



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, April 18, 2016

6:30 PM

Deltona Commission Chambers

1. CALL TO ORDER:

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

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:

A. Invocation Presented by Commissioner Smith

Commissioner Smith led everyone in a silent invocation and the pledge to the flag.

The National Anthem was sung by Imani Thomas an 8th Grader at Galaxy Middle School.

4. APPROVAL OF MINUTES & AGENDA:

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

Motion by Commissioner Schleicher, seconded by Commissioner Honaker, to approve the minutes of the Regular Commission Meeting of April 4, 2016, as presented. The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, and Mayor Masiarczyk

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 and the Commission presented Certificates of Recognition to Christian Estridge, Ricky Dobbyn, Malachi Walters and Jeffrey Walters for being selected from athletes around the country to play in the DMAXX All-American Youth Football Bowl Game in New Rochelle, New York.

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

Mayor Masiarczyk and the Commission presented a Certificate of Recognition to Brielle Walker, a vivacious seventeen-year-old from Deltona, FL, for being named State Goodwill Ambassador for the Muscular Dystrophy Association.

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

Mayor Masiarczyk stated the Quarterly Reports are in written form and will be accepted as presented.

6. CITY COMMISSION SPECIAL REPORTS:

None.

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.

Dixie Morgese, Healthy Start Coalition Executive Director, Healthy Start Coalition of Flagler and Volusia Counties, Inc., gave a brief presentation on Deltona Healthy Start services, data from the Family Place intake form, and what is coming up.

Keith Kennedy & Isabel Candelas, Fresh Start Program, spoke about the program which provides things like career education, counseling, a clothes closet, community referrals, how it serves 1,100 students a year and the organization would like to extend the program to Deltona.

Mike Williams, 2889 Cottageville Street, Deltona, spoke about the Fresh Start Program, he thanked Angelia Briggs who has been at the forefront of the program, he had a conference call today with Superintendent of Volusia County Schools Tom Russell about the program, that the classes only need 12-15 students to start them and the program kickoffs the end of June. He stated the Deltona Has Talent event will be at Dewey O. Boster Sports Complex on May 21st from Noon to 3:00 p.m. for students in grades Kindergarten through 12th Grade and he encouraged everyone to attend.

Ruben Colon, 559 Baldwin Court, Deltona, spoke about a pregnant stray cat and his experience contacting both staff and Commissioner Herzberg for assistance with the stray cat. He spoke about garbage not being picked up on his street, his experience when contacting staff about the issue and it taking two (2) days for the garbage to be picked up.

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).

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

Motion by Commissioner Honaker, seconded by Commissioner Schleicher, to approve Ordinance No. 09-2015, as amended, at first reading.

City Attorney Vose read the title of Ordinance No. 09-2016 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTION 110-806, "FENCES, WALLS, AND HEDGES," OF ARTICLE VIII, "SUPPLEMENTARY REGULATIONS", OF CHAPTER 110 "ZONING", OF THE LAND DEVELOPMENT CODE OF THE CITY OF DELTONA; PROVIDING FOR AMENDMENTS ADDRESSING STRUCTURAL HEIGHT, DEFINITION, OPACITY, AND PUBLIC SAFETY; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, and Mayor Masiarczyk

Ordinance No. 09-2016 was adopted at 7:08 p.m.

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).

Planning & Development Services Assistant Director Ron Paradise gave a brief explanation and the history of the item.

Deputy City Clerk Janet Day read statements provided by Vice Mayor Nabicht regarding this item for the record.

Mayor Masiarczyk opened the public hearing.

Rob Griffith, 1384 Tivoli Drive, Deltona, spoke about his concerns regarding four (4) laning Tivoli Drive, Deltona's future growth being 12%, to not widen the road just for those few that are delayed due to traffic concerns such as being behind a garbage truck, the amount of traffic congestion especially at peak times on Tivoli Drive, the traffic on Tivoli Drive not being a concern for emergency personnel and his concern for the safety of the families in the area.

Michael Putkowski, 2736 Courtland Blvd., Deltona, spoke about his concerns regarding four (4) laning Tivoli Drive, that property values on the road will go down once the road is widened, and his concern for the safety of children walking along the road.

Richard Klein, 1541 Laramore Street, Deltona, spoke about attending a previous meeting regarding the widening of Tivoli Drive, that widening the road will not allow any more traffic flow, that all the roads designated "Boulevards" were platted to be four (4) or five (5) lane roads which Tivoli Drive is not, the need to widen Providence Blvd. and the rest of Saxon Blvd. first before considering widening Tivoli Drive.

Mike Demmin, 1324 Tivoli Drive, Deltona, spoke about it being unnecessary to widen Tivoli Drive, there being no place for traffic to go, the safety of the road, having to put traffic lights on Tivoli Drive if it is four (4) laned, Tivoli Drive being one (1) of the only ways to get to I-4 and property owners having to give up most of their driveways in order to four (4) lane Tivoli Drive.

Alberto Rivera, 1351 Baton Drive, Deltona, spoke against four (4) laning Tivoli Drive, future growth not being enough to expand Tivoli Drive, the City not having funds to fix Tivoli Drive, that the discussion to expand Tivoli Drive could be done for the next 10 years and still the project would not need to be started, the current speed at which the cars drive down Tivoli Drive, and he is concerned for the safety of the residents on that road.

Mayor Masiarczyk closed the public hearing.

Motion by Commissioner Honaker, seconded by Commissioner Schleicher, to approve Ordinance No. 12-2016, adding Tivoli Drive between Saxon Blvd. and Providence Blvd., to the City's Thoroughfare Map, at first reading.

City Attorney Vose read the title of Ordinance No. 12-2016 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE THOROUGHFARE ROADWAY SYSTEM 2025 MAP, THE ROADWAY NUMBER OF LANES 2025 MAP, AND THE ROADWAY NUMBER OF LANES TABLE OF DELTONA'S COMPREHENSIVE PLAN BY ADDING THE SEGMENT OF TIVOLI DRIVE FROM PROVIDENCE BOULEVARD TO SAXON BOULEVARD AS A THOROUGHFARE; FINDING CONFORMITY WITH STATE STATUTES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELTONA; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, and Mayor Masiarczyk

Ordinance No. 12-2016 was adopted at 7:43 p.m.

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.

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

Motion by Commissioner Herzberg, seconded by Commissioner Honaker, to adopt on first reading 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 and final reading.

City Attorney Vose read the title of Ordinance No. 13-2016 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, CREATING A NEW ARTICLE II, "DISTRIBUTION OF UNSOLICITED MATERIALS", OF CHAPTER 38, "ENVIRONMENT," OF THE CODE OF ORDINANCES, MAKING FINDINGS, PROVIDING DEFINITIONS, PROHIBITING CERTAIN ACTS AND EXCEPTIONS, AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE

DATE.

The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, and Mayor Masiarczyk

Ordinance No. 13-2016 was adopted at 7:45 p.m.

- 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

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

Motion by Commissioner Schleicher, seconded by Commissioner Honaker, to approve 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 on first reading, and to schedule second reading and final adoption on May 16, 2016.

City Attorney Vose read the title of Ordinance No. 17-2016 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 46, ARTICLE II, FIREFIGHTERS' PENSION PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF DELTONA BY AMENDING SECTION 46-26, DEFINITIONS; AMENDING SECTION 46-27, PARTICIPATION - CONDITIONS OF ELIGIBILITY; AMENDING SECTION 46-29, FINANCES AND FUND MANAGEMENT, AMENDING SECTION 46-33, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 46-35, DISABILITY; AMENDING SECTION 46-43, MAXIMUM PENSION; AMENDING SECTION 46-44, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 46-54, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 46-59, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, and Mayor Masiarczyk

Ordinance No. 17-2016 was adopted at 7:49 p.m.

- 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.

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

Motion by Commissioner Herzberg, seconded by Commissioner Honaker, to adopt Ordinance No. 20-2016 at first reading, and to schedule second and final reading for May 2, 2016.

City Attorney Vose read the title of Ordinance No. 20-2016 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 94, "IMPACT FEES," SECTION 94-8, "PAYMENT," BY CHANGING WHEN IMPACT FEES ARE PAID AND CONDITIONS OF PAYMENT; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, and Mayor Masiarczyk

Ordinance No. 20-2016 was adopted at 7:51 p.m.

- F. Request for approval of the 2016-2017, 2017-2018 and 2018-2019 SHIP Local Housing Assistance Plan - Resolution No. 2016-14 - Chris Bowley, Planning and Development Services (386) 878-8602**

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

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

Motion by Commissioner Herzberg, seconded by Commissioner Honaker, to approve Resolution No. 2016-14 adopting the City of Deltona 2016-2017, 2017-2018 and 2018-2019 Local Housing Assistance Plan and transmit the Plan to the Florida Housing Finance Corporation for review.

Mayor Masiarczyk read the title of Resolution No. 2016-14 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA APPROVING THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; AND PROVIDING AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, and Mayor Masiarczyk

Resolution No. 2016-14 was adopted at 7:53 p.m.

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.

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

Motion by Commissioner Honaker, seconded by Commissioner Schleicher, to approve the City of Deltona FY2016 HOPWA Grantee Re-Designation Agreement with HUD and the Florida Department of Health. The motion carried by the following vote:

For: 6 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, and Mayor Masiarczyk

12. CITY ATTORNEY COMMENTS:

None.

13. CITY MANAGER COMMENTS:

City Manager Shang stated "Trash it goes in the bin."

14. CITY COMMISSION COMMENTS:

a. Commissioner Soukup stated he could not make it to the Volunteer Luncheon, but he thanked all the volunteers and staff, he reminded everyone on May 20th and 21st he will be a judge for the Ms. Deltona High School, on April 28th former Trinity Christian Academy student Paxton Lynch who is a quarterback for Memphis will hopefully be drafted in the NFL draft, and he stated he believes the budget should be cost neutral, but he would like to see the millage rate lowered and to be smart about some of the spending being done and he will be bringing forward some ideas.

b. Commissioner Herzberg stated she attended diversity training through the Volusia League of Cities (VLOC) which was held in Daytona and that she felt the Commission could benefit from this type of training, she thanked the Ordinance Review Committee (ORC) for their work on the ordinance regarding fences, walls and hedges and she stated it takes a village of people to help one another and to address issues whether it's animals, homelessness or homelessness prevention. She stated on April 30th the VLOC will be having a Water Compact Summit from 8:00 a.m. to Noon at Stetson University to draw attention to various issues, funding needs and she is proud to announce VLOC is partnering with Stetson University, Water and the Environmental Resilience Institute, who will host the summit.

c. Commissioner Honaker stated he attended the Volunteer Luncheon, he rode the rail trail where Pat Northey gave an update on the continued funding for the project, he reminded everyone on May 14th is Relay For Life from Noon to Midnight and he asked to have Top Shelf Car Wash attend the May 2nd Regular Commission Meeting so they can present a check for \$1,438.49 to the Commission from their fundraising event. He stated at the April 11th Workshop the majority of the Commission agreed to keep the millage rate at 7.99 mills and he explained how the millage rate works, the annual taxes for the average household, the number of homeowners who pay no taxes, what the City pays in services, and he suggested creating an annual fire assessment fee which can only be used for fire services and he gave an explanation. He stated at this time he openly does not agree with the Commission's decision because there has not been an official vote yet, however, once the Commission votes, following Roberts Rules of Order, he will never openly disagree again and he explained Roberts Rules of Order.

d. Commissioner Schleicher stated she attended the Volunteer Luncheon and she asked why the Citizens on Patrol (COP) were not in attendance, she attended the American POP 60 concert at the Amphitheater which was outstanding, she reminded everyone that Arbor Day is on Friday, April 29th at 11:00 a.m. at City Hall in the courtyard and that she will not be in attendance because she will be at the League of Woman's Voters fashion show.

e. Commissioner Smith stated she attended the Volunteer Luncheon and she thanked

staff and the volunteers for all their work, including those volunteers who could not make it to the event, she stated she hopes Commissioner Honaker brings up the fire assessment fee with back-up documentation at the next budget workshop so it can be considered, and she suggested that "budget" workshops should take place in the Commission Chambers and be completely transparent.

Commissioner Soukup reminded everyone that Galaxy Middle School is having a spaghetti dinner fundraising event in its cafeteria from 6:00 p.m. to 8:00 p.m. on April 29th to support the Olympiad Team.

f. Mayor Masiarczyk stated "Commissioner Comments" should be quick, short and to the point and if the Commission comments are going to be lengthier then it should be a presentation under "City Commission Special Reports" and he gave a brief explanation as to why. He stated he attended the Volunteer Luncheon which was a great presentation.

Mayor Masiarczyk stated he attended the naming of the street on the side of Deltona High School after Tara Jacobs Brown who was killed in action, for being a hero in the community and she had attended Deltona High School. He told a brief story about being at the Veteran's Museum where a gentleman questioned why Tara Jacobs Brown's picture was on display and when he was told she was killed in action he responded that he had worked with her years ago, he was with the United States Army Special Services personnel here checking on the helicopter at the museum. He thanked everyone who attended the dedication and staff who helped put on the event.

15. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:17 p.m.

John C. Masiarczyk, Sr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK