



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, October 5, 2015

6:30 PM

Deltona Commission Chambers

1. CALL TO ORDER:

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

2. ROLL CALL – CITY CLERK:

Present: 7 - Commissioner Heidi Herzberg
Commissioner Gary Mitch Honaker
Commissioner Chris Nabicht
Commissioner Diane J. Smith
Commissioner Brian Soukup
Vice Mayor Nancy Schleicher
Mayor John C. Masiarczyk Sr.

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation presented by Vice Mayor Schleicher.

Vice Mayor Schleicher thanked Mr. Nick Pizza with Pizza Family Ministries and Youth Explosion for providing the invocation on such short notice because Reverend Carolyn Shine cancelled at the last minutes because she was not feeling well.

The National Anthem was sung by Isabel Rios, 7th Grader from Galaxy Middle School.

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes - Special Commission Meeting, Regular Commission Meeting and Special and Executive Session Meeting of September 21, 2015 - Joyce Raftery, City Clerk (386) 878-8502.

Motion by Commissioner Honaker, seconded by Commissioner Herzberg, to approve the minutes of the Special Commission Meeting, Regular City Commission Meeting and the Special and Executive Session Meeting of September 21, 2015, with the following changes: Agenda Cover Memo, under potential motion change “ans” to “and”; SCM, Page 2, Line 14 should read “Program Budget Advisory Committee”; RCM, Page 1, Line 27, change “ledge” to “led” and Line 38, change “Commissioner Vice Mayor..” to “Vice Mayor”; and SCM & EXE,

Page 1, Line 48, remove the word “unanimously”. The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Nabicht, Commissioner Smith, Commissioner Soukup, Vice Mayor Schleicher, and Mayor Masiarczyk Sr.

Commissioner Nabicht requested the following Add-On Item: Discussion re: Trap Neuter and Release (TNR) and Code Enforcement and the Commission concurred.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Super Star Student of the Month Certificates for September 2015

Mayor Masiarczyk and the Commission presented Certificates of Recognition to the Super Star Students for the month of September, 2015 and Mayor Masiarczyk recognized the parents of the Super Star students as well as the school faculty who were present.

6. CITY COMMISSION SPECIAL REPORTS:

None.

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.

a) David Martin, 2940 Harper Street, Deltona, was called to speak and he spoke about the fence ordinance, specifically for residents located on corner lots, the size of his lot, the guidelines for a privacy fence specifically on a corner lot, the ordinance needing to make sense, and that it is not about beautification but, privacy.

b) John DuPont, Westbrook Housing, 188 Sea Hammock Way, Ponte Verde, was called to speak and he spoke about an affordable senior housing project which was proposed to staff, needing to secure the City’s support for the project by 11:00 a.m. on October 15, 2015 or the opportunity will not present itself again for another year, this is supported by federal tax credits, the facility would house seniors 55 and older, the facility will provide beautiful and well managed assets to the community, and there is a need for this type of housing in the City. He asked that the Commission discuss the proposed project tonight or he will miss the opportunity to apply for the funds.

The Commission and Mr. DuPont discussed the City Manager doing her due diligence and reporting back to the Commission in a day or two (2), how the project would bring money to the City, the value of the project, the soft/hard cost for the project being \$12 million and the credits that may be awarded being \$11 million (\$7 million in construction, \$400,000 in fees paid to the City), he is asking for a pledge of \$50,000 so the application will be accepted by the State, maintenance of the facility if the property is sold, there being a compliance holding period of 15 years per the contract, there not

being a lot of back-up material, there are 60 units, that he first approached staff with the project the first week in September, the rental structure being per household average medium income (AMI) (FL \$50,000), the rental structure being for residents that make 40% and 60% of the AMI, the Volusia County Property Appraiser providing a market value that did not reflect the low income rents, the millage on the property will be 24 for the County and approximately 8 for the City, and the appraisal will be adjusted due to low revenue of the rents.

c) Dr. Lester Carrero, 1948 Saxon Blvd., Deltona, was called to speak and he spoke about the City's website stating "Open For Business" and he felt the City was not open for business, he spent \$20,000 to open up his business and still does not see a future in it, talking to several people who have tried to open a business in Deltona and gave up just to open businesses in surrounding cities, the biggest problem is not enough space for parking, he keeps investing money but, in the end he has nothing to show for it, being told by staff that the project would work in the City, and that he would have rather been told at the beginning of the process that he could not start his business at that location.

Mayor Masiarczyk stated staff would have to provide information on the issue.

The Commission and staff discussed the application coming in as a conditional use, medical office designation in the Code generated a larger parking area, the definition was changed and staff made an interpretation that it is an "office" rather than a "medical office", the last time staff saw the project was in design, the parking lot was reduced, the applicant wanting to keep the pool, there needs to be a stormwater management facility and an access location, converting a house that is greater in intensity, the Florida Department of Transportation (FDOT) is also looking at putting in a retention pond in the area, the reality of FDOT taking the homes on Saxon Blvd., there was a pond letter which explained the taking event by FDOT in the next two (2) to five (5) years, there will be the widening of Saxon Blvd. known as the Beyond Interstate 4 project, the possibility of utilizing parking at the coin store across the street, the issue centering around parking and buffering, the City not needing the zoning designation of "office residential", the Commission creating an exception or variance for the use of parking at Wenger Coins store, the use of the other business' parking area being contingent on the approval of the business owner of Wegner Coins, staff helping to broker the deal for parking between the two (2) businesses, and the business needing five (5) parking spaces plus one (1) handicap parking space.

CONSENT AGENDA: All items marked with an * will be considered by one motion unless removed from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

8. CONSENT AGENDA:

None.

9. ORDINANCES AND PUBLIC HEARINGS:**A. Public Hearing - Ordinance No. 14-2015, Amending the Deltona Welcome Center Business Planned Unit Development (BPUD), at second and final reading - Chris Bowley, AICP, Planning & Development Services Department, (386) 878-8602.**

Commissioner Nabicht asked Mr. Bowley, to share with everyone the lengths the City went through to persuade Volusia County to approve the right-in and right-out off of Doyle Road and what the outcome was and Mr. Bowley explained the process the item went through.

Mayor Masiarczyk stated on Taylor Road and 17-92 there is a Circle K being built with a right-in and right-out on both county roads and approved by Volusia County. There being right-ins and right-outs all over the county on county roads that have been allowed. He asked why and what regulation stipulates that the City cannot have this right-in and right-out or is it being done by their best guesstimate. Mr. Bowley replied the county points to unsafe conditions.

Commissioner Nabicht stated he had asked for a report from the Volusia County Sheriff's Office (VCSSO) or the Florida Highway Patrol (FHP) for signalized intersections within the City where there is a right-in and right-out or a driveway with no left hand restriction within 250 feet of the signalized intersection which would show how many crashes occurred where the driveway was a contributing factor and he has not received a report.

Ms. Shang replied she asked that question and the information is not available.

Mayor Masiarczyk opened the public hearing.

Larry Kent, 235 River Village Drive, DeBary, was called to speak and he spoke about the location which he lives by, that he goes through the intersection as many as six (6) times a day, there does not seem to be a traffic problem in the area even during peak times, that he read the traffic report, the City is up against democratic bureaucrats, he did not see in the agenda packet the socio-economic effect it would have on the City and the County, the average purchase for a gas station of that capacity, the business generating a large amount of gas tax, and the gas station being needed in this location.

Commissioner Herzberg stated it is unfortunate the City did not get the right-in and right-out from the county, the City's willingness to work with Race Trac and go to the county to try and get the access granted shows a willingness on behalf of the City that "we are open for business" and she believes that should the project go through it would help that area by being a busy gas station, being lit up, and would generate positive activity.

Motion by Commissioner Herzberg, seconded by Commissioner Nabicht, to adopt Ordinance No. 14-2015, amending the Deltona Welcome Center

Business Planned Unit Development (BPUD) to allow for more than one gas station/convenience store on lots two and three and to permit one right-in and right-out access point each on Deltona Blvd. and DeBary Ave., at second and final reading.

Tom Sullivan, Gray Robinson Law Firm, 301 East Pine Street, Orlando, was called to speak on behalf of Race Trac and he thanked each of the Commissioners for being a partner with Race Trac and it is appreciated. In his career he could not think of a Commission that had gone out of its way to work shoulder to shoulder on a project. Race Trac would appreciate the Commission's unanimous approval of this item, he is trying to regroup and approach the County with a slightly different proposal which is why the approval tonight is important. He stated there needs to be access on DeBary Avenue for the project to work.

The Commission and Mr. Sullivan discussed contacting each of the County Councilmembers regarding this item and at least two (2) who stated they would approve it, there being an older easement over the frontage of DeBary Avenue, there being a lot of changes and circumstances over the intervening years, the County made some very general comments about traffic, Race Trac submitted a detailed traffic report which the County refused to review, and Race Trac not yet receiving a rebuttal, response or alternative from the County regarding the report.

Commissioner Soukup asked the City Attorney if there is anything the City can do.

Mrs. Vose replied the City could pass a resolution requesting that the County approve the right-in and right-out access on DeBary Avenue and that tonight's adoption is a formal action on the item. Mr. Sullivan replied that the way the motion was made was very clear.

Commissioner Honaker recommended adopting a resolution because it shows the Commission's resolve.

Mike Williams, 2889 Cottageville Drive, Deltona, was called to speak and he spoke about getting the item on the County's agenda and having everyone show up in mass to face the County and request the item be approved and pushed forward.

Commissioner Herzberg stated the item was on the County agenda, that she attended the meeting and spoke in favor of the project, the County provided the right-in and right-out on Deltona Blvd., and she explained the original agreement between the City and the County for the existing easement.

Commissioner Nabicht stated since the original easement has been there, there has been a complete realignment of Doyle Road, a median being put in place, and a traffic light being installed so the entire traffic system that the easement was created to help control has changed. Economic development is about change and reinventing ourselves, Volusia County is supposed to be a partner in economic development with the cities and there has been no effort on the County's part to partner with Deltona. He

stated he checked with FDOT and if this was a State Road which typically has a higher volume of traffic the requirement would be 200 feet, this is 250 feet, and it would be allowed. He stated looking at the traffic analysis the only way the traffic can get back onto Doyle Road to get to the interstate is to come back out at the intersection on Welcome Center Drive which now there will be traffic making a right turn on Doyle Road going west bound with a blind curve to the east of them onto Doyle Road. That the City Fire Department and VCSO respond to that area so the impact is on the City, and that he proposed to the City Manager to offer the County to get a 3rd party traffic engineering firm to review the traffic study and whatever comes of it both sides would agree but, the County will not agree.

Maritza Avila-Vazquez, 752 Waterfall Circle, Deltona, was called to speak and she questioned how much support the City receives from Councilman Lowry.

Mayor Masiarczyk closed the public hearing.

Mayor Masiarczyk stated that the County Council as a whole would not support the item but, Councilman Lowry did pull the item from the agenda.

Commissioner Herzberg stated Councilman Lowry wanted to table the entire item but, it was decided it would be better to approve the Deltona Blvd. right-in and right-out because it was a sure thing rather than risk losing both right-ins and right-outs.

City Attorney Becky Vose read the title of Ordinance No. 14-2015 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE DELTONA WELCOME CENTER BUSINESS PLANNED UNIT DEVELOPMENT AGREEMENT FOR THE FOLLOWING PARCELS: LOT 2, DELTONA WELCOME CENTER, MAP BOOK 45, PAGE 17 AND LOT 3 DELTONA WELCOME CENTER REPLAT, PER MAP BOOK 50, PAGE 37, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOTALING APPROXIMATELY ±1.98 ACRES; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Nabicht, Commissioner Smith, Commissioner Soukup, Vice Mayor Schleicher, and Mayor Masiarczyk Sr.

Ordinance No. 14-2015 was adopted at 7:42 p.m.

B. Public Hearing - Ordinance No. 15-2015, Rezoning ±9.28 acres located within the Deltona Activity Center from R-1AA to Mixed Use Planned Unit Development (MPUD), at second and final reading - Chris Bowley, AICP, Planning and Development Services Department (386) 878-8602.

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

comments.

Motion by Vice Mayor Schleicher, seconded by Commissioner Herzberg, to adopt Ordinance No. 15-2015, the Gold Choice Mixed Use Planned Unit Development (MPUD) rezoning, with the proposed changes to the MPUD Development Agreement, at second and final reading.

City Attorney read Ordinance No. 15-2015 for the record.

AN ORDINANCE 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 ±9.28 ACRES LOCATED NORTH OF FIRWOOD DRIVE ON NORTH NORMANDY BOULEVARD IN THE DELTONA ACTIVITY CENTER FROM R1-AA TO MIXED USE PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Nabicht, Commissioner Smith, Commissioner Soukup, Vice Mayor Schleicher, and Mayor Masiarczyk Sr.

Ordinance No. 15-2015 was adopted at 7:44 p.m.

C. Public Hearing - Ordinance No. 16-2015, Amending Section 110-311(a) of the RM-2, Multiple Family Residential Dwelling, zoning classification, at second and final reading - Chris Bowley, AICP, Planning and Development Services Department (386) 878-8602.

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

Motion by Commissioner Nabicht, seconded by Vice Mayor Schleicher, to adopt Ordinance No. 16-2015, amending Section 110-311(a) of the RM-2, Multiple Family Residential Dwelling, zoning classification, at second and final reading.

City Attorney Becky Vose read the title of Ordinance No. 16-2015 for the record.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, BY AMENDING AND REVISING THE PROVISIONS OF CHAPTER 110 SECTION 311, RM-2 MULTIPLE FAMILY RESIDENTIAL DWELLING DISTRICT, OF THE CITY OF DELTONA CODE OF ORDINANCES; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Nabicht, Commissioner Smith, Commissioner Soukup, Vice Mayor Schleicher, and Mayor Masiarczyk Sr.

Ordinance No. 16-2015 was adopted at 7:45 p.m.

Mayor Masiarczyk passed the gavel to the Vice Mayor and left the meeting at 7:45 p.m.

D. Public Hearing - Ordinance No. 17-2015, adopting a temporary moratorium on the processing of applicatoins proposing to use a package plant, at first reading - Chris Bowley, Planning and Development Services Department (386) 878-8602.

Mr. Bowley provided a brief overview of the item.

Commissioner Nabicht asked if the current application by Lake Sydney would be affected and Mr. Bowley replied it would affect all applications both existing and proposed.

Mrs. Vose replied there is a problem legally with enacting a moratorium after there has been an application, she will do some additional research but, the ordinance is specific and only applies to areas that have been blighted.

Mayor Masiarczyk returned to the meeting at 7:52 p.m.

The Commission discussed being able to deny a request for a conditional use for someone who is in the process right now even without this ordinance, and if the applicant has paid the fee for the conditional use and refunding the fee.

The Commission concurred to have staff contact the applicant to refund the application fee for the conditional use based on the Commission's decision at tonight's meeting.

Mayor Masiarczyk opened the public hearing.

Larry Kent, 235 River Village Drive, DeBary, was called to speak and he spoke about what the motivation is for the ordinance, a lot of people not liking package plants, he talked about his experience with package plants, the City of Dunedin and infrastructure being put in place for package plants, and he encouraged the City to study it.

Commissioner Herzberg stated she supports this because it is right by a lake, the State Legislature looking to put in another septic tank bill, the future of septic tanks in Florida is being brought up again and what will happen with the water supply, the City installing a new wastewater treatment plant, the City working on a lot of projects that show initiative in terms of trying to maintain clean water and to allow a package plant on a body of water is not the right thing to do at this point. She stated she intends on sending

the ordinance to those State Senators that are looking at the septic issues because as a City we want to project a positive view and try to get State money for Deltona residents.

David Martin, 2940 Harper Street, Deltona, was called to speak and he spoke about being a project manager for a large builder in Deltona, the septic issue relating to the Health Department and their requirements, whether a study had been done to show the negative impact of septic systems on the water supply and the environment, properly designed septic tanks recharge the water supply, septic tanks help recharge the ground water, that septic systems have a time stamp on them, septic tanks being replaced due to not pumping the tanks regularly, the advantage to being put on City sewer, either way residents will pay, to take a look at Palm Coast's system called a Pretreatment Effluent Pumping (PEP) System, and that with the geography of Deltona a gravity feed may not be the right option.

Mayor Masiarczyk closed the public hearing.

Motion by Commissioner Nabicht, seconded by Commissioner Honaker, to approve Ordinance No. 17-2015 that allows for a temporary moratorium on the processing of applications that propose use of a package plant, at first reading and to schedule second and final reading for November 2, 2015.

City Attorney Becky Vose read the title of Ordinance No. 17-2015 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADOPTING A TEMPORARY MORATORIUM ON THE PROCESSING OF DEVELOPMENT APPLICATIONS THAT INCLUDE A REQUEST TO UTILIZE AN ON-SITE PACKAGE PLANT FOR WASTEWATER DISPOSAL PENDING A COMPREHENSIVE REVIEW OF ISSUE AND ENACTMENT OF REGULATIONS RELATING TO SAME; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Nabicht, Commissioner Smith, Commissioner Soukup, Vice Mayor Schleicher, and Mayor Masiarczyk Sr.

Ordinance No. 17-2015 was adopted at 8:04 p.m.

Commissioner Nabicht asked the Commission to direct the City Manager to schedule the sign ordinance for a workshop and Mayor Masiarczyk questioned since the Commission did not have a lot of comments on the ordinance maybe it could go right to a Regular Commission Meeting.

Larry Kent, 235 River Village Drive, DeBary, was called to speak about providing the Deltona Business Alliance's (DBA) version of the sign ordinance by the July 1st deadline, the ordinance was then changed by staff but, there has been no further

discuss with the DBA to go over the differences between the two (2) versions of the ordinance. He stated it has been said that this sign will not comply with the new ordinance, there is no new ordinance, there has been no discussion and he does not feel it is acceptable to make changes to the DBA's version of the ordinance and not at least discuss the changes with them.

Mayor Masiarczyk stated a workshop would need to be scheduled.

Commissioner Herzberg stated she will be sending visuals of different signs and she would like to know if they are or are not acceptable and Mayor Masiarczyk suggested that staff take pictures of signs around town and provide them at a workshop for discussion.

Vice Mayor Schleicher asked if the workshop would be a joint meeting with the DBA and Ms. Shang replied that can be done.

E. Public Hearing - Ordinance No. 18-2015, allowing for the ability to submit a comprehensive sign plan for renovated commercial development in blighted areas, at first reading - Chris Bowley, AICP, Planning and Development Services Department (386) 878-8602.

Mr. Bowley provided a brief overview of the item.

The Commission discussed a sign being approved without having to do with its content and if that law would reflect the City having to allow these types of signs, the content of the signs can be anything the business owners want them to be, the ordinance applying specifically to areas that have been blighted which is an allowable distinction, and that at this location there would be a sign with two (2) legs and an open area which would allow all tenant's names on the sign.

Mayor Masiarczyk opened the public hearing.

Larry Kent, 235 River Village Drive, DeBary, was called to speak and he spoke about the City working on a new sign ordinance and it reaching out to the DBA, the DBA providing a draft sign ordinance which was condensed from 10 pages to five (5), his concern being that this ordinance came up prior to the purchase of the property, that the property owner would have been able to do what it wanted under the proposed sign ordinance provided by the DBA, and the biggest problem being that it calls for a comprehensive sign plan for staff to approve, the Planning and Zoning to approve and the City Commission to approve. He explained the process of providing drawings to staff and the length of time and money spent on the process. He suggested the City handle this issue the same way it did when he installed the digital sign at the Burger King located on Elkcam Blvd. and he feels the ordinance is unnecessary.

The Commission and staff discussed there being no stipulation of time in the ordinance, that the applicant would have to come back and present plans to the City again, when the sign ordinance will come before the Commission, the sign ordinance was sent to the

Commission for review and no feedback being sent to the City Attorney, if passing this ordinance would complicate matters when the sign ordinance comes before the Commission in a couple of months, a Community Redevelopment Area (CRA) coming in to help bring the area into compliance, the applicant requesting the ordinance and providing the design of the signs that do not now meet City code nor would they after the sign ordinance is passed, the sign will be good for the shopping center to get those businesses up and running, adapting an ordinance for this applicant, having temporary signage for six (6) months until the revised sign ordinance is adopted, there being too many variables, it being possible before second reading to place a time limit on it, having a sign ordinance that is workable for everyone, the reasons why the proposed sign would not meet the proposed new sign ordinance, what ordinances the Commission receives for review and comments, businesses spending thousands of dollars on signs, and not having special rules for certain people.

Ms. Shang stated there are some situations where height may need to be considered and she asked the Commission to consider the location and the facility. There is appropriate signage for different areas of the City and she is asking that when reviewing the sign ordinance the City allow that accommodation to the location. She stated she does not think there is a one (1) size fits all and what staff is trying to do in this instance is there was an owner who made a request, who is trying to market the facility for tenants and the hesitancy is that the plaza is very deep and someone may not know what stores are in the plaza without the signage. She stated there was a review done, she can provide photos of the signage and that after looking at it this may be a standard that the Commission may want to adopt.

Smiley Thurston, 608 Saxon Blvd., Deltona, was called to speak and he spoke about the premise for adding the signage to help rent spaces and having dealt with the new owner, they are not willing to offer very much of an incentive in renting the spaces, they want top dollar for them and signs are not a reason whether the business is going to make it or not.

David Martin, 2940 Harper Street, Deltona, was called to speak and he spoke about signs serving a public function, going to cities that have gone to the extreme with sign ordinances and he referenced the Port Orange Wal-Mart sign, when looking for businesses you want to be able to visibly see the sign, considering the public and transportation function and how the sign serves the business.

Mayor Masiarczyk closed the public hearing.

Motion by Commissioner Nabicht, seconded by Vice Mayor Schleicher, to deny Ordinance No. 18-2015.

City Attorney Becky Vose read the title of Ordinance No. 18-2015 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 102, SIGNS, OF THE CITY CODE OF ORDINANCES, BY ADDING SECTION 102-80, COMPREHENSIVE SIGN PLAN FOR RENOVATED COMMERCIAL DEVELOPMENT IN BLIGHTED AREAS; PROVIDING FOR CONFLICTS, CODIFICATION,

SEVERABILITY, AND AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Nabicht, Commissioner Smith, Commissioner Soukup, Vice Mayor Schleicher, and Mayor Masiarczyk Sr.

Ordinance No. 18-2015 was adopted at 8:34 p.m.

Commissioner Nabicht asked the Commission to direct the City Manager to schedule the sign ordinance for a workshop and Mayor Masiarczyk questioned since the Commission did not have a lot of comments on the ordinance maybe it could go right to a Regular Commission Meeting.

Larry Kent, 235 River Village Drive, DeBary, was called to speak and he spoke about providing the DBA's version of the sign ordinance by the July 1st deadline, the ordinance was then changed by staff but, there has been no further discuss with the DBA to go over the differences between the two (2) versions of the ordinance. He stated it has been said that this sign will not comply with the new ordinance, there is no new ordinance, there has been no discussion and he does not feel it is acceptable to make changes to the DBA's version of the ordinance and not at least discuss the changes with them.

Mayor Masiarczyk stated a workshop would need to be scheduled.

Commissioner Herzberg stated she will be sending visuals of different signs and she would like to know if they are or are not acceptable and Mayor Masiarczyk suggested that staff take pictures of signs around town and provide them at a workshop for discussion.

Vice Mayor Schleicher asked if the workshop would be joint with the DBA and Ms. Shang replied that can be done.

F. Public Hearing - Resolution No. 2015-37, reaffirming, establishing and updating water and sewer rates, fees and charges - Gerald Chancellor, Public Works Department (386) 878-8998.

Mayor Masiarczyk opened the public hearing.

Dominick Delio, 510 Donaldson Drive, DeBary, on behalf of St. Vincent de Paul of Deltona, 1310 Maximillian Avenue, Deltona, was called to speak and he spoke about providing food and resources for those in need in Deltona, the number of increased requests for assistance with paying water bills, clients going from septic to sewer, the biggest struggle being with the non-payment fee and after hour payment fee, he proposes coming up with a solution for payment options, a possible credit or a

reduction for low income housing, having the water turned off can result in having children removed from the home or losing employment, and the fees being burdensome to low income occupants.

Commissioner Nabicht stated the Commission looked at the fee structure and the fee will be reduced in this action. The fact is that the utility is an enterprise fund running off the customers who pay into it, and if the cost is reduced then the cost is shifted to another part of the utility. The fee has been justified to cover the expense of the employee performing that reconnect action.

Maria del Pilar Hogan, 1627 N. Merrick Drive, Deltona, was called to speak and she spoke about living here since 1986 with average bills (\$30) through the years for three (3) occupants, in May her bill reflected no usage, in June her bill reflected a of 25,880 gallons used, in July it reflected 19,710 gallons used, her bill going from \$11 to \$150 and to \$85, in August the bill reflected 30,340 gallons used with no pool and sprinkler going Mondays and Saturdays, she is very conservative, she made a complaint to Deltona Water who had her do several tests throughout the day and night but, during this she was paying the bill and continued to call complaining. She stated reading the meter and learning the process she was able to argue that something was not right and sure enough there was a problem with the meter. The process took a lot of phone calls from talking to the first person who answered the phone, to going to upper manager, to simply having an employee come out and do a flow test which could not be done because the meter did not work. She requested that Deltona Water pay her back.

Mayor Masiarczyk stated the item on the floor is on the rates and he suggested she contact Gerald Chancellor, Public Works/Deltona Water Director, to have someone go back to figure out what her average rate per month was and readjust the bills as has been done in the past.

Commissioner Herzberg stated she had a similar thing happen, she was told there was a leak, she called a plumber and there was a leak and she was offered a curtesy leak adjustment.

Smiley Thurston, 608 Saxon Blvd., Deltona, was called to speak and he spoke about going two (2) years negotiating with Deltona Water on bills that went from \$150 to \$200 to over \$500, he quit using the sprinkler system and employees came out to look at the meter, he has a three (3) inch meter and pays twice as much for a gallon of water than his neighbor who has a one (1) inch meter, he has heard continual problems at City meetings regarding water, the meters are supposed to be sophisticated with the electronic reading but, he thinks there are serious problems that are not being adjusted, looked at or handled. He stated his water bill went up to almost \$800, he was only using the sprinkler system twice a week so he had to stop using it and when he first moved into the house the bill was around \$200.

Guido Capra 716 Paddington Place, Deltona, was called to speak and he thanked staff for checking the condition of the water, he questioned if the water problem had been fixed, if his water is still drinkable, that he lives in an area with the worst water quality

and he questioned why he should pay an increase in the rate. He stated he cannot drink his tap water, the acid is double the amount it should be, it may cause skin cancer, the City stating it is not liable because it notified him of the water quality, the City doing its own water evaluations, and the letter he received stated the problem was supposed to be fixed by January, 2015 but, he has not heard anything from the City.

Mr. Chancellor stated the chlorination system did go into effect January 19, 2015 as the letter, the website and public notices stated.

Mayor Masiarczyk stated the water is safe, from the City's legal standpoint the problem has been corrected.

Mayor Masiarczyk closed the public hearing.

Motion by Commissioner Honaker, seconded by Commissioner Herzberg, to approve Resolution No. 2015-37, reaffirming, establishing and updating water and sewer rates, fees and charges.

Mayor Masiarczyk read the title of Resolution No. 2015-37 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, REAFFIRMING INDEXING OF WATER, IRRIGATION, SANITARY SEWER ("WASTEWATER"), AND RECLAIMED USAGE RATES; ESTABLISHING RECLAIMED BASE RATES AND UPDATING CUSTOMER DEPOSITS, FEES AND CHARGES; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Nabicht, Commissioner Smith, Commissioner Soukup, Vice Mayor Schleicher, and Mayor Masiarczyk Sr.

Resolution No. 2015-37 was adopted at 8:53 p.m.

10. OLD BUSINESS:

None.

11. NEW BUSINESS:

AA. ADD-ON ITEM: Discussion re: Trap Neuter and Release (TNR) and Code Enforcement, requested by Commissioner Nabicht.

Commissioner Nabicht stated the Trap Neuter and Release (TNR) Program has been in effect in the City for a while and he was hoping to get a report that would show how affective the program was and have recommendations from staff on how to fine tune the program, improve it or to do away with the program. He stated he has been receiving phone calls from anonymous residents who will not put their complaints in writing that

allegedly there are some Code Officers or Animal Control Officers who are harassing the people volunteering to pick up the cats to take them to be neutered and returning them out into the colonies. He requested that the City Manager do a formal investigation into these allegations which he cannot substantiate. He stated he has discussed with the City Manager some less than favorable approaches and complaints and earlier in the budget year he had proposed that the Code Officers wear body cams. The Volusia County Sheriff's Office (VCSO) might be purchasing body cams for their deputies and this might be an opportunity to see what cost is involved and to see if City staff can be tied into it. He stated he would like to put to an end to any allegations of alleged inappropriate actions by the Code Enforcement Officers. He stated he knows most of the Code Enforcement Officers, he has worked side-by-side with them and he knows them to be people of integrity, to be people who attempt to educate and perhaps the newer Code employees are more overzealous but, short of the body cams this is a "he said, she said" situation unless someone is willing to place something on the record. He stated until this can be resolved and he as a Commissioner can in good conscious believe that the City is providing good customer service he is proposing to freeze the new Code Officer position that is approved in the budget until this can be investigated and a good determination can be made as to whether staff is making good use of their time, and are they being affective in the areas that the Commission wants them to concentrate on.

Ms. Shang stated that staff is preparing a report on the TNR Program in November, staff is waiting on the preliminary date and the report shows that the program is working.

Mr. Baker, Deputy City Manager, stated the Commission in the ordinance directed the City Manager to bring the report to the Commission after it had been in effect for one (1) full year which is November 3rd, he is already working on the report which is temporarily scheduled to come before the Commission on November 2nd and based on the numbers he has run the City has saved around \$34,000. He stated this is a work in progress and just recently the City has had some volunteers to come forward so now when staff receives a complaint about a cat, instead of Code Enforcement dealing with it, it is passed on to the volunteers which saves on staff time.

Commissioner Honaker stated this segways into a TNR release area which the Commission has not discussed and renaming the Code Enforcement Department.

The Commission concurred to have an update from staff regarding the TNR Program (The TNR report is tentatively scheduled to go before the Commission at the Regular Commission Meeting to be held on November 2, 2015).

A. Request for consideration of Commissioner Smith's appointment to the

**Deltona Economic Development Advisory Board. - Joyce Raftery, City Clerk
(386) 878-8502.**

Commissioner Smith explained that her appointment to Deltona Economic Advisory Board (DEDAB), Mr. Joe Cerrato, resigned and she appointed him to the Ordinance Review Committee (ORC). She also explained that Mr. Jerry Yaris had applied to the Ordinance Review Committee but, that she had already appointed Mr. Cerrato to that committee.

Motion by Commissioner Smith, to confirm Commissioner Smith's appointment of Jerry Yaris to the Deltona Economic Development Advisory Board for the remainder of a two (2) year term to expire on May 31, 2015.

Commissioner Honaker called a point of order, the person nominating the committee member would make the recommendation and another Commissioner would confirm the nomination for appointment.

Motion by Commissioner Honaker, seconded by Commissioner Smith, to confirm Commissioner Smith's appointment of Jerry Yaris to the Deltona Economic Development Advisory Board for the remainder of a two (2) year term to expire on May 31, 2015. The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Nabicht, Commissioner Smith, Commissioner Soukup, Vice Mayor Schleicher, and Mayor Masiarczyk Sr.

B. Request for consideration of appointments or re-appointments of eleven (11) members to the Affordable Housing Advisory Committee - Joyce Raftery, City Clerk (386) 878-8502.

Motion by Vice Mayor Schleicher, seconded by Commissioner Nabicht, to approve the Commission member's appointments for appointing Commissioners for sub-section a, c, d, e, f, g, h, i, k.

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

Commissioner Honaker suggested having this board of experts look at a packet that staff received in August, not as Planning and Zoning but, does this fit into affordable housing in Deltona's community and this should be added to the board's mission statement.

Mayor Masiarczyk stated the Affordable Housing Advisory Committee (AHAC) is set-up with a different mission, if this is something that the Commission wanted to add it would need to be discussed with staff to see if it would fit in, he does not know what the

requirements are for adding duties to the board, the board does require that specific people serve on it, the board operated under the Florida Statutes for State Housing Initiatives Partnership (SHIP) and he does not think the Commission can add to it.

Commissioner Honaker read the requirement of AHAC and Mayor Masiarczyk asked Mr. Bowley to look into the request. Mr. Bowley stated AHAC would need to complete its statutory requirement to provide its annual report and the committee has nine (9) of the 11 statutory members so staff is looking for someone who is engaged in the banking and mortgage industry in connection with affordable housing as required by the statute, as well as, one (1) citizen who represents employers within the City of Deltona.

The motion carried by the following vote:

For: 7 - Commissioner Herzberg, Commissioner Honaker, Commissioner Nabicht, Commissioner Smith, Commissioner Soukup, Vice Mayor Schleicher, and Mayor Masiarczyk Sr.

12. CITY ATTORNEY COMMENTS:

None.

13. CITY MANAGER COMMENTS:

None.

14. CITY COMMISSION COMMENTS:

Mayor Masiarczyk explained that Item 14-A is for staff to introduce a new agenda management system and the Commission will be going through a mock agenda and anyone that would like to stay can.

Commissioner Herzberg stated the Commission received an e-mail from a resident regarding the public meeting that took place regarding the proposed lighting at Manny Rodrigues Park. She stated the meeting was scheduled at the same time as the grand opening of the Deltona Health Park; she wanted the public to know that she was never notified of the public meeting so her absence at the meeting was not intentional. She questioned the decision to put lights at Manny Rodrigues Park and how much the park is used, she knows it was budgeted, she did not know where staff was in the process but, that the park is right in the middle of a residential area.

Mayor Masiarczyk stated that he attended the public meeting, he supported the Commission's decision for the lights at the parks, that the Commission as a body agreed on the placement of the lights but, he suggested that staff hold off until this can be discussed at length.

The Commission discussed not being informed of the public meeting, wanting a report of the meeting to include the number in attendance and what the consensus of the

public was, residents needing to be heard on the issue, that nobody spoke in favor of having the lights installed at the park, by the end of the public meeting the public understood why there was the need for the lights, the public having a lot of misinformation, trying to make it a pleasant transition for the public, the meeting being in connection with the approval to move the project forward, and that the Commission should not be going over the same topics over and over and staff should be carrying forward the Commission's decision.

Ms. Shang stated it was the direction of the Commission to move forward with the project and that notice is provided to the surrounding neighborhood. Everyone wants more capacity but, not in their backyard but, the City cannot function as a City that way. There is always going to be some inconvenience when there is change and she believes that most of the neighbors heard that and understood. This is a way to provide more capacity, staff will try to accommodate resident's concerns and she will provide a staff report as requested.

The Commission discussed that the project does not need to be re-discussed, not wanting to delay the project, that the public meeting should have been done prior to the budget process for the project and the perception of having a public meeting after the decision had already been made, the resident's perception, and that meetings or events not be scheduled at the same time so Commissioners do not feel like they have to choose which meeting or event to attend.

Ms. Shang stated she will work with staff to make sure that the Commission is fully informed of meetings that occur.

Commissioner Honaker stated he could not make the Deltona Health Park or the Wal-Mart grand openings but, he did arrive later and it was well received by the entire community. He attended the Latin Arts and Music Festival which was a great event, this Wednesday, October 7th, is the Italian Heritage Month at the Sons and Daughters of Italy from 5:00 to 8:00 p.m. with the dinner being served at 4:30 p.m. On Sunday, October 11th there is the Pink Feet Scenic 5K or 10K on Courtland Blvd. at 5:30 a.m. and benefiting breast cancer. The Bethune Cookman soccer games at Dewey O. Boster Sports Complex are on Sunday, October 11th with the female soccer game is at 1:00 p.m. and the male soccer game is at 4:00 p.m.

Vice Mayor Schleicher reminded everyone on Saturday, October 17th is the Community Visioning Session in the Commission Chambers from 9:00 a.m. to Noon. She stated there were many discussions regarding the lighting at the ball fields at Commission workshops, there were people who attended and spoke on the issue. She stated with regards to the add-on item which is a very in-depth topic, the Commission had decided not to place "add-on items" on the agenda unless the item was an emergency and it would have been better to mention the item to the City Manager who could have placed the item on an agenda for discussion.

Commissioner Nabicht stated he was wearing his pink shirt in honor of breast cancer awareness month and he is disappointed that the firefighters are not wearing pink shirts

this month but, he hopes they will be able to support breast cancer month as they have done in the past. He and the Vice Mayor attended the Gala for Hispanic American Youth Group of Deltona (HAYGOD) where first responders were recognized, Deltona's own firefighter/paramedic Eddie Nieto was recognized for his service to the community and he was greatly humbled by President Maritza Avila-Vazquez who presented him with a coin in honor of his 31 years of service and he was directed by her to pass the coin onto his son for passing the torch of fire service on to him. He stated he asked the City Manager to bring forward a resolution tonight which did not happen so he asked for the Commission's support to bring forward a resolution to be executed as soon as possible that was done by the City of Clermont, the first in the state, to oppose the permitting and killing of bears in the State of Florida and that it be sent to the Governor asking for an immediate cease and desist. He stated if there is a consensus from the Commission, to have the City Attorney contact the City of Clermont for a copy of the resolution and draft same under the City of Deltona.

After discussion, the Commission concurred to read the proposed resolution and consider its adoption.

Commissioner Smith stated she attended both the grand openings of the Wal-Mart Grocery and Deltona Health Park which will both benefit the community, she attended the Latin Festival which was a fabulous event and she would like to discuss City events at a workshop to determine if the City is going to take ownership of City events like the Latin Festival. The event has been going on for about 20 years, it brings people from all over central Florida to the City and it was amazing. She suggested taking a comprehensive look at all of the events that are put on in the City and decide whether the City wants to take more ownership or sponsorship of them. She stated she would be out of town this weekend and would not be able to attend the workshop on Monday, October 12th but, she wanted to go on the record regarding Mr. DuPont's request for the affordable senior housing in Deltona which was received in late August, early September but, there are times when time sensitive items need to move up as a priority. She stated a couple of phone calls to New Port Richie where the organization is located could have been made, it is something that the City could have accomplished, and she requested that her thoughts be taken into consideration if any decision is made.

Mayor Masiarczyk asked if Commissioner Smith supported the affordable senior housing and she replied "I do."

Commissioner Honaker stated there was an e-mail regarding the Panthers football game, that it had to be brought up during a meeting and the Commission had to provide the City Manager direction to buy t-shirts. He stated he too would not be able to attend the workshop on Monday, October 12th.

Mayor Masiarczyk stated the City Manager has the spending authority to buy t-shirts for other high schools as requests came in per Commission discussion.

Ms. Shang stated according to the minutes there was a lot of dialog regarding supporting various organizations, finally the Commission authorized the expenditure of

\$500 for special events that support education and community events in the City, the requests would go to the City Manager, and that policy be on a case-by-case basis. If this is to be interpreted broadly, initially it was discussed that the support would be related to Deltona as identification and now she is hearing that the support would also apply to any organization that provides an educational and community benefit.

Mayor Masiarczyk stated it was high schools, he wanted to include all three (3) and the Commission wanted only the two (2) public high schools in Deltona and the Commission concurred.

A. Preview of the new Granicus agenda management, minutes, voting and streaming software to streamline all citywide agenda processes.

Mayor Masiarczyk called for a recess at 9:37 p.m. and reconvened at 9:47 p.m.

The Mayor and Commission, along with the City Clerk, conducted a brief mock meeting to present, review and go over any questions for the new Granicus agenda management, minutes, voting and streaming system.

15. ADJOURNMENT:

There being no further business, the meeting adjourned at 10:20 p.m.

John C. Masiarczyk, Sr., MAYOR

ATTEST:

Joyce Raftery, CMC, CITY CLERK