



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Minutes

### City Commission

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**Monday, August 15, 2016**

**5:30 PM**

**2nd Floor Conference Room**

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#### **City Manager's Agenda Review Meeting**

#### **1. CALL TO ORDER:**

Mayor Masiarczyk called the meeting to order at 5:30 p.m.

#### **2. ROLL CALL – CITY CLERK:**

**Present:** 8 - Commissioner Herzberg  
Commissioner Honaker  
Commissioner Schleicher  
Commissioner Smith  
Vice Mayor Nabicht  
Mayor Masiarczyk  
City Manager Shang  
City Attorney Vose

**Excused:** 1 - Commissioner Soukup

#### **3. INVOCATION AND PLEDGE TO THE FLAG:**

Mayor Masiarczyk led the Pledge to the Flag.

Mayor Masiarczyk stated the Commission has a copy of an ordinance that just reflects a date change. City Attorney Vose explained that normally the City's ordinances are effective immediately upon enactment but, at the request of the applicant the ordinance would take effect upon the signing by the property owner of the development agreement associated with this ordinance and the recording of such development agreement among the public records of Volusia County and if the development agreement has not been signed and recorded within 60 calendar days after the second reading of the ordinance the ordinance shall become null and void and shall never become effective. She added the change is in Section 5 and it is highlighted and underlined. She stated this is good for both the applicant and the City in that the property will not have been rezoned if the development agreement has not been signed stating you can't un-zone property easily but, you can postpone the time the zoning goes into effect.

There were no other questions or comments.

#### **A. Invocation Presented by Commissioner Herzberg**

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

- A. Approval of minutes - Special Commission Meeting of July 26, 2016 and Regular Commission Meeting of August 1, 2016 - Joyce Raftery, City Clerk (386) 878-8502.

**5. PRESENTATIONS/AWARDS/REPORTS:****6. CITY COMMISSION SPECIAL REPORTS:**

There were no City Commission Special Reports.

**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.**

None.

**CONSENT AGENDA:** The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

**8. CONSENT AGENDA:****9. ORDINANCES AND PUBLIC HEARINGS:**

- A. Public Hearing - Ordinance No. 23-2016, Off-Street Parking Standards for Residential Uses - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.

**Strategic Goal: Economic Development. Promote a customer service environment.**

Mayor Masiarczyk stated Item 9 - A pertains to off-street parking and staff has requested tabling this item, however, if anyone from the public wants to speak on this item they will be given the opportunity to speak. It was determined that staff needed to go back and take a look at this ordinance, as well as, the original ordinance and there needs to be more discussion.

There were no other comments on this item.

- B. Public Hearing - Ordinance No. 26-2016, Deltona Free Standing Emergency Room BPUD (RZ16-001) - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.

**Strategic Goal: Economic Development - Focus on Howland Blvd. as the gateway for commercial growth.**

Mayor Masiarczyk stated Item 9 - B pertains to the freestanding emergency room and that had already been talked about.

There were no other comments or questions on this item.

**C. Public Hearing - Resolution No. 2016-34, Petition to Vacate Portions Former Realigned Graves Ave. Right-of-Way - Chris Bowley, AICP, Director, Planning and Development Services (386) 878-8602.**

**Strategic Goal: Economic Development - focus on Howland Blvd. as the gateway for commercial growth.**

Mayor Masiarczyk stated Item 9 - C pertains to vacation of unused portions of the former realigned Graves Avenue and is mostly administrative.

There were no questions or comments on this item.

**D. Resolution No. 2016-35: Joint Participation Agreement between the State of Florida Department of Transportation and the City of Deltona - Chris Bowley, AICP, Planning & Development Services Director (386) 878-8602.**

**Strategic Goal: Internal and External Communication. Continue the partnership with FDOT and I-4 expansion and City beautification and beautify gateways and key locations.**

Mayor Masiarczyk stated Item 9 - D pertains to a joint participation agreement between the State of Florida Department of Transportation (FDOT) and the City of Deltona regarding beautification. He stated the only comment he has is every time the City gets involved with one of these agreements the City ends up taking on more than it should and he asked staff if it was sure with the money appropriated that the City can maintain this over a long period of time. City Manager Shang replied this is just for the Capital Investment; the City will have to budget for the maintenance but, the City is part of the design so staff will design it so that the maintenance costs stay within the City's budgetary parameters. Mayor Masiarczyk stated once the City puts the money out there and the City takes this on it will have to maintain the area from then on and those costs could be astronomical. He spoke about the high costs when the City partnered with DeBary, Orange City and the County on the I-4 interchanges in the past.

The Commission discussed the wrong trees being planted at that time, beautifying the City's gateways, not turning down the funds, the costs to maintain things, if the City can find the \$250,000 for the Amphitheater the City can find the money to make the interchanges look nice and the City being in charge this time and maybe it can take better care of the areas.

There were no other questions or comments.

- E. Public Hearing - Resolution No. 2016-36, Program Year 2016-2017 Annual Action Plan (AAP) for the Deltona Community Development Block Grant (CDBG) 2016-2017 Allocation - Chris Bowley, AICP, Director, Planning and Development Services (386) 878-8602.**

**Strategic Goal: Fiscal Issues - other grants as approved by the City Commission.**

Mayor Masiarczyk stated Item 9 - E is regarding the Community Development Block Grant (CDBG) Annual Action Plan and that this is the actual acceptance of the grant.

The Commission discussed the additional money included in the agenda item, that the CDBG must be approved tonight or the City loses the grant, the two (2) items being voted on separately so as not to tie the CDBG Grant approval to the additional money, the additional money only being considered so one (1) motion can be made because if the budget is not approved it will not matter, not being comfortable tying non CDBG grant money to the approval vote for the CDBG Grant money, it being two (2) separate items and whoever makes the motion should make sure it is just the CDBG Grant money being voted on.

There were no other questions or comments.

- F. Public Hearing - Resolution No. 2016-39, Creation of the Southwest Deltona Community Redevelopment Area (CRA) Redevelopment Agency - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.**

**Strategic Goal: Economic Development. Pursue the creation of a CRA for Deltona Blvd.**

Mayor Masiarczyk stated Item 9 - F is a resolution that creates the Community Redevelopment Agency (CRA) and the next, Item 9 - G creates the CRA Board.

There were no questions or comments on this item.

- G. Public Hearing - Resolution No. 2016-40, Designation of the Deltona City Commission as the Southwest Deltona Community Redevelopment Area (CRA) Board - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.**

**Strategic Goal: Economic Development. Pursue the creation of a CRA for Deltona Blvd.**

There was no discussion on this item.

- H. Add-on Agenda Item: Staff is requesting approval of the reallocation of a portion of the anticipated FY 15/16 surplus as reflected in the attached document entitled "Proposed FY 15/16 Budget Amendment". - Robert Clinger, Finance Department (386) 878-8552.**

**Strategic Goal: Fiscal Issues**

Mayor Masiarczyk stated Item 9 - H is an add-on item regarding the proposed FY 15/16 budget ammendment and City Manager Shang stated these were items that were proposed at the August 11th workshop.

The Commission discussed voting separately on each of the six (6) items, having more discussion now or later as the discussions could take a lot of time.

The Commission also discussed having concerns with the Public Works relocation, the Public Works facility being an industrial type facility, moving the facility into a residential area with no input from the public, spending funds without public input, looking at the best place to position Public Works due to the costs involved, concerns that once approved staff will start spending the funds and some items need more discussion by the Commission, consolidating and moving the facilities being discussed by the Commission previously, that the property is owned by the City, the transition and moving time frame being lengthy, having a separate meeting to discuss this issue, encumbering funds separately and earmarking those funds for the relocation of Public Works so that when a decision is made the funds are available for action, adding a stipulation that an additional meeting be scheduled, all the noise that will be created by the large trucks using the facility, having the engineering study so the Commission can have the information to make a decision, having to rezone the area to heavy industrial and the Fisher Water Treatment Plant already being in a residential area.

There were no other questions or comments.

**10. OLD BUSINESS:**

**11. NEW BUSINESS:**

**12. CITY ATTORNEY COMMENTS:**

**13. CITY MANAGER COMMENTS:**

City Manager Shang asked that Item 9-H be moved to the beginning of the meeting so the associated staff would not have to stay for the whole meeting and Mayor Masiarczyk replied a recommendation by City Manager Shang at the beginning of the meeting would be appropriate. City Manager Shang stated she would make a request that Item 9 - H be moved to the beginning of the meeting.

There were no other comments.

**14. CITY COMMISSION COMMENTS:**

Mayor Masiarczyk stated immediately following this meeting there will be a meeting of the Southwest Deltona Community Redevelopment Agency (CRA) and he asked if there were any questions at this time and if this was a celebratory meeting. City Attorney Vose replied that the Florida Statutes require it and the Board will be taking action to submit the CRA Plan to the Planning & Zoning Board, as the City of Deltona Local Planning Agency and there needs to be a motion which needs to pass.

Mr. Bowley stated the Commission adopted the CRA several months ago, the CRA was delegated to the City by Volusia County and this is the adoption process the City is going through. Commissioner Smith asked why the CRA was sent to the County before the Planning and Zoning Board (P&Z) and Mr. Bowley explained the Commission would have two (2) functions tonight: 1) the Commission will open the meeting as the Commission, review the two (2) Resolutions which establish the agency and then set the Commission as the Board and 2) the Board's first official action at the hearing following this meeting as the CRA Board will be to send the redevelopment plan to the P&Z Board as the Local Planning Agency for Wednesday night's meeting for review.

Mr. Bowley stated the P&Z Board has to specifically make a recommendation as to the plan's conformity to the City's Comprehensive Plan for the benefit of the community as a whole and the CRA Board, with respect to the conformity to the comprehensive plan to the CRA Plans according to the Florida Statutes. Commissioner Smith asked if that is all the P&Z Board does that night and why they are not allowed to comment on the plan itself. Mr. Bowley replied the Board is only to look at the plan as it relates to the comprehensive plan as it benefits the community as a whole and not get into the details of the plan at that time. He stated the P&Z Board will then make a written recommendation to the CRA Board which the Board will accept and make a decision as the CRA Board on the recommendation as to the conformity with the comprehensive plan and the community as a whole at the August 22, 2016 CRA Meeting. Commissioner Smith asked what happens if the P&Z Board does not believe it aligns with the comprehensive plan because not everyone agrees with the plan. City Attorney Vose replied this is a creature of Statute, every box has to be checked off exactly as the Statute says. Commissioner Smith asked what if the P&Z Board votes the CRA Plan down and City Attorney Vose replied the CRA Board will respectfully accept the recommendations and do what the Board deems appropriate and she added, no changes can be made because the plan has already been accepted by the County. Commissioner Herzberg clarified that the reason it goes to the County is this is money that is given to the City by the County by way of the tax money for those properties included in the plan and not the County and everything must be done according to State Statute or the City will lose the CRA. Mayor Masiarczyk stated the County will also oversee the agreement and the City must follow that agreement by allocating the funds once received appropriately. Mr. Bowley commented that the County has relegated this plan to the Commission and as the CRA Agency in trust as the City's leadership. He gave a history of the City's quest for a CRA since the year 2007. Commissioner Schleicher commented there were public meetings on the CRA at that time of which some she attended and staff, who are professionals, did write the plan. Mayor

Masiarczyk reminded everyone that the P&Z Board is an advisory board.

There were no other questions or comments.

**15. ADJOURNMENT:**

Mayor Masiarczyk adjourned the meeting at 6:00 p.m.

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Janet Day, Deputy City Clerk