



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, April 4, 2016

5:30 PM

2nd Floor Conference Room

CITY MANAGER AGENDA REVIEW

1. CALL TO ORDER:

Mayor Masiarczyk called the City Manager Agenda Review Meeting to order at 5:30 p.m.

2. ROLL CALL – CITY CLERK:

Present: 8 - Commissioner Herzberg
Commissioner Schleicher
Commissioner Smith
Commissioner Soukup
Vice Mayor Nabicht
Mayor Masiarczyk
City Manager Shang
City Attorney Vose

Excused: 1 - Commissioner Honaker

3. INVOCATION AND PLEDGE TO THE FLAG:

Mayor Masiarczyk lead the Pledge to the Flag.

A. Silent Invocation Presented by Mayor Masiarczyk

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes - Regular Commission Meeting of March 21, 2016 - Joyce Raftery, City Clerk (386) 878-8502.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Proclamation - Water Conservation Month

B. Proclamation - Recognition of Peggy Fisher

C. Presentation of Inductee to the Wall of Fame - Margaret (Peggy) Fisher and Thomas (Tom) Burbank.

City Manager Shang asked if Mr. Burbank had been invited to the meeting and Ms. Day explained that Mr. Burbank's wife was notified by the board secretary Elizabeth Keys via email that Mr. Burbank was appointed to the Wall of Fame and would be receiving a certificate at tonight's meeting. Mayor Masiarczyk went over the procedure used in the past for nominating and appointing people to the Wall of Fame. It was determined that a formal letter would be sent in the future to notify and invite the appointee(s) and/or family to the meeting to be recognized by the Commission.

D. Presentation - William S. Harvey Deltona Scholarship Award Certificates.

E. Super Star Student of the Month Certificates for March 2016

6. CITY COMMISSION SPECIAL REPORTS:

Mayor Masiarczyk stated he planned to bring up the Sanford State of the City event he attended and he asked if anyone else had a report.

Commissioner Herzberg asked to talk about the Center for Women and Men's annual luncheon.

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 second and final 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 is an amendment to move the entranceway onto Deltona Blvd.

B. Public Hearing - Racetrac Deltona Welcome Center Final Plat for Lots 2 and 3 (FP 15-004) - Chris Bowley, Planning and Development Services, (386) 878-8602.

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

City Manager Shang stated the next item is the second and final reading for the Racetrac final plat and there were no questions or comments.

C. Public Hearing - Gold Choice Assisted Living Facility Final Plat (FP 15-003) - Chris Bowley, Planning and Development Services, (386) 878-8602.

Strategic Goal: Economic Development.

City Manager Shang stated this item is because Gold Choice revised the facility by decreasing the number of units from 114 to 48.

Vice Mayor Nabicht asked why this was done and Mr. Paradise responded that Gold Choice did not disclose the reason why, but it is types of beds. Vice Mayor Nabicht referred to the map and he asked if South Street was included because in the overlay it shows South Street is on Gold Choice's property and is it a real street or is it not on their property. Mr. Bowley responded that there are two (2) parallel streets; one (1) is the entrance to the water treatment plant and the other is the paper right of way for South Street. He stated it has been worked out that the entrance can be shared and Gold Choice will build a new entryway to the water treatment plant and Gold Choice will have an entrance off of that for the facility. Mayor Masiarczyk asked if Mr. Chancellor was okay with that and Mr. Chancellor responded "yes" because it will be widened to two (2) lanes and paved by Gold Choice.

Vice Mayor Nabicht stated there was also a comment by Volusia County regarding the fire hydrant with the backflow because there needs to be a hydrant on the supply side of the backflow in case the backflow fails. Mr. Bowley responded Fire Safety Manager Leigh Grosvenor is working with Volusia County. Vice Mayor Nabicht asked the City Manager if he could get with staff and it was suggested he meet with the City Manager and Mr. Bowley to make sure this is part of the final plans.

Vice Mayor Nabicht asked if the City would be able to alleviate the impact fee problem with this project and the City Manager responded that the ordinance has to be revised to modify it and she believes first reading can be at the next Commission Meeting. Vice Mayor Nabicht asked if there was a Development Agreement (DA) on this project already and Mr. Bowley responded "yes". City Manager Shang stated the City cannot impose that fee on this project.

- D. Public Hearing - Ordinance No. 04-2016; Land Development Code Amendment Phase III, at second and final reading - 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 item is the Land Development Code (LDC) Phase III Amendment for second and final reading.

Vice Mayor Nabicht stated in going through the document there were comments about impact fees in the LDC and he asked if the City needs to make any comment in the document about the timing of paying any of those fees or will that be done by the ordinance. City Attorney Vose responded it will be done by the ordinance and the City cannot change the timing except by ordinance. Mayor Masiarczyk asked about having verbiage in the code saying the fees will be applied according to the ordinance. City Manager Shang stated the question is can the City put a statement in the LDC when impact fees need to be paid even though there is another section in the ordinance where it talks about payment of impact fees. Vice Mayor Nabicht stated he did not have time to read the whole document and he was suggesting if it is in this section it should be pulled out and just address it through an ordinance and City Manager Shang responded there is nothing in the document.

- 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 second and final reading - Becky Vose, Legal Department, (407) 448-0111.**

Strategic Goal: Public Safety.

City Manager Shang stated the next item is regarding creating a new article Fire Protection System for second and final reading and there were no questions or comments.

- F. Public Hearing - Resolution No. 2016-15, Request for Approval to Transfer General Fund Appropriations from the Parks and Recreation Department to the Law Enforcement Department Budget for Certain Building Repairs - Robert Clinger, Finance, (386) 878-8552.**

Strategic Goal: Infrastructure

City Manager Shang stated the next item is a transfer of funds from the Parks and Recreation Department budget to the Law Enforcement budget in the amount of \$2,000

so the air conditioning unit at the Sheriffs' Office can be repaired.

G. Public Hearing - Resolution No. 2016-12 - Initial resolution to establish Lake McGarity Special Assessment District - Becky Vose, Legal Department (407) 448-0111

Strategic Goal: Public Safety/Beautification

City Manager Shang stated the next item is a hearing on establishing the Lake McGarity Taxing District.

Commissioner Smith asked if all the properties are lakeside or are there properties around the outside and Mr. Chancellor responded the properties are lakefront. Mayor Masiarczyk stated some of the properties are on cul-de-sacs, the owners have not seen water in years and that is going to be the issue tonight. Mr. Chancellor stated there are 164 lots including Campbell Park which belongs to the City according to the Volusia County Property Appraiser.

Commissioner Smith stated she was worried about the people that cannot afford it and she asked if the cost could be done on a sliding scale with those being on lakefront paying a little more while others who are never going to see water because this is a heavy assessment for some of these residents. Vice Mayor Nabicht responded by stating there is a process when you own lakefront property and the lake goes dry that is done through the tax assessor's office to get the property assessment adjusted. He stated the property is more valuable for resale if it is kept lakefront. He stated now that the City is trying to fix a big problem with the whole lake and the property owners have to pay an assessment because it is lakefront now they are "balking" about it. He stated he has talked to people around that lake and most are very much in favor of the project and even though there may be one (1) or two (2) that are considered having an immediate hardship he believes this is a greater good kind of situation because the City is trying to restore this lake to a healthy lake that will benefit everyone on that lake. Mayor Masiarczyk stated the lakefront designation cannot be taken away, but what he believes Vice Mayor Nabicht is referring to is the property owner can go when the tax bill is received to the Tax Adjustment Board, present a case and the Board could downgrade the assessment, but it has to be done in general. Commissioner Smith stated in that case the City could point that property owner in that direction however, City Attorney Vose responded it would not effect this assessment.

Commissioner Smith stated we heard from the gentleman from the Allied Group who said his proposal would be a cost savings and she asked if this would go out as a Request For Proposal (RFP) or bid before the City sprays chemicals. Mr. Chancellor stated Mr. Barfield gets paid millions of dollars from the State of Florida for demucking and putting in aeration and he is not sure how many years that would take for the City's project.

Mayor Masiarczyk stated the Commission is just setting up the taxing district and he is

sure staff will investigate whether there is a better option. City Manager Shang stated staff has already looked at Mr. Barfield's process.

Commissioner Herzberg stated she looked Mr. Barfield up and found that he is working with Lake Apopka and she asked if he had any success stories, how long this project would be delayed if the City were to look at a non-chemical way and what would the cost be. Vice Mayor Nabicht responded the process the City proposes to use is used in lakes all over and has been approved by the Fish & Wildlife Commission (FWC) for use in Seminole and Orange Counties.

Commissioner Schleicher stated Mr. Barfield had called her asking if he should attend the meeting to speak about his main concern being the chemicals and she told him he should understand it is the Commission's job to set up the taxing district and that when this had been looked at staff had spoken with the St. Johns River Water Management District (SJRWMD), the FWC and others. She stated Mr. Barfield did say if his presentation made any change and slowed the project he would not be for that. Mayor Masiarczyk stated the Commission does not want to get in a debate with Mr. Barfield about science and any further study would add to the cost.

H. Public Hearing - Approval of Resolution No. 2016-04, authorizing condemnation proceedings for the acquisition of two (2) parcels of land for the successful completion of stormwater improvements to the City's stormwater system on Tivoli Drive - Becky Vose, Legal Department (407) 448-0111.

Strategic Goal: Fiscal Issues - Transportation/CIP (Tivoli Drive expansion).

City Manager Shang stated the next item is regarding two (2) parcels the City needs to acquire by eminent domain to complete some storm water improvements as the City has not been able to locate the owners. City Attorney Vose stated one (1) of the owners has passed away, one (1) is in Puerto Rico and one (1) is in New York and neither of these two (2) have responded to her letters offering to purchase the properties and the properties are vacant.

Mayor Masiarczyk asked that the City make sure these properties are really needed.

10. OLD BUSINESS:

11. NEW BUSINESS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. CITY COMMISSION COMMENTS:

Vice Mayor Nabicht commented about the newsletter going out in the water bill and he asked if the resident is not on Deltona Water how they receive the newsletter. City Manager Shang responded the City is placing the newsletters in the Senior Center, City facilities and on the City website because there is only a small number that are not on the City's system. She stated there is a cost savings and so far she has not heard any complaints.

Mayor Masiarczyk asked if that is in addition to the normal City newsletter that is sent out quarterly to every resident in Deltona and City Manager Shang responded "no" that now rather than doing the quarterly separate mailings the newsletter goes in the water bill which saves the postage.

Vice Mayor Nabicht asked to explore the possibility of working with the county to put the City newsletter in their water bill then the City is only dealing with the people who are on wells. He stated he believes every citizen in this community is entitled to the same information and if they are not on the City's water system and that is the mechanism the City is using to communicate with them then the City needs to find another way to do that. Vice Mayor Nabicht and Mayor Masiarczyk stated they have been receiving calls, that there are concerns about getting information out to the citizens and Vice Mayor Nabicht wants to come up with a solution.

Commissioner Herzberg stated it is a bad idea to have the newsletter in the water bill and the biggest complaint is residents open the water bill to see how much the bill is, pay it online and put it away; they do not read the inserts and she referred to the one line in the water bill about the Strategic Plan. She stated residents have told her they read the newsletters when they were mailed out to them.

Mayor Masiarczyk suggested having two (2) general mailings per year that go to every resident in the City and City Manager Shang responded she is looking at coming up with one (1) per year. City Manager Shang stated the City is not only using the water bills to get information out, the City is using Facebook and mobile messaging, etc.

Commissioner Herzberg asked if any of the Commissioners had done any of the distinguished service award nominations for the League of Cities because the deadline is April 7th and the nominations are for volunteers and each city only gets one (1). Commissioner Schleicher responded she had started writing up a volunteer, but had not finished and she suggested Nick Pizza. It was determined that Mr. Pizza had won already so it was suggested that names be submitted to the City Manager.

Commissioner Soukup stated an automotive dealership had asked for a letter of support and that there is a need for an auto dealership in the City. He asked if the City could do a letter for him to give to the dealership. Mayor Masiarczyk responded that should not be a problem just copy the Commission.

Mayor Masiarczyk stated he had spoken in Sanford that is starting to generate interest

in Seminole County and he is starting to receive calls from some businesses asking about Deltona. He added he took the renderings of the Community Center to that event and the response was very positive.

15. ADJOURNMENT:

Mayor Masiarczyk adjourned the meeting at 6:10 p.m.

Janet Day, Deputy City Clerk