

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, MARCH 4, 2013**

1 A Regular Meeting of the Deltona City Commission was held on Monday, March 4, 2013 at the
2 City 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 Zenaida Denizac Present
12 Commissioner Webster Barnaby Present
13 Commissioner Heidi Herzberg Present
14 Commissioner Fred Lowry Present
15 Commissioner Chris Nabicht Present
16 Commissioner Nancy Schleicher Present
17 Acting City Manager Dave Denny Present
18 City Attorney Becky Vose Present
19 City Clerk Joyce Raftery Present
20

21 Also present: Planning and Development Services Director Chris Bowley; Public Works/Deltona
22 Water Director Glenn Whitcomb; and VCSO Captain David Brannon.

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

25
26 Silent Invocation presented by Mayor Masiarczyk.

27
28 The National Anthem was sung by the Timbercrest Tiger Choir.

29
30 **4. APPROVAL OF MINUTES & AGENDA:**

31
32 **A. Minutes:**

33
34 **1. Regular City Commission Meeting – February 18, 2013.**

35
36 **Motion by Commissioner Barnaby, seconded by Commissioner Nabicht to approve the**
37 **minutes of the Regular City Commission Meeting of February 18, 2013 as presented.**

38
39 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
40 **Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For;**
41 **Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

42
43 **B. Additions or Deletions to Agenda:** None.

44
45 **5. PRESENTATIONS/AWARDS/REPORTS:**

46
47 **A. Presentation – Super Star Student of the Month Certificates for February, 2013.**

48

1 The Commission presented Super Star Students of the Month certificates for February, 2013.

2
3 **B. Presentation of Certificates – Pine Ridge High School Boys’ Soccer Team for winning**
4 **the 4A Boys Soccer District Championship. (Requested by Vice Mayor Denizac.)**

5
6 Mayor Masiarczyk and Commissioners presented certificates to the Pine Ridge High School
7 Boys Soccer Team, Head Coach Mike Menard, Assistant Coach Martin Flores, and Assistant
8 Coach Mike Dunlap for winning the 4A Boys Soccer District Championship.

9
10 Mayor Masiarczyk and the Commission also recognized and thanked “Team Mom” Laura Hirst,
11 not only for her contributions to the Pine Ridge High School Boys Soccer Team but for her many
12 contributions over the years in helping make Deltona “Florida’s Bright Spot”.

13
14 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

15
16 a) Austin Guirlinger, 2231 Florida Avenue, provided a water and sewer rate comparison for
17 residential and multi-family apartments. He stated that the additional cost for a multi-family home
18 using three (3) thousand gallons is approximately 45% more than a single family residential home,
19 and he asked for relief.

20
21 Mayor Masiarczyk stated that the commercial rates are used for a profit making business such as
22 multi-family apartments because it is a business, but that he would have staff look into the rates and
23 that either himself, the Acting City Manager or someone from staff would contact him.

24
25 **7. CONSENT AGENDA:**

26
27 **8. ORDINANCES AND PUBLIC HEARINGS:**

28
29 **A. Ordinance No. 05-2013, reinstating the Affordable Housing Advisory Committee**
30 **(AHAC) at first reading and to schedule second and final reading for March 18, 2013.**

31
32 Commissioner Schleicher stated that Board members terms should be staggered and Mr. Bowley
33 replied that it is a sun setting committee and there would not be a need to stagger appointments.

34
35 **Motion by Commissioner Nabicht, seconded by Commissioner Herzberg to adopt Ordinance**
36 **No. 05-2013 at first reading and to schedule second and final reading for March 18, 2013.**

37
38 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

39
40 Mrs. Vose read the title of Ordinance No. 05-2013.

41
42 **AN ORDINANCE OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, RE-**
43 **INSTATING THE AFFORDABLE HOUSING ADVISORY COMMITTEE, AND**
44 **PROVIDING AN EFFECTIVE DATE.**

45
46 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
47 **Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For;**
48 **Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

1 Ordinance No. 05-2013 was adopted at first reading at 6:57 p.m.

2
3 **9. OLD BUSINESS:**

4
5 **10. NEW BUSINESS:**

6
7 **B. Request for approval of Resolution No. 2013-07 declaring certain property of the**
8 **City as surplus and authorizing the sale or disposal of such property.**

9
10 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

11
12 Vice Mayor Denizac brought it the Mayor's attention that he skipped over Item 10-A and the
13 Commission agreed to finish with Agenda Item 10-B first, and then go back to Agenda Item 10-A.

14
15 **Motion by Commissioner Schleicher, seconded by Commissioner Herzberg to adopt**
16 **Resolution No. 2013-07 declaring certain property of the City as surplus and authorizing**
17 **the sale or disposal of such property.**

18
19 Mayor Masiarczyk read the title of Resolution No. 2013-07.

20
21 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA,**
22 **FLORIDA, PERTAINING TO THE SALE OF SURPLUS PROPERTY; DECLARING**
23 **CERTAIN PROPERTY OF THE CITY AS SURPLUS AND AUTHORIZING THE SALE**
24 **OR DISPOSAL OF SUCH PROPERTY; PROVIDING FOR AN EFFECTIVE DATE.**

25
26 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
27 **Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For;**
28 **Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

29
30 Resolution No. 2013-07 was adopted as presented at 7:06 p.m.

31
32 Mayor Masiarczyk reopened the public hearing as a member of the public asked to speak.

33
34 Mavis Campbell, 1260 Section Line Trail, stated that the director of Haven Recovery wondered
35 if the property could be used to house veterans or homeless. Mayor Masiarczyk replied that the
36 property being disposed of was not housing.

37
38 Mayor Masiarczyk closed the public hearing.

39
40 **A. Consideration of appointment or re-appointment of three (3) members to the City's**
41 **Planning and Zoning Advisory Board.**

42 Mayor Masiarczyk and Vice Mayor Denizac stated that they would like to re-appoint board
43 members Michael Keipert and Victor Ramos.

44 Commissioner Barnaby stated that based on the experience of former Commissioner Zischkau as
45 compared to other candidates that he would like to nominate Mr. Herb Zischkau to be his

1 Planning and Zoning Board appointment and he asked for the unanimous support of the
2 Commission for his nomination.

3 Commissioner Nabicht asked that the appointments be voted on separately.

4 **Motion by Commissioner Barnaby, seconded by Vice Mayor Denizac to confirm all three**
5 **(3) of the Commission member's appointment(s) or re-appointment(s) as one motion and**
6 **one vote to the Planning and Zoning Board.**

7 Commissioner Herzberg asked the City Attorney for her opinion on whether the Commission
8 should vote on all three (3) board member appointments at once or individually. Mrs. Vose
9 stated if there are some of the Commissioners who want to vote for one as opposed to another,
10 she recommended voting on the appointments individually otherwise there would be split votes.

11 Commissioner Schleicher asked if there would be a problem with a recent former Commissioner
12 being a member of a board and Mrs. Vose replied that she did not see a problem.

13 Vice Mayor Denizac stated that in the history of her tenure with the City, the Commission has
14 always made one motion for all candidates and that she would like to continue with the way
15 board member appointments have always been done.

16 The Commission discussed various aspects of voting on all appointments at once or voting on
17 one appointment at a time.

18 The Commission discussed the exact wording of the motion and could not come to an agreement
19 on Commissioner Barnaby's exact wording or his intent of the original motion.

20 Mayor Masiarczyk asked to have the motion read again. Deputy City Clerk read the motion as;
21 **Motion to vote on all three applications at one time.**

22 Commission Herzberg asked that Commissioner Barnaby restate his motion and its intent and
23 then she called the question.

24 Commissioner Barnaby stated that his intention was that the Commission have one vote for the
25 three (3) appointments of Mr. Ramos, Mr. Kiepert and Mr. Zischkau to the Planning and Zoning
26 Board.

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

28		
29	Commissioner Barnaby	For
30	Commissioner Herzberg	For
31	Commissioner Lowry	For
32	Commissioner Nabicht	Against
33	Commissioner Schleicher	For
34	Vice Mayor Denizac	For
35	Mayor Masiarczyk	For
36		
37		

1 **C. Request for approval of Resolution No. 2013-08.**

2
3 Mayor Masiarczyk read the title of Resolution No. 2013-08.

4
5 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA,**
6 **FLORIDA, GRANTING AND CONVEYING TO THE ST. JOHNS RIVER WATER**
7 **MANAGEMENT DISTRICT A CONSERVATION EASEMENT ON PROPERTY**
8 **LOCATED IN VOLUSIA COUNTY, MORE PARTICULARLY DESCRIBED IN**
9 **EXHIBIT “A”, AS A CONDITION OF PERMIT NO. 4-127-126863-1, TO ASSURE**
10 **THAT THE PROPERTY WILL BE RETAINED FOREVER IN ITS EXISTING**
11 **NATURAL CONDITION AND TO PREVENT ANY USE OF THE PROPERTY THAT**
12 **WILL IMPAIR OR INTERFERE WITH THE ENVIRONMENTAL VALUE OF THE**
13 **PROPERTY; PROVIDING FOR AN EFFECTIVE DATE.**

14
15 **Motion by Vice Mayor Denizac, seconded by Commissioner Schleicher to adopt Resolution**
16 **No. 2013-08 and authorization that the Acting City Manager executes any and all necessary**
17 **documents for the granting of the conservation easement to the St. Johns River Water**
18 **Management District.**

19
20 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

21
22 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
23 **Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For;**
24 **Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

25
26 Resolution No. 2013-08 was adopted as presented at 7:22 p.m.

27
28 **11. CITY COMMISSION COMMENTS:**

29
30 a) Commissioner Lowry stated that Deltona Little League Opening Day Parade is this Saturday
31 from Deltona Middle School to Vann Park, the Deltona Job Fair was coming up, a lot of good
32 things were happening in Deltona, and that it was great to see another sports team doing well and
33 being recognized at a Commission meeting.

34
35 b) Commissioner Schleicher stated that it was a busy but pleasurable week. She attended the
36 Ribbon Cutting ceremony for Representative Santiago’s office and that it is an honor to have a
37 District office in Deltona. She participated in the Dr. Seuss birthday event “Read Across America”,
38 she represented the City at the Deltona Youth Soccer opening game ceremony and that it is
39 delightful to see so many of Deltona’s young children getting active in sports, and she applauded the
40 Parks and Recreation personnel for the work they do with the youth in Deltona. She reminded
41 everyone that at the May 13th Workshop the Commission will discuss the review of Ordinances and
42 at the March 11th Workshop the Commission will discuss communication issues and she asked
43 residents to let her know if they have any suggestions on ways to improve communications. She
44 stated that a resident asked her about the code requirement to have their house number on either the
45 mailbox or the house. Mayor Masiarczyk replied that due to a federal government requirement, the
46 ordinance requires the numbers to be on the front of the house, not the mailbox. She also asked for
47 an update on Thornby Park trails and botanical gardens.
48

1 c) Commissioner Nabicht stated that last Tuesday he attended the Transportation Planning
2 Organization (TPO) meeting and that on Wednesday from 9:00 a.m. until 12:30 p.m. there will be a
3 trails meeting in DeBary at DeBary Hall and he asked staff to confirm where the meeting is being
4 held. He stated Wednesday of last week he attended the grand opening of the Volusia County
5 Combined Emergency Operations Center (EOC), a 43,000 square foot facility. He commented on
6 their state of the art equipment and gave kudos to Volusia County Sheriff Ben Johnson for
7 orchestrating the “user friendly” design of the EOC. He also thanked Mrs. Vose for the City
8 Attorney weekly report and thanked her for all she is doing.
9

10 d) Commissioner Herzberg stated that ever since the City announced that it is going to have the
11 spay and neuter days in Deltona that many residents are calling asking when it will be scheduled.
12 She gave thanks to Mrs. Vose and to Acting City Manager Dave Denny for all the work they have
13 done, and she commented that Mr. Denny has really hit the ground running.
14

15 e) Commissioner Barnaby stated that he was a guest of Mayor Laputka’s at the Orange City
16 celebration of the African American Heritage Festival last Saturday and he was asked to speak. He
17 was proud to represent Deltona with honor at the event and he was well received. He stated that he
18 is looking to obtain a seat at the West Volusia State of the Region luncheon meeting being held on
19 Wednesday, March 13, 2013 at John Knox Village but, he was told that there are no more seats
20 available. He asked how he could get a seat at the event which is scheduled to discuss the State of
21 the Region and the Region’s Economic Development. Mayor Masiarczyk suggested contacting
22 Mayor Apgar or Chamber President Nick Conte and let them know that he wanted the first seat
23 available if someone cancelled. He also stated that he wants to see a change in Deltona’s code and
24 restrictions so the residents can see large buildings that employ 200 to 300 people going up in
25 Deltona. Commissioner Barnaby stated that he will be on the bus to Tallahassee for Volusia Day on
26 March 20, 2013. The event is sponsored by Volusia Council of Governments (VCOG) and they
27 asked for all newly elected officials to attend with VCOG picking up the costs.
28

29 f) Vice Mayor Denizac stated to remember that nothing is ever free (referring to VCOG paying for
30 new Commissioners to attend Volusia Day). She stated that there was a very positive article in the
31 paper about Deltona’s Youth Advisory Sub-Committee concerning its very successful night at the
32 Harris Saxon Community Center and she thanked the members as well as Mrs. Armon for all they
33 do for the youth of Deltona. She mentioned the Job Fair on March 15, 2013 and the letter that went
34 out to Walmart requesting their support for the Job Fair; Wal-Mart donated \$1,000 to assist with the
35 cost of running the Job Fair. She thanked the City Attorney’s office for their Weekly Report and for
36 all that Mrs. Vose has done. She inquired as to the status of the “Think Before You Throw” anti-
37 littering signs and Mr. Denny replied that the sign shop is being replaced so it is out of commission
38 for three (3) to four (4) weeks. Vice Mayor Denizac stated that Mr. Denny did not hit the ground
39 running as the Acting City Manager, but that he has been running and carrying the City on his
40 shoulders for many years and she thanked him for all that he has done for Deltona.
41

42 g) Mayor Masiarczyk stated that the new Volusia County EOC absolutely has all the state of the
43 art equipment from top to bottom and is an excellent EOC facility. He mentioned staff looking into
44 the process and timeline on exactly what Deltona has to do to complete a Charter Review process.
45 He mentioned that he really enjoyed honoring the young people in the community during the
46 Commission meeting.
47

48 Commissioner Schleicher reminded everyone about daylight savings time coming up this week, and
49 to remember to move the clocks ahead.

1 **12. CITY ATTORNEY COMMENTS:**
2

3 Mrs. Vose thanked Dave Denny for making her job much easier and better.
4

5 **13. ACTING CITY MANAGER COMMENTS:**
6

7 Mr. Denny stated he appreciated the Commission comments. He stated that Deltona has 14
8 confirmed employers attending the Job Fair, seven (7) pending employers, and three (3) resource
9 providers (Daytona State College, Webster University, and Mid-Florida Housing Partnership). He
10 also stated that he would check into the availability of a ticket for Commissioner Barnaby to attend
11 the West Volusia State of the Region luncheon meeting.
12

13 Mayor Masiarczyk mentioned that he received an email concerning a National program asking for
14 yellow ribbons to be placed around trees in parks honoring Veterans and those serving on active
15 duty, and that he approved yellow ribbons to be placed at Veteran's Memorial Park by the requestor
16 and a Junior Reserve Officer Training Corps (ROTC) group will be out next week putting up yellow
17 ribbons.
18

19 **14. ADJOURNMENT:**
20

21 There being no further business, the meeting adjourned at 7:46 p.m.
22
23
24
25

26 _____
27 **John Masiarczyk Sr., Mayor**

28 **ATTEST:**
29
30

31 _____
Mitch Honaker, Deputy City Clerk