



# City of Deltona

The Center at Deltona  
1640 Dr. Martin Luther King Blvd., Deltona, FL 32725

## Regular Commission Meeting

### City Commission

*Mayor Heidi K. Herzberg*  
*Vice Mayor Victor Ramos*  
*Commissioner Maritza Avila-Vazquez*  
*Commissioner Anita Bradford*  
*Commissioner Loren King*  
*Commissioner Dana McCool*  
*Commissioner Chris Nabicht*

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Monday, October 19, 2020

6:30 PM

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- A. [In an effort to reduce the possibility of exposure of residents to the COVID-19 \(Coronavirus\) we are allowing limited public access into the Commission Chambers and practicing social distancing with the City Commission, staff and residents.](#)

#### **Background:**

#### **\*\*\*NOTE\*\*\***

The City Commission is dedicated to working hard and keeping our city moving forward, and a top priority during the COVID-19 pandemic is to help maintain the health of our employees and residents. Another top priority is being able to maintain public participation in our City meetings. Following CDC Guidelines, we are allowing limited public access into the Commission Chambers and practicing social distancing with the City Commissioners, staff and residents. Though there are restrictions when it comes to public gatherings, we are dedicated to making sure those who would like to make their voice heard are able to.

Please note your public comments can be submitted via one of the following mediums no later than 3:00 p.m. October 16, 2020 to ensure they are available for the Commissioners to review prior to the meeting.

- eComment
  - Click the "Agenda & Minutes" icon on the homepage;
  - Chose the meeting you want to comment on and click on "eComment" in the last column; and
  - Go to the item and click on the speech balloon marked "Comment" to make your comment.
  - To view all comments made on an item chose the speech balloon to the left.
- Visit the "Request To Speak" page of the website at <https://www.deltonafl.gov/city-commission/webforms/request-speak>
  - Under the Commission Meetings tab
  - Fill out the "Request To Speak" form - which will be

submitted.

- Email: [cityclerkdept@deltonafl.gov](mailto:cityclerkdept@deltonafl.gov)  
<<mailto:cityclerkdept@deltonafl.gov>>
- Fax: 386-878-8501

All submitted comments will become part of the official City record, and be attached to the meeting minutes. This is a fluid situation and as procedures change, we will be sure to update you.

**Attachments:**     [Instructions for eComment](#)

**1. CALL TO ORDER:**

**2. ROLL CALL – CITY CLERK:**

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

**A.**     [Invocation Presented by District #2 Commissioner.](#)

**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 of the Regular Commission Meeting of October 5, 2020, as presented. - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

**Background:**

N/A

**Attachments:**     [October 5, 2020 RCM Minutes](#)

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

**A.**     [Presentation - Central Florida Legends Skunk Ape Marathon, Mermaid Half-Marathon and Fountain of Youth 5K - Don Stoner with Runners High, West Volusia Runners & Jerry Mayes, Economic Development \(386\) 878-8619.](#)

**Background:**

The West Volusia Runners are pleased to announce the second annual Central Florida Legends Skunk Ape Marathon, Mermaid Half-Marathon and Fountain of Youth 5K returns to Lake Monroe on Nov. 22. Over 1,000 runners participated in these races last fall which is designed to highlight the natural beauty of West Volusia and the Volusia County trails system. Registration is going on now at [CentralFloridaLegendsRace.com](http://CentralFloridaLegendsRace.com)  
<<http://CentralFloridaLegendsRace.com>> Packet pickup for the runners

will be at Central 28 in DeBary, on Friday, Nov. 20 and the Lakeshore Community Center in Deltona on Saturday, Nov. 21. Social distancing measures will be in place for the races and runners are asked to wear masks before and after their respective races. Eventually, the West Volusia Runners hope to take the full marathon all the way around the lake utilizing mostly trails. The City of Deltona's Economic Development Office believes this event is a great edition to West Volusia's eco-tourism calendar.

- B. [Video Presentation - Halifax/UF Health Hospital Facility and request for approval of Halifax Deltona Entry Feature Use Agreement - Mr. Rafael Ramirez, Marketing and Communications for Halifax Health.](#)

[Strategic Goal: Internal and external communication](#)

**Background:**

Mr. Rafael Ramirez, Marketing and Communications for Halifax Health will be providing a short video presentation on the current status of the Halifax/UF Health Hospital in Deltona.

Also, on November 6, 2017, the City and Halifax entered into an interlocal agreement for the purpose of, amongst other things, building a new hospital within the Halifax Crossing development. Upon approval of this item authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorized the Interim City Manager to sign any documents necessary to further Commission approval of this item.

**Attachments:** [Medical Center Joint Agreement](#)

- C. [Proclamation - Halifax Health Fights Against Breast Cancer Day.](#)

**Background:**

The City of Deltona is proud to partner with Halifax Health to increase the awareness of breast cancer, proclaiming October 19, 2020 as Halifax Health Fights Against Breast Cancer Day.

**Attachments:** [Halifax Health-Breast Cancer Day](#)

**6. ORDINANCES AND PUBLIC HEARINGS:**

- A. [Public Hearing - Resolution No. 2020-53, Conditional Use Application for a Community Residential Home at 1202 Sherbrook Drive - Ron A. Paradise, Director, Planning and Development Services \(386\) 878-8610.](#)

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

**Background:**

Resolution No. 2020-53 is a proposal for a Community Residential Home (CRH) located at 1202 Sherbrook Drive (site). The site is zoned R-1A and consists of a ±0.24-acre Deltona Lakes platted lot developed with a ±1,480 square foot single family residential home. The surrounding area is also zoned R-1A. The request is to serve up to two (2) adult senior citizen residents.

According to State Law, the purpose and intent of a CRH serving up to six (6) residents is to emulate a family unit living in a single-family house situated within a residential neighborhood. The proposed CRH at 1202 Sherbrook Drive can comply with City Land Development Code (LDC) requirements. In addition, consistent with Sec. 110-814(c) and to enhance neighborhood compatibility, the following conditions are suggested:

- a. The applicant shall provide an approval letter from Volusia County Health Department for the existing septic system prior to the issuance of the BTR to ensure the existing septic system is adequate in light of living area expansion at the house. If the existing septic is not adequate the applicant will be required to upgrade the existing septic system prior to the BTR issuance;
- b. The dwelling shall serve no more than two (2) non-related elderly residents within the dwelling;
- c. All residents and related service shall be directly associated with and regulated by the Florida Agency for Health Care Administration (AHCA);
- d. The CRH shall remain under management and ownership of Chastity Moye, the property owner of 1202 Sherbrook Drive;
- e. The applicant shall continue to utilize the dwelling as a primary residence, including maintaining the residence as a homesteaded dwelling;
- f. No signage shall be allowed besides what is allowed for a home occupation; and
- g. The proposed CRH service is for an AFCH; if the applicant desires to provide any other services, a new conditional use application shall be submitted to the City for review and action.

For more information see the attached staff report and related supporting materials.

At the September 16, 2020, Planning and Zoning Board hearing, the Board voted unanimously to recommend the City Commission approve the CRH request at 1202 Sherbrook Drive subject to the above stated conditions.

Finally, consistent with LDC Sec. 110-1102(e), a Conditional Use must have City Commission super majority approval consisting of no less than five (5) City Commission votes.

Upon approval of this item authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and

further authorized the Interim City Manager to sign any documents necessary to further Commission approval of this item.

**Attachments:**    [Staff Report](#)  
                              [Maps](#)  
                              [Resolution No. 2020-53](#)

**7. OLD BUSINESS:**

**8. NEW BUSINESS:**

- A. [Consideration of the appointment of one \(1\) Deltona City Commissioner to the Affordable Housing Advisory Committee for a term to expire October 5, 2021, per House Bill 1339 - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

[Strategic Goal: Internal and external communication.](#)

**Background:**

House Bill 1339 which was effective July 1, 2020 addresses several issues affecting certain bonding activities; impact fee accounting; building inspections; affordable housing and related linkage fees; and the regulation, ownership, and tenancy related to mobile homes, mobile home parks, and related homeowners' associations. Current City operations do not conflict with any of the changes associated with House Bill 1339. However, the City as an entitlement community receiving State Housing Initiatives Partnership (SHIP) funds is obligated to change the membership of the Affordable Housing Advisory Committee (AHAC). HB 1339 now requires a SHIP entitlement community like Deltona to appoint a member of the Deltona City Commission to the Affordable Housing Advisory Committee. Attached is the current AHAC member list and House Bill 1339. Below are highlighted sections of House Bill 1339 that pertain to the appointment of an elected official.

Section 16. Section 420.531, Florida Statutes, is amended to read:  
420.531 Affordable Housing Catalyst Program. -

(Page 38 of 79/Lines 933-949)

(2) In consultation with the corporation, the entity providing statewide training and technical assistance shall convene and administer biannual regional workshops for the locally elected officials serving on affordable housing advisory committees as provided in s. 420.9076. The regional workshops may be conducted through teleconferencing or other technological means and must include processes and programming that facilitate peer-to-peer identification and sharing of best affordable housing practices among the locally elected officials. Annually, calendar year reports summarizing the deliberations, actions, and

recommendations of each region, as well as the attendance records of locally elected officials, must be compiled by the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program and must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the corporation by March 31 of the following year.

Section 19. Subsections (2) and (4) of section 420.9076, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

420.9076 Adoption of affordable housing incentive strategies; committees. -

(Pages 40-41 of 79/Lines 998-1035)

(2) The governing board of a county or municipality shall appoint the members of the affordable housing advisory committee. Pursuant to the terms of any interlocal agreement, county and municipality may create and jointly appoint an advisory committee. The local action adopted pursuant to s. 420.9072 which creates the advisory committee and appoints the advisory committee members must name at least 8 but not more than 11 committee members and specify their terms. Effective October 1, 2020, the committee must consist of one locally elected official from each county or municipality participating in the State Housing Initiatives Partnership Program and one representative from at least six of the categories below:

- (a) A citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- (b) A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- (c) A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- (d) A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (e) A citizen who is actively engaged as a for-profit provider of affordable housing.
- (f) A citizen who is actively engaged as a not-for-profit provider of affordable housing.
- (g) A citizen who is actively engaged as a real estate professional in connection with affordable housing.

(h) A citizen who actively serves on the local planning agency pursuant to s. 163.3174. If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable 1028 in the local planning process.

(i) A citizen who resides within the jurisdiction of the local governing body making the appointments.

(j) A citizen who represents employers within the jurisdiction.

(k) A citizen who represents essential services personnel, as defined in the local housing assistance plan.

(Page 44 of 79/Lines 1092-1099)

(10) The locally elected official serving on an advisory committee, or a locally elected designee, must attend biannual regional workshops convened and administered under the Affordable Housing Catalyst Program as provided in s. 420.531(2). If the locally elected official or a locally elected designee fails to attend three consecutive regional workshops, the corporation may withhold funds pending the person's attendance at the next regularly scheduled biannual meeting.

The SHIP Act and Rule requirement has been reinstated per SHIP statute (F.S. 420.9076 and Rule 67-37.010) that in order to continue to qualify for funding, the local government must appoint an Affordable Housing Advisory Committee.

The AHAC Committee shall evaluate and report to the City Commission on established policies, procedures, ordinances, land development regulations, and review the comprehensive plan; to include, recommended changes as established in Section 420.9076, F.A.C.

The City shall transmit an electronic copy of the report, which is presented to the City Commission for consideration to the Florida Housing Finance Corporation.

In the past, the City has been consistent with regard to discouraging dual position holding. For example, a member of the City Commission could not also serve on an advisory board like the Planning and Zoning Board. However, in this case, there is a State mandate to have an elected official serve on an AHAC. Therefore, to comply with State law the appointment of an elected official to the AHAC would be appropriate.

Approval of this item authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the interim City Manager to sign any documents necessary to implement Commission approval of this item.

**Attachments:**    [HB 1339 Effective July 1, 2020](#)  
                              [F.S. 420.9076](#)  
                              [AHAC Member List 09-23-2020](#)

- B.    [Request for approval of proposed repayment plans for delinquent utility bills and implementation of water disconnects - John Peters, III, P.E., Public Works/Deltona Water \(386\) 878-8973.](#)

Strategic Goal: Provision of utility services

**Background:**

In response to the COVID-19 Pandemic, the City of Deltona proactively implemented a program in March 2020 that stopped all pending meter turn-offs for delinquent bills as of the February billing. While the pandemic is still active in the State of Florida, staff has begun to develop a process going forward regarding delinquent bills and water meter disconnects. In developing the strategy, we worked under the following goals:

1. The process is fair to both the delinquent customer and all rate payers,
2. The goals within the plan are achievable:
  - a. The ability to develop over 3,500 repayment plans and/or
  - b. The ability to turn off up to 3,500 water meters within thirty days.

Staff intends to implement the following repayment plan beginning with the December bill run. The bills will include a notice of the repayment plan that includes the following three steps:

1. For the customers who pay the balance in full with the December bill, all late fees will be waived,
2. For those customers who mail in the executed repayment plan (included in December bill) to Customer Service prior to the bill due date, the City will establish an automatic 120 day Repayment Plan. To assist with this process for those who prefer to call, customer Service will have extended hours along with Saturday hours. To show good faith on the Repayment Plan, the customer must pay the current charges (November usage),  
or
3. Beginning in January, all accounts that have not been paid in full



or have not initiated a Repayment Plan, the City will begin the process of disconnecting water meters for delinquent accounts.

To reactivate the meter, the customer must pay all pass due amounts along with a reactivation/disconnect fee.

We believe this repayment plan is fair to the impacted customer by providing up to eight months of relief, maintains our fiduciary responsibility to our overall customer base, and is manageable for our staff with some adjustments.

Upon approval of this item authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorizes the Interim City Manager to sign any documents necessary to further Commission approval of this item.

**Attachments:**     [Repayment Plans for Delinquent Bills - October 19](#)

**9. PUBLIC FORUM:** Citizen comments are limited to issues and concerns not on the agenda and comments on items listed on the agenda will take place after discussion of each item. Please be courteous and respectful of the views of others. Personal attacks on Commission members, City staff or members of the public are not allowed, and will be ruled out of order by the Mayor.

*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.

**10. CONSENT AGENDA:**

- A. [Request for approval of the 2021 holiday meeting schedule - Joyce Raftery, City Clerk's Department \(386\) 878-8502.](#)

[Strategic Goal: External and Internal Communication](#)

**Background:**

In the past, the Commission has chosen to change the Commission meeting schedule in December due to the holiday season, i.e. combining the two (2) regular meetings in December to one (1) meeting in the middle of the month of December and to have no workshops during the month of December.

Attached for the Commission's approval is the proposed schedule for the calendar year 2021 City Commission meetings which includes one (1) Regular Commission Meeting and no workshops for the month of

December, 2021. The invocation schedule for 2021 is also included for the Commission's information.

Upon approval of this item authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the City Manager to sign any documents necessary to implement Commission approval of this item.

**Attachments:**     [2021 Holiday Meeting Schedule](#)  
[2021 Invocation Meeting Schedule](#)

- B. [Request for approval of Resolution No. 2020-59 revising the City's Investment Policy - Camille Hooper, Finance Director - \(386\) 878-8552.](#)

[Strategic Goal: Fiscal Issues](#)

**Background:**     The City's current Investment Policy was adopted November 5, 2005 and last revised on November 7, 2016. Staff is presenting Resolution No. 2020-59 to revise the policy. The recommended changes will update the names of organizations referenced in the document, will allow additional diversification of investments within the portfolio, and will include the investment policies governing the City's deferred compensation plans. The policy remains in compliance with Section 218.415, Florida Statutes.

Upon approval of this item authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorized the Interim City Manager to sign any documents necessary to further Commission approval of this item.

**Attachments:**     [2020-59 Resolution - Revision of Deltona Investment Policy](#)  
[Investment Policy Incl Deferred Comp - Updated 10012020](#)  
[Investment Policy Incl Deferred Comp - Updated 10012020](#)

- C. [Request for approval of Resolution No. 2020-60 creating a Deferred Compensation Working Group - Camille Hooper, Finance Director - \(386\) 878-8552.](#)

[Strategic Goal: Fiscal Issues](#)

**Background:**     The City's entered into an agreement with NFP on May 18, 2020, to provide advisory, compliance, and plan education services for its Section 401(a) and 457(a) deferred compensation plans offered to employees to carry out its fiduciary responsibility and comply with ERISA standards.

As part of its services, NFP regularly reviews the deferred compensation plans and their investment offerings. Staff recommends creating a Working Group that will communicate regularly with NFP regarding their review of the plans, and make decisions about Plan operations; and also recommends that the members be indemnified in order to allow them to carry out their responsibilities.

Upon approval of this item authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorized the Interim City Manager to sign any documents necessary to further Commission approval of this item.

**Attachments:** [Resolution 2020-60 - Deferred Compensation Working Grc](#)  
[Resolution 2020-60 Attachment A](#)

- D. [Request for approval of Resolution No. 2020-61, Budget Amendment for Replacement Equipment Fund for FY 2020-2021 - Camille Hooper, Finance Director, \(386\) 878-8552; and John Peters III, Public Works Director, \(386\) 878-8973.](#)

[Strategic Goal: Fiscal Issues - Maintain a Balanced Budget](#)

**Background:**

The Commission approved the annual budget for FY 2020-21 on September 21, 2020. Staff requests budget amendment as detailed in attached Exhibit A to

- Appropriate \$30,000 unencumbered fund balance in the Replacement Equipment Fund to cover the estimated cost of security cameras for Public Works Depot not included in original budget request.

Upon approval of this item authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorized the Interim City Manager to sign any documents necessary to further Commission approval of this item.

**Attachments:** [2020-61 Resolution - Budget Amendment 001](#)  
[2021-003 Security Cameras PW Depot](#)

- E. [Request approval of Resolution No. 2020-62 Providing for the approval of a Local Agency Program Agreement for widening shoulders of Elkcam Blvd. and approval of Local Agency Program \(LAP\) Agreement - Elkcam Boulevard from Sylvia to Fort Smith - John Peters, III, P.E., Public Works/Deltona Water \(386\) 878-8973.](#)

[Strategic Goal: Transportation Improvements](#)

**Background:**

The City of Deltona has aggressively pursued State and Federally funds for local transportation project through the LAP program administered by the State of Florida. Recently, staff completed the Tivoli Sidewalk Project, and we are currently under construction of numerous sidewalks as part of the Sidewalks to Schools initiative.

Moving forward, we are now certified by the FDOT to begin the paved shoulder widening of Elkcarn Boulevard from Sylvia Drive to Fort Smith Boulevard. This \$1,322,087 project will consist of \$1,000,988 (75.7%) State & Federal Funds and \$322,099 (24.3%) local funds. City funds are available for this project in the Transportation Fund.

**Attachments:**

[Resolution 2020-62](#)

[445010-1-58\(68\)-01 FY21 - LAP - Elkcarn Blvd - City of De](#)

**11. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:****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.*