



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Minutes

### City Commission

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Monday, March 7, 2016

5:30 PM

2nd Floor Conference Room

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#### 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:

The Pledge to the Flag was led by Mayor Masiarczyk.

Mayor Masiarczyk stated when this meeting is over we will take a few minutes and then go downstairs to go over the Granicus voting system. He asked that no one touch the iPADS at all because the Ms. Raftery is trying to go step by step to show what she does so the Commission can get this right. He asked that everyone please follow Ms. Raftery's instructions and he turned the meeting over to City Manager Shang.

#### A. Invocation Presented by Vice Mayor Nabicht

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

#### A. Approval of minutes - Regular Commission Meeting of February 15, 2016 - Joyce Raftery, City Clerk (386) 878-8502

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

**A. Recognition to the Firefighters of Deltona for their help with Deltona High School's Health Academy & their response to a U-Haul truck fire on I-4**

**B. Sterling Court Named Top Rated Senior Care Provider for 2016**

City Manager Shang stated she had received notice that no one will be attending the meeting to accept the certificate of recognition for Sterling Court, but the Commission will still acknowledge them and someone can take the certificate to them. Vice Mayor Nabicht suggested Commissioner Schleicher accept the certificate on their behalf and Commissioner Schleicher replied she would do that and make sure Sterling Court receives the certificate.

City Manager Shang stated also there is art work by the residents from the DeLand Duvall Home on display in the Commission Chambers and Mayor Masiarczyk added he will be making a few comments about the display at the meeting. Mayor Masiarczyk asked if anyone from the DeLand Duvall Home would be attending the meeting and it was determined there would not be anyone attending.

**C. Super Star Student of the Month Certificates for February 2016**

**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: 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. 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.**

City Manager Shang stated this item has to do with RaceTrac and is a continuation from

the last City Commission Meeting where the developer had asked the Commission to postpone this item due to some changes to the entrance way to Deltona Blvd.

Planning and Development Services Assistance Director Ron Paradise stated one (1) footnote to that is a housekeeping measure where staff is suggesting two (2) changes in the development agreement; 1) is to fix a typo that appears on Page 3 of 18 that changes Map Book 48 to Map Book 45 and 2) is to add a sentence to the transportation section "Transportation Site Access Traffic Devices" which essentially recognizes that the most recently approved site plan by the Development Review Committee (DRC) last week will govern or manage the on-site access.

Commissioner Soukup stated he had brought up to Ms. Shang today that the big star on the site plan is not where the RaceTrac is going to be and City Manager Shang replied staff has the plans and we know the location.

Commissioner Honaker asked if following the DRC would negatively affect RaceTrac and Mr. Paradise replied "no" it is a pretty perfunctory conditional approval.

There were no other questions or comments.

**B. Public Hearing - Ordinance No. 03-2016, to update Chapter 68, Water, Wastewater and Utilities, at first reading and to schedule second reading for March 21, 2016 - Becky Vose, Legal Department, (407) 448-0111.**

**Strategic Goal: City infrastructure improvements and related funding.**

City Manager Shang stated this item has to do with updating Water and Wastewater Utilities, Chapter 68, regulating utility fees and it is mostly clerical changes in the ordinance. She stated the Commission already approved the increase in the fees last November.

There were no comments or questions.

**C. Public Hearing - Ordinance No. 15-2016, updating Water and Wastewater Impact Fees, at first reading and to schedule second reading for March 21, 2016 - Becky Vose, Legal Department (407) 448-0111.**

**Strategic Goal: City infrastructure improvements and related funding.**

City Manager Shang stated this item updates the wastewater and water impact fees which were discussed at a workshop. She stated water impact fee was based on 100% cost recovery and the wastewater impact fee was based on 75% cost recovery. Mayor Masiarczyk clarified that this pertains to the impact fee for new construction.

There were no other comments.

- D. **Public Hearing - Ordinance No. 04-2016; Land Development Code Amendment Phase III - Chris Bowley, Planning and Development Services, (386) 878-8602.**

**Strategic Goal: Economic Development; Update the Economic Development Plan, including the Land Development Code (LDC).**

City Manager Shang stated this item has to do with the Land Development Code (LDC) Phase III and there were no questions or comments.

- E. **Public Hearing - Ordinance No. 08-2016, Creating a new Article VII, "Fire Protection System", of Chapter 42, "Fire Prevention and Protection", of the Code of the City of Deltona, at first reading and to schedule second reading for April 4, 2016 - Becky Vose, Legal Department, (407) 448-0111.**

**Strategic Goal: Public Safety.**

City Manager Shang stated this adds the same language from the Land Development Code (LDC) into the "Fire Protection System" code creating Chapter 42 in the City Code so the language will appear in both places. She added there are no changes to the code, it is just repetitive. Vice Mayor Nabicht stated there will be some developers that will only look in one (1) place depending on the project and may not be involved in land development so they can look at the fire code or vice versa.

Commissioner Honaker asked if there are check lists to go by to make sure the developers have something to follow to make it easier for them because Marion County assigns a staff person to answer any questions. Vice Mayor Nabicht replied the City has check lists and the lists have been on the website on the Fire Department page for some time. Commissioner Honaker stated he thinks there should be separate lists because each project is different.

Planning and Development Services Planning Manager Tom Pauls stated he believed the reason this was done was after talking to the Building Department, the Fire Department and others was that there is a check list for the final site plan that is fairly complete, lengthy and comprehensive, however, sometimes people come in to just do building improvements which have certain fire requirements so, by having this in Chapter 42 it will cover clearly without hesitation or cause for concern both situations.

There were no other questions or comments.

- F. **Public Hearing - Ordinance No. 10-2016, Amending Sections 14-281 through 14-285 of the Animal Ordinance, at second and final reading - Dale Baker,**

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**Deputy City Manager (386) 878-8852.****Strategic Goal: Public Safety, strengthen code enforcement.**

City Manager Shang stated this is the second and final reading for the chicken ordinance. Mayor Masiarczyk asked if the situation with Tractor Supply had been cleared up and City Manager Shang replied "yes" that it was all a miscommunication and that the Building Official Steve Roland called the store manager and clarified there was no problem and the store manager said she appreciated that call.

Commissioner Herzberg asked if people would still need to get a permit for chickens and Mr. Baker clarified that only owner occupied property owners can get a permit. She asked when the permit is issued does Code Enforcement go out and inspect the enclosure, the fencing and everything and Mr. Baker replied "yes" and under the ordinance a privacy fence is required to shield the chicken coop from the neighbor's view. She asked what if the person lives on a lake front lot where there are fence restrictions because in that case the fence cannot go back passed the back of the house. Mr. Baker replied the coop would have to be moved up closer to the back of the house and the coop would need to be kept down low so it would be shielded from the neighbor's view on either side. Mr. Pauls clarified a resident can put up a fence, but it can be no higher than four (4) feet high if it is opaque and if the fence is 75% see through it can be up to six (6) feet because you can still see the water.

Commissioner Soukup asked what the process would be if the officer went to a rental house and there are chickens; do the people have to get rid of them. Mr. Baker replied staff would have to give reasonable time (a week or so) for the renter to comply with the code and if the renter does not comply, a citation can be written or the property owner can be taken to the Special Magistrate.

There were no other questions or comments.

**10. OLD BUSINESS:****11. NEW BUSINESS:****A. Consideration of appointments or re-appointments of three (3) members to the Planning and Zoning Advisory Board - Joyce Raftery, City Clerk (386) 878-8502.****Strategic Goal: Internal and external communication.**

City Manager Shang stated this is the consideration of appointments or re-appointments to the Planning & Zoning (P&Z) Board. Mayor Masiarczyk asked if everyone had their appointments and that all the current members wanted to be re-appointed.

**12. CITY ATTORNEY COMMENTS:**

**13. CITY MANAGER COMMENTS:**

City Manager Shang stated the City is starting the outreach program regarding the new trash rules that will be effective June 1, 2016 and she asked for volunteers to pass out flyers. Mayor Masiarczyk stated he is attending the Chapel Drive Neighborhood Watch meeting tomorrow night and he suggested Sergeant Leahy who is the coordinator of the Neighborhood Watch Program could help get the word out. City Manager Shang stated she has packets that she will bring downstairs for the Commission.

Vice Mayor Nabicht stated a resident commented to him that the message "trash, it goes in the bin" has been running on the entryway signs for some time and the resident suggested the message be taken off for a while because people are not seeing it now. City Manager Shang stated there is a whole series of statements available so residents will see a lot of different messages.

Commissioner Schleicher commented she has a couple of residents who are elderly who asked if they would get in trouble by putting the trash out at 4:00 p.m. instead of 6:00 p.m. because they do not go outside after dark. She stated right now it is still daylight at 6:00 p.m., but soon it will be daylight saving time. Mayor Masiarczyk suggested there will be many people who will find reasons for not complying, but the rules are the rules. He stated there are ways to comply such as if the resident is disabled Waste Pro will pick up at the side door and if the City starts making changes there will be problems June 1st. City Manager Shang stated the residents can have side door pick up, but the resident would have to notify Waste Pro to make arrangements for that.

Commissioner Soukup asked what will happen if staff sees someone's garbage out at 3:00 p.m. and Mr. Baker replied starting probably tomorrow a door hanger will be placed on the door saying the garbage was put out at the wrong time. Mayor Masiarczyk stated this is a method to get residents to try to clean up Deltona and the City is not going to stop everything with a door hanger, but the ones that are blatant some responsibility has to go on the homeowner.

Commissioner Smith reminded everyone that not to freak out when they see things like a mattress or other things out by the trash bin because the resident may have called to make arrangements for it to be picked up and were told to put the items out by the bin. City Manager Shang stated in those cases Waste Pro will have a list and those items should not be seen out at the road day after day.

**14. CITY COMMISSION COMMENTS:****15. ADJOURNMENT:**

There being no other business Mayor Masiarczyk adjourned the meeting at 5:57 p.m.

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Janet Day, Deputy City Clerk