



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, January 4, 2016

5:30 PM

2nd Floor Conference Room

CITY MANAGER'S AGENDA REVIEW MEETING

1. CALL TO ORDER:

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

2. ROLL CALL – CITY CLERK:

Present: 9 - Commissioner Herzberg
Commissioner Honaker
Commissioner Schleicher
Commissioner Smith
Commissioner Soukup
Vice Mayor Nabicht
Mayor Masiarczyk
City Manager Shang
City Attorney Vose

3. INVOCATION AND PLEDGE TO THE FLAG:

Mayor Masiarczyk led the Pledge to the Flag.

Mayor Masiarczyk asked to comment before the Commission gets started about a request made by Holly Yorker to hold a National Day of Prayer Ceremony in the City Hall parking lot and Mrs. Vose responded if it is not City sponsored then others would be allowed to have access to the facilities and she gave some examples. Commissioner Herzberg asked if a permit was required and it was determined a permit would be required if the number of people was over a certain number. Ms. Shang stated the purpose of the permit would be to control the logistics like traffic control. It was suggested that Mayor Masiarczyk try to suggest other locations like the amphitheater or a park.

A. Invocation Presented by Commissioner Smith

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes - Regular Commission Meeting of December 14, 2015 -

Joyce Raftery, City Clerk (386) 878-8502.**5. PRESENTATIONS/AWARDS/REPORTS:**

Ms. Shang stated there are awards and recognitions including the Sheriff's Department, the Christmas parade and the Super Star Students and she does not see any issues.

Vice Mayor Nabicht asked if staff could put a mark or something on the floor so the Mayor has a spot to stand and the Commissioners have a spot to stand. He stated everyone needs to be lined up and centered with the City Seal in the background so that when Mrs. Jackson is taking the pictures the angle of the picture is right. Ms. Shang responded that can be done.

- A. Certificate presentation to Deputy Michael Sawicki and Deputy Andrew Jenkins for their outstanding work and life-saving actions on December 15, 2015**
- B. Annual Christmas Parade Awards, Chris Bowley, Planning and Development Services, (386) 878-8602.**
- C. Super Star Student of the Month Certificates for December 2015**

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.

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. Public Hearing - Ordinance No. 29-2015, Amending the Comprehensive Plan of the City of Deltona, by amending the Capital Improvements Element (CIE); providing for the replacement of the Capital Improvement Project sheets - Chris Bowley, Planning and Development Services, (386) 878-8602.**

Commissioner Honaker stated there were a couple of issues he had questions on; 1) mentioned in the list of major projects there was funding of \$500,000 for sidewalks for

one year while funding for other projects was identified all through the five (5) year cycle. Mr. Paradise responded that was from the City budget and was not projected out beyond the first year. Mayor Masiarczyk suggested \$500,000 could be put in the budget each year and the budget could be adjusted. Mr. Bowley stated this is an annual update. Commissioner Honaker stated issue 2) was on Page 62 regarding the relocation of utilities on Ft. Smith Blvd. and he asked if those were the City's utilities that were being relocated and Mr. Paradise responded "yes".

Commissioner Honaker stated for the future there are no traffic counts for Captain Drive or Haulover Blvd. and those are considered minor connector roads for the City and also Haulover is not on the Volusia County list coming out of Courtland. He added when connecting to Lake Helen-Osteen Rd. there is a lot of traffic. Mr. Paradise responded the City has not done traffic counts on those roadways as those roads do not appear on the City's thoroughfare plan although that does not preclude a roadway from being counted. He stated some thoroughfares were counted this year at a cost of about \$150.00 per count station so, in an effort to manage costs he tried to narrow the number of counts as much as possible and typically counts are done every two (2) years. Vice Mayor Nabicht asked how many count stations that would take and Mr. Paradise responded he was not sure but believed at a minimum it would take two (2) stations per segment. Vice Mayor Nabicht stated that is a minimum amount of money and he agreed with Commissioner Honaker there was a lot of traffic in that area and it is a growing area. He added he believed Ms. Shang would be able to find \$1,000 for traffic counts in that area. Mayor Masiarczyk asked if the City does not do counts when construction is anticipated and Mr. Bowley responded the City tries to do the counts with support from the County because the County is already doing the counts.

B. Public Hearing - Ordinance No. 01-2016, Amending Section 50-3 and 50-28 of the Solid Waste Regulations, at first reading - Dale Baker, Deputy City Manager (386) 878-8852.

Mayor Masiarczyk stated he had a question on the agenda, Page 4 under background, the 2nd Bullet Point regarding requiring prior notification; he does not think that residents will call ahead before placing an extra can out.

Commissioner Soukup stated if a second can is put out it will look neat and that using the 96 gallon containers will cut down on the amount of bins.

Ms. Shang stated the City needs to know which residents are occasional and which ones are habitual offenders and stated some kind of a record to be able to track the exceptions is needed.

Commissioner Herzberg stated she understands there are 300 people that pay extra for the extra trash removal and how does the City handle that now. Ms. Shang replied Waste Pro has a list of the people who can put two (2) cans out every week. Ms. Shang stated the standard now is one (1) 96 gallon container, that she is trying to address the occasional extra container and that the ordinance does allow pickup for two (2) cans five (5) times per quarter which is every other week but she asked the Commission how the

City or Waste Pro would be able to tell if it is the on or off week and that the ordinance also says if two (2) containers are put out each week then the resident would have to pay for the cost to remove the extra trash in the additional container.

Commissioner Soukup stated that since the Commission has been talking about trash it looks like every 3rd house has a lot of trash. Mayor Masiarczyk responded that the driver of the truck is going to have to keep track the extra trash and that the driver can make note of it and the City can send a notice but he asked if the City is creating a bureaucratic nightmare.

Commissioner Herzberg asked if the extra \$32.00 is paid the resident can put out two (2) garbage containers every week and Ms. Shang responded "yes". Commissioner Herzberg asked if the people the City are addressing are the ones who are putting out non-Waste Pro containers. Ms. Shang replied the point is that the resident should not put out the second container every week unless the \$32.00 is paid.

Vice Mayor Nabicht asked who is going to keep track of the extra garbage that, who is going to prove it and if trash gets missed what will Mr. Baker do about it? Mr. Baker responded the resident would need to move the trash back from the street until the next pickup. Vice Mayor Nabicht stated the City has the responsibility of maintaining a safe environment which includes picking up trash and debris and that may cause a problem with critters getting into the trash. He added he believed if this ordinance is implemented it may cause illegal dumping problems which the City had in the past.

Commissioner Smith stated she did not think the previous conversations were about two (2) containers but about those people who abused the system like renters and those who are being evicted from their homes, who put out all of the trash and junk on the streets. She stated she agrees with the discussion tonight but does not think the drivers and Code Enforcement Officers can be asked to count every time the people put out trash not in the legitimate containers. She stated the City knows how many pay extra but asked if the City knows how many are putting out a lot of extra trash. Ms. Shang responded she rides around and sees that some streets are worse than others and it is not only the renters that have a lot of trash other than just the containers on a regular basis.

Mayor Masiarczyk stated the City's goal is to get the trash picked up and if it is made mandatory that the trash has to be in a legitimate container then he is not concerned about how often the containers are out; the goal is to get the trash out of the City and compensate Waste Pro. He stated if Waste Pro identifies a family that is continually putting out two (2) or more containers then a notice should be issued to let them know one (1) container is allowed and occasionally two (2) can be put out. He suggested if the driver sees three (3) containers out the driver should empty them but note that and let staff address it. He stated the City wants to stop having boxes or bags with trash out for pickup.

Commissioner Soukup stated if the 96 gallon bins are required whether it be one (1) or three (3) he believes that a lot of this will be eliminated and there will still be many

houses that will only put out one (1). He stated the ones that the City needs to go after are the landlords and tenants who put everything to the curb when moving out or being evicted. Mayor Masiarczyk responded that the City does notify these people that they have 48 hours to remove the trash or the City will remove it and charge for the removal. Vice Mayor Nabicht responded that the City does not enforce this strong enough because the situation is repeated and he suggested this issue should be addressed through the rental ordinance and hold the landlords accountable.

Commissioner Schleicher stated she is concerned the changes will penalize all the residents and not just those few and she like Commissioner Smith does not see a lot of problems in her district. She stated utilities require deposits and she asked if the City could start charging a security deposit on trash that can only be refunded if the trash is removed when the tenant moves out.

Mayor Masiarczyk stated the City charges everyone for picking up trash and he suggested picking up everything every time as long as it is in a 96 gallon container for a month long trial to find out what the cost would be and stated the people also need to be educated.

Commissioner Soukup asked if the ultimate reason for what is being changed is for beautification. Ms. Shang responded it is not just for beautification but also for economic development and health issues. Commissioner Smith stated the people that Ms. Shang is seeing are the perfect examples of who the City needs to educate. Ms. Shang stated it was planned to have an educational program before the changes are implemented. She asked if the Commission was looking at two (2) 96 gallon containers or three (3) because at some point there needs to be a standard.

Commissioner Honaker stated the City is setting a standard and explained the original contract says there cannot be additional trash bags but there can be an additional container equal to the 96 gallon container. He stated what the Commission is saying is that additional container has to be able to be picked up by the machine and there will not be trash bags for animals to go through. He stated Vice Mayor Nabicht is right that the residential part should be addressed in an ordinance but he suggested setting the standard of two (2) containers and he believes Waste Pro will find there are not that many people abusing it. He added Waste Pro will let the City know if it gets out of hand but it will be easier because it will just be the containers.

Mayor Masiarczyk stated if the resident wants to purchase an additional container to use on those exceptional days and Waste Pro finds there are too many doing this then the City may have to address having a higher fee for trash collection rather than trying to keep up with how many bundles or trash bags are out and having Code Enforcement get involved.

Commissioner Smith stated under Section 2 on page 6 of the ordinance, number 2 it says "customers who habitually generate excess material shall be required to obtained a 2nd contractor provided container"; and asked if that needs to be changed because it says earlier that the container does not have to be contractor provided as long as it

meets the standard.

Mayor Masiarczyk stated on page 5, 4th paragraph, line 4 of the ordinance talks about bulk or commercial trash and Waste Pro does not pick up commercial trash at a residence so that should not be in the ordinance. Ms. Shang responded that is under definitions and Waste Pro will pick up commercial trash but that is a special service and is not permitted under your normal trash pickup. Mayor Masiarczyk stated then the verbiage in the last three (3) lines about special services should be simplified to say special services could be provided with direction of the City Manager and the hauler. He also asked about the disposal of tires with the trash because when you buy tires the companies charge a disposal fee and Ms. Shang responded if you do not want to pay that fee you can dispose of the tires with the trash. He stated one other item is on page 7, and stated it says limbs should not exceed 4 feet in length and 6 inches in diameter and may be placed in 32 gallon containers provided by the customer and that is the only place he sees 32 gallon containers. Ms. Shang responded if the City is going to require the square 64 or 96 gallon containers then the 32 gallon containers can be used for yard trash.

Commissioner Herzberg stated a lot of the parameters look like they are strict but need to be included to be able to enforce the ordinance and she asked if the Commission wanted to hear any comments from Waste Pro. She questioned if Waste Pro is dealing with a large number of violators or is it a minimal amount of people.

Commissioner Honaker stated he agrees with the Commissioners on the trash portion but does have a problem with the recycle portion and asked if there should be extra containers. He spoke about putting recyclables in a plastic bag and setting the bags away from the trash and the driver puts it in with the trash. Mr. Dolan with Waste Pro responded that recycling facilities do not want plastic bags and will not run the bags through the sorting equipment because it is not determined if it is trash or recycles and the bags get tied up in the sorting machines.

Vice Mayor Nabicht asked the Commissioners to respond to a question he had on page 5 that reads "special waste means any waste that requires" and asked what "white goods" means. It was determined by the Commission that white goods refer to appliances like refrigerators, stoves, etc. He suggested appliances should be used instead of white goods; the ordinance needs a lot of time to be rewritten and he does not believe the Commission can tackle this tonight. He stated where the City runs into problems is trying to rewrite an ordinance for first reading at a commission meeting; things get missed and he believes the ordinance should be discussed at a workshop. He stated he will save his other comments regarding trash, rental property, bulk pickup, yard waste and recycling for the regular meeting.

Mayor Masiarczyk stated the Commission did come up with direction to use one (1) or two (2) 96 gallon containers and that there will have to be a trial period to see if there will be an additional cost. He stated it was brought up during the Strategic Plan discussions to clean up the City but the issue is getting from here to there without impacting the public. He stated the solution is the habitual offenders have to be recognized and then

educated and everything in the ordinance that is confusing needs to be eliminated.

Commissioner Herzberg reminded everyone that every decision the Commission makes impacts the public but the Commission had agreed that cleaning up the City is a priority.

10. OLD BUSINESS:

11. NEW BUSINESS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. CITY COMMISSION COMMENTS:

Commissioner Honaker commented Commissioner Smith had expressed several times that she was not in favor of these meetings because of transparency issues and he agreed with Commissioner Smith's comments. He commented these discussions need to be had downstairs.

15. ADJOURNMENT:

The meeting adjourned at 6:25 p.m.

Janet Day, Deputy City Clerk