

**REGULAR CITY COMMISSION MEETING
TUESDAY, JANUARY 20, 2009
6:30 P.M.**

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

AGENDA

1. CALL TO ORDER

2. ROLL CALL - CITY CLERK

3. SILENT INVOCATION AND PLEDGE TO THE FLAG:

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

[1. Regular City Commission Meeting - January 5, 2009.](#)

B. Additions or Deletions to Agenda.

5. PRESENTATIONS/AWARDS/REPORTS:

[A. Presentation and request for approval of City's Revised Personnel Policies & Procedures.](#)

[B. Presentations - Quarterly Board Reports of City Advisory Boards/Committees:](#)

- Affordable Housing Advisory Committee - Lori Solitro
- Beautification Advisory Board - George Gehring, Chair
- Economic Development Advisory Board - Nick Conte, Chair
- Firefighters' Pension Plan, Board of Trustees - Lisa Spriggs
- Parks & Recreation Advisory Committee - Larry French, Chair
 - o Citizen Accessibility Advisory Sub-Committee - Larry French
 - o Senior Advisory Sub-Committee - Larry French
 - o Youth Advisory Sub-Committee - Larry French
- Planning & Zoning Board - Wesley Kihlmire
- Scholarship Selection Committee - Patrice Murphy

6. PUBLIC FORUM - Citizen comments for items not on the agenda.
(4 minute maximum length)

CONSENT All items marked with an * will be considered by one motion unless removed
AGENDA: from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent

Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

7. CONSENT AGENDA:

[*A. Request for Approval to Award Purchase of Services to Connect Consulting for the Rehabilitation of potable supply wells - Deltona Water.](#)

The Water Department utilizes potable supply wells to produce drinking water for consumption and fire protection within the City. These wells require maintenance to the pumping equipment and the actual well formations to maintain production. A failure to maintain the wells results in reduced water for consumption and fire protection. Increasing well production increases available water for future development within the City. Deltona Water is requesting approval to award the purchase of the services required for the rehabilitation of potable supply wells at various locations within the City.

To purchase these services, and as allowed in City/State policy, staff is recommending that the City piggyback the City of Palm Coast Contract #RFP U-05-07, which was solicited, approved and awarded by the City of Palm Coast on March 22, 2005.

[*B. Request for Approval to Award Purchase from Duval Motor Company for three vehicles - Public Works Fleet Division.](#)

The Public Works Fleet Division is requesting approval to award the purchase of 3 vehicles to replace current vehicles which are being utilized by Parks and Recreation Maintenance. The purchase of these vehicles was approved within the 2008-2009 FY budget.

To purchase these items, and as allowed in City/State policy, staff is recommending that the City piggyback the Florida Sheriff's & Florida Association of Counties Contract #08-16-0908, which was solicited, approved and awarded by the Florida Sheriff's & Florida Association of Counties on October 1, 2008.

[*C. Request for Approval of State Housing Initiatives Partnership Program \(SHIP\) Amendment to PY 2004-2006 Local Housing Assistance Plan.](#)

In April of 2004, the City Commission approved the State Fiscal Year 2004 - 2006 Local Housing Assistance Plan (LHAP) required to receive funding for affordable housing activities under the State Housing Initiatives Partnership (SHIP) Program. The LHAP covers activities to be funded under the grants for State Fiscal Year 2004/2005, 2005/2006, and 2006/2007, which includes the time period of July 1, 2004 through June 30, 2007.

The 2004-2006 LHAP has an expenditure deadline of July 30, 2009. In an effort to meet this deadline and comply with statutory set-aside requirements from Florida Housing Finance Corporation (FHFC) staff requests approval for the inclusion of a Foreclosure Prevention Program. Further, the addition of this strategy to 2004-2006 LHAP will increase the City's ability to meet a community need due to high foreclosure rates and develop consistency within the implementation and delivery of the SHIP assisted Foreclosure Prevention Program approved on

October 23, 2007, with technical revisions approved on November 3, 2008, for the current three year LHAP that covers State Fiscal Year 2007 - 2009.

Proposed Amendment:

Foreclosure Prevention Assistance Program:
a. Summary of the Strategy:

This strategy is used to provide homeowners who have previously received City of Deltona SHIP or HHR assistance the opportunity to avoid foreclosure and retain their homes. This is a one-time assistance per household strategy.

b. Fiscal Years Covered:
2007/2008; 2008/2009; 2009/2010

c. Income Categories to be served:
Household incomes at or below 120% of the area median income, adjusted for household size. For the purposes of the SHIP Program Very Low, Low and Moderate Income Households are defined in SHIP Statute Section 420.9071. The income limits are annually provided by the U.S. Department of Housing and Urban Development (HUD) and distributed by Florida Housing Finance Corporation (FHFC). Preference will be given to applicants below 50%.

d. Maximum award is noted on the Housing Delivery Goals Charts:
Maximum award is as follows:
Income Limit
Very Low \$7,500
Low \$7,500
Moderate \$7,500

e. Terms, Recapture and Default:
SHIP funds provided for this activity will be in the form of a grant with no recapture provision. Recipients of SHIP awards will be required to contractually commit to program guidelines. The recipients will execute a grant agreement for the value of the award received.

f. Recipient Selection Criteria:

- Funds will be made available on a first come, first complete, first served basis while funds are available;
- Priority funding will be given to very low income (50% AMI and below) and SHIP 2nd and 3rd SHIP mortgage recipients.
- All units assisted will be within the Deltona city limits;
- Mobile Homes are not eligible for assistance;
- Applicants are required to submit a completed City of Deltona SHIP Application and provide all written documentation requested of income, eligibility and qualifications; and
- Persons who qualify for SHIP assistance must contractually agree to all SHIP Program guidelines, City of Deltona requirements, recapture provisions and certify that the unit assisted is their principal residence.

g. Sponsor Selection Criteria, if applicable:

The City of Deltona may choose a sponsor to assist in the administration of this strategy by advertising using the City of Deltona purchase and procurement guidelines. The sponsors may be a private corporation, a not for profit corporation or a community based organization. Selection will be based on the sponsor's ability to proceed, past experience in related fields, and performance.

h. Additional Information:

- All assisted units must have previously received SHIP or HHR homeownership assistance: purchase, rehabilitation, or disaster assistance through the City of Deltona's SHIP or HHR program.

- Applicants must be at least 2 months in mortgage payments arrears and have received notification in writing from their lender that foreclosure proceedings will begin;
- Applicants who apply for assistance and who need more than the foreclosure assistance that is offered in this strategy must have the additional funds to pay all the remaining unpaid delinquency;
- Applicants must be credit worthy and have sufficient income required to maintain their SHIP Mortgage after foreclosure assistance is received;
- Applicants may receive the foreclosure strategy one time only; and
- Applicants must demonstrate through documentary evidence that non-payment of their mortgage is due to one of the following reasons:
 - o Sudden Loss of Income;
 - o Sudden Medical Expenses;
 - o Divorce or Separation;
 - o Death in Family; and
 - o Unforeseen home repair bills.

8. ORDINANCES AND PUBLIC HEARINGS:

[A. Public Hearing - Ordinance No. 42-2008.](#) Providing for the creation of the Deltona Green Building Program, for second and final reading.

The City Commission has expressed an interest in Green Building and has requested the creation of a Green Building Ordinance for the City of Deltona. The base document was created by the Florida Building Commission, which has been modified to be particular to the City of Deltona.

[B. Public Hearing - Ordinance No. 22-2008.](#) providing for the Voluntary Annexation into the City of Deltona, Florida of 3.83 acres of property located at the southeast of State Road 415; for second and final reading; Applicants: Shabbir Ali F. Manji and Rizwan A. Manji.

The owners submitted a voluntary annexation application to the City of Deltona on October 14, 2005. No action was taken while waiting on the result of negotiations between the City of Deltona and Volusia County regarding the Osteen JPA. The owners/applicants filed a second Petition for Voluntary Annexation to the City of Deltona on May 30, 2008. The property is located within the Osteen JPA in the unincorporated Volusia County, has a County future land use of Urban Low (UL) (1.42 acres) and Environmental System Corridor (ESC) (2.41 acres). The County zoning is Transitional Agriculture (A-3) (1.42 acres) and Resource Corridor (RC) (.75 acres). The annexation application has been reviewed by the Acting Director of Planning and Development Services and it has been determined that the annexation meets the requirements of Florida Statutes 171.044, because it is reasonably compact; does not create enclaves, and is contiguous to the City of Deltona; and all owners of the property have petitioned for voluntary annexation of their property into the City of Deltona. Because this annexation is less than 1,500 acres the net benefit analysis is not required by policy number CC05-001, adopted by the City Commission on April 4, 2005. On June 9, 2008 the City of Deltona transmitted the Petition for Voluntary Annexation Package to Volusia County Growth and Resource Management (VCGM) for their review and comments.

On June 12, 2008 the City of Deltona received comments from Volusia County Environmental. The Volusia County Environmental Management performed a preliminary inspection of the site

finding a wetland violation. The Voluntary Annexation request was on hold waiting on the solution of this issue. On August 1, 2008 Volusia County Environmental Management notified the property's owners and the City of Deltona that the wetland violation has been resolved. On August 27, 2008 the City received the response to the request for no-objection letter regarding this annexation from Mr. Gregory Stubbs, Director of Volusia County Growth and Resource Management Department. Mr. Stubbs appointed that "to maintain the integrity of the original negotiations of the Osteen JPA it would be inappropriate to annex properties within the JPA area until the Interlocal agreement is executed." On October 6, 2008, the Deltona City Commission moved to table the request for voluntary annexation until the Osteen JPA has been executed by the City of Deltona and Volusia County. The Osteen Joint Planning Agreement has been executed between the parties. On November 17, 2008, the City Commission approved the agreement, and Volusia County Council approved it on December 4, 2008.

[C. Public Hearing - Ordinance No. 02-2009](#), Amending Article IV, "Street Lighting" of Chapter 54, "Special Assessments" by adding provisions providing for dissolution of street lighting districts, for second and final reading.

Chapter 54, "Special Assessments" of the City's Code of Ordinances provides for the creation of streetlighting districts and the provision for street lighting assessments. This Chapter does not however provide for the dissolution of a streetlighting district. The proposed ordinance adds language to this Chapter to provide a process for the dissolution of a streetlighting district should the need arise in the future.

[D. Ordinance No. 03-2009](#), Amending Article V, "Garage Sales", to remove the prohibition on flea markets being conducted within the City limits, for first reading.

The City of Deltona Code of Ordinances currently prohibits the operation of flea markets within the City limits. Members of the City Commission have expressed a desire to remove this prohibition in order to allow farmer's markets, selling produce, plants, and arts and crafts.

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| 9. | OLD | BUSINESS: |
| 10. | NEW | BUSINESS: |

[A. Discussion re: scheduling of City Commission workshop meetings](#) (Commissioner McFall-Conte).

Commissioner McFall-Conte has requested that the Commission discuss the scheduling of City Commission workshop meetings in the future. This could include scheduling such meetings on alternate Mondays, on Mondays prior to Regular Commission meetings, or on any other day that the Commission so chooses.

For your information, Commissioner Deyette and Vice Mayor Carmolingo attend the following set meetings each month:

Commissioner	Deyette:
• MPO Executive Board - 4:00 p.m., 1st	Monday

- MPO Board Meeting - 8:00 a.m., 4th Tuesday
- VCOG Smart Growth - 11:30 a.m., Mondays (once monthly mostly on the 2nd Mondays, but sometimes meeting is scheduled on the 1st, 3rd or 4th Monday of the month)
- Vice Mayor Carmolingo:
 - WAV Executive Board - 4:00 p.m., 1st Wednesday
 - WAV Board - 8:30 a.m., 3rd Wednesday
- VCOG - 5:00 p.m., 4th Monday

B. Discussion re: Advisory Board reporting methods (Mayor Mulder).

Mayor Mulder has requested that the Commission discuss how the City's Advisory Boards provide information and updates to the Commission.

11. CITY COMMISSION COMMENTS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.