

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, JUNE 1, 2015**

A Regular Meeting of the Deltona City Commission was held on Monday, June 1, 2015 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Nancy Schleicher	Present
Commissioner	Heidi Herzberg	Absent (Excused)
Commissioner	Mitch Honaker	Present
Commissioner	Chris Nabicht	Present
Commissioner	Diane Smith	Present
Commissioner	Brian Soukup	Present
City Manager	Jane K. Shang	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

Also present: Deputy City Manager Dale Baker; Planning and Development Services Director Chris Bowley; Public Works/Deltona Water Director Gerald Chancellor; and VCSO Captain Eagan.

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by Commissioner Herzberg – Pastor Susanna Orensky, Deltona Christian Church.

Mayor Masiarczyk on behalf of Commissioner Herzberg introduced Pastor Susanna Orensky with Deltona Christian Church.

The National Anthem was sung by Kasia Soto a student at Deltona Middle School.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Approval of Minutes – Regular City Commission Meeting of May 18, 2015.

Motion by Vice Mayor Schleicher, seconded by Commissioner Honaker to approve the minutes of the Regular City Commission Meeting of May 18, 2015, as amended.

Motion carried unanimously with members voting as follows: Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk.

B. Additions or Deletions to Agenda: None.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation – Super Star Student of the Month Certificates for May, 2015.

Mayor Masiarczyk and the Commission presented Certificates of Recognition to the Super Star Students for the month of May, 2015.

B. Presentation of Inductee to the Wall of Fame – Reverend Donald Herchenroder.

Mayor Masiarczyk and the Commission presented Patricia Herchenroder with a Certificate of Recognition in honor of her late husband Reverend Donald Herchenroder being inducted into the Wall of Fame. Also, Mavis Libby a member of Faith Baptist Church presented Ms. Herchenroder with a plant in honor of her husband.

6. CITY COMMISSION SPECIAL REPORTS:

Commissioner Nabicht stated he attended the Transportation Planning Organization (TPO) meeting on May 27th where the projects list for the upcoming year was discussed, Deltona only has two (2) projects on the multiple page project list and most of the projects are going to the East side. He suggested the City Manager and staff work together to get some projects on the project list next year such as any transportation projects, sidewalks, additional bus routes and extending roads. A report was given on the Volusia Transit Study, there are five (5) or six (6) options where the SunRail could be extended to, it was disheartening that in the entire County there were only 65 people who responded to that study, there will be more opportunities in the future to provide input to the study and the study will not be finalized until 2016. The City needs to push for option two (2) and five (5) to bring SunRail to Deltona and send it on to Daytona Beach through the I-4 corridor which will be a key issue with regards to economic development. He stated Steve Olsen with Florida Department of Transportation (FDOT) appeared in Volusia Magazine and made the statement that Deltona was not included when the study was done and figured out the capacity that would be needed for the DeBary train station. He stated Deltona has a workforce of 48,000 people, if the City does not put a good portion of those people on SunRail to make it convenient and affordable for people to utilize then in six (6) years when the FDOT subsidy runs out Volusia, Seminole, Orange and Osceola County along with the City of Orlando will be paying the bill for what the ridership is not paying to operate the train so it behooves everybody to get on board with getting a train in Deltona which would relieve a lot of the impact on the road structure.

Mayor Masiarczyk stated he attended the Deltona High School graduation where his grandson graduated from and Deltona Christian Church's graduation which had a class of five (5) students where each one (1) who graduated was allowed to give a speech and Marlene Brown, Parks & Recreation Executive Assistant, was in attendance as her son Cory was the Valedictorian. He stated there were 1,600 graduates from Deltona and 61% will move on to higher education.

7. PUBLIC FORUM – Citizen comments for item not on the agenda.

a) Nita Schmellick, 253 Hazeltine Drive, DeBary, spoke regarding the Community Foundation of East Central Florida which builds philanthropy and giving in the community. In 2012 a group of residents approached the group asking them to create a fund called the Southwest Volusia Community Fund-Grant which anyone can make a donation to, that 75% goes to the endowed part of the fund and 25% is given out the next year to nonprofits. She suggested thinking long term when

giving a donation; the grants are small because the program is still growing. Several organizations do a dining out fundraiser once a month where a restaurant donates a portion of the proceeds to the fund. She presented grants in the amount of \$255 each to the recipients Student Reach Out and the Community Life Center.

b) Roy Isler, 3040 Jollett Court, Deltona, spoke regarding the speed limit change in the area of Catalina and Howland Blvds. and he asked for an update to what actions are being taken since the last meeting regarding the traffic issues in that area.

c) Michael Putkowski, 2736 Courtland Blvd., Deltona, welcomed new City Manager Jane Shang, and he spoke about besides him there are several other residents who are engaged in the City, and the Community Life Center dinners will be changed from the 4th Friday to the 3rd h Friday of each month from 5:00 p.m. to 7:00 p.m.

d) Professor Bob Mertens, 1400 Hartley Avenue, Deltona, spoke regarding having the oldest tree in his front yard, he is having an issue with a violation of the City's noise ordinance, the times the noise ordinance is affective, he described the Special Magistrate process that he and his neighbor went through regarding the noise issue, and he suggested having a "hot line" where someone could be a witness for a victim of a code violation so that it is not a he said, she said situation.

e) Michael Williams, 2889 Cottageville Drive, Deltona, spoke regarding spending time with the new City Manager while assisting her with finding a home in Deltona, that he wears a lot of hats one as a citizen, two as the Chairman of the Deltona Martin Luther King Celebration Committee and the third as the President of the West Volusia Branch of the National Association for the Advancement of Colored People (NAACP). He stated Ms. Shang will be attending the NAACP Annual Freedom Fund Banquet among others and he is delighted to move forward to make the City the best it can be.

f) Debra Suitt-Green, 1531 Toluca Court, Deltona, and she introduced her daughter Jionna M. Green, she welcomed the new City Manager and she stated that she is looking forward to working with Ms. Shang. She stated she is a former educator and business owner, that she is the Youth Advisor for the NAACP Youth Council, she provided concerns of the youth in Deltona such as the lack of opportunities and activities within the City and she would like to see those issues addressed so that the youth can become more involved politically and in the community.

8. CONSENT AGENDA: None.

9. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing – Ordinance No. 03-2015, Rezoning Application (RZ15-001) Hess Gas Station, at second and final reading.

Motion by Commissioner Honaker, seconded by Vice Mayor Schleicher to adopt Ordinance No. 03-2015, rezoning a +/- 1.1-acre parcel that includes a Hess Gas Station, located at 2840 Doyle Road, from C-1 (Retail Commercial) to C-2 (General Commercial); at second and final reading.

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

City Attorney Becky Vose read the title of Ordinance No. 03-2015 for the record.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP, PURSUANT TO CHAPTER 110, SECTION 1101 OF THE CITY CODE OF ORDINANCES, FOR PROPERTY TOTALING APPROXIMATELY 1.1 ACRES LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF COURTLAND BLVD. AND DOYLE ROAD, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk.

Ordinance No. 03-2015 was adopted at 7:26 p.m.

B. Public Hearing – Zoning Variance Application (VR15-001) to add a carport to an existing home.

Chris Bowley, Planning & Development Director explained there was a lamia constructed at the rear of the house and there is an extension on the front of the house for a covered walkway which has been approved and the request is for additional work. He read Section 110-827(c)(2)b of the Code and explained it allowed for garages to be built in that way but, not carports which is why the applicant applied for the variance. The applicant is requesting to build towards the street, they have 65 feet from the front of the house to the right-of-way or front lot line, there is a 25 foot yard setback and applicant can only build within 45 feet. If the applicant were to build a garage it would be acceptable to the ordinance.

Motion by Commissioner Honaker, seconded by Vice Mayor Schleicher to deny variance application (VR15-001), due to the request not meeting the requirements of Section 110-827(c)(2)b or the variance criteria listed in Section 110-1103(a)(1)b of the City Code of Ordinances.

The Commission and staff discussed needing to show a hardship for a variance, Homeowner Associations (HOA) not allowing this type of structure, that the property has a backyard for children to play, the difference between a garage and a carport, the rationale between a carport and a garage, homes being built with carports in lieu of garages, carports being built to the same size as a garage, making building elevations look the same when looking down the street, providing additional protection for a vehicle, carports becoming storage areas, the ordinance needing to be reviewed and rewritten, the home not being on a typical sized lot, carports not matching the homes they are attached to, and the esthetics of a carport.

Barbara Williams, applicant, 2845 Redbug Court, Deltona, stated she has a vision for her carport for not only her children but, for the protection of her cars. She has gotten rid of a car due to paint peeling, her home will be passed down to her children in the event she passes, the carport not being used for storage, and that she wants the carport professionally built.

Mayor Masiarczyk asked if the carport could be screened and Mr. Bowley replied no, it would have to be an enclosed garage rather than a screened in carport.

Kim Diaz, 3124 Nicker Bean Street, Deltona, stated she is the sister of applicant, that she and her sister moved here looking to retire and make their homes what they wanted them to be, that the carport is going to be made to match the house and she also wanting to add a carport to her property.

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

Mayor Masiarczyk read the title of Resolution No. 2015-13 for the record.

A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, APPROVING A ZONING VARIANCE FOR A CARPORT TO BE LOCATED IN THE FRONT PORTION OF THE PROPERTY LOCATED AT 2845 REDBUD COURT, DELTONA; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Resolution No. 2015-13 denied at 7:40 p.m.

10. OLD BUSINESS: None.

11. NEW BUSINESS: None.

12. CITY ATTORNEY COMMENTS: None.

13. CITY MANAGER COMMENTS:

A. Lobbyist Update:

Ms. Shang stated she will be meeting with the Lobbyist tomorrow.

14. CITY COMMISSION COMMENTS:

a) Commissioner Soukup attended the 50th Anniversary of the Deltona Barber Shop, he was placed on the Strategic Planning Committee for the Volusia County School Board which had their first meeting, he attended the West Volusia Chamber Breakfast with Senator Simmons and Representative Santiago who discussed topics that will affect Deltona, he and Commissioner Smith attended the new Virtual Manufacturing School at Pine Ridge High School which is one of a kind and the City needing to start selling citywide. He stated there is a need to talk about the Latin Festival, there are some issues with bus benches that need to be discussed, this week a couple of children and their father knocked on his door looking for food, there are several churches that feed people and he questioned why there is not a list that can be distributed and on the website for those people in need. He stated he ate at Wendy's restaurant on Howland Blvd. and the height of the vines at Dupont Lake being a violation of City Code.

b) Vice Mayor Schleicher welcomed the new City Manager and she looks forward to working with her. She attended the lunches at the Fire Stations #61 and #65, she attended the celebration at Deltona Memorial Gardens over the Memorial Day weekend, and she attended the breakfast with Senator Simmons and Representative Santiago where there was discussion regarding being at odds on the Medicare/Medicaid expansion question, septic tanks and communications tax. She took a tour of Leu Gardens; she received several suggestions from Mr. Bowden including the difficulties with having a greenhouse and a botanical area, the City going in a more natural direction and Mr.

Bowden coming to walk the property to provide more suggestions on how to preserve what is existing, she will be touring Fort Foster which is the replica she is looking at to build a Fort Kingsbury and the next steps are to talk to the people with the Tallahassee archives, the St. Johns River Water Management District and then ECHO.

c) Commissioner Nabicht thanked the new City Manager for the time she spent with him today. He stated the City Manager is going to hit it hard and fast and she is going to do great things for the City. He stated he was extremely disappointed with the Volusia County Council for turning down the \$700,000 to do a study for the connector between S.R. 417 and I-95, the TPO supported the project, both Deltona and Edgewater supported the project, there is an existing study that was done several years ago, the reason for turning down the study is that people could look at the old study, and the County Council letting the people down by giving back the money to Washington.

d) Commissioner Honaker stated he will continue bringing up the motion for the discussion regarding the Latin Festival at every meeting until it is discussed and he encouraged the Commission to read Section 10-104 of the City's Code of Ordinances. He asked to add to a workshop a discussion regarding the Trap Neuter Release (TNR) Program because he is concerned with the amount of cats being sent to impound. He requested that the first ordinance the review committee look at be Ordinance No. 18-2013, Section 110-806 of the Code. He congratulated the School Board for appointing Carolyn Carbonell as Principal of Deltona High and Julian Jones as Principal of University High. He stated today is the first day of hurricane season and he encouraged everyone to look at the Hurricane Guide that can found on the Public Information or Fire Department page of the City's website. He welcomed the City Manager and he looked forward to seeing her on Thursday.

e) Commissioner Smith thanked Mr. Baker for serving as the Acting City Manager and she welcomed the new City Manager. She stated she attended the Deltona Barber Shop's anniversary, she attended the Legislative Breakfast, she attended the Pine Ridge Automation and Production which will be a program in August and an academy next year and it is a one (1) of a kind opportunity in Volusia County because the equipment is so expensive, there are a lot of jobs available in the industry, 82 students have already signed up for next year and she encouraged all the Commission to view the classroom. She stated at the last meeting there were four (4) add-on items which were not done correctly; there was no motion, second or a vote to add any of the items. The problem she has with it is it robs the Commission's due diligence and she wants the materials ahead of time to review in case there are questions. She stated she was the one who asked to not send the letter to the School Board regarding the property for a stadium so it could be placed on an agenda, the Commission could have a discussion and ask questions and notice given to the public who also might have questions. She requested to workshop the way items are added on an agenda and if the item is not a true emergency item it be placed on the following meeting. She stated just because the Commission is allowed to add an item, it does not mean it should be done.

f) Mayor Masiarczyk agreed with Commissioner Smith regarding add-on items to the agenda which has gotten out of hand. He spoke about the Deltona Barber Shop and its owner Emerson Cross who has kept the business going for 50 years, he will be speaking at the West Volusia Chambers in the morning, he remembered Carolyn Carbonell's son going to his daycare when she was a Deltona Commissioner and that it is gratifying to see her become the Principal of Deltona High and he is glad to hear Commissioner Herzberg doing good. He stated he is appalled that the County Council would turn down the funds for the connector study, that the residents need to let the County Council know that it is not all about the East side, that during a hurricane like in 2004 the

residents cannot get out of the area on S.R. 44 because of the congestion, wetlands being all throughout the State, all the evacuation centers were built in Deltona but, there is no way other than S.R. 44 to get here, and a lot of things could be done to get people over to the West side safely. He thanked Commissioner Honaker and Commissioner Nabicht for attending the Memorial Day weekend celebrations and he thanked several people and businesses who helped with the festivities. He thanked Mr. Baker for all his hard work

14. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:37 p.m.

John Masiarczyk Sr., Mayor

ATTEST:

Joyce Raftery, CMC, City Clerk