at the request of the CRA, supply additional assistance through loans and grants for various public projects. The CRA will seek all funding sources to leverage increment revenues. However, the dollars generated through these programs are nearly impossible to forecast, therefore specific dollars from these programs have not been identified.

#### **5.4 NON-CAPITAL PROGRAMS**

After the creation of the CRA, resources can be used for administrative expenses and overhead of the CRA, and other non-capital programs, including the development and implementation of community policing innovations, pursuant to Section 263.356(3)(d),

Florida Statutes. Such non-capital programs may include, but not be limited to, the following:

1. Regulatory, operational and management;
2. Marketing, promotions, special events, economic development; and
3. Facade/property improvement grants.

No Volusia County increment revenues will be used for non-capital programs and the City does not plan to expend increment revenues on community policing. The non-capital programs are subject to revisions, updates and prioritization as community redevelopment implementation occurs.

## **CHAPTER 6 GENERAL**

### **6.1 COMMUNITY REDEVELOPMENT TRUST FUND**

The City of Deltona needs to submit the Finding of Necessity and the Community Redevelopment Plan to Volusia County Council for review and approval, and request for the delegation of authority to create a Community Redevelopment Agency, and to establish a Redevelopment Trust Fund through an appropriate ordinance. The Redevelopment Trust Fund will receive all increment revenues, grants, gifts or revenues generated by redevelopment activities. The Redevelopment Trust Fund must remain in place until all indebtedness from redevelopment activities is paid.

The annual funding of the Redevelopment Trust Fund will result from additional incremental revenues collected in the Redevelopment Area by the County of Volusia and the City of Deltona. The increment available will be determined annually in an amount equal to 95% (ninety-five percent) of the difference between:

1. The amount of ad valorem taxes levied each year by the County, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the Redevelopment Area; and
2. The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for the County, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the Redevelopment Area. This is taxable real property as shown upon the most recent assessment roll, used in connection with the taxation of such property by the County prior to the effective date of the ordinance providing for the funding of the Redevelopment Trust Fund.

### **6.2 SAFEGUARDS, CONTROLS, RESTRICTIONS OR COVENANTS**

Redevelopment activities identified herein will not be initiated until they are found to be consistent with the Comprehensive Plan and applicable land development regulations. In order to assure that redevelopment will take place in conformance with the projects, objectives, and strategies expressed in this Plan, the CRA will utilize the regulatory devices, instruments, and systems used by the City to permit development and redevelopment within its jurisdiction. These regulatory devices, etc., include but are not limited to the Comprehensive Plan, the Land Development Code, design guidelines, and City authorized development review, permitting, and approval processes, and any other applicable adopted codes, standards, and policies.

In order to leverage the increment revenues, the City may contemplate imposing non-ad valorem assessments. The imposition of special assessments for capital improvements and essential services is covered by well settled case law and specific statutory provisions authorizing collection of non-ad valorem assessments on the same bill as ad valorem taxes. Such provisions require extraordinary notice to all affected property owners.

The County's increment revenues contribution would be based on a millage rate that does not exceed the millage rate used by the City to calculate its increment revenue contribution, regardless of the existing rate, pursuant to Volusia County Resolution 2010-20. The County increment revenue contributions will be used solely on capital projects with a maximum cap

of \$10,000,000 until the sunset date of 2036 (see **Appendix A** for total City and County increment revenue contributions).

### **6.3 CONSISTENCY WITH CITY OF DELTONA COMPREHENSIVE PLAN**

This Plan articulates the vision for the Redevelopment Area as a safe, economically sustainable, accessible destination for residents and visitors, with a vibrant urban mixed use Deltona Boulevard corridor; promoting safe, viable pedestrian-friendly, multi-modal transportation system; affordable and attractive neighborhoods; and bicycle paths/sidewalks connecting to services, recreation facilities, commercial corridors and the Corridors. These improvements will feature people oriented urban design principles. This Redevelopment Plan also encourages a mixture of housing types and price ranges to implement affordable to moderate rate housing initiatives.

The following are Goals, Objectives and Policies in the City of Deltona Comprehensive Plan, which are specifically addressed by the Community Redevelopment Plan. The usage of terms is directly quoted from the 2010 City of Deltona Comprehensive Plan (EAR Based Amendment).

## **FUTURE LAND USE ELEMENT (2010)**

### **GOAL FLU1**

Ensure that future growth is timed and located to maximize efficient and cost effective use of public infrastructure.

9J-5.006(3)(a)

### **Policy FLU1-1.6**

All neighborhood, community and regional shopping centers shall include bicycle parking areas, and where appropriate, bus cut outs or shelters to encourage alternative transportation modes.

9J-5.006(3)(c)(4)

### **Policy FLU1-1.8**

Sites for development shall be accessible to the following essential public facilities and services at the levels of service adopted in this Comprehensive Plan: fire services, transportation, potable water, an appropriate wastewater treatment facility, solid waste and stormwater management.

9J-5.006(3)(c)(3)

### **Policy FLU1-1.11**

The following public facilities and services shall be available for new development in all areas: roadways, solid waste collection, stormwater management, fire and police protection, emergency medical services, potable water, sanitary sewer service, and public schools as defined in the Public School Facilities Element.

9J-5.006(3)(c)(4)

**OBJECTIVE FLU1-2**

The City shall encourage compact, mixed-use developments in appropriate locations in order to discourage urban sprawl, facilitate energy efficiency and provide the full-range of uses and services in walkable, vertically and horizontally-integrated, design-unified environments.

**Policy FLU1-2.1**

The City of Deltona shall establish and require level of service standards as set in the Transportation, Infrastructure, Capital Improvements, and Public School Facilities Elements. 9J-5.006(3)(c)(4)

**Policy FLU1-2.2**

Development orders cannot be issued unless the services are provided at the adopted level of service consistent with the concurrency provisions. 9J-5.006(3)(c)(4)

**Policy FLU1-2.3**

In order to direct growth and development away from valuable natural resources, the City shall utilize development bonuses, incentives, and other methods as deemed appropriate (i.e. transfer of development rights) to promote infill development and redevelopment projects. 9J-5.006(3)(c)(1,2,6)

**Policy FLU1-2.4**

The City shall expand commercial, industrial, and mixed-use developments in appropriate locations in order to discourage sprawl and to promote energy efficient development patterns.

**OBJECTIVE FLU1-7**

The City of Deltona shall appropriately allocate land uses to adequately meet the current and future population needs while maximizing land use compatibility. The City shall promote a variety of land uses including residential, commercial, industrial, pedestrian oriented mixed-use, recreational, conservation, and public facilities. 9J-5.006(3)(b)(1)

**Policy FLU1-7.23**

The City shall seek to ensure that its Future Land Use Plan Map provides for a minimum of six acres of commercial lands and four acres of industrial lands per 1,000 residents, with a goal of providing 10 or more acres of commercial lands and six or more acres of industrial lands per 1,000 residents by 2025.

**Policy FLU1-7.24**

The City shall implement strategies to ensure that new development and redevelopment contains a strong mixed-use component, defined as a mixture of at least two different land uses in a design-unified, vertically and/or horizontally integrated, pedestrian-friendly environment, or otherwise demonstrably furthers the achievement of specific goals, objectives and/or policies of the Comprehensive Plan.

**Policy FLU1-7.25**

The City shall require that development be designed consistent with the August 4, 2008 Urban Design Pattern Book as it may be amended from time to time.

**TRANSPORTATION ELEMENT (2010)**

**GOAL T1**

The City of Deltona shall develop programs to ensure that current and future land uses are served by adequate transportation and multi-modal system options. 9J-5.019(4)(a)

**Policy T1-1.3**

The City of Deltona shall maintain a City-wide network of thoroughfare and related transportation system corridors. 9J-5.019(4)(c)(4)

**Policy T1-1.7**

The City of Deltona shall provide incentives which encourage compact, energy efficient urban development, in appropriate places, through coordination with the Future Land Use Element.

9J-5.019(4)(c)(7,9,12)

**Policy T1-1.10**

The City of Deltona shall coordinate with the MPO and other entities, as deemed appropriate, to further develop City-wide bicycle and pedestrian infrastructure through the Parks and Recreation Master Plan or other programs to accomplish the following transportation oriented initiatives:

- a. Expand, with the intent of establishing connections to commercial, institutional and recreational nodes, the multi-modal trail system within the City for bicycle and pedestrian use;
- b. Expand the City sidewalk system;
- c. Promote the use of existing and future pedestrian and bicycle infrastructure by disseminating information to the public concerning the City pedestrian and bicycle system.

**Policy T1-1.14**

The City of Deltona shall assess the existing sidewalk network to locate specific problem areas related to interconnectivity, obstructions, damaged sidewalks, lack of crosswalks, inappropriate widths, the need for handicap ramps and other improvements.

**OBJECTIVE T1-2**

The City of Deltona shall provide for the separation of local traffic from through traffic to facilitate efficient and safe vehicular movement. 9J-5.019(4)(b)(1)

**Policy T1-2.1**

Traffic circulation shall be coordinated with the Future Land Use Element to ensure compatibility between land use and the transportation system. 9J-5.019(4)(c)(9)

**Policy T1-3.1**

The City of Deltona Transportation Element shall be coordinated with the Future Land Use Element and all other applicable elements to ensure compatibility between land use and the transportation system necessary to support it. 9J-5.019(4)(c)(5,9&12)

**OBJECTIVE T1-4**

The City of Deltona shall establish, achieve and maintain peak hour level of service standards on the transportation system. 9J-5.019(4)(b)(2)

**Policy T1-4.3**

Unless a thoroughfare is designated separately within the LOS Roadway Segment Table of this document for a level of service standard, the City of Deltona shall establish the following PM peak hour level of service standards:

<u>Functional Classification</u>	<u>Acceptable Standard</u>
I-4	As determined by FDOT
Arterial	E
Collector	E
Local	D

**Policy T1-5.3**

The City of Deltona shall study and undertake feasible intersection improvements as an interim solution to existing transportation system deficiencies. 9J-5.019(4)(c)(1,7)

**Infrastructure**

**GOAL I1**

Provide safe efficient, cost effective and adequate public supply, treatment, and distribution of potable water for the City of Deltona.

9J-5.011(2)(a)

**Policy I1-PW1.1**

The City of Deltona adopts a level of service standard providing for an annual average daily volume of 300 gallons of potable water per equivalent residential unit. Projected flow for commercial, industrial, and institutional land uses will be calculated utilizing Deltona Water equivalent residential unit factors for water consumption specified by Land Development regulations.

9J-5.011(2)(c)(2d)

**OBJECTIVE I1-PW2**

The City of Deltona shall provide for an adequate level of service standard for potable water service to meet the needs of current and future residents of the City of Deltona. *(Amended by Ordinance 32-2000 adopted by the Deltona City Commission at second reading March 19, 2001)*

9J-5.011(2)(b)(4)

**OBJECTIVE I1-PW3**

Throughout the planning period the City of Deltona shall encourage the use of existing and future facilities, so as to discourage urban sprawl. 9J-5.011(2)(b)(3)

**Policy I1-PW3.5**

The "infilling" of developed areas shall be directed to locations where an existing central system of potable water is available and where capacity is adequate to service the intended development or to those areas where funds have been committed for the provision of adequate capacity.

9J-5.011(2)(c)(1)

**Policy I1-PW4.2**

The City of Deltona shall coordinate the utility and transportation planning efforts to take advantage of the most economical construction and maintenance costs possible when installing utility lines and roads.

**GOAL I2**

Provide safe adequate cost effective and environmentally acceptable sanitary sewer systems for the City of Deltona.

**Policy I2-SS1.1**

The City of Deltona adopts a level of service standard providing for an annual average daily volume of 284 gallons of domestic wastewater per equivalent residential unit. Projected flow for commercial, industrial, and institutional land uses will be calculated utilizing Deltona Water equivalent residential unit factors for water and wastewater service as illustrated in City land development regulations. 9J-5.011(2)(c)(1)

**Policy I1-SS1.10**

The City shall further expand its wastewater treatment capacity to support new development and redevelopment activities within the City.

**Policy I1-SS1.11**

The City shall investigate methods, including funding sources, to retrofit areas of the City that are currently served by septic systems. A priority for such retrofit activity, if deemed feasible, will be as follows:

- a. Correct threats to public health and safety;
- b. Improve the environmental conditions of surface and ground water resources; and
- c. Encourage sustainable redevelopment and compact urban development patterns.

**OBJECTIVE I2-SS2**

Throughout the planning period, the City of Deltona shall maximize the use of existing facilities within sewer service areas, so as to discourage urban sprawl.

9J-5.011(2)(b)(3)

## **GOAL I4**

To protect the health and safety of the public by ensuring stormwater management facilities and services are properly maintained, environmentally sound, cost effective, and meet the community's present and future demands.

### **Policy I4-STW1.3**

All land use and development approval decisions which impact water resources in Deltona shall conform to the comprehensive surface and groundwater watershed management plan, when approved by the City Commission.

Level of Service for Storm Water Quantity and Quality:

a. **Closed Basing LOS:** The City will establish a Level of Service design standard in closed drainage basins as follows: All development shall meet the minimum volume of retention equivalent to one-half inch of depth over the entire project area and the discharge hydrograph produced for the developed or redeveloped site shall not exceed, in terms of peak flow and total volume, the hydrograph produced by conditions existing before development or redevelopment for a 24 hour, 100 year frequency storm.

b. **Basins with Outfall LOS:** The City will establish a Level of Service design standard in non-closed basins as follows: All development shall meet the minimum volume of retention equivalent to on-half inch of depth over the entire project area and the discharge hydrograph produced for the developed or redeveloped site shall not exceed, in terms of peak flow and total volume, the hydrograph produced by conditions existing before development or redevelopment for a 24 hour, 25 year frequency storm.

### **Policy I4-STW2.1**

The City of Deltona shall identify and prioritize drainage systems in need of retrofitting and upgrade of these systems, as funding becomes available. Watershed studies will be used to identify and prioritize systems in need of retrofitting. The City of Deltona may apply for any grants and loans available from the DEP Revolving Loan Fund. 9J-5.011(2)(c)(1,4,5)

## **INTERGOVERNMENTAL COORDINATION ELEMENT (2010)**

### **GOAL IC1**

The City of Deltona shall initiate and/or participate in the intergovernmental coordination mechanisms necessary to ensure the city identifies consistency and compatibility issues among governmental agencies, plans and policies and to resolve any conflicts that may arise.

9J-5.015(a)

### **OBJECTIVE IC1-1**

The City of Deltona shall coordinate with adjacent cities, counties, federal, state and regional agencies, and other governmental agencies, via effective formal and informal coordination mechanisms. This will ensure consistency in planning related matters and coordinating the impacts of development. The formal and informal mechanisms shall include membership in appropriate area-wide organizations, inter-agency staff communication and other methods as deemed appropriate.

9J-5.015(b)(1&2)

## **CAPITAL IMPROVEMENTS ELEMENT**

### **GOAL CIE1**

Public facilities shall be provided efficiently, safely, and cost effectively to promote timely, compact development, which is compatible with existing and designated land uses, and with the natural environment.

9J-5.016(3)(a)

### **OBJECTIVE CIE1-1**

Deltona shall concentrate public facilities and services to areas that are delineated on the Future Land Use Map to provide, compact, efficient and cost-effective provision of services as a means necessary to meet existing deficiencies, accommodate future growth and replace obsolete or worn out facilities. 9J-5.016(3)(b)(1)

#### **Policy CIE1-1.1**

Deltona shall provide and maintain the necessary capital improvements to eliminate existing deficiencies and repair, renovate or replace its worn out capital stock by establishing a rational system for evaluating and reviewing Capital Improvement projects. 9J-5.016(3)(c)(3)

#### **Policy CIE1-1.3**

The City shall maximize the use of existing public facilities and target funding to services that are deficit or distressed in the development of its five year capital program. 9J-5.016(3)(c)(1,3,4,6&7)

### **OBJECTIVE CIE1-2**

The City will coordinate land use decisions and fiscal resources with a schedule of capital improvements, which maintains adopted level of service standards and meets the existing and future facility needs. 9J-5.016(3)(b)(3)

#### **Policy CIE1-4.6**

The City shall achieve and maintain standards for peak hour levels of service on the thoroughfare system. 9J-5.016(3)(c)(6)

#### **Policy CIE1-4.7**

Public facilities and services shall meet or exceed level of service standards and must be available concurrent with development. 9J-5.016(3)(c)(4&6)

## **6.4 CONCLUSION**

The Community Redevelopment Plan provides a framework for rehabilitation and redevelopment of the Redevelopment Area as an attractive, inviting, easily accessible, and economically successful community, which promotes a positive image for the City of Deltona. This Plan deliberately and reasonably addresses the blighted area conditions observed through the "*Finding of Necessity Report*" which has been ratified, and confirmed by the City Commission. To realize the redevelopment vision of the Plan, community

leaders, business persons and residents are encouraged to support the redevelopment objectives and continue the commitment over time in order for the vision to be successfully implemented into reality.

Realization of the Redevelopment Plan is a 20-year effort. The CRA will perform an annual review of the Plan and prepare an annual report and budget. The CRA may elect to update and amend the Plan every five years contingent on County review and approval.

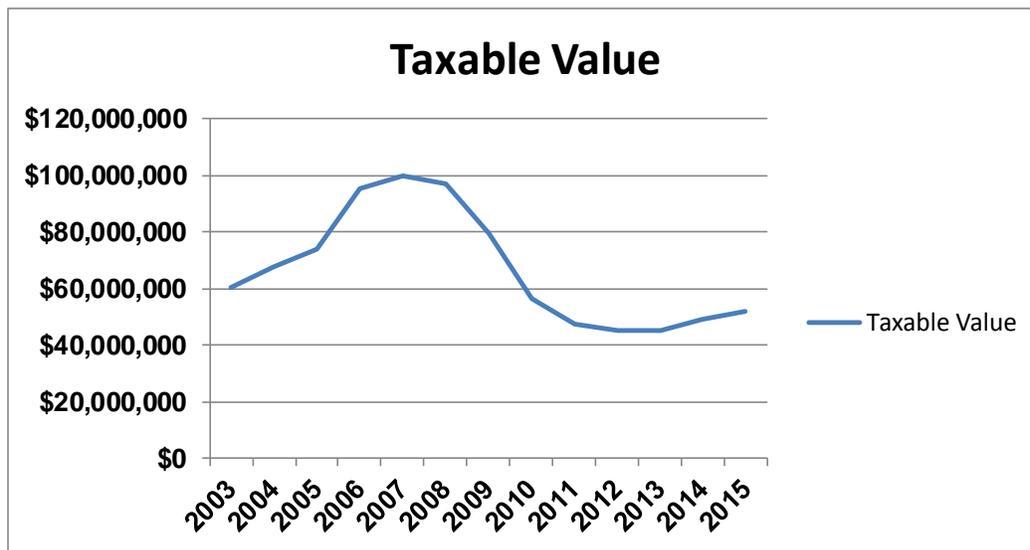
This 20-year duration is necessary due to the extent of defunct infrastructure; and the low increment revenue projections, which will take nearly 10 years to start realizing appreciable revenue to use to leverage other funding sources for the improvements. It is further noted that the estimated increment revenues by year 20 will be \$8,021,807 and that amount will be used to strategically create safer corridors.

It is important to note that the increment revenue estimates over the 20-year period fall short of the estimated costs to undertake the projects identified in this Plan to mitigate and reverse blight factors. The City believes that it will take the full 20 years to realize the dollars necessary to undertake the redevelopment initiatives identified within the Plan. However, the City understands the County's desire to limit the duration of community redevelopment areas to something less than the maximum allowed. It is possible that economic conditions may improve more than what the increment revenue forecast currently demonstrates, and the City may be fortunate to acquire other funding sources, yet to be identified. Understanding this, the City suggests completing a sunset review with the County in year 2036. The intent of 2036 review is to determine if the redevelopment objectives, initiatives, and projects have been successful in reversing blight conditions as described within the *"Finding of Necessity Report"* and the Plan. If it is jointly determined that the CRA has accomplished the primary objectives outlined in the Plan, or most recent updates, then the date for the sunset for the Redevelopment Area can be re-established for a period of 20 years.

## APPENDIX A TAX INCREMENT FINANCING

Using information from the City and Volusia County, SPG performed numerous analyses based on different growth scenarios. Volusia County and the City of Deltona experience significant ad valorem revenue (property taxes) as a result of the Great Recession. The historic ad valorem revenue stream for the City since 2003 has been impacted by two major events: the “Housing Bubble” and the “Great Recession”. The City of Deltona and the proposed CRA area experienced significant growth in ad valorem tax revenue until its peak in 2007 after which revenues declined significantly to below the 2003<sup>1</sup> levels. Revenue bottomed out in 2013.

Figure 1, Historical Taxable Values



Source: Strategic Planning Group, Inc., 2015

Both the “Housing Bubble” and “Great Recession” are unique events which should not occur again, at least not in the Plan’s 20 year horizon. If one were to use this 2003-2015 historic trend line to forecast future revenues, the result would result in declining revenue trends which does not reflect the trends of the last two years.

While CRA ad valorem revenue bottomed out in 2013 they are significantly below even 2003 (12 years) taxable values. SPG, for analytical reasons only, forecast future revenues using various short term growth rates (2012-2015, 2013-2015 and 2014-2015). The calculations are based on the following millage rates:

- City        7.99 mills
- County    6.8709 mills

<sup>1</sup> Last data available to SPG.

Table 1, Different TIF Calculations using recent growth in taxable property values

Growth Rate Year	Based on 2012-2015 4.4177%					Based on 2014-2015 5.7634%					Based on 2013-2015 7.1790%				
	Growth in Taxable Value					Growth in Taxable Value					Growth in Taxable Value				
		Tax		City TIF	County TIF		Tax		City TIF	County TIF		Tax		City TIF	County TIF
	Increment	@ .95%	Revenue	Revenue	Increment @	.95%	Revenue	Revenue	Increment @	.95%	Revenue	Revenue	Revenue	Revenue	
2015	\$51,771,627				\$51,771,627				\$51,771,627						
2016	\$54,058,742	\$2,172,759	\$17,360	\$14,946	\$54,755,457	\$2,834,639	\$22,649	\$19,499	\$55,488,312	\$3,530,851	\$28,211	\$24,289			
2017	\$56,446,895	\$4,441,505	\$35,488	\$30,553	\$57,911,259	\$5,832,650	\$46,603	\$40,123	\$59,471,818	\$7,315,181	\$58,448	\$50,321			
2018	\$58,940,550	\$6,810,477	\$54,416	\$46,849	\$61,248,943	\$9,003,450	\$71,938	\$61,935	\$63,741,300	\$11,371,189	\$90,856	\$78,222			
2019	\$61,544,366	\$9,284,102	\$74,180	\$63,865	\$64,778,993	\$12,356,998	\$98,732	\$85,004	\$68,317,288	\$15,718,378	\$125,590	\$108,127			
2020	\$64,263,212	\$11,867,006	\$94,817	\$81,633	\$68,512,496	\$15,903,825	\$127,072	\$109,402	\$73,221,786	\$20,377,651	\$162,817	\$140,178			
2021	\$67,102,168	\$14,564,014	\$116,366	\$100,186	\$72,461,177	\$19,655,073	\$157,044	\$135,207	\$78,478,378	\$25,371,413	\$202,718	\$174,530			
2022	\$70,066,540	\$17,380,168	\$138,868	\$119,558	\$76,637,438	\$23,622,521	\$188,744	\$162,499	\$84,112,341	\$30,723,678	\$245,482	\$211,348			
2023	\$73,161,870	\$20,320,731	\$162,363	\$139,786	\$81,054,396	\$27,818,631	\$222,271	\$191,364	\$90,150,766	\$36,460,182	\$291,317	\$250,810			
2024	\$76,393,942	\$23,391,199	\$186,896	\$160,908	\$85,725,923	\$32,256,581	\$257,730	\$221,893	\$96,622,689	\$42,608,509	\$340,442	\$293,104			
2025	\$79,768,797	\$26,597,311	\$212,513	\$182,963	\$90,666,691	\$36,950,311	\$295,233	\$254,181	\$103,559,232	\$49,198,225	\$393,094	\$338,435			
2026	\$83,292,743	\$29,945,060	\$239,261	\$205,992	\$95,892,217	\$41,914,561	\$334,897	\$288,330	\$110,993,749	\$56,261,016	\$449,526	\$387,020			
2027	\$86,972,366	\$33,440,703	\$267,191	\$230,039	\$101,418,914	\$47,164,923	\$376,848	\$324,448	\$118,961,990	\$63,830,845	\$510,008	\$439,092			
2028	\$90,814,545	\$37,090,772	\$296,355	\$255,147	\$107,264,139	\$52,717,886	\$421,216	\$362,646	\$127,502,272	\$71,944,112	\$574,833	\$494,904			
2029	\$94,826,459	\$40,902,090	\$326,808	\$281,365	\$113,446,250	\$58,590,892	\$468,141	\$403,047	\$136,655,660	\$80,639,831	\$644,312	\$554,721			
2030	\$99,015,607	\$44,881,781	\$358,605	\$308,742	\$119,984,664	\$64,802,385	\$517,771	\$445,776	\$146,466,170	\$89,959,815	\$718,779	\$618,834			
2031	\$103,389,820	\$49,037,283	\$391,808	\$337,327	\$126,899,916	\$71,371,875	\$570,261	\$490,967	\$156,980,976	\$99,948,881	\$798,592	\$687,548			
2032	\$107,957,272	\$53,376,363	\$426,477	\$367,176	\$134,213,725	\$78,319,993	\$625,777	\$538,763	\$168,250,640	\$110,655,062	\$884,134	\$761,196			
2033	\$112,726,500	\$57,907,130	\$462,678	\$398,343	\$141,949,062	\$85,668,563	\$684,492	\$589,314	\$180,329,354	\$122,129,840	\$975,817	\$840,131			
2034	\$117,706,419	\$62,638,052	\$500,478	\$430,887	\$150,130,220	\$93,440,663	\$746,591	\$642,778	\$193,275,198	\$134,428,392	\$1,074,083	\$924,733			
2035	\$122,906,335	\$67,577,973	\$539,948	\$464,869	\$158,782,895	\$101,660,705	\$812,269	\$699,324	\$207,150,424	\$147,609,857	\$1,179,403	\$1,015,408			
			<b>\$4,902,876</b>	<b>\$4,221,137</b>			<b>\$7,046,278</b>	<b>\$6,066,502</b>			<b>\$9,748,462</b>	<b>\$8,392,950</b>			
			<b>Total TIF</b>	<b>\$9,124,013</b>			<b>Total TIF</b>	<b>\$13,112,780</b>			<b>Total TIF</b>	<b>\$18,141,412</b>			

Source: Strategic Planning Group, Inc., 2015

Using the 2012-2015 growth trend, the CRA would not reach its 2007 peak valuation until 2031. The 2014-15 growth trend would not reach its 2007 peak until 2027, while the 2013-2015 growth rate would reach the peak 2007 taxable value by 2025.

Based on the calculations above, taxable property values increases from 4.4177% to 7.1790%, resulting in the CRA TIF revenues (over the 20 year planning period) ranges from \$9.1 million to \$18.1 million.

The results of the improvements to the CRA transportation network as well as major improvements to the existing visual and structural blight, should improve the overall economic vitality of the area. Even given this assumption, SPG believes a conservative TIF revenue generation rate below the above referenced calculations should be used. For the purpose of this Plan, a 4% growth rate was assumed. Using the 4% growth in taxable property values, the CRA's TIF revenues is projected at a little over \$8 million.

Table 2, TIF 20 Year Estimates

Growth Rate Year	Best Conservative Estimate 4.00%			
		Tax Increment @ .95%	City TIF Revenue	County TIF Revenue
2015	\$51,771,627			
2016	\$53,842,492	\$1,967,322	\$15,719	\$13,533
2017	\$55,996,192	\$4,013,337	\$32,067	\$27,608
2018	\$58,236,039	\$6,141,192	\$49,068	\$42,245
2019	\$60,565,481	\$8,354,161	\$66,750	\$57,468
2020	\$62,988,100	\$10,655,650	\$85,139	\$73,300
2021	\$65,507,624	\$13,049,197	\$104,263	\$89,765
2022	\$68,127,929	\$15,538,487	\$124,153	\$106,889
2023	\$70,853,046	\$18,127,348	\$144,838	\$124,698
2024	\$73,687,168	\$20,819,764	\$166,350	\$143,219
2025	\$76,634,655	\$23,619,877	\$188,723	\$162,481
2026	\$79,700,041	\$26,531,993	\$211,991	\$182,514
2027	\$82,888,043	\$29,560,595	\$236,189	\$203,347
2028	\$86,203,565	\$32,710,341	\$261,356	\$225,014
2029	\$89,651,707	\$35,986,076	\$287,529	\$247,548
2030	\$93,237,775	\$39,392,841	\$314,749	\$270,983
2031	\$96,967,286	\$42,935,876	\$343,058	\$295,356
2032	\$100,845,978	\$46,620,633	\$372,499	\$320,703
2033	\$104,879,817	\$50,452,781	\$403,118	\$347,065
2034	\$109,075,010	\$54,438,214	\$434,961	\$374,480
2035	\$113,438,010	\$58,583,064	\$468,079	\$402,993
			<b>\$4,310,595</b>	<b>\$3,711,212</b>
			<b>Total TIF</b>	<b>\$8,021,807</b>

Source: Strategic Planning Group, Inc., 2015

# APPENDIX B CAPITAL IMPROVEMENT PLAN

Southwest Deltona 20- Year CRA with 5-Year Capital Plan(s): 2016-2036						Totals	TIFF Contribution City/County
	FY: 2016-2021 Capital Budget	FY: 2022-2026 Capital Planned	FY: 2027-2031 Capital Planned	FY: 2032-2036 Capital Planned	Proj. Total Capital - 2036		
<b>CRA 20-YEAR PROJECT SCHEDULE AND COSTS ESTIMATE</b>							
<b>YEAR</b>	<b>Enter project titles below</b>				<b>Enter 5-Year Increment Totals</b>		<b>Total cost of projects will total here (across)</b>
1st 5YR: Item 1	9% Survey, Engineering, Permitting, etc.	202,500				202,500	
1st 5YR: Item 2	6% CEI Services	134,900				134,900	
1st 5YR: TOTAL	Subtotal First Phase-First 5 Years	337,400				337,400	\$337,400.00 CITY
2nd 5YR: Item 1	Saxon North of Normandy-Water, Reclaimed Water, Sewer		1,425,000			1,425,000	
2nd 5YR: Item 2	3% Mobilization, Bonds, Indemnity, etc.		67,500			67,500	
2nd 5YR: TOTAL	Subtotal Second Phase-Second 5 Years		1,492,500			1,492,500	\$1,492,500.00 CITY
3rd 5YR: Item 1	Estimated Land Acquisition			500,000		500,000	
3rd 5YR: Item 2	Normandy & Deltona Intersection Improvements			1,000,000		1,000,000	
3rd 5YR: Item 3	S. Deltona (Entprse-Dirksen) 4-Lane & Reconst. w/in 80' ROW			4,750,000		4,750,000	
3rd 5YR: Item 4	Deltona/Dirksen intersection improvement and mast arm			450,000		450,000	
3rd 5YR: Item 5	Deltona/Enterprise intersection improvements and mast arm			450,000		450,000	
3rd 5YR: Item 6	3% Mobilization, Bonds, Indemnity, etc.			169,500		169,500	
3rd 5YR: Item 7	9% Survey, Engineering, Permitting, etc.			508,500		508,500	
3rd 5YR: Item 8	6% CEI Services			339,000		339,000	
3rd 5YR: TOTAL	SubTotal Third Phase- Third 5 Years			8,167,000		8,167,000	\$4,083,500.00 CITY/COUNTY (Grant Match)
4th 5YR: Item 1	Normandy Blvd. Reconstruction and 4 Laning				4,250,000	4,250,000	
4th 5YR: Item 2	3% Mobilization, Bonds, Indemnity, etc.				127,500	127,500	
4th 5YR: Item 3	9% Survey, Engineering, Permitting, etc.				382,500	382,500	
4th 5YR: Item 4	6% CEI Services				155,000	155,000	
4th 5YR: Item 5	Estimated ROW Land Acquisition				600,000	600,000	
4th 5YR: TOTAL	SubTotal Fourth Phase-Fourth 5 Years				5,515,000	5,515,000	\$2,757,000.00 CITY/COUNTY (Grant Match)
4th-5							
TOTAL	Totals 20-Year CRA [suggest add 10%]	\$ 337,400	\$ 1,492,500	\$ 8,167,000	\$ 5,515,000	\$ 15,511,900	\$8,670,400.00

**APPENDIX C STRATEGIC PLAN**

**A List of Targeted  
Objectives to Achieve  
within 5-Years**

**City of Deltona  
Strategic Plan**



*Chris Bowley, AICP, Planning Director*

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## I. Introduction

The City of Deltona (City) is a relatively young community, historically speaking, having been established as an incorporated community in 1995. Although it has physically been a community since the early 1960s, it has grown into the largest city in Volusia County, with a population of over 87,000 residents in a short period of time. This rapid growth has led to the need to identify community goals that galvanize and focus City efforts for both short-range and long-range planning horizons.

The purpose of this Strategic Plan is to identify targeted achievable goals for a short-range planning horizon (no greater than 5 years). The City employed the assistance of Ms. Marilyn Crotty of the Florida Institute of Government at the University of Central Florida to facilitate a community vision to create common goals and objectives to place into this Strategic Plan. The Strategic Plan will also be used to create an Economic Development Element within the City's Comprehensive Plan to expand the short-range planning horizon into a longer-range version.

Two Community Visioning and Strategic Planning Workshops were conducted, one on October 17<sup>th</sup> and one on November 7<sup>th</sup>, 2015. The first meeting on October 17<sup>th</sup> was with residents and interested members of the community to create the topics to present to the City Commission for further focus. The second meeting on November 7<sup>th</sup> was with the City Commission and representatives of each City department to review the information provided from the community and to narrow it into a short list of priority objectives, to achieve within five years, as follows:

### Strategic Issues

1. **Economic Development:** Provide a strategic focused effort towards economic development throughout the City to enhance existing businesses and attract new businesses.
2. **Fiscal Issues:** Maintain current fiscal stability, maximize alternative funding sources, and promote an effective system of checks and balances.
3. **Infrastructure:** Focus on the expansion of park facilities, commercial utilities, technology, roadways and trails to make Deltona a more sustainable community.
4. **Internal and External Communication:** Provide consistent and effective communication that promotes economic development, civic pride and service delivery.
5. **Public Safety:** To provide quality high-level public safety services to the community through consistent regulations within a coordinated management plan process.
6. **Social Services:** Continue to foster a wide variety of effective and targeted social services for City residents. *Note: no priority objectives were listed for this issue.*



The names of the department per task are listed next to each objective, with a projected time period to complete, if not an on-going or already completed effort.

## II. Priority Objectives

From the above listed strategic issues, the following ranked priority objectives were created *(with the number of City Commissioner preferences listed in parentheses, where listed)*:

1. **Fiscal Issues** – create a grants management program: find and write grants, administer grants, and provide quarterly updates and pursue new/alternate revenue sources (6) – a grant writer was selected and will begin to assist on the following tasks: *Status: Brought on the City's Grant Writer through the City's procurement process and working with her to have and maintain a focus and ranked priority on projects.*
  - New Senior Community Center – *Planning & Development Services; contact person Chris Bowley. Two year project completing in 2017. Status: Underway with design, permitting in mid-2016, contractor selection late 2016, and construction completion in late 2017.*
  - Improvements to the existing Community Center – *Parks & Recreation Department; contact person Steve Moore. Two year project following the new Senior Center.*
  - Transportation/CIP (i.e. Tivoli Dr. expansion, Normandy Blvd. construction, Howland Blvd./Catalina Dr. intersection, TPO listed roads, sidewalks, trails/bike lanes) – *Public Works Department; contact person Gerald Chancellor. Start Normandy Blvd. and Tivoli Dr. in 2016.*
  - Thornby Park HERE Project – *City Manager's Office; contact persons Jerry Mayes and Lee Lopez. Project based on available funding with decision in 2016.*
  - Veteran's Museum – *Parks & Recreation Department; contact person Steve Moore. On-going with available funding.*
  - Overall beautification grants – *Varies by department. Underway and on-going effort. Status: Wrote the FDOT Bold Initiative Grant with an update, received \$125,000 for SR 472 (double the original grant award), received \$750,000 (verbally) for Interstate 4 at SR 472, and modified the 100% construction plans for the Saxon Blvd. interchange.*
  - Other grants as approved by the City Commission – *Varies by department. On-going per grant opportunities, as they are available. Status: Working with City staff in other departments to have their issues addressed through grant searches by the Grant Writer.*
2. **Economic Development** – update the economic development plan (including the Land Development Code) (5) – underway with real estate analysis with TVEDC and Phase III of the LDC to be adopted in 2016. *Status: Phase III of the Land Development Code amendments was brought to the City Commission and adopted as Ordinance No. 04-2016. Staff is coordinating with Team Volusia staff to complete the highest and best use analysis and bring it to the City Commission at the May 9<sup>th</sup> workshop.*
  - Team Volusia coordination and creation of a database of commercial properties on the Team Volusia website and City website (market analysis of available properties) – *Planning & Development Services; contact person Chris Bowley. Underway with completion in 2016. Status: See above pertaining to working with Team Volusia.*
  - Determine the business niche for the City to target/pursue (i.e. medical campus/offices/business park) – *Planning & Development Services; contact person*



- Chris Bowley. Underway with completion in 2016. Status: See above pertaining to working with Team Volusia.*
- Focus on Howland Boulevard as the gateway for commercial growth (create a City Center and pursue acquisition of Casey property) – *Planning & Development Services; contact person Chris Bowley. On-going until all parcels are developed. Status: The focus on Howland Blvd. as the gateway is being done in conjunction with the Parks Department and the consultant team to determine a sports niche, as well as through the product of Team Volusia.*
  - Work with existing businesses to expand/grow, including a questionnaire and one-on-one site visits – *City Manager's Office; contact person Jerry Mayes. Questionnaire to be completed in 2016 and site visits on-going.*
  - Promote customer service environment, including creation of a one-stop shop concept and any required staff development/training to achieve it – *City Manager's Office; contact persons Jerry Mayes and Dale Baker. Underway with completion in 2016.*
  - Construct a Senior Community Center and prepare a business pro forma, including the need for an events manager – *Planning & Development Services; contact person Chris Bowley. Two year project completing in 2017. Status: The design team, including the project engineer, has been selected and is underway with design. The development program has been finalized without a gymnasium and with an expanded assembly room. The Final Site Plan and Construction Plans are being worked on.*
  - Pursue the creation of CRA for Deltona Boulevard – *Planning & Development Services; contact person Ron Paradise. CRA submitted and obtain CRA authority/set-up within 2016. Status: The Southwest Deltona CRA requests for additional information were submitted to Volusia County and there is an anticipated awarding of the CRA in 2016 that needs County Council approval.*
  - Create more diversified and high-quality housing opportunities to provide for all market demands – *Planning & Development Services; contact person Chris Bowley. Underway and on-going. Status: The City approved Phase V of Arbor Ridge and Lake Baton Estates master planned communities. Both offer a variety of housing types to meet a broad spectrum of the real estate market. The Arbor Ridge project offers a more urban neighborhood with smaller lots on a central sewer system. The homes are conveniently located to schools. Lake Baton Estates, also on central sewer, offers a much larger home and is adjacent to Spirit Elementary.*
3. **Economic Development** – analyze City-owned properties and determine their highest and best use, need for land acquisition/disposition, etc. (4) – underway with three efforts for real estate, parks, and utility master planning. *Status: Staff is coordinating with Team Volusia staff to complete the highest and best use analysis and bring it to the City Commission at the May 9<sup>th</sup> workshop.*
- Obtain master planning services, once the niche is determined – *Planning & Development Services; contact person Chris Bowley. Underway with completion in 2016. Status: See above.*
  - Review relocation of existing facilities (i.e. Public Works) – *Public Works Department; contact person Gerald Chancellor. Analyze properties in 2016, with funding, relocation within two years from funding date.*



4. **Public Safety** – strengthen code enforcement (abandoned properties, rental properties) (5) – underway with actions taken to notify residents of trash pick-up timing and letters sent to property owners to take action on sites in disrepair. *Status: Ongoing until June 1<sup>st</sup>.*
  - Focus on the City’s beautification program (landscaping, trash removal, seasonal/holiday themes at the gateways, and major intersections) – *Enforcement Services; contact person Dale Baker. Status: Underway and on-going.*
  - Fund and implement a demolition program for homes in disrepair. *Enforcement Services; contact person Dale Baker. Status: Underway and on-going; 4 houses taken down to date.*
  - Review the need for additional staff – *Enforcement Services; contact person Dale Baker. Status: Underway and to be completed in 2016. Part of the budget process.*
  - Sign ordinance amendment/rewrite the sign code – *Planning & Development Services; contact person Chris Bowley. Underway with completion in 2016. Status: Sign Code draft was written and distributed to City staff, special interest groups, and sign contractors. The draft will be attached to an ordinance draft with comments received and brought to the City Commission at a workshop.*
  
5. **Public Safety** – pursue the ability of the City to be able to provide medical transport (4).
  - Prepare a fire assessment fee cost-benefit analysis – *Fire Department; contact person Chief Chris Sievert. Underway with completion in 2016.*
  - Begin dialogue with Volusia County officials/staff – *Fire Department; contact person Chief Chris Sievert. Underway and on-going.*
  - Review the need for additional staff – *Fire Department; contact person Chief Chris Sievert. Underway and to be completed in 2016.*
  - Prepare a medical transport cost-benefit analysis – *Fire Department; contact person Chief Chris Sievert. To be completed in 2016.*
  
6. **Internal and External Communication** – improve intergovernmental coordination (advocacy, proper courthouse annex location) (4) – always a top priority and on-going effort.
  - Proactively contact agencies and review mailing lists (especially for invitations to special events) – *City Manager’s Office; contact person Jerry Mayes. Underway and on-going.*
  - Conduct partnering sessions with County staff and State Legislature, with trips to Tallahassee, and review of lobbyist contract – *City Manager’s Office; contact person Jane Shang. Underway and on-going.*
  - Update the City’s media (City website) and broaden Deltona TV outreach – *City Manager’s Office; contact person Lee Lopez. Underway and on-going.*
  - Mayor’s Annual State of the City Address – *City Manager’s Office; contact person Jane Shang. Underway and on-going.*
  
7. **Internal and External Communication** – develop a Deltona brand and improve image (4) – efforts underway since 2007 with request to update that information.
  - Continue the partnership with FDOT for I-4 expansion and City beautification – *Planning & Development Services; contact person Chris Bowley. On-going with Bold Initiative Grant awarded in 2015. Status: The Bold Initiative Grant previously awarded by FDOT was doubled from \$63,000 to \$125,000 and the planting area expanded to between Interstate 4 and Graves Ave. The FDOT is also considering adding \$750,000 in landscaping to the I-4/SR 472 interchange within the travel lane area.*



- Beautify gateways and key locations – Howland Blvd./Graves Ave., Normandy Blvd./Saxon Blvd., Saxon Blvd./I-4, DeBary Ave./Deltona Blvd., City Hall, and City facilities (including lift stations, stormwater ponds, park entrances, etc.) – *Parks & Recreation Department; contact person Steve Moore. Underway and on-going.*
  - Solicit partnerships with businesses, schools, hospitals, and residents for information dissemination – *City Manager's Office; contact person Jerry Mayes. Underway and on-going.*
  - Create a new branding slogan and implement a new marketing campaign – *City Manager's Office; contact persons Jerry Mayes and Lee Lopez. Underway with completion in 2016.*
  - Conduct a needs assessment for social services and communicate resources for public benefit – *Planning & Development Services; contact person Chris Bowley. Two social services summits held with the third to be in February 2016. Coordination for expanded 211/HMIS. Status: The three initial Social Services Summits were conducted and achieved the mission to gather as many local human service agencies together that serve Deltona residents and to disseminate information in the most broad and accessible means possible. The two sources identified were the United Way 211 for access and the HMIS for a tracking database. The United Way staff began working directly with the local agencies. The AHAC is focused on future summits, continued 211 use, and use of the HMIS.*
8. **Infrastructure** – update the Parks and Recreation Master Plan (4) – combining efforts for parks and utility master plan for efficient land use planning.
- Engage a consultant for parks master planning – *Parks & Recreation; contact person Steve Moore. Underway and will be completed in 2016.*
  - Determine a sports facility niche for the City (define the 'stadium' concept) – *Parks & Recreation; contact person Steve Moore. Included in parks master planning in 2016.*
  - Expand existing park facilities (including lighting at Dwight Hawkins and Manny Rodriguez Parks) – *Parks & Recreation; contact person Steve Moore. Included in parks master planning in 2016.*
  - Work with schools, YMCA, and Council on Aging to develop recreational programs in partnership at Volusia County middle school sites utilizing existing infrastructure – *Parks & Recreation; contact person Steve Moore. Included in parks master planning in 2016.*
  - Review the amphitheater agreement for Lyonia Library – *City Attorney's Office; contact person Becky Vose. To be completed in 2016.*
9. **Infrastructure** – create a utility master plan consistent with zoning (water, sewer, natural gas, information technology, etc.) (4) – to be worked jointly with the parks and real estate master planning for greatest efficiency in long-range planning.
- Create a map that identifies existing infrastructure – *Planning & Development Services; contact person Chris Bowley. Underway and to be completed in 2016. Status: See the above concerning the Homeland Security Act. The City has the GIS layers and attribute tables for this information in its system.*
  - Upon completion of a master development plan for the City, identify areas for utility expansion – *Public Works; contact person Gerald Chancellor. Underway and to be completed in 2016.*



- Preserve and increase the City's water supply (Farmton/SJRWMD/Deltona North) – *Public Works Department; contact person Gerald Chancellor. Underway and on-going.*
- Include requirements for utilities when reviewing site plans for permitting – *Public Works Department; contact person Gerald Chancellor. Underway and on-going.*
- Implement Phase I of the Transportation CIP program and develop Phase II of the Transportation CIP program for roads and sidewalks – *Public Works Department; contact person Gerald Chancellor. Underway and on-going.*
- Support a ½-cent to 1 cent sales tax for transportation projects, upon agreement of a methodology for distribution and eligible projects within the TPO – *Planning & Development Services; contact person Ron Paradise. Begin dialogue with the TPO in 2016. Status: Attendance at the TPOs meetings has been consistent and three projects were added to the TPOs call for projects list. The Long Range Transportation Plan includes City projects and the ranking methodology was changed to award more points per a ±32.5% match. Staff is creating a ranking projects list.*

### III. On-going Projects & Other Priority Objectives Identified

#### On-going Projects

- Granicus implementation – *City Clerk; contact person Joyce Raftery.*
- TNR program – *Enforcement Services; contact person Dale Baker.*
- Health insurance alternative access (2) – *Human Resources; contact person Cara Burgess. Status: Presented various options to the Commission at a workshop on April 25th. Direction was to go to RFP this year for fully insured health care plan and to explore options such as plan design and contribution methods as ways to help reduce employee and City cost. We will continue to enhance the Wellness Program to help lower insurance claims by prevention. The Employee Health Insurance Committee will meet to review information and make recommendations.*

#### Other Priority Objectives Identified

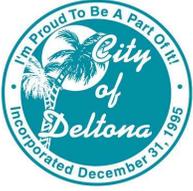
- City engagement and two-way communication (social media, advisory boards) (3) – *City Manager's Office; contact person Wendi Jackson.*
- Employee development and training (2); education and bonuses – *Human Resources; contact person Cara Burgess. Status: Employee Supervisory Training was completed in April. Staff continues to explore options for an employee incentive program and education incentive.*
- Explore multi-modal transportation opportunities with other government entities (2) – *Planning & Development Services; contact person Chris Bowley. Status: Planning staff is a member of the Volusia Transit Connector Study Project Advisory Group and has been making recommendations for increased ridership and multi-modal potential. The transportation consultant for Volusia County has ranked the SR 472 at I-4 interchange as an optimal location for a multi-modal station.*
- Community services summit for the provision of social services (2) and a needs assessment (1) – *Planning & Development Services; contact person Chris Bowley. Status: The three initial Social Services Summits were conducted and achieved the mission to gather as many local human service agencies together that serve Deltona residents and to disseminate information in the most broad and accessible means possible. The two sources identified were the United Way 211 for access and the HMIS*



**CITY OF DELTONA STRATEGIC PLAN**  
Strategic Goals for FY 15/16 - FY 16/17  
Revised April 27, 2016

*for a tracking database. The United Way staff began working directly with the local agencies. The AHAC is focused on future summits, continued 211 use, and use of the HMIS.*

- Maintain a balanced budget, reserves, and investments (1) – *Finance; contact person Bob Clinger.*
- Expand special events (1) – *Parks & Recreation; contact person Steve Moore.*
- Review the City's annexation policy (1) – *City Attorney's Office; contact person Becky Vose.*
- Support an Emergency Management Plan (1) – *Fire Department; contact person Chief Chris Sievert.*
- Continue to support the public safety education program/plan – *Fire Department; contact person Chief Chris Sievert.*



## Agenda Memo

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**AGENDA ITEM: I.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 9 - I

**SUBJECT:**

Ordinance No. 14-2016, Amending Division 3, "Collection and Use", of Article III, "Stormwater Utility", of Chapter 54, "Special Assessments", of the Code of the City of Deltona, by adding a provisions for stormwater utility fee credits, at first reading - Becky Vose, Legal Department (407) 448-0111.

Strategic Goal: Infrastructure

**LOCATION:**

City-wide

**BACKGROUND:**

There has been a request to amend the stormwater utility fee ordinance relating to developed properties that have constructed and currently operate and maintain stormwater facilities that can reduce stormwater runoff impacts from the subject property and reduce the burden on the city to maintain, operate and provide capital improvements to the stormwater management system.

This ordinance was discussed at the workshop on August 22, 2016, at which time the question was raised as to the potential impact of the credit on the revenues to the stormwater utility. This question has been addressed by the City's consultant Tetra Tech, and it was concluded that the worst case impact on the utility revenues is less than 5%.

The proposed ordinance has been reviewed by the Deltona Business Alliance and the DBA has indicated its support of this ordinance.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

Legal Department

**STAFF RECOMMENDATION PRESENTED BY:**

Becky Vose - To approve Ordinance No. 14-2016, at first reading.

**POTENTIAL MOTION:**

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**AGENDA ITEM: I.**

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“I move to approve Ordinance No. 14-2016, at first reading.”



August 29, 2016

Mr. Gerald Chancellor  
Public Works & Utilities Director  
City of Deltona  
Department of Public Works  
255 Enterprise Road  
Deltona, FL 32725

**Subject: Revised Stormwater Credit Policy**

**Project #: 200-08534-14009**

Gerald,

Per your request I have reviewed the proposed changes to the City's Stormwater Utility Credit Policy and evaluated their potential impact on the revenues to the Stormwater utility. Reading the Ordinance there are three primary changes that will influence the utility revenues:

- An increase of the credit from 30% to 35% for parcels in non-landlocked basins.
- An increase in the credit from 45% to 50% for parcels in landlocked basins.
- A relaxing of the credit application procedures such that new development will automatically be granted a credit provided it has built on-site stormwater facilities in compliance with the prevailing regulatory requirements of the St. Johns River Water Management District or Florida Department of Environmental Protection.

We approached our analysis conservatively with our assumptions representing the highest impact to the revenues. Our assumptions include:

- All currently developed commercial property will receive a 46% credit. This is a composite credit based on the approximate ratio of land locked to non-land locked area in the City. As of this date, very few developed properties have filed for a credit.
- All currently vacant commercial property will be granted a 46% credit equivalent to the currently assessed ERUs. (Typically developed commercial property will have a much higher number of ERUs over vacant due to the amount of impervious area constructed such that there is a net increase of ERUs even with the credit.)
- All commercial properties will receive the credit instantaneously. This is conservative since the vacant property will develop over time dependent upon the economic conditions in the City.

Taking these factors into account the worst case impact on the utility revenues is less than 5%. Again, this is a quite conservative approach, and it is likely that as vacant property is developed utility revenues will increase as the total number of ERUs increase.

If you require any further information please let me know.

Very truly yours,

**Tetra Tech**

A handwritten signature in blue ink, appearing to read 'Andrew T. Woodcock'.

Andrew T. Woodcock, P.E., MBA  
Senior Project Manager

ATW/ab/ProjMgmt/Corresp/Chancellor\_082916

**ORDINANCE NO. 14-2016**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING DIVISION 3, "COLLECTION AND USE", OF ARTICLE III, "STORMWATER UTILITY", OF CHAPTER 54 "SPECIAL ASSESSMENTS", OF THE CODE OF THE CITY OF DELTONA, BY ADDING A PROVISION FOR STORMWATER UTILITY FEE CREDITS; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

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**WHEREAS**, the city recognizes that some developed properties that are subject to the stormwater utility fee have constructed and currently operate and maintain stormwater facilities that can reduce stormwater runoff impacts from the subject property and reduce the burden on the city to maintain, operate and provide capital improvements to the stormwater management system; and

**WHEREAS**, the city recognizes that some property owners may wish to mitigate the stormwater utility fee by constructing and maintaining a stormwater facility that will reduce the impact of the subject property; and

**WHEREAS**, as an incentive for operating and maintaining a stormwater facility, fee credits may be granted to the utility customer when the management facility reduces the pollutant load on the water quality, reduces the flow of water quantity from the subject property, or both.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:**

**Section 1.** A new Section 54-189, "Stormwater Utility Fee Credits", of Division III, "Collection and Use", of Article III "Stormwater Utility", of Chapter 54, "Special Assessments", of the City's Code of Ordinances, is hereby amended to read as follows:

Section 54-189. Stormwater Utility Fee Credits.

(a) Properties that currently operate and maintain an approved stormwater management system that is shown to reduce stormwater runoff and improve the quality of stormwater runoff are eligible for a reduction in the stormwater utility fee in the form of a credit. Stormwater utility customers with property meeting the criteria provided in this section may receive a stormwater utility fee credit of up to, but not exceeding, thirty-five percent (35%) on the fee for the subject property if such property is non-land locked, and fifty percent (50%) on the fee for the subject property if such property is land locked. For purposes of this credit, the term non-land locked shall refer to properties that have the ability to discharge off-site with excess stormwater, and it retains a 25 year, 24 hour, storm event on-site before it is allowed to discharge off-site. For purposes of this credit, the term land locked shall refer to properties that have no ability to discharge off-site with any excess stormwater to a lake, drainage ditch, canal, or other water body, and it retains a 100 year, 24 hour, storm event on-site.

(b) In order to qualify for a utility fee credit as set forth above, the property owner must demonstrate one of the following:

(1) The stormwater management system has been permitted by the St. Johns River Water Management District or the Florida Department of Environmental Protection and proof of such permitting is submitted to the city; or

(2) The subject property is serviced by an on-site stormwater management system that reduces stormwater runoff and improves the quality of stormwater runoff, and such facility is operated and maintained in accordance with standard practices in the industry. Determination of qualification for such credit shall reasonably be made by the city manager or designee based upon an examination of the site, and an affidavit of the property owner in a form acceptable to the city attorney, which includes a statement indicating that the stormwater management system was permitted by the St. Johns River Water Management District or the Florida Department of Environmental Protection, and was built in conformance with such permit, or that was built in accordance with the then current requirements or standards in effect at the time of construction without a permit, and that the stormwater management system has been operated and maintained in accordance with standard practices since placed in operation. It is acknowledged by the city that as to certain properties, such permitting was not in effect at the time of construction. Credits permitted under this sub-section (2) shall be a maximum of 35%.

(3) Once a qualification for a utility fee credit is established, the credit can continue unless the city becomes aware that the on-site stormwater management system has been removed, modified, or discontinued, or that

the on-site stormwater management system has not been adequately maintained, or if it is ineffective to prevent flooding on site or off-site, or excessive flowing of water off the property it serves. No less than ninety (90) days prior to the revocation of a utility fee credit, the property owner will be notified of corrective actions needed by certified mail, and shall be given sixty (60) days to perform the required corrective actions. The property owner shall notify the city when the corrective action is complete and the city shall make a determination and notify the property owner as to the adequacy of the corrective action. Any appeal from a decision to revoke the utility fee credit shall be made in writing to the city manager no later than either ten (10) days after the date set for completion of the corrective action, if no corrective action was taken or if it was not completed, or ten (10) days after notification to the property owner that the corrective action taken was insufficient to maintain the credit. Revocation of the credit shall be stayed pending completion of an appeal. The decision of the city manager on the appeal shall be final, with any further appeal to a court of competent jurisdiction.

(4) Credit application and affidavit forms shall be available from the city upon request or can be downloaded from the city website.

(5) After the effective date of this Ordinance No. 14-2016, a 35% or 50% credit, as applicable, shall be granted to new construction at the time of the issuance of a certificate of occupancy if the newly installed stormwater management system servicing the property was permitted by the St. Johns River Water Management District or the Florida Department of Environmental Protection, and construction of the stormwater system was in compliance with such permit.

**Section 2.** Conflict. All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

**Section 3.** Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

**Section 4.** Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DELTONA, FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

First Reading: \_\_\_\_\_

Advertised: \_\_\_\_\_

Second Reading: \_\_\_\_\_

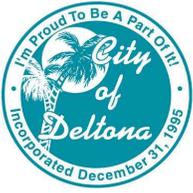
BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

\_\_\_\_\_  
JOYCE RAFTERY, CMC, City Clerk

Approved as to form and legality  
for use and reliance of the City of  
Deltona, Florida

\_\_\_\_\_  
GRETCHEN R. H. VOSE, ESQ., City Attorney



**Agenda Memo**

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**AGENDA ITEM: A.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 11 - A

**SUBJECT:**

Consideration of Commissioner Schleicher's appointment to the Planning and Zoning Board for the remainder of a term to expire on March 15, 2017 - Joyce Raftery, City Clerk (386) 878-8502.

Strategic Goal: Internal and external communication.

**LOCATION:**

N/A

**BACKGROUND:**

Mr. Noble Olasimbo, Commissioner Schleicher's appointment, resigned from the Planning and Zoning Board on August 31, 2016. Per Article XII. Planning and Zoning Board, Sec. 110-1200. Creation (b), "The vacancy shall be filled within 30 days from the time it occurs." The appointment will serve for the remainder of a term to expire on March 15, 2017.

The City has run press releases, posted the opening on D-TV, the City's web page and bulletin boards. To date the City has received applications from the following individuals: Smiley Thurston.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

City Clerk's Department.

**STAFF RECOMMENDATION PRESENTED BY:**

Joyce Raftery, City Clerk - That Commissioner Schleicher table her appointment to the Planning and Zoning Board or that the Commission confirm Commissioner Schleicher's appointment to the Planning and Zoning Board for the remainder of a term to expire on March 15, 2017.

**POTENTIAL MOTION:**

"I move to table Commissioner Schleicher's appointment to the Planning and Zoning Board."

Or

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**AGENDA ITEM: A.**

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“I move to confirm Commissioner Schleicher’s appointment to the Planning and Zoning Board for the remainder of a term to expire on March 15, 2017.”

**City of Deltona, Florida**  
**PLANNING AND ZONING BOARD**

	<u>Appointed By</u>	<u>Apptd. Date</u>	<u>Term Exp.</u>
Tom Burbank <b>CHAIRMAN</b> 2073 Brewster St Deltona, FL 32738 (386) 789-3054 (386) 747-1944 Email: <a href="mailto:tburbank@cfl.rr.com">tburbank@cfl.rr.com</a>	Commissioner Nabicht (District 6)	06-17-13 03-17-14 (Re-apptd.)	03-15-17
Adam Walosik <b>VICE CHAIRMAN</b> 1426 Montecito Ave Deltona, FL 32738 (407) 625-4194 Email: <a href="mailto:awalosik@att.net">awalosik@att.net</a>	Commissioner Lowry (District 5)	04-04-11 03-17-14 (Re-apptd.)	03-15-17
John Harper 1022 Feather Dr. Deltona, FL 32725 (386) 547-0121 Email: <a href="mailto:nativeson904@att.net">nativeson904@att.net</a>	Commissioner Smith (District 2)	01-19-15 03-08-16 (Re-apptd)	03-15-19
<b>Resigned August 31, 2016</b>			
<del>Noble Olasimbo 2768 Foxdale Dr. Deltona, FL 32738 (386) 737-6023 (352) 483-9092 Email: <a href="mailto:nolasimbo@bellsouth.net">nolasimbo@bellsouth.net</a></del>	Commissioner Schleicher (District 4)	04-04-11 03-17-14 (Re-apptd.)	03-15-17
Donald Philpitt 455 Saxon Blvd. Deltona, FL 32725 (386) 860-7279 Email: <a href="mailto:dapbap@att.net">dapbap@att.net</a>	Mayor Masiarczyk	02-01-16 03-08-16 (Re-apptd)	03-15-19
Michael Putkowski 2736 Courtland Blvd. Deltona, FL 32738 (407) 641-6920 Email: <a href="mailto:mikeputkowski@gmail.com">mikeputkowski@gmail.com</a>	Commissioner Honaker (District 1)	02-15-16 03-08-16 (Re-apptd)	03-15-19
Stony Sixma 1977 Catalina Boulevard Deltona, FL 32725 (386) 848-1147 Email: <a href="mailto:Stonysixma@yahoo.com">Stonysixma@yahoo.com</a>	Vice Mayor Herzberg (District 3)	07-21-14	03-15-17

**Staff Liaison:**  
Chris Bowley, AICP  
Planning & Development Services Director  
2345 Providence Blvd.  
Deltona, FL 32725  
(386) 878-8602  
(386) 878-8501 Fax  
Email: [cbowley@deltonafl.gov](mailto:cbowley@deltonafl.gov)

Noble Olasimbo, AICP  
2768 Foxdale Drive  
Deltona FL 32738

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August 17, 2016

Joyce Raftery, CMC, MMC  
City Clerk of Deltona  
2345 Providence Blvd.  
Deltona FL 32725

Subject: Resignation from the City of Deltona Planning and Zoning Advisory Board

Dear Ms. Raftery:

I have thoroughly enjoyed volunteering for the City of Deltona Planning and Zoning Advisory Board, but I wanted to let you know that I do not plan on continuing to volunteer effective August 31<sup>st</sup>, 2016. I will be out of United States for some months which will have impact on my attending monthly meeting,

I have enjoyed working with my fellow Planning and Zoning Advisory Board Members.

Sincerely,

*Noble Olasimbo*

Noble Olasimbo, AICP  
City of Deltona Planning and Zoning Advisory Board Member

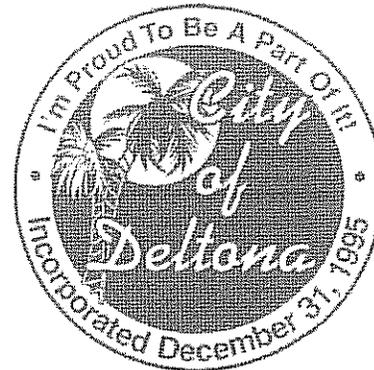
C: City Commission  
Chris Bowley, AICP, Planning & Development Services Director

City Clerk's Office Use:  
 Appointed to: \_\_\_\_\_  
 \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Other Boards of Interest/Dates  
 contacted: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

RECEIVED  
 SEP 12 2016  
 BY: \_\_\_\_\_

City of Deltona

Citizen Board / Committee  
 Application



Name of Board/Committee: OPEN

1. **Personal Information:**

Name: SMILEY W THURSTON  
 Address: 608 SAXON BLVD  
 City: DELTONA State: FL Zip: 32725 # Years: 20+ District: \_\_\_\_\_  
 Telephone #: (386) 717-5647 Alt. Phone #: (386) 957-7957 Fax: (\_\_\_\_\_) \_\_\_\_\_  
 Organization: HELPING HANDS FOUNDATION, COALITION AGAINST HUNGER, SALVATION ARMY VOLUNTEER  
 Are you a registered Voter?: Yes  No \_\_\_\_\_  
 E-mail Address: WEHAVE THE SOLUTION@AOL.COM  
 Employer: PROPERTY SHOWCASE INC # of Years: 30+  
 Address: ~~XXXXXXXXXX~~ POST OFFICE BOX 4132 ENTERPRISE FL 32725  
 Employer Telephone #: 386-717-5647 Position: OWNER, ADM,  
 Summarize your work experience: HAVE WORK IN NEW AND RESTORATION CONSTRUCTION  
SINCE EARLY 80', LIC GENERAL CONTRACTOR, LIC REAL ESTATE SALES.  
EXTENSIVE EXPERIENCE IN REAL ESTATE FIELD.

2. **Volunteer, Civic, Professional & Other Activities:**

- List any volunteer service organizations, clubs or professional societies you are a member of and give the positions of titles you have held. Director of Lyndebury Historical Society, CETA program, Historical Society Reunion 50's current work as volunteer Community Life Center, Alliance Church Deltona, Food Program and Monthly Community Dinner, Salvation Army Volunteer Director of Food Programs
- Have you ever served on a committee or advisory board? If so, give the details, including any positions held. BOARD MEMBER OF VOLUSIA COUNTY HUMAN SERVICES ADVISORY BOARD. RE ELECTED FOR ANOTHER 2 YEAR TERM THIS MONTH. HUMAN SERVICES BOARD OF SALVATION ARMY, ELECTED BOARD OF DIRECTOR.
- Have you ever held public office? If so, give the details, including the offices involved, whether elected or appointed, and the length of service. IN THE EARLY 1970'S INVOLVED WITH THE CETA PROGRAM IN DELTONA. VOTED TO POSITION OF DIRECTOR FOR 4 YEARS.

3. **Reasons for serving:**

- Describe any additional knowledge, skill, education or experience you have, which would assist you in the duties of this Board/Committee. I AM ESPECIALLY INTERESTED IN BOARD OF COMMITTEE INVOLVED WITH HUMAN SERVICES AND AFFORDABLE HOUSING, HELPING DELTONA GROW IN SIZE

b. Explain why you want to serve on this Board/Committee, and include, and include any particular potential contribution your selection would bring.

PREVIOUSLY MENTIONED LIC. GENERAL CONTRACTOR C66005961 -  
LICENSED REAL ESTATE AGENTS WITH KEVIN WILLIAMS  
PORTORANG, WORKING TO HELP THE HOMELESS AND WORKING  
POOR IN VOLusia COUNTY, ESPECIALLY THE WEST SIDE.

4. **Miscellaneous:**

a. Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold. N/A

b. Have you ever been convicted for violation of any federal, state, county or municipal law, regulation or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less that were imposed, unless it also included a jail sentence. N/A

5. **References:**

List names, addresses and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

- DE RAMMO BONNET 727 OCEANSHORE BLVD ORMOND BEACH FL # ON REQUEST
- DR STANLEY STOCKHAMMER (386) 736-7205
- DINO DODANIT Kevin Williams Realty # upon request

6. **Additional Information or comments:**

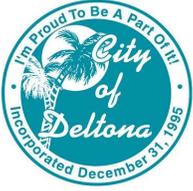
EXTREMELY INTERESTED IN SERVING MY COMMUNITY

I DECLARE THE FOREGOING FACTS TO BE TRUE, CORRECT AND COMPLETE.

[Signature] 9-12-2016  
Signature Date

Return completed application to:  
City of Deltona ♦ City Clerk's Office ♦ 2345 Providence Blvd. ♦ Deltona, FL 32725

\*\*Please note that the City Clerk's Office keeps applications active for 6 months from the date of receipt if you are not chosen to fill the Board/Committee vacancy. If at a later date you wish to be considered for another Board/Committee vacancy other than the Board originally applied for, you must contact the City Clerk's Office at (386) 878-8500 and request your application be pulled for consideration.



## Agenda Memo

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**AGENDA ITEM:** B.

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 11 - B

**SUBJECT:**

Request for approval of Resolution No. 2016-46, amending the City Commission Operating Guidelines and Meeting Rules and Procedures.

**LOCATION:**

N/A

**BACKGROUND:**

At the City Manager's Agenda Review Meeting and the Regular City Commission Meeting on Monday, August 1, 2016, Vice Mayor Nabicht requested to establish a policy to have a Volusia County Sheriff's Deputy attend any time the Commission comes together for a formal meeting, special meeting or public forum at a City facility.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

City Clerk's Department

**STAFF RECOMMENDATION PRESENTED BY:**

Joyce Raftery, City Clerk - That the Commission approve Resolution No. 2016-46 and the City Commission Operating Guidelines and Meeting Rules and Procedures as amended.

**POTENTIAL MOTION:**

"I move to approve Resolution No. 2016-46 and the City Commission Operating Guidelines and Meeting Rules and Procedures as amended.

**RESOLUTION NO. 2016-46**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA; PROVIDING FOR THE AMENDMENT OF THE CITY COMMISSION'S OPERATING GUIDELINES AND MEETING RULES AND PROCEDURES; PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Commission of the City of Deltona has determined that it is in the best interests of the City to adopt rules and procedures to govern actions at City Commission meetings and the Commission agenda process; and

**WHEREAS**, the City Commission adopted such Meeting Rules and Procedures on March 14, 1999, as amended on November 6, 2006, February 18, 2008, April 20, 2009, December 13, 2010, March 7, 2011, March 2, 2015 and February 1, 2016; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Deltona, Volusia County, Florida, as follows:

**SECTION 1.** SECTION TWO, MEETINGS, of the Operating Guidelines & Meeting Rules and Procedures is amended to read as follows:

**SECTION TWO.     MEETINGS.**

Meetings of the City Commission shall be held at City Hall, in the City Commission Chambers or a Conference Room, or at such other location in the City as designated by the City Commission or designee. All meetings shall be public meetings, with the exception of Executive Sessions which shall be closed to the public in accordance with Florida Statutes, and shall be subject to notice and other requirements of law applicable to public meetings.

Whenever the Commission meets as a body for the purpose of a meeting at any City facility or within the City limits, a law enforcement officer shall be present. In addition, whenever the Commission meets as a body for the purpose of a meeting in the Commission Chambers the meeting shall be televised live.

To ensure the integrity of the public meeting process in open government, Commissioners shall be prohibited from accepting or sending any text communication via cell phone or other device during the course of a City Commission meeting. Commissioners may submit in writing their

comments, position and information to the City Manager prior to the meeting in which they are expected to be absent so it can be shared with the entire Commission (Resolution No.2015-49)

Members of the Commission are also prohibited from participating in any meetings of the City Commission by telephone/electronic processes. Members are required to be physically present in order to participate in a meeting of the City Commission. (Resolution No. 2010-42)

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DELTONA, FLORIDA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

\_\_\_\_\_  
JOYCE RAFTERY, CMC, MMC, City Clerk

Approved as to form and legality for use  
and reliance of the City of Deltona, Florida

\_\_\_\_\_  
GRETCHEN R. H. VOSE, City Attorney

**Deltona City Commission  
Operating Guidelines & Meeting Rules and Procedures**

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**SECTION ONE. OPERATING GUIDELINES FOR EFFECTIVE COMMISSION OPERATIONS.**

**Commission Policy Role:**

1. The City Commission is responsible for setting the policies.
2. The City Commission will formulate policy by determining the broadest policies before progressing to more narrow ones.
3. The City Commission and staff may initiate policy for City Commission approval. Individual Commission Members may bring forth initiatives that are of significance to the entire community.

**Maximizing Effectiveness:**

1. The City Commission recognizes that the expression of differences and debate will ensure that we have good public policy. In support of this, City Commissioner's opinions will be listened to respectfully.
2. The City Commission will be open to ideas from City Commission Members, the administration and the public.

**Commission-Mayor Role:**

1. The Mayor will be the official spokesperson for the City Commission, without limiting other City Commission Members' ability to speak on issues.

**Communication:**

1. The City's administration will provide the City Commission with all relevant information on matters of policy, including pros and cons, alternatives, and professional recommendations, in order that the City Commission may make an informed final decision.
2. Achieving mutual trust between the City Commission and the City administration and between the City Commission Members themselves should be a fundamental pursuit.
3. Open and regular communication will be used to insure that both the City Commission and the City's administration are informed so that neither is surprised or blind-sided on issues and questions.
4. The City Manager will insure that the City Commission is informed about issues that have impact on a major policy area, may attract media or public attention, or affect major stakeholders.

5. The City Commission may pass along information or request information directly from staff, after informing the City Manager, without directing staff.
6. The City Commission will annually review progress on its collective leadership, goals, priorities and operating guidelines to insure success/relevance.

**City Manager Performance Accountability:**

1. The City Manager will be evaluated on the accomplishment of the City Commission's stated goals.
2. Evaluation of the City Manager will be a collective act of the City Commission.
3. The City Commission will never give instructions to persons who report to the City Manager.
4. The City Commission will hold the City Manager accountable for staff performance and provide the City Manager with feedback about staff performance in a private setting.
5. Priorities of the City Manager will be defined by the City Commission's goals and priorities in support of the vision.

**SECTION TWO. MEETINGS.**

Meetings of the City Commission shall be held at City Hall, in the City Commission Chambers or a Conference Room, or at such other location in the City as designated by the City Commission or designee. All meetings shall be public meetings, with the exception of Executive Sessions which shall be closed to the public in accordance with Florida Statutes, and shall be subject to notice and other requirements of law applicable to public meetings.

Whenever the Commission meets as a body for the purpose of a meeting at any City facility or within the City limits, a law enforcement officer shall be present. In addition, whenever the Commission meets as a body for the purpose of a meeting in the Commission Chambers the meeting shall be televised live.

To ensure the integrity of the public meeting process in open government, Commissioners shall be prohibited from accepting or sending any text communication via cell phone or other device during the course of a City Commission meeting. Commissioners may submit in writing their comments, position and information to the City Manager prior to the meeting in which they are expected to be absent so it can be shared with the entire Commission. (Resolution No.2015-49)

Members of the Commission are also prohibited from participating in any meetings of the City Commission by telephone/electronic processes. Members are required to be physically present in order to participate in a meeting of the City Commission. (Resolution No. 2010-42)

**A. Regular Meetings:**

- (1) The City Commission shall meet twice monthly. Meetings shall be held on the first and third Monday of each month, unless otherwise rescheduled due to a holiday or lack of City business. (Resolution No. 96-34)
- (2) Regular Meetings of the City Commission shall begin at 6:30 p.m.
- (3) If the regularly scheduled meeting falls on a legal holiday, then the subsequent Monday or a day designated by the City Commission shall be deemed as the regularly scheduled meeting day. (Resolution No. 95-03)
- (4) Written minutes shall be kept of all regular meetings.

**B. Special Meetings:**

- (1) Special meetings may be called by the Mayor or in his or her absence, the Vice-Mayor. Special meetings may also be called upon the request of a majority of the City Commission. (Charter Section 8(c)) Meeting times shall preferably be in the afternoon or evening hours of weekdays or on Saturdays as necessary.
- (2) The City Clerk shall provide not less than 12 hours prior notice of the meeting to the public, where practical. (Charter Section 8(c))
- (3) Action by the City Commission in a special meeting shall be limited to the purpose for which the special meeting is called.
- (4) Written minutes shall be kept of all special meetings.

**C. Workshop Meetings:**

- (1) Workshop meetings may be scheduled during a regular meeting or called in the same manner as a special meeting; and shall be for discussion only with the exception in (2) below. Meeting times shall preferably be in the afternoon or evening hours of weekdays or on Saturdays as necessary.
- (2) No official action shall be taken at workshop meetings except to recommend items to be considered at a regular or special meeting, or to give direction to the City Attorney or City Manager.
- (3) Minutes shall be kept of all workshop meetings but shall not require approval by the City Commission.

**D. Public Hearings:**

- (1) The City Clerk shall advertise all public hearings as required by law.
- (2) The purpose of a public hearing is to determine support, objections and/or suggestions from the public to proposals and to determine if a proposed Ordinance or Resolution requires changes or adoption.
- (3) Time of Public Hearings:
  - a. Public hearings shall be held during a regular meeting of the Commission as placed on the Agenda.
  - b. The City Commission may set a specific time during any meeting; or
  - c. A special meeting may be called for the specific purpose of a public hearing.
- (4) **Manner of Addressing the Commission.**
  - a. Citizen comments may be made on items not on the agenda only during the time designated by the City Commission; otherwise, citizens may address the City Commission only on items under discussion.
  - b. Each person addressing the City Commission has the right to speak for a timed period of four (4) minutes with a timer in clear view of the speaker: they shall step to the microphone; give his or her name and address clearly for the record; and shall be limited to four (4) minutes to address the City Commission, unless such time is expanded or contracted by the Mayor, or by the majority of the Commission.
  - c. No person, other than a member of the City Commission and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the City Commission, without the permission of the Mayor.
  - d. Personal attacks on any member of the City Commission on things that do not relate to City business shall be ruled out of order by the Mayor.
  - e. Members of the City Commission shall not enter into discussion or respond to individuals' comments during the public forum other than to give directions or to ask for clarification.
  - f. A City Commissioner shall not be asked a direct question except through the Mayor.
  - g. Persons addressing the Commission may present oral or written communication in regard to matters under consideration with the permission of the Mayor, however, any written communications shall be copied to each member of the Commission, the Mayor, the City Attorney, the City Manager and the City Clerk.

- h. All recognitions of an individual or group to be submitted to the Commission as part of the agenda packet must be delivered to the City Clerk to allow sufficient time for copying and distribution to the City Commission. All recognitions must be tied to an accomplishment which is representative of the City, submissions are limited to a maximum of 10 minutes, a written summary with appropriate background information must be included and are subject to the approval of the City Manager and/or the Mayor whom may make additions and/or deletions at his/her discretion. (Resolution No. 2015-49)

**(5) Procedures at Public Hearings for matters on the Agenda:**

- a. The Mayor shall introduce matters as established on the Agenda by reading the title of a proposed ordinance, resolution, agenda item, or other means. (Motion to table or continue may be made at this time.)
- b. Staff may give a report as appropriate.
- c. Presentation of proponent/applicant as appropriate.
- d. All other interested persons shall be allowed to give input into the announced subject.
- e. The public may be allowed to give input concerning the subject.
- f. Once the public participation is closed, the City Commission will take action on the subject matter by approval, denial, tabling the item indefinitely, or continuing to a certain date and time.

**SECTION THREE. AGENDA.**

- A. The City Clerk, or designee shall prepare the agendas for all meetings of the City Commission in accordance with the City Charter or as directed by the City Manager.
- B. All reports, communications, Ordinances, Resolutions, contract documents, or other materials, to be submitted to the Commission as part of the agenda packet must be delivered to the City Clerk by 5:00 p.m. on the Thursday, eleven (11) days prior to the regular meeting. Exceptions to this timeframe may apply if circumstances warrant.
- C. It shall be the option of the City Clerk, or the City Manager, to remove any items from the Agenda if the information is not furnished to the City Clerk as stated in "B" above.
- D. All materials for special and/or workshop meetings must be submitted to the City Clerk to allow sufficient time for copying and distribution to the City Commission. Special and workshop meeting agenda packets shall be prepared and distributed, whenever practical, at least three (3) days prior to the subject meeting.

- E. The City Clerk shall arrange the Agenda, subject to the approval of the City Manager who may make additions and/or deletions at his/her discretion, notwithstanding, the Agenda shall be completed by 12:00 Noon, Wednesday preceding the Regular Commission meeting.
- F. The City Clerk, or designee, will post the Regular Commission meeting agenda and all associated back-up material to the City's WebPage, no later than 5:00 p.m., the Wednesday preceding the Regular City Commission meeting. Special and workshop agendas shall be prepared and posted as soon as possible and within guidelines established in the Charter and by State statute.
- G. Legislative action shall be taken only at the Regular City Commission meeting or at a special meeting called for the purpose of specific legislation.
- H. No action shall be taken on matters not on the agenda, including during citizen comments or Commission comments; however, if necessary, an item may be added to an agenda upon the proper motion, second and majority vote provided no additional information is required.
- I. The report from the City Manager should list by item all legislative actions or discussions of legislative action being requested by the administration; such items may be added to the Agenda pursuant to Paragraph "H".
- J. The report from the City Attorney may be added to the Agenda when necessary to inform the City Commission of the status of legislative and other directed issues.
- K. The public forum part of the meeting shall be prior to the consent agenda.
- L. Any citizen wishing to make a presentation to the City Commission must submit their request to the Office of the City Clerk no later than 12:00 Noon on the Monday prior to the City Commission meeting. The request must be approved by the City Manager. Presentations will be limited to ten (10) minutes.
- M. Any member of the City Commission who wishes to make a presentation to the City Commission must receive permission from the City Commission at a previous meeting.
- N. At the City Commission comments portion of the meeting, any member of the City Commission may address the record to make a statement regarding public comments or any other issue.

#### **SECTION FOUR. PRESIDING OFFICER DUTIES.**

- A. The Mayor shall be the Presiding officer of the City Commission meetings, sign or execute ordinances, and be recognized as the ceremonial head of the City government. The Mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the City Commission, consistent with general or

special law. (Charter, Section 5 (4) (b)). The Vice-Mayor shall be elected annually at the first regular City Commission meeting after the general election. In the absence of the Mayor, the Vice-Mayor shall be Acting Mayor. In the case the Mayor and Vice Mayor are both absent, then the remaining City Commissioners shall select a City Commissioner to serve as Acting Mayor. (Charter, Section 5 (5) (b)).

- B. The Mayor shall preserve strict order and decorum at all meetings of the City Commission. He or she shall state every question coming before the City Commission, announce the decision of the City Commission on all subjects and decide all questions of order; subject, however, to an appeal to the City Commission upon such questions, in which event a majority vote of the City Commission shall conclusively govern and determine such question of order. The Mayor shall vote on all questions, his/her name being called last.

#### **SECTION FIVE. QUORUM.**

The City Charter provides that a majority of the City Commission shall constitute a quorum. No action of the City Commission shall be valid unless adopted by an affirmative vote of the majority of the Commissioners in attendance, unless otherwise provided by law or stated herein. (Charter Section 5 (8b)). In cases where Commissioner(s) leave a meeting early, once there is no longer a majority present, the meeting is to end and no further action may be taken.

#### **SECTION SIX. CALL TO ORDER.**

- A. The Mayor (as described in Section Four) shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Commission meeting to order.
- B. In the absence of the Mayor and Vice Mayor (as described in Section Four) the City Clerk shall call the Commission to order, whereupon a temporary chairman shall be selected by the members of the City Commission present. Upon the arrival of the Mayor, the temporary chairman shall immediately relinquish the chair upon the conclusion of the current business.

#### **SECTION SEVEN. ROLL CALL.**

Before proceeding with the business of the Commission, the City Clerk shall call the roll of the members and the names of those present, and of those absent, shall be entered in the minutes.

#### **SECTION EIGHT. MINUTES APPROVAL.**

Each member of the City Commission shall be furnished, in advance, with a copy of the minutes and unless there are any changes requested, the minutes will be approved by unanimous consent. If corrections are made to the minutes, they can be approved, as amended, by unanimous consent. If any objection is raised, the approval of the minutes will be by formal motion.

#### **SECTION NINE. RULES OF DEBATE.**

- A. The Mayor shall introduce matters as established on the Agenda by reading the title of a proposed ordinance, resolution, agenda item, or other means. (Motion to table or continue may be made at this time.)
- B. Action on items before the City Commission shall be commenced by oral motion of a Commission member. Upon said motion receiving a second by a Commission member other than he or she who made the original motion, said item should then be opened for discussion. At the conclusion of discussion, action on the motion shall be concluded by the use of an electronic voting system or voice vote as required. The Commission members making the motion and seconding it shall not be required to vote in favor of said motion.
- C. Obtaining the floor: Every Commissioner desiring to speak shall address the chair and, upon recognition by the Mayor, shall confine himself to the question under debate, avoiding all personalities and indecorous language. Each Commissioner can only speak twice on a motion. Improper reference must be avoided.
- D. Interruptions: A Commissioner, once recognized, shall not be interrupted when speaking unless to call him or her to order, or as herein otherwise provided. If a member, while speaking, were called to order, he or she shall cease speaking until the question of order is determined and, if in order, shall be permitted to proceed.
- E. Withdrawal of motion: Any motion before the City Commission may be withdrawn at any time prior to a vote being taken thereon by the Commission member making the motion, upon agreement by the Commission member seconding said motion.
- F. Amending of motions: At any time during discussion of a motion on the floor, a motion to amend said motion may be made. If the amending motion is seconded, the Commission shall, at the conclusion of the discussion, first vote on the amending motion and then upon the original motion as amended. An amending motion may be withdrawn in the same manner as set forth in Paragraph "E" above.
- G. Closing the Debate: The Mayor shall repeat the motion prior to the calling of the question, at which time the debate is closed.

**SECTION TEN. MOTIONS AND VOTING.**

- A. All actions by the City Commission shall be by Motion, Ordinance, or Resolution. (Charter Section 5(8b)).
- B. Every Motion shall be clearly stated, including direction, to whom it is given, specific dates, or time frame, by which the action is to be taken, and any stipulation or condition, which may be applicable.
- C. For withdrawal of motion and amending motions, refer to Section Nine (9), "D" and "E".

- D. For proper procedure on various motions, refer to Robert's Rules of Order as a source.
- E. All motions shall be made in the affirmative and shall not include opinions, observations, and/or personal views on the subject.
- F. In the event there is no second to the motion, it dies for lack of a second.
- G. Abstaining from voting: No member of the City Commission shall abstain from voting except as provided in the Florida State Statutes, Chapter 112.3143, if the issue would inure to the person's private gain. Accordingly, he or she must publicly state the nature of his or her interest in the issue at the time the item is to be considered, and within fifteen (15) days after the abstention, he or she must file a "Memorandum of Voting Conflict", with the City Clerk. The proper form is available in the City Clerk's office. The Memorandum(s) will be attached to the minutes of that meeting and made a part thereof.

## **SECTION ELEVEN. ORDINANCES AND RESOLUTIONS.**

### **A. Ordinances:**

1. The provisions in the City Charter and Florida State Statutes, shall govern the preparation and passage or adoption of all Ordinances.
2. The title of each Ordinance must be read for passage or adoption by the City Attorney prior to the vote.
3. The Mayor, City Commissioners, City Manager or the City Clerk may request that the City Attorney prepares an Ordinance to be considered at a future meeting. All requests, except from the City Commission, shall be directed through the office of the City Manager.
4. The form of each Ordinance shall be as approved by the City Attorney, unless otherwise directed by the City Commission.

### **B. Resolutions:**

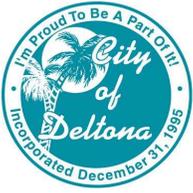
1. All items in Section 11-A above shall also be applicable to Resolutions.
2. Resolutions may include Approval of a Contract or Agreement, authorizing its execution; Appointments to Boards, City Commissions, and Committees; and such other matters which may be determined by the City Commission and/or the City Manager.

## **SECTION TWELVE. SOURCE OF RULES OF ORDER.**

Robert's Rules of Order, as revised, shall be the source to serve as the guidelines for City Commission Rules of Order in lieu of other direction as stipulated in the current City Commission Rules & Procedures.

**SECTION THIRTEEN. EFFECTIVE DATE OF OPERATING GUIDELINES, RULES & PROCEDURES..**

Adopted by Resolution No. 99-24, effective March 15, 1999; Amended by Resolution No. 2006-51, adopted on November 6, 2006 with an effective date of January 1, 2007; Amended by Commission motion on November 20, 2006; Amended by Resolution No. 2008-06, adopted on February 18, 2008; Amended by Resolution No. 2009-14, adopted on April 20, 2009; Amended by Resolution No. 2010-42, adopted on December 13, 2010.



## Agenda Memo

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**AGENDA ITEM: C.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 11 - C

**SUBJECT:**

Request Approval for an Interlocal Agreement for the joint use of Real Property between the School Board of Volusia County and the City of Deltona - Steve Moore, Parks & Recreation Department, 386 -878-8902

Strategic Goal: Infrastructure - Develop recreational programs in partnership with Volusia County middle school sites utilizing existing infrastructure.

**LOCATION:**

City of Deltona schools, Deltona

**BACKGROUND:**

The funding (\$23,450.00) for the Bullying Prevention was approved by the City Commission on September 6, 2016. The final step in this process in moving the Bullying Prevention Program in our City of Deltona schools is the Interlocal Agreement.

**COST:**

\$23,450.00 included in FY 16/17 Budget

**SOURCE OF FUNDS:**

General Fund

**ORIGINATING DEPARTMENT:**

Parks and Recreation

**STAFF RECOMMENDATION PRESENTED BY:**

Steve Moore, Parks and Recreation Director - Recommends approval of the Interlocal Agreement for the joint use of the Real Property between the School Board of Volusia County and the City of Deltona.

**POTENTIAL MOTION:**

I move that the Interlocal Agreement for the joint use of the Real Property between the School Board of Volusia County and the City of Deltona be approved by the City Commission.

**INTERLOCAL AGREEMENT FOR  
THE JOINT USE OF REAL PROPERTY BETWEEN  
THE SCHOOL BOARD OF VOLUSIA COUNTY  
and THE CITY OF DELTONA**

THIS INTERLOCAL AGREEMENT FOR JOINT USE OF REAL PROPERTY is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, hereinafter referred to as "Interlocal Agreement" by and between CITY OF DELTONA, a political subdivision of the State of Florida, hereinafter referred to as the "CITY" and the SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA, a public agency of the State of Florida and the governing body of the school district of Volusia County, Florida, duly created in accordance with Article IX, Section 4(b) Florida Constitution, and Chapter 230, Florida Statutes, hereinafter referred to as the "SCHOOL BOARD."

WHEREAS, this Interlocal Agreement is entered into for the purpose of enabling the CITY and SCHOOL BOARD joint use of school and public recreational facilities without impairing school facilities or disrupting the education process; and

WHEREAS, the CITY sponsors recreational programs for the children of Deltona and desires to expand its programming and opportunities provided to children and families; and

WHEREAS, it is the intent of this Interlocal Agreement to enable a cooperative relationship between the SCHOOL BOARD and CITY to develop for the benefit of the citizens and children of Deltona.

NOW THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the parties hereto do mutually agree as follows:

1. **FACILITY USAGE AND APPLICABLE FEES.** THE SCHOOL BOARD grants the CITY the non-exclusive right to use Heritage Middle School jointly with the SCHOOL BOARD for recreational purposes in accordance with this Interlocal Agreement and

subject to the limitations set forth herein. Said recreational purposes shall be limited to the following:

a) Year-round recreational use: The CITY is authorized to use the gymnasium and outdoor recreation areas of Heritage Middle School for youth programming as part of the year-round parks and recreation program of the CITY for up to a maximum of thirty (30) hours per week during non-school hours. The use of indoor and outdoor areas of the school facility shall be subject to written approval by the school principal in advance of usage and shall at no time interfere or conflict with school or school-related uses and activities. It is understood and agreed that school uses and school related activities shall have the highest priority and may, due to unforeseen circumstances, necessitate a change in the recreational program schedule.

b) Recreational Program Supports: The CITY shall provide supervision for its programs and over the participants of its programs at Heritage Middle School. The CITY shall, at its sole cost, provide paper, soap and any other supplies or materials to support its usage. If vandalism or security issues arise out of CITY's usage, CITY shall be responsible for addressing at its sole cost in order for usage to continue without disruption. If CITY usage conflicts with custodial cleaning schedules, the CITY shall contract with the SCHOOL BOARD'S custodial vendor to provide cleaning as may become necessary due to CITY's usage. Annually the CITY shall, at CITY expense, provide maintenance of the gymnasium floor that is coordinated directly with the SCHOOL BOARD's facility maintenance department. Such maintenance may include sanding, waxing, painting/stripping and refinishing pursuant to the standards established by the SCHOOL BOARD's Facilities Maintenance Department.

c) FEE for Usage: As an alternate to paying a facility usage fee, the CITY shall support the SCHOOL BOARD's OLWEUS bully prevention program by providing \$23,450 to Bully Armor. These monies shall be used to provide eight additional Deltona schools

with a three year subscription to OLWEUS and to train a trainer that will support the schools in this program.

Use of the school facilities under this Interlocal Agreement shall be limited to the CITY Parks, and Recreation division or third parties expressly authorized by said division and be governed by SCHOOL BOARD policy 705 except as provided herein.

2. **AUTHORIZATION.** The Superintendent and CITY Manager, or their designees, are authorized to establish further limitations on the CITY's use of the school facility to the extent said limitations are not inconsistent with this Interlocal Agreement.

3. **RESPONSIBILITIES OF THE PARTIES.** As prescribed by paragraph 1, the CITY agrees to participate in maintenance of the grounds and facilities. A schedule to coordinate regular and periodic maintenance with school program schedules shall be part of the annual review. Maintenance shall not conflict with school activities unless agreed upon in advance by the Principal. The CITY agrees to notify the Principal a minimum forty-eight (48) hours in advance of any authorized third party user and provide Principal with contact information of same. The CITY shall provide identification badges with issued permits and for all CITY personnel performing maintenance services on said grounds and facilities.

The applicable school contact and school district facilities services contact shall be included in the CITY'S pre-season organizational meetings. The school shall have the opportunity, at this time, to provide the CITY with any blackout dates for scheduled school events that would conflict with the CITY recreation activities.

The CITY shall meet with school representatives, a minimum of once per school year to address any issues or concerns.

4. **UNSAFE CONDITIONS.**

Each party recognizes that it is in the best interest of both parties to provide a safe recreational area and each party agree to utilize its best efforts to provide proper supervision and

safe conditions during their respective use of the facilities. In the event that either party becomes aware of an unsafe condition it will correct same or, if the correction of the condition is the responsibility of the other party, will notify the other party in writing of the hazard and the need for corrective action. The party responsible for maintaining the facility shall correct the condition immediately or take reasonable and proper precautions until corrective action can be taken. The parties recognize the right of SCHOOL BOARD to correct safety deficiencies which may include removal and/or demolition of any improvements/structures without replacement.

5. **ACCESS AND PARKING.** The BOARD agrees to allow the CITY to use the parking areas applicable to the school. Parking provided for the general public during non-school hours shall only be in authorized areas. The CITY shall be responsible for the repair of damage to structures and improvements within these authorized areas as well as to damage in unauthorized areas arising from or related to the CITY or the use by any third parties authorized by the CITY's use of facilities. Nothing herein shall limit or waive the liability of third parties to the CITY for the cost of said repairs arising out the use authorized by this Interlocal Agreement.

6. **ENTIRE AGREEMENT.** The parties mutually represent and warrant to each other that this Interlocal Agreement constitutes the final agreement on its subject matter and may not be changed, modified, discharged or extended except by written instrument duly executed by the parties. The parties agree that no previous interlocal agreements, representations or warranties shall be binding upon either party nor has the execution of this Interlocal Agreement been induced on the part of any party except as expressed in writing this Interlocal Agreement. This Interlocal Agreement shall be amended only in writing upon approval of the governing bodies of the SCHOOL BOARD and COUNTY.

7. **ASSIGNMENT.** This Interlocal Agreement may not be assigned. This provision is not intended to prevent or prohibit the CITY or the SCHOOL BOARD from

charging a fee to third parties for the use of recreational facilities. The CITY and SCHOOL BOARD reserve the right to schedule athletic playing fields and charge a fee as needed.

8. **TERM.** The term of this Interlocal Agreement is three (3) years unless terminated as provided herein. This Agreement may be terminated for convenience by either party with one year's written notice. All permanent recreational facilities shall remain the property of the SCHOOL BOARD.

9. **INSURANCE.** Any third party shall at all times maintain liability insurance in amounts of \$1,000,000 per injury and \$2,000,000 aggregate, or such higher limits as may be imposed by SCHOOL BOARD policy 705. Such insurance may be provided by a self-insurance reserve program.

The CITY agrees to assume all risk and liability to itself, its agents or employees and shall be responsible to fully defend, indemnify and hold the SCHOOL BOARD harmless from and against any and all claims arising from or related to the CITY or the use by any third parties authorized by the CITY's use of facilities if such claims are caused by the act or acts, negligence or failure to exercise proper precautions of and by the CITY, its agents or employees. The SCHOOL BOARD agrees to assume all risk and liability to itself, its agents or employees and shall be responsible to fully defend, indemnify and hold the CITY harmless from and against any and all claims arising from or related to the SCHOOL BOARD's use of the listed facilities if such claims are caused by the act, acts, negligence or failure to exercise proper precautions of any by the SCHOOL BOARD its agents or employees. Each of the parties agree to provide the other with written notice of any claim subject to this provision within ten (10) days of its receipt of notice that a claim exists. The parties agree to cooperate fully in the defense of any such claim. Notice of claim shall be deemed to be given on the date of mailing thereof by U.S. Mail, First Class Delivery.

10. **SOVEREIGN IMMUNITY.** The SCHOOL BOARD and the CITY expressly retain all rights, benefits and immunities of sovereign immunity in accordance with §768.28, Florida Statutes, now or as it may be amended. Notwithstanding anything set forth in any article

of this Interlocal Agreement to the contrary, nothing in this Interlocal Agreement shall be deemed as a waiver of immunity or limits of liability of the SCHOOL BOARD or the CITY beyond any statutory limited waiver of immunity or limits of liability which may have been adopted by the Florida Legislature or may be adopted by the Florida Legislature and the cap on the amount for damages, regardless of the number or nature of claims in tort, equity or contract shall not exceed the dollar amount set by the Legislature for tort. Nothing in this Interlocal Agreement shall inure to the benefit of any third party for the purpose of allowing any claim against the SCHOOL BOARD or the CITY which would otherwise be barred under the Doctrine of Sovereign Immunity or operation of law.

11. **NOTICES.** In the event of a breach of any term of this Interlocal Agreement by a party hereto, the other party shall provide written notice of such breach and allow a reasonable period of time to cure the breach; the reasonableness of the time period being determined by the circumstances and nature of the breach.

All notices, demands, requests, consents, approvals, and other communications (collectively, "Notices"), required or permitted to be given hereunder, shall be in writing and sent by facsimile (or by e-mail or by similar device) or by either: (i) registered or certified air mail, postage prepaid, return receipt requested; or, (ii) special delivery service (e.g., Federal Express, UPS, etc.); addressed to the party to be so notified as follows:

Any notice required to be provided herein shall be directed to the parties' chief executive officers at the following addresses:

If to School Board, to:	School Board of Volusia County Superintendent's Office 200 North Clara Avenue DeLand, Florida 32721-2118 Phone: (386) 734-7190
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With copy to: School Board of Volusia County  
Director Facilities Services  
3750 Olson Drive  
Daytona Beach, FL 32124  
Phone: (386) 947-8786  
Fax: (386) 506-5056

If to CITY, to: City of Deltona  
City Manager's Office  
2345 Providence Blvd.  
Deltona, FL 32725  
Phone: (386)-878-8100  
Fax: (386)-878-8501

With copy to: City of Deltona  
Director Parks and Recreation  
2345 Providence Blvd  
Deltona, FL 32725  
Phone: 386-878-8100  
Fax: 386-878-8501

The address or party to whom notice shall be sent may be changed at any time by either party by delivery of Notice to the other.

12. **ENFORCEMENT.** In the event it becomes necessary to institute legal action to enforce any of the terms of this Interlocal Agreement, the prevailing party shall be entitled to recover all reasonable attorneys' fees and costs from the date of filing until the termination of litigation.

13. **EFFECTIVE DATE.** This Interlocal Agreement shall take effect when adopted by the CITY OF DELTONA and the SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA, and fully executed by their duly authorized representatives.

IN WITNESS WHEREOF, this constitutes the entire INTERLOCAL AGREEMENT between the parties and the parties hereto have caused this INTERLOCAL AGREEMENT to be

executed by their duly authorized officers and have set their hands and seals this \_\_\_\_ day of \_\_\_\_\_, 2016.

**SCHOOL BOARD OF VOLUSIA COUNTY  
VOLUSIA COUNTY, FLORIDA**

BY: \_\_\_\_\_  
Mrs. Ida D. Wright, Chairman

ATTEST: \_\_\_\_\_  
James T. Russell, Superintendent

**CITY OF DELTONA**

BY: \_\_\_\_\_  
John Masiarczyk, Mayor

ATTEST: \_\_\_\_\_  
Jane K. Shang, City Manager



Agenda Memo

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**AGENDA ITEM:**

**TO:** Mayor and Commission

**AGENDA DATE:** 9/6/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 11 - A

**SUBJECT:**

Request Approval for funding the Bullying Prevention Program with Volusia County School Board and Bully Armor, Inc. for the City of Deltona schools - Steve Moore, Parks & Recreation Department, 386-878-8902

Strategic Goal: Infrastructure - Develop recreational programs in partnership with Volusia County middle school sites utilizing existing infrastructure

**LOCATION:**

City of Deltona schools, Deltona

**BACKGROUND:**

The City of Deltona has a need to offer recreational programs in a full size gymnasium during the evening and weekend timeframes. Staff has met with Volusia County on two separate occasions: April 20<sup>th</sup> and May 19<sup>th</sup> at Heritage Middle School, to discuss the potential opportunity for a collaborative partnership.

During the last meeting, it was decided the use of the gymnasium could be made available for the City of Deltona to offer recreational programs, if the City would participate in the cost for the Bullying Program. The City of Deltona could utilize the gymnasium for 30 hours per week, provided City staff is present during that timeframe to monitor and supervise the programs.

In 2014, Bully Armor assisted with the initial participation in five (5) Volusia County Schools: Deltona Lake Elementary, Friendship Elementary, Spirit Elementary, Timbercrest Elementary and Galaxy Middle School. The cost for the City is \$ 23,450.00 (see attached), which is for a three (3) year period, for the remaining eight (8) schools. The remaining schools are Heritage Middle, Pride Elementary, Osteen Elementary, Sunrise Elementary, Deltona Middle, Enterprise Elementary, Forest Lake Elementary, and Discovery Elementary. The Olweus Bullying Prevention Program (OBPP) is the most researched and best known bullying prevention program available today. With over thirty-five years of research and successful implementation all over the world, OBPP is a whole-school program that has been proven to prevent or reduce bullying throughout a school setting.

The funding for this program is included in the upcoming FY 16/17 Budget and an agreement will follow for consideration, which will be the first step in moving this project forward. Bully Armor Inc., is planning on conducting a fund raising event on September 10, 2016 at Dewey Boster Soccer Complex and has requested a ceremonial check from the City of Deltona, for the \$23,450.00 to promote the Bullying Program.

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**AGENDA ITEM:**

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The program curriculum is offered online and the teachers that are trained in the OBPP can choose what to show that particular day. Mr. Tom Vaughn, Principal of Heritage Middle School has been appointed by Mr. Russell, who has been working with Mr. Nick Pizza of Bully Armor to act as the point of contact for the Bullying Program.

**COST:**

\$23,450.00 included in FY 16/17 Budget

**SOURCE OF FUNDS:**

General Fund

**ORIGINATING DEPARTMENT:**

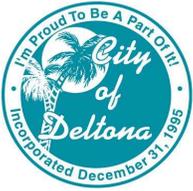
Parks and Recreation

**STAFF RECOMMENDATION PRESENTED BY:**

Steve Moore, Parks and Recreation Director - Recommends approval of the funding for the Bullying Prevention Program

**POTENTIAL MOTION:**

I move that funding for the Bullying Prevention Program be approved by the City Commission.



## Agenda Memo

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**AGENDA ITEM: D.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 9/19/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 11 - D

**SUBJECT:**

ADD-ON ITEM: Discussion of issues raised by Commissioner Soukup at the September 12<sup>th</sup> Workshop.

**LOCATION:**

N/A

**BACKGROUND:**

This item is to discuss issues raised by Commissioner Soukup at the September 12, 2016 Workshop.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

City Manager

**STAFF RECOMMENDATION PRESENTED BY:**

**POTENTIAL MOTION:**



# City of Deltona

August 5, 2016

William Swisher

**Re: Conditional Offer of Full Time Employment**

Dear Mr. Swisher:

We are pleased to offer you a full time exempt appointment as **Deputy Fire Chief - Operations and EMS** with an annualized salary of **\$94,251.98**. Please be aware that you may be requested or required to work evenings, weekends, and/or holidays and that this position is *Emergency Essential*. You are also required to maintain the licenses and certifications required for this position as well as comply with the following conditions of employment:

This offer is contingent upon your ability to perform the essential functions of the position, with or without accommodation.

Please be aware that you will serve a six (6) month introductory period. You will be eligible for full City benefits with no interruptions upon your promotion.

Please note that your sick leave and vacation time will be converted upon your promotion to reflect an equivalent dollar value to your pre-promotion sick leave and vacation time so as to reflect a 40 hour work week as opposed to a 24 hour shift every third day. We have attached a worksheet explaining the conversion of your hourly rate of pay and the conversion of accumulated vacation and sick time for your reference.

You will be permitted a one-time cash out of a portion of your unused sick leave at 75% of its cash value, so long as after the cash out you will have remaining no less than 347,831 hours of sick leave based on a 40 hour work week. Note that 500 pre-converted hours equates to 347,831 converted hours. The cash out is based on your converted hours of unused sick leave at \$43.57 per hour. As shown on the attached worksheet your sick time hours convert to 1,129,600 hours valued at \$43.57 per hour. You would be permitted to cash out 781,769 hours of sick leave ( 1,129,600 - 347,831 ) at \$43.57 per hour times 75% for a sick leave payout of \$25,546.26. That would leave 347,831 hours remaining that would be eligible upon your separation from the city for a maximum payout rate of 50%. In the event that you choose to leave the employment of the city before your 25 year anniversary of city employment, your final sick time and vacation payout will be reduced by \$8,515.42 to repay the city for the difference between a sick leave payout at 75% versus a sick leave payout of 50%.

You will also be permitted a one-time cash out of up to 75% of your unused vacation hours. The cash out is based on your converted unused vacation hours at \$43.57 per hour. As shown on the attached worksheet your vacation hours convert to 2,077,074 hours valued at \$43.57 per hour. You would be permitted to cash out a maximum of 1,557,806 hours of unused vacation leave at \$43.57 per hour for a maximum payout of \$67,873.61. Assuming you cash out the full 75% that would leave 519,268 hours ( 2,077,074 - 1,557,806 ) of accrued vacation hours. Regardless of any changes to city policy regarding the payment for unused vacation hours, you will not forfeit or lose any accumulated vacation time due to any caps that may be established in the future.

Also; please be aware that your employment with the City is considered "at will" and may be terminated at any time for any reason by the City or by you. Please note that this offer does not constitute an

**HUMAN RESOURCES DEPARTMENT**  
2345 Providence Boulevard, Deltona, Florida 32726  
(386) 878 -8760 • Fax (386) 878-8751  
[www.deltonafl.gov](http://www.deltonafl.gov)



# City of Deltona

employment contract or promise of employment for any specific duration. If you are in agreement with the employment offer as stated here, please sign and return this letter to Human Resources as soon as possible.

On behalf of the City team I welcome you to your new role.

Sincerely,

*Jane Shang*  
Jane Shang  
City Manager

Accepted By:

*Bush Swisher*  
Bush Swisher

*8/8/16*  
Date Signed

HUMAN RESOURCES DEPARTMENT  
2345 Providence Boulevard, Deltona, Florida 32726  
(386) 878-8750 • Fax (386) 878-8751  
[www.deltonafl.gov](http://www.deltonafl.gov)

**City of Deltona Florida  
Conversion Worksheet  
Position Move From Fire Operations To Fire Administration**

Employee name: Bush Swisher Admin Position: Deputy Chief - Operations & EMS

Current hourly rate of pay: \$ 30.31

Standard work year: 2,990 hours

Annual gross pay: \$ 90,626.90 2,990 hours x \$30.31 per hour.

**Conversion of hourly rate to a 40 hour work week:**

Standard work year: 2,080 hours

Annual gross pay: \$ 90,626.90

Converted hourly rate: \$ 43.57 \$90,626.90 divided by standard workyear of 2080 hours.

**Accumulated hours are as 8/11/16**

**Accumulated vacation hours conversion:**

Accumulated hours: 2,985.7505

Value of accumulated hours: \$ 90,498.10 2985.7505 hours x \$30.31 per hour.

Converted hours: 2,077.074 \$90,498.10 divided by \$43.57 per hour.

Value of converted hours: \$ 90,498.11 2077.074 hours x \$43.57 per hour.

**Accumulated sick time hours conversion:**

Accumulated hours: 1,623.7767

Value of accumulated hours: \$ 49,216.67 1623.7767 hours x \$30.31 per hour.

Converted hours: 1,129.600 \$49,216.67 divided by \$43.57 per hour.

Value of converted hours: \$ 49,216.67 1129.6 hours x \$43.57 per hour.

**Conversion of 500 hour cap:**

Pre-conversion cap: 500.0000

Value of pre-converted cap: \$ 15,155.00 500 hours x \$30.31 per hour.

Converted hours: 347.831 \$15,155.00 divided by \$43.57 per hour.

Value of converted hours: \$ 15,155.00 347.831 hours x \$43.57 per hour.

**Accumulated sick time pay out:**

Accumulated hours: 1,129.600

Cap (post conversion) (347.831)

Available hours to cash out: 781.769

Value of available hours (at 100%) \$ 34,061.68 781.769 hours x \$43.57 per hour.

**Calculated payout:**

At 50% \$ 17,030.84

At 75% \$ 25,546.26

**Accumulated vacation time pay out:**

Accumulated hours: 2,077.074

x 75% 75%

Available hours to cash out: 1,557.806

Value of available hours \$ 67,873.61 1557.806 hours x \$43.57 per hour.

**Remaining hours: (all post conversion)**

Sick time 347.831

Vacation 519.268

## Jane K. Shang

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**From:** Becky Vose  
**Sent:** Tuesday, September 13, 2016 5:19 PM  
**To:** Commissioners  
**Cc:** Jane K. Shang  
**Subject:** Questions raised at last evening's meeting

All - The question was raised last evening at the workshop as to whether there was a breach of the Collective Bargaining Agreement (CBA) when the City Manager negotiated the payment of 75% of accumulated sick leave as a part of an employment package for the promotion of a bargaining unit employee to Fire Department senior management, a position not in the bargaining unit ("Promoted Employee").

The question centers around "Article 33 – Compensation at Separation" of the CBA. That section references a 50% payout of accumulated sick leave for employees with 20 years in the department, and a 75% payout of accumulated sick leave for employees with 25 years in the department.

The Promoted Employee, who had been an employee for well over 23 years was paid 75% of his accumulated sick leave, (as reduced through a conversion formula), but was required in his employment agreement to remain in the employ of the City until his employment was at least 25 years, or the difference between a 50% payoff and a 75% payoff would be deducted from his final payments from the City.

Concern was raised at the meeting that this negotiated arrangement possibly "breached" the CBA, or created some sort of precedent which could hurt the City in the future. However, a reading of Article 33 makes it clear that that entire Article only applies to employees whose City employment is actually *terminated*. It does not apply to employees who are promoted out of the bargaining unit but remain employees of the department. Article 33 provides:

"An employee hired on or before September 30, 2006 will be paid accumulated sick leave at the employee's final rate of pay upon termination of employment based on the table below:"

Therefore the payout to the Promoted Employee of 75% of his accumulated sick leave as an incentive to take the senior management position was not related to the CBA, it in no way caused any sort of breach of the CBA, and was not in violation of the terms of the CBA.

In addition, the payment would not create any sort of precedent for other firefighters (past, present or future) to demand a payment in excess of what is provided in the CBA when they terminated their employment with the City since the payout was not made in accordance with Article 33, and the Promoted Employee was required to remain in City employment so as to have 25 years employment to retain his 75% payout.

A question was also raised at the meeting as to whether the City Manager, in consultation with the Fire Chief, has the authority to "negotiate" the terms of employment of a person who is hired to fill an open position in senior management in the Fire Department. The City Manager clearly has that authority. Under the Deltona City Charter, the City Manager is the Chief Administrative Officer of the City. One of her powers and duties under the Charter is to "appoint and suspend or remove any employee of the City." Implicit in the power and duty to appoint employees is the power to negotiate terms of employment, and case law in Florida is clear

that city managers have administrative discretion to carry out their duties relating to employment of city employees.

It is my understanding that the City Manager will separately address the fiscal issues involved in the matter including conversion of hours and savings to the City.

If you have any further questions regarding these issues, please let me know.

Thanks! Becky

*Becky Vase*  
City Attorney

To: City Commission  
From: Jane K. Shang, City Manager  
Re: Offer Letter for Deputy Fire Chief –Operations and EMS position  
Date: September 14, 2016

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The purpose of this memo is to respond to the following questions:

- 1.) Are the terms in the offer a breach of the Collective Bargaining Agreement for Firefighters? No.
- 2.) Do the terms of the offer create any precedent which could hurt the City in the future? No.
- 3.) Does the City Manager have the authority to negotiate employment agreements? Yes, according to the City Charter.
- 4.) Is the offer a fiscal benefit to the City? Yes. Approximately \$34,000 as explained below.

When moving from a work year based on 2,990 hours to a standard 2,080 hours per year, the first step is to calculate the converted or equivalent hourly rate of pay. Mr. Swisher's annual base compensation is \$90,626.90 which is 2,990 hours times \$30.31 per hour. To receive the same annual compensation based on a 2,080 hour year the equivalent rate of pay is calculated as \$90,626.90 divided by 2,080 or \$43.57 per hour.

Next the accumulated hours of vacation and sick pay must be converted (reduced) to reflect the higher hourly rate so as to not over value the hours. The accumulated vacation hours of 2,985.7505 hours valued at \$30.31 per hour are worth \$90,498.10. The converted hours are calculated by dividing \$90,498.10 by \$43.57 or 2,077.074 hours. The accumulated sick time of 1,623.7767 hours valued at \$30.31 per hour is worth \$49,216.67. The converted hours are calculated by dividing \$49,216.67 by \$43.57 or 1,129.6 hours.

This conversion results in no gain or loss to the City or the employee. In past years this conversion was not done. To have followed that same practice in this case would have cost the City an additional \$42,906.05 (\$39,591.05 + \$3315.00). Prior practice would have valued the vacation hours unconverted at \$43.57 instead of \$30.31 which would have inflated the value of those hours from \$90,498.10 to \$130,089.15 immediately upon promotion, a \$39,591.05 windfall. If one applies prior practice to sick time and assumes it is paid out at 50% the windfall is another \$3,315.00, a combined \$42,906.05. To have followed prior practice would have resulted in a windfall to Mr. Swisher that would have ultimately translated into an even larger payout in the future, not just a difference in the timing of the payment.

The payout of \$25,546.26 for accrued sick time was for time already earned. The difference between cashing out at 75% instead of 50% equates to \$8,515.42. In the event Mr. Swisher does not stay with the City through his 25<sup>th</sup> year (1 year, 7 months) he is obligated to pay back this amount.

The payout of \$67,873.61 for accrued vacation was for time already earned which is always paid out at 100% to all employees. It was a pay him now or pay him later situation and paying later would have been at a higher rate of pay and therefore a larger dollar amount. There was no additional cost to the City and paying him now saved the City money. The difference was in the timing of the payment.

The bottom line savings to the City resulting from using the calculations utilized in Mr. Swisher's case, rather than using the calculations that had been utilized in the past for similar promotions, is \$42,906.05 less \$8,515.42 or \$34,390.63.

The Dep. Fire Chief position is not eligible for incentives or overtime. Mr. Swisher's promotion resulted in a pay cut for Mr. Swisher (on average around 20%). To provide an incentive for Mr. Swisher to take the position, I, in consultation with the Fire Chief, allowed the 75% payout for sick time and the early payout for vacation time. Because Mr. Swisher was not terminating his employment with the City, Article 33 of the Collective Bargaining Agreement was not applicable. In fact, the situation created by Mr. Swisher's promotion out of the bargaining unit is not covered anywhere in the Collective Bargaining Agreement. The decision to hire Mr. Swisher to fill the opening in the Fire Department at the compensation level offered and incentives paid achieved two City organizational goals:

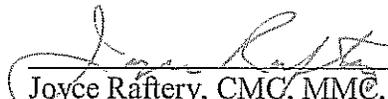
- Fiscal prudence
- Succession planning and valuing City employees.

The following is a verbatim portion of a discussion during the Deltona City Commission Workshop Meeting held on Monday, September 12, 2016, regarding Commissioner Soukup's comments:

Commissioner Soukup: "Yeah, I guess I just wanted to get it out to you guys. I've got something that has been bothering me for a couple of weeks. Um, really there is never a good time to get it out or expose it, but I thought I know I would appreciate it if you guys would have brought something like this to me. Um, I'm one of those guys I see the best in everybody, I really do, I want to, I want to see you for who you are until you do me wrong and I tell you, I believe the salary study was manipulated. I believe it was, but I can now speak to something that was really done to me and in front of me. I confronted the City Manager two weeks ago, actually last Tuesday, um I had heard through the rumor mill that a fireman in our City got paid a \$50,000 check to buy him out of his excess vacation time and his sick time on a promotion which is okay, that's the union contract so be it, so be it. Well then I find out we gave him 75%, okay, so we went above the union contract, so we broke the union contract. We set residence for everyone behind it. Um, so I sat down with her and asked her man \$50,000 check that's a lot of money, you know the firefighter already made over \$100,000 last year and now he is making \$150,000 and she said well it's a onetime thing, I believe it was cheaper to do it now, it is in the best interest of the City. So we had a four hour conversation, two days later I find out that the check was for \$93,000. So I had a full 30 minute conversation with our City Manager where I feel she lied to me, okay. So I call her up I said hey I got an issue, I feel you lied to me, you know it might be lied through omission, but I sat and had a full conversation with you throwing out a number and you not one time did you say huh that wasn't it, it was this. At no time did she tell me the guy went from making \$33 an hour as a firefighter, we gave him a promotion to \$45 an hour as a administrative guy and we paid him those ungodly amounts of hours at the \$45 rate and not the \$33 rate. So now you have, we broke the, the, the contract by paying 75% where we should have paid 50% which let me remind everybody sitting in here as a City employee, if you are a regular City employee you get to keep 25% of your time and your cap at 500 which is ungodly any way, but you are capped. This firefighter had over 2200 hours of vacation time accrued and I wanna say 1200, 1100 hours of sick time. So we end up cutting this guy a check for \$93,000 so I got multiple problems here. I feel I was lied to and you know, so I started diving into you know, past. Because I believe you know, uh Dr. Phil he says the best prediction of future behavior is past behavior and I looked and said okay, well why did Jane leave um, um, her last job and then I read the quote here from District 4 City rep "It was like a smoke screen. You just pull the wool over my eyes, and that is not gonna happen anymore." He and other Councilmembers questioned Shang's honesty. Now I, I believe she does a lot of good things, but I'm questioning her integrity, questioning her character today. I was lied to, I believe I'll have proof for you guys that the salary study was manipulated. Um, we just broke a union contract, paid, now listen you guys know a year and a half ago we decided to close City Hall the day after Christmas, right that was not supposed to cost us one penny, right. You guys all remember that, that was not supposed to cost us one penny? Well it cost us a penny. We had to pay every single firefighter that day, what was it 15 hours?"

?: 10 I believe.

Commissioner Soukup: "Ten, we gave every single firefighter 10 hours of admin time, so it cost us. Why did it cost us? Because their union contract states you can't give one to one and not to the other. So now what we just did, we just paid a firefighter 75% of his time. If you are a fireman what do you want now, what do I want now. We argued this union contract for hours, for hours okay, I would hope that my City Manager would at least God knows I'd like to take that union contract today and tear it up, but I can't. But God knows I would like my City Manager to at least enforce what we agreed on. To pay a firefighter who already made over \$100,000 last year an additional \$93,000 and then on top of that they put like, if you are a regular City employee, I'm always gonna go back to what does this look like if you are a regular City employee. See what it looks like to me as an outsider is when it comes to the union contract extending it for three years, giving them everything they want, paying them \$93,000, when it comes to the City employees at City Hall giving them a salary study which I believe was manipulated from day one we are trying to buy their approval and to be a successful uh organization you don't buy approval. You prove that you know what you're doing and so I'm questioning everything right now, but I know as City Commissioners that was never brought to my plate. I don't know if you guys were aware of what went down, it was never brought in front of me and then when I brought it up she skirted around the facts and never told me the truth. I expect when I talk to my City Manager that she looks at me, no, no Brian that wasn't that, even though she knows I'm gonna go ballistic on it. That she says that is from 93, here is what I did, this is why I paid him at the \$43 an hour rate. If you're leaving as a firefighter making \$33 an hour, right, you're leaving there, why in the hell would you ever get paid the \$43 of your promoted rate? Why? I can't, I sit here and I can't wrap my brain, he would still of received a huge check, he would of received a huge check to come over here at 50%. There was no need to go to 75% to break the union contract and pay him at the higher rate. I don't know if you guys knew about that, I wanted to air it out."

  
Joyce Raftery, CMC, MMC, City Clerk  
City of Deltona

## City Manager's Summary of Meeting with Cmmr. Soukup:

Cmmr. Soukup requested a meeting with me on Sept. 6th. He did not provide me with advance notice of the topics for discussion. We discussed many items. The entire meeting was about 40 minutes long and about 10 minutes were devoted to the subject of the hiring of the new Deputy Chief of the Fire Department.

Cmmr. Soukup's talk about that subject was rambling and disjointed. He said that he had heard that a firefighter had received a \$50K check; that the firefighters were overpaid; that I violated the collective bargaining agreement; that their benefits were too high; that the firefighters were much better paid than the regular city employees; that I exceeded my authority.

I did not perceive that the focus of the complaint was based on any one particular issue – he was just against the whole thing and he didn't think that I had handled it properly. I explained many aspects of the hiring and interpreted his dissertation as a request for a general justification of the hiring. At no time during the meeting did he let me know that I should focus on a dollar figure, salary, or any pay-outs.

Actually, at the time of the meeting I did not know the amount of the check that the new deputy chief had received. The offer he had been given gave him an option of cashing out vacation hours, or he could leave some of the converted vacation hours with the city and receive them when he retired at his then salary rate. I have since found out that he cashed out all the hours available to him (which actually from a financial standpoint was better for the city), and his check was for \$48, 924.16 (which is net of taxes, retirement and insurance). This amount is slightly less than the \$50,000 Cmmr. Soukup mentioned in his statements to me.

Two days after the Monday workshop when he made his complaint about me, Cmmr. Soukup told me that he had been upset for two weeks about the subject and he wanted to confront me. I told him that if he had been upset about the subject for two weeks, I was confused as to why he did not provide me with advance notice of the specific issue he was concerned about. This would have allowed me time to review the file and have the file available for the meeting. Cmmr. Soukup responded that his practice is to not provide someone with a head's up regardless of the magnitude of his concern. It appears that rather than seeking full information, he wanted to spring the issue on me. I find this approach strange and non-productive if the goal is to obtain accurate information.

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**City of Deltona**

2345 Providence Blvd.  
Deltona, FL 32725



Check Date 08/25/2016 Check Number 16808  
VOID 90 DAYS FROM DATE OF ISSUE

63-751  
631

Pay Forty Eight Thousand Nine Hundred Twenty Four Dollars and 16 cents \*\*\*\*\*

\$48,924.16

To The Order Of WILLIAM B SWISHER

*Robert Clinger* MP  
Authorized Signature  
*Joyce Raftery* MP  
Authorized Signature

Wachovia Bank, N.A.

**City of Deltona, Deltona, FL 32725**

Emp No	Employee Name		SSN	Check Date	Week Ending	Type	Check No.					
73	WILLIAM B SWISHER			08/25/2016	08/18/2016	MISC P/R	16808					
Earnings	Rate	Days/Hrs.	Current	YTD	FYTD	Deductions	Current	YTD	FYTD	Emplr	Empr YTD	Empr FYTD
BASE S				46,211.97	65,666.95	FICA	3,061.38	7,347.00		3,061.38	7,347.00	
OT 1.5				15,805.97	24,981.12	MEDICARE	1,354.59	2,356.85		1,354.59	2,356.85	
SCHED				4,611.45	6,553.30	HEALTH HMO/F		5,458.70			11,210.14	
VACATI	1557.81		67,873.78	67,934.40	68,659.44	DENTAL EE/FM		511.87			255.00	
SICK L	586.33		25,546.40	27,484.64	28,191.92	VISION-UN FM		160.14				
HOL-CO				6,539.56	7,989.64	AFLAC-PRE		1,029.35				
TRAVEL				119.00	119.00	NATION457	16,725.00	18,000.00				
FF SUP				990.00	1,320.00	CHAPTER 175					12,644.04	
EXC LI				100.35	136.80	CH 175 EMPEE		4,748.92				
GIFTCR				25.00	50.00	FED TAX	23,355.05	31,578.71				
						CITY LIFE					213.80	
						STD					62.00	
						FFINS		35.36				
						UNION DUES		312.80				
						UNION ASSMT		160.00				
						<b>DEPOSITS:</b>						
						DIRECT DEP		19,748.13				
						SPACE COAST CREDIT UNION						
						DIRECT DEP		29,325.00				
						HARBOR FEDERAL						
Leave	Beginning	Earned	Used	Balance	YTD Earned	YTD Used	Withholding Allowances					
VACATION	2980.8275	6.9230	2468.487	519.264	228.46	2468.49	Filing Status	Exemptions	Extra Amount			
SICK LEAVE	1620.2767	3.5000	1080.507	543.270	115.50	1144.51	Federal	M	2	\$10.00		
HOL-COMP	22.0000		22.000		144.00	216.00						
							Check Totals					
Type	Current		YTD									
Taxable Pay	76,695.18		139,794.36									
Gross Pay	93,420.18		169,822.34									
Deductions	44,496.02		120,772.83									
Net Pay	48,924.16		68,672.29									

# Explanation of Conversion Process

*Position Move From Fire Operations to Fire  
Administration*

September 19, 2016

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# Conversion Of Vacation or Sick Time Hours

Mr. Swisher did not receive a “windfall” with respect to how his vacation and sick time was valued or paid out.

Sick Time:

$$\begin{array}{r} 1,623.7767 \text{ hours} \\ \times \$30.31 \text{ per hour.} \\ \hline \$49,216.67 \end{array}$$

$$\begin{array}{r} 1,129.6000 \text{ hours} \\ \times \$43.57 \text{ per hour.} \\ \hline \$49,216.67 \end{array}$$

Vacation Time:

$$\begin{array}{r} 2,985.7505 \text{ hours} \\ \times \$30.31 \text{ per hour.} \\ \hline \$90,498.10 \end{array}$$

$$\begin{array}{r} 2,077.0740 \text{ hours} \\ \times \$43.57 \text{ per hour.} \\ \hline \$90,498.11 \end{array}$$

# Conversion Of Hourly Rate of Pay

- In accordance with DOL regulations we pay firefighters based on a 2,990 hour standard year.
- Pre-promotion Mr. Swisher was making \$30.31 per hour so his annual base compensation was \$90,626.90 which is 2,990 multiplied by \$30.31
- To convert the base compensation to a 40 hour workweek you divide \$90,626.90 by 2,080 which equals \$43.57 per hour. This converted hourly rate is also needed to convert accumulated vacation and sick time.

## Conversion Of Vacation Or Sick Time Hours

- Pre-promotion Mr. Swisher had 2,985.7505 hours of accrued vacation.
- That accumulated vacation time had a value of \$90,498.10 (2,985.7505 multiplied by \$30.31).
- To convert the accumulated vacation to a 40 hour workweek you divide \$90,498.10 by \$43.57 which equals 2,077.074 hours.
- So 2,985.7505 hours valued at \$30.31 per hour is the same as 2,077.074 hours valued at \$43.57 per hour.
- Mr. Swisher was paid out at the new rate based on converted hours.

## Conversion Of Vacation Or Sick Time Hours

- Accumulated sick time was handled the same way.
- Mr. Swisher did not receive a “windfall” with respect to how his vacation and sick time was valued or paid out.

## Jane K. Shang

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**From:** Richard Adams  
**Sent:** Wednesday, September 14, 2016 8:41 AM  
**To:** Brian Soukup  
**Cc:** Cara Burgess; Jane K. Shang  
**Subject:** Comp Study

Good Morning Commissioner Soukup,

I understand that you have questions concerning the Compensation Study. I would be happy to meet with you, along with my HR Manager, Cara Burgess, who has been involved in the process from the beginning. We would be happy to answer any questions or concerns you have in regards to the compensation study. If you would like to meet, we can coordinate through Sandi Jackson.

Thank you,

Richard Adams, SPHR, SHRM-SCP  
Human Resources Director  
City of Deltona  
Office: (386) 878 - 8752  
Fax: (386) 878 - 8751  
Email: [radams@deltonafl.gov](mailto:radams@deltonafl.gov)



**DONNELLY  
GROSS**

Attorneys and Counsellors at Law

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239. 226. 4001  
FAX: 352. 374. 4046

REPLY TO:  
Gainesville Office

September 15, 2016

Mr. John Viccaro  
President  
Deltona Professional Fire Fighters

Mr. Kurt Vroman  
Vice-President  
Deltona Professional Fire Fighters  
PO Box 390215  
Deltona, FL 32739

Re: possible restrictions regarding incentives offered to a bargaining unit member who is a candidate for a non-bargaining unit position

Dear John and Kurt,

It was a pleasure speaking with you.

The short answer to your question is that there are no restrictions regarding incentives offered to a bargaining unit member who is a candidate for a non-bargaining unit position. A municipality is empowered to make offers and contract with individuals to fill non-bargaining unit positions (and thereby accomplish the business of the public) as that municipality sees fit. It makes no difference that a particular candidate for a non-bargaining unit position may presently hold a position covered by a collective bargaining agreement, assuming that the incentives offered are otherwise lawful. The restrictions in place in Florida Statutes Chapter 447 (and in interpreting case law) apply to recognized bargaining units, their public employers, and their members. Nothing in Chapter 447 restricts a governmental entity in hiring non-bargaining unit professionals, such as Fire Chiefs, Department Administrators, and City Managers.

It would, therefore, not be proper to provide any extra benefits to a bargaining unit member *for doing bargaining unit work* (which would be contrary to the collective bargaining agreement), but if that same member applies *for a non-bargaining unit position*, the municipality is in no way restricted by the collective bargaining agreement in making offers to that person or negotiating a compensation package.

Sincerely,

  
James H. Sullivan III