



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, February 15, 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: 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:

A. Invocation Presented by Commissioner Soukup

Invocation was presented by Commissioner Soukup - Pastor Brad Stephenson with Deltona Alliance Church.

The National Anthem was sung by Chani Clark an 8th Grader at Deltona Middle School.

4. APPROVAL OF MINUTES & AGENDA:

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

Motion by Commissioner Herzberg, seconded by Vice Mayor Nabicht, to approve the minutes of the Regular Commission Meeting of February 1, 2016, as presented. The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

5. PRESENTATIONS/AWARDS/REPORTS:

None.

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.

1) Asia -Lige Arnold, 1952 West Nemo Drive, Deltona, was called to speak and she spoke about a high water bill she received from Deltona Water and the process that she went through to try to resolve the issue.

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:

None.

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.

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. 01-2016, to revise Chapter 50, Solid Waste, Sections 50-3 and 50-28 of the City's Code of Ordinances at second and final reading.

City Attorney Vose read the title of Ordinance No. 01-2016 for the record.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 50, "SOLID WASTE", OF THE CITY OF DELTONA

CODE OF ORDINANCES, BY CHANGING DEFINITION OF RESIDENTIAL CONTAINER, CHANGING DUTIES OF CUSTOMERS AND PLACEMENT OF SOLID WASTE FOR COLLECTION, PROVIDING FOR A CIVIL PENALTY; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Ordinance No. 01-2016 was adopted at 6:44 p.m.

- 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.

Mayor Masiarczyk stated that staff had asked that this item be tabled to time certain to the March 7, 2016 Regular Commission Meeting.

Motion by Vice Mayor Nabicht, seconded by Commissioner Herzberg, to table the item to time certain to the March 7, 2016 Regular Commission Meeting. The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

- 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.

Motion by Vice Mayor Nabicht, seconded by Commissioner Herzberg, to approve Ordinance No. 10-2016, to revise Chapter 14, Animals of the City's Code of Ordinances at first reading, and to schedule second and final reading of the Ordinance for March 7, 2016.

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

City Attorney Vose read the title of Ordinance No. 10-2016 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING ARTICLE VIII, "CHICKENS", OF CHAPTER 14 "ANIMALS", OF THE CODE OF THE CITY OF DELTONA; MAKING PERMANENT THE ALLOWANCE OF KEEPING CHICKENS WITH PERMIT; REMOVING REQUIREMENT TO REVIEW AFTER TRIAL PERIOD; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Ordinance No. 10-2016 was adopted at 6:50 p.m.

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.

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

Mayor Masiarczyk read the title of Resolution No. 2016-07 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY FLORIDA, VACATING BLOCKS, LOTS, AND A SEGMENT OF A RIGHT OF WAY IN THE DAVIS PARK 6th ADDITION SUBDIVISION AS RECORDED IN MAP BOOK 7, PAGE 25 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LOCATED NORTH OF THE INTERSECTION OF MARTIN LUTHER KING BLVD. AND HOWLAND BLVD., PROVIDING FOR CONFLICTS, SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Motion by Commissioner Herzberg, seconded by Vice Mayor Nabicht, to approve Resolution No. 2016-07, vacating the following legally described area: Lots 1 through 23, Block 1 and Lots 1 through 23 Block 10, Davis Park Sixth Addition, MB 7 Page 25 and vacate that part of Illinois Ave. a 60' right-of-way located south of Lot 23 Block 1 Davis Park, Sixth Addition MB 7 Page 25 and north of Lot 1, Block 10, Davis Park, Sixth Addition, MB 7 Page 25.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Resolution No. 2016-07 was adopted at 6:52 p.m.

- 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.

Vice Mayor Nabicht asked if the Commission needed to stipulate a time frame to pay back the money to reserves and City Attorney Vose replied there is no requirement. Finance Director Robert Clinger added that proceeds will go right back into the same cash account and will happen automatically.

Mayor Masiarczyk opened the public hearing.

Paula Yorker, 1826 Portview Avenue, Deltona, was called to speak and she asked about the time frame that the funds would be replaced even though it is done automatically. Mr. Clinger replied around the April, May time frame.

Mayor Masiarczyk closed the public hearing.

Motion by Commissioner Honaker, seconded by Commissioner Schleicher, to authorize the City Manager to use Transportation Fund reserves until bond proceeds are received in order to continue moving forward with the City's Transportation CIP Program and to approve Resolution No. 2016-11 to amend the City's FY 2015/2016 Budget to establish the budget to continue various projects within the Transportation CIP Program.

Mayor Masiarczyk read the title of Resolution No. 2016-11 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA;
AMENDING THE ANNUAL TRANSPORTATION FUND BUDGET FOR THE FISCAL
YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016, BY

ADJUSTING FUND BALANCE AND EXPENSES; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA; AMENDING THE ANNUAL TRANSPORTATION FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016, BY ADJUSTING FUND BALANCE AND EXPENSES; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Resolution No. 2016-11 was adopted at 7:00 p.m.

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.

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

Motion by Vice Mayor Nabicht, seconded by Commissioner Herzberg, to approve Resolution No. 2016-05, Expressing Support for an Innovative Traffic Signal Technologies Pilot Project.

Mayor Masiarczyk read the title of Resolution No. 2016-05 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, EXPRESSING SUPPORT FOR AN INNOVATIVE TRAFFIC SIGNAL TECHNOLOGIES PILOT PROJECT, AND PROVIDING FOR CONFLICTS; SEVERABILITY; AND EFFECTIVE DATE.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Resolution No. 2016-05 was adopted at 7:01 p.m.

10. OLD BUSINESS:

None.

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.

Motion by Commissioner Schleicher, seconded by Vice Mayor Nabicht, to not grant any reduction of fines requested of JP Morgan Chase Bank concerning Case No. DEL-15-138 for the property located at 2790 Thornberry Court, Deltona, Florida.

Mayor Masiarczyk opened the public hearing.

Attorney Ryan Waters, Esq. with Gray-Robinson Attorneys at Law, representing J.P. Morgan Chase Bank, provided a brief background of the code case.

Commissioner Soukup asked if the property is in compliance and Mr. Baker replied the property is in compliance per the City's code.

Mayor Masiarczyk closed the public hearing.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

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.

Commissioner Honaker gave a brief explanation of what he looks for when reviewing board applications and he appointed Michael Putkowski to the Planning and Zoning Board.

Motion by Commissioner Honaker, seconded by Commissioner Smith, to confirm Commissioner Honaker's appointment for the remainder of a term to expire on March 15, 2016 to the Planning and Zoning Board. The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

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.

Commissioner Soukup appointed Phyllis Stauffenberg as his appointment and Victor Ramos as the alternate appointment to the Deltona Economic Development Advisory Board.

Motion by Commissioner Soukup, seconded by Commissioner Schleicher, to confirm Commissioner Soukup's appointment and the Commission's alternate appointment to the Deltona Economic Development Advisory Board with a term to expire on May 31, 2017.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

12. CITY ATTORNEY COMMENTS:

None.

13. CITY MANAGER COMMENTS:

None.

14. CITY COMMISSION COMMENTS:

a) Commissioner Soukup spoke about his trip to Fort Worth, Texas and he stated that their fire trucks are named and are painted to reflect the name and/or a particular station and he suggested adopting this same practice once the new Fire Chief is hired. He was a judge on Saturday at the Deltona High School Talent Show and the talent was phenomenal. He suggested that after Pine Ridge High School does their talent show that there be a citywide talent show and he encouraged anyone that has not attended one of the talent shows to do so. He stated the Deltona High School boys' varsity basketball team will be playing in a regional basketball tournament against Atlantic High School and if Deltona wins they will move on to the regional finals. He spoke about the large handwritten sign located at the corner of Howland and Catalina Blvds. and the need to revise the sign ordinance. He stated that Halifax has a health services location

at the YMCA located on Wolf Pack Run and he encouraged everyone to utilize this free service.

Mayor Masiarczyk added that small groups can use the space at the YMCA dedicated to Halifax, it can accommodate approximately 12 to 15 people and there is no charge.

b) Commissioner Herzberg spoke about the 4th Annual Love Your Heart 5K Run sponsored by Florida Hospital which raised \$5,500 and she is happy it is on the tour of 5K races. She stated there is a Bill that was introduced by Senator Miller that would create State information systems to track Homeless Management Information System (HMIS) which would help track who is getting help and from what agencies and they are looking at rapid rehousing, taking State Housing Initiatives Partnership (SHIP) funds so it will be allowed for actual housing and the State is trying to unify things with the homeless situation.

Commissioner Herzberg asked for the status of the Granicus voting system and the City Clerk replied there will be training on Wednesday, February 17th and there will need to be a test meeting with the Commission after that before going live.

c) Commissioner Honaker thanked the City Attorney for her weekly report and he spoke about a marketing issue with the El Sentinel being delivered to residents that did not order it and he advised for residents to contact the Orlando Sentinel so the subscription will not be delivered anymore. He suggested having in the sign ordinance instead of a 5 x 4 square foot sign to make it a standard 5 x 5 square foot sign. He encouraged everyone to create a neighborhood watch to help keep the neighborhoods safe, he shared his disappointment that City Hall is not closed in recognition of President's Day and he reminded everyone about the "Coffee with a Cop" on Wednesday, the West Volusia Summit on Saturday, the Commission's Relay For Life fundraiser on March 31st and he also thanked Mr. Pescha for all he has done to help the chicken ordinance be a success.

d) Commissioner Schleicher stated she attended the West Volusia Youth Baseball Opening Day Parade and Ceremony which was loads of fun and she met with the West Chapel Neighborhood Watch group who are helping to keep their neighborhood safe by watching each other's homes. She stated tomorrow she will be attending the Bethune Cookman Awards Breakfast for Spirit Elementary. She congratulated the Sterling Court Senior Apartments for winning the Best Living Award which is based on 100,000 interviews and reviews turned in and that only about 1% of senior facilities make that cut.

e) Commissioner Smith stated the school talent shows are amazing but, the City should take advantage of the theater groups, drama productions, bands and chorus which are the best shows in town. She suggested working with the principals and the activity directors to promote school events on the City's Facebook page. She stated she attended the West Volusia Youth Baseball Opening Day Parade and Ceremony where she and Commissioner Honaker rode on the firetruck with the 5 year olds, that there were not a lot of people along the parade route but, everyone had a great time and she

thanked the leadership of the organization.

f) Vice Mayor Nabicht asked the Commission to support a request for the City Manager to schedule a workshop on the water distribution center of Deltona North because the City is growing quickly in that service area, the City does not control it and he gave an explanation of a past issue in that area and how it was resolved and the issues now. He asked that the City Manager engage an engineer and fire protection engineer to make a presentation of the overview of the system and where it needs to go to support future growth and he asked if the County can sustain both potable water and fire protection water. He stated the Commission needs to be well informed and not to delay any new and future construction in the area.

Mayor Masiarczyk stated he would like to see exactly what is in the area, what the shortcomings are because the City cannot control what the County does with Deltona North and that if it is going to impact the City's growth and development he does not want to wait until a project is complete for the Fire Chief to say there is not enough water pressure to sustain the project. He also spoke about being contacted by a gentleman who was concerned regarding the continued four laning of Howland Blvd.

g) Mayor Masiarczyk apologized for missing the West Volusia Youth Baseball Opening Day Parade, he has never missed this event but, a lady contacted him Friday evening and told him the parade was cancelled. He stated at the last Mayor's Roundtable there were three (3) advisors who came up with the idea to have another non-profit at an administrative cost of \$170,000 and he took exception at having another agency developed when there are agencies currently involved. He stated the group would screen them and move them along and although he understands the concept, it will cost a lot of tax payer's money to start a non-profit.

Commissioner Herzberg explained that they are restructuring the continuum of care and instead of having a provider as the head of the continuum of care they are trying to structure it so a non-profit becomes the head of the continuum of care who would receive and distribute the money. She thinks the restructuring is a good idea and Mayor Masiarczyk stated his final question to the board was to make sure that it is not a duplication of what is already there.

Mayor Masiarczyk stated that Commission Comments are usually one (1) or two (2) minutes each and not a list of all the events that are going on in the area. He asked if the Commission wanted to continue with the way things are being done because the Commission starts asking questions, there are things he would like to get into deeper and if so he can schedule some time accordingly. He spoke about the Deltona High School Talent Show.

Motion by Vice Mayor Nabicht, seconded by Commissioner Herzberg, to encourage Commissioner Soukup and Commissioner Honaker to contact the Principals and Activity Directors of the schools to coordinate an annual city-wide talent show.

Vice Mayor Nabicht called the question.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Schleicher, Commissioner Smith, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Mayor Masiarczyk stated to include the middle and high schools in the talent show, to include the top three (3) winners of all the high school talent shows and to have the annual City talent show be hosted each year at a different high school. He stated to get everyone involved, it can be a fundraiser and that the residents do not realize the amazing talent that the City has to offer.

The Commission concurred to not have a time limit on Commission Comments.

15. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:41 p.m.

John Masiarczyk, Sr., Mayor

ATTEST:

Joyce Raftery, CMC, MMC, City Clerk