

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, MAY 18, 2015**

A Regular Meeting of the Deltona City Commission was held on Monday, May 18, 2015 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

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

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Nancy Schleicher	Present
Commissioner	Heidi Herzberg	Present
Commissioner	Mitch Honaker	Present
Commissioner	Chris Nabicht	Present
Commissioner	Diane Smith	Present
Commissioner	Brian Soukup	Present
Acting City Manager	Dale Baker	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

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

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by Commissioner Smith – Nick Pizza, Nick Pizza Inc., Deltona, FL.

Commissioner Smith introduced Nick Pizza with Nick Pizza Inc. of Deltona, FL.

The National Anthem was sung by Yami Toro a student at University High School.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Approval of Minutes – Regular City Commission Meeting of May 4, 2015 and Special Commission Meeting of May 11, 2015.

Motion by Commissioner Herzberg, seconded by Vice Mayor Schleicher to approve the minutes of the Regular City Commission Meeting of May 4, 2015 and Special Commission Meeting of May 11, 2015, as presented.

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

B. Additions or Deletions to Agenda:

Commissioner Nabicht requested Add-On Item 11-C: Discussion re: Sign Ordinance and Add-On Item 11-D: Discussion re: Utility Ordinance; Commissioner Herzberg requested Add-On Item 11-E: Discussion re: School Board property located on Howland Blvd.; and Commissioner Honaker requested Add-On Item 11-F: Discussion re: Establishing an Ordinance Review Committee to review and recommend changes and the Commission concurred.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Proclamation – Emergency Medical Services Week May 17-23, 2015.

Mayor Masiarczyk and the Commission presented the Proclamation to Fire Chief Rhame who thanked the Commission for recognizing the Emergency Medical Services (EMS) crews. Fire Chief Rhame stated he is very proud of the EMS crews' capabilities and actions, that about 80% of the calls received are EMS calls, that this week there will be several luncheons at Station #61 on Tuesday, Wednesday and Thursday and at Station #65 on Friday in observation of EMS Week and he listed the different businesses who contributed and sponsored the luncheons.

6. CITY COMMISSION SPECIAL REPORTS:

Commissioner Herzberg stated she attended the River of Lakes Heritage Corridor meeting, that a television was installed at the Amtrak station in DeLand with a looping video for the River of Lakes, the installation of another television in downtown Sanford's Welcome Center, completing the Sanford section of the bike trail, and that brochures will be placed in all the Welcome Centers in the State to help bring ecotourism to the area. She attended the Elected Officials Roundtable where there was discussion on water issues, transportation and the big issue was homelessness and trying to bring all the agencies together to discuss what can be done for the homeless individuals and the families. She attended the League of Cities Executive Board Meeting and that everyone should have received the invitation to the Distinguished Service Awards Banquet on June 4th. She stated Volusia is not going to have an advocacy team this year and are targeting South Florida due to leadership in the House. Also discussed was that another round of ethics training is coming up, not being able to dismantle the old Volusia League of Cities website and a new website being constructed.

Vice Mayor Schleicher gave an update on the Thornby development project she is working on, the Deltona Economic Development Advisory Board (DEDAB) along with residents took a tour of the property, there being more and more spots of history throughout the property and the project moving along.

Mayor Masiarczyk stated a month or so ago the Orlando Veterans Clinic sent disabled Veterans to the Veterans' Memorial Park and the group came back again this month. The group is planning on an annual tour, he is planning a lunch at the facility for them and he invited everyone to attend.

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

- a) Kelly Latham, 2132 Hainlin Court, Deltona, spoke regarding a code violation for overgrown vines, she provided a timeline/history of the property, an ongoing neighbor dispute, and she asked that the vines be allowed to stay as they are.

The Commission discussed the vines and whether they are truly vines, Code of Ordinance Section 110-806: Fences, Walls and Hedges, the vines being treated like fences, walls and hedges which cannot be higher than four (4) feet tall in the front yard and six (6) feet in the rear yard, the issue being complaint driven and the vines blocking the complainant's visibility, the resident being asked to trim the vines to four (4) feet and not to remove them, the difference between a Code Officer and a Building Inspector and their duties, the regulation being in affect by the County at the time the house was built, Code Officers being able to see the violations from the street, and following the code.

b) Curt Latham, 2132 Hainlin Court, Deltona, spoke regarding the height of the vines not being in compliance, not being able to put up a fence on his property, he requested that his vines be grandfathered in, poor customer service, trash throughout the City, the Commission standing up for the residents, and bending the rules for some and not others.

The Commission discussed different types of vegetation and how it grows, codes that do not have a purpose or are not hazardous, removing ordinances that do not meet the health, welfare and safety purpose, the intent of an ordinance, having a citizens review committee look at the ordinance, and the Commission enacting the laws and staff enforcing them.

After discussion, the Commission concurred to have the City Attorney look into the ordinance and withhold any fees or further action until the City Attorney reports back to the Commission.

c) Mike Williams, 2889 Cottageville Drive, Deltona, spoke regarding the three (3) open positions at Deltona Water, having diversity throughout the City, that he has contacted previous applicants regarding the positions, the National Association for the Advancement of Colored People (NAACP) Annual Freedom Fund Banquet on June 5th at 6:00 p.m. at New Hope Baptist Church, at the banquet the NAACP will give out the "Difference Maker of the Year Award" to Principle Dwayne Copeland from Stark Elementary and the "Trail Blazer Award" to resident Bessie Pender who was one of the original members of the Montgomery bus boycott and he encouraged everyone to attend.

Commissioner Herzberg stated that on the employment application there is no reference to things like race, age, nationality, ethnicity, etc. Mrs. Vose replied the City is not permitted to ask about protected class issues which are race, sex, age, etc. and for the initial evaluation of an employment application it is not considered. The City does not request this type of information and would not like it volunteered. Mr. Baker added that two (2) of the open positions require a State license as a minimum requirement.

d) Roy Isler, 3040 Jollett Court, Deltona, spoke regarding the traffic and gridlock from Howland Blvd. to Lake Helen Osteen Road on Catalina Blvd., the hill at Lagoon Avenue, putting in a possible turn lane, lowering the speed limit, putting in more speed limit signs, and he is requesting that the issues be addressed as soon as possible for public safety reasons.

The Commission and staff discussed the options provided by Mr. Isler, moving the existing speed limit sign by the church on Howland Blvd., working with the County on a solution as Howland Blvd. is maintained by them, having City Manager Jane Shang look into the issue for solutions, putting a speed limit sign closer to Howland Blvd., and having the Volusia County Sheriff's Office (VCSO) patrol that area.

e) Charlie Vance, 2270 Asbury Road, Altamonte Springs, spoke regarding not enough parks in Deltona, nothing substantial being built in Deltona since the first Commission, staff working on getting more parks developed, the County growing over a half a million residents and 33% of the County's children going to schools in Deltona, the soccer leagues growing and wanting to expand but, there are no fields within the City to use, soccer being the fastest growing sport for years, colleges not having feeder teams, and he spoke about several soccer teams that play at the national level.

8. CONSENT AGENDA: None.

9. ORDINANCES AND PUBLIC HEARINGS: None.

10. OLD BUSINESS: None.

11. NEW BUSINESS:

A. Consideration of appointment of seven (7) members to the Economic Development Advisory Board.

Motion by Vice Mayor Schleicher, seconded by Commissioner Herzberg to confirm the Commission's re-appointments of all seven (7) members for a term to expire on May 31, 2017.

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

The Commission discussed the two (2) new applicants that requested to be on the Deltona Economic Development Advisory Board (DEDAB) and the William S. Harvey Deltona Scholarship Advisory Board, the appointment of alternate members, and the last question on the board/committee application being defaulted to "I do not agree".

Motion by Vice Mayor Schleicher, seconded by to confirm the appointments of the following alternate members for a term to expire on May 31, 2017: Christine Peacock, Eduardo Moscarella, Carlos Valderrama, and Glenn Woodley.

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

B. Consideration of appointment of seven (7) members to the William S. Harvey Deltona Scholarship Advisory Board.

Motion by Vice Mayor Schleicher, seconded by Commissioner Herzberg to confirm the Commission's re-appointment of five (5) members (Walter Dawson, Cristina Raimundo, Steve Lightbody, Harry Meeks and Lori Burbank) and the additional appointments of Sandra Dillard (Mayor Masiarczyk's appointment) and Johnny Inthachack (Commissioner Smith's appoint) for a term to expire on May 31, 2017.

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

C. ADD-ON ITEM: Discussion re: Sign Ordinance.

Commissioner Nabicht stated there have been several issues with the sign ordinance; a revision to the ordinance has not been brought before the Commission and that Mrs. Vose has been extremely responsive to ordinance changes when the Commission has directed.

Motion by Commissioner Nabicht, seconded by Commissioner Herzberg that the Commission allows Mrs. Vose to spearhead the revision of the sign ordinance, put her in charge of working with staff, and give her a deadline of the first meeting in July to bring a sample revision before the Commission for consideration.

The Commission discussed input from the Deltona Business Alliance, shortening the sign ordinance and if it is more than three (3) pages it should have a lot of pictures, information the City Attorney has already received, information being vetted by the Deltona Business Alliance, the City Attorney's process for the revision of the ordinance, and businesses being able to use flags for advertising.

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

D. ADD-ON ITEM: Discussion re: Utility Ordinance.

Commissioner Nabicht stated when the Commission approved a \$24 million sewage treatment plant staff should have brought it to the Commission's attention that in the Comprehensive Plan and in the Code there is a provision to allow an alternative to central sewer. He stated he adamantly opposes any municipal service being allowed by the Commission to be provided by a Homeowners Association (HOA). He discussed the Commission being responsible for the entire community, a provision in the code that allows for package plants, removing the language "package plant" from the ordinance and if staff has any concerns to bring them up at the time the ordinance is presented to the Commission.

City Attorney Beck Vose stated any application that comes in prior to any revisions to the ordinance regarding package plants it would not apply to that application. She stated the meeting coming up is a quasi-judicial hearing and she expressed the ramifications of it. The case law in Florida is very clear, that all the decisions on quasi-judicial hearings have to be made solely upon the evidence that comes before the Commission at the hearing and cannot consider information heard outside of the hearing. The statute was changed to allow for conversations about items that may come up at a hearing and to be able to attend outside meetings but, it is highly discouraged because at the end of the statute it says you have to disclose who you talked with, the substance and if you make a decision based upon something outside of the meeting it can overturn the result of the hearing. She encouraged the Commission not to participate in things of that nature and make a representation before the Commission votes that in fact they are only voting on what was presented to the hearing.

The Commission discussed looking at the language in light of the fact that so much has changed

environmentally, Bills coming out of the Senate regarding septic systems, the issue with the roads in Saxon Ridge, removing the verbiage or reference to “package plant” not only in the City’s ordinance and the Comprehensive Plan but, on any City documents anywhere, being careful of saying “no to package plants” because it may stifle economic growth in areas of the City, entering into public/private partnerships, the City only having one (1) existing package plant, it costing the same amount of money to operate a sewer plant for one (1) customer or a thousand customers, both package plants and sewer plants requiring daily service and the City being in the best position to provide that level of service, and the City needing to limit its options to the City run sewer system and get as many customers both residential and commercial that want to voluntarily connect or hook to septic.

Motion by Commissioner Nabicht, seconded by Vice Mayor Schleicher that the City Attorney does the draft revision to the utility ordinance to remove the word package plant supported by staff documentation and to take the steps necessary to do the same removal in the Comprehensive Plan.

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

E. ADD-ON ITEM: Discussion re: School Board property located on Howland Blvd.

Commissioner Herzberg stated she brought this up because at every meeting the discussion of a stadium comes up and that the School Board will donate the land adjacent to the Casey property to build a stadium on if the City purchases the Casey property.

Motion by Commissioner Herzberg, seconded by Commissioner Honaker that the City Attorney and City Manager draft a letter to the School Board inquiring as to what conditions they would transfer the School Board property to the City for the purpose of a stadium and/or sports complex.

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

F. ADD-ON ITEM: Discussion re: Establishing an Ordinance Review Committee to review and recommend changes.

Commissioner Honaker stated the Commission does not have time to discuss all the issues that are brought forward by the residents regarding suggested changes to the City’s ordinances. He suggested establishing an ordinance review committee made up of one (1) representative from each district who can review the ordinances and bring back to the Commission suggested changes.

The Commission discussed the Commission directing which ordinances for the committee to review, properties that have things that do not fit within the City’s ordinances, calling the board a “Neighborhood Improvement Advisory Board” or a “Quality of Life Advisory Board”, the board only looking at ordinances and not other resident issues, providing clear direction to staff, when a complaint comes forward staff having to enforce the code, and the board not interpreting the ordinance but, contacting other cities to see what they do and providing options.

Motion by Commissioner Honaker, seconded by Vice Mayor Schleicher to establish an Ordinance Review Committee to review and suggest changes to City ordinances.

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

Mrs. Vose asked for clarification that the Commission is directing her to draft the ordinance to set up the committee and the Commission concurred.

12. CITY ATTORNEY COMMENTS: None.

13. CITY MANAGER COMMENTS: None.

A. Lobbyist Update: None.

14. CITY COMMISSION COMMENTS:

a) Commissioner Soukup stated he spent the day with School Board Member Dr. Hill and DeLand High School Principal Mitch Moyer and went through their academies over at DeLand High School which he would like to bring over to Deltona. He stated there are funds available in the budget which he wished could be used to help beautify the City, City Hall, add light poles, clean up the entrances to the City, and the clean the islands on major thoroughfares.

b) Commissioner Herzberg stated there has been talk about employees being overpaid and some being underpaid and she requested that staff do a comprehensive salary study to see where the City falls.

Commissioner Nabicht suggested that the request be formulated into the Strategic Plan because staff development and growth is all part of the Strategic Plan.

Commissioner Soukup left the meeting at 8:19 p.m.

c) Vice Mayor Schleicher stated it was interesting to go to Bethune Cookman College's Welcoming where she had a chance to meet the Director of Intergovernmental Affairs for the U.S. Secretary of Commerce William Ramos who is a very impressive man that gave a very impressive speech and that it is a pleasure to have someone like him in the community.

d) Commissioner Nabicht stated staff does surveys almost every year for job descriptions but, if the Commission wants a true survey it must be based upon salary, benefits and what the job description is and he gave some examples. He requested that the sprinklers at City Hall be turned on after 8:00 p.m. and not turned on during the day.

e) Commissioner Honaker reminded everyone of the West Volusia Summit on June 13th in Lake Helen and he encouraged staff to look at teaming up with Career Source Volusia/Flagler who can assist with the hiring process. He gave applause to Americare who assisted an elderly resident in need and he reminded everyone of all the great organizations in the community who have so much to

offer. Mayor Masiarczyk gave a brief explanation of the resident's issue and how Americare assisted them.

f) Commissioner Smith thanked staff, particularly the Parks & Recreation staff, for their assistance and cooperation with the Relay For Life event because it makes the event so much nicer. She stated in the News Journal Editorial it talked about the bus benches, she received a call about them, that she asked the Acting City Manager for copies of the contract that the City has and she asked that those copies be forwarded to the entire Commission and she suggested putting the item on a workshop.

g) Mayor Masiarczyk stated he received a call from a resident who had a legitimate request for an ordinance change to the restrictions on alcohol sales and he requested that Mrs. Vose look at it which is simply a time change. He reminded and invited everyone to attend the Memorial Day services at 10:00 a.m. at the Deltona Memorial Gardens on Saxon Blvd. and at 1:00 p.m. at the Veterans' Memorial Park there will be six (6) large crosses installed with the names and dates of those killed in action. He thanked staff for going out of their way to make an idea he had blossom into a beautiful display. He stated the Veterans from Orlando are coming next month, on Monday there will be three (3) motorcycle clubs with 90 motorcycles attending the Veterans' Memorial Park to do their Memorial Day display and will be parking along the sidewalk.

14. ADJOURNMENT:

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

John Masiarczyk Sr., Mayor

ATTEST:

Joyce Raftery, CMC, City Clerk