To: Mayor and City Council
From: City Manager
Date: February 14, 2014
Subject: February 19th, Council Workshop

Discussion of Updated Fire Risk and Demand Study and Recommendations for Facilities

Councilman Dwyer has requested this item be placed on the Workshop Agenda for discussion.

Background:

Resolution 05-39 was adopted in December 2005, by the City Council. At the time the City was looking for a site to construct a new City Hall. After review the city settled on the current site.
At the time the lots were owned by Volusia County and the city requested Volusia County donate the lots. The deed granting the lots to Volusia County had a reverter clause that if the property was not used for fire services the property reverted back to the Debary Volunteer Fireman Association.

In exchange for the property to construct City Hall the City agreed to conduct a Ten Year Strategic Fire Plan, to consider a five-year fire contract with Volusia County and pledged to pursue the construction of a new fire station after the City Hall was constructed.

The Ten Year Strategic Fire Plan was conducted by Michael L Ertz and presented in May 2006. While the plan identified numerous recommendations it primarily examined the existing contract for services with Volusia County and the cost associated with developing a city operated fire department.

Volusia County Fire Service conducted and presented to the City in December of 2008, "A Proposed Risk Management Program and Strategic Considerations for the Provision of Fire, Rescue and Emergency Medical Services for the City of DeBary." The Executive Summary, Recommendations from the study and Resolution 05-39 is included for your review **(Exhibit A).**

See Kassandra's attached memo for additional information on the study.

<u>Discussion of Community Visioning</u>

Councilman Carson has requested this item be placed on the Workshop Agenda for discussion.

The Municipal Research and Service Center defines Community Visioning as"… the process of developing consensus about what future the community wants, and then deciding what is necessary to achieve it. A vision statement captures what community members most value about their community, and the shared image of what they want their community to become. It inspires community members to work together to achieve the vision. A thoughtful vision statement is one of the elements needed to form a forward looking strategic framework that gives councils or boards the long-term-comprehensive perspective necessary to make rational and disciplined tactical/incremental decisions on community issues as they arise. Community vision statements are typically crafted through a collaborative process that involves a wide variety of community residents, stakeholders and elected officials."

The process to be used would be up to the discretion of the Council. Some communities work with a consultant to develop the process. Other communities have used the process below.

Hire consultant to lead the process.

Council creates and appoints a Community Visioning Steering Committee. Members should represent a broad range of citizens and diverse interests. Industry, parents, real estate, home owners associations, etc.

Consultant will hold a planning workshop for elected city officials, staff and steering committee.

Council and steering committee would decide on topic-specific public workshops. A few examples include but are not limited to:

Economic Development, types of businesses desired
Transportation
Development issues, what development is desired
TOD
Municipal Resources
Recreation/Open Space

The topic specific areas selected can be developed and discussed by the Steering Committee or a sub-committee can be appointed for each topic.
Recommendations and goals would be developed from input received during topic specific workshops by the Steering Committee and presented to the City Council.

The Council will hold a public hearing on the recommendations prior to adoption.

See Kassandra's attached memo for more information on this topic.

Discussion of Ft. Florida Water Line Special Assessment Project

Property owners adjacent to Fort Florida Road have requested City and County assistance to construct approximately 5700 feet of water line to serve homes on Ft. Florida Road. The homes are currently served by private wells. The water from the wells has a high salt content and is often discolored.

Attached is a letter from Sid Vihlen that offers a brief history of the water problems and possible causes (**Exhibit B**). The property owners that live adjacent to Fort Florida Road have requested the city consider the use of a special assessment mechanism (Kurt's Memo is Attached **Exhibit B**). to construct and pay for the water line improvements.

Attached for your information is a petition that requests assistance and estimates the cost of constructing the necessary infrastructure to provide water to those properties adjacent to Fort Florida Road (**Exhibit B**). I requested Volusia County Utilities review the estimates and they concur that the estimates are reasonable. However it should be understood that the actual cost of the completed project including engineering, legal fees and construction will be the amount assessed to the property owners.

There are 80 lots that would be affected by the cost of construction, 59 of which are owned by Jerome Henin (73.75% of the lots, or 64.10% of the total foot frontage) who is opposed to the assessment.

The property owners supporting the construction have requested financial assistance in the form of grants or direct financial contributions from Volusia County and the City of DeBary. City staff has researched the possibility of using a CDBG grant, however the area is not in a low to moderate income census track therefore a CDBG grant is not possible.

Before moving forward and incurring additional expense for the project the Council will need to consider and make a decision on the property owners request for direct financial assistance from the City. Once this issue is decided and the property owners want to move forward the process will basically be as follows:

1. The City would be responsible to hire an engineer to design and prepare construction plans for the project. The plans would be reviewed and approved by Volusia County Utilities.
2. Once Volusia County Utilities approve the plans the engineer would seek and obtain Health Department approval.

3. The City would be responsible to prepare bid documents and bid the project. The bids received would be tabulated and awarded by the City Council.
4. The City would take the necessary action (as explained by attached memo from Kurt) to take the required action to legally establish a special assessment.
5. Once the actual costs are known and the special assessment is established the City would be responsible to secure non-taxable financing for the project secured with the non-ad valorem assessments against the properties that receive the benefit from the new water line.
6. Volusia County Utilities would inspect construction activities which would eliminate the need and cost of hiring CEI services.
7. Construction of the improvements would take place.
8. Once constructed the property owner would be responsible for the impact fee, meter set fee, meter deposit and the cost of infrastructure from the meter to connect the home.

There are several potential pitfalls. If the Council decides to move forward the City is responsible for advance funding steps 1 through 3. After incurring the cost of engineering and legal fees the property owners requesting the water line could change their minds or a more likely possibility is that Jerome Henin will take legal action questioning the benefit his property would receive from the project. If a suit were to be filed the City would also be responsible for defending the suit.
Staff seeks direction from the Council on this issue.

Discussion of Hampton Hills Tract A/Drainage Area

I received a phone call from Rod Silver requesting the city do something about the sink hole on Tract A. The neighboring property owner (lot 304) had complained that the sink hole was growing and they wanted the city to take action so they could develop lot 304. In addition to the phone call an email was received with the following excerpt:

I'm going to stay on top of this Rick as the City has done absolutely nothing on this property for years.
The fence they placed on it years ago has partly sunk into the hole and the sinkhole is encroaching on 304 and some of that property has also sunk.

Please work with me and Dan to get immediate response to this. We need to prepare an Action Plan on how we can correct this problem. The ground needs to be tested to see how far it might spread and what do we do about 304 and the property their losing. We need to fill it in from my point of view but I look for direction.

As a result of the phone call and email Alan and I examined the site as a potential sink hole and had discussions with Volusia County on the matter. After reviewing the plat and discussing the issue with David Hamstra it was determined that the area was not a sink hole but rather a pond (pond 15) that was a naturally occurring low area put to use by the developer. The drainage area was dedicated to public use and accepted by the city in 1994.The pond was designed to accept storm water from the adjacent street. There are no operational issues with the pond.

Subsequent to the initial phone call HOA representatives were of the opinion the sink hole was growing because they believed the fence that encloses the drainage area had "…shrunk several feet into the hole as the hole grows larger." I had Alan verify the property lines of the drainage area and noted that the fence is still on the property line.

The original requests from the HOA were to fill the hole and stabilize the slope belonging to the adjacent property owner so the owner could develop the property. Based upon our research that area in question was not a sink hole but a storm water pond and the requested slope stabilization would occur on private property belonging to the owner of lot 304, I declined to take any action.

At the council meeting of January 15, 2014, the HOA representatives in addition to informing the city of their intent to bill the city for past due HOA assessments on the drainage area, first remarked on their request to improve the appearance of the drainage area.

I asked Alan to look at the site and recommend maintenance steps to be taken. During the examination of the site several burrows were noted that might possibly be gopher tortoises. Several of the burrows were on lot 304. Since gopher tortoises are a threatened species they are protected by state law including regulations to protect their habitat. The owners of lot 304 should be made aware of the possibility of gopher tortoises and conduct a survey prior to any additional on-site work.

In reviewing the regulations it seems that clearing the vines from the fence would not require a FWC permit. However, I would suggest that prior to any vegetation maintenance inside the fence a survey for gopher tortoises be conducted to determine if any are present. If they are not present vegetation maintenance inside the fence can be accomplished. If gopher tortoises are discovered they would have to be relocated prior to maintenance inside the fence occurring.

A plat of the drainage area is attached for your information (**Exhibit C).**

Safford Properties Lien Waiver Request

The issue initiated when tenants within the shopping center were placing illegal signs within the shopping center. At the time the only enforcement mechanism available was code enforcement action which only allowed the fine to be assessed against the property owner in the form of a lien. Recently the Council adopted a second enforcement mechanism by authorizing the use of citations. Citations can be issued in the form of a ticket to a specific violator.

Background:

The property owner of the subject property, Stafford Associates, was issued a code violation on February 25, 2010 for illegal signage including banners, flags, snipe signs and A-frame signs placed by tenants of their property.

On July, 14, 2010, this case was presented to the Code Enforcement Board. The Code Enforcement Board after hearing the evidence found against the property owners (Stafford Properties). Stafford Properties was granted 30 days to comply or a lien of $250 per day would be imposed. Tenants continued to place illegal signs and the lien began to accrue.

Once a new property manager for DeBary Commons, was hired they inquired about the lien and the outstanding code violations. Corrections were made and the site was brought into compliance. On September 14, 2011, the case was presented to the Code Enforcement Board and an order of compliance was issued.

On October 12, 2011, the property owner made a request to the Code Enforcement Board for an abatement or reduction of the outstanding lien. The lien accrued from August 15, 2010 to September 7, 2011 in the amount of $250 per day, for a total of 388 days. The total amount of the lien was $97,000. The Code Enforcement Board denied the request for reduction. Stafford Properties appealed the lien reduction to the City Council which considered the matter on February 2, 2012.

After considering the matter the Council decided that if Stafford Properties would construct an additional monument sign within 6 months the lien would be reduced to $25,000.

The new monument sign was constructed and Stafford Properties is requesting an abatement of the remaining amount. In addition Stafford Properties has been diligent in enforcing not placing illegal signs by their tenants. Staff seeks direction from the Council on this issue.