



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Minutes

### City Commission

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**Monday, April 18, 2016**

**5:30 PM**

**2nd Floor Conference Room**

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#### **CITY MANAGER'S AGENDA REVIEW MEETING**

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

Mayor Masiarczyk called the meeting to order at 5:30 p.m.

#### **2. ROLL CALL – CITY CLERK:**

**Present:** 8 - Commissioner Herzberg  
Commissioner Honaker  
Commissioner Schleicher  
Commissioner Smith  
Commissioner Soukup  
Mayor Masiarczyk  
City Manager Shang  
City Attorney Vose

**Excused:** 1 - Vice Mayor Nabicht

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

Mayor Masiarczyk lead the Pledge to the Flag.

#### **A. Invocation Presented by Commissioner Smith**

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

#### **A. Approval of minutes - Regular Commission Meeting of April 4, 2016 - Joyce Raftery, City Clerk (386) 878-8502.**

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

#### **A. Recognition to Christian Estridge, Ricky Dobbyn and Malachi Walters who were chosen to participate in the DMAXX All-American Youth Football Bowl Game in New Rochelle, New York.**

Mayor Masiarczyk asked about Jeffrey Walters being added to this Item and was he Malachi Walters' brother. Ms. Day responded that this was a late addition after the agenda had been distributed but there was a certificate prepared for Mr. Walters. Commissioner Soukup confirmed that Malachi and Jeffrey were brothers.

**B. Recognition to Brielle Walker - State of Florida Goodwill Ambassador for the Muscular Dystrophy Association**

City Manager Shang stated the Firefighters' Foundation will be presenting Miss Brielle Walker with a special Fireman's helmet made especially for her to carry with her in remembrance of the City of Deltona as she travels as the State of Florida Goodwill Ambassador for the Muscular Dystrophy Association.

**C. Presentation - Quarterly Reports of City Advisory Boards/Committees - Joyce Raftery, City Clerk (386) 878-8502.**

**6. CITY COMMISSION SPECIAL REPORTS:**

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

City Manager Shang stated that according to Ms. Day nobody has signed up to speak during Public Forum, however, there may be an individual that will be signing up to talk about trash regarding a neighbor. She stated this issue was regarding an abatement where a fee was assessed. She stated the person was also confused about the rules for limbs being bundled or not and yard waste, etc.

**CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.**

**8. CONSENT AGENDA:**

**9. ORDINANCES AND PUBLIC HEARINGS:**

**A. Public Hearing - Ordinance No. 09-2015, Amending Section 110-806 of the Land Development Code for Fences, Walls, and Hedges, at first reading - Chris Bowley, Planning and Development Services, (386) 878-8602.**

**Strategic Goal: Economic Development: Update the Economic Development Plan including the Land Development Code (LDC).**

City Manager Shang stated next is a public hearing regarding fences, walls and hedges that had been discussed in a workshop and by the Ordinance Review Committee

(ORC). There were no questions or comments.

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

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

City Manager Shang stated the next item is a public hearing in regards to Tivoli Drive being added to the City's thoroughfare map which changes the designation so the City will be eligible for funding through the Transportation Planning Organization (TPO). Mayor Masiarczyk asked City Attorney Vose to clarify that this ordinance is basically changing the designation and nothing else and City Attorney Vose responded "yes".

Commissioner Soukup stated the City is looking for funding to four (4) lane the road. City Manager Shang stated the City has made application for funding to make improvements to the intersections at Tivoli Dr. and Providence Blvd. and Tivoli Dr. and Saxon Blvd. and the other piece is to do the middle section. Commissioner Soukup stated he does not see the need for four (4) laning Tivoli Dr. because once the City starts with construction on the ends of Tivoli Dr. the City will see there is no problem there. Commissioner Schleicher stated without the funds the City cannot do anything. Mayor Masiarczyk stated this will change the designation tonight and then see what the traffic engineers say. Commissioner Soukup responded that he believes there are people who live on Tivoli Dr. coming to tonight's meeting and the Commission needs to clarify that this ordinance is for funding but, the Commission has not decided to four (4) lane the road as of yet.

City Manager Shang stated there will be more dialogue even though there had been direction from the Commission to start looking for planning and designing the four (4) lanes but, it was decided to divide the application so the ends can be done and then do the middle. Commissioner Soukup asked when the last time a traffic count was done and Mr. Paradise responded it was done in 2015 and the road carries a little over 12,000 trip-ins per day. Mayor Masiarczyk, Commissioner Schleicher and Commissioner Soukup commented Elkcam Blvd. was just as bad as Tivoli Dr.

**C. Public Hearing - Ordinance No. 13-2016, Creating a new Article II, "Distribution of Unsolicited Materials," of Chapter 38, "Environment," of the Code of Ordinances, at first reading and to schedule second reading - Becky Vose, Legal Department (407) 448-0111.**

**Strategic Goal: Public Safety - focus on the City's beautification program.**

City Manager Shang stated the next item has to do with unsolicited materials. There

were no questions or comments.

- D. **Request for Approval of Ordinance No. 17-2016, Amending the Firefighters' Pension Plan to Comply with Internal Revenue Code and its Associated Regulations and to add a Share Plan as a requirement of the recently adopted Chapter 2015-39 Laws of Florida - Becky Vose, Legal Department - (407) 448-0111.**

**Strategic Goal: Internal & External Communication - Improve Intergovernmental Coordination**

City Manager Shang stated the next item is an ordinance amending the Firefighters' Pension Plan that has to do with meeting Internal Revenue Services (IRS) requirements and based on the language in the collective bargaining agreement regarding the use of premium tax dollars to make sure the agreement and the ordinance are consistent.

- E. **Approval of Ordinance No. 20-2016; Amending Chapter 94, "Impact Fees," Section 94-8, "Payment," of the Code of the City of Deltona; Changing when Impact Fees are Paid and Conditions of Payment, for first reading. - Becky Vose, Legal Department (407) 448-0111.**

**Strategic Goal: City infrastructure improvement and related funding.**

City Manager Shang stated the next item has to do with impact fees and the Commission had asked that City Manager Shang work with City Attorney Vose in regards to modifying the ordinance so that impact fees are due when the permit is issued and not when the Certificate of Occupancy (CO) is requested.

Mayor Masiarczyk stated over the years there have been several buildings started and never finished, the impact fees were never paid and he gave examples. Commissioner Soukup questioned if this was something that was needed and City Manager Shang responded "yes" this should be done up front as it is a permit fee. Commissioner Smith asked if the person could ask for the impact fees back if the project is never finished and City Attorney Vose responded once the impact fees are paid, they are paid. City Attorney Vose stated she had seen in some cases in the past where impact fees were slated to be increased and developers paid the fees up front to save money because the fees are determined as of the date of the permit.

City Manager Shang asked to make a comment that on the Tivoli (Item 9 - B) the City Clerk will be reading a statement provided by Vice Mayor Nabicht into the record.

- F. **Request for approval of the 2016-2017, 2017-2018 and 2018-2019 SHIP Local**

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**Housing Assistance Plan - Resolution No. 2016-14 - Chris Bowley, Planning and Development Services (386) 878-8602**

**Strategic Goal: Fiscal Issues, Maintain On-going Grants.**

City Manager Shang stated the next item has to do with the State Housing Initiative Partnership (SHIP) Local Housing Plan (LHAP) regarding the funding strategy adding rental assistance and central sewer assistance depending on eligibility for funding. She stated that staff is going to talk about instead of making a one (1) time payment the payment will be spread out over six (6) months or so and will be made directly to the landlord or entity.

Commissioner Soukup asked about grants and the new grants writer. City Manager Shang responded that the grants writer had only been on board for two (2) months and is submitting some grants. Mr. Bowley stated the grants writer is in the learning process for the grants the City is looking for and has a short list to work on. He stated she is working with Public Works Director Gerald Chancellor, the Fire Department on a Public Safety Grant, looking at the Echo funds process for the Veteran's Memorial Park and grants specifically for the Senior Center. He stated she has also looked at transportation grants and she now has the plans for the commercial sewer plant at Finland Dr. and Saxon Blvd.

Commissioner Honaker asked who would be managing the assistance payments and Mr. Bowley responded he did not know yet. Mr. Paradise stated the City has an option to hire a third party or partner with a Non-Governmental Organization (NGO) and there is flexibility to do certain elements in-house or rely on a public service provider. Commissioner Honaker stated he read in the newspaper that Ormond Beach started a grants program where non-profits could apply for housing/homeless assistance for up to \$25,000 with justification. Commissioner Herzberg stated Volusia County is doing that also and she suggested it would be good to have someone from the City attend the upcoming Social Services meeting in DeLand.

Commissioner Herzberg stated the SHIP funds can be used for actual homelessness and she asked if those funds would be available now or is that with the next amount that is coming. Mr. Bowley responded staff is setting up the strategy in the LHAP for that provision.

Commissioner Soukup stated he would like to speak about something unrelated to the discussion. He stated he has a relative that lives on George Sauls Street and he asked about the George Sauls Monument/Rock that used to be located on a property on George Sauls Street but was removed from the property at the request of the property owner and relocated to the Osteen Cemetery. He asked if the rock could be moved back to his relative's property on George Sauls Street. Mayor Masiarczyk stated a plaque was done by the West Volusia Historical Society and was attached to the rock that was on the property at the George Saul's home after the house burned down. He stated the new owner of the property did not want the rock on his property so, he asked that it be removed and it was relocated to the Osteen Cemetery because that was where one of

the Saul's family members was buried. He stated the rock was moved with the approval of everyone and there was a ceremony.

**10. OLD BUSINESS:**

**11. NEW BUSINESS:**

**A. Request for approval of the City of Deltona Fiscal Year (FY) 2016 HOPWA Grantee Re-Designation Agreement - Chris Bowley, Planning and Development Services, (386) 878-8602.**

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

City Manager Shang stated the next item has to do with Housing Opportunities for Persons with Aids (HOPWA) administered by the Florida Department of Health. There were no questions or comments.

**12. CITY ATTORNEY COMMENTS:**

**13. CITY MANAGER COMMENTS:**

**14. CITY COMMISSION COMMENTS:**

Commissioner Honaker reminded everyone about the fundraiser at the Relay for Life event on May 14th at the Dewey Boster Sports Complex.

**15. ADJOURNMENT:**

Mayor Masiarczyk adjourned the meeting at 5:59 p.m.

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Janet Day, Deputy City Clerk