

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, AUGUST 17, 2015**

1 A Regular Meeting of the Deltona City Commission was held on Monday, August 17, 2015 at  
2 the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

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

5  
6 The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

7  
8 **2. ROLL CALL:**

9			
10	Mayor	John Masiarczyk	Present
11	Vice Mayor	Nancy Schleicher	Present
12	Commissioner	Heidi Herzberg	Present
13	Commissioner	Mitch Honaker	Present
14	Commissioner	Chris Nabicht	Present
15	Commissioner	Diane Smith	Present
16	Commissioner	Brian Soukup	Present
17	City Manager	Jane K. Shang	Present
18	City Attorney	Becky Vose	Present
19	Deputy City Clerk	Janet Day	Present
20			

21 Also present: Deputy City Manager Dale Baker; Planning and Development Services Director  
22 Chris Bowley; Public Works/Deltona Water Director Gerald Chancellor; Fire Chief Mark Rhame  
23 and VCSO Captain Eagan.

24  
25 **3. PLEDGE TO THE FLAG:**

26  
27 Commissioner Honaker led everyone in a silent invocation and the pledge to the flag.

28  
29 The National Anthem was sung by Jamie Ramos, a junior at University High School.

30  
31 **4. APPROVAL OF MINUTES & AGENDA:**

32  
33 **A. Minutes:**

34  
35 **1. Approval of Minutes – Regular City Commission Meeting of August 3, 2015.**

36  
37 **Motion by Commissioner Herzberg, seconded by Commissioner Nabicht to approve the**  
38 **minutes of the Regular City Commission Meeting of August 3, 2015, as presented.**

39  
40 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**  
41 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;**  
42 **Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**

43  
44 **5. PRESENTATIONS/AWARDS/REPORTS:** None.

45  
46 **6. CITY COMMISSION SPECIAL REPORTS:**

1  
2 Commissioner Herzberg stated she attended the Florida League of Cities three (3) day annual  
3 conference in Orlando and some of the topics for discussion were pension reform, waste and site  
4 selection. Several of the keynote speakers were really good but, the last one talked about  
5 generations like the traditionalists, the baby boomers, the gen xers and the millennials and how  
6 the four (4) generations interpret things differently like how to deal with each group in terms of  
7 interaction with the public and workforce. There was discussion about yearly diversity training  
8 which she would like to talk to the City Manager about and possibly having the Volusia League  
9 of Cities do diversity training at the league university in Orlando. She stated there was a roll  
10 playing exercise of a mock Commission meeting were she played a Commissioner and the  
11 interesting part of the exercise was how the Commission interacts with the audience and the  
12 differences in interpretation between the Commission and the residents. Sometimes there is a  
13 disconnect as to what the public thinks happened and what really happened. She stated when the  
14 Commission does a visioning session she hopes it will not be just an informative session but, an  
15 actual interaction session. She stated a lot of the trainings will be available online and she took a  
16 lot away from the training.

17  
18 **7. PUBLIC FORUM – Citizen comments for item not on the agenda.**  
19

20 1) Pat Gibson, 230 Courtland Blvd., Deltona, discussed the City not doing the correct inspections  
21 for re-roofs per the Florida Building Code/Florida Statutes, a list of what should be inspected, the  
22 building components, the City being in violation of the Florida Building Code/Florida Statutes,  
23 the Building Official's responsibility, permit requirements and staff's testimony from a court case  
24 regarding a re-roof.  
25

26 2) Victor Ramos, 1555 Saxon Blvd., Deltona, discussed school enrollment, school transportation,  
27 the Wildcats' first soccer game on September 13th for Bethune Cookman University, Sunday,  
28 September 20th the 2nd home game against Florida A & M University (FAMU), the last home  
29 game is against Stetson University, he looks forward to working with Deltona TV and promoting  
30 economic development.  
31

32 3) Daniel Dudley, 1089 Pearl Tree Road, Deltona, discussed his property which abuts the new  
33 Florida Hospital building that had an original 35 foot buffer zone to include a brick wall,  
34 however, when landscaping was being done the only portion that was not done was behind his  
35 property, there being no landscaping on his 105 feet of property and the plan not showing  
36 anything about the landscaping, having five (5) trees which were six (6) inches or more that were  
37 flagged and replaced with three (3) saplings, the lights from the facility shining directly into his  
38 house, the contractors being done with the work by Friday and he requested that the buffer be  
39 supplied with more than the three (3) saplings that were provided.  
40

41 **8. CONSENT AGENDA:**  
42

43 **Motion by Vice Mayor Schleicher, seconded by Commissioner Soukup to approve Consent**  
44 **Agenda Items 8-A through 8-D.**  
45

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

4  
5 **\*A. Request for consideration of Commissioner Soukup's appointment to the Ordinance**  
6 **Review Committee - Joyce Raftery, City Clerk (386) 878-8502.**

7  
8 **Approved by Consent Agenda - to confirm Commissioner Soukup's appointment of**  
9 **Melissa Roberts to the Ordinance Review Committee with a two (2) year term to expire on**  
10 **August 3, 2017.**

11  
12 **\*B. Request for approval of Interlocal Agreement for Groundwater Monitoring,**  
13 **Modeling, and Related West Volusia Water Supply Plan Planning and Implementation**  
14 **Services - Gerald Chancellor, Public Works Department (386) 878-8998.**

15  
16 **Approved by Consent Agenda - to approve the Interlocal Agreement between the City of**  
17 **DeLand, City of Deltona, City of Orange City and County of Volusia for Groundwater**  
18 **Monitoring, Modeling, and Related West Volusia Water Supply Plan Planning and**  
19 **Implementation Services and authorize the Mayor to sign the Agreement as the Authorized**  
20 **Representative of the City.**

21  
22 **\*C. Request for approval of Resolution No. 2015-27, adopting the 2015 Volusia County**  
23 **Mitigation Strategy as approved by the Florida Division of Emergency Management and**  
24 **FEMA – Mark Rhame, Fire Department (386) 575-6902.**

25  
26 **Approved by Consent Agenda - to adopt Resolution No.2015-27 adopting the 2015 Volusia**  
27 **County Local Mitigation Strategy as approved by the Florida Department of Emergency**  
28 **Management and FEMA.**

29  
30 **\*D. Request for approval of Resolution No. 2015-33 and approval to establish and**  
31 **adopt Title VI and Nondiscrimination Policy and Plan – Becky Vose, City Attorney (407)**  
32 **448-0111 (Cell).**

33  
34 **Approved by Consent Agenda - to approve Resolution No. 2015-33 and approval to**  
35 **establish and adopt the Title VI and Nondiscrimination Policy and Plan.**

36  
37 **9. ORDINANCES AND PUBLIC HEARINGS:**

38  
39 **A. Public Hearing - Ordinance No. 05-2015, Fernanda Place Subdivision Rezoning**  
40 **Application, RZ15-002, at second and final reading - Chris Bowley, Planning and**  
41 **Development Services Department (386) 878-8602.**

42  
43 **Mayor Masiarczyk opened and closed the public hearing as there were no public comments.**

44  
45 **Motion by Commissioner Honaker, seconded by Vice Mayor Schleicher to approve**  
46 **Ordinance No. 05-2015, Fernanda Place rezoning with the changes suggested to the**

1 **development agreement by City staff to include but not limited to the streets and other**  
2 **applicable infrastructure being dedicated to the City and the Home Owners Association**  
3 **being responsible for maintaining and beautifying retention pond areas.**

4  
5 City Attorney Becky Vose read the title of Ordinance No. 05-2015 for the record.

6  
7 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE**  
8 **OFFICIAL ZONING MAP TO REZONE APPROXIMATELY 142 ACRES OF LAND**  
9 **LOCATED EAST OF HOWLAND BLVD. AND WEST OF OSTEEN CEMETERY RD.**  
10 **NEAR BOTH PRIDE ELEMENTARY AND PINE RIDGE HIGH SCHOOLS FROM**  
11 **COUNTY A-1 (PRIME AGRICULTURE) AND CITY OF DELTONA RESIDENTIAL**  
12 **PLANNED UNIT DEVELOPMENT (RPUD) TO RESIDENTIAL PLANNED UNIT**  
13 **DEVELOPMENT: PROVIDING FOR CONFLICTS, PROVIDING FOR**  
14 **SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

15  
16 Commissioner Nabicht stated when the title of the ordinance was read it is not “Pine Ridge  
17 Elementary” but, “Pride Elementary” and Mrs. Vose replied he is correct.

18  
19 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**  
20 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;**  
21 **Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**

22  
23 Ordinance No. 05-2015 was adopted at 6:55 p.m.

24  
25 **B. Public Hearing - Ordinance No. 27-2015, Amending Sections 58-34 and 58-37 of the**  
26 **City of Deltona's Code of Ordinances allowing for an 811 Report to Release City**  
27 **Easement Abandonment, at second and final reading - Chris Bowley, Planning and**  
28 **Development Services Department (386) 878-8602.**

29  
30 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

31  
32 **Motion by Commissioner Honaker, seconded by Commissioner Herzberg to approve**  
33 **Ordinance No. 27-2015, amending Sections 58-34 and 58-37 of the City of Deltona's Code of**  
34 **Ordinances that allows for either a utility letter of release or an 811 Report within the City**  
35 **easement abandonment process.**

36  
37 City Attorney Becky Vose read the title of Ordinance No. 27-2015 for the record.

38  
39 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTIONS**  
40 **58-34 AND 58-37, OF ARTICLE IV, “APPLICATION”, OF CHAPTER 58, “STREETS,**  
41 **SIDEWALKS AND OTHER PUBLIC PLACES”, OF THE CODE OF THE CITY OF**  
42 **DELTONA, BY PERMITTING AN 811 REPORT IN LIEU OF UTILITY COMPANY**  
43 **LETTER OF RELEASE FOR CITY EASEMENT ABANDONMENT; AND PROVIDING**  
44 **FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

45  
46 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**

1 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;**  
2 **Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**

3  
4 Ordinance No. 27-2015 was adopted at 6:58 p.m.

5  
6 **10. OLD BUSINESS:** None.

7  
8 **11. NEW BUSINESS:** None.

9  
10 **12. CITY ATTORNEY COMMENTS:** None.

11  
12 **13. CITY MANAGER COMMENTS:**

13  
14 Ms. Shang stated it is the time of the year to talk about health insurance; staff has been working  
15 really hard and has been able to negotiate a lower rate. Initially, the City was faced with a 34%  
16 increase but, now staff has been able to negotiate that increase down to 12% to 14% depending on  
17 which plan is selected. There is an increased deductible, the plan will have a 15 month period rather  
18 than a 12 month period and there will be a 5% increase in the dental rates.

19  
20 **Mrs. Shang requested authorization to accept those rates with United Healthcare and the**  
21 **Commission concurred, however, next year the health insurance should be put out to bid**  
22 **(2017).**

23  
24 **14. CITY COMMISSION COMMENTS:**

25  
26 a) Commissioner Smith congratulated Captain Eagan, staff and everyone who took part in  
27 the success of the National Night Out event. The event gets bigger every year and it may be time  
28 to think about a larger venue for the event if it keeps growing like it is.

29  
30 b) Commissioner Nabicht stated the Commission voted tonight on a document that affects  
31 the emergency management operation in the City and he would like the City Manager to work  
32 with the Fire Chief on setting up a mock Emergency Operations Center (EOC) exercise, there are  
33 a lot of new personnel and it is a new budget year so if there is anything that needs to be talked  
34 about for budget he would like to be able to do that but, it should be a different type of event  
35 from what was done the last time. He stated the next workshop is going to be on the Waste Pro  
36 contract and he is not going to be there and he wants to make the Commission aware of his  
37 position. He congratulated Waste Pro for making an effort, hearing the complaints, endeavoring  
38 to get out there and he met with one (1) of the new bosses who has been working the streets of  
39 Deltona and not just sitting behind a desk. Although Waste Pro has been making an effort to  
40 have the trash picked up on time one (1) of his issues is the yard waste and moving toward  
41 picking up whatever yard waste is put out and working within the present contract with the  
42 dollars the City has and if it is not Waste Pro then possibly looking at the cost for Public Works  
43 to take on picking up the yard waste. He stated he is paying the same fee for yard waste whether  
44 he puts any out for pick up or not but, when a tree is trimmed it is very easy to put out four (4) or

1 five (5) piles of debris. He requested to have a conversation with Waste Pro about what can be  
2 done to get all the yard waste picked up and making it more convenient for the residents.

3  
4 Mayor Masiarczyk stated the residents need to be educated because a lot of the fault lies with the  
5 people and the lack of education as to what can be put out and how much. Commissioner  
6 Nabicht stated it is the Commission's job to educate the public and what happens is instead of  
7 educating the individual homeowner when there is a problem, Waste Pro just does not pick up  
8 what is left out which results in a complaint and it ends up becoming an adverse relationship.

9  
10 Commissioner Nabicht stated with regards to the comments made by Ms. Gibson, he takes great  
11 exception to her having the platform in front of the Commission and stating information the way  
12 that she did. He stated the City has a very competent building department, a very competent  
13 inspection team (Code Enforcement, Fire, Building), and she has obviously been aggrieved for  
14 some time, there has been a hearing, and it is a problem that has been ongoing for five (5) years.  
15 He stated these problems need to get resolved at a staff level with the City Manager because for  
16 someone to have to come before the Commission to give all that information and it is the  
17 person's right to do that but, the Commission has no documentation on the issue and half the  
18 Commission probably does not even know what the issue is. He stated he hopes staff gets back  
19 with the woman and the Building Official to mediate the issue so that she does not have to come  
20 before the Commission every week to provide the whole story and in turn the City Manager can  
21 provide that information to the Commission.

22  
23 Mrs. Vose stated she is familiar with the issue, there was litigation over the issue and she lost.  
24 She sued the roofer and there were depositions by the City's employees who did absolutely  
25 nothing wrong. Her complaint with the roofers was she felt her shingles should have five (5)  
26 nails in each shingle instead of the recommendation of three (3) nails in each shingle and she  
27 expected the Code Officers to enforce her expectations rather than what was required. She stated  
28 it was fully litigated in the court, she does not know how much more staff can do and she does  
29 not think the City can mediate any sort of a settlement because staff did not do anything wrong  
30 and a court stated the roofer did not do anything wrong.

31  
32 Commissioner Nabicht thanked Mrs. Vose, he was looking for someone to come forward and get  
33 the story on the record. City staff takes a lot of grief and certainly people have the right to  
34 question things but, when the Building Official does follow accepted practices in the industry  
35 and someone comes to a meeting to provide information, the Commission needs to get the whole  
36 picture, it needs to be on the record because it is not good for the public to have misinformation  
37 and lose confidence in staff.

38  
39 Mayor Masiarczyk thanked Mrs. Vose for her comments for the viewing public and that he was  
40 not aware of the history of the situation.

41  
42 c) Vice Mayor Schleicher thanked Commissioner Nabicht for filling in at a meeting in her  
43 neighborhood regarding cleaning up a lake and she is glad that Commissioners fill in for each  
44 other when needed. She reminded everyone that school starts next Monday and to please leave  
45 plenty of time to get to work through the school zones. She thanked Captain Eagan and staff for

1 the National Night Out event. She stated she attended her 50th reunion which brought into  
2 perspective how much time flies by and how little she realized how quickly the years go by and  
3 to appreciate everything the City does because it changes very fast and how easy it is to not  
4 being aware of all the changes. She stated she is planning on a presentation in September on the  
5 Thornby "HERE" (Historical Educational Recreational Environmental) Project, she has some  
6 impressive things to share and it will be at an upcoming workshop so the Commission can get  
7 questions answered.  
8

9 d) Commissioner Honaker stated an excellent job was done at the National Night Out event  
10 where employee Rubin Rodriguez and his daughter were recognized by the Beacon newspaper.  
11 He reminded everyone that school starts next Monday and to be careful on the roads and that he  
12 and the City Manager attended the 5K Run/Walk at New Hope Baptist Church for one (1) of the  
13 assistant pastors who needs a double lung transplant. He attended the Cultural Dance and Art  
14 Recital at the graduation on Saturday night at New Hope Baptist Church where there was  
15 dancing and singing to include the lyric "If God be with us who could be against us." He  
16 requested to add to a workshop a Fire Department budget review to look at an engine  
17 replacement, if the Fire Department is picking up more emergency operations and looking at  
18 expanding operations to Volusia County then possibly purchasing another rescue vehicle besides  
19 the one (1) already in the budget. Also, the firefighter volunteer program needs to be re-  
20 discussed.  
21

22 e) Commissioner Herzberg stated at the Florida League of Cities annual conference there  
23 was a lot of discussion on utility relocation which is coming forward again and she explained the  
24 Bill for the public. Relocating the utilities would be cost prohibited for a City, one (1) City did a  
25 project that had the Bill passed it would have added \$4 million onto the cost of the road project  
26 and the City would not have been able to do the project to expand a four (4) lane highway. This  
27 is something that came up in the last session in Tallahassee, it has not gone away, a utility  
28 company had said there are about 60 lobbyists lobbying the legislature to try and get this Bill  
29 passed. The only way that is not going to happen is to lobby the local legislative delegation as  
30 well as those outside of that. The Commission will get more information as the session starts  
31 but, unfortunately most of the elected officials in Volusia County did vote for the Bill the first  
32 time around.  
33

34 Commissioner Nabicht stated he talked to Eric Raimundo, Representative Santiago's aide, who  
35 stated there was bipartisan support both in the House and Senate for the Bill and Mr. Raimundo  
36 seemed to be well versed on the subject and he suggested to direct the City Manager to invite  
37 Mr. Raimundo, Representative Santiago and Deltona's Lobbyist to come to a workshop to  
38 provide more information to the Commission on the issue.  
39

40 Commissioner Honaker stated most of the legislature is leaning in favor of it as well as leaving  
41 paragraph "j" which stated the cities will pay for the utility relocation cost because the franchise  
42 agreements that cities enter into with utility companies should pay for it.  
43

1 Commissioner Nabicht stated there was framework in the legislation but, it was not for every  
2 project. He stated Staff needs to get someone from the Florida League of Cities, Deltona's  
3 Lobbyist and someone from Representative Santiago's office to provide a good overview.  
4

5 Commissioner Herzberg stated it would not be every City in the State so concerned about this if  
6 there was not going to be such a big financial impact to the cities it would not be a big deal. The  
7 communication services tax is going to come back again but, Senator Hukill was kind enough to  
8 not ding the cities on that and if it stays that way that the City does not lose any revenue from it  
9 then it is okay. Property taxes only cover a 3rd of the budget and the rest is brought in by other  
10 forms of revenue from the State. A lot of the legislators have never been a City or County  
11 Elected Official, it looks good at their level to cut everything but, they do not realize the cities  
12 and counties have to pick up the costs by charging the resident for it. The networking roundtable  
13 discussed streamlining public records, ride sharing, equipment sharing, looking at undervalued  
14 real estate, community gardens, an online permit hub, "See Click Fix" which is where residents  
15 report nonemergency issues to government and some of these are fascinating concepts that may  
16 not work for Deltona but, even if the City could do just one (1) to make it easier for residents or  
17 it could open up another source of revenue that would be good. She wished Mayor Masiarczyk a  
18 Happy Birthday and presented him with a birthday card and the Mayor thanked the Commission.  
19

20 f) Commissioner Soukup stated he attended his first National Night Out and agreed with  
21 Commissioner Smith that a bigger venue may be needed. He stated he brought his daughters  
22 kicking and screaming but, when it was time to leave they did not want to go. He stated he  
23 posted on Facebook that Paxton Lynch a graduate from Trinity Christian Academy is on the  
24 Heisman watch list and he is proud that a Deltona kid is mentioned in that arena.  
25

26 Mayor Masiarczyk asked Commissioner Soukup to provide that information to Public  
27 Information Officer Lee Lopez.  
28

29 g) Mayor Masiarczyk stated National Night Out is great every year, there are some real  
30 concerns about school starting because of detours on Providence Blvd. and construction on  
31 Howland Blvd. and there will be serious bottlenecking and to be careful driving on Monday. He  
32 stated most branches of the military have a delayed entry program for students getting out of  
33 high school that can sign up to go into the military but, may not have a job assignment and there  
34 is a meeting monthly. The United States Air Force has chosen Deltona's Veterans' Memorial  
35 Park and has actually adopted the park and there were 231 flags retired on Saturday morning. He  
36 thanked Ms. Shang for being in attendance, the Air Force recruiter and the people of the delayed  
37 entry program. He stated the Public Service Commission (PSC) sets the rates for the utilities and  
38 are guaranteed to make a profit, they are using the City's right-of-ways under permits that the  
39 City provides, they should continue to pay the cost to relocate the utilities, major relocates are on  
40 County and State roads, most of Deltona is side roads and he supports utility companies  
41 continuing to pay for utility relocation like they have been required to do in the past.  
42

43 Commissioner Herzberg stated this is a discussion to have before dedicating any roads from the  
44 County to the City.  
45

1 Mayor Masiarczyk stated he is not for taking over any County roads. He thanked Captain Eagan  
2 and he asked everyone to be careful at the Howland Blvd. construction during school hours and  
3 to respect the property owner's rights by not trampling on or parking on lawns.

4  
5 Commissioner Nabicht stated team WEVO, West Volusia Youth Baseball group, won the Dixie  
6 World Championship in Lexington, the team will be coming before the Commission, the kids  
7 have a tremendous amount of spirit and this is their second world series in a row.

8  
9 Mayor Masiarczyk stated when Commissioner Lowry proposed the sign at the entry to the City it  
10 was discussed to rotate the teams by removing the oldest and putting on the newest.

11  
12 **14. ADJOURNMENT:**

13  
14 There being no further business, the meeting adjourned at 7:25 p.m.

15  
16  
17 **ATTEST:**

\_\_\_\_\_  
**John Masiarczyk Sr., Mayor**

18  
19  
20 \_\_\_\_\_  
**Joyce Raftery, CMC, City Clerk**

21