



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Minutes

### City Commission

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**Monday, February 15, 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:** 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 take a moment to wish Commissioner Herzberg a Happy Birthday.

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

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

#### **A. Approval of minutes - Regular Commission Meeting of February 1, 2016 - Joyce Raftery, City Clerk (386) 878-8502.**

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

#### **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.**

**8. CONSENT AGENDA:**

Mayor Masiarczyk asked Mrs. Vose if he should read the statement that is printed and Mrs. Vose replied "yes" and the reason for it is there is a new statute that says that any time the Commission takes a vote the public has to be given the opportunity to speak. Mrs. Vose stated this points out that if the public wants to talk about something that is on the Consent Agenda that has not been pulled, the public can speak. She added if there are no items on the consent Agenda then you do not have to read the statement.

**9. ORDINANCES AND PUBLIC HEARINGS:**

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

**Strategic Goal: Public Safety, strengthen code enforcement and focus on the city's beautification program.**

Ms. Shang stated Item 9A is the second and final reading regarding the solid waste ordinance.

Commissioner Soukup questioned in the ordinance where it talks about fees up to \$250.00 and is there a separate fee schedule or is it random like \$250 for the first offence and \$500 for the second offence. Ms. Shang replied the City will work that out. Mrs. Vose stated it will go to the Special Magistrate and the Special Magistrate will make the decision depending on the circumstances but the fee for the first offence can be up to \$250 and cannot go over \$500. Ms. Shang added it would depend on the violation.

Vice Mayor Nabicht asked if Ms. Shang knows if Mr. Ceno's costs will increase due to the number of cases that will be brought before him and Ms. Shang replied the City will have to work with Mr. Ceno if it requires more time. Mr. Baker stated there will not be an increase this year because the City has a flat fee with him but it may change next year. Vice Mayor Nabicht asked when Mr. Ceno's contract is up and Mr. Baker replied in October. He stated as everyone knows, he has been adamantly against this ordinance but, in the spirit of cooperation and some convincing from Ms. Shang he wants to believe this will work and even though he is not a believer it will work he vowed that if he is re-elected he will make sure the contract will go out to bid the next time and make sure the provider seals all these details up. He stated he believes that Ms. Shang has done a good job negotiating with Waste Pro and that Waste Pro has conceded to some issues the Commission had but we are not where he would like to be. He stated in that spirit of cooperation with the rest of the Commission he will be voting for this ordinance.

**B. Public Hearing - Ordinance No. 02-2016, Request to Amend the Deltona Welcome Center Business Planned Unit Development (BPUD) to a New BPUD for Lots 2 and 3, at first reading - Chris Bowley, Planning and Development Services, (386) 878-8602.**

**Strategic Goal: Economic Development: Work with existing businesses to expand/grow.**

Ms. Shang stated Item 9B has to do with the Welcome Center and the new RaceTrac and the City has been asked to postpone this item until the next Commission Meeting. She stated an amendment to the ordinance is needed because the access point is not going to be on DeBary Avenue but will be on Deltona Blvd.

Mayor Masiarczyk clarified that his item is being pulled from the agenda.

**C. Public Hearing - Ordinance No. 10-2016, Amending Sections 14-281 through 14-285 of the Animal Ordinance, at first reading and to schedule second and final reading - Dale Baker, Deputy City Manager (386) 878-8852.**

**Strategic Goal: Public Safety, strengthen code enforcement.**

Ms. Shang stated Item 9C has to do with renewing the chicken ordinance changing it from a pilot program to a permanent program.

Commissioner Honaker stated since this is a permanent law some things in the law are not needed like the annual inspection. Commissioner Soukup stated he asked the same question and Ms. Shang had explained Code Enforcement does not have to go out and inspect. Commissioner Honaker asked why that provision was still in the law and Mr. Baker replied the provision says the property is subject to an inspection and it is a tool in the tool box if needed. Mr. Baker explained it saves Code Enforcement from having to get a search warrant. Mayor Masiarczyk stated with this rather than going to the front door the officer can just go into the back yard and look if there is a complaint. Ms. Shang stated she believed the City should have the tool box ready rather than having to take an extra step. Mrs. Vose stated it is a very difficult step to have to get an administrative warrant from a court with the chicken coops of necessity being in the back yard and it is very difficult to see them from the front. She stated the officer would not have the authority if there is a problem to go into the back yard unless this provision is in the ordinance. Commissioner Smith stated it may be the wording; it says "will be subject"; should it be "may be subject" because it implies it is going to happen. Ms. Shang clarified that "shall" does but "will" does not.

Commissioner Honaker stated his other question was on Number 5 regarding the appeal process and whether it should go to the Commission; shouldn't it go to the Code Enforcement Director and then the City Manager because it is operational and should be the City Manager's decision. Mayor Masiarczyk stated it doesn't mean anything

because anyone can appeal anything to the Commission once all other appeals have been exhausted.

- D. Public Hearing - Resolution No. 2016-07, Request to Vacate Land Associated with the Davis Park Sixth Addition Subdivision. - Chris Bowley, Planning and Development Services, (386) 878-8602.**

**Strategic Goal: Economic Development; Focus on Howland Blvd. as the Gateway for Commercial Growth.**

Ms. Shang stated Item 9D is an application to vacate land associated with the Davis Park Sixth Addition which is on the Casey Property on Howland Blvd. Mayor Masiarczyk explained that is a stub out road and vacating the Right of Way (ROW) makes a square piece of property. There were no questions or comments.

- E. Request to authorize the City Manager to expend up to \$2,150,000 on various planned transportation projects (road resurfacing, sidewalks, Tivoli, E. Normandy) and to use Transportation Fund reserves until bond proceeds are received and to approve Resolution No. 2016-11 to establish the budget to allow the City to continue to move forward with the Transportation CIP Program - Robert Clinger, Finance Department (386) 878-8552**

**Strategic Goal: Infrastructure - Implement Phase I of the Transportation CIP program.**

Ms. Shang stated Item 9E is a request to authorize the City Manager to expend up to \$2,150,000 to be able to start work on various transportation projects and Tivoli Drive included in Phase I of the City's Transportation Improvement Plan utilizing the Transportation Fund Reserves until the Bonds are issued.

Mayor Masiarczyk stated his only question was whether the Commission had decided on 3 laning or 4 laning Tivoli Dr. and Ms. Shang replied four (4). There were no other questions or comments.

- F. Request for approval of Resolution No. 2016-05, Expressing Support for an Innovative Traffic Signal Technologies Pilot Project - Becky Vose, Legal Department, (407) 448-0111.**

Ms. Shang stated Item 9F is a request for approval of Resolution 2016-15 expressing support for an Innovative Traffic Signal Technologies Pilot Project and if there is money available we want to be able to go after it or approach it regionally.

Commissioner Soukup asked if the City controls the signaling on City streets suggesting

for example late at night the signal at Normandy Blvd. and Ft. Smith Blvd. could go to a flashing yellow/red light and Mr. Chancellor answered the City has an operations and maintenance agreement with Volusia County and we would contact them regarding timing issues. Mayor Masiarczyk stated traffic engineers usually make those calls. He added this project mostly pertains to I-4 and would not affect the City too much other than maybe Howland Blvd.

**10. OLD BUSINESS:**

**11. NEW BUSINESS:**

- A. Consideration of request from JP Morgan Chase Bank for a reduction of fine from \$8,400.00 assessed pursuant to Special Magistrate Case DEL-15-138. - Dale Baker, Deputy City Manager (386) 878-8852.**

**Strategic Goal: Public Safety, strengthen code enforcement.**

Ms. Shang stated Item 11A pertains to a Code Enforcement case where JP Morgan Chase Bank is asking for a reduction in fines. She stated JP Morgan Chase Bank had been notified and the whole violation lasted almost a year before coming into compliance and the Special Magistrate reduced the fine from \$8,400 to \$4,200 with his reason being instead of a penalty it should be about compliance. She stated Staff recommendation is that the fine not be reduced.

Vice Mayor Nabicht asked if the Commission has the option to reinstitute to the \$8,400 and Ms. Shang replied "yes". Mr. Baker clarified that all the Commission has to do is deny the request and the fine stays the same; Mr. Ceno just made a recommendation so if the Commission says "no" the fine stays at the \$8,400. Commissioner Soukup asked what happens if JP Morgan Chase Bank does not want to pay that amount and Mrs. Vose replied that lien would go to every piece of property that bank owns in Volusia County. Mayor Masiarczyk added that bank would not be able to sell any of their properties in Volusia County until that lien is satisfied.

- B. Consideration of Commissioner Honaker's appointment to the Planning and Zoning Board for the remainder of a term to expire on March 15, 2016 - Joyce Raftery, City Clerk (386) 878-8502.**

**Strategic Goal: Internal and external communication.**

Ms. Shang stated Item 11B is the consideration of Commissioner Honaker's appointment to the Planning & Zoning Board. Commissioner Honaker recommended Mike Putkowski.

**C. Consideration of Commissioner Soukup's appointment and the Commission's appointment of one (1) alternate member to the Economic Development Advisory Board - Joyce Raftery, City Clerk (386) 878-8502.**

**Strategic Goal: Internal and external communication.**

Ms. Shang stated Item 11C is Commissioner Soukup's appointment to the Deltona Economic Development Advisory Board (DEDAB) and the Commission's appointment of one (1) alternate to DEDAB. Commissioner Soukup recommended Phyllis Stauffenberg as his appointment to DEDAB and several members of the Commission recommended Victor Ramos as the alternate member to DEDAB. Mayor Masiarczyk suggested Commissioner Soukup could recommend Mr. Ramos as the alternate at the same time he recommends Mrs. Stauffenberg for DEDAB and just make it one (1) motion.

**12. CITY ATTORNEY COMMENTS:**

**13. CITY MANAGER COMMENTS:**

**14. CITY COMMISSION COMMENTS:**

**15. ADJOURNMENT:**

The meeting adjourned at 5:50 p.m.

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Janet Day, Deputy City Clerk