



# City of Deltona

*Mayor*  
John Masiarczyk

*Vice Mayor*  
Nancy Schleicher  
*District 4*

*Commissioners:*

Mitch Honaker  
*District 1*

Diane Smith  
*District 2*

Heidi Herzberg  
*District 3*

Brian Soukup  
*District 5*

Chris Nabicht  
*District 6*

*City Manager*  
Jane K. Shang

**REGULAR CITY COMMISSION MEETING**  
**MONDAY, JUNE 15, 2015**  
**6:30 P.M.**

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

**AGENDA**

1. **CALL TO ORDER:**
2. **ROLL CALL – CITY CLERK:**
3. **INVOCATION AND PLEDGE TO THE FLAG:**
  - A. **Invocation Presented by Vice Mayor Schleicher – Reverend Dr. Mark Winkler from Emmaus Lutheran Church.**
4. **APPROVAL OF MINUTES & AGENDA:**
  - A. **Approval of Minutes – Special Commission Meeting of April 25, 2015 and Regular City Commission Meeting of June 1, 2015 – Joyce Raftery, City Clerk (386) 878-8502.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
  - A. **Volusia Transit Connector Study.**
6. **CITY COMMISSION SPECIAL REPORTS:**
7. **PUBLIC FORUM – Citizen comments for any items.**  
**(4 minute maximum length per speaker)**

**CONSENT  
AGENDA:**

All items marked with an ✱ will be considered by one motion unless removed 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.

**8. CONSENT AGENDA:**

**9. ORDINANCES AND PUBLIC HEARINGS:**

- A. Resolution No. 2015-15, Establishing Preliminary Annual Assessment Rate - Stormwater Utility Services for FY 15/16 - Robert Clinger, Finance Department (386) 878-8552.**
- B. Resolution No. 2015-16, Establishing the Preliminary Annual Rate Resolution - Solid Waste Services for FY 15/16 - Robert Clinger, Finance Department (386) 878-8552.**
- C. Resolution No. 2015-17, Establishing Preliminary Annual Assessment Rate - Streetlighting Services for FY 15/16 - Robert Clinger, Finance Department (386) 878-8552.**
- D. Ordinance No. 06-2015, Amending Section 6-1, "Hours of Sale," of Chapter 6 "Alcoholic Beverages," of the Code of City of Deltona; Making hours of sale consistent throughout the week, for first reading - Becky Vose, City Attorney (407) 448-0111 (cell).**
- E. Ordinance No. 08-2015, creating a new Section 1-17, "Ordinance Review Committee," of Chapter 1, "General Provisions," of the Code of Ordinances of the City of Deltona, for first reading - Becky Vose, City Attorney (407) 448-0111 (cell).**
- F. Ordinance No. 12-2015, creating a new Chapter 55, "Squatters," of the Deltona Code of Ordinances, for first reading - Becky Vose, City Attorney (407) 448-0111 (cell).**

**10. OLD BUSINESS:**

**11. NEW BUSINESS:**

- A. Consideration of appointment of a City representative to the Volusia Growth Management Commission (VGMC) - Joyce Raftery, City Clerk (386) 878-8502.**
- B. Request for approval to piggyback County of Fluvanna agreement for the contract with CityScape Consultants, Inc., for and as cell tower consultants for the City of Deltona - Becky Vose, City Attorney (386) 878-8872.**

**C. Discussion of Latin Arts and Musical Festival - Commissioner Honaker, District 1 (386) 275-7729.**

**12. CITY ATTORNEY COMMENTS:**

**13. CITY MANAGER COMMENTS:**

**A. Lobbyist Update**

**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

**TO:** Mayor & City Commission      **AGENDA DATE:** 6/15/2015  
**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 3 - A  
**SUBJECT:** Invocation Presented by Vice Mayor Schliecher - Reverend Dr. Mark Winkler  
from Emmaus Lutheran Church.

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<b>LOCATION:</b>	N/A
<b>BACKGROUND:</b>	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.
<b>ORIGINATING DEPARTMENT:</b>	City Manager's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	Acting City Manager
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	N/A - Invocation Only.
<b>POTENTIAL MOTION:</b>	N/A - Invocation Only.
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Jane K. Shang, City Manager



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 6/15/2015  
**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 4 - A  
**SUBJECT:** Approval of Minutes - Special Commission Meeting of April 25, 2015 and Regular Commission Meetings of June 1, 2015 - Joyce Raftery, City Clerk (386) 878-8502.

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<b>LOCATION:</b>	N/A
<b>BACKGROUND:</b>	N/A
<b>ORIGINATING DEPARTMENT:</b>	City Clerk's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Manager
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	City Clerk Joyce Raftery - That the Commission approve the Special Commission Meeting of April 25, 2015 and Regular Commission Meetings of June 1, 2015.
<b>POTENTIAL MOTION:</b>	"I move to approve the Special Commission Meeting of April 25, 2015 and Regular Commission Meetings of June 1, 2015, as presented."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Jane K. Shang, City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Minutes of April 25, 2015</li><li>• Minutes of June 1, 2015</li></ul>

**CITY OF DELTONA, FLORIDA  
SPECIAL CITY COMMISSION MEETING  
SATURDAY, APRIL 25, 2015**

1 A Special Meeting of the Deltona City Commission was held on Saturday, April 25, 2015 at the City  
2 Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

3  
4 **1. CALL TO ORDER:**

5  
6 The meeting was called to order at 1:00 p.m. by Mayor Masiarczyk.

7  
8 **2. ROLL CALL:**

9	10 Mayor	John Masiarczyk	Present
11	Vice Mayor	Nancy Schleicher	Present
12	Commissioner	Heidi Herzberg	Present
13	Commissioner	Mitch Honaker	Present
14	Commissioner	Chris Nabicht	Present
15	Commissioner	Diane Smith	Present
16	Commissioner	Brian Soukup	Present
17	Acting City Manager	Dale Baker	Present
18	City Attorney	Becky Vose	Present
19	City Clerk	Joyce Raftery	Present

20  
21 **3. INVOCATION & PLEDGE TO THE FLAG:**

22  
23 Silent invocation presented by Mayor Masiarczyk.

24  
25 **4. NEW BUSINESS:**

26  
27 Mayor Masiarczyk turned the meeting over to W.D. Higginbotham to introduce the first candidate Mr.  
28 Brillhart. He stated the interviews will last about 30 minutes with the other two (2) candidates opting as  
29 a courtesy to sit outside of the Commission Chambers.

30  
31 **MICHAEL BRILLHART:**

32  
33 Mayor Masiarczyk offered Mr. Brillhart the opportunity to make some opening remarks.

34  
35 Mr. Brillhart stated he appreciated the opportunity to come today to spend a few minutes with the  
36 Commission to introduce himself and let the Commission know who he is and about his interest in  
37 serving as City Manager.

- 38  
39 1. Commissioner Soukup thanked Mr. Brillhart for coming and stated Deltona is a bedroom  
40 community that is trying to promote economic development and become allies with the  
41 local businesses in the community and he asked what Mr. Brillhart would do to improve  
42 that process with local businesses and bring in new businesses.

43  
44 Mr. Brillhart answered that is a tough challenge and like all communities Deltona needs to have a  
45 vision, an image of who the City is and a brand and to some extent the elected body does not know  
46 what that image is. He stated the next manager needs to work with the community and the  
47 Commission to find out who you are, who you want to be in a few years and how you are going to  
48 get there, branding will be difficult but it is critical to the City's future and developing that image  
49 will require the citizens working with the City and the business community to determine where the

1 City wants to be in five (5), 10, 15 years.

- 2
- 3 2. Commissioner Soukup stated when he first met Mr. Brillhart he thought he was very laid  
4 back and passive and this city is very demanding, the city needs leader and the more  
5 Commissioner Soukup spoke with Mr. Brillhart the more he grew on him. He asked Mr.  
6 Brillhart if he feels he can make the tough decisions that need to be made with the City  
7 Commission and employees.  
8

9 Mr. Brillhart answered at times he is a leader, sometimes a listener and lets others lead, so it depends  
10 on the situation and he is very good at knowing and learning what to do at that moment. He stated he  
11 will listen to what needs to be done and come up with a leadership quality at that moment that is  
12 most critical.  
13

- 14 3. Commissioner Herzberg thanked Mr. Brillhart for coming and she asked when you were  
15 down in St. Lucie County could you correlate some things there that you see in Deltona  
16 and what type of development tools did you use that could be a vision for the City.  
17

18 Mr. Brillhart answered there are some components there that would benefit you like the use of  
19 business incentives in St. Lucie County; in fact when Sarasota and Hillsborough Counties were  
20 involved in developing the first ad valorem tax abatement program he was contacted and he was  
21 useful to those counties in establishing a business community as in Clearwater in Pinellas County  
22 and can use some of those things. He stated when those areas were growing it was a process of  
23 listening to citizens, developing a program to make a better community over time which is what it  
24 will take here. He stated listening to the community, finding the best approach and developing a  
25 program where we make changes will help us.  
26

- 27 4. Vice Mayor Schleicher stated there was a general feeling everyone was pleased with all  
28 the candidates and she asked Mr. Brillhart to walk her thru how he would or has in the  
29 past worked with conflict within a department, between a City Manager and a department  
30 or a City Manager and the Commission.  
31

32 Mr. Brillhart stated conflict is always going to occur it is just a matter of if and when and who will  
33 be the conflicting agent. He stated he knows wherever he works there will be issues that will not be  
34 pleasant to deal with and when dealing with staff he listens to the conflict, develops an  
35 understanding of what is occurring so he can develop a solution. He stated conflict is not always bad,  
36 it is actually good because if he does not hear of any conflict then he thinks everything is burning on  
37 all cylinders which is never the case so conflict is a good change agent.  
38

- 39 5. Commissioner Nabicht thanked Mr. Brillhart for being here and he stated he received in a  
40 background check a copy of an article from 1989 where Mr. Brillhart plead no contest on  
41 a felony charge in Pinellas County and he asked Mr. Brillhart to explain.  
42

43 Mr. Brillhart stated since the age of four (4) years old he was a dependent diabetic and during that  
44 incident he suffered a severe insulin reaction and did not know where he was, walked into someone  
45 else's apartment not knowingly, was arrested and taken to the hospital and suffered a very personal  
46 and difficult situation in his life. He stated since that time he has made major adjustments to his life  
47 with his family and great people he worked with and moved forward and done great things; he is not  
48 afraid to admit it was a difficult situation and some 27 years later he still does not understand.

- 1           6. Commissioner Honaker asked Mr. Brillhart in the past how he handled dealing with input  
2           from business groups or stakeholders.

3  
4           Mr. Brillhart answered he would not want to do anything without stakeholders and everything he has  
5           done that has been successful has been with internal and external stakeholders, some not enjoyable  
6           to work with on a minute by minute basis but without stakeholders' input he would not have been  
7           able to accomplish what he did in locale government.

- 8  
9           7. Commissioner Smith thanked Mr. Brillhart for the opportunity to spend some time here  
10           today. She stated she was sure he had given lots of thought to being chosen as City  
11           Manager and she asked what his 1<sup>st</sup> priority to bring to the city will be.

12  
13           Mr. Brillhart answered on day one he would find out what some of the issues are and major  
14           problems; work with the Commission and staff, find out what the business community thinks are the  
15           major issues, what Volusia County believes the issues/problems are with Deltona, do a lot of  
16           listening and provide the Commission with positive points, an overview and provide feedback of  
17           what he sees as concerns and questions. He stated he would work with the community for at least 6  
18           months on what he called a fact finding mission while he develops what he thinks are some needed  
19           solutions.

- 20  
21           8. Mayor Masiarczyk asked Mr. Brillhart when he started considering Deltona what  
22           impressed him most about the City and what is the most unpleasant part of the City.

23  
24           Mr. Brillhart answered the positive was he saw this as a tremendous challenge; this is a challenging  
25           community to manage effectively and the City will not have success bringing in someone without  
26           some components in their professional life to help the City address the concerns or Deltona will be  
27           the same community it always has been. He stated the City needs new thoughts and ideas brought in  
28           and the negative side is unfortunately there are a lot of things that have to be addressed  
29           organizationally, strategically like working in relationship with external parties. He stated Deltona is  
30           in a large region and every community in the region has its own unique challenges and Deltona will  
31           succeed when it works with the regional jurisdictions.

- 32  
33           9. Commissioner Soukup stated Mr. Brillhart has served both in state and out of state and he  
34           asked what are some of the things from Massachusetts can you bring that will make the  
35           City better and make us unique from the surrounding cities.

36  
37           Mr. Brillhart answered he would bring some things that at 1<sup>st</sup> will not be enjoyable to listen to but  
38           these are things that other communities have done that Deltona may not accept for example he will  
39           bring in things that are different from a financial point of view such as types of financing and to be  
40           honest he does not like CRA's because bureaucratically they are a nightmare but there are  
41           components of main street programs like increment financing that can be beneficial when looking at  
42           specific types of projects and developing financing schemes to help develop cluster industrial and  
43           professional commercial.

- 44  
45           10. Commissioner Herzberg asked Mr. Brillhart what motivates you.

46  
47           Mr. Brillhart answered a lot both personally and professionally stating he jokes with staff that having  
48           four (4) kids and running a family is like running the military; you have to be able to make quick

1 changes and have quick answers even if it is not the right one because someone is expecting you to  
2 do something and that is what he brings to the table. He stated that on a day to day basis he may  
3 have fights at home and with staff but he makes sure everything is moving forward no matter the  
4 circumstances.

5  
6 11. Vice Mayor Schleicher stated going back to Mr. Brillhart's leadership style she asked  
7 how often he meets with department heads and each of the City Commissioners, how  
8 often he gets out into the community and what type of leadership skills does he possess.

9  
10 Mr. Brillhart answered he meets with staff biweekly basis as he feels it is not affective to meet week  
11 to week because it takes away time that staff could be working on other things, sometimes he meets  
12 every 3 weeks and sometimes he has to meet more frequently. He stated he likes meeting  
13 individually with the City Commissioners because it gives him the opportunity to see their concerns  
14 and get a better understanding, deals with staff individually and has an open door policy with the  
15 community so anyone can come in and talk with him because it helps provide one on one data  
16 outside a general meeting setting.

17  
18 12. Commissioner Nabicht asked who do you admire most and why.

19  
20 Mr. Brillhart answered his wife because she puts up with him and that is not easy doing, he likes  
21 people that challenge him to bring forward ideas, his staff challenges him each day and he allows  
22 them to bring new ideas for example he has an Americourse staff director that always brings things  
23 to him that the county has not ever done before such as a succession plan that he brought in which  
24 his elected body did not want to do because they as a body want to determine who to bring in as  
25 department staff. He stated we need to have projects and programs that are not being done in the  
26 community and listen to different individuals' thoughts which would normally not be brought  
27 forward.

28  
29 13. Commissioner Honaker stated knowing that 70% of the budget is dedicated what budget  
30 cutting ideas Mr. Brillhart might have to trim or manage the other 30%.

31  
32 Mr. Brillhart answered he cannot make suggestions until he views the budget but he has cut his  
33 budget 2.2% in the county and he has done budget cutting in past as mandated or on a what's best  
34 for the community basis, would look at overall budget and see where cuts need to be made, may or  
35 may not be made and make recommendations. He stated he doesn't like to make cuts across the  
36 board and would look at the budget very comprehensively on a performance basis.

37  
38 14. Commissioner Smith asked to go back to a previous answer regarding Deltona being a  
39 challenging community and things needing to be addressed and at first glance that comes  
40 off as negative and she asked Mr. Brillhart to give specific examples of why you describe  
41 Deltona as challenging and one (1) or two (2) important things that need to be addressed.

42  
43 Mr. Brillhart stated if say he was in Atlanta and someone says "oh" you are from Florida and what  
44 part and if he says Orlando, everyone knows Mickey Mouse, if he says Sarasota, people know the  
45 coast, Mount Dora, everyone knows about the historic and shopping areas but if he says Deltona  
46 nobody knows what it is, the image or what the community is about, Deltona needs a brand and  
47 image so when he is in Chicago and you talk about Deltona they will know where it is, what the  
48 community is about with an image that may not be there today so it will be a challenge to work with

1 the Commission but it needs to be accomplished.

2  
3 15. Nabicht stated Mr. Brillhart visited with citizens and business people this morning and  
4 what did you learn about any issues needing to be addressed.

5  
6 Mr. Brillhart answered he spoke with people from different backgrounds and different thoughts and  
7 one driving force in discussions is job creation, developing an opportunity where business can grow  
8 or locate or relocate here, economic development is critical in the minds of the public, need to  
9 identify the best way to move forward over the next several years.

10  
11 16. Vice Mayor Schleicher stated Mr. Brillhart gave a broad definition of conflict and how it  
12 would be dealt with but could he give a specific example.

13  
14 Mr. Brillhart answered in his current employment there is a conflict over budget; he proposes a  
15 larger budget than what his board so over last 3 months he has been dealing on a day to day basis  
16 with the budget challenging his two (2) boards on what needs to be done to come under what the  
17 current budget is yet still be as effective as before.

18  
19 17. Commissioner Honaker asked Mr. Brillhart to discuss the purpose and use of a strategic  
20 plan.

21  
22 Mr. Brillhart answered a strategic plan looks at the overall community, its identified values, what are  
23 the resources needed to move forward to implement that strategic plan so, it is very comprehensive,  
24 it allows a voice from the business community to determine how to implement the vision, he feels a  
25 plan needs to be done now with a new vision and determination on how to move forward and would  
26 be the very first thing on his plate the very first day he starts here.

27  
28 18. Mayor Masiarczyk wrapped up by saying this is a very diverse community with a large  
29 Latino population, African American population and others and there is a lot of concern  
30 in the community about how we move forward addressing concerns that have been  
31 expressed and asked if Mr. Brillhart had any experiences with that.

32  
33 Mr. Brillhart answered when he was at St. Lucie County he had been contacted by the President of  
34 the Nation of Liberia because he had success working with community colleges and the community  
35 as a whole on looking at job creation, educational improvements and was asked if the county could  
36 help put together a plan to help them identify things the county had done and what Liberia can do to  
37 benefit the nation. He stated the county allowed staff to open doors to an operational plan for them  
38 that the Nation of Liberia can look at and say St. Lucie has done things that can be beneficial and  
39 that type of outreach is critical so others can say "we've seen what you've done now how can you  
40 help us".

41  
42 Mayor Masiarczyk thanked Mr. Brillhart for coming down and he hoped Mr. Brillhart enjoyed  
43 himself and that the Commission will be making a decision later this afternoon.

44  
45 **PATRICK SALERNO:**

46  
47 Mr. Higginbotham introduced the 2<sup>nd</sup> candidate Patrick Salerno.  
48

1 Mayor Masiarczyk offered Mr. Salerno the opportunity to make some opening remarks.

2  
 3 Mr. Salerno stated he appreciated the opportunity to be considered for the City Manager's position  
 4 and he shared information about his family as it is important. He stated he met his wife in DeLand,  
 5 she was a Deltona high grad, they have a daughter who just completed her second master's degree, a  
 6 son who just finished his second master's degree and two (2) cats. He stated in their spare time they  
 7 like to go to the beach, out to dinner, attend sporting events, see live theatre and it is important to  
 8 know where he has been and where he is going. He stated after obtaining his bachelor's degree and  
 9 his master's degree he went to work for the City of Oklahoma City as an intern where he went from  
 10 getting coffee for the mayor to writing speeches and then progressed to holding senior management  
 11 levels in operations related to budget, police and public works which lead to a career that has  
 12 spanned 35 years, 23 years as a Florida city manager. He stated he also served some noteworthy  
 13 counties such as Cobb County, Chatham County, as assistant county manager in Volusia and most  
 14 recently as city manager for the City of Sunrise and Coral Gables and he is looking for his next  
 15 challenge. He stated Deltona offers many challenges with high expectations from the City  
 16 Commission and its residents and is a community that has yet to live up to its potential. He stated he  
 17 has a track record of things you need to get done giving an example that he took Sunrise that is  
 18 almost identical to the City to Deltona and transformed it into a major corporate, retail and  
 19 entertainment destination, he built reserves from nearly nothing to \$40 million, lowered the property  
 20 tax rate 13 consecutive years, built the largest corporate office park in South Florida, the 4<sup>th</sup> largest  
 21 shopping mecca in the country, the 2<sup>nd</sup> largest sports arena, a mixed use project worth \$1.5 billion  
 22 with condos, 900,000 square feet of office space and 500,000 square feet upscale commercial all on  
 23 65 acres. He stated in Coral Gables he built the reserves to \$37 million during the recession, lowered  
 24 the tax rate for 3 consecutive years, funded all capital needs and attracted an international developer  
 25 to build a 500,000 square foot mixed use project with hotel, office and upscale retail. He stated he is  
 26 the only candidate with city manager experience in Florida and does not need any training.

- 27  
 28 1. Commissioner Soukup stated he had looked through Mr. Salerno's resume and sees Mr.  
 29 Salerno is very accomplished but sometimes Mr. Salerno does not get along with the City  
 30 Commission and staff very well and rotated through staff and he asked Mr. Salerno do you  
 31 value peoples input or is it always your way or the highway.

32  
 33 Mr. Salerno answered the City of Coral Gables wanted him to turn the organization around where  
 34 staff had become complacent and lazy and they were not the most competent individuals which was  
 35 the inherited legacy; the City was broke and staff didn't tell the commission so he was told don't let  
 36 this happen again and the City is looking to you to make sure it does not. He stated there was a  
 37 changeover in some department heads but he did not let anyone go, 8-10 directors retired over the  
 38 next few years but none were fired and at the City of Sunrise he did not ask one staff person or  
 39 director to leave. He stated he has an adaptive management style and treats staff individually, always  
 40 with fairness and honesty, the managers and employees have a right to be told the truth and treated  
 41 fairly, some need encouragement, guidance, or a little push but he tries to give what is needed to get  
 42 the most out of them, it is adaptive and participative and assumes staff can do job and they can prove  
 43 him wrong.

- 44  
 45 2. Commissioner Herzberg asked Mr. Salerno what he would see as a blueprint for Deltona that  
 46 you used in Sunrise, are there any similarities and can you give an overview utility wise.

47  
 48 Mr. Salerno answered the cities are very similar, they are middle income, reputation that it was not a

1 place for business other than a Dollar General Store and that embarrassed him but it inspired him to  
2 work harder and want to help and he had great elected officials' that their only reason to serve was to  
3 leave the community better than when it started. He stated there he had no track record initially and  
4 he came forward with some new initiatives and the elected officials gave him the rope but if he let  
5 them down the rope will turn into a noose and he was there for 18 years. He stated there is no magic  
6 formula but you need available developable sites, you have to market the community by establishing  
7 relationships with the local commercial brokerage community, establish a database of information  
8 that tells the site selectors what is good about this community, look at potential to offer incentives  
9 without taking it from the kitty or out of pocket and but you share in the fact that businesses are  
10 going to contribute to the community and most importantly it is the quality of life.

11  
12 3. Vice Mayor Schleicher stated she knew Mr. Salerno had a lot of background but there are  
13 a couple of things that worry her like she read about in the Miami Herald where there were a lot of  
14 negatives, morale was going down in 2012 and you were referred to as bully, a no nonsense person,  
15 accused of lying to the City Commission on traffic accident counts and resigning unexpectedly with  
16 no notice at a meeting and she asked for an explanation.

17  
18 Mr. Salerno answered it was a combination of things and if you look at the articles 4 out of 5 City  
19 Commissioners said positive things, there was some turnover, some staff got shuffled, staff found  
20 not doing their job were found other jobs some from higher positions to lower positions but he did  
21 not reduce the salaries. He stated the reference by one City Commissioner and he does not talk out of  
22 school about his bosses but the comment was about a memo regarding traffic data, the info was in a  
23 memo that came from the police department and given to City Commission; the police went beyond  
24 what was requested and had other info which was totally wrong and wasn't what was asked for. He  
25 stated after he left the city the City Commission raised that as an issue and he did not resign and  
26 walk out it was 10 days to the future and he had the support of the City Commission; tension had  
27 developed over the City Commission and he felt it was best to move on. He stated when he left he  
28 was given a key to the City of Coral Gables, the City gave him and his wife lifetime parking and he  
29 would be happy to take the City Commission down there to meet who they would like. He stated  
30 when you are given a task to do sometimes people do not like the decisions.

31  
32 4. Commissioner Nabicht asked Mr. Salerno why he would not hire himself for this job.

33  
34 Mr. Salerno answered he clearly has a track record and he does not know if he could come up with a  
35 reason however the only reason if it is one is he is not a desk jockey, he will give the City  
36 Commission the most out of the community; if the mindset is to go slow and be cautious then he is  
37 not the candidate for you and you don't take a community like Deltona and turn it into a major  
38 destination by chance, it takes a lot of hard work and will take him, his staff and the City  
39 Commission.

40  
41 5. Commissioner Honaker asked in the past how Mr. Salerno has obtained and dealt with  
42 input from community businesses and community stakeholders.

43  
44 Mr. Salerno answered as a new member to the community he would do a lot of listening especially  
45 in the early months, get out and meet folks and he thinks one of the best ways of gaining input is by  
46 getting out and asking a lot of questions at events, talk with community leaders and longtime  
47 residents, ask what the issues are, what mistakes have been made, what this community would like  
48 to become and use all media to get the word out in the community.

1  
2 6. Commissioner Smith stated earlier Mr. Salerno had said Deltona has not lived up to its  
3 potential yet and she asked Mr. Salerno what would be one of the 1<sup>st</sup> things he would do when he  
4 comes here to start Deltona down the path of living up to that potential.  
5

6 Mr. Salerno answered before he would arrive he would read everything he could and try to know as  
7 much about the community as possible and then once he arrives he would be getting out and meeting  
8 folks, talking to union leaders, other organizations and groups, meet with the media to see how he  
9 can make their job a little better and easier and make sure the facts are correct, need to find out the  
10 financial structure, is it structured to take advantage of when the growth occurs provided the  
11 Commission says “yes”. He stated there are 3 types of places a community has 1<sup>st</sup> is their home, 2<sup>nd</sup>  
12 is their job which there are not enough quality jobs in Deltona and 3<sup>rd</sup> the almost nonexistent café,  
13 bookstore, the main street that are places to gather and share experiences. He stated if you have those  
14 3<sup>rd</sup> places everyone can come together and feel like it is a community; Publix and Winn Dixie are not  
15 a 3<sup>rd</sup> place and quality of life is the key to making things change. He stated you must have a vision  
16 that the Commission buys into, be proactive with a City Manager providing the administrative  
17 leadership and willing to take risks.  
18

19 7. Mayor Masiarczyk stated his concern is the City of Deltona is the largest city in Volusia  
20 County yet there are many who believe Deltona does not get the respect we deserve from the county  
21 and feel the City is not always getting what is best from the county. He asked Mr. Salerno if he will  
22 have any conflict or problem representing Deltona’s best interest at all times.  
23

24 Mr. Salerno answered “no”, if he is the City Manager he will be Deltona thru and thru; wherever he  
25 is at, that is his focus, it will be his home and what he is committed to. He stated the fact that he had  
26 five (5) successful years with Volusia County and the fact that he may have some key connections  
27 there will be only avenues for doors that may be opened a little quicker and wider but beyond that he  
28 does not know why in any way there would be anything other than seeing if there would be some  
29 advantage as far as brokering to get those things the City has not been able to get done.  
30

31 **JANE SHANG:**  
32

33 Mr. Higginbotham introduced the 3<sup>rd</sup> candidate Jane Shang.  
34

35 Mayor Masiarczyk offered Ms. Shang the opportunity to make some opening remarks.  
36

37 Ms. Shang stated she had a reputation of being problem solver, she has law degree, her first job was  
38 working for the Boston City Council, she did trial work, was in-house council to Parks, worked with  
39 the Mayor and City Council and then moved on to work for the firm Massachusetts Water Resources  
40 Authority (MWRA) that was in charge of the cleanup of the Boston Harbor. She stated her expertise  
41 was in contracts and real estate and she gained a good reputation as she was able to work with  
42 property owners with over a 75% success rate, she managed a group of attorneys and right of way  
43 agents for the Massachusetts Bay Transportation Authority (MBTA), she was involved with the  
44 Central Artery/Tunnel Project or the Big Dig, was involved with utility corridor development but  
45 also the transformation of a city by using transportation and economic development together. She  
46 stated she was approached by her old boss since she had done a lot of transportation and construction  
47 about doing fiscal management at Logan International Airport and work on airline service  
48 development, she worked with all the major airlines and during that time period we had 911 where

1 both planes that downed the World Trade Center came from Logan and as a result there were  
 2 unfunded mandates by the Federal Government with a lot of restrictions in regards to security  
 3 measures that were implemented and a lot of airports were going under but she worked with the  
 4 airlines to get them to work together and was able to get them back in the black. She then went to  
 5 Florida to become the Director of Engineering Development for the agency Hillsborough Area  
 6 Regional Transit (HART) that had a bus and streetcar system until the economy tanked. She stated  
 7 she then looked for a position in El Paso, Texas which gave her the opportunity to get involved with  
 8 international commerce where she oversaw the transportation/public works portfolio that included  
 9 the streets and traffic departments, bus system, international bridges, general services and facility  
 10 management and the engineering and construction department.

11  
 12 1. Commissioner Soukup asked what qualifies Ms. Shang to be city manager.

13  
 14 Ms. Shang answered she has a very diverse background even though the emphasis is on  
 15 transportation, but transportation also goes with economic development because you need to move  
 16 people and goods, once you have business you have job creation and then revitalization and quality  
 17 of life. She stated as she moved from being an attorney, in construction, finance and international  
 18 commerce so you can see the diverse background and as city manager you need a diverse  
 19 background so you can figure out and address situations as they come up, she worked with a lot of  
 20 organizations and individuals and that is what a community is, it is about being able to work with  
 21 different entities.

22  
 23 2. Commissioner Herzberg stated Deltona has 400+ miles of roadways and with your  
 24 background in transportation and she was not sure if Ms. Shang had reviewed the City's  
 25 vision or strategic plan but in the short term what would your 1<sup>st</sup> steps be to address some  
 26 of the challenges.

27  
 28 Ms. Shang answered she had reviewed the comprehensive plan and it is very difficult to understand  
 29 and probably has not been utilized so she believed the City needs to start there because Deltona is  
 30 kind of going into a new vision. She stated it started off as a residential community which does not  
 31 really work because you need a diverse tax base so you need to start and get a consensus as the  
 32 community is composed of the leadership, staff, residents, businesses, organizations, neighborhood  
 33 associations and schools and you need to work together. She stated as the City moves forward  
 34 because resources are very scarce we need to agree on what the vision is. She stated the  
 35 comprehensive plan should be the bible, the plan for the future that has been vetted and agreed to.  
 36 She stated once the vetting and agreement has occurred then we can start to implement it and it is  
 37 important for trust and transparency to say and do what we say and get results.

38  
 39 3. Vice Mayor Schleicher stated her biggest concern was that Ms. Shang's knowledge was  
 40 mostly in transportation but as Ms. Shang had explained it ties in with everything else, so  
 41 with that if you have conflict between you and staff on what they are doing or with the  
 42 Commission how do you go about dealing with that conflict.

43  
 44 Ms. Shang answered conflict does not work at any level because it means we are fighting with one  
 45 another and not accomplishing anything so what she would do if there is conflict between staff and  
 46 the Commission on the vision and implementing it she would find out what staff does not  
 47 understand, what tools don't they have and what learning needs to occur because the City  
 48 Commission sets the vision, the City Manager and staff implement and make vision a reality; if it is

1 a matter that the skillset isn't there or if it is a misunderstanding of what the City Commission  
2 desires and that does happen sometimes you need to resolve that conflict and find out where the  
3 problem is by having a meeting of the minds. She stated most of the time staff wants to follow policy  
4 directives but may have a mindset that I am only one person or you may have a situation where staff  
5 may want to march to a different tune; the City Manager is a leader but also a disciplinarian and a  
6 watchdog over resources to make sure they are utilized efficiently to meet the needs of the  
7 community.

8  
9 4. Commissioner Nabicht asked who Ms. Shang admires most and why.

10  
11 Ms. Shang answered it is a person that instilled in her to believe in yourself even when things are  
12 tough or when you have given up on yourself, it is a friend or mentor I have because you sometimes  
13 run into obstacles, you start to doubt yourself and sometimes things do not go your way. She stated it  
14 is a person she knows but does not want to mention names that has encouraged her to go for it and  
15 do the right thing, be fair and always leave things better than you found them.

16  
17 5. Commissioner Honaker asked in the past how has Ms. Shang obtained and dealt with  
18 information she has received from community businesses and stakeholders.

19  
20 Ms. Shang answered she has a reputation that she is very approachable and she believes government  
21 is there to serve the community and to assist not to just to exist and when people in El Paso would  
22 come to her and say they have hit a roadblock with maybe staff or whatever she stated her reputation  
23 was she wanted to do the right thing and move things along, make herself available rather than say  
24 no and try to find out what the person wants to do, figure out how to do it and to make changes for  
25 the better.

26  
27 6. Commissioner Smith stated things come out during the vetting process and one of the  
28 things was that Ms. Shang was on administrative leave when she left El Paso and she  
29 asked Ms. Shang to share the circumstances and why she agreed to the clause and payout.

30  
31 Ms. Shang answered El Paso had a city manager who had been there for almost 10 years and there  
32 was a project to build a baseball stadium that included the demolition of city hall, this decision was  
33 not taken to the voters and the voters were not happy and there was a new election that changed the  
34 composition of the city council with a focal point of being transparent and honest about the cost of  
35 stadium, the costs changed, budgets rose and the city manager and she had a philosophical  
36 difference. Ms. Shang stated she believes in transparency and being honest so if she is asked a  
37 question she will tell the truth; the city manager at that time felt she knew more than the city council  
38 and was directing certain results and was not disseminating all the information. Ms. Shang stated she  
39 was asked a question and she answered honestly which contradicted the city manager so there was  
40 discussion on who was telling the truth. She stated after that meeting there was discussion between  
41 her and the city council that she was not suited to be on the city manager's team and the issue was El  
42 Paso did not have any other method except administrative leave; there was no wrong doing or poor  
43 performance on her part, a new city manager came on board and eventually the position was  
44 eliminated.

45  
46 7. Mayor Masiarczyk stated Deltona is our home and will be your home and he asked Ms.  
47 Shang in her research what impressed you the most or was the most challenging thing  
48 that made you apply and want to move to Deltona.

1  
2 Ms. Shang answered Florida was not new to her, she had spent four (4) years in Florida in Tampa so  
3 she is used to the environment in Florida and this is not far from Tampa and she welcomes the  
4 opportunity to come back to Florida. She stated Deltona is like a blank canvass and there is the will  
5 of this city administration to change how it is developed, to make some hard decisions and try to  
6 move the community forward and the City Commission has to ask itself if this is the path it wants to  
7 follow to benefit the community. She stated she saw that as an opportunity, she likes to see things  
8 happen and see results and that is very enticing however sometimes in a large bureaucracy things can  
9 move slowly and there is only so much you can do. She gave an example of Boston where some of  
10 the projects she was working on are still being worked on and that has been a while. She stated she  
11 believes Deltona does not want to wait that long and realized when she was meeting with individuals  
12 along with the city administration there is the will of the community to better itself and have a role;  
13 the community is a mixture of the city administration, staff, residents, neighborhood associations,  
14 businesses and schools with all coming together and agreeing with the vision, combining resources,  
15 moving in that direction and sticking to it.

- 16  
17 8. Commissioner Soukup stated the City Commission is very diverse, Deltona is very  
18 diverse and we say we live in a city not a community and he asked Ms. Shang what she  
19 can do to turn the city into a community.  
20

21 Ms. Shang answered recognizing the value in the diversity in the community and pulling all the  
22 parties together, not everyone will be in agreement at every moment but everyone needs to come  
23 together and she thinks the community can. She stated one thing she would like to work on is the  
24 infrastructure because knowing Deltona was planned as a bedroom community there are five (5)  
25 problems with that; time, cost of travel, where you are spending your money (not in Deltona), with  
26 all the traveling you are wearing down the infrastructure and air quality issues that are working  
27 against the vision and development. She stated she would like to look at areas where we can change  
28 the infrastructure to create connectivity and encourage retail and commercial economic  
29 development; you need more than one way in and out. She stated the second area is she wants to  
30 build community consensus because there is a general distrust of government and you waste too  
31 much time justifying and wasting resources so, the city manager should go out and work with the  
32 community to get them on board.

- 33  
34 9. Commissioner Herzberg asked Ms. Shang her views on working on other entities in the  
35 region.  
36

37 Ms. Shang answered resources are scarce so why should we duplicate and Deltona benefits from  
38 regional issues as well and there is nothing wrong with partnering with county, state or public/  
39 private partnerships.  
40

- 41 10. Commissioner Honaker asked Ms. Shang what is the purpose and use of a strategic plan.  
42

43 Ms. Shang answered the strategic plan is the subset of the comprehensive plan and is your more  
44 immediate goal, your five (5) year horizon and it needs to be updated.  
45

- 46 11. Mayor Masiarczyk stated Deltona is a very diverse community and his real concern is  
47 that the community is unique in a lot of ways as it was started as a retirement mecca and  
48 he agrees with Ms. Shang that it is a canvas that just has not been filled in and we would

1 like to see that canvas filled in with a multitude of things. He talked about the  
2 Commission having a lot of “A” personalities that sometimes do not get along together;  
3 we do disagree sometimes but we can come to a consensus, we all love this place and  
4 would like to see it get a lot better. He stated he had heard her comment that she does not  
5 like to sit in the office all day, a comment that he likes and asked Ms. Shang what she can  
6 bring along to get that 1<sup>st</sup> foothold that is best for Deltona.

7  
8 Ms. Shang answered she has a varied background on a lot of issues and she is a people person so she  
9 will try to get a pulse by speaking with a lot of individuals asking what they think because  
10 sometimes what you think is the problem may not be the problem, her approach is you have to know  
11 and understand the problem and what the user goes thru by being a participant for example when she  
12 transformed Sun Metro which was the bus system in El Paso that she felt was very dysfunctional,  
13 she spoke with staff about the obstacles, spoke with department heads and managers, spoke to the  
14 bus drivers and mechanics, rode the bus, spoke to the users, asked what were their expectations, and  
15 she couldn't do that from behind a desk, she had to figure it out as a user. She stated you just need to  
16 go thru the process.

17  
18 Mayor Masiarczyk called a recess at 2:41 p.m. and reconvened at 2:56 p.m.

19  
20 **A. Discussion & Selection of New City Manager.**

21  
22 Mayor Masiarczyk thanked Mr. Higginbotham for all his help in this endeavor.

23  
24 Commission closing comments:

25  
26 Commissioner Soukup stated he knew this process was long and tedious and all the candidates had  
27 very good pros, some cons, and he went back to the very beginning where his first two (2) picks  
28 were Brillhart and Davis, he values the other Commission Members' opinion, he liked Brillhart  
29 mainly because his answers were short, wished Mr. Brillhart was more of a take charge guy, Mr.  
30 Salerno's reputation speaks for itself but does he operate like a gestapo and Ms. Shang is a  
31 transportation expert and has been successful everywhere she has been but sometimes with answers  
32 less is more.

33  
34 Commissioner Herzberg agreed the process has been long but this is one of the most important  
35 things we will do, we have three (3) qualified candidates but the Commission needs to look at  
36 ourselves, we say we want a leader and a strong person but is that what we really want. Ms. Shang  
37 said Deltona is a blank canvass and we need to look at ourselves and ask are we up to that challenge  
38 to hiring a strong person and she believes we are.

39  
40 Vice Mayor Schleicher stated the Commission has to look at what is best for city, we know we want  
41 a leader but one thing we cannot sacrifice is morale of the community, Ms. Shang had not been her  
42 top choice but as she listened to what Ms. Shang had to offer, a good leader can take those skills and  
43 put them in everywhere and she was always told as a teacher it didn't matter what grade you teach if  
44 you have the skills and yes, Ms. Shang has a strong background in one area, has done the job well  
45 and she has those skills, good conflict resolution and a good open personality. She stated she  
46 watched how Ms. Shang interacted with the people and that told her a lot. She stated we need to look  
47 for a total fit for the community and a leader and this is the way we need to go.

48

1 Commissioner Nabicht stated he made a request to include “none of the above” on the ballot and he  
2 hopes the Commission has the courage today as the vote has to be supermajority 5 positive votes for  
3 the candidate selected. He stated he does not want to have to mark the candidates 1, 2, and 3; there is  
4 only one candidate that he would hire but he is willing to go back to the drawing board if others  
5 don’t vote for the candidate he chooses and he hopes the rest agrees with the process.

6  
7 Commissioner Honaker stated all are qualified in their own right, some in transportation, Ms. Shang  
8 would be great if there was an opening in transportation or as City Attorney, Mr. Salerno stood out  
9 as he did his research and others did not, he has a proven track record and is a leader, he liked Mr.  
10 Salerno’s answers, he talked about branding and strategy, he has unparalleled Florida experience, we  
11 don’t need to train someone and overall his answers were positive.

12  
13 Commissioner Smith stated she wished the Commission had done a vision and strategic plan before  
14 the interviews because we have to decide what we want and each candidate offers different  
15 perspectives, the way Salerno turned around two (2) cities is amazing, even though Deltona is in  
16 financially good condition imagine having someone that has proven himself twice, she loved Ms.  
17 Shang’s personality but not sure she has the leadership skills yet and are we patient enough for her to  
18 develop them and she likes that Ms. Shang looks at Deltona like a blank canvas. She stated regarding  
19 the process she does not want to leave here today like we have settled because Deltona deserves  
20 better; we all see different things in different people, Mr. Salerno talks about coming back, she liked  
21 Mr. Brillhart but she wants someone who will move quicker, we need to talk to each other and ask  
22 what we want before making a decision.

23  
24 Mayor Masiarczyk stated he came in with a choice and he was moved to change his mind, he was  
25 impressed with all three (3) candidates and wished we could mold them into one to make the perfect  
26 candidate. He stated we did not as a commission that he could remember say we were going to  
27 choose 1, 2 and 3, just that we were going to make a decision, we need to make 1<sup>st</sup> choice, discuss  
28 further and then rank if we want to and if someone is not in the mix narrow it down to make the  
29 discussion easier.

30  
31 Commissioner Honaker stated the Commission has always done a 1, 2, 3 process and now to switch  
32 to one choice changing the process is not a good idea. Mayor Masiarczyk stated there was a change  
33 in the charter that it takes a super majority vote and the Commission sets policy so if the  
34 Commission takes a vote and one (1) candidate is not in the mix it allows the Commission to narrow  
35 it down. He added it is just a recommendation.

36  
37 Commissioner Herzberg stated we should rank top choice to be processed and if it is not five (5)  
38 votes for the same person and if one (1) person is eliminated then we can have discussion and do a  
39 re-vote.

40  
41 Mayor Masiarczyk asked the Commissioners to mark their ballots and turn them into the City Clerk.

42  
43 **The City Clerk read the tally for the record; Salerno 2, Shang 4 and Brillhart 1. Another ballot**  
44 **was passed out to the Commission Members.**

45  
46 Commissioner Soukup stated he did not have any other comment other than he had believed all of  
47 the candidates would end up on the board.

1 Commissioner Herzberg stated she stood by her same situation when you are looking at making  
2 changes the Commission has to be strong enough to stand by them and when we select a manager we  
3 have to own it and stand by that decision.

4  
5 Vice Mayor Schleicher stated the problem she has with Salerno is the negative feelings and he tried  
6 to explain it but she has heard those comments from many different places and we do not need those  
7 negative vibes around. She stated Ms. Shang made clear that the city manager needs clear direction,  
8 needs to make sure those directions are followed, work through conflicts as sometimes it takes time  
9 to find the root of the problem and make the effort to correct it.

10  
11 Commissioner Nabicht agreed with Vice Mayor Schleicher that a teacher and a leader being the  
12 same thing is true. He stated in his previous life as Deputy Chief in the Fire Service along with  
13 Deputy Chief Bob Rogers where neither one was a paramedic yet on the emergency scene they were  
14 typically the strongest officers and would be called in to take over major incidents; they did not have  
15 to be a paramedic to lead a paramedic. He stated Ms. Shang is an organized and critical thinker, she  
16 thinks on her feet and that is why he asked the question about the hot dog to see if the candidates  
17 were critical thinkers, she comes across as welcoming and we talked about branding the community  
18 and being open for business and that is the direction he feels, that is what comes across from Ms.  
19 Shang if she is sitting across from a new business and it is important for there to be a welcoming  
20 feeling. He stated she is a negotiator; she will solve problems and bring people together.

21  
22 Commissioner Honaker stated all three (3) have their skills, Ms. Shang was his 2<sup>nd</sup> choice and he is  
23 ready for a super majority vote for Ms. Shang.

24  
25 Commissioner Smith stated she does not have major problems with Ms. Shang's candidacy but a few  
26 things struck her; Ms. Shang was in Tampa four (4) years but left when economy changed, when in  
27 El Paso there was an issue with the city manager and knew she was right, she was transparent and  
28 did what was ethical and left but I would not have just left and not fought that fight. She stated it  
29 appears this is the will of the Commission so she can support Ms. Shang's candidacy however how  
30 well does Ms. Shang know sunshine law and one candidate has all experience here, talked about  
31 making sure education and certifications align with city manager experience and Ms. Shang does not  
32 have ICMA but as deputy manager whose goal is to be a city manager why doesn't she have it.

33  
34 Commissioner Nabicht asked if all three (3) candidates have left and Mr. Higginbotham replied  
35 "yes".

36  
37 Mayor Masiarczyk agreed with Vice Mayor Schleicher and Commissioner Nabicht and he liked the  
38 blank canvass and that if you are a leader you can lead, he sees a quality and freshness, not being a  
39 member of the ICMA organization which promotes other city managers and is an educational  
40 opportunity like the League of Cities is not a failing, he sees a bright opportunity, she doesn't fit the  
41 normal mold, she will be recognized and will stand out as new and fresh. He stated he was really  
42 turned off by his 1<sup>st</sup> choice after today and the fit with the Commission changed his final decision  
43 making.

44  
45 Commissioner Soukup stated when the Commission started this process he was listening to the rest  
46 of the Commission and what the Commission said was it was looking for someone with experience,  
47 someone that would not be afraid of the Commission and all of a sudden opinions have changed, do  
48 you want someone you can dominate or tell what to do. He stated Mr. Salerno explained why he

1 cleaned house in Coral Gables; people were lazy, not doing their jobs, were too comfortable and the  
2 inmates were running the asylum and our City has situations like that right here and he does not  
3 believe Ms. Shang will come in and take care of business, she is going to take longer than 6 months  
4 and he agreed now that the Commission should of done a strategic plan before we picked someone.  
5 He stated he is baffled because the Commission keeps changing what it is looking for.

6  
7 Commissioner Herzberg stated up to this point she had talked in generalities, Ms. Shang was not one  
8 of her 1<sup>st</sup> choices out of the first 6 candidates but she became her #1 choice, she researched each of  
9 the 12 candidates thoroughly, she contacted all of her contacts especially the contacts in Florida and  
10 several people knew Mr. Salerno, she does not have a problem with articles because as city manager  
11 part of their tenure will be media and can have someone write a great or negative article. She stated  
12 she used the contact info she had and Mr. Salerno had transparency and ethical issues, she agreed  
13 with cleaning house in Coral Gables but she also heard about department heads having parties in two  
14 (2) different cities when he left, however, she does not take that 100% as it depends on the situation.  
15 She stated Ms. Shang is her 1<sup>st</sup> choice because of her transportation background as the City is  
16 dealing with Florida Department of Transportation (FDOT) which is one (1) of the City's main  
17 issues that needs to get straightened out, she knows the Sunshine Law, has Florida experience as an  
18 attorney, has airport experience, worked on the Boston Harbor cleanup and the State of Florida is  
19 looking at environmental cleanup issues and she can look at Amendment 1 and try to get some  
20 money for the City, she is progressive, quick on her feet, all 12 candidates were qualified and her  
21 choice is Ms. Shang because she is a blank canvas and because the City is a blank canvas she thinks  
22 the City is in need of being looked at with fresh eyes.

23  
24 Vice Mayor Schleicher restated concerns with Mr. Salerno with transparency, negativity and he  
25 ought to know Deltona because he used to work here, Ms. Shang has the ability to work with people  
26 and if someone is lazy or does not have clear direction, the materials or if information is wrong and  
27 needs to be reprimanded she would do it after research.

28  
29 Commissioner Nabicht stated he does not think he varied one (1) bit from the original course, he  
30 worked with information given, if new information comes available you adjust, he has not changed  
31 his focus and he cautioned do not mistake Ms. Shang's kindness for weakness, she is going to be  
32 someone that looks at staff and not listen to what he or Mr. Baker or whomever tells her, she will  
33 look at it herself and if salvageable and can mold to what she wants she will take the appropriate  
34 action, and she has a vision and is compassionate. He stated Mr. Salerno brings a lot but, his  
35 Volusia County experience was involved with starting the Ocean Center which is like a boat on the  
36 water with a hole in it that the county pours money into and he was instrumental in starting  
37 EVAC/Emergency Medical Services and both organizations continue to plague this county taking  
38 lots of dollars with no result.

39  
40 Commissioner Honaker stated all the candidates have vast experience, the Commission has always  
41 worked as a team, he sees four (4) seasoned Commissioners who want Ms. Shang and he will go  
42 along with the majority.

43  
44 Commissioner Nabicht commented he does not want Commissioner Honaker to not have a comfort  
45 level with choosing Ms. Shang and Commissioner Honaker replied he does.

46  
47 Commissioner Smith stated she does not perceive Ms. Shang as being weak and Commissioner  
48 Soukup stated neither do I. Commissioner Smith stated what she wanted to see more of was the title

1 of City Manager, more management experience and that the City's first order of business has to be  
2 getting the Strategic Plan formed with the community's input so that Ms. Shang has a clear vision of  
3 what the Commission wants, the City Commission has to provide clear direction, and a people  
4 person is important but, does not necessarily equate to a strong manager.

5  
6 Mayor Masiarczyk stated he agreed with Commissioner Nabicht that the Commission did not veer  
7 from its original course but, may have seen things differently. He stated the Commission has  
8 interviewed a lot of people and he looked beyond what clubs and organizations the candidates  
9 belong to but, to what the candidates can accomplish. He stated the Strategic Plan is important and  
10 he asked how many of the Commissioners have read the current Strategic Plan which is a combined  
11 influence of all the Commission and once the Commission sets and accepts the plan it needs to  
12 follow it and stay out of staff's business. He stated Commissioner Smith has never served on a City  
13 Commission she served on the School Board which is a totally different animal and has done an  
14 outstanding job, he loves her ability to stand up and that is what he sees in his candidate. He stated  
15 the Commission made one (1) of the greatest choices in Commissioner Smith and that is what he is  
16 looking at in a potential candidate. He stated he did not like being lobbied, he looked beyond that to  
17 see what he could pick out, and today he changed his mind, he supports and will vote for Ms. Shang.

18  
19 Mayor Masiarczyk asked the Commissioners to mark their choice on the ballot and then a motion  
20 can be made to send a strong message that it supports the candidate.

21  
22 Mayor Masiarczyk opened the meeting for public comments.

23  
24 Maritza Avila Vasquez, 752 Waterfall Circle, Deltona, stated sometimes people do not have  
25 experience but, have the background, she was a manager in an IT Department with 30 men, she was  
26 not underestimated because she was powerful, she had the knowledge and learned the job and Ms.  
27 Shang seems very qualified.

28  
29 Jianna Green, 1531 Toluca Ct, Deltona, stated all the candidates are qualified, presented themselves  
30 to the best of their abilities, Ms. Shang has an impressive resume and she does not see her as a fit for  
31 the future but, she will support her. She stated she wants to see Deltona move forward because she  
32 is not going anywhere.

33  
34 Mayor Masiarczyk stated that was sweet and he wished more young people would get involved in  
35 the community and activities.

36  
37 Deborah Suit-Green, 1531 Toluca Ct., Deltona, stated she agreed with her daughter regarding the  
38 candidate's qualifications, she wished all the candidates could be combined into one (1), the City  
39 could benefit from each candidate but, she did not hear any of the candidates really talk about  
40 diversity. She stated she hoped the person that comes in here is willing to change the face, the City  
41 is diverse and not just compartmentalize, Deltona's future should look like us, the City will grow  
42 when it is diverse and it benefits from the differences, and that is all that she asks. She stated  
43 everything needs to be looked at and needs to be reflective of the community.

44  
45 Mayor Masiarczyk closed the meeting for public comments.

46  
47 Mayor Masiarczyk asked the City Clerk to read the tally and Ms. Raftery read the tally as follows: 7  
48 votes for Jane Shang.

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30

Mayor Masiarczyk stated the vote was a unanimous decision and a motion is in order.

**Motion by Commissioner Honaker, seconded by Commissioner Herzberg to authorize that the Mayor and City Attorney negotiate a contract with Jane Shang for the position of City Manager for the City of Deltona.**

**Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; and Vice Mayor Schleicher, For.**

Mayor Masiarczyk asked Mr. Higginbotham and the City Manager to get together and make the call and set up an opportunity for him and the City Attorney to meet and he will be at the City Manager's leisure except for tomorrow afternoon.

**5. Adjournment:**

There being no further business the meeting adjourned at 3:46 p.m.

\_\_\_\_\_  
**John Masiarczyk Sr., Mayor**

**ATTEST:**

\_\_\_\_\_  
**Janet Day, Deputy City Clerk**

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, JUNE 1, 2015**

1 A Regular Meeting of the Deltona City Commission was held on Monday, June 1, 2015 at the City  
2 Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

3  
4 **1. CALL TO ORDER:**

5  
6 The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

7  
8 **2. ROLL CALL:**

9	10 Mayor	John Masiarczyk	Present
11	Vice Mayor	Nancy Schleicher	Present
12	Commissioner	Heidi Herzberg	Absent (Excused)
13	Commissioner	Mitch Honaker	Present
14	Commissioner	Chris Nabicht	Present
15	Commissioner	Diane Smith	Present
16	Commissioner	Brian Soukup	Present
17	City Manager	Jane K. Shang	Present
18	City Attorney	Becky Vose	Present
19	City Clerk	Joyce Raftery	Present

20  
21 Also present: Deputy City Manager Dale Baker; Planning and Development Services Director Chris  
22 Bowley; Public Works/Deltona Water Director Gerald Chancellor; and VCSO Captain Eagan.

23  
24 **3. INVOCATION AND PLEDGE TO THE FLAG:**

25  
26 **A. Invocation Presented by Commissioner Herzberg – Pastor Susanna Orensky, Deltona  
27 Christian Church.**

28  
29 Mayor Masiarczyk on behalf of Commissioner Herzberg introduced Pastor Susanna Orensky with  
30 Deltona Christian Church.

31  
32 The National Anthem was sung by Kasia Soto a student at Deltona Middle School.

33  
34 **4. APPROVAL OF MINUTES & AGENDA:**

35  
36 **A. Minutes:**

37  
38 **1. Approval of Minutes – Regular City Commission Meeting of May 18, 2015.**

39  
40 **Motion by Vice Mayor Schleicher, seconded by Commissioner Honaker to approve the minutes  
41 of the Regular City Commission Meeting of May 18, 2015, as amended.**

42  
43 **Motion carried unanimously with members voting as follows: Commissioner Honaker, For;  
44 Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor  
45 Schleicher, For; and Mayor Masiarczyk.**

46  
47 **B. Additions or Deletions to Agenda:** None.

48  
49 **5. PRESENTATIONS/AWARDS/REPORTS:**

1  
 2 **A. Presentation – Super Star Student of the Month Certificates for May, 2015.**

3  
 4 Mayor Masiarczyk and the Commission presented Certificates of Recognition to the Super Star  
 5 Students for the month of May, 2015.

6  
 7 **B. Presentation of Inductee to the Wall of Fame – Reverend Donald Herchenroder.**

8  
 9 Mayor Masiarczyk and the Commission presented Patricia Herchenroder with a Certificate of  
 10 Recognition in honor of her late husband Reverend Donald Herchenroder being inducted into the  
 11 Wall of Fame. Also, Mavis Libby a member of Faith Baptist Church presented Ms. Herchenroder  
 12 with a plant in honor of her husband.

13  
 14 **6. CITY COMMISSION SPECIAL REPORTS:**

15  
 16 Commissioner Nabicht stated he attended the Transportation Planning Organization (TPO) meeting  
 17 on May 27th where the projects list for the upcoming year was discussed, Deltona only has two (2)  
 18 projects on the multiple page project list and most of the projects are going to the East side. He  
 19 suggested the City Manager and staff work together to get some projects on the project list next year  
 20 such as any transportation projects, sidewalks, additional bus routes and extending roads. A report  
 21 was given on the Volusia Transit Study, there are five (5) or six (6) options where the SunRail could  
 22 be extended to, it was disheartening that in the entire County there were only 65 people who  
 23 responded to that study, there will be more opportunities in the future to provide input to the study  
 24 and the study will not be finalized until 2016. The City needs to push for option two (2) and five (5)  
 25 to bring SunRail to Deltona and send it on to Daytona Beach through the I-4 corridor which will be a  
 26 key issue with regards to economic development. He stated Steve Olsen with Florida Department of  
 27 Transportation (FDOT) appeared in Volusia Magazine and made the statement that Deltona was not  
 28 included when the study was done and figured out the capacity that would be needed for the DeBary  
 29 train station. He stated Deltona has a workforce of 48,000 people, if the City does not put a good  
 30 portion of those people on SunRail to make it convenient and affordable for people to utilize then in  
 31 six (6) years when the FDOT subsidy runs out Volusia, Seminole, Orange and Osceola County along  
 32 with the City of Orlando will be paying the bill for what the ridership is not paying to operate the  
 33 train so it behooves everybody to get on board with getting a train in Deltona which would relieve a  
 34 lot of the impact on the road structure.

35  
 36 Mayor Masiarczyk stated he attended the Deltona High School graduation where his grandson  
 37 graduated from and Deltona Christian Church's graduation which had a class of five (5) students  
 38 where each one (1) who graduated was allowed to give a speech and Marlene Brown, Parks &  
 39 Recreation Executive Assistant, was in attendance as her son Cory was the Valedictorian. He stated  
 40 there were 1,600 graduates from Deltona and 61% will move on to higher education.

41  
 42 **7. PUBLIC FORUM – Citizen comments for item not on the agenda.**

43  
 44 a) Nita Schmellick, 253 Hazeltine Drive, DeBary, spoke regarding the Community Foundation of  
 45 East Central Florida which builds philanthropy and giving in the community. In 2012 a group of  
 46 residents approached the group asking them to create a fund called the Southwest Volusia  
 47 Community Fund-Grant which anyone can make a donation to, that 75% goes to the endowed part of  
 48 the fund and 25% is given out the next year to nonprofits. She suggested thinking long term when

1 giving a donation; the grants are small because the program is still growing. Several organizations  
 2 do a dining out fundraiser once a month where a restaurant donates a portion of the proceeds to the  
 3 fund. She presented grants in the amount of \$255 each to the recipients Student Reach Out and the  
 4 Community Life Center.

5  
 6 b) Roy Isler, 3040 Jollett Court, Deltona, spoke regarding the speed limit change in the area of  
 7 Catalina and Howland Blvds. and he asked for an update to what actions are being taken since the  
 8 last meeting regarding the traffic issues in that area.

9  
 10 c) Michael Putkowski, 2736 Courtland Blvd., Deltona, welcomed new City Manager Jane Shang,  
 11 and he spoke about besides him there are several other residents who are engaged in the City, and  
 12 the Community Life Center dinners will be changed from the 4<sup>th</sup> Friday to the 3<sup>rd</sup> h Friday of each  
 13 month from 5:00 p.m. to 7:00 p.m.

14  
 15 d) Professor Bob Mertens, 1400 Hartley Avenue, Deltona, spoke regarding having the oldest tree in  
 16 his front yard, he is having an issue with a violation of the City's noise ordinance, the times the noise  
 17 ordinance is affective, he described the Special Magistrate process that he and his neighbor went  
 18 through regarding the noise issue, and he suggested having a "hot line" where someone could be a  
 19 witness for a victim of a code violation so that it is not a he said, she said situation.

20  
 21 e) Michael Williams, 2889 Cottageville Drive, Deltona, spoke regarding spending time with the  
 22 new City Manager while assisting her with finding a home in Deltona, that he wears a lot of hats one  
 23 as a citizen, two as the Chairman of the Deltona Martin Luther King Celebration Committee and the  
 24 third as the President of the West Volusia Branch of the National Association for the Advancement  
 25 of Colored People (NAACP). He stated Ms. Shang will be attending the NAACP Annual Freedom  
 26 Fund Banquet among others and he is delighted to move forward to make the City the best it can be.

27  
 28 f) Debra Suitt-Green, 1531 Toluca Court, Deltona, and she introduced her daughter Jionna M.  
 29 Green, she welcomed the new City Manager and she stated that she is looking forward to working  
 30 with Ms. Shang. She stated she is a former educator and business owner, that she is the Youth  
 31 Advisor for the NAACP Youth Council, she provided concerns of the youth in Deltona such as the  
 32 lack of opportunities and activities within the City and she would like to see those issues addressed  
 33 so that the youth can become more involved politically and in the community.

34  
 35 **8. CONSENT AGENDA:** None.

36  
 37 **9. ORDINANCES AND PUBLIC HEARINGS:**

38  
 39 **A. Public Hearing – Ordinance No. 03-2015, Rezoning Application (RZ15-001) Hess Gas**  
 40 **Station, at second and final reading.**

41  
 42 **Motion by Commissioner Honaker, seconded by Vice Mayor Schleicher to adopt Ordinance No.**  
 43 **03-2015, rezoning a +/- 1.1-acre parcel that includes a Hess Gas Station, located at 2840 Doyle**  
 44 **Road, from C-1 (Retail Commercial) to C-2 (General Commercial); at second and final reading.**

45  
 46 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

47  
 48 City Attorney Becky Vose read the title of Ordinance No. 03-2015 for the record.

1  
2 **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA,**  
3 **FLORIDA, AMENDING THE OFFICIAL ZONING MAP, PURSUANT TO CHAPTER 110,**  
4 **SECTION 1101 OF THE CITY CODE OF ORDINANCES, FOR PROPERTY TOTALING**  
5 **APPROXIMATELY 1.1 ACRES LOCATED AT THE NORTHWEST CORNER OF THE**  
6 **INTERSECTION OF COURTLAND BLVD. AND DOYLE ROAD, PROVIDING FOR**  
7 **CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

8  
9 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**  
10 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;**  
11 **Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk.**

12  
13 Ordinance No. 03-2015 was adopted at 7:26 p.m.

14  
15 **B. Public Hearing – Zoning Variance Application (VR15-001) to add a carport to an existing**  
16 **home.**

17  
18 Chris Bowley, Planning & Development Director explained there was a lamia constructed at the rear  
19 of the house and there is an extension on the front of the house for a covered walkway which has  
20 been approved and the request is for additional work. He read Section 110-827(c)(2)b of the Code  
21 and explained it allowed for garages to be built in that way but, not carports which is why the  
22 applicant applied for the variance. The applicant is requesting to build towards the street, they have  
23 65 feet from the front of the house to the right-of-way or front lot line, there is a 25 foot yard setback  
24 and applicant can only build within 45 feet. If the applicant were to build a garage it would be  
25 acceptable to the ordinance.

26  
27 **Motion by Commissioner Honaker, seconded by Vice Mayor Schleicher to deny variance**  
28 **application (VR15-001), due to the request not meeting the requirements of Section 110-**  
29 **827(c)(2)b or the variance criteria listed in Section 110-1103(a)(1)b of the City Code of**  
30 **Ordinances.**

31  
32 The Commission and staff discussed needing to show a hardship for a variance, Homeowner  
33 Associations (HOA) not allowing this type of structure, that the property has a backyard for children  
34 to play, the difference between a garage and a carport, the rationale between a carport and a garage,  
35 homes being built with carports in lieu of garages, carports being built to the same size as a garage,  
36 making building elevations look the same when looking down the street, providing additional  
37 protection for a vehicle, carports becoming storage areas, the ordinance needing to be reviewed and  
38 rewritten, the home not being on a typical sized lot, carports not matching the homes they are  
39 attached to, and the esthetics of a carport.

40  
41 Barbara Williams, applicant, 2845 Redbug Court, Deltona, stated she has a vision for her carport for  
42 not only her children but, for the protection of her cars. She has gotten rid of a car due to paint  
43 peeling, her home will be passed down to her children in the event she passes, the carport not being  
44 used for storage, and that she wants the carport professionally built.

45  
46 Mayor Masiarczyk asked if the carport could be screened and Mr. Bowley replied no, it would have  
47 to be an enclosed garage rather than a screened in carport.

1 Kim Diaz, 3124 Nicker Bean Street, Deltona, stated she is the sister of applicant, that she and her  
 2 sister moved here looking to retire and make their homes what they wanted them to be, that the  
 3 carport is going to be made to match the house and she also wanting to add a carport to her property.  
 4

5 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.  
 6

7 Mayor Masiarczyk read the title of Resolution No. 2015-13 for the record.  
 8

9 **A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, APPROVING A ZONING**  
 10 **VARIANCE FOR A CARPORT TO BE LOCATED IN THE FRONT PORTION OF THE**  
 11 **PROPERTY LOCATED AT 2845 REDBUD COURT, DELTONA; PROVIDING FOR**  
 12 **CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**  
 13

14 Resolution No. 2015-13 denied at 7:40 p.m.  
 15

16 **10. OLD BUSINESS:** None.  
 17

18 **11. NEW BUSINESS:** None.  
 19

20 **12. CITY ATTORNEY COMMENTS:** None.  
 21

22 **13. CITY MANAGER COMMENTS:**  
 23

24 **A. Lobbyist Update:**  
 25

26 Ms. Shang stated she will be meeting with the Lobbyist tomorrow.  
 27

28 **14. CITY COMMISSION COMMENTS:**  
 29

30 a) Commissioner Soukup attended the 50th Anniversary of the Deltona Barber Shop, he was  
 31 placed on the Strategic Planning Committee for the Volusia County School Board which had their  
 32 first meeting, he attended the West Volusia Chamber Breakfast with Senator Simmons and  
 33 Representative Santiago who discussed topics that will affect Deltona, he and Commissioner Smith  
 34 attended the new Virtual Manufacturing School at Pine Ridge High School which is one of a kind  
 35 and the City needing to start selling citywide. He stated there is a need to talk about the Latin  
 36 Festival, there are some issues with bus benches that need to be discussed, this week a couple of  
 37 children and their father knocked on his door looking for food, there are several churches that feed  
 38 people and he questioned why there is not a list that can be distributed and on the website for those  
 39 people in need. He stated he ate at Wendy's restaurant on Howland Blvd. and the height of the vines  
 40 at Dupont Lake being a violation of City Code.  
 41

42 b) Vice Mayor Schleicher welcomed the new City Manager and she looks forward to working  
 43 with her. She attended the lunches at the Fire Stations #61 and #65, she attended the celebration at  
 44 Deltona Memorial Gardens over the Memorial Day weekend, and she attended the breakfast with  
 45 Senator Simmons and Representative Santiago where there was discussion regarding being at odds  
 46 on the Medicare/Medicaid expansion question, septic tanks and communications tax. She took a  
 47 tour of Leu Gardens; she received several suggestions from Mr. Bowden including the difficulties  
 48 with having a greenhouse and a botanical area, the City going in a more natural direction and Mr.

1 Bowden coming to walk the property to provide more suggestions on how to preserve what is  
2 existing, she will be touring Fort Foster which is the replica she is looking at to build a Fort  
3 Kingsbury and the next steps are to talk to the people with the Tallahassee archives, the St. Johns  
4 River Water Management District and then ECHO.

5  
6 c) Commissioner Nabicht thanked the new City Manager for the time she spent with him today.  
7 He stated the City Manager is going to hit it hard and fast and she is going to do great things for the  
8 City. He stated he was extremely disappointed with the Volusia County Council for turning down  
9 the \$700,000 to do a study for the connector between S.R. 417 and I-95, the TPO supported the  
10 project, both Deltona and Edgewater supported the project, there is an existing study that was done  
11 several years ago, the reason for turning down the study is that people could look at the old study,  
12 and the County Council letting the people down by giving back the money to Washington.

13  
14 d) Commissioner Honaker stated he will continue bringing up the motion for the discussion  
15 regarding the Latin Festival at every meeting until it is discussed and he encouraged the Commission  
16 to read Section 10-104 of the City's Code of Ordinances. He asked to add to a workshop a  
17 discussion regarding the Trap Neuter Release (TNR) Program because he is concerned with the  
18 amount of cats being sent to impound. He requested that the first ordinance the review committee  
19 look at be Ordinance No. 18-2013, Section 110-806 of the Code. He congratulated the School Board  
20 for appointing Carolyn Carbonell as Principal of Deltona High and Julian Jones as Principal of  
21 University High. He stated today is the first day of hurricane season and he encouraged everyone to  
22 look at the Hurricane Guide that can found on the Public Information or Fire Department page of the  
23 City's website. He welcomed the City Manager and he looked forward to seeing her on Thursday.

24  
25 e) Commissioner Smith thanked Mr. Baker for serving as the Acting City Manager and she  
26 welcomed the new City Manager. She stated she attended the Deltona Barber Shop's anniversary,  
27 she attended the Legislative Breakfast, she attended the Pine Ridge Automation and Production  
28 which will be a program in August and an academy next year and it is a one (1) of a kind  
29 opportunity in Volusia County because the equipment is so expensive, there are a lot of jobs  
30 available in the industry, 82 students have already signed up for next year and she encouraged all the  
31 Commission to view the classroom. She stated at the last meeting there were four (4) add-on items  
32 which were not done correctly; there was no motion, second or a vote to add any of the items. The  
33 problem she has with it is it robs the Commission's due diligence and she wants the materials ahead  
34 of time to review in case there are questions. She stated she was the one who asked to not send the  
35 letter to the School Board regarding the property for a stadium so it could be placed on an agenda,  
36 the Commission could have a discussion and ask questions and notice given to the public who also  
37 might have questions. She requested to workshop the way items are added on an agenda and if the  
38 item is not a true emergency item it be placed on the following meeting. She stated just because the  
39 Commission is allowed to add an item, it does not mean it should be done.

40  
41 f) Mayor Masiarczyk agreed with Commissioner Smith regarding add-on items to the agenda  
42 which has gotten out of hand. He spoke about the Deltona Barber Shop and its owner Emerson  
43 Cross who has kept the business going for 50 years, he will be speaking at the West Volusia  
44 Chambers in the morning, he remembered Carolyn Carbonell's son going to his daycare when she  
45 was a Deltona Commissioner and that it is gratifying to see her become the Principal of Deltona  
46 High and he is glad to hear Commissioner Herzberg doing good. He stated he is appalled that the  
47 County Council would turn down the funds for the connector study, that the residents need to let the  
48 County Council know that it is not all about the East side, that during a hurricane like in 2004 the

1 residents cannot get out of the area on S.R. 44 because of the congestion, wetlands being all  
2 throughout the State, all the evacuation centers were built in Deltona but, there is no way other than  
3 S.R. 44 to get here, and a lot of things could be done to get people over to the West side safely. He  
4 thanked Commissioner Honaker and Commissioner Nabicht for attending the Memorial Day  
5 weekend celebrations and he thanked several people and businesses who helped with the festivities.  
6 He thanked Mr. Baker for all his hard work

7  
8 **14. ADJOURNMENT:**

9  
10 There being no further business, the meeting adjourned at 8:37 p.m.  
11  
12  
13

14 \_\_\_\_\_  
**John Masiarczyk Sr., Mayor**

15 **ATTEST:**

16  
17  
18 \_\_\_\_\_  
19 **Joyce Raftery, CMC, City Clerk**



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 6/15/2015  
**FROM:** Jane K. Shang, City Manager                      **AGENDA ITEM:** 5 - A  
**SUBJECT:** Volusia Transit Connector Study.

---

<b>LOCATION:</b>	N/A
<b>BACKGROUND:</b>	City of Deltona briefing by Joe Bitar, FDOT Project Manager, and Alan Danaher, Consultant Project Manager.
<b>ORIGINATING DEPARTMENT:</b>	City Manager's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Manager
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	N/A - Presentation Only.
<b>POTENTIAL MOTION:</b>	N/A - Presentation Only.
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Jane K. Shang, City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Volusia Transit Connector Study Presentation</li></ul>

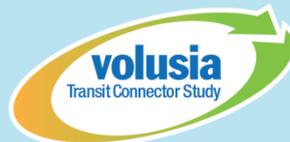
# Volusia Transit Connector Study



A Presentation to:

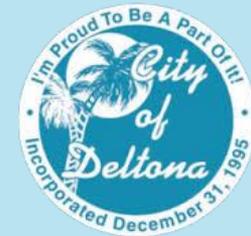
**Deltona City Commission**

June 15, 2015



## Project Partners

- Project Advisory Group
- Technical Working Group
- Community Liaison Group



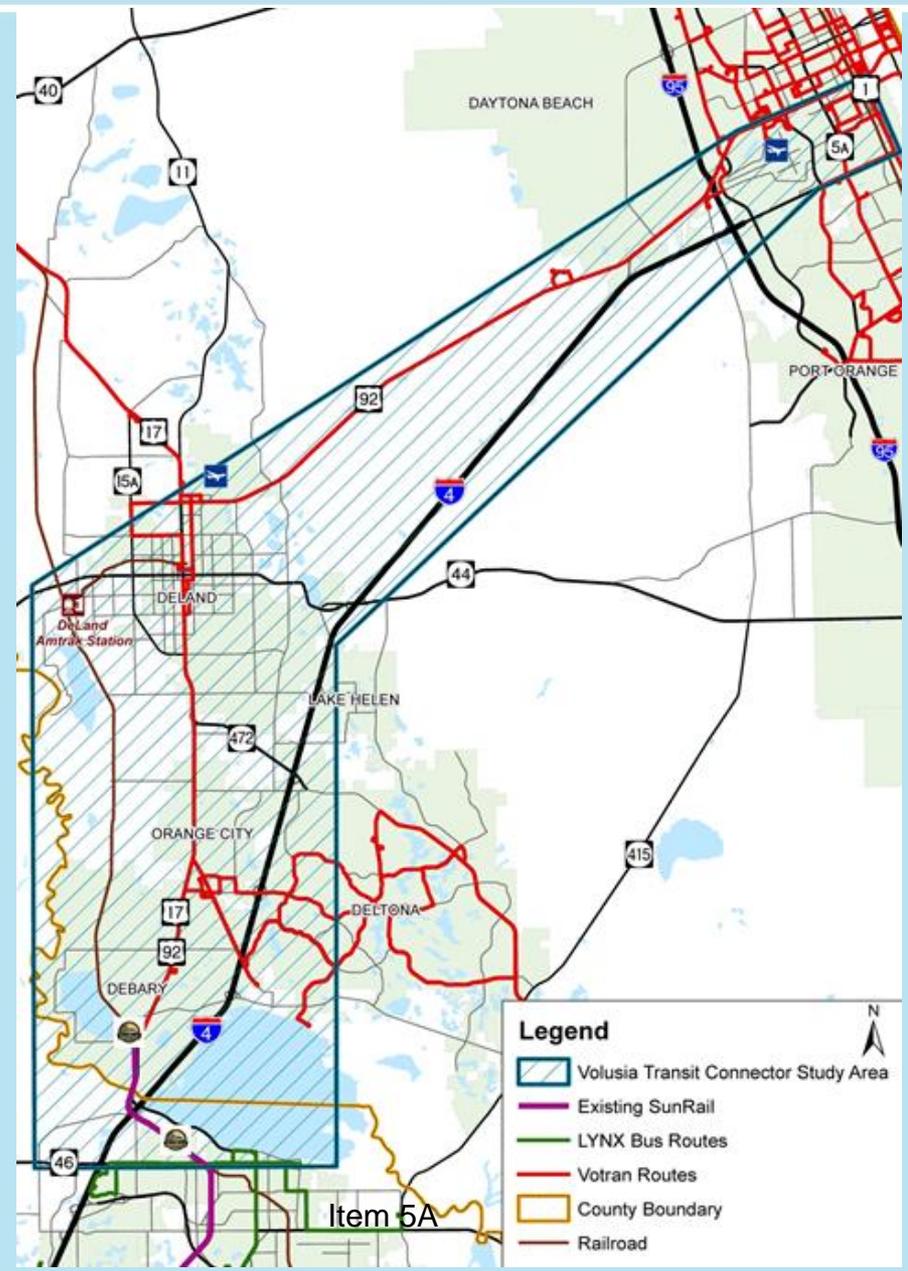
## Project Overview:

### Study Area

- State Road (SR) 46 in Sanford to US 1 in Daytona Beach
- Limits defined by FDOT with input from Volusia County and R2CTPO
- SunRail Phase 2 North is a committed project

### Scope of Services

- Systems Planning Study
- Identify need for enhanced transit service
- Develop/evaluate alternatives
- Maintain eligibility for future federal funding
- Comprehensive public involvement and local agency coordination



# Project Approach: Tiered Screening Process



- **Pre-Screening**
  - Review previous studies
  - Identify potential fatal flaws
  - **Identify Initial Alternatives**

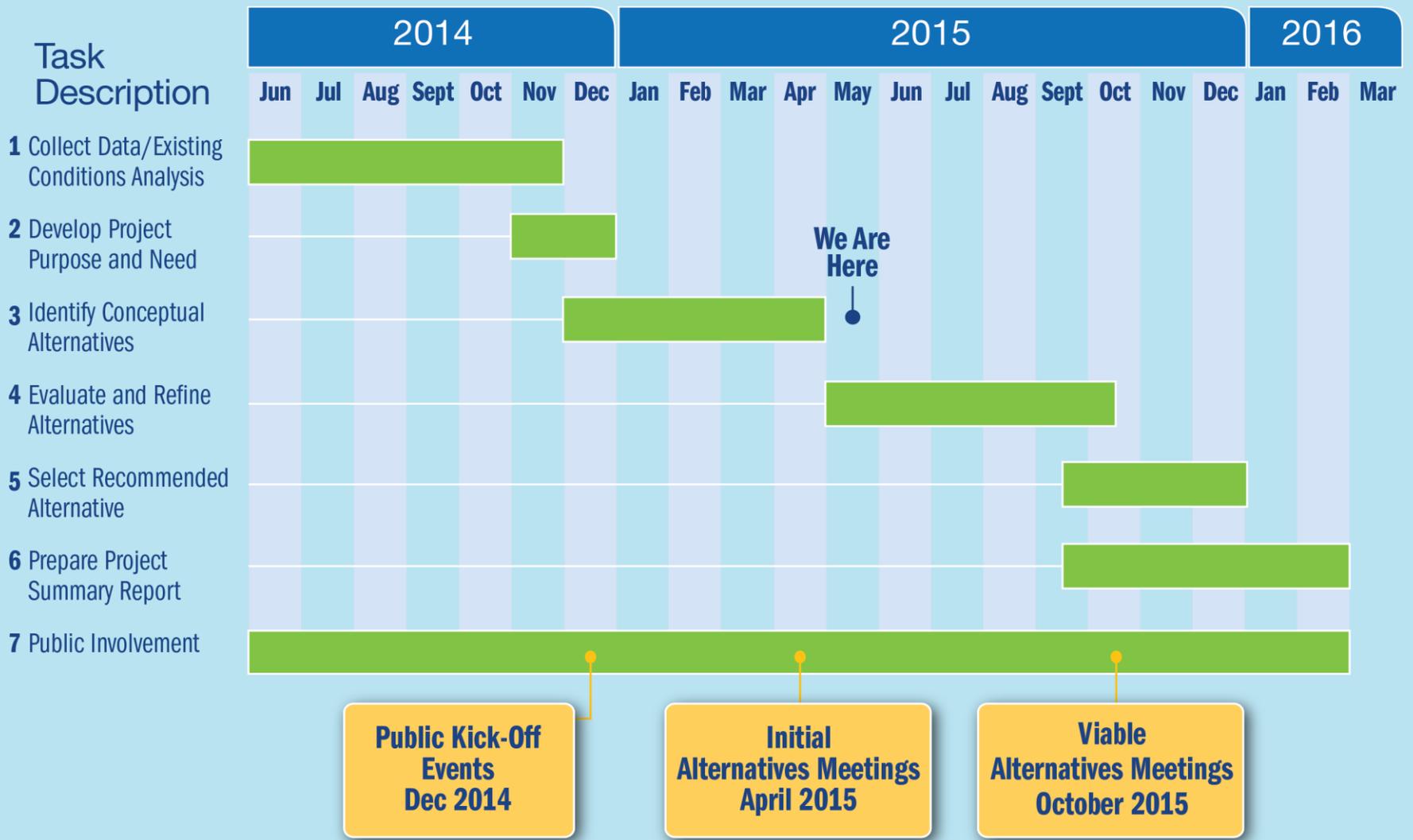


- **Initial Screening**
  - Develop evaluation measures based on goals
  - Identify available data to use as screening criteria
  - Test routing alternatives using evaluation criteria
  - **Identify viable alternatives to advance in the study**



- **Viable Alternatives Analysis**
  - Develop more detailed evaluation measures
  - Identify costs, ridership and benefits of alternatives
  - Test refined alternatives using more detailed evaluation criteria
  - **Identify recommended alternative**

## Study Schedule



**Public Kick-Off Events  
Dec 2014**

**Initial Alternatives Meetings  
April 2015**

**Viable Alternatives Meetings  
October 2015**

# Initial Mode Screening

- Commuter Rail
- Light Rail Transit
- Streetcar
- People Mover
- Monorail
- Bus Rapid Transit (BRT)
- Express Bus
- Local Bus Enhancements



Commuter Rail



Light Rail Transit



Streetcar



People Mover



Monorail



Bus Rapid Transit



Express Bus



Local Bus

Item 5A

## Initial Mode Screening Criteria

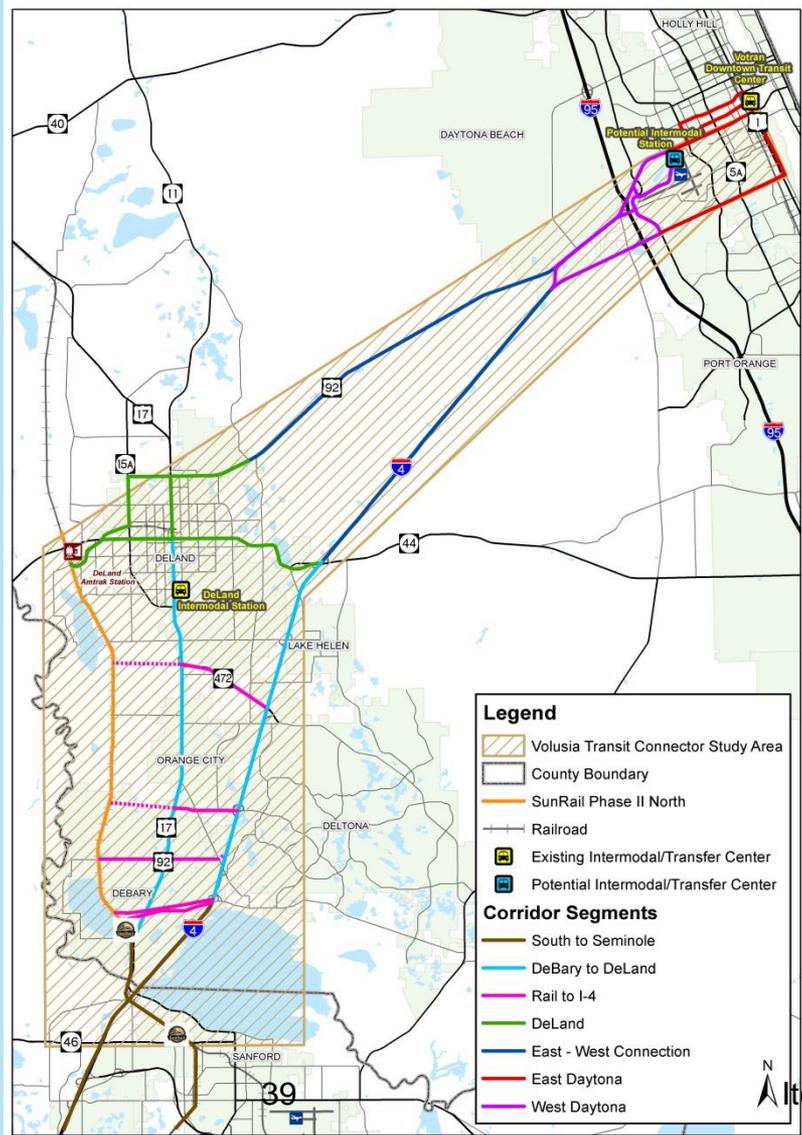
- **Consistency** with the study area's operating environment and existing rights-of-way
- **Flexibility** in providing regional connectivity
- **Availability** of the mode from multiple vendors
- **Maturity** of the mode
- **Expandability** of the mode
- Appropriate **capacity** to serve demand
- Impact of **mode footprint** on surrounding environment
- Capital and operating **cost** of mode

# Initial Mode Screening Results Summary

Mode	Rating	Advance Mode for Corridor Segment Evaluation
Commuter Rail	Yellow	Yes
Light Rail Transit	Red	No
Streetcar	Yellow	Yes
People Mover	Red	No
Monorail	Red	No
Bus Rapid Transit	Green	Yes
Express Bus	Green	Yes
Local Bus	Green	Yes

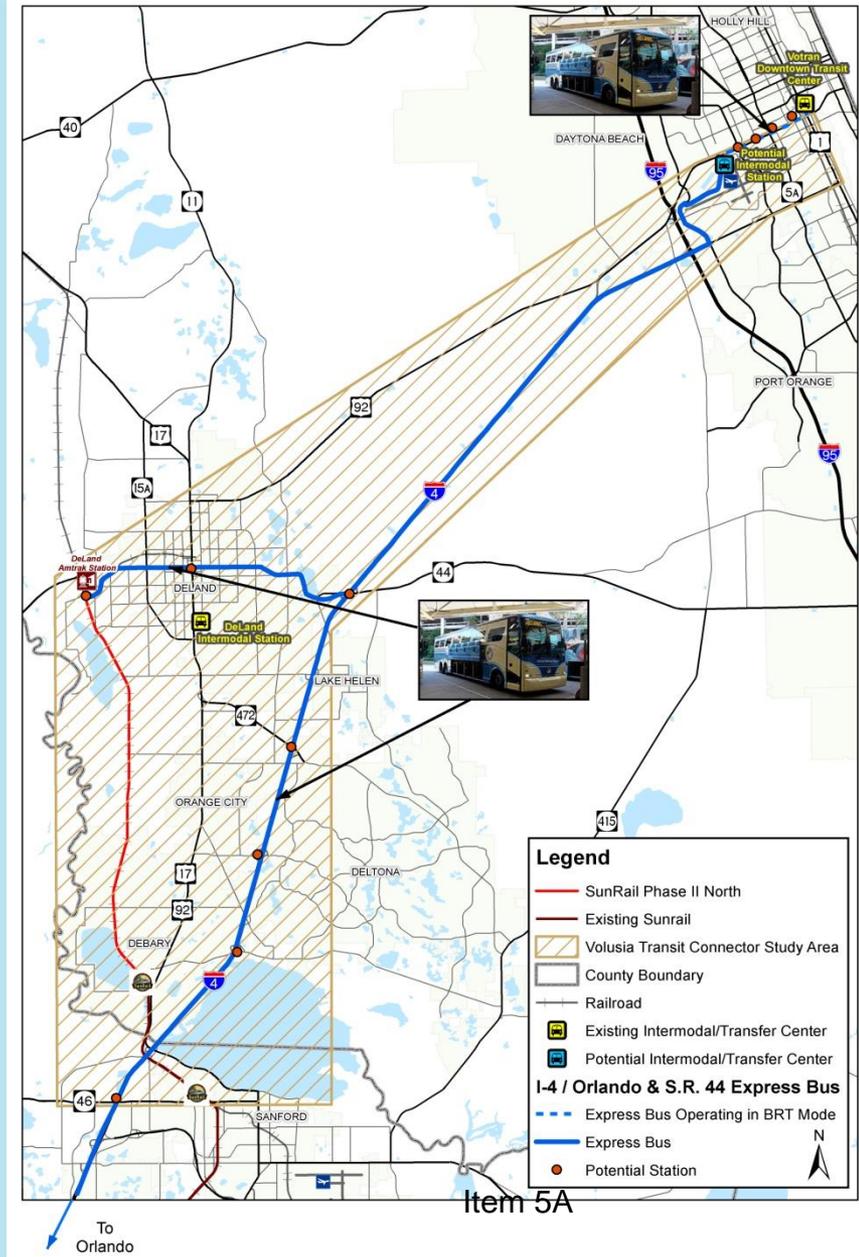
Green	High
Yellow	Medium
Red	Low

## Initial Corridor Analysis Segments



## Alternative 1 I-4/Orlando & S.R. 44 Express Bus

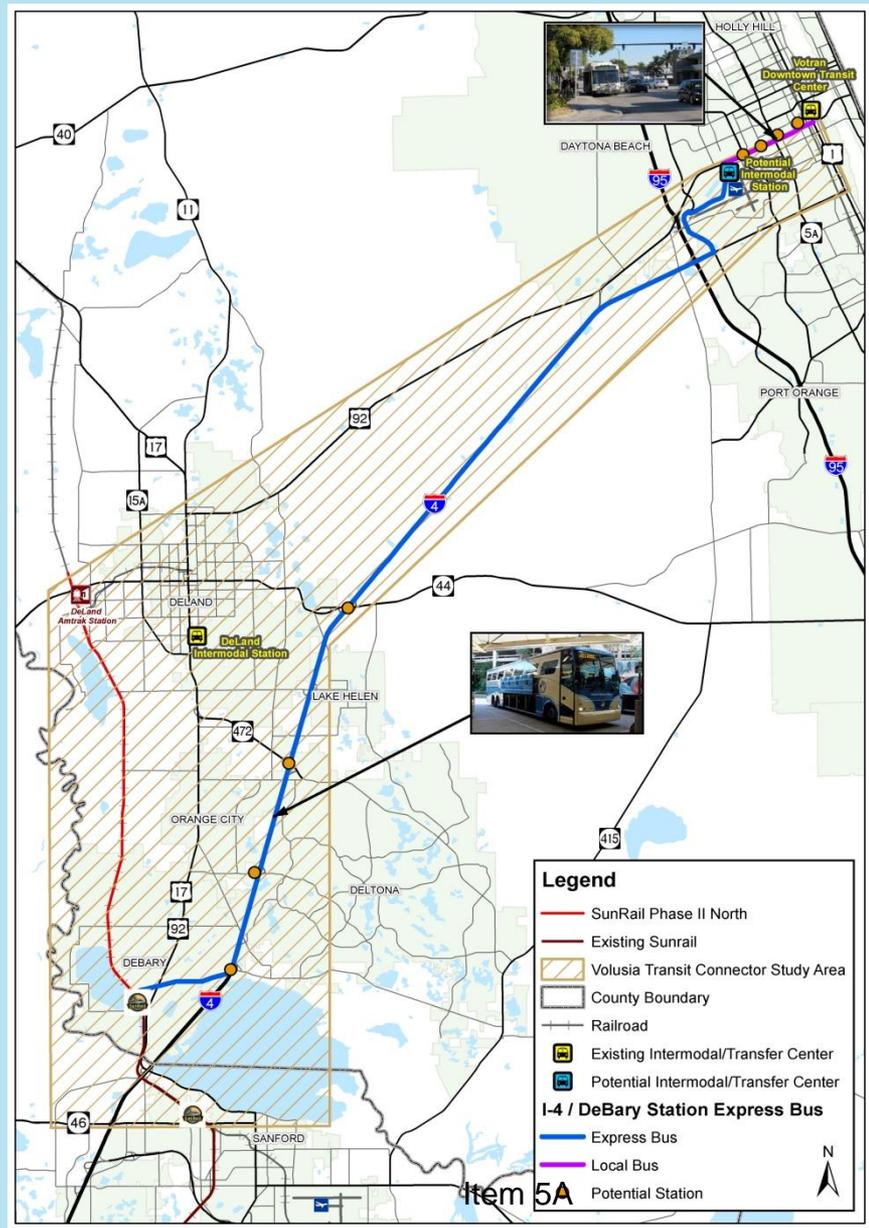
- Two express bus routes from Daytona Beach
  - To Orlando
  - To DeLand
- Express bus operates in BRT mode east of potential Intermodal Station to Votran Downtown Transit Center





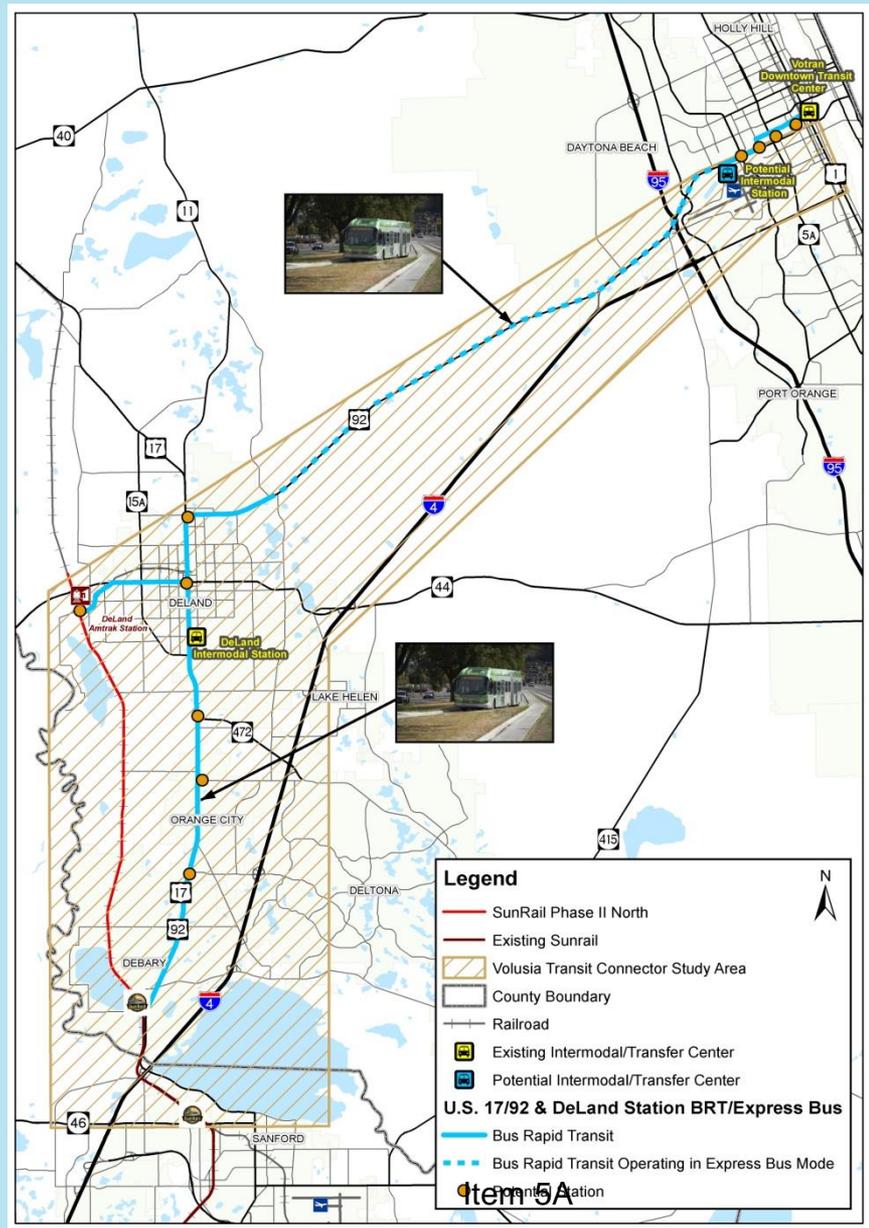
## Alternative 3 I-4/DeBary Station Express Bus

- Express bus via Dirksen Rd and I-4
- Connection to potential Intermodal Station via Midway Ave.
- Local bus east to Votran Downtown Transit Center



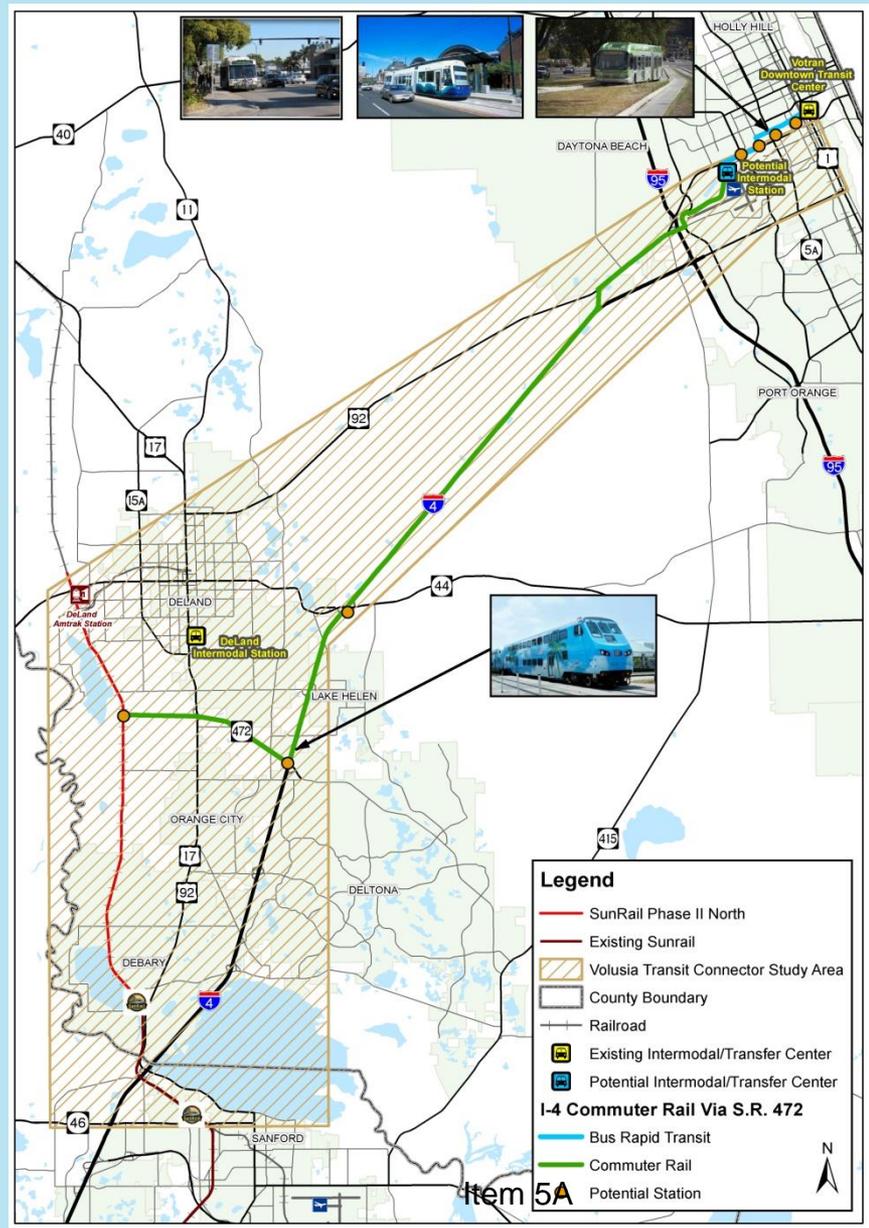
## Alternative 4 U.S. 17/92 & DeLand Station BRT/Express Bus

- Two BRT routes from Daytona Beach
  - To DeLand SunRail Station
  - To DeBary SunRail Station via U.S. 92
- Same BRT operation east to Votran Downtown Transit Center



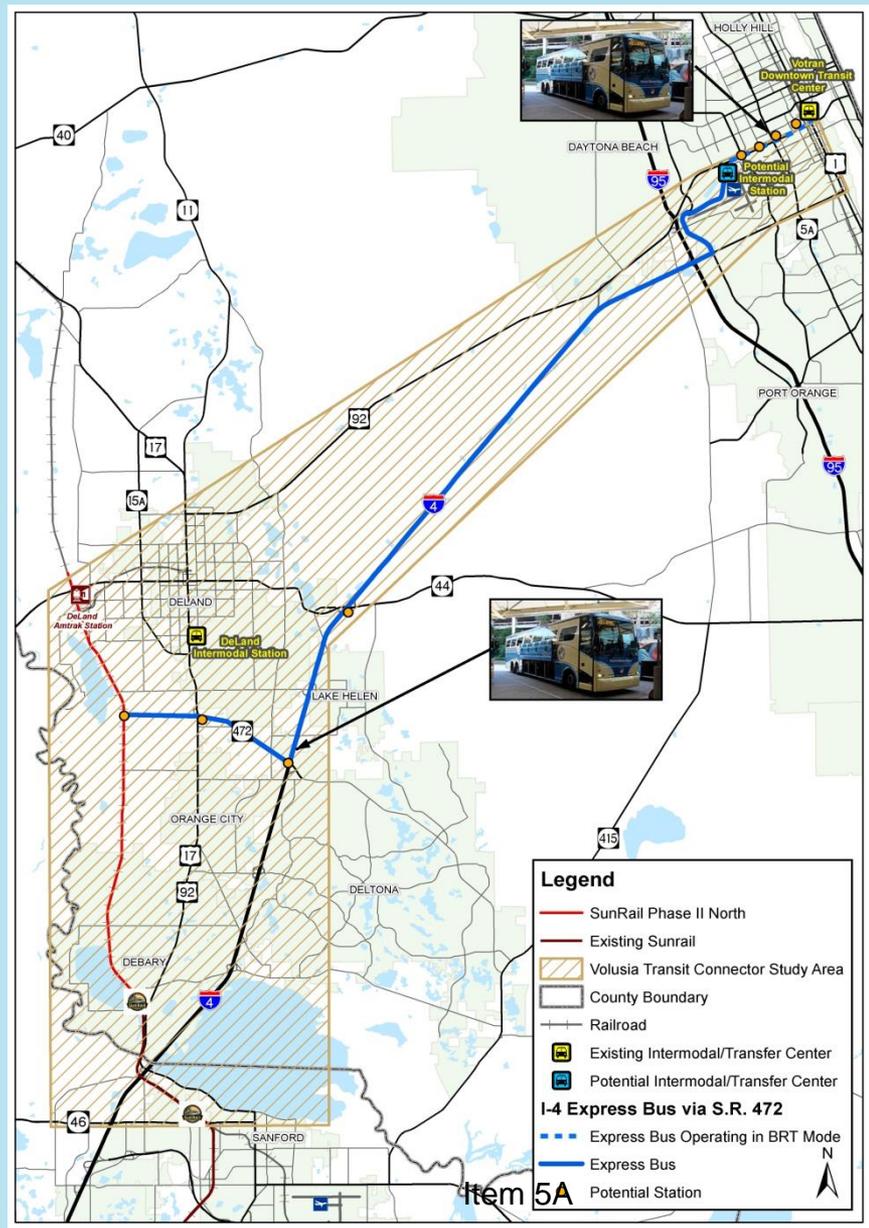
## Alternative 5 I-4 Commuter Rail Via S.R. 472

- Commuter rail via extended S.R. 472 and I-4 / U.S 92
- I-95 crossing at existing grade separation south of U.S. 92
- BRT, local bus or streetcar east of potential Intermodal Station

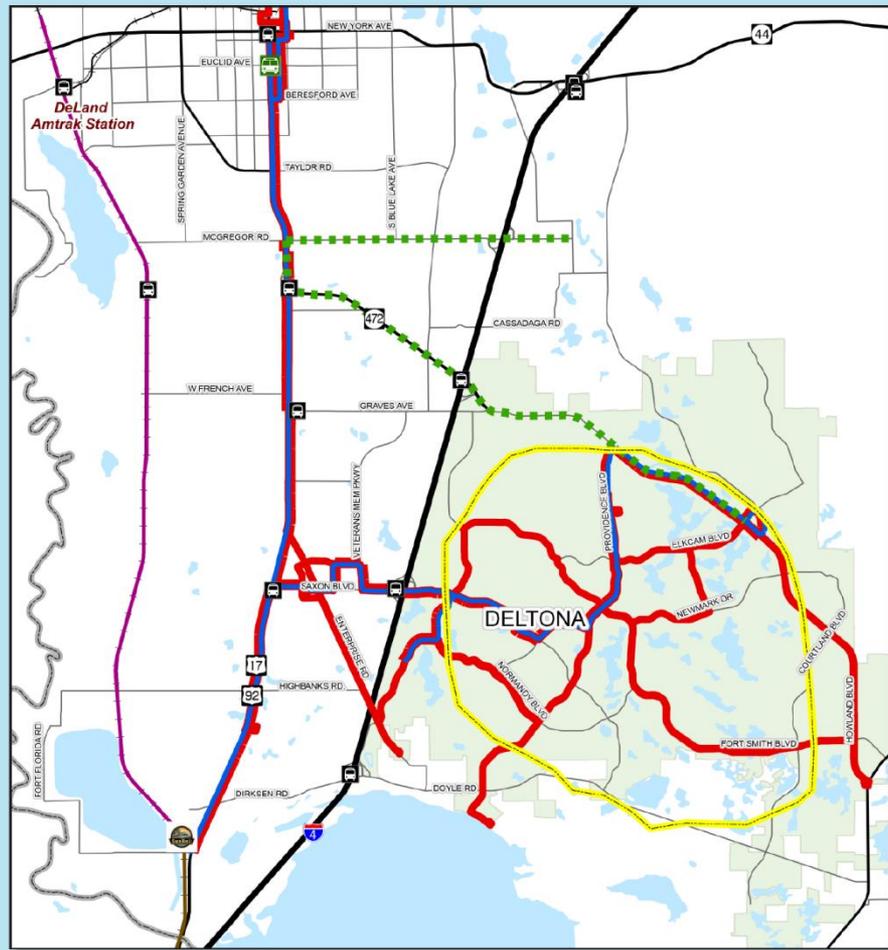


## Alternative 6 I-4 Express Bus Via S.R. 472

- Express bus via extended S.R. 472 and I-4
- Same express bus mode operates east to Voltran Downtown Transit Center



## Existing and Planned Transit Network

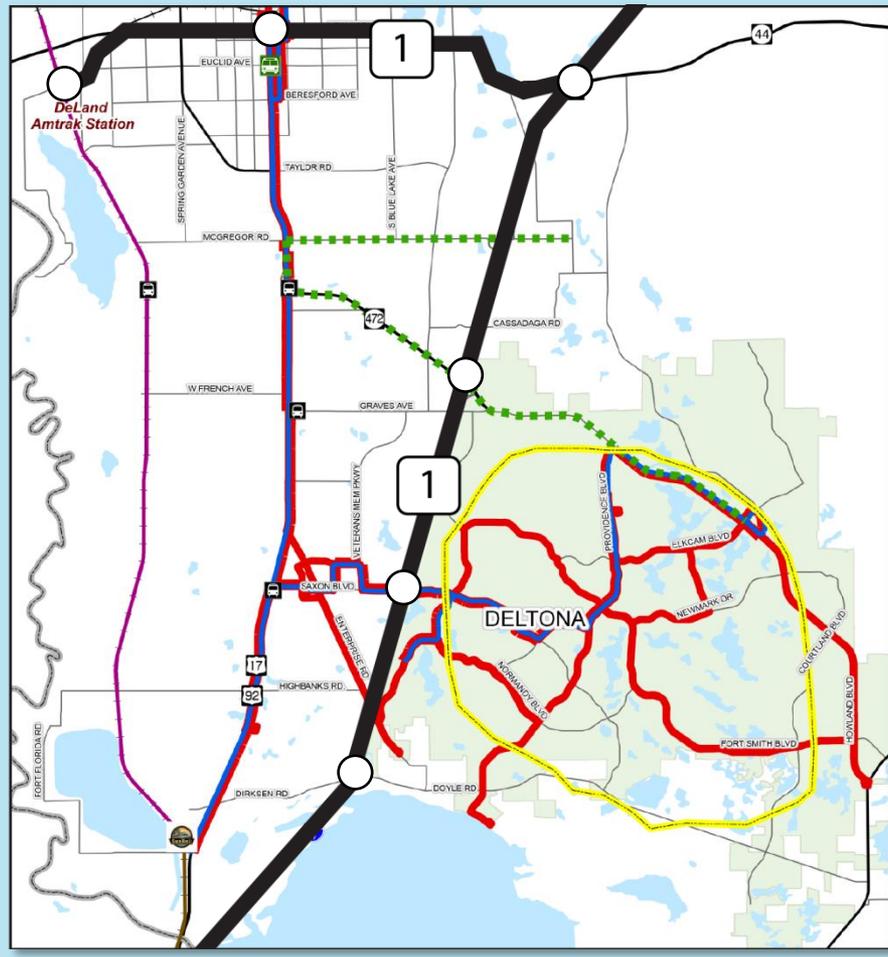


### Legend

- Deland Intermodal Facility
- Potential Stations
- Existing SunRail Station
- SunRail Phase II North
- Existing SunRail
- Votran TDP Proposed Route
- Existing Votran Local Bus Route
- Existing Votran Feeder Bus Route
- 2035 LRTP Proposed Deltona Circulator Study Area
- County Boundary



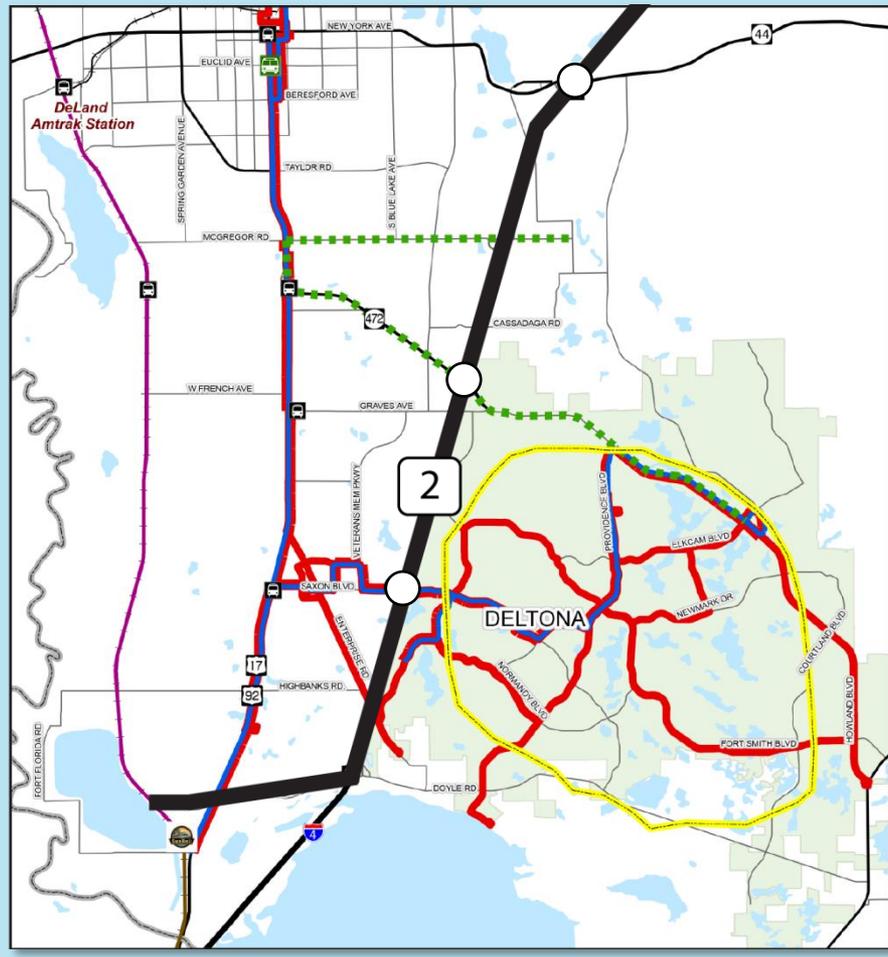
## Alternative 1 Express Bus – Interface with Deltona



### Legend

- Deland Intermodal Facility
- Potential Stations
- Existing SunRail Station
- SunRail Phase II North
- Existing SunRail
- Votran TDP Proposed Route
- Existing Votran Local Bus Route
- Existing Votran Feeder Bus Route
- 2035 LRTP Proposed Deltona Circulator Study Area
- County Boundary
- Initial Alternative 1
- Alignment Alternative Identity
- Potential Station

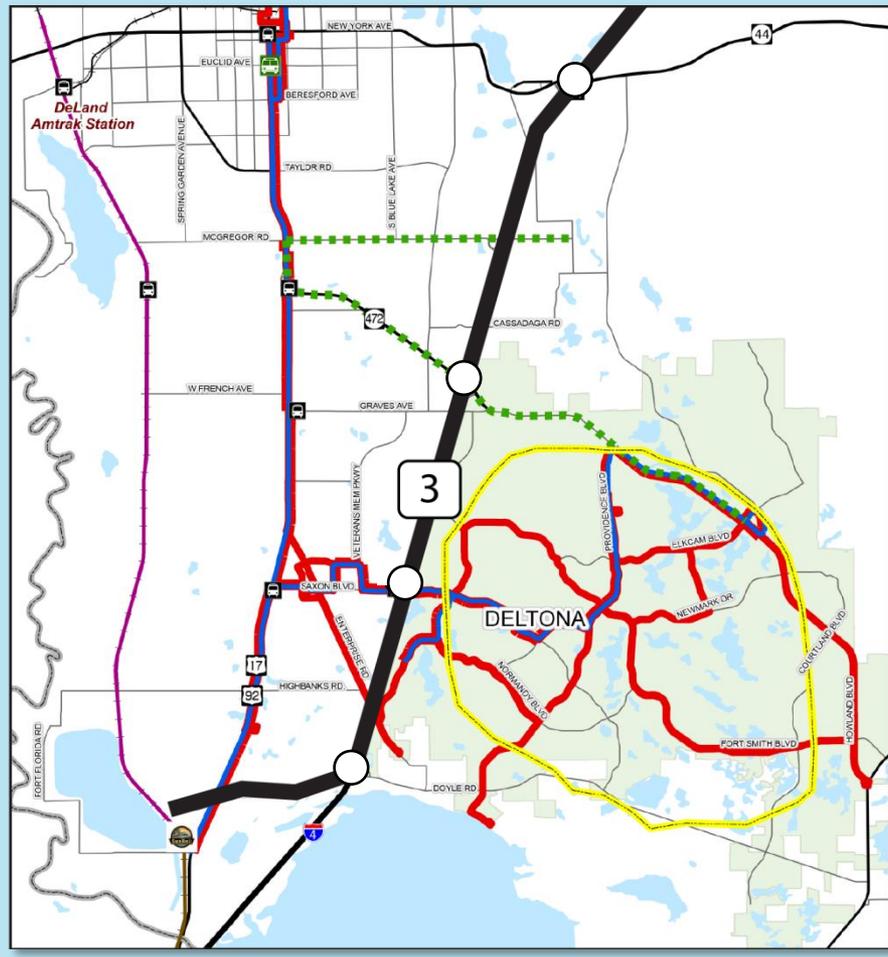
## Alternative 2 Commuter Rail - Interface with Deltona



### Legend

- Deland Intermodal Facility
- Potential Stations
- Existing SunRail Station
- SunRail Phase II North
- Existing SunRail
- Votran TDP Proposed Route
- Existing Votran Local Bus Route
- Existing Votran Feeder Bus Route
- 2035 LRTP Proposed Deltona Circulator Study Area
- County Boundary
- Initial Alternative 2
- Alignment Alternative Identity
- Potential Station

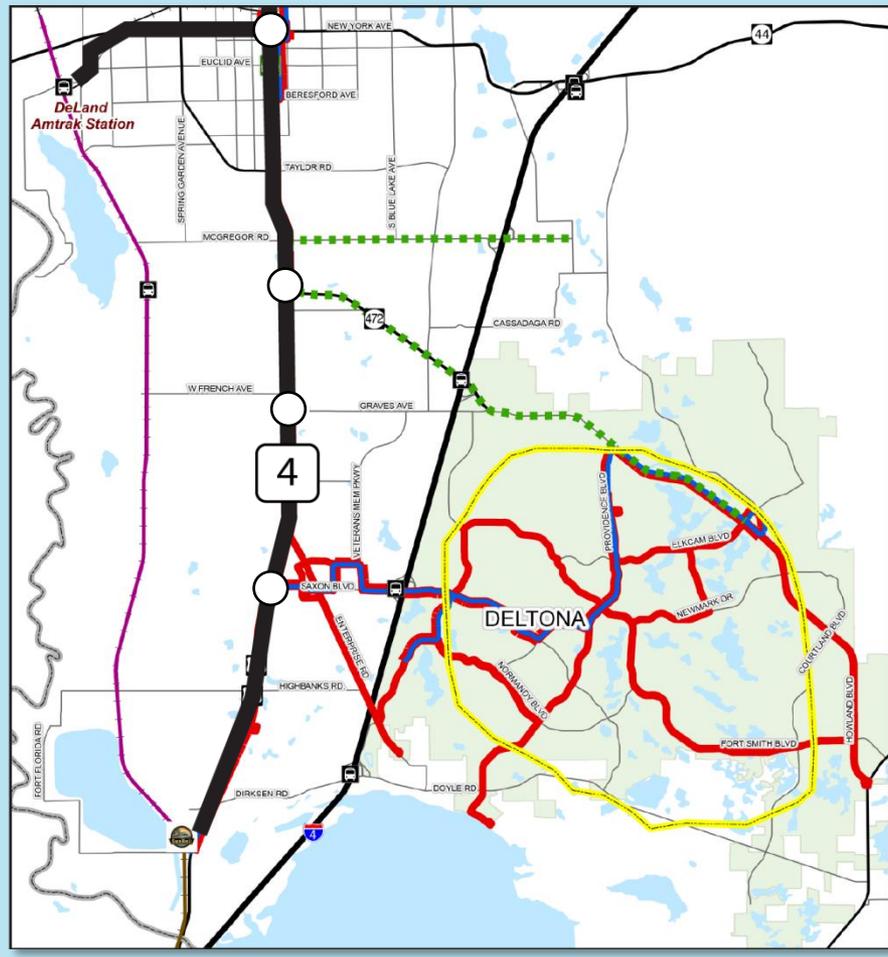
## Alternative 3 Express Bus – Interface with Deltona



**Legend**

- Deland Intermodal Facility
- Potential Stations
- Existing SunRail Station
- SunRail Phase II North
- Existing SunRail
- Votran TDP Proposed Route
- Existing Votran Local Bus Route
- Existing Votran Feeder Bus Route
- 2035 LRTP Proposed Deltona Circulator Study Area
- County Boundary
- Initial Alternative 3
- Alignment Alternative Identity
- Potential Station

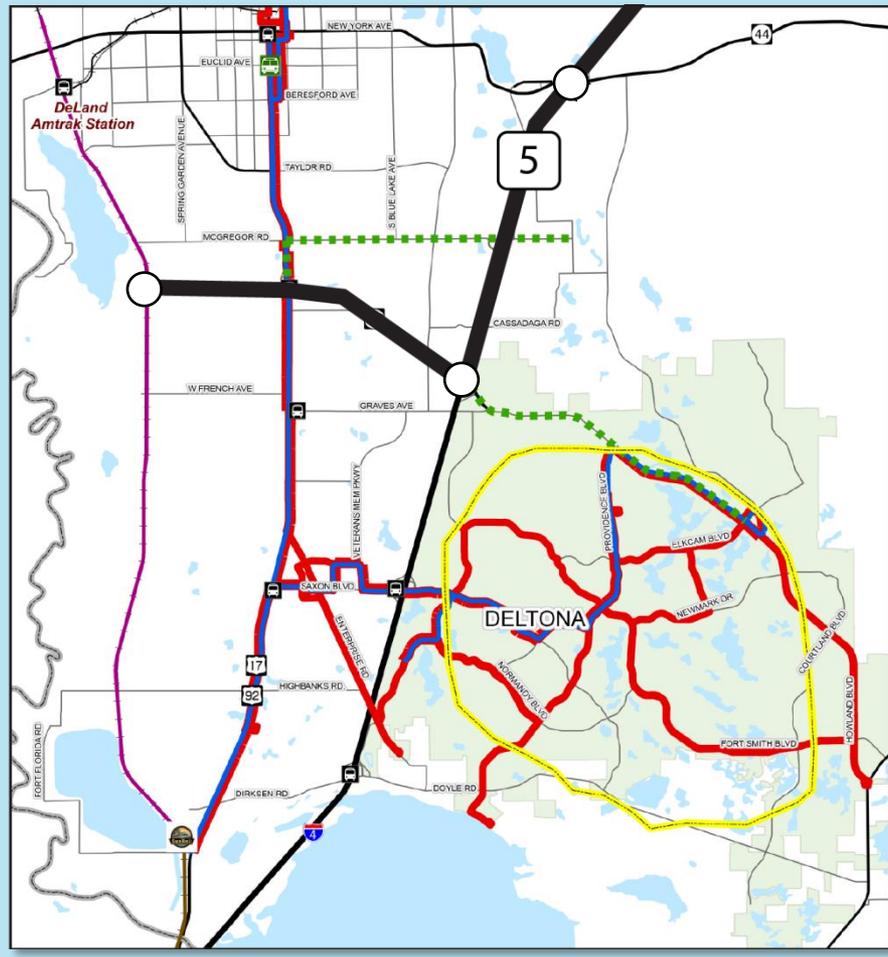
## Alternative 4 BRT – Interface with Deltona



### Legend

- Deland Intermodal Facility
- Potential Stations
- Existing SunRail Station
- SunRail Phase II North
- Existing SunRail
- Votran TDP Proposed Route
- Existing Votran Local Bus Route
- Existing Votran Feeder Bus Route
- 2035 LRTP Proposed Deltona Circulator Study Area
- County Boundary
- Initial Alternative 4
- Alignment Alternative Identity
- Potential Station

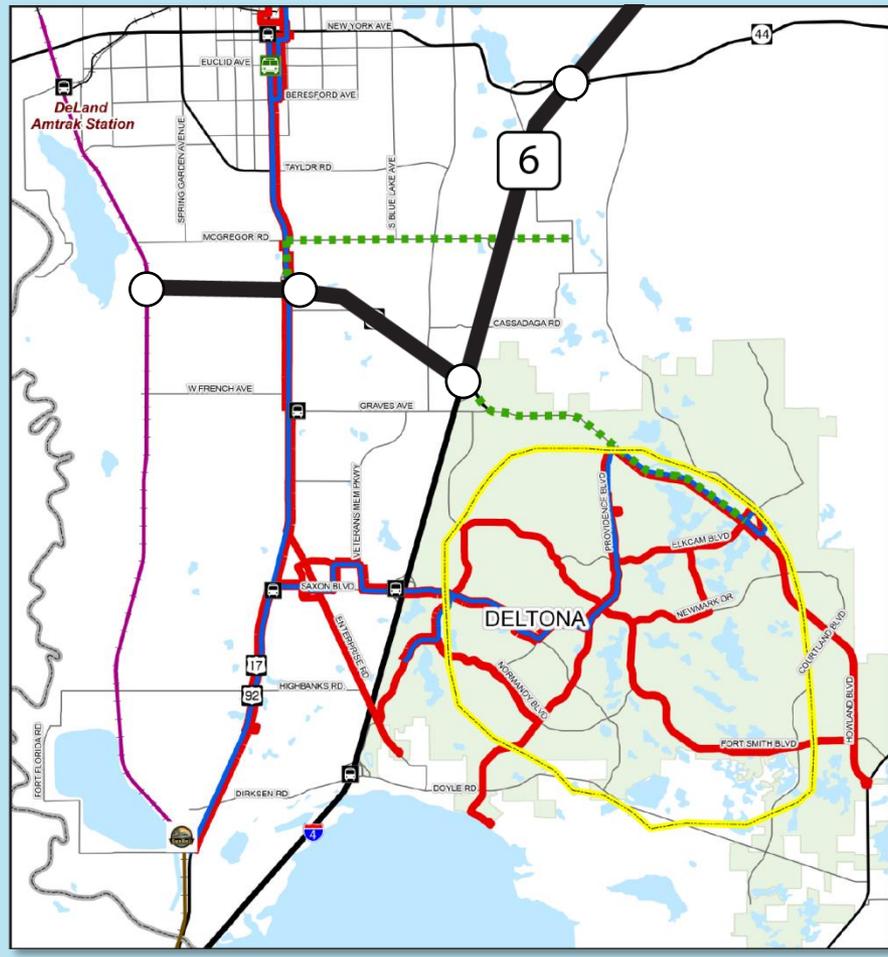
## Alternative 5 Commuter Rail – Interface with Deltona



### Legend

- Deland Intermodal Facility
- Potential Stations
- Existing SunRail Station
- SunRail Phase II North
- Existing SunRail
- Votran TDP Proposed Route
- Existing Votran Local Bus Route
- Existing Votran Feeder Bus Route
- 2035 LRTP Proposed Deltona Circulator Study Area
- County Boundary
- Initial Alternative 5
- Alignment Alternative Identity
- Potential Station

## Alternative 6 Express Bus – Interface with Deltona



### Legend

- Deland Intermodal Facility
- Potential Stations
- Existing SunRail Station
- SunRail Phase II North
- Existing SunRail
- Votran TDP Proposed Route
- Existing Votran Local Bus Route
- Existing Votran Feeder Bus Route
- 2035 LRTP Proposed Deltona Circulator Study Area
- County Boundary
- Initial Alternative 6
- Alignment Alternative Identity
- Potential Station

## Initial Alternatives Public Meetings

- April 14<sup>th</sup>: Daytona Beach
- April 15<sup>th</sup>: DeLand
- April 16<sup>th</sup>: Orange City
  
- Over 120 attendees
  - Includes Elected Official and members of the Project Advisory Group and Community Liaison Group
- Over 65 written comments/survey cards to date
- Over 15 general comment cards to date

## What Did We Hear?

- There is a need to improve transit alternatives for transportation disadvantaged users.
- What is the status of SunRail Phase 2 North to DeLand?
- Can the railroad spur track east of the Amtrak/SunRail Station in DeLand be used for commuter rail?
- Can commuter rail be extended north of the Amtrak/SunRail Station in DeLand and connected to US 92?
- Will there be additional feeder bus routes to serve either of the alternatives?
- Have you considered extending enhanced transit alternatives into Deltona?

## Next Steps

- Continue elected officials briefings through June
- Continue review of public input and refine initial alternatives as necessary
- Identify viable alternatives for detailed evaluation
- Identify draft recommended alternative
- Additional public meetings and elected official briefings
- Refine recommended alternative and complete final report

**[www.volusiaconnectorstudy.com](http://www.volusiaconnectorstudy.com)**

# Volusia Transit Connector Study





## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 6/15/2015  
**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 9 - A  
**SUBJECT:** Resolution No. 2015-15, Establishing Preliminary Annual Assessment Rate - Stormwater Utility Services for FY 15/16 - Robert Clinger, Finance Department (386) 878-8552.

**LOCATION:**

City-wide.

**BACKGROUND:**

The City Commission of the City of Deltona retained Tetra Tech, Engineering Consultants, to update the City's existing stormwater rates. Representatives from Tetra Tech presented their report on the new proposed stormwater rates at the April 27, 2015 City Commission Workshop.

The Stormwater Utility System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.

Ordinance No. 96-4, authorizing the imposition and collection of stormwater utility assessments against property throughout the City of Deltona, Section 2.08, Adoption of Annual Rate Resolution, requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary Rate Resolution as described in Section 2.08. Attached is the Preliminary Rate Resolution for stormwater utility assessments. Staff is proposing a change to the current annual rate of \$108.00 per ERU (Equivalent Residential Unit).

**ORIGINATING DEPARTMENT:**

Finance

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

Finance Director, City Attorney

**STAFF  
RECOMMENDATION  
PRESENTED BY:**

Robert Clinger, Finance Director - Staff recommends that the Commission adopt Resolution No. 2015-15.

**POTENTIAL  
MOTION:**

"I move to adopt Resolution No. 2015-15, Establishing Preliminary Assessment Rate Resolution – Stormwater Utility Assessments for FY 15/16 at the rate of \$108.00 per Equivalent Residential Unit (ERU)."

**AGENDA ITEM  
APPROVED BY:**

---

Jane K. Shang, City Manager

**ATTACHMENTS:**

- Resolution No. 2015-15
- Exhibit A

**RESOLUTION NO. 2015-15**

**A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, RELATING TO THE PROVISION OF STORMWATER UTILITY SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF DELTONA; GENERALLY DESCRIBING THE SERVICES, AND FACILITIES OR PROGRAMS TO BE PROVIDED; DESCRIBING THE METHOD OF ASSESSING STORMWATER UTILITY ASSESSED COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF DELTONA; REDEFINING THE SQUARE FOOTAGE OF IMPERVIOUS AREA PER EQUIVALENT RESIDENTIAL UNIT; DIRECTING THE PRELIMINARY ANNUAL RATE RESOLUTION; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Deltona is an incorporated municipality pursuant to the laws of the State of Florida and is authorized under the laws of Florida to adopt resolutions; and

**WHEREAS**, stormwater events in the City of Deltona are the result of rainfall, which generates runoff that after being collected has to be directed for detainment and disposal. This runoff is considered to be the contributing impact on the Stormwater Utility and is primarily related to the amount of impervious area associated with each contributing land parcel. As such, the apportionment of costs in stormwater utilities is tied to the amount of impervious area; and

**WHEREAS**, in 1996 the City of Deltona established by Resolution 96-22 the method of assessing stormwater utility assessed costs against assessed property within the City of Deltona; and

**WHEREAS**, in 2015 the City Commission for the City of Deltona authorized an update of its Stormwater and Watershed Management Master Plan; and

**WHEREAS**, the City Commission retained Tetra Tech, Engineering Consultants, to study the need to update the City's existing stormwater rate structure and methodology for calculating billing units that are specific to the City of Deltona's characteristics; and

City of Deltona, Florida  
Resolution No. 2015-15  
Page 2 of 11

**WHEREAS**, Tetra Tech has prepared and presented the City Commission a report recommending a method for calculating billing units that is specific to the City's characteristics; and

**WHEREAS**, the City Commission has determined that the method of assessing stormwater utility assessed costs against assessed property within the City of Deltona as set forth herein is appropriate, equitable, and correct; and

**WHEREAS**, the City Commission for the City of Deltona has and does hereby find that stormwater control is an essential element of the public health, safety and welfare.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA:**

**Section 1. Authority.** This Resolution is adopted pursuant to the provisions of Ordinance No. 96-48 and Sections 166.021, 166.041 and 403.0893, Florida Statutes, and other applicable provisions of law.

**Section 2. Purpose and Definitions.** This Resolution describes the method of assessing stormwater utility assessed costs against assessed property located within the City of Deltona and constitutes the Preliminary Annual Rate Resolution for fiscal year 2015-2016. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

**Section 3. Provision and Funding of Stormwater Utility Services.**

(A) Upon the imposition of Stormwater Utility Assessments for Stormwater Utility services, facilities, or programs against Assessed Property located within the City, the City shall undertake to provide Stormwater Utility services to such Assessed Property. A portion of the cost to provide such Stormwater Utility services, facilities, or programs shall be funded from proceeds of

City of Deltona, Florida  
 Resolution No. 2015-15  
 Page 3 of 11

the Stormwater Utility Assessments. The remaining cost required to provide Stormwater Utility services, facilities, and programs shall be funded by available City revenues other than Stormwater Utility Assessment proceeds.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City shall be benefited by the City's provision of Stormwater Utility services, facilities, and programs in an amount not less than the Stormwater Utility Assessment imposed against such parcel, computed in the manner set forth in this Initial Assessment Rate Resolution.

**Section 4. Imposition and Computation of Stormwater Utility.**

ASSESSMENTS. Stormwater Utility Assessments shall be imposed against all Tax Parcels within the City. Stormwater Utility Assessments shall be computed in the manner set forth in the Assessment Resolution.

**Section 5. Legislative Determinations of Special Benefit and Fair Apportionment.**

It is hereby ascertained and declared that the Stormwater Utility Assessed Costs provide a special benefit to the Assessed Property based upon the following legislative determinations.

(A) The Assessments provided for herein are fairly and reasonably apportioned among the specially benefitted parcels.

(B) The City Commission of the City of Deltona finds that the environmentally responsible use of properties and protection of the health of the occupants requires the imposition of Stormwater Utility Assessments;

(C) The cost of operating and maintaining all stormwater management systems, and the financing of existing and future necessary repairs, replacements, improvements, and extensions

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Resolution No. 2015-15  
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thereof are allocated and apportioned in relationship to the benefits enjoyed and to be enjoyed and services received and to be received by each parcel therefrom.

**Section 6. Cost Apportionment Methodology.**

The estimated total annual cost of providing Stormwater Utility Services to all property within the City of Deltona is approximately \$4,306,479, which cost shall be apportioned on a per parcel basis as set forth below.

**Section 7. Parcel Apportionment Methodology.**

(A) To the extent provided herein, all property shall be subject to a Stormwater Utility Assessment;

(B) Property shall be classified as either single family residential or other as to each lot or parcel, based upon the applicable Florida Department of Revenue Land Use Code;

(C) The Stormwater Utility Fee for single family residential developed properties shall be calculated from the rate for one ERU;

(D) The Stormwater Utility Fee imposed for undeveloped single family residential parcels shall be calculated as 0.63 ERUs/ac;

(E) The Stormwater Utility Fee imposed for undeveloped other parcels shall be based on the number of ERUs calculated from the total parcel area times an adjustment factor of 0.16 ERUs/ac;

(F) The Stormwater Utility Fee imposed for other developed properties shall be the rate for one ERU, multiplied by the numerical factor obtained by dividing the total impervious area of the non-residential property by the impervious area of one ERU (ERU rate x parcel impervious area/impervious area of 1 ERU).

(G) The Deltona City Commission shall upon the recommendation of the City Manager from time to time, by resolution, define the square footage of impervious area of the ERU, which is initially set as 3,484 sq. ft.

The number of ERUs per lot or parcel shall be rounded to the nearest hundredths. The City Manager shall administer the Stormwater Utility and its related program. The City Manager shall determine impervious area on residential or other property considering data supplied by the Property Appraiser, other staff, and/or the property owner, tenant, or developer. The City Manager may require additional information as necessary to make a determination. The number of ERUs of any lot or parcel shall be updated by the City Manager based on any significant changes in impervious area,

**Section 8. Determination of Stormwater Utility Assessed Costs and Rates.**

(A) The Stormwater Utility Assessed Costs to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year commencing October 1, 2015, is \$108.00 per Equivalent Residential Unit (ERU) for developed properties.

**Section 9. Assessment Roll.**

(A) The City Manager shall update the Assessment Roll.

(B) In the event (1) the proposed Assessment for the Fiscal Year exceeds the maximum rate of assessment adopted by the City Commission and included in the notice previously provided to the owners of Assessed Property pursuant to Section 2.04 and 2.05 of the Ordinance, (2) the method of apportionment is changed or the purpose for which the Assessment is imposed is substantially changed from that represented by said notice previously provided to the Owners of Assessed Property pursuant to Section 2.04 and 2.05 of the Ordinance, (3) Assesses Property is

City of Deltona, Florida  
Resolution No. 2015-15  
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reclassified in a manner which results in an increased Assessment from that represented by said Section 2.04 and 2.05 notice, or (4) an Assessment Roll contains Assessed Property that was not included on the Assessment Roll for the prior Fiscal Year, notice shall be provided by publication and first class mail to the Owners of such Assessed Property. Such notice shall substantially conform with the notice requirement of Section 2.04 and 2.05 of the Ordinance and inform the Owner of the date, time and place for the adoption of the Annual Rate Resolution. The failure of the Owner to receive such notice due to mistake or inadvertence shall not affect the validity of the Assessment Roll nor release or discharge any obligation for payment of an Assessment imposed by the City Commission.

(C) As to any Assessed Property not included on an Assessment Roll approved by the adoption of the Final Assessment Resolution of a prior year's Annual Rate Resolution, the adoption of the succeeding Annual Rate Resolution shall be the final adjudication of the issues presented as to such Assessed Property (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll, and the levy and line of the Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Commission action on the Annual Rate Resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any Assessment not challenged within the required 20 day period for those Assessments imposed against Assessed Property by the inclusion of the Assessed Property on an Assessment Roll approved in the Final Assessment Resolution or any subsequent Annual Rate Resolution.

(D) The City Manager is authorized to provide any supplemental or additional notice deemed proper, necessary or convenient by the City.

**Section 10. Adjustment of Fees.**

(A) Owner-Initiated Adjustments: The city recognizes that some developed properties subject to the fee, have constructed and currently operate and maintain stormwater management facilities which can reduce stormwater runoff impacts from the subject property.

Requests for adjustment of a stormwater utility fee shall be submitted, in-writing by the owner, to the City Manager within thirty (30) days of the date of the first notice of assessment. The City Manager shall have the authority to adjust the fee and establish, administer, and modify related procedures and standards as determined necessary. All requests from owners of single family residential and other developed property may receive an on-site stormwater facility credit of 30% on the fee of the subject property. All requests from owners of undeveloped property shall be reviewed on the basis of the appropriateness of the parcel. The following policies and procedures shall apply to all requests for adjustment of a stormwater utility fee:

(1) The adjustment will be reviewed by the City Manager within thirty (30) days from the date of filing of the adjustment request and shall be either approved or denied in writing, unless additional information is requested. Consideration by the City Manager of the owner's requests for adjustment shall not relieve the owner of the obligation to make timely payment of the stormwater utility fee. In the event an adjustment granted by the City Manager which decreases the stormwater utility fee, the owner shall be entitled to a refund of excess stormwater utility fees paid.

(2) The owner requesting the adjustment may be required to provide supplemental information to the City Manager. Failure to provide such information may result in the denial of the adjustment request.

(B) County Initiated Adjustments: Any errors in a stormwater utility fee placed on the Tax Bill, or, failure to charter a fee, may be corrected by the City Manager. If the stormwater utility

fee is not placed on the Tax Bill, any errors in the fee or failure to charge a fee may be corrected by the City Manager during the year in which the stormwater utility fee is imposed. Corrections which result in an increase in the fee shall not be made until the owner of the affected property has been provided not less (30) days' notice by mail. Once an adjustment is finalized, the City Manager shall send documentation reflecting the adjustment to the owner and, if the stormwater utility fee is placed on the Tax Bill, to the Finance Department of Volusia County.

**Section 11. Stormwater Utility Fund.**

(1) There shall be established a stormwater utility fund for the deposit of all fees collected pursuant to this Resolution and Ordinance No. 96-48 or any inter-local agreements relating to stormwater utilities.

(2) The funds shall be used to provide capital and services to include, but not limited to, administrative, accounting, and legal services and facilities related to the City of Deltona Stormwater Utility Program.

(3) Funds may be expended outside the Assessed area so long as a benefit is provided within the Assessed area.

(4) Funds may be expanded in conjunction with other funds provided by one or more counties or municipalities in order to address common or joint projects.

**Section 12. Appeals.**

Any person claiming to be aggrieved by a decision of the City Manager may file a written appeal within thirty (30) days after said decision with the City Manager to have the decision reviewed by the City Commission. The appeal shall state fully the specific grounds for the appeal and all of the facts relied upon by the appellant. The City Commission shall consider only those items specified in the appeal.

City of Deltona, Florida  
Resolution No. 2015-15  
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**Section 13. Authorization of Public Hearing.** There is hereby established a public hearing to be held on July 20, 2015, 6:00 p.m., Deltona Commission Chambers, 2345 Providence Blvd., Deltona, Florida, at which time the City Commission will receive and consider any comments on the Stormwater Utility Assessments from the public and affected property owners and consider imposing Stormwater Utility Assessments and collecting such assessments on the same bill as ad valorem taxes.

**Section 14. Violations and Penalties.**

If it is determined by the City Manager that any person is violating any provisions of this Resolution or Ordinance No. 96-48, the City Manager shall notify that person, in writing, indicating the nature of the violation and ordering any action necessary to correct it. The order may include, but not limited to, a stop-work order. Any violation of this Resolution or Ordinance No. 96-48 may be referred to the Code Enforcement Board or the Volusia County Court. Any person found guilty of a violation of any of the provisions of this Ordinance, or any lawful order of the City Commission or City Manager shall be punished in accordance with the Florida Statutes with a fine not to exceed five hundred dollars (\$500.00), and/or incarceration not to exceed sixty (60) days. Notwithstanding any other provisions of this Ordinance, a violation of this Ordinance may be abated by any manner as provided by law. Each day the violation continues shall be deemed a separate offense.

**Section 15. Notice By Publication.** The City Manager shall publish a notice of the public hearing in the manner and time provided in Section 2.04 and 2.05 of the Ordinance. The notice shall be published no later than June 29, 2015, in substantially the form attached hereto as Appendix "A".

City of Deltona, Florida  
 Resolution No. 2015-15  
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**Section 16. Notice By Mail.** The City Manager shall also provide notice by first class mail to the Owner of each parcel of Assessed Property, as required by Section 2.05 of the Ordinance, in substantially the **form attached hereto as Appendix "B"**.

Such notices shall be mailed no later than June 29, 2015.

**Section 17. Effective Date.** This Initial Assessment Resolution shall take effect immediately upon its passage and adoption.

**Section 18.** All resolutions or parts of resolution in conflict herewith be and the same are hereby repealed.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

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

## APPENDIX “A”

City of Deltona  
VOLUSIA COUNTY

### **NOTICE OF PUBLIC HEARING**

A public hearing is scheduled for **MONDAY, JULY 20, 2015 AT 6:00 P.M.** at the Deltona Municipal Complex, 2345 Providence Blvd., Deltona, Florida to increase the Stormwater Utility Non-Ad Valorem assessment. The City of Deltona uses the uniform method established by the Uniform Assessment Collection Act for the levy, collection and enforcement of the non-ad valorem assessment pursuant to Florida Statute 197.3632.

All properties within the current corporate limits of the City of Deltona and any future amendment to the corporate limits of the City of Deltona are subject to this assessment. This assessment will be levied solely for the purpose of the Stormwater Utility.

The purpose of the assessment is to fund collection, routing, storage and treatment of storm water and for the costs of engineering plans, studies and services and the general cost of collections and administration. The total amount proposed to be levied per Equivalent Residential Unit (ERU) is \$108.00 per year. The current assessment amount is \$76.11 per ERU.

This assessment shall be collected by the tax collector (Volusia County Property Appraiser). All interested persons may inspect the initial assessment roll and ascertain the amount to be assessed against a parcel of assessed property at the Office of the City Clerk, located at 2345 Providence Blvd., Deltona, Florida. All affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of this notice.

For additional information concerning this Public Hearing regarding the use of the uniform method established by the Uniform Assessment Collection Act, for the levy, collection and enforcement of the non-ad valorem assessment for the DELTONA STORMWATER UTILITY NON-AD VALOREM ASSESSMENT, contact Deltona Municipal Complex, 2345 Providence Blvd., Deltona, Florida, Monday-Friday, 8:00 a.m. - 5:00 p.m. (386) 878-8950.



# CITY DELTONA

2345 Providence Boulevard, Deltona, Florida 32725  
 (386) 878-8100 • Fax (386) 878-5551 • Webpage: [www.deltonafl.gov](http://www.deltonafl.gov)

June 26, 2015

**\*\*\* THIS IS NOT A BILL \*\*\***

**RE: Address of Assessed Property:  
 Parcel Identification:**

As required by City ordinance and § 197.3632, Fla. Stat., you are hereby notified of the City's intent to increase the Stormwater Utility Assessment, using the uniform method established by the Uniform Assessment Collection Act, for the levy, collection and enforcement of the non-ad valorem assessment. The assessment will appear on the "non-ad valorem" portion of the annual taxes by the tax collector of Volusia County. Failure to pay the assessment will result in the sale of a tax certificate against the affected property, and may subject the property owner to loss of title.

A public hearing will be conducted by the City Commission on July 20, 2015, at 6:00 p.m. at the City of Deltona Municipal Complex, 2345 Providence Blvd., Deltona, Florida, at which time the City Commission will receive and consider any comments on the Stormwater Utility Assessment from the public and affected property owners and adopt the Annual Rate Resolution for the upcoming fiscal year.

All affected property owners have the right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If you decide to appeal the decision made by the City Commission regarding this matter, you will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based (§ 286.0105, Fla. Stat. ). Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) days in advance of the meeting date and time at (386) 878-8100.

### Stormwater Assessment - Residential

1. The total amount proposed to be levied against each parcel is \$108.00 per Equivalent Residential Unit (ERU). This is an increase from the current assessment rate of \$76.11 per ERU.
2. The unit of measurement is an Equivalent Residential Unit (ERU).
3. Your property consist of \_\_\_\_ ERU and your proposed assessment is \$ \_\_\_\_\_.
4. The total revenue the City expects to collect is \$ 4,306,479 for all Stormwater Assessments for the fiscal year October 1, 2015 to September 30, 2016. The purpose of the assessment is to provide for the collection, routing, storage and treatment of stormwater and for the costs of engineering plans, studies and services and the general cost of collection and administration.

If you should have any question please visit our website or contact us at (386) 878-8950.

Respectfully,  
 City of Deltona



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 6/15/2015  
**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 9 - B  
**SUBJECT:** Resolution No. 2015-16, Establishing the Preliminary Annual Rate Resolution - Solid Waste Services for FY 15/16 - Robert Clinger, Finance Department (386) 878-8552.

**LOCATION:**

City-wide.

**BACKGROUND:**

The Solid Waste Collection System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.

Section 54-158 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for the adoption of an Annual Rate Resolution requires the adoption of a Preliminary Rate Resolution. Attached is the Preliminary Rate Resolution for solid waste assessments. Staff is not proposing a change in the annual solid waste assessment; the current fee is \$173.96 per year.

**ORIGINATING DEPARTMENT:**

Finance

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

Finance Director, City Attorney

**STAFF RECOMMENDATION PRESENTED BY:**

Robert Clinger, Finance Director - Staff recommends that the Commission adopt Resolution No. 2015-16.

**POTENTIAL MOTION:**

"I move to adopt Resolution No. 2015-16, Establishing Preliminary Assessment Rate Resolution – Solid Waste Assessment for FY 15/16 to provide for an annual rate of

**AGENDA ITEM  
APPROVED BY:**

\$173.96 for solid waste collection services."

---

Jane K. Shang, City Manager

**ATTACHMENTS:**

- Resolution No. 2015-16

**RESOLUTION NO. 2015-16**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF DELTONA; GENERALLY DESCRIBING THE SERVICES, FACILITIES OR PROGRAMS TO BE PROVIDED; ESTIMATING THE COST TO BE ASSESSED FOR THE UPCOMING FISCAL YEAR; ESTABLISHING THE ASSESSMENT RATE FOR THE UPCOMING FISCAL YEAR; AUTHORIZING A PUBLIC HEARING; DIRECTING THE ROLL BE UPDATED AND NOTICE PROVIDED WHERE REQUIRED; DIRECTING AND AUTHORIZING ADDITIONAL OR SUPPLEMENTAL NOTICE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of Deltona, Florida, adopted Resolution No. 96-30 imposing solid waste assessments in the City of Deltona; and

**WHEREAS**, it is determined advisable and in the best interests of the citizens of the City of Deltona that said assessments be approved and that the assessments be certified to the tax collector and be collected utilizing the uniform collection method;

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

**Section 1. Authority.** This Resolution is adopted pursuant to Section 54-63, Code of Ordinances, City of Deltona, Florida (the “Code”).

**Section 2. Definitions and Interpretation.** This Resolution constitutes the Preliminary Rate Resolution as defined in Section 54-63. All words and terms not otherwise defined herein shall have the meanings set forth in Article II, Chapter 54 of the Code. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

**Section 3. Provision and Funding of Solid Waste Services.**

(a) Upon the imposition of solid waste assessments for solid waste services, facilities and programs against the assessed properties, the City shall provide solid waste services to such assessed properties. A portion of the cost to provide such solid waste services, facilities and programs shall be funded from the proceeds of the solid waste assessments. The remaining cost required to provide solid waste services, facilities and programs shall be funded by available City revenues other than solid waste assessment proceeds.

(b) It is hereby ascertained, determined and declared that each parcel of assessed property will be benefitted by the City's provision of solid waste services, facilities and programs in an amount not less than the solid waste assessment imposed against such parcel.

**Section 4. Determination of Solid Waste Assessed Costs and Rates.** The total estimated solid waste assessed costs to be assessed are \$5,648,161 and the estimated rate of assessment to be apportioned among benefitted parcels is \$173.96 per residence annually for the fiscal year commencing October 1, 2015. Solid waste assessments shall be imposed against all benefitted parcels within the City.

**Section 5. Authorization of Public Hearing.** There is hereby established a public hearing to be held at 6:00 p.m. on July 20, 2015, or as soon thereafter as may be heard, at the Deltona Commission Chambers, 2345 Providence Blvd., Deltona, Florida at which time the City Commission will receive and consider any comments on the solid waste assessments from the public and affected property owners and adoption of the annual rate resolution for the upcoming fiscal year.

**Section 6. Updated Assessment Roll and Notice.** The City Manager shall:

(a) Update the assessment roll;

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(b) Provide notice by publication and first class mail to affected owners in the event the circumstances described in Section 54-63(f) so require;

(c) direct and authorize any supplemental or additional notice deemed proper, necessary or convenient by the City.

**Section 7. Effective Date.** 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 \_\_\_\_\_, 2015.**

\_\_\_\_\_  
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

**TO:** Mayor & City Commission      **AGENDA DATE:** 6/15/2015  
**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 9 - C  
**SUBJECT:** Resolution No. 2015-17, Establishing Preliminary Annual Assessment Rate - Streetlighting Services for FY 15/16 - Robert Clinger, Finance Department (386) 878-8552.

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<b>LOCATION:</b>	Streetlighting Districts located throughout the City.
<b>BACKGROUND:</b>	<p>The Streetlighting Services System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.</p> <p>Section 54-253 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary and Annual Rate Resolutions. Attached is the Preliminary Annual Rate Resolution for streetlighting assessments.</p>
<b>ORIGINATING DEPARTMENT:</b>	Finance
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	Finance Director, City Attorney
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Robert Clinger, Finance Director - Staff recommends that the Commission approve Resolution No. 2015-17, adopting the current rate for Streetlighting Assessment FY 15/16.
<b>POTENTIAL MOTION:</b>	"I move for approval of Resolution No. 2015-17, adopting the current rate for Streetlighting Assessments for FY 15/16."

**AGENDA ITEM  
APPROVED BY:**

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Jane K. Shang, City Manager

**ATTACHMENTS:**

- Resolution No. 2015-17

**RESOLUTION NO. 2015-17**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, RELATING TO THE PROVISION OF STREETLIGHTING SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF DELTONA; GENERALLY DESCRIBING THE SERVICES, FACILITIES OR PROGRAMS TO BE PROVIDED; ESTIMATING THE COST TO BE ASSESSED FOR THE UPCOMING FISCAL YEAR; ESTABLISHING THE ASSESSMENT RATE FOR THE UPCOMING FISCAL YEAR; AUTHORIZING A PUBLIC HEARING; DIRECTING THE ROLL BE UPDATED AND NOTICE PROVIDED WHERE REQUIRED; DIRECTING AND AUTHORIZING ADDITIONAL OR SUPPLEMENTAL NOTICE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of Deltona, Florida, adopted Resolutions Nos. 96-28 (Numerous), 97-12 (Giovanni Street), 97-13 (Acadian Drive), 97-17 (Whipple Drive), 98-23 (Brickell Drive), 98-26 (Diamond Street), 99-43 (Antoinette Street), 99-50 (Waco Drive), 00-02 (Arbor Ridge), 00-15 (Expansion of Waco Drive), 00-20 (Beal Street), 01-03 (Baylor Drive), 01-09 (Saxon Ridge), 01-25 (Anchor Drive), 01-30 (Shafton Avenue), 02-05 (Prescott Blvd.), 02-25 (Embassy Drive), 02-27 (Expansion of Arbor Ridge to include Unit 2), 02-34 (Expansion of Saxon Ridge to include Phase 2), 03-32 (Rosetta Drive), 04-34 (Expansion of Saxon Ridge to include Phase 2B), 04-35 (Expansion of Saxon Ridge to include Phase 3), 04-43 (Expansion of Arbor Ridge to include Unit 2, Tract P & Unit 3), 06-10 (Ludlum Drive), 06-49 (Lynn River), 07-39 (Echo Court), 07-36 (Brewster Drive), 08-14 (Croton Avenue), 08-29 (Maldive Court), 10-08 (Sullivan Street) and 15-11 (Coachman Drive) imposing streetlighting assessments in the City of Deltona; and

**WHEREAS**, it is determined advisable and in the best interests of the citizens of the City of Deltona that said assessments be approved and that the assessments be certified to the tax collector and be collected utilizing the uniform collection method;

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

**Section 1. Authority.** This Resolution is adopted pursuant to Section 54-253, Code of Ordinances, City of Deltona, Florida (the “Code”).

**Section 2. Definitions and Interpretation.** This Resolution constitutes the Preliminary Rate Resolution as defined in Section 54-253. All words and terms not otherwise defined herein shall have the meanings set forth in Article IV, Chapter 54 of the Code. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

**Section 3. Provision and Funding of Streetlighting Services.**

(a) Upon the imposition of streetlighting assessments for streetlighting services, facilities and programs against the assessed properties, the City shall provide streetlighting services to such assessed properties. A portion of the cost to provide such streetlighting services, facilities and programs shall be funded from the proceeds of the streetlighting assessments. The remaining cost required to provide streetlighting services, facilities and programs shall be funded by available City revenues other than streetlighting assessment proceeds.

(b) It is hereby ascertained, determined and declared that each parcel of assessed property will be benefitted by the City’s provision of streetlighting services, facilities and programs in an amount not less than the streetlighting assessment imposed against such parcel.

**Section 4. Determination of Streetlighting Assessed Costs and Rates.** The estimated streetlighting assessed costs to be assessed and the rate of assessment to be apportioned among benefitted parcels for the fiscal year commencing October 1, 2015, are as follows:

	<b>Assessment Rate per Parcel</b>	<b>Number of Parcels</b>	<b>Total Cost</b>
Crystal Lake Estates	\$ 45.40	95	\$ 4,313
Kensington Estates	138.33	32	4,426
Timber Ridge	23.99	807	19,360

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	<b>Assessment Rate per Parcel</b>	<b>Number of Parcels</b>	<b>Total Cost</b>
Deltona Woods	37.94	82	3,111
Timbercrest	30.36	237	7,195
Sterling Park	124.56	73	9,093
Rayston Street	31.22	241	7,524
Tradewinds Drive	38.37	18	691
Azora Drive	22.39	44	985
Trumbull Street	22.20	50	1,110
Johnson Court	41.56	11	457
Goodrich Drive	27.09	53	1,436
Giovanni Street	25.74	192	4,942
Acadian Street	23.30	63	1,468
Whipple Drive	49.81	43	2,142
Brickell Drive	36.52	38	1,388
Diamond Street	37.23	62	2,309
Antoinette Street	15.27	35	534
Waco Drive	30.43	124	3,773
Arbor Ridge	95.05	364	34,599
Arbor Ridge – Phase 2	INCL	INCL	INCL
Arbor Ridge – Units 2 & 3	INCL	INCL	INCL
Arbor Ridge – Unit 4	INCL	INCL	INCL
Beal Street	51.55	72	3,712
Baylor Drive	32.74	25	819
Saxon Ridge	42.57	201	8,556
Saxon Ridge – Phase 2	INCL	INCL	INCL
Saxon Ridge – Phase 2B	INCL	INCL	INCL
Saxon Ridge – Phase 3	INCL	INCL	INCL
Anchor Drive	28.19	38	1,071
Shafton Avenue	42.39	35	1,483
Prescott Blvd.	34.57	37	1,279
Embassy Drive	23.50	104	2,444
Rosetta Drive	43.60	47	2,049
Ludlum Drive	53.17	38	2,020
Lynn River Drive	47.83	26	1,244
Echo Court	55.94	8	448
Brewster Drive	62.53	48	3,002
Croton Avenue	53.55	44	2,356
Maldiva Court	44.91	43	1,931
Sullivan Street	21.83	68	1,484
Coachman Drive	126.15	13	1,640
		<b>Total</b>	<b>\$ 146,394</b>

Streetlighting assessments shall be imposed against all buildable lots within the streetlighting Districts.

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 Resolution No. 2015-17  
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**Section 5. Authorization of Public Hearing.** There is hereby established a public hearing to be held at 6:00 p.m. on July 20, 2015, or as soon thereafter as may be heard, at the Deltona Commission Chambers, 2345 Providence Blvd., Deltona, Florida at which time the City Commission will receive and consider any comments on the streetlighting assessments from the public and affected property owners and adoption of the annual rate resolution for the upcoming fiscal year.

**Section 6. Updated Assessment Roll and Notice.** The City Manager shall:

- (a) Update the assessment roll;
- (b) provide notice by publication and first class mail to affected owners in the event the circumstances described in Section 54-253(f) so require;
- (c) direct and authorize any supplemental or additional notice deemed proper, necessary or convenient by the City.

**Section 7. Effective Date.** 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 \_\_\_\_\_, 2015.**

\_\_\_\_\_  
 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

**TO:** Mayor & City Commission      **AGENDA DATE:** 6/15/2015  
**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 9 - D  
**SUBJECT:** Ordinance No. 06-2015, Amending Section 6-1, "Hours of Sale," of Chapter 6 "Alcoholic Beverages," of the Code of City of Deltona; Making hours of sale consistent throughout the week, for first reading - Becky Vose, City Attorney (407) 448-0111 (cell).

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<b>LOCATION:</b>	City wide
<b>BACKGROUND:</b>	A the Commission Workshop of May 18, 2015, the City Commission requested that the City Attorney look into and amend this ordinance, which is simply a time change.
<b>ORIGINATING DEPARTMENT:</b>	City Attorney's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Attorney
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Becky Vose, City Attorney - That the City Commission adopt Ordinance No. 06-2015, at first reading and to schedule second and final reading for July 6, 2015.
<b>POTENTIAL MOTION:</b>	"I move to adopt Ordinance No. 06-2015, at first reading and to schedule second and final reading for July 6, 2015."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Jane K. Shang, City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Ordinance No. 06-2015</li></ul>

**ORDINANCE NO. 06-2015**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTION 6-1, "HOURS OF SALE", OF CHAPTER 6 "ALCOHOLIC BEVERAGES", OF THE CODE OF THE CITY OF DELTONA; MAKING HOURS OF SALE CONSISTENT THROUGHOUT THE WEEK; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:**

**SECTION 1:** Section 6-1, "Hours of Sale", of Chapter 6, "Alcoholic Beverages", of the Code of the City of Deltona, is hereby amended to read as follows:

Sec. 6-1. - Hours of sale.

(a) Generally. Alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in containers, by the drink or otherwise, in any place holding license under the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation of the State of Florida, within the corporate limits of the city by any person, firm, or corporation, vendor or distributor holding such license, between the hours of 7:00 a.m. and 2:00 a.m. on the following morning.

(b) Extension of hours on certain days. The hours of sale for alcoholic beverages that may be sold, consumed, served or permitted to be served or consumed shall be extended as follows:

(1) From 7:00 a.m. December 31, New Year's Eve, until 3:00 a.m. January 1, New Year's Day.

(2) From 7:00 a.m. July 4 until 3:00 a.m. July 5.

(3) From 7:00 a.m. Labor Day until 3:00 a.m. the following morning.

**SECTION 2. CONFLICTS.** 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.

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Ordinance No. 06-2015  
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**SECTION 3. CODIFICATION.** The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

**SECTION 4. SEVERABILITY.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance on which shall remain in full force and effect.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

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

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

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

\_\_\_\_\_  
**JOHN C. MASIARCZYK SR., MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JOYCE RAFTERY, CITY CLERK**

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

\_\_\_\_\_  
**GRETCHEN R. H. VOSE, CITY ATTORNEY**



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 6/15/2015  
**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 9 - E  
**SUBJECT:** Ordinance No. 08-2015, creating a new Section 1-17, "Ordinance Review Committee," of Chapter 1, "General Provisions," of the Code of Ordinances of the City of Deltona, for first reading - Becky Vose, City Attorney (407) 448-0111 (cell).

<b>LOCATION:</b>	City wide
<b>BACKGROUND:</b>	At the Commission Workshop of May 18, 2015, the City Commission directed the City Attorney to draft an ordinance establishing an Ordinance Review Committee to review and suggest changes to City Ordinances.
<b>ORIGINATING DEPARTMENT:</b>	City Attorney's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Attorney
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Becky Vose, City Attorney - That the City Commission adopt Ordinance No. 08-2015 at first reading and to schedule second and final reading for July 6, 2015.
<b>POTENTIAL MOTION:</b>	"I move to adopt Ordinance No. 08-2015 at first reading and to schedule second and final reading for July 6, 2015."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Jane K. Shang, City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Ordinance No. 08-2015</li></ul>

**ORDINANCE NO. 08-2015**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADOPTING A NEW SECTION 1-17, "ORDINANCE REVIEW COMMITTEE" OF CHAPTER 1, "GENERAL PROVISIONS", OF THE CODE OF THE CITY OF DELTONA, ESTABLISHING AN ORDINANCE REVIEW COMMITTEE; PROVIDING FOR APPOINTMENT OF MEMBERS AND DUTIES OF COMMITTEE; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:**

**SECTION 1:** A new Section 1-17, "Ordinance Review Committee", of Chapter 1, "General Provisions," of the Code of Ordinances of the City of Deltona is hereby adopted to read as follows:

Sec. 1-17. – Ordinance Review Committee

The City of Deltona Ordinance Review Committee (hereinafter, "committee") is hereby created. The committee shall be comprised of seven (7) persons, with the Mayor and each City Commission member appointing one person. The members of the committee will each be either a resident of the city or be involved in a business or other organization in the city. Each member shall serve a two (2) year term, and members can succeed themselves in office. The committee will review ordinances only as specifically designated by the City Commission, and shall make recommendations to the City Commission as to such ordinances. The procedures of the committee shall be regulated by By-Laws adopted by the City Commission.

**SECTION 2. CONFLICTS.** 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. CODIFICATION.** The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

**SECTION 4. SEVERABILITY.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent

City of Deltona, Florida  
Ordinance No. 08-2015  
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jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance on which shall remain in full force and effect.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

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

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

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

\_\_\_\_\_  
**JOHN C. MASIARCZYK SR., MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JOYCE RAFTERY, CITY CLERK**

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

\_\_\_\_\_  
**GRETCHEN R. H. VOSE, CITY ATTORNEY**



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 6/15/2015  
**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 9 - F  
**SUBJECT:** Ordinance No. 12-2015, creating a new Chapter 55, "Squatters," of the Deltona Code of Ordinances, for first reading - Becky Vose, City Attorney (407) 448-0111 (cell).

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<b>LOCATION:</b>	City wide
<b>BACKGROUND:</b>	At several meetings in general, the City Commission requested and directed the City Attorney to create a new Chapter 55 of the Deltona Code of Ordinances dealing with the issue of squatters within the City.
<b>ORIGINATING DEPARTMENT:</b>	City Attorney's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Attorney
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Becky Vose, City Attorney - That the City Commission adopt Ordinance No. 12-2015, at first reading and to schedule second and final reading for July 6, 2015.
<b>POTENTIAL MOTION:</b>	"I move to adopt Ordinance No. 12-2015, at first reading and to schedule second and final reading for July 6, 2015."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Jane K. Shang, City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Ordinance No. 12-2015</li></ul>

**ORDINANCE NO. 12 – 2015**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, CREATING A NEW CHAPTER 55, "SQUATTERS," OF THE DELTONA CODE OF ORDINANCES, MAKING FINDINGS; PROVIDING DEFINITIONS; PROHIBITING SQUATTING; REQUIRING REMOVAL OF SQUATTERS; PROVIDING PENALTIES; PROVIDING FOR CITY REMOVAL OF SQUATTERS; PROVIDING FOR NOTICE AND HEARING; PROVIDING FOR PRESUMPTION OF SQUATTING, OTHER REMEDIES, AND IMMUNIZATION; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.**

WHEREAS, there are numerous vacant or abandoned residences, in the City of Deltona, and the phenomenon of squatting has become an increasing problem; and

WHEREAS, the unauthorized occupation of a residence by squatters poses numerous public safety concerns to the lawful owner or lessee of the residence, and to the surrounding community, and is a public nuisance; and

WHEREAS, squatters have neither an ownership nor leasehold interest in the property being occupied, and are therefore not affected if a Code Enforcement lien is placed on the property due to their actions, which poses enforcement difficulties in the event that the property being occupied by the squatter does not comply with the Zoning Code or City Code; and

WHEREAS, the City Commission wishes to prevent instances of squatting in the City of Deltona, and to ensure that provisions are in place to remove squatters promptly from properties being unlawfully occupied; and

WHEREAS, the City Commission finds that the current City ordinances are inadequate in protecting the health, safety and general welfare of the residents and property owners of the City in preventing the adverse results of squatting within the City; and

WHEREAS, the City Commission finds establishing an ordinance to address and prevent squatting in the City will serve to protect the public health, safety and general welfare of the citizens and property owners of the City and serves a valid public purpose; and

WHEREAS, the regulations of this ordinance constitute the minimum regulations necessary to control the adverse effects of squatting so as to protect the public health, safety and general welfare of the citizens and property owners of the City of Deltona.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:**

**SECTION 1.** The foregoing “Whereas” clauses are true and correct and are hereby ratified and confirmed by the City Commission.

**SECTION 2.** Chapter 55, “*Squatters*” of the Code of Ordinances of the City of Deltona is hereby created to read as follows:

**Sec. 55-1. Definitions**

- (a) Squatting is defined as the occupation of private property without authorization from the owner or lessee.
- (b) Squatters are defined as occupants of private property without authorization from the owner or lessee.
- (c) Lessee is defined to include the lessee, any sublessee, or any other legal occupant of the premises.

**Sec. 55-2. - Squatting prohibited**

Squatting is a public nuisance, and is unlawful in the City of Deltona.

**Sec. 55-3. - Action to remove squatters**

A property owner or lessee is required to take all lawful measures to prevent or remove squatters.

**Sec. 55-4. - Penalties**

Any person who is found to be in violation of any provision of this chapter for which another penalty is not specifically provided shall immediately cease the activity in violation and may be issued a citation by a City Code Enforcement officer, punishable by a fine not to exceed \$500.00. For each day that the violation of a provision of this chapter exists, such violation shall constitute a separate offense.

**Sec. 55-5. - Removal of squatters**

The City is authorized to remove squatters from private property.

**Sec. 55-6. - Notice and hearing**

The City shall post a notice at the property indicating its intent to remove squatters at least ten (10) working days in advance of any such action. The City shall also make reasonable efforts to separately notify the property owner (or lessee if known) by mailing a notice by certified mail, return receipt requested, to the last known address of the property owner or lessee. Any appeal of the notice must be received by the City within five (5) working days of posting. The failure to

appeal constitutes an admission that the occupants are squatters and an agreement to the remedy of removal. If an appeal is timely received, the City shall set an administrative hearing before the special magistrate, and the matter shall be heard on an expedited basis prior to the removal of the occupants. The person appealing shall submit a cashier's check, payable to the City of Deltona, in an amount of \$125.00, to cover the special magistrate's fee at the time the request for a hearing is made. Said deposit will be used to pay the special magistrate should the person appealing be declared the losing party. If the special magistrate's fee exceeds the deposit, the losing party will be responsible for any and all additional fees. If the person appealing prevails, the deposit will be returned to the person appealing within 30 days of the special magistrate's ruling.

**Sec. 55-7. - Presumption**

Squatting may be presumed where the occupant of the property is unable to produce valid proof that the occupant is the owner of the property, or a valid written document, such as a lease, license, or other written proof of authorization from the property owner or lessee, demonstrating that the occupant has permission to be on the property. Squatting may also be presumed where a property is listed as vacant on the distressed property registry pursuant to the Deltona Anti-Blight Ordinance, and yet is occupied, or if the property is occupied, but the utilities are not legally turned on. Such presumptions may be rebutted if the occupant provides competent, substantial evidence demonstrating authorization to be in the premises. The presumptions stated herein are not the exclusive method for determining whether squatting is occurring on a specific property.

**Sec. 55-8. - Other remedies**

These remedies are cumulative with other remedies, including remedies for trespass, and are not exclusive. The City may remove trespassers pursuant to state law, including in cases where a lawful trespass warning has been provided and the occupants refuse to vacate the property.

**Sec. 55-9. - Immunization**

Code Enforcement officers, as well as City staff and agents, are immunized from civil or criminal liability for actions taken to remove squatters and secure property pursuant to the authority provided herein; and law enforcement officers are also immunized from civil or criminal liability for actions taken to keep the peace during the removal of squatters or the securing of property pursuant to the authority provided herein.

**SECTION 3. CONFLICTS.** 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 4. CODIFICATION.** The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

City of Deltona, Florida  
Ordinance No. 12-2015  
Page 4 of 4

**SECTION 5. SEVERABILITY.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

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

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

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

\_\_\_\_\_  
**JOHN C. MASIARCZYK SR., MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JOYCE RAFTERY, CITY CLERK**

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

\_\_\_\_\_  
**GRETCHEN R. H. VOSE, CITY ATTORNEY**



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 6/15/2015  
**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 11 - A  
**SUBJECT:** Consideration of appointment of a City representative to the Volusia Growth Management Commission (VGMC) - Joyce Raftery, City Clerk (386) 878-8502.

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<b>LOCATION:</b>	N/A
<b>BACKGROUND:</b>	<p>The appointment of Sandy Lou Gallagher as the City's representative to the Volusia Growth Management Commission (VGMC) expires on June 30, 2015 and she has indicated that she would like to be re-appointed as the City's representative.</p> <p>The City has run a press release and posted the opening on the City's WebPage, D-TV and City bulletin board. To date, the City has received applications from Sandy Lou Gallagher.</p>
<b>ORIGINATING DEPARTMENT:</b>	City Clerk's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	Acting City Manager
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Joyce Raftery, City Clerk - That the City Commission appoints a citizen representative to the Volusia Growth Management Commission (VGMC).
<b>POTENTIAL MOTION:</b>	"I move to confirm the following Commission appointment of citizen member _____ as the City's representative to the Volusia Growth Management Commission (VGMC) for a two (2) year term to expire on

June 30, 2017."

**AGENDA ITEM  
APPROVED BY:**

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Jane K. Shang, City Manager

**ATTACHMENTS:**

- VGMC Letter
- Application - Sandy Lou Gallagher



## Volusia Growth Management Commission

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May 7, 2015

Mayor John C. Masiarczyk, Sr.  
City of Deltona  
2345 Providence Boulevard  
Deltona, FL 32725

RE: Volusia Growth Management Commission (VGMC) Member Appointment

Dear Mayor Masiarczyk,

On behalf of the Volusia Growth Management Commission, I am writing to inform the City of Deltona that Sandy Lou Gallagher's member term is scheduled to expire on June 30, 2015.

Ms. Gallagher has been an active member of the Commission since she was originally appointed by the City in June, 2008. In addition, she presently serves as a member of the Commission's Personnel, Operations & Procedures Committee and formerly was a member of the Commission's Budget Committee.

Please notify the VGMC office if it is the City's desire to reappoint Ms. Gallagher to represent the City for the four year term beginning July 1, 2015.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Merry C. Smith".

Merry C. Smith  
Operations Manager

CC: Sandy Lou Gallagher, VGMC Member  
James Wachtel, VGMC Chairman

Received April 30, 2015

Request From: Sandy Lou Gallagher

Email: [sgallaghe2@cfl.rr.com](mailto:sgallaghe2@cfl.rr.com)

Source IP: 67.8.230.121

Address: 99 Claymore St

City: Deltona

State: FL

Zip: 32725

Phone: 386-574-7455

Alt Phone: 407-923-3845

Fax: n/a

Organization: Volusia Growth Management Commission

Checkbox Choices

Other Boards/Committees (Write Board Name in "Additional Information"),

Number of Years as a Deltona Resident

21 - 25 Years

What Commission district do you reside in?

District 3

Are you a registered voter in Volusia County?

Yes

Who is your employer? (Please include number of years, address, phone number and title/position)

January 2011- Present - Independent Contractor, Certified Field Inspector, Technical Specialist, and Field Auditor.

Please summarize your work experience.

Experience and knowledge: Engineering and architectural principles, practices, terminology, calculations, final estimates, quality control, interpreting plans, plats maps and drawings.

Over 4 years CEI Inspection and 5 years Engineering Technical experience.

Managed RFP's, end to end, from the drafting phase, through evaluation/analysis, bid leveling, recommendations, and contract execution.

Received April 30, 2015

Reviewed scope documents and agreements.

Led vendor negotiations - Followed-up with vendors to resolve contractual and/or performance issues.

Coordinating bidder interviews.

Determined project scope and recommend appropriate sourcing strategies.

Worked with Legal and Compliance to execute contracts and task orders, as required.

Attended weekly project and functional team meetings, as required.

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held.

March 2008 - Present - Volusia Growth Management Commission (VGMC)  
Commissioner for City of Deltona - Personnel, Operations & Procedures Committee (POP) - 2009, 2013, 2014, and 2015.

October 2014 - Present - Southwest Volusia Habitat for Humanity, Family Services Board Member

2003 - 2008 - City of Deltona Planning & Zoning Board - Vice Chair 2008, Secretary 2007

2001 - 2003 - American Concrete Institute Central Florida Board Member

Enterprise Preservation Society, Charter Member - 1999 – Present - Board of Directors 2015

Have you ever served on a committee or advisory board? If so, give the details, including any positions held. Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.

March 2008 - Present - Volusia Growth Management Commission (VGMC)  
Commissioner for City of Deltona - Personnel, Operations & Procedures Committee (POP) - 2009, 2013, 2014, and 2015.

2003 - 2008 - City of Deltona Planning & Zoning Board - Vice Chair 2008, Secretary 2007

Describe any additional knowledge, skill, education, or experience you have, which would assist you in the duties of this Board/Committee.

Received April 30, 2015

Knowledge and Skills - Microsoft Office Professional, (Word, Excel, and PowerPoint), Outlook, Internet and basic AutoCAD and AutoCAD (Desktop).

Engineering and architectural principles, practices, terminology, calculations, final estimates, quality control; interpreting plans, plats maps and drawings.

Plan, organize, evaluate, interpret, analyze, calculate data, and prepare reports.

Good management, customer service, multi-task, and purchasing skills.

Over 4 yrs CEI Inspection and 5 yrs Engineering Technical experience.

#### EDUCATION:

Daytona State College:

A.A.S - Civil Engineering Technology

Outstanding Student Award for Civil Engineering Technology

Graduated Phi Theta Kappa with Honors - Presidents List.

A.A.S - Architecture & Building Construction

Technology Graduated Phi Theta Kappa with Honors - Presidents List.

AutoCAD Foundation - Architecture - Certificate

Graduated Phi Theta Kappa with Honors - Presidents List.

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

I have represented the City of Deltona on the Volusia Growth Management Commission since March 2008. It has been my pleasure to represent the City of Deltona and I will do my best to represent the city in the future.

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.

None

Received April 30, 2015

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.

None

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.

Janet Deyette – Owner -Tri-County Financial Services – Deltona - (386) 574-8053

Kevin Finn – Project Manager – Drywall Contractor – Deltona - (386) 215-7070

Cindy Sullivan - (386) 575-0694

Additional Information or Comments

This is for my re-appointment to the Volusia Growth Management Commission for a term of two (2) years to expire on June 30, 2017.

I understand the purpose of the VGMC is to: "Determine the consistency of the comprehensive plans, the elements thereof, and the amendments thereto of the County and all municipalities

in the County. Perform such other directly related duties as the Commission from time to time deems necessary." I am willing to serve the City as a member of the VGMC.

I declare the foregoing facts to be true, correct, and complete.

I agree



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 6/15/2015

**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 11 - B

**SUBJECT:** Request for approval to piggyback County of Fluvanna agreement for the contract with CityScape Consultants, Inc., for and as cell tower consultants for the City of Deltona - Becky Vose, City Attorney (386) 878-8872.

**LOCATION:**

Citywide

**BACKGROUND:**

The City of Deltona has been negotiating with a cell tower consultant to assist the City as to cell tower matters at no out of pocket cost to the City. The consultant would be paid from application fees and consultant fees paid to the City pursuant to an existing City ordinance, and would also receive a portion of increased fees received by the City due to their negotiations on behalf of the City. The City would be piggybacking on the County of Fluvanna's agreement.

**ORIGINATING DEPARTMENT:**

Human Resources

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

City Attorney

**STAFF RECOMMENDATION PRESENTED BY:**

Becky Vose, City Attorney - Recommendation is being made to piggyback on the County of Fluvanna's agreement with CityScape Consultants, Inc., as cell tower consultants for the City of Deltona.

**POTENTIAL MOTION:**

"I move to approve piggybacking on the County of Fluvanna's agreement with CityScape Consultants, Inc., as cell tower consultants for the City of Deltona."

**AGENDA ITEM APPROVED BY:**

\_\_\_\_\_

**ATTACHMENTS:**

Jane K. Shang, City Manager

- CityScape Consultants, Inc. - Agreement For Services
- Exhibit B



## AGREEMENT FOR SERVICES

This Agreement for Services, hereinafter referred to as the "Agreement," is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2015, between CityScape Consultants, Inc., a Florida Corporation, hereinafter referred to as the "Consultant," and City of Deltona, Florida a body politic and corporate of the State of Florida, hereinafter referred to as the "City."

**WHEREAS**, the Consultant has entered into an agreement to provide services to the County of Fluvanna, Virginia pursuant to the Agreement for Services, dated September 8, 2010, which Agreement has been extended and continues to be in effect (hereinafter the "Fluvanna Agreement"; and

**WHEREAS**, the City desires to retain the Consultant for similar work based on the Fluvanna Agreement and Scope of Services (Exhibit B attached hereto for reference) and for the periods set forth in the Fluvanna Agreement; and

**WHEREAS**, the City desires to retain the Consultant to furnish services and perform those tasks as specifically set forth in Exhibit A, attached; and

**WHEREAS**, the City desires to employ the Consultant for the performance to support the activities, programs and projects of the City upon the terms and conditions hereinafter set forth, and the Consultant is desirous of performing such services upon said terms and conditions; and

**WHEREAS**, all submissions submitted by the Consultant in its materials to the Fluvanna Agreement are hereby incorporated herein to the extent not inconsistent with the terms and conditions as set forth herein; and

**WHEREAS**, the City is the owner of one or more tower facilities, or locations suitable for the installation of wireless communications facilities, hereinafter collectively referred to as "the Sites" that can be marketed for use by the telecommunications industry; and,

**WHEREAS**, the City desires to engage the services of the Consultant to provide such services for the City according to the terms and subject to the conditions set forth herein.

**NOW, THEREFORE**, for and in consideration of the mutual covenants and agreements hereinafter set forth and of the faithful performance of such covenants and conditions, the City and Consultant do hereby agree as follows:

1. **Scope of Services to be performed by Consultant.** The Consultant shall perform those services as described in this section and based on the County of Fluvanna Agreement, attached hereto as Exhibit "A" and incorporated herein by reference. In performing such services, the Consultant shall comply with all federal, state and local laws, ordinances, rules and regulations applicable to the performance of such services. The Consultant shall perform services diligently and completely and in accordance with professional standards of conduct, care and performance.

- A. Intentionally deleted. Master Planning will not be part of the Scope of Services provided to the City at this time; and at the request of the City, Consultant will provide a Quote for Services for a Wireless Master Plan.
- B. **Third Party Expert Application Review.** Upon request by the City, Consultant shall conduct application reviews for all wireless communication facility applications to the City in accordance with Section 2 of the Scope of Services attached hereto as Exhibit "A" ("Application Reviews") to ensure compliance with state and federal regulations and to minimize the aesthetic impact of such facilities on surrounding areas of the City. Consultant shall provide its report detailing its findings to the City within seventy two (72) business hours of receipt of a completed application.
- C. **Site Leasing and Management.** The City appoints Consultant as the exclusive site manager to assess, manage and consult with the City in connection with marketing and leasing, and in conjunction with City staff, designate City owned sites for wireless communications facility development in accordance with Section 3 of the Scope of Services attached hereto as Exhibit "A" ("Site Leasing and Management"). Determination of which sites are available for wireless communication facility development shall be solely within the discretion of the City and subject to the approval of the City Commission. Consultant shall work with the City Attorney's Office to develop a base form of lease agreement for prospective tenants. All lease agreements are subject to applicable laws, rules and regulations, which may include public hearing, and approval of City Commission. It is expressly agreed and understood that no such compensation or management fee shall be earned, due, owing or payable to Consultant if a transaction fails to occur for any reason whatsoever, including but not limited to the default of either the City or the prospective tenant. Consultant shall not have the power, right or authority to execute any agreement or instrument on behalf of the City.
2. **Duration of Contract** This Agreement shall be in full force and effect for a period of five (5) years commencing upon execution of this Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance by Consultant is required. This Agreement shall renew on the 5<sup>th</sup> anniversary of this Agreement for one additional five (5) year term unless terminated by either party in writing no later than sixty (60) days prior to such anniversary. Each five (5) year period may be referred to in this Agreement as a Term.
3. **Termination**
- A. This Agreement may be terminated, in whole or in part, without cause, upon a sixty (60) day written notice by either party. In the event of such termination:
1. The City shall compensate Consultant for all Master Plan and Ordinance services, all Application Review services, and all Additional Services satisfactorily completed through the termination date, pursuant to Section 4 below;
  2. Consultant shall complete all services in connection with any Third Party Application Review that is commenced prior to the effective date of such termination and the City shall compensate Consultant for such services upon satisfactory completion, pursuant to Section 4 below;
  3. Consultant shall receive all Management Fees that have become due and payable to Consultant through the termination date, provided however that in the event the City terminates this Agreement without cause other than at the end of a Term, Consultant shall receive all Management Fees that become due and payable to Consultant through the Initial Fee Term of each New Lease, as more particularly set forth in 4(C) below.

#### 4. Compensation and Method of Payment

A. **Third Party Expert Site Plan Reviews:** Consultant shall receive as compensation for the performance of services contemplated by this Agreement, the fees as depicted on Exhibit A of this Agreement, to be invoiced by Consultant and paid by the City upon completion and submittal of each application review submittal and/or attendance hearing if applicable. The below fee is an inclusive fee and there are no additional fees.

- Site Review and Analysis (Collocations, Modifications/Upgrades): \$4,000.00
- Site Review and Analysis (New Tower) hearing attendance: \$6,500.00
- Site Review and Analysis (New Tower) no hearing attendance: \$5,000.00

B. **Site Leasing & Management:** Consultant shall be entitled to twenty-five percent (25%) of all gross rent collected on all new lease agreements, entered into after the effective date of this Agreement, for the first initial five year term of the lease agreement. Thereafter, beyond the initial five year term of any lease agreement, CityScape will adjust the fixed rate from twenty (25%) to twenty (20%) of the gross rent collected on all lease renewals. Consultant shall not be entitled to any rent and fees collected from existing Tenant contracts. Should Consultant improve any existing Tenant contracts through proposed renewals and amendments, Consultant shall be entitled to eighteen percent (18%) of all rents and fees collected by Consultant, not to exceed fifty percent (50%) of the net increase in rents and fees received by the City over the rents and fees payable to the City relating to that contract before the renewal or amendment. For the purpose of this Section, sales taxes, real estate or personal property tax reimbursement, insurance reimbursements and late fees, if applicable, shall be excluded from the amount of the rents and fees upon which the compensation of Consultant is based.

C. **Additional Consulting Services,** if required and approved in advance by the City, shall be compensated in accordance with a mutually agreed upon payment schedule at the per diem rate, as published by CityScape at the time of services.

D. **Liability for Payment.** The Third Party Review fees provided for herein for Consultant's services shall be paid by the Applicant through the City's application process. Consultant shall assist City in amending its existing regulations, if required, to permit recovery of these fees from the site applicants while remaining in compliance with applicable state law regarding fees for expert review.

E. **Intentionally deleted.** Master Planning will not be part of the Scope of Services provided to the City at this time; and at the request of the City, Consultant will provide a Quote for Services for a Wireless Master Plan.

5. **Notices.** Whenever any notice is required or permitted under this Agreement, such notice shall be in writing and shall be deemed sufficiently given if delivered by hand or by guaranteed overnight delivery service to the address of the party to be notified or if deposited in the United States mail, postage prepaid, certified or registered mail, return receipt requested, addressed to the party to be notified as follows:

**CONSULTANT:** CityScape Consultants, Inc.  
7050 W Palmetto Park Rd. #15-652  
Boca Raton, FL 33433-3483  
Attn: Kay Miles, Business Manager  
Email: kay@cityscapegov.com  
Telephone: 877-438-2851 Fax: 877-220-4593

**CITY:** City of Deltona  
2345 Providence Boulevard  
Deltona, FL 32725  
Attn: Becky Vose, City Attorney  
Telephone: 386-878-8100 Fax: 386-878-8872

Notices delivered in accordance with this paragraph shall be deemed received on the date to such address or, if mailed, three days following deposit in the United States mail. Either party may change its address for delivery of notice by giving notice of change of address in compliance with the terms of this Section.

6. **Entire Agreement:** This Agreement constitutes the entire agreement and understanding of the parties and supersedes all offers, negotiations, proposals and any other agreement of any kind relating to the subject matter of this Agreement. There are no representations or understandings of any kind not set forth herein. Any modification of this Agreement shall be in writing and executed by both parties hereto.
7. **Authority.** Each party hereto represents to the other party that such individual executing this Agreement on behalf of that party is authorized by the requisite action of the party to execute this Agreement.
8. **Project Records and Documents.** Consultant, upon reasonable request of City, shall permit examination or audit of all project-related records, books, documents, and papers during or following completion of the project. Consultant shall maintain such records, books, documents, and papers for at least three (3) years following completion of the services performed and shall, at Consultant's expense, make such records, books, documents and papers available for such examination or audit at a location in Deltona, Florida, or such other location as may be agreed by the City.
9. **Standard Provisions.** The terms and conditions set forth in Exhibit "D", Standard Provisions, attached hereto, are incorporated herein by reference.
10. **Conflict.** In the event of a conflict between this Agreement for Services and the Scope of Services attached hereto as Exhibit A, the terms of this Agreement for Services shall prevail.
11. **Exhibits.** The following exhibits are attached to and made a part of this Agreement:

[FL-DELTONA.CITY.021215] p-4

Exhibit A – City of Deltona Scope of Services  
Exhibit B – Fluvanna County Agreement and Scope of Services

IN WITNESS WHEREOF, the parties have signed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**CONSULTANT: CityScape Consultants, Inc.**

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

Title: \_\_\_\_\_

ATTEST:  
\_\_\_\_\_  
\_\_\_\_\_  
Print Name

**CITY: City of Deltona, Florida**

ATTEST:

CITY OF DELTONA

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

\_\_\_\_\_  
DALE BAKER  
Acting City Manager

\_\_\_\_\_  
Date

Approved as to Form and Legality:

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

## EXHIBIT A

### **Third Party Expert Site Application Reviews**

Consultant will provide expert review (Site Application Review) of applications submitted to the City for the placement and construction of personal wireless service facilities and/or modifications and upgrades related to antennae replacement to ensure they meet the requirements of the applicable zoning, permissible structure height, safety and aesthetics and compliance with applicable federal guidelines.

Consultant will conduct a technical evaluation, to include but not limited to:

- Accuracy of data and application completeness of submission;
- Assurance that the City works within the confines of the applicable "shot clock" and meets the time allowed for disposition of telecommunications applications;
- Applicability of analysis techniques and methodologies;
- Validity of conclusions reached;
- Compliance with all applicable federal, state, and local structural codes.
- Whether the proposed wireless telecommunications facility complies with the applicable approval criteria set forth in the City's local regulations;
- Determination if the search ring is adequate based on generally accepted cellular, PCS, ESMR, ISP, paging and other engineering principles for the intended site;
- Evaluation of proposed height based on capacity, coverage or upgrades;
- Evaluation of the site option and/or any alternative site location options and collocations/modifications/upgrades;
- Evaluation of compliance with existing ordinance and regulations (*i.e.*, setbacks, tower separations, ordinance definitions, etc.)
- Compliance with all zoning requirements to include but not limited to correctness of concealed design, low profile antenna installation, maintaining the correct number of approved zoning collocations and assurance of matching concealment;
- Compliance with the Telecommunications Act of 1996, the 2012 Middle Class Tax and Job Creation Act, and other applicable federal laws, rules and regulations;
- Compliance with state wireless statutes;
- Evaluation of aesthetic impacts and possible mitigation of, structures, shelters, containers and landscaping to provide a more aesthetically pleasing solution;
- Evaluation of Federal Communications Commission (FCC) Radio Frequency (RF) exposure compliance;
- Evaluation of Compliance with Public Safety Communications systems;
- Other lawful matters deemed by the City to be relevant to determining whether a proposed wireless telecommunications facility complies with the provisions of the City's regulations.

The City will forward to Consultant all application submittal packages, or arrange for Consultant to receive submittals simultaneously and electronically from the applicant for which a review is required. Consultant will notify the City's Project Planner of any additional materials required to conduct a comprehensive review of the application.

When all submission items are deemed complete, Consultant within fifteen business (15) days will submit to the City a written report summarizing the petitioner's request and detailing the findings. Consultant will provide the City with an agreed upon number of copies, submitted via Federal Express, next day delivery, of the written analysis. A PDF copy of written analysis is available upon request via electronic mail.

Upon request and advanced scheduled notice by the City, Consultant will attend related zoning hearing for expert testimony and will also be available to generate any follow-up submittal letters pertaining to expert testimony regarding a petitioner's application.

**Compensation/Fees:** Project fees listed below are inclusive and fixed project fees with no additional or hidden costs. Project fees are determined based on the required number of meetings (i.e., site visit, staff review meetings, planning board meetings, council or public meetings, etc.) The fee includes an initial review for "technical completeness," evaluation of the application and submitted materials and/or follow-up review and/or letters on same application. There will be no incidental charges associated with the review fee (i.e., faxing, emailing, printing and reproduction costs).

<u>Collocations, Modifications and Upgrades</u>	
Site Review and Analysis Report, no attendance/meetings required	\$4,000.00
<u>NEW Structures and "Substantial" Collocations</u>	
Site Review and Analysis Report (new structure), to include, attendance by Consultant to attend up to two (2) public hearings	\$6,500.00*
Site Review and Analysis Report (new structure) no attendance at public hearings	\$5,000.00
*Includes travel expense.	

The application review fee will be paid directly to the City by the applicant, through the City's application and review process. Consultant will invoice the City, as per the fee schedule below, for the applicable review upon the completion and submittal of the completed review and analysis by Consultant and attendance at any scheduled meetings if required by the City.

If attendance at more than two (2) public hearings or additional site visits/meetings is required, a CityScape representative will attend additional related public hearings as Additional Consulting Services at CityScape's listed per diem rate at the time of services and agreed to in advance by City.

## Site Management

I. Appointment of Manager. City appoints Consultant as its exclusive "Site Manager," to solicit and secure contracts for prospective Tenants. The primary responsibility of the Site Manager shall be to establish and maintain the Tenant contracts and their related equipment in such a manner that will yield the highest net revenues to City on a long-term basis. For the purposes of this Agreement, all users of the Sites are referred to as "Tenants."

## II. Duties and Obligations of City

1. City shall notify all existing Tenants at the Sites in writing upon the effective date of this Agreement that Consultant has been appointed Site Manager with full authority to manage the Sites on behalf of City, and directing Tenants to remit all rents, fees and other charges to Consultant. City shall reasonably cooperate with Consultant in all matters that require common cooperation in order to maximize the long term profitability of the Sites.

2. City shall provide Consultant a complete copy of any existing leases and related contracts, design criteria and any additional related work or studies of the Sites.

## III. Duties and Obligations of Site Manager

1. Consultant shall set up and maintain a complete inventory of all users of the Sites including equipment, frequencies, power, antenna, lines and location on site.

2. Consultant shall draft and submit to City an analysis of the capacity and potential revenue of the Sites, including an analysis of the rate structure and contractual Agreements (term of contracts, rates, escalators, etc.) in report form with recommendations for improvements.

3. Consultant shall actively pursue new customers for the Sites through Consultant's association and reputation in the industry and/or advertisement in national industry trade journals. Consultant shall have the authority on behalf of City to negotiate Tenant leases in a form approved by City. Consultant shall not enter into any lease without the prior approvals of the City. Each lease shall be executed by the City.

4. Consultant shall have full responsibility for management of the Sites. This shall include negotiating new and renewal contracts, performing intermod and interference studies, coordinating all installations or modification activities, mediating any disagreements among Tenants, handling of any FCC or FAA matters, including matters of tower compliance with all local standards and conformance to existing EIA standards and Good Engineering Practices, tower lighting (FAA lighting notification) or structural analysis (tower loading evaluations), any necessary ANSI computation and/or measurements to assure the Sites safe for human exposure to non-ionizing radiation. Consultant shall use its best efforts to comply with all governmental regulations in force during the term of this Agreement. City shall be responsible for any additional cost incurred for compliance with any governmental requirements which becomes effective subsequent to the effective date of this Agreement (which costs, if any, can be passed on to the Tenants as part of the uniform lease); provided, however, nothing in this Agreement shall be interpreted to require City to spend any funds to comply with any governmental requirements and this provision shall only be interpreted to allocate the costs of compliance to City as opposed to Consultant.

5. For maintenance services which can be performed directly by personnel of Consultant there shall be no additional charge to the City. City shall perform landscaping maintenance (i.e. grass cutting) City in such manner as it deems appropriate.

6. Consultant shall be responsible for all billings to Tenants in connection with their operations on the Sites, and for the collection of any delinquent accounts. City grants to Consultant the authority, on its behalf, to take such action as may be necessary to collect any delinquent accounts, including tax or insurance reimbursement provided all such collection actions shall be done in compliance with applicable law. The institution of legal action shall require the prior approval of City, and the cost of such proceedings shall be borne by Consultant and City in the same proportion as their respective interest in the proceeds as provided for in Part V below. The proceeds of any recovery from Tenant, whether by settlement or court judgment, including any legal and collection expenses received, shall be paid to Consultant and City in the same proportion. Consultant does not assume any responsibility to City for the collection of any unpaid Tenant rents, fees or other charges but shall use its best efforts in a commercially reasonable and legally compliant manner to collect Tenant rents, fees or other charges as set out hereinabove.

7. In the event that Consultant and City enter into a Consulting Agreement in connection with the development of a master wireless telecommunications plan, Consultant shall develop such master wireless telecommunications plan for the City with an emphasis on locating facilities on the Sites and other City owned properties wherever technically possible, thereby maximizing revenues to the City. In connection therewith, with respect to Sites which do not currently have any constructed facilities thereon, Consultant shall, under the provisions of a City ordinance which will provide for the master wireless telecommunications plan described hereinabove, (a) design a tower structure to accommodate existing and future wireless Tenants; (b) negotiate with Tenants for such Site to provide for the Tenants to advance the cost of constructing such tower structure; (c) consolidate and remediate existing facilities to relocate wherever possible to one of the Sites and co-locate as many Tenants as is technically feasible on the Sites.

8. Consultant shall serve as both a legal and engineering consultant to the City for the term of this Agreement for the purposes of this Agreement only. As maintenance of the City's existing Ordinance, CityScape's legal staff will review, on an as needed basis and requested at the discretion of City staff, State and statutory law, as well as federal regulation revisions, decisional law and legislation and provide recommendations as needed to the City.

#### IV. Performance of the Site Manager.

1. During Consultant's term as Site Manager, Consultant shall continue to be responsible to City, to fulfill all the duties as outlined herein. Failure of the Site to generate any specific revenue amount shall not be considered a failure of Consultant.
2. Consultant shall provide an annual report and/or at the discretion of the City, make a presentation to the City Commission regarding the status of wireless activities in the City, including current placements and future expectations. The Commission may modify or amend this Agreement to the extent that the industry requirements have been modified and to modify Consultant actions based on the City Commission's determination of that which is in the best interest of the City.
3. Consultant shall remit to City, on an monthly or annual basis, consistent with the payment terms of applicable leases, the amount due to City for all rents, fees, and other amounts collected (less sales tax, if applicable), together with a monthly report including a statement of account detailing all transactions, and showing all amounts collected and all amounts uncollected from Tenants. Consultant shall remit to itself, from such bank account, the amount of its compensation as set forth above. Such payment and report shall be remitted to the City by the tenth day of each month, for all rents and feels collected from the Tenants for the previous month.



## AGREEMENT FOR SERVICES

This Agreement for Services, hereinafter referred to as the "Agreement," is entered into as of the 8th day of September, 2010, between CityScape Consultants, Inc., a Florida Corporation authorized to conduct business in the Commonwealth of Virginia, hereinafter referred to as the "Consultant," and the County of Fluvanna, Virginia, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as "County."

WHEREAS, the County issued a Request for Services dated May 18, 2010 to solicit proposals for professional services to develop a Telecommunications Master Plan, Ordinance, Tower Application Review Services and Lease Management of County-owned properties containing wireless communications facilities ; and

WHEREAS, Consultant specializes in providing telecommunications consulting and leasing management to local governments and has responded to the RFP by submitting its proposal dated June 7, 2010, the terms of which are incorporated herein by reference (the "Scope of Services"), and a copy of which is attached as Exhibit "A"; and

WHEREAS, the County is the owner of properties which may be suitable for the installation of wireless communications facilities that can be marketed for use by the telecommunications industry; and

WHEREAS, the County desires to engage Consultant to provide such services to the County according to the terms and subject to the conditions set forth herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises as hereinafter set forth and of the faithful performance of such covenants and conditions, the County and Consultant do hereby agree as follows:

1. Scope of Services to be performed by Consultant The Consultant shall perform those services described in the Scope of Services, attached hereto as Exhibit "A" and incorporated herein by reference. In performing such services, the Consultant shall comply with all federal, state and local laws, ordinances, rules and regulations applicable to the performance of such services. The Consultant shall perform services diligently and completely and in accordance with generally accepted professional standards of conduct, care and performance
  - A. Countywide Communications Master Plan and Zoning Ordinance. Consultant shall create a Telecommunications Master Plan and propose text for a zoning ordinance for wireless communications services and facilities for the County in accordance with Section 1 of the Scope of Services attached here to as Exhibit "A" ("Master Plan and Ordinance") to ensure the County's compliance with the applicable state and federal regulations and legislation, to minimize the aesthetic impact of these facilities on County property and surrounding areas of the County, and to maximize the revenue available to the County for the construction and operation of these facilities on County property. Within thirty (30) days of the Effective Date, Consultant and County shall agree upon a schedule for the completion of each task, which shall provide for the Master Plan to be completed within one (1) year from the Effective Date. The Master Plan and Ordinance are subject to applicable laws, rules and regulations, which may include public hearing, and County Board of Supervisors' approval.
  - B. Third Party Expert Application Review Upon request by the County, Consultant shall conduct application reviews for all wireless communication facility applications to the County in accordance with Section 2 of the Scope of Services attached hereto as Exhibit "A" ("Application Reviews") to ensure compliance with state and federal regulations and

to minimize the aesthetic impact of such facilities on surrounding areas of the County. Consultant shall provide its report detailing its findings to the County within seventy two (72) business hours of receipt of a completed application

- C. **Site Leasing and Management.** The County appoints Consultant as the exclusive site manager to assess, manage and consult with the County in connection with marketing and leasing, and in conjunction with County staff, designate County owned sites for wireless communications facility development in accordance with Section 3 of the Scope of Services attached hereto as Exhibit "A" ("Site Leasing and Management"). Determination of which sites are available for wireless communication facility development shall be solely within the discretion of the County and subject to the approval of the County Board of Supervisors. Consultant shall work with the County Attorney's Office to develop a base form of lease agreement for prospective tenants. All lease agreements are subject to applicable laws, rules and regulations, which may include public hearing, and approval of County Board of Supervisors. It is expressly agreed and understood that no such compensation or management fee shall be earned, due, owing or payable to Consultant if a transaction fails to occur for any reason whatsoever, including but not limited to the default of either the County or the prospective tenant. Consultant shall not have the power, right or authority to execute any agreement or instrument on behalf of the County.
2. **Duration of Contract** This Agreement shall be in full force and effect for a period of five (5) years commencing upon execution of this Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance by the Consultant is required. This Agreement shall renew on the 5<sup>th</sup> anniversary of this Agreement for one additional five (5) year term unless terminated by either party in writing not later than sixty (60) days prior to such anniversary. Each five (5) year period may be referred to in this Agreement as a Term
3. **Termination**
- A. This Agreement may be terminated, in whole or in part, without cause, upon a sixty (60) day written notice by either party. In the event of such termination:
- 1) The County shall compensate Consultant for all Master Plan and Ordinance services, all Application Review services, and all Additional Services satisfactorily completed through the termination date, pursuant to Section 4 below;
  - 2) Consultant shall complete all services in connection with any Third Party Application Review that is commenced prior to the effective date of such termination and the County shall compensate Consultant for such services upon satisfactory completion, pursuant to Section 4 below;
  - 3) Consultant shall receive all Management Fees that have become due and payable to Consultant through the termination date, provided however that in the event the County terminates this Agreement without cause other than at the end of a Term, Consultant shall receive all Management Fees that become due and payable to Consultant through the Initial Fee Term of each New Lease, as more particularly set forth in 4(C) below
4. **Compensation and Method of Payment.** Consultant shall receive the following as compensation for the performance of services contemplated by this Agreement described in Exhibit "A":
- A. **Master Plan and Ordinance.** In consideration of the satisfactory performance of the Master Plan and Ordinance consulting services by Consultant, and the performance by Consultant of all of its other duties and obligations as set forth in this Agreement, the County shall pay Consultant the total sum of Thirty Four Thousand Three Hundred Twenty Six and 50/100 Dollars (\$34,326.50) ("Master Plan Fee"). The Master Plan Fee shall be paid in accordance with the fee schedule set forth in Exhibit "A", as revised by

the following Adjusted Task Breakdown Totals, upon satisfactory completion of each task:

Task A: \$4,871.75  
 Task B: \$5,937.75  
 Task C: \$7,637.50  
 Task D: \$4,225.00  
 Task E: \$4,806.75  
 Task F: \$3,786.25  
 Task G: \$3,061.50

- B. Application Review Fee. In consideration of the satisfactory performance of the Application Review Services by Consultant, and the performance by Consultant of all of its other duties and obligations as set forth in this Agreement, the County shall pay Consultant the total sum of Four Thousand Dollars (\$4,000.00) ("Application Review Fee") for each completed Application Review.
- C. Site Leasing and Management. For a period of five (5) years following execution ("Initial Fee Term") of each new lease for County owned property for tower facilities facilitated, managed and administered by Consultant ("New Lease"), Consultant shall be entitled to a management fee in the amount of twenty-five percent (25%) of the gross rent collected ("Management Fee"). The Management Fee is earned in its entirety on full value of the Initial Fee Term of a New Lease when executed by the County (but subject to the payment obligations of the tenants under such leases), and is payable in time increments equal to those for payment of rent under the New Leases. Management Fees for any lease term or renewal agreements beyond the Initial Fee Term of a New Lease will be adjusted to a compensation amount of twenty percent (20%) of the gross rent. Sales tax, real estate or personal property tax reimbursement, insurance reimbursement, other reimbursements, and late fees, if applicable, shall be excluded from the amount of the rents and fees upon which the compensation to Consultant is based. Consultant shall not receive a management fee for leases that exist as of the date of this Agreement ("Existing Leases"), or for renewals of Existing Leases. Upon payment of rent, CityScape shall retain the Management Fee and remit to the County, on a monthly basis, the net amount of the rent, other amounts, and fees to the County with an accounting of all rents, other amounts, and fees collected by Consultant on behalf of County. The Management Fee is only due and payable when and to the extent the rent is collected from the tenant. The County shall have no obligation to Consultant to initiate or pursue legal action to collect rent from any tenant. In the event the County terminates this Agreement without cause other than at the end of a Term, it shall thereafter receive the rent directly for the facilities previously managed by Consultant and shall remit to Consultant on no less than an annual basis the Management Fee that becomes due and payable through the Initial Fee Term of such New Leases entered into prior to the termination of this Agreement and which Consultant facilitated for the County. The provisions of this Section shall survive termination of this Agreement and remain in full force and effect as to each applicable New Lease until the expiration of the Initial Fee Term of such New Lease.
- D. Invoices. Invoices shall be submitted to the County in a timely manner and shall show the nature of the service and date(s) of services completed. Payment of invoice(s) shall be made in a timely manner for properly executed invoices, subject to the County's ordinary procedures for processing of payments.
- E. Additional Consulting Services, if required and approved in advance by the County, shall be compensated in accordance with a mutually agreed upon payment schedule and in accordance with the attached per diem rate schedule attached hereto as Exhibit "B" and incorporated herein by reference.
- F. Consultant's Tax Identification Number, IRS Form W-9, is attached as Exhibit "C."

5. Notices. Whenever any notice is required or permitted under this Agreement, such notice shall be in writing and shall be deemed sufficiently given if delivered by hand or by guaranteed overnight delivery service to the address of the party to be notified or if deposited in the United States mail, postage prepaid, certified or registered mail, return receipt requested, addressed to the party to be notified as follows:

CONSULTANT: CityScape Consultants, Inc.  
7050 W Palmetto Park Rd  
#15-652  
Boca Raton, FL 33433-3483  
Attn: Kay Miles, Business Manager  
Email: kay@cityscapeconsultants.com  
Telephone: 877-438-2851 Fax: 877-220-4593

COUNTY: County of Fluvanna  
132 Main Street  
P O Box 540  
Palmyra, VA 22963  
Attn: Darren Coffey, Planning Director  
Email: dcoffey@co.fluvanna.va.us  
Telephone: 434-591-1910 Fax: 434-591-1911

Notices delivered in accordance with this paragraph shall be deemed received on the date of delivery to such address or, if mailed, three days following deposit in the United States mail. Either party may change its address for delivery of notice by giving notice of change of address in compliance with the terms of this Section

6. Entire Agreement; Prior Agreement dated May 19, 2010: This Agreement constitutes the entire agreement and understanding of the parties and supersedes all offers, negotiations, proposals and any other agreement of any kind relating to the subject matter of this Agreement. There are no representations or understandings of any kind not set forth herein. This Agreement supersedes and replaces the Agreement for Services between County and Consultant dated May 19, 2010, which is agreed to be of no further force or effect.
7. Authority. Each party hereto represents to the other party that such individual executing this Agreement on behalf of that party is authorized by the requisite action of the party to execute this Agreement
8. Project Records and Documents. Consultant, upon reasonable request of County, shall permit examination or audit of all project-related records, books, documents, and papers during or following completion of the project. Consultant shall maintain such records, books, documents, and papers for at least three (3) years following completion of the services performed and shall, at Consultant's expense, make such records, books, documents and papers available for such examination or audit at a location in Fluvanna County, Virginia, or such other location as may be agreed by the County.
9. Standard Provisions. The terms and conditions set forth in Exhibit "D", Standard Provisions, attached hereto, are incorporated herein by reference.
10. Conflict: In the event of a conflict between this Agreement for Services and the Scope of Services attached hereto as Exhibit A, the terms of this Agreement for Services shall prevail.
11. Exhibits: The following exhibits are attached to and made a part of this Agreement:  
Exhibit A – Scope of Services  
Exhibit B – Additional Services  
Exhibit C – Consultant's Tax Identification Number  
Exhibit D – Standard Provisions

IN WITNESS WHEREOF, the parties have signed this Agreement on this 8th day of September, 2010.

CONSULTANT: CityScape Consultants, Inc.

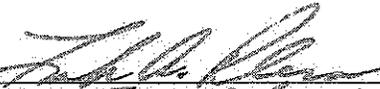
By:   
Name: Mary Kay Miles

Title: VP/BUSINESS MANAGER

ATTEST:

  
Print Name

COUNTY: COUNTY OF FLUVANNA, VIRGINIA

By:   
Name: Frank A. Plava

Title: County Administrator

APPROVED AS TO FORM:

  
Fluvanna County Attorney

# PROPOSAL/SCOPE OF SERVICES

Request for Services  
Telecommunications Master Plan, Ordinance, Tower Application Review  
Services and Lease Management of County-owned Properties

## COUNTY OF FLUVANNA, VIRGINIA



**June 7, 2010**

Prepared for:  
**County of Fluvanna**  
County Administration Building  
132 Main Street  
Palmyra, VA 22963



Prepared by:  
**CityScape Consultants, Inc.**  
7040 W Palmetto Park Rd Ste 4, PMB 652  
Boca Raton, FL 33433  
[www.cityscapeconsultants.com](http://www.cityscapeconsultants.com)

## SCOPE OF SERVICES

### **1. MASTER PLAN AND ORDINANCE**

Provided is a detailed methodology of the Scope of Services for developing the comprehensive Wireless Master Plan and Ordinance for the County of Fluvanna.

#### **Task and Deliverables**

#### **Task A: Background Research and Kick-off and Scoping Meeting**

*Management Team: Rabold, Edwards, Bunch*

*Timeline: Minimum 1 month and maximum 2 months from date of contract commencement*

CityScope will review State Statutes and local zoning and development standards unique to the County, and look for specific concerns of wireless infrastructure deployments on public and private lands relative to the Federal Telecommunications Act of 1996. CityScope will facilitate meetings with County staff and any other stakeholders to discuss wireless telecommunication deployment issues and strategies to improve deployment practices within the County. County staff attendees at the Kick-off and scoping meeting should include but not be limited to the following staff members: planners and site plan review staff who administer the zoning ordinance regulations and who issue the building permits; county attorney; primary contact from GIS; emergency management; facilities management; parks and recreation; utilities (specifically who is in charge of the county's water tanks); and county management. The Kick-off and initial scoping meeting will specifically address the following:

- Introduction to the CityScope Master Plan program;
- Meeting of stakeholders, initial scoping and gathering of data relative to tower and antenna locations;
- Explanation of the Scope of Services provided by CityScope and the goals and objectives of the program. CityScope will present and lead a discussion on the interrelationship between the zoning and Master Plan, as well as the impact the Telecommunications Act of 1996 will have on the process;
- Provide information on the history of wireless telecommunications and explain network design and deployment practices utilized by the wireless telecommunications industry;
- CityScope will present an overview of concepts behind wireless facilities planning and zoning. The purpose of the overview will be to familiarize the County with our Master Planning process, and to introduce a working vocabulary. A basic but thorough understanding of the technical aspects of the project will provide decision-makers with the background necessary to ensure the development of an effective and legally defensible Master Plan;
- Gather information from the County concerning local wireless issues, policies, priorities, agency interactions, opportunities and plan recommendations relating to wireless;
- Provide a visual preference survey of concealment techniques for future wireless infrastructure to aid in developing the Master Plan; and
- Work with County to identify public lands as potential new tower locations.

- Establish goals and expectations of the County that will facilitate the workflow and meet final objectives of the CityScape program;
- Define expectations of the timeline and make necessary adjustments to the timeline based on staff recommendations and public policy;

Deliverable(s):

One public workshop presentation to staff and all stakeholders addressing the topics described in Task A.

**Task B: Property and Existing Structure Assessments, Inventory Catalog and Propagation Mapping**

*Management Team: Rabold, Edwards, Miles*

*Timeline: Approximately 2 months from the completion of Task A; however this timing is strongly influenced by the exchange of data from the County's GIS department and participation by the industry stakeholders*

After the Kick-off and initial scoping meeting, CityScape will complete the assessment of existing communication structures and if applicable the public land assessments within the zoning jurisdiction boundary of the County. Assessments include a site visit to each site, photo cataloguing, identifying tower ownership, type of infrastructure and wireless service being provided at each site; observation of site conditions; and recommendation for future potential use for the property for wireless communication purposes.

Deliverable(s):

1. Inventory Catalogue to include:

- Inventory of antenna/tower sites in the County, to include public safety communications sites, including: photograph; identification by latitude, longitude and street address; ownership; zoning; and recommendation for future use of site; and
- Analysis of industry stakeholders; and
- Inventory of public lands in the County, including photograph, identification by latitude and longitude and street address; zoning; and recommendation for future use of site.

2. Wireless Service theoretical and propagation maps including:

- Theoretical maps - *without* consideration of existing antenna locations or current census data or topography for 800-1000 MHz and 1900-2300 MHz;
- Theoretical maps - *without* consideration of existing antenna locations but applied census data and topography for 800-1000 MHz and 1900-2300 MHz;
- Propagation maps - *without* consideration of existing antenna locations without applied census data or topography for 800-1000 MHz and 1900-2300 MHz;
- Propagation maps - *with* consideration of existing antenna locations and applied census data and topography for 800-1000 MHz and 1900-2300 MHz;
- Propagation maps illustrating quality of network coverage - from strategic antenna locations, *with* topography, for 800-1000 MHz and 1900-2300 MHz;
- Propagation maps based on existing average tower heights with census data, and topography, for up to three undisclosed 800-1000 MHz providers and up to six undisclosed 1900-2300

MHz providers matched to actual antenna locations, including the County's wireless broadband network; and

- Network gap analysis with 10-year projections for 800-1000 MHz and 1900-2300 MHz;
- Analysis of best possible use of County-owned towers and land to resolve existing and projected 10-year network coverage and capacity gaps.

### **Task C: Design and Development of a Master Plan**

*Management Team Rabold, Edwards, Miles, Bunch, Lepore*

*Timeline: Minimum 3 months after completion of Task B. Task C is addressed simultaneous with Task D*

CityScape will begin the data analysis and compilation in the following order:

1. CityScape will review all infrastructures, public works, and other relevant information provided by the County/CityScape team to ascertain the current deployment environment;
2. Review variables such as population, terrain profile data, radio frequency blanketing and saturation, and intermodulation studies, to create the maps for the Master Plan;
3. Recommendations for land use development strategies that address the results of the engineering exercises of the Master Plan; and
4. Recommendations on strategies to develop revenue from certain public property locations.

#### **Deliverable(s):**

Draft Master Plan to include:

- Analysis of County population and demographic trends, network deployment trends, and County land locations;
- Engineering analysis illustrating the benefit of the utilizing certain public sites on revised propagation maps

### **Task D: Zoning Review and Proposed Text Amendment Recommendations**

*Management Team Rabold, Lepore, Edwards*

*Timeline: Minimum 3 months after completion of Task B and done simultaneous with Task C*

CityScape will review existing land use development standards in the County's zoning regulations and processes. The review will be comprehensive and not limited to review of specific guidelines regarding wireless infrastructure development. Cross-reference review of wireless facility regulations to other zoning standards, permitted use charts, definitions, and other underlying zoning land use development standards will be used to uncover any possible inconsistencies and loopholes.

CityScape will review the materials provided by the County with particular attention to:

- Strengths and weaknesses of the existing zoning regulations and process;
- Strategies to reduce the visual impact of new facilities and examine possibilities for concealed facilities;
- Compliances with federal and state mandated guidelines; and
- Effectiveness of the intent of the zoning regulations and process.

Upon completion of the zoning review, CityScape will prepare a redline of the existing regulations

with commentary for discussion with County stakeholders addressing comments and questions of the evaluation and will draft a final version of the recommendations. The draft recommendations will address the policies articulated by the County stakeholders at the Kick-Off and scoping meetings and workshop. The zoning amendment recommendations may include, but not be limited to:

- Statement of Purpose and Intent;
- Detailed definitions related to wireless facility deployment;
- Provisions for incentives for collocation or combining and the construction of non-intrusive facilities;
- Efficiency in the decision-making process;
- Methods to provide the zoning process more flexibility;
- Proposed language that would establish objective standards for evaluating the aesthetic impact of towers and antennas;
- Development standards, including requirements for non-intrusive facilities;
- Application review standards; and
- Development of standards for uses described in the Telecommunications Act of 1996

Deliverable(s):

1. Draft/Redline of zoning standards showing recommended insertions and deletions based on Kick-off and initial scoping meetings
2. Commentary stating reasoning for redline recommendations.

**Task E: Presentation of Draft Master Plan and Zoning Presentation**

*Management Team Rabold, Edwards*

*Timeline Minimum 2 to 3 months, strongly influenced by the County's meeting schedule and statutorily mandated advertisement, agency, and public comment periods*

CityScape will provide a public Master Plan Workshop and report the initial data regarding existing wireless facilities in the County. The workshop will include: identification of existing communication facilities, report on the evaluation of anticipated growth of wireless facilities in the County; illustrate the impact of the proposed Master Plan and draft zoning changes; discussion of current vulnerabilities under the Telecommunications Act (if applicable); and illustration and discussion of best use of County-owned towers and land for meeting wireless network coverage and capacity objectives

The workshop will provide for the following format:

- CityScape will orient stakeholders, including industry representatives and the public, to the Master Planning process and CityScape's approach, establishing a working vocabulary on wireless facilities for stakeholders;
- CityScape will give a brief overview of the telecommunications industry and its deployment effects in the County. Through a visual demonstration, CityScape will display locations of existing towers used by providers;
- CityScape will illustrate and explain the coverage areas and gaps County-wide for public safety, wireless broadband, and other wireless telecommunications technologies;
- CityScape will illustrate visually through mapping the potential scenario of all wireless network deployments, projecting the theoretical anticipated next level of wireless service, forecasting

approximately ten years forward.

- CityScape will identify County-controlled property and illustrate how the Master Plan and zoning changes can utilize these sites for meeting existing and future network objectives.

With the commentary from the stakeholders at the presentation of the draft document; CityScape will refine the draft Master Plan. CityScape will identify as many future sites as possible on County-owned property to increase revenues to the County. For sites located on private property, CityScape will work with staff to determine the best possible locations. CityScape will prepare the final draft for review and acceptance by staff preparation for presentation to the County stakeholders.

Deliverable(s):

1. Presentation of the Draft Master Plan and draft zoning amendments
2. Revised Draft Master Plan and draft zoning changes based on comments from presentations.

**Task F: Final Presentation of the Master Plan**

*Management Team: Rabold, Edwards, Miles*

*Timeline: Minimum 2 months and strongly influenced by the County's meeting schedule and statutorily mandated advertisement, agency, and public comment periods*

After securing client and stakeholder input, CityScape will refine the draft Master Plan and public policies to address the consensus concerns and prepare a final draft document for submission to County staff and elected officials for public hearing approval. CityScape appreciates the County's staff assistance with scheduling of required meetings with the necessary planning and community groups including, public notification and arrangements for meeting dates, times and locations in conjunction with CityScape's calendar.

CityScape will present the revised final draft Master Plan and zoning recommendations to the County Board of Supervisors for its final review and approval. County staff will be responsible for public notification, location, meeting arrangements, and the recording of the sessions.

Deliverable(s):

1. Final Master Plan and final zoning and/or conditional use permit documents
2. Presentation of Final Master Plan and presentation of CityScape's final zoning recommendations (may include final draft of the text amendments)

**Task G: Project Completion**

*Management Team: Rabold, Miles*

*Timeline: Minimum 1 to 2 months; influenced by final product approval by client*

Project will be completed upon presentation of the final documents to the County and acceptance of all project deliverables.

Deliverable(s):

Two (2) bound Master Plan books and one (1) CDROM containing PDF versions of final documents

**Master Plan and Ordinance Fees:**

CityScape is providing to the County an inclusive fee schedule based on all of the services working in unison as a complete project. The total fee for the proposed Master Plan project, as described in this Proposal including the completion of all of the Tasks and Deliverables, travel, and travel related expenses is \$52,810. A comprehensive fee schedule is provided below, which reduces the Master Plan fee to a net cost of \$34,326.50 by adding associated services as proposed in this Scope of Services.

<b>Task</b>	<b>Deliverables-Benchmarks</b>	<b>Total</b>
<b>Task A:</b> Background Research and Kick-off Meeting*	Strategies specific to facilitate orderly wireless network deployment	\$7,495 00
<b>Task B:</b> Public Property & Existing Structure Assessments & Catalogue of Inventory*	Public land and existing structures assessment	\$9,135 00
<b>Task C:</b> Design and Development of a Draft Communications Master Plan	Draft Communications Master Plan	\$11,750 00
<b>Task D:</b> Ordinance Review and Amendment Recommendations	Written evaluation of WIF Standards	\$ 6,500 00
<b>Task E:</b> Communications Master Plan Workshop*	Presentation of the Draft Communications Master Plan to all stakeholders.	\$ 7,395 00
<b>Task F:</b> Final Draft Wireless Master Plan and Ordinance Presentation to Planning Commission and Board of Supervisors*	Final Draft Wireless Master Plan and Ordinance	\$ 5,825 00
<b>Task G:</b> Project Completion	Acceptance of final product by County.	\$ 4,710 00
<i>Proposed Net Cost of Comprehensive Fee Schedule, should the County desire to include associated services for Site Application Reviews and/or Site Leasing and Management.</i>	Telecommunications Master Plan and Ordinance	\$52,810 00
	<i>Master Plan/Ordinance and Lease Management (only)</i>	\$42,248 00
	<i>Master Plan/Ordinance and Site Reviews (only)</i>	\$39,607 50
	<i>Master Plan/Ordinance, Site Reviews and Lease Management</i>	<b>\$34,326.50</b>

\*All travel related expenses are included in the contracted amount. The County will be invoiced in incremental stages as the above Tasks are completed and submitted to County by CityScape. Each Task will be billed at a percentage of the net reduction cost of each Task. Invoices are due within 30 days of invoice date. Final payment for Task G of the project completion will be invoiced and paid by County upon final approvals and acceptance of the final Master Plan.

## **2. THIRD PARTY EXPERT APPLICATION REVIEW**

A municipality's obligation under Section 704 of the Federal Telecommunications Act of 1996 is to act upon applications for new wireless telecommunications infrastructure in a reasonable period of time, and make decisions that are reasonably justified under the circumstances. CityScape will provide the technical information to form policy decisions based on facts related to the necessities in wireless network design. Important in the CityScape program is our expertise and backgrounds in the engineering, legal, and land use disciplines. CityScape's process is to clearly understand the governing document, the Ordinance, and assure its compliance with the Federal and State guidelines. If concerns are found in any submittal, CityScape will offer suggestions to resolve the situation.

Upon request by the County, CityScape will provide expert review (Third Party Expert Application Review) of applications submitted to County for the placement, construction and/or modification of personal wireless service facilities. County will forward to CityScape any application submittal package for which review is desired. Upon receipt of an application submittal package from the County, CityScape will review the application submittal package and evaluate the application submittal materials for completeness. CityScape will notify the County's Planning Director, or other planner responsible for the application under review as specified by the County, of any additional materials required to conduct a comprehensive review of the application. CityScape will review the wireless applications from a legal standpoint to ensure each meets the requirements of the applicable ordinances, laws, rules and regulations, including but not limited to those applicable to zoning, permissible structure height, safety and aesthetics, and compliance with applicable federal guidelines including FAA and FCC (*i.e.*, RF emission standards, power levels, etc.). CityScape's review and evaluation will include, but is not limited to:

- Accuracy of data and application completeness of submissions;
- Assurance that the County works within the confines of the FCC "shot clock" and meets the short time allowed for disposition of all telecommunications applications.
- Applicability of analysis techniques and methodologies;
- Validity of conclusions reached;
- Compliance with all applicable federal, state, and local structural, safety and exposure to human safety codes;
- Whether the proposed wireless telecommunications facility complies with the applicable approval criteria set forth in local regulations;
- Determination whether the site's search ring is adequate based on generally accepted cellular, PCS, ESMR, ISP, paging and other emerging technology engineering principles for the intended site;
- Evaluation of proposed height of requested facilities, based on capacity or coverage;
- Evaluation of site option and /or alternative site options and co-locations;
- Evaluation of compliance with existing local ordinances, rules and regulations (*i.e.*, without limitation, setbacks, tower separations, ordinance definitions, etc.);
- Compliance with all zoning approvals to include but not limited to correctness of concealed or Stealth design, low profile antenna installation, maintaining the correct number of collocations, and assurance of matching concealment.
- Compliance with the Telecommunications Act of 1996 and other applicable federal laws, rules and regulations, whether now existing or hereafter enacted;

- Compliance with the state wireless statutes
- Evaluation of aesthetic impacts and possible mitigation of, structures, shelters, containers and landscaping to provide a more aesthetically pleasing solution;
- Evaluation of Federal Communications Commission (FCC) Radio Frequency (RF) exposure compliance;
- Evaluation of Compatibility with Public Safety Communications systems;
- Evaluation of Structural Integrity of the support structure to assure compliance with applicable wind zone designations, state building codes; and
- Other matters deemed by County to be relevant to determining whether a proposed wireless telecommunications facility complies with the provisions of the County's regulations.

CityScape's methodology carefully follows the federal and state regulations and includes an initial checklist of the material submitted for completeness. If the application is incomplete, CityScape will conform to County policy regarding proper stakeholder notifications while maintaining the short FCC: shot clock."

CityScape will prepare and submit a report summarizing each application, and detail in writing its findings in an independent review. CityScape will provide to the County an application review package with 15 copies of the written report of the analysis, and one (1) electronic PDF copy. CityScape shall provide a 72-hour turn around time for all Third Party Expert Application Reviews for the County. In addition, if required by the County, a CityScape engineer will attend one public hearing or board of supervisors meeting related to each application to provide expert testimony and assistance to the County, at no additional charge to the County. If attendance at more than one public hearing or board of supervisors meeting is required, a CityScape engineer will attend additional related public hearings as Additional Consulting Services and charged at a per diem hourly rate, including travel expenses. Any additional consulting services shall be approved in advance in writing by the County.

### **Review Fees**

The fee for Site Review applications for new and co-location applications of wireless facilities for the County is \$4,000 per site review. The review fee includes an initial review of the application and/or follow-up review and/or letters on the same application. This review includes a site visit for analysis and preparation of the submitted findings and report. There are no additional or hidden fees. This review fee will be paid directly to the County by the applicant, through the County's application and review process. CityScape will invoice the County for each review upon the completion and submittal of the completed review and analysis. Therefore there is no out of pocket expense to the County for third party application reviews.

### **3. SITE LEASING AND MANAGEMENT**

Leasing public-owned lands will assure the County the preference of concealing materials and technologies presently available to the industry. As public sites are developed, the infrastructure installed becomes the precedent of how future sites should be developed on private land. As public land sites are considered and utilized for these purposes, staff will gain invaluable knowledge on how wireless sites are constructed which will aid in future site plan design evaluations and approvals on both public and private properties. CityScape will manage, in conjunction with the appropriate County and legal staff, all existing and future County-owned Sites for wireless communications development (Sites).

CityScape's primary objective will be to ensure that each particular facility approved within the County will be designed in a manner to ensure maximum usage of the site by the County and as many wireless services as feasible, effectively reducing the total number of towers or support structures needed, while simultaneously maximizing the County's revenue potential.

CityScape will provide the following services related to lease management to include, but not limited to:

- Expert consulting relating to legal and engineering aspects of all telecommunications issues in the County;
- Maximizing potential revenue for the existing County-owned facilities and future County-owned facilities;
- Design specification for new County-owned tower facilities;
- Minimizing the total number of individual sites (towers) needed for the County by proper collocation and combining of wireless provider services on existing and/or new facilities;
- Analyze lease rates and terms of existing contracts;
- Recommend a fee structure for review and processing of future wireless provider and tower owner applications;
- Review and assist the County in improving the existing lease approval process of the license agreements between the County as the landlord and all future tenants;
- General business and lease administration of all new lease agreements between the tenants and the County
- CityScape manages the billing cycle of each lease on behalf of the County, including billing and collecting rent payments from the tenants and remitting report and balance of accounts to the County on a monthly basis.
- CityScape will provide income receipt reports and projections for the County-owned sites.

#### Duties and Obligations of the County:

The County shall provide CityScape a complete copy of all related contracts, design criteria and any additional related work or studies of existing Sites and or potential County-owned properties. The County shall cooperate with CityScape in all matters that require common cooperation in order to maximize the long-term profitability of the Sites.

#### Duties and Obligations of CityScape:

CityScape will serve as the County's exclusive Site Manager in connection with users/tenants of publicly owned sites. The primary responsibility of the Site Manager shall be to consult with the

County during the negotiation of, and maintain after execution thereof, the Tenant contracts and their related equipment in such a manner that will yield the highest net revenues to the County on a long-term basis. As Site Manager, CityScape shall at all times maintain the highest priority to protecting the County's 800 megahertz communications system from interference, reduced power, or damage of any sort.

CityScape shall assist the County in identifying new customers for the County-owned sites and shall consult with the County in negotiations of future Tenant leases and in the preparation of a lease form to be approved in advance by the County. Failure of a Site to generate any specific revenue amount shall not be considered a failure of CityScape. CityScape shall be responsible for the leasing management and administration of the county-owned Sites to future wireless carriers, to include, but not limited to: consulting with the County in the negotiation of new and renewal contracts, performing intermodulation and interference studies, assisting with the appropriate coordinating of installations or modification activities, facilitating non-legal resolution of any disagreements among Tenants, handling of any FCC or FAA matters, including matters of tower compliance with all local standards and conformance to existing TIA/EIA standards and good engineering practices, tower lighting (FAA lighting notification) structural analysis (tower loading evaluations), necessary ANSI computation and/or measurements to assure the Sites safe for human exposure to non-ionizing radiation, evaluation of the need to repair or improve any County towers or equipments; notification to the County of any deficiencies in, or damage to, the County towers and equipment; notification to the County of tenant default; contract enforcement; collection of delinquent rent excluding legal action; removing or acquiring possession of abandoned tower structures and equipment; and all other matters as directed or approved by the County that do not involve policy decisions, legal services, real estate brokerage services, or public procurement. All such activities shall be conducted employing the highest level of expertise and scrutiny

CityScape shall serve as both an expert consultant to the County for legal and engineering aspects of all wireless telecommunications issues for the term of a contract with the County for Site Management. At any time at the request of the County, CityScape will provide an annual performance report, or presentation, regarding the status of county-owned properties, management activities, including current placements and updated future expectations.

CityScape shall be responsible for all billings to Tenants in connection with their operations on the Sites, and for the collection of any delinquent accounts. The County grants to CityScape the authority, on its behalf, to take such action as may be necessary to collect any delinquent accounts. The institution of legal action shall require the prior approval of County, and the cost of such proceedings shall be borne by CityScape and County in the same proportion as their respective interest in the proceeds as provided for below. The proceeds of any recovery from Tenant, whether by settlement or court judgment, including any legal and collection expenses received, shall be paid to CityScape and County in the same proportion. Neither CityScape nor the County offers any guaranteed rate of success in collecting delinquent lease payments from tenants.

CityScape will remit to the County, on an monthly basis, or any other timetable as determined by the County, the amount due to County all rents, fees, and other amounts collected (less sales tax, if applicable), together with a monthly report including a statement of account detailing all transactions, and showing all amounts collected and all amounts uncollected from Tenants. Monthly accounting documents and project records, files, papers, systems, including all those in electronic or digital format, developed, created, revised, maintained or stored by CityScape in connection with the

performance of an Agreement with the County, shall be the property of the County throughout the duration of an Agreement and thereafter.

### **Site Leasing Management Fees**

Management fees for the site administration and leasing of County-owned property will be based on the schedule of percentages below, of the gross rent collected on each new contract for County-owned tower facilities managed and administered by CityScape. Sales taxes, real estate or personal property tax reimbursement, insurance reimbursements and late fees, if applicable, shall be excluded from the amount of the rents and fees upon which the compensation of CityScape is based.

CityScape will receive 25% of gross rent collected on all new lease agreements for the first initial five year term of any new lease agreements. Thereafter, beyond the initial five year term of any lease agreements, CityScape will adjust the fixed rate from 25% to 20% of the gross rent collected on all lease renewal agreements.

As long as a contract between the County and CityScape is in effect, CityScape will act as a resource, at the request of the County, regarding any telecommunications issues in the County.

### **Proposed Schedule and Timeline**

CityScape will work with County staff to finalize the scope of the project, goals, expectations and responsibilities prior to starting the project. Upon execution of a contract, CityScape will work with the County to ensure all components of the project comply with these goals, objectives, timetables and budget. CityScape is flexible on the scheduling of the project. CityScape has always accommodated its clients when the pace of a project needs to be altered. CityScape will strictly adhere to the project budget as agreed upon in the final contract, unless the County desires to redefine the deliverables, at which time, a new contract, work order or addendum would be necessary.

Collecting accurate data for the project is critical to the effectiveness and efficiencies of CityScape's work plan. The finalization and approval of the data by both the County and CityScape is also a milestone for the project because no tower or antenna location assessments, mapping, or analysis for the Master Plan can begin until the data is verified as complete and accurate.

Attached is a draft timeline based on a project period for the development of the Master Plan and Ordinance over 12 months.

The term of the contract necessary for the development of a Master Plan and Ordinance as depicted in the proposed schedule and tasks identified in this Proposal, would be for a minimum of a one (1) year term. The proposed estimated timeline for the Master Plan is typically at least six (6) to eight (8) months from the commencement of a contract. The estimated timeline and completion of tasks are contingent on the necessary public meetings and County approvals and processes that will be coordinated between the County and CityScape.

The inclusion of additional services such as Tower Application Reviews and/or Site Management requires a contract consideration of at least three (3) year or five (5) year terms for development purposes of the Program.





## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 6/15/2015  
**FROM:** Jane K. Shang, City Manager                      **AGENDA ITEM:** 11 - C  
**SUBJECT:** Discussion of Latin Arts and Musical Festival - Commissioner Honaker,  
District 1 (386) 275-7729.

**LOCATION:**

Dewey Boster Park

**BACKGROUND:**

This has been requested by Commissioner Honaker for Commission discussion. The Volusia County Hispanic Association is requesting City sponsorship or waiver of fees for its 20th annual Latin Arts & Music Festival scheduled for Sunday, October 4, 2015 from 11 am - 8 pm at Dewey Boster Park. They are requesting support through the use of Dewey Boster Park, the placement of two messaging trailers, traffic cones and barricades, and space on entry signs promoting the event. Additionally, they are requesting that the city waive any application city permit fees, that the city join them as a sponsor for the event, and that the concession stand operator at Dewey Boster Park be instructed not to be open during the event.

At the July 7, 2014 City Commission meeting the Commission voted to fund \$5000.00 towards the Latin Festival (2014) and in the future to fund in All Nations Multi-Cultural Festival. In previous years the City has supported the Latin Festival by either services or waiver of fees.

**ORIGINATING DEPARTMENT:**

Commission Members

**SOURCE OF FUNDS:**

6,000

**COST:**

General Fund

**REVIEWED BY:**

City Manager

**STAFF RECOMMENDATION PRESENTED BY:**

Jane K. Shang, City Manager - There is available funding from reserves to fund the Latin Festival if approved by the

City Commission.

**POTENTIAL  
MOTION:**

"I move that the City Commission approve/disapprove funding for the 20th Annual Latin Arts and Music Festival scheduled for Sunday, October 4, 2015."

**AGENDA ITEM  
APPROVED BY:**

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Jane K. Shang, City Manager

**ATTACHMENTS:**

- April 30 2015 VCHA letter
- Deltona Code of Ordinances - City Co-sponsored Events Ordinance
- RCM July 7, 2014



## LATIN ARTS & MUSIC FESTIVAL

October 4, 2015

April 30, 2015

Dear Deltona Mayor & Commissioners,

The Volusia County Hispanic Association is requesting city sponsorship of the 20<sup>th</sup> Annual Latin Arts & Music Festival scheduled for Sunday, October 4, 2015 from 11am – 8pm. We are specifically requesting your support by allowing us the utilization of the Dewey Boster Park, placement of two mobile messaging trailers, traffic cones and barricades, space on entry signs promoting the event.

We are requesting the waiver of any application city permit fees and request the city to join us as a sponsor for the event. As has been done in the past, we are requesting that the city instruct the concession stand operator at Dewey O. Boster Sports Complex to be closed during the event. This has allowed us to utilize more of the concrete area surrounding the stage and help support the event objectives.

This annual event has been successful every year to bring a family fun day promoting diversity and culture to our community. The Volusia County Hispanic Association is a 501 c3 corporation. The revenues generated during this event will allow us to help our community in many ways. Below are a few examples of what VCHA does in the community:

- Successfully completed 7 Back to School Fair assisting over 5,000 children and families with needs to get ready for the school year.
- Scholarships to graduating teens from both Deltona High Schools
- This year, provided Prom dresses to students that are underprivileged
- Partnered with the City's Parks & Rec Department to host and plan Music in the Courtyard events. This year, we are planning Parrandas en el Patio event in December celebrating the holiday with cultural music
- Giveaways and events to our seniors at local nursing homes

This event has been well accepted by the residents of Deltona and we look forward for a long partnership with the City. Thank you for your consideration and support!

Respectfully,

*Emma Santiago*

Emma Santiago  
VCHA Secretary

**Sec. 10-104. - City co-sponsored events.**

- (a) City co-sponsored events are community based and not for profit events. These events are free to the public and are intended to appeal to the broadest segment of the community and may demonstrate benefit to a particular neighborhood of the city. Co-sponsorship allows the city active participation, through the administrator, in the decision-making on all phases of an event. Either the administrator or the City Commission shall approve co-sponsorship and, prior to distribution, any use of any official city identification on advertising, marketing, and public relations materials.**
- (b) Event producers receiving city co-sponsorship will be required to obtain and provide proof of insurance for the event in a form and amount that is acceptable to the Director of Parks and Recreation. All other events are subject to all permit fees and charges as set out in the applicable ordinances or resolutions unless approved by the city commission to gain sponsorship status.**

**(Ord. No. 24-01, § 1, 8-6-2001; Ord. No. 27-2007, § 1, 12-3-2007)**

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**PROHIBITING CERTAIN OCCUPANCY; PROVIDING FOR INTERIOR RENTAL INSPECTIONS FOR CAUSE, EMERGENCY INSPECTIONS AND REMEDIATION, AND DELINQUENCIES, REVOCATION AND PENALTIES; REQUIRING CERTAIN DOCUMENTS PRIOR TO UTILITY ACTIVATION, AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**Motion carried unanimously with members voting as follows: Commissioner Denizac, For; Commissioner Nahicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

Ordinance No. 11-2014 was adopted at 7:16 p.m.

**F. Ordinance No. 18-2014, regarding unfit and unsafe structures, at first reading and to schedule second and final reading for July 21, 2014.**

Mayor Masiarczyk referred to Page 3, Item 18-104 regarding the timeline of five (5) days suggesting that it be changed to 30 days.

**Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to adopt Ordinance No. 18-2014 at first reading, and to schedule second and final reading for July 21, 2014 with the change from 5 days to 30 days for the addition of sod and clean-up after demolition.**

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

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADOPTING A NEW ARTICLE IV, "UNFIT AND UNSAFE STRUCTURES", OF CHAPTER 18, "BUILDINGS AND BUILDING REGULATIONS", PROVIDING FOR THE HANDLING OF UNFIT OR UNSAFE STRUCTURES, AND THE PROCEDURES TO DEMOLISH, REMOVE, SECURE, ETC. SUCH STRUCTURES; PROVIDING FOR NOTICES, ASSESSMENT OF COSTS, LIENS, EMERGENCY CONDEMNATIONS, APPEALS AND NON-AD VALOREM ASSESSMENTS; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**Motion carried unanimously with members voting as follows: Commissioner Denizac, For; Commissioner Nahicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

Ordinance No. 18-2014 was adopted at 7:19 p.m.

**9. OLD BUSINESS: None.**

**10. NEW BUSINESS:**

**A. Request for approval for waiver of all fees – SE 14-006-Latin Festival 2014.**

The Commission discussed being asked once again to go against the City's policy and procedures and the need to follow the policy of \$2,500 for any event with attendance over 901, that this request should go through the budget this year and if not the Commission would have to go by policy, whether the Commission was going to change the policy to start charging for the City's parks, what

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the City will pay for, the need for a date for requests to be submitted so they can be budgeted and letting the entities that the City waives fees for know that this is the City's new policy.

Mayor Masiarczyk asked Mr. Denny if anyone had researched this request and if it was in the budget and Mr. Denny replied it was not in the budget.

Commissioner Nabicht asked Mr. Moore if a follow-up report had been filed and he replied "yes". The City Clerk was asked to read the report into the record and Commissioner Nabicht asked if the \$3,400 in the report was all the money that was made or the profit after expenses and Mr. Santiago replied that was the net profit.

Commissioner Denizac stated this is the 19<sup>th</sup> year for this festival with many residents from Deltona and other areas in attendance, the event fulfilling one of plaques on the wall about diversity, that the event should be part of the budget and she would like to see the City continue with the festival.

Commissioner Schleicher stated this is a policy problem and she asked Mr. Santiago if the Volusia County Hispanic Association (VCHA) had gone to the Volusia County Council and asked to negotiate the Sheriff's charges with them and Mr. Santiago replied they had in years past and were successful in some years but, recently they have been unsuccessful because of Volusia County's budget concerns.

Vice Mayor Herzberg asked to clarify that of the \$9,000 requested \$5,130 is for the Sheriff's cost and this amount is the out of pocket cost that comes from the City, everything else is done in-house.

Mayor Masiarczyk stated he recalled last year the Commission had told these agencies to get with the Parks & Recreation Department and make it a truly co-sponsored event that could be budgeted for so part of the blame falls on the organization for not doing that before now. He stated the maximum amount the Commission can give is \$2,500, a report is due within 30 days after the event, the report that was received was a letter at best and should have been a detailed report. He suggested as an alternative that the City use the \$2,500 cap to offset the costs of the Sheriff's Department and let the VCHA absorb the additional cost, the City can live with the things in-house like the fields, and then the City will not entertain any change if it does not fit the policy in the future.

Commissioner Nabicht stated he could not support that as the Fire Department is already over budget and the policy is the policy.

**Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to deny the request.**

Mayor Masiarczyk opened the public hearing.

Christine Santiago, 2631 Eustace Avenue, spoke in favor of the event and she asked for one (1) more chance.

Vickie Wales, 770 Gordon Court, commented she did not believe this was fair when she comes to meetings and sees fines reduced for people who ignore the rules for years. She asked that the City set a rule, let everybody know what to do but not at this time.

David Santiago, 2631 Eustace Avenue, spoke about the event being a community based cultural event where the City is asked to partner with VCHA and is no different than other City events like

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Spooktacular and the 4<sup>th</sup> of July Fireworks which the City absorbs all of the costs. He stated it does generate funds to help about 1,000 kids with free back packs, school supplies, haircuts and vision screenings. He commented he was willing to accept and bring back to the committee the suggestion of applying the \$2,500 of in-kind to the costs for the law enforcement services and push to do more fundraisers to close that gap.

Vice Mayor Herzberg stated the City has given away money in liens by agreeing to reduce fines for people who can pay them as suggested by the Special Magistrate when they want to sell their property. She stated she cannot support not sponsoring this event but the City has got to start budgeting for these special events no matter who it is. She stated she could support Mayor Masiarczyk's suggestion of the \$2,500 towards the VCSO costs and in the future maybe putting in the VCSO contract a dollar amount for community hours for community policing for special events.

**Motion carried with members voting as follows:**

Commissioner Denizac	Against
Commissioner Nabicht	For
Commissioner Schleicher	For
Vice Mayor Herzberg	Against
Mayor Masiarczyk	For

Mayor Masiarczyk passed the gavel to Vice Mayor Herzberg.

**Motion by Mayor Masiarczyk, seconded by Commissioner Denizac to adopt annual All Nations Multi-cultural Festival to be put on by the City of Deltona, to budget \$5,000 from the General Fund this fiscal to be applied to the costs for the VCHA event this year, and in the future the City of Deltona will annually put on an All Nations Multi-cultural Festival in honor of Gus and Mary Dowels as funded per the budget process in the future.**

Commissioner Schleicher asked for clarification on whether the City would be taking over the Hispanic Festival. Mayor Masiarczyk replied "no"; the City would be allowing a \$5,000 donation this year towards the costs and annually the City will have an all nation's festival to be put on by the Parks and Recreation Department to celebrate diversity in the future.

Vice Mayor Herzberg asked Mayor Masiarczyk if he wanted to change the name of the festival and have the City Sponsor it or co-sponsor it with the VCHA. Mayor Masiarczyk replied he did not have the authority to do away with the VCHA's festival but would put \$5,000 for this year to cover the costs for the police and then annually the City would put on an all nations multi-cultural festival and the VCHA can do their own separate festival but, the City will not fund any more than the policy or until the policy is changed.

Vice Mayor Herzberg opened the public hearing.

Phil Giomo, 2135 Brewster Drive, stated he supports a cultural event for all cultures to come together.

David Santiago, 2631 Eustace Avenue, stated the suggestion is a good one and he volunteered to help with the multi-cultural event next year.

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**Motion carried with members voting as follows:**

<b>Commissioner Denizac</b>	<b>For</b>
<b>Commissioner Nabicht</b>	<b>Against</b>
<b>Commissioner Schleicher</b>	<b>Against</b>
<b>Vice Mayor Herzberg</b>	<b>For</b>
<b>Mayor Masiarczyk</b>	<b>For</b>

Vice Mayor Herzberg returned the gavel to Mayor Masiarczyk.

**B. Request for approval of 2014-2015 Law Enforcement Services Agreement.**

Mr. Denny stated this item will be discussed in more detail on Thursday but since placing this item on the agenda he has received from Captain Brannon a request to add three (3) additional personnel for FY 2014/2015 and two (2) additional for FY 2015/2016. He stated the addition to the 2014/2015 budget year would increase the budget by \$416,000+ and the addition to the 2015/2016 budget year would increase the budget by \$285,000. He suggested waiting until the budget workshop and to bring the agreement back before the Commission at the July 21, 2014 meeting.

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

**Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to table Item #10-B.**

**Motion carried unanimously with members voting as follows: Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

**C. Appointment of an individual to fill the remainder of the District 5 Commission seat.**

Mayor Masiarczyk asked City Clerk Joyce Raftery to come up and swear in the newly appointed Commissioner for District 5, Anthony Bellizio.

Ms. Raftery asked Mr. Bellizio to place his right hand on the Bible and raise his left hand and repeat the Oath of Office after her. Commissioner Bellizio was sworn in, official photos were taken and he took his seat at the dais.

**11. CITY ATTORNEY COMMENTS:** None.

**12. CITY MANAGER COMMENTS:** None.

**13. CITY COMMISSION COMMENTS:**

a) Commissioner Bellizio introduced himself and commented he was honored to serve out the approximately four (4) months of the unexpired District 5 term and will do what is needed for District 5 as well as all the citizens in the City. He felt it is his duty to serve in the public and he will insure that he will be educated on every issue as much as possible.

b) Commissioner Schleicher welcomed Commissioner Bellizio and commented on being out of