

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, JANUARY 6, 2014**

1 A Regular Meeting of the Deltona City Commission was held on Monday, January 6, 2014 at the  
2 City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

3  
4 **1. CALL TO ORDER:**

5  
6 The meeting was called to order at 6:32 p.m. by Mayor Masiarczyk.

7  
8 **2. ROLL CALL:**

9  
10 Mayor John Masiarczyk Present  
11 Vice Mayor Heidi Herzberg Present  
12 Commissioner Webster Barnaby Present  
13 Commissioner Zenaida Denizac Present  
14 Commissioner Fred Lowry Present  
15 Commissioner Chris Nabicht Present  
16 Commissioner Nancy Schleicher Present  
17 City Manager Dave Denny Present  
18 City Attorney Becky Vose Present  
19 City Clerk Joyce Raftery Present

20  
21 Also present: Public Works/Deltona Water Director Gerald Chancellor; Planning and Development  
22 Services Director Chris Bowley; Parks and Recreation Director Steve Moore; Building and  
23 Enforcement Services Director/Acting Deputy City Manager Dale Baker; and Acting Fire Chief  
24 Robert Rogers.

25  
26 **3. INVOCATION AND PLEDGE TO THE FLAG:**

27  
28 Invocation Presented by Commissioner Lowry – Pastor Kevin Key, Cornerstone Christian  
29 Community Church.

30  
31 The National Anthem was sung by the musical group Harmony.

32  
33 **4. APPROVAL OF MINUTES & AGENDA:**

34  
35 **A. Minutes:**

36  
37 **1. Approval of Minutes – Regular City Commission Meeting of December 16, 2013.**

38  
39 Commissioner Schleicher stated that on page 16, line 19, of the minutes, under Commissioner Nabicht's  
40 comments the correct spelling for the Hey God organization is HAYGD.

41  
42 **Motion by Vice Mayor Herzberg, seconded by Commissioner Nabicht to approve the minutes of**  
43 **the Regular City Commission Meeting of December 16, 2013, as amended.**

44  
45 **Motion carried unanimously with members voting as follows: Commissioner Barnaby For;**  
46 **Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For;**  
47 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

48  
49 **B. Additions or Deletions to Agenda:**

1  
2 **Mr. Denny asked to pull Item 7-B, and to table Item 8-B to time certain to January 21, 2014, and**  
3 **the Commission concurred.**

4  
5 **5. PRESENTATIONS/AWARDS/REPORTS:**

6  
7 **A. Presentation - Super Star Student of the Month Certificates for December, 2013.**

8  
9 The Commission presented Super Star Students of the Month certificates for December, 2013.

10  
11 **B. Presentation – 3<sup>rd</sup> Annual Christmas Parade entry winners.**

12  
13 The Commission presented trophies to the 3<sup>rd</sup> Annual Christmas Parade entry winners.

14  
15 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

16  
17 a) Robin King, 329 Bill France Boulevard, stated that she is the new President and CEO for the  
18 Center for Business Excellence (CBE), the CBE's new location is in Orange City, services provided by  
19 the CBE, and statistics of services provided for 2013. She also stated that the CBE's name is changing  
20 to Career Source Flagler/Volusia County, and that there would be a ribbon cutting ceremony in  
21 February, 2014.

22  
23 Commissioner Barnaby thanked Ms. King for attending the Commission meeting and for all that CBE  
24 does and he asked that she provide the CBE website, and Ms. King replied [www.onestops.com](http://www.onestops.com).

25  
26 b) Michael Daly, 1931 Vienna Avenue, stated that he was representing West Volusia Youth  
27 Baseball (WVYB), he thanked the Commission for approving the funding to replace the batting cage  
28 roof, for the services provided by Parks and Recreation, and he invited the Commission to attend the  
29 WVYB opening day ceremony at 9:00 a.m. on February 15, 2014.

30  
31 c) Richard Jorza, 585 Cavalier Avenue, requested assistance in addressing Vann Park's drainage  
32 problems, over growth of trees, and he asked if there were any unused land in Deltona for hunting  
33 purposes.

34  
35 Mayor Masiarczyk replied he was not aware of any land in Deltona that could be used for hunting, that  
36 Mr. Jorza could confer with staff, and that he could check with private property owners to try and obtain  
37 permission to hunt on their property.

38  
39 Vice Mayor Herzberg asked if there was an environmental constraint to trimming trees and bushes at  
40 Vann Park, and Mr. Denny replied "yes", that much of the property is protected wetlands, staff would  
41 go out and survey the situation, and that staff may not be able to do anything without requesting the  
42 Saint Johns River Water Management District take a look at the area with them and let the City know  
43 what can and cannot be done.

44  
45 d) Edwin Lasanta, 459 Haversham Road, President of the Saxon Ridge Home Owners Association  
46 (HOA), congratulated the City on the new Waste Water Treatment Plant, he asked when the HOA could  
47 count on the City hooking Saxon Ridge homes up to the reclaimed water system, and also for feedback  
48 on the petition and tentative agreement that was turned in to the City on May 1, 2013, and for the City  
49 to take over the maintenance of certain roads and sidewalks in Saxon Ridge.

1  
2 Mayor Masiarczyk asked Mrs. Vose to contact Mr. Lasanta, provide him with an updated status of the  
3 project and to set up the finalization of the process.  
4

5 e) Jamison Jessup, 557 Noremac Avenue, stated the Commission should have received an email  
6 on January 6, 2014 concerning the Disability Fairness organization that fights for the rights of  
7 individuals with disabilities, and he discussed that Deltona's bus benches and bus stops are not  
8 Americans for Disability Act (ADA) compliant, he contacted the Florida Department of Transportation  
9 (FDOT) to discuss the issue, what makes a bus bench or bus stop ADA compliant, reasons that  
10 Deltona's bus benches and stops are not compliant, the benefit of having ADA compliant bus services,  
11 removing the bus benches was not enough of a remedy, and that he believes the City has a legal and  
12 moral obligation to make bus benches and bus stops ADA compliant.  
13

14 f) Michael Williams, 2889 Cottageville Street, stated that Martin Luther King (MLK) breakfast  
15 ticket sale responses are good, there were over 250 entries from area schools for the MLK greeting card  
16 competition, scheduled events for the MLK breakfast, and the Gospel Celebration on January 19, 2014  
17 at the Deltona Alliance Church.  
18

19 Commissioner Barnaby asked Mrs. Vose where the City was with the Waverly Media bus bench  
20 agreement and if there were any other bus bench companies operating in Deltona. Mrs. Vose replied  
21 that she sent out the notice of default on December 13, 2013, the return receipts were received, there is a  
22 30 day waiting period, if Waverly Media does nothing in that 30 days then they are in default, the  
23 course of action from there, to include cancelling the agreement, would be up to the Commission, that  
24 she believes the issue is being scheduled for the next Regular Commission meeting in January, and that  
25 the City currently only has one (1) bus bench contract.  
26

27 Vice Mayor Herzberg asked if the bus benches mentioned by Mr. Jessup were owned by Waverly  
28 Media, if the contract were terminated would those bus benches be removed, if all the bus benches were  
29 along the two (2) bus routes in Deltona, and that the next contract should require ADA compliant bus  
30 benches. Mrs. Vose replied "yes" the bus benches were owned by Waverly Media, all 163 bus benches  
31 would be removed if the contract were terminated, not all bus benches are located along a bus route  
32 which is not a requirement, and if the City went out to bid for a new bus bench contract to make it very  
33 specific that the bus benches be ADA compliant.  
34

35 g) Daniel Dudley, 1089 Pearl Tree Road, a member of the Sterling Park Estates HOA, discussed  
36 the City's future plans to change the zoning of three (3) lots where Saxon Boulevard and Sterling Silver  
37 Boulevard intersect, he commended the Commission on the commercial growth that it is trying to  
38 attract to the City, that the area is currently zoned as office, medical, professional (OMP), the  
39 neighborhood has one (1) road for entry and exit, 73 homes, the rezoning is a bad choice, number of  
40 accidents in the area, blind spots on Saxon Boulevard, a petition being circulating against the change,  
41 and that all Sterling Park and local area residents are opposed to the rezoning.  
42

43 Mayor Masiarczyk replied that he had discussed the issue with Mr. Hoyt, Sterling Park HOA President  
44 and that the City is aware of the concerns.  
45

46 Commissioner Schleicher asked if there was a plan to hold an informational meeting where residents  
47 can come and discuss the project, and Mr. Denny replied "yes", that there is a Public Hearing scheduled  
48 for February 19, 2014, the rezoning board recommendation will be scheduled to come in front of the  
49 Commission within the next few meetings, and that there will be an informational meeting held for the

1 Sterling Park and local residents.

2  
3 Mr. Dudley asked if the informational meeting would be held before the Public Hearing on February  
4 19, 2014, and Mr. Denny replied that he was not sure the meeting could be scheduled before the Public  
5 Hearing but that the Planning & Zoning Board only makes recommendations, the Commission makes  
6 the final determination.

7  
8 **7. CONSENT AGENDA:**

9  
10 Mayor Masiarczyk read the title of each item on the Consent Agenda.

11  
12 Commissioner Schleicher asked to pull agenda item 7-F.

13  
14 **Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to approve Consent**  
15 **Agenda Items 7-A, 7-C, 7-D, 7-E and 7-G.**

16  
17 **Motion carried unanimously with members voting as follows: Commissioner Barnaby For;**  
18 **Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For;**  
19 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

20  
21 **\*A. Request for approval to piggyback Rockdale County Bid # 12-43 with E.H. Wachs**  
22 **Company for a Trailer Mounted Valve Maintenance Machine – Deltona Water.**

23  
24 **Approved by Consent Agenda – to approve the award to the E. H. Wachs Company at a total**  
25 **cost not to exceed \$54,965.00 in accordance with the Rockdale County Bid # 12-43 for one (1)**  
26 **Trailer Mounted Valve Maintenance Machine.**

27  
28 **B. Request for approval of Resolution No. 2013-06, expressing support for the ECHO**  
29 **Grant application for the Veterans Museum expansion project.**

30  
31 **Item was pulled from the agenda by the City Manager.**

32  
33 **\*C. Request for approval to purchase playground equipment for Dwight Hawkins Park**  
34 **piggybacking the US Communities Contract #110171.**

35  
36 **Approved by Consent Agenda – to approve the purchase of playground equipment through**  
37 **Kompan Inc. piggybacking US Communities Contract #110171 at a total cost of \$59,362.46.**

38  
39 **\*D. Request for approval to use All Rite Services, Inc. for Dwight Hawkins Park fencing**  
40 **piggybacking the Seminole County School Board Bid #09100010B.**

41  
42 **Approved by Consent Agenda - to approve using All-Rite Fence Services, Inc. to provide all**  
43 **materials and services necessary to install fencing at Dwight Hawkins Park piggybacking the**  
44 **School Board of Seminole County Bid #09100010B.**

45  
46 **\*E. Request for approval to use All Rite Services, Inc. for Wes Crile Park fencing**  
47 **piggybacking the Seminole County School Board Bid #09100010B.**

48  
49 **Approved by Consent Agenda - to approve using All-Rite Fence Services, Inc. to provide all**

1 **materials and services necessary to install fencing at Wes Crile Park piggybacking the School**  
2 **Board of Seminole County Bid #09100010B.**

3  
4 **F. Request for fee waiver – West Volusia Youth Baseball – Annual Opening Day Parade.**

5  
6 Commissioner Schleicher stated that the request is over the limit of \$750 dollars allowed to be waived  
7 and she suggested the West Volusia Youth Baseball (WVYB) adopt the park during the baseball season  
8 to perform a type of in-kind service, which would be a win/win situation for the City and WVYB.

9  
10 Commissioner Nabicht stated that every year the City receives the same request for fee waivers and he  
11 asked the City Manager to schedule a workshop to review the current fee schedule and waiver policy.  
12 He stated the fees are in place to offset costs to the City, if the fees are going to be continually waived to  
13 just take them off the books, to look at the fee waiver historical data at the workshop to try and develop  
14 a better formula, and concurred with Commissioner Schleicher that if the City is extending a fee waiver  
15 to an organization than that organization should assist the City by doing some type of clean-up day or  
16 some other type of an event that matches the type of organization that was granted the fee waiver.

17  
18 Mayor Masiarczyk stated the City needs to follow the established fee policy as it applies to  
19 everybody, that perhaps the Commission should readdress the policy and amend it if needed, and he  
20 asked if WVYB was willing to pay the difference in the fee. Mr. Moore replied that he had a  
21 discussion with WVYB's President Mike Daly, and that WVYB is willing to pay the difference.

22  
23 Vice Mayor Herzberg stated that fees are continually waived and reduced for different organizations  
24 and events, the Commission needs to review the fee schedule and waiver policy and make a firm  
25 decision, the community service idea is a good one but not to tie WVYB to that, but instead to  
26 address that during the policy review, and to have staff obtain data from other cities on fee waivers  
27 which could all be reviewed during the workshop.

28  
29 Commissioner Denizac stated the issue has been discussed numerous times, that perhaps the policy  
30 needs one (1) more review and adjustment, but then the Commission needs to be fair and consistent  
31 across the board in enforcing the policy.

32  
33 **Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to authorize staff to**  
34 **waive the fees in the amount of \$750.00 and the West Volusia Youth Baseball League would pay**  
35 **the difference in the amount of \$110.00 associated with the Annual West Volusia Youth Baseball**  
36 **Opening Day Parade on Saturday, February 15, 2014.**

37  
38 **Motion carried with members voting as follows:**

39  
40 **Commissioner Barnaby For**  
41 **Commissioner Denizac Against**  
42 **Commissioner Lowry Against**  
43 **Commissioner Nabicht Against**  
44 **Commissioner Schleicher For**  
45 **Vice Mayor Herzberg For**  
46 **Mayor Masiarczyk For**

1 **\*G. Request for approval of the purchase of renewal support for the CRW Trakit product**  
2 **from CRW Associates for a total price of \$25,500.**

3  
4 **Approved by Consent Agenda – to approve renewal of the technical support and software**  
5 **maintenance for the Trakit product and web access to Trakit at a total cost of \$25,500.**

6  
7 **8. ORDINANCES AND PUBLIC HEARINGS:**

8  
9 **A. Public Hearing - Ordinance No. 17-2013, an amendment to the Capital Improvements**  
10 **Element of the City’s Comprehensive Plan.**

11  
12 Mayor Masiarczyk asked if there were any staff updates.

13  
14 Planning and Development Services Director Chris Bowley replied that the word “not” on page 22  
15 of the CIE booklet, under Project Description is a typographical error that should be deleted, and the  
16 error will be changed before it comes before the Commission for second reading.

17  
18 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

19  
20 City Attorney Becky Vose read the title of Ordinance No. 17-2013.

21  
22 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE**  
23 **COMPREHENSIVE PLAN OF THE CITY OF DELTONA, BY AMENDING THE CAPITAL**  
24 **IMPROVEMENTS ELEMENT PROVIDING FOR THE REPLACEMENT OF THE**  
25 **CAPITAL IMPROVEMENT PROJECT SHEETS; FINDING CONFORMITY WITH STATE**  
26 **STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE**  
27 **DATE.**

28  
29 **Motion by Commissioner Nabicht, seconded by Commissioner Barnaby to approve Ordinance**  
30 **No. 17-2013, at first reading, that amends and updates the City of Deltona's Comprehensive Plan**  
31 **Capital Improvements Element and the Five-Year Schedule of Capital Improvements, as**  
32 **amended.**

33  
34 **Motion carried unanimously with members voting as follows: Commissioner Barnaby For;**  
35 **Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For;**  
36 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

37  
38 Ordinance No. 17-2013 was approved at 7:45 p.m.

39  
40 **B. Public Hearing - Ordinance No. 01-2014, Tractor Supply Company Amendment to the**  
41 **Official Zoning Map (RZ13-007).**

42  
43 **Item was tabled to time certain to January 21, 2014 by the City Manager.**

44  
45 **9. OLD BUSINESS:** None.

46  
47 **10. NEW BUSINESS:**

48  
49 **A. Request for approval of Neighborhood Stabilization Program (NSP) Real Estate Broker**

1 **Services.**

2  
3 Mayor Masiarczyk opened the public hearing.

4  
5 Michael Williams, 2889 Cottageville Street, stated one of the screening criteria for selecting  
6 Neighborhood Stabilization Program (NSP) real estate brokers is that the real estate company must  
7 be able to get to Deltona within 30 minutes, and he asked why Weatherspoon Realty was chosen  
8 since the company is located in Lake Mary.

9  
10 Planning and Development Director Chris Bowley replied that the drive from Lake Mary to Deltona  
11 is less than 30 minutes, and the company has NSP real estate experience.

12  
13 Mayor Masiarczyk closed the public hearing.

14  
15 **Motion by Vice Mayor Herzberg, seconded by Commissioner Schleicher to approve the**  
16 **following list of real estate brokers to be used within the Neighborhood Stabilization Program:**  
17 **Watson Realty Corp. – DeLand, Re/Max Associates, Inc. – Deltona, Total Realty Corp. –**  
18 **DeLand, and Weatherspoon Realty - Lake Mary.**

19  
20 **Motion carried unanimously with members voting as follows: Commissioner Barnaby For;**  
21 **Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For;**  
22 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

23  
24 **11. CITY ATTORNEY COMMENTS:** None.

25  
26 **12. ACTING CITY MANAGER COMMENTS:**

27  
28 Mr. Denny stated that he was approached by an individual who wanted to purchase a piece of City  
29 property near the intersection of Howland Boulevard and State Road (SR) 415, it is a depressed area  
30 better known as Lake David, is about one (1) acre in size, that the owner of the surrounding old  
31 antiquated subdivision lots that the City just vacated wants to purchase the property, and that to  
32 proceed he requires the Commission's approval to inform the individual to pay for an appraisal of  
33 the property and then proceed from there.

34  
35 **After discussion, the Commission concurred to move forward by having an appraisal done,**  
36 **and to sell the property.**

37  
38 **A. Lobbyist Update:**

39  
40 Mr. Denny stated due to the holidays it has been slow in Tallahassee and there is nothing to report  
41 that would affect Deltona.

42  
43 **13. CITY COMMISSION COMMENTS:**

44  
45 a) Commissioner Lowry wished everyone a Happy New Year.

46  
47 b) Commissioner Schleicher thanked Mr. Denny for pulling Agenda Item 7-B and she asked that  
48 the issue be placed on a Workshop agenda. She thanked the VCSO for conducting a wellness check on  
49 an elderly resident, and encouraged people not to be afraid to ask for a wellness check when there is a

1 concern about someone because it may just save a life. She asked everyone to keep former  
2 Commissioner Carl Carey and his family in their thoughts and prayers as his 11 year old grandson just  
3 passed away on December 31, 2013, and that everyone stay warm, and extended encouragement for  
4 Florida State University to win tonight's football game.

5  
6 c) Commissioner Denizac thanked Parade Committee Chair Crystal Harris for all her work in  
7 coordinating the 2013 Deltona Christmas Parade.

8  
9 d) Commissioner Barnaby stated that he is looking forward to the Commission doing great things  
10 for Deltona in 2014, that he attended last year's Team Volusia Economic Development Corporation  
11 (TVEDC) annual meeting which found to be very inspirational in terms of moving Deltona forward,  
12 encouraged Commissioners to try and attend meetings that benefit economic development in the West  
13 Volusia County region and Deltona, and he asked that he be allowed to attend this year's annual  
14 TVEDC meeting.

15  
16 Vice Mayor Herzberg stated that it would be well worth attending the TVEDC 2014 annual meeting  
17 just to hear guest speaker Gray Swoope, Florida's Secretary of Commerce, President & CEO,  
18 Enterprise Florida Inc. She stated he was very well versed in economic development and the City of  
19 Deltona.

20  
21 **After discussion, the Commission concurred that Commissioners can attend the TVEDC 2014**  
22 **annual meeting in Daytona Beach and to submit a travel reimbursement form.**

23  
24 Commissioner Denizac stated that the current City policy for funding Commissioners to attend  
25 meetings is manifested through the City's annual budget, and any changes to the policy need to be  
26 discussed during the budget process.

27  
28 The Commission discussed the current policy for Commissioners to attend events and seminars both in-  
29 state and out of state, who attends meetings when the City has a designated representative, the  
30 importance of attending events such as the TVEDC annual meeting, the current policy supporting  
31 Commissioners attendance at meetings if it is one (1) of the in-state meetings that they want to attend,  
32 and the Commission being provided with a copy of the Commission Travel Policy.

33  
34 Vice Mayor Herzberg stated that all non-investor guests can attend the TVEDC annual meeting and  
35 would pay a \$25.00 registration fee, the City of Deltona is an investor so there should not be a charge to  
36 attend, and she will check with the TVEDC to confirm that information. She also discussed  
37 Commissioners attending functions such as the Florida League of Cities annual meeting, the budget  
38 process for designating funds for Commissioner's registration and attendance expenditures, a  
39 comparison of other cities attendance at functions, and she stated that more than one (1) Commissioner  
40 attending a function is not a unique situation.

41  
42 Commissioner Nabicht stated his disbelief in discussing Commission travel policy issues again, that the  
43 Commission discussed function attendance at a prior workshop where he suggested developing a clear  
44 list of what meetings Commissioners could and could not go to, and the Commission as a body  
45 concurred that to police themselves. He stated there are no changes being made to policies, and the  
46 Commission is merely following a previously agreed upon process.

47  
48 e) Vice Mayor Herzberg wished everyone a Happy New Year, she thanked everyone for attending

1 the Commission meeting, and the Commission needing to establish a City “Grant” policy, and a grant  
2 matching fund account.

3  
4 Commissioner Nabicht stated that he believed the Commission had discussed previously and concurred  
5 to leave the grant application process up to staff, if a grant came up before the Commission, the  
6 Commission would then decide whether or not to accept the grant, and where the matching funds would  
7 originate from.

8  
9 The Commission discussed grants coming available outside of the budget process, setting match funds  
10 aside for grants, staff time spent on preparing grant applications, staff time spent executing requirements  
11 for approved grants, not deterring staff from searching for grants, the Veterans Museum expansion, the  
12 grant application process being initiated over two (2) years ago, changes to the ECHO grant funding  
13 mechanism made by the County, the Veterans Museum expansion grant being discussed on several  
14 occasions prior to the Commission meeting, and adding the grant process to a Workshop agenda.

15  
16 **After discussion, the Commission concurred to add “Grants” to a future Commission Workshop.**

17  
18 e) Mayor Masiarczyk stated he received a beautiful gift of Greek food in the mail at City Hall from  
19 Lyla Temissia in Warren Michigan, and he asked if anyone knew who the individual is, he thanked  
20 Commissioner Denizac for the wonderful holiday meal, he thanked all employees for their hard work  
21 and time put in on the Christmas Parade, he thanked winners and all parade entrants for participating,  
22 and he wished everyone a Happy New Year.

23  
24 **14. ADJOURNMENT:**

25  
26 There being no further business, the meeting adjourned at 8:14 p.m.

27  
28  
29  
30  
31  
32 \_\_\_\_\_  
**John Masiarczyk Sr., Mayor**

33 **ATTEST:**

34  
35  
36 \_\_\_\_\_  
37 **Mitch Honaker, Deputy City Clerk**