

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, APRIL 6, 2015**

1 A Regular Meeting of the Deltona City Commission was held on Monday, April 6, 2015 at the City
2 Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

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

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

7
8 **2. ROLL CALL:**

9
10 Mayor John Masiarczyk Absent (Excused)
11 Vice Mayor Nancy Schleicher Present
12 Commissioner Heidi Herzberg Present
13 Commissioner Mitch Honaker Present
14 Commissioner Chris Nabicht Present
15 Commissioner Diane Smith Present
16 Commissioner Nancy Soukup Present
17 Acting City Manager Dale Baker Present
18 City Attorney Becky Vose Present
19 City Clerk Joyce Raftery Present

20
21 Also present: Public Works/Deltona Water Director Gerald Chancellor; Planning and Development
22 Services Director Chris Bowley; Parks & Recreation Director Steve Moore and VCSO Captain
23 Eagan.

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

26
27 **A. Invocation Presented by Commissioner Nabicht - Fire Department Chaplain Hector L.**
28 **Maldonado, United Pentecostal Church International and a Lieutenant Paramedic with Orange**
29 **County Fire Rescue.**

30
31 Commissioner Nabicht stated Fire Department Chaplain Hector L. Maldonado was unable to attend
32 the meeting and in his place County Councilmember Fred Lowry, Pastor at Deltona Baptist Church
33 will give the invocation.

34
35 County Councilmember Fred Lowry stated before he gives the invocation he wanted to say that
36 when his organization does the backpack giveaway in August there will also be a dental clinic for
37 adults in Deltona this year.

38
39 The National Anthem was sung by Yami Toro an 11th Grader with University High School.

40
41 **4. APPROVAL OF MINUTES & AGENDA:**

42
43 **A. Minutes:**

44
45 **1. Approval of Minutes – Regular City Commission Meeting of March 16, 2015.**

46
47 Vice Mayor Schleicher stated that the minutes had been corrected already because there was an error on
48 the vote for the backyard chicken ordinance that listed Commissioner Nabicht and herself as being
49 “For” it and it did not reflect the “Against” vote. The minutes have been revised to reflect a five (5) to

1 two (2) vote and not a unanimous vote.

2
3 Commissioner Honaker suggested per Florida Statutes the minutes are supposed to be a brief synopsis
4 of the vote, how the Commission voted, passed or failed, and something like the Comprehensive
5 Annual Financial Report (CAFR) a short bullet like what was in the Weekly Report would have been
6 good instead of the 20 or so lines that were reflected in the minutes. He stated it is not the City Clerk's
7 fault, staff is just looking for guidance from the Commission as to how short or long the minutes should
8 be. There is a meeting every Monday and all staff is doing is turning around agenda and minutes. The
9 more detail the Commission asks for the longer it takes staff to come up with a product.

10
11 **Motion by Commissioner Nabicht, seconded by Commissioner Herzberg to approve the minutes**
12 **of the Regular City Commission Meeting of March 16, 2015, as amended.**

13
14 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**
15 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;**
16 **Commissioner Soukup, For; and Vice Mayor Schleicher, For.**

17
18 **B. Additions or Deletions to Agenda:** None.

19
20 **5. PRESENTATIONS/AWARDS/REPORTS:**

21
22 **A. Presentation – Super Star Student of the Month Certificates for March, 2015.**

23
24 Vice Mayor Schleicher and the Commission presented Certificates of Recognition to the Super Star
25 Students for the month of March, 2015.

26
27 **B. Proclamation – Fair Housing Month – April 2015.**

28
29 Vice Mayor Schleicher and the Commission presented a proclamation for Fair Housing Month in the
30 month of April to the Planning & Development Services Department Director Chris Bowley.

31
32 **6. CITY COMMISSION SPECIAL REPORTS:**

33
34 Commissioner Herzberg stated on Tuesday, March 31st the Daytona State College Center for
35 Women and Men held their annual luncheon, there was approximately 165 people in attendance, the
36 key note speaker was the Reverend Doctor Oledia F. Bell and several of the students who had gone
37 through the center. The center provides services to displaced homemakers, for adults after a divorce
38 or a death and provides workforce training and job placement. Also, the center is looking for
39 donations of professional clothes for the Clothes Closet.

40
41 Commissioner Nabicht stated on March 27th he and Commissioner Herzberg attended Wilbur by the
42 Sea regarding Amendment #1, Clay Henderson and Patricia Northey were the speakers, the
43 legislature is in the process of making a decision of what the Amendment #1 monies will be used for
44 and there are some proposals out there that if passed will be using the dollars to replace existing
45 funding for existing projects that have been ongoing. It is disturbing that the legislature would
46 consider taking the dollars that were intended to protect water sheds, Blue Springs water shed in
47 particular, to purchase conservation land and to use those dollars to reduce the State's budget or shift
48 budgeted dollars to other programs which is very similar to what happened to the lottery money in

1 the School Board. He encouraged everyone to pay attention to what is going on with Amendment #1
2 and as a Commission needing to take a strong position and let the Lobbyist know what it wants to
3 see happen with those dollars because it will affect the City and the dollars could be put to good use
4 in the City such as expanding programs of the existing sewer main system and if the City has to do
5 anything with septic tanks down the road that is where the money would come from.

6
7 **7. PUBLIC FORUM – Citizen comments for item not on the agenda.**
8

9 a) Greg Gimbert, 255 Euclid Avenue, Deltona, spoke about Amendment #1, Florida Forever,
10 beach driving, the County's proposed ordinance to remove cars from driving on the beach, Let Volusia
11 Vote and putting the amendment regarding driving on the beach on the ballot for the voters to decide.

12
13 b) Dustin Sweeney, 825 West Gaucho Circle, Deltona, spoke about West Volusia Youth Football
14 and Cheer Association not having lighted fields to practice on at night, the organization having no place
15 to call home, safe practice fields being in high demand and not enough to go around, staff providing the
16 use of fields which is becoming less and less now that it is the busy season, having an opportunity to
17 provide the same safe environment to its organization as others do, the City's project fund budget
18 including dollars to add lights to Dewey O. Boster Park which he suggested moving to the available
19 fund balance and shifting the money to add the lights at Wes Crile Park instead.

20
21 c) Deborah Suitt-Green, 1531 Toluca Court, Deltona, spoke about her involvement as well as her
22 daughters and Mike Williams' in the NAACP Youth Council, students from the organization that were
23 in attendance and had the opportunity to be introduced to Commissioner Nabicht at the Florida United
24 Methodist Home (FUMCH), fundraising efforts in cooperation with the Deltona Firefighters, students
25 doing a presentation at Crown Plaza next Saturday in Orlando on the topic of Civic Engagement so the
26 students will be attending meetings and asking questions, wanting a place for the students in the Deltona
27 area to do nice things and have fun in the area, and she hoped the organization has the Commissions
28 support.

29
30 **8. CONSENT AGENDA:**
31

32 Commissioner Nabicht requested to pull Items 8-D and 8-F for discussion.
33

34 **Motion by Commissioner Honaker, seconded by Commissioner Herzberg to approve Consent
35 Agenda Items 8-A through 8-C and 8-E.**

36
37 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;
38 Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;
39 Commissioner Soukup, For; and Vice Mayor Schleicher, For.**
40

41 ***A. Request for approval of of the William S. Harvey Deltona Scholarship Advisory
42 Board's recommendation to add Reverend Donald Herchenroder and Former Commissioner
43 Lucille Wheatley to the Wall of Fame.**
44

45 **Approved by Consent Agenda – to accept the William S. Harvey Deltona Scholarship Advisory
46 Board's recommendations to add Reverend Donald Herchenroder and Former Commissioner
47 Lucille Wheatley to the Wall of Fame.**
48

1 ***B. Request for approval of recommendations for scholarship awards from the William S. Harvey Deltona Scholarship Advisory Board.**

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3
4 **Approved by Consent Agenda - to approve the 2014/2015 William S. Harvey Scholarship recipients as presented by the William S. Harvey Deltona Scholarship Advisory Board.**

5
6
7 ***C. Request for approval of of the City of Deltona FY 2015 HOPWA Grantee Re-Designation Agreement.**

8
9
10 **Approved by Consent Agenda - to approve the City of Deltona Fiscal Year 2015 HOPWA Grantee Re-Designation Agreement with HUD and the Florida Department of Health.**

11
12
13 **D. Request for approval of Grant Application for Residential Construction Mitigation Program (RCMP) funding through the Florida Division of Emergency Management.**

14
15
16 Commissioner Nabicht asked if this is a grant for the public to apply for or the homes the City has inventory on and Mr. Bowley replied the public.

17
18
19 Commissioner Nabicht stated that in years past the City was left out of this so he is excited to see Deltona included. Mr. Bowley stated the City is making some strides, the City is going to get its community rating through Federal Emergency Management Agency (FEMA) this year as of May 1st which is a big deal, it gives the residents up to a 5% discount initially and thereafter as the City maintains the Community Rating System (CRS) through FEMA the residents will get more and more discounts towards their premium, this goes towards this as well and he thinks that is why the City is getting considered for this.

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27 ***E. Request for approval of Lakeshore Shared – Use Path Construction Funding.**

28
29 **Approved by Consent Agenda - to approve the attached budget amendment authorizing the expenditure of \$579,020 for the cost to construct the Lakeshore Shared Use Path, TPO Project (FM#4335671) and to authorize the City Manager to formally approve and sign the related grant agreement(s) and construction contracts.**

30
31
32
33
34 **F. Request for approval of Resolution No. 2015-12, requesting the County Council send a letter to the Central Florida Expressway Authority authorizing a study to construct an Eastern Connector from SR 417 in Seminole County to I-95 in Volusia County.**

35
36
37
38 Commissioner Nabicht stated this goes back to the \$800,000 that Congressman Mica brought forward and the mechanism here is going to be the Expressway Authority if the road is built, if the \$800,000 determines it is feasible it will be a toll type road but, more specifically the study can be structured to connect I-95 to SR 417 but, utilizing SR 415 as a connector. So there is still a possibility this could come over from Edgewater, connect into SR 415 and not have to connect directly to the SR 417.

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44
45 **Motion by Commissioner Nabicht, seconded by Commissioner Honaker to approve Items 8-D and 8-F.**

46
47
48 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**

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

3
4 **9. ORDINANCES AND PUBLIC HEARINGS:**

5
6 **A. Ordinance No. 04-2015, Creating a new Chapter 45, "Panhandling," of the Deltona Code**
7 **of Ordinances, making findings, providing definitions, and prohibiting certain acts.**

8
9 City Attorney Becky Vose stated she passed out a revised copy of the ordinance to add Section 45-3
10 and she read the section for the record.

11
12 The Commission discussed being supportive of the ordinance, work shopping the item to discuss
13 how the City is going to address the issue, there being two (2) issues mental health and families in
14 need which are equally as important, the people standing outside businesses causing an issue not
15 going to be able to pay fines, adding the words "school" to include private schools and "house of
16 worship" to the ordinance, staff being proactive and talking to businesses, the dangerous situation at
17 a plaza that brought about this ordinance,

18
19 **After discussion, the Commission concurred to add the words "school" and "house of**
20 **worship" to the ordinance.**

21
22 Commissioner Smith stated she is not opposed to adding "house of worship" but, the folks in need
23 are going to the houses of worship and Ms. Vose replied it allows them to be there if they have
24 written approval from the property owner but, for right now she will add the language and the
25 Commission can strike through it if necessary.

26
27 Vice Mayor Schleicher opened the public hearing.

28
29 Deborah Suitt-Green, 1531 Toluca Court, Deltona, asked why the City is criminalizing poverty, it is the
30 same as writing a ticket to someone with no money and no job, and her only concern is to look at the
31 person before criminalizing them.

32
33 Larry Kent, 235 River Village Drive, Debary, suggested small signage at the major intersections
34 with the road signs that are around town, consider that the exits are very intense and there are hours
35 of operation in the ordinance and he encouraged them to look at heavy travel times during those
36 intersections.

37
38 Karen Hudson, 1098 Swanson Drive, Deltona, stated she feeds the homeless in the community, gives
39 them personal items and she does not think houses of worship should be included because that is
40 where she wants people to go for help.

41
42 Vice Mayor Schleicher closed the public hearing.

43
44 The Commission discussed the ordinance not being intended to be a mechanism for the VCSO or
45 Code Officers to aggressively pursue these folks, the ordinance being for those people who have
46 interrupted the business community, this being an additional tool for the VCSO to use when a
47 person cannot be educated or persuaded to move along, the ordinance not being meant to be an
48 aggressive action but, a tool in the toolbox if needed, that there is one (1) location in the City where

1 women work at night and are fearful, people fighting in woods and defecating on buildings, the issue
2 being a continual problem and having no way to deal with it, the ordinance not being intended to go
3 after those people that need help including at a house of worship, the ordinance being brought
4 forward because of the numerous complaints to an issue that has been going on for a long time and
5 has made people who have been accosted fearful and the ordinance being specifically for violence
6 and people causing it.

7
8 City Attorney Becky Vose read the title of Ordinance No. 04-2015.

9
10 **AN ORDINANCE AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA,**
11 **CREATING A NEW CHAPTER 45, "PANHANDLING," OF THE DELTONA CODE OF**
12 **ORDINANCES, MAKING FINDINGS, PROVIDING DEFINITIONS, PROHIBITING**
13 **CERTAIN ACTS, AND PROVIDING FOR CONFLICTS, CODIFICATION,**
14 **SEVERABILITY, AND EFFECTIVE DATE.**

15
16 **Motion by Commissioner Herzberg, seconded by Commissioner Honaker to approve**
17 **Ordinance No. 04-2015 at first reading and to schedule second and final reading for April 20,**
18 **2015.**

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

23
24 Ordinance No. 04-2015 was approved at 7:26 p.m.

25
26 **10. OLD BUSINESS:** None.

27
28 **11. NEW BUSINESS:** None.

29
30 **12. CITY ATTORNEY COMMENTS:** None

31
32 **13. CITY MANAGER COMMENTS:**

33
34 Mr. Baker stated that the Mayor has to answer an e-mail regarding driving on the beach and he is asking
35 whether the Commission prefers that the County Council handle the issue or whether to have it on a
36 referendum for the voters to vote on. Also, there is a transportation roundtable meeting at 12:45 p.m. at
37 the County Administration Building and both the Mayor and Vice Mayor are unable to attend but,
38 Commissioner Nabicht has volunteered to attend in their place and he is looking for some guidance as
39 to how the Commission wants to proceed with the one (1) cent local sales tax.

40
41 Commissioner Nabicht stated on the one (1) cent local sales tax, Doug Daniels is the sub-committee
42 chair on the transportation issue. There has been discussion about the methods to come up with
43 transportation dollars and he needs to know if the Commission is in favor of putting to a referendum by
44 the County a one (1) cent additional sales tax specifically to address transportation needs. The structure
45 of the allocation of those dollars is yet to be determined and this is the preliminary discussion as to
46 whether or not the County should start pursuing this to get it on the ballot for 2016 for a vote.
47 Councilman Wagner had put forth some time ago a formula where so much money would go to Votran,
48 then that dollar amount would be reduced from the General Fund so that those dollars would replace

1 that money that is currently in the General Fund and the General Fund would be reduced accordingly.

2
3 The Commission discussed whether it was in support of the County moving forward with the plan or
4 research, if the Commission was in favor of a one (1) cent sales tax specifically for transportation,
5 needing to see the allocation of the money, a portion of the dollars going to six (6) elements such as
6 Votran, trails, SunRail subsidy and roads and repairs, the funds being exhausted from the bond and
7 what is left will be applied to the bond debt, there being no money for transportation and needing to be
8 aggressive to go after State dollars, a one (1) cent sale tax being the only fair way to pay for roads and
9 the formula is going to be a big problem, Deltona getting its fair share of the money and an estimate of
10 what kind of funds the one (1) cent sales tax will generate.

11
12 **After discussion, the Commission concurred it is in support of the one (1) cent sales tax or at least**
13 **looking into it but, the biggest concern is the funding formula.**

14
15 Commissioner Honaker stated in regards to the resolution to the County Council for the citizen's right
16 to vote, there are no citizens against it but, there are many in favor of beach driving, however, right now
17 the citizens do not have the right to vote.

18
19 **Motion by Commissioner Honaker, seconded by Commissioner Nabicht to do a resolution to**
20 **Volusia County for the citizens to have the right to vote on beach driving.**

21
22 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**
23 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;**
24 **Commissioner Soukup, For; and Vice Mayor Schleicher, For.**

25
26 **A. Lobbyist Update:**

27
28 Mr. Baker stated he had not spoken in the last week or so with the Lobbyist.

29
30 Commissioner Honaker stated last year Kirk Pepper with Capital Insight provided a report every
31 Friday to the Commission as to what was going on in the Legislature and the Commission is not
32 getting anything back from the Lobbyist this year. Mr. Baker replied that there have been e-mails
33 that have come out but, he was under the assumption the entire Commission was receiving those and
34 since that was not the case he would forward them to the Commission and then would contact the
35 Lobbyist to make sure the entire Commission receives the updates in the future.

36
37 **14. CITY COMMISSION COMMENTS:**

38
39 a) Commissioner Soukup stated he attended the Eggstravaganza event on Saturday and he attended
40 the funeral of Doctor Donald Herchenroder this morning and not only First Baptist Church but, Faith
41 Bible Church have a big meaning to him as it is where he accepted the Lord as his savior and where he
42 got baptized while Dr. Herchenroder was a Pastor. He stated Dr. Herchenroder may be gone but, will
43 never be forgotten, he has touched a lot of people through his ministry, and his heart goes out to him
44 and he is glad to see him being inducted into the Wall of Fame.

45
46 b) Commissioner Herzberg stated her condolences go out to the Herchenroder family, she thanked
47 the VCSO for their help with the panhandling issues at the Publix Plaza on Saxon Blvd., she thanked
48 the City Attorney and Acting City Manager for being proactive with regards to the panhandling issue,

1 and she thanked animal control for their help with the Trap Neuter Release (TNR) Program.

2
3 c) Commissioner Nabicht stated going back to elements of the strategic plan, he has been getting
4 lobbied heavily by a couple of individuals regarding the Community Life Center, that is one (1) of
5 many agencies to broaden the topic and to include in the strategic plan there should be an element of
6 social services, and that Deltona's population is tremendously underserved when it comes to social
7 services. Previous administrations had taken a crack at this and tried to place social services in what is
8 now the building that is now the VCSO office. He stated he has a letter from Congressman Mica asking
9 for support for the Community Life Center's application to the City on grant funding. He has met with
10 Carolyn Martin indicating that they had submitted an application to the City and are looking for some
11 assistance. He asked the Commission to put this on their radar, when talking about homelessness
12 Deltona's situation is much different than the Daytona Beach area. This is not a one (1) shoe fits all
13 type of issue, so as the Commission moves forward in picking a new City Manager and talks with
14 him/her about updating the strategic plan, that certainly needs to be an element that is addressed and the
15 more private agencies the City can partner with. He suggested that when the new City Manager comes
16 on board to create a seven (7) member committee to help steer that project. There have been several
17 people come to podium to talk about specific issues because of their involvement with an agency
18 providing a service but, something needs to be formalized in the strategic plan and budgeted for that
19 level of service the Commission wants to determine and assign a staff member specifically to that
20 project.

21
22 d) Commissioner Honaker stated the Volusia School Board is planning Good Will Tours where
23 residents can meet their school board representatives and the one in District 5 with Melody Johnson is
24 tomorrow night at Pine Ridge High School from 6:30 to 7:30 p.m. and he encouraged everyone to
25 attend. He encouraged everyone to send an e-mail or call their representative regarding Senate Bill 896
26 and House Bill 391 which has to do with the cost of moving utility lines if roads are widened or any
27 construction is done and currently the utility companies pay for that expense, however, if these Bills
28 pass the cost would be paid by the cities to relocate the utility lines and it could bankrupt some cities.
29 Pine Ridge High School's Future Tomorrow Leaders will be recognized at a reception next week at
30 DeLand High School, their standing room only crowds were on hand at the Panther Athletic Center for
31 recent scholarship signings and their senior baseball player Dillan McCullah signed with Eckerd
32 College in St. Petersburg and senior softball player Harley Sage signed with Seminole State College.

33
34 Commissioner Nabicht asked if on that legislation was that something he wanted the Commission to
35 pass onto the Lobbyist and Commissioner Herzberg replied to contact the legislators directly, the
36 Florida League of Cities puts out legislative alerts, two (2) alerts came out today and she listed the
37 names of the legislators to contact.

38
39 Mr. Baker stated a resolution was done, it passed and it was sent to the Lobbyist.

40
41 e) Commissioner Smith stated there is no reason the Lobbyist should not be bringing the
42 mentioned Bills up especially if the City forwarded a resolution. She stated she and other
43 Commissioners attended the Daytona State College (DSC) opening of the Falcons Center where the
44 whole area that students register at was redone and it serves the students and the community well. As a
45 follow up to the Legislative Leadership Luncheon that some of the Commission attended, last year the
46 City passed a resolution in support of Workers Memorial Day and there was a request to do the
47 resolution again this year. She asked if the field issue that was mentioned under public comments could
48 be a discussion the Commission could have regarding the lighting at Wes Crile Park as she does not
49 know much about it and the CAFR does show there is money in the budget for projects.

1
2 Mr. Baker replied it is in the budget but, it is unfunded, it would be a matter of moving the money and
3 getting the lights up.

4
5 Commissioner Soukup stated it is a big issue when there are 23,000 kids, the Panthers use Dewey O.
6 Boster Sports Complex and the Wolves use Deltona High.

7
8 The Commission and staff discussed the issue with unlighted fields, shifting money in the budget to
9 provide lights at the fields at Wes Crile Park, the limited amount of lighted fields, the monthly cost of
10 lighting the fields being approximately \$6,000, the City's cost to rent the parking lot and walkway lights
11 being \$1,340 monthly, the field electric bill being approximately \$3,500 a month, the Commission and
12 staff having had lengthy discussions on this issue in the last two (2) years, the need for new fields, the
13 cost of lighting the fields and who would pay for it, organizations paying for lights at other fields in
14 other cities, and the organizations not wanting to pay anything for the use of the fields or field lights.

15
16 Commissioner Herzberg asked that when the item is placed on a workshop that staff has all the
17 financials available for other areas so that the City is competitive and Mr. Moore replied that he would
18 have the information available at the workshop to take place on Monday, April 13th. Mr. Baker stated
19 there will be a facility use workshop as part of the subject and the issue of the lights can be added to
20 that.

21
22 f) Vice Mayor Schleicher stated she hoped everyone had a wonderful Easter vacation, she attended
23 the Eggstravaganza and it was interesting to see the tallest Commissioner realizing how quickly the
24 eggs disappear, and on Saturday, April 11th the first of the Concert at the Amphitheater series takes
25 place with her favorite group Pop 60 at 7:00 p.m. She announced that on Saturday, April 25th from 9:30
26 a.m. to 11:00 a.m. there will be a meet and greet, with interviews taking place between 1:00 p.m. and
27 3:00 p.m. with the City Manager finalists and she suggested if anyone had any input to let the
28 Commissioners know what they think of the candidates.

29
30 **14. ADJOURNMENT:**

31
32 There being no further business, the meeting adjourned at 7:56 p.m.

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35
36 _____
37 **John Masiarczyk Sr., Mayor**

38 **ATTEST:**

39
40 _____
41 **Joyce Raftery, CMC, City Clerk**