



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, November 2, 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 Commissioner Herzberg
Commissioner Commissioner Honaker
Commissioner Commissioner Nabicht
Commissioner Commissioner Smith
Commissioner Commissioner Soukup
Vice Mayor Vice Mayor Schleicher
Mayor Mayor Masiarczyk

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by Commissioner Nabicht.

Commissioner Nabicht led everyone in a silent invocation and the pledge to the flag.

The National Anthem was sung by the Timbercrest Elementary Tiger Choir.

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes - Regular Commission Meeting of October 19, 2015 and the Special Commission Meeting & Executive Session of October 19, 2015 - Joyce Raftery, City Clerk (386) 878-8502.

Motion by Commissioner Herzberg, seconded by Commissioner Honaker to approve the minutes of the Regular Commission Meeting and the Special Commission Meeting & Executive Session of October 19, 2015, as presented. 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

5. PRESENTATIONS/AWARDS/REPORTS:

A. Proclamation for Recognition of the Volusia County Sheriff's Office.

Mayor Masiarczyk and the Commission presented a Proclamation to the Volusia County Sheriff's Office (VCSO) and the proclamation was accepted by Sheriff Ben Johnson and members of the VCSO.

B. Certificate presentation to Sergeant Sean Gowan, Senior Deputy Matthew Ihnken and Deputy Joshua Hansard for their response to a potential community hazard and to Sergeant Patrick Leahy for being selected by the VCSO Awards Committee and the Sheriff as Investigator of the 3rd Quarter 2015.

Mayor Masiarczyk and the Commission presented Certificates of Recognition to Sergeant Sean Gowan, Senior Deputy Matthew Ihnken and Deputy Joshua Hansard for their response to a potential community hazard.

Mayor Masiarczyk and the Commission presented Certificates of Recognition to Sergeant Patrick Leahy for being selected by the VCSO Awards Committee and Sheriff Johnson as Investigator of the 3rd Quarter, 2015.

C. Super Star Student of the Month Certificates for October 2015

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

D. Presentation - Quarterly Reports of City Advisory Boards/Committees - Joyce Raftery, City Clerk (386) 878-8502.

Mayor Masiarczyk stated the Quarterly Reports for the Planning and Zoning Board and the Firefighters' Pension Plan Board of Trustees were in written form and Chairperson Tanya Boggs presented the Deltona Economic Development Advisory Board Quarterly Report.

6. CITY COMMISSION SPECIAL REPORTS:

Commissioner Honaker stated he attended the Advanced Institute for Elected Municipal Officials (IEMO) which included training on the Comprehensive Plans, Land Development Plans, media relations, advanced revenue sources for cities and an advocacy class which stressed the utility relocation Bill and to speak about issues in terms of percentages. Also, discussed was the new Florida Communications Services Tax (CST) Bill not having the hold harmless clause included.

Mayor Masiarczyk stated he attended the River to Sea Transportation Planning Organization (TPO) meeting which runs Volusia/Flagler now. With City Manager Shang's urging the topic of the criteria used for selecting projects for expenditure of funds was brought up for the organization to look at and the verbal response was that it would be done prior to the call for projects January. There are several road projects in Deltona that are shovel ready and the City is of the feeling that those projects that the City has already expended the money planning should rate higher in that list in order to

get the funding to move those projects forward.

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.

Former Commissioner Janet Deyette, 2451 Timbercrest Drive, Deltona, was called to speak and spoke about a problem that one of her clients is having with trespassing and trash at a duplex she owns behind the Dollar General (Stratford Commons), that no buffer or fence was required between the residents and the business, brick pavers being taken, police reports have been filed, no trespassing signs have been installed and staff is aware of the issue.

Debra Costello, 349 Diamond Street, Deltona, was called to speak and spoke about being a homeowner for over 30 years, her home is an example for the City, tenants moving out of the duplex after 10 years due to the trespassing and trash problem, she was not notified of the Dollar General (Stratford Commons) project, trash has encroached her property which has become the pathway to the store, Citizens on Patrol (COP) have contacted her regarding activity at her property, the VCSO has been notified of the issue and she has filed papers to have anyone trespassing arrested, she is concerned with Deputies wasting time on trespassers when there may be an emergency somewhere, a new tenant will be moving in on November 14th, that City codes were changed before the store was built, there needs to be a barricade for all the residents in the area from the store's foot traffic, not wanting to install 427 feet of fence to protect her property, there have been confrontations between the trespassers and herself and she is asking for help.

Commissioner Soukup asked that Ms. Costello keep the Commission updated on her situation.

Pastor William Bradley, 1055 West Seagate Drive, Deltona, was called to speak and spoke about an event being put on by New Hope Human Services, it housed the first summer recreation program for Deltona, it partnered with the City during Hurricane Katrina, and he encouraged everyone to attend the Hope Fest Event, giving thanks by giving, will take place on Saturday, November 21st from 9:00 a.m. to 1:00 p.m. which is a big community give away to include food, clothing and resources where people can get information.

Michael Putkowski, 2736 Courtland Blvd., Deltona, was called to speak and spoke about the public visioning session and one of the things that came from that was the need for a Social Services Coordinator to enhance the community. At this time of the year it is hard for the local pantries to keep food and other items stocked and it would be easier if there were grants to be able to apply for to keep the pantries stocked and to make facility upgrades.

Mayor Masiarczyk stated the City has started its annual food drive, boxes are at all the City facilities and he encouraged everyone to donate.

Sandy Walters, 480 Warrior Trail, Enterprise, was called to speak and spoke about when the residents tried to convince the City to purchase the Thornby property, there was an open house and guided tours, more than 400 people took part, some people not being familiar with the Thornby property and she invited anyone interested to take a guided tour of the property this Saturday with her husband.

Smiley Thurston, 608 Saxon Blvd., Deltona, was called to speak and spoke about working with the Community Life Center which is under staffed and in need of donations, he works with All Saints Episcopal Church and will pick up food for approximately 300 people from Second Harvest Food Bank, and Deltona Alliance Church will have their community dinner on Monday at 4:30 p.m. for approximately 175-200 people. He listed several organizations and boards that he is a member of, he spoke about the Salvation Army's non-existing services and how he is taking over the pantry and the kitchen and will make transportation available for Deltona residents in order to provide services. He spoke about working with several social service organizations, the number of homeless in Deltona, coming up with an accurate number of homeless, and working with banks for the hope of having affordable housing in the area.

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:

9. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 17-2015, adopting a Temporary Moratorium on the Processing of Applications Proposing to Use a Package Plant, at second and final reading. Chris Bowley, AICP, Planning and Development Services Department - (386) 878-8602.

Mayor Masiarczyk opened the public hearing

Michael Putkowski, 2736 Courtland Blvd., Deltona, was called to speak and spoke about process being needed for the future, and how this would affect and cost to the residents of Deltona.

The Commission discussed the purpose of the item, that the item has to do with new development only, the new sewer treatment plant and what its purpose is, the item not being to require commercial or residential to hook into the sewer system, allowing staff to update code and provide revisions to ordinances that addresses sewer and septic systems, the language in the Land Development Code and Comprehensive Plan regarding package plants, and homes with lift stations.

Mayor Masiarczyk closed the public hearing.

Motion by Commissioner Herzberg, seconded by Vice Mayor Schleicher, to adopt Ordinance No. 17-2015 that allows for a temporary moratorium on the processing of applicants that purpose use of a package plant, at second and final reading.

City Attorney 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

Ordinance No. 17-2015 was adopted at 7:32 p.m.

B. Public Hearing - Ordinance No. 28-2015, Rezoning of Property from PB (Professional Business) to C-1 (Retail Commercial), at first reading - Chris Bowley, AICP, Director, Planning and Development Services.

Mayor Masiarczyk opened the public hearing.

Louis Joachin, 1307 South International Parkway, Lake Mary, was called to speak and spoke about the Planning and Zoning Board recommendation, and he requested the Commission approve the item.

Jeanette Roselli, 3097 Boxelder Street, Deltona, was called to speak and spoke about giving this item extreme consideration if the property is going to be rezoned to commercial, the property used to be zoned professional, there are 28,000 cars that travel this area currently, the increased traffic at Dunkin Doughnuts on Howland Blvd., and using the residential development as a cut through for traffic pattern at Dunkin Doughnuts.

John Roselli, 3097 Boxelder Street, Deltona, was called to speak and spoke about the property backing up to his, Deltona Woods, the property affecting and devaluing residents' properties in the area, and the installation of buffers and what kind.

Luanne Maclsaac, 2820 Amber Ridge Court, Deltona, was called to speak and spoke about not having crime or traffic statistics, the area having a high volume of traffic and

more businesses making it worse, and increase crime at commercial properties on Howland Blvd.

The Commission discussed everyone's property backing up to something and Florida Hospital on Saxon Blvd. being an example of that, needing a buffer in order for the commercial project to pass, the project will increase traffic, what led to the Planning and Zoning Boards two (2) to two (2) vote on the item, what the parcel is already zoned as, this property not backing up to Boxelder Street but, to the homes on Boxelder Street, the City's code requiring a buffer, Boxelder Street needing traffic control, and all buffers will be handled in the Land Development phase which is much further down the process.

Commissioner Nabicht requested that the Planning and Development Services staff contact the Deltona Woods Homeowners Association (HOA) and other HOAs along this commercial corridor to work out ahead of time a common method for screening so the City does not run into this issue on every project and Chris Bowley replied "absolutely."

Motion by Commissioner Honaker, seconded by Commissioner Nabicht, to approve Ordinance No. 28-2015, rezoning property located at 3096 and 3108 Howland Blvd. from PB (Professional Business) to C-1 (Retail Commercial), at first reading and to schedule second and final reading for December 14, 2015.

Mayor Masiarczyk stated he has interest in property across the street from the project location, the item does not have any bearing on him financially other than he did think it would be appropriate to publically state that he has an interest in some commercial property across the street and he will be voting on the motion.

City Attorney read the title of Ordinance No. 28-2015 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICAL ZONING MAP PURSUANT TO CHAPTER 110, SECTION 1101 OF THE CITY CODE OF ORDINANCES FOR PROPERTY LOCATED AT 3096 AND 3108 HOWLAND BOULEVARD FROM PROFESSIONAL BUSINESS (PB) TO RETAIL COMMERCIAL (C-1) 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

Ordinance No. 28-2015 was adopted at 7:50 p.m.

C. Public Hearing - Resolution No. 2015-38. Extending the Pilot Trap. Neuter. Release Program - Dale Baker, Deputy City Manager (386) 878-8852.

Mayor Masiarczyk opened the public hearing.

Carol Canfield, 235 Colburn Drive, DeBary, was called to speak and spoke about working with different rescues, vets and animal controls with the Trap, Neuter, Release (TNR) Program and that she is in support of the program.

Kassandra Blissett, 1672 Town Park Drive, Port Orange, was called to speak and spoke about with staff and rescue organizations, Ponce Inlet having one (1) of the first TNR Programs, the City being fiscally responsible, and volunteers trying to make the program as affective as it can be.

Pat Mihalic, Concerned Citizens For Animal Welfare (CCFAW), was called to speak and spoke about being fiscally responsible, cats being euthanized but, the population keeps growing, the program reducing the increase in cats, the numbers from Halifax Humane Society show the number has gone down 20% which has never happened before, the City spay and neutering over 600 cats, the City being up for another two (2) year program and the cost savings.

Julia Tirado, 1450 Randolph Street, Deltona, was called to speak and spoke about the program working, volunteers being committed, volunteers getting animals spayed and neutered which they pay for or is paid by donations, and wanting to see the program be permanent.

Brooke Light, 1031 Matterhorn, Deltona, was called to speak and spoke about volunteering in Volusia County since 1999, having to minimize the population, spaying pregnant female cats because it has to be done, residents being receptive, and she would like to see something to help with the dogs.

Miriam Welch, 2452 Balboa Terrace, Deltona, was called to speak and spoke about the cat population multiplying, wanting to continue the program, and not wanting to take cats to the Humane Society so they do not get euthanized.

Bob Belt, 2605 Fairmont Avenue, New Smyrna, was called to speak and spoke about the TNR Program working, that trap and remove does not, there being two (2) choices; one is to continue the program and the other is to go back to the policy that has not worked for decades.

Commissioner Herzberg thanked the volunteers, the Commissioners, staff and the community. The program is run by volunteers and the community and is supported by

staff, the program being cost effective, the length the volunteers go to in order to make the program successful, the needs of the community, well person checks, abandoned animals, wanting to assist with dogs, and needing to identify the social service needs in the community.

Commissioner Nabicht stated that none of the Commission get into this line of work to build a legacy but, this is Commissioner Herzberg's legacy and he thanked her for her leadership. He stated she made a believer out of him, current and former Commissioner and staff, the best run machine or organization has to have that leadership and inspiration which she provided to this program.

Motion by Commissioner Herzberg, seconded by Vice Mayor Schleicher, to approve Resolution No. 2015-38, extending the Pilot Trap, Neuter, Release Program for an additional three (3) years.

Mayor Masiarczyk read the title of Resolution No. 2015-38 for the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, EXTENDING THE PILOT PROGRAM FOR TRAP, NEUTER, RELEASE OF FERAL CATS FOR AN ADDITIONAL THREE (3) YEARS PURSUANT TO ORDINANCE NO. 31-2014; PROVIDING 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

Resolution No. 2015-38 was adopted at 8:09 p.m.

D. Public Hearing - Resolution No. 2015-39, Request for a Granny Flat to be located at 925 Dandridge Drive - Chris Bowley, AICP. Planning and Development Services (386) 878-8602.

Mayor Masiarczyk opened the public hearing.

Larry Kent, 235 River Village Drive, DeBary, was called to speak and spoke about living in a society where many people are taking care of their elders, he discussed a couple of points in the resolution that made him nervous, the house being required to be on a common meter, granting of the right to inspect the premises, how easy it is to find out if a person is deceased and he questioned what would happen if he had a granny flat but, wanted to use it for some other purpose.

Smiley Thurston, 608 Saxon Blvd., Deltona, was called to speak and spoke about a

situation at his property which had a granny flat, a fire taking place and having a separate shut off from the main house.

Motion by Vice Mayor Schleicher, seconded by Commissioner Honaker, to approve Resolution No. 2015-39, approving a granny flat to be located at 925 Dandridge Dr.; consistent with the provisions of Section 110-817(g) and that the granny flat be located outside of the 100 year floodplain.

Mayor Masiarczyk read the title of Resolution No. 2015-39 for the record.

A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, GRANTING A CONDITIONAL USE TO CONSTRUCT A GRANNY FLAT WITHIN AN R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 925 DANDRIDGE DRIVE, WITHIN THE CITY OF DELTONA; PROVIDING FOR CONDITIONS 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

Resolution No. 2015-39 was adopted at 8:19 p.m.

10. OLD BUSINESS:

A. Presentation of the Thornby garden development project and approval of survey cost- Vice Mayor Schleicher, (386) 878-8860.

The City Manager Shang pulled this item from the agenda.

11. NEW BUSINESS:

Mayor Masiarczyk stated that he was so impressed by Bright House Networks broadcast of the Deltona Wolves football game and with the Commission's approval he would like to send Bright House Networks a letter letting them know how great the quality was, how professionally done it was, and to thank them for everything they do for the community and there was no objection from the Commission.

12. CITY ATTORNEY COMMENTS:

None.

13. CITY MANAGER COMMENTS:

Ms. Shang stated she provided the Commission with appraisal reports on approximately 50 acres of land on Howland Blvd. known as the "Casey Property." Mr. Casey also has an appraisal completed on the property and she asked the Commission for approval and direction to discuss negotiations for the acquisition of the "Casey Property."

Commissioner Smith stated she does not have a problem starting negotiations with Mr. Casey. There is a Strategic Plan meeting coming up on Saturday, she would like to have a discussion about how to prioritize all the projects that have been talked about and she provided examples and she will support the negotiation.

Mayor Masiarczyk stated he supports it because the City cannot ask Mr. Casey to show his appraisal unless officially getting into negotiations. He stated he looked at the map of Deltona; it is obvious that the City's population is going to grow, the City has to have a large track of land in order to keep moving forward and maybe something could be worked out within the Strategic Plan.

The Commission concurred to authorize the City Manager to start negotiations with Mr. Casey on what is known as the "Casey Property."

14. CITY COMMISSION COMMENTS:

Commissioner Soukup stated he attended the Pine Ridge Manufacturing Program opening and he encouraged everyone to go see the facility. He congratulated Principal Carbonell and Jim Gawriluk, Coach Allen Johnson, and the players as it is the first time in the history of Deltona High School that the football team made the playoffs and will be playing November 13th against Heritage High School in Palm Bay at 7:30 p.m. He stated he has lived in the City for 28 years but, shame on him, this was the first time he had attended Spooktacular. He is one of those dads that drive around trying to find something for the kids and the whole time it was right in his backyard. The event was second to none the Haunted Trail and the Zombie Warehouse to judging the costume contest. He would like to expand the event and he thanked staff and all the volunteers for putting on the event.

Commissioner Herzberg thanked everyone for their support tonight.

Commissioner Honaker stated that on November 5th at the Texas Road House will donate 10% of the overall bill to the American Legion. There is a meeting coming up in November where the Commission is going to discuss sidewalks and the Capital Improvement Plan (CIP) and he asked that before the meeting everyone read the pavement indexing report that was provided by staff. He stated he would like to see the study that was done nine (9) years ago if staff can locate it. He asked everyone to also read "Gabby's Law" and to take a few minutes to drive Courtland Blvd. between Howland and Fort Smith Blvds. and drive Courtland Blvd. between Elckam Blvd. and Beckwith Street in order to make a good sound decision as a team.

Vice Mayor Schleicher stated Spooktacular was spectacular. She congratulated the Deltona Wolves football team, that she was wearing her shirt in support, Deltona High being the first school high school built in Deltona, that Pine Ridge Manufacturing Program is a catalyst, needing to start looking at a Commerce Park or Business Park and land for it, and that she attended Galaxy Middle School where a demonstration of a 3-D printer was given and the printer was donated by the Volusia Manufacturing Association (VMA).

Mayor Masiarczyk stated he needed to give a big push to the VMA, when he received the call from a teacher at Galaxy Middle School he then contacted President/CEO of VMA Jayne Fifer and immediately the organization provided a 3-D printer to the school at no cost to the school. He stated if anyone is not aware of what the organization does visit their website, what they do is amazing.

Vice Mayor Schleicher stated she wanted to make sure the VMA received credit for donating the printer and that the program and technology is filtering into the high schools. She reminded everyone of the strategic planning event this Saturday and on Sunday is the Fire Department's Open House at Station #65 on Howland Blvd.

Commissioner Nabicht stated there has been a lot of talk about the Pine Ridge High Schools Manufacturing Program and the feeder school Galaxy Middle which is another component of economic development. He stated economic development is not just brick and mortar, it is training a workforce, there are 46,000 people in Deltona that are the City's workforce and many of them leave to go to work. The current and past Commission, the School Board and Representatives are working together like never before in Deltona and Volusia County to plan for the future. He stated Manufacturing Program is also looking into extended hours for adult education, and partnering with the Central Florida Labor Council to get people out of work trained to get back into the workforce and everyone needs a strong round of applause. He did not attend the Spooktacular event but, he did receive a lot of phone calls about the event not being on Halloween and he gave a brief history of the event. He asked for the City Manager and staff to consider starting next year the first "Trunk or Treat" event to take place on Halloween night, possibly at City Hall.

Commissioner Smith stated she had been part of the Manufacturing Program Committee since the beginning, that Principal Atkinson had a dream for a classroom that was not being used at the time, Representative Santiago requested funding, the school district paid for the room and its infrastructure, it is currently a program and will probably become an academy in the next year or so. The educational opportunities for students in the program are incredible and she commended everyone involved. She attended the Pine Ridge (football?) and did the coin toss, she wore the t-shirt in support and it was recognized. She stated "Go Wolves!" She thanked Vice Mayor Schleicher for reminding everyone of Saturday's visioning session and she encouraged the public to

attend.

Mayor Masiarczyk stated everyone should read over the list that was provided from the public visioning session. He stated that Commissioner Smith was kind enough to fill in on the Commission for the end of the term; he realizes that she has worked with the school board for a long time to get the academies in the county and he commended her for her efforts. He stated that City is doing a lot of different things, everyone is working well together, a lot of new things are being done that were never talked about and he gave a lot of the credit to the City Manager. He stated he was thinking about the chicken and cat programs that were discussed are implemented, are working and now the programs are being extended. He thanked staff for all the work they do and he encouraged everyone to stay involved.

15. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:40 p.m.

John C. Masiarczyk, Sr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK